



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, SECOND SESSION

SENATE—Tuesday, May 5, 1970

The Senate met at 11 o'clock a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

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

O Thou infinite and eternal presence, be with the people of this land and their leaders in this solemn moment of history. Set our thoughts and our actions in the framework not of today or tomorrow but of eternity. Out of misunderstanding bring comprehension, out of division bring consensus, out of turbulence bring tranquillity. Reign as king in our own hearts and establish Thy kingdom of righteousness and peace among the peoples of the world. And unto Thee shall be the power and the glory forever. Amen.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of May 1, 1970, the following reports of committees were submitted:

On May 1, 1970:

By Mr. LONG, from the Committee on Commerce, with an amendment:

H.R. 15945. An act to authorize appropriations for certain maritime programs of the Department of Commerce (Rept. No. 91-837).

On May 4, 1970:

By Mr. SPONG, from the Committee on the District of Columbia, with amendments:

H.R. 9528. An act to require students and teachers in educational institutions and work training programs in the District of Columbia to wear protective devices for their eyes while participating in or observing certain courses of instruction (Rept. No. 91-838).

By Mr. EAGLETON, from the Committee on the District of Columbia, without amendment:

H.R. 15980. An act to make certain revisions in the retirement benefits of District of Columbia public school teachers and other educational employees, and for other purposes (Rept. No. 91-839).

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, without amendment, the following bills of the Senate:

S. 3007. An act to authorize the transfer of the Brown unit of the Fort Belknap Indian irrigation project on the Fort Belknap Indian Reservation, Mont., to the landowners within the unit; and

S. 3435. An act to provide for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Ga., depicting heroes of the Confederacy.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILLS SIGNED

Under authority of the order of the Senate of May 1, 1970, the Secretary of the Senate on May 4, 1970, received a message from the House of Representatives, which announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. METCALF):

H.R. 515. An act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions;

H.R. 1049. An act to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes;

H.R. 1187. An act to amend the Act of August 7, 1961, providing for the establishment of Cape Cod National Seashore;

H.R. 1706. An act to provide for the conveyance of certain mineral rights in and under lands in Pike County, Ga.; and

H.R. 12605. An act to amend section 613 of the Merchant Marine Act, 1936, as amended.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, May 1, 1970, be dispensed with.

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

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous unanimous-consent agreement, the distinguished Senator from Mississippi (Mr. STENNIS) is now recognized for 45 minutes.

Mr. MANSFIELD. Mr. President, will the Senator from Mississippi yield to me for a few moments, without losing his right to the floor?

Mr. STENNIS. I am happy to yield to the Senator from Montana.

ORDER FOR RECOGNITION OF SENATOR MCGOVERN TODAY AFTER THE REMARKS OF SENATOR PROXMIRE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that immediately upon the conclusion of the remarks of the Senator from Wisconsin (Mr. PROXMIRE), who is to be recognized after the Senator from Mississippi, the Senator from South Dakota (Mr. MCGOVERN) be recognized for not to exceed 15 minutes.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

FORTHCOMING VISIT TO THE SENATE TODAY BY A DELEGATION OF MEXICAN PARLIAMENTARIANS

Mr. MANSFIELD. Mr. President, for the information of the Senate, at approximately 12:30 o'clock today we will be visited by a distinguished delegation of fellow parliamentarians from the Republic of Mexico.

I hope, at that time, that there will

be a reasonable number of Senators in attendance in the Chamber, because the Mexican-United States Interparliamentary meeting now underway marks a decade of close and fruitful relationship between the Members of Congress of both countries.

We are looking forward with anticipation to the visit of our colleagues from south of the border to this Chamber later today.

SCHOOL DESEGREGATION: NATIONAL PATTERN

Mr. STENNIS. Mr. President, my comments today are further to remind Members of Congress and the people of the Nation of the two policies of the Federal Government regarding racial segregation in the public schools, one policy for the South and another and contradictory policy for the areas outside the South.

I first point out that I am not attacking the decision of the Supreme Court in *Brown* against Board of Education, the key decision by the Court in this broad field. I am not attacking the Civil Rights Act of 1964. Public schools are now integrated in my State and other States of the South on a very large scale. I introduced and fought for an amendment to the 1970 Education Act providing that:

No person shall be refused admission into or be excluded from any public school in any state on account of race, creed, color, or national origin.

I also introduced and fought for an amendment to that act, which amendment passed the Senate on a rollcall vote by a wide margin, and which provided that the guidelines and criteria established pursuant to the Civil Rights Act of 1964, and the education amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

I mention these points in the beginning to make clear that I am not trying to overthrow the principles of *Brown* against Board of Education. In fact, my remarks will support the principles of that decision.

Mr. President, this legal situation existing in this Nation today is without parallel in all our history. The States in the South are being vigorously prosecuted and pursued by both the executive and judicial departments of the Federal Government, with drastic and effective demands for total integration of the races in our public school systems. At the same time, even though segregation in public schools exists on a very large scale in extensive areas outside the South—and in many instances on a much larger scale than in the South—these schools outside the South have a virtual immunity from demands for desegregation of the races. The U.S. Supreme Court declines to entertain a case from these areas that presents the question of the legality of so-called de facto segregation. The legislative and execu-

tive branches of the Government decline to act on the ground that the judicial branch has not entered the field and passed on the legal questions involved. There are a few school districts outside the South which have been challenged, but only a negligible number.

In previous floor speeches, I have shown by indisputable figures that massive segregation still exists in the North, East, and Far West. These figures and statements are found in the CONGRESSIONAL RECORD under the following dates: November 25, 1969; December 1, 2, 3, 6, 9, and 11, 1969; January 27, 1970; February 3, 5, and 17, 1970. I respectfully insist that it is the duty of the U.S. Supreme Court to take up, pass upon, and decide the legality or illegality of the brand of segregation practiced in these areas. The Court should not shirk this duty because we will never solve the school desegregation question and the problems arising therefrom until we have a uniform national policy.

I do not rest my case today on the unsupported assertion that the Supreme Court has refused to consider cases arising from the North, East, and far West involving the legality or illegality of segregational practices. I will cite cases and give the book and page and date of each. The period about which I am talking is a time when the entire Nation has been greatly concerned about this subject. We have seen much litigation, great sums of money appropriated, funds withheld from some school districts, extensive debates on the floor of the Senate; but in all that period of time, the Supreme Court of the United States has not accepted for decision a single case coming up from Federal courts or the State courts involving the legality of segregation in the public schools in areas outside the South.

Deal v. Cincinnati Board of Education, 369 F. 2d 55 (6th Cir., 1966), *certiorari denied*, 389 U.S. 847 (1967), was a class action brought against the board of education of the city of Cincinnati on behalf of Negro pupils to enjoin the operation of allegedly racially segregated public schools and to enjoin the construction of new schools on sites which would increase and harden alleged existing patterns of racial segregation. This case was decided by the Sixth Circuit Court of Appeals in 1966 and was turned down by the Supreme Court without decision in 1967.

The lower court held there was no constitutional duty upon the board of education to balance the races in the public schools and that there was a failure of proof on the part of the plaintiffs to establish a policy of segregation or gerrymandering on the part of the board.

The Cincinnati schools were operated under a so-called neighborhood plan for the location of such schools. This was authorized by a statute of that State which required the school board to "provide for the free education of the youth of school age within the district under its jurisdiction, at such places as will be convenient for the attendance of the largest number thereof."

The appellants, who were plaintiffs

in the court, below contended that the maintenance of a public school system in which racial imbalance existed was a violation of their constitutional right to equal protection of the law. They asserted that, because the Negro student population was not spread uniformly throughout the Cincinnati school district, even without a showing of deliberate discrimination or racial classification, there was a constitutional duty on the school officials to eliminate the imbalance.

That is exactly the hard core of the argument that has been made overall on the school desegregation issue in the South on the merits. This case was decided to the plaintiffs, the Negro children in the district court and by the circuit court of appeals. The Supreme Court of the United States declined even to entertain the case for a full review on its merits.

It was admitted that the imposition of the neighborhood school concept on existing residential patterns in Cincinnati "create some schools which are predominantly or wholly of one race or another."

The Circuit Court of Appeals affirmed the decision of the lower court and said:

There is no constitutional duty on the part of the Board to bus Negro or white children out of their neighborhoods or to transfer classes for the sole purpose of alleviating racial imbalance that it did not cause, nor is there a like duty to select new school sites solely in furtherance of such a purpose.

The Court also said:

The busing of pupils away from the neighborhoods of their residences may create many special problems for boards of education. These include the providing of adequate transportation and proper facilities and personnel for the supervision, education, and well-being of all pupils.

Let me emphasize again the factual situation which existed. The district judge adopted as being accurate the following statement verbatim from the school board's brief:

The Cincinnati Public School System includes a number of schools attended almost entirely by Negro pupils, a number of schools attended entirely by white pupils, and a number of schools attended by both Negro and white pupils in various percentages of each race; the racial composition of each school is simply a result of the racial composition of the neighborhoods which they serve.

Now if this situation had existed in a school district in the South from which was involved in court litigation, we can be sure that the Supreme Court would have promptly taken cognizance of the matter and ordered immediate and massive desegregation and busing of pupils for the purpose of bringing about racial balance.

In this case, on appeal the Supreme Court refused to even consider the case. It simply said: "*certiorari denied*," (389 U.S. 847, 1967). For my nonlawyer friends let me explain that when the Court says "*certiorari denied*," it means that they will not accept the case, consider it, or pass upon and decide the issues presented.

I know that many legal arguments and fine distinctions can be made about the

meaning and effect of denying certiorari. But that is the gist of it. The Court considers the case to a degree, but declined to take it into their bosoms, hear full arguments, and decide the case with a full written opinion giving the legal basis and reasons for their decision.

One of the more significant cases is *Bell v. School Board of City of Gary, Indiana*, 213 F. Supp. 819 (1963), 324 F. 2d, 209 (7 Cir., 1963), certiorari denied, 377 U.S. 924 (1963). This was decided before the passage of the Civil Rights Act of 1964. But so far as I can find, the Supreme Court has never based its school decisions on the Civil Rights Act of 1964. It has relied on the constitutional principles involved, as it did in the original case of *Brown against Board of Education*. The *Bell* case was a declaratory judgment action brought by approximately 100 minor Negro children enrolled in public schools in Gary, Ind., and on behalf of the plaintiffs and all others who were similarly situated. The plaintiffs presented several questions which they asked the Court to determine. One of the more important was whether the defendant was discriminating against the plaintiffs and the class they represented by providing inferior facilities in all respects, including, but not limited to overcrowded and larger classes, and unequal recreational and extracurricular facilities in violation of their constitutional right. Another question was whether the plaintiffs and the other members of the class had a constitutional right to attend racially integrated schools and whether the defendant had a constitutional duty to provide and maintain a racially integrated school system.

Prior to 1949, Gary operated segregated schools in accordance with a separate but equal policy then permitted by Indiana law.

Being based on a statute originally this is de jure segregation. As I said prior to 1949 the school districts in Indiana were permitted to have separate but equal schools. That is exactly the history that creates what is called de jure segregation in the South, which has been declared to be unlawful and ordered to be totally abolished in midterm and even, in some cases, within 60 days of the time the school term is to end. As I said, in Indiana segregation of the schools originated on a de jure rather than a de facto basis, but the separate-but-equal law was repealed in 1949 and replaced by an act expressly prohibiting segregated schools on the basis of race, color or creed. But the pattern, the background, the operation of the facilities are there. Most of the buildings were established.

In the 1961-62 school year there were 43,000 students in the public system and 23,000, or approximately 53 percent, were Negro. This year, 16,242 students attended 12 schools which were from 99 to 100 percent Negro; 6,981 students attended five schools which were 77 to 95 percent Negro; 4,066 attended four schools which had a range from 13 to 37 percent Negro; and 5,465 attended five schools which had a population of from 1 to 5 percent Negro; 10,710 stu-

dents attended 14 schools in which the racial composition was 100 percent white.

This is the same pattern and similar circumstances as were involved in the school cases which came up from the South. In those cases the southern school districts have really been hit on the head with a meat ax and have been compelled to bring about total and immediate integration. The Gary school district, however, was given immunity. The Supreme Court did not even consider the case on the merits.

It was the contention of the plaintiffs in the Gary case that the defendant, by the manner in which it had drawn its school district boundaries, had purposely and intentionally maintained a segregated school system, thereby depriving a majority of the Negro students in Gary from attending schools with white students. This was denied by the school board.

I think the recitation of the foregoing facts is adequate to make it clear that had this case arisen from a southern school district, the result would have been the almost immediate issuance of an order directing complete and massive desegregation and the busing of schoolchildren to bring about racial balance. This was not the result in the Gary case, however.

I am not arguing with the district court as to how it decided the case. I am not arguing with the court of appeals as to how it decided the case. My point today is that they made out a case on the record on every single material fact—and I speak with due deference to the Supreme Court—that should have required that Court to examine the record, to examine the facts, hear arguments, consider the law, and give an opinion with their reasons therefor. However, they declined to do that.

The Court held that the evidence showed that the board had consistently followed the general policy of requiring the students to attend the schools designated to serve the district in which they live regardless of race. It pointed out that either by choice or design the Negro population of Gary was concentrated in the so-called central area and as a result the schools in that area were populated by Negro students. If, the Court said, the Negro population was proportionately scattered throughout the city, the racial percentage within the schools would be in relative proportion of Negroes to white. The Court stressed:

The problem in Gary is not one of segregated schools, but rather one of segregated housing.

The lower court found no violation by the defendant of the plaintiffs' constitutional right and dismissed the complaint. On appeal, the Seventh Circuit Court of Appeals affirmed the action of the district court. It pointed out that the school board had consistently followed the policy requiring students to attend the school designated to serve the district in which they live, regardless of race. This was in accord with the Indiana statute, so the court said, which provides that all students in the public schools are to be

admitted "in the public or common school in their districts in which they reside without regard to race, creed or color, class or national origin."

The court specifically rejected the argument that the right to be integrated in school is such an overriding purpose that little, if any, consideration needed to be given to the safety of the children, convenience of the pupils and their parents and cost of operation of the school system.

It further said that it agreed with the argument of the defendant that "there is no affirmative U.S. constitutional duty to change innocently arrived at school attendance districts by the mere fact that shifts in population either increase or decrease the percentage of either Negro or white pupils."

The circuit court expressly approved of and endorsed the statement in the district court's opinion, wherein it was said:

Nothing in the many cases dealing with the segregation problem * * * leads me to believe that the law requires that a school system developed on the neighborhood school plan honestly and conscientiously constructed with no intention or purpose to segregate the races, must be destroyed or abandoned because the resulting effect is to have a racial imbalance in certain schools where the district is populated almost entirely by Negroes or whites.

Cases like this have come up from the South where there was a history of segregation statutes that were legal until 1954, and the Court still says that there is a presumption of guilt, a presumption of wrongdoing and, therefore, ordered desegregation. Here, the Supreme Court would not even consider the case.

Again, upon appeal the Supreme Court denied certiorari—377 U.S. 924—and declined to pass upon the legality or illegality of the brand of segregation practiced in the schools in the North. We can be sure, however, that had this case arisen from a southern city, regardless of the population concentration and pattern, and the fact that the school system was bottomed on a neighborhood school plan, the Court would have promptly heard the case—because that is what they did in many cases from the South; promptly reversed the lower court; and promptly ordered desegregation in order to upset the racial imbalance in the schools, even though the districts or the subdistricts were populated almost entirely by Negroes or whites.

These schools in the Gary, Ind., case, or at least some of them, were built and existed during the years when the laws of Indiana expressly permitted separate schools for the races and, hence, de jure segregation resulted. It seems to me that the Supreme Court should at least have had all the facts determined and taken jurisdiction and decided the case.

It should be pointed out that the *Bell* against the School Board of Gary, Ind., case was decided prior to the passage of the 1964 Civil Rights Act. However, as far as I can determine, the U.S. Supreme Court has never based its holdings

in these school cases on the basis of any part of the Civil Rights Act of 1964 or amendments thereto.

The holdings have consistently been based upon the equal protection clause of the 14th amendment.

Down against Board of Education of Kansas City, Kansas, 336 F. 2d 988 (10 Cir., 1964), Cert. Den. 380 U.S. 914 (1964), was a class action brought by a group of Negro children through their parents and next friends to enjoin the appellee Board of Education from continuing certain alleged discriminatory practices in the administration of the school system.

The entire school system was operated on a segregated basis for many years prior to 1951. That is just 3 years before the Supreme Court decision in the case of Brown against the Board of Education in 1954. The pupils and faculty of each school were all of one race before 1951. In 1951 the board merged the two previously segregated junior colleges into one integrated junior college, but continued to operate four high schools, six junior high schools, and 38 elementary schools on a completely segregated basis. This was in Kansas City, Kans. Three of the high schools were white and one was Negro; five of the six junior high schools were white and one was Negro; and seven of the 38 elementary schools were Negro, and the remaining 31 were white. The faculties of all of the schools completely reflected the racial composition of the respective student bodies.

Subsequent to the decision in Brown against Board of Education, and on August 2, 1954, the board initiated a policy whereby the school system was to be integrated as rapidly as classroom space can be provided. By the opening of school in September 1956, the school district boundary lines were defined. All students were required to attend the school of the district in which they resided, unless granted a permit to attend elsewhere.

The school system was operated on what is known as a neighborhood school policy and the feeder school policy. Under the neighborhood school policy boundary lines for school attendance districts were established as nearly as possible in the area surrounding the school district, and it took into consideration such factors as school capacity, number of students, natural barriers such as rivers and railroad lines, and the possibility of increase or decrease in population. Any student living within the boundaries of that school district might attend the school as a matter of right and ordinarily was required to do so. This was in Kansas as late as 1964.

The appellants contended in the circuit court of appeals, as they did in the lower court, that the board's policy evidenced a clear pattern of the deliberate use of zone lines and assignment regulations to insure the continued operation of a segregated school system. That is what they had before the Brown decision; that is what they had when the case came up; and as far as I know that is what they still have. It should be emphasized that

prior to 1954 in the Brown decision the segregated school system in Kansas City was de jure and not de facto. In this respect, the background and history was the same as it is alleged to be in the South.

The record disclosed that at the time of the trial in the court below the student bodies of seven elementary schools were all predominantly Negro. Two of the junior high schools at that time were virtually 100 percent Negro and all of these schools were staffed by Negro personnel. At the same time, 11 of the elementary schools had an all-white student body, and out of a total enrollment of 7,257 in the remaining 20 elementary schools there were 1,360 Negroes in attendance.

In affirming the lower court, the court of appeals pointed out that the neighborhood school system and other school systems, by which admission to the school is determined upon the basis of similar criteria, such as residence and aptitude, are in use in many parts of the country. They cited many cases recognizing the principle that in the absence of a showing that such school systems are being used to deprive a student of his constitutional rights, they are not objectional on constitutional grounds.

The appellate court admitted and recognized that there was "a racial imbalance in the public schools of Kansas City," but held that since the school attendance districts were laid out without regard to race and on the basis of geography, school capacity, and number of children residing in the district, there was "no basis in fact for the appellant's contention that the evidence establishes 'a clear pattern of deliberate use of zone lines and assignment regulations to insure the continued operation of a dual school system.' All of the evidence is to the contrary and the trial court so found saying that the boundary lines after 1954 'were set on the basis of building location and after population studies indicated the predictable pupil loads which the various buildings could accommodate.'"

The appellate court also stated that it was also true that the staffs of the various schools were either all white, as was the case in white and integrated schools, or all Negro, but pointed out that the appellants had not cited and that the court had not found any case holding that such a policy, in and of itself, was sufficient to establish a discriminatory intent on the part of the board.

Well, of course, they cannot find a case that establishes a rule of law applicable to nonsouthern schools when the Supreme Court refuses to pass on these cases unless they are from the South.

The appellate court found that in its opinion the Kansas City school system met the "minimal requirements for non-racial schools of geographic zoning, according to the capacity and facilities of the building and admission to a school according to residence, a matter of right."

It concluded by saying:

The decision in Brown and in the many cases following it do not require School

Boards to destroy or abandon a school system developed on the neighborhood school plan, even though it results in a racial imbalance in the school, where as here, that school system has been honestly and conscientiously constructed with no intention or purpose to maintain or perpetuate segregation.

It, therefore, affirmed the judgment of the Federal district court and, as previously pointed out, the Supreme Court denied certiorari.

I have already said that, although the boundaries were changed somewhat, most of the buildings were established before the case of Brown against Board of Education. All of these patterns for the school setup were established just the same as they were in the South, but in the North they are untouchable—that is, so far—by the Supreme Court.

I am not arguing here today how these cases should have been decided by the lower court. My feeling is that somewhere, some time, somebody must have reached a decision that "We are not going to hear any of these cases except those that originate in the South."

The Kansas City is a case which is peculiarly applicable since the segregated schools had a de jure origin and were not changed until after the 1954 Brown decision; there was a clear and admitted racial imbalance in the public schools; and the staffs of the various schools were either all white in the case of white and integrated schools, or all Negro. This seems to have been a case which was particularly suitable for decision by the Supreme Court on the legality of the band of segregation practiced in the North and other areas outside the South, but again the Supreme Court declined to take advantage of the opportunity to lay down the law applicable to such school districts.

Mr. President, in view of these holdings and this situation, it does not sound good for the Congress to say, "Oh, we cannot enter that field, because the Supreme Court has not declared it illegal." The executive rulings come down, and it is said, "We cannot enter the field generally because the Supreme Court has not declared segregation in those areas to be illegal."

Why has not the Court passed on those cases? I will have to leave that answer to them, but it is a sad day when the two other branches of Government consider themselves handcuffed just because the Supreme Court has not gone into it. I think they have not gone into it because they do not want to go into these cases. That is the only practical conclusion I can reach, based upon an observance of human nature and observing the application of these broad principles. It is altogether a horse of another color when these broad principles get to your own doorstep and you have to decide what you want for your own school rather than what you think they should have in schools a thousand miles from where you live.

Mr. President, the cases I have discussed show segregated schools, racial imbalance, and segregated faculties. In two of the cases the segregation traced back either to a statute or official pol-

icy, that is, de jure segregation. If these cases had arisen even in the larger cities of the South where population housing patterns are just as well defined as those in the North, they would surely have resulted in a finding of discrimination and a requirement for immediate and massive desegregation, as well as the busing of children to bring about racial balance. In each of the cases herein discussed, and in others, the Supreme Court denied certiorari and failed to pass on the legality of the alleged discrimination. Nothing more should be necessary to make it manifest that there is one rule for the South and another and more lenient rule for the rest of the Nation.

Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator from Mississippi has 17 minutes remaining.

Mr. STENNIS. I thank the Chair.

There is some slight ray of hope over the horizon. Chief Justice Burger has indicated that he believes the High Court should bring clarification to the legal "confusion"—and that word is his word, not mine—which now dominates the school desegregation question.

In a concurring opinion in *Northcross* against Board of Education of Memphis, decided March 9, 1970, the Chief Justice said:

I would do this on the basis that the time has come to clear up what seems to be a confusion, genuine or simulated, concerning this Court's prior mandates.

As I say, Mr. President, this is the Chief Justice of the Supreme Court of the United States speaking in all good faith. As he settles down in this august position and tries to perform his duty, he is compelled to use the word "confusion."

Well, he could tell that from the precedents and the record, but if he would just sit with school boards where these court mandates have been rapping them so hard, he would see what real confusion is. If he would sit with a school board outside the South, that is where he would find peace, harmony, and quiet.

In the same case I just cited, the Chief Justice also said that "as soon as possible, however, we ought to resolve some of the basic practical problems when they are appropriately presented including whether as a constitutional matter, any particular racial balance must be achieved in the schools; to what extent school districts and zones may or must be altered as a constitutional matter; to what extent transportation may or must be provided to achieve the ends sought by prior holdings of the Court. Other related issues may emerge."

It is a wholesome, refreshing thought to see that the Chief Justice is getting concerned by these precedents from all over the country, the great variances between the holdings of one court of appeals and another, and the very definite, unmistakable, positive policy of one rule to be applied in the South and another rule to be applied outside the South. There is a great resurgence of faith in performance of duty when this important official talks in this way.

I certainly trust that the Chief Justice intends to include in his reference to the points that need to be covered the dire need for the Court to pass on the legality of segregation outside the South, and I hope that the Court will proceed to take this step soon.

Mr. President, it will be noticed that I am not trying to tell the Court how to decide these cases. I am not trying to tell them how they should be decided or how I want them decided. That is not really relevant to this discussion. I am pointing out that the third arm of this Government so far has refused to take a stand on the question of segregation in the public schools outside the South, and that the legislative branch and the executive branch, to a large degree, are standing behind that inaction. So, as a practical matter, the score is 3 to 0 in favor of two policies on integration.

Now, if the Court moves into that field and makes a clear-cut decision one way or another, it is going to cause a good deal of reshuffling of positions, and bring on a lot of arguments. But I say that it will be helpful to all schools—all schools and the process of education—no matter how they decide.

Meanwhile, however, the South has been compelled in a series of cases by the Supreme Court to take affirmative action to root out all vestiges of segregation. In many instances the school trustees have been required to take drastic actions to bring about racial balance in the individual schools. In many cases this adjustment has been demanded by the Court at midterm and, in some cases, near the end of the school session. In one case, I think it was just 6 weeks before the session was over. In many cases the wholesale busing of children away from their neighborhood or community schools has been required, thus almost totally disrupting and interrupting and ruining the school year for countless thousands of children.

I want to say this to the Senate: I prepared this speech very carefully. I read every word of the cases I have cited, and many more. I had some help with preliminary work on the cases, but I went through them the very best I could, despite the many breaks and interruptions that go with service here.

I speak also from personal experience, when I speak of the ruinous effect of this total demand—which even they admit—of the Supreme Court of the United States that certain southern school districts integrate totally now. At the same time, I got back in these cases and found that all other areas of the country have been going on as they pleased, as far as the Supreme Court is concerned.

I tell you, Mr. President, it should not make any difference who the shoe is pinching and this is not a wholesome thing for the Government. I do not believe it can continue. I do not believe the Supreme Court, once they get into this thing and take another look at it, can continue to put up with this two-policy system.

During these same years the Supreme Court has repeatedly refused to entertain a single desegregation case for final

decision from areas outside the South, even though the facts are almost the same as the facts in the cases from the South. In some non-Southern cases, which the Supreme Court refused to hear, the legal history of segregation laws was almost identical to those in the South.

Thus, I repeat, by conscious and deliberate inaction the Supreme Court has not only dodged its duty to pass on the question of the legality or illegality of segregated schools beyond the South, it has also afforded the legislative and executive departments of the Federal Government an excuse for taking the position they have taken that they will not act in an area until the Supreme Court has acted in that area.

That is the way it looks to me, clear as a bell; and I not believe this can be successfully denied on the facts.

The failure of the Supreme Court to act in these cases has been institutionalized into law. As I have stated, the President, in his recent statement, relied upon it. The circuit courts of appeals have come to rely on it. In a recent opinion involving the Cincinnati Board of Education (*Deal v. Cincinnati Board of Education*, 419 U.S. 1387 (6th Cir. 1969)), the Sixth Circuit, when asked to overrule its former decision, because of the recent imposition on southern schools a duty to desegregate, relied upon the denial of certiorari in the *Deal*, *Bell*, and *Downs* cases as precedents for the proposition that where there has been no dual school system, there is no duty to balance the races in schools. In some of them, though, the dual system has existed. The Supreme Court's failure to act is being relied by the lower courts as if it were what we lawyers call settled law. But it is not settled law by any means, because the Supreme Court has refused to take it to its bosom, and take the responsibility of making a decision. This recent case again makes clear the demand of the times is that the Supreme Court actually decide the question of the legality of segregation in public schools outside the South with reasons for its ruling clearly assigned. I believe they are going to do it.

Thus, the situation exists in the Federal Government concerning school integration, where the question of the education of all the children is considered of least importance rather than of the first importance.

Why do I say that, Mr. President? Because I know, as a matter of fact, of case after case where representatives of HEW, and some also from the Department of Justice, have been begged by the school superintendents, faculty members, and school trustees, "Let us make some adjustment here, and give us time."

They receive, sometimes in a sassy tone of voice, the answer:

Education is not the prime purpose. You must integrate these schools on the basis of the percentage which represents the percentage of school population within your district according to race.

I say I know what I am talking about on that. I have too much evidence of it

given to me by people that I have known all their lives. That would be denied officially, perhaps, but it is true, and I will cite the names of the parties involved if they want them.

I know, too, that in these hearings that have been held in some of the lower courts, the judges of those courts have felt as though they were tied and bound by these rulings of the Supreme Court with reference to total and immediate integration now in the South, regardless of its effect on the education of our children.

The courts and the legislative branch of the Government, in fact, have now discarded the previous high concern for the education of the black children, which was a major basis for the decision in the case of *Brown against Board of Education* decided in 1954.

I have raised that question here on the floor of the Senate in debate. I have asked, "Why do you not live up to the spirit and the real meaning of the decision in *Brown against Board of Education*? Why do you not come on and set a national policy?"

The answer has been:

Oh, we cannot do that, because the Supreme Court has not ruled whether segregated schools are legal or illegal outside the South.

That is an answer without substance, Mr. President, I say with all deference.

The concern for equal educational opportunities and the education of black children was expressed in the *Brown* decision thus:

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does. *Brown v. Board of Education*, 347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873.

Those are not my words. Those are the words of the Supreme Court of the United States, in that landmark decision of *Brown against Board of Education*.

I find it difficult to believe, as a legal question, that the foregoing statement is limited only to the South. If the black children of the South have a legal right to attend desegregated schools, then the black children of the North have the same right.

But I tell them now, they are being deserted. They are being deprived in the North of the application and benefit of the high principles of *Brown against Board of Education*. I am talking, now, about the black children outside the South. They are being deserted. Educational welfare is no longer the test.

I have heard it argued on this floor, "We cannot do that; it would take the National Guard to enforce it. We cannot do that; it would disturb our schools."

But to come back to the actual facts of life, I believe, Mr. President, the hard facts of the matter are these: When the question of desegregating the schools outside the South reached the point of decision for the people in nonsouthern States, they decided—or a great many of

them decided—they were not willing to accept for themselves what they were imposing on the South. Thus, as of now, the political decision is to continue the desegregation pattern in and against the South, but leave the other areas of the country virtually immune. This is the pattern followed by the executive and the legislative departments of the Government now.

I am compelled to say that the inaction of the Supreme Court in this field makes possible, and I think even promotes, these political guidelines.

I have heard great concern expressed here, with respect to the education bill on which we voted, about the possibility of doing something that would slow down desegregation in the South. They did not say one word about beginning desegregation outside the South. In fact, when they had a chance to do something about it, they voted the other way, despite the fact that some of the States outside the South have passed laws calling for freedom of choice.

Mr. President, I close with the appeal that the Supreme Court of the United States entertain at the earliest possible moment a case that presents the question: Is segregation of children in the public schools in States outside the South legal or illegal? That is all I ask. This question must and should be decided as promptly as possible. The failure to reach a decision adds to the chaos and confusion already existing.

There have been many cases on related points in State courts in which certiorari was also denied. I did not intend to outline them today. I selected these Federal cases. On a later day, and soon, I hope, I shall cite specific cases which show the massive confusion and contradictions in the numerous cases on school desegregation as decided by our U.S. courts.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from Wisconsin (Mr. PROXMIRE) is recognized.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield 3 minutes to the Senator from Missouri (Mr. SYMINGTON), without losing my right to the floor, and that the 3 minutes not be taken out of my time.

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

Mr. SYMINGTON. I thank the able senior Senator from Wisconsin.

SOUTHEAST ASIA

Mr. SYMINGTON. Mr. President, as is undoubtedly true of all Americans, I am worried about recent events in Southeast Asia; and the briefing received at the White House this morning does little to lessen that apprehension.

We know that in recent months we have been reducing our troop strength in South Vietnam; also that for years we have been secretly escalating the war in Laos; and now we have entered a third country—Cambodia.

Could this invasion be an admission that the policy of "Vietnamization" is failing? In any case, let us hope that the Secretary of State was correct when he said last Sunday evening, "It is a matter of limited duration. It is only going to last 6 or 8 weeks"; and that others are correct when they estimate the physical presence of our troops in Cambodia will end in even less time.

Let us hope that if Prince Sihanouk is successful in reestablishing his military control of Cambodia, that action will not entail additional military operations on our part in that country.

Let us hope also that this new development does not react negatively against the possibility of successful negotiations in Paris.

Although at first glance there may appear little connection, nevertheless there is a close relationship between the widening of this war and the growing danger to our economy resulting from these continuing heavy military expenditures. We now know that instead of the budgetary surplus previously estimated for this year, we are going to have a multibillion-dollar deficit; and any additional military operations abroad can only contribute further to the deterioration, through inflation, of the purchasing power of the dollar.

Most of all, I would hope that the decision to expand this war into a third country does not have a negative effect on the SALT talks, because those talks could be decisive as to the world's future.

It is for these reasons that I have grave reservations about the wisdom of this invasion of Cambodia at this time.

We must, of course, support those of our forces that have been committed to battle in that area. Let us earnestly hope, however, that the withdrawal timetables now being given the American people by this administration, Vietnam as well as Cambodia, will be met.

Finally, as the casualty list grows, the dangers resulting from our numerous foreign commitments become ever more clear. If these timetables are not met, then the Congress should consider how it might effectively and constructively carry out its various constitutional responsibilities, not the least of which is the power of the purse.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Military Doubts Efficacy of Single Cambodia Thrust," with a Saigon dateline of May 4, published in the *Baltimore Sun* of this morning.

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

MILITARY DOUBTS EFFICACY OF SINGLE CAMBODIA THRUST

(By John E. Woodruff)

SAIGON, May 4.—Military officials here are becoming convinced that massive operations like those now in progress against the enemy's sanctuaries in Cambodia would have to be made routine parts of the war in order to have a lasting effect.

As evidence mounts that the vast enemy staging area now being cleared by allied troops is of far simpler construction and

holds supplies in much more dispersed locations than was once expected, military officials are adopting the view that the enemy could rebuild and reoccupy the area in a shorter time than was at first believed.

"RAISE THE COST"

White House sources have said since President Nixon announced the plan to send American troops into Cambodia to "clean out" the enemy's sanctuaries that the purpose was to "raise the cost" of the war, in a single step, beyond a level Hanoi could maintain.

Military officials here, some of whom are serving their second and third tours in Vietnam, are aware of the close resemblance between this reasoning and that offered by President Johnson when he inaugurated the bombing of North Vietnam.

Some of them agree with the White House view, and even hope, as the White House sources say the President does, that the enemy has become so worn down in Vietnam and so stretched out in Laos and Cambodia that a major escalation now will force him to negotiate seriously in Paris.

PRIVATE HOPES

But they are holding these views as private hopes, and discussing the effects of the current campaigns in purely military terms.

In those terms, they say, the effect of even a massive, prolonged and through sweep of several months' duration can only deprive the enemy of his Cambodian bases for a matter of months.

If the war continues, they say, such sweeps would have to become at least annual events to have any continuing effect.

The White House sources have maintained from the first that the objective of the drives into Cambodia is primarily to collect and destroy the enemy's arms, supplies, ammunition and equipment.

This goal is more modest than those stated by some of the generals in charge of the joint American-Vietnamese drive against the base area believed to house the Communist central office for South Vietnam.

The generals have said they also believed the enemy still had large forces within the cordon established by the allied forces, and that they were hoping to smash those forces.

The goal of smashing enemy forces seemed remote today, as allied troops found only scattered, small enemy groups in the fourth day of fighting. But the drive apparently was beginning to pay off in the terms stated by the White House, as allied forces began to find enemy ammunition and supply dumps of increasingly substantial size.

EARLY HOPES FRUSTRATED

But the combination of the simplicity, the small scale and the vast number of the enemy bunkers continued to frustrate earlier allied hopes that it might be possible to demolish some fortifications in which the Communists had invested much time and effort.

Thus the chief benefit from the massive operation may be the denial of large quantities of supplies to the enemy, rather than destroying troop concentrations.

THE STOCK MARKET OF 1929 AND TODAY

Mr. SYMINGTON. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Galbraith: 1929 Repeats Itself Today," published in the New York Times of May 3.

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

GALBRAITH: 1929 REPEATS ITSELF TODAY
(By Israel Shenker)

BOSTON—John Kenneth Galbraith, who usually needs no prompter to play Cassandra,

CXVI—889—Part 11

warned last week that "the insanity" of 1929 was repeating itself.

Having earlier written "The Great Crash 1929"—that fundamental text on the market's inhumanity to man—he took his cues from the current problems of the market.

"One should be warned that those who do not learn from history are condemned to repeat it," he said in an interview, "but one shouldn't conclude that the process of repetition is precise. We might have the disciplining effect of reality—a somewhat lower price of disaster than we had in 1929."

This is about all the encouragement that Professor Galbraith managed to summon. He predicted that the collapse of the stock market would cause a decline "in consumer spending, in luxury spending, in higher income construction, in travel, and in gifts."

"I've seen this in the last few weeks," he said. "I've been helping to raise money for various Congressional candidates opposed to the war. People who would write out a check for \$2,000 or \$3,000 for Gene McCarthy develop an acute case of finger cramp when writing a check for \$500 now."

GOOD BUYS IN JETS

Professor Galbraith added: "The manufacture and sale of corporate jets will have a slump. It'll be possible to get good ones second-hand. I'm not saying the collapse will translate itself into a depression, but the stock market had a strong effect on consumer and investment behavior in 1929, and will this time. The stock market is not a neutral phenomenon that mirrors so-called fundamental factors."

"I would make one prediction," he said. "As Walter Bagehot wrote in 'Lombard Street': 'Every great crisis reveals the excessive speculation of many houses which no one before suspected.'"

"We're bound to have a certain number of great bankruptcies among these jerry-built structures constructed of debt and romance. There will be bankruptcies in the weaker conglomerates and possibly in some of the stock market houses, and massive liquidations in mutual fund securities. A number of men considered respectable will be found to have had their hand in the till or to have resorted to other illegal efforts to shore up their position."

Professor Galbraith was convinced that the market is an old dog that keeps learning old tricks. "The whole concept of glamour stocks is a perfect reproduction of 1929, and to an extraordinary extent the industries are the same," he said.

"In 1929 the glamour stock was an electronic concern—RCA—although the word electronics had not been invented. Investors felt there must be magic in any industrial process they did not understand, and they still feel that way."

"The explosion in the mutual funds is the counterpart of the old investment trusts. The public has shown extraordinary willingness to believe there are financial geniuses in the hundreds, each heading a mutual fund. Financial genius is a rising stock market. Financial chicanery is a falling stock market."

"What alarmed me were a couple of articles on James Ling [head of Ling-Temco-Vought] in Fortune, in which he talked about his theory of redeploying funds," said the professor.

"The madness is thinking that people who combine corn starch factories with sporting goods factories with aviation plants are geniuses. The madness is thinking that men who start a mutual fund and hire salesmen and then hire themselves to manage the fund are geniuses. The madness is having a hedge fund with one man who knows which stocks will go up and another man who knows which will go down."

Professor Galbraith recalled the late Fred Schwed's tale of the visitor to New York who

was shown the harbor with its brokers' yachts and bankers' yachts. The visitor asked: "Where are the customers' yachts?"

Said Professor Galbraith: "I've had exactly the same reaction every time I've read of Bernie Cornfeld's moving from one mansion to another in one airplane or another with one set of girls or another. The question now to be asked is, 'Where are the customers' girls?'"

LEVERAGE WORKS TWO WAYS

"I.O.S.'s Fund of Funds is an almost exact reproduction of an earlier piece of insanity—that you can multiply financial genius by investing in other geniuses. What wasn't noticed in 1929 and what is not noticed now is that leverage has a multiplying effect not only in a rising market but also in a declining market."

"One should now take the famous comment about the brokers being 'the men who took my fortune and ran it into a shoe-string' and transpose it to the go-go funds."

"When I see road company operators billing themselves to the public as the greatest financial geniuses since the Rothschild family, I get a great satisfaction from realizing that circumstances will reduce them to normal," said the professor.

"As life closes in on someone who has borrowed far too much money on the strength of far too little income, there are no fire escapes. After 1929 it was remarkable how they drifted into obscurity—the Meehans and Hopsons and Cuttens and Durants."

HOOVER GAVE NO TIPS

Investors like these proliferated assurances—up to the end—about the soundness of stock investment. But even they were not able to persuade President Hoover to relay the tip, Professor Galbraith pointed out, noting that President Nixon had declared last week that if he had ready cash, he would buy common stocks.

"It shows a great lack of judgment on the President's part compared with Hoover," said Professor Galbraith. "Somebody should advise the President that Wall Street works not by first derivatives but by second derivatives. When the President says he'd buy common stocks, some people will say, 'This is encouraging and I should buy.' But very many others will say, 'If the situation is so bad that the President has to encourage the stock market, the time has come to sell.'"

"President Kennedy asked my advice in 1962 when he wanted to make a speech reassuring people about the stock market, and I strongly urged him to say nothing."

Since an economist must recommend something, Professor Galbraith did: "Everybody keep silent. In the most un-American fashion, use action as a substitute for words. Put into effect a six-month freeze on wages and prices, as suggested by Bob Roosa, with provision for gross inequities. This would enable you to lower interest rates, ease up on bank lending, and use the six months to develop a permanent system of price-wage restraints."

He does not recommend the advice of his Chicago colleague, Milton Friedman, who sees salvation in monetarism. Said Professor Galbraith: "Milton had the greatest misfortune which can befall anyone; he's a man with a major theory which doesn't work but has been tried."

SENATE RESOLUTION 401—SUBMISSION OF A RESOLUTION RELATING TO THE ASSIGNMENT TO DUTY IN SOUTH VIETNAM AND CAMBODIA OF MILITARY DRAFT-EES

Mr. PROXMIRE. Mr. President, the time has come to end our sending draftees against their will to fight in Vietnam and Cambodia. The nightmare

of a son drafted into the Army and sent to Vietnam, possibly to die, has haunted American mothers and their sons for at least 5 years. The time has come for that nightmare to end.

I have decided, therefore, to submit a Senate resolution calling for an all-volunteer armed force in South Vietnam and Cambodia and an immediate end to sending draftees to fight there. I believe our national interests will be better served by an all-volunteer Army in Cambodia and South Vietnam, made up of those men who volunteer for enlistment and those draftees who volunteer for duty in Vietnam, or Cambodia, than by our present mixed contingent of volunteers and draftees, some of whom are in Vietnam against their will. An all-volunteer force in South Vietnam or Cambodia would not endanger our national security, and I am confident that it would have a valuable effect on the military as well as the rest of the Nation.

I think that recent events, tragic events, we have had on our college campuses throughout this country are in very large part the result of the fact that young people are being drafted and sent to Vietnam against their will, and it could happen to any one of them, as they know.

Until recently, I did not believe an all-volunteer armed force in South Vietnam could be a viable alternative to our present system of supplying troops to that nation. Two speeches by President Nixon during the period of April 20-23, however, caused me to reassess my position on this matter. I am now fully convinced that we can meet our remaining obligations to those countries without sending men there against their will. Volunteers can supply the needed manpower in Vietnam or in Cambodia.

In his April 20 speech on our progress in Vietnam, President Nixon stated:

Five years ago American combat troops were first sent to Vietnam. The war since that time has been the longest and one of the most costly and difficult in our history.

The decision I have announced tonight means that we finally have in sight the just peace we are seeking. We can now say with confidence that the South Vietnamese can develop the capability for their own defense. We can say with confidence that all American combat forces can and will be withdrawn.

The announcement to which Mr. Nixon referred was the withdrawal of an additional 150,000 American troops to be completed during the spring of next year. This will bring a total reduction of 265,500 men in our Armed Forces in Vietnam below the level that existed when the President took office 15 months ago. By mid-1971, therefore, according to the Pentagon our troop strength will total 284,000, or approximately half of what it once was. I think it is reasonable to assume that volunteers can now take on the full burden of our obligation to that nation.

President Nixon's April 23 message to Congress on ending the draft lends further support to my contention that an all-volunteer force in South Vietnam and in Cambodia is now feasible. The

President proposed that in order to increase voluntary enlistment in the Armed Forces, two major steps were necessary. First, the pay for servicemen, particularly in their first 2 years of service, should be increased. Second, programs designed to increase enlistments and to improve the conditions of military service should be initiated.

There can be little doubt that the starting salary of an enlisted man in our Armed Forces—presently less than \$1,500 a year—is a disincentive to voluntary induction. Now that the President has approved a 6-percent across-the-board pay increase for Federal employees, the pay of servicemen will be raised by \$1.2 billion a year. In addition, he has proposed an additional 20-percent increase for enlisted men with less than 2 years of service, to be effective January 1, 1971; and he has recommended that an additional \$2 billion for added pay and other benefits—especially for those serving their first 2 years—be included in the fiscal 1972 budget. These acts will greatly help to solve the problem.

President Nixon has also directed the Secretary of Defense to give high priority to the expansion of programs designed to increase enlistments and retentions in the service and to review policies and practices of the military, to give new emphasis to recognition of the individual needs, aspirations, and capabilities of all service personnel.

If the Secretary of Defense decides to expand programs involved with recruiting volunteers, he should be pleasantly surprised. According to the President's Commission on an All-Volunteer Army, headed by former Secretary of Defense Thomas Gates:

Studies indicate that a relatively small increase in recruiting expenditures would produce as much as a 10 to 20 percent rise in enlistment rates.

By increasing the pay and benefits of servicemen, improving conditions of service, and using other recruitment incentives and techniques, the President hopes to increase enlistment in the Armed Forces, thus paving the way for an all-volunteer army. I believe that the measures proposed by the President will make military service more desirable to young men. They will increase substantially the number of men that will be willing to volunteer for active military service. They will make an all-volunteer armed force in Vietnam or in Cambodia possible.

The question of whether or not there will be enough volunteers available for duty in Vietnam or in Cambodia is a legitimate one. I believe, however, that the facts point to the conclusion that there will be.

Last year 283,575 men were drafted. Of this total, 95 percent were inducted into the Army. Latest Army figures reveal that of the 384,000 Army personnel serving in Vietnam 139,500 are draftees. While this figure represents over a third of the Army servicemen there, it is nevertheless only 9 percent of the 1.4 million men now serving in the U.S. Army. The total of 265,000 men that the President

has announced will be withdrawn by next spring is almost double the 139,000 Army draftees serving in Vietnam.

Our overall military strength today, including Army, Air Force, Navy, and Marine personnel, totals 3,171,382 men. Of these men, 427,200, or 13 percent, are presently serving in Vietnam or Cambodia. Surely the 139,500 Army draftees there can be replaced by volunteers. The President's announced withdrawal makes this even more feasible.

What many of us fail to realize is that of the 6 million men who have served in the military during the Vietnam war, 75 percent have been volunteers, only the remaining 25 percent have been draftees. The Gates Commission has stated:

In recent years about 500,000 men a year have volunteered for military service. Although some of these volunteered only because of the threat of the draft, the best estimates are that at least half—250,000—are "true volunteers." Such men would have volunteered in spite of an entry pay that is roughly 60 percent of the amount that men of their age, education and training could earn in civilian life.

The often ignored fact, therefore, is that our present armed forces are made up predominantly of volunteers. All those men who have more than four years of service—38 percent of the total—are true volunteers; and so are at least a third of those with fewer than four years of service.

The Commission went on to say:

The majority of men serving today are volunteers. And many who are now conscripted would volunteer once improvements were made in pay and other conditions of service.

I am convinced that the small percentage of men now serving in Vietnam or in Cambodia involuntarily can be replaced by volunteers. The vacancy left by these men would not be difficult to fill. As President Nixon continues to reduce our troop strength in Vietnam, fewer men will be needed; as his pay increases and improvements of service conditions go into effect, more men will volunteer.

If an all-volunteer armed force in Vietnam is possible, as I believe it is, the question remains, is it desirable? In his message to the Congress on ending the draft, President Nixon stated:

This nation has a right to expect that the responsibility for national defense will be shared equally and consistently by all segments of our society.

This "basic principle," as the President referred to it, is not now carried out by the draft. It is not carried into practice in Vietnam or in Cambodia. The simple fact is that the responsibility for our national defense within our Armed Forces is not shared equally. Some men must go while others stay at home.

When a nation is at war, whether it is declared or undeclared, there are two means of sharing the burden of danger: either all must go or only those who volunteer should go. Especially in a limited war, the former alternative is not a rational one; the latter choice is practical only in exceptional cases. Because of the gross inequities in the draft and the President's announcements on troop withdrawals, Vietnam and Cambodia

can be such a case. Under the circumstances, an all-volunteer armed force in Vietnam and Cambodia is the most equitable means of deciding who should, and who should not, go to serve in those countries. The desirability of pursuing such a course is clear.

As I have already stated, I fully support President Nixon's proposal to end the draft in the future, and to make major reforms in the present system immediately. I believe, however, that with the withdrawal of troops, and until the draft can be eliminated, we should have an all-volunteer armed force to fulfill our remaining commitments to South Vietnam or Cambodia. I think that this proposal is both feasible and right. When not all our men are required to serve equally, and only a small minority are needed, a voluntary decision to serve is the best answer, morally and practically, to the question of who should serve.

To initiate immediately an all-volunteer armed force in Vietnam and in Cambodia would be to show the world that the United States does not need to rely on involuntary service to meet its commitments abroad, but on the willingness of its citizens to assume the responsibility of fulfilling its obligations.

I send to the desk the resolution and ask that it be referred to the appropriate committee.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, the resolution will be received and appropriately referred.

The resolution (S. Res. 401), which reads as follows, was referred to the Committee on Armed Services:

S. RES. 401

Whereas the President has announced that a total of 265,000 members of the Armed Forces of the United States are to be withdrawn from South Vietnam and Cambodia by April 1971, leaving a total of 284,000 United States troops in those countries, or approximately one half the number serving in South Vietnam at the time the President assumed office fifteen months ago; and

Whereas recent information released by the Department of the Army indicates that of the 384,000 Army personnel serving in South Vietnam and Cambodia, 139,500 of such total are draftees; and

Whereas the number of men to be withdrawn from South Vietnam and Cambodia by April 1971 is approximately double the 139,500 draftees serving in those countries; and

Whereas as soon as the President's recent message to the Congress regarding increased pay and other benefits for military personnel, improvement of conditions of military service, and the use of other recruitment incentives is implemented, the rate of voluntary enlistments should increase substantially; and

Whereas only a small minority of the Nation's total military personnel are required to serve in South Vietnam or Cambodia, it is preferable to assign voluntary personnel to perform that service than to require draftees to do so; and

Whereas because of the President's announcement regarding troop withdrawals from South Vietnam and Cambodia and because of the gross inequities of the draft system generally, it is not only practicable but extremely desirable for the general welfare of the Nation that draftees no longer be sent to South Vietnam or Cambodia.

Resolved, That it is hereby declared to be the sense of the Senate that there should be an immediate end to the sending of draftees to South Vietnam or Cambodia and that any remaining military commitment of the United States to those countries be fulfilled by sending only those members of the Armed Forces who have volunteered for military service or, in the case of persons involuntarily inducted into the Armed Forces, who have volunteered for duty in South Vietnam or Cambodia.

ORDER OF BUSINESS

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

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

The bill clerk proceeded to call the roll.

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

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

MONTANA REGISTERED NURSE A NATIONAL WINNER

Mr. METCALF. Mr. President, the American Nurses Association has selected Miss Audra Pambrun, of East Glacier Park, Mont., as the national winner of the American Nurses' Association Be-Involved Nurse Search.

Miss Pambrun, a member of the Blackfeet Indian Tribe, is the director of the community health aides, Office of Economic Opportunity community action program in Browning. She was selected for her outstanding contribution in raising the level of social and health services in her community. Miss Pambrun was selected from finalists representing 39 States. All registered nurses, including more than 200,000 members of the American Nurses Association, were eligible for nomination in a nationwide search for the nurse with the most exceptional performance either on-the-job or after work.

Mr. President, my colleague Mr. MANSFIELD and I join in honoring this dedicated young woman. I ask unanimous consent that excerpts from the highlights of her life, as prepared by the American Nurses Association, be printed in the RECORD.

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

PROFILE OF AMERICA'S MOST INVOLVED NURSE: MISS AUDRA PAMBRUN, R.N.

Home Address: East Glacier Park, Montana 59434.

Occupation: Director of Community Health Aides, Office of Economic Opportunity Community Action Program, Browning, Montana 59417.

Miss Audra Pambrun is a native of Browning, Montana, a town of about 2,000, and a member of the Blackfeet Indian tribe. She was educated in the Browning Public Schools, and graduated from Columbus Hospital School of Nursing, Great Falls, in 1949.

Her varied nursing experiences have included: staff nursing with the Public Health Service, ambulance nurse, obstetrical nursing and school of nursing. Miss Pambrun's major contribution to her people began when she became the Director of Community Aides

under the O.E.O. Community Action Program. During the first winter Miss Pambrun trained local people, mostly Indians, to work as community aides. Miss Pambrun and her aides visited practically every home on the reservation to help in whatever way was needed. Direct assistance was given with housing repair and families were transported to the reservation hospital for in-patient and out-patient services. Long term health and sanitation needs were brought to the attention of the Indian Health Service and much time was spent counseling with families about their lives.

Concern about the high suicide rate among the Blackfeet youth led Miss Pambrun to appear before community groups to solicit support for Montana's only crisis intervention center. The center officially opened May 8, 1969, manned by aides trained by Miss Pambrun and with her services available at all hours. She also arranged an accident prevention workshop for community aides in Browning.

During the past year Miss Pambrun participated in:

1. The Comprehensive Panel on Indian Education—Bozeman, Montana.
2. World Wide Indian Forum Workshop—Missoula, Montana.
3. Planning Committee for a Workshop on Educational Problems, State of Montana.
4. Browning Schools Teacher Orientation Program.
5. Interagency Workshop on Mental Health Problems of Indian Adolescents—Denver, Colorado.
6. The Governor's Conference on Aging—Great Falls, Montana.
7. The orientation of new personnel—Indian Health Service Hospital—Browning, Montana.

Miss Pambrun was speaker for:

1. Western Regional Society for Christian Service.
 2. Montana Convention of Social Workers concerning Indian problems.
- Miss Pambrun attended:
1. The National Institute of Rehabilitation—Denver, Colorado.
 2. Comprehensive Health Planning Committee for all Counties—Fort Benton, Montana.
 3. Nursing Continuing Education Seminar—U.C.L.A.

She is a member of:

1. The only all Indian chapter, Royal Neighbors of America.
2. Western Public Health Association.

In the absence of leadership for youth community projects she has recently volunteered as a Girl Scout leader.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. PROXMIRE). Under the previous order, the distinguished Senator from South Dakota (Mr. McGOVERN) is now recognized.

Mr. MANSFIELD. Mr. President, will the Senator from South Dakota yield to me for a few moments, without losing any of his time, for the purpose of calling up some unobjected-to items on the calendar?

Mr. McGOVERN. I am happy to yield to the Senator from Montana for that purpose.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures

on the calendar to which there is no objection, beginning with Calendar No. 816 and that the rest of the calendar up to and including No. 841 be considered in sequence.

THE PRESIDING OFFICER (Mr. PROXMIRE). Without objection, it is so ordered.

YAVAPAI-PRESCOTT COMMUNITY RESERVATION, ARIZ.

The Senate proceeded to consider the bill (H.R. 12878), to amend the act of August 9, 1955, to authorize longer term leases of Indian lands at the Yavapai-Prescott Community Reservation in Arizona, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 1, after line 7, insert a new section, as follows:

Sec. 2. Section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended, is further amended by adding the following new sentence at the end thereof: "Prior to approval of any lease or extension of an existing lease pursuant to this section, the Secretary of the Interior shall first satisfy himself that adequate consideration has been given to the relationship between the use of the leased lands and the use of neighboring lands; the height, quality, and safety of any structures or other facilities to be constructed on such lands; the availability of police and fire protection and other services; the availability of judicial forums for all criminal and civil causes arising on the leased lands; and the effect on the environment of the uses to which the leased lands will be subject."

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-832), explaining the purposes of the measure.

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

PURPOSE

The purpose of H.R. 12878 is to authorize lands on the Yavapai-Prescott Community Reservation to be leased for periods up to 99 years if a long-term lease will be in the interest of the Indian owner. A similar bill, S. 3291, introduced by Senator Fannin, was also considered by the committee.

NEED

For most reservations, the general law restricts the lease term to 25 years with an option to renew for 25 years—which is in effect a 50-year lease. Experience has demonstrated that some types of development cannot be financed by a lessee on the basis of a 50-year lease. Lending agencies will not lend money for construction on leased land unless the lease extends for a term that will permit the loan to be amortized, with sufficient leeway to permit refinancing in the event of a default. In practice, this frequently means a lease for more than 50 years.

The Yavapai-Prescott Community Reservation adjoins the city of Prescott. The proposed construction of a multimillion-dollar junior college and a new high school near the reservation will create a pressing need for new apartments and single-family residences, and the reservation lands are ideally situated to capitalize on the growth of the city if adequate lease terms can be offered.

Long-term lease authority has been given to 18 other reservations where the need has been adequately demonstrated. Although leases up to 99 years are authorized, the Department of the Interior has been careful to limit the term to a shorter period—for example, 55, 65, or 75 years—when the shorter period will serve the need. The committee expects this practice to be continued.

The committee adopted one amendment to H.R. 12878:

After line 7, insert the following new section:

"Sec. 2. Section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended, is further amended by adding the following new sentence at the end thereof: 'Prior to approval of any lease or extension of an existing lease pursuant to this section, the Secretary of the Interior shall first satisfy himself that adequate consideration has been given to the relationship between the use of the leased lands and the use of neighboring lands; the height, quality and safety of any structures or other facilities to be constructed on such lands; the availability of police and fire protection and other services; the availability of judicial forums for all criminal and civil causes arising on the leased lands; and the effect on the environment of the uses to which the leased lands will be subject.'"

During the past few years Congress has adopted an ever-increasing number of exceptions to the short-term limitations on lease terms, authorizing in some instances long-term leases of up to 99 years. The rationale for this long-term leasing authority is based primarily upon financing requirements for construction of substantial improvements with a long expected life.

The concern of the committee stems from the fact that investments made on the basis of such long-term leases may include construction and development without regard to the environmental impact nor appropriate machinery for prevention of pollution.

The committee is also concerned because the peculiar immunity from State and local laws enjoyed by many reservations creates an hiatus in the usual controlling authority with respect to building and health and safety code enforcement.

In addition, the committee feels that depending upon the circumstances of location, type of development and need, consideration must be given to the availability of police and fire protection and other emergency services, and the availability of appropriate judicial forums for criminal and civil causes arising on the proposed leased lands.

While it is not the intention of the committee to unduly burden development plans for Indian lands, the committee and the Department of the Interior have an obligation to protect the public interest and safety. The purpose of the committee amendment is to require that the Secretary of the Interior satisfy himself that adequate consideration has been given to the provision of fire and police protection and enforcement of appropriate land use regulations, pollution control and health and safety standards. Access to the courts is also an important consideration for the occupants of the leased lands and cannot be excusably denied in this country.

PETER CHUNG REN HUANG

The bill (S. 793) for the relief of Peter Chung Ren Huang was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 793

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That Peter Chung Ren Huang shall be held and considered to have been lawfully admitted to the United States for permanent residence as of March 13, 1952.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-810), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

ROSA PINTABONA

The bill (S. 1703) for the relief of Rosa Pintabona was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Rosa Pintabona shall be held and considered to be the natural-born alien daughter of Rose and Edward Ingrassia, citizens of the United States: Provided, That the parents, brothers, or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-811), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to qualify for first-preference status as the unmarried daughter of citizens of the United States.

CAL C. DAVIS AND LYNDON A. DEAN

The bill (S. 2427) for the relief of Cal C. Davis and Lyndon A. Dean was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Cal C. Davis and Lyndon A. Dean, of Salt Lake City, Utah, are relieved of all liability for payment to the United States of the sum of \$12,441.87, representing cash and stamps in their custody as superintendent and clerk, respectively, of the Granger-Hunter Branch of the Salt Lake City Post Office, which were taken from such branch in a burglary occurring the night of March 17, 1966. In the audit and settlement of the accounts relative to such sum, credit shall be given for the amounts for which liability is relieved by this Act.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to said Cal C. Davis and Lyndon A. Dean the sum of any amounts received or withheld from them on account of the loss referred to in the first section of this Act.

(b) No part of any amount appropriated by this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of this section is a misdemeanor punishable by a fine not to exceed \$1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-812), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to relieve Cal C. Davis and Lyndon A. Dean of all liability for payment to the United States of the sum of \$12,441.87, representing cash and stamps in their custody as superintendent and clerk, respectively, of the Granger-Hunter Branch of the Salt Lake City Post Office, which were taken from the branch office in a burglary occurring the night of March 17, 1966.

STATEMENT

The Post Office Department has no objection to the enactment of this bill.

In its favorable report of the bill, the Post Office Department relates the facts of the case as follows:

On March 15, 1966, 2 days before the burglary, Superintendent Davis received a photostatic copy of a letter addressed to all postmasters by the Postal Inspector in Charge in Denver concerning the securing of safes and vaults. That letter instructed postmasters to turn the dials at least two complete rotations in each direction to insure that safes and vaults would be completely locked. Affidavits state that Superintendent Davis on that day discussed the letter with Clerks Dean and Gay B. Jowers and that they read those portions of the letter that outlined the procedure for locking vaults.

On the evening preceding the burglary, Clerks Dean and Jowers closed the office as had been their usual custom. Clerk Dean, who was officially assigned to close the branch office, locked the vault and the building and checked to see that they were secure.

However, subsequent investigation revealed that Clerk Dean had succeeded only in placing the vault on "day lock." This conclusion was reached by the foreman of maintenance, an expert on safes and vaults, after Clerk Dean demonstrated the operations actually performed by him on the evening preceding the burglary.

Clerk Dean, a veteran with limited wrist action caused by injuries suffered by him in World War II, turned the dial to the right as far as his wrist would allow, then spun the dial to the left. The maintenance foreman stated that on this particular vault, from the point on the dial where the bolt had fallen into the fence, the dial would have to be turned to the right farther than Clerk Dean was able to turn it in order to engage the second tumbler. If the second tumbler is not engaged, a turn of the dial to the left allows the bolt to drop into the fence since none of the tumblers have been engaged. Consequently, since Clerk Dean was unable to twist the dial enough to the right to engage the second tumbler, the subsequent spin to the left dropped the bolt once again into the fence, thus placing the vault on "day lock."

Neither Superintendent Davis nor Clerk Dean is an irresponsible person. Both are conscientious, loyal, constructive, and highly valued employees of the Post Office. Superin-

tendent Davis has submitted more profitable suggestions for which he has received awards than has any other employee of the Salt Lake City Post Office. Clerk Dean has received one of the highest cash awards ever given in the Salt Lake City Post Office for a beneficial suggestion which resulted in a major savings at the Granger-Hunter branch. Superintendent Davis and Clerk Dean have never been guilty of placing any consideration above the welfare of the Post Office through the many years they have been in our employ.

Since the burglary, Superintendent Davis has suffered an acute heart attack and we are informed that any attempt at collecting the loss from him at this time would be most injurious to his health, especially since he appears to be blameless with respect to his duties concerning this matter.

Further, to attempt to satisfy this loss solely from Clerk Dean would be unjust.

In view of the foregoing this Department would have no objection to the enactment of this legislation.

In agreement with the equitable reasoning of the Post Office Department, the committee believes that the bill, S. 2427, is meritorious and recommends it favorably.

ANGELO DISTEFANO

The bill (S. 2526) for the relief of Angelo DiStefano was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2526

Be it enacted by the Senate and House of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Angelo DiStefano shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-813), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Angelo DiStefano. The bill provides for the payment of the required visa fee and for an appropriate visa number deduction.

SAUL BLUESTONE

The bill (S. 2856) for the relief of Saul Bluestone was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Saul Bluestone shall be held and con-

sidered to have been lawfully admitted to the United States for permanent residence as of September 11, 1952, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of such Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-814), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

MARGARITA ANNE MARIE BADEN

The bill (S. 2976) for the relief of Margarita Anne Marie Baden—Nguyen Tan Nga—was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Margarita Anne Marie Baden (Nguyen Tan Nga) may be classified as a child within the meaning of section 101(b) (1)(F) of such Act, upon the filing of a petition in her behalf by Barbara Baden, a citizen of the United States, pursuant to section 204 of such Act. No natural brothers or sisters of the said Margarita Anne Marie Baden (Nguyen Tan Nga) shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-815), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the alien child adopted by a citizen of the United States.

GUY ANDRE BLANCHETTE

The bill (S. 3136) to confer U.S. citizenship posthumously upon Guy Andre Blanchette was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, Guy Andre Blanchette, a native of Sainte Garard, Quebec, Canada, who served honorably in the United States Army from May 13, 1968, until his death on August 26, 1969, shall be held and considered to have been a citizen of the United States at the time of his death.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-816), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to confer U.S. citizenship posthumously upon Guy Andre Blanchette.

SP4C. AARON TAWIL

The bill (H.R. 1951) to confer U.S. citizenship posthumously upon Sp4c. Aaron Tawil was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-817), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to confer U.S. citizenship posthumously upon Sp4c. Aaron Tawil.

DELILAH AURORA GAMATERO

The bill (H.R. 2817) for the relief of Delilah Aurora Gamatero, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-818), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant to the adopted daughter of a citizen of the United States and his wife the status of a first-preference immigrant, which is the status normally enjoyed by the natural-born alien sons and daughters of U.S. citizens.

PLACIDO VITERBO

The bill (H.R. 3955) for the relief of Placido Viterbo, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-819), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to waive the provision of section 212(a)(9) of the Immigration and Nationality Act in behalf of the brother of a U.S. citizen.

KONG WAN NOR

The bill (H.R. 5936) for the relief of Kong Wan Nor, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report

(No. 91-820), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant to the adopted child of lawful resident aliens of the United States the status of a second preference immigrant, which is the status normally enjoyed by the natural-born unmarried children of lawful resident aliens.

ANNE REALE PIETRANDREA

The bill (H.R. 6125) for the relief of Anne Reale Pietrandrea, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-821), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the alien child adopted by citizens of the United States.

WILLIAM PATRICK MAGEE

The bill (H.R. 9001) for the relief of William Patrick Magee, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-822), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted of a crime involving moral turpitude in behalf of the son of a citizen of the United States.

PATRICIA HIRO WILLIAMS

The bill (H.R. 11578) for the relief of Patricia Hiro Williams, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-823), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the alien child adopted by a citizen of the United States and his wife.

ALI SOMAY

The bill (H.R. 12037) for the relief of Ali Somay, was considered, ordered to a

third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-824), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the adopted son of a U.S. citizen and a lawful resident alien.

DR. MAX RUETGER HASCHE

The Senate proceeded to consider the bill (S. 1886) for the relief of Dr. Max Ruetger Hasche, which had been reported from the Committee on the Judiciary with an amendment, in line 6, after the word "of", strike out "February 2, 1963, and his residence and physical presence since that date", and insert "February 28, 1963, and the time he has resided and been physically present in the United States"; so as to make the bill read:

That, for the purposes of the Immigration and Nationality Act, Doctor Max Ruetger Hasche shall be held and considered to have been lawfully admitted to the United States for permanent residence as of February 28, 1963, and the time he has resided and been physically present in the United States shall be deemed to meet the requirements of section 316 of that Act.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-825), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended in accordance with established precedents and to reflect the proper date upon which his status was adjusted.

MIRIAM LAZAROWITZ

The Senate proceeded to consider the bill (S. 2490) for the relief of Miriam Lazarowitz, which had been reported from the Committee on the Judiciary with an amendment, strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Miriam Lazarowitz shall be held and considered to be within the purview of section 203(a)(4) of that Act.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report

(No. 91-826), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill as amended is to enable the beneficiary to qualify for fourth-preference status. The bill has been amended in accordance with established precedents.

DR. SHU-SUM CHEUK

The Senate proceeded to consider the bill (S. 3037) for the relief of Dr. Shu-sum Cheuk, which had been reported from the Committee on the Judiciary with an amendment in line 6, after the word "of", strike out "November 1, 1966" and insert "January 31, 1964."; so as to make the bill read:

That, for the purposes of the Immigration and Nationality Act, Doctor Shu-sum Cheuk shall be held and considered to have been lawfully admitted to the United States for permanent residence as of January 31, 1964.

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-827), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The purpose of the amendment is to reflect the proper date upon which he last entered the United States as a student.

ROGELIO TABHAN

The Senate proceeded to consider the bill (H.R. 5106) for the relief of Rogelio Tabhan, which had been reported from the Committee on the Judiciary with an amendment, strike out all after the enacting clause and insert:

That, for the purposes of sections 203(a) (2) and 204 of the Immigration and Nationality Act, the minor child, Rogelio Tabhan, shall be held and considered to be the natural-born alien child of Mrs. Araceli T. Pixler, a lawful permanent resident of the United States: *Provided*, That the natural mother, brothers, or sisters of the said Rogelio Tabhan shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-828), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the alien child to be adopted by a lawful resident alien of the United States to qualify for second-preference status, which is the status normally enjoyed by the natural-born unmarried sons and daughters of lawful resident aliens. The bill has been amended to correct an error in drafting.

KWOK KUEN (KWEN) NG

The Senate proceeded to consider the bill (S. 850) for the relief of Kwok Kuen (Kwen) Ng, which had been reported from the Committee on the Judiciary with an amendment at the beginning of line 5, strike out "Kwok Kuen (Kwen) Ng" and insert "Kwok Kwen Ng"; so as to make the bill read:

That, notwithstanding the provisions of paragraph (19) of section 212(a) of the Immigration and Nationality Act, Kwok Kwen Ng may be issued an immigrant visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act. This Act shall apply only to the grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of enactment of this Act.

Amend the title so as to read: "A bill for the relief of Kwok Kwen Ng."

The amendment was agreed to.

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

The title was amended so as to read: "A bill for the relief of Kwok Kwen Ng."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-829), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provision of existing law relating to one who made misrepresentations in connection with a prior passport application in behalf of Kwok Kwen Ng. The bill has been amended in accordance with the suggestion of the Commissioner of Immigration and Naturalization to correct the beneficiary's name.

ANNETTE ROMNEY (MRS. CUMORAH KENNINGTON ROMNEY)

The Senate proceeded to consider the bill (S. 2863) for the relief of Annette Romney, which had been reported from the Committee on the Judiciary with an amendment, strike out all after the enacting clause and insert:

That, for the purposes of section 201(g) of the Nationality Act of 1940, Mrs. Cumorah Kennington Romney shall be held and considered to have been residing in the United States for a period of five years after attaining the age of sixteen years.

The amendment was agreed to.

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

The title was amended so as to read: "A bill for the relief of Mrs. Cumorah Kennington Romney."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-830), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill as amended is to enable the beneficiary to transmit U.S. citizenship to her daughter, Annette Romney. The bill has been amended in accordance with established precedents.

CONCURRENT RESOLUTION AND BILL PASSED OVER

The concurrent resolution (S. Con Res. 64) to terminate certain joint resolutions authorizing the use of the Armed Forces of the United States in certain areas outside the United States was announced as next in order.

Mr. MANSFIELD. Mr. President, over. That matter will be considered when we go into the morning hour.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes was announced as next in order.

Mr. MANSFIELD. Over, Mr. President. The PRESIDING OFFICER. The bill will be passed over.

THE DISTRICT OF COLUMBIA INDUSTRIAL SAFETY ACT AMENDMENTS OF 1970

The Senate proceeded to consider the bill (S. 2820) to amend title II of the act of September 19, 1918, relating to industrial safety in the District of Columbia, which had been reported from the Committee on the District of Columbia with amendments, on page 2, at the beginning of line 3, insert "existing"; and in the same line after the word "other", insert "existing"; so as to make the bill read:

S. 2820

That title II of the Act of September 19, 1918 (D.C. Code, secs. 36-431-36-442) is amended as follows:

(1) Section 2 of such title (D.C. Code, sec. 36-432) is amended—

(A) by striking out in paragraph (a) "industrial employment, place of employment," and inserting in lieu thereof "place of employment", and

(B) by striking out in paragraph (d) "industrial". (2) Section 3 of such title (D.C. Code, sec. 36-433) is amended by adding at the end thereof the following new sentence: "To promote the safety of persons employed in existing building or other existing structures, such rules, regulations, and standards may require, without limitation, changes in the permanent or temporary features of such buildings or other structures."

(3) Section 6 of such title (D.C. Code, sec. 36-436) is amended to read as follows: "The Board may, upon written application of any employer affected by such rule or regulation, permit variations from any provisions thereof if it shall find that the application of such provision would result in un-

necessary hardship or practical difficulty, and notwithstanding such variance that the protection afforded by such rule or regulation will be provided. The Board may grant a hearing open to the public on such application upon request of the applicant or other interested party or parties, or on its own initiative. The Board's decision thereon shall be subject to review by the District of Columbia Court of Appeals upon petition of the applicant or other affected party or parties. The Board shall keep a properly indexed record of all variations permitted from any rule or regulation which shall be open to public inspection."

(4) Section 12 of such title (D.C. Code, sec. 36-442) is amended by striking out "more than \$300, or by imprisonment of not exceeding ninety days. Prosecutions for violations of this title shall be in the name of the District of Columbia on information filed in the police court of the District of Columbia" and inserting in lieu thereof the following: "less than \$100 or more than \$1,000, or by imprisonment of not more than ninety days. No forfeiture of collateral shall be permitted in any case involving a death at a place of employment, or the loss of any member of the body, including loss of eyesight, or an injury which prevents an employee from pursuing his employment for a period of at least five days. Prosecutions for violations of this title shall be in the name of the District of Columbia on information filed in the District of Columbia Court of General Sessions by an assistant Corporation Counsel assigned to the Board.

Sec. 2. Section 11-742(a) of title 11 of the District of Columbia Code is amended—

(1) by striking out "and" at the end of paragraph (9),

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and", and

(3) by adding after paragraph (10) the following new paragraph:

"(11) decisions of the Minimum Wage and Industrial Safety Board pursuant to section 36-436."

The amendments were agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-835), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of S. 2820 is to provide for a more general application of the rules and regulations of the safety code of the District of Columbia for the protection of employees in places of employment.

Industrial safety provisions of existing law were added to the minimum wage act by the act of October 14, 1941 (55 Stat. 738; D.C. Code 36-431, et seq.). Following this enactment, the law was construed to apply safety standards in places of employment in the District of Columbia except in the Federal and the District of Columbia Government establishments. The act was interpreted to give the Industrial Safety Board the power to establish reasonable standards of safety for the protection of life and health of employees, to conduct inspections and investigations, to enforce reasonable standards, and to cite employers for any violations of provisions of the act or for violation of rules and regulations.

From the date of enactment until 1964, the provisions of the act were interpreted as

applying generally to places of private employment in the District of Columbia. However, in 1964 the Corporation Counsel of the District of Columbia rendered an opinion which limited the application of the provisions of the act to the regulation of safety conditions in "industrial" places of employment, such as manufacturing plants and building construction. In 1969 the District of Columbia Corporation Counsel reaffirmed the 1964 decision.

Because of the interpretation placed on existing law by the Corporation Counsel in 1964 many employees in the District are deprived, or are subject to being deprived, of the benefit of the reasonable rules and regulations relating to safety in their places of employment. It is estimated that only approximately 16 percent of all such privately employed persons would be covered by provisions of the Industrial Safety Act if the Corporation Counsel's interpretation was applied across the board. As the situation now stands, more than 10,000 employees engaged in employment in hotels, restaurants, retail establishments, and in offices are now excluded from any coverage or protection under the safety code and 260,000 other workers are in jeopardy of being exempted from coverage by the application of the Corporation Counsel's ruling.

The bill is designed to restore the general application of safety rules and regulations and the jurisdiction of the Industrial Safety Board to enforce the safety code generally in places of private employment in the District of Columbia.

PROVISIONS OF THE BILL AND COMMITTEE AMENDMENTS

1. S. 2820 amends the present law by striking out references to "industrial" in order to make the provisions of the act apply generally to all usual places of private employment.

This provision would extend the coverage of the protective features of the industrial safety law to virtually every place of employment in the District of Columbia with the exception of the premises of Federal or District of Columbia establishments.

2. To allow the Minimum Wage and Industrial Safety Board to order changes in permanent or temporary features of buildings.

The bill provides that safety standards, rules, and regulations apply without limitation to changes in the permanent or temporary features of places of employment. Buildings which may have been altered or may have had additions or which may have only temporary provisions made for use by employees should be covered by the act, but currently they are not due to an opinion of the Corporation Counsel which limits the Industrial Safety Board's authority to issue such orders in regard to the permanent features of a building.

The bill as originally introduced is amended by the addition of the word "existing" in two places in order to make clear the intended effect of this provision.

3. To provide that the Board may grant a public hearing on an application of an employer for a variance on the request of the employer, other interested parties, or on its own initiative.

The bill amends the provisions of existing law relating to applications filed by an employer for a variation from a provision of the safety code rules and regulations. In the application of the safety code, the Industrial Safety Board regulations may be such as to indicate a violation of the regulations in the strict sense of the safety code. Occasionally, such strict application actually accomplishes little or nothing insofar as employee safety is concerned and may work a substantial hardship upon the employer. In such situa-

tion, the Board, on application from the employer, may grant a variance relieving the employer from strict application of the rules and regulations.

When the Board receives such an application from an employer, the Board has the discretion to hold a hearing if it so desires. However, the employer is not entitled, as a matter of right, to any hearing before the Board for the purpose of presenting his case.

The bill permits the Board to grant variances when it finds that the protection of the rule or regulation involved will continue to be provided. The bill provides that when such an application for variance is filed the Board may grant a hearing open to the public upon the request of the applicant or other interested party, or on its own initiative. This provision is intended to afford not only employers, but employees, employee representatives, and others who may be affected by the requested variance an opportunity to be heard should the Board grant a hearing.

The committee understands that the number of variances applied for by employers is relatively limited and believes that such provision for a public hearing would not place any undue burden upon the Board.

4. To provide that decisions of the Board in regard to variances shall be subject to review by the District of Columbia Court of Appeals on petition of the applicant or other affected parties.

The bill provides that an appeal of a decision of the Industrial Safety Board in regard to an application for a variance shall be available as a matter of right to the applicant or other interested parties. The committee feels that it is only proper that an appeal be granted as a matter of right to interested parties as well as the applicant in variance cases. In view of the limited number of such appeals the committee does not feel that the extension of this right will be burdensome to the courts or the Industrial Safety Board.

5. To provide for increased penalties for violation of the Industrial Safety Act and rules and regulations established under the act.

Under present law, the penalties provided for a violation are a fine of not more than \$300 or imprisonment not exceeding 90 days. Under the bill the penalties for a violation would be increased to a fine of not less than \$100 nor more than \$1,000 or by imprisonment of not more than 90 days.

The committee believes that the establishment of a minimum fine of \$100 and an increase of the maximum fine to \$1,000 will be helpful in encouraging compliance with safety standards and regulations. The present maximum fine of \$300 was established in 1941 when the Industrial Safety Act was originally enacted and the deterrence value of this limit has obviously declined over the years. Also, the committee has been informed that the maximum fine in Maryland for similar violations is \$5,000 and is \$1,000 in several other States.

6. To provide that no forfeiture of collateral shall be permitted in any case involving death, loss of a member, including eyesight, or an injury which prevents an employee from pursuing his employment for at least 5 days.

The bill provides that in cases of death or serious injury the forfeiture of collateral shall be prohibited. The committee is informed that in many cases since the enactment of the Industrial Safety Act those cited for violations of the act have posted collateral of \$300 and have then decided to forfeit this amount rather than appear in court. As a result, even though there has been a death or a serious injury, the facts surrounding the incident have not been developed or made public. The committee believes that prohibiting the forfeiture of collateral in cases of

death or serious injury will be helpful in furthering the objectives of the Industrial Safety Act.

7. To provide that prosecutions for violations of the act would be brought by an Assistant Corporation Counsel assigned to the Board.

The bill would provide for the permanent assignment of an Assistant Corporation Counsel to prosecute violations of the act. This provision was strongly supported in testimony before the committee by representatives of the Minimum Wage and Industrial Safety Board and others as a measure for increasing the effectiveness of the prosecution of cases.

The committee believes that the Assistant Corporation Counsel permanently assigned to the Board will be able to develop an expertise in the accident prevention field and that as a result enforcement of the law will be fairer, more efficient and more effective.

8. To grant jurisdiction to the District of Columbia Court of Appeals to review final decisions of the Minimum Wage and Industrial Safety Board in regard to variances.

This gives the District of Columbia Court of Appeals exclusive jurisdiction to review the final decisions of the Minimum Wage and Industrial Safety Board in regard to variances.

LEGISLATIVE HISTORY

The Senate Subcommittee on Public Health, Education, Welfare, and Safety of the Senate District of Columbia Committee held hearings on the bill on December 10, 1969.

In the 90th Congress the Senate District Committee and the Senate passed legislation which was similar to S. 2820 except for the provision of S. 2820 which provides for the assignment of an Assistant Corporation Counsel to bring prosecutions under the act.

TRANSFER OF BLOOD COMPONENTS WITHIN THE DISTRICT OF COLUMBIA

The bill (H.R. 12673) to authorize the transfer by licensed blood banks in the District of Columbia of blood components within the District of Columbia was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-836), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of H.R. 12673 is to authorize the Commissioner of the District of Columbia to determine that blood platelets and other blood components in general use in the States may be transferred from local licensed blood banks in which they are produced to licensed physicians, to District of Columbia hospitals, and to licensed private hospitals and other medical facilities within the District of Columbia. This authority will place the District of Columbia in the same position as the States, all of which permit the intrastate transfer of blood components within their borders.

NEED FOR LEGISLATION

Section 351 of the Public Health Service Act (58 Stat. 702), as amended (42 U.S.C. 262), prohibits the transfer in interstate or foreign commerce, or within the boundaries of the District of Columbia, of certain biological products including blood platelets and other blood components, unless both the establishment in which these components are prepared and the products themselves are

licensed under standards prescribed by the Secretary of Health, Education, and Welfare. Transfer of such unlicensed products is permitted, however, within the boundaries of the various States, for use in those States, whereas these same products cannot be exchanged between medical facilities in the District of Columbia.

At present, there are no acceptable standards in existence for many of the components of human blood, and therefore the license required under section 351 of the Public Health Service Act is not available.

The basic problem involved, your committee is informed, is that no means has been developed for the preservation of certain blood components in such a condition that they may be used safely and effectively after an appreciable period of time following their preparation. Blood platelets, for example, will remain in a usable condition for not more than 6 to 8 hours. Until some solution to this problem is discovered, the transfer of these components in interstate or foreign commerce cannot safely be approved.

However, these components are effectively used in treatment in circumstances where they can be utilized soon after their production. Such local use is recognized by the American Association of Blood Banks in its brochure, "Technical Methods and Procedures of the Association of Blood Banks" (1966).

EFFECT OF LEGISLATION

The major blood components whose use will immediately be affected by the enactment of this proposed legislation are platelet concentrates, cryo-precipitates, and frozen red blood cells. It is known also that other blood components will become available from time to time. Also, it appears likely that in time some or all of these products will become licensed. However, the present legal barrier to such licensing prevents the proper treatment of patients in the District of Columbia with unlicensed blood components which are now in general use.

Many of these blood components are vital to proper patient care in a variety of blood disorders. For example, platelet concentrates are a valuable adjunct in the treatment of leukemia patients under chemotherapy, to prevent major bleeding. Also, cryo-precipitates are the accepted form of treatment for hemophilic patients, and frozen red blood cells are currently the best known method of storing blood for the rare blood types.

Your committee is informed that these blood products will probably be prepared locally by the American Red Cross or in blood banks which have been certified by the National Institutes of Health or the American Association of Blood Banks. At present, 59 Red Cross Blood Centers throughout the United States follow accepted procedures in the preparation of both licensed and unlicensed blood and blood components. These procedures are on file with the Division of Biologics Standards of the National Institutes of Health, which is the licensing agent for all blood banks under section 351 of the U.S. Public Health Service Act.

HISTORY OF LEGISLATION

A public hearing was held by the Subcommittee on Public Health, Education, Welfare, and Safety on December 10, 1969, and approval of the bill was expressed on behalf of the Commissioner of the District of Columbia, the District of Columbia Department of Public Health, the District of Columbia City Council, and the Committee on Blood of the Medical Society of the District of Columbia. No opposition to the bill was expressed.

Previously the District of Columbia Committee of the House of Representatives held hearings on the bill at which time no opposition to the bill was expressed. The House of Representatives passed the bill on October 27, 1969.

MODIFICATION OF THE PROPOSED AMENDMENT TO MILITARY PROCUREMENT AUTHORIZATION BILL

AMENDMENT NO. 609

Mr. McGOVERN. Mr. President, on last Thursday, the distinguished senior Senator from Oregon (Mr. HATFIELD) and I submitted a proposed amendment to H.R. 17123, the defense authorization bill, the military procurement bill, that would have had the effect of cutting off further funding for the war in Indochina in the absence of a declaration of war by Congress.

Since that time, and after consultation with the Senator from New York (Mr. GOODALL), the Senator from Iowa (Mr. HUGHES), and the Senator from California (Mr. CRANSTON), we have modified the language of the proposed amendment. I believe we have tightened it up and made it a more reasonable and effective proposal.

On behalf of these Senators and myself, I submit the revised amendment (No. 609) intended to be proposed as an amendment to H.R. 17123, the military procurement authorization bill now pending in the House of Representatives. I ask unanimous consent that the text of the amendment be printed at this point in the RECORD.

Mr. President, I ask unanimous consent that the names of four additional Senators be added as cosponsors of the amendment. Those four Senators are the Senator from Hawaii (Mr. INOUE), the Senator from Minnesota (Mr. MONDALE), the Senator from Montana (Mr. METCALF), and the the Senator from Ohio (Mr. YOUNG).

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

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

The amendment (No. 609) was referred to the Committee on Armed Services, as follows:

AMENDMENT NO. 609

SEC.— (a) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended in Vietnam after December 31, 1970, for any purpose arising from military conflict; provided that, funds may be expended as required for the safe and systematic withdrawal of all United States military personnel, the termination of United States military operations, the provision of assistance to South Vietnam in amounts and for purposes specifically authorized by the Congress, the exchange of prisoners, and the arrangement of asylum for Vietnamese who might be physically endangered by the withdrawal of United States forces, and Further Provided, that the withdrawal of all United States military personnel from Vietnam shall be completed no later than June 30, 1971, unless the Congress, by joint resolution, approves a finding by the President that an additional stated period of time is required to insure the safety of such personnel during the withdrawal process.

(b) Unless Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended after December 31, 1970, to furnish

to Laos any military advisors, or to support military operations by the forces of the United States or any other country in or over Laos.

(c) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to the Act or any other law shall be expended, after 30 days after the date of enactment of this Act, to furnish to Cambodia any defense article or any military assistance or military advisors, or to support military operations by the forces of the United States or any other country in or over Cambodia.

(d) For the purposes of this section, the term "defense article" shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961.

Mr. McGOVERN. Mr. President, it seems clear to me, and I believe it is becoming increasingly clear to all of us in the Congress of the United States that our country has reached one of the most dangerous and explosive crisis stages in the life of the United States.

The war in Southeast Asia which we were hopeful of ending a few months ago has now degenerated to the point where the issue is no longer a doubtful effort to pacify an alien society of 10,000 miles away. The central issue now for this Congress and for the people of the United States is whether our own society can, in fact, endure if this war continues.

We all have in our minds this afternoon the sad and tragic events on the campus of Kent State University on yesterday, a tragedy that the Vice President has described as inevitable. He blames it on the violence of the participants in that effort. It is quite clear, however, that it is an outgrowth of the larger violence in Southeast Asia against which these young people were attempting to raise their voices and against which they were protesting.

Without going into the merits of whether the techniques used there were the proper ones, it is obvious that this unrest and outcry and protest will not only continue but will also gather force unless some constructive and effective method can be arrived at to funnel the unease and the anguish of the citizens of the country behind an effort to bring this war to a close.

What our amendment seeks to do, and what it will do, is to put the Senate on record on a rollcall vote, yes or no, on the question of whether we want to continue funding this war in the coming fiscal year that begins on July 1. We are proposing that those funds be limited to the amount necessary to disengage and withdraw our troops from Vietnam beginning on December 31 and concluding with the end of the fiscal year when it is expected that under the terms of this amendment all forces will have been withdrawn.

In the case of Cambodia, the withdrawal language of the amendment becomes effective within 30 days.

In the case of Laos, the same time sequence is applied as was applied to South Vietnam.

This effort on the part of the Senator from New York, the Senator from Iowa, the Senator from California, the Senator from Oregon, and myself was described

in the Washington Post this morning as a reckless move.

It is not a reckless move. What would be reckless would be if the Senate were to do nothing to face up to its constitutional responsibilities, or if we were to simply content ourselves with making speeches to the President on what his responsibilities are and what course he ought to take.

We can no longer get by on that approach. The country, and especially the young people of this country, are looking to the U.S. Senate for a clear response on what many of us have said was, in effect, an action on the part of the executive branch to commit us in Cambodia a few days ago.

We cannot back away from our responsibilities under the Constitution to face up to this issue.

If Senators are thoughtful and careful, we would hope to have extended debate and to vote our convictions on whether it is in our national interest to continue this conflict.

In an effort to funnel support for this proposal in a constructive way, I have appealed, and I know that other Senators are appealing, to the students and to America as a whole to channel the efforts in a constructive way behind the amendment.

We are calling on them to contact their Representatives and Senators, to talk this matter up in their communities, to send in their petitions, communications, and phone calls, and to do everything they can to enlist public support for the amendment.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a telegram that I sent to the student body presidents of some 50 universities on yesterday.

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

I keenly appreciate the sense of outrage which you and other Americans feel over the war in Southeast Asia.

The recent invasion of Cambodia and the resumption of bombing of North Vietnam are only the latest in a long series of actions that mean more slaughter and destruction on all sides. In seeking to halt this barbaric and senseless policy it is important that your efforts and those of others be as relevant and effective as possible.

May I urge you to direct at least a portion of your effort to supporting Congressional action to cut off further funds for Southeast Asia except for the purpose of withdrawing our troops. Senators Hatfield, Goodell, Hughes, Cranston and I, doubtless soon to be joined by other Senators, are offering an amendment to the Military Authorization Bill that will require a roll call vote in approximately 30 days limiting future American actions in Vietnam, Cambodia and Laos only to cover the withdrawal of our forces, the exchange of prisoners and asylum for Vietnamese who might feel threatened by our withdrawal. I pledge to you that there will be an official roll call on this amendment requiring every Senator to go on record for or against continued funding of the war. Similar efforts are underway in the House of Representatives.

Will you do all in your power to generate public support for a victorious roll call to end the war? Your letters, phone calls, petitions and personal visits to your Senators

and Congressmen are urgently needed now and during the next three or four crucial weeks.

Sincerely yours,

GEORGE McGOVERN,
U.S. Senator from South Dakota.

Mr. McGOVERN. Mr. President, at this time I would like to yield to the Senator from New York (Mr. GOODELL) who several months ago led the way on a similar proposal relating to the withdrawal of forces in Vietnam. I commend him on his earlier proposal and for having the courage and the leadership to move out on this principle many months ago.

We now seek to extend very much the same language to Cambodia and Laos as a way to provide for safe and systematic withdrawal of our forces, and to do it through this amendment route. In such a way we can flatly and unequivocally promise the people of this country there will be a rollcall vote on this issue, perhaps within 30 days.

Mr. GOODELL. Mr. President, I thank the Senator from South Dakota for yielding. As has been indicated, last September I introduced a bill—the Vietnam Disengagement Act (S. 3000)—that would implement the power of Congress to declare war, to provide or withhold funds for war—designed to undeclare the war in Vietnam. That bill provided as matter of law that no funds could be expended to maintain any American military personnel in Vietnam after December 1, 1970.

The amendment in which five of us have now joined—and we intend to have a vote on it in the Senate—would cut off funds for the war by a fixed date. The proposal embraces not only Vietnam but also Laos and Cambodia.

In the case of Vietnam, it would require that no funds be spent after December 31, 1970, for anything but withdrawal, and the safe and systematic termination of U.S. military operations. And it provides that this withdrawal would have to be completed by June 30, 1971, unless Congress specifically approves extending that termination date.

In the case of Laos, it would require the termination of all U.S. military operations by December 31, 1971.

In the case of Cambodia, it would provide that 30 days after the date of enactment all military operations and military aid by the United States would have to cease within Cambodia. That would include not only direct combat activities by American military personnel, but also it would prohibit furnishing to Cambodia any defense article, or military assistance, or military advisers.

Mr. President, as long as we have a major American military force in Vietnam, the option is with the enemy for extending that war into Laos and Cambodia and making it an Indochina war. That is what happened. We must face the fact that there is no painless way out of this war. The enactment of the amendment which is offered by the Senator from South Dakota (Mr. McGOVERN), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. HUGHES), and myself would put the

world on clear notice that we are going to terminate our activities in Indochina by a fixed date. It would tell the Thieu government in South Vietnam that they no longer can rely on American forces to stay there and prop them up and extend the war.

By giving such notice that we are going to get out I believe at the very least the South Vietnamese would become more pragmatic and that they would seek practical and realistic negotiations with the other powers in Indochina including the Vietcong and the North Vietnamese. I believe negotiations could settle that war not only for American military personnel but also for Vietnamese, Cambodians, and Laotians.

In any event I believe the time has come for us to make the painful decision that we here fought for 7 years, we have bled and died, and now South Vietnam must take over the burden of fighting, and take it over entirely.

I believe it is time for Congress to exercise its sole power over war and peace. I think it is a very dangerous thing for our country that in the last two decades, a President of the United States has assumed the power to embroil us in a war. That power is not written or implied anywhere in the Constitution of the United States. Only Congress has that power to decide the issue of war and peace—and yet we have been sitting by wringing our hands and pleading with the President to get us out for lo these last 7 years. It is time that we exercised our own constitutional responsibility and voted up or down on this war, and that is what this amendment would do.

Mr. McGOVERN. Mr. President, before yielding to the Senator from Iowa, I would like to stress the bipartisan character of what we are trying to accomplish with this amendment. The amendment is sponsored by Senators on both sides of the aisle. We are hopeful of contacting every Member of the Senate for additional cosponsorship. The matter is being approached strictly on a nonpartisan basis. That is the only way Congress can act on an issue involving the lives of our people and the future of our country.

The Senator from New York (Mr. GOODELL) said we are trying to share that responsibility with the President. I think he indicated in his speech the other night the difficulty of making that decision alone and facing up to whatever humiliation may be involved.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGOVERN. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be recognized at the conclusion of that 3 minutes, to get on with morning business.

Mr. GRIFFIN. Mr. President, reserving the right to object—

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of these 3 minutes, the distinguished acting minority leader may be recog-

nized for 5 minutes, and that I may then be recognized for 5 minutes.

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

Mr. McGOVERN. Mr. President, I yield to the Senator from Iowa so that he may have the full 3 minutes.

Mr. HUGHES. Mr. President, I ask unanimous consent that the time which was just consumed not be charged to my 3 minutes.

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

Mr. HUGHES. Mr. President, in rising to support the Senator from South Dakota and the Senator from New York, I should like to say that the crisis of the spreading war in Indochina is deepening at home as well as abroad.

There are casualties—unspeakably tragic casualties—at home as well as in Vietnam, Laos, and Cambodia.

Yesterday, four students—two boys and two girls—were killed by militia units at Kent State University.

At this point, there are confusing versions about just what happened.

But there is no confusion about the fact that this tragedy was a product of the war, just as surely as deaths in combat.

No responsible person condones violence. No responsible person should condone unwarranted counterviolence.

The President said that the shooting should “remind us once again that when dissent turns to violence it invites tragedy.”

The corollary of this is that when you equate all dissent with violent insurrection—to the extent of shooting indiscriminately into a crowd of rock-throwing, otherwise unarmed students—you open wounds in the society that are almost beyond healing.

The frustration of the students is shared by millions of other peace-loving, patriotic Americans.

But the Government has given these people no recourse, not even a fair hearing.

The war is being continually escalated without the knowledge of the people, the knowledge of the Congress, or the consent of the Congress.

There is no course to be taken other than for the Congress to exercise its constitutional responsibility—to bring to a vote the proposition of ending this war and the continuing intervention in the countries of Southeast Asia by stopping the funds to maintain it.

It is not a question of whether or not this is the best way to end the war.

It is the only way.

It is not a question of simply exercising an option.

It is a question of doing our duty.

If the people of the United States, speaking through their duly elected Representatives in the Congress, want to perpetuate the ever-deepening involvement in Indochina, that is their choice to make.

If they want to terminate it, this is the way it can be done.

In any event, it is time for the people of the United States to be heard before

this escalating conflict mushrooms into global war.

As the distinguished Senator from South Dakota has, I would encourage the people of this Nation to focus their attention on the vehicle before us. I encourage them to contact their own officials and to demonstrate peaceably by speaking out, remembering that silence is not golden in the great crisis we face today, that to remain silent today may be to condone American actions in Indochina, and that we would be neglectful if we did not speak out.

It would be my hope that, along with the cosponsors of the amendment, in a bipartisan way, we would focus on and lend support to this vehicle for bringing to an end this tragic conflict in Southeast Asia.

I thank the distinguished Senator from South Dakota for yielding.

Mr. GRIFFIN. Mr. President, unfortunately, it is all too seldom that I can agree with even a part of the editorials which appear in the Washington Post. But I certainly agree with the Post's assessment this morning of the resolution just introduced.

In the words of the Post editorial, the course advocated by those who sponsor this resolution “is too reckless for serious consideration.”

Mr. President, with all due respect for my distinguished colleagues and their motives, which I know are sincere, I must say that it would not only be reckless, it would be irresponsible for the Senate to follow the course of this resolution, and I hope it will not be seriously considered.

Mr. McGOVERN. Mr. President, will the Senator yield on that?

Mr. GRIFFIN. I realize that I referred to the Senator, and I shall be glad to yield to him in a moment.

President Nixon did not initiate this war; it was a fact of life when he took office. He is in the process of bringing our participation in that war to an end on an orderly basis. Up to now we have not been losing the war in Southeast Asia. But, unfortunately, and to the delight of the enemy, there is some danger that we could lose, in the United States, a war that the enemy has been unable to win on the battlefield in Southeast Asia.

Surely, this is no time to pull the rug out from under the President of the United States. It would be unconscionable for the Senate to do so by following the course set forth by this resolution.

There are encouraging indications and reports that the limited military action against Communist sanctuaries on the border of Cambodia are successful; that the military objectives of those operations are being achieved; and that thereby, President Nixon's program of Vietnamization and his schedule for withdrawing our troops is being secured and assured.

Mr. President, this is a time of great trial for the Congress and for the people of the United States. I fervently hope and pray that we will stand the test; and that we will disappoint the enemy by

supporting our troops and our President at this very critical hour in our history.

Mr. CRANSTON. Mr. President, I am pleased to join with Senators McGOVERN, HATFIELD, GOODSELL, and HUGHES in an amendment which will deny the President funds to continue the unwise American involvement in Cambodia within 30 days from enactment, in Laos by December 31, 1970, and in Vietnam by June 30, 1971.

This carefully worded amendment is vitally needed to give the representatives of the American people the opportunity to do more than speak out against our military operations in Southeast Asia.

This amendment which is a constitutional reassertion of congressional prerogatives in the area of foreign policy will not in any way hinder the role of the President as Commander in Chief.

The language of the amendment is explicit and clear as to the intent of the Congress to protect American lives.

We must place the issue of the safety of U.S. forces in perspective.

In the debate concerning what course of action we must follow in Southeast Asia, we should endeavor to deal with this highly emotional issue in a reasonable fashion.

By invoking the issue of the safety of U.S. forces as the principal rationale for escalation, the administration has turned a problem which should be our chief concern into a highly volatile issue which clouds reasonable debate and judgment.

I believe that the safety of our troops is the primary consideration of those supporting the amendment. We must insure the safety of those troops, but we must not permit a false use of the issue of the security of our troops to prevent us from searching for ways to halt the escalation and widening of the war.

Nor should we use this issue as an excuse to launch further offensive operations which lead us down the path of death and destruction.

The safety of our men will be secured should this amendment become law.

To use the issue of the safety of American forces to dismiss the amendment as dangerous and unwise is not to rationally consider its real implications.

If funds are constitutionally denied President Nixon, American troops will not be left on the battlefield without adequate materiel and logistic support.

They will have the tools to defend themselves at all times as they have had in the past.

No American will lack ammunition, nor vital supplies of any sort, if the amendment becomes law.

Air and naval support of the same magnitude as in previous months will be available.

No soldier will be in jeopardy as a result of the congressional action.

What will occur if the amendment becomes law, is that the President of the United States will be required to alter his strategy of escalation, disengage from Cambodia and Laos, and plan a phased, orderly and complete withdrawal of American forces from Vietnam.

These are goals which the President has announced as his.

However, they will never be implemented as long as military victory is the goal of the United States in Southeast Asia despite the President's statements to the contrary.

Mr. McGOVERN. Mr. President, I ask unanimous consent that a letter to me, a petition supporting the proposed amendment sponsored by the students of Hawthorne School, be printed at this point in the RECORD including the names of the signers.

There being no objection, the petition and list of signers were ordered to be printed in the RECORD, as follows:

THE HAWTHORNE SCHOOL,
Washington, D.C., May 4, 1970.

DEAR SENATOR McGOVERN: The undersigned students and teachers, all members of The Hawthorne School, out of anger and frustration over the continuous and expanding United States involvement in the undeclared war in Southeast Asia, wish to express their whole hearted support for you in your efforts to halt this insanity.

We, the undersigned, stand 100% in support of the proposed amendment as announced at a press conference on Saturday, May 2nd, which we understand aims to call for a vote on the part of Congress (which is their Constitutional right and duty) either to declare war or to veto it and therefore end it. We understand from your press release the opinion that, "the only effective way to veto it is to cut off the funds for its continuation". We agree and therefore support your move to eliminate all military spending for Cambodia, Laos and Vietnam.

SIGNERS

Betsy Cason, Rosa Carbo, Blanche Gardner, Tina Kessinger, Debbie Daw, Chris Allen, Rachel Schneideman, Brian Beatte, Debby Ralls, Richard Gardner, Taylor Alonso, Ron Richman, Brad Bentino, Jan J. Overstreet, John William Fish, Dante Donato Radios.

Kevin Battingham, Alexander Graham, Cherie Seglin, Karen Venable, Leon Fried, Brad Smith, Carol Weiser, Michele Pannard, Vicki Logan, M. L. Howison, Christy L. Nepple, Larry Lawrence, Jo Giublatto, Dale O. Maxwell, Jonathan Kopp, Edward Hamilton, Stewart Fraser, Cornelia Von Westkull, Julia Smull, Austin Alley, Leslie Boone, Sally North.

Marsha Gordon, Alexandra Hand, Ingrid Jordan, Kathy Tull, Valerie Overdorff, Elizabeth Sudman, Katharine Snyder, Harvey Platig, Youssant bin Yias, Lucia Podrasky, Shannon Lewis, Rebecca Trumbull, Maurice Ringel, Steve Himelstein, Bonnie Taylor, Dana C. Smith, Lisa Laster, Philip Legg, John Robert Moore, Phil Andauy, James Broussard, Maida Richman.

Stephen Hoyt, Catherine Richardson, April Fish, John Cason, Eleanor Wilson Orr, Mark Bandak, Chere Jones, Eve Appelbaum, Kevin Doyle, Peter Bauman, S. Irving Picolo, Susan Cason, Ralph Stephens, Jan Rogers.

Thomas E. Slavic, Benjamin W. Harlan, A. Peter Shiros, Maceo Warren, James Everhart, Anne P. Lewis, Ken O'Dell, Duncan Overdorff, Elizabeth M. Lundell, Scott Cason, Bruce Chrmann, Austin Alley, Ede Fisk.

Daniel H. Kobe, Lloyd M. Bogis, Jesv Gellevs, Mayor and Representatives from Culbra, R.P.

D. Brooks, L. Cliondi, Tommy Pittman, Auteneeto Gradlee, Stephen R. McNeill, William H. Sufian, Morton Natchey, Emma Trenchi, Bill Morrow, Norma Parke, John T. McDermott.

Robert Richman J. Wright, Steve-Jerry Choote, Kathy Smith, Phil Printer, Jay

Custer, Thomas Robinson, Columbus Boyle, S. Hall.

John M. Rowan, Mr. Thomas R. Montgomery E-4, Dominic John Royael, Daniel J. Donahue, Bob Murphy, Charles Runge, P. Shevel, Sue Stanger, Patricia C. George, Susan Cooper, Erik Preissler, Paul J. Trafter, George Zebrun, Tom Willelm, John Day, Betty Day.

Mike Matthew, David Desmond, Christopher I. Curtis, D. Mallonee, Oralen Scivert, Harriet Schwartz, Bob Vinlitt, Dallas Perkins, Jr., Maery J. Mechanud, John A. Chilli, J. Peter Maloy, Lauare Sluy, C. J. Nigian, S. Sludon, Debra Shileler.

Albert P. Clark, James Kirk, Garry Macculh, Mike Scott, Joe D. Frank, Nick Hatfield, Rose Marie Jackson, Ann Wood, Linda Laloan, Kermit A. Schupt, Susan Kundin, Edward Stern, Sandra M. Pfeifer, S. Shapiro, Patricia Stugis, Blanchita P. Porter, Raymond Curtz.

Delores Franklin, David R. Levy, J. A. Trent, W. H. Perry, Dolores Hogan, Nancy Lesko, Caroline Henry, Thomas A. May, Arthur S. Armstrong III, Michael E. Gamby, Brian Milloy, Mrs. George Vance, Jr., Peter H. Cole, Bill Doyle, Dennis Doyle, Pat DiVecchio.

Michael Crabtree, Kathleen I. Berechi, Timothy Claire, Frank Hairnell, John Beliveem, Jeff Smith, B. Cage, Ray Reynolds, Clinton Friday, Cathleen Bowen, Fay S. Wermen, Clarissa Nielsen, Tom Britton, Donald Hamilton, Richard Bentzenhff, Clinton Smith.

Michael Geoghegar, Jon Strandberge, N.Y.B., Judy Bieman, C. B. Stanell, Ronnie Thomas, Warren & Jeanne Boyce, Fran Becker, Jolera Woods, Thes Hide, Robert A. Harris, Alexa Janet.

Susan Mynot, Dini Stoddard, Jan Stoddard, Harriet M. Dertel, Cal Silbe Stuart, Mary Stuart, Gilbert R. Stuart, Rita Hackel, Sylvia M. Clark, Crum Clark.

Majorie M. Henry, Unda Henry, Carl R. Kobler, Eleanor Phelps Hunt, Irene Hamilton, Irene Hamilton, Virginia D. Howard, Katherine P. Biddle, Ann H. Skiff, Jeninger Cafritz, Gaston Cafritz, Charles Centile, Charles Gagy, Richard Myer.

Kevin L. Sullivan, "T" Tidwell II, Robert Feagley, Paul Giget, Stephen Howell, Ho Sen Amini, Henry C. Jones, Daniel Dolant, Wendy Williams, Greg Lagin, Betsy Mason, Brent Martin, Kevyn Lauritzen, William Battle, Eugenia E. Share.

Robert Alan Kovicz, Henesd, Kwina Vulinc, John Carlisle, Allen Johnston, Arthur Page, Orville E. Wilson, Jr., Alexander F. Worthing, Renee D. Bell, Helen M. Burgers, Therese Ann Humphrey, Dardra B. Baldwin, Steven Hill, Chris Perce, James Lain Roland, Tad Connors, John Geogler.

Scott Wiggins, Richard T. Mahoney, Dianna Mahoney, Cohn Sober, Jamie Stevan, Ken Bradshaw, Luther Burbank McKeen, Daniel E. Mangum, Jean Hourihan, David O. Richards, Ljeboy Schlein, Linda Attman, Ellyn Greenberg, Bonnie Hasky, Karl A. Wolf, Jeanne M. Parker, Robert Levy, L. J. Wolf, Wilburt Stevens, Richard Toading.

Pinns, Beverly Taylor, Christopher Man, Katherine Doyle, Sandy, Ken Raty, Roberta Fortunatz, Candus Scwener, Arno Wasserman, Jim Wright, Ronnee Lawson, Mike Galoway, Susan Frater, L/Cpl. R. A. Christian, Tom Smith, Tiny, Ronald G. Rieks, Paul Johnson, Joalyn Trueblood.

Julie B. Anderson, Susan J. Drummond, Sue Blackmor (England), Kathleen Sylesster, Patrick J. Dittman, US, CSC, Judith Koch, Anne Marie, Rich Reavey, Anne Huts, Christopher Smallward, Page Gullurz, Barry Riley, Pat Harrison, Paul Schlegel, Marjorie Kites, Dr. and Mrs. Charles Kennedy, P. Murray, C. Saunders, C. Never, Pam Powell.

Mark C. Walsh, Jimmy Gudy, N. N. Nernberg, Nancy Gushy, Marvin Gatton, Kathleen Sullivan, Joseph J. Sagisia, Carol Meares, James Barathin, Pete Marshall, John B. Famihan (Youth International Party).

Barney Kelly, Kent Greiger, Lenore Levine, Ed Berman, Mrs. Donald T. Devine, Doris Durkin, Michelle Ryka, Keni Connelly.

John Cahill, Charles Hopkins, Frank Find, Contgld, Susan Polizzi, Seol Harper, Edwin F. Rissman, Margaret Lieu, Robert Mundy, Miles Nelson, Michael J. Hodyreth, PFC Kenneth A. Penciral, Cpl. Gregory E. Hood, Mr. and Mrs. Paul K. Walker, Jr., Doug Pidwing, Elliot U. Stein, Marcia Adams, J. Godsun.

Maurly J. Mechanicz, Sheila Woods, Thomas E. Hudson Jr., J. Peter Maly, Bob Adams, Frank J. Sirinni, PFC Robert Burr, PFC Albert Huff, Celeste Sturze, N. Radoonso, Joe Harfel, Paul N. Nicfha, Robert Goldstein, William Patterson, Wm. Joy, Jr., Margaret Massli, Chris Ru.

Donna Geddor, Pam Sullivan, Lucy Speed, Micky Pridman, Lynn Reifmore, Joshua Brooks, D. Watt, Douglas Linneman, King Rhinehart, Bill Howell, Marsha Route, Paul H. Fleming, Adelaide V. Williams, John Wroblewski.

Stephen Cockrell, Larry W. Sanders, Jerome Sarkis, W. N. Williams, Edward C. Smith, Chautal Leprence, Arnold Ward, Patricia Halvorson, Terese Minn, Jim Cassell, Sloan Hermanski, Steve Kebbler, Paul J. Kenney, William A. Russell, Lynn Pearson, Lee Crawford.

Lindsay Mathison, 2330 Great Falls, Falls Church, Va. 22046.

Bob Caplan, 6811 Riggs Manor Dr., Hyattsville, Md. 20778.

Jaime Medina, John Machl.

Thomas DeVenning, Richard Eurich, Stuart Yesson, Duance S. Cooke, James W. O'Brien, Fred Cohe, Eva Isleman, Ruth Levy, Richard H. Capet.

Larry Gallagher, Richard Taylor, David E. Bailey, Ann Robert A. Lawrence, Jim Lunds, David Minsh, R. Aguire, Arlene Edney, M. Siegel.

Rosemary Shiras, Billie Jean Goalty, Carol J. Jacob, M.D., Carol Moody Becker, Eleanor M. Carney, Natalie Shiras, Lee Valerian.

Jerry F. Delengowski, Peggy Blackman, Claudia Dunn, Karn Bauminger, Robert Kath, Judith M. Koenick, Stephen C. Daugherty, Eloise S. LaRue.

Rickl Mayer, Jacqueline Davis Metzner, Sally Bunting, Phyllis Pattor, Latie Starwish, Ellen Hurley, Ellen S. Masi, Doretta Williams, Kathleen M. Hudak, Demetra Smith, Ellen Levy, Donna Refenrath.

Lisa Applebann, Angela Fox, Lafayette S. Whitte, Lydia Kayden, Clyde Gron, Laura Appelbaum, Michael J. Parker, David E. Mayoan, Willie Ludis, Donna R. Smith, Hope Appelbaum, Janne Appelbaum.

John M. White, Robert F. White, Eiorunlit Borlick, Mourun Mullan, Patricia S. Fleming, Carol Conn, Nancy Conn, Elizabeth I. Conn, Amy Conn, Janet Dowling, Nancy Othmer, Judith G. Nelson, Fuffy K. H. Lark, George Moore.

Sylvia Eluhardt, Gorden George Ryan, Hars Boespard, Alice Evane, Janet Evans, Mike Odom, Moe Shulmal, Robert Hoffman, Fuevu S. Hoffman, David Olme, Gregory Anthon, Betsy Davis, Dulin Butobn.

Deborah Daw, Libby Mark, Kempy Miles, Matthew Selser, Chester Ives, Lurin Meriman, Helen Sumerwell, Leah Ahrens, Kay Kincir, Hillary Sanders, Michelle Daw, Buddy Dingman, Peter Schetter, Phyllis Daw.

Robert B. Wallace, Jane J. Wallace, Judith M. Roim, James C. Tison, William R. Bradley, Charles Taylor, Paul Brany, Nancy Ramsey, John J. Pajah, Elizabeth C. Pajak, Barbara Halpern.

Valerie Kozel, Mrs. Cora Hamilton, Sebacele Bigelero, Kathleen Noe, Gwen Mullen, Margaret Brosnan, Terry H. Aley, Mrs. Herbert Peress, Beau Roland, Cindy Sutton, Tami Peress, Mark Peress, Bobbo Brooks, Frances C. Flaupau, Tish Kendig, Melinda Alford, A. B. Early, Barbara Early, Mrs. Benjamin Achenbach, Mito R. Woods.

Theo Uthoreleyo, Jernan Heishell, Steve Foley, B. J. Popouiter, Brian Coleman, Aimee Segy, Robin Dienkey, Richard G. Deare, James Gibson, Jay Seldler, J. Dea Charmish, Cathy Conn, Maib Pickling, Evangeline G. Legg, Carolyn Worrall.

Charlotte Schneiderman, 3503 Northington St., N.W., Washington, D.C.

Freeman R. Legg, 5700 Broad Branch Rd., N.W., Washington, D.C.

Penny Kohn, Mark E. Ste, C. Remert, Dick Mezy, Milt Peiffer, Philip N. Smith, Jr., Philip K. Maxwell, Jeannette S. Cason.

Robert Martin, Franklin Gleason, James O. Deborah M. Doolin, Judy Warrington, Tom Barskale, Steve Yudouluh, Elaine Conley, David E. Hopmann.

Mike Conroyd, John Reed, Bruce Elmer E-5 U.S.A., Jeff Stevens, Jeb W. Pendelton, Jr., Jimmy Kendall, Paula Palton, Darek Meisinger, Kathy Creekmore, Joyce Love, Donald J. Winn, Chas H. Davis.

Parry Leiffert, Gill Smith, Thomas M. Jarry, Scot Oeves, John Paul Shea, Timothy Louty, Ed Kaine, Marguerite Adams, Milton Shaw.

Bobby Stratton, Chuck Milleris, Pat Ellis, Darek Meisinger, Ken Lohnaugh, Mrs. R. I. Barnee, Margaret Austin, Mrs. Kathryn B. Rex, Noel A. Myers, Lee Black, Steven Yunker, Kathleen Sullivan, Carol Mears, Della R. Hasyney, Darlene Rush, Morton Namrow.

Ronald Lee Wilson, Van W. Carney, Paul K. Leather, Michael J. Bow, John Longton, Charles G. Renfro, Patricia E. Renfro, Penny Hill, Mary Roach, Shannon Fowler, Victor Thoen, Joseph Hare, Earl Holliman, Danny Wushard, Pete Graham.

Edward L. Smythe, Bob Z. McLaughlin, Nancy Diamond, Linda Smith, Nasty Bob, Linus Peppernickle, Lone Ranger, Guy Bar, Licorice, Suzy Rogers, Sally Adams, Christopher Barrett, Jo Anne Myers, Thomas E. Harper, Bobby C. Ferguson, James E. Ferguson, Donald Duck, Humphrey Bogart, Ed Berman.

Davy H. Widarel, Jr., Tiny, Toni Ormlie, John Esperosa, Linda Altman, Elly Greenley, Bonnie Lasky, Stephanie L. Lewis, Jim Enyart, Christine Cuffer, Elizabeth Silva, William Jones, Vincent Jones, Jesse M. Baslett, Walter Debram, Carl Barnes, Mike Gee, Robert J. Miller, Lydia L. Harry, Mark Harrison, John J. Ekberg.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. HUGHES). The Senator from Montana (Mr. MANSFIELD), by previous consent, is now recognized.

Mr. MANSFIELD. Mr. President, I am sorry to interrupt this debate, which I think is highly significant and certainly is immediately of the greatest importance; but in view of the fact that we have a number of distinguished visitors in the Chamber, I am first going to suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, it is anticipated that, at the conclusion of my remarks, and a brief recess, the distinguished senior Senator from Delaware (Mr. WILLIAMS) will make a motion which I think the Senate will find interesting, to say the least. So I would urge all Senators to stay on the floor for

the purpose of hearing what the distinguished senior Senator from Delaware and other colleagues on the Committee on Foreign Relations, including the chairman, will have to say about the Gulf of Tonkin resolution.

VISIT TO THE SENATE BY DISTINGUISHED MEMBERS OF THE CONGRESS OF MEXICO

Mr. MANSFIELD. Mr. President, it is always an honor for the Senate to have in this Chamber our colleagues from the Mexican Senate and the House of Deputies. The Mexican-United States Interparliamentary Group is now marking a decade of existence, 10 years in which we have had meetings to discuss mutual problems, mutual difficulties, and to try to arrive at mutual understandings.

We have learned a great deal from our colleagues in the Mexican Congress. They have taught us much. They have shown a dignity and an understanding which has made us a better people because of our knowledge of them, because of our friendship with them, and because of the unfailing courtesy and hospitality they have shown to us down through the years.

Mr. President, Mexico is a great country. Mexico is one of the few countries in the world with a hard currency. Mexico is one of the few countries in the world which is really trying to do something for its people and to do it under a democratic system.

There is a great deal of community of interest between our two countries. There have been times when we have acted hastily. There have been times when we have regretted what we did. But I would hope that the community of interest and the community of ideas would keep our countries close together; that we would consult with one another on the basis of equality on questions of mutual interest; and in that way be able to contribute not only to the welfare of our own nations, but to the welfare of the hemisphere and the world as well.

Mexico has made many, many contributions in the field of the arts and in the field of education, where I think somewhere on the order of 40 percent of the Mexican budget is spent. Almost 40 percent of the budget is put in the field of education. We could learn a great deal from what our neighbor to the south has done. The result is that the Mexican people have a stability in government. They have a continuity which has proved its worthiness. They have achieved a degree of success unparalleled in view of the scarce resources they have and their rapid increase in population.

Mr. President, it is my honor at this time to introduce the delegation from the United Mexican States. I shall not call off all their names, but I wish to mention the chairman of the Senate delegation, Senator Manuel Bernardo Aguirre, and the chairman of the delegation from the Chamber of Deputies, Deputy Joaquin Gamboa Pascoe.

I ask unanimous consent that the

names of the members of the Mexican delegation be printed in the RECORD.

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

MEXICAN DELEGATION
FROM THE SENATE

Sen. Manuel Bernardo Aguirre, *Chairman*;
Sen. Manuel Tello, Sen. Mario C. Olvera
Gómez Tagle, Sen. Cristóbal Guzmán Cárdenas,
Sen. Arturo Moguel Esponda, Sen. Alicia
Arellano Tapia, Sen. Mario Morua
Johnson, Sen. Luis Gomez Zepeda, Sen.
Manuel Sarmiento Sarmiento, Sen. Raul
Llanos Lerma, and Sen. Raul Bolaños Cacho.

FROM THE CHAMBER OF DEPUTIES

Dip. Joaquín Gamboa Pascoe, Dip. Alfonso
de Alba Martín, Dip. Hesiquio Aguilar Ma-
rañón, Dip. Raul Noriega Ondovilla, Dip.
María Guadalupe Aguirre Sorla, Dip. Adolfo
Ruiz Sosa, Dip. Alfonso Meneses Gonzalez,
Dip. Juan Manuel Berlanga, Dip. Ignacio
González Rubio, Dip. Jose Arana Morán, Dip.
Silverio R. Alvarado, Dip. José Angel Con-
chello Dávila, Dip. Hilario Galguera Torres,
and Dip. Alfonso Argudín Alcaraz.

Mr. MANSFIELD. Ladies and gentle-
men, we are delighted to have you with
us.

[Applause, Senators rising.]

Mr. MANSFIELD. Mr. President, I ask
unanimous consent that there be a brief
recess subject to the call of the Chair,
so that we may greet our distinguished
visitors personally.

The PRESIDING OFFICER (Mr.
HUGHES). Without objection, the Senate
will stand in recess subject to the call of
the Chair.

Thereupon, at 12 o'clock and 40 min-
utes p.m., the Senate took a recess, sub-
ject to the call of the Chair. Senators
greeted the distinguished visitors at the
rear of the Senate Chamber.

Upon the expiration of the recess, at
12 o'clock and 48 minutes p.m., the Sen-
ate was called to order by the Presiding
Officer (Mr. HUGHES).

RECOMMITTAL OF SENATE CON-
CURRENT RESOLUTION 64, A CON-
CURRENT RESOLUTION TO TER-
MINATE CERTAIN JOINT RESOLU-
TIONS AUTHORIZING THE USE OF
THE ARMED FORCES OF THE
UNITED STATES IN CERTAIN
AREAS OUTSIDE THE UNITED
STATES

Mr. WILLIAMS of Delaware. Mr.
President, I direct the attention of the
Senate to Calendar Order No. 838, Sen-
ate Concurrent Resolution 64, offered by
Senators MATHIAS, MANSFIELD, JAVITS,
and PELL. This is the so-called Tonkin
resolution.

This resolution was approved by the
Committee on Foreign Relations on
April 10 and ordered reported, and then
on May 1 it was decided to make it a
concurrent resolution rather than a
joint resolution, and, purely as a pro
forma procedure, it was reintroduced
and reported out on the same basis with-
out any further discussion.

Much to the surprise of the members
of the committee, we found yesterday—
or I found last night—that in writing the
committee report the staff got a little
overzealous and wrote their own views

into the report, including their views on
the events that have occurred in the last
few days, particularly relating to the
Cambodian incident. Although the reso-
lution was reported on April 10 they refer
to actions later in April, the President's
speech of April 30, and the so-called
Cambodian venture and express their
opinions in rather clear terms. This is a
serious departure from Senate proced-
ures.

I respect the right of members of the
staff to have their personal opinions, but
I do question strongly the propriety of
the staff trying to write those opinions
into a committee report without the
knowledge of the committee members
and then releasing it over the name of
the Committee on Foreign Relations.
This report was released to the press and
the country as though the Committee on
Foreign Relations had approved the re-
port. This is a serious matter involving
not only the integrity of the Foreign
Relations Committee but also the secu-
rity of our country.

I have discussed this matter with the
chairman and various other members of
the committee, and they are all in com-
plete agreement that this is an inexcus-
able procedure and that there is no choice
except that this proposal go back to the
committee, and the committee can then
take its own action and prepare its own
report.

As the result of this indefensible action
of the committee staff the country and
the world has been given the impression
that the Senate Foreign Relations Com-
mittee has unanimously condemned the
President for his recent decision when in
fact the committee has neither taken nor
considered such action.

I shall not go into detail as to the
errors in the report other than to call
attention to the fact that in one instance
they refer to the President's speech of
April 30. By no line of reasoning could
the committee on April 10 have had any
knowledge of that, nor could we have
had any knowledge of the events of the
past few days.

It was the desire of the sponsors of
the resolution and the desire of the com-
mittee that the report be kept strictly to
the events relating to this particular res-
olution so that it could be handled on its
merits. It is for that reason that I am
going to ask unanimous consent—be-
cause I understand there will be no ob-
jection to this procedure—that this res-
olution and this report be referred back
to the committee. First, however, I should
like to yield to the Senator from Ken-
tucky, and then I think the Senator from
Arkansas will want to speak.

Mr. COOPER. Mr. President, I join
with the Senator from Delaware (Mr.
WILLIAMS) in asking that the resolution
together with the report be recommitted
to the Committee on Foreign Relations. I
do so for the reason that it is the report
of the staff, and not of the committee.

On April 10, the committee agreed to
report a resolution repealing the Tonkin
Gulf resolution and the Middle East
resolution, because repeal could be ac-
complished by action of Congress. Sev-
eral times since April 10—the last time
was last Saturday—I inquired of the staff

whether a draft report had been com-
pleted. I did so, as I am sure other Mem-
bers did, to have an opportunity to read
the draft report, to determine if it was
compatible with my views, the views of
other members of the committee, and
also to suggest changes to be considered
by the committee. I did not see the draft.
Yesterday morning, when we were meet-
ing upon the question of what action
the committee might take with respect
to Cambodia, and the final printed re-
port was before us. There was not time
to read it in committee. Last evening, I
studied it with care, and I had prepared
remarks presenting my own views, which
are not compatible with some of the posi-
tions and language expressed in the re-
port.

I have previously expressed my views
upon Cambodia, but I must say that I do
not think it proper to use this report as a
vehicle to attack the President of the
United States, when it has not been con-
sidered by the committee.

There are serious questions about the
respective constitutional powers of the
executive and the legislative branches. It
is a gray area. In fact, most of the au-
thority—both the Supreme Court and
the leading writers—provide great pow-
ers to the President as the Commander in
Chief of the Armies, after a war has
commenced.

I had hoped that before any action
had been taken, Congress would have
been consulted. But that is another ques-
tion.

I join with the Senator from Delaware
in urging that the resolution and report
be recommitted, in order that we may
have an opportunity to study the report
and to make our own suggestions.

Mr. WILLIAMS of Delaware. I yield
to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I
think it is proper for this report to be
recommitted, in order to delete the ref-
erences to Cambodia, as the Senator from
Delaware suggested.

I must say that I take some respon-
sibility for not having noticed this. It is
quite correct that the report should not
have dealt with developments involving
Cambodia. The only excuse I have is that
Friday and yesterday were very strenuous
days, with a great many meetings and
other things going on, and I did not have
an opportunity to reread the report be-
fore it was filed. I had read the original
draft. But, as Senators will recall, we got
into difficulty on the original report be-
cause of the recasting of the resolution
in the form of a concurrent resolution
in order to comply with the express re-
peal provisions in the Tonkin Gulf and
the Middle East resolutions. Technically,
the parliamentarian informed us, the
proper way to handle the problem was to
introduce another concurrent resolution.
I say that by way of background.

Emotions that have risen with re-
gard to Cambodia have been injected
here and, I agree with the Senator, im-
properly.

I am aware of two items concerning
Cambodia, and I invite the Senator's at-
tention to them—if that is all he had in
mind—for my own guidance.

On page 3, there are four or five lines reading as follows:

By its action of April 1970 in initiating within the territory of Cambodia without the consent or even the prior knowledge of Congress or any of its committees, the Executive branch has shown disregard not only for the national commitments resolution but for the constitutional principles in which that resolution is rooted.

I agree with that. But I also agree that it should not be in this report. I did not notice yesterday that this language was in the report because I think we had agreed generally that in a report such as this extraneous matters should not be referred to.

I might say in defense of the staff, that the long discussion in this section of constitutional powers really relates to the Gulf of Tonkin resolution. Much has been said about that in the past. On a number of occasions I have admitted that I was less than diligent in considering that original resolution. The Senate adopted it with a minimum of attention. I think we spent only an hour and 40 minutes on it in committee. And there was only very brief debate on the floor.

So the issue relating to the President's authority, and especially the declaration of war powers in the Constitution, relates, I may say, not to the present President. It relates to the predecessor of the present President. It was never intended, and I did not intend this discussion to be related to the present difficulties of this administration.

The other excerpt begins at the bottom of page 12, the word "the," going through that one paragraph.

I believe those are the only references to Cambodia in the report.

I agree with the Senator from Delaware that the proper procedure would be to refer it back, so that the committee can delete those references or change it in any other way it wishes.

Mr. WILLIAMS of Delaware. I appreciate the position of the Senator. The Senator has cited two references. I have not tried to go through the report to see whether there are more because a report cannot be written and amended on the floor.

Mr. FULBRIGHT. I agree with that. I am not trying to bind the Senator to that. In looking at it, there are only two references. It would not be a major operation to revise the report.

Mr. WILLIAMS of Delaware. The committee can write a report. There is no question about that. I did think it is ironic that the staff in expressing their views took strong exception to the administration for taking action, as they say, without prior consultation with Congress; yet the staff in this report writes their own views of what they think of the war without consulting the committee, and then releases the report in the full committee's name.

I do not want to be too harsh on the staff, but I am not quite as kindly inclined on it as perhaps the chairman is. I think they should be called to task and given to understand that they do not write their own views and editorialize in these reports; because, after all, the re-

port is supposed to reflect the views of the committee.

I suggest that in the future if a member of the staff decides that he wants to become a foreign policy expert he should resign and either run for the U.S. Senate or try to become Secretary of State and not try to do it under the name of the Committee on Foreign Relations, because it may be very embarrassing to him before this is settled.

I heard last night over the radio, when this was first released, that the Foreign Relations Committee had unanimously condemned the President on the Cambodian war. Of course, as the Senator agrees, this was not even discussed. I hope we can correct the mistake and that it can be done in a spirit of harmony.

As I recall, this resolution came out of our committee unanimously with the support of the administration. There was no objection—

Mr. FULBRIGHT. That is right.

Mr. WILLIAMS of Delaware. I think we can bring it back in such form again but with the proper report.

Mr. FULBRIGHT. That is correct.

Mr. WILLIAMS of Delaware. I am not going to debate this further at this time, Mr. President, and I ask unanimous consent that the resolution and the report be referred back to the Committee on Foreign Relations.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to the request of the Senator from Delaware? The Chair hears none, and it is so ordered.

RAIL PASSENGER SERVICE ACT OF 1970

The PRESIDING OFFICER (Mr. HUGHES). The hour of 1 o'clock having arrived, the Chair lays before the Senate the pending business which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. S. 3706, to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the rule of germaneness will not begin to apply until we have finished with the morning business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Now, Mr. President—

The PRESIDING OFFICER. Is there further morning business?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

REPORT ON JUDICIAL PROCEEDINGS REGARDING AMERICAN INDIAN TRIBAL CLAIMS

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report on the final conclusions of judicial proceedings regarding certain American Indian tribal claims (with an accompanying report); to the Committee on Appropriations.

REPORT ON NUMBER OF ARMY COMMISSIONED OFFICERS AND WARRANT OFFICERS ASSIGNED TO HEADQUARTERS, DEPARTMENT OF THE ARMY

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on March 31, 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT ON STRATEGIC AND CRITICAL MATERIALS STOCKPILING PROGRAM

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, a report on the strategic and critical materials stockpiling program for the period of July 1 to December 31, 1969 (with an accompanying report); to the Committee on Armed Services.

REPORT OF SMALL BUSINESS ADMINISTRATION

A letter from the Administrator, Small Business Administration, reporting, pursuant to law, on disbursements made by the Administration for the period March 25, through May 3, 1970; to the Committee on Banking and Currency.

REPORT ON STATUS OF THE NORTHEAST CORRIDOR TRANSPORTATION PROJECT

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on the status of the Northeast Corridor transportation project, dated April 1970 (with an accompanying report); to the Committee on Commerce.

REPORT OF THE AMERICAN LEGION

A letter from the director, the American Legion, transmitting, pursuant to law, a financial report of the American Legion as of December 31, 1969 (with an accompanying report); to the Committee on Finance.

CERTIFICATION AS TO ADEQUACY OF SOIL SURVEY AND LAND CLASSIFICATION

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a certification that an adequate soil survey and land classification has been made of the lands in the Manson unit, Chelan division, Chief Joseph Dam project, Washington, and that the lands to be irrigated are susceptible to the production of agricultural crops by means of irrigation (with an accompanying paper); to the Committee on Interior and Insular Affairs.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending depor-

tation of certain aliens, together with a statement of facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION RELATING TO FINAL AND CONCLUSIVE SETTLEMENT OF CERTAIN CLAIMS

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737 (with an accompanying paper); to the Committee on the Judiciary.

REPORT ON APPLICATIONS FOR ORDERS AUTHORIZING OR APPROVING THE INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS

A letter from the Acting Director, Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report of the Director on applications for court orders made to Federal and State courts to permit the interception of wire or oral communications for the year ended December 31, 1969 (with an accompanying report); to the Committee on the Judiciary.

STATUS OF PERMANENT RESIDENCE FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders granting the applications for permanent residence filed by certain aliens, together with a statement of the facts and pertinent provisions of law as to each alien, and the reasons for granting such applications (with accompanying papers); to the Committee on the Judiciary.

PERMANENT ADJUSTMENT OF STATUS OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a list of certain aliens, with the request that their cases be reexamined with a view to the permanent adjustment of their status (with accompanying papers); to the Committee on the Judiciary.

PROSPECTUS FOR PROPOSED CONSTRUCTION

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus which revises the post office, courthouse, and Federal office building project authorized at Williamsport, Pa. (with an accompanying paper); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

Resolutions of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"THE COMMONWEALTH OF MASSACHUSETTS

"Resolutions memorializing the President of the United States, the Congress of the United States, and the Secretary of State in support of the State of Israel

"Whereas, The United States of America was the first foreign power to recognize the

new State of Israel in 1948 and since that time has maintained with the State of Israel common friendship, cooperation and an identity of interest in the aims of democratic government; and

"Whereas, Israel is the sole bastion of democracy in the Middle East and the staunch and tested friend of the United States and its presence in the Middle East; and

"Whereas, The identity of interests between the United States of America and Israel flourished and were secured under the bipartisan policy of all successive administrations since 1948; and

"Whereas, Israel, without the utilization of a single foreign soldier, is resisting the communist thrust into the Middle East; and

"Whereas, Recent policy statements of the State Department and of the present administration in Washington denote a reversal of that policy of mutual trust, cooperation and the pursuit of common goals in disregard of the realities of the historical perspectives, politics and physical necessities of Israel's present posture in the Middle East; and

"Whereas, Such reversal of policy by the State Department threatens a grave injustice to a friend and ally and the destruction of our self interest in the Middle East; now, therefore, be it

"Resolved, That the Massachusetts General Court calls upon the President of the United States, the Congress of the United States and the State Department of the United States to once again recognize and reaffirm its commitment to a peace between the Arab States and Israel arrived at only by direct negotiations between the two parties directly concerned, and by the recognition by the Arab States of the sovereignty of the State of Israel; to declare and affirm as basic policy that while the United States is desirous of being a friend to all nations of the Middle East that it will not purchase this friendship at the cost of a holocaust in the State of Israel; and to declare a restriction on the sale of arms to Israel cannot be imposed by the United States so long as the Soviet Union and other nations do not recognize a similar duty to restrict their contribution to the escalation of the arms race in the Middle East by wholesale commitment of offensive arms to the Arab States, in any event, to insure that Israel's capacity to defend herself without the requisite that foreign troops intervene be maintained in its complete integrity; and be it further

"Resolved, That copies of this joint resolution be forwarded by the Secretary of the Commonwealth to the President of the United States, the Massachusetts members of the Congress of the United States and to the Secretary of State of the United States."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Public Works:

"HOUSE CONCURRENT RESOLUTION 104

"Concurrent resolution requesting Hawaii's congressional delegation to use its utmost efforts in obtaining Federal funds to aid the State in developing a deep water harbor at Barber's Point, Oahu

"Whereas, private and public studies indicate the great need of a new deep water harbor in a major industrial area outside of downtown Honolulu; and

"Whereas, the State and other public and private agencies have been proceeding for a number of years in planning for a deep water harbor at Barber's Point; and

"Whereas, the United States Senate had approved the sum of \$1,000,000 to commence work on the Barber's Point project but a joint United States Senate-House Committee has recently failed to approve funds for this important project; and

"Whereas, a new harbor outside of Honolulu would have many benefits for the people of Hawaii, including relieving the congested

facilities at Honolulu Harbor and reducing the traffic congestion on Oahu's highways; now, therefore,

"Be it resolved by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the Senate concurring, that Hawaii's Congressional Delegation be requested to use its utmost efforts in obtaining Federal funds to aid the State in developing a deep water harbor at Barber's Point, Oahu; and

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to members of Hawaii's Congressional Delegation, the President of the United States Senate, the Speaker of the United States House of Representatives, members of the Public Works and Appropriations Committee in both the United States House and Senate, the Secretary of the Army, the Director of the United States Bureau of the Budget, the Chief of Engineers of the United States Army Corps of Engineers and the Board of Engineers for United States Rivers and Harbors."

A concurrent resolution of the Legislature of the State of Hawaii; ordered to lie on the table:

"SENATE CONCURRENT RESOLUTION 59

"Concurrent resolution requesting that the U.S. Congress, in its consideration of H.R. 14465, assure the retention of the existing ticket tax exemption afforded State and local employees traveling on official business

"Whereas, H.R. 14465, as presently pending in the United States Congress, would repeal the existing exemption of State and local employees from the ticket tax when traveling on official business; and

"Whereas, the efficient administration of the State and local governments of Hawaii demands the attendance of numerous conferences, seminars, and special events throughout the mainland United States by its State and local employees, many of which are in connection with federal programs; and

"Whereas, the distance of approximately 2,500 miles from the State of Hawaii to the nearest point on the Continental United States necessitates travel over considerable spans to reach various mainland destinations; and

"Whereas, Hawaii's State and local employees possess no alternative expedient and less costly means of transportation to the Continental United States, such as is available to employees of other mainland State and local governments traveling shorter distances except by common carrier; now, therefore

"Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the House of Representatives concurring, that the Congress of the United States be requested, in its consideration of H.R. 14465, to assure the retention of the existing ticket tax exemption afforded State and local employees when traveling on official business; and

"Be it further resolved that duly certified copies of this Concurrent Resolution be transmitted to the President and the Secretary of the Senate of the United States; and the Speaker and the Clerk of the House of Representatives of the United States; the Honorable Daniel K. Inouye, United States Senator; the Honorable Hiram L. Fong, United States Senator; the Honorable Spark M. Matsunaga, United States Representative; and the Honorable Patsy T. Mink, United States Representative."

A resolution adopted by the Board of County Commissioners of Sarasota County, Fla., praying for the enactment of legislation to designate Cape Kennedy as the operational base for the space shuttle system; to the Committee on Aeronautical and Space Sciences.

A resolution adopted by the City Commission of Miami, Fla., praying for the enactment of legislation to designate Cape Kennedy, Fla., as the site for the operational base of the space shuttle system; to the Committee on Aeronautical and Space Sciences.

A resolution adopted by the YMCA Youth Legislature of the State of Washington, praying for the enactment of legislation banning the transportation or storage of nerve gas and/or any products of biological warfare through the State of Washington; to the Committee on Armed Services.

A resolution adopted by the Oakland County, Calif., Board of Commissioners, praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A resolution adopted by the Shriners of the Hadji Shrine Temple, meeting in Pensacola, Fla., condemning the repressive and cruel treatment of American and allied prisoners in Vietnam; to the Committee on Foreign Relations.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. McCLELLAN, from the Committee on the Judiciary, with amendments:

S. 1624. A bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes (Rept. No. 91-840); referred to the Committee on Finance.

BILLS INTRODUCED

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

By Mr. HATFIELD:

S. 3789. A bill for the relief of Eldridge H. White, Jr.; to the Committee on the Judiciary.

By Mr. JORDAN of Idaho (for himself and Mr. CHURCH):

S. 3790. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Salmon Falls division, Upper Snake project, Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. FONG:

S. 3791. A bill to amend the Social Security Act to provide that the Trust Territory of the Pacific Islands shall be regarded as a State for purposes of the program of maternal and child health and crippled children's services established by title V of such act; to the Committee on Finance.

S. 3792. A bill for the relief of Sofia M. Valdez; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 3793. A bill for the relief of Francisco Marpuri, D. M., and his wife, Angelita Marshall Marpuri; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3794. A bill for the relief of Sudha B. Bakare; to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 3795. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war; to the Committee on Armed Services.

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

By Mr. HOLLAND:

S. 3796. A bill for the relief of Reynaldo Canlas Baecher; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 3797. A bill to consolidate and improve certain programs for higher education, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. MONTROYA:

S. 3798. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for title I through IV through fiscal year 1971, and for other purposes; to the Committee on Public Works.

By Mr. MOSS:

S. 3799. A bill to amend the Small Reclamation Projects Act of 1956, as amended; to the Committee on Interior and Insular Affairs.

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

By Mr. DODD:

S. 3800. A bill for the relief of Valentino Coppola;

S. 3801. A bill for the relief of Antonio D'Anna, Graziata D'Anna, and Felice D'Anna; and

S. 3802. A bill for the relief of Gino Magliocco; to the Committee on the Judiciary.

S. 3790—INTRODUCTION OF A BILL TO AUTHORIZE CONSTRUCTION AND OPERATION OF THE SALMON FALLS DIVISION, UPPER SNAKE RIVER PROJECT, IDAHO

Mr. JORDAN of Idaho, Mr. President, I introduce on behalf of myself and my distinguished colleague (Mr. CHURCH) a bill to authorize the construction and operation of the Salmon Falls division, Upper Snake River project, Idaho, and refer it for appropriate reference.

This is a potential development proposed by the Bureau of Reclamation to supply additional water to some 50,000 acres of irrigated land in southern Idaho and to bring an additional 14,000 acres of dryland under irrigation.

Mr. President, the people in this area have been struggling for many years to make a living from these fertile lands with an inadequate water supply. The project acreage lies on the south side of the valley of the Snake River, above the prosperous Twin Falls South Side irrigation project, beyond the reach of gravity diversion from the river. Local water supplies, both surface and underground, have been developed to the maximum practicable extent, but the lands still suffer intolerable water shortages.

It is now proposed to build a pumping plant at the existing Milner Dam on the Snake River and a canal to convey the water to the lands. In years of above-normal runoff, Snake River flows surplus to existing water rights will serve the Salmon Falls division. In normal or dry years it will be necessary to pump water from wells in the abundant Snake River aquifer north of the river to augment the natural water supply. This can be accomplished economically by discharging the pumped groundwater into the existing distribution systems of irrigation developments north of the river,

thereby reducing the Snake River diversion requirements of those developments and freeing that amount of water for use by the Salmon Falls division.

Our bill makes adequate provision for protecting the water supply and the water rights of the districts affected by this exchange arrangement.

This project has the enthusiastic support of the landowners and is accepted by the districts in the exchange water areas. It will not have any adverse effect upon the environment, but will provide new habitat for upland game birds.

The Governor and the congressional delegation from Idaho support this authorizing legislation. A companion bill is being introduced in the House today.

The Salmon Falls division is a worthy and sorely needed reclamation project. The Bureau's feasibility report demonstrates its economic justification and financial feasibility. Practically the entire \$47.2 million in construction costs will be repaid to the Treasury, under reclamation law.

Mr. President, my colleague (Mr. CHURCH) and I urge early and favorable consideration of this legislation to develop a natural resource and to help these people to help themselves.

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

The bill (S. 3790) to authorize the Secretary of the Interior to construct, operate, and maintain the Salmon Falls division, Upper Snake project, Idaho, and for other purposes, introduced by Mr. JORDAN of Idaho, for himself and Mr. CHURCH, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. CHURCH. Mr. President, I join my colleague from Idaho today in introducing a bill to authorize the Secretary of the Interior to construct, operate, and maintain the Salmon Falls division of the Upper Snake River reclamation project.

The proposed Salmon Falls division is located south of the Snake River in the vicinity of Twin Falls, Idaho.

Lands in the project have been farmed for many years. The Salmon tract area of the project was developed for irrigation under the Carey Act and first received irrigation water in 1910. Unfortunately, the project area has always suffered from an insufficient water supply. Records show that the existing Salmon River Canal Co., in spite of repeated and costly measures to conserve water and develop new supplies, has never had an adequate supply for its entire service area, and in a great many years less than half of the area can be adequately served.

The proposed Salmon Falls division offers the only hope of developing a full water supply. The present supplies of the Salmon River Canal Co. would be augmented under the project plan by additional surface supplies from the Snake River and a tributary and, in times of severe shortages, through exchange agreements involving the development of ground water sources. The existing irrigation supplies to 49,400 acres will be supplemented and full supplies will be provided to 14,700 new acres.

The project will also offer an opportunity to enhance the habitat for upland game birds. The costs of fish and wildlife measures would be shared by the Idaho Fish and Game Department.

The Bureau of Reclamation's studies show that the plan is technically feasible and that the irrigation costs can be returned to the Treasury in full from water user payments and available hydroelectric power revenues, as required by law. The project has a ratio of total benefits to costs of 2.31 to 1.

The economy of the project area is basically agricultural. The important communities of the area are heavily dependent upon farm product processing plants. Irrigation is an essential factor in balanced operations, and the Salmon Falls division will help to stabilize and expand this rural area's economic base.

Mr. President, I hope that the Senate will recognize the benefits which accrue to the Nation from the ability of small cities and rural areas to absorb population growth. I urge support for sound development programs such as this.

S. 3797—INTRODUCTION OF A BILL RELATING TO IMPROVEMENT OF EDUCATION PROGRAMS ACT

Mr. JAVITS. Mr. President, I introduce for appropriate reference the Improvement of Education Programs Act.

The first title of this bill consolidates into one title a number of existing higher education programs which have been previously authorized by the Congress but not funded. These programs are interinstitutional networks for knowledge—title VIII of the Higher Education Act, education for the public service—title IX of the Higher Education Act, clinical experience for students of law—title XI of the Higher Education Act, and international affairs and foreign language education—the International Education Act and title VI of the National Defense Education Act.

By consolidating these provisions, new life can be breathed into them so that they might realize the promise envisioned when first enacted by the Congress. An authorization of \$86.5 million for fiscal year 1972 is provided, which is the sum of the authorizations which were provided for the component programs; thus consolidation does not diminish the intent of the legislation.

The second title of the bill modifies the administration's proposal for a National Institute of Education by adding "innovation" to the research functions of the Institute. This is accomplished by providing that the Institute will administer the 15-percent set-aside recently enacted for title III of the Elementary and Secondary Education Act—innovation for elementary and secondary schools—and a new innovative program for higher education identical with that I proposed in my bill, S. 3369, the Higher Education Project Development Act of 1970, introduced on February 3.

By combining the research and innovation functions under the Institute, we will be increasing the effectiveness

of each function, for they are clearly interrelated. The title III, ESEA, program has proven its effectiveness since its enactment in 1965. The proposed higher education innovative program has similar goals and is long overdue; it would provide colleges and universities with an opportunity for innovation and to improve their management and academic procedures.

The House of Representatives has asked \$137,393,000 for title III, ESEA, for fiscal year 1971; 15 percent of this amount would be available to the Institute for elementary and secondary education innovation with the other 85 percent utilized under State supervision for that same purpose. There is authorized for fiscal year 1972 \$30 million for higher education innovation, all through the Institute.

For its research functions, the Institute is provided the same open authorization as stipulated in the administration bill, of which I am a cosponsor, as originally introduced; as a matter of practice, the Congress in considering such a measure usually provides for a specific authorization amount.

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

The bill (S. 3797) to consolidate and improve certain programs for higher education, and for other purposes, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 3799—INTRODUCTION OF A BILL RELATING TO AMENDMENTS TO SMALL RECLAMATION PROJECTS ACT

Mr. MOSS. Mr. President, when the Small Reclamation Projects Act was enacted in 1956, the maximum loan under the program was established at \$5 million, while the maximum size of the project qualified under the program was fixed at \$10 million.

In 1966, the Congress passed a measure, of which I was the principal sponsor, which, among other things, increased the loan limit from \$5 million to \$6½ million to compensate for the increase in unit costs over the 10-year period. However, no change was made in the \$10 million limit on the size of the overall project.

Now, I am told that several projects which have been under consideration by local interests for a number of years, and which originally qualified, will become ineligible because rising costs will carry them over the \$10 million limit. This limit must be adjusted to take into consideration the increase of costs since the original Small Reclamation Project Act was passed in 1956. If the current rate of increase in construction continues, the equivalent of the 1956 limit of \$10 million will reach \$15 million by October 1971. There is a need, therefore, to increase the \$10 million limit if many worthy projects are not to fall by the wayside. There is also a need to increase

the maximum loan limit from \$6.5 million to \$7.5 million to adjust for increased project costs since the original act was passed in 1956. The best way to do this, I believe, is to adjust the maximum loan limit and the maximum size of the project to relate to these limits to the index for the cost of similar projects. I am today introducing a bill to amend the 1956 act in these respects.

Both of these problems were discussed at the 39th annual meeting of the National Reclamation Association—now the National Water Resources Association—in Spokane, Wash., and the amendments I am introducing today were recommended by the small projects committee of that organization.

This fine organization has been of inestimable assistance in the past in supporting needed changes and adjustments in the Small Reclamation Projects Act, and I am looking forward to working with its members in again updating the act to keep in step with changing conditions and times.

I ask unanimous consent that the full text of the bill be printed in the RECORD at the conclusion of my remarks.

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

The bill (S. 3699) to amend the Small Reclamation Projects Act of 1956, as amended, introduced by Mr. MOSS, 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. 3799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Small Reclamation Projects Act of 1956 (70 Stat. 1044), as amended, is further amended as follows:

(1) Clause (1) of section 2(d) is amended to read as follows: "(1) any complete water development for irrigation or for irrigation and domestic, municipal, or industrial use, including incidental features thereof, or a distinct unit of such an undertaking or a rehabilitation and betterment program for a similar existing project, authorized to be constructed pursuant to the Federal reclamation laws and".

(2) That part of the second sentence in section 2(d) which immediately precedes the proviso is amended to read as follows: "The term 'project' shall not include any such undertaking, unit, or program the costs of which exceeds the maximum allowable of \$10,000,000 (January 1956 prices) plus or minus such amount, if any, as may be required by reason of changes in the cost of construction work of the type involved as shown by engineering costs indices. No loan, grant, or combination thereof for any project shall be in excess of 65 percent of the maximum allowable estimated project cost:".

(3) The first sentence of section 4(e) is amended by deleting " , whether the proposal involves furnishing supplemental irrigation water for an existing irrigation project, whether the proposal involves rehabilitation of existing irrigation project works, and whether the proposed project is primarily for irrigation".

(4) Paragraph (a) of section 5 is amended to read as follows:

"(a) the maximum amount of any loan to be made to the organization and the time and method of making the same available to the organization. Said loan shall not exceed the lesser of (1) the loan value derived under section 2(d), or (2) the estimated total cost of the project minus the contribution of the local organization as provided in section 4(b), and the amount of the grant approved;"

ADDITIONAL COSPONSORS OF BILLS

S. 2265

Mr. METCALF. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Minnesota (Mr. MONDALE) be added as a cosponsor of S. 2265, to extend to Indians of all tribes special additional Federal matching payments presently provided only for certain tribes.

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

S. 3151

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin (Mr. NELSON), I ask unanimous consent, at its next printing, the name of the senior Senator from Wyoming (Mr. MCGEE) be added as a sponsor of the bill (S. 3151) to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance.

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

S. 3215

Mr. JAVITS. Mr. President, I ask unanimous consent that at the next printing the names of the Senator from Arizona (Mr. GOLDWATER), my colleague the Senator from New York (Mr. GOODELL), and the Senator from Alaska (Mr. STEVENS) be added as cosponsors of S. 3215, the National Foundation on the Arts and Humanities Amendments of 1970, which I cosponsored with the distinguished Senator from Rhode Island (Mr. PELL).

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

S. 3354

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Washington (Mr. JACKSON), I ask unanimous consent that, at the next printing, the names of Mr. CHURCH, Mr. CRANSTON, Mr. CURTIS, Mr. GRAVEL, Mr. HART, Mr. HARTKE, Mr. MANSFIELD, Mr. MOSS, Mr. NELSON, Mr. PACKWOOD, Mr. RIBICOFF, Mr. STEVENS, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of Ohio be added as cosponsors of S. 3354, to amend the Water Resources Planning Act (79 Stat. 244) to establish a national land use policy.

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

S. 3388

Mr. JAVITS. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCOTT), I ask unanimous consent that, at its next printing, the name of the Senator from Oregon (Mr. HATFIELD) be

added as a cosponsor of S. 3388, to establish an Environmental Quality Administration.

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

SENATE RESOLUTION 401—SUBMISSION OF A RESOLUTION RELATING TO THE ASSIGNMENT TO DUTY IN SOUTH VIETNAM AND CAMBODIA OF MILITARY DRAFTEES

Mr. PROXMIRE submitted a resolution (S. Res. 401) relating to the assignment to duty in South Vietnam and Cambodia of military draftees, which was referred to the Committee on Armed Services.

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

SENATE RESOLUTION 402—SUBMISSION OF A RESOLUTION TO PRINT THE ANNUAL REPORT OF THE NATIONAL FOREST RESERVATION COMMISSION AS A SENATE DOCUMENT

Mr. HOLLAND (for Mr. ELLENDER) submitted the following resolution (S. Res. 402); which was referred to the Committee on Rules and Administration:

S. RES. 402

Resolved, That the Annual Report of National Forest Reservation Commission for the fiscal year ended June 30, 1969, be printed with an illustration as a Senate document.

SENATE RESOLUTION 403—SUBMISSION OF A RESOLUTION RELATIVE TO THE DEATH OF REPRESENTATIVE WILLIAM L. ST. ONGE, OF CONNECTICUT

Mr. DODD (for himself and Mr. RIBICOFF) submitted a resolution (S. Res. 403) relative to the death of Representative William L. St. Onge, of Connecticut, which was considered and agreed to.

(See reference to the resolution when submitted by Mr. DODD, which appears later in the RECORD.)

ADDITIONAL COSPONSOR OF A RESOLUTION

S. RES. 399

Mr. MAGNUSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Idaho (Mr. CHURCH) and the Senator from Minnesota (Mr. MONDALE) be added as cosponsors of Senate Resolution 399, relating to the creation of a World Environmental Institute to aid all the nations of the world in solving common environmental problems of both national and international scope.

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

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

S. CON. RES. 64

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the next

printing, the name of the Senator from Virginia (Mr. SPONG) be added as a cosponsor of Senate Concurrent Resolution 64, to terminate certain joint resolutions authorizing the use of the Armed Forces of the United States in certain areas outside the United States.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

MILITARY PROCUREMENT AUTHORIZATION—AMENDMENT

AMENDMENT NO. 609

Mr. MCGOVERN (for himself, Mr. HATFIELD, Mr. GOODELL, Mr. HUGHES, and Mr. CRANSTON) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which was referred to the Committee on Armed Services and ordered to be printed.

IMPROVEMENT OF FARM INCOME BY EXTENDING AND IMPROVING CERTAIN COMMODITY PROGRAMS—AMENDMENT

AMENDMENT NO. 610

Mr. BAYH (for himself and Mr. GOODELL) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 3068) to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

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

ESTABLISHMENT OF A NATIONAL RAIL PASSENGER SYSTEM—AMENDMENTS

AMENDMENT NO. 611

Mr. METCALF submitted amendments, intended to be proposed by him, to the bill (S. 3706) to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend sec. 13(a) of the Interstate Commerce Act, and for other purposes, which were ordered to lie on the table and to be printed.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION BILL—AMENDMENT

AMENDMENT NO. 612

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Min-

nesota (Mr. MONDALE) I submit an amendment, intended to be proposed by Mr. MONDALE, to the bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

Mr. President, on April 30, 1970, the Senator from Minnesota (Mr. MONDALE) submitted an amendment to S. 3374, the NASA authorization bill introduced in the Senate. This amendment would eliminate the \$110 million contained in that bill for design and definition of the space shuttle station.

The Senate Committee on Aeronautical and Space Sciences has now reported in amended form the House-passed version of the NASA authorization bill—H.R. 16516. I am, therefore, on behalf of the Senator from Minnesota, submitting Mr. MONDALE's earlier amendment as an amendment to H.R. 16516.

The second amendment is exactly the same as the first, that is, it would reduce the line item "Space flight operations" from \$515,200,000 to \$405,200,000. I ask unanimous consent that the text of the amendment be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. DOLE). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 612) is as follows:

AMENDMENT No. 612

On page 11, line 11, insert the following: Strike "\$515,200,000" and insert in lieu thereof "\$405,200,000."

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. HRUSKA. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Robert Gottschalk, of New Jersey, to be First Assistant Commissioner of Patents, vice Edwin L. Reynolds, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, May 12, 1970, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

INDEPENDENCE OF FEDERAL JUDGES

Mr. ERVIN. Mr. President, I wish to announce that the Judiciary Subcommittee on Separation of Powers will resume its hearings this week on the independence of Federal judges, the Judicial Conference of the United States, and the judicial councils of the circuits.

As you know, no fewer than 27 bills to discipline Federal judges are now before the Congress, many of which contain provisions that would strengthen either the Judicial Conference or the circuit councils. To one extent or another, each of these bills would erode the judicial independence in our Federal court system.

The purpose of the subcommittee's hearings is to consider whether a sacrifice of judicial independence is either warranted or wise at this time. We are examining the administrative performance of the Judicial Conference and circuit councils and trying to determine whether they have adhered to the intent of the Congress. If we find that they have misused their authority, then I think there would be serious question about the advisability of increasing their powers.

Our hearings resume this Thursday and Friday, May 7 and 8, at 10 a.m. each day in room 2228, New Senate Office Building. Both days of hearings will be open to the public.

On Thursday, the subcommittee will hear the Honorable David L. Bazelon, chief judge, District of Columbia Circuit, U.S. Court of Appeals, Washington, D.C., and the Honorable William F. Rehnquist, Assistant Attorney General, Department of Justice, Washington, D.C.

Friday's witnesses will be the Honorable Bailey Aldrich, chief judge, First Circuit, U.S. Court of Appeals, Boston, Mass., Peter Fish, assistant professor, Department of Political Science, Duke University, Durham, N.C., and Prof. Preble Stolz, school of law, University of California, Berkeley, Calif.

Any persons desiring further information about the hearings should contact the Subcommittee on Separation of Powers, 1418 New Senate Office Building, telephone 225-4434.

NOTICE OF HEARING ON S. 3505, A BILL TO AMEND THE LAND AND WATER CONSERVATION FUND ACT OF 1965

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Washington (Mr. JACKSON) concerning hearings on S. 3505.

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

Mr. President, as Chairman of the Interior and Insular Affairs Committee, I would like to announce that open public hearings will be conducted May 18 on S. 3505, a bill to amend the Land and Water Conservation Fund Act of 1965.

This bill, which I introduced on behalf of myself and Senator GORDON ALLOTT, the ranking minority member of the Committee, would provide a minimum annual appropriation authorization of \$300 million for the purposes of the Fund.

The hearings will be conducted starting at 10 a.m. in Room 3110 of the New Senate Office Building by the Subcommittee on Parks and Recreation.

Anyone interested in testifying on S. 3505 should notify the Committee.

ADDITIONAL STATEMENTS OF SENATORS

CONTROL OF POLLUTION IN U.S. COASTAL ZONES

Mr. HOLLINGS. Mr. President, recently, a concurrent resolution was passed by the South Carolina General Assembly, requesting the Secretary of the Interior to make a statement of policy that his pronouncement on pollution made in reference to industries locating in Beaufort County, S.C., should be uniformly applied in all States.

On May 4, 1970, Secretary Hickel appeared as a witness before the Commerce Subcommittee on Oceanography, of which I am chairman, to discuss pending legislation regarding the management of coastal zones in the United States and its Territories. After Secretary Hickel presented his statement, I specifically inquired into the area referred to in the concurrent resolution. The following exchange took place between the Secretary and myself:

Senator HOLLINGS. [I] will ask you an obvious question, but it has been raised, really, by the Governor and the General Assembly of South Carolina, that this new procedure is being enforced solely against South Carolina.

What is your comment?

Secretary HICKEL. That is not true. We took this action in Ohio, in Toledo, in four major steel mills last September, one similar to this. But these were already in existence. There is somewhat a uniqueness here in the fact that in what we have done up until this time was move against those in operation. This is a new plant; it is one that is different in that category, in that we are pointing out the problem before it happens.

That is unique, but it isn't obviously just because it is South Carolina. It is in your State; it could have been in another State. We would take the same action.

Senator HOLLINGS. Well, again getting right to the point, if that plant started moving and went up to North Carolina, the Department of Interior would hound-dog them there, too, as they have done in South Carolina?

Secretary HICKEL. That is right. We would have to do the same thing. . . .

It seems quite clear, therefore, that the Secretary has categorically stated that his pronouncement regarding pollution shall be uniformly applied in all States.

I ask unanimous consent that the concurrent resolution be printed in the RECORD.

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

A CONCURRENT RESOLUTION REQUESTING THE SECRETARY OF THE INTERIOR TO MAKE A STATEMENT OF POLICY THAT HIS PRONOUNCEMENT ON POLLUTION MADE IN REFERENCE TO INDUSTRIES LOCATING IN BEAUFORT COUNTY SHALL BE UNIFORMLY APPLIED IN ALL STATES

Whereas, a highly reputable industry had all but commenced construction in Beaufort County when the issue of pollution was raised; and

Whereas, the industry readily acknowledged the existence of pollution laws and attempted to reassure everyone in every way humanly possible that it knew the laws have to be obeyed and that it was prepared to

measure up to such obligations; and

Whereas, all State and local officials, ever mindful of the interest and welfare of the people as well as that of the county and the State, were and remain convinced of the conscientious attitude and capability of this industry to comply with the laws of this State; and

Whereas, in an unprecedented action and flagrant abuse of authority the Secretary of the Interior has interfered with an aspect of the internal affairs of a State beyond his legal interest, ostensibly for purposes of protection against pollution; and

Whereas, this questionable course of action by the Secretary has not only damaged the reputation of this industry, but has caused other industries interested in locating in South Carolina to become hesitant and in some cases to eliminate this State from further consideration; and

Whereas, the revised attitude of the subject industry and other prospective new industries in this State results from South Carolina being singled out for special consideration by the Secretary in his new-found war on pollution; and

Whereas, the members of this body feel that the Secretary of the Interior should make a statement of policy that his pronouncement regarding pollution shall be uniformly applied in all States and not only in South Carolina; and

Whereas, such a statement is essential to mitigate irreparable damage already experienced by the economy and growth of this State. Now, therefore,

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

That the Secretary of the Interior is hereby requested to make a statement of policy that his pronouncements on pollution made in reference to industries locating in Beaufort County shall be uniformly applied in all States.

Be it further resolved that a copy of this resolution be forwarded to the Secretary of the Interior and to each member of the Congressional Delegation from South Carolina.

MISS AUDRA PAMBRUN, EAST GLACIER PARK, MONT., WINNER OF AMERICAN NURSES ASSOCIATION CONTEST

Mr. MANSFIELD. Mr. President, I am pleased to inform the Senate that Miss Audra Pambrun, a registered nurse and resident of East Glacier Park, Mont., has been selected as the national winner of the American Nurses Association, Be-Involvement Nurse Search. Miss Pambrun is a member of the Blackfeet Indian Tribe and the director of the community health aids with the Office of Economic Opportunity's community action program on the Blackfeet Reservation.

I understand that Miss Pambrun was selected from more than 200,000 members of the American Nurses Association for her outstanding contribution in raising the level of social and health services in her community. The announcement is being made today at the ANA convention in Florida. Miss Pambrun will receive a \$2,000 award, one-half of which will go to a community project in Browning.

Audra Pambrun is a graduate of Columbus Hospital School of Nursing, in Great Falls, and now works among her own people on the Blackfeet Reservation. Her territory covers 1,500,000 acres with

a caseload of approximately 7,000 Blackfeet Indians. Her nursing experience includes staff nursing with the Public Health Service, ambulance work, obstetrics, and school nursing. As director of the community health aids under the OEO community action program, she implemented a complete survey of every home on the reservation to determine what was needed. This is the kind of aid which will make a direct and valuable contribution to the improvement of conditions on our Indian reservations. The selection of Miss Pambrun for this award was most appropriate, and I am delighted by this recognition of her outstanding leadership.

VIOLENCE ON KENT STATE UNIVERSITY CAMPUS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Tragedy At Kent," published in the Washington Evening Star of Tuesday, May 5, 1970.

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

TRAGEDY AT KENT

Yesterday, four young people died on the campus of Kent State University in Ohio.

Now will come the charges, the countercharges, the questions. Did the National Guardsmen open fire for no adequate reason on a crowd of unarmed student protesters? Was the incident touched off by a sniper? Were the men ordered to fire? Or was the brief fusillade the product of a panic reaction by a few semi-trained soldiers to the advancing mob.

There will be official investigations. There will, in the course of time, be detailed answers. But the really important fact is already indelibly entered on the record: Two young men and two girls are dead.

The essential tragedy is compounded by the fact that their deaths were purposeless. The peace movement needs no martyrs. There will be no massive shift of opinion because of the blood spilled on the campus of Kent University. Support for the administration will neither be strengthened nor eroded. The policy will not be revised.

But it cannot be said that nothing has changed. The four deaths have measurably increased the likelihood that tensions now building on campuses across the country will explode into further violence and pointless bloodshed.

Student leaders who have called for a nationwide academic strike and organizers of the proposed weekend rally in Washington must know, at last, that the tactic of violent confrontation must be abandoned. Dissent, quite properly, will continue—in Congress, in the press, on the campuses and in the homes. But it is time for us all to recognize that dissent in the streets can produce nothing more than violence, that no shouted arguments or chanted slogans are going to alter the balance of public opinion that has crystallized around the subject of American involvement in Southeast Asia.

There is no need to rekindle the controversy, to increase the intensity of debate, to test the explosiveness of this society by striking sparks of provocation. There is, instead, a need for a brief pause to ponder the fact that four young lives have ended in the gentle Ohio spring, and to ask why this should be.

OPPOSITION TO ALL-VOLUNTEER ARMY

Mr. SAXBE. Mr. President, we all know that there are many arguments pro and con over abolishing America's military draft in favor of an all-volunteer Army. I think one of the most convincing arguments in opposition to such a move was made in an article published recently in New Republic magazine. It was written by Mr. Peter Barnes, the author of the book entitled, "The Army May Be Hazardous to Your Health." Mr. Barnes has capsuled in an excellent manner most of the reservations I have with regard to a military force composed exclusively of volunteers. 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:

[From the New Republic magazine, May 9, 1970]

ALL-VOLUNTEER ARMY?

(By Peter Barnes)

Barry Goldwater is for it, so is George McGovern. William F. Buckley, Jr. supports it, so does John Kenneth Galbraith. Robert Taft, Jr. likes the idea, so does Allard K. Lowenstein. So, too, in principle, does Richard M. Nixon, as he reiterated in his draft message last week. They all favor an all-volunteer army. Now, backed by the unanimous support of a Presidential Commission headed by former Defense Secretary Thomas S. Gates, the end-the-draft advocates have succeeded in directing the nation's gaze towards the beguiling goal of what, it is claimed, would be a painless military. Alas, it is a prospect that under present conditions is neither attainable nor particularly desirable. Unless we turn our gaze from this alluring distraction, and look instead towards other reforms, we shall be left with a military system that is little better than the one we have.

Like Gaul, the coalition supporting an all-volunteer army is divided into three parts: the ideological conservatives, the ideological liberals, and those who, for want of a better term, might be called middle-class pragmatists. (Richard Nixon falls into this last-mentioned category.) The conservatives quite persuasively contend that conscription is a gross infringement upon individual liberty. The liberals, tormented by Vietnam, maintain with equal persuasiveness that no one should be compelled to fight in a war that is immoral, undeclared, and non-defensive. In addition, the liberals see an end to peacetime conscription as a way to limit the military's size, and thus its power. The middle-class pragmatists put forward a number of largely technocratic arguments for an all-volunteer army. Their underlying objective is not to control the military more firmly but to quell the restless students.

Like many of the Republican efforts that have come before it, the Gates Commission report is a fusion of the conservative and pragmatic viewpoints. It closely reflects the known positions of Commission members Milton Friedman, the conservative economist, and Stephen Herbits, a young law student who helped a group of moderate Republican congressmen write a book about ending the draft. The Commission's report also parallels the views of Martin Anderson, the 32-year-old White House staffer best known for *The Federal Bulldozer*, a stinging critique of urban renewal, and as the author of Nixon's statements on the draft.

What troubles me is not that these advocates are improperly motivated, or that a "professional" army, if established, would be a terribly dangerous or objectionable thing. The disturbing aspects of the pleas for an all-volunteer army is their lack of contact with social realities. We are asked to believe that, simply by paying the price, we can make the injustices surrounding military service vanish. Such is not the case.

In the lengthy report of the Gates Commission, for example, there are several statements such as the following: "A force made up of men freely choosing to serve should enhance the dignity and prestige of the military. Every man in uniform will be serving as a matter of choice rather than coercion." The magic word "all-volunteer" is used to conjure up visions of a highly motivated force of gung-ho professionals, untroubled by malcontents and ready to heed the call to action with nary a moment's hesitation. This kind of fighting force, we are told, is both desirable and feasible. By raising the basic pay levels for first-term enlisted men, beefing up the recruiting corps and buying more advertisements in the media, we could have such an army by as early as mid-1971. President Nixon in his message expressed doubts about the '71 date but asked Congress to give a 20 percent pay boost to enlisted men with less than two years service and pledged to move steadily if cautiously along the path to an all-volunteer army.

One senses that the Gates Commission (not to mention Nixon) forgot to talk to any GIs who did enlist during the past decade or two. The kind of army it envisions might well be worth thinking about if we were still in the 1930s. Then, the army was small—microscopic by current standards—and unemployment was high. Recruiters were literally turning people away. Today they're not so choosy. Even aided by pressure from the draft, recruiters are beating the bushes like hungry car salesmen, promising one thing or another to induce adolescents to sign up. Many a naive young man enlists with strange impressions of what awaits him. Others are accepted who shouldn't be in the military. The volunteer who signs up, or thinks he signs up, for airplane mechanics and then finds himself in an infantry platoon is not always a happy soldier. Nor is the youth who volunteers because a judge offered him a choice between the army and the county jail. Nor is the so-called New Standards man—accepted since 1966 under Project 100,000—with a fifth grade reading ability, who falls humiliatedly behind his buddies in training. Nor is the runaway, or the kid from a broken home.

Statistics bear out the fact that volunteers are not appreciably happier in the army than draftees. For example, despite bonuses for reenlisting that run as high as \$10,000, the Army's reenlistment rate for first-term volunteers is only 14.6 percent. This compares with a reenlistment rate of 7.4 percent for draftees.* Sixty percent of the AWOLs now prisoners in military stockades are volunteers, as are about the same percentage of deserters known to be in Canada and Sweden. In short, the army is chock full of volunteers who would like to "unvolunteer." Regular Army men who are impatiently counting their days till separation and who

*The Gates Commission distinguishes between draft-induced and what it calls "true" volunteers—men for whom the draft is not a factor in enlisting. No reenlistment statistics are available that differentiate between the two types of volunteers, but obviously the reenlistment rate for "true" volunteers is somewhat higher than the rate for all volunteers. A good estimate is that it runs around 20 percent. This means that 80 percent of even the "true" volunteers—still the overwhelming majority—get out of the army at their first opportunity.

resent their loss of liberty as much as any draftee. (Indeed, some volunteers are even more embittered than draftees because they were led to expect something other than they got.)

The conservatives and particularly the pragmatists would have us believe that by eliminating coercion, we would wipe out the indignities associated with military service. But an all-volunteer army would not eliminate the indignities of military service so much as it would remove them from the sight of those who prefer not to see and experience them—primarily the sons of the educated white middle class. The Gates Commission talks glowingly of upgrading financial compensation and other conditions of service so that participation in the military becomes "a rewarding opportunity, not . . . a burden." If military service could really be made a rewarding opportunity, there would be little reason to do away with the draft. The truth is that military service is, and for the foreseeable future will be, a burden, and the lot of the enlisted man will remain, to varying degrees only, unpleasant.

An all-volunteer army would put an end to peacetime induction, but in so doing would transfer the burden of military service to those who are most susceptible to being induced. These would primarily be the poorer, less educated and less sophisticated segments of our youth population. It is argued, in a somewhat elitist tone, that these young people would have the most to gain from military service, or at least have less to lose. (The truth of this statement is in itself a sad commentary on our society.) But is it proper that our nation should be defended by those who have been favored by it the least? Is not the burden of common defense something that all segments of society should share equally, or at least run an equal risk of sharing? And how much justice is obtained by ending conscription, but replacing it with a recruiting system that feeds on the poverty, ignorance and gullibility of our most disadvantaged youngsters?

There is no such thing as a large painless military. The more socially just course lies not in trying to hide the pain, or transfer it, but in sharing the pain and seeking, through reform of the army, to reduce it.

How can the military be reformed? This is the major question, and although no comprehensive answers can be offered here, some suggestions are possible on how we might begin.

The first and most timely target for alteration is the Selective Service Act, which is due to expire next year. Student deferments, as the President recommended to Congress, should be eliminated. Beyond that, there are two major areas where the law should be changed.

First, a numerical ceiling ought to be placed upon the number of men the President can induct each month. Our deepening involvement in Southeast Asia reveals the helplessness of Congress in the face of Presidential *faits accomplis*. The Constitutional authority of Congress to declare war has been brushed aside by Presidential spokesmen as "outdated." Defense appropriation bills are spirited through the Capitol in such a manner that few can be opposed to "supporting our fighting boys who are already over there." Never in the long and bloody history of escalation has there been a handle Congress could grab, a point where it could say, "Stop." As the Senate Foreign Relations Committee stated in its National Commitments report last year: "The concentration in the hands of the President of virtually unlimited authority over matters of war and peace has all but removed the limits to executive power in the most important single area of our national life. Until they are restored the American people will be threatened with tyranny or disaster."

Much of the blame lies with Congress it-

self. Six times it has approved or extended a Selective Service law which gives to the President the power to conscript men "whether or not a state of war exists," without any effective limitation on the number that can be drafted or the use to which they can be put. It is incongruous, but nonetheless true, that if the President wants 20,000 men in February to be trained for deployment to Asia, he merely snaps his fingers; if he wants \$20,000 to combat poverty in West Virginia, he must fight like hell for the appropriation.

It is time that Congress remedied the situation by withdrawing the blank check on the nation's manpower it has given the President for nearly 25 years. This can be done by establishing a fixed monthly ceiling on the number of draftees, and providing that no additional men can be inducted without Congressional "appropriation." Thus, Congress might authorize the President to draft up to 10,000 men per month. If at any time the President wanted more than the authorized number of draftees, he would have to come to Congress stating the size and purpose of his request. He might be required to do this monthly, or perhaps only quarterly. In either case, Congress would retain the power to review periodically the President's use of the draft.

The second area where the Selective Service law ought to be amended is in definition of conscientious objection. Here again, the problem should be viewed in relation to the President's almost unchecked power to make war. Congressional safeguards are not the only ones that have become enfeebled. The people's ultimate safeguard—the electoral process—has also been shown to be virtually irrelevant. ("We are not about to send American boys nine or ten thousand miles away from home to do what Asian boys ought to be doing for themselves"—Lyndon B. Johnson, 1964.) If the old Constitutional checks and balances have been eroded, new ones must be created which can be enforced. At the same time, if conscription is to be continued, some protection must be afforded the individual against an over-eager invasion by the Executive of his fundamental liberties.

The present law defines a conscientious objector as one who "by reason of religious training and belief, is conscientiously opposed to participation in war in any form." Though the Supreme Court ruled in 1965 that it was not necessary to believe in a Supreme Being in order to be classified as a conscientious objector, the whole notion of conscientious objection in America (though not in England) is too narrowly associated with religious pacifism. Conscientious objection—at least to undeclared, non-defensive wars—should be a basic political right having nothing to do with how or whether a man worships God. This, in essence, may be what the Massachusetts legislature meant to say when it enacted the recent law prohibiting the use of Massachusetts soldiers in undeclared wars "outside the territorial limits of the United States." This is the perspective from which Congress ought to view the subject when the draft comes up for renewal.

Congress can, and should create by statute the right of an individual not to participate in undeclared, non-defensive wars. This right would obviously be broader in its application than the existing right of religious pacifists to be excluded from combat; yet it would not be a universal right. It would apply only to those who objected to a particular war for reasons of conscience (i.e., some test of sincerity would be required). It would not apply in peacetime; it would not apply to wars in which the nation was under direct attack. Moreover, if Congress saw the need to mobilize the country and to make a declaration of war, the right of conscientious objection could be suspended (or limited once again to religious pacifists).

A major difficulty in establishing a basic right of conscientious objection to the draft is that, for some subliminal reason, conscientious objection is widely considered to be a radical idea. Quite the contrary: nothing is more conservative and traditionally American than the right of the individual to be secure from unauthorized encroachments of Presidential power, as we have so often heard from William F. Buckley, Jr., Barry Goldwater and others. It is also said that a provision for conscientious objection to undeclared and non-defensive wars would "legalize draft-dodging." So it would—under certain conditions. But so, too, would an all-volunteer army, and on a far larger scale.

What is more astonishing than the fact that there is resistance to the idea of redefining conscientious objection is that so little consideration has been given to it. The Gates Commission, judging from its report, did not even blink in the direction of conscientious objection. Yet as an alternative to an all-volunteer army—an alternative that does not go nearly so far in excusing citizens from the burden of military service,—the idea of the draft *cum* conscientious objection to undeclared, non-defensive wars has much to commend it. (It is interesting to note that Great Britain provided for non-religious and even non-pacifist conscientious objection during, of all things, World War II. Despite the dire threat to their survival as a free people, the British were able to recognize that honorable men could have reasons of conscience for not participating in that particular war, and that such men were not necessarily either cowards or traitors. The government's position, as stated in a 1944 Ministry of Information booklet, was forthrightly put: "We hold that a man whose deepest feelings are outraged by combatant military service should not be pressed into such service. Not only will he suffer, but also—a point frequently overlooked—the Service will suffer.")

Beyond the initial goal of amending the Selective Service Act lies the larger problem of humanizing the army—of structuring and maintaining a competent, defensively-oriented military that causes minimum damage to individual integrity. Several smaller countries (Switzerland, Sweden, Israel, West Germany) have resolved this problem with varying degrees of success. In the United States the problem was briefly tackled after World War II, but never fully pursued. There is no better time to take up the task than now.

The two things that most degrade the enlisted man are his total lack of power over his own life, and the constant attack by the army on his personality. The former is to a large extent inevitable, the latter is not.

From the moment he is drafted or inducted into the military, the young enlisted man is stripped of the power to make decisions. This powerlessness extends from matters of the most vital concern to him, such as avoiding death, to the most trivial details of daily existence. He is told when to get up, what clothes to wear, how to walk and talk—and ultimately, whether he must carry a rifle in the rice paddies or sit behind a desk in North Carolina. Before the army he was relatively free; once in the army he is faceless government property, shaped, wrapped, and shipped to arbitrary destinations.

The GI is willing to accept much of this because he recognizes the necessities of a large military organization. He is less willing to accept the concerted assault upon his private being. In basic training, he is yelled at, denounced, humiliated and punished in a calculated effort to destroy his self-esteem and individuality. In place of his previous identity the army attempts to construct a new one—that of the obedient servant and perhaps killer.

When training is over, the war between the

GI and the army over the GI's personality becomes quieter—a kind of war of attrition. The army ceases to attack. Still, a soldier need not call for violent overthrow of the United States government to trigger a repressive response. An unbuttoned uniform, a disrespectful word, sideburns a quarter of an inch too long, a letter to a Congressman—any of these is sufficient. The variety of tools available to the army for personality control would require a small catalog to list. They range from denial of weekend passes to assignment of miserable details, from orders to ship to Vietnam to fines, demotions, courts-martial, stockades and several different types of bad discharges. On occasion, too, there is resort to sheer, extra-legal brutality. If a youngster doesn't know what fear is, he quickly finds out.

There is no simple way to go about humanizing a military machine. The American army is an old and powerful institution, fixed in its ways and peculiarly resistant to change. Congress alone, even if it were willing, could not bring about the needed shifts in officer attitudes and company-level practices. The major pressures for change must come—and they are coming—from GIs themselves, aided by a concerned and alert public. One way *not* to begin, in my opinion, is to move to an all-volunteer system. There is nothing civilian society would like more to forget about than the army. The attentions of Congress, the press, the federal courts and anxious parents would drift far from the indignities of military life the moment that life was proclaimed to be voluntary. There would similarly be less popular concern about the uses to which volunteer soldiers were put. How many would care, and how deeply, about the Vietnam war if their sons and brothers were not being conscripted to fight it?

At the same time, an end to the draft would shield the army from the influx of citizen-soldiers who are the yeast of internal change. The army needs Yossarians, Ronald Ridenhous, independent-minded R.O.T.C. junior officers and J.A.G. lawyers—soldiers who do their jobs but who are not committed to the cover-your-ass system, whose loyalties are to civilian, not careerist values. Given the absence of countervailing powers within the military, it is the civilian-in-uniform who is most likely to point out, articulate and test the areas for change.

More truthful recruiting practices would of course diminish much subsequent bitterness. Also, training should concentrate on building up a soldier's military skills and not on destroying his sense of individual worth. Following training, the army's control over the individual should be limited to those aspects of conduct which are directly related to combat effectiveness or to foreign policy (when a soldier is stationed in a foreign country, there is a legitimate national interest in supervising his behavior). The GI's recourses against abuses of power must be strengthened. This can be done, perhaps, through the installation of congressionally-appointed civilian ombudsmen on major military bases. Soldiers' representatives, elected directly by the enlisted men, could speak for the GI before the commanding general and the ombudsman. (The West German *Bundeswehr* has a system similar to this.)

In addition, Representatives and Senators should keep a more watchful eye than they do on commanders who infringe upon soldiers' rights; such commissioned officers should not be perfunctorily approved when their promotions come through Congress.

In short, there are a number of philosophic reasons, as well as considerations of social equity, which argue against a large all-volunteer army under present conditions. But beyond these is the fact that the country faces a choice between further isolating the military or bringing it more closely under civilian scrutiny and control, between professionalizing the army and reforming it. If the draft

can be modified so that limits are placed on the power of the President to conscript, then an army within which there is some freedom and ferment would be the safest, most humane, and most worthy kind of army for our young people and for a healthy democracy.

LUXURIES FOR MANY—NO TV FOR MULTIPLE AMPUTEE

Mr. PROXMIRE. Mr. President, the Pentagon, as we all know, has a penchant for spending millions on marginal luxuries. It has swimming pools at the BOQ's, PX's and commissary stores at almost every post, and accommodations for visiting VIP's which rival the \$50-a-day rooms at most resort hotels.

But as James McCartney, veteran correspondent for the Knight Newspapers and the Chicago Daily News Service indicates, those who need simple aids most of all are often the last to receive them. He has filed a moving story contrasting these overwhelming luxuries for many in the military with the absence of a simple television set at a Vietnam hospital for Lt. Ted Bridis who is a multiple amputee.

Lieutenant Bridis lost both legs at the knee. His right arm is amputated at the elbow. As McCartney's article points out:

He cannot turn himself over. He cannot read in bed for he cannot hold a book.

But neither the Army nor the Red Cross could provide Lieutenant Bridis with a TV set in the Third Field Hospital in Saigon. Yet, that was the only means he had of passing the lonely hours. Finally, after a saga of frustration and blunder, Lieutenant Bridis' buddies took up a personal collection to provide him with a TV set after the Army and the Red Cross failed.

This occurred at a time when, according to the article, all kinds of luxuries and facilities were available to almost everyone else in Saigon. As McCartney writes:

The U.S. Army is able to find and pay for air conditioners for just about every colonel, major and captain at headquarters in Saigon.

The United States is able to finance chauffeurs for even middle-level U.S. civilian personnel in Saigon so that they won't have to walk to work in the humid heat of the tropics.

It is able to maintain lush officer's clubs. It has comfortable VIP accommodations for every defense secretary who cares to make an inspection trip.

Almost every official in Saigon—military or civilian—is able to afford a Vietnamese maid.

Mr. President, I commend this moving article which so clearly contrasts the heroic sacrifices and suffering of some with the high-off-the-hog living of too many in Saigon.

We need a military which gets its own priorities straightened out as well as the priorities between it and the civilian economy.

I ask unanimous consent that Mr. McCartney's moving article from the Chicago Daily News be printed in the RECORD.

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

[From the Chicago Daily News, Apr. 14, 1970]
 AMID SAIGON LUXURIES, NO TV FOR HELPLESS
 YANK

(By James McCartney)

WASHINGTON.—Lt. Ted Bridis, 24, lost two legs and one arm for his country in Vietnam. They were blown off by a Communist mortar shell Feb. 22.

But neither the U.S. Army nor the American Red Cross could find a TV set to make his life more comfortable as he lay on his back in the 3d Field Hospital in Saigon.

The U.S. Army is able to find, and pay for, air conditioners for just about every colonel, major and captain at headquarters in Saigon.

The United States is able to finance chauffeurs for even middle-level U.S. civilian personnel in Saigon so that they won't have to walk to work in the humid heat of the tropics.

It is able to maintain lush officer's clubs. It has comfortable VIP accommodations for every defense secretary who cares to make an inspection trip.

Almost every official in Saigon—military or civilian—is able to afford a Vietnamese maid. But the U.S. government couldn't find a way to furnish Ted Bridis a TV set to help pass the hours as he lay on his back.

And neither could the American Red Cross. Ted Bridis, of Miami, was a star on Miami High School's 1962 championship football team.

Both legs have now been severed at the knee. His right arm has been amputated at the elbow.

He cannot turn himself over.

He cannot read in bed, for he can't hold a book.

What he can do, his doctor says, is watch TV.

And that, the doctor said, might help him to pass the lonely hours.

American TV shows are available in Saigon on an armed forces network.

But the U.S. Army is stingy with TV sets for triple amputees.

When the Red Cross unit at the 3d Field Hospital was asked if a set could be obtained for the lieutenant, the director, a woman, said she'd look into it.

But two days later there was still no action.

So the Red Cross national headquarters in Washington was asked to make an inquiry.

A cable came back from the Red Cross office in Saigon.

In part it read:

"Hospital does not—repeat not—have TV sets available for individual patients."

The cable did not mention that the Army does—repeat does—have air conditioners available for thousands of fully ambulatory officers.

Well, Lt. Bridis now has a TV set.

The men in Lt. Bridis' unit—the 26th Engineering Company, attached to the American Division—took up a collection.

They are not in Saigon.

They don't have air conditioners.

They don't have maids.

They don't have chauffeurs.

They are in a combat zone in the toughest sector of the Vietnam War, some 200 miles north of Saigon in the jungle.

They took up a collection in a combat zone to buy their buddy a TV set.

GALLUP POLL ON PRESIDENT'S ACTION IN CAMBODIA

Mr. SCOTT. Mr. President, 4 days have now passed since President Nixon went to the people on Thursday night to explain to them his position regarding Cambodia.

Following that speech, I indicated publicly my wholehearted support of the President.

While criticism has been long and loud from congressional sources and from parts of the academic community, the public has responded in support of our President.

The best information that has been available to me indicates that the operation in Cambodia is going extremely well and is proceeding according to timing and planning. As I said last Thursday night, I feel that this move was necessary and is temporary. Nothing that has happened to date indicates anything other than that.

Mr. President, this morning's Washington Post contains a Gallup poll on the President's action in Cambodia and shows that a majority approves of the President's handling of the Cambodian situation. 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:

51 PERCENT SUPPORT NIXON ON CAMBODIA VENTURE

PRINCETON, N.J.—Initial public reaction to President Nixon's handling of the Cambodian situation shows approval outweighing disapproval by about a 7-to-5 ratio. But the American people clearly prefer this support to be in the form of arms and material and not combat troops.

A key reason for opposing the sending of troops is the fear of a major involvement of our forces in Cambodia.

These findings are based on the work of 105 Gallup Poll interviewers who talked to 528 adults in person on Saturday and telephoned the results to Princeton that evening. Results of a full-scale survey on the Cambodia situation will be reported in the near future.

Following are the survey questions and the results, based on the 95 per cent of the sample who said they have heard or read about the fighting in Cambodia:

"Do you approve or disapprove of the way President Nixon is handling the Cambodian situation?"

Approve—51 per cent

Disapprove—35 per cent

No opinion—14 per cent

"Do you think the U.S. should send arms and material to help Cambodia, or not?"

Should—53 per cent

Should not—35 per cent

No opinion—12 per cent

"Do you think we should send U.S. troops to help Cambodia, or not?"

Should—28 per cent

Should not—58 per cent

No opinion—14 per cent

"As you see the situation at this time, do you think the U.S. will be able to avoid a major involvement of our troops in the Cambodia situation, or not?"

Yes—31 per cent

No—55 per cent

No opinion—14 per cent

DR. EDWARD L. R. ELSON

Mr. DOLE. Mr. President, it was indeed fitting that the Senate paused on April 27 to salute Dr. Edward Elson on the 40th anniversary of his ordination.

Dr. Elson's ministry has been unique in its dedication to those who serve this great Nation. To the battlefields of Europe, to the White House, and to the Senate, he has brought God's word and his own understanding, thoughtfulness, and warmth. Countless GI's, a President,

the Senate, as well as his congregation at the National Presbyterian Church have gained strength, comfort, and inner peace through his ministrations.

We are fortunate to have him in our midst. I take great pleasure in saluting him and belatedly wish him many years of health and service to God's children.

Let me add that Dr. Elson gave the invocation at Constitution Hall on Friday, May 1, for "an appeal for international justice" on behalf of American servicemen missing in action or prisoners of war in Southeast Asia. His presence and blessing added a meaningful dimension to the tribute we sought to pay these gallant Americans.

DEATH OF THOMAS F. CORCORAN, STAFF CONSULTANT, SMALL BUSINESS COMMITTEE

Mr. BIBLE. Mr. President, it is with deepest regret that I inform the Senate of the passing of Mr. Thomas F. Corcoran, a consultant on the staff of the Select Committee on Small Business.

In his wide-ranging career, Mr. Corcoran was recognized as an expert in economic statistics and in governmental statistical administration. In the latter capacity, he was instrumental in developing statistical organizations and programs in many countries.

Mr. Corcoran received B.A. and M.A. degrees from Yale University, where he specialized in economics and languages. He studied also at the University of Toulouse, France, and University of California.

He began his Government service with the Bureau of Labor Statistics in 1935 and served there as field representative and assistant division chief. He was director general of statistics and census for the government of Panama from 1941 to 1944; subsequently, as a representative of the Office of Coordinator of Inter-American Statistical Institute, he undertook consultation assignments in Paraguay, Honduras, Guatemala, Panama, Costa Rica, Cuba, and Haiti.

As a member of the staff of the U.S. Bureau of the Census beginning in 1946, he played an important role in developing its program of international statistical training, serving as Chief, Consultation and Training Programs, for the Bureau's International Statistical Programs Office, and taking special assignments himself as statistical adviser to the governments of Pakistan, 1951-53, and Ethiopia, 1956.

Mr. Corcoran was a member of U.S. delegations to a number of international statistical conferences, and author of many reports on statistical activities of the United States and foreign countries. He was a member of the Inter-American Statistical Institute, the American Statistical Association, the National Planning Association, and the American Association for the Advancement of Science.

From 1956 to 1960 he was Special Assistant to the Assistant Director for Administration in the Bureau of the Census. From 1960 to 1965 he served as professional staff member for the Committee

on Post Office and Civil Service, House of Representatives, where he directed staff work for the Subcommittee on Census and Statistics.

He retired from the Bureau of the Census in 1965, and returned to part-time work in 1968 for special assignment as consultant to the staff of the Senate Select Committee on Small Business. He was serving in this capacity at the time of his death.

Mr. Corcoran was instrumental in preparing an interim report of the committee on "The Growing Problems of Small Business in Meeting Federal Paperwork Requirements."

Upon assuming the chairmanship of the Small Business Committee, I was pleased to report to the Senate that the Census Bureau would simplify its data requirements in the business census forms for small firms. This enormous change which will have a great beneficial impact on small business in fulfilling Federal reporting requirements was the direct result of the very effective work of Mr. Corcoran. Mr. Corcoran was ever mindful of the problems experienced by small businesses in meeting the burden of Federal redtape. The small businessmen have lost a great champion in the passing of Mr. Corcoran. His effective advocacy on behalf of the small business community will not be forgotten.

As for his personal traits, Tom Corcoran was a kindly man, an individual whose personal warmth made his capability as a technician in his chosen field that much more effective. As a public servant dedicated to the cause of making government more efficient in serving the public's needs, Tom Corcoran represented the highest type of a Government career expert. His quiet, yet effective work for committees of the Congress on both sides of Capitol Hill represented the highest traditions of the Federal service. For Mrs. Corcoran and other surviving members of his family, we extend our deepest sympathies.

Mr. President, I ask unanimous consent that articles from two Washington newspapers providing accounts of Mr. Corcoran's death be printed in the RECORD.

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

(See exhibit 1.)

Mr. JAVITS. Mr. President, I join with the senior Senator from Nevada (Mr. BIBLE) in expressing the deepest regrets of the Senate on the passing of Thomas F. Corcoran. In his capacity as consultant to the Select Committee on Small Business, Mr. Corcoran's excellent work in attempting to facilitate the dealings of the small businessman with the Federal Government was highly impressive. His approach to the problems of small business, as evidenced particularly in the report of the committee on the Federal paperwork burden, on which he worked so diligently, was that of a scholar, and the report has served as a basis for alleviating many of the impediments of Federal redtape.

Mr. Corcoran, as an expert in the field of statistics, represented the U.S. Government many times at international

statistical conferences and, as consultant to a number of Latin American governments, assisted in the development of census programs for those countries.

Mr. Corcoran was a dedicated and conscientious member of the committee's staff and was indeed a most pleasant man with whom to work.

On behalf of the minority and as ranking member of the select committee, I wish to offer deepest sympathies to his wife and family.

EXHIBIT 1

[From the Washington Post, Apr. 26, 1970]

THOMAS CORCORAN, STATISTICIAN, DIES

Thomas F. Corcoran, 62, a retired government statistician and former consultant to two congressional committees, died Friday after a heart attack at Cafritz Memorial Hospital. He lived at 5700 Wheeler Road, Oxon Hill.

Mr. Corcoran was a native of Springfield, Mass., and received B.A. and M.A. degrees from Yale University. He did post-graduate study at the University of California and at the University of Toulouse in France on a Sterling Fellowship.

Mr. Corcoran joined the Bureau of Labor Statistics here in 1935 as a field representative and assistant division chief. From 1941 to 1946, he helped design census programs for the governments of seven Central American countries.

In 1946, Mr. Corcoran joined the Bureau of the Census, where he designed international statistical training programs. In 1956, he was promoted to special assistant to the assistant director for administration.

Mr. Corcoran joined the House Post Office and Civil Service Committee in 1960 as director of staff work for the Census and Statistics Subcommittees. He retired in 1965, but had worked part-time since 1968 as a consultant to the staff of the Senate Select Committee on Small Business.

Mr. Corcoran was a member of the Inter-American Statistical Institute, the American Statistical Association, the National Planning Association and the American Association for the Advancement of Science.

Mr. Corcoran is survived by his wife, Helen, and two sisters, Alice Corcoran, of Boston, and Mary Corcoran, of Springfield, Mass.

[From the Washington Star, Apr. 26, 1970]

THOMAS CORCORAN DIES; EX-STATISTICIAN FOR UNITED STATES

Thomas F. Corcoran, 62, a retired economist and government statistician died Friday at Cafritz Hospital after a heart attack. He lived at 5700 Wheeler Road, Oxon Hill.

Mr. Corcoran, who retired in 1965, recently had been a part-time consultant to the staff of the Senate Select Committee on Small Business.

Mr. Corcoran was a native of Springfield, Mass. He held BA and MA degrees from Yale University.

He joined the Bureau of Labor Statistics in 1935 and spent more than a decade in various countries in Central America as coordinator and consultant for census and general statistics.

In 1946, Mr. Corcoran joined the staff of the U.S. Census Bureau, where he developed a program of international statistical training. He also was chief of consultation and training programs for the International Statistical Programs office.

From 1960 to 1965 he directed the staff of the House subcommittee on census and statistics.

Mr. Corcoran was author of a number of statistical articles. He was a member of the Inter-American Statistical Institute, the American Statistical Association, the Na-

tional Planning Association and the American Association for the Advancement of Science.

Besides his wife, Helen, he leaves two sisters, Alice, of Boston, and Mary, of Springfield, Mass.

Services will be at 2:30 Tuesday at the Robert E. Wilhelm Funeral Home, 4308 Suitland Road, Suitland, with burial in Resurrection Cemetery.

PRISONERS OF WAR

Mr. HATFIELD. Mr. President, one of the basic elements common to the elite of the Communist world is their utter contempt for human life. Nowhere has this contempt for humanity been more completely expressed than in the manner in which the Communists have treated prisoners of war.

At best, war is a dehumanizing experience for all participants. But over the centuries we have attempted to alleviate the burdens of war placed on those who are captured by the enemy. We have developed a certain code of conduct and standards of treatment to which all civilized nations subscribe.

But both in Korea and in Vietnam the Communists have refused steadfastly to recognize the existence of this code which was formally established by the Geneva Conventions on treatment of prisoners of war, and which Hanoi signed. The Communists have treated these Americans and others they have captured as hostages, rather than as prisoners. On the pretext that there has been no declaration of war, they have refused even to acknowledge the capture of many of our men. The exact fate of some 1,200 or so of the 1,400 men believed held prisoners is not known. We do not know whether they are alive or dead, whether they actually are prisoners or not, or whether, if prisoners, they are well or ill.

Their families have been ignored by the Communists except in their effort to use the fate of these prisoners for purely propaganda purposes. American women, wives and mothers of the prisoners, have made desperate efforts to find out what has happened to their husbands and sons. The Communists at every turn have rebuffed these women with callous indifference.

On those few occasions when the Communists have not rejected out of hand the pleas by American women for information, they have tried to use these grieving women for propaganda purposes. They have tried to use the prisoners they hold as a devisive tool to turn Americans against Americans.

Mr. President, while there are many and various shades of opinion on the conduct of the war in Vietnam, I do not believe there is this same variation in opinion on the subject of American war prisoners. I believe all Americans are united in their determination that these brave men shall be restored to freedom.

Meanwhile, I am equally certain that all Americans demand an end to the use of these men as hostages, pawns in the age-old game of power politics. Americans are determined that we will do everything in our power to bring the men and their families together again.

Americans are united in their desire that our Government use every means possible at Paris, at Warsaw, in our contacts with the Chinese Government, in Moscow, and at the United Nations to accomplish this purpose.

PHILOSOPHY OF THE WARREN COURT

Mr. HART. Mr. President, recently, I was privileged to attend an NAACP dinner in Detroit at which the speaker was Hon. Earl Warren, the retired Chief Justice of the United States.

Justice Warren's remarks, I think, will be of interest to Senators, and perhaps of even greater interest to historians.

In it, he outlines the philosophy that guided him and the court through the decade that saw a sudden acceleration of racial justice—an acceleration that we must all hope will be maintained.

I ask unanimous consent that his speech be printed in the RECORD.

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

ADDRESS DELIVERED BY HON. EARL WARREN

This is a great gathering for a great cause. I am here to pay my profound respect to the National Association for the Advancement of Colored people because I believe it has done more to advance the protection of the Civil War Amendments—the 13th, 14th and 15th—than any organization in American history. For 61 years, it has fought the battle of the black people to eliminate the vestiges of slavery and to bring to those downtrodden people and to their children and children's children the full protection of the first Section of the 14th Amendment which came into our Constitution only after four years of bloody fratricidal war with the killing or wounding of a million Americans. This Section read as follows:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

I know some of the difficulties under which your organization has labored. I have been acquainted with many of the great Americans who have given it leadership—Walter White, Arthur Spingarn, Kibie Kaplan, my colleague and friend, Justice Thurgood Marshall, and your distinguished present Director, Roy Wilkins. I watched them build, stone by stone, the incompletable highway to human rights to which they and so many other dedicated souls have structured their lives.

I have for many years felt with them the gross injustices they sought to eliminate from our society and have witnessed the forces of progress and reaction struggling against each other in this phase of American life. I am conscious of some of the dangers which lie ahead. From all of these experiences, I have come to have a profound respect for the National Association for the Advancement of Colored People and admiration for its accomplishments in the face of as great obstacles as have faced any voluntary organization pursuing a just cause in the history of the Nation.

All of this, it has done in the truest American sense; through peacefully petitioning of the Government and through the courts of the land. It has made great strides in the

past few decades, and has brought us from a moral insensibility to a dynamic understanding of that part of our Constitution.

But we have not yet attained our ideal. I believe there is an American ideal, and that it is encompassed in the words, "All men are created equal, and are endowed by their Creator with certain unalienable rights, among which are life, liberty and the pursuit of happiness." In our pursuit of that ideal, we have been struggling at times and relapsing at others until we find ourselves, 102 years after the 14th Amendment was adopted, with hundreds of thousands of black children still denied equal opportunities of education; with like numbers of adults denied the privilege of voting; and with litigants, witnesses and jurors deliberately humiliated in many court rooms. We still find people being denied the right to live wherever they choose, along with a myriad of other indignities imposed on millions merely because of their color. Yet, we have always taken pride in the Biblical words which are molded into the Liberty Bell which bespoke our independence and freedom with the words, "Proclaim liberty throughout all the land unto all the inhabitants thereof." Those words made their mark, not only on our own people, but on the people of the world. They presented the image we have wanted the world to have of us. We fortified them with the concluding words of the Declaration of Independence:

"And for the support of his Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor."

For almost two centuries, we have prided ourselves on having a Nation which achieves unity through diversity and accommodates diversity through unity. We have achieved much in that time, but we have fallen grievously short in according equal rights to more than 20 million Americans, principally black, solely because of their color. Every thoughtful American must be aware of the travail our country is going through at the present time because of divisiveness in our society. Crimes in the street; the mass use of narcotics; bombing of office buildings, court houses, minority group churches and homes; the turning over of school busses peopled with innocent little children, the lynching of civil rights workers in the custody of the law; the denial of equal opportunity for education and the right to vote—these and other evidences of turbulence have brought our Nation to the point of imminent peril.

Of course, all of these conditions were not wholly caused by our failure to accord equal rights under the law, but some of them are, and all of them can be attributed in part to it. Widespread and grievous injuries always feed upon themselves and produce widespread and grievous consequences.

I believe our Nation has arrived at a crossroad leading in one direction to freedom with equality for all and in the other toward the route of racial discrimination with resulting bitterness, disillusionment and discord for our children and their children into the indefinite future. We cannot travel both of those roads. It must be one or the other. If we are to have good will and good order, we must recognize that never again can we achieve our professed goal if any amount of freedom is withheld from any group of people who live under the protection of our flag. Only a little freedom for some people will no longer suffice.

I need not review with this company what all of our shortcomings in this area are. However, because I am a lawyer and have had the privilege of sitting on the highest Court of our land for many years, I do want to point out to you something that is largely a responsibility of my own profession, but which I believe is somewhat the problem of everyone interested in the administration of justice, which, of course, is one of the most vital phases of equality under the law. It is a responsibility that has

been assumed through the years by the NAACP alone, but in spite of all its efforts it has not been able yet to remedy. The organized bar has done nothing nationally to remedy the condition I am to speak of, but it must be done by someone if we are to have respect and confidence in our judicial process.

There are still many anachronistic practices of another day in some of our courts which degrade people solely because of their color. In many jurisdictions, it is the common practice for white witnesses to be addressed by white lawyers as Mr., Mrs., or Miss, but black witnesses are addressed as boy, or Johnny, or Willie, or, in the case of women, as Mary, or Jane or whatever their names might be. Only a few years ago, there came to the Supreme Court, I believe through your Association, a case of this character where a white lawyer, who had been addressing white witnesses as Mr. and Mrs., commenced to examine a Negro woman. The following is the entire record in the case on an agreed statement of facts:

"Cross examination by Solicitor Rayburn: Q. What is your name, please?"

A. Miss Mary Hamilton.

Q. Mary, I believe—you were arrested—who were you arrested by?"

A. My name is Miss Hamilton. Please address me correctly.

Q. Who were you arrested by, Mary?"

A. I will not answer a question—

By Attorney Amaker: The witness's name is Miss Hamilton.

A.—your question until I am addressed correctly.

The Court. Answer the question.

The Witness. I will not answer them unless I am addressed correctly.

The Court. You are in contempt of court—Attorney Conley. Your Honor—your Honor—

The Court. You are in contempt of this court, and you are sentenced to five days in jail and a fifty dollar fine."

The defendant served the five days in jail, but did not pay the fine. The judgment was affirmed by the Supreme Court of Alabama; and she sought review in the United States Supreme Court where the case was summarily reversed. (*Hamilton v. Alabama*, 376 U.S. 650)

Can you imagine what would happen in a court room if a Negro lawyer had the effrontery of addressing all white women witnesses as "Mary" or "Jane"? Now, if this were an isolated case, it would be bad enough, but it typifies a practice which is common in many jurisdictions in our country. Indeed, it was argued by the Attorney General of the State in the United States Supreme Court that the "federal question is not substantial, is not important, and is frivolous."

During our 1963 Term, a case was heard by the Supreme Court involving a Negro who entered a segregated court room and quietly sat down in a vacant seat on the white side of the aisle. The court called him to the bench and ordered him to sit on the Negro side. He quietly folded his arms and stood at the counsel table, for which the judge sent him to jail. There was no question of violence or abusive language or anything of a turbulent nature so far as the defendant was concerned. After affirmation by the State Supreme Court, it was reversed by the Supreme Court of the United States. (*Johnson v. Virginia*, 373 U.S. 61) It was conceded by the State in its brief in opposition that there was no disorder in the court room and that seating space "is assigned on the basis of racial discrimination, the seats on one side of the aisle being for use of Negro citizens and the seats on the other side being for the use of white citizens." And all of this happened in a State which adjoins the District of Columbia.

In the same Term, a similar case came to the Supreme Court from the State of Lou-

isiana (*George, et al v. Clemmons*, 373 U.S. 241), and was likewise reversed.

Other cases of this kind show the pervasiveness of these practices in, of all places, the court rooms of this country. In 1966, three young Negroes who had been driving a white car were being tried for robbery. The judge, in his instructions to the jury, referred to them as "three black cats in a white car." They were, of course, convicted in such an atmosphere, but in that instance the Supreme Court of North Carolina reversed the lower court. (*State v. Belk*, 150 S.E. 2nd 481).

It should be remembered in connection with such judicial conduct that until the case of *Gideon v. Cochran* in 1962, in a number of southern states, no lawyer was appointed except in a capital case, and as a result thousands upon thousands of indigent Negroes were sent to prison without any legal advice—many of them for life under harsh recidivist laws.

Almost a century ago in the case of *Strouder v. West Virginia*, 100 U.S. at 303, the Supreme Court held that systematic exclusion of Negroes from juries is unlawful because it is "practically a brand upon them fixed by law; an assertion of their inferiority and a stimulant to that race prejudice which is an impediment to securing to individuals of that race that equal justice which the law aims to secure to all others."

Notwithstanding this landmark decision, scores of these cases have come to our Supreme Court even during my years there, some of which we reversed, and in others the petition was denied because the issue was not raised below or because the indigent petitioner did not have the means to prove the discrimination under the ingenious devices used to accomplish the discrimination.

In many of these cases, it was established that even where there were as many Negroes as whites in the county, no court official could remember a case, civil or criminal, where a Negro had been on a jury, or even on a jury panel.

A case of this kind came to the Fifth Circuit some years ago from the State of Mississippi (*U.S. v. Harpole*, 263 F. 2nd 71). It was from a county where a majority of the people were black. The defendant, charged with murder, was represented by two white lawyers. A completely white jury was selected, and the defendant was convicted and sentenced to death. The conviction was affirmed by the State Supreme Court. No question was raised concerning systematic exclusion of Negroes from the jury.

When the case was concluded in the state courts, the white lawyers took no further proceedings, but an eminent Negro trial lawyer from Chicago raised the question in collateral proceedings. The Court of Appeals remanded the case to the United States District Court for a hearing of the evidence. The evidence showed that although Negroes were in the majority in the county no Negro, within the memory of the sheriff, or any other public official in the county, or any witnesses who testified, served on any jury panel within the past 20 years. The District Court decided against the defendant.

A distinguished panel of the United States Court of Appeals—the former Chief Justice, the present Chief Judge, and a third distinguished member of that Court—unanimously held, in accordance with the ancient *Strouder* case and its numerous progeny, that systematic exclusion of persons from the jury panel, because of race or color, was contrary to both the equal protection and the due process clauses of the 14th Amendment.

Chief Judge Rives in his opinion stated that where "courageous and unselfish lawyers find it essential for their clients' protection to fight against the systematic exclusion of Negroes from juries they sometimes do so at the risk of personal sacrifice which may extend to loss of practice and

social ostracism." And in conclusion on this issue, Judge Rives stated: "As judges of a Circuit comprising six states of the Deep South, we think it is our duty to take judicial notice that lawyers residing in many southern jurisdictions rarely—almost to the point of never—raise the issue of systematic exclusion of Negroes from juries. The Supreme Court of Mississippi has said that 'We have the right to make use of the knowledge and the popular and general customs of the people of this State and public conditions therein'. A like authority and duty is vested in this Court." The Court of Appeals of the Fifth Circuit then proceeded to reverse the case, and remanded it with instructions.

The Court also pointed out that the conduct complained of was in direct violation of USCA, Section 243, which reads as follows:

"Exclusion of jurors on account of race or color—No citizen possessing all other qualifications which are or may be prescribed by law, shall be disqualified for service as grand or petit juror in any court of the United States or of any state on account of race, color or previous condition of servitude; and whoever being an officer or other person charged with any duty in the selection or summoning of jurors excludes or fails to summon any citizen for such cause shall be fined not more than \$5000."

To say that this statute has been honored more in its breach than in its observance would be an understatement.

I wish to point out to you that so long as these indignities are permitted in the courts of any state of the Union, there can be no "Equal Justice under Law;" and it can likewise be said that wherever these practices are permitted it is the direct responsibility of the presiding judge of that court. All of them could be changed any day the courts determine to do so and without any injury to any person.

I wonder if the time is not here for the NAACP, not only through the tedious procedures of the courtroom, but through its thousands of members manifesting their dissatisfaction in a manner that will bring it forcibly to the attention of the Nation. It would not be difficult to ascertain what courts follow these practices, and once done it would not be an impossible task for the NAACP to bring the facts to the attention of the public in a way that would not gain public recognition.

If the dignity of the individual is not to be respected in the courtrooms of the Nation and if the people who are summoned there or go there for justice are publicly demeaned, how can we expect "the butcher, the baker and the candlestick maker" to show greater respect for human dignity to others in their relations with the public? There are few things in life more demoralizing, more degrading, more resented and more likely ultimately to produce bitterness and lasting strife than the willful denial of human dignity to anyone because of his race or color or for any other condition that he is not responsible for and is powerless to change.

It is not enough merely to open the courthouse doors to everyone. The proceedings therein must also be open on equal terms to all who enter; otherwise the word, "justice" is a sterile one which cannot command the respect we claim for it.

I will say no more, but will leave to you whether there is not long overdue an awakening to our responsibility for making meaningful for all our people the Bill of Rights and the words, "due process" and "Equal protection of the laws" as they are mandated in the 14th Amendment to the Constitution of the United States.

THE QUALITY OF MOVIES ON TELEVISION

Mr. CURTIS. Mr. President, several months ago a group of citizens in the

Scottsbluff, Nebr., area undertook a voluntary research project to analyze the quality of movies being shown on television, particularly for children.

The group counseled with me through the Reverend James F. Landrum, president of the Scotts Bluff County Juvenile Advisory Committee, under whose supervision the project was launched.

Housewives, parents, a college librarian, wives of attorneys, and businessmen, a State historian, and city library staff members were among those participating.

They had all been active in civic affairs and were dedicated to working for the betterment of national and community life.

I asked them to inform me of the results of their research.

In their first report to me, the group gave an analysis of some 30 films which were then being advertised nationally by Screen Gems for reruns on television.

Standards developed by two national publications, *Green Sheets* and *Parent magazine*, were applied in evaluating the movies.

The group concluded that more than half the films advertised should not be shown to children, and that most of the movies advertised for children should not be viewed by immature young people.

The Reverend Mr. Landrum has now made the group's second report to me and has advised me that it is the group's goal to evaluate 1,000 movies which are up for resale to television networks and local television stations.

The second report covers movies produced during 2 years, 1960 and 1966, of approximately a 10-year period in which the 1,000 films were made.

The Reverend Mr. Landrum has informed me that "of these movies produced in 1960 and 1966, 70 percent should not be shown to children" according to his researchers.

He said:

The reasons are that these movies emphasize sex, low morals, prostitution, adultery, corrupt politics, slick crime and murder, and that it is the group's opinion that if these are again shown on television, they will be teaching our young people material that will be detrimental to the family, our national and political life, and will result in lowering the morals of our youth.

The Reverend Mr. Landrum also advised me that his researchers have found many of the advertised films are poor for adults to watch.

He explained:

It was noted by researchers that in this 10-year period of movie production there were movies shown on television advocating sex perverts, homosexuality, and suggestive adultery scenes. It was also noted by our research group that many of these movies are shown prior to 9 p.m. when most families with children watch television.

In submitting the report to me, the Reverend Mr. Landrum concludes:

We object to profit-making groups using our children and the family as a tool in "filth for profit" and we oppose those forces who use children as a vehicle to enlarge their ledger sheets and bank accounts. Any help the United States Congress may render in upgrading this part of our national life would be greatly appreciated.

The Scotts Bluff Juvenile Advisory Committee, under whose auspices this research project is being carried out, is an arm of the Scotts Bluff County Court, Mr. President. It is a very reputable group. It works not only with the court but also with schools and city officials. At the present time it has 17 programs underway in juvenile crime prevention. These include drug abuse prevention, recreation projects, and finding homes for wayward youngsters whose parents have abandoned them. The story of its work has been written up nationally in newspapers, magazines, and two books by Pulitzer Prize Winner Howard James.

Anyone desiring to see the text of the report analyzing films produced in 1960 and 1966, including the ratings given to each movie by the researchers, may do so by contacting my office.

AMERICAN POW'S

Mr. CHURCH. Mr. President one of the tragic consequences of the Vietnam war has been the anguish of the families of men who have been taken prisoner or are declared missing with all the apprehension that entails. No waking hour passes but that wives and parents of these men anxiously ask themselves:

"Where is he? Is he being properly cared for? Is he getting my mail?"

Therefore, I have joined in cosponsoring Senate Concurrent Resolution 62, which appeals for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia. They number approximately 1,500, including several from my State of Idaho. Twenty-three of these men have been POW's for 5 years or more. Almost five hundred have been designated as missing for more than 3 years.

The treatment of American POW's in Southeast Asia has been a concern of mine for many years. As far back as 1966, I drafted a statement, joined in by many other Senators, which sternly warned the Hanoi government against treating captured American airmen as war criminals. Subsequently, Hanoi dropped its criminal charges against captured American pilots.

More recently, I cosponsored and helped move through the Committee on Foreign Relations a resolution calling on the United Nations to intervene on behalf of U.S. prisoners to insure that the Geneva Convention covering treatment of POW's is obeyed and that prisoners receive humane treatment.

I hope that this latest congressional resolution will focus additional attention upon the situation of American POW's and help to assure both humane treatment for them, and speed the day of their safe return home.

A BALANCE IS NEEDED

Mr. HANSEN. Mr. President, an interesting speech was recently delivered by one of the fine U.S. District Judges, Hon. Ewing T. Kerr, of Cheyenne, Wyo.

In his speech, Judge Kerr very appropriately points out the difference between legal, peaceful dissent, and dissent that extends beyond the boundaries of the law.

Judge Kerr takes issue with those who justify their unlawful actions by claiming that they are subject to some sort of legal immunity because their actions are under the veil of civil disobedience. As he points out:

There is no such thing as "civil disobedience." Any willful violation of criminal laws is "criminal disobedience." It is a criminal act to assault, to trespass, and to destroy another person's property.

Mr. President, there are times when I think that we go too far in an effort to protect those who would stretch the law to its outermost limits. As Judge Kerr points out, those who respect the law have certain privileges, too. A balance must be achieved between individual rights and collective public security.

I believe that Judge Kerr's words are particularly appropriate in light of the occurrences during the past few days. I ask unanimous consent that they be printed in the RECORD.

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

LAW—BRIDGE TO JUSTICE

(By Ewing T. Kerr)

Perhaps more words have been spoken and written during the past five or ten years on the subject of law and order than during the entire history of our republic.

Calvin Coolidge said: "It is the duty of a citizen not only to observe the law but to let it be known that he is opposed to its violation."

An overwhelming majority of present-day Americans obey the law, but far too few indicate that they are seriously concerned with its violation. To some of us the issues are clear. Almost daily we witness the progressive revolutionary steps of anarchy, coercion, intimidation, violence, and unlawful takeover.

If we are to live as civilized men and women, then we must make the law a paramount issue in our daily lives. In short, we must live by the spirit as well as the letter of the law. We must oppose crime with all the means at our command.

It has been stated that only gods and beasts can live outside of civil society. Since we are neither, let us accept the premise without testing it.

The "3-R's" which the school child innocently chanted years ago have taken on a new significance today. "Reading and writing and 'rithmetic" seem to be supplanted by "Resistance, Riots and Revolt."

I think the latter problems, riots and revolt, are the obvious symptoms of the basic disorder, resistance. If we could diagnose the cause, perhaps the effect could be treated and cured, or at least curbed.

J. Edgar Hoover attributes today's organized resistance to law and authority to the Communist Party. He charges that the Communist Party is conducting a well organized campaign to recruit and agitate our youth by a campus speech program in which "skilled hucksters of atheism and treason appear at scores of colleges and universities from New York to California."

They attract the politically naive and uninformed youth, the liberals or extreme leftists, and the conservatives or extreme rightists. The self-serving, self-appointed leaders of the minority groups are particularly susceptible to Communist propaganda. The Communists capture the imagination and arouse the enthusiasm of the impressionable "agin-ers", and the "do-gooders" as well.

Regarding the demonstrations on the Berkeley campus, the California state superintendent of public instruction said that the

demonstrations there "provided a vehicle for infiltration by rabble-rousers, red-hots and Communists." The results were assaults, kidnappings and imprisonment of police officers, and the general breakdown of law and order.

From the newspapers we learn that one of the leaders of the demonstrations at the University of Wisconsin openly espoused that "the students should band together to bring down the government by any means." It is said that many of the leaders there are alumni of the W.E.B. DuBois clubs of America, purportedly a Communist-oriented youth organization.

These rebellious youths are not a product of their 18 or 20 years, they are the product of 3,000 years of civilization. From the beginning of civilization, injustices have always existed and mankind has struggled to eradicate them. These few youths are attempting to attain the solution now.

Triumph over inequities comes slowly and painfully. This war of injustice is the kind of war society has always fought because man is what he is.

The present attitude of this minority is to win today or to burn down tomorrow.

We know we are in trouble with this younger generation, not because we have failed our country, not because of our stupidity, but because we have failed to keep this unruly element in its place. We have the powers, but I think we do not have the will.

Violence, armed or otherwise, the occupation of buildings on campuses, should be cause for expulsion, but seldom does it happen. And, so, it may well be that this Republic faces the gravest challenge it has had since the tragedy of the Civil War, more than a hundred years ago.

Disorder in America should not be tolerated. There are forums available for the manifestation of public opinion and the courts in which redress may be obtained. The new groups of "revolutionaries" have too long been allowed to disrupt the peace of the nation and to impair the safety of society. Our governments, both state and federal, have the power to deal sternly with those who damage public and private property and create a serious disturbance in the life of America.

This is not an easy task, nor can it be done by words alone. The young are skeptical about their heritage. They are too observant and too smart to believe anything they are told.

A graduating student at Brown University addressing his own classmates, as well as their parents, said: "We are the people in the position of power in society; we have all the marbles. We've got to start the trend towards solving the problems which, in the long run, are our problems because it's our society. You must reassess your positions, and yourselves become peaceful activists. The problems are ours because we represent society, and it is we who must reassert our idealism and our moral values in this country. We cannot expect the oppressed to do it. They have pointed out the problems, but again it's we who have to work toward the solution."

Disobedience of law is not confined to the younger generation. Only recently we witnessed tens and thousands of letter carriers striking against their government, to be followed by air traffic controllers. Since the statute concerning strikes against the federal government is brief, I will quote a portion of it: "Title 5, Section 7311 of the United States Criminal Code provides, 'An individual may not accept or hold a position in the government of the United States or District of Columbia if he—(3) participates in a strike, or asserts the right to strike, against the government of the United States or the District of Columbia—.'"

Another section further provides: "Whoever violates the provision of Section 7311 of Title 5—shall be fined not more than \$1,000

or imprisoned not more than one year and a day, or both."

What punishment was meted out to these government employees? They were not punished at all. They were compensated by having their wages increased.

Don't be misled. There is no such thing as "civil disobedience." Any willful violation of criminal laws is "criminal disobedience." It is a criminal act to assault, to trespass, and to destroy another person's property.

Let us scrutinize what is going on under the guise of freedom. Freedom of speech has been converted into a license to spread bigotry, immorality and disobedience. The traditional concept of civil rights, which kept our nation strong and wholesome, has been warped to encourage citizens to obey only those laws with which they agree. This disrespect for the law and defiance of legal restraint are forms of anarchy. For examples you have only to look at the shameful conduct of students burning their draft cards—citizens refusing to pay income taxes—and teachers balking at the loyalty oath.

We cannot condone the breaking of established laws if we are to be a society of free men. Complacency and apathy will destroy our orderly process of government under the law.

Just what is the situation concerning law and order today? Statistics show that crime is increasing at an alarming rate—both in numbers and in intensity. Since 1958 the national crime rate has risen 50 per cent. In many cities the streets and parks are jungles of fear where nearly half the residents are afraid to walk alone at night. Last year, 2,600,000 serious offenses, the largest total on record, were reported to law enforcement agencies in the United States. Every hour 52 automobiles are stolen.

More than 40 years ago an eminent jurist warned against excessive leniency—saying:

"The demand of the hour in America, above all other countries, is for jurors with conscience, judges with courage, and prisons which are neither country clubs nor health resorts."

These demands are still made by Americans today. They are losing patience with "conveyor belt" justice transporting criminals back and forth between the courtroom and the gutter. Americans must be more articulate than the communist sympathizers, and we must extol patriotism and morality. We must be more persuasive than our enemies and inspire respect for the law instead of revolt against it.

Our political and educational leaders can serve their nation immeasurably if they will just get the message across that equal rights must be earned, not handed out, and that equal rights must be shared with equal responsibilities. Civil rights are not guaranteed criminal offenders only. Those who respect the law have certain privileges too. A balance must be achieved between individual rights and collective public security. Our constitutional rights are not absolute; they are relative. They must be exercised in consonance with peace and good order.

The breakdown in law and order is the result, not the cause, of the degeneration of the morality of our society, and the ultimate result will be the destruction of our Republic. Historically, every civilization that has failed to enforce its laws properly has perished. Retired Associate Justice Charles E. Whitaker of the United States Supreme Court warned two years ago that "the first evidence of each society's decay appeared in the toleration of disobedience of its laws and the judgments of its courts."

A New York newspaper has coined the phrase—"Turnstile justice"—and complains about the slap on the wrist discipline. Lenient treatment through parole, probation and suspended sentences is weak justice; it gives the hoodlums another chance to perfect

their criminal techniques and expand their corruption and vice. All this flagrant viciousness at the expense of decency and justice!

Every responsible citizen of the United States must prepare himself to withstand the relentless attack against the freedoms on which this nation is founded. We must be alert to what is happening on our campuses, on the street corners and in our homes. We must be prepared, morally and intelligently, to fight the tyranny that is filtering into our country. We must choose between law and anarchy, freedom and chaos.

It would be discouraging to think that sociologists, criminologists, and public apathy or fear are joining forces to hobble law enforcement and to strangle justice.

You and I are not participants in the mass demonstrations, disorder, and crime. We do, however, bear the responsibility for the survival of our government. Before demanding reason and restraint in others, we must discipline ourselves and deemphasize the material things of life and increase the respect of high moral values.

The annals of history contain no record more illustrious than our own. The accomplishments of our people are near a miracle of material abundance and plentiful endowments in the comforts of a full life. The ancient challenge—the vindication of freedom for mankind—is before us still. The world is gripped in bewilderment and fear. More than half the earth is engulfed by a new and strange philosophy predicated upon absolute authority and armed with new weapons of political warfare. A lost battle does not of itself ring the downfall of civilization. Forces generated from within must first nourish the seeds of decay.

The fate of freedom, as our fathers built it, as we have known it, and as we envision it for posterity, can be lost and can be lost by our generation.

PROBLEMS POSED BY WORLD POPULATION GROWTH

Mr. BIBLE, Mr. President, recently the distinguished and able Senator from Virginia (Mr. SPONG) spoke to an annual conference of the Junior Chamber of Commerce of Portsmouth, Va., concerning the problems posed by world population growth. Today's world population of some 3 billion is expected by some to double by the year 2000, and Senator SPONG made an eloquent statement of the problems this will pose unless ways are found to bring population into balance with available natural resources. I think his speech is a very valuable contribution to the continuing debate in this vitally important area. I ask unanimous consent that it be printed in the RECORD.

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

SPEECH BY SENATOR WILLIAM B. SPONG, JR.

I want to talk to you today about world population growth and the threat it poses to mankind.

It would be difficult to exaggerate the critical nature of this problem or the urgency of coming to grips with it. Unless ways are found to bring the number of people into balance with available natural resources, our efforts at economic and social development will founder. Worse, the world will face the prospect of widespread famine before the century is out.

In a recent speech at the University of Notre Dame, World Bank President Robert McNamara noted that the world's population of more than three billion would double by the year 2000. To carry the projections

beyond that year, he said, "becomes so demanding on the imagination as to make statistics almost incomprehensible."

One gets the sense in reading his speech of having heard echoes of it before, perhaps in the equally unimaginable projections of casualties in a nuclear attack. The population explosion may be no less threatening, and the casualties—in the form of the stunted and unhappy lives of unwanted children—no less real.

There is no one answer to this problem. The contraceptive pill and intra-uterine device offer great promise. But it must be recognized that they are expensive and difficult to apply on a mass scale. Moreover, unless they are acceptable to the people who must use them, they will be of small value.

There are many other approaches to population control—both natural and artificial—and there are likely to be many more as research in the field progresses. What is important is that we begin now in systematic programs of family planning to educate and motivate people to make use of the knowledge which is available and acceptable to them.

Unrestricted population increases place heavy strains on all resources within a society—social and political as well as physical resources. They affect not only the quantities of what is available but also the quality of life. The most pressing and immediate consequence of excessive population growth, however, is the burden on available food supplies.

There are many modern day "Malthusians" who say it is already too late to prevent local famines from developing around the world in the late 1970's. Even the more optimistic experts say that worldwide food production will have to double in the next two or three decades simply to keep people as well fed as they are today.

Fortunately, improvements in the technology of agricultural production may give us that time. The development of high-yield grains is a particularly dramatic breakthrough, one which has helped the Philippines to become self-sufficient in rice production for the first time in its history.

Other countries have made equally encouraging progress. Mexico, for instance, has trebled food production during a period when population was doubling.

But in the face of continuing population growth, even these advances will not be sufficient to stave off world hunger. The progress being made in the Philippines could be wiped away if the projected increase in its population from 37 million today to more than 100 million in the year 2000 is realized.

It should be remembered also that production is only one factor in the food equation. To sustain a modern agricultural system, farm equipment, chemicals and fertilizer must be available in ever-increasing quantities, management skills have to be expanded, and systems of transportation, storage and distribution developed.

Most important, developing nations must establish their own capability for agricultural research to develop new crop varieties adapted to local conditions, and to meet the threat of new diseases and insects.

Many of these things are beyond the present resources of developing countries. Indeed, they are the products of development itself.

In the meantime, agriculture competes for scarce resources with other equally pressing needs of these societies. A former prime minister of Singapore expressed the dilemma of many of his fellow statesmen when he said:

"Every year as we draw up our budget we are faced with a terrifying increase on education and health services, the need for more jobs, the need for more homes, all because our rate of population expansion is about 4 percent per annum."

To give you some idea of what that rate of growth means in numbers, here is the shorthand used by the World Bank. A population which is growing at a rate of 1 percent per year will double in 70 years; at 2 percent per year it will double in 35 years and at 3½ percent it will double in 20 years.

With insufficient resources to meet the priority needs of agriculture, there is small likelihood that the developing countries will be able to provide the kind of education, health care, and other essential services which alone can break the cycle of poverty in which they are caught.

The problem is compounded by the fact that expanding populations tend also to be young populations. Half of the population of Latin America is under age 21. These are the age groups which require the greatest government expenditures but which contribute the least to the productive capacity of the economy.

Ironically, technical aid from developed countries played a major role in the post-war population boom in many of these emerging nations. The emphasis of these programs, at least in the initial stage, was almost always on the eradication of diseases such as malaria and typhoid which claimed so many millions of lives especially among the young.

What was not considered, however, was that declining death rates would create new problems of rapid population growth and make it all the more difficult for these countries to achieve economic independence.

About half of the increase in world population since 1900 has occurred in the period after 1940 and the most of that has been in the nations of Asia, Latin America, and Africa. This would have been substantially reduced had our public health programs included compensating efforts to teach family planning.

Although population pressures are most acute in the two-thirds of the world we call underdeveloped, developed countries are by no means immune. As an example, let's take the United States. Even with its declining growth rate, this country will double its population in the last half of this century—from about 150 million in 1950 to 300 million in the year 2000.

The aggregate increases in this country are less of a problem, however, than the way they are distributed—they are highest among the poor and they are concentrated within confined urban areas.

It is estimated that poor families have 55 percent more births than the non-poor. Thirty-eight percent of poor families have four or more children compared with 17 percent of the non-poor.

In surveying food problems in Virginia, I found it not uncommon for families to have as many as ten or twelve children. Yet, these people subsisted on diets inadequate to support good health, let alone an active and productive life.

Many of the children showed signs of permanent damage to their physical and mental development as the result of improper kinds and quantities of food. Just as important, they were often deprived of the attention and parental guidance they need to develop into socially and emotionally mature individuals.

It is tragic to think that the future of these children already may be determined in large measure, and perhaps, too, the future of their children. Unless steps are taken to relieve the situation—with food assistance and help in family planning—the cycle of poverty and despair will be repeated again and again through each new generation.

The concentration of 70 percent of our population in cities over 50,000 presents a different range of problems for poor and non-poor alike. All of the issues discussed under the rubric of the urban crisis—pollution, traffic congestion, inadequate schools,

crime—trace to a basic condition—too many people in too small an area.

Less often discussed, but perhaps more important in the final analysis is the psychological impact of these conditions on the individual. We know that people become defensive in such surroundings—less open to neighbors, fearful of strangers. When we read reports of onlookers ignoring the pleas of a person in need of help, we may wonder if they do not also become less human.

There is evidence that in the absence of other means of family planning, people will turn in increasing numbers to dangerous illegal abortions. The World Bank reports that in five Western countries, there are as many illegal abortions each year as live births. The situation is as bad or worse in many of the developing countries.

In Latin America one of the major causes of death among women of child-bearing age is self-induced abortion! That is a tragic commentary on our failure to provide humane and responsible means to free women of the fear of unwanted pregnancy.

There is tragedy, too, in the birth each year of millions of unwanted children, who cannot be properly provided for by their parents. Surely, responsible family planning is a vital factor in preserving wholesome family life.

The time for talking about this problem is running out. Unless prompt and massive programs are undertaken to stabilize expanding populations, the problem will find its own solution in the famine, war, and pestilence foreseen by Malthus.

Neither population control nor economic development are ends in themselves, but means to the greater end of human development. Efforts to limit population serve the same goal as efforts to prolong and improve life on this earth for all mankind, and they should receive the same priority.

The next 20 to 30 years could be crucial in determining whether we meet this problem in humane and intelligent ways, or whether the balance is restored through some worldwide calamity. There are some who argue it is already too late.

But I am encouraged both by the actions of this government in taking the first steps toward implementing an effective population program, and by the growing public awareness of the need for such an effort to believe we can solve the problem.

If we fail to make our best effort, then we must answer for the consequences. The choice is ours.

ANALYSIS OF CAMBODIAN SITUATION

Mr. CURTIS. Mr. President, the Chicago Tribune of May 4 contains a splendid analysis of the Cambodian situation and President Nixon's actions in reference thereto, presented in an article entitled "Courage Displayed by President," written by Mr. Walter Trohan. I believe that the article merits the attention of Senators, so I ask unanimous consent that it be printed in the RECORD.

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

COURAGE DISPLAYED BY PRESIDENT

(By Walter Trohan)

WASHINGTON.—President Nixon faced up to his most fateful crisis in Cambodia with disciplined rather than reckless courage. His order to American troops to clean out the major Communist enemy sanctuaries in Cambodia should still the epithet of "Tricky Dick" his opponents have overworked in order to smear him.

There was nothing tricky about the manner in which he placed his political future

on the line for what he believes to be the best course for his country and the world. His determination and his deliberation in his address to the nation made it evident that by staking his chances for a second term on his decision, he is taking a calculated if daring risk.

"I would rather be a one-term President than to be a two-term President at the cost of seeing America become a second rate power and see this nation accept the first defeat in its proud 190 year history," he said in announcing the command decision to break the communist supply line in Cambodia in order to keep the nations of southeast Asia from collapsing like a line of dominoes and for the purpose of ending the war in Viet Nam sooner.

There were no recriminations in his speech such as a reasonable man might have employed and a trickster would certainly have cited. There was no reference to Harry S. Truman's insistence on a substitute for victory in Korea, nor to the tragic failures of John F. Kennedy and Lyndon B. Johnson to cut off the communist sea supply line by closing the port of Haiphong in North Viet Nam.

Whatever anyone may question in the Presidential processes, no one can fault Nixon's courage. His address to the nation was direct, strong, and temperate. This doesn't mean that he has silenced opposition or stilled debate. The fight has just begun. Americans must respect a fighter even though they may not like him or support him.

No doubt Mr. Nixon found courage in this hour of crisis because he displayed courage in the six crises he has weathered in his political life and about which he wrote a book, "Six Crises," in 1962. It would be a mistake, perhaps, to call Cambodia his seventh crisis or even his eighth, because they might be numbered as his defeat for the governorship of California in 1962 and his victory for the Presidency in 1968.

The numbers aren't important, or at least as important as the fact that Mr. Nixon gained instruction from his defeats and victories. One of the best things I know about him, and I must confess that it takes some study to like him, is that he now laughs at one of his saddest hours when he unwisely, altho not without justification, gave way to bitterness against the press after his 1962 defeat in California.

Cambodia is a crazy mixed-up land that makes Alice's Wonderland appear to be the epitome of logic and order. Norodom Sihanouk was its king before becoming its chief of state. The playboy politician was ousted by a unanimous vote of his own puppets. Now he is aspiring to be a dictator in the communist pattern.

But there was nothing mixed-up about the way Mr. Nixon attacked this Gordian knot. He drew his verbal sword and slashed it in two, just as Alexander solved the ancient Phrygian puzzle by a single stroke of his blade.

Who could be so cruel and so unfeeling as to pray that Mr. Nixon meets defeat in 1972 for his brilliant stroke. Only those who could sacrifice more American lives and give greater spheres of influence to communism. If we vote to defeat him in 1972, let it be for other reasons.

DISTRICT OF COLUMBIA CRIME BILL, H.R. 16196

Mr. HARRIS. Mr. President, H.R. 16196, called the District of Columbia omnibus crime bill, could be a prototype for similar legislation which will be designed for the entire Nation. It represents what has come to be known as the administration's "war on crime" efforts, and, if Congress finally passes this legis-

lation, I believe we will establish a precedent we are sure to regret in later years.

The distinguished senior Senator from North Carolina (Mr. ERVIN) has been unrelenting in his efforts to delete or amend certain objectionable provisions of the bill. He has been joined by such diverse ideological and legal exponents as Time, Life, the Nation, New Republic, the American Bar Association, and the National Crime Commission.

To be sure, there are some useful features in the 439-page bill. I refer specifically to provisions concerning reorganization and consolidation of the District courts and additional Federal support for public safety programs.

Provisions of the bill to which I take great exception are "preventive detention," "no-knock," and revision of the juvenile codes to treat 15- to 18-year-old offenders as adults. As outlined in H.R. 16196, these provisions possibly violate the first, fourth, fifth, sixth, and eighth amendments.

The issue of preventive detention at best fragments current efforts for a bail reform. Under the existing law, preventive detention is already practiced in many instances by the establishment of extremely high bonds—the extraordinary overcrowding of the District jail provides ample testimony of this fact.

Since incarceration during a period when the defendant is presumed innocent simply means that no efforts will be made toward rehabilitation, it is a process which will hardly do anything to encourage respect for law and order.

This provision gives cause for serious constitutional questions when considered in light of the eighth amendment guaranteeing "reasonable bail," the fifth amendment providing for "due process," and the sixth amendment guaranteeing "access to counsel and the opportunity to participate in preparation of a defense." Clearly these guarantees cannot be protected if an individual charged with a crime is detained for a period of 60 days, as provided in H.R. 16196, or 30 days, as recommended in the compromise offered by the senior Senator from Maryland (Mr. TYDINGS).

Obviously, speedy court trials would be far more appropriate for resolving the kinds of problems preventive detention otherwise would be designed for, and additional use could be made of "third party" supervisors for persons on release.

I believe that the "no-knock" provision of H.R. 16196 is equally undesirable and unconstitutional. As Bernard Schwartz, noted constitutional authority, states in his book, "Commentary on the Constitution of the United States," the Constitution:

Ensures to the person a privileged sanctuary within which he can live his own life, sheltered from public supervision and scrutiny . . . He can retreat therein from outsiders, secure in the knowledge that they cannot get at him without disobeying the Constitution.

The case against unlawful entry is further amplified by Prof. Herman Pritchett of the University of Chicago in his book, "The American Constitution." In the book Professor Pritchett writes:

Whether armed with a warrant or not, officers cannot break down the door to effect a lawful arrest . . . unless they are refused admission after giving clear notice of their authority and purpose.

Proponents of the "no knock" provision argue that it is needed in order to effect an arrest before suspects have the opportunity to destroy or dispose of possible evidence. They use as an example cases which involve marihuana, narcotics or dangerous substances which might be destroyed or disposed of if officers knock before effecting the arrest. The fourth amendment to the constitution states the basic law very clearly:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, no warrants shall be issued, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

I am also greatly concerned by revisions in the juvenile code making trial as an adult mandatory for 15- to 18-year-olds. If a juvenile offender is once tried in an adult criminal court, he can never be tried again in a juvenile court under the provisions of the House bill, no matter what charge is brought against him. What then will be the effect if such an offender is found innocent? These are serious questions which should be given a thorough assessment as to the implications by fact and by law.

The administration has seen fit to promote and sponsor legislation which poses grave dangers to the American constitutional system of government. These seriously objectionable features of H.R. 16196 should be deleted by the conference because they represent an affront to the basic principles of American justice and equal protection under the law.

MR. GEORGE ALDRICH, DEPUTY LEGAL ADVISER OF THE DEPARTMENT OF STATE, OUTLINES THE "INTENT" AND "MENTAL HARM" ASPECTS OF THE GENOCIDE CONVENTION

Mr. PROXMIER. Mr. President, Mr. George Aldrich, the Deputy Legal Adviser of the State Department presented lucid and very informative testimony before the Special Subcommittee of the Committee on Foreign Relations in its hearings on the Genocide Convention.

Mr. Aldrich directed himself to the "types of acts the convention deals with and to the ways in which such acts would be tried and punished." He thoroughly covered the provisions of the treaty, and placed special emphasis on the complicated question of extradition under the treaty.

I shall review today the first portion of Mr. Aldrich's testimony, which deals with the first five articles of the Genocide Convention. In particular, I should like to dwell on two important points that Mr. Aldrich made in his presentation—the question of "intent," and the matter of "mental harm."

Mr. Aldrich clearly delineated the differences between genocide and murder, and effectively countered any objections

to ratification on the ground that the definition of genocide is somehow too "loose." Mr. Aldrich stated:

Let me emphasize that none of these acts (defined in Article II) can be genocide unless committed with an intent to destroy the group in whole or in part. For example, genocide is clearly distinguishable from murder.

In addition, Mr. Aldrich discussed the provisions of the Genocide Convention dealing with "mental harm." He outlined the understanding proposed by the President that—

The United States Government understands and construes the words "mental harm" appearing in Article II(b) of this Convention to mean permanent impairment of mental faculties.

Mr. Aldrich continued:

Thus, before a charge could be sustained, it must be proved that permanent impairment of mental faculties occurred and that the defendant brought about this injury with the intent to destroy, in whole or in part, one of the protected groups. This standard is rigid enough to discourage frivolous allegations of genocide through mental harm.

In my opinion, nothing could be clearer. I would hope that Senators will indeed pay close attention to this crucial point, as carefully explained by Mr. Aldrich.

Mr. President, I ask unanimous consent that a portion of Mr. Aldrich's testimony be printed in the RECORD.

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

STATEMENT BY GEORGE H. ALDRICH, DEPUTY LEGAL ADVISER, DEPARTMENT OF STATE, BEFORE THE AD HOC SUBCOMMITTEE OF THE COMMITTEE ON FOREIGN RELATIONS OF THE SENATE, IN SUPPORT OF THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE, APRIL 24, 1970

Mr. Chairman and Members of the Committee: I appreciate this opportunity to testify on the Genocide Convention. I shall direct my comments to the types of acts the Convention deals with and to the ways in which such acts would be tried and punished. In particular, I want to ensure that there is no misunderstanding about the question of extradition.

The main thrust of the Convention is to require parties to outlaw genocide within the structure of their own legal systems. Under Article V, the United States would undertake to enact legislation, in accordance with our constitutional procedure, which would make genocide a crime.

The contours of what such legislation must contain are delimited in Articles II and III of the Convention. Article II defines genocides to be any one of five kinds of acts committed with the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such."

The five kinds of acts are: killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group, and forcibly transferring children of the group to another group. Let me emphasize that none of these acts can be genocide unless committed with an intent to destroy the group in whole or in part. For example, murder is clearly distinguishable from genocide. Murder is the killing of a human being by another human being with

malice aforethought. But, in addition to what is needed for murder, for the crime to be genocide the killing would have to be aimed at the individual in his capacity of a national, ethnical, racial or religious group; and the act would have to be done with the specific intent of destroying the group as such, in whole or in part.

Article II includes acts causing serious mental harm to members of the group. The President has proposed an understanding by the United States to make the meaning of "mental harm" clear. That understanding would read as follows:

"That the United States Government understands and construes the words 'mental harm' appearing in Article II(b) of this Convention to mean permanent impairment of mental faculties."

Thus, before a charge could be sustained, it must be proved that permanent impairment of mental faculties occurred and that the defendant brought about this injury with the intent to destroy, in whole or in part, one of the protected groups. This standard is rigid enough to discourage frivolous allegations of genocide through mental harm.

Article III of the Convention provides for the punishment of genocide itself, conspiracy to commit genocide, direct and public incitement to commit genocide, attempted genocide, and complicity—or aiding and abetting, in terms more common to our law—to commit genocide. None of these present any legal difficulties. Article IV of the Convention provides that all persons, whether they be constitutionally responsible rulers, public officials, or private individuals, shall be held responsible for genocidal acts.

UNDERSTANDING MR. NIXON'S PRESIDENCY

Mr. HRUSKA. Mr. President, the current issue of Look magazine contains a rare and penetrating profile of Mr. Nixon's philosophy and practice of the office of Chief Executive, by Pulitzer Prize winning columnist, Richard Wilson. With great insight, Mr. Wilson has sketched the true Nixon, a man who is comfortable and competent in the awesome job of national leadership.

Mr. Wilson's thesis is that President Nixon has achieved the almost unheard-of goal of being free from the clamorous demands of any single minority, and thus is able to attend the needs and wants of the majority. As Mr. Wilson has summed it up:

In short, Mr. Nixon has taken a great gamble. He had done the things he regards as right by new political and national standards, however impolitic they might seem if judged by old standards.

Nixon has confronted the war demonstrators and stared them down.

He has braved the risk of becoming another Hoover by holding the economy in check to stop inflation.

He has faced the facts of racial integration in this country and recognized what has failed in order to make integration work in a practical way.

He has disregarded minority pressures on world policy—whether on Israel or the ABM.

He has done this as if he had taken into account that he might be a one-term President.

Mr. President, I believe Mr. Wilson's article, entitled, "Nixon's Big Gamble", is "must" reading for all who are interested in understanding Mr. Nixon's Presidency. 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:

[From the Look magazine, May 5, 1970]
NO MORE RULE BY MINORITIES: NIXON'S BIG GAMBLE

(By Richard Wilson)

Seventeen years ago, I wrote an article for this magazine entitled: Is Nixon Fit To Be President?

Then Vice President Nixon said: "The article was all right. You didn't answer the question."

This article answers the question. Nixon is fit to be President. Don't go away. It is not all good.

Richard M. Nixon is fit to be President for many reasons, but the following is a sufficiency:

He has faced squarely the agonizing problem of minority domination and distortion of American policy.

He is executing a majority policy. He does not wish to thwart minorities but to release them from their sole concern with their own interests.

He wishes to make them a part of the whole of American life.

Vietnam. Race. Inflation. Israel. Russia. Protest. In each case, he has denied minority positions to find the common policy for the greatest number.

This may mean his political ruin. He could be a one-term President. Or, he could create a new majority, proof against assault by any minority or combination thereof.

Saying this invites conclusions of racism, anti-Semitism, militarism and disregard for the legitimate demand for justice by the poor, the downtrodden, the sinned against. That is not so in the Nixon Administration. Nor is it so that the minorities, the protesters, the haters, the discontented shall prevail over the legitimate interests of the majority.

Those of us who vividly remember how Nixon was regarded 20 years ago can only reflect in astonishment at the change in his public posture after a year in the Presidency.

He has come to represent a majority point of view, an amalgam of prevailing opinion in an age of violent controversy. This is not a consensus, but the assertion of conventional, patriotic, devout American values, unshaken and in fact reinforced by the racing currents of revolt, anarchism, nihilism and just plain kookiness in this troubled society.

The silent majority. Forgotten Americans. Middle Americans. These sociopolitical tags seem meaningless compared to the fact that Nixon has become believable and convincing to people who once hated or doubted him, or who have been told he was once hated and doubted.

All the elaborate theories of the young Nixon ideologists on the new Republican majority take second place to one fact: Nixon's support, and every poll shows it, comes from every element—rich and poor, ignorant and learned, tolerant and intolerant; yes, and even a little black among all the white.

If they are united on one point, it must certainly be this:

An America typified by the youth culture, the hippie culture, the drug culture, black or white racism, rampant sex, permissiveness, crime, absurd styles of dress and conduct, far-out art and music and condoned racial and political violence simply does not exist in the everyday lives of the vast majority of Americans.

They are not a part of it. They resent the exploitation by the mass media of this conduct on the fringes of society because they do not think it represents the heart and soul of this country.

They are in rebellion against the commentators, reporters, editors and politicians who spend their days and nights weaving eccen-

tric incidents into a shoddy and spurious fabric of what American life is supposed to be but is not.

Nixon represents a public reaction against this distortion of the American scene, and he knows it. In all ways, he consciously emphasizes the normality of conventionally accepted values in contrast to the exaggerated sociological freakiness affected by the rambling minorities.

A hundred examples could be cited—his own style of dress and behavior, his enjoyment of the good things of life, the normality of Mrs. Nixon, the wholesome charm of Tricia, the blissful perfection of Julie and David as a young married couple, his interest in football, the church services in the White House.

Perhaps one incident tells it all. The Gridiron Club is an organization of Washington newspaper correspondents who, for 85 years, have annually invited to dinner about 500 leading men in Government, politics, business and other fields for an evening of fun, frolic and satire of public men and issues. Many Presidents have not relished their exposure to ridicule, even in its politer forms, and have tried to escape it when expedient. This event, the annual Gridiron Dinner, is strictly traditional, square and establishment. Nixon loves it for that reason and probably has been "roasted" on the Gridiron, as the saying goes, more than any man in all the 85 years of the club's history.

Last March, he got into the act himself, preempting the final scene in the Gridiron show with a joint appearance with Vice President Agnew, parodying the President-Vice President relationship and the so-called "Southern strategy" of his Administration.

They played a duet on two rickety pianos. Nixon played what he said were favorite songs of the Presidents, *Home on the Range* for Roosevelt, the *Missouri Waltz* for Truman, *California Here I Come* for himself. Agnew accompanied the President each time with his own rendition of *Dixie*.

When the President and Vice President had made sufficient fun of themselves and their policies, they turned serious and banged out *God Bless America*. An astounded, delighted crowd of Democrats and Republicans, diplomats and statesmen, business tycoons and labor leaders, liberals and conservatives, intellectuals and boobs, rose to join in a spontaneous singing of what is regarded by some as the corniest patriotic song of all time.

Sitting in the Oval Room at the White House where he had listened to six Presidents from Roosevelt through Nixon, a recent visitor reflected on the atmosphere of comfort and calm that had been created by Nixon in his White House offices. Roosevelt's clutter, Truman's front-parlor atmosphere, Eisenhower's official Army elegance, Kennedy's New England touch, Johnson's chattering news ticker had been replaced by the comfortable ambience of a rich suburban home, burning fireplace and all.

The President took his visitor across the street to see his office hideaway in the Executive Office Building, where he writes at night and holds more intimate conferences than in the White House. This is a more personal office, with photographs and cartoons related to his astonishing political career and comeback.

Both rooms where the President works reinforced one of his visitor's previous conclusions: Nixon has an inner need for simple, unobtrusive, very orderly, very high quality surroundings where calm may replace the tensions he guards against.

Nixon's nature dictates that he withdraw from time to time, particularly in advance of important decisions and stressful occasions, whenever possible.

His need for retreats in Maryland, in Florida, California, and in the White House is real. He understands himself. He understands the nature of the Presidency. And he

does not intend that he shall ever again fall for lack of composure, premeditation or confidence.

This is what has given Nixon the fortitude to pursue policies that, by the standards that have long prevailed in this country, would invite his political ruin, and for all I know, may yet. Succeed or fail, these policies are consistently courageous, studiously moderate, and from some minority points of view, outrageously wrong.

He is confident and comfortable in his conviction that no minority representatives may stalk into his office and say: "We supported you, Mr. President. Now you must support what we want done."

It was in the nature of his election that this is so, and he is the first President in 37 years (I except Eisenhower from all generalities) wholly, freely and continuously independent of minority support.

No representatives of organized labor can command him, or of organized liberals or organized conservatives or organized racial or religious groups.

Youth cannot find a political ground on which to terrorize him; he is impervious to war demonstrators; he is safe from intellectual scorn. And he knows it.

It has been in this context that Nixon has been able to sustain a new policy on racial integration that is essentially a historical presidential challenge of judicially adopted doctrine. Also, that policy makes more palatable in the South a continued desegregation of the public schools that many parts of the South would like to avoid, but now cannot.

The Nixon policy, supporting quality education and the neighborhood school as well as desegregation, is not satisfactory to everyone, either to those who demand forced racial mixing as a social and educational imperative or to those who would have no mixing at all.

But it is a real policy that recognizes the absence of true integration as conceived by the idealists and the hypocrisy of the Northern liberals who have shut their eyes to the fact that school integration is more complete in Charlotte, N.C., than in Chicago, Ill.—or even in schools where Sen. Jacob Javits resides in New York City.

Nixon wrote a statement on racial integration that he hopes will instruct the Supreme Court when it considers the definition of what de facto desegregation is. This move to influence the Court's decision is amply supported by precedent going back almost 150 years to Andrew Jackson.

It is a classic example also of Nixon's method. An avalanche of memos and advice flowed in on him, from Daniel P. Moynihan's counsel for "benign neglect" to Presidential Assistant Harry Dent's balder political suggestions.

Nixon waited. He listened to everyone. He blamed no one for leaked memos. He granted to all staff members the right to novel or even irresponsible ideas. He encouraged debate and controversy inside his own Administration, well aware this might lead to personal conflicts.

He let Negro leaders tell him he was using familiar code words for racist policies. He listened in sorrow to the lament of Republican Sen. Edward Brooke of Massachusetts, and with satisfaction to the frankness of Democratic Sen. Abraham Ribicoff of Connecticut, exposing the sham of racial integration in the North.

He waited until a state court order in Los Angeles focused attention on how forced integration in the form of busing could threaten to destroy a vast school system.

Then he thought the time was right for him to define a moderate and realistic policy on racial integration that would serve as a guideline for his own Administration and a guidepost for the Supreme Court.

Nixon wrote that policy for the majority, not for any minority either North or South.

He may be wrong. But he consciously and deliberately sought the middle ground of reason and moderation.

His 8,000-word brief on school integration was much more than an educational policy. It defined the duties of man in a multi-racial society in terms of the real world now, not as it might idealistically be hoped to exist someday:

"We cannot be free, and . . . fit our lives into prescribed places on a racial grid. . . . An open society does not have to be homogeneous, or even fully integrated. . . . What matters is mobility: the right and the ability of each person to decide for himself where and how he wants to live. . . ."

This is a philosophic concept he presents to a Supreme Court that he is trying to remake on lines of strict constitutional constructionism. In the pending cases on obligatory racial balance in the schools, and other cases, Nixon, in his longheaded way, is trying to hammer out new racial policies acceptable to the greatest majority without sacrificing the constitutional ban on segregated public facilities.

Many are astonished by the degree of conflict Nixon permits and encourages inside his Administration. He comforted uneasy Presidential Counselor Moynihan, whose leaked memos on integration were embarrassing, by telling him that if Moynihan thought he was indiscreet, he should see some of the secret recommendations of some of the President's military advisers.

Nixon thinks both Presidents Johnson and Eisenhower had phobias on leaked information. Nixon wants open discussion, even if it leaks. He shuns the elaborate security precautions of his predecessors on destroying official papers after Cabinet and committee meetings. Let controversy out, is his motto, and then the President can find his way to the most commonly acceptable ground and the right answer.

This is the way that led him to the right answer, he thinks, on Vietnam. Vietnamization, he thinks, is working better than he originally expected. All ground-combat troops can be taken out of Vietnam probably well before the end of 1972. Combat troops will positively not be sent to Laos. Don't overlook the possibility for a negotiated settlement, not in Paris, but arising from actual military conditions in Vietnam and Laos.

So it must become evident now to everyone that Nixon is getting out of Vietnam, but the future is clouded. It is clouded because getting out of Vietnam means one thing to one man and another thing to another. It may be many years before we can become completely disengaged and adopt that lowered profile in Asia and other parts of the world that is the essence of the policy Nixon calls the Nixon doctrine.

The underlying principle of Nixon's policy in Vietnam is that the process of Vietnamization is, in fact, working. It will steadily create a worsening situation for the North Vietnamese, who will be placed under continuing pressure to make an American-dominated settlement that, inevitably, would be more favorable to them than a settlement in which the government of South Vietnam could call the turn.

On the soundness of this analysis rests the fate of Nixon's pledge to end the war in Vietnam, for which he will be directly answerable before 1972. Nixon does not reflect the doubts of others that he will succeed. He expects good marks not only in Vietnam but in improving relations with Russia, moving further toward nuclear disarmament and slowly opening up China.

These hopeful expectations are matched by Nixon's absolute confidence that the Government can and will control inflation and avoid a recession. This is now regarded as the most immediate critical problem facing Nixon.

Some background is needed here to ex-

plain Nixon's confidence in his ability to get the economy moving upward again before the fall and his determination to do so.

In 1954, 1958 and 1960, Nixon, as a campaigning Vice President or a candidate for President, got trapped in recessions or economic slowdowns. Twice it happened in the Eisenhower Administration. Again in October, before the 1960 presidential election, the economy dipped, with a 400,000 increase in the number of unemployed. Nixon seems convinced that this was the primary cause of his extremely narrow defeat by John F. Kennedy, and this is made more believable by the hairline margin of Kennedy's victory.

Again in 1968, when, a week or ten days before the election, Nixon expected to win by 5,000,000 votes, organized labor, sensitive as always to possible adversity with Republicans in the White House, nearly saved the day for Hubert H. Humphrey, and Nixon won by a scant 500,000.

Nixon is highly sensitive to economic conditions just prior to an election. He is also convinced that inflation is being brought under control and prices will go down. This leaves him in the happy circumstance of believing that he can justifiably induce action for an economic speedup without defeating his own anti-inflation policy in time to create favorable political conditions in the congressional elections this fall.

That, in my opinion, is what he intends to do, depending upon the full cooperation of the Federal Reserve Board, now headed by his former economic adviser, Arthur F. Burns, with whom he feels in complete agreement.

Nixon's faith in the Government's ability to manage and control the main factors of economic life is not wholly new for Republicans, but under Nixon, the new economic doctrines of John F. Kennedy's economic advisers have advanced far. Call it the new economics or Nixonomics, there is now a bipartisan national economy policy that would have shocked the Old Guard of the GOP.

The most fascinating, and the most controversial, exercise in the Nixon Administration goes by the name of Southern strategy, which is a term far off the mark and not half what Nixon is trying to do to create a permanent new majority favorable to if not part of the Republican party.

A great deal of shortsightedness is deemed to be responsible for the criticism of Nixon's longheadedness in his selections for the Supreme Court as part of the Southern strategy. The Senate already half regrets its rejection of Clement F. Haynsworth, Jr., an able Southern conservative whose personal integrity was never successfully impugned. The controversy over G. Harrold Carswell has reflected no great credit on Nixon's ability to choose outstanding men for the Court. But this is the short view. Before Nixon is finished, he will undoubtedly have appointed two or three more justices, and then it will be seen if he has succeeded in giving the Court the balance he thinks all the country, not merely the South, wants. Nixon's acts cannot be judged separately. They are usually part of a larger structure of policy, thought out in advance and weighed and timed for their total and ultimate effect. He is not concerned by temporary adverse public reactions.

The larger aspect of his attempt to create a sustained Nixon majority is controversial too. A 29-year-old Harvard law graduate who is Special Assistant to Attorney General John Mitchell, and describes himself as a liaison man with the White House, is the youthful apostle of what he calls the emerging Republican majority.

The apostle, Kevin P. Phillips, and Vice President Spiro T. Agnew can walk hand in hand through the jeers of "effete snobs" and Phillips will emerge one up on the Vice

President. Phillips comes right out with it. In a recent unreported speech, he told the Yale Political Union, a kind of undergraduate debating society: "The nature of the new majority—or potential majority—seems clear. It is largely white and middle class. It is concentrated in the South, the West and suburbia. It is largely conservative, but it has a number of unconservative outlooks as well."

Phillips had a good deal more to say. The silent majority, Middle America and the forgotten American are the bulwark of Nixon's support, "rooted not in the fading big cities but in suburbia, the American heartland and the boom corridors of Florida, Texas, Arizona and California."

The old liberal New Deal era of American politics is finished. A "tired, affluent and arrogant liberal establishment" has taken its place, Phillips goes on.

That establishment is "the media, the knowledge industry, research and development, the universities and think tanks, the foundations and corporate conglomerates [and] it is to the left of prevailing American opinion. It is to the left," continues Phillips, "of dust-bowl Oklahoma; it is to the left of Levittown; it is to the left of Main Street."

"The average American is fed up with the excesses of the liberal establishment. He is fed up with change for change's sake, with calculated erosion of middle-class values and standards, with fashionable liberal bigotry toward Irish, Italians, Poles, farmers, suburbanites and blue-collar workers."

Much of this does not hang together, but Phillips races on to the conclusion that middle America is hell-bent on its own political revolution in a great cyclical political change. "The target is establishment liberalism, the phony revolution of the glossy magazines, which mocks Nixonism and Middle America as cottage cheese and Sears, Roebuck."

The Nixon Administration, Phillips continues, is trying to translate into action the hopes of the silent majority. "The test of this new politics will be positive achievement on behalf of the great, ordinary Lawrence Welkish mass of Americans from Maine to Hawaii," Phillips concludes.

Phillips has rather damaged his argument about the Southern-Western-suburban-blue-collar base of the Nixon Administration by reporting to his superiors his conclusion that the way things are going, Nixon will also probably carry all the Northeast in 1972, with the possible exceptions of Massachusetts, Rhode Island and the District of Columbia. This rather detracts from any idea that the Northeast should be sheared off the map and be left to drift out to sea.

Never mind. The idea is cherished by the younger men of the Nixon Administration that a vast change of political alignments is now upon us.

They have passed approvingly among them copies of Phillips' treatise and are pretty much convinced that Middle America is leading the revolutionary way in a historical political movement comparable to Jeffersonian Democracy, Jacksonian Democracy and the New Deal.

How much of this Nixon buys is debatable. Part of it. That part, for sure, that tells him that George C. Wallace cannot be permitted again to drain off Southern and Northern support that ought to find its natural home in the new Republican majority. Wallace is a menace to the Republican majority and to Nixon. Nixon would not have been elected if Wallace could have gotten a million more votes in the right places.

But Nixon is sophisticated politically. He may justify his San Clemente residence as a Western White House to symbolize the shift of political power to the West, but he is counting on the East too. Nixon is too smart to get trapped in Goldwaterism. The

emerging Republican majority is supposed to be something different from that.

In short, Nixon has taken a great gamble. He has done the things he regards as right by new political and national standards, however impolitic they might seem if judged by old standards.

Nixon has confronted the war demonstrators and stared them down.

He has braved the risk of becoming another Hoover by holding the economy in check to stop inflation.

He has faced the facts of racial integration in this country and has recognized what has failed in order to make integration work in a practical way.

He has disregarded minority pressures on world policy—whether on Israel or the ABM.

He has done this as if he had taken into account that he might be a one-term President. "Yes," a presidential assistant said, "I think the President has had that possibility on his mind. But maybe because he is willing to run that risk regardless of conventional political judgments, he is more likely to be a two-term President."

By the standards of a few years ago, Nixon has been courting political disaster. The power base of his opposition, of the New Deal, the Fair Deal, the New Frontier, was a coalition of organized minorities—organized labor, organized liberals, organized urban racial and religious groups and, at times, organized farmers.

They prevailed on the American political scene not in small part because they seemed to represent the interests of the oppressed and the underprivileged and the common man—anyone who needed a better break in life.

Nixon is trying to create a majority considerable of minority opinion but shatterproof under the blows of dissent and opposition of any minority. This is not so different from President Eisenhower's aim when, early in his Presidency, he talked about a coalition of middle-of-the-roads in the name of "New Republicanism." It didn't work. But, then, Ike was no politician. Nixon is.

RESOLUTION OF APPRECIATION OF SENATOR MILTON R. YOUNG BY CITY OF FARGO, N. DAK.

Mr. BURDICK. Mr. President, I have just received a resolution passed by the city commission of the city of Fargo, N. Dak., expressing the appreciation and thanks of the city for the work done by my colleague from North Dakota, Senator MILTON R. YOUNG. In order that all may be aware of the fine support and help which is given to the State by Senator YOUNG, I ask that this resolution be printed in the RECORD.

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

SENATOR MILTON R. YOUNG

Resolution of Appreciation Adopted: Commissioner Schuster offered the following Resolution and moved its adoption: Whereas, Design for the Overlay of Runway 17/35 at Hector Municipal Airport has been commenced by Uelitz Engineers, Inc.; and

Whereas, Senator Milton R. Young has been instrumental in making funds available for Hector Airport.

Now, Therefore, be it resolved, That the Board of City Commissioners of the City of Fargo does hereby express its appreciation to Senator Milton R. Young for his efforts in making funds available for Hector Municipal Airport in Fargo.

Be it further resolved, That this Resolution be inscribed upon the permanent records of the proceedings of the Board and certified

copies forwarded to the Congressional Delegation with the request that they insert it in the Congressional Record.

Second by Oakey. On the vote being taken on the question of the adoption of the Resolution Commissioners Oakey, Schuster, See, Markey and Lashkowitz all voted aye.

No Commissioner being absent and none voting nay, the President declared the Resolution to have been duly passed and adopted.

CERTIFICATE OF CITY AUDITOR

State of North Dakota, County of Cass, ss. I, F. R. Fahrlander, do hereby certify that I am the duly appointed, qualified and acting City Auditor of the City of Fargo, North Dakota; and

That the foregoing is a full, true and correct copy of a Resolution adopted by the Board of City Commissioners of the City of Fargo at a Regular Meeting of the Board held on Tuesday, April 14, 1970; and

That such Resolution is now a part of the permanent records of the City of Fargo, North Dakota, as such records are filed in the office of the City Auditor.

[SEAL] F. R. FAHRLANDER,
City Auditor, City of Fargo, N. Dak.

CAMBODIA

Mr. CHURCH. Mr. President, no more succinct rebuttal to the President's decision to widen the Vietnam war into Cambodia has been made than the following two columns by James Reston and Tom Wicker in Sunday's New York Times.

I ask unanimous consent that the articles be printed in the RECORD:

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

WASHINGTON: THE HEART OF THE TROUBLE (By James Reston)

WASHINGTON, May 2.—In announcing his decision to expand the Indochina war, President Nixon said he was going "to the heart of the trouble," and if you accept this as true, it is easy to approve his decision. But is it true

"Our third choice," he said, "is to go to the heart of the trouble. And that means clearing out major North Vietnamese and Vietcong-occupied territories, these sanctuaries which serve as bases for attacks on both Cambodia and American and South Vietnamese forces in South Vietnam as well."

But the heart of the trouble is not in Cambodia, but in North Vietnam and beyond that, in the Soviet Union and Communist China. This is where the power comes from. This is what we have been up against from the beginning. The real sanctuaries, which Mr. Nixon wisely is not prepared to challenge, are Hanoi, Peking and Moscow, and that being so, it is a thunderingly silly argument to suggest that wiping out the enemy's bases in Cambodia will get to the "heart of the trouble."

There is a good case to be made for attacking the enemy's bases in Cambodia—always has been. Some of them are only 33 miles from Saigon. No general with the brains of a corporal would willingly give his opponent a safe haven from which Saigon could be attacked in the night or even destroyed by relatively short-range missiles which Moscow and Peking have the power to provide.

MAGICAL STROKE

But why can't this plain and sensible tactical battlefield case be made honestly? The President explained the move into Cambodia, not as a necessary tactical invasion—which it undoubtedly is—to reduce casualties and save the staggering Cambodian Government through the coming monsoon season; but he

presented it as some kind of magical stroke that would stun the enemy, wipe out the sanctuaries, bring the boys back home quicker, prove our determination to the Russians and the Chinese, and help arrange a just and lasting peace.

He asked the American people if they wanted to cut casualties, bring the boys back home, be faithful to their promises, defend the integrity and commitments of their country, and support their fighting men; or whether they wanted to abandon their soldiers, their allies, their principles, and their promises. And all this, he insisted, depended on whether they supported his decision to invade the enemy's bases in Cambodia.

As a television show and a political exercise it may have been effective, but as a serious Presidential presentation of the brutal facts of a tragic and dangerous problem of world politics, it was ridiculous.

No doubt the enemy's Cambodian sanctuaries will be destroyed or abandoned, and without too many casualties on our side. But unless we keep our troops there, the enemy will come back or move to other sanctuaries. This has always been the "heart of the problem."

Geography, history and time are on the side of the enemy. It is a devilish problem. He can always retreat into other sanctuaries in Cambodia, Laos, North Vietnam or even China—and wait. The question is whether we are willing to fight and wait or whether we are merely determined to pretend.

WHAT NIXON DID

What President Nixon did in his speech on the Cambodian invasion was to pretend—pretend this would get the boys back home and get the enemy to negotiate a just peace, pretend he was getting "to the heart of the trouble."

This is what is really dividing Washington today—not that the President is expanding the war, but that he is pretending his invasion of Cambodia will end it by destroying the critical enemy sanctuaries which everybody knows really exist elsewhere.

IN THE NATION: FURTHER INTO THE QUAGMIRE (By Tom Wicker)

WASHINGTON.—The invasion of Cambodia ordered by President Nixon makes it clear that he does not have and never has had a "plan to end the war." For this is another of those escalations of the Southeast Asian war that in every previous case had to be extended further than expected and still accomplished nothing.

Every such escalation by three Presidents has succeeded only in sucking the United States further into the quagmire, and all of them—notably the bombing of the North—have had to be abandoned; what, in fact, is the President's so-called Vietnamization policy, if it is taken at face value, but the slowest and most reluctant form of abandonment of Lyndon Johnson's military build-up?

CAMBODIAN SANCTUARIES

Since the Cambodian sanctuaries have existed for five years, for instance, it has to be asked why their strategic importance was not assessed before the Vietnamization policy was launched. These sanctuaries become the kind of wholesale threat to American lives upon which Mr. Nixon insisted—if they do at all—only as overwhelming American troop strength declines through piecemeal withdrawals. Vietnamization, therefore, so far from being "a plan to end the war," bore within itself, from the start, the seeds of this escalation.

Even Mr. Nixon's description of the escalation as a temporary and limited effort is refuted by his own testimony. He described North Vietnam as being now engaged in "invading" Cambodia and said that if the attack succeeded "Cambodia would become a vast enemy staging area and a springboard for attacks on South Vietnam along 600 miles of

frontier." If such an invasion is in fact taking place, and if its success would pose the stated threat, then a quick one-shot sweep through the border sanctuaries would hardly prove a sufficient defense.

Nothing, moreover, distinguishes these new search-and-destroy sweeps into Cambodia from all the other bloody, useless, innumerable search-and-destroy sweeps of this war—into the Ashau Valley, the Iron Triangle, the demilitarized zone, into all those other "strongholds" from which the Vietcong and the North Vietnamese have been so often swept, only to reappear still fighting when the "victorious" Americans have departed brandishing their inflated body counts. Such a bitter history gives scant assurance that even if the invaders sweep through the Cambodian sanctuaries in a few weeks the sanctuaries will stay swept, the Americans will be able to go away for good, and the troop withdrawals can proceed undisturbed.

It is implicit in Mr. Nixon's remarks therefore, and despite his references to Cambodia's alleged neutrality, that a great deal more may be involved than a quick, effective thrust—that, in fact, the tottering Cambodian regime of Lon Nol, like the South Vietnamese regime of Nguyen Van Thieu, is now being sustained on the battlefield by American troops, since neither could long sustain itself without them.

Why, then, did Mr. Nixon take such a fateful step and explain it with such cunning words and inverted logic (reminiscent of President Johnson) as, "We take this action not for the purpose of expanding the war into Cambodia but for the purpose of ending the war in Vietnam and winning the just peace we all desire"?

TACTICS AND AIMS

The answer can only be that he has no "plan to end the war," much less win the peace, that Vietnamization by itself is not and cannot be such a plan, and that in the end Mr. Nixon like Mr. Johnson before him is pursuing the bloody chimera of striking one final overpowering military blow that will drive the North Vietnamese to their knees and thence to the conference table. The one President sent a half-million troops and fleets of bombers; the other has invaded the sanctuaries; the tactics are different but the aim is the same.

White House propagandists also insist that Mr. Nixon needed to make a show of strength in the world, lest the United States be thought to have gone soft. This sounds like typical White House thinking. It was much the same reasoning that led President Kennedy in 1961, after the Berlin Wall had gone up and he had been bullied by Premier Khrushchev at Vienna, to increase the American commitment in Vietnam; and the same sort of considerations later contributed heavily to the decision of Lyndon Johnson, a new President elected in a peace campaign, to begin the bombing of the North.

But whatever his motives and his policy, Mr. Nixon relied heavily, in his appearance before the nation, on deception, demagoguery and chauvinism. It was misleading to fall even to mention that the Cambodian Government had recently been overthrown by a right-wing military regime, whose action led to the fighting and the atrocities in Cambodia; to speak of American respect for Cambodian neutrality as if Cambodia had not refused diplomatic relations with the United States for years; and to repeat the exaggeration first put forward in the Nov. 3 speech that "slaughter and savagery" followed the Communist takeover of North Vietnam in 1954.

It was cruel to play upon the hopes of American parents by saying that the war must be expanded to spare their younger sons not yet drafted and butchered in Vietnam. For how can that, or "a world of peace and freedom," be squared with fighting to avoid "humiliation," with making war in

order not to be seen as a "pitiful, helpless giant," with the sheer jingoism of refusing absolutely "to see this nation accept the first defeat in its proud 190-year history?"

CREDIT CARDS AND INFLATION

Mr. PROXMIRE. Mr. President, by a vote of 79 to 1, the Senate recently passed a bill to prohibit the unsolicited distribution of credit cards. One argument advanced on behalf of this legislation is that credit cards promote inflation. A number of witnesses who testified before the Senate Banking and Currency Committee indicated that it was somewhat inconsistent for commercial banks to be cutting back loans in other areas while at the same time sending unsorted credit cards to consumers urging them to make additional installment purchases at the rate of 18 percent per year interest.

Another aspect of the credit card revolution is that they frequently cause merchants to raise their prices. The merchant must pay the credit card company a discount, frequently as much as 4 or 5 percent of the cash price of the sale. The cost of this discount is then passed on to all buyers alike.

Recently an article prepared by the United Press analyzed the impact of credit cards on retail prices. The article provides additional evidence of the inflationary impact of credit cards. 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:

CREDIT CARDS CITED FOR SOME INFLATION

NEW YORK.—The credit card business in the United States has soared to an estimated \$5 billion a year, and much of it increases the prices of goods and services by 7 per cent. It's also probably the biggest bonanza in the history of banking.

National banks alone have almost \$2 billion in credit card business. Diners Club and American Express have more than \$1 billion between them. The oil companies sell hundreds of millions of dollars worth of gas, oil, batteries and tires on their own credit cards. And there are many small local bank credit card systems.

The statement that credit cards inflate prices generally should be qualified by a reminder that other credit systems also increase the cost of doing business and hence boost prices as compared with cash purchases. But the mushrooming growth of credit card sales in recent years has convinced most economists that they have become a potent inflationary influence.

The 7 per cent average increase in prices resulting from the use of credit cards stems from the simple fact that banks and credit card companies charge 6 to 10 per cent for collecting the bills.

PASSES ON COST

This is paid by the merchants. So the restaurant man must raise the price of a \$10 dinner to \$10.70 to offset the credit card collection cost. In general, restaurants doing a lot of credit card trade boost their general price level to take care of it. Some do not, but actually add on the 7 per cent as a separate charge.

The Senate tacitly recognized the inflationary threat of credit cards on April 15 by passing a bill to ban the issuance of unsolicited cards and to limit cardholders' liability to \$50 when cards are lost or stolen and then used by unauthorized persons.

Proponents of the bill said that in addition to encouraging frauds, the mailing of unsolicited credit cards encouraged many unsophisticated persons to spend far beyond their means.

You can easily prove for yourself that the general price level usually is increased to cover the credit card collection charge. Next time you dine in a fancy restaurant where most of the customers are dining on credit cards, ask if you are entitled to a discount if you pay cash instead. You won't get the discount for cash in all places but frequently you will, either in the United States or abroad.

CASH DISCOUNTS

There are several small companies that sell "cash cards" entitling you to cash discounts of 5 per cent or more in restaurants and other places that do a big credit card business. One called "Home Buying Power Club" has just been established in New York. Its cash discount card is good in 1,200 stores and restaurants.

This 7 per cent increase in the prices of goods and services bought by credit cards has to be financed ultimately by the banks whether they issue the cards themselves or simply lend money to the older established credit card firms like Diners Club or American Express.

Actually, the banks' share of the total credit card has grown dramatically. The two largest bank credit card systems, Master Charge and BankAmericard, had around 70 million card holders at the end of 1969.

The cards were good in more than half a million business establishments.

It has been a bonanza for banks. By financing the average 7 per cent cost of collecting credit card bills, the banks often earn a true annual interest rate of more than 70 per cent on their money. They earn a minimum of 25 per cent a year on the business.

COLLECTION CHARGES

The basic collection charge on the credit cards the banks distribute themselves is 6 per cent a month—72 per cent a year. That the merchants must pay the banks. If the bill is not paid by the card holder by the 25th of the month after he gets it the bank charges him interest at the rate of 1½ per cent a month on the first \$500 and 1 per cent a month on the balance. That comes out to a true annual interest rate of somewhere between 12 and 18 per cent. The delinquency, of course, reduces the net annual return on the bank's money but the bank is pretty sure to get 25 to 50 per cent a year on its money even on delinquent credit card accounts. On those that are paid promptly, it makes a straight 70 per cent a year.

Banks earn considerably less by financing credit card operations of Diners Club and American Express, both of which can borrow at the prime rate and thus reap most of the profit from the collection charge themselves. Also American Express generates a lot of its own funds by the sale of travelers' checks.

The oil company credit card business is much older and does not contribute substantially to price inflation because the oil companies operate the system themselves. The oil companies may borrow some money from banks to finance retail credit operations.

Curiously, there is a way in which credit card holders can offset part of the higher prices they pay for goods and services by using their credit cards to earn extra interest on savings deposits.

You can take the money normally used to pay bills and deposit it in an interest drawing account. It will earn up to 6 per cent per annum while the bank or the credit company is collecting the charges from the merchants on the bills you owe. Then, just in time to avoid a penalty, you withdraw enough money to pay the bills.

PUBLIC WORKS PROJECT OF 1ST ARMY

Mr. BOGGS. Mr. President, the 1st Army, headquartered at Fort Meade, Md., chose Earth Week as the proper moment to embark on a public works project at a most valuable beach in southern Delaware.

That command, without consultation with local officials, with disregard for those who are concerned about preservation of the beach area, and with little apparent concern for the environment, chose that week to level the highest sand dune behind the beach on property retained by the Army at Cape Henlopen, Del.

That property and nearby property are owned by the Department of Defense, as an enclave between two State parks which provide fine recreational areas for all who wish to make use of them.

The residents of Delaware understandably are upset at this destruction and the lack of sensitivity the Army displayed. Since that time the entire Delaware congressional delegation, working with Gov. Russell W. Peterson and other State officials, have been exploring the possibility of conveying military land at Cape Henlopen to the State of Delaware for use as a park. We anticipate that in the very near future we will develop legislation to that effect.

I received today a copy of a petition from a group of interested citizens in the area advocating the conveyance of the land to the State. The Wilmington Morning News yesterday carried an editorial suggesting the land be given to the State.

Mr. President, I ask unanimous consent that the petition and the editorial be printed in the RECORD.

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

PETITION REGARDING CAPE HENLOPEN LANDS

Whereas during World War II the United States acquired from the State of Delaware by condemnation certain lands in the Cape Henlopen area in order to establish a military reservation.

Whereas a portion of that land was returned to State ownership and has been used for public educational and recreational purposes as a part of the Cape Henlopen State Park.

Whereas considerable doubt has arisen regarding the wisdom and propriety of continued Federal control of the remaining United States lands at Cape Henlopen.

We, the undersigned, request that Governor Peterson initiate a thorough investigation to determine the current use, by the United States, of the remaining 820 acres under Federal control; and, in the event that Federal use of said lands proves no longer to be vital for the national defense, we further ask that Governor Peterson request the duly elected members of Congress representing the State of Delaware to introduce the necessary legislation in the Congress of the United States to provide for the return of the Cape Henlopen lands to the State of Delaware in order that said lands may be included with the surrounding lands of the Cape Henlopen State Park and be used for greater public benefit.

[From the Wilmington (Del.) Morning News, May 4, 1970]

FLY DELAWARE FLAGS AT CAPE

The next move with respect to Cape Henlopen dunes—or what's left of them—should be the one now headed by Gov. Peterson and supported by Delaware's senators and congressman. This is the effort to get control of military reservations not needed for defense back under the flag of the state of Delaware for title, or administration at least. U.S. Sen. J. Caleb Boggs' office is working on a bill to that effect.

Only last month this paper saluted the Navy for the welcome news that the Naval Radio Station was being deactivated. It occupied part of the top of the (Army's) Great Sand Hill. U.S. Sen. John J. Williams said he wanted to make sure that the big dune would become part of Cape Henlopen State Park.

Alas for the senator's hopes, the Army had other fish to fry. It bulldozed the Great Sand Hill to make a flat platform for vacation summer camping for Army personnel.

Granted, the uproar over the ignorant vandalism may result in some new liaison between the Pentagon and, say, the Governor's Office in Dover.

Wherever else this ball is bounced, in Washington, it should move around a bit at the office of the Council on Environmental Quality. That new agency at White House level has yet to show its muscle, but it could hardly ask for a clear case of the kind of horror it was created to prevent.

Meanwhile it seems unwise, however, to leave the ultimate fate of all the various Army, Navy, and Air Force "inholdings" at the Cape in the hands of the Defense Department. The measure being drawn up can require transfer of title to the state of Delaware for every acre not certified as needed for military defense or technological purposes.

And there need be no recreational enclaves set apart at Cape Henlopen for military personnel. Delaware's hospitality for summer military training can also be re-examined, with particular attention on any necessity claimed for seashore facilities for such training.

EQUAL JUSTICE UNDER LAW: IN THEORY—IN PRACTICE

Mr. MONTOYA. Mr. President, some 6 months ago in this Chamber, I described certain remarks officially recorded as having been made by Superior Court Judge Gerald S. Chargin of San Jose, Calif., at the sentencing of a 17-year-old juvenile defendant. I again quote in part Judge Chargin's statement:

Mexican people, after thirteen years of age, think it is perfectly all right to go out and act like an animal. . . . We ought to send you out of the country—send you back to Mexico. You belong in prison for the rest of your life for doing things of this kind. You ought to commit suicide. That's what I think of people of this kind. You are lower than animals and haven't the right to live in organized society—just miserable, lousy, rotten people.

* * * * *
Maybe Hitler was right. The animals in our society probably ought to be destroyed because they have no right to live among human beings.

Mr. President, despite this clear evidence of Judge Chargin's personal attitude toward the Spanish-speaking community, he remains on the bench in California. This is an intolerable situa-

tion. Do the words "equal justice under law" no longer have any meaning for those Americans who do not happen to conform to Judge Chargin's ideal? Are we to permit an officer of the judiciary to determine to whom the Bill of Rights shall apply?

The California Commission on Judicial Qualifications recently concluded that Judge Chargin's action "constituted conduct prejudicial to the administration of justice that brings the judicial office into disrepute." The commission recommended to the Supreme Court of California that Judge Chargin "be publicly censured."

The judicial qualifications commission is guilty of understatement, to say the least, in characterizing Judge Chargin's remarks as "conduct prejudicial to the administration of justice." I do not believe that Judge Chargin should be permitted to remain on the bench. My opposition to his continued presence on the bench results not from a desire to attack Judge Chargin personally, but from my conviction that the less-privileged members of our society must be given adequate reason for respecting the judicial system in this country. I do not think it is realistic to anticipate their respect for a system that tolerates obvious disdain on the part of a judicial officer for an entire ethnic group. Despite Judge Chargin's personal beliefs, the words "equal justice under law" are not followed by the phrase "except in cases involving Spanish-speaking Americans." I call upon the Governor of California and the Supreme Court of California to remove Judge Chargin from the bench. We must live up to the promise of American justice; we must not tolerate in our judiciary those who refuse to abide by that promise.

REMARKS OF FATHER THEODORE M. HESBURGH UPON RECEIVING ALEXANDER MEIKLEJOHN AWARD

Mr. HARTKE. Mr. President, the tragic killings which occurred at Kent State University yesterday should be the source of the greatest concern for all sensitive Americans. Certainly these deaths cannot—and will not—be easily dismissed as the predictable result of student activities alleged as riotous. Until Americans come to a fuller appreciation of the reasons behind the gathering student movement, I am fearful that there will be even more bloodshed and even more killing. Clearly, most Americans today are too afraid of the young to hear what they are trying to tell us.

One distinguished American who has always stood ready to listen to, and act upon, the just grievances and demands of our young people is Father Theodore M. Hesburgh. As president of the University of Notre Dame, Father Hesburgh has combined a keen intellect with infinite tact when dealing with students and their problems. During his tenure as president, Father Hesburgh has made Notre Dame into what it is today, the world's finest Catholic university. More important, perhaps, it is also one of this country's finest institutions of higher learning, irrespective of religious affiliation.

In short, Father Hesburgh has not been afraid to listen to, and act upon, the often too vocal demands of the student. On April 25, 1970, the American Association of University Professors rightfully recognized the long-term role he has played in maintaining an aura of reflective rationality not only at Notre Dame but in the academic community as a whole, by awarding him the Alexander Meiklejohn Award for Academic Freedom.

In this time of acute academic crisis, I find the remarks of Father Hesburgh upon accepting this award peculiarly compelling. I ask unanimous consent that they be printed in the RECORD.

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

REMARKS BY THE REVEREND THEODORE M. HESBURGH

Mr. Chairman, I find it difficult to express adequately how very pleased, honored, and grateful I am to receive the Alexander Meiklejohn Award. May I also accept it in large measure as an award to the University of Notre Dame, and to all my academic associates there who cherish the implications of this award every bit as much as I do. My gratitude is to your whole association in general, and to our Notre Dame Chapter of the AAUP in particular, for they have ever been generous and staunch allies. There has never been any doubt about where they stood whenever there was the slightest doubt that academic freedom might be jeopardized on our campus or in our country. There has been a strength that has always been strongly communicated to our total academic community.

This year I am completing twenty-five years at Notre Dame as a faculty member and administrator. These years have seen many and profound changes at Notre Dame and throughout American higher education. Most of us have been so busy looking forward that we have had all too few occasions to look backward, even to the fairly recent past. We hear often that our students think history began yesterday, and I fear we sometimes act as if they were right.

The Alexander Meiklejohn Award for Academic Freedom calls our attention to at least two things: First, that academic freedom is by no means a new concern in higher education. Safeguarding academic freedom has been a constant struggle in higher education since universities began and, in the broader sense, since men began to teach one another. In this connection, may I congratulate the American Association of University Professors on its eternal vigilance. I should like to say another word later on the special need for that vigilance today. Secondly, the award, by its very name, reminds us that American higher education has been blessed in its history with a number of educational giants, men of exceptional vision, energy, and talent to whom we are all greatly indebted. Alexander Meiklejohn is included among them. Lawrence Veysey in his brilliant book, *The Emergence of the American University*, writes, "In 1912 Meiklejohn was to become president of Amherst College and in that role mark out some of the fundamental directions for liberal education during succeeding decades". (p. 211)

I note from the list of previous winners of this award that I am the first representative of a Catholic university to be so honored. As a priest and theologian, I thought I might say just a word about the special meaning that academic freedom has for us in a Catholic university. (Incidentally, in 1967 we published at Notre Dame a book on this precise subject. Its title is *Academic Freedom and the Catholic University*.) Perhaps because of certain historical misunderstand-

ings, we in the Catholic universities particularly are more sensitive to possible infringements on academic freedom than those who have not shared the same experiences and fought the same battles.

Academic freedom, like all freedom, is grounded ultimately in the nature of man and of society and of the development of knowledge and intelligence. Man's greatest genius and dignity, as well as his last best hope, are in his intellect and in his search for truth. In an imperfect and fallible world, man cannot, in fact, be man—he cannot be true to himself—unless he is free to follow any argument, any research, any point of inquiry, wherever it may lead. Those in the academy must be free to share their convictions and responsible conclusions with their colleagues and students, in their teaching and in their writing, without fear of reprisal.

Even if it should want to, which, of course, it does not, the Church could not impose its theological system on anyone. To accept the teaching of the Church is a free act or it is nothing at all. There is no conflict between the goals of the Church and those of the university. These goals and objectives, in fact, complement one another. As was pointed out by Vatican Council II: "... the Church recalls to the mind of all that culture must be made to bear on the integral perfection of the human person, and on the good of the community and the whole of society. Therefore, the human spirit must be cultivated in such a way that there results a growth in its ability to wonder, to understand, to contemplate, to make personal judgments, and to develop a religious, moral, and social sense." (The Documents of Vatican II. Walter M. Abbott, General Editor. The American Press, 1966, p. 265.)

At the close of Vatican Council II, it seemed important to me—in another capacity as President of the International Federation of Catholic Universities—to have Catholic universities worldwide clarify their commitment to academic freedom. We began by a meeting of North American representatives at Notre Dame's retreat in Northern Wisconsin. This resulted in what has come to be known as the 1967 Land O'Lakes Statement. May I quote three short passages from that statement:

"The Catholic university today must be a university in the full modern sense of the word, with a strong commitment to and concern for academic excellence. To perform its teaching and research functions effectively, the Catholic university must have a true autonomy and academic freedom in the face of authority of whatever kind, lay or clerical, external to the academic community itself. To say that is simply to assert that institutional autonomy and academic freedom are essential conditions of life and growth and indeed of survival for Catholic universities as for all universities."

"In a Catholic university all recognized university areas of study are frankly and fully accepted and their internal autonomy affirmed and guaranteed. There must be no theological or philosophical imperialism; all scientific and disciplinary methods, and methodologies, must be given due honor and respect. However, there will necessarily result from the interdisciplinary discussions an awareness that there is a philosophical and theological dimension to most intellectual subjects when they are pursued far enough. Hence, in a Catholic university there will be a special interest in interdisciplinary problems and relationships."

"The student must come to a basic understanding of the actual world in which he lives today. This means that the intellectual campus of a Catholic university has no boundaries and no barriers. It draws knowledge and understanding from all the traditions of mankind; it explores the insights and achievements of the great men of every age; it looks to the current frontiers of ad-

vancing knowledge and brings all the results to bear relevantly on man's life today. The whole world of knowledge and ideas must be open to the student; there must be no outlawed books or subjects. Thus the student will be able to develop his own capabilities and to fulfill himself by using the intellectual resources presented to him."

Concurrently with our Wisconsin meeting, other regions of the Federation met in Paris, Bogota, and Manila, and the following Summer all together for the Eighth General Conference of the Federation at Lovanium University in Kinshasa, Congo. To give you a flavor of this meeting, I shall only cite one paragraph of my Presidential Address:

"The university, therefore, is the very quintessence of the pilgrim Church in the intellectual order, seeking answers to ultimate questions in concert with men of intelligence and good will, drawing on all knowledges and every way of knowing and, especially, bringing every philosophical and theological insight to bear upon the monumental task at hand, whatever the source of these insights. This is no task for amateurs or dilettantes, nor for second-rate scholars or institutions less than first class. It is not a task that can be done without that intellectual climate of freedom that is the essential atmosphere of a university's research program, especially in theology. It is not something that can be accomplished in the face of arbitrary controls from outside the university's professional community of researchers and scholars."

I would like to add to all these fine words that academic freedom does not live by rhetoric alone. Each year brings its new crisis. When the battle seems newly won, hostilities break out on another front. It is not so much that freedom is fragile as that it must be won daily, and exercised daily and responsibly, by each one of us. Ignazio Silone puts it well in his book, *Bread and Wine*:

"Freedom is not something you get as a present. . . . You can live in a dictatorship and be free—on one condition: that you fight the dictatorship. The man who thinks with his own mind and keeps it uncorrupted is free. The man who fights for what he thinks is right is free. But you can live in the most democratic country on earth, and if you're lazy, obtuse, or servile within yourself, you're not free. Even without any violent coercion, you're a slave. You can't beg your freedom from someone. You have to seize it—everyone as much as he can."

What Silone says of a person is also true of each institution. Which raises two most central questions for each of us and for each of our institutions today. I do not pretend to know the full answers, but I will pose the questions:

(1) Are we making the best use of our academic freedom today? and (2) Is the world around us developing a climate in which our freedom within will be increasingly disrespected, threatened, diminished, and, if possible, extinguished from without? I believe that the two questions are not unrelated. In fact, if we answer the first question badly, we almost guarantee a bad answer to the second question.

As to the first, we need often to be reminded that academic freedom is not so much freedom from somebody or something, as freedom to do something, which raises the whole question of what universities should be doing today with their freedom. Alexander Meiklejohn might come back to haunt me if I did not insist here that we use our freedom to do something really creative and imaginative to reform and revivify liberal education which should be at once the guarantee and the crowning achievement of academic freedom. But beyond this urgent and general task that faces us, what of the particular use of our freedom to view our society critically and to exercise our best moral judgment on a whole host of pressing

modern topics: The sacredness of human life, the dignity of men, human rights and human equality, the uses of science and technology, war and peace, violence and non-violence, human as well as physical pollution, the quality, meaning, condition, and effectiveness of academic life, academic commitment, academic protest or protestation or, at times, posturing as we confront these vital issues which sometimes seem more important to our students than they do to us. I am not suggesting the politization of the university, but as a professional class of university men and women, do we effectively bring to our times the wisdom, the insight, the courage, and the moral judgment that should characterize our profession?

As to the second question, I would remind you that as recently as last week a majority of Americans in a CBS News nationwide poll appeared willing to cancel five of the ten guarantees of our Bill of Rights. As James Reston has observed, "The uses of physical violence against the people, property, and institutions of the United States in defiance of the law have created a climate of fear in the country, and under the dominion of fear, a great many people now seem willing to choose order at the expense of their liberties, or at least at the expense of somebody else's liberties." (New York Times, April 19, 1970)

The times call for vision and leadership to an extraordinary degree, and hope as well. The French have a saying that "fear is a poor counselor". I suppose that the obverse of that is a call to each of us to use our freedom with courage and, hopefully, with wisdom.

KENT STATE UNIVERSITY TRAGEDY

Mr. MOSS. Mr. President, yesterday the Nation experienced the inevitable tragedy of campus violence when four students were killed in Kent, Ohio. I do not know the specifics of this horrifying incident, but the pattern is all too familiar.

Protest of sincere grievances has steadily degenerated into violence and counterviolence until we have now sadly witnessed the ultimate violence—killing of human beings.

The reasons for each of these campus disorders are numerous and complex. But whatever the issues and whatever the alleged provocations, it is the students and some nonstudents that create the confrontation. Those persons who refuse to keep their protests peaceful and lawful are usually responsible for the violence.

Our Constitution guarantees the right of peaceable assembly and the right to petition the Government. But violent protest is unlawful and should be treated as such.

Some seek to justify their violent protest against the war by pointing to the death and destruction this war has brought to Southeast Asia. But what hypocritical morality. Violence in Cambodia is no justification for violence in Kent. Those who claim it are sick and dangerous.

It is reported that the commanding officer of the National Guard detachment gave his men orders to use their individual judgment as to when each should "protect himself." It is chilling to contemplate youngsters with high-powered rifles and no order for restraint.

I expect that many students are now thoroughly enraged over the Cambodian

invasion and these four killings. College and public authorities must react coolly and skillfully, otherwise we shall have more deaths. High Government officials who are trying to make political profit by taunting students with Southern speeches should lower their voices or, better yet, keep quiet. They have polarized us enough already.

Those students who are sincere in their opposition to the war must restrain themselves and their fellows, or else they will provoke a reaction that will bring further repressions and only delay the cause of peace.

THE ECONOMIC EFFECTS OF THE PRESIDENT'S CAMBODIA DECISION

Mr. JAVITS. Mr. President, the economic effects of the President's Cambodia decision are also most vital. For, there is a growing erosion of confidence of the business and financial community in the economic policies we are pursuing which is truly alarming. It is especially alarming that a credibility gap seemingly has been opened too with regard to the administration's economic policies. Today, I would like very briefly to explore one element in this credibility gap.

Following the meeting the President had with his economic advisers some days ago, a prominent economist closely identified with the administration and the Republican Party was widely reported in the press as saying that the President's action in regard to Cambodia would have little effect on the economy since the percentage of total defense expenditures to GNP would not change that much. This statement may be good politics but it has little to do with economic analysis.

Here are the facts. It is true that during the course of the Vietnamese conflict total defense expenditures as a percent of GNP did not rise noticeably. For example in the 10 years of peace immediately prior to the escalation of the Vietnamese conflict—1955-64—total defense expenditures as a percentage of GNP averaged 9.9 percent as compared with an 8.6 percent average during the 6 years since of the Vietnamese conflict. This contrasts markedly with the Korean war when total defense expenditures as a percentage of GNP reached the 14-percent range and defense expenditures during World War II which reached the 38-percent range.

Looking at these figures alone would then lead to the conclusion that expenditures in Vietnam really have not distorted the economy—but these figures alone are not enough. During the whole period of World War II—1941-46—when total defense expenditures as a percentage of GNP reached the peak of 38 percent, the Consumer Price Index rose only 19.5 points. During the Korean war—1951-54—the Consumer Price Index rose only 4 points. But, in the 10 years immediately preceding the Vietnamese conflict the Consumer Price Index rose 15.7 points. And thus far in the first 5 years of the Vietnam conflict—1965-69—the Consumer Price Index has climbed 17.8 points—a greater yearly increase than took place during World War II. This

clearly indicates that something is wrong—even though defense expenditures as a percentage of GNP remain relatively constant.

What is wrong is clear—the United States has now been engaged in a war for well over 5 years, with the deployment of resources equivalent to a major war, and our Government has not taken the economic, financial, social, measures—and, yes, the controls—which war requires. It has been good politics to put the country in the mental condition of nonwar even though war and now expanded war is the true reality.

But the moment of truth is now upon us—we are facing the moment not only of political but also of economic truth—and as the conditions of the financial markets and the stock market has indicated—the old myths are no longer good enough. War is bad for business just as it is bad for the preservation of the species. And a war that is not adequately financed is particularly bad for business since it leads into spiraling deficits and spiraling deficits are a key element in the skyrocketing inflation which almost inevitably follows in an economy without controls.

As I stated last week, to contain the deficit will require some exceedingly hard choices both in the revenue and expenditures areas.

I ask unanimous consent that two editorials published recently in the New York Times, setting forth the guidelines of a responsible economic policy be printed in the RECORD.

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

ECONOMIC PASSIVITY

There is no limit to the number of theories about what ails the stock market—despair over persistent inflation, falling profits, rising unemployment; the skid of the Federal budget into deficit, and the likelihood that this might force the Federal Reserve to tighten money again; the weakness of the security industry itself; the worsening of the United States balance of payments; the danger of a widening war in Southeast Asia; waning confidence in the Administration's ability to manage the economy.

Although the market may have a tendency to exaggerate worrisome news, there can be little doubt that the pressures on profits and security values are real and not merely psychological. It will do the Administration no good to put out more optimistic bulletins to accompany every piece of disappointing economic news. There has been enough of that already. Indeed, the regular stream of cheerful interpretations, regularly contradicted by subsequent events, has helped to undermine investor, business, and consumer confidence and to build up fears that the economy is out of control.

What is needed now is a searching reappraisal of why the Administration's single-minded policies are failing to produce the advertised results and what needs to be done now to set the nation on a course with more promise of stopping inflation and preventing a continuous drift toward higher unemployment.

The optimistic presupposition with which the Administration arrived in office—that slow growth in the money supply was the magic elixir for steady and noninflationary economic growth—is turning out to be an illusion. Unemployment is running above expected levels; so is inflation.

One champion of the monetarist approach, the St. Louis Federal Reserve Bank, now foresees a continuous increase in unemployment up to nearly the 7 per cent level by the end of 1971, even if the money supply is kept growing at a 3 percent annual rate from now on. There is, in fact, widespread uncertainty among monetary economists over the time lags before changes in monetary policy affect output, employment and inflation.

The nation needs a broad-based program if it is simultaneously to achieve price stability and high employment. Higher tax revenues will be needed in the future to provide resources for essential public programs. Erosion of the tax base caused by the tax reform act of 1969 and the premature wiping out of the 10 per cent surtax should be repaired. A larger budget surplus would make it possible to shift resources to the depressed housing sector and to business investment.

The Administration has failed to provide effective leadership and guidance on the price and wage front. The excessive and restrictive market power of both large-scale industry and large unions must be curbed. A stronger program is needed to provide jobs for the unemployed. A multifaceted program along these lines is minimal if the American economy is to be restored to health and stable growth.

REBUILDING CONFIDENCE

Reaffirming his faith in the economy, President Nixon this week sought to rally the stock market, which has fallen to its lowest level since President Kennedy's assassination. "Frankly," said Mr. Nixon, "if I had any money, I would be buying stocks right now."

Whatever the short-run course of the stock market, lasting public confidence cannot be restored in the absence of evidence that the Administration is dealing forcefully and effectively with the basic economic problems facing the country.

The Administration has failed to act decisively on economic matters. The primary ailment facing the American economy has been inflation; initially a demand-pull inflation, inherited from the Johnson Administration, it has been converted into a cost-push inflation. Rising wages, record-high interest rates, and other climbing costs have had a damaging effect on business profits. In pushing interest rates to record levels, inflation has also inflicted heavy damage on housing, the demand for consumer durable goods, state and local borrowing, and the stock market.

The choice facing the Nixon Administration was either to attack inflation with stringent fiscal and monetary controls—forgetting about direct or indirect controls on wages, prices, or particular sectors of the economy—or to combine vigorous selective controls with a more moderately restrictive over-all fiscal and monetary policy.

In fact, the Administration has followed neither course. It did not want to risk the recession and major rise in unemployment that would have resulted from stringent fiscal and monetary policies. Nor did it want to desert its ideological opposition to selective controls or guideposts.

In addition, the President was unwilling to drop what he regarded as his campaign commitment to eliminate the 10 per cent income tax surcharge, although Vietnam was still going on and inflation was showing no signs of abating. As soon as monetary restraints began to chop into employment, the President pushed for easier money; during the past three months the money supply has been rising at an annual rate of 5 per cent.

At the same time, inadequate tax revenues have hampered vital public programs. The President wants to act like a leader capable of shifting national priorities; he has sought to boost social programs without providing the necessary funds. With pressure of social

demand compounding those of continuing war and inflation, the budget has slipped into deficit.

A major review of what has gone wrong with the American economy in the past year must begin with a re-examination of fiscal policy. The country needs a stronger tax base to deal with the persistent problem of inflation and to provide resources needed for dealing with crucial national problems, both foreign and domestic.

THE OFFICE OF ECONOMIC OPPORTUNITY

Mr. HARRIS. Mr. President, on March 10, 1970, the Office of Economic Opportunity issued a press release which announced plans to provide a series of demonstration grants to a number of States to test new ways of increasing State involvement in programs operated under the Economic Opportunity Act.

The release stated that the first demonstration grant would be awarded the State of Oklahoma which would assume the responsibility for: First, interpretation of the Economic Opportunity Act and OEO guidelines; second, preparation of grant applications; third, monitoring grantees; fourth, initial determination of eligibility grants, and fifth, development of a plan for poverty programs within the State.

Upon first learning of the plan, I requested on March 12 that hearings on it be conducted by the Subcommittee on Employment, Manpower, and Poverty before final approval.

Recently, I received a copy of the Oklahoma plan. In addition to the previously mentioned responsibilities, the plan also proposes the following:

If agreeable with the Southwest Regional Office of Economic Opportunity, we would propose that CAA's in Oklahoma be refunded only to the extent of 80% of their present level, if review suggests all programs be continued, with 20% reserved for new programs. This will have the effect of forcing the local communities to contribute additional resources each year to continue on-going programs and provide an incentive—the loss of 20% of present funding—to promote new programs.

If approved by OEO, this formula could have the net effect of reducing local CAA budgets to the extent that they would no longer be functional. Already our local communities are suffering from a lack of financial resources to deal with the problems of poverty and urban decay.

My concern for the future of OEO programs is heightened by rumors of possible cuts in Headstart funds, and by a recent announcement by the Southwest OEO regional office that it intends to curtail the VISTA training program this summer.

The proposed Oklahoma demonstration program seems to be very similar to the Que-Green—Representative ALBERT QUIE and Representative EDITH GREEN—amendment which was defeated in the House in December 1969. Moreover, the Oklahoma plan seems inconsistent with the conference report of December 19, 1969, which stated:

It should be noted that in at least two respects the agreement of the conferees underscores the overwhelming determination by the House of Representatives on Friday the twelfth of December that Title II and the

programs authorized thereunder are and must remain Community Action Programs. The elimination of the Murphy amendment relating to the governor's veto power over legal services programs and the provision of a special reservation of funds for local initiative programs underscore the intention of the conferees that the community action program was, and is intended to be, a program locally designed and locally administered. The managers on the part of the House encourage the Director of OEO to explore, along the lines previously mentioned in the House committee report, the opportunities for increased State involvement in poverty programs. It must be quite clear, however, that State domination over program planning, conception, or administration is not intended. Any changes in policy or regulation that would establish a preference for State rather than local determination and local control of community action programs will be inconsistent with the intention of the Congress.

Therefore, I believe that implementation of the Oklahoma plan should be postponed until hearings can be conducted by the Employment, Manpower, and Poverty Subcommittee, and I hope that the Office of Economic Opportunity will agree and help to expedite the holding of such hearings.

INTER-AMERICAN DEVELOPMENT BANK

Mr. JAVITS. Mr. President, the Board of Governors of the Inter-American Development Bank has now concluded its 10th anniversary meeting in Punta del Este, Uruguay. The importance of this meeting was signaled by the fact that Secretary of the Treasury David Kennedy headed the U.S. delegation.

Since the U.S. Government has made certain financial commitments at this meeting which will require congressional authorization, I ask unanimous consent that two recent articles on the Bank and published in the Washington Post and the London Economist, commenting on the work of the Bank, its Board of Governors, and its President, Felipe Herrera, be printed at this point in the RECORD.

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

[From the Washington Post, Apr. 26, 1970]

LATIN AMERICA DEVELOPMENT AID BOOSTED (By Lewis Diuguld)

PUNTA DEL ESTE, URUGUAY, April 25.—The board of governors of the Inter-American Development Bank ended its 10th anniversary meeting here Friday with an agreement to increase lending capacity by half.

As the principal supplier of funds for the bank, the United States is to provide \$1.8 billion of the projected \$3.5 billion addition to capital by 1973.

President Nixon had allowed for such an outlay in the present submitted budget. Secretary of the Treasury David M. Kennedy, who is the U.S. governor on the 23-member board, expressed confidence here that Congress would appropriate the funds he obligated today.

The five-day meeting at this sea resort, heavily-guarded against the possibility of an attack by the Tupamaro terrorists that beset the Punta area, featured the following developments:

Presentation of a two-year study by Argentine economist Raul Prebisch called "Transformation and Development, the Great Task of Latin America." The report

calls for a radical speedup of economic growth to reverse what it calls disastrous unemployment trends. Initial reactions to the 226-page report indicated that it would become a major document in Latin development.

First firm suggestions that the bank be moved from Washington to Buenos Aires or some other Latin site. Kennedy said he thought that from both the U.S. and Latin points of view, there were strong arguments for keeping it in Washington. President Nixon sent a message to the meeting saying he was "proud of our membership in the bank and its presence in our city."

A growing debate on the desirability of associating capital-rich countries outside the hemisphere with the bank. The United States is pushing hard for the idea, but is opposed by most of the Latin countries.

This opposition is ironic since most Latins have long complained of excessive dependence on the United States. But as one Uruguayan international expert put it, "the Europeans are too tough. Basically it's easier to negotiate with the United States." A group was formed to study the issue.

The Prebisch report calls for an 8 per cent annual growth rate in Latin America, which Prebisch said would mean an income increase per capita of 42 per cent in this decade and 60 per cent in the next.

To do it, he calls for profound changes in agriculture, introduction of modern technology and encouragement of competition—a new emphasis for the well-known theoretician.

While Prebisch stresses the responsibilities of the Latin countries, he also calls for big injections of foreign capital—with the bank playing a key role.

The bank's capital is divided. Currently \$3.2 billion is in ordinary resources, used for relatively low interest long-term loans repayable in dollars or other sound currencies. An additional \$2 billion will be made available under this week's agreement, \$823 million from the United States and the rest from the 22 Latin American member countries.

The rest of the bank's active capital \$2.3 billion, is in the Fund for Special Operations. Loans from this fund are repayable in the currency of the borrower.

Usually these loans are for projects that give no immediate return, such as schools, and for which commercial banks would not lend. This fund is to be increased by \$1.5 billion—\$1 billion of it to come from the United States.

Accompanying each bank governor were numerous aides that in total included 150 people. The U.S. delegation listed 19 people, including five congressmen. In addition, Kennedy's plane brought along 11 wives, at their expense, plus ten staff people.

The annual bank meeting has come to be a hemispheric gathering for matters beyond the bank itself. In all, 1,660 persons attended, among them 157 from the bank staff and 660 invited guests. The latter are mostly bankers who pay their way, attend sessions, and conduct their own business in the scattered tourist hotels. About 100 of the guests were from the U.S.

Among the official delegations, the U.S. was easily the largest. By a system of voting weighted to financial contribution, the United States is also the most powerful member. But several staff people and Latin delegates said that from the appearance Thursday of Kennedy to make his speech, they saw little of the Americans.

Also accompanying Kennedy in the plane was a large Secret Service contingent. The embassy staff from Montevideo was here also. In all, the Americans filled a large apartment house at the tip of the narrow peninsula of Punta del Este.

On the seventh floor was a commissary selling Jack Daniel's whiskey for \$4 a fifth;

and even a money exchanger (at the official rate).

Punta del Este is out of season in the Southern Hemisphere autumn, and the town would have been deserted but for the bankers, police, troops and newsmen.

Uruguayan security at the meeting hall was tight, requiring name tags. Without one, said Kennedy, "a Secret Service fellow couldn't get in with me."

[From the London Economist, Apr. 18, 1970]

WHAT IS THE IADB?

The Inter-American Development Bank (IADB) recently sent a questionnaire to Latin America's top civil servants. "What is the IADB?" it asked, "An American commercial bank? A branch of the Agency for International Development? A United States Department of Commerce division? An arm of the Central Intelligence Agency?" No doubt the high proportion of wrong answers was a bit of a blow for the delegates celebrating the IADB's first ten years at Sunday's meeting of the board of governors in Punta del Este, Uruguay.

For the IADB has probably been the most successful invention of the Alliance for Progress. During its short life the bank has provided \$3.4 billion in some 550 loans. The total value of projects financed with its help approaches \$10 billion. Performance has been improving, too: 1969 has been a record year, with 67 loans for a total of \$631 million. By contrast the Asian Development Bank, headquartered in Manila, is still lending under \$100 million a year. The increase, almost a third over the previous peak 1967 loan figure, is obviously too large for mere anniversary window dressing.

Much of IADB's success is owed to the dynamic personality of its first and only president, the Chilean Sr Felipe Herrera, now in his third term of office. Sr Herrera, a Prebisch-like intellectual with a fine nose for political compromise, has injected the IADB staff with the sort of enthusiasm awakened by Mr Robert McNamara in the World Bank. And this is not the only parallel between the two institutions: with a quarter of its loans to agriculture, the IADB has anticipated the World Bank in its emphasis on rural development. It has also played a unique role as catalyst for developing expertise among Latin Americans themselves.

Most of the IADB's loans are provided at commercial rates for periods varying between 7 and 25 years, but an important proportion is granted in the form of soft loans from its Fund for Special Operations and, since 1961, from the American sponsored Social Progress Trust. The IADB also manages other special funds, including one from the Vatican. The bank's money comes partly from the United States, and partly from loans raised on the world's capital markets. It has had quite a success in Europe, which Sr. Herrera considers vital to counter excessive American influence, although his scheme for a European fund provided by the common market countries is still only a blueprint.

Inevitably the United States is the dominating power. This week's meeting will give Latin Americans the opportunity of testing the intentions of President Nixon's Administration. It is rumoured that the United States will pledge \$1 billion to the IADB, to be delivered over a three-year period and, if true, this, together with Latin America's own contributions, will increase the resources of IADB by a third. But even then, the disappointment with American attitudes, experienced over the last year, will loom large over the assembly.

Mr. JAVITS. Mr. President, in the very near future, Congress will have before it the administration's proposals for restructuring the AID program in response to my amendment to the Foreign Assistance Act of 1968. The key foundation block of the administration's forthcom-

ing proposals—which will soon be sent to the Congress following their March 31, 1970, due date—is the distinguished report prepared by the Task Force on International Development headed by Rudolph A. Peterson. This task force report states:

The Task Force believes that more reliance on international organizations should be built into all U.S. policies relating to international development—whether they concern development assistance, debt rescheduling, tying, trade, investment or population. This is basic to the new approach to foreign assistance we recommend. A predominantly bilateral U.S. program is no longer politically tenable in our relations with many developing countries, nor is it advisable in view of what other countries are doing in international development.

This approach is highly responsive to the demands for change in the AID program voiced in many quarters of Congress in recent years. As we move toward increased reliance on international organizations—toward a greater multilateralization of development assistance—the Inter-American Development Bank must be evaluated and considered as an important element in such a policy.

EXPANSION OF INDOCHINA WAR

Mr. HARRIS. Mr. President, the decision of President Nixon to expand and widen the war in Indochina is a tragic mistake, as I said immediately following the President's address. I ask unanimous consent that my statement of April 30 be printed at this point in the RECORD.

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

STATEMENT OF SENATOR FRED R. HARRIS ON PRESIDENT NIXON'S CAMBODIAN MESSAGE

I was saddened by the President's decision to expand the war; I believe this is a grave mistake. I am sorry that he, in listing the options open to him, completely left out two other alternatives which I believe represent the proper course. These two options, which should be pursued simultaneously are: we should accept the French suggestion for an Indochina-wide conference to seek true-neutralization of Laos, Cambodia and Vietnam, as I have advocated; and we should proceed with more rapid and systematic withdrawal of our troops from this whole area of the world.

I was deeply concerned by the President's warning which indicated he might hold up the additional troop withdrawals that he had previously announced and, indeed, might in some way escalate the war depending on Hanoi's actions.

I was puzzled by the extent to which the President intends that we will occupy the target areas in Cambodia or attack them again should the other side's forces return there after the initial attack by us—and whether we will attack additional Cambodian areas or assist in the defense of the Cambodian capital, if it is threatened further, since the Cambodian army numbers only 40,000 troops.

The President made no mention of the situation in Laos, which is also terribly unstable and dangerous now, and is very much connected with what happens in Cambodia and Vietnam.

Mr. HARRIS. Mr. President, after the President's initial announcement last week, we have seen the U.S. bombing of North Vietnam resumed and the an-

nouncement of additional thrusts into Cambodia.

I agree with a May 5, 1970, editorial in the New York Times, entitled, "Congress and the War", which states that if the President persists in his actions—

It is the right—indeed, the duty—of Congress to exercise its constitutional powers of restraint.

The same issue of the New York Times calls attention to the dual nature of the crisis created by the President's actions—a crisis here at home, as well as abroad. The editorial refers to the awful deaths of four Kent State University students yesterday, stating:

Whoever was responsible for the fatal shots must be brought to justice promptly and steps must be taken to make sure that the forces of "law and order" do not themselves become the instruments of further anarchy.

Then, it is rightly pointed out that—

The violence instigated by some antiwar protesters is in no way justified by the violence practiced by their government overseas.

Once again, as the editorial ends, we in Congress are reminded of our duty to act. "At home, as in Indochina," it is stated, "responsible political action is the only sane solution to a dual crisis that is threatening to get out of hand."

Mr. President, I ask unanimous consent that the two-part Times editorial be printed in the RECORD.

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

CONGRESS AND THE WAR

President Nixon's sudden extension of the Vietnam War into Cambodia, without consent of Congress and against the advice of many members including a majority of the Senate Foreign Relations Committee, brings sharply to the fore a constitutional crisis that has been long in the making.

Since the earliest days of the Republic there have been disagreements over the powers of the President as commander-in-chief and, as John Marshall put it in 1799, as "the sole organ of the nation" in initiation of military actions abroad to protect American lives and property and in defense of the national interest as he sees it. From the time of Washington, some authorities have argued that these presidential prerogatives are strictly circumscribed by the powers vested in Congress "to declare war" and "to raise and support armies."

The Constitution is ambiguous, conferring broad powers on both the Executive and the Legislative branches in foreign affairs. There is no question that the President enjoys wide discretionary powers, as noted by Justice Sutherland in the landmark case, *U.S. v. Curtiss-Wright Export Corp.*, in 1936. At the same time, there is little doubt that the framers of the Constitution, remembering the war-making levies of European sovereigns in the 18th Century, deliberately gave the last word to Congress when they delegated to the legislative branch sole authority to raise and support armies.

As a result of this ambiguity, primacy in foreign affairs has tended to vacillate between Presidency and Congress throughout American history. For the past several decades, the trend has been strongly toward greater and greater assumption of responsibility by the Executive. Until very recently in the present era Congress has generally acquiesced in a secondary, rubber-stamp role on the theory that modern warfare demands prompt, decisive action by an informed

leader, unfettered by parliamentary restraints.

This theory has been profoundly shaken by the nation's recent experience in Southeast Asia, where a series of rash actions in pursuit of dubious goals has demonstrated the fallibility of presidential judgments and of the "secret" intelligence on which they have been allegedly based. It has become clear that modern warfare, with its vast destructive power and threat of ultimate annihilation, requires more than ever the checks and balances against human error that the Founding Fathers prudently wrote into the United States Constitution.

It is far preferable, of course, that the President and Congress cooperate in the formulation of foreign policy in order to establish a united, and therefore stronger, United States position in a dangerous world. But if the President persists in his arbitrary escalations of the Indochina conflict, without regard for the strong misgivings expressed by large numbers of Americans, it is the right—indeed, the duty—of Congress to exercise its constitutional powers of restraint.

THE HOME FRONT

The tragic nature of the division of this country exacerbated by escalation of the war was underscored yesterday when four students were killed during a confrontation with National Guardsmen and police at Kent State University in Ohio.

Whoever was responsible for the fatal shots must be brought to justice promptly and steps must be taken to make sure that the forces of "law and order" do not themselves become the instruments of further anarchy.

Student provocation undoubtedly was great and was also unpardonable. The violence instigated by some antiwar protesters is in no way justified by the violence practiced by their Government overseas.

But more violent self-destruction at home will be the inescapable fate of this great nation unless an Administration elected to uphold the law at home and to bring peace abroad lives up to its commitments—or is held to its promises by the representatives of the people in Congress. At home, as in Indochina, responsible political action is the only sane solution to a dual crisis that is threatening to get out of hand.

GOODELL TESTIMONY ON CONSTITUTIONAL AMENDMENT ON EQUAL RIGHTS FOR WOMEN

Mr. GOODELL. Mr. President, for almost 50 years Congress has been studying a constitutional amendment which would assure equal rights to women.

Congress has not approved such an amendment.

This week, the Constitutional Amendments Subcommittee of the Judiciary Committee is holding hearings on Senate Joint Resolution 61, the "equal rights for women" amendment. As a cosponsor of the resolution, I testified this morning in favor of the measure and urged its immediate adoption by Congress.

Mr. President, I ask unanimous consent that my testimony be printed in the RECORD.

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

EQUAL RIGHTS FOR WOMEN

(Testimony of Senator CHARLES E. GOODELL)

Mr. Chairman, other distinguished members of the Subcommittee:

A Constitutional amendment insuring equality of rights regardless of sex has been

under consideration by the Congress for almost 50 years.

This Committee favorably reported resolutions proposing the amendment in the 80, 81, 83, 84, 86, 87 and 88th Congresses. In addition this Subcommittee favorably reported the proposed amendment in the 90th Congress.

Still the Congress has not approved the amendment.

As a co-sponsor of the proposed amendment (S.J. Res. 61), I urge the Subcommittee to once again exert its leadership and report this measure. I urge you to actively seek adoption by the Senate and House of a Constitutional guarantee of equal rights under the law for men and women.

THE STRUGGLE FOR WOMEN'S RIGHTS

That a Constitutional amendment is needed to guarantee women's rights indicates that we have failed. A Constitutional amendment—the 19th amendment—had to be passed to give women the right to vote. At the time this amendment passed, it was assumed that a general revision of laws and practices would follow, ending discrimination against women.

Unfortunately, reality has contradicted that optimistic assumption:

In 1930, 15.4% of all Ph.D. degrees were conferred upon women, but this percentage declined to 10.8% in 1965. The percentage for Master's degrees similarly declined from 40.4% to 32.1%.

Over 75% of working women are employed in non-professional clerical, secretarial, service or factory jobs.

About 20% of the non-professional force consists of women with 4 years of college, and 7% of women with 5 years of university study.

The median income of a woman was \$4,150 in 1967. For comparable work, a man received nearly double that amount—\$7,182.

Less than 3% of the women earned salaries of \$10,000 or more in 1967. The proportion for men was 23%.

Although 34% of the Federal government work force is female, less than 2% are in executive jobs.

Numerous examples can be cited to confirm that working women mainly occupy low-level, low paying jobs.

And what of the housewife who does not work? What lifestyle is she required to accept? In our child-oriented society, the American mother in most cases—regardless of her educational level—gives up her life to her children. And because child-raising isolates her in the home, the mother is largely cut off from the outside stimulation and interests so necessary for individual growth. The housewife has nowhere to go, and is not part of anything.

THE NEW FEMINISM

The women's rights movement has been revolutionized by a new feminism—one that is concerned with the underlying social dynamics that have created sex discrimination, not merely with its economic symptoms.

The new feminism is a product of the civil rights movement of the early 60's. Young women, well-educated and well-motivated, volunteered their time and energies to the cause of freedom, equality and dignity for the black people. Too soon, they learned their place in the civil rights movement—doing menial tasks such as cooking, cleaning, typing, filing, but not participating in the decision-making. Their experience reflected the message of Susan B. Anthony when she said: "Men like to see women pick up the drunken and fallen!—repair the damages of society!—that 'patching business' is a woman's proper sphere—but to the master of circumstances that is man's sphere!"

These young women witnessed the fruits of a century of resistance to equal rights for blacks, and they witnessed the humiliation

and degradation of racial discrimination. And they saw that their enforced roles were also inferior. They could not fight for black equality without recognizing and fighting for their own.

They also soon saw that sex discrimination, like racial discrimination, could not be banished merely by passing laws. They saw that its root cause lay in a state of mind—in fundamental social attitudes concerning the role of women and their relationship to men.

And so they began a campaign to change that state of mind—to change the idea, fixed in the minds of so many men and women, that a woman can have no other role than as a girl friend, a wife or a mother. They began protesting against forms of advertising and merchandising that, in their view, dehumanize women—that portray women as mere sex objects or glorified housemaids.

Beyond even that, the new feminists perceived that the plight of women stems from still deeper defects in our society—from the dehumanizing, status-seeking and materialistic pressures that deprive so many Americans of both sexes of meaningful lives. And they are determined to change this.

These women are young, articulate and well-educated. They have become an integral part of the movement for social justice that exists today. Unlike the suffragettes, they are speaking to a more sophisticated and self-analyzing society. They understand their role as political beings. And because of their previous involvement in the civil rights struggle and the anti-war struggle, they well understand the power of organization.

How do we respond to this new force? Do we ignore the demand for equal rights? Do we ratify an amendment assuring equal rights and let it lie fallow for one hundred years as we did with the civil rights amendments?

Surely, the experience with the civil rights movement should have taught us the necessity of immediate action.

As I mentioned earlier, the ratification of the 19th amendment brought hopes that sex discrimination would end.

This has not happened.

The ratification of the amendment embodied in S.J. Res. 61 must be accompanied by implementing legislation which will create the opportunities for choice. Unless such legislation is passed, the new amendments will be devoid of spirit and lasting effect.

ABORTION REFORM

One of the most controversial issues before us is the legalization of abortion. Many women are now demanding legalization on such constitutional grounds as the right of privacy and equal protection of the laws.

Restrictive abortion laws, still in force in most states, are killers. They do not prevent abortions—they only increase their risks.

There are about 1 million illegal abortions performed each year. The rich can find doctors to perform these operations—at a cost of anywhere from \$500 to \$1,000. The poor cannot. They are forced to turn to inept quacks or abortion mills that kill.

Of the maternal deaths in New York City last year, 25% of the white, 49% of the blacks and 56% of the Puerto Ricans died from botched abortions. Restrictive abortion laws have become another scourge of the poor.

Restrictive abortion laws are a misguided attempt to legislate matters of private conscience.

Some people believe abortion is morally wrong. I fully respect their views—but their own consciences are sufficient protection. They need no laws to prevent them from obtaining abortions of which they disapprove.

Others have the opposite view about the morality of abortion. They, too, should have the right to follow their consciences. They should not be forced to undergo forced pregnancies, or break the law, because of the moral views of other groups.

This point has been aptly stated by Richard Cardinal Cushing when, speaking of abortion laws, he said:

"Catholics do not need the support of civil law to be faithful to their own moral convictions and they do not seek to impose by law their moral views on other members of society."

A number of states—New York, Hawaii, California, Alaska and the District of Columbia now have liberalized abortion laws either through legislative action or judicial interpretation.

I commend their foresight and courage. But leaving the question to be regulated on a state-by-state basis entails some serious problems.

It means that states that adopt liberal laws risk becoming abortion havens—attracting thousands of women from neighboring states and overburdening their hospitals and medical facilities.

It also discriminates against the poor that live in states that have restrictive laws and that cannot afford to travel to distant jurisdictions that have adopted more rational legislation.

I believe this problem is national in scope and can best be treated on a national level.

Our colleague, Senator Robert Packwood, has attempted to do this by proposing a bill (S. 3746) that would authorize a physician in any state to terminate a pregnancy upon request of the mother.

In his statement introducing the bill, Senator Packwood states that the constitutional basis of such legislation is the right of privacy. The Supreme Court recognized the existence of such a right in *Palko v. Connecticut*, when it struck down state legislation restricting the use of contraceptive devices by married couples. Recent lower court decisions have referred to the same right of privacy in striking down restrictive state abortion laws.

The Constitutional question bears further examination—but I believe a strong case can be made that national legislation of this nature would be supported by the *Palko* case, and by section 5 of the Fourteenth Amendment (see, *Katzenbach v. Morgan*, 384 U.S. 641).

Assuming the constitutional power exists, I support the concept of national legislation authorizing an adult mother to obtain on request a medical termination of pregnancy from a licensed physician. The details of such legislation should be studied and developed further.

Another important area is family planning. Over five million women in this country want and need family planning instruction, while only 700,000 are being reached—half by government and half by private organizations.

Women deprived of family planning information—and these are usually poor women—are often trapped in a vicious cycle of unwanted children, deepening poverty, and, ultimately, welfare dependence.

As I have said elsewhere earlier, Congress should provide adequate funds for the establishment of family planning clinics for those women who desire such assistance.

DAY CARE CENTERS

Job discrimination still remains a serious problem for women.

The passage of Title VII of the 1964 Civil Rights Act included a ban on discrimination in employment based on sex.

In 1963, while a House member, I was the author of legislation passed in that year by the Congress providing equal pay for women.

Over half of the Equal Employment Opportunity Commission complaints received are from women.

Still, job equality remains a myth—much like the equality promised to black people after the Civil War.

Euripides said that "A woman should be good for everything at home, but abroad for

nothing." Career experiences of women reflects this message. We tell a woman she is entitled to advanced training and a challenging job. Then, however, we deny her this job because it is expected that she will marry and have children. She is effectively taken off the job market before she gets on.

For example, the U.S. Fifth Circuit Court of Appeals in the case of *Phillips v. Martin Marietta Corporation*, ruled that a corporation could refuse to employ a woman because she had pre-school children. In the minority opinion, Judge John R. Brown stated "... the rankest sort of discrimination against women by employers ... the average woman working earns only 60% of the average wage for men ... our economy depends on women in the labor force." This case is now on appeal to the Supreme Court.

A Labor Department survey reveals that 50% of the nations mothers are now employed and that the number is rising. Over 3 million working mothers have children younger than 6 years of age. These children must be left behind to the care of others.

Yet only about 200,000 working women have access to licensed day care facilities for their children. This lack of day care facilities remains a serious obstacle to job opportunities for women.

The Federal government must play a leading role in changing this pattern. It should encourage and fund the establishment of day care centers for all socio-economic levels so that all women can participate in the search for equal job opportunity. These day care centers should include an educational component so that the child will have an enriched environment. Day care centers should be open all day so that women can have their children well-tended while they pursue employment, education or participation in community affairs.

I do not believe we should allow inequality of women to be perpetuated.

Doubtless many of the expressed inequalities require a fundamental change of basic attitudes in our culture.

Others, however, simply require an updating of antiquated law.

We have learned through the civil rights struggle that a piece-meal approach to equality—step by step—is too slow and insufficient.

This amendment, proposed in S.J. Res. 61, must be ratified. But with it must be passed legislation which gives the amendment meaning and strength—legislation which will make a difference.

The deprivation of the rights of women cannot be excused. As long as their creativity is stifled, our whole society suffers.

CONTINENT-WIDE WATER PLANNING

Mr. MOSS. Mr. President, I have spoken many times in the Senate on the importance of continent-wide water planning and on the desirability and feasibility of the so-called NAWAPA project. This is the concept, you will remember, which would move unneeded water surplus from the uncrowded North of the continent to the crowded, water-short areas of Canada, the United States, and Mexico.

I am glad to report that the present surge of interest in preserving and improving our environment seems to have given a fillip to NAWAPA, and to continent-wide water management generally. It now appears that some of the resistance in Canada to the exportation of water to the United States is disappearing, and that instead of being simply a "no no," as it once was, officials of the

Canadian Government and of the Canadian Parliament—at the very least—think that more information should be developed on it.

An interesting debate occurred in the House of Commons in Ottawa in early March. Some of the Members inquired pointedly as to what their Government policy is with respect to the sale of surplus water to the United States, and also as to what studies are available on certain Canadian natural resources.

In response to such queries, the Honorable J. J. Greene, Minister of Energy, Mines and Resources, stated:

In respect of water, we do not have that kind of assessment of the availability of resources needed by Canada and until we do there can be none for sale.

Prime Minister Pierre Trudeau did indicate, however, that the question of whether the Government would set up a commission to study Canada's domestic and industrial needs for water in the foreseeable future was being "studied intensively now." Although no commission is in existence at this point, Trudeau made clear that the water question was one, "we are obviously trying to assess."

In a further statement, the Prime Minister said:

A figure of 100 million gallons and more of water is pouring into the sea every day. Obviously this is fresh water that we have no way of selling today. Before we contract in the future for the selling of any kind of water, if we decide to do so, we would obviously have to know what our inventory is, and our needs and, if there is to be surplus water, how much would be surplus.

The debate in the Canadian Parliament on the water issue prompted an editorial in a Canadian newspaper advocating the sale of surplus water to the United States if studies show the water is indeed excess. The *Telegram*, an independent Toronto newspaper, stated:

It's inconceivable that Canadians would expect to be able to sit indefinitely on the world's largest reserve of fresh water without sharing it with the remainder of the water-hungry continent.

The *Telegram* quite properly took the position that studies should be undertaken first to determine the existing and developing needs of the Provinces. Should such an inventory show that billions of gallons of surplus water are available, the *Telegram* editorializes—"... why not sell it, instead of wasting it?"

These are sentiments I endorse wholeheartedly. I have made abundantly clear my belief that the people of Canada should not enter into any arrangements for continental water management unless such a plan is demonstrably and unquestionably in the country's long term best interest. I can only hope, however, that studies not only will be undertaken and completed as soon as possible, but also will show conclusively that surplus water is available for export. The fact that some Canadians are now giving thoughtful consideration to this problem is most gratifying and they are to be commended for their foresight.

Mr. President, I ask unanimous consent that the editorial from the *Toronto Telegram* of February 26, 1970, be printed in the *RECORD*.

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

WHY NOT SELL WATER?

There is no reason Canada should not sell surplus fresh water to the United States provided studies show that we have sufficient quantities of this vital resource to meet our present and all future needs.

It's inconceivable that Canadians would expect to be able to sit indefinitely on the world's largest reserve of fresh water without sharing it with the remainder of the water-hungry continent.

The Government must be realistic about this. If we have excess water, why not sell it, instead of wasting it?

Water, in a sense, is really no different from oil or wheat. We have a surplus of both of these at present. Instead of trying to retain that which we don't need, we are endeavoring to sell these products to countries that do require them.

It should be that way, too, with water. It's understandable, of course, that the United States with its dense population should be looking to Canada for some of this liquid wealth.

Resources Minister J. J. Greene has given assurance that Canada isn't contemplating giving approval for the sale of surplus water to the United States but may find that in time we won't be in a position to resist pressures for such sales. World opinion, if nothing else, may force Canada to stop wasting the billions of gallons of water which now pour uselessly into Hudson Bay and the Arctic seas.

What the Government should do without delay is complete studies with Ontario and Quebec to determine how much excess water there may be in these provinces. The existing and developing needs of these provinces must be taken into consideration.

Studies should also be undertaken with British Columbia and some of the other provinces.

Recently a plan to divert water from five northern Quebec rivers through the northern Ontario rivers system into the Great Lakes, for sale to the United States, was revived. This is a private-enterprise plan, but it has opened up the whole question of continental water resources and the need for a water policy in Canada.

Water is our last and largest natural resource. Its benefits are being dissipated by massive doses of pollution. It is required by industry and commerce. It is needed by our increasing population.

Still, if an inventory shows that billions of gallons of surplus water are being wasted, we shouldn't hesitate in entering into an agreement to dispose of some of it to the United States.

APPROPRIATIONS FOR EDUCATION

Mr. CRANSTON. Mr. President, on April 14 the House of Representatives passed H.R. 16916, the fiscal 1971 appropriation bill for the Office of Education. That bill provides \$4,127,114,000 million for that agency. This compares with \$3,813,777,650 approved by Congress for fiscal 1970.

Mr. President, all of us remember the fight over education funds which took place only months ago. The first appropriation bill for fiscal 1970 which Congress approved for the Office of Education provided \$4,276,117,000 for that agency. Unfortunately, the President chose to veto that bill.

I believe that the President committed a grave error in vetoing that bill. In my judgment, the additional funds provided in that bill continue to be urgently

needed by our schools. This is particularly true of the funds provided under Public Law 874, the Federal impact aid program. I have received numerous letters and calls from California educators who had to impose severe cutbacks in their school budgets as a result of the reduction in funds for this program in the fiscal 1970 appropriations bill which was eventually signed by the President.

Public Law 874 was funded at \$585,000,000 by H.R. 13111, the bill vetoed by the President. The current appropriation provides only \$505,400,000 for this program. This reduction of almost \$80 million caused the percentage funding of Public Law 874 entitlements to drop from approximately 90 to 77 percent. Consequently, California's share of Public Law 874 dropped from \$78,042,000 in fiscal 1969 to \$74,700,000 in the current fiscal year.

H.R. 16916 provides only \$425,000,000 for Public Law 874. Under this bill, section 6 entitlements would be fully funded as in the past. Preference would be given to section 3(a) which would be funded at 90 percent of entitlements. The remaining sections, including section 3(b), would be funded at approximately 45 percent of entitlements. This is the lowest percentage funding of the remaining sections in the history of Public Law 874 and is the direct result of a severely reduced appropriation.

Under H.R. 16916, my State's share of Public Law 874 funds would be \$61,818,000. This compares with \$74,700,000 in fiscal 1970 and \$78,042,000 in fiscal 1969.

Mr. President, because of the severe financial hardships which H.R. 16916 would impose on schools dependent on Public Law 874 funds, I ask unanimous

consent to have printed in the RECORD a set of tables which indicate by State and congressional district the amounts available under H.R. 16916 and under the additional funding levels of \$585 million and \$650 million. These figures were compiled by the Office of Education.

For each of the funding levels, the section 3(a) entitlements were set at 90 percent, and the section 3(b) entitlements were established at the prorated amounts necessary to bring them within the appropriate dollar ceiling, excluding the section 6 entitlements which have been included only in the final were set at 100 percent. Section 6 figures totals.

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

IMPACTED AREA AID—1971 ESTIMATED PAYMENTS

[Payments expressed in thousands of dollars]

CD	B entitlement plus other at approximately 45 percent		B entitlement plus other at approximately 76 percent		B entitlement plus other at approximately 89 percent		Total payment of 650 million
	A entitlement at 90 percent	(1)+(2)	(4)	(1)+(4)	(6)	(1)+(6)	
ALABAMA							
1-01	66	422	489	713	780	831	898
1-02	173	612	784	1,033	1,205	1,204	1,376
1-03	241	898	1,139	1,516	1,757	1,768	2,008
1-04	104	654	758	1,105	1,209	1,288	1,392
1-05	7	76	83	129	136	150	157
1-07		161	161	272	272	317	317
1-08	269	1,921	2,190	3,244	3,513	3,782	4,051
1-97 (4-6)		113	113	190	190	222	222
State total	860	4,857	5,717	8,202	9,062	9,562	10,421
ALASKA							
2-99 (at large)	15,326	2,100	17,426	3,546	18,872	4,134	19,460
ARIZONA							
3-01	288	406	694	686	974	800	1,087
3-02	2,054	1,599	3,653	2,700	4,754	3,148	5,201
3-03	3,945	340	4,286	574	4,520	670	4,615
3-78 (1 and 3)	560	296	856	500	1,061	583	1,143
State total	6,847	2,641	9,489	4,460	11,309	5,201	12,046
ARKANSAS							
4-01	349	65	415	110	460	129	478
4-02	610	595	1,206	1,005	1,061	1,172	1,782
4-03	13	305	318	516	528	601	614
4-04	13	341	354	577	589	672	685
State total	985	1,306	2,293	2,028	3,193	2,574	3,559
CALIFORNIA							
5-01	1,002	868	1,871	1,466	2,468	1,709	2,711
5-02	564	1,232	1,797	2,081	2,645	2,426	2,990
5-03	1,091	3,067	4,158	5,179	6,270	6,037	7,128
5-04	3,415	1,362	4,777	2,300	5,715	2,682	6,096
5-07		162	162	273	273	318	318
5-08	663	480	1,143	810	1,474	944	1,608
5-09	16	737	753	1,245	1,261	1,452	1,468
5-10	236	864	1,099	1,459	1,694	1,700	1,936
5-11	6	424	430	716	722	835	841
5-12	2,878	1,110	3,989	1,875	4,753	2,186	5,064
5-13	2,714	2,939	5,653	4,963	7,677	5,785	8,500
5-14	105	1,148	1,253	1,939	2,044	2,261	2,366
5-15	40	806	845	1,360	1,400	1,586	1,625
5-16	472	306	777	516	988	602	1,073
5-17		23	23	38	38	44	44
5-18	2,918	233	3,151	393	3,311	458	3,377
5-19		193	193	326	326	379	379
5-20		46	46	77	77	90	90
5-23		404	404	682	682	795	795
5-24		283	283	479	479	558	558
5-25	6	188	194	317	324	370	376
5-27	22	774	797	1,307	1,330	1,524	1,546
5-28	4	222	226	375	379	441	441
COLORADO							
6-02	156	2,502	2,658	4,225	4,381	4,925	5,081
6-03	2,526	3,652	6,179	6,168	8,694	7,190	9,716
6-04	523	718	1,241	1,212	1,735	1,413	1,936
State total	3,205	6,872	10,078	11,605	14,810	13,528	16,733
CONNECTICUT							
7-01		110	110	185	185	216	216
7-02	1,430	597	2,027	1,008	2,438	1,175	2,605
7-03		16	350	367	592	608	706
7-04		110	110	185	185	216	216
7-05	7	139	146	235	242	273	281
7-06		115	115	194	194	226	226
State total	1,453	1,421	2,875	2,399	3,852	2,796	4,250
DELAWARE							
8-99 (at large)	10	475	485	802	812	935	945
DISTRICT OF COLUMBIA							
9-99 (at large)	303	3,402	3,705	5,745	6,048	6,697	6,999
FLORIDA							
10-01	1,471	2,335	3,806	3,944	5,414	4,597	6,068
10-02	104	378	482	639	743	745	849

CD	B entitlement plus		B entitlement plus		B entitlement plus		Total payment of 650 million
	A entitlement at 90 percent	other at approximately 45 percent	Total payment of 425 million	other at approximately 76 percent	Total payment of 585 million	other at approximately 89 percent	
	(1)	(2)	(1)+(2)	(4)	(1)+(4)	(6)	(1)+(6)
10-03	456	1,026	1,482	1,732	2,189	2,019	2,476
10-04		307	307	519	519	605	605
10-05	1,036	3,193	4,229	5,392	6,428	6,285	7,321
10-06	361	463	824	781	1,143	911	1,272
10-08	1	336	337	567	568	661	662
10-09	33	8	40	13	45	15	47
10-10	18	39	57	66	84	77	95
10-12	752	190	942	320	1,073	373	1,126
10-82 (11 and 12)	608	510	1,119	862	1,470	1,005	1,613
State total	4,840	8,785	13,625	14,835	19,676	17,293	22,134
GEORGIA							
11-01	258	450	708	760	1,018	886	1,144
11-02	416	313	728	528	943	615	1,031
11-03	250	2,064	2,314	3,485	3,735	4,062	4,313
11-04		333	333	563	563	656	656
11-06	59	731	790	1,235	1,294	1,440	1,499
11-07	10	1,343	1,353	2,267	2,277	2,643	2,653
11-08	168	336	504	567	735	661	829
11-09		111	111	187	187	218	218
11-10	146	932	1,079	1,574	1,720	1,835	1,981
11-75 (4 and 5)	37	763	800	1,288	1,325	1,501	1,539
State total	1,344	7,376	8,720	12,454	13,797	14,517	15,863
HAWAII							
12-99 (at large)	6,034	3,259	9,293	5,503	11,537	6,415	12,449
IDAHO							
13-01	753	643	1,396	1,085	1,839	1,265	2,018
13-02	285	617	902	1,042	1,327	1,215	1,500
State total	1,038	1,260	2,298	2,127	3,166	2,480	3,518
ILLINOIS							
14-04		57	57	96	96	112	112
14-10	4	114	118	192	196	224	228
14-12	1,790	731	2,521	1,234	3,024	1,438	3,229
14-13	219	2,061	2,280	3,480	3,699	4,056	4,276
14-14	14	353	367	597	610	696	709
14-15		90	90	153	153	178	178
14-16	13	77	90	130	143	151	164
14-17	17	488	505	825	841	961	978
14-18	7		7	1	7	1	7
14-19	8	325	333	549	557	640	648
14-20		35	35	60	60	69	69
14-21	14	143	157	242	256	282	296
14-22	1,252	462	1,715	781	2,033	910	2,162
14-23		114	114	193	193	225	225
14-24	946	890	1,837	1,504	2,450	1,753	2,699
14-58 (14 and 17)	9	362	370	611	619	712	721
State total	4,293	6,307	10,596	10,648	14,937	12,408	16,701
INDIANA							
15-05	705	211	916	356	1,061	415	1,120
15-06		184	184	311	311	362	362
15-07	58	211	269	357	414	416	474
15-08	4	191	195	322	326	375	379
15-09	36	873	909	1,475	1,511	1,719	1,755
15-11	139	585	725	988	1,128	1,152	1,291
State total	942	2,255	3,198	3,809	4,751	4,439	5,381
IOWA							
16-01	42	673	715	1,137	1,179	1,325	1,367
16-02		13	13	22	22	25	25
16-03	23	9	32	15	38	17	41
16-04	34	434	468	733	767	855	889
16-05		251	251	424	424	494	494
16-06	43	133	176	224	267	261	304
16-07		120	120	202	202	236	236
State total	142	1,633	1,775	2,757	2,899	3,213	3,356
KANSAS							
17-01	7	37	45	63	70	73	81
17-02	2,651	1,331	3,982	2,247	4,898	2,619	5,271
17-03	64	654	717	1,104	1,167	1,286	1,350
17-04		974	974	1,644	1,644	1,917	1,917
17-05	970	845	1,814	1,426	2,396	1,663	2,632
State total	3,692	3,841	7,532	6,484	10,175	7,558	11,251
KENTUCKY							
18-01	47	458	505	774	821	902	949
18-02	9	526	535	888	898	1,035	1,045
18-03	1	1,051	1,052	1,775	1,776	2,069	2,070
18-04		32	32	54	54	63	63
18-05	7	102	109	172	179	201	208
18-06	21	367	388	620	641	722	744
18-07	2	2	5	4	6	5	7
State total	87	2,538	2,626	4,287	4,375	4,997	5,086

CD	B entitlement plus		B entitlement plus		B entitlement plus		Total payment of 650 million
	A entitlement at 90 percent	other at approximately 45 percent	Total payment of 425 million	other at approximately 76 percent	Total payment of 585 million	other at approximately 89 percent	
	(1)	(2)	(1)+(2)	(4)	(1)+(4)	(6)	(1)+(6)
LOUISIANA							
19-01	1	49	50	83	83	97	97
19-02		161	161	271	271	316	316
19-04	464	624	1,088	1,054	1,518	1,229	1,693
19-06		162	165	273	276	319	321
19-08	106	566	671	955	1,061	1,113	1,219
19-79 (1 and 2)	46	299	345	504	551	588	634
State total	620	1,861	2,480	3,140	3,760	3,662	4,280
MAINE							
20-01	452	551	1,003	930	1,383	1,085	1,537
20-02	1,211	328	1,539	553	1,764	645	1,856
State total	1,663	879	2,542	1,483	3,147	1,730	3,393
MARYLAND							
21-01	556	596	1,152	1,006	1,562	1,173	1,729
21-02	608	689	1,297	1,163	1,771	1,356	1,964
21-05	717	6,537	7,254	11,039	11,756	12,868	13,585
21-06	233	626	859	1,057	1,290	1,233	1,466
21-08	84	3,930	4,014	6,636	6,721	7,736	7,820
21-77 (6 & 8)		279	279	471	471	548	548
21-77 (3, 4 & 7)	50	1,516	1,567	2,561	2,611	2,985	3,035
21-78 (1 & 3)	1,050	1,112	2,162	1,878	2,928	2,189	3,239
State total	3,298	15,285	18,584	25,811	29,110	30,088	33,386
MASSACHUSETTS							
22-01	6	566	572	956	962	1,115	1,121
22-02	1,369	581	1,950	980	2,349	1,143	2,512
22-03	1,371	534	1,905	902	2,273	1,051	2,423
22-04	1	409	409	690	691	805	805
22-05	218	922	1,140	1,557	1,775	1,814	2,032
22-06	11	464	475	784	794	913	924
22-07	2	582	584	983	985	1,146	1,147
22-08	37	133	171	225	262	263	300
22-10	21	222	244	376	397	438	459
22-11	154	475	629	802	956	935	1,089
22-12	1,647	755	2,402	1,274	2,922	1,485	3,133
22-46 (5-7)		34	34	57	57	66	66
22-61 (8, 9 and 11)	6	382	388	646	652	753	759
22-73 (10 and 12)		3	3	5	5	6	6
22-75 (4 and 5)	2	18	20	30	32	34	37
22-79 (1 and 2)		3	3	5	5	6	6
State total	4,845	6,083	10,929	10,272	15,117	11,973	16,819
MICHIGAN							
23-02	11	7	18	12	23	14	25
23-03	141	247	389	418	559	487	628
23-08	5	20	25	34	39	39	44
23-09	5	39	44	66	71	77	82
23-10	710	110	820	186	895	216	926
23-11	1,582	295	1,877	498	2,080	581	2,163
23-12	577	307	884	518	1,095	604	1,181
23-52 (1, 12, 14, 16 and 17)	15	5	20	8	23	9	24
State total	3,046	1,478	4,525	2,496	5,541	2,908	5,954
MINNESOTA							
24-01		67	67	114	114	133	133
24-02	9	2	11	3	12	3	13
24-03		484	484	817	817	952	952
24-04		513	513	866	866	1,009	1,009
24-05	49	236	284	398	446	464	512
24-06	38	89	126	150	188	175	212
24-07	482	88	570	148	630	173	655
24-08	382	259	641	438	820	511	892
State total	960	1,738	2,696	2,934	3,893	3,420	4,378
MISSISSIPPI							
25-01	373	79	452	134	507	156	529
25-03	5	63	68	107	112	125	130
25-04	102	74	176	126	228	146	249
25-05	669	914	1,583	1,543	2,212	1,798	2,467
State total	1,149	1,130	2,279	1,910	3,059	2,225	

IMPACTED AREA AID—1971 ESTIMATED PAYMENTS—Continued
[Payments expressed in thousands of dollars]

CD	B entitlement plus other at approximately 45 percent		B entitlement plus other at approximately 76 percent		B entitlement plus other at approximately 89 percent		Total payment of 650 million
	A entitlement at 90 percent (1)	(2)	(1)+(2)	(4)	(1)+(4)	(6)	
MISSOURI—Continued							
26—78 (1 & 3)	3	525	881	884	1,027	1,030	
State total	2,080	4,469	6,548	7,545	9,624	8,792	10,872
MONTANA							
27—01	1,213	584	1,797	986	2,199	1,149	2,362
27—02	2,214	481	2,695	813	3,026	948	3,161
State total	3,427	1,065	4,492	1,799	5,225	2,097	5,523
NEBRASKA							
28—01	253	182	435	308	561	359	612
28—02	2,264	1,118	3,382	1,888	4,152	2,200	4,465
28—03	194	391	585	660	854	770	963
State total	2,711	1,691	4,401	2,856	5,567	3,329	6,040
NEVADA							
29—99 (at large)	1,465	1,603	3,069	2,707	4,173	3,156	4,621
NEW HAMPSHIRE							
30—01	855	777	1,632	1,312	2,168	1,530	2,385
30—02	3	151	154	256	259	298	301
State total	858	928	1,786	1,568	2,427	1,828	2,686
NEW JERSEY							
31—01	14	635	640	1,073	1,087	1,251	1,265
31—02	27	302	329	511	537	595	622
31—03	747	1,408	2,155	2,378	3,125	2,772	3,519
31—04		354	354	598	598	697	697
31—05	57	388	445	656	713	764	821
31—06	2,720	1,710	4,429	2,887	5,607	3,366	6,085
31—13	59	35	94	60	119	70	128
31—43		18	18	30	30	35	35
31—48 (1 and 6)	1	32	33	54	55	63	64
31—51 (10 and 11)		78	78	132	132	154	154
State total	3,625	4,960	8,585	8,379	12,003	9,767	13,390
NEW MEXICO							
32—01	1,825	1,797	3,622	3,034	4,859	3,537	5,362
32—02	4,036	1,501	5,537	2,535	6,571	2,955	6,991
32—99 (at large)	962	30	992	51	1,013	59	1,021
State total	6,823	3,328	10,151	5,620	12,443	6,551	13,374
NEW YORK							
33—01	449	1,121	1,570	1,893	2,342	2,207	2,656
33—02	14	272	286	460	473	536	550
33—04	353	39	392	66	419	77	430
33—05		43	43	73	73	85	85
33—25	6	27	34	46	52	54	60
33—27	619	496	1,115	837	1,456	976	1,595
33—28	2	33	35	56	58	66	67
33—29	60	658	718	1,111	1,171	1,295	1,355
33—30		320	320	541	541	631	631
33—31	1,111	208	1,319	351	1,462	409	1,520
33—32	704	749	1,453	1,265	1,969	1,474	2,179
33—33		283	283	477	477	556	556
33—34	119	103	222	174	293	203	322
33—35	103	171	274	289	392	336	440
33—38		72	72	122	122	142	142
33—40	294	54	348	91	385	106	400
33—42 (2,4 and 5)	141	23	164	39	179	45	186
33—49 (2 and 4)		17	17	29	29	34	34
33—54 (39 and 41)		93	93	157	157	183	183
33—69 (6-24)	1,118	2,569	3,687	4,339	5,457	5,058	6,176
33—79 (1 and 2)		440	440	742	742	866	866
State total	5,093	7,791	12,885	13,158	18,249	15,339	20,433
NORTH CAROLINA							
34—01	597	467	1,064	789	1,385	919	1,513
34—03	644	1,071	1,715	1,809	2,453	2,109	2,756
34—05	14	44	59	75	89	87	102
34—07	181	1,642	1,823	2,773	2,954	3,232	3,413
34—08		119	119	200	201	234	234
34—11	101	129	230	217	319	254	355
State total	1,537	3,472	5,010	5,863	7,401	6,835	8,373
NORTH DAKOTA							
35—01	1,639	142	1,781	240	1,879	279	1,918
35—02	1,358	125	1,483	211	1,569	246	1,604
State total	2,997	267	3,264	451	3,448	525	3,522
OHIO							
36—01					8	8	14
36—02					35	35	60
36—03	694				1,319	2,013	2,227
36—04					25	25	43
36—05					15	15	25
36—06					14	274	288
36—07					49	1,091	1,140
36—08					1	37	62
36—10					1	196	197
36—11					8	70	79
36—12					6	299	305
36—13					70	70	118
36—14					153	153	258
36—15					154	154	261
36—17					1	301	302
36—19					15	15	25
36—23					443	443	747
36—24					2	475	477
36—59 (20, 22, and 23)					175	175	296
36—68 (12 and 15)	491				1,155	1,645	1,950
36—79 (1 and 2)					74	74	125
State total	1,268	6,384	7,651	10,779	12,049	12,566	13,831
OKLAHOMA							
37—01	30	964	995	1,629	1,659	1,898	1,929
37—02	760	455	1,215	768	1,529	896	1,656
37—03	181	472	653	797	978	929	1,110
37—04	1,955	1,628	3,583	2,749	4,704	3,204	5,159
37—05	46	1,472	1,517	2,485	2,531	2,897	2,942
37—06	517	395	912	667	1,184	778	1,295
37—75 (4 and 5)	193	1,040	1,233	1,756	1,949	2,047	2,240
State total	3,682	6,426	10,108	10,851	14,534	12,649	16,331
OREGON							
38—01	272	129	401	217	489	253	525
38—02	717	697	1,414	1,177	1,893	1,372	2,088
38—03	30	321	351	542	571	631	661
38—04	121	421	542	711	832	829	950
State total	1,140	1,568	2,708	2,647	3,785	3,085	4,224
PENNSYLVANIA							
39—06		31	31	53	53	62	62
39—07		232	232	392	392	457	457
39—08	4	483	487	815	820	950	955
39—09		108	108	182	182	212	212
39—10		186	186	314	314	366	366
39—11		137	137	231	231	269	269
39—12		448	448	757	757	882	882
39—13		137	137	232	232	270	270
39—15	66	58	124	98	164	114	180
39—16	27	239	265	403	430	470	496
39—17		218	218	368	368	429	429
39—18	19	9	27	15	33	17	36
39—19	49	499	548	843	892	982	1,031
39—23		18	18	30	30	35	35
39—26		13	13	22	22	26	26
39—27	3	132	135	223	225	259	262
39—57 (14, 20, 27)		405	405	683	683	796	796
39—63 (8 and 13)		42	42	70	70	82	82
39—66 (1-5)	361	2,065	2,426	3,487	3,849	4,065	4,426
39—67 (16 and 17)		24	24	40	40	47	47
State total	529	5,484	6,011	9,258	9,787	10,790	11,319
RHODE ISLAND							
40—01	899	600	1,499	1,013	1,912	1,181	2,080
40—02	698	745	1,442	1,257	1,955	1,466	2,164
40—79 (1 and 2)		128	128	217	217	253	253
State total	1,597	1,473	3,069	2,487	4,084	2,900	4,497
SOUTH CAROLINA							
41—01	1,428	2,035	3,463	3,437	4,865	4,006	5,434
41—02	77	1,118	1,195	1,888	1,965	2,200	2,278
41—03	13	48	61	82	94	95	108
41—04		48	48	81	81	95	95
41—05	385	135	520	228	614	266	651
41—06	54	69	123	117	171	137	190
State total	1,957	3,453	5,410	5,833	7,790	6,799	8,756
SOUTH DAKOTA							
42—01	214	201	414	339	553	395	609
42—02	2,641	629	3,270	1,062	3,703	1,237	3,878
State total	2,855	830	3,684	1,401	4,256	1,632	4,487
TENNESSEE							
43—01	13	342	355	578	591	674	687
43—02	6	650	656	1,097	1,103	1,279	1,285
43—03	1	256	258	433	434	505	506
43—04	315	745	1,060	1,259	1,574	1,467	1,782

CD	A entitlement at 90 percent (1)	B entitlement plus other at approximately 45 percent (2)	Total payment of 425 million (1)+(2)	B entitlement plus other at approximately 76 percent (4)	Total payment of 585 million (1)+(4)	B entitlement plus other at approximately 89 percent (6)	Total payment of 650 million (1)+(6)
43-05		220	220	371	371	432	432
43-06		654	654	1,104	1,104	1,287	1,287
43-07	1	154	155	261	261	304	305
43-08		261	273	440	452	513	525
43-09	345	295	640	498	843	580	926
43-96 (7 and 8)		502	502	848	848	989	989
State total	693	4,079	4,773	6,889	7,581	8,030	8,724
TEXAS							
44-01	36	975	1,011	1,646	1,682	1,918	1,955
44-02	5	41	46	69	74	81	85
44-03	18	316	334	534	552	622	641
44-04	106	265	372	448	555	522	629
44-05	3	53	56	89	93	104	107
44-06		166	166	280	280	327	327
44-07		2	2	3	3	3	3
44-08		12	12	20	20	24	24
44-09		472	472	798	798	930	930
44-10	352	438	790	739	1,091	862	1,214
44-11	1,156	1,175	2,331	1,984	3,140	2,313	3,469
44-12	374	2,210	2,584	3,732	4,106	4,351	4,724
44-13	471	639	1,111	1,079	1,551	1,258	1,730
44-14	181	606	787	1,023	1,204	1,192	1,373
44-15	86	94	181	159	245	185	272
44-16	1,118	1,615	2,733	2,728	3,846	3,180	4,297
44-17	708	621	1,329	1,049	1,757	1,223	1,931
44-18	188	221	409	373	561	434	623
44-19	136	127	263	215	351	251	387
44-20	148	646	795	1,092	1,240	1,272	1,421
44-21	247	408	655	688	935	803	1,049
44-22	8	322	330	543	551	633	641
44-23	106	627	733	1,058	1,165	1,233	1,340
44-53 (3, 5, 6 and 13)	5	293	298	494	499	576	581
44-56 (7, 8 and 22)	1	265	266	448	449	523	523
44-86 (20, 21, and 23)	2,348	3,301	5,649	5,574	7,922	6,498	8,846
State total	7,801	15,910	23,715	26,865	34,670	31,318	39,122
UTAH							
45-01	1,011	2,878	3,889	4,860	5,871	5,665	6,677
45-02	264	1,116	1,379	1,884	2,148	2,196	2,460
State total	1,275	3,994	5,268	6,744	8,019	7,861	9,137
VERMONT							
46-99 (at large)	4	87	91	147	151	171	175
State total	4	87	91	147	151	171	175
VIRGINIA							
47-01	1,793	3,560	5,354	6,013	7,806	7,009	8,802
47-02	1,416	2,452	3,868	4,141	5,557	4,827	6,243
47-03	16	520	536	878	895	1,024	1,040
47-04	511	1,029	1,540	1,738	2,249	2,026	2,537
47-05		39	39	66	66	77	77
47-06	15	371	386	627	642	731	746
47-07	5	38	43	65	69	75	80
47-08	80	1,388	1,467	2,343	2,423	2,731	2,811
47-09		270	270	457	457	532	532
47-10	463	9,670	10,133	16,330	16,793	19,036	19,499
State total	4,299	19,337	23,636	32,658	36,957	38,068	42,367

CD	A entitlement at 90 percent (1)	B entitlement plus other at approximately 45 percent (2)	Total payment of 425 million (1)+(2)	B entitlement plus other at approximately 76 percent (4)	Total payment of 585 million (1)+(4)	B entitlement plus other at approximately 89 percent (6)	Total payment of 650 million (1)+(6)
WASHINGTON							
48-01	61	515	576	870	931	1,014	1,075
48-02	756	682	1,437	1,151	1,907	1,342	2,098
48-03	166	432	597	729	895	850	1,016
48-04	697	841	1,538	1,420	2,118	1,656	2,353
48-05	1,009	432	1,441	729	1,738	850	1,859
48-06	2,098	2,421	4,520	4,089	6,187	4,766	6,864
48-07	48	339	387	573	621	668	716
State total	4,835	5,662	10,496	9,561	14,397	11,146	15,981
WEST VIRGINIA							
49-02	21	192	213	325	345	378	399
49-03	1	45	45	75	76	88	89
49-04		93	93	156	157	182	183
State total	22	330	351	556	578	648	671
WISCONSIN							
50-02	240	225	466	381	621	444	684
50-03	39	472	511	798	836	930	968
50-07	51	47	98	80	131	93	144
50-08	12	63	75	107	119	125	137
50-10	178	58	236	98	276	114	292
50-55 (4, 5 and 9)	8	244	252	412	420	480	488
State total	528	1,109	1,638	1,876	2,403	2,186	2,713
WYOMING							
51-99 (at large)	1,323	459	1,782	775	2,098	903	2,227
State total	1,323	459	1,782	775	2,098	903	2,227
GUAM							
140-99	1,501	576	2,077	973	2,474	1,134	2,636
State total	1,501	576	2,077	973	2,474	1,134	2,636
PUERTO RICO							
170-99		197	197	333	333	389	389
State total		197	197	333	333	389	389
VIRGIN ISLANDS							
185-99		16	16	27	27	31	31
State total		16	16	27	27	31	31
National total	158,127	232,320	390,456	392,319	550,448	457,317	615,445
Federal schools (sec. 6 at 100 percent)			34,550		34,550		34,550
Total			425,006		584,998		649,995

JETS FOR ISRAEL

Mr. WILLIAMS of New Jersey. Mr. President, last week the Government of Israel announced that Soviet pilots were flying Soviet-built jets supplied to Egypt. This announcement has been confirmed by American sources since then. While the news is certainly a most depressing development, none of us has the right to be surprised. The administration invited this shocking development last month when it refused to sell jet aircraft to Israel, thus telling the world that our resolve to aid an ally in the Middle East crisis had weakened substantially.

There is neither the time nor the reason, at this moment, to rehash the details of certain well-established facts. Let us just recall the two basic premises in the Middle East conflict. Israel is fighting to

survive as a nation. The Arab States, particularly Egypt, Syria, and Iraq are fighting to destroy Israel as a nation.

President Nixon, we have been told, has called for a reevaluation of his earlier decision against the sale of jets to Israel. I hope he will not make the same mistake twice. I hope his earlier mistake is repairable.

Mr. President, I would like to speak plainly for a moment. I would like to discard for a moment the embellished phrases and parliamentary verbiage which we too often find necessary.

What would it take for Israel to convince the United States to cease its denial of assistance?

Would we be more willing to aid Israel if she had an unstable government?

Would we be more willing to aid Israel

if she were neutralist instead of pro-Western?

Would we be more willing to aid Israel if her ruling political parties condemned to imprisonment and death their political opponents?

Would we be more willing to aid Israel if she permitted most of that aid to find its way into the black market?

Would we be more willing to aid Israel if she were demanding a handout instead of merely seeking permission to buy American-made products?

Would we be more willing to aid Israel if she were asking us to sacrifice 42,000 American lives?

Mr. President, I believe the recent actions of our Government with reference to Israel are an outrageous betrayal of our own heritage. I believe the recent

actions of our Government were tantamount to an open invitation to the Soviet Union to escalate its military involvement in support of Egypt.

Mr. President, Israel is one of the only countries in the world which is not trying to enlist American involvement. We can sell jets to Israel without committing one American citizen or one U.S. dollar to the Middle East conflict, and yet we hesitate.

Mr. President, Israel wants peace in the Middle East and so do we. Can the same be said for Egypt and the Soviet Union? Clearly not. President Nasser of Egypt has declared a war of attrition against Israel. The only way Israel can prevent Nasser from achieving success in that war of attrition is by maintaining overwhelming air superiority. To do that, Israel needs to buy American aircraft.

On the other hand, the only way for Nasser to achieve his goal is to neutralize Israel's air superiority. To do that, Nasser needs Soviet planes and pilots.

The Soviet Union has given Nasser the aid he needs even at the risk of Soviet lives. We cannot delay, for even one more day, agreeing to sell Israel the aircraft she desperately needs in order to survive.

RECESS UNTIL 2 O'CLOCK P.M. TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2 o'clock p.m. today.

There being no objection, at 1 o'clock and 2 minutes p.m., the Senate took a recess until 2 o'clock p.m. today.

At 2 o'clock p.m., on the expiration of the recess, the Senate reconvened, when called to order by the Presiding Officer (Mr. ERVIN).

ORDER OF BUSINESS

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

The PRESIDING OFFICER (Mr. ERVIN). The clerk will call the roll.

The bill clerk proceeded to call the roll. Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Is there further morning business?

VIOLENCE AND TRAGEDY AT KENT STATE UNIVERSITY

Mr. DOLE. Mr. President, we are all aware of the terrible tragedy yesterday at Kent State University in Ohio in which four young people were killed.

Today is not the time and this is not the place to fix blame. Nor is this the place or time to judge the merits of the cause, or causes behind the riots.

I think, rather, it is time for Americans, young and old, to search their souls to determine if there are not better answers to our problems than violent dissent and to ask if the road to peace in America is not as essential as the road to peace in Vietnam.

Those who support the U.S. involvement in Vietnam do so in the name of

freedom and justice. Those who support the President's strike at North Vietnamese sanctuaries in Cambodia do so in the belief that in the end it will save American lives, hasten the process of Vietnamization, and permit withdrawal of American troops more quickly.

There are those who oppose these beliefs and the President's actions for their own good reasons. But surely all can agree that we oppose war and violence.

Mr. President, I wish to make a point which has not been made and which should be made.

When students attack members of the National Guard, they are not attacking the establishment; they are attacking, for the most part, young men, men of their own generation, some of whom also go to college or work and have wives and babies, young men serving out their obligations to their country or who feel a duty to serve their country.

I urge the young people on our campuses to take a second look at those they vent their protests on. They are black; they are white or brown. They have every degree of intelligence and education. The only thing separating them from their counterparts on campus is a uniform and the fact that they are present, not to create violence but to prevent it if possible.

I trust my colleagues and men of good will everywhere will join now to seek an end to violence, an end to arson and to shooting and an end to turmoil.

Surely, unless we join together to bring peace to our country, we cannot really expect to bring peace to Vietnam or to preserve the peace anywhere else in the world.

Mr. SAXBE. Mr. President, we have all heard, with extreme regret, of the tragedy at Kent State University, where four students, or four people, not all students as I understand it, were killed.

While I think that such a confrontation was inevitable because of the progress of dissent and violence, I regret very much that it had to happen, especially that it had to happen at Kent State University in Ohio.

The background of this event is something that has been building up for a long time. Last week, at Ohio State, there was disruption and violence. The word was out, as early as 3 days before, that this was going to happen at Kent State.

There were people who obviously felt that this was organized and some were going to be present from out of town.

The Ohio National Guard had been on strike duty because of the teamsters' wildcat strikes in northern Ohio. Many of these young men in the National Guard—and I say young men because most of them, I would say, are in the group of 17- to 20-year-olds—have been on the road continuously since they have been called out. Some have reported that they had less than 3 hours of sleep in the 48 hours before the confrontation at Kent State.

They carried live ammunition. I do not believe that we are ever going to send our troops out to face violence without live ammunition, nor do I recommend it.

Of course, the discipline of handling live ammunition is something which is

hard to train. I speak with some knowledge of this, because I commanded a battalion of the National Guard on strike duty with guardsmen who had as little experience as some of these men, no doubt, and I saw the great danger in permitting men with little or no training to face what they thought was imminent danger.

When the confrontation developed on the campus and the students resisted, instead of moving out, after it was announced on the loudspeaker to them that they should return to their quarters, the guardsmen advanced in a line, firing teargas. The tear gas was effective and the students fell back. Then, as a group of spectators and other demonstrators moved in behind the guardsmen, in such a way that they felt it endangered their position, the guardsmen reversed and started back against the other group. Then the ones who had given way in the face of the first movement, started filtering back behind the guardsmen again, hurling objects and giving abuse.

Then something happened, which usually happens in this kind of thing, unfortunately.

Someone thought he was fired upon, or someone thought he was in danger of his life, and the first shot was fired.

Some say it was a sniper. I have no proof of that, and I doubt it. But whatever it was, this man felt that his life was endangered, because here were 30 guardsmen surrounded by over a thousand rioters, or people who were adding to the crowd, and they felt endangered, and the first shot was fired. Then seven or eight men fired their pieces, and four people were dead and several wounded.

I say that such a confrontation is inevitable because when violence is unleashed, the only answer is more violence. Emotions unleashed bring the same type of retribution.

As a result, we have a situation now that is going to spread, I am afraid. We have made students recognize the fact that there is danger involved.

The students that I talked to in my office said, "Well if they had told us that we might get hurt, this would not have happened."

In other words, up until now, there have been two sets of rules. A guardsman or a policeman is fair game for insults, for being hit with rocks, for being attacked. But the forces of the Government, whether they be guardsmen or policemen, cannot strike back. It was not playing the game for them to do violence to those who attack them. And it came as a complete surprise.

I suppose that we will now see revolution recognized for what it is—revolution.

We are going to be forced to take sides, if we have not already done so. But at least this tragedy should bring home to all who are involved in these violent demonstrations that there is danger, that people will be hurt, and that people will be killed.

I suppose that these four people will go down in history as martyrs, and perhaps they should. But martyrs to what? Martyrs to the very force of ignorance or violence that we form governments to try to get away from.

There is a place for disagreement, a place for dissent. There is a place for demonstrations. But there is no place for violence in organized government.

And the very thing that we banded together for, and that the first men of our known history banded together for, was to keep the peace in the community, because nothing else can prosper or develop if there is no freedom from fear. We are now right back at that point in our country. Fear does exist.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SAXBE. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

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

Mr. SAXBE. Mr. President, I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I take this opportunity to commend the Senator from Ohio for his statement on a matter with which he has great familiarity.

I realize that this circumstance and situation is a difficult and important one for the Nation. I think that it requires objectivity and compassion to view it in the right perspective.

I commend the Senator for his report to us on the situation at Kent University.

I believe that the forces of unrest in this country are serious, indeed. But, I believe that the remarks of another of our distinguished colleagues this morning, the senior Senator from Oregon, on television, to the effect that violence always produces violence and is self-defeating, is relevant to our objective view of the situation.

I believe that as I watched the television programs this morning in their presentation of the situation at Kent University and around the country, that we could commend to them some of the same objectivity that I now commend to our colleagues in an appraisal of the situation in this country.

I specifically refer to the television programs which showed by zoom lens a view down the rifle sight of a guardsman pointing toward an oncoming group of students, and then another zoom shot from the crowd to the oncoming National Guard vehicle carrier, which showed gas being thrown into a group of students and then a student picking it up; zooming in so close that one could see the face of the student; then showing the student throwing it back at the guardsmen.

I believe that remarks such as those made by Hugh Downs on this morning's "Today" show, quoting the Vice President as saying that the fact that violence produces violence is predictable, is an indication of a police state mentality in the United States is not helpful toward the end of objective reporting of a serious issue.

Opinion formers in this country are not limited to governmental officials. News media personalities are opinion formers as well, and I believe it is fortunate that nongovernmental sources, such as Vanderbilt University, in Nashville, Tenn., is now, for the first time, taping all of the morning and evening network news programs so that com-

mentators today and scholars in the future can examine them and determine for themselves whether or not they represent objective reporting or subjective interpretation.

My call at this time is for an objective consideration in this matter calmly and impassionately.

I commend the Senator from Ohio.

Mr. SAXBE. Mr. President, I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I commend the Senator from Ohio for his remarks today concerning his conference this morning, in which I took part, with five young men from Kent University in his office. Two of these young men were witnesses to the tragic occurrence yesterday.

They were outstanding young men and bona fide students of Kent University. They were concerned, and rightfully so, over what may happen next.

This is neither the time nor the place to assess the scope of the problem or to fix the blame.

The Senator from Ohio (Mr. SAXBE) rendered a great service in meeting with these young men to determine what happened. We should determine what we might in the Senate, or what the universities or the students might do, to prevent tragedy from spreading to other campuses.

I was shocked this morning, not surprised, when Hugh Downs made the statement referred to by the junior Senator from Tennessee. I recognize the anti-Agnew bias of Mr. Downs, but was surprised that he would suggest on the "Today Show" that statements of the Vice President indicated a police state action or response.

Anyone in this Chamber or within hearing of my voice could predict that if one is taunted long enough—violence will beget violence; sooner or later it will occur. It does not take the hindsight of Mr. Hugh Downs to point this out nor should he infer criticism of the Vice President.

Primarily, I share the views expressed by the Senator from Tennessee and the Senator from Ohio.

I trust we recognize that the young men in the National Guard are much like the young men on the campus. They are distraught. They are concerned. They also have a breaking point.

Campus violence, campus disturbance, campus unrest, as I understand it, is caused because young men and young women are frustrated, and some explode in the process. I would hope college students would realize that the young men in uniform are much like themselves. They also have breaking points.

I do not know the facts concerning Kent University but hope what happened there never happens again on any other campus.

Mr. SAXBE. Mr. President, I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, in relation to the remarks of the Senator from Ohio, the Senator from Tennessee, and the Senator from Kansas, this morning we conducted hearings on a constitutional amendment. An organization called the Women's Liberation Movement appeared before our committee.

They did not give their names to the members of the committee because they said they spoke for everyone. There were three of them, and after two of them spoke, they said that ended the testimony before the committee.

They then got up and moved in front with their backs to the committee. One of the young ladies grabbed the microphone and talked for 15 or 20 minutes. No one stopped her. She cussed the Senate of the United States. She cussed the Government. She spoke critically of the Constitution of the United States. She lambasted everybody she could lambaste. No one stopped her.

The only point I am trying to make is that there are many of us who want and can help. The Senator from New York made reference to this a short time ago at lunch. It becomes more and more of a problem to speak to students because they boo and hiss. It is difficult to get a message across. I have a daughter in college, another daughter who is going to college this fall, and another who is going the next fall.

When someone would say to the Senator from Ohio, "If only they had told us someone would get hurt," what did they think might happen when the day before they burned down a building on the campus? What did they think when the destruction is over \$200 million for this past academic year? Do they not realize that we here also disagree; that there are many times when the votes in this Chamber reflect that disagreement; and that some days the people in the galleries agree with you and some days they disagree?

I must say that I wish they could understand, because we want to hear them. But, we also want to be heard.

I commend the Senator from Ohio for putting this matter into perspective. I also commend the Senator from New York who said at lunch today we should take our turn on college campuses even though we are going to be booed and hissed, and that we should subject ourselves to it, even though the Senator from Ohio said, "I do not get that much combat pay." Maybe that is what has to be done, because we, in fact, are trying our best to listen to them. I wish they would give us an opportunity to be heard.

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

Mr. SAXBE. I yield.

Mr. JAVITS. Mr. President, I thank the Senator from Kentucky for his observations, which have made it easier for me to speak in such a very tragic moment.

I think it would be almost fruitless to try to justify or condemn such a terrible tragedy. I thank the Senator from Ohio (Mr. SAXBE) for trying to put the matter in focus as he has.

Mr. President, we must learn from a terrible tragedy. This situation could now go either way. There are some 7 million college students in this country. One direction would be for an enormous section of the college community to get very angry. This would serve only to cause more tragedy and reduce the effectiveness, justice, and well-being of our country in which we commonly reside and the

country we commonly seek to enjoy. The other way would be to pause at the abyss and say that this terrible tragedy will teach us now that we have to have a dialog and hear each other. We have to be civil.

For our part, as responsibly as we can, we must address ourselves to the deep currents of feeling which say there is much need for great and justifiable change in this country and our operations abroad, especially in the Vietnam war. We must be willing to listen, be unafraid of change, and if we feel it desirable, fight for it with vigor. It is also important that we give them the feeling that we are willing to fight for necessary changes with vigor. There are many measures pending in Congress which will go a long way toward making them feel we are responsive, including electoral reform, the 18-year-old vote, and congressional reform. Also, whatever one may have thought of the two Supreme Court nominations, most felt the Senate was trying to exercise its judgment, right or wrong, and that we were looking after the best interests of our Nation as best we could.

I do not advise Members to go to campuses where they will be shouted down or treated uncivilly, although a little of that we will have to take, but there are many campuses where one can get a reasonable hearing. The word goes out that we are sitting here in our ivory tower, in Washington; but the word should also go out that we are willing to listen and we would like to express what we think. If we make an attempt to explain ourselves, we will be listened to.

I would like to give Senators a brief example of what I mean. Not long ago I made a speech on a college campus. Someone asked me about the volunteer army. I knew the audience was for a volunteer army.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

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

Mr. JAVITS. I said, "No, I am sorry. I do not agree with this, not on the ground of expense but because I am afraid and concerned as to what a professional military organization might do in the present climate of the world, including the United States." I explained my position in some detail. The roof did not fall in and the kids listened. Some did boo, but on the whole they did not hiss and run me off the platform because they knew I was telling the truth and that is the way I felt.

Mr. President, that is a very important case in point. I hope in this terrible hour, and it is a terrible hour for our children, too—almost all of us have kids in college—we understand the situation. This is a time when we have to go to them if we want them to come to us, and again, I repeat, there should not be uncivilly. There is no need for that. But there are campuses where a Senator can get a reasonably civil hearing and right now it would be of enormous help for us to express ourselves to them and for them to express themselves to us.

I ask unanimous consent that my speech last night at Brown University on the new politics and the motivation crisis be inserted in the RECORD.

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

THE NEW POLITICS AND THE MOTIVATION CRISIS: CAN THE SILENT MAJORITY LIVE WITH THE NEW LEFT IN AMERICA?

Our democratic institutions are in greater danger today than in any period in our nation's history. We are faced with the danger of tyrannies both from the violent left and the reactionary right. The rhetoric is becoming increasingly simplistic and inflammatory.

What is bringing about this condition, I believe, more than or at least equal to, any other factor is the persistence of our involvement in Vietnam—with the danger now of permanent extension of the conflict into Cambodia—a matter of life and death for the young. The confrontations in our country have tended, therefore, to become more impassioned and more dangerous.

And, as the rhetoric has heated up, so have the related actions of both the violent left and the reactionary right.

Arson, vandalism and assault have become commonplace on some of our nation's campuses. Things have become so bad that it is often no longer possible to tell whether a campus incident in its ultimate violent manifestations results from a student riot or a police "bust." Surely, one provokes the other and even more dangerous, the overall impact is to cause a severe reaction in the surrounding communities—usually expressed in the form of hostility toward the campus as a whole.

Often, the original legitimate purpose of the protest—against our involvement in Vietnam, or to try to make our college and universities more responsive to the needs of their students or to the ills of the society around them—is lost to the public in the turmoil of the protest itself.

While campus unrest and the growing incidence of bombings, snipings and other outrages of the violent left pose a grave national problem, there is another, and at least equal, danger—the growing threat of repression, not only of "demonstrations," but of all forms of expression and dissent traditionally protected by the Bill of Rights.

There have been, of course, other periods in our history when war or domestic turmoil have resulted in restrictions or threatened restrictions on our basic constitutional liberties, dating back to the Alien and Sedition Acts of 1789, and including the suspension of the writ of habeas corpus during the Civil War, the repression of "anarchists" after World War I, the strong-arm tactics of the industrial barons during the major labor disputes of the early years of this century and the latter-day witch hunts of Senator Joseph McCarthy allegedly to unearth Communists in the mid 1950's.

But now there seems to be the threat of a more insidious form of repression in our land, touched off by the growing threat of violence on the radical left, but for the first time tolerated, if not actually condoned, at the highest level of our Federal government. The words and actions of some of our national leaders do not, as in the past, seek to calm the fears, heal the factions, restore our national morale or instill renewed confidence in our destiny and in our institutions. Instead, the rhetoric tends to foment and to divide. And there is, as yet, no visible leadership at the very top to restrain these short-sighted counsels of despair. The overall impression is that the national leadership is, at best, unclear as to what its rhetoric means and where it seeks to take us; and, at worst, an all-too-willing party to the rupture of relations between groups and generations.

Is it possible, for example, to fathom the Federal stop-go positions on school desegregation?

Who is the so-called "silent majority," which so much of this rhetoric is directed to? It may very well be an imaginary group of Americans conjured out of thin air to be the stalking horse of a radical trend to the right simply because, by its very definition, it cannot talk back between elections.

This repressive, intolerant trend in our nation is a mutation of traditional American conservatism under the stresses of the Vietnam war, domestic violence and fear. It is a trend that should be viewed with great alarm by our national leaders. Most regrettably, they have not yet reacted in this way.

Another example of unfortunate divisiveness is the much-discussed "Southern Strategy." It does not seem to be so much aimed at reuniting the South with the rest of the nation as at cutting off the cultural, economic and communications centers of the Northeast from the rest of the nation. Regardless of what it is called, it is a strategy to divide for political conquest, rather than to bring the American people together for the common destiny.

So too, the recent attacks on the mass media, the Supreme Court and even on the United States Senate—and I do not object, of course, to honest criticism—are couched in terms to turn people against one another, to sow suspicions among the people, to feed on their fears and, by clear implication, to lay claim to our national leaders as being the sole source of credibility, virtue and patriotism in the land! This is hardly the spirit in which our country was built and has prospered.

But still, what do we see increasingly each day? Vast computerized files maintained by the Army on those civilians considered politically radical and therefore potentially dangerous; the imposition of bizarre restrictions on the Constitutional right to demonstrate peaceably, even in front of the White House; a wide-ranging conspiracy law capable of prosecutions to stifle those who organize protests, the wider use of wiretaps, informers, undercover agents, and subpoenas to probe the sources of information of the press. And, in the name of keeping pace with modern problems of crime, we are asked to give power over the individual to the Federal government and those who operate it, like no-knock search and seizures and preventive detention, which in a climate of intolerance can be very dangerous to our precious freedoms.

Is this, then, the best way to deal with dissent among the young, the poor and the black? Is it the way toward an answer to the grave problems facing us today—of our ill-advised continued involvement in Vietnam, of our imbalance of national priorities tipped in favor of excessive military spending and against the agonizing needs of the poor, the blacks and the hard-pressed Middle Americans? Is it not rather a diversion from the problems of war and poverty?

Not only is all this dangerous, but it is bad politics as well. Americans are always grumbling about the courts, the press, the Congress and the intellectuals. But at the same time there is a singularly American love and respect for our institutions and our rights. Americans, I feel, want to see these institutions and rights upheld by leaders who are prepared to take the risks to lead and not the presumably safe political route of following the consensus of what is momentarily popular.

Yes, the American people are basically conservative in ideology—about 60 percent of them voted either for Nixon or Wallace in 1968—but they have proven themselves in the overwhelming majority time and time again ready to support a progressive who can cross party, sectional and economic lines to appeal to their better instincts.

If repression is not the answer, how then

do you deal with the new left, even excluding those outrageous ones who seem to be beyond the reach of normal communication—who, as Kingman Brewster said, "seem to be slipping into private self-destruction?" How can the youthful energy of the new left, and the new politics it espouses, be harnessed to the work of reforming existing institutions with reason, with humanity and without violence?

There are student radicals today—I call them violent radicals—some with a great popular following on campus, who declare that our society is defunct, its establishment corrupt, its institutions stultifying and worthy only of being destroyed to make way for the utopian society of tomorrow. These violent radicals look on the progressive efforts of recent years—the civil rights acts, the voting rights acts, the education acts, medicare and medicaid, the war on poverty and hunger, the war on pollution, the establishment of a floor under welfare assistance—as a great collective sham that accomplished none of its goals and served instead as a conspiracy to keep the American people powerless in a relation to a government-corporate establishment.

Thus, in addition to the danger on the right, we must consider the dangerous refusal of the violent radicals on the left to participate in the maintenance and viability of the only society permissive enough to let them function—and of their dangerously naive assumption that this society will live and prosper notwithstanding the violent radical's every effort to destroy it. And what about the clear and open invitation to repression and tyranny these radicals are courting and which can engulf us all by its irresponsibility and its destructiveness?

The terrible fallacy in all this is that these would-be leaders are seeking to carve out yet another establishment—their own monopoly on radicalism. To be radical, they say, you have to be young, angry and violent. Violence—not evolution—is the only true radicalism, they insist, and all the past struggle to gain more responsive, more humane institutions and a broader-based society are seen by them only as a hoax on the people.

I submit that this is myopia aggravated by a bad case of depression. Who can lay complete claim to radicalism, for is not radicalism simply a commitment to rebuild society? Are we to ignore the radical—though far from complete—extension of job, housing and educational opportunities to black Americans, made possible by recent decisions of the Supreme Court and acts of Congress? Are we to ignore the radical—though far from complete—enfranchisement of black Americans and the resultant election of some hundreds of black officials by lawful nonviolent means? Are we to ignore the radical—though still far from complete—extension of basic health services to the aged and the poor. Are we to ignore the radical—though still far from complete—manpower training and welfare underpinning for the hard-core unemployed?

In two decades this nation's governmental and institutional structures have undergone sweeping, radical change—as they did before in the decade of the 30's. Admittedly these successes have been limited, and they have been fraught with frustrations, with inflation and bedeviled by war. But they should be viewed as a *start*—an example of what this nation is capable of accomplishing. They should not be viewed—as today's violent radicals who would have us do, as the *end*—the final and unsuccessful effort to reform a corrupt society incapable of reform.

I do not believe we are witnessing the fall of the USA, but I do see the grave danger of its decline if we fail to recognize the crisis we face and find the way to deal with it.

And that crisis is one of the erosion of motivation and the paralysis of decision. We have, I feel, begun to run out of time; our social fabric is being torn; our unity of purpose is being fragmented; our faith in our destiny as a nation to be just, beneficent and a force for peace and liberty is being badly shaken; we are bedeviled by social—as well as criminal—violence and even our national leaders too often speak in words of divisiveness. We may well be standing on the brink of social upheaval and constitutional disaster.

Violence as a catalyst for change and repression as a response to violence must end. If ever there was a need for national dialogue, for dispassionate consideration of the tough questions facing our nation, that time is now.

Then what are these tough questions—of national morality and governmental effectiveness—that we must face? How do we come up with the answers before it is too late?

If a white seeks to pass on his only possession of value, his craft, to his son within a closed union—and if a black power advocate seeks such a job without regard to training or ability but urging a racial quota, are they bigots?

How do you desegregate schools in areas that are becoming increasingly black, as whites flee to the non-black suburbs and their all-white public schools? How do you reconcile the integration of white schools with quality education? How do you pursue the fight to save our physical environment without diverting vitally needed efforts and funds to redeem our social environment?

How do you change the thinking of many Middle Americans who view high taxes as the result of misspent welfare, rather than ill-conceived war?

How do you reconcile the trial of the Chicago 7—or of the Black Panthers—with society's stake in a government of laws, not men?

How do you reconcile the hard process of learning at schools and colleges with student autonomy and community relations?

How do you reconcile our traditional civil liberties with the measures needed to abate an epidemic of crime?

Is the nation's stake in freedom everywhere worth fighting for in war anywhere?

These are tough questions and their resolution may require major changes in our government and society. Our challenge is how to bring Middle America and radical America together to effect these changes.

The key to resolving the issue between them is the legitimacy of government in the eyes of each, and the way to establish that legitimacy is to show each that he can do something about changing the government in any aspect.

I believe there are four ways to these objectives:

1. To end our involvement in the Vietnam war which has done more to divide this country and exacerbate its people than any other event—equally only perhaps by racial segregation—since the Civil War.

2. To encourage political action both by Middle Americans and Radical Americans. Electoral reform and the 18-year-old-vote are most important in this regard, as are also Congressional reforms.

3. To encourage much greater democracy in American business and in trade unions. Public participation in these vast leverage organizations can be a major factor in the reform of our society.

4. To evolve new machinery in government for establishing and keeping up-to-date national goals and priorities.

For the essence of our form of government is the fact that radical changes can be made within its framework. For example: Amendments to the Constitution can change

our government from a representative democracy—the republican form—to a parliamentary—or any other—form; and astounding as it may seem, the basic rights of the individual under the first ten amendments to the Constitution—the Bill of Rights—can be taken away or changed.

Other major revolutionary changes can be made by law alone, or by treaty. For example: The U.S. could withdraw from membership in the United Nations, from all regional security organizations like NATO and OAS, and from mutual defense and security treaties of which we have a considerable network; indeed, we could literally lock ourselves into fortress USA. Similarly the U.S. could relinquish all atomic weapons, even unilaterally, as well as chemical, biological and radiological weapons.

I am sure you understand that I am not making recommendations that these things be done, but I offer them to you with the thought that there is no legal barrier to achieving the most radical changes in our government and society—unanimity is not required, only the necessity to persuade an adequate number of Americans.

I suggest these considerations also, because to restore motivation for national success to young Americans, there must be a complete review of our national goals and aspirations. All possible changes must be considered, no matter how radical. We cannot take anything for granted: that is what I define as the new politics and that is the broad outlook we must have if our nation is to survive with the same basic liberties, if not the same institutions.

The beauty of the American system is its ability to evolve; and there is room within it for young radicals to work. Pluralism is still alive and its life-giving force, perhaps, is the very powerlessness which many of our youth feel in relation to our all-powerful institutions. It is the same powerlessness that the Middle American feels when he confronts these same institutions. Out of his reaction of grudgingly accepting these institutions and out of the radical reaction of seeking drastic change in these institutions, there can evolve meaningful change—faster than suits the Middle American, slower than suits the new left—but meaningful change all the same.

I feel that much of the equilibrium of our pluralistic society will be restored as soon as the nation stops forcing its young men to fight in a war so many feel to be unjust. We are on the path—or we were until last Thursday—at too slow a pace to suit me, a tragically slow pace in terms of the depletion of our most precious national treasure—but on that path nevertheless. At the present troop withdrawal rate, it could take two to three years. It *could*, but it *won't* if the youth of this nation act effectively. The Moratorium Committee may be dead, but the issue is still very much alive, awaiting only a new way to be presented—for example, as a basic test of candidates in this fall's Congressional elections for whom you will work, rather than in the past form of mass demonstrations.

In the meantime, nothing I have said rules out dissent or debate—only the violence and repression that have fast become the unwelcome substitutes for the free exchange of ideas. I think there is a trend in the direction I have suggested—a classical trend—already on our campuses and elsewhere. Just as something of an unwritten code on the acceptable level of violence in labor disputes has been adopted by labor and management, so I feel that such an informal code may gradually be adopted by both sides in campus and other civil disorders. It is only by means of such accommodation that the rule of law, not of men, will prevail in this, our momentarily weary but always great nation.

Mr. HANSEN. Mr. President, first I wish to pay my respects and voice my real admiration for the distinguished Senator from New York. He is a courageous man; he is an honest man; and he is a very intelligent man. I do not always agree with him. Perhaps I am wrong and he is right. But in this instance I want to make this one observation: I think the advice he gives us is good. I hope it will be followed. I hope a growing number of university students would have the good judgment and the good taste and manners to accord any public official the sort of reception I should think would follow his being invited to speak and appear on a campus.

Just last week it was my distinct honor to introduce the junior Senator from Tennessee, my very able colleague, HOWARD BAKER, when he was awarded the Robert A. Taft Memorial Award. Just a year ago, I had the pleasure of introducing the distinguished Senator from New York (Mr. JAVITS) when he received that same award. I have been on a few college campuses, although not nearly as many as the distinguished Senator from New York or the distinguished junior Senator from Tennessee. But I have been on some campuses and I expect to go to more college campuses.

I think, however, the Senate and public officials generally would make a tragic mistake if they felt the problem which seems to engulf so many college campuses today can be resolved only if we yield to the demands being made by some college students.

In the first place, I accept the figures of the distinguished senior Senator from New York that there are in excess of 7 million students on college campuses today.

Mr. JAVITS. Mr. President, I yield 2 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. HANSEN. Mr. President, I do not believe at all that a majority of those students on college campuses are exhibiting the violence, disrespect, and discourtesy that characterizes the action of some.

I think a part of the problem we are witnessing today results from the fact that this age of ours, this generation of ours, has been entirely too permissive in what it has done. We failed as parents to draw proper guidelines for our young people before they reached their teens. We failed to draw proper guidelines for our young people when they entered their teens. As a consequence, being typically human, a few are testing the reins to see how far they can go.

I really believe what they want older people to say is "Stop here." I deplore the loss of life that occurred on the campus of Kent State University. But I think it is important, and it is important now, that everyone in America realize that the laws of this land must be obeyed.

We are going to have to learn that if we are to have society at all, if those who wish to dissent want to be heard, if we are to bring about changes in order to make this society more responsive to the needs of this generation and still keep

the kind of government we have, we must recognize that, after hearing everybody, the majority in this country still write the laws and what they believe must still be the law of the land.

So to those who dissent and employ violence as a means to express their dissent. I can only say that is a pretty tough way to try to make your point. Fewer lives will be lost and less misery will be brought about in this country if people can understand, once and for all, that this country must become an orderly society and that the best assurance that we can exercise our individual rights to the full is to recognize the importance of circumscribing our own actions in a way so as not to interfere with and not to lessen the rights of others.

If there is anything to be learned from the trouble on college campuses today, it is simply this: Guidelines must be drawn. They must be drawn now.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HANSEN. Mr. President, I ask unanimous consent to have 2 additional minutes.

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

Mr. HANSEN. These guidelines have to be drawn now or we are going to have more trouble. We need only look back to the pre-World War II days in Europe to see what becomes when a majority of people who are frustrated by the feeling that government fails to protect their rights.

Many Germans were deeply disturbed by campus violence. Initially, Hitler did not seize power. He was voted extraordinary powers. Today, campus radicals, constituting a minority of the student bodies, through their violence and destruction, do no service to those who want to dissent—want to be heard.

Our job is to help make representative government work. We need to hear dissenters. We can hear them best when we are listening. But they must listen, too. They must listen to the voice of the majority and conform to the laws passed by that majority. Valid ideas ultimately will be accepted. Violence, on the other hand, calls for suppression of rights.

Mr. JAVITS. Mr. President, if the Senator from Rhode Island (Mr. PELL) will yield me 1 minute, I would make a response as follows: I believe a lot of good can be gained by the dialog which I think we all agree should take place, if humanly possible, if they will understand, as we speak to the people on college campuses today, that, surely, they must persuade a majority, but, if they do, then they might be more successful than the ideas that we may have. It is possible, within the context of this Government, to make the most radical changes. There is nothing against it.

It should be something which should be encouraging to them that we can change the literal form of this Government without unanimity. There is no limit to what you can accomplish if you persuade enough people, if we can be catholic about our own situation. They may be anathema to Senator HANSEN and to me, but they must understand that our society is capable of change. Many of the students have lost confi-

dence in the legitimacy of government. That is the real essence of the problem. I welcome the words of the Senator from Wyoming. There is a way to change, both for us and for those with whose ideas we may disagree.

Mr. HANSEN. Mr. President, I thank my colleague. The young people in Wyoming, those who are younger than 21 years of age, want to have the right to vote, but in my State they went about it in the proper fashion. On each of our junior college campuses, as well as the University of Wyoming campus, they organized themselves into groups, went first to individual legislators and then they went to the Governor and petitioned that he respond to their request to lower the voting age. As a result of this on the ballot in Wyoming in November will be the proposition to give the 19-year-olds the right to vote.

This, in my judgment, is the way to make a point. The improper way to make a point is to set fire to an ROTC building or to burn down the union building on a college campus. That is not the way to make a point at all.

I agree with my distinguished colleague that change can be accomplished whenever the majority of people agree with the point of view put forward. I will be right along side of my distinguished friend to see that this must be the way. When that way is decided upon, I will stand with him for it.

Mr. PELL. Mr. President, I must say, as I speak on the same subject, that I do not agree that live ammunition should ever be issued for use against students. When troops are sent in to confront students, water cannon, tear gas, and truncheons should be enough. This has been the experience of other governments. I would hope we had learned from that experience.

As we stand here and speak, representing the establishment, I do not think we realize how far out of touch we are with our younger generation, four of whom were killed yesterday. We talk, we make sense to each other, I agree with most of the words spoken here, but we are not, in my opinion, communicating with the young people. They ask the question, "Why is it necessary to get a permit to go to Lafayette Park, but need no permit to invade Cambodia?" Young people ask, "Why is it all right to do violence in Southeast Asia, but it is not all right here?" That may be comparing oranges with apples, but these are vital questions to our young people. These are the very young people who will be in this very Chamber, if they are not killed one way or another, in the next 30 years. There is a wall between us—we seem on a different wavelength.

What has turned off this group onto this dangerous route is the war in Vietnam. It is a wrong war. Some of us have opposed it for years. Usually we are calm and quiet, but my voice rises in anger and anguish because I feel this war is based on wrong moral premises.

It is the war in Vietnam that is contaminating the young generation, in fact, our whole way of life. It has resulted in increasing inflation, interest rates, unemployment, violence, crime, disturbances on the campuses, and everything else.

In the last few days, see what happened as a result of our involvement in Cambodia.

I saw a funny play last night, "Sheep on the Runway." At least, it was a funny play 2 weeks ago. Last night as we were coming out after seeing that play, one young woman said, "You know, Dad, I can't laugh—it is true." The play concerned a little country in the Himalayas that was being persuaded that it was under a Communist threat and we must give them our military weapons and help. Our generals came in. And there came coup after coup.

I invite members of the administration and all my colleagues in the Congress to see it. There was a couple of lines that particularly struck me, particularly the words of the American correspondent who said, "Our job is to keep neutral countries in the Western camp" and "we only object to military coups when they are from the left."

I can only hope that out of a dialog like this we will take action that will get us back into communication with the people who will be succeeding us in this body.

Mr. DOMINICK obtained the floor.

Mr. CASE. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. CASE. Mr. President, this is a useful thing. This is an effort on our part to get a little closer to the heart of the problem that is disturbing not only the young people of our country, but almost all the thinking people in the country.

It has been said—I think truly—that much of our difficulty comes from the great advance in technology which has made our society so fragile.

Now just a handful of people can disrupt communications, can cut off water supplies, can interfere with police and fire protection, and with the supply of food—the list is endless. It does not take much to upset this terribly complex society in which we have come to live; and I think one result is that it is no longer tolerable for even small minorities to be treated with injustice, or what they think is injustice.

In the old days, a small minority could be treated that way, and society as a whole would not be in any danger, because that minority was too weak to do anything about it. That is not true any longer. Maybe they cannot do any more than pull society down, but they can do that.

So we have to listen to the consciences of these young people. They are a minority; yes, indeed, they are. But they are a minority which has something to contribute, just as all the other minorities have.

I am not talking about permissiveness. I am not talking about organized efforts to overthrow authority for the sake of causing revolution, or for any other completely unworthy or irrelevant objective.

What I am talking about is this: When there are people on these campuses, not by the handful, but in the great majority, who are opposed to our conduct of our foreign policy, who are opposed to corruption in government at the municipal level—and at other levels, too—who are opposed to racism, who are opposed

to discrimination of all sorts, who believe we have not dealt adequately with questions of poverty and millions of other things, we had better listen to them and try to do something about those issues, and not just drag our feet or make token advances toward their solution, when we do not really want to do anything about them.

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

Mr. CASE. I shall yield shortly.

I repeat, I am not talking about permissiveness; I am not talking about letting things get out of hand in an emergency. But I think that we really, as the Senator from New York and others have said, but as he particularly has brought out, had better give the young people of this country a sense that they will be heard, and that this is not an establishment completely closed from them. This has to be done on both sides, and I think we in this body have a special responsibility to be sensitive to the yearnings and the aspirations that, underneath a lot of things that seem strange and irrelevant to us, are really burning in the hearts of many fine American kids who are coming along.

I yield to the Senator from Ohio.

Mr. SAXBE. Mr. President, in reply—not really reply, because I agree wholeheartedly with most of what the Senator from New Jersey has said—I would like to point out that I, as well as he, object to the way our foreign policy is presently being conducted. I object to the war in Vietnam, and I object to many of the ways of our law enforcement in this country, and I am working on trying to improve them. I certainly am in accord with a great many of the young people who talk to me, and from what I read they say.

But I think that we have to have a rationale here, because there is no way we can correct these things except by putting one foot doggedly ahead of the other as we progress on these issues.

We cannot do it overnight. We cannot do it by simply saying that it is going to be done. It is not an easy job. We are all frustrated. We all feel that the Government is not responsive.

Many of us are sick at heart about the developments in Cambodia. But we must recognize that there is only our orderly process to change matters; they cannot be changed by violence, by mobs. They cannot be changed by giving aid and comfort to those who would be and are intent on overthrowing our system of government by violence.

I talk on campuses, and I am very much aware that the great majority agree with my attitude on approaching these issues in a rational manner. But when emotion takes over, reason flies out the window; and we reap the whirlwind that is being sown at all the campuses when we have incidents such as that at Kent State University yesterday.

I do not know whether this will have a leavening effect. Dr. Spock said today—it just came over the wire—that this incident shows that our Government would kill rather than allow dissent. That is exactly the way it came over: That this incident shows that our Government would kill rather than permit dissent.

If there is anything that is completely wrong, it is a statement like that, because here are National Guardsmen, scared to death, with no orders to shoot anybody—in fact, I know that they have been impressed at every step of the way, "This is never done except when you are in danger yourself."

But suppose, as the Senator from Rhode Island has suggested, that they are given no ammunition, and they are sent out there, and everyone knows they have no ammunition, and the next thing, their helmet is knocked off, their gun is taken away from them, they are publicly humiliated and defenseless.

I wish that we could send our policemen out without guns. I wish we could send all our peace officers out without any means of violence, even a club. But this cannot happen, and today we must be realistic. Unless this type of disorder is stopped, we are going to have to close our universities.

There is a reaction that is unusual in this country, that I have difficulty understanding. The students seem to feel that by striking against their university, by closing it down, they have accomplished something. Perhaps this is a hold-over from the days when they were forced to go to grade school. The professors seem to agree with them on it.

Well, if the professors and the students do not want to have school, who does want to have it? Who are we running it for? This is a dangerous reaction, because the money from our legislatures, the money from all sources that goes to keeping these colleges open, is likely to be cut off. I can hear the legislators talking about it now:

If the students want to strike and the professors want to put in with them, why should we spend the millions to keep these universities open, and why should we send troops to force them to go to college?

This is a mystery to me. Perhaps someone could explain it.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. WILLIAM L. ST. ONGE, late a Representative from the State of Connecticut, and transmitted the resolutions of the House thereon.

The message announced that the House had passed, without amendment, the joint resolution (S.J. Res. 193) to provide for the appointment of James Edwin Webb as citizen regent of the Board of Regents of the Smithsonian Institution.

The message also announced that the House had passed the bill (S. 856) to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendment of the Senate numbered 1 to the bill (H.R. 693) to amend title 38 of the

United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes; that the House concurred in the amendment of the Senate numbered 2 to the bill, with amendments, in which it requested the concurrence of the Senate; and that the House had disagreed to the amendment of the Senate to the title of the bill.

The message also announced that the House had agreed to the amendments of the Senate numbered 1, 3, and 4 to the bill (H.R. 9634) to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources; that the House concurred in the amendment of the Senate numbered 2 to the bill, with an amendment, in which it requested the concurrence of the Senate; and that the House concurred in the amendment of the Senate to the title of the bill, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House concurred in the amendments of the Senate numbered 1 and 2 to the bill (H.R. 10106) to revise the definition of a "child" for purposes of veterans' benefits provided by title 38, United States Code, to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree; that the House disagreed to the amendment of the Senate numbered 3 to the bill; that the House concurred in the amendment of the Senate numbered 4 to the bill, with an amendment, in which it requested the concurrence of the Senate; and that the House concurred in the Senate amendment to the title of the bill.

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

H.R. 350. An act to amend section 39-201 of the District of Columbia Code relating to the compensation of the commanding general of the militia of the District of Columbia, and for other purposes;

H.R. 6951. An act to enact the Interstate Agreement on Detainers into law;

H.R. 11628. An act to transfer from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress;

H.R. 12619. An act to amend section 11 of an act approved August 4, 1950, entitled "An act relating to the policing of the buildings and grounds of the Library of Congress";

H.R. 16739. An act to extend for a period of 10 years the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines; and

H.J. Res. 546. Joint resolution authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

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

H.R. 350. An act to amend section 39-201 of the District of Columbia Code relating to the compensation of the commanding general of the militia of the District of Columbia, and for other purposes; to the Committee on Armed Services.

H.R. 6951. An act to enact the Interstate Agreement on Detainers into law; and

H.J. Res. 546. Joint resolution authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes; to the Committee on the Judiciary.

H.R. 11628. An act to transfer from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress; and

H.R. 12619. An act to amend section 11 of an Act approved August 4, 1950 entitled "An Act relating to the policing of the buildings and grounds of the Library of Congress"; to the Committee on Rules and Administration.

H.R. 16739. An act to extend for a period of 10 years the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines; to the Committee on Finance.

Mr. DOMINICK and Mr. HOLLAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

S. 3795—INTRODUCTION OF A BILL TO EXTEND POWERS OF ATTORNEY FOR PRISONERS OF WAR

Mr. DOMINICK. Mr. President, on May 1, which was Law Day, under the guidance of my friend the junior Senator from Kansas (Mr. DOLE) we had a meeting of wives and relatives of the prisoners of war in Constitution Hall. That entire hall was filled. Person after person got up and spoke, including the Vice President of the United States.

Unfortunately, very little was heard about it around the country, as far as I have been able to find out. More attention seems to have been given to the few people who were out here urging that we boycott grapes, rather than try to do something about spreading the word about the anguish of the wives, children, fathers and mothers, and relatives of those who are held prisoners by the North Vietnamese.

On May 3, we had a prayer day for the prisoners of war and those who were missing in action. Again there was little publicity.

Mr. President, I have heretofore introduced two bills to try to alleviate some of the problems of the relatives of these people; and today I introduce, for appropriate reference, a bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, which extends, under certain circumstances, the expiration date specified in a power of attorney executed by a member of the Armed Forces who is listed as missing in action or held as a prisoner of war, as a result of the Vietnam conflict. Just as many other Members of Congress, I have met with the wives and families of many of our servicemen who are officially listed as missing in action and who are believed to be held as prisoners by the North Vietnamese or the Vietcong. We have tried time and time again, through every available diplomatic channel and through

private means, to persuade the North Vietnamese Government to provide lists of the men that government is holding, who have been captured during the Vietnam conflict. The North Vietnamese Government has released the names or pictures of these men on very few occasions, and then only when it suited their own purposes of propaganda. The action of the North Vietnamese Government, in refusing to issue the names of these men, has caused anguish and hardship for their wives and families.

The legislation which I introduce today restates the position of the U.S. Government and the desire of all the people of this country to aid these men and their families in any way possible. This legislation recognizes, in particular, a problem which has arisen concerning the legal status of these men with regard to management of their private affairs.

Many of these men sign powers of attorney authorizing their wives to take such actions as are necessary to manage the real and personal property of the family and conduct such business affairs as are required during their absence. Many of these powers of attorney contained a 1-year expiration date. In many instances, that power of attorney has expired during the period of time these men have been listed as missing in action or as prisoners of war. Because of the expiration of these powers, many of the wives have been unable to make loans, sell houses or conduct other routine family business transactions. Many of these powers of attorney will also expire in the immediate future.

The legislation which I introduce today specifically provides that any power of attorney which was duly executed by a person in military service who is listed as missing in action or as a prisoner of war by the Secretary of the military service of which he is a member; and which power of attorney designates such person's wife as his attorney in fact for certain specified purposes or for any and all purposes; and which power of attorney contains an expiration date which occurs subsequent to such person being listed as missing in action or prisoner of war, and which occurred prior to the date of enactment of this law or which occurs subsequent to the date of enactment of this law, shall be automatically extended for the period of time that such person is listed as missing in action or prisoner of war. In other words, those powers of attorney that have expired or would expire while a serviceman is missing in action or a prisoner of war are extended during that period of time.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. I ask unanimous consent to proceed for another 3 minutes.

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

Mr. DOMINICK. Mr. President, the proposed legislation further provides the means for a serviceman, if he so chooses, to state clearly on the face of any power of attorney executed by him, and which contains an expiration date, that in the event he becomes listed as missing in action or a prisoner of war that power shall expire at the time so stated. In other

words, if he so desired, this act would not affect his power of attorney and it would expire by its own terms regardless of what happened to him. This provision allows the individuals involved to make up their own mind and make their decision to restrict their powers of attorney in any manner in which they see fit.

Mr. President, it is my intent in introducing this legislation, to provide the means to carry out the original intent of those servicemen who signed powers of attorney and have been unable to renew or extend them because their whereabouts are unknown as a result of action in Vietnam or they are believed to be held by the enemy as prisoners. These men certainly intended to inflict no greater hardships on their wives and families. This bill seeks to find a way to ease the hardship and the anguish and the burdens of these families. These seem small matters, but they become matters of great concern to these families because of the long period during which they have not known the fate of their husbands and fathers.

Mr. President, I fully recognize the difficult legal problems that must be resolved in enacting legislation of this nature. Many State jurisdictions will have conflicting laws. Many problems can arise at a later date when these men are, hopefully, returned to their wives and families. After talking with the wives and families of these men, however, I feel these difficulties will not be nearly so great as the hardship and anguish they are now suffering.

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

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

The bill (S. 3795) to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war, introduced by Mr. DOMINICK, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 3795

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

Whereas it is declared to be a policy of the United States Government to assist those members of the military service, and their families, who are listed as missing in action or prisoners of war as a result of the Vietnam conflict, and,

Whereas the indeterminable status concerning the ultimate fate of those men so listed as missing in action or prisoners of war has created problems concerning their legal status in management of their personal affairs. Now therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 App. U.S.C. 511), is amended by striking out "The term 'persons in military service'" and inserting in lieu thereof, "The term 'per-

son in the military service', the term 'persons in military service'."

SEC. 2. The Soldiers' and Sailors' Civil Relief Act of 1940, as amended, is further amended by adding at the end thereof a new section as follows:

"SEC. 701. (a) Notwithstanding any other provision of the law, any power of attorney which—

"(1) was duly executed by a person in the military service who is listed as missing in action or as a prisoner of war by the Secretary of the military service of which such person is a member,

"(2) designates such person's wife as his attorney in fact for certain specified purposes or for any and all purposes, and

"(3) contains an expiration date which occurs subsequent to such person being listed as missing in action or a prisoner of war by the Secretary of the military service of which such person is a member, and which occurred prior to the date of enactment of this section or one which occurs subsequent to the date of enactment of this section,

shall be automatically extended for the entire period of time that such person is listed as missing in action or a prisoner of war by the Secretary of the military service of which such person is a member. Any power of attorney extended by the provisions of this section shall have the same validity and legality for all purposes in the same manner and to the same extent as if the expiration date specified therein had not occurred.

"(b) No power of attorney executed subsequent to the date of enactment of this section by any person in the military service shall be extended by virtue of the provisions of subsection (a) if the terms of such document, on its face, clearly indicate that the power granted by such document is to expire on the date specified therein regardless of whether such person, subsequent to the date of execution of such document, is reported missing in action or a prisoner of war.

"(c) The provisions of this section shall apply only in the case of persons in military service who executed powers of attorney during the Vietnam era (as defined in section 101(29) of title 38, United States Code).

"(d) As used in this section the term 'prisoner of war' includes being forcibly detained or interned by a foreign government or power."

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

Mr. HOLLAND addressed the Chair.

Mr. DOMINICK. I yield to the Senator from Kansas.

Mr. DOLE. I commend the Senator from Colorado for his efforts on behalf of the wives, children, parents and other relatives of Americans missing in action or prisoners of war in Southeast Asia.

I share the thoughts expressed with reference to two specific pieces of legislation he is introducing today.

I also share the thoughts the Senator expressed earlier with reference to the meeting in Constitution Hall on Friday evening, May 1. Had the hall been filled with tear gas, there would have been press, radio, and television. The hall was filled with tears—tears of wives and children, mothers and fathers of brave Americans. As a result, the primary comment by the Washington Post was whether these wives and mothers may have come here at Government expense, whether they had flown on military aircraft. That was the thrust of the coverage in the Post, not the fact that their husbands or sons had been gone for 3, 4, or 5 years.

I applaud the Senator from Colorado for pointing out what I believe to be a complete lack of objectivity and a complete lack of understanding on the part of some of the media concerning the effort on behalf of nearly 800 Americans—wives, mothers, and children of some 1,529 brave Americans who have been imprisoned up to 6 years in some instances.

Mr. DOMINICK. I thank the Senator. I think he has expressed it extremely well.

Mr. HOLLAND obtained the floor.

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

Mr. DOMINICK. Yes.

Mr. HOLLAND. I yield to the Senator from New Jersey if he has a question to ask the Senator from Colorado.

Mr. CASE. I want to address myself briefly to the matter raised by the Senator from Colorado and to express my agreement with him in the proposed legislation and in his concern for the prisoners of war who, with their families, suffer, it seems to me, the most bitter burden of this whole conflict.

His efforts and the efforts of the Senator from Kansas are something that this country and all of us must be grateful for, because we really can do nothing to be helpful here, except along the lines that both our colleagues have indicated.

Mr. DOMINICK. I thank the Senator.

ORDER OF BUSINESS

Mr. MANSFIELD addressed the Chair.

Mr. HOLLAND. I yield to the majority leader.

Mr. MANSFIELD. Mr. President, am I recognized?

The PRESIDING OFFICER. The Senator from Florida had the floor, and he yielded to the Senator from Montana.

Mr. MANSFIELD. I came into the Chamber, and I thought we were on the business at hand. I find that because of an error on my part, when I asked that the morning hour be extended with no limitation, we are still in the morning hour. Is that correct?

The PRESIDING OFFICER. We are still in the morning hour.

Mr. MANSFIELD. Mr. President, how many more Members wish to speak during the morning hour? I understood there is a 3-minute limitation.

The PRESIDING OFFICER. Yes, there is.

Mr. MANSFIELD. I ask unanimous consent that the morning business and the morning hour both be concluded within 15 minutes.

Mr. MILLER. Mr. President, reserving the right to object, I would appreciate it if the majority leader would ascertain whether or not we will even need 15 minutes. But, I think, in fairness to those who have been waiting to get in—

Mr. MANSFIELD. Not to exceed 15 minutes. This is a 3-minute limitation, and I think we had better get down to the business at hand, and then have another morning hour.

Mr. MILLER. Mr. President, I deeply regret that I must object.

Mr. MANSFIELD. Then, Mr. President, I will have to conclude the morning hour when the Senator from Florida gets

through and put it to a vote of the membership. I hope the Senator would reconsider his position.

Mr. HOLLAND. I have been waiting for a half hour to get into this discussion. I cannot say what I propose to say in 3 minutes, but it will not take very long. I hope the Senator will not raise this point just when some of us who have been waiting courteously, listening to others, have been reached, in order to discuss this very difficult question which was first brought up by the distinguished Senator from Ohio. I think every one of us has deep sympathy with him and with what happened at Kent State. Certainly, I have nothing disruptive to say, but I would like to speak 5 or 6 minutes, if I may.

Mr. MANSFIELD. If the Senator will yield—

Mr. HOLLAND. I yield.

Mr. MANSFIELD. If I had known this was going to happen, we would not have had a recess for an hour, when we did have a chance to speak during the morning hour. All I am speaking for is the proper procedure of the Senate as an institution, and I should think all Senators would be in favor of that, so that we can get on with the business at hand.

Mr. HOLLAND. I certainly favor that, but I do think that when everybody who was on the floor has spoken except two of us who were here waiting—the Senator from New York has spoken several times.

Mr. MAGNUSON addressed the Chair.

Mr. MANSFIELD. Why not yield the time between the two Senators, for not to exceed 15 minutes?

Mr. JAVITS. Will the Senator give me 30 seconds?

Mr. MANSFIELD. Mr. President, I withdraw the request.

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

Mr. HOLLAND. I yield.

Mr. COTTON. After everyone has had a chance to speak, the members of the Committee on Commerce—

The PRESIDING OFFICER. The 3 minutes of the Senator from Florida have expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Florida may have an additional 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Florida has an additional 5 minutes, and the Senator may now yield to whomever he desires.

Mr. HOLLAND. I ask unanimous consent to yield to the Senator from New Hampshire for not to exceed a half minute, but the time not to be taken from my 5 minutes.

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

Mr. COTTON. All I have to say is that some consideration should be shown to the members of a committee who have been waiting here all this time, just as long as the rest, to take up the business that was set for this afternoon. I will try to get back when we get to that business.

I thank the Senator.

Mr. MANSFIELD. Mr. President, will the Senator yield to me for a half minute?

Mr. HOLLAND. I am glad to yield, with the same understanding.

Mr. MANSFIELD. It is my recollection that I made a unanimous-consent request that once the pending business would be laid down, the rule of germaneness would apply. Is that correct?

The PRESIDING OFFICER. The Chair will consult the clerk.

Mr. MANSFIELD. To avoid a technical dispute, I will withdraw that request.

Mr. HOLLAND. I appreciate the forbearance of the majority leader.

Mr. MAGNUSON. Mr. President, may I ask a half minute?

Mr. HOLLAND. I am glad to yield to the Senator from Washington, with the same understanding.

The PRESIDING OFFICER. The Senate will be in order.

The Journal shows that the rule of germaneness is to be laid aside—

Mr. MILLER. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLER. I understood that the floor leader had withdrawn his request.

The PRESIDING OFFICER (Mr. GRAVEL). The Chair still wants to state what the situation is: The Journal shows that under a previous consent agreement the rule of germaneness would not apply until morning business had been concluded.

Mr. MAGNUSON. Mr. President—

Mr. MANSFIELD. Mr. President, on the basis of my having withdrawn that unanimous-consent request, which was granted, because I was right, I would have to take exception to what the Chair just said, based on the ruling made by the Parliamentarian; but that is neither here nor there, I recall it distinctly.

Mr. MAGNUSON. Mr. President, will the Senator yield for half a minute?

Mr. HOLLAND. I yield one-half minute to the distinguished Senator from Washington, with the understanding that that time not be taken from my 5 minutes which the Senator from Montana has so generously granted to me.

Mr. MAGNUSON. Mr. President, I agree that this is an important matter we are talking about here, but we have been sitting here for 2½ hours waiting to bring up a bill that is of importance. We have been in and out. We have sat here quietly. For instance, I thought the Senator from New York (Mr. JAVITS) was through, because he was up twice already, and now he apparently wants more time.

Mr. JAVITS. Just 30 seconds.

Mr. MAGNUSON. Why do Senators not let us get this bill passed and then they can stay here all evening if they wish?

Mr. MANSFIELD. Until midnight.

Mr. MAGNUSON. Yes, until midnight, if they wish. Let us get this business out of the way.

Mr. JAVITS. May I say that I have no business but one or two unanimous-consent requests.

Mr. MAGNUSON. I thank the Senator from Florida for yielding to me.

Mr. HOLLAND. Mr. President, this lack of patience that seems to have affected us here is one of the things that

is running throughout the country. If we cannot be patient with each other in this Chamber, then I believe we are making a sorry exhibition of ourselves as to the way we feel on this most important matter.

VIOLENCE ON CAMPUSES

Mr. HOLLAND. Mr. President, I sympathize deeply with the distinguished Senator from Ohio over what happened yesterday in his State and with the families of the deceased students. I am sure that every other Senator does also.

I invite attention to the fact that I believe it is the leadership in the universities and the colleges—and I know nothing about this specific college which was involved—which has frequently been much too tolerant in its dealings with student leaders in this field.

A short time ago, the Students for a Democratic Society held its annual meeting at the University of Maryland. During that time a group from southern schools came to see me, in great tribulation, because they realized that the leaders of the SDS were nothing in the world but anarchists, nothing in the world but violent revolutionaries. They felt so keenly about it that they went home completely indisposed to continue with that organization, and they did discontinue their membership and activity in it.

All praise is due such men as Dr. S. I. Hayakawa in San Francisco, and many other presidents of universities and colleges like him, who have insisted that revolutionaries and anarchistic organization not be allowed on their campuses.

It is in stern control of leadership, the kind of leadership which is so badly wrong, that I think one answer to the problem will be found.

Mr. President, I support what the Senator from New York just had to say. I believe there is a chance for Members of the Senate to be heard on college and university campuses. I have twice been heard on campuses which I believe were not particularly friendly to my point of view. One of them, Howard University, its law school here, which had invited me to come out and speak to them, was very courteous to me. They had asked me to speak about the southern attitude on various civil rights questions. I told them that I could not represent any single southern attitude but that I could tell them what I personally felt about those matters. Of course, they did not agree with me very much as to what I had to say, and their questions so indicated. But, nevertheless, they were courteous and no ill came from the meeting.

Let me say, though, that although the press was there, there was no report of it in the Washington press. That does not concern me except that I believe it indicates it is difficult for those holding a moderate attitude to be heard even through the news media in this country.

Another appearance I made on campus was at Boston University in Boston, Mass., with the same result—a large attendance at that convocation, frequent and vociferous opposition to my points of view; but they had invited me, they had asked me to come there and speak to

them, and they gave me a completely courteous hearing.

Mr. President (Mr. HANSEN), I thoroughly agree with the Senator from New York that it is up to all of us to do what we can to reach out and take full advantage of the opportunities to be heard, to see that all points of view are explored in good humor and without getting impatient, either among ourselves on the floor of the Senate, or with anyone else.

Once more, let me say that I have the greatest sympathy for those involved in the Kent State disaster of yesterday. I sincerely hope that out of this tragic event will come some good, and that there will be a realization that the leadership of those who preach anarchy and revolution must be removed from the college and university campuses of this Nation.

I thank the majority leader for yielding me this time.

Mr. MILLER. Mr. President, the tragedy that occurred on the campus at Kent State University in Ohio yesterday is a cause of great sorrow to all of us.

I extend my deep sympathy to the parents of those students and members of the Ohio National Guard who were injured. I am prayerfully thankful that this tragedy did not occur on one of our campuses in Iowa.

Out of the shock and grief that has arisen, I trust that no one will have the poor taste to seek to make political capital for his own selfish interest.

To suggest, for example, that a tragedy, which grew out of a violent demonstration that occurred on a campus—one participated in by a reported 600 to 1,000 students out of 16,000 students, was the product of one or more of the many sources of dissatisfaction in our society—racism, inflation, the draft, the war in Vietnam, crime, narcotics, pollution, and so forth, is sophistry. It is the twisted logic which begets violence and comforts those who shun their responsibilities. It excuses the misguided action of 600 to 1,000 and implies contempt toward the rest of the 16,000 who sought to pursue their studies and to treat a great university as a center for educational excellence rather than a forum for irresponsible radicalism and violence. And it will not do to try to twist the facts to clothe this incident with the respectability of peaceful dissent.

Mr. President, there is nothing "peace loving" or "patriotic" about the kind of violent demonstrations that are occurring on some of our campuses. Occupying a building by force, burning another one, sacking a library, shouting obscenities, throwing rocks and bottles at 30 National Guardsmen—these are not the acts of peace-loving individuals or patriots. To suggest that it is the only way the particular individuals can receive a "fair hearing" with respect to their alleged "grievances" is to encourage mob rule, foster negativism in minds that could be constructive, and, indeed, advocate a return to the jungle of anarchy.

We can take a measure of comfort from the fact that 600 to 1,000 out of 16,000 was the proportion involved. The great majority of the millions of students who are thankful for their opportunity

for an education, who express their dissent—if they have any—in a thoughtful, peaceful manner, who do not burn their draft cards, but serve their country with patience and sacrifice—these are the true peacemakers and patriots.

PROPOSED RESOLUTION TO WITHHOLD MILITARY APPROPRIATIONS SUPPORT FROM THE PRESIDENT

Mr. MILLER. Mr. President, a proposed resolution has been sponsored by a handful of Senators to withdraw military appropriations support from the President to operate the Department of Defense.

I think the best answer to that misguided resolution is an article which was published in yesterday's Washington Evening Star, written by Pulitzer Prize winning Richard Wilson, entitled, "Curb On Nixon's Military Power Invites Chaos."

I ask unanimous consent to have it printed in the RECORD.

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

CURB ON NIXON'S MILITARY POWER INVITES CHAOS

(By Richard Wilson)

Nothing could be more disastrous at this moment in history than any congressional action limiting or circumscribing the authority of the President of the United States in his constitutional role as commander in chief of the armed forces and executor of foreign policy.

Such limitations or attempted limitations would create a constitutional crisis which could so vitiate presidential authority that the effectiveness of America's world leadership would be destroyed.

The President would not recognize such limitations. The only congressional response which amounted to anything would be cutting off appropriations and authorizations for the Vietnam war. That is impossible because the security of a million men in the Western Pacific is involved. Nothing but chaos would result and the exercise of American will in world affairs would be paralyzed.

How the men in the Senate can move in this direction escapes all rationality and reality and is but another sign of the frightful confusion affecting the thinking of politicians who cannot stand modern pressure and run for cover when the Vietnam war protest is carried into the streets by violence—prone activists.

Make no mistake about this, what bothers some of the men in the Senate is that they may lose their status, position and means of livelihood if they support a president in an unpopular cause.

Their hearts bleed for America; their minds the concerned less with America's defeat than their own.

In these circumstances Congress is not capable of limiting the President's constitutional freedom of action on a rational basis. In these times when only hair-trigger action may save a modern nation from extinction, the century old argument over the President's authority and responsibility has no relevancy. He must be free to act. Not only free to act, he must be required to act with or without congressional sanction.

The Foreign Relations Committee of the Senate wishes to substitute its judgment for that of the President. This ridiculous premise supposes that 8 or 10 senators comprising a majority of the committee would determine

when the United States would fight, where it would fight and how it would fight.

Sen. J. W. Fulbright was right in 1961 when he said: "With their excessively parochial orientation, congressmen are acutely sensitive to the influence of private pressure and to the excesses and inadequacies of a public opinion that is all too often ignorant of the needs, the dangers, and the opportunities in our foreign relations."

Nothing could have described the present condition better. An opportunity has presented itself in Cambodia to set back the Communist side in a major way. President Nixon has grasped the opportunity that neither the Congress nor the public would touch if they had to make the decisions themselves.

It all boils down to a matter of success or failure in a major military operation. This is likely to be Nixon's Dienbienphu or his Battle of the Bulge. That is to say, it could be—conclusive either way in determining the success or failure of his policy in Southeast Asia, and his own political future and prestige.

The idea recognized by Nixon that he might be a one-term President is not confined to his way of bringing the Asian war to a constructive conclusion. He has taken that risk in his definition of a new and more practical policy on racial equality, in his policy on Israel, his facing down the war protestors and the campus revolutionaries, his attitudes on labor. He has gambled on there being a strong majority, silent or otherwise, which no longer will accept the derangement of national policies by minorities, or any political combination thereof.

Right or wrong, this has required immense courage on the President's part and never more than when he faced the nation, challenged his detractors and led the country where it was doubtful of going.

This is presidential leadership under conditions which have been rarely seen but it was not without precedent. Isolationist leaders, including the late Sen. William E. Borah, tried to intimidate presidents with their superior knowledge and judgment, with about the same prospective result as in the present instance.

DEATH OF THOMAS F. CORCORAN

Mr. JAVITS. Mr. President, I invite attention to the passing of Thomas F. Corcoran and join with the Senator from Nevada (Mr. BIBLE), the chairman of the Small Business Committee, of which I am the ranking member, in mourning the loss of Mr. Corcoran and call attention to his record of fine service.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

RAIL PASSENGER SERVICE ACT OF 1970

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3706) to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes.

Mr. MAGNUSON. Mr. President, the bill now before the Senate, S. 3706, is, I am sure, the most comprehensive effort to deal with the perplexing rail passenger problem ever brought to the floor of the Senate. If enacted into law it would revolutionize passenger travel by railroad. The terms of the legislation were not agreed upon easily nor was support within the committee unanimous. The report resembled a recent Supreme Court decision with majority views, minority views, individual views by a member who voted with the majority, and individual views by a member who concurred with the minority. The report culminated nearly 5 months of frustrating time consuming on-again, off-again consideration by the committee, and much of the time of the members of the committee and particularly members of the subcommittee headed by the distinguished Senator from Indiana (Mr. HARTKE).

We had hoped to obtain administration views before reporting a bill, but despite our efforts and particularly those of the committee's ranking minority member, the Senator from New Hampshire (Mr. NORRIS COTTON), no such views were made known. The committee decided to act without those opinions, helpful as they might have been. And S. 3706 was ordered reported and subsequently the report was filed. A majority of us simply felt that we could wait no longer and, indeed, that perhaps we had already waited too long.

In all fairness, I want to point out that the proposals were before the Department of Transportation and other departments of the administration involved in this effort. They met and considered the complicated problems involved. And I imagine that they felt a little like the committee did in the first few months of its frustrated efforts.

Despite all the lengthy discussions and exhaustive consideration that resulted in the provisions that went into S. 3706, the committee chairman and the subcommittee chairman who supported the reporting of S. 3706 have joined with their counterparts from across the aisle to sponsor a substitute for the reported bill. This is not a course taken lightly. The subcommittee chairman in this instance, the Senator from Indiana (Mr. VANCE HARTKE), has expended substantial time and energy in developing a bill which the majority approved.

As was stated in the report on S. 3706, the majority felt that that bill with all its imperfections would have materially improved rail passenger service. We pointed out, however, that the committee was not convinced that that legislation (S. 3706) represented the only possible answer to the problem. We realized there would be floor amendments and we were ready to consider them.

A few days after the report was filed, the Secretary of Transportation, in meetings with Senators COTTON, HARTKE, PROUTY, and me, notified us that at long last he had been authorized to express administration support for a national corporation approach.

The bill before us includes substantially the pure subsidy approach. We had been waiting to hear officially from the administration for several months—so we were happy to get those views. While the committee had discussed such a proposal previously it had been decided that any such action should be deferred pending administration views—so the idea was not completely alien to us. Because we felt that administration support was vital if we were to gain Congressional passage in time to help and because we thought the basic concept had merit, we agreed to enter into discussions with the administration to see if agreement on the terms of a bill could be achieved. Surprisingly we learned after some early conferences that we probably could reach an accommodation. The result of such agreement is amendment 608. It is a compromise measure in the nature of a substitute that has as its most significant purpose the replacement of railroad management of rail passenger service with new quasi-public management. The bill as now written—and it surprised some of us that we could reach agreement in this very complex matter—enjoys the support of the National Association of Railroad Passengers, the Association of American Railroads, railway labor, the Department of Transportation, and the sponsors.

The committee report on the reported bill, S. 3706, outlined the four primary objectives of such legislation. I am satisfied that the substitute bill meets those primary objectives in every respect as well as S. 3706 and in some respects in a preferable way.

Unless positive Government action is taken soon, railroad passenger service in many parts of the country will be a thing of the past. Provision of modern passenger trains will be facilitated if existing service is retained on those routes over which improved service should be operated in the future. Once passenger service on any given route is discontinued, stations, terminals, signals, and necessary trackage are abolished shortly thereafter; sales and marketing organizations are disbanded; travel is wholly diverted to other modes and must be lured back to the trains from scratch. Moreover, not all existing service is obsolete; some of it can be significantly upgraded with very modest expenditures for capital improvements. Therefore, it is necessary for the Congress to enact a program to insure continued operation of essential passen-

ger services; and to provide for their near-term upgrading and modernization.

In summary, let me assure the Senate, in my capacity as chairman of the Commerce Committee and as one who has long been desperately concerned about the future of the passenger train, that I have no hesitation in urging the Senate to accept this very unusual procedure. We are convinced—on a bipartisan basis—that the substitute proposal is in the best interests of this Nation. I know there will be amendments to the substitute offered and some will be adopted, but I would urge that amendment 608 be adopted without major structural alteration.

The very distinguished senior Senator from the State of Indiana (Mr. HARTKE), has been actively engaged in writing this amendment, as well as S. 3706 itself, and will floor manage the legislation.

The Senator from Indiana has spent many days and weeks listening to testimony from scores of witnesses on all sides of the question. As I said he was very actively engaged in writing the substitute amendment, as was the distinguished Senator from Vermont (Mr. PROUTY) and others.

I yield to my colleague from Indiana who will discuss this matter in greater detail.

Mr. HARTKE. Mr. President, today there are approximately 450 passenger trains in operation. In 1929, there were some 20,000 passenger trains in operation. Ever since 1930, with the exception of the World War II period where gasoline rationing forced large numbers of travelers off the highways, passenger service has to a greater or lesser degree been unprofitable for the railroads.

After World War II ended, resumption of automobile production, expansion of highway facilities, and the explosive growth of air travel all combined to take away large numbers of passengers from the railroads. Development of these other modes was materially assisted by generous Federal financial assistance.

In 1967, the Post Office initiated a large-scale conversion from en route sorting of mail in railway post office cars to stationary sorting in "sectional centers." RPO cars had provided vital revenue on many passenger trains; their demise caused a sharp increase in passenger train operating losses. This development coincided with a marked reduction in overall railroad profit levels. The inevitable result was an accelerated rate of discontinuance applications before the ICC, including applications for some of the Nation's most famous trains. By the end of 1969, the number of regularly scheduled intercity passenger trains in the United States had been reduced to about 450. At the same time, equipment on the remaining trains was progressively deteriorating to the detriment of attractive service for passengers and of efficient operations for the railroads.

Despite these adverse developments, a new market for rail passenger service exists. The modes of transportation which drained away the railroads' passenger market now face serious problems of their own. In some areas, airports and

highways are being used to their maximum capacity, yet the number of intercity travelers continues to grow each year. Traffic congestion and tie-ups on expressways, and takeoff and landing delays at airports have become commonplace, especially in the densely populated urban corridors. While significant improvements will be and ought to be made in the highway and airway systems, it is clear that they cannot be relied upon exclusively for future travel needs. Moreover, unrestricted expansion of highways and airports is limited by considerations of land use, noise and air pollution, and other environmental problems.

The country needs all modes of transportation operating at their maximum efficiency if in the 1970's Americans are to be able to travel from city to city safely, comfortably, and in a reasonable time. There are real advantages which would result from the efficient use of our existing network of railroad track as an important component of our intercity transportation system. Track location allows the train to bring passengers directly into the middle of cities. Changes in weather conditions generally have little effect on train operations. Train propulsion systems do not pollute the air and their impact on the environment generally is slight. A railroad track makes very efficient use of land—one railroad track can accommodate as many travelers as 20 lanes of highway. Proper control of train movements nearly eliminates the traffic snarls which have such a devastating effect on other modes. Passenger trains enjoy an extremely low marginal cost per passenger. Where service is good and equipment properly maintained, a train provides excellent comfort to the passenger.

Accordingly, it seems that Congress certainly ought not let this mode of transportation expire by default. A new look at railroads as intercity passenger carriers is clearly indicated.

The United States desperately needs, but does not have in operation the machinery required to insure systematic development of coordinated transportation based on sound planning. Legislation designed to achieve that end is currently under active consideration by the Senate Commerce Committee. But the committee strongly believes that it would be most unwise to delay action on rail passenger legislation pending the results of other efforts to improve transportation balance. Given the present transportation situation, the Committee is of the opinion that a properly run intercity passenger train service can make an important contribution to achieving that balance. Certainly if the passenger train is allowed to disappear entirely, it would be an expensive, time consuming, and probably impossible task to recreate it at some future date.

The Congress took its first step toward revival of railroad passenger service in 1965 with enactment of the High Speed Ground Transportation Act. This legislation provided for demonstration projects utilizing upgraded conventional railroad facilities, together with research and development into a variety of ad-

vanced systems. High-speed train service was initiated because of this program between New York, Philadelphia, Baltimore, and Washington in early 1969. The enthusiastic public response is a strong indication that the public will gladly ride trains if high quality service is offered.

Good quality, appealing rail passenger service can be provided to those traveling within densely-populated corridors and along major long-haul routes. Rail travel between Washington and New York in 1969 was up 46 percent over 1968, with more than half a million persons taking advantage of the greatly improved service provided by the Metroliner. In total, 1 million passengers have now ridden the Metroliner. Meanwhile, travel by air aboard the "shuttle" rose less than 1 percent compared with annual increases in prior years of up to 15 percent.

If fast, comfortable modern rail service is to be brought to the traveling public, on a well-organized and aggressively marketed basis, a new institution must be created to do the job that will not be inhibited by traditional attitudes about rail passenger service. Most railroad managements want to concentrate their attention on freight service. Only a new managerial approach, totally dedicated to passenger travel, can supply the requisite innovation and leadership.

Rail passenger service can play a valuable role in intercity transportation, but only if it is offered on a vastly improved basis. This will require new equipment, new marketing approaches, and a new organization to manage the program.

In September, 1969, the Surface Transportation Subcommittee of the Senate Committee on Commerce conducted 3 full days of hearings. Numerous witnesses testified regarding several bills then pending before the committee. Following these hearings the committee undertook what proved to be an exceedingly lengthy review process.

On April 9 the committee filed a report on S. 3706. First, as reported that bill would authorize the establishment of a national rail passenger system. Second, it would provide Federal financial assistance for operation of passenger trains and for upgrading of equipment. Third, the bill insured required trains to be operated in accordance with certain minimum standards of service. Fourth, it made extensive changes in the ICC discontinuance procedure.

Since the filing of the committee report some unusual developments have occurred. The result of these developments is the substitute bill—amendment No. 608—sponsored by the chairmen of the Commerce Committee and the Surface Transportation Subcommittee, and the respective ranking minority members.

The procedure is highly unusual but we are convinced it is a sound and wise procedure to follow because of the changes in circumstances since the committee took action on S. 3706, the "Rail Passenger Service Act of 1970."

The committee had labored diligently on the various complex proposals before it in an effort to determine the best way, from the standpoint of all parties, in-

cluding the public, Government, industry and employees, to provide a sound legislative solution to the rail passenger dilemma.

In considering alternative solutions, the committee gave serious thought to a proposal initially made in the so-called Doyle report in 1961, and advanced in other quarters since then, that some form of Federal corporation or quasi-public corporation should have the responsibility of operating railroad passenger trains. As our report indicates, the committee did not reject this concept entirely, but felt that it had insufficient information at the time on which to go forward with that concept. The committee expressed the view that until the administration and the Congress could give more attention to some of the potential problems with such a concept, it would not be adopted. Finally, I should mention that the committee report also explicitly states the committee's reservation that it was not convinced that the reported bill represented the only possible answer to the passenger train problem.

It is no secret that the administration, through the Secretary of Transportation, has been devoting considerable effort to developing a possible solution along the lines of the corporation approach. Following the filing of the report, the Secretary met with Senators MAGNUSON, COTTON, PROUTY, and me and indicated that he was authorized to give administration endorsement to passenger service legislation embodying a national corporation approach. Our objective has always been to develop a bill which would receive the widespread support needed to create workable law. Certainly, agreement between the administration and Congress would facilitate passage of a rail passenger service bill—and early passage of such legislation is urgently needed. Since the first meetings with the Secretary our own professional staff has worked diligently in continued efforts to formulate a new legislative approach based generally upon the Doyle report's cooperation concept. In such efforts there has been complete cooperation with staff members of the Department of Transportation. A number of separate and joint meetings have been held by members of the staff as well as members of the committee and the Secretary. The substitute for S. 3706—amendment No. 608—is the result of those collective efforts. The administration is in complete support of this bill as expressed by the Secretary's letter.

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

Mr. HARTKE. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. I note from the title and the other sections—most of them—that this bill limits itself to dealing with railroad passenger service. Is that correct?

Mr. HARTKE. That is correct.

Mr. HOLLAND. In view of that fact, what is the need for the language on page 13 of the substitute:

(2) abandonment or extension of lines of railroads and the abandonment or extension of operations over lines of railroads, whether by trackage rights or otherwise;

This language comes after the earlier provision that the enumerated exceptions, including this one, shall not be subject to the Interstate Commerce Act—meaning that the ICC would have no further control over the abandonment of lines of railroads, without any reference at all to the passenger service question.

I note that the next subsection, subsection (3), deals effectively with this same question insofar as passenger service transportation is concerned, but the section which I have read to the Senator, and which seems to cover all mileage, regardless of whether the question involved is passenger service or not, seems to say that this new Corporation shall have complete control over questions of abandonment of lines of railroads and the abandonment of operations over lines of railroads, whether by trackage rights or otherwise, without reference to the passenger service question.

Mr. HARTKE. Section 306, and subsection (2), to which the Senator referred, deals with the Corporation specifically, and the Corporation is limited only to passenger service. The subsection deals with the abandonment or extension of lines of railroads and the abandonment or extension of operations over lines of railroads, whether by trackage rights or otherwise. But the Corporation only has jurisdiction over passenger service. The subsection is restricted, therefore, to track over which passenger trains are operated by the Corporation.

Mr. HOLLAND. I am glad to hear that that is what was intended, but the next subsection, subsection (3), seems to deal effectively with the subject matter mentioned by my distinguished friend. That subsection (3) also exempts from ICC control:

Regulation of routes and service and, except as otherwise provided in this Act, the discontinuance or change of passenger train service operations.

I understand why that would properly come under this act, but subsection (2), it seems to me, deals with abandonment of trackage of railroads without any reference at all to the passenger service feature.

Mr. HARTKE. I would like to make clear that this deals specifically with the Corporation, which has jurisdiction only over passenger train rights. If there is a discontinuance of the so-called last passenger train, which is a concept of the Interstate Commerce Commission, the Corporation does have authority to abandon those trackage rights.

Mr. HOLLAND. I call the attention of the distinguished Senator from Indiana to the applicable part of section 306 of the proposed substitute, which reads:

Section 306. Applicability of the Interstate Commerce Act and Other Laws.

(a) The Corporation shall be deemed a common carrier by railroad within the meaning of section 1(3) of the Interstate Commerce Act and shall be subject to all provisions of the Interstate Commerce Act other than those pertaining to—

Then coming down to subsection (2): abandonment or extension of lines of railroads and the abandonment or extension of operations over lines of railroads, whether by trackage rights or otherwise.

It seems to me that goes a great deal further than simply applying to passenger service.

Mr. HARTKE. All I can say is that the Corporation is given authority only over passenger service. In regard to that, the rules of the Interstate Commerce Commission and the provisions of the Interstate Commerce Act are exempted only in relation to the Corporation and its functions, not in relation to any other activities of any railroad.

Mr. HOLLAND. It seems to me if it is so intended, it would be very easy to add additional words making it clear that subsection (2) applies only to the transportation of passengers and passenger service. Otherwise, this provision transfers from the Interstate Commerce Commission to the new Corporation complete rights and jurisdiction in connection with abandonment of lines of railroads.

That, it seems to me, would be very unwise to give to an agency which is interested only in passenger service. We have sizable mileage in my State which does not have any passenger service at all.

Mr. HARTKE. Let me say to the Senator from Florida that if he cares to submit an amendment which in his opinion would make it more clear, though I am personally convinced that this language could in no way be construed to apply to anything other than practices relevant to passenger service, I would have no objection.

Mr. HOLLAND. I would much rather have the Senator's own staff prepare such an amendment, because I think my position is very clear.

I want it unmistakably clear that this new Corporation shall have no power to abandon railroad mileage, rather than to have the present power exercised, as it must be, by the ICC, in view of the entire business being conducted on that practice.

Mr. HARTKE. I will.

Mr. HOLLAND. Because there is much railroad mileage, at least in my State, particularly in the phosphate belt, where there is no service except the freight service for the carriage of phosphate rock.

I am sure that in the coal mining areas we would find the same sort of situation, and in other areas which I have not had the chance to check into at all, I am very sure we would find many miles of railroad, out of the total amount all over the Nation, where the profit comes entirely from the operation of other than passenger service.

Mr. HARTKE. I assure the Senator from Florida that we will try to work out some language to satisfy the Senator, and will discuss it with him, although, I repeat, in my own opinion the language in the amendment is restrictive. In order to make sure that the Senator from Florida is completely convinced, we will try to work out some language to satisfy him.

Mr. HOLLAND. I thank the Senator, because it seems to me very clear that this operates as a change in the ICC Act, and as written in the bill, it would transfer to the new Corporation entire jurisdiction to abandon railroad mileage. There is much mileage which is devoted solely to other than passenger transpor-

tation, and there is much mileage where there is no profit at all out of the passenger transportation, it is just a matter of convenience, but that mileage does operate very profitably because it happens to be serving some important producing area, such as the case I have suggested of the phosphate area in Florida.

Mr. HARTKE. I understand. We will be glad to work that out.

Mr. HOLLAND. Then I shall await the new wording, if the Senator cares to work it out.

One further question. I note that under the wording of this bill, apparently no State laws could provide at all for any mileage. I am sure it is true in other States—it is certainly true in our State—that we have some intrastate lines that do not extend beyond the State line at all. What is the purpose of this act with reference to its application to such mileage? We have one quite long and quite profitable railroad with which the Senator is familiar, the East Coast Line, extending from Jacksonville down to Homestead, past Miami, which is wholly within the State of Florida.

Mr. HARTKE. There is no question that any railroad, whether it is intrastate or interstate, can determine whether it wants to come within the provisions of the act or stay outside the provisions of the act. The penalty if they stay outside the provisions of the act is very simple: that they cannot discontinue any passenger service that they are presently performing until 1975, at the very earliest. If they come within the provisions—

Mr. HOLLAND. By what section of the substitute—because I have had no chance to examine it; the substitute was simply produced here on the floor—is it provided that any railroad that is completely intrastate can determine not to come under the provisions of this act?

Mr. HARTKE. This is in section 401. It does not specify just interstate. It says:

On or before March 1, 1971, and on or after March 1, 1973, but before January 1, 1975, the Corporation is authorized to contract with a railroad to relieve the railroad of its entire responsibility for the provision of intercity rail passenger service commencing on or after March 1, 1971.

Then it provides for the conditions under which they must come within the provisions. It also provides, on page 18—

Mr. HOLLAND. I am trying to follow the Senator. What subsection on page 18?

Mr. HARTKE. I am sorry. On page 20 is section 404, which provides:

Unless it has entered into a contract with the corporation pursuant to section 401(a) (1) of this Act, no railroad may discontinue any passenger service whatsoever prior to January 1, 1975, the provisions of any other law notwithstanding.

Mr. HOLLAND. May I ask the Senator, is that provision intended to make it clear that the proposed new corporation can assume no control over any railroad except under a contract entered into within the time limits mentioned?

Mr. HARTKE. That is exactly right. There is no mandatory provision that any railroad can be forced by legal action other than its voluntarily assuming a

contractual obligation to come within the system.

Mr. HOLLAND. I am glad to hear that, and I think that removes one of the serious questions which I had.

I should like very much, now, to have the Senator and his staff work out the wording on proposed amendments to subsection (2) of section 306 of the proposed substitute.

Mr. HARTKE. We will be glad to do that.

As I said before, the administration is in complete support of this bill as is explained in the Secretary's letter dated May 1, 1970, addressed to the chairman of the Senate Commerce Committee, the Senator from Washington (Mr. MAGNUSON). I ask unanimous consent that the entire letter be printed in the RECORD at this point

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

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., May 1, 1970.

HON. WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: One of the most urgent transportation problems that has concerned both your Committee and this Department in recent months has been railroad passenger service in the U.S. As reflected in our letters to you of November 5, 1969 and December 2, 1969 and in your Committee's report of April 9, 1970, it is clear that we fully agree that rail passenger service can and should play a major role in the nation's transportation system. It is also clear that that role can only be fulfilled if rail passenger service is completely modernized so that the traveling public is offered fast, comfortable, safe, and convenient rail transportation in all parts of the country. If the goal of improved intercity rail service is to be achieved, it is our common belief that basic changes must be made in the management, financing and operation of rail passenger service.

This year and last your Committee, and particularly the Subcommittee on Surface Transportation, has assessed many alternative approaches in an earnest effort to produce a legislative program that would satisfy public needs in an appropriate and timely fashion. This Department has been engaged in a similar intensive effort. As a result of discussions with you and Senator Cotton, as well as with Senator Hartke, Chairman of the Surface Transportation Subcommittee, and Senator Prouty, the ranking member of the Subcommittee, it became clear that our respective positions on the essential elements of a legislative solution were very close. Through the staff of your Committee and the staff of this Department, an effort was made to examine the strengths of the various approaches and develop a bill that this Department and you and members of your Committee could recommend to the Senate for passage. I am delighted that this extensive effort has now yielded proposed legislation which, on behalf of the Administration, I can strongly endorse and unequivocally recommend be enacted by the Congress.

The bill produced by this joint effort would establish a Basic System and create a National Railroad Passenger Corporation that will assume responsibility for bringing to the American public efficient intercity rail passenger service. With financial support from the railroads and the Federal Government, the Corporation would be sufficiently capitalized to permit it to purchase new equipment and to institute an efficient, inte-

grated system of rail transportation throughout the country. I am convinced that this approach is the best means available to do the job. I strongly endorse your substitute amendment and urge its adoption.

Sincerely,

JOHN A. VOLPE.

Mr. HARTKE. I call attention to just one part of it. The Secretary says:

I am delighted that this extensive effort has now yielded proposed legislation which, on behalf of the Administration, I can strongly endorse and unequivocally recommend be enacted by the Congress.

In his concluding paragraph, he repeats:

I am convinced that this approach is the best means available to do the job. I strongly endorse your substitute amendment and urge its adoption.

The bill, in various draft forms, has been provided to representatives of the various groups primarily interested and it has their general support. The following groups have written letters of endorsement: The National Association of Railroad Passengers, the United Transportation Union, the Railway Labor Executives' Association, and the Association of American Railroads. Agreement among these diverse groups is rare.

I ask unanimous consent that all of these endorsements be printed in the RECORD at this point.

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

ASSOCIATION OF AMERICAN RAILROADS,
Washington, D.C., April 30, 1970.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: It is our understanding that the substance of Committee Print No. 7 of April 27, 1970, will be offered on the floor of the Senate as a substitute for S. 3706 reported by the Committee on Commerce April 9, 1970.

Inasmuch as there will be no hearings on Committee Print No. 7, it seems appropriate that the members of the Committee be advised as to our reaction to this proposed substitute. Accordingly, we have prepared a brief statement giving our views which will be used as a public release and which you will find attached.

Sincerely yours,

GREGORY S. PRINCE.

STATEMENT OF POSITION OF ASSOCIATION OF AMERICAN RAILROADS ON SENATE COMMERCE COMMITTEE PRINT NO. 7 OF APRIL 27, 1970 (RAIL PASSENGER SERVICE ACT OF 1970)

APRIL 30, 1970.

The rail passenger proposal contained in Senate Commerce Committee Print No. 7 of April 27, 1970, seems to offer an acceptable approach for coping with a difficult and pressing problem.

The railroads lose vast sums—between \$200 and \$250 million of avoidable loss alone—on passenger service each year. It's extremely important that a means be found—and found soon—to plug this drain on an industry so important to the public interest.

In the years to come, as the population grows and the need for efficient, low-cost transportation of products doubles and triples, a financially healthy railroad industry will become even more important. And the time to prepare for the needs of tomorrow is today.

The railroads believe their own proposal (S. 2750), calling for reimbursement of

losses incurred on passenger services required in the public interests, is still the simplest and best solution to the problem. But the current proposal, which we understand will be presented to the Senate as a substitute for S. 3706 reported by the Senate Commerce Committee, seems the most acceptable of all the other alternatives advanced so far.

RAILWAY LABOR EXECUTIVES' ASSOCIATION,
Washington, D.C., April 29, 1970.

HON. VANCE HARTKE,
Chairman, Subcommittee on Surface Transportation, Committee on Commerce, Washington, D.C.

DEAR MR. CHAIRMAN: This is to advise that the fifteen organizations affiliated with the Railway Labor Executives' Association heartily support Committee Print No. 7—in the nature of a substitute for S. 3706—a bill "to designate a national rail passenger system, to establish a rail passenger corporation, to provide financial assistance therefor, and for other purposes."

It is our hope that this substitute will be promptly adopted by the Senate.

Sincerely yours,

J. TAYLOR SOOP,
Executive Secretary.

UNITED TRANSPORTATION UNION,
Washington, D.C., April 29, 1970.

HON. VANCE HARTKE,
Chairman, Subcommittee on Surface Transportation, Committee on Commerce, Washington, D.C.

DEAR MR. CHAIRMAN: I take pleasure in stating that this organization warmly supports Committee Print No. 7 of the bill 'to designate a national rail passenger system, to establish a rail passenger corporation, to provide financial assistance therefor, and for other purposes.'

We hope this measure will be promptly adopted by the Senate.

Kindest personal regards.

Respectfully,

AL H. CHESSEY,
National Legislative Director.

NATIONAL ASSOCIATION OF RAILROAD PASSENGERS,
Washington, D.C., May 1, 1970.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: We are pleased to report that at its annual meeting on April 28, 1970 the membership of the National Association of Railroad Passengers voted to support the proposed legislation to establish a national corporation to market and operate intercity rail passenger service.

NARP believes that this approach is an imaginative and innovative solution to the passenger train problem. With unified management and a reasonable amount of Federal financial assistance, the corporation will be much more able than the individual railroad companies to provide passenger service that is both economically viable and responsive to contemporary need and demand. We commend you, Senator Cotton, Senator Hartke, Senator Prouty, the Department of Transportation, and others for the fine cooperative effort embodied in the legislation.

Sincerely,

ANTHONY HASWELL,
Chairman.

Mr. HARTKE. In the Friday, May 1, 1970 CONGRESSIONAL RECORD there was inserted an explanation of the substitute bill; let me reiterate briefly.

The substitute contains a findings and purpose section very similar to S. 3706. Section—sec. 101—will provide general guidelines to be utilized in applying con-

gressional intent to the interpretation of the act.

The bill will apply only to intercity passenger trains and would not apply to service which is primarily commuter service.

In section 201 the bill provides for designation of a basic system. The intent of this section is identical to that of section 201 of the reported version of S. 3706. The major difference in procedure is that review by the ICC is made mandatory by section 202. Another change of note is that the Secretary would designate points to be served and identify routes over which service may be provided. In the reported bill the Secretary was required to specify routes.

The report on S. 3706 in describing a similar section in that bill has some particularly relevant and important language which I want to cite here:

The system shall fulfill present and future needs for expeditious rail passenger service within and between all regions of the United States. It is contemplated that the Secretary would designate a number of short-to-medium distance "corridors" between and through major cities and densely populated megalopolitan areas, together with a basic long-distance network. Examples of what the committee foresees included in the long-distance network are as follows:

1. Overnight runs between major centers of population, such as New York-Chicago.
2. Heavily travelled vacation runs, such as New York-Florida.
3. The principal routes from midwestern points to the Pacific Coast, including those of unique scenic beauty.

Title III of the substitute bill would establish a National Rail Corporation. While the corporation is to be "for profit" care was taken to insure that Presidentially appointed directors would at all times have a majority on the board of directors. Of the 15 directors, eight would be appointed by the President, seven elected by stockholders. Railroads would become common stockholders—having power to elect three directors initially—if they entered into contracts with the corporation. But the railroad elected directors would not be allowed to vote "on any action relating to any contract or operating relationship between the corporation and a railroad."

The corporation will be provided with broad powers to provide for the operation of passenger trains. Federal sanctions are provided in the event the corporation fails to discharge any of its responsibilities under the act.

To insure that Congress is kept abreast of the situation, the corporation, the Secretary of Transportation, and the ICC are required to submit periodic reports, including legislative recommendations.

Title IV of the bill provides for the Corporation to relieve railroads of intercity rail passenger service responsibility if those railroads enter into a contract with the Corporation which will result in the payment by the railroads of a portion of their operating deficit for 1969—the amount would equal the avoidable loss on all passenger trains, twice the avoidable loss on system trains, or one-half the fully allocated deficit. The railroads would also receive common stock in the Corporation. The railroad would have to agree to turn over to the Corpo-

ration control of all its passenger trains. It might otherwise withhold the most lucrative trains for itself.

Service by the Corporation would be initiated by March 1, 1971, and could not be discontinued until January 1, 1975, and then only subject to ICC approval and provided the State, regional, or local governments involved were not willing to underwrite a portion of the losses—50 percent or more.

The Corporation would have power to initiate service outside the basic system and/or to expand the basic system. If a State, regional, or local agency requests, the corporation shall institute new service if the agency agrees to share losses.

Service performed by the nonjoining railroad would continue until at least January 1, 1975, on all passenger trains operated by the railroad at the time of the bill's enactment. Such service would be service with basic characteristics identical to those specified by the Secretary's report on the basic system regarding schedules, number of trains, connections, through-car service, and sleeping, parlor, dining, and lounge facilities. The nonjoining railroad would be expected to operate a joint through train in conjunction with the Corporation. If the railroad failed to do so, its own "service" under section 401(b) would not be sufficient to preclude the Corporation from running its trains between the points served by the nonjoining railroad.

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

Mr. HARTKE. I yield.

Mr. HOLLAND. I was interested to note that the Senator listed among the routes that could be covered under this bill the highly traveled tourist route, as he called it, from New York to Florida. Of course, there are a good many trains operating along that route, both on the east coast and the west coast of Florida, more of them in the tourist season than in the other parts of the year.

The Senator knows, of course, that those trains operate over three different lines. From Richmond to the various destination points in Florida, they are over the Seaboard Coast Line rails. From Washington to Richmond they are over the Richmond, Fredericksburg & Potomac Railroad. From Washington to New York they are over the new combined road—I forget the name of it—New York Central and Pennsylvania.

Mr. HARTKE. Penn Central.

Mr. HOLLAND. What would be the situation when these through trains, many of which are of very great importance to my State, as the Senator well knows, are operated over different roads of that kind?

Mr. HARTKE. The corporation has authority to do two things, which I think would be of interest to the Senator. One is with regard to a condition in which one of those operating railroad systems did not want to come within the contract arrangement. A nonjoining railroad would be expected to operate joint through service—if the nonjoiner failed to cooperate nothing would prevent the corporation from running its train between the points served by the nonjoiner.

Second, in regard to the service which

would be performed within the system where a railroad had joined this service could utilize the present route or any other route it decided would be most advantageous in providing expeditious and satisfactory service.

Mr. HOLLAND. As the Senator well knows, there is no continuous line of railroad from Richmond down to the east coast or the west coast of Florida except the Seaboard Coast Line Railroad. The Senator from Florida has no information at all as to the attitude of that railroad or of the Richmond, Fredericksburg, and Potomac, or as to the combined New York Central-Pennsylvania Railroad.

Suppose the Seaboard Coast Line would elect not to come under this service. Did I correctly understand the Senator to say that this would give to the other two roads the chance to run competing trains to the east coast and west coast of Florida?

Mr. HARTKE. What would happen in such circumstance, if this system or this particular railroad did not decide to come within the purview of the corporation's control over passenger service is that it would give the authority to the corporation to provide the service, if the railroad did not wish to cooperate.

Let me point out, quite honestly, that one of the reasons why those of us who have worked so long on this bill are so enthusiastic about it is that we have not proceeded with any major obstruction from corporations which are operating railroad passenger service today. The American Association of Railroads has endorsed this bill, after consultation with its members.

Mr. HOLLAND. I thank the Senator. Of course, I completely accept his statement. I do know, however, that the three lines I have mentioned place some value upon the continuance of their passenger service from the highly populated areas of the Atlantic Seaboard, let us say all the way from Boston down to Florida, particularly in the winter season, because many people still prefer to ride the trains rather than to travel on the airlines or by automobile.

I would not want anything put in this bill that would deprive this system of these three roads of a complete right to either come under the system or not do so.

Do I correctly understand from my distinguished friend that they would have the complete right of election as to whether or not they would come under it?

Mr. HARTKE. There is no question that they have that right.

Mr. HOLLAND. And if they decided not to come under it, they would not be adversely affected in any way?

Mr. HARTKE. I do not know whether they would be adversely affected. That is a decision they would have to make. This would provide, so far as the corporation is concerned, that if some railroad decided not to participate, so far as that railroad is concerned, it is operating at its own peril. I do not think it is going to happen.

Let me read from the statement of the position of the Association of American Railroads on the Senate Commerce Committee print No. 7, which in effect is the

same amendment we have before us, of April 27, 1970:

But the current proposal, which we understand will be presented to the Senate as a substitute for S. 3706 reported by the Senate Commerce Committee, seems the most acceptable of all the other alternatives advanced so far.

This is under date of April 30, in which the Association of American Railroads, in effect, gave their agreement to this proposal.

Mr. HOLLAND. I understood the quoted parts of the letter to state that this seemed the most acceptable of the various proposals; but I did not understand them to say—perhaps they do—that they favor this program. The Senator, I am sure, has access to the entire text.

Mr. HARTKE. Yes.

Let me read the first part:

The rail passenger proposal contained in Senate Commerce Committee Print No. 7 of April 27, 1970, seems to offer an acceptable approach for coping with a difficult and pressing problem.

Mr. HOLLAND. I thank the Senator for reading that.

Mr. HARTKE. That is in the record, by the way.

Mr. HOLLAND. One more question, and I shall be through. I certainly am not an obstructionist in this matter. I know that many of the rail lines, as to their passenger service, are in great difficulty. I want to help in that difficulty if I may.

The question is this: As to any lines that elected—if any should so elect—not to come under this system, do they remain entirely under ICC control, or do they come under the control of the new corporation in any way?

Mr. HARTKE. With respect to any railroad corporation which elects to stay outside the purview of this bill, it will be subject to all the jurisdiction that it is presently under with respect to the Interstate Commerce Act.

Mr. HOLLAND. And not at all to the jurisdiction of the new corporation?

Mr. HARTKE. No authority over the operation of passenger trains by non-participating railroads is extended to the new railroad corporation as proposed.

Mr. HOLLAND. I thank the Senator for his patience. He has allayed many of my feelings about this bill.

Mr. HARTKE. The amount of Federal participation would be limited to \$40 million in direct grants, \$60 million in guaranteed loans, and \$75 million in loans or guaranties. The latter could be used only to help railroads meet their contractual obligations under the act.

The substitute differs considerably from the original "railpax" proposal which came to light earlier this year but the underlying concept is the same. The ICC, in a letter set forth in the report on S. 3706, raised several objections to the original legislation including the failure to provide for review of corporation actions and the Secretary's actions in designating a system. I believe these deficiencies have now been corrected.

There were serious questions as to how the corporation could be assured access

to and appropriate use of railroad tracks and facilities. Again, these problems have been overcome—see section 402(b).

The substitute also provides greater incentives to induce railroads to enter contracts and greater protection for the public if they fail to enter such contracts.

The corporation is given more of a public flavor, insuring that decisions of the corporation will not be dictated by private interests.

Those State, regional, or local agencies intent upon having intercity service not supported by the corporation are provided with the opportunity to obtain or retain such service.

Mr. HOLLAND. Mr. President, if the Senator will yield at that point, I understand that the able staff has worked out some words in subsection (2) that we were discussing awhile ago which seem completely to meet the question raised by me.

Mr. HARTKE. Mr. President, I ask unanimous consent, then, that section 306(a)(2) on page 13, in line 2, be amended by inserting the following: "utilized solely for passenger service comma" prior to the word "and" and in line 3, at the beginning of that sentence, the word "such" be included as an amendment.

The PRESIDING OFFICER (Mr. HANSEN). Will the Senator please send his amendment to the desk?

Mr. HARTKE. We will discuss it in a minute, let me say to the Senator from Florida, and then I will include this, when it is revised.

Mr. HOLLAND. I thank the Senator for his courtesy.

The PRESIDING OFFICER. The difficulty is that the Senator is trying to modify an amendment that is not pending.

Mr. HARTKE. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. CURTIS. Mr. President, will the Senator from Indiana yield?

Mr. HARTKE. I yield.

Mr. CURTIS. If the position of the Senator prevails and this is enacted, and we create a National Railroad Passenger Corporation, will it be subject to taxation?

Mr. HARTKE. Will it be subject to taxation?

Mr. CURTIS. Yes.

Mr. HARTKE. It will be subject to taxation in the same form as other quasi-corporations are, such as we have at the present time.

Mr. CURTIS. I am not sure that there is uniformity as to other quasi-corporations. I wondered whether the Senator—

Mr. HARTKE. This is not extensive without—

Mr. CURTIS. May I state it another way. Is it the intent to create a tax-exempt corporation?

Mr. HARTKE. No; there is not that intention.

Mr. CURTIS. It is the Senator's intent that the bill be treated as other taxpaying corporations are; is that correct?

Mr. HARTKE. That is right. Also, the corporation is not a nonprofit corporation. It is one for profit, to be organized

in accordance with the rules of the District of Columbia.

Mr. CURTIS. I thank the Senator.

Mr. PEARSON. Mr. President, will the Senator from Indiana yield to me now, or would he prefer to finish his statement?

Mr. HARTKE. I just have a short time to go and then I will get the bill up.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. HANSEN). The Senator from Florida will state it.

Mr. HOLLAND. I believe that the amendment, which I understand has been agreed to by the distinguished Senator from Indiana, would have to be considered before the substitute is adopted; is that correct?

Mr. HARTKE. No. If I can explain. I intend to offer the substitute and before that time to incorporate the language of the Senator from Florida and the manager of the bill as agreed to at this time, after awhile.

Mr. HOLLAND. I thank the Senator.

Mr. HARTKE. Mr. President, I believe that the substitute bill set forth in amendment No. 608 would, if adopted, provide a long awaited answer to the disappearing passenger train dilemma. The broad support enjoyed by this proposal is an asset which should not be lightly put aside, but a number of Senators do have amendments, many of which may well improve the legislation.

Before moving to consideration of the bill I want to applaud my colleagues for the fine cooperative effort that has been made to achieve agreement on this bill. Senator WARREN MAGNUSON as chairman of the full Committee on Commerce has as usual deftly employed his outstanding legislative skills and leadership abilities. Senator NORRIS COTTON, with whom I do not always agree, but toward whom I always feel friendship, has throughout this long affair expressed his opinions positively and because of his statesman-like stance has helped greatly to convince the administration that it ought to make its views known to the Senate. Senator WINSTON PROUTY has worked long and hard, as is his wont, to help hammer out the bipartisan agreement represented by this substitute. It was a pleasure, for me, to have had the opportunity to participate in this joint effort with such eminent colleagues.

Mr. SCOTT. Mr. President, will the Senator from Indiana yield?

Mr. HARTKE. I yield.

Mr. SCOTT. Mr. President, I should like to join in what the distinguished Senator has just said in praise of the Senator from Vermont, as well as to praise the Senator from Indiana (Mr. HARTKE) for his important and successful role in bringing this bill to the Senate.

Mr. JAVITS. Mr. President, will the Senator from Indiana yield?

Mr. HARTKE. I yield.

Mr. JAVITS. Mr. President, I serve with the distinguished Senator from Vermont (Mr. PROUTY), who is next to me in rank on the Committee on Labor and Public Welfare, where he has rendered magnificent services to education, health, and many other of our responsibilities.

I take especial pride in the way the Senator from Vermont has developed the plans for the bill on the intercity railroad passenger service, especially as we have tried in the committee to develop ways in which the private enterprise system and its financial techniques could be made to work. I think a very admirable plan has been evolved here and should like to congratulate the manager of the bill, the Senator from Indiana (Mr. HARTKE). Especially I take pride in the work that the Senator from Vermont (Mr. PROUTY) has done in putting this extremely important program together.

Mr. McGEE. Mr. President, I strongly endorse the Rail Passenger Service Act of 1970. The pending bill, as amended by the committee substitute amendment, is an important step to revitalize our entire national rail passenger service. It is not only imperative that we immediately begin to accomplish this objective in the urban corridors of this country, but also it is of vital importance to the less densely populated areas of the country like my State of Wyoming.

As a cosponsor of one of the three major bills considered by the Surface Transportation Subcommittee, I have followed this legislation very closely and now take this opportunity to congratulate the Committee on Commerce and its chairman (Mr. MAGNUSON) on the conscientious effort which they have made to produce a bill which will benefit all segments of the country and will start the country in a direction which will ultimately result in a modern, attractive, and efficient network of intercity rail transportation under new organization and management, including broad public involvement.

The people of my State of Wyoming have witnessed a steady decline in transportation services resulting from passenger train discontinuances, especially in areas where air transportation and other modes of surface transportation are not available. We have also suffered a loss of jobs and important payrolls in my State as an indirect result of these discontinuances. This, of course, is not only true in Wyoming; it affects many citizens across the land, as well.

Mr. President, I give my full support to and urge the passage of this important legislation.

RAILROAD PASSENGER SERVICE A NATIONAL DISGRACE

Mr. CHURCH. Mr. President, I speak as a reluctant supporter of the pending bill which, ostensibly, would help to solve the problem of the degeneration of our Nation's rail passenger service. I am a reluctant supporter, because I have no confidence that this legislation will really solve the problems of providing clean, comfortable, and salable railroad passenger service.

I recall that not even a year ago the railroads came to Congress asking for assistance to provide better service to the public. At that time, we were told that by granting certain tax incentives to the railroads they would be able to update their operations, relieve a perpetual boxcar shortage in the West, and provide better passenger service.

The railroads, as contrasted with the treatment of other businesses under the act, received tax incentives estimated to cost the taxpayers \$105 million in 1970, \$95 million in 1971, \$140 million in 1972, and \$165 million in 1974. These are not small sums compared with the aid to be granted under this bill.

When this tax legislation was before Congress last year, I received a letter from the general solicitor of the Union Pacific Railroad Co. which urged my support. The letter pointed out the hardships on the public if the building programs of the railroads were harmed by removing the tax incentives granted to the railroads. In my reply, I said I would support the legislation in the hope that the railroads would provide better services to shippers, farmers, and passengers as a result.

Recently I was informed that the Union Pacific has petitioned to discontinue passenger service on trains 35 and 36 which run from Salt Lake City, through Idaho, and on to Butte, Mont. The theory seems to be that the Union Pacific can improve its railroad passenger service by removing it altogether. Many passengers who have suffered the poor service, schedules, and abrasive treatment of the railroad may feel that way also.

Yet there are other people in rural areas who still must rely on train transportation. Sometimes hard winters make this necessary, sometimes they cannot drive or fly. Some of them have simply kept the habit of traveling by train. For whatever reason, they use the trains, and the railroads, as a public transportation system, have a responsibility to provide service to them.

As the committee report points out, only 450 passenger trains are in operation in the United States today, compared with some 20,000 in 1929. The report also calls attention to the fact that the railroads have deliberately downgraded standards and discouraged patronage.

Further, the committee points out the reluctance of the ICC to properly regulate passenger train conditions by contending they lack the authority to do so. In my view, sufficient authority exists if only the Interstate Commerce Commission would exercise it. The Commission never shows this kind of reluctance when it comes to granting rate increases. Since 1967, the ICC has allowed as much as 15 percent in across-the-board rate increases to the railroads. One is left to wonder if, even with this new grant of power to regulate passenger conditions, as contained in this bill, the ICC will muster the necessary fortitude to do so.

In the area of freight rate increases, the proposed rates are not even published in the Federal Register prior to implementation. If a shipper wants to know about planned changes, he must either come all the way to the lobby of the ICC in Washington, D.C., or pay \$40 to subscribe to Traffic World, an industry publication carrying the information. Otherwise, the customer will not find out about the increase until he is billed by the railroad. It is shocking that no official government publication carries this infor-

mation in a form which can be easily understood by the average consumer.

This is another reason why I am skeptical that the ICC will use this new grant of regulatory authority to effectively protect the public interest.

Nevertheless, Mr. President, as I stated earlier, I will support the legislation. I hope that if the bill is passed by the Senate and by the other body, it will result in some measure of assistance to the people of my State of Idaho. Hopefully, the ICC, given a specific mandate, will choose to enforce it and the railroads will be compelled to improve their service to the public. I look forward to a full investigation of the ICC at some future date, but perhaps, in the meantime, given the impetus of this legislation, the plight of the railroad passenger will be somewhat improved.

Mr. President, because it is especially relevant to railroad passenger service in my State of Idaho, I ask unanimous consent that an editorial published in the Blackfoot News, Blackfoot, Idaho, on April 24, 1970, be printed in the RECORD.

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

PASSENGER TRAINS' DECLINE

Shall the Union Pacific Railroad succeed, finally, in removing the curtailed and relegated-to-oblivion passenger service between Salt Lake City and Butte?

As of today, it looks as if the railroad will succeed. Profit margin on sugar beets, cattle, potatoes and potato products is much higher than the profit margin on moving people around.

Blame for the decline of passenger service can be laid partly on the citizenry, which prefers private automobiles, a social trend for which the railroad can't be held accountable.

But most of the blame for that decline must rest with railroad companies themselves. Anyone who rides a train nowadays is one of three things: one who has a phobia for air travel; a masochist; or, a damn fool.

The railroads have made rail travel particularly unpleasant. They discourage such travel at the ticket window, on board the train and anywhere else they see fit. Service is poor, the employes grumpy and uncooperative, the on-board seating or living quarters dingy and unattractive.

Scheduling is impossible and timeliness improbable. The railroads have denied a legacy in favor of a profit margin and seem to have forgotten the public and governmental sacrifices which allowed them to be established in the first place.

Sorrowing over the loss of trains 35 and 36 is likely a useless form of nostalgia. The railroads have done such a good job of discouraging passengers that no one wants to ride the trains anyway.

A few years back some local Chamber of Commerce leaders, in what they thought was a good cause, allowed themselves to be duped by sweet-sounding sonnets from railway higher-ups.

By not protesting the decline in passenger service, these men became convinced they would somehow obtain a break in freight rates for spuds, beets, cattle. Since then, freight rates have been increased several times while passenger service continues to plummet.

In all likelihood, it's a lost cause to plead the continuance of passenger service. The Union Pacific has given notice under the Interstate Commerce Act that it will discontinue operation of trains 35 and 36 effective 7 a.m. Wednesday, May 13.

Persons desiring to object to this discontinuance should notify the Interstate Commerce Commission at Washington, D.C., of such objection, with reasons, at least 15 days before May 13.

The railroad will, even if the discontinuance attempt for some reason fails this time, continue to try and take the trains off.

After that eventual success, off will go the Portland Rose. Later, lost will be such conveniences as freight service to Aberdeen and to Mackay.

On land donated by the government (the public) the railway has built tracks. Now, having conveniently forgotten that, the railroad proposes to deny public service in favor of increasing profit on freight.

The railroads which always boast of how public spirited they are will continue to bilk the public through skyrocketing freight rates and banishment of passenger service.

This is an especially obtuse program on the part of the railroads in light of a need now for replacement in some efficient way of air-polluting passenger cars. In the railways the public has no friend.

AMENDMENT NO. 608

Mr. HARTKE. Mr. President, I call up the amendment No. 608 and ask that it be stated. It is in the nature of a substitute for S. 3706.

The PRESIDING OFFICER (Mr. DOLE). The amendment will be stated.

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, further reading of the amendment will be dispensed with, and the amendment will be printed in the RECORD at this point.

The text of the amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Rail Passenger Service Act of 1970".

TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

§ 101. Congressional findings and declaration of purpose

The Congress finds that modern, efficient, intercity railroad passenger service is a necessary part of a balanced transportation system; that the public convenience and necessity require the continuance and improvement of such service to provide fast and comfortable transportation between crowded urban areas and in other areas of the country, that rail passenger service can help to end the congestion on our highways and the overcrowding of airways and airports; that the traveler in America should to the maximum extent feasible have freedom to choose the mode of travel most convenient to his needs; that to achieve these goals requires the designation of a basic national rail passenger system and the establishment of a rail passenger corporation for the purpose of providing modern, efficient, intercity rail passenger service; that Federal financial assistance as well as investment capital from the private sector of the economy is needed for this purpose; and that interim emergency Federal financial assistance to certain railroads may be necessary to permit the orderly transfer of railroad passenger service to a railroad passenger corporation.

§ 102. Definitions

For purposes of this Act—

(a) "Railroad" means a common carrier by railroad, as defined in section 1(3) of part I of the Interstate Commerce Act, as amended (49 U.S.C. 1(3)) other than the corporation created by title III of this Act.

(b) "Secretary" means the Secretary of Transportation or his delegate unless the context in which it appears indicates otherwise.

(c) "Commission" means the Interstate Commerce Commission.

(d) "Basic system" means the system of intercity rail passenger service designated by the Secretary under title II of this Act.

(e) "Intercity rail passenger service" means all rail passenger service other than commuter and other short-haul service in metropolitan and suburban areas, usually characterized by reduced fare, multiple-ride and commutation tickets and by morning and evening peak period operations, and auto-ferry service characterized by transportation of automobiles and their occupants where contracts for such service have been consummated prior to enactment of this Act.

(f) "Avoidable loss" means the avoidable costs of providing passenger service, less revenues attributable thereto, using the methodology used in the report of the Commission of July 16, 1969, entitled "Investigation of Costs of Intercity Rail Passenger Service."

(g) "Corporation" means the National Railroad Passenger Corporation created under title III of this Act.

TITLE II—BASIC NATIONAL RAIL PASSENGER SYSTEM

§ 201. Designation of system

In carrying out the congressional findings and declaration of purpose set forth in title I of this Act, the Secretary, acting in cooperation with other interested Federal agencies and departments, is authorized and directed to submit to the Commission and to the Congress within thirty days after the date of enactment of this Act his preliminary report and recommendations for a basic national rail passenger system (hereinafter referred to as the "basic system"). Such recommendations shall specify those points between which intercity passenger trains shall be operated, identify all routes over which service may be provided, and the trains presently operated over such routes, together with basic service characteristics of operations to be provided within the system, taking into account schedules, numbers of trains, connections, through car service, and sleeping, parlor, dining, and lounge facilities. In recommending said basic system the Secretary shall take into account the need for expeditious rail passenger service within and between all regions of the continental United States, and the Secretary shall consider the need for such service within the States of Alaska and Hawaii and the Commonwealth of Puerto Rico. In formulating such recommendations the Secretary shall consider opportunities for provision of faster service, more convenient service, service to more centers of population, and/or service at lower cost, by the joint operation, for passenger service, of facilities of two or more railroad companies; the importance of a given service to overall system viability; adequacy of other transportation facilities serving the same points; unique characteristics and advantages of rail service as compared to other modes; the relationship of public benefits of given services to the costs of providing them; and potential profitability of the service.

§ 202. Review of the basic system

The Commission shall, with thirty days after receipt of the Secretary's preliminary report designating a basic system, review such report consistent with the purposes of this Act and provide the Secretary with its comments and recommendations. The Secretary shall give due consideration to such comments and recommendations. The Secretary shall, within ninety days after the date of enactment of this Act submit his final report designating the basic system to the Congress. Such final report shall include a statement of the recommendations of the Com-

mission together with his reasons for failing to adopt any such recommendations. The basic system as designated by the Secretary shall become effective for the purposes of this Act upon the date that the final report of the Secretary is submitted to Congress and shall not be reviewable in any court.

TITLE III—CREATION OF A RAIL PASSENGER CORPORATION

§ 301. Creation of the Corporation

There is authorized to be created a National Railroad Passenger Corporation (hereinafter referred to as the "corporation"). The Corporation shall be a for profit corporation, whose purpose shall be to provide intercity rail passenger service, employing innovative operating and marketing concepts so as to fully develop the potential of modern rail choice in meeting the nation's intercity passenger transportation requirements. The Corporation will not be an agency or establishment of the United States Government. It shall be subject to the provisions of this Act and, to the extent consistent with this Act, to the District of Columbia Business Corporation Act. The right to repeal, alter, or amend this Act at any time is expressly reserved.

§ 302. Process of organization

The President of the United States shall appoint not fewer than three incorporators, by and with the advice and consent of the Senate, who shall also serve as the board of directors for one hundred and eighty days following the date of enactment of this Act. The incorporators shall take whatever actions are necessary to establish the Corporation, including the filing of articles of incorporation, as approved by the President.

§ 303. Directors and officers

(a) The Corporation shall have a board of fifteen directors consisting of individuals who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. Eight members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for terms of four years or until their successors have been appointed and qualified, except that the first three members of the board so appointed shall continue in office for terms of two years, and the next three members for terms of three years. Any member appointed to fill a vacancy may be appointed only for the unexpired term of the director whom he succeeds. At all times the Secretary shall be one of the members of the board of directors appointed by the President. Three members of the board shall be elected annually by common stockholders, and four shall be elected annually by preferred stockholders of the corporation. The members of the board appointed by the President and those elected by stockholders shall take office on the one hundred and eighty-first day after the date of enactment of this Act. Election of the remaining members of the board shall take place as soon as practicable after the first issuance of preferred stock by the Corporation. Pending election of the remaining four members, seven members shall constitute a quorum for the purpose of conducting the business of the board. No director appointed by the President may have any direct or indirect financial or employment relationship with any railroad or railroads during the time that he serves on the board. Each of the directors not employed by the Federal Government shall receive compensation at the rate of \$300 for each meeting of the board he attends. In addition, each director shall be reimbursed for necessary travel and subsistence expense incurred in attending the meetings of the board. No director elected by railroads shall vote on any action of the board of directors relating to any contract or operating relationship between the Corporation and a railroad, but he may be

present at directors' meetings at which such matters are voted upon, and he may be included for purposes of determining a quorum and may participate in discussions at such meeting.

(b) The board of directors is empowered to adopt and amend bylaws governing the operation of the Corporation providing that such bylaws shall not be inconsistent with the provisions of this Act or of the articles of incorporation.

(c) The articles of incorporation of the Corporation shall provide for cumulative voting for all stockholders and shall provide that, upon conversion of one-fourth of the outstanding shares of preferred stock, the common stockholders shall be entitled to four directors and the preferred stockholders shall be entitled to three; upon the conversion of one-half of the outstanding shares of preferred stock the common stockholders shall be entitled to elect five directors and the preferred stockholders shall be entitled to two; upon the conversion of three-fourths of the outstanding shares of preferred stock the common stockholders shall be entitled to elect six directors and the preferred stockholders shall be entitled to elect one; and upon conversion of all outstanding shares of preferred stock the common stockholders shall be entitled to seven directors. Any changes of directors resulting from such stock conversion shall take effect at the next annual meeting of the Corporation following such stock conversion.

(d) The Corporation shall have a president and such other officers as may be named and appointed by the board. The rates of compensation of all officers shall be fixed by the board. Officers shall serve at the pleasure of the board. No individual other than a citizen of the United States may be an officer of the Corporation. No officer of the Corporation may have any direct or indirect employment or financial relationship with any railroad or railroads during the time of his employment by the Corporation.

§ 304. Financing of the Corporation

(a) The Corporation is authorized to issue and have outstanding, in such amounts as it shall determine, two issues of capital stock, a common and a preferred, each of which shall carry voting rights and be eligible for dividends. Common stock may be initially issued only to a railroad. Preferred stock may be issued to and held only by any person other than a railroad or any person controlling, as defined in section 1(3)(b) of the Interstate Commerce Act, one or more railroads. The articles of incorporation of the Corporation shall provide for the following respective rights of each issue of stock:

(1) COMMON STOCK.—Common stock shall have a par value of \$10 per share and shall be designated fully paid and nonassessable. No dividends shall be paid on the common stock whenever dividends on the preferred stock are in arrears.

(2) PREFERRED STOCK.—Preferred stock shall have a par value of \$100 per share and shall be designated fully paid and nonassessable. Dividends shall be fixed at a rate not less than 6 per centum, and shall be cumulative so that, if for any dividend period dividends at the rate fixed in the articles of incorporation shall not have been declared and paid or set aside for payment on the preferred shares, the deficiency shall be declared and paid or set apart for payment prior to the making of any dividend or other distribution on the common shares.

Preferred stock shall be entitled to a liquidation preference over common stock, which shall entitle preferred stockholders to a liquidating payment not less than par value plus all accrued unpaid dividends prior to any payment on liquidation to common stockholders.

Preferred stock shall be convertible into shares of common stock at such time and

upon such terms as the articles of incorporation shall provide.

(b) At no time after the initial issue is completed shall the aggregate of the shares of common stock of the Corporation owned by a single railroad or any person controlling, as defined in section 1(3)(b) of the Interstate Commerce Act, one or more railroads, directly or indirectly through subsidiaries or affiliated companies, nominees, or any persons subject to its direction or control, exceed 33 $\frac{1}{3}$ per centum of such shares issued and outstanding.

(c) At no time may any stockholder, or any syndicate or affiliated group of such stockholders, own more than 10 per centum of the shares of preferred stock of the Corporation issued and outstanding.

(d) The articles of incorporation shall provide that no shares of any issue of stock may be redeemed or repurchased for five years, following the date of enactment of the Act.

(e) The Corporation is authorized to issue, in addition to the stock authorized by subsection (a) of this section, nonvoting securities, bonds, debentures, and other certificates of indebtedness as it may determine.

(f) The requirement of section 45(b) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29-920 (b)) as to the percentage of stock which a stockholder must hold in order to have the rights of inspection and copying set forth in that subsection shall not be applicable in the case of holders of the stock of the Corporation, and they may exercise such rights without regard to the percentage of stock they hold.

§ 305. General powers of the Corporation

The Corporation is authorized to own, manage, operate, or contract for the operation of intercity rail passenger trains; to carry mail and express in connection with passenger service; to conduct research and development related to its mission; and to acquire by construction, purchase, or gift, or to contract for the use of, physical facilities, equipment, and devices necessary to rail passenger operations. The Corporation shall rely upon railroads to provide the crews necessary to the operation of its passenger trains. To carry out its functions and purposes, the Corporation shall have the usual powers conferred upon a stock corporation by the District of Columbia Business Corporation Act.

§ 306. Applicability of the Interstate Commerce Act and other laws

(a) The Corporation shall be deemed a common carrier by railroad within the meaning of section 1(3) of the Interstate Commerce Act and shall be subject to all provisions of the Interstate Commerce Act other than those pertaining to—

(1) regulation of rates, fares, and charges;
 (2) abandonment or extension of lines of railroads, utilized solely for passenger service, and the abandonment or extension of operations over such lines of railroads, whether by trackage rights or otherwise;
 (3) regulation of routes and service and, except as otherwise provided in this Act, the discontinuance or change of passenger train service operations.

(b) The Corporation shall be subject to the same laws and regulations with respect to safety and with respect to dealings with its employees as any other common carrier subject to part I of the Interstate Commerce Act.

(c) The Corporation shall not be subject to any State or other law pertaining to the transportation of passengers by railroad as it relates to rates, routes, or service.

(d) Leases and contracts entered into by the Corporation, regardless of the place where the same may be executed, shall be governed by the laws of the District of Columbia.

(e) Persons contracting with the Corporation for the joint use or operation of such facilities and equipment as may be necessary

for the provision of efficient and expeditious passenger service shall be and are hereby relieved from all prohibitions of existing law, including the antitrust laws of the United States with respect to such contracts, agreements, or leases insofar as may be necessary to enable them to enter thereinto and to perform their obligations thereunder.

§ 307. Sanctions

(a) If the Corporation engages in or adheres to any action, practice, or policy inconsistent with the policies and purposes of this Act, obstructs or interferes with any activities authorized by this Act (except in the exercise of labor practices not otherwise proscribed by law), refuses, fails, or neglects to discharge its duties and responsibilities under this Act, or threatens any such violation, obstruction, interference, refusal, failure, or neglect, the district court of the United States for any district in which the Corporation or other person resides or may be found shall have jurisdiction, except as otherwise prohibited by law, upon petition of the Attorney General of the United States or, in a case involving a labor agreement, upon petition of any individual affected thereby, to grant such equitable relief as may be necessary or appropriate to prevent or terminate any violation, conduct, or threat.

(b) Nothing contained in this section shall be construed as relieving any person of any punishment, liability, or sanction which may be imposed otherwise than under this act.

§ 308. Reports to the Congress

(a) The Corporation shall transmit to the President and the Congress, annually, commencing one year from the date of enactment of this Act, and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act, including a statement of receipts and expenditures for the previous year. At the time of its annual report, the Corporation shall submit legislative recommendations for amendment of this Act as it deems desirable, including the amount of financial assistance needed for operations and for capital improvements, the manner and form in which the amount of such assistance should be computed, and the sources from which such assistance should be derived.

(b) The Secretary and the Commission shall transmit to the President and the Congress, one year following the date of enactment of this Act and biennially thereafter, reports on the state of rail passenger service and the effectiveness of this Act in meeting the requirement for a balanced national transportation system, together with any legislative recommendations for amendments to this Act.

TITLE IV—PROVISION OF RAIL PASSENGER SERVICES

§ 401. Assumption of passenger service by the Corporation; commencement of operations

(a) (1) On or before March 1, 1971, and on or after March 1, 1973, but before January 1, 1975, the Corporation is authorized to contract with a railroad to relieve the railroad of its entire responsibility for the provision of intercity rail passenger service commencing on or after March 1, 1971. The contract may be made upon such terms and conditions as necessary to permit the Corporation to undertake passenger service on a timely basis. Upon its entering into a valid contract (including protective arrangements for employees), the railroad shall be relieved of all its responsibilities as a common carrier of passengers by rail in intercity rail passenger service under part I of the Interstate Commerce Act or any other law relating to the provision of intercity passenger service: *Provided*, That any railroad discontinuing a train hereunder must give notice

in accordance with the notice procedures contained in section 13a(1) of the Interstate Commerce Act.

(2) In consideration of being relieved of this responsibility by the corporation, the railroad shall agree to pay to the corporation each year for three years an amount equal to one-third of 50 per centum of the fully distributed passenger service deficit of the railroad as reported to the Commission for the year ending December 31, 1969. The payment to the Corporation may be made in cash or, at the option of the Corporation, by the transfer of rail passenger equipment or the provision of future service as requested by the Corporation. The railroad shall receive common stock from the Corporation in an amount equivalent in par value to its payment.

(3) In agreeing to pay the amount specified in paragraph (2) of this subsection, a railroad may reserve the right to pay a lesser sum to be determined by calculating either of the following:

(A) 100 per centum of the avoidable loss of all intercity rail passenger service operated by the railroad during the period January 1, 1969, through December 31, 1969; or

(B) 200 per centum of the avoidable loss of the intercity rail passenger service operated by the railroad between points within the basic system during the period January 1, 1969, through December 31, 1969.

If the amount owed the Corporation under either of these alternatives is agreed by the parties to be less than the amount paid pursuant to paragraph (2), the Corporation shall pay the difference to the railroad. If the railroad and the Corporation are unable to agree as to the amount owed, the matter shall be referred to the Interstate Commerce Commission for decision. The Commission shall decide the issue within ninety days following the date of referral and its decision shall be binding on both parties.

(4) The payments to the Corporation shall be made in accordance with a schedule to be agreed upon between the parties. Unless the parties otherwise agree, the payments for each of the first twelve months following the date on which the Corporation assumes any of the operational responsibilities of the railroad shall be in cash and not less than one thirty-sixth of the amount owed.

(b) On March 1, 1971, the Corporation shall begin the provision of intercity rail passenger service between points within the basic system unless such service is being provided by a railroad with which it has not entered into a contract under subsection (a) of this section.

(c) No railroad or any other person may, without the consent of the Corporation, conduct intercity rail passenger service over any route on which the Corporation is performing scheduled intercity rail passenger service pursuant to a contract under this section.

§ 402. Facility and service agreements

(a) The Corporation may contract with railroads for the use of tracks and other facilities and the provision of services on such terms and conditions as the parties may agree. In the event of a failure to agree, the Interstate Commerce Commission shall, if it finds that doing so is necessary to carry out the purposes of this Act, under the provision of services or the use of tracks or facilities of the railroad by the Corporation, on such terms and for such compensation as the Commission may fix as just and reasonable. If the amount of compensation fixed is not duly and promptly paid, the railroad entitled thereto may bring an action against the Corporation to recover the amount properly owed.

(b) To facilitate the initiation of operations by the Corporation within the basic system the Commission shall, upon application by the Corporation, require a railroad

to make immediately available tracks and other facilities. The Commission shall therefore promptly proceed to fix such terms and conditions as are just and reasonable.

§ 403. New service

(a) The Corporation may provide service in excess of that prescribed for the basic system, either within or outside, the basic system including the operation of special and extra passenger trains, if consistent with prudent management.

(b) Any State, regional, or local agency may request of the Corporation rail passenger service beyond that included within the basic system. The Corporation shall institute such service if the State, regional, or local agency agrees to reimburse the Corporation for a reasonable portion of any losses associated with such services.

(c) For purposes of this section the reasonable portion of such losses to be assumed by the State, regional, or local agency, shall be no less than 50 per centum of, nor more than the solely related costs and associated capital costs less revenues attributable to such service. If the Corporation and the State, regional, or local agency are unable to agree upon a reasonable apportionment of such losses, the matter shall be referred to the Secretary for decision. In deciding this issue the Secretary shall take into account the intent of this Act, and the impact of requiring the Corporation to bear such losses upon its ability to provide improved service within the basic system.

§ 404. Discontinuance of service

(a) Unless it has entered into a contract with the corporation pursuant to section 401(a)(1) of this Act, no railroad may discontinue any passenger service whatsoever prior to January 1, 1975, the provisions of any other law notwithstanding. On and after January 1, 1975, passenger train service operated by such railroad may be discontinued under the provisions of section 13a of the Interstate Commerce Act. Upon filing of a notice of discontinuance by such railroad, the Corporation may undertake to initiate passenger train operations between the points served.

(b) (1) The Corporation must provide the services included within the basic system until January 1, 1975, to the extent it has assumed responsibility for such service by contract with a railroad pursuant to section 401 of this Act.

(2) Service beyond that prescribed for the basic system undertaken by the Corporation upon its own initiative may be discontinued at any time.

(3) If at any time after January 1, 1975, the Corporation determines that any train or trains in the basic system in whole or in part are not required by public convenience and necessity, or will impair the ability of the Corporation to adequately provide other services, such train or trains may be discontinued under the procedures of section 13a of the Interstate Commerce Act (49 U.S.C. 13a): *Provided, however,* That at least thirty days prior to the change or discontinuance, in whole or in part, of any service under this subsection, the Corporation shall mail to the Governor of each State in which the train in question is operated, and post in every station, depot, or other facility served thereby notice of the proposed change or discontinuance. The Corporation may not change or discontinue this service if prior to the end of the thirty-day notice period, State, regional, or local agencies request continuation of the service and within ninety days agree to reimburse the Corporation for a reasonable portion of any losses associated with the continuation of service beyond the notice period.

(4) For purposes of paragraph (3) of this subsection the reasonable portion of such losses to be assumed by the State, regional, or local agency shall be no less than 50 per

centum of, nor more than, the solely related costs and associated capital costs less revenues attributable to such service. If the Corporation and the State, regional, or local agencies are unable to agree upon a reasonable apportionment of such losses, the matter shall be referred to the Secretary for decision. In deciding this issue the Secretary shall take into account the intent of this Act and the impact of requiring the Corporation to bear such losses upon its ability to provide improved service within the basic system.

§ 405. Protective arrangements for employees

(a) A railroad shall provide fair and equitable arrangements to protect the interests of employees adversely affected by the following discontinuances of passenger service:

(1) those arising out of a contract with the corporation pursuant to section 401(a)(1) of this Act, and occurring prior to January 1, 1975; and

(2) those undertaken pursuant to section 404(a) of this Act.

(b) 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. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to section 5(2)(f) of the Interstate Commerce Act. Any contract entered into pursuant to the provisions of this title shall specify the terms and conditions of such protective arrangements.

Final settlement of any contract under section 401(a)(1) of this Act between a railroad and the Corporation may not be made unless the Secretary of Labor has certified to the Corporation that adversely affected employees have received fair and equitable protection from the railroad.

(c) After commencement of operations in the basic system, the substantive requirements of subsection (b) of this section shall apply to the Corporation, and the certification by the Secretary of Labor shall be a condition to the discontinuance of any trains by the Corporation pursuant to section 404(b) of this Act.

(d) The Corporation shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed with the assistance of funds received under any contract or agreement entered into under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Corporation shall not enter into any such contract or agreement without first obtaining adequate assurance that required labor standards will be maintained on the construction work. Health and safety standards promulgated by the Secretary of Labor pursuant to Public Law 91-54 (40 U.S.C. 333) shall be applicable to all construction work performed under each contracts or agreements.

(e) The Corporation shall not contract out any work normally performed by employees in any bargaining unit covered by a contract between the Corporation or any railroad providing intercity rail passenger service upon the date of enactment of this Act and any labor organization, if such

contracting out shall result in the layoff of any employee or employees in such bargaining unit.

TITLE V—ESTABLISHMENT OF A FINANCIAL INVESTMENT ADVISORY PANEL

§ 501. Appointment of advisory panel

Within thirty days after enactment of this Act, the President shall appoint a seven-man financial advisory panel. The panel shall include representatives of investment banking, commercial banking, rail transportation, and the Secretary of the Treasury.

§ 502. Purpose of advisory panel

The advisory panel appointed by the President shall advise the directors of the Corporation on ways and means of increasing capitalization of the Corporation.

§ 503. Report to Congress

On or before January 1, 1971, the panel shall submit a report to Congress evaluating the initial capitalization of the Corporation and the prospects for increasing its capitalization.

TITLE VI—FEDERAL FINANCIAL ASSISTANCE

§ 601. Federal grants

There is authorized to be appropriated to the Secretary in fiscal year 1971, \$40,000,000 to remain available until expended, for payment to the Corporation for the purpose of assisting in—

- (1) the initial organization and operation of the Corporation;
- (2) the establishment of improved reservations systems and advertising;
- (3) servicing, maintenance, and repair of railroad passenger equipment;
- (4) the conduct of research and development and demonstration programs respecting new rail passenger services;
- (5) the development and demonstration of improved rolling stock; and
- (6) essential fixed facilities for the operation of passenger trains on lines and routes included in the basic system over which no through passenger trains are being operated at the time of enactment of this Act, including necessary track connections between lines of the same or different railroads.

§ 602. Guaranty of loans

The Secretary is authorized, on such terms and conditions as he may prescribe, to guarantee any lender against loss of principal or interest on securities, obligations, or loans issued to finance the purchase by the Corporation of new rolling stock, rehabilitation of existing rolling stock and for other corporate purposes. The maturity date of such securities, obligations, or loans, including all extensions and renewals thereof, shall not be later than twenty years from their date of issuance, and the amount of guaranteed loans outstanding at any time may not exceed \$60,000,000. The Secretary shall prescribe and collect from the lending institution a reasonable annual guaranty fee. There are authorized to be appropriated such amounts as necessary to carry out this section not to exceed \$60,000,000.

TITLE VII—INTERIM EMERGENCY FEDERAL FINANCIAL ASSISTANCE

§ 701. Interim authority to provide emergency financial assistance for railroads operating passenger service

For the purpose of permitting a railroad to enter into or carry out a contract under section 401(a) (1) of this Act, the Secretary is authorized, on such terms and conditions as he may prescribe, to (1) make loans to such railroads, or (2) to guarantee any lender against loss of principal or interest on any loan to such railroads. Interest on loans made under this section shall be at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to

maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of 1 per centum. No loan may be made, including renewals or extensions thereof, which has a maturity date in excess of five years. The maturity date on any loan guaranteed, including all renewals and extensions thereof, shall not be later than five years from the date of issuance. The total amount of loans and loan guaranties made under this section may not exceed \$75,000,000.

§ 702. Authorization for appropriations

There are hereby authorized to be appropriated such amounts not to exceed \$75,000,000 as may be necessary to carry out the purposes of this title. Any sums appropriated shall be available until expended.

TITLE VIII—MISCELLANEOUS PROVISIONS

§ 801. Adequacy of service

The Commission is authorized to prescribe such regulations as it considers necessary for the comfort and health of intercity rail passengers. Any person who violates a regulation issued under this section shall be subject to a civil penalty of not to exceed \$500 for each violation. Each day a violation continues shall constitute a separate offense.

§ 802. Effect on pending proceedings

Any regular intercity passenger train in operation on the date of enactment of this Act may be discontinued only pursuant to this Act, notwithstanding any provision of Federal or State law, or any regulation or order of any Federal or State court or regulatory agency issued before or subsequent to that date.

§ 803. Separability

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 804. Accountability

Section 201 of the Government Corporation Control Act of 1945 (31 U.S.C. 856; 59 Stat. 600) is amended by striking "and (4)" and inserting in lieu thereof "(4) Federal Deposit Insurance Corporation and (5)" and adding "National Railroad Passenger Corporation" at the end thereof.

Mr. HARTKE. Mr. President, for the RECORD, this amendment does include the identical amendment which was agreed to previously by the manager of the bill and the ranking minority Member, and also includes the amendment which has been discussed with the Senator from Florida.

Mr. President, I ask unanimous consent that a section-by-section analysis be printed in the RECORD at this point.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF A BILL TO DESIGNATE A NATIONAL RAIL PASSENGER SYSTEM, TO ESTABLISH A RAIL PASSENGER CORPORATION, TO PROVIDE FINANCIAL ASSISTANCE THEREFOR, AND FOR OTHER PURPOSES

Section 1. *Short Title.* This section states that the bill may be cited as the "Rail Passenger Service Act of 1970".

TITLE I—FINDINGS AND PURPOSES

Section 101. *Congressional Findings.* This section contains findings of Congress respecting the continuing need for intercity railroad passenger service, the need for the designation of a basic national rail passenger system, and the establishment of a rail passenger corporation for the purpose of providing modern, efficient, intercity rail passenger service.

Section 102. *Definitions.* This section defines various terms used in the Act.

TITLE II—BASIC NATIONAL RAIL PASSENGER SYSTEM

Section 201. *Designation of System.* This section directs the Secretary of Transportation to prepare and submit to the Interstate Commerce Commission and the Congress within 30 days after the date of enactment of the bill a preliminary report designating a basic national rail passenger system. The report would specify those points between which intercity passenger trains should be operated, identify all routes over which service may be provided and the trains presently operated over such routes, and prescribe the service needed between the points to be served. The designation of a basic system is to be considered a neutral factor with respect to the merits of any question at issue in any proceedings to discontinue service being performed outside the basic system.

Section 202. *Review of the Basic System.* Within 30 days after receipt of the Secretary's report, the Interstate Commerce Commission is required to provide the Secretary of Transportation with its comments and recommendations. After considering the Commission's views, the Secretary is required, within 90 days after the date of enactment, to submit to the Congress his final report designating the basic system. The report shall include a statement of the recommendations of the Commission and the Secretary's reason for failing to adopt any such recommendations. The basic system designated by the Secretary is to become effective upon the date the final report is submitted to Congress and is not reviewable in any court.

TITLE III—CREATION OF A RAIL PASSENGER CORPORATION

Section 301. *Creation of Corporation.* This section authorizes the creation of a corporation for profit whose purpose would be to provide intercity rail passenger service. The corporation would not be an agency of the United States Government.

Section 302. *Process of Organization.* This section directs the President of the United States to appoint incorporators, by and with the advice and consent of the Senate, who would take whatever actions are necessary to establish the corporation.

Section 303. *Directors and Officers.* Subsection (a) establishes a board of directors for the corporation and prescribes conditions for their appointment. Eight members of the board would be appointed by the President, by and with the advice and consent of the Senate, three members would be elected by common stockholders of the corporation, and four members would be elected by the other stockholders of the corporation.

Subsection (b) authorizes the board of directors to adopt and amend bylaws governing the operation of the corporation.

Subsection (c) provides for cumulative voting and for the conversion of preferred stock to common.

Subsection (d) provides for the appointment of a president and other officers of the corporation.

Section 304. *Financing of the Corporation.* This section authorizes the corporation to issue common and preferred stock, both of which would carry voting rights, and establishes certain conditions as to ownership. Common stock would be issued initially only to railroads and would have a par value of \$10. Preferred stock, with a par value of \$100, would be issued to and held by persons other than railroads. Stock could not be redeemed or repurchased for five years following enactment of the bill. The corporation also could issue nonvoting securities, debentures, and other certificates of indebtedness.

Section 305. *General Powers of the Corporation.* This section authorizes the corporation to own, manage, operate, or contract for the operation of intercity passenger

trains, to carry mail and express in connection with passenger service, to conduct research and development related to its mission, and to acquire, or to contract for the use of, the facilities and equipment necessary to rail passenger operations. It requires the corporation to rely upon railroads to provide the crews necessary to the operation and maintenance of its passenger trains.

Section 306. *Applicability of the Interstate Commerce Act and Other Laws.* This section states that the corporation shall be deemed a common carrier by railroad within the meaning of section 1(3) of the Interstate Commerce Act, and shall be subject to all provisions of the Interstate Commerce Act, other than those pertaining to the regulation of rates, fares, and charges, the abandonment or extension of lines, the regulation of routes and services and, except as otherwise provided in the Act, the discontinuance of or change of passenger service. The corporation would be subject to the same laws and regulations respecting rail safety and dealings with its employees as any other common carrier subject to Part I of the Interstate Commerce Act, but would not be subject to any State law pertaining to the transportation of passengers by railroad as it relates to rates, routes, or service. Persons contracting with the corporation for the joint use or operation of facilities and equipment would for that purpose be exempt from the antitrust laws.

Section 307. *Sanctions.* This section provides, among other things, that if the corporation engages in practices inconsistent with the purposes of the bill, or if the corporation or any other person violates any provision of the bill, or obstructs any activities authorized by the bill (except in the exercise of labor practices not otherwise proscribed by law), the United States district court for any district in which the corporation or other person resides or may be found shall have jurisdiction, upon petition of the Attorney General, or, in a case involving a labor agreement, upon petition of any individual affected thereby, to grant such equitable relief as may be necessary or appropriate to prevent or terminate the conduct or violation.

Section 308. *Reports to Congress.* This section requires the corporation to make annual reports to the President and the Congress respecting its operations, and proposing any legislation it deems desirable, including the amount of financial assistance needed for its operations and capital improvements. It also requires the Secretary of Transportation and the Interstate Commerce Commission to make periodic reports to the President and the Congress on the state of rail passenger service and the effectiveness of the bill in meeting the requirement for a balanced transportation system.

TITLE IV—PROVISION OF RAIL PASSENGER SERVICES

Section 401. *Assumption of Passenger Service by the Corporation; Commencement of Operations.* Subsection (a) authorizes the corporation on or before March 1, 1971, and on or after March 1, 1973, but before January 1, 1975, to contract with a railroad to relieve the railroad of its responsibility for the provision of intercity rail passenger service commencing on or after March 1, 1971. Any railroad discontinuing a train pursuant to such a contract must follow the notice procedures contained in section 13a (1) of the Interstate Commerce Act. In consideration of being relieved of its responsibility, the railroad would be required to pay to the corporation over a period of three years an amount equal to 50 percent of its fully distributed passenger service deficit for the calendar year 1969. The railroad is to receive common stock from the corporation in an amount equivalent to its payment. A railroad may reserve the right to pay a lesser

sum by calculating either 100 percent of the avoidable loss of all its intercity passenger service for calendar year 1969 or 200 percent of the 1969 avoidable loss of its intercity rail passenger service operated between points within the basic system. Any dispute as to these alternative calculations is to be decided by the Interstate Commerce Commission.

Subsection (b) requires the corporation to begin providing on March 1, 1971, intercity rail passenger service between points within the basic system unless the requisite service is being provided by a nonjoining railroad.

Subsection (c) prohibits any person, without the consent of the corporation, to conduct intercity rail passenger service over any route on which the corporation is performing such service.

Section 402. *Facility and Service Agreements.* Subsection (a) authorizes the corporation to contract with railroads for the use of tracks and other facilities and the provision of services. It authorizes the Interstate Commerce Commission to order the provision of services or the use of tracks or facilities if necessary to carry out the purposes of the bill, and to fix the terms and compensation for such service and facilities.

Subsection (b) authorizes the Commission to require a railroad to make immediately available tracks and other facilities if necessary to facilitate the initiation of operations by the corporation, with terms and conditions to be fixed subsequently.

Section 403. *New Service.* Subsection (a) authorizes the corporation to provide service in excess of that originally prescribed for the basic system by adding service outside the system or by expanding the system if consistent with prudent management.

Subsection (b) authorizes state, regional, or local agencies to request the corporation to provide rail passenger service beyond that included on the basic system and requires the corporation to provide such service if the State, regional or local agencies agreed to reimburse the corporation for a reasonable portion of any loss associated with such service.

Subsection (c) provides that the reasonable portion of such loss to be assumed by the State or regional authority may not be less than 50 percent of, nor more than, the solely allocated costs and associated capital costs less revenues attributable to such service. If the corporation and the State or regional authority are unable to agree on a reasonable apportionment of the loss, the Secretary of Transportation shall decide the issue.

Section 404. *Discontinuance of Service.* Subsection (a) provides that no railroad may discontinue any passenger service prior to January 1, 1975, except by entering into a contract with the corporation pursuant to section 401(a). After January 1, 1975, such service may be discontinued under the provisions of section 13a of the Interstate Commerce Act, but the Corporation is authorized to provide such service if the railroad files a discontinuance proposal.

Subsection (b) requires the corporation to provide service it has assumed within the basic system until January 1, 1975. After January 1, 1975, the corporation may discontinue trains in the basic system which it determines are not required or the continuation of which will impair the ability of the corporation to adequately provide other service. Such discontinuances must follow the procedures of section 13a of the Interstate Commerce Act. If prior to the end of the 30-day notice period, State, regional, or local authorities request continuation of the service and within 90 days agree to reimburse the corporation for a reasonable portion of the service and within 90 days agree to reimburse the corporation for a reasonable portion of the losses associated with continuation, the corporation must continue service.

Section 405. *Protective Arrangements for Employees.* Subsections (a) and (b) require railroads to provide for the protection of the interests of employees who would be adversely affected by the discontinuance of passenger service arising out of a contract with the corporation and occurring prior to January 1, 1975, and for any discontinuance effected by the railroad under section 404(a).

Subsection (c) requires the corporation to provide for protective arrangements incidental to the discontinuance of any trains operated by it.

Subsection (d) requires the corporation to insure that all laborers employed in construction work by its contractors and subcontractors are paid prevailing wages in accordance with the Davis-Bacon Act.

Subsection (e) prohibits the corporation from contracting out work normally performed by employees in any bargaining unit covered by a contract between the corporation or any railroad and labor organization, if the contracting out would result in the layoff of any employee in the bargaining unit.

TITLE V—ESTABLISHMENT OF A SPECIAL FINANCIAL INVESTMENT ADVISORY PANEL

Section 501. *Appointment of Advisory Panel.* This section requires the President to appoint a seven-man financial advisory panel composed of representatives from banking, transportation and the Secretary of the Treasury.

Section 502. *Purpose of Special Advisory Panel.* This section provides that the purpose of the panel is to advise the corporation on ways and means of increasing the capitalization of the corporation.

Section 503. *Report to Congress.* This section requires the panel to submit its report to Congress by January 1, 1971.

TITLE VI—FEDERAL FINANCIAL ASSISTANCE

Section 601. *Federal Grants.* This section authorizes appropriations to the Secretary of Transportation in fiscal year 1971 of \$40 million to assist the corporation in initial organization and operations; servicing, maintaining, and repairing equipment; conducting research in develop and demonstration programs; etc.

Section 602. *Guaranty of Loans.* This section authorizes the Secretary to guaranty loans made to the corporation for the purchase and rehabilitation of rolling stock and for other corporate purposes. The guaranteed loans outstanding at any time may not exceed \$60 million.

TITLE VIII—INTERIM EMERGENCY FEDERAL FINANCIAL ASSISTANCE

Section 701. *Interim Authority To Provide Emergency Financial Assistance for Railroads Operating Passenger Service.* This section authorizes the Secretary to make loans to railroads or to guaranty loans to railroads for the purpose of permitting a railroad to enter or carry out a contract under section 401(a) of the bill. The loans made or guaranteed may not exceed five years. The total amount of loans and guarantees may not exceed \$75 million.

Section 702. *Authorization for Appropriations.* This section authorizes appropriations to carry out section 701.

TITLE VIII—MISCELLANEOUS PROVISIONS

Section 801. *Adequacy of Service.* This section authorizes the Interstate Commerce Commission to prescribe regulations applicable to the corporation as well as other railroads necessary for the comfort and health of intercity rail passengers.

Section 802. *Effect on Pending Proceedings.* This section provides that no train in operation on the date of enactment of the Act may be discontinued except pursuant to the Act.

Section 803. *Separability.* This section provides that, if any provision of the bill is held

invalid, the remainder of the bill shall not be affected thereby.

Section 804. *Accountability.* This section subjects the corporation to the "mixed corporation" provision of the Government Corporation Control Act of 1945.

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

Mr. HARTKE. I yield.

Mr. CASE. Mr. President, I thank the Senator from Indiana for yielding. It is a most generous action on his part.

Mr. President, I am concerned that such useful railroad passenger projects as the Metroliner be included in the basic passenger rail system expected to be designated by the Secretary of Transportation.

I wonder if the Senator can give us any assurance that this will be done.

Mr. HARTKE. Mr. President, I will say to the Senator from New Jersey that the bill itself does not specify the routes to be served, and there is no guarantee any particular part of the system would be included at this time. Every indication is that most of the major routes would continue to have service, and service with increased frequency. It is inconceivable that the Metroliner service would not be included—the route it serves is certainly one of the most important in the United States.

Let me point out that the Secretary's decision must be submitted initially to the Congress and to the ICC, an arm of the Congress. Only after the ICC has completed consideration can the Secretary issue his final report on the system.

All of this is subject to the Penn Central entering a contract with the Corporation. If it does, and there is very little question that it would not, the Corporation is authorized to contract for the "entire" service of the railroad. That is, the Penn Central could not give up its less attractive routes and retain the most lucrative—it must give up all or must continue to provide all services it now provides.

Therefore, the present Metroliner system probably would be in the system.

Mr. CASE. The latter point is the one I was going to ask about next. I appreciate the Senator's response. In other words, it would not be possible for a railroad, the Penn Central or any other railroad, to keep the profitable parts of the system and dump the unprofitable parts of the system.

Mr. HARTKE. The Senator is correct. Once the corporation, the Rail Passenger Corp., enters into a contract with a carrier, that carrier thereby surrenders its entire intercity passenger service system to the Corporation, retaining no part whatever. In other words, that service would be under the jurisdiction of the Corporation.

Mr. CASE. I thank the Senator for his response.

Mr. PEARSON. Mr. President, the amendment now before us to S. 3706, represents an historic effort to save our national rail passenger system. I need not elaborate on the need for passenger trains; we all recognize their importance. At this particular point in time when our airports and airways are becoming more congested and our highways and city

streets are clogged with traffic, it is most important, in my opinion to, provide fast, efficient railway passenger service; and if we had a crystal ball, I rather imagine we would see that by the year 2000 high speed rail transportation within cities, along high density intercity corridors, and even connections between metropolitan centers and rural areas will be a fact of life.

The amendment now before us is a substitute to the bill reported out by the Commerce Committee and for which I voted. It was my feeling then that in the absence of any viable alternative that operating subsidies should be made available to our Nation's railroads. But now, Mr. President, we have a viable alternative to operating subsidies; and rather than merely enacting a shortsighted, stopgap measure simply because we had to do something to keep the passenger trains running, we now have, hopefully, a far-reaching proposal designed to really meet the needs of this country.

There is some reason to think that this bill offers the last hope for passenger trains. Over the last few years we have witnessed the increasing numbers of trains that have been discontinued and the steady deterioration in railway passenger service. This bill, Mr. President, offers the chance for passenger trains to become an attractive means of travel. It proceeds on the notion that if the trains are fast, clean, and on time, people will ride them again. I hope it works—for the good of the people in my region of the country and for the good of the Nation.

Mr. President, yesterday, four passenger trains which operate across the State of Kansas were ordered to be continued by the ICC, I might say, over the objections of the railroads and to the gratification of the people of my State who may have been served by those railroads.

I make reference, in that connection, to the statement in the declaration of purpose regarding the intercity railroad passenger service, and ask the distinguished Senator from Indiana, in view of all the provisions of the bill and its apparent intent and purpose, what effect it would have upon passenger service within a State, such as the State of Kansas, with reference to the orders of the ICC, and what effect would that have upon this type of rail transportation?

Mr. HARTKE. If the railroads, which at this time have petitioned for discontinuance, were included in the system as ultimately designated by the Department of Transportation—that is after it had been submitted to Congress and the Interstate Commerce Commission and final decision had been made by the Department of Transportation—if they are within that system, that passenger service would almost certainly be continued. If not included in the system, it would be gone.

Mr. PEARSON. So that the continuing passenger service under this provision would depend upon the declaration or definition under the bill made by the Secretary of Transportation?

Mr. HARTKE. That is exactly right.

Mr. PEARSON. I thank the Senator very much.

Mr. PROUTY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Vermont will state it.

Mr. PROUTY. Has the substitute been called up?

The PRESIDING OFFICER. The substitute is now pending.

Mr. PROUTY. Mr. President, on April 9, the Commerce Committee reported S. 3706. This was not a unanimous vote and even some of us who voted to report the bill had serious reservations concerning its provisions which provided direct operating subsidies to railroads amounting to \$465 million over a period of 4 years. Therefore, with the full support and cooperation of the distinguished chairman of the Committee, the Senator from Washington (Mr. MAGNUSON), the distinguished ranking minority member, the Senator from New Hampshire (Mr. COTTON), the able Senior Senator from Indiana (Mr. HARTKE), chairman of the Surface Transportation Subcommittee, and myself, we were able to work out a compromise version of S. 3706 on a completely bipartisan basis.

The substitute amendment has the support of the United Transportation Union, the Railroad Labor Executives Association, the Association of American Railroads, the National Association of Railroad Passengers, the Interstate Commerce Commission, and the Department of Transportation.

Mr. President, since 1950 intercity travel has more than doubled while rail passenger service has shrunk to far less than half its size. In its 1968 report, the Interstate Commerce Commission pointed out the following:

In the last 10 years—

The number of regular intercity trains has declined more than 60 percent from the 1,448 trains operated in 1958.

Fourteen railroads have abandoned all intercity service, and six have only one pair of trains left.

Intercity service over 36 percent of the 1958 routes has been completely eliminated.

Noncommutation passengers have decreased 40 percent, and first-class passengers have dropped nearly 70 percent.

Rail investment in new equipment for intercity service has nearly ground to a halt, and the quality of service has deteriorated in a number of instances.

Today there are less than 500 intercity trains in scheduled service. Nearly a quarter of those trains still in service have applied for discontinuance with the ICC.

Mr. President, some might argue that other modes of transportation could easily take the place of the vanishing passenger train. I personally am not convinced about that.

We on the Senate Commerce Committee have recently passed major airport and airways legislation. The reason this legislation was needed was that our national air transportation system is in serious trouble. Everywhere in the Nation there is congestion in our airways. At every major airport in the Nation operations nearly exceed capacity. In a nutshell, air transportation has almost reached the ultimate saturation point.

Two weeks ago, Congress approved amendments to the Motor Vehicle and

Highway Safety Act of 1966. At that time, Mr. President, I reminded my colleagues of some of the problems that face automobile transportation.

We continue to have over 56,000 deaths on our highways each year.

We continue to have or 70,000 accidents a day.

We continue to cause an economic loss of over \$16 billion a year to the Nation because of motor vehicle accidents.

Naturally, Mr. President, the reasons behind these accidents can be attributed to careless drivers, unsafe vehicles, or unsafe highways. However, realistically, we must face up to the fact that the prime reason for traffic accidents is the congestion caused by the tremendous number of automobiles which are clogging our Nation's highways. Therefore, Mr. President, I am convinced that the facts simply do not support those who suggest that other modes of passenger transportation can take the place of intercity rail passenger transportation. Those other modes, Mr. President, are already faced with problems which will continue to grow during the 1970's.

Mr. President, in addition to the almost unbearable congestion affecting aviation and highway travel, we are also faced with problems of pollution. Hearings before our committee have documented the fact that the automobile presents the major source of pollution to our environment. Recent actions by the State of New Jersey and other States suggest aviation also adds materially to air pollution. In this context, Mr. President, it is interesting to note that the rail passenger train offers perhaps the best way to solve the pollution problem associated with the transportation of individuals throughout our country.

Several weeks ago Ralph Nader and a group of his associates testified before our committee in favor of radically reversing the decline in rail passenger service. They concisely summarize their reasons for their conclusions in the following manner:

Trains go right into the center of most cities.

Train propulsion systems pollute less than alternative modes.

Trains have a potential cost advantage at short to intermediate distances.

Trains are not subject to weather or congestion impediments.

Polls and recent train improvement experiments indicate tremendous demand for train travel.

Mr. President, with such inherent advantages to be offered from the rail passenger train, and in view of the problems affecting other modes of transportation, why is it that the intercity rail passenger train continues to vanish?

I am certain, Mr. President, that one could receive a variety of answers, all having a degree of credibility, to that particular question. However, I suspect that two factors are primarily responsible for the decline of intercity rail passenger service.

First of all, there has been a public attraction to the airplane and the automobile ever since the end of World War II. For example, Mr. President, in the last 5 years a number of enplanements of passengers for scheduled air carriers has

more than tripled. In the next 5 years that number will triple again making daily airplane enplanements exceed 1 million.

Second, Mr. President, the decline of the intercity rail passenger service has created a vicious cycle. In 1958, we in Congress were presented with the problem of railroads losing tremendous sums of money simply because they were forced to continue unprofitable passenger trains because it was necessary to obtain prior approval of discontinuance by State public utility commissions. It was at that time, Mr. President, that Congress enacted section 13a of the Interstate Commerce Act which in effect preempted the States from holding a life or death grip over the future of intercity rail passenger service.

While section 13a may have resulted in some short term benefits, it also helped contribute to the vicious cycle creating a decline in intercity rail passenger service. As passenger trains were discontinued, it became more and more difficult for people to get a passenger train from one place to another. In my own State of Vermont, for example, all rail passenger service was discontinued 4 years ago.

As vital links in our national rail passenger transportation system were broken fewer and fewer people were able to ride the trains. Consequently, railroads found themselves losing more and more money.

The argument over how much money railroads were losing because of unprofitable rail passenger service often depended on the particular accounting system which was being used. Railroads generally used a "fully allocated" formula whereby a certain percentage of the built-in costs of running a railroad were attributed to passenger service. Such costs would include a percentage of the cost for keeping up the track and right-of-way.

Mr. President, using the "fully allocated" formula railroads in 1968 lost \$485 million.

Many of us rightfully claimed that the "fully allocated" system of accounting was not really fair inasmuch as railroads had to keep up their tracks and right-of-way in order to maintain their freight service.

Therefore, Mr. President, 2 years ago we directed the ICC to conduct a study concerning losses accruing to the railroads caused from the operation of intercity rail passenger service. We also requested that the ICC develop a fair and reasonable formula for ascertaining such losses.

The ICC developed the so-called avoidable loss formula. Basically, the avoidable loss formula represents that sum of money which the railroad would actually save if it operated no passenger trains. It is an accurate means of determining the amount of money a railroad would not have to spend if it ceased passenger train service.

The ICC study which is printed in full in the committee report of S. 3706 involved the study of eight selected railroads constituting approximately 40 percent of all intercity rail passenger service. The avoidable loss for those railroads

studied was set at \$118 million a year. If that figure were projected to include all railroads one would find that railroads would have saved \$267 million during 1968 had they not operated intercity rail passenger service.

Mr. President, for an industry that averages but a 2.1-percent return on investment a loss of this magnitude is intolerable. Who actually pays for such losses? Indirectly, Mr. President, you and I as consumers end up paying for unprofitable intercity rail passenger service because in order to stay in business the railroads must charge freight rates which are high enough to permit the operation of their unprofitable passenger service.

All of us on the Senate Commerce Committee recognized that we could not afford to wait another year for solving the problems associated with intercity rail passenger service. Therefore, we conducted extensive hearings in order to determine first if there was a need for rail passenger service and second the best means for meeting that need, if in fact, it existed.

Mr. President, I have previously pointed out the reasons I personally feel there is a great need for effective and efficient intercity rail passenger service. All of my colleagues on the Senate Commerce Committee shared my conviction.

In considering the means for solving problems associated with intercity rail passenger service, we examined a number of possibilities. First, the Federal Government itself could nationalize intercity rail passenger service. We rejected that alternative because there was absolutely no reason to believe that the Government had any great expertise which would insure success. As a matter of fact, when we examined rail operations in those countries where the railroad is owned and operated by the Government, we found some of the same problems as we have in the United States.

Second, we considered the possibility of the Government taking over railroad right-of-way and maintaining and improving it. My distinguished colleague from Tennessee, Senator BAKER, in his individual views contained in the committee report, points out that ultimately we may have to take such a step. However, as the committee considered the costs involved in such a venture we determined that this time such drastic action was not warranted.

Third, Mr. President, we considered the possibility of using direct operating subsidies. Many of us felt that direct operating subsidies had many disadvantages. For example, direct operating subsidies discouraged rather than encouraged efficiency and they opened the Federal Treasury to a drain which would inevitably become greater and greater year by year.

Actually, Mr. President, S. 3706 as reported by committee did provide for direct operating subsidies and represented an overall cost of \$465 million to the Federal Government over a 4-year period.

I personally was convinced that there was a better solution to the problem than the bill originally reported by the committee. Within the committee I had fought for the adoption of a quasi-public corporation to take over intercity rail

passenger service on a nationwide basis. Let me briefly describe what led me to this solution.

As you know, Mr. President, in the past we have often found that the best way to solve certain problems was to create institutions which could be responsive to those problems. Several years ago we created Comsat to effectively carry out the challenge of communication via earth satellites. We also created the Corporation for Public Broadcasting. In 1967 as I was conducting an extensive study on the war on poverty, I seriously considered incentives which could be used for the creation of community corporations. Earlier this Congress I investigated the possibilities of establishing a corporation to handle air traffic control operations.

Now sometimes the creation of a quasi-public corporation does not create the best instrumentality for problem solving. However, earlier in our consideration of this problem I was convinced that a quasi-public corporation could best solve the problems associated with intercity rail passenger service. My conviction was based on the fact that we needed a truly national intercity rail passenger system. In addition we needed a company whose only business was rail passenger service. Finally, we needed to create a instrumentality which had the money necessary for rehabilitating rail passenger equipment.

There was considerable interest within the Commerce Committee for my proposal. The only drawback was that 3 months ago we did not have all of the facts necessary for all Members to take such an important step. During the last month we have obtained complete and detailed facts from the administration which point to the conclusion that the creation of a National Rail Passenger Corporation is highly desirable. Therefore, Mr. President, Senator MAGNUSON, Senator COTTON, Senator HARTKE, and I have proposed an amendment in the nature of a substitute to S. 3706 which would create a National Rail Passenger Corporation to assume the responsibility for operating intercity rail passenger service on a nationwide basis.

Our proposed substitute differs from S. 3706 in two principal respects. First, it provides for establishment of a corporation with a mixed board of directors—eight to be appointed by the President and seven elected by each of two classes of private stockholders—to operate intercity rail passenger service within a basic system to be designated by the Secretary of Transportation instead of subsidizing railroad operation of passenger service within the basic system. Second, Federal participation is limited to the following:

Forty million dollars contribution to initial capitalization of the corporation;
Sixty million dollars in guarantees of obligations of the corporation; and

Seventy-five million dollars in loans or guarantees of loans to railroads to enable them to participate in the corporation.

S. 3706 would have provided for \$435 million in Federal expenditures over 4 years—\$240 million in direct operating

subsidies to the railroads and \$195 million for the purchase and refurbishing of rail passenger service equipment.

Now, Mr. President, how would our substitute proposal work?

First, under title II of our amendment, the Secretary of Transportation would designate a basic national rail passenger system. He would submit a proposal to the ICC. The ICC would review this proposal and return it to him within 30 days with their comments and recommendations. The Secretary would then finalize the basic system and submit it to Congress. That action in and of itself would create our basic national rail passenger system.

I am told, Mr. President, that such a basic system would include approximately 80 percent of the intercity rail passenger trains now operating. The basic system would designate points between which intercity rail passenger service should be operated. It would include long distance trains as well as those in urban corridors.

Title III of our amendment, Mr. President, establishes a National Rail Passenger Corporation. The Corporation would have all the general powers of any corporation, but it would be limited to activities involving intercity rail passenger service. Such Corporation will be a "for profit" quasi public corporation. The board of directors shall have 15 members, eight of whom are selected by the President, three by the common stockholders—initially these will be railroads—and four by the preferred stockholders, persons other than railroads.

The Corporation will have broad powers to provide for the operation of passenger trains. Federal sanctions are provided in the event the corporation does not discharge its responsibilities.

Now, Mr. President, title IV of our amendment sets forth the mechanics by which railroads could buy into the Corporation and the Corporation would assume the responsibility for operating intercity rail passenger service on a nationwide basis. Specifically, on or before March 1, 1971, the Corporation would enter into contracts with those railroads who wanted to buy into the Corporation.

It is anticipated that all railroads now operating rail passenger service will want to join simply because by joining the Corporation they can be relieved of the responsibility for intercity rail passenger service thereby saving money. The amount that a railroad would have to pay to the Corporation in order to join is based on the amount they have been losing from the operation of passenger trains. Generally that amount would be the avoidable loss that the railroad incurred during calendar year 1969.

If all railroads join the Corporation, as I am sure they will, the Corporation would receive approximately \$220 million over a 3-year period.

Railroads could make that payment over a 3-year period and it could be either in cash, equipment, or credits for future service. The railroads would receive common stock within the Corporation if they join.

I might note at this point, Mr. President, that the common stockholders

could elect only three of the 15 directors of the Corporation.

This title also directs the corporation to initiate the operation of intercity rail passenger service on March 1, 1971, within the basic system established by the Secretary of Transportation if the railroad presently operating such service has joined the corporation.

In addition, Mr. President, any railroad that has not joined the Corporation must continue service within the basic system until at least January 1, 1975.

As I previously mentioned, in my home State of Vermont we have had no intercity rail passenger service since 1966. Therefore, I am particularly pleased with section 403 of this title, which encourages the Corporation to provide service in excess of that within the basic system. That new service can be service initiated by the Corporation, or if the Corporation does not initiate such new service, a State or region may force it to by offering to pay not less than 50 percent nor more than all losses associated with such service. This will enable many areas of the country now without intercity rail passenger service to get it restored. A similar guarantee for service which is wanted by regions or States is contained in section 404 relating to discontinuance of service procedures.

I might point out, Mr. President, that once a corporation began service within the basic system, it could not discontinue such service until after January 1, 1975. This provision insures that the future of intercity rail passenger service is given a fair test.

As a member of the Labor and Public Welfare Committee, I am keenly aware of the necessity of protecting employees who may be affected by legislative changes we in Congress generate. Therefore, I am pleased to note that section 405 of our amendment provides the most comprehensive protective labor arrangement of any legislation which has been considered by Congress to date.

Now, Mr. President, title V of our amendment establishes a financial investment advisory panel which shall be appointed by the President and shall include representatives of investment banking, commercial banking, rail transportation, and the Secretary of the Treasury.

That panel, Mr. President, shall report to Congress January 1, 1971, concerning the soundness of the financial arrangements we have made for the corporation.

Title VI of our amendment authorizes a direct appropriation of \$40 million to the corporation. Unlike any direct operating subsidy, this is a one-shot Federal payment. In addition, the Federal Government is authorized to guarantee up to \$60 million of loans to the Corporation.

Title VII provides that the Federal Government may guarantee to railroads that need cash in order to join the corporation loans totaling not more than \$75 million. Any such loans would have to be paid back by the railroads within 5 years.

Finally, title VIII provides miscellaneous provisions giving the ICC authority

over adequacy of service, giving GAO access to the Corporation's books, and creating a moratorium on pending train discontinuance cases between the date of enactment and assumption of service by the corporation.

Overall, Mr. President, I believe that our amendment, which has the full support of the administration, railroad management, railroad labor, and many other interested groups is the best possible bill for saving and improving intercity rail passenger service.

In conclusion, I would like to extend my deep appreciation to the distinguished chairman of the Subcommittee on Surface Transportation for his cooperation and assistance in working out certain refinements to a proposal which I had made, and during the committee hearings, which I have outlined in my individual views. He has been extremely helpful, and I appreciate it.

I would also like to express my appreciation to the staff members, Mr. A. Daniel O'Neal, Mr. Henri Rush, Jr., Mr. J. Paul Molloy, and others who have cooperated and have done such yeoman service in making this proposed legislation workable.

Mr. President, I ask unanimous consent that some questions and answers I have prepared concerning our amendment be printed in the RECORD at this point.

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

QUESTIONS AND ANSWERS CONCERNING NATIONAL INTER-CITY RAIL PASSENGER CORPORATION

A. NEED

Q. In the Committee Report on S. 3706, it is pointed out that there has been a very rapid decline in inter-city passenger service. For example, there were over 20,000 trains in 1929 and now there are fewer than 500 intercity passenger trains. Is the rail passenger train in fact obsolete?

A. Well, certainly there has been a decline in the number of passenger trains, but the rail passenger train is not obsolete. I think the Metroliner between Washington and New York clearly indicates that there is a need for fast and efficient inter-city rail passenger service. That particular train operates to near capacity and is competitive with even the air lines in providing transportation in the Northeast corridor.

Q. Now in 1958, we in Congress amended the Interstate Commerce Act to permit an easier process for passenger train discontinuances. Specifically, we added 13(a) to the Interstate Commerce Act which took discontinuance jurisdiction away from the states and gave it to the Interstate Commerce Commission. Since that has resulted in a number of discontinuances, including the discontinuance of all rail passenger service in your own State of Vermont, would you say that enactment of 13(a) was a mistake?

A. No, I believe enactment of 13(a) was absolutely necessary at that time. Intercity rail passenger service is a national problem and was correctly placed as a responsibility of the national government in 1958.

Q. Since railroads are common carriers and enjoy the privileges of being a regulated industry, shouldn't they bear the cost of providing rail passenger service even if it does lose money?

A. No, I think that would be a disastrous policy. For one thing, the losses for rail passenger service have become extremely

great. In calendar year 1969, fully allocated losses for the rail industry were over \$450 million because of rail passenger trains that lost money. Now even using the avoidable loss formula, developed by the I.C.C., railroads lost over \$200 million. The avoidable loss formula is one that simply says how much would a railroad save by taking off a particular train.

These losses are particularly important when one considers that the railroad industry has a return on investment of only 2.1%. Consequently, the losses mean that shippers who rely on railroads for freight service end up paying the cost. In many cases, even freight service begins to suffer because the losses for a particular railroad because of passenger service become so great.

Q. Well, since railroads are unable to bear the economic losses associated with passenger service, shouldn't the Federal Government give them direct operating subsidies?

A. Well that is one way to attempt to solve the problem. However, I personally feel that direct operating subsidies have several disadvantages. For one thing, they tend to create a dependency by those who receive them. If you or I are in a business and know that any money we lose will be made up by the government, we generally wouldn't care whether or not we lost money. To that extent, operating subsidies take away incentive to provide better service which will be profitable.

Of course another consideration is the fact that direct operating subsidies tend to grow by leaps and bounds. For example, the Mass Transit Authority in Boston, Mass., started out receiving a subsidy of less than \$1 million a year. That subsidy has now grown to nearly \$40 million a year.

Q. I think we can all agree that the Metroliner has been a success because it is in a densely populated area and ties together two major cities that are less than 300 miles apart. However, do you feel that there is any future for rail passenger service in rural areas?

A. Yes, I think a good example is my own State of Vermont. We now have a ski industry which brings over \$100 million a year into the State. The only way skiers can get to Vermont is by private automobile or bus. This past winter we had several big snowstorms which made excellent skiing possible but made it extremely difficult for skiers to get into the State. I suspect that weekend trains between major cities and the State of Vermont would be most profitable during the winter months. In addition, I suspect that there are many other areas in the country where trains run on a special basis could be profitable.

Q. What exactly is the immediate problem facing inter-city rail passenger service?

A. Simply stated, inter-city rail passenger service is on the verge of complete collapse. I think one of the warning signs was the recent action by the Penn Central requesting the discontinuance of thirty-four of its passenger trains. Railroads themselves simply do not have extra money to enable them to continue to suffer the losses they have in the past. Therefore, if we are to have any intercity rail passenger service, Congress must act during this session.

B. SOLUTION

Q. What do you believe is the solution to this problem?

A. Basically, I see a two-fold solution. First, we must designate a basic national intercity rail passenger network in order to give a priority to that service which must be preserved. Second, we must establish a COMSAT type corporation to take over the operation of inter-city rail passenger service on a nationwide basis.

Q. You characterize this corporation as a "COMSAT-type" corporation. Does that mean that the NATIONAL RAIL PASSEN-

GER CORPORATION would be faced with the same problems which are apparently now affecting COMSAT?

A. No. There are a number of important differences between the Corporation we are proposing and COMSAT. First, of all the majority of directors on the board of the proposed Rail Passenger Corporation would always be public members appointed by the President. COMSAT has a majority of directors elected by its stockholders and controlling communications companies.

Second, COMSAT's basic problem at this time is that it has over \$100 million capital with no place to invest it. A rail passenger corporation would certainly not have any problem in that respect.

Third, COMSAT in international dealings acts partly as a corporation and partly as a quasi-diplomatic representative of the United States. Consequently its dealings in foreign countries are more political in nature than strictly business. This creates a lack of certainty in the projections for the corporation.

Finally COMSAT was assumed by many to have a monopoly over domestic satellites and now that matter is somewhat uncertain. While the Rail Passenger Corporation would run all intercity rail passenger service for those railroads who joined, it would not un all modes of intercity passenger service. In other words its scope of operations would be more clearly defined than COMSAT's.

Q. Why must we designate a basic national system?

A. At the present time, there are passenger trains operating which just happen to be survivors for which discontinuance was not approved. However, these trains do not necessarily represent the most important intercity rail passenger service when viewed on a national basis with respect to achieving a balanced national transportation system. By designating a basic system, we will be giving top priority to certain inter-city passenger service which must be preserved in order to achieve a balanced national transportation system.

Q. How would you designate a national basic inter-city rail passenger system?

A. Specifically, we would have the Secretary of Transportation work closely with the Interstate Commerce Commission in order to designate the various points in the country between which inter-city rail passenger service should be operated.

Q. What would the basic system be?

A. First, it would designate cities between which rail passenger service should be operated. Second, it would indicate the type of minimum service to be provided between those cities.

Q. Would the designation by the Secretary of Transportation be reviewed?

A. The Secretary of Transportation would designate a basic system. The Interstate Commerce Commission would review his plan and make any comments it had for changing it. It would then be returned to the Secretary of Transportation who would give consideration to the I.C.C. comments and finalize his plan. Once finalized, the basic system would become law and would not be reviewed.

Q. Shouldn't Congress be given the opportunity to review any basic system?

A. Well, of course Congress at any time could by legislation change the basic system. However, I do not feel that the Secretary should submit his plan to Congress specifically for review. One of the problems we would have is that every Member would want to have inter-city rail passenger service which exists in his own State contained in the basic system. In short, I am convinced that affirmative review by Congress would result in unnecessary log rolling.

Q. Do you have any idea how many existing inter-city trains would be excluded from the basic system?

A. I am told by the Department of Transportation that about 20% of the existing inter-city passenger trains would not be included in the basic system.

Q. Would that mean that 20% of the inter-city rail passenger trains would be immediately discontinued whenever this law became effective?

A. Oh, no. Railroads operating service which was not in the basic system would still have to give 30 days notice under 13(a) in order to get discontinuance of such service approved.

Q. Now if this bill became law, would that mean that eventually only those trains in the designated system would be operating?

A. No, there is a provision for the operation of inter-city rail passenger service outside the basic system. That service could be provided at the option of the corporation or it could be requested by a State or regional authority which was willing to pay a reasonable portion of any avoidable loss incurred by the particular train.

Q. Could trains operating in the basic system be discontinued?

A. Trains in the basic system would have to operate until January 1, 1975. Now those trains would most likely be operated by the corporation. However, there is a possibility that some of those trains might be operated by a railroad which chose not to join the corporation. In either case, service would have to be provided until January 1, 1975.

Q. You mention railroads joining or not joining the corporation. How would a railroad join the corporation?

A. Any railroad operating inter-city rail passenger service between points in the basic system could join the corporation. To join the corporation, a railroad would have to buy common stock in the corporation. To buy common stock in the corporation, the railroad and the corporation would have to agree to a buy-in price. The buy-in price would be based on the 1969 avoidable losses incurred by the rail carrier for trains.

Q. How would the corporation be set up?

A. First, the law would require the President to nominate at least three incorporators with the advice and consent of the Senate. These incorporators would go through the process of setting up the corporation in accordance with the laws of the District of Columbia. The President would then appoint with the advice and consent of the Senate eight public directors. Railroads who had joined the corporation would elect three directors. The final four directors of the corporation would be elected by preferred stock holders after the corporation had sold stock to the public.

Q. How soon could the corporation be set up?

A. The first phase of setting up the corporation, namely the work which would be done by the incorporators, could be accomplished easily within three months. The corporation could be fully operational within six months.

Q. When do you envision the corporation taking over inter-city rail passenger service within the basic system?

A. The amendment which we have introduced sets March first, 1971, as the take-over date.

Q. Who would run the corporation?

A. There would be 15 directors. Eight would be appointed by the President with the advice and consent of the Senate. Three would be elected by the common stockholders, who initially would be railroads. Four would be elected by the preferred stock holders once the corporation had sold stock to the public.

Q. How much money would the corporation get and where would it get it from?

A. First, the corporation would get an initial grant of \$40 million from the Federal Government. In addition, the Federal Government would guarantee loans for the cor-

poration up to \$60 million. Second, rail carriers who bought into the corporation would overall contribute around \$200 million. Finally, the corporation would raise capital from the sale of preferred stock to the public. In addition, the corporation would have all powers of any corporation which would permit them to borrow money from lending institutions, sell debentures, etc. Once operating, the corporation would have a cash flow from the sale of tickets to rail passengers.

Q. Since many railroads are in dire financial straits, how could they afford to buy in to the corporation?

A. First, payments to the corporation would be determined by considering the inter-city rail passenger train losses from a joining railroad during 1969. The railroad could make its payment over a three year period and the payment could be made either in cash or equipment or in credits for future services to the corporation.

Second, title VII of our amendment, permits railroads which need money to cover the cash portion of their payment, to borrow the money from the Federal government. Such a loan would have to be repaid to the Federal government within five years.

It should be remembered that for each of the railroads which join the corporation, existing economic loss from the operation of intercity rail passenger service would be drastically reduced thereby improving the railroad's financial condition.

Q. Once the corporation took over, who would be running passenger trains?

A. Within the basic system, the corporation would be running passenger trains if a railroad had elected to join the corporation. If a railroad had not elected to join the corporation, the railroad itself would operate the passenger service. In practice, the corporation would have passenger cars sell tickets, market its products, set schedules, set fares, etc. and then contract with the railroad to have its train pulled on schedule over the tracks of the particular railroad.

If the corporation and the railroad could not agree on terms for the contract, operations would begin on the terms of the corporation and the I.C.C. would then arbitrate any differences if the railroad appealed to it.

Q. What protection against losses is afforded to public investors in the National Rail Passenger Corporation?

A. The bill provides that the stock to be issued to the public shall be preferred over the common stock issued to the railroads, by guaranteeing a minimum dividend of 6% before any dividends are paid on the common stock. Moreover, the voting preferred stock has a senior claim on liquidation, thus protecting investors from loss. At the same time, the preferred stock is convertible into common, thus insuring that the public stockholders will participate in the future growth of the company. In the parlance of investment analysts, the preferred stock is a "sweet" security, affording not only protection and income, but growth potential. As the brokers say, it has no "downside" risk, because of its preferences, and "upside" potential because of its convertibility.

Q. What is the likelihood for public investment in a National Corporation?

A. Of course, the vagaries of the market place preclude any accurate prediction about the short-range prospects. However, there is every reason to believe that over the long-range a good market exists for private participation in the ownership of The National Railroad Passenger Corporation. The preferred stock is safe; it has an attractive minimum dividend, and its convertibility makes it appealing. Moreover, an excellent market exists for the sale of the preferred stock to corporations, which can take advantage of the 85% dividend deduction provided in Section 243 of the Internal Revenue Code.

The Corporation will also have first-rate financial advisors to formulate a sound plan for marketing the preferred stock.

Investors will also be attracted to the sound management and operating structure of Railpax, inasmuch as the corporation will administer only passenger service trains over necessary routes on a sound financial basis. Management expertise is an important plus factor in investment analysis. Finally, government loan guarantees and seed-money appropriations will appeal to investors.

Q. Could the corporation initiate service outside the basic system?

A. Yes, at any time the corporation could decide to begin the operations of regular trains, special trains or extra trains in excess of the basic system.

Q. If the corporation did not institute service outside the basic system on its own, could it be made to do so?

A. Yes, any state or regional authority could make a request to the corporation to restore, continue or initiate rail passenger service. If the state or regional authority agreed to pay a reasonable portion of anticipated avoidable loss for such a train, the corporation would have to begin such service. Now a reasonable portion of avoidable loss would be not less than fifty percent nor more than the total avoidable loss and necessary capital expenditures. If the corporation and the state or regional authority were unable to agree on a specific price, the Secretary of Transportation would arbitrate and set a price.

Q. Since railroads presently lose money on most passenger service, what makes you think the corporation could succeed?

A. First, the corporation has a number of advantages over railroads. Its only business would be inter-city rail passenger service. Therefore, it would have to devote all its energies toward promoting the use of inter-city rail passenger trains. Second, the corporation would be running passenger trains on a nationwide basis and could market its products in a more efficient way. Such things as advertising, ticket reservations, and large contracts for food services, etc. would be possible. Under the present system, no single railroad has enough passenger trains to benefit from the advantages of largeness. Moreover, the corporation would have capital in order to buy new equipment and try innovative ideas which presently does not exist in the railroad industry.

Q. Would labor be protected by the formation of this corporation?

A. Yes. Our proposal contains protective labor provisions which are far more liberal than anything provided in existing law. Where trains were discontinued, the Secretary of Labor would make certain that job placement, retraining, severance pay, and many other benefits were provided for affected employees. In addition, our proposal specifically provides that the corporation must give preference to existing crews in carrying out its operations. Moreover, the proposal provides that for the repair and maintenance of cars, the corporation must contract with existing railroads who have such work shops if the failure to do so would result in the lay-off of a single employee.

Q. Now as I understand it, the corporation would have to rely on railroads to pull its trains over particular railroad track. What guarantee is there that a railroad might not simply refuse to let the corporation use its right of way?

A. Well first, since railroads are stockholders in the corporation, I think they would be most unlikely to make such a refusal. However, our proposal provides for that contingency by authorizing the immediate operation of such trains by the corporation even if the railroad is unable to agree to contract terms. The railroad would then be given the right to appeal to the I.C.C. which in turn would arbitrate and decide any disputed is-

sues. I want to emphasize that under no circumstances would the corporation be stymied because a railroad refused to let it use its right-of-way.

Q. What control would Congress have over the corporation?

A. It would have no direct control. However, the General Accounting Office is specifically given access to the corporation's records and at any time Congress could revoke the corporation's charter or modify its operation by law.

Q. Does Congress receive any reports regarding the corporation?

A. Yes, the corporation must make an annual report to Congress. In addition, the Secretary of Transportation and the I.C.C. must make reports to Congress concerning the overall national inter-city rail passenger service situation.

In addition, the financial investment advisory panel set up by Title V of our amendment would report to Congress on January 1, 1971 in order for us to get a prompt reading on the adequacy of financing for the Corporation.

Q. Just last week the ICC rejected requests for discontinuance of four passenger trains serving my state of Kansas. Can I be certain that under your amendment that those trains will continue to operate?

A. You can not be given an absolute assurance. However, the basic system to be set up by the Secretary of Transportation will include long distance intercity passenger trains. As I understand it his basic system will include about 80% of the presently existing intercity passenger trains.

Now some people have suggested limiting intercity passenger service to urban corridors. Our amendment does not. It contemplates a nationwide intercity passenger service.

Q. What if the basic system does not include those trains in Kansas?

A. Even if the particular trains you refer to in Kansas were not in the basic system they could be saved by the State or Region involved requesting that they be continued and offering to reimburse the Corporation at least 50% and not more than all of the losses incurred by the continued operation of the trains.

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

Mr. PROUTY. I yield.

Mr. ALLOTT. Mr. President, section 201 directs the Secretary of Transportation to designate a basic system, taking into account a number of factors relating to the public's need for intercity rail service. In itself this appears to be a sound approach, but I am concerned about its legal implications for existing passenger service that is not included in the basic system. If service on a route were not included in the basic system, would that mean that such service is not required by public convenience and necessity in a proceeding under section 13a of the Interstate Commerce Act?

Mr. PROUTY. No, it would not. The purpose of section 201 in requiring the specification of a basic network is to define and focus the corporation's responsibility. It is not intended to imply or indicate that service outside of the system may not still be required under the public convenience and necessity test of a section 13a proceeding.

Mr. ALLOTT. Mr. President, I appreciate the Senator's answer and his forthright statement as to the intended meaning of section 201. Nonetheless, and specifically in view of the possible legal questions that might otherwise be raised, I

would like to offer an amendment to be inserted at the end of section 201. The amendment is as follows:

On page 5 after line 3 insert:

"The exclusion of a particular route, train, or service from the Basic System shall not be deemed to create a presumption that the route, train, or service is not required by public convenience and necessity in any proceeding under Section 13a of the Interstate Commerce Act (49 U.S.C. 13a)."

Would the Senator be willing to accept this amendment? I address this also to the manager of the bill, the Senator from Indiana.

Mr. HARTKE. Mr. President, I can say to the distinguished Senator from Colorado that if the amendment removes any ambiguity as far as the Senator is concerned, I have no objection.

Mr. PROUTY. Mr. President, I have no objection to this amendment and its adoption might help avoid any ambiguity.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. Mr. President, would it be in order to dispose of my amendment at this time?

The PRESIDING OFFICER. It would be.

Mr. ALLOTT. Mr. President, I send to the desk the amendment on behalf of myself and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 5 after line 3 insert:

"The exclusion of a particular route, train, or service from the Basic System shall not be deemed to create a presumption that the route, train, or service is not required by public convenience and necessity in any proceeding under Section 13a of the Interstate Commerce Act (49 U.S.C. 13a)."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLOTT. Mr. President, I thank the manager of the bill, the Senator from Indiana, and I particularly thank the distinguished Senator from Vermont who is always extremely courteous in accommodating other Senators.

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

Mr. PROUTY. I yield.

Mr. COTTON. I want to express, in the most complimentary terms possible, my appreciation to the distinguished Senator from Vermont for the contribution he has made throughout the long and arduous process of consideration of this exceedingly difficult subject by the Commerce Committee. I also want to include within this expression the distinguished Senator from Indiana, who is chairman of the Subcommittee on Surface Transportation, for his leadership in this matter, and the chairman of the full committee, the Senator from Washington, who has given it his careful attention and contributed greatly to it, as have all the members of the committee.

It has been a long time, I think, since we have had a problem which is more perplexing than the matter of breathing life into the passenger service of this

country without embarking on a program of subsidies that would open up a bottomless pit into which to throw money and result in the accumulation of rolling stock which might be left on the Government's hands.

Various bills relating to rail passenger service were introduced and considered by the committee. Quite evidently, the administration was as perplexed by the problems as was the committee, because it was some time before the submitted suggestions. Those suggestions when they did come up followed the line that had already been advocated and placed before the committee long before by the distinguished Senator from Vermont.

Working with the Department of Transportation, representatives of the administration, his colleagues, and the chairman of the Surface Transportation Subcommittee on which he is the ranking minority member, the Senator from Vermont has contributed more than any member of the committee to producing this proposal which is both safeguarded and at the same time holds promise for working out successfully.

We do not know what sections of the country will be able to produce enough traffic to justify extended passenger service. That knowledge will come with time.

The very able analysis that has just been given to the Senate by the Senator from Vermont covers all these points, and I shall not take any time to reiterate them. However, I do want to say that the committee has given long and careful consideration to this whole problem. I believe the substitute offered by the Senator from Vermont, together with the Senator from Indiana, and which the committee overwhelmingly favors is the best, the most careful, and most hopeful solution to the rail passenger problem.

Again I want to say to the Senator from Vermont that he deserves the gratitude of every member of the Committee on Commerce and of the Senate for the very constructive and able leadership and service that he has rendered in dealing with this matter.

The main reason why I am speaking of him perhaps more fully than I am of the Senator from Indiana is that the Senator from Vermont served as the liaison between the administration's consideration of this measure and the committee's consideration of the measure. Both the administration and the committee eventually followed the original suggestions and arguments that were put forth by the Senator from Vermont. I take great pride in the fact that my neighbor, the distinguished Senator from Vermont, played such a leading role in this legislation.

Mr. PROUTY. I thank the Senator from New Hampshire.

Mr. GOODELL. Mr. President, this is very important legislation. I congratulate both the Senator from Indiana and the Senator from Vermont for their effective leadership in bringing this bill to the Senate floor. It is critically important for New York as well as other areas of the country.

I would like to ask one question of the

managers of the bill for a clarification which is of the utmost importance not only to my own State of New York but to other States

Under section 201 of the bill the Secretary of Transportation has the authority to set up a basic national rail passenger system. Section 102(e) defines "intercity rail passenger service" to exclude commuter and other short-haul service. What effect would this definition have upon an intercity passenger train that also provides commuter service?

I have in mind the situation in New York City, where, for example, rail traffic between New Haven, Conn., and New York City run by the Penn Central also provides commuter service.

My question is, Would such a train be eligible for inclusion within the basic system?

Mr. HARTKE. Let me say to my distinguished friend from New York that this legislation, as the Senator has indicated, refers to intercity transportation of passengers by rail. It does not include commuter service. Of relevance here is the fact that the Senate has approved a bill specifically allocating \$3 billion for commuter and other urban transportation.

In a situation of this kind, however, we cannot say that commuter service would or would not definitely benefit. There might be incidental benefits, but they would only be incidental. Basically, commuter service is excluded from the bill, and only to the extent that it would fall within the transportation system as designated for intercity transportation would it benefit, for example, where a particular service was both intercity and commuter.

Mr. GOODELL. In other words, if I understand correctly, the aid provided for service between New Haven and New York City, for example, would be covered, even though that route also covers commuter service.

Mr. HARTKE. That is basically correct, but this would be within the system designated by the Secretary of Transportation for an intercity transportation system. How are you going to tell whether a man is a commuter? He may commute all the way from Boston.

Mr. GOODELL. That is correct. Between New York, New Haven, and Boston, the lines are intercity and also provide commuter service for individuals coming into New York City and out again.

Mr. PROUTY. Mr. President, I think, in answer to the question of the Senator from New York, an intercity train which incidentally happens to pick up commuters nevertheless would be a part of the system. I do not think there is any doubt of that.

Mr. GOODELL. I thank the Senators for that very direct and unambiguous answer.

Mr. PELL. Mr. President, I have a substitute amendment that I should like to call up. However, I would hope that, in view of the fact that 14 other Senators and myself from the Committee on Foreign Relations are supposed to be at the White House, it could be taken up tomorrow morning.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, in view of the exigency which arises as a result of the meeting at the White House between the President and his advisers and the members of the Committee on Foreign Relations, I propound the following unanimous consent request:

I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 o'clock tomorrow morning.

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

RAIL PASSENGER SERVICE ACT OF 1970

The Senate continued with the consideration of the bill (S. 3706) to provide financial assistance for, and establishment of, a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. I further ask unanimous consent that, beginning at the conclusion of the prayer tomorrow, time on all amendments and amendments thereto, appeals, and motions, with the exception of a motion to lay on the table, be limited to 30 minutes on each amendment or motion, the time to be equally divided between the mover of the amendment and the manager of the bill, if he is opposed to the amendment; or, if he is not opposed to the amendment, the majority leader or whomever he may designate.

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

Mr. BYRD of West Virginia. I yield.

Mr. HOLLAND. Reserving the right to object—and I do not intend to object—would this preclude the adoption of an amendment which the Senator has heard discussed between the Senator from Indiana and myself today without its being objected to, without any time limitation? I understand there is no objection to it.

Mr. BYRD of West Virginia. As I understand it, it would not preclude such action.

Mr. METCALF. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. METCALF. I have an amendment. I am informed by the Parliamentarian that I shall have to put my amendment in as an amendment to the Pell amendment, in the event that it is agreed to.

In the event that the Pell amendment is not agreed to, I still have an amendment to the Mansfield-Magnuson bill. All I want is an opportunity to present my amendment in the half hour that the Senator suggested. That is more than enough to present my case. I want to be sure that I have an opportunity to put my amendment in, either to the amendment of the Senator from Rhode Island

or to the pending amendment in the nature of a substitute.

Mr. BYRD of West Virginia. The Senator from Montana would have that opportunity on tomorrow, I believe, under the unanimous-consent agreement, and would have 15 minutes, if he desired to take the allotted full time, in presenting his amendment.

The PRESIDING OFFICER. How much time does the Senator from West Virginia request on the bill itself?

Mr. BYRD of West Virginia. I was getting to that, Mr. President. On the bill, I suggest 10 minutes—5 minutes to the side—to be equally divided between the manager of the bill and the majority leader or his designee. I also ask that the unanimous-consent agreement take the usual form and that no amendment that is not germane shall be received.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on Wednesday, May 6, 1970, during the further consideration of the bill (S. 3706) to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to ½ hour, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided*, That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 10 minutes, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. BYRD of West Virginia. Then, Mr. President, it is understood that there will be no morning business tomorrow until after action on the pending bill has been taken.

The PRESIDING OFFICER. If that Senate were to meet after a recess, that would automatically be the case.

Mr. BYRD of West Virginia. Mr. President, there will be no rollcall votes today, and Senators may be on notice to that effect.

Mr. HOLLAND. Mr. President, if the Senator will permit me to ask one question, I think I understand the situation, but am I correct in understanding that the Senator from Indiana has now modified his substitute amendment so as to include it in the amendment agreed upon between himself and me?

Mr. HARTKE. That is exactly correct. The substitute was never submitted until after the close of my entire statement. At that time, it included the agreed-upon language between the Senator from Florida and the manager of the bill.

Mr. HOLLAND. I thank the Senator. That means we will not have to call up the amendment which I suggested.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. BYRD of West Virginia. Mr. President, if no Senator at this time wishes to speak on the pending measure—and I see no show of hands—I ask unanimous consent that the pending business be temporarily laid aside, and that the junior Senator from South Dakota be recognized on another matter.

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

PETITION OF MEMBERS OF THE LEAGUE OF WOMEN VOTERS ASKING THAT NEW MILITARY ACTIVITIES IN SOUTHEAST ASIA CEASE

Mr. McGOVERN. Mr. President, I ask unanimous consent to have printed in the RECORD a petition signed and circulated by individual members of the League of Women Voters—not as an association, but as private citizens acting as individuals—calling upon the Senate to face up to its responsibilities on a vote deciding whether the war in Southeast Asia should continue or be terminated.

The Senator from New York (Mr. GOODELL) and I had the privilege, earlier today, of addressing a group of these women on the steps of the U.S. Capitol, and at their request, I am asking that their petition, be printed in the RECORD.

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

PETITION

We urgently petition the President of the United States to cease the new military activities in South East Asia immediately, and we further urge the Congress to assert its constitutional responsibility to prevent the use of United States Armed Forces without its prior consent.

(Petition signed by approximately 900 members of the League of Women Voters.)

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be at this time a further period for the transaction of routine morning business, with statements therein limited to 3 minutes.

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

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll. Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE KENT STATE UNIVERSITY INCIDENT

Mr. MUSKIE. Mr. President, all of us are shocked by the senseless killing of four students at Kent State University.

It raises questions about our national sense of purpose—our regard for the dignity of man—our concern for the sanctity of life.

It raises questions about our responsibility as leaders to recognize and reflect the limits of restraint and support which we can expect from our people for public policy.

It is not enough to lament the ultimate consequences of dissent. It is not enough to plead for restraint.

All of us in public office must exercise restraint—from the President and the Vice President, to Members of Congress, to Governors and State legislators, to mayors, to National Guardsmen and police.

We cannot expect those who disagree with national policies to be restrained, if those in power do not set an example of self-control.

We cannot expect those who want change to work within our political system, if those who represent the system label all those seeking change as "traitors."

We cannot expect those who are disaffected to be nonviolent, if those charged with public safety rely on violence to keep order.

And those who want their rights respected and their views heard must respect the rights of others.

Nothing we do can restore the lives of the students slain at Kent State. But we can act, and act now, to prevent a similar occurrence.

First, we should carry out with dispatch the investigation by the Department of Justice and the Federal Bureau of Investigation to develop the facts and to determine whether any participants in the killing violated Federal law;

Second, we should initiate an immediate investigation by the Department of Defense to determine what rules of performance were being followed by the Ohio National Guard, whether those rules are inconsistent with Federal Armed Forces rules on performance of civil disorder duty, and—if they are inconsistent—to take the necessary steps to correct them;

Third, Federal and State officials should take steps to insure appropriate military and civil legal action against those who may have violated military codes or criminal statutes;

And, finally, we should take steps to review rules of performance for National

Guardsmen, State and local police, and Federal officials, and to revise them where necessary, to insure against a repetition of the Kent State incident.

All of these actions are consistent with a broader requirement that those in positions of leadership assume their responsibility to lead the American people to plateaus of unity and mutual understanding.

The bonds of trust and confidence and believability which must exist between our Government and our people have been strained to the breaking point in recent years. Events of recent days threaten to destroy them.

We ignore them at our peril.

Let us grieve yesterday's tragedy with the parents of the four students.

Let us respond to the tragedy by focusing meaningfully, sensibly, and prayerfully upon the danger which it portends for us all.

INTRODUCTION OF AN AMENDMENT TO LIMIT FARM SUBSIDY PAYMENTS

Mr. BAYH. Mr. President, in 1968 and again in 1969, the House of Representatives passed payment limitation amendments. On both occasions, the House voted for a \$20,000 ceiling on farm subsidies. Similar efforts in this body by the Senator from Delaware (Mr. WILLIAMS) and by the Senator from New York (Mr. GOODELL) last year, unfortunately, have been unsuccessful.

Despite these defeats, it is obvious that farm payment limitation amendments have found increasing support. This support is based on a growing public awareness—and sense of outrage—that hundreds of millions of dollars, I repeat, hundreds of millions of dollars are wasted annually on large subsidies to a handful of wealthy landowners.

These subsidies do not represent increases in net farm income alone. In the case of large payments to corporate farms, the benefits are capitalized into increased land values. As a result, land values have become terribly inflated, so inflated that in many instances these values bear no relationship to the ability of modern-sized farms to provide the tillers of the soil with an adequate return for their labor and investment.

During last year's Senate debate on the agricultural appropriations bill, Mr. President, opponents of a payment limitation argued that it was bad precedent to legislate on an appropriations bill. It may have been had precedent from a parliamentary standpoint, but limiting farm subsidy payments certainly is sound public policy.

To those of us who supported the Senator from New York (Mr. GOODELL) when he attempted to suspend the rules in order to offer a payment limitation amendment, opponents pointed out that the basic farm authorizing legislation would expire in 1970 and thus the Senate soon would have a more appropriate forum for fully debating this question. The parliamentary argument against suspending the rules prevailed, Mr. President, but I want to point out that the

vote against suspending the rules was not a vote against a payment limitation.

The time to begin the debate on a permanent payment limitation is now, Mr. President. I was pleased to see, therefore, that the distinguished Senator from Delaware (Mr. WILLIAMS) had inserted in the March 24 CONGRESSIONAL RECORD a partial list of those receiving exceptionally large payments in 1969. The Senator's list reveals that eight companies were paid more than \$1 million; 14 companies received between \$500,000 and \$1 million; and 54 companies received between \$250,000 and \$500,000.

Many of these companies, it is interesting to note, are banks and corporate farms.

Even more to the point, Mr. President, in 1968 a total of 25,386 producers received more than \$10,000 in Government payments. Last year the number of payees who received more than \$10,000 rose to 31,905. I ask unanimous consent to have printed in the RECORD two complete listings, by State and by commodity program, of the number of payees who received more than \$10,000 in 1968 and again in 1969.

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

PRODUCERS RECEIVING \$10,000 OR MORE FROM SPECIFIED PROGRAMS, 1968

State	3 programs	Cotton	Feed grain	Wheat
Alabama	744	723	21	
Arizona	846	802	38	6
Arkansas	1,576	1,571		5
California	1,670	1,564	31	75
Colorado	431		107	324
Delaware	4		4	
Florida	31	14	17	
Georgia	656	555	100	1
Idaho	310			310
Illinois	577	1	570	6
Indiana	371		369	2
Iowa	760		759	1
Kansas	837		222	615
Kentucky	49	6	4	1
Louisiana	687	682	4	1
Maryland	11		11	
Michigan	42		40	2
Minnesota	217		191	26
Mississippi	2,209	2,202	5	2
Missouri	588	231	352	5
Montana	799		3	796
Nebraska	587		509	78
Nevada	15	11		4
New Jersey	3		3	
New Mexico	521	224	221	76
New York	8		7	1
North Carolina	215	163	52	
North Dakota	334		4	330
Ohio	133		129	4
Oklahoma	381	144	18	219
Oregon	304		1	303
Pennsylvania	16		16	
South Carolina	539	519	20	
Tennessee	357	341	16	
Texas	7,315	5,342	1,411	562
Utah	39			39
Virginia	15	2	13	
Washington	967		3	964
Wisconsin	62		62	
Wyoming	19			19
South Dakota	141		57	84
U.S. total	25,386	15,097	5,428	4,861

PRODUCERS EARNING \$10,000 OR MORE FROM SPECIFIED PROGRAMS, 1969

State	Cotton	Feed grain	Wheat
Alabama	777	32	
Alaska			
Arizona	847	78	13
Arkansas	1,680		5
California	1,652	242	136
Colorado		200	457
Delaware		5	
Florida	13	34	
Georgia	709	194	5

State	Cotton	Feed grain	Wheat
Hawaii			
Idaho		5	442
Illinois	2	822	10
Indiana	1	485	4
Iowa		1,016	2
Kansas		343	773
Kentucky	11	74	2
Louisiana	786	4	1
Maine			
Maryland		25	
Michigan		52	1
Minnesota		499	50
Mississippi	2,459	12	3
Missouri	309	468	12
Montana		6	1,117
Nebraska		806	99
Nevada	13	4	4
New Jersey		6	1
New Mexico	320	274	196
New York		11	8
North Carolina		88	1
North Dakota	150	46	490
Ohio		166	7
Oklahoma	170	50	371
Oregon		6	326
Pennsylvania		16	2
South Carolina	619	36	
South Dakota		81	210
Tennessee	413	24	
Texas	6,077	2,044	824
Utah		1	54
Virginia		21	
Washington		11	1,143
Wisconsin		94	
Wyoming		1	28
Total	17,008	8,378	6,797

Mr. BAYH. Mr. President, even the Department of Agriculture has seen the handwriting on the wall when it comes to limiting payments—or so it seemed last year. During the debate on the fiscal 1970 agriculture appropriations bill Secretary Hardin, sensing the mood of the Congress and the country for a reordering of our spending priorities, admitted that it was "possible to design a sound farm program that limits the number of dollars that can be paid to any one farmer for programs following the 1970 crop year."

The Secretary's statement was indeed a welcome sign to many of us who believe that the President and the Congress need to do more than merely talk about reordering priorities. I believe that if we are ever going to reorder our priorities and begin to address ourselves in a meaningful way to the critical problems confronting us here at home, we must start by trimming the "fat" from the President's \$200 billion-plus budget.

Cutting nonessential wasteful spending is the most direct way to free funds for vitally needed human resource programs. These programs, always the victims of a budgetary squeeze—as in the recent case of the fiscal 1970 HEW appropriations bill—continue to be vastly underfunded. Actual spending on health, manpower development, housing, pollution control, and law enforcement programs last year, for example, was about \$5 billion below congressionally authorized levels. Yet the Department of Agriculture will spend approximately \$3.7 billion in fiscal 1970—and more next year and even more the following year if nothing is done—for price-support and subsidy payments.

According to the Department of Agriculture's own analysis, Mr. President, a full 35 percent of that \$3.7 billion, or about \$1.3 billion, is in no way related to production control needs but serve as income supplement payments. These payments supplement farm income only by

the amount of the payment and only for the recipients of those payments. Payments that actually work to control supply by diverting acreage, in contrast, result in a higher price level for all producers who market. It is disturbing to note, therefore, that the bulk of the income supplement payments go to a small number of large corporate interests that have invaded American agriculture in recent years.

In the cotton program, where large payments are common, the top 5 percent of the producers receive about 40 percent of all payments. In the wheat and feed grains programs, where the benefits are less concentrated, the largest 20 percent of the producers receive 62 and 57 percent of the benefits respectively.

These figures, Mr. President, very clearly reveal what many critics of unlimited payments have long suspected; namely, that some of our present programs are not particularly efficient means for distributing benefits to the family-sized farmers. It is simply folly to argue, as opponents of a payment limitation have in the past, that by cutting off payments at, say, \$10,000 we will be hurting the family farmer. I do not believe this doubletalk that says the way to help the small farmer is to pay out hundreds of millions of dollars to large farmers. The logic of this argument escapes me, Mr. President.

I was greatly disappointed, therefore, when I learned of Secretary Hardin's recent proposal to the House and Senate Agriculture Committees. The Secretary proposed a graduated payment limitation beginning at \$20,000 and continuing up as high as \$200,000. Under this formula, a farmer could receive as much as \$110,000 for each of the major commodities—wheat, feed grains, and cotton. It is estimated that the administration's proposal would produce a saving of only \$52 million annually.

In view of the House's action on two occasions of approving a flat \$20,000 limit on all payments and because of what I sense to be growing support in the Senate for an effective ceiling on these outrageous payments—aptly described by former Under Secretary of Agriculture John Schnitker as "welfare payments to the wealthy"—I find the Hardin formula totally inadequate.

Mr. President, I am today introducing with the Senator from New York (Mr. GOODELL) an amendment that would limit payments to \$10,000 under each of the commodity programs. A \$10,000 ceiling per commodity, in effect, would serve about the same purpose as a \$20,000 limitation per farm, but would be somewhat easier to administer and would not have the adverse consequences on supply adjustment as would the \$20,000 overall limitation.

Our amendment, Mr. President, would affect approximately 30,000 producers—about 1.3 percent of all those receiving payments—and result in a sizable budgetary saving of nearly \$340 million annually. That is more than six times the savings estimated for the administration's graduated limitation.

Mr. President, as a farmer myself, I think I am as acutely aware as anyone

of the need to develop an effective mechanism that would permit the millions of independent agricultural producers to balance supply against the demands of the marketplace. Theoretically, present commodity programs are designed to aid the farmer in achieving that precarious balance by offering direct payments as incentives to withhold acres from planting. Opponents of a payment limitation have argued that a ceiling on payments would destroy these voluntary adjustment programs by removing the incentive for large farmers to participate. In the absence of these payments, it has been said, the large efficient corporate farms would expand production and drive out the smaller farmers.

At first glance, Mr. President, that sounds plausible enough, but upon closer examination it fails to hold up. As I pointed out earlier, using the Department of Agriculture's own figures it appears that more than one-third of all payments are really income supplements—payments that merely supplement the incomes of already wealthy landowners—and are not required to achieve desired supply adjustment goals. In short, we are now paying out a great deal more than we need to in order to divert the required number of acres from production.

There is, in addition, the question of whether present commodity programs, in the absence of a payment limitation, are the most efficient means for reducing acreage. If taking acres out of production is our sole concern, I believe there is a less costly and more equitable way. That is to expand the Cropland Adjustment Act so that land can be retired on a long-term basis. A recent study of the relative cost effectiveness of the Cropland Adjustment Act and the feed grains program, for example, indicate that it costs about 28 percent less to retire land on a long-term basis than it does to divert the same number of acres on a year-to-year basis under the feed grain programs.

A per program payment limitation would affect the producers of cotton, wheat, and feed grains differently, depending upon the need to control supply, the proportion of payments which are merely income supplements, and the concentration of production on large farms.

COTTON PROGRAM

Under existing legislation the Secretary of Agriculture, through direct payments, must assure producers a minimum of 65 percent of parity for all cotton produced on their permitted acreage. In order to avoid subsidizing exports, the payment is made on cotton produced on the domestic allotment. In 1969, these payments totaled \$822 million—or about 76 percent of all cotton harvested. Does it make sense to pay out more than \$800 million to produce a crop worth slightly more than \$1 billion? I think not.

The national cotton allotment announced by Secretary Hardin for 1970 is approximately 17 million acres. The best estimates of planting intentions indicate that little more than 12 million acres will be harvested. Clearly, many cotton producers find it unprofitable to plant cotton. In fact, as former Under

Secretary of Agriculture John Schnitker has pointed out:

Large cotton payments . . . have been justified not to reduce output but to increase it. No one will argue that limiting payments will lead to a cotton surplus.

On the other hand, Department of Agriculture analyses indicate that adequate supplies of cotton would be produced even though payments were limited to \$10,000 per producer, provided marketing quotas were lifted. Mr. President, the amendment offered by the Senator from New York (Mr. GOODELL) and myself empowers the Secretary of Agriculture to permit cotton producers to overplant their outdated allotments based upon any reductions in their payment because of the \$10,000 limitation.

In its earlier years, the cotton program functioned as a production control mechanism, paying farmers to divert a part of their acreage. Today, in contrast, a large portion of cotton payments are income supplements.

WHEAT AND FEED GRAINS PROGRAMS

The number of producers and the amount of production in both programs that would be affected by a \$10,000 limitation is so negligible that the impact on acreage adjustments would be minimal. The number of wheat producers affected by the amendment, for example, would be 0.7 percent of all wheat producers with only 10 percent of the total wheat acreage. On the average, wheat producers whose payments were limited would have their payments and their acreable diversion requirements reduced about 40 percent. A 40-percent reduction in acreage diversion, however, would only affect wheat acreage diversion some 4 percent—an amount easily compensated for by other adjustments in the program.

In the feed grains program, about 0.5 percent of all producers with about 6 percent of the total acreage would be affected by a \$10,000 limitation. Feed grains producers so affected might have their payments and acreage diversion requirements reduced an average of 30 percent. A 30-percent reduction in acreage diversion on the large farms would only reduce overall feed grain diversion by 1.8 percent.

Mr. President, the Department of Agriculture itself has told us that in 1968 approximately \$508 million in cotton payments, \$148 million in feed grains payments, and \$302 million in wheat payments—a total of more than \$1 billion—were in the form of income supplements. That \$1 billion in welfare payments to the wealthy was about the same amount of money the Federal Government appropriated for both the model cities and low-rent housing programs. I believe we need to turn around this pattern of spending and set our priorities straight.

We need a sound agricultural program designed to strengthen the family farmer and provide adequate food and fiber for our Nation. One ingredient for such a program, Mr. President, is the limiting of large subsidy payments.

Mr. President, I send the amendment to the desk and ask that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received, and will be printed and will lie on the table as requested.

Mr. BAYH. Mr. President, on behalf of the distinguished Senator from New York (Mr. GOODELL) and myself, I ask unanimous consent that the following Senators be listed as cosponsors: Senator CASE, Senator HART, Senator HARTKE, Senator KENNEDY, Senator MCINTYRE, Senator PELL, Senator PROXMIRE, and Senator WILLIAMS of New Jersey.

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

Mr. BAYH. Mr. President, I would hope that this measure will be adopted when we consider permanent farm legislation.

Mr. GOODELL. Mr. President, I am pleased to coauthor with the Senator from Indiana (Mr. BAYH), an amendment to limit the amount of farm payments made to individual producers of cotton, wheat and feed grains to \$10,000 per crop.

Uppermost in all of our minds today is the inflation eating away at the pocketbooks of every American. It is difficult enough under present budgetary limitations—aggravated by excessive military spending—to provide sufficient funds for welfare reform, revenue sharing, and adequate health, urban rehabilitation, education and job training programs.

We have not yet eradicated the scourge of hunger and malnourishment for 10 million Americans in our country. Why then, it must be asked, should we perpetuate an outrageous farm subsidy program which assists no one but a small handful of wealthy producers and corporations?

Let us look closely at the facts about this program. In 1969, 2.5 million producers in the United States received a total of \$3,695,200,000 in subsidy payments for all programs. Less than 1 percent of these producers received subsidies over \$25,000, but these large payments totaled \$406 million—11 percent of the aggregate amount paid.

In testimony before the Senate Appropriations Committee on June 4, 1969, Secretary Hardin, on the basis of 1968 figures, estimated that 65 percent of the cotton payments, 49 percent of the wheat payments, and 11 percent of the feed grains payments were simply income supplements rather than payments for acreage diversion. In other words, a large part of the large payments are a net addition to producers' substantial incomes from farm products marketed rather than payment for leaving land out of production to balance supplies with market outlets available, as is commonly supposed.

A most distressing fact is that farm subsidy payments do not aid the hard-pressed small- and middle-size family farmer. Moreover, the list of "farmers" who receive large checks includes non-farm corporations, banks, several State prisons, and even State governments. In the cotton program, for example, in 1968, 62 percent of the program payments, totaling \$787 million, went to fewer than 35,000—7.6 percent—of the 449,000 producers and landlords who received cot-

ton program payments. These 35,000 large producers received checks of \$5,000 to \$3 million while the other 414,000 producers received checks averaging about \$700 each. Half the cotton producers received checks of less than \$700. Subsidies to cotton and wheat growers, fully half of which go to the very large farmers, now exceed 50 percent of the value of the crops they produce.

As presently constituted, our farm subsidy program is a national scandal. The number of individuals and corporations receiving payments constantly increases, as does the total amount of subsidies paid out for these programs. This is an outrageous waste of the taxpayer's money, and its continuation in a time of budgetary restraint cannot be tolerated.

In order to end this waste and inequity, Senator BAYH and I are offering an amendment which provides that the total amount of payments an individual producer is entitled to receive under each of the cotton, wheat, and feed grains programs shall not exceed \$10,000. It defines the term "payments" so as to include wheat marketing certificates, but does not include loans or purchases.

Department of Agriculture statistics reveal that 17,008 cotton producers, 8,378 fed grain producers, and 6,797 wheat producers received payments in 1969 in excess of \$10,000. These 32,183 producers received payments totaling \$660,034,000. Had our limitation been in effect and operated at 100 percent efficiency, their payments would have been reduced by approximately \$338 million.

Contrary to popular notion, a payment limitation at this level would affect only 3.8 percent of the cotton producers, 0.5 percent of the feed grain producers, and 0.7 percent of the wheat producers, yet would have resulted in this substantial saving.

In order to compensate for the payments limitation, paragraph (b) of the amendment also provides that producers whose payments shall be permitted by the Secretary of Agriculture to reduce their acreage diversion requirements, or increase plantings, by fair and reasonable amounts in relation to the reduction in payments. It would be expected, for example, that under this provision a producer whose payment was reduced by 25 percent would have his acreage diversion requirement reduced by 25 percent. Rather than write a formula into the law, however, discretionary authority is vested in the Secretary who can make this determination in light of market conditions at the time. This will make the limitation simpler to administer.

In its earlier years the cotton program functioned as a production control mechanism, paying farmers to divert a part of their acreage. However, as I pointed out, today's payments are largely supplements to market income and are programmed to assure the production of adequate supplies even though world cotton prices are relatively low. With this flexibility permitted the Secretary under our amendment, the desired acreage of cotton can be attained each year

with a \$10,000 limitation on individual payments, even though 50 percent of the production might be affected by the limitation.

The number of wheat and feed grain producers and the amount of feed grain and wheat production affected by a \$10,000 limitation is so negligible that the effects on desired acreage adjustments would be minimal.

The number of wheat producers affected by the amendment would be 0.7 percent of all wheat producers planting 13 percent of the total wheat acreage. On the average, wheat producers whose payments were limited would have their payments and their acreage diversion requirements reduced about 40 percent. But a 40-percent reduction in their acreage diversion would reduce total diversion only 5 percent—a small amount easily compensated for by other adjustments in the program.

About 0.5 percent of the feed grain producers with about 8 percent of the total feed grain acreage would have their payments reduced by a \$10,000 per program limitation. The payments and the acreage diversion requirements of these producers would be reduced 30 percent on the average. A 30-percent reduction in acreage diversion on the large feed grain farms result in a 2.4-percent reduction in total feed grain acreage diversion. This is easily within the range of variable response to other program provisions.

Paragraph (c) of the amendment directs the Secretary of Agriculture to issue the regulations necessary to prevent evasion of the \$10,000 limitation on the three crops.

Paragraph (d) prevents the sale or lease of cotton acreage allotments to evade the limitation. It specifically states that the Secretary shall not permit the sale, lease, or transfer of any part of the cotton acreage allotment for any farm if he determines that such action is intended primarily for the purpose of evading the foregoing payment limitation.

Finally, the amendment repeals the so-called cotton snapback provision in the present law. Under this provision, if payment limitations are imposed on cotton producers, the cotton price would still have to be supported at no less than 65 percent of parity. It has been estimated that the snapback provision could cost about \$165 million, thereby dissipating the savings received under the \$10,000 limitation.

Basic farm legislation expires this year, and we have before us an excellent opportunity to enact long-range changes in the farm program which would limit the large subsidy programs.

Secretary Hardin has now presented a "consensus farm bill" to the Senate and House Agriculture Committees which contains a graduated payments limitation. It is extremely regrettable, however, that the Secretary's proposal would allow payments up to \$110,000 to a single producer for each of the three crops of cotton, wheat, and feed grains—or as much as \$330,000 for all three programs. In my view, this is unsatisfactory. The estimated savings if the program were 100 percent effective, using 1968 data,

would be a mere \$53 million. Our amendment would have saved approximately \$250 million in 1968, and the estimated saving for 1969 under maximum efficiency would have been \$338 million. It should also be pointed out that the Secretary's proposal would only limit 9,000 producers, whereas ours would limit 25,000—compared to a total of 2.5 million farmers.

I wish to note that the minority members of the Joint Economic Committee, Representatives WILLIAM B. WIDNALL, W. F. BROCK III, BARBER B. CONABLE, JR., and CLARENCE J. BROWN, and Senators JACOB JAVITS, JACK MILLER, LEN B. JORDAN and CHARLES H. PERCY joined in a minority supplement to the 1970 Joint Economic Report, which included an endorsement of farm program payment limitations. After discussing several alternatives that have been proposed they concluded:

We do not take a position on any particular proposal, but we do believe some limitation approach should be adopted—one which will not, at the same time, defeat the very purpose of the programs—avoiding surplus production.

On two occasions, the House has passed a \$20,000 limit on the overall payment which a single producer could receive. While I have supported this proposal as a means of limiting these wasteful programs, it is my view—on the basis of expert testimony—that a limitation on payments per program would be much easier to administer than a limitation on all payments.

Secretary Hardin emphasized this point in his testimony on the administration's proposal before the Senate Committee on Agriculture and Forestry on March 23, 1970, when he said:

In order to make the limitation administratively feasible, the limitation would be applied crop by crop, rather than producer by producer. Some farmers produce several supported crops; if the limitation were applied to the farmer instead of to each of his respective crops we would have very great difficulty in knowing how the wheat program and how the cotton program should be administered on a particular farm while staying within the total limitation.

Mr. President, we have drafted this proposal as an amendment to the coalition farm bill, S. 3068, simply because it is one of the major farm bills pending before the Senate Agriculture Committee. We have indicated to the committee our interest in having this level of payments limitation included in the new farm legislation to be enacted this year. I am pleased to note that Senators CASE, HART, HARTKE, KENNEDY, McINTYRE, PELL, PROXMIRE, and WILLIAMS (New Jersey) have joined us as cosponsors in this effort at this time.

A meaningful limitation of large farm subsidies must be enacted this year. If we really mean to reorder our priorities, then we cannot allow this giveaway program to continue. If we really want to bring about constructive change in our system, then we must reform its blatant inequities, and I cannot think of a better place to start than with the elimination of programs to help privileged corporate giant farms.

Mr. President, when I offered a similar amendment to the Agriculture Appro-

priations Act last year, I placed in the RECORD a table provided by the Department of Agriculture which lists by State those producers who received \$10,000 or more from cotton, wheat, and feed grains. It has come to my attention that a similar table with statistics for 1969 which I again inserted in the RECORD on April 23, 1970, did not contain final Department tabulations which have now become available. I, therefore, ask unanimous consent to place the updated version of this table in the RECORD. I also ask unanimous consent that the text of this amendment be printed at the conclusion of my remarks.

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

U.S. DEPARTMENT OF AGRICULTURE, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE—NUMBER OF PRODUCERS EARNING \$10,000 OR MORE DURING 1969 IN THE FOLLOWING ASCS PROGRAMS

State	Cotton	Feed grain	Wheat
Alabama	777	32	
Alaska			
Arizona	847	78	13
Arkansas	1,680		5
California	1,652	242	136
Colorado		200	457
Delaware		5	
Florida	13	34	
Georgia	709	194	5
Hawaii			
Idaho		5	442
Illinois	2	822	10
Indiana	1	485	4
Iowa		1,016	2
Kansas		343	773
Kentucky	11	74	2
Louisiana	786	4	1
Maine			
Maryland		25	
Michigan		52	1
Minnesota		499	50
Mississippi	2,459	12	3
Missouri	309	468	12
Montana		6	1,117
Nebraska		806	99
Nevada	13		4
New Jersey		6	1
New Mexico	320	274	196
New York		11	8
North Carolina	150	88	1
North Dakota		46	490
Ohio		166	7
Oklahoma	170	50	371
Oregon		6	326
Pennsylvania		16	2
South Carolina	619	36	
South Dakota		81	210
Tennessee	413	24	
Texas	6,077	2,044	824
Utah		1	54
Virginia		21	
Washington		11	1,143
Wisconsin		94	
Wyoming		1	28
Total	17,008	8,378	6,797

The text of the amendment is as follows:

AMENDMENT No. 610

At the appropriate place in the bill insert a new section as follows:

"TITLE XI—PAYMENT LIMITATION

"SEC. 1101. (a) Notwithstanding any other provision of law, the total amount of payments which a person is entitled to receive under each of the following programs for any crop of the commodity, beginning with the 1971 crop, shall not exceed \$10,000: (1) the wheat program in effect under sections 339 and 379(c) of the Agricultural Adjustment Act of 1938, as amended; (2) the feed grain program in effect under section 16(f) of the Soil Conservation and Domestic Allotment Act, as amended, and section 105(c) of the Agricultural Act of 1949, as amended; and (3) the cotton program in effect under sections 101(f) and 103(d) of the Agricultural

Act of 1949, as amended. The term 'payments' as used in this subsection includes payments in cash or kind, and wheat marketing certificates but does not include loans or purchases.

"(b) If it is determined that the total amount of payments which will be earned by any person under the program for any crop of wheat, feed grains, or cotton will be reduced by this section, the acreage which may be devoted to the production of such crop on the farm or farms on which such person will be sharing in payments earned under such program shall be increased to such an extent and in such manner as the Secretary determines will be fair and reasonable in relation to the amount of the payment reduction.

"(c) The regulations issued to carry out the wheat, feed grain, and cotton programs shall contain such provisions as the Secretary determines necessary to prevent evasion of the foregoing limitation.

"(d) The Secretary shall not permit the sale, lease, or transfer of any part of the cotton acreage allotment for any farm if he determines that such action is intended primarily for the purpose of evading the foregoing payment limitation."

2. Section 402 is amended by inserting the subsection designation (a) before the first sentence and adding a new subsection (b) as follows:

"(b) Paragraph (12) of subsection 103(d) of the Agricultural Act of 1949, as amended, is deleted."

TRIBUTE TO AMERICAN PRISONERS OF WAR

Mr. THURMOND. Mr. President, I should like to take this opportunity to congratulate my good friend, the distinguished Senator from Kansas (Mr. DOLE), who now occupies the chair, on the fine job he did in organizing the tribute to Americans who are missing in action or prisoners of war in Southeast Asia.

I was privileged to attend the rally at Constitution Hall last Friday which was in support of these men and their families, and I was most pleased and gratified with the tremendous response it received.

Credit for the success of this rally is also shared by the bipartisan committee which Senator DOLE appointed to help coordinate the activities. They include Senators MANSFIELD, GOLDWATER, DOMINICK, STENNIS, MURPHY, and MUSKIE, and Representatives ROUDEBUSH, TEAGUE, MAY, DANIEL, McKNEALLY, and SIKES.

Mr. President, everybody connected with the rally at Constitution Hall worked hard to make it a success. Many hours of planning and preparation were devoted to this end. Scores of Congressmen, high Government officials, and notable citizens throughout the country participated, and thousands of concerned Americans were present.

Knowing this, Mr. President, I was amazed Saturday morning to find that the Washington Post did not consider the event newsworthy enough to run it on the front page. It did find space there for some dubious groups who decided that the President should be impeached; and it also gave generous publicity to the rioters at College Park. But the non-partisan, nonpolitical tribute at Constitution Hall was relegated to a blurb on page 6.

Mr. President, we all know that the Post is irredeemably liberal—not only in its editorial policy but also in its treatment of the news. We may as well resign ourselves to that fact. However, it does seem that even the liberal Post would have no objection to according reasonable publicity to a cause such as this. Maybe it is so unalterably opposed to the war in Vietnam that it cannot do anything to support or encourage our boys who are connected with the war in any way; or maybe it was put off by the fact that the rally was organized by a conservative from Kansas. Perhaps if a man with impeccable, liberal credentials had spearheaded the program, and there had been a mob of anarchists present, the Post would have done better.

Whatever the situation, Mr. President, I think it is a shame that the objects of a fine tribute last Friday at Constitution Hall were let down by the Washington Post. Again, however, let me say that it was a great success, and a great deal of the credit goes to the gentleman from Kansas, Senator BOB DOLE.

TRAGEDY AT KENT STATE UNIVERSITY

Mr. BYRD of West Virginia. Mr. President, I can understand why many students have misgivings about our action in Cambodia.

But there is no justification for riots, violence, destruction of property, and disruption of academic studies, such as took place at Kent State University.

Confrontations such as have occurred on campuses all over the country, in which police and National Guardsmen are attacked and overprovoked in a tension-filled atmosphere, can always lead to overreaction by the law-enforcement authorities.

I am appalled by what happened at Kent State, and I would hope that patience, calmness, and reason—on the part of students and everyone else—would prevail at this critical time. I believe that a majority of students are busily pursuing their studies and that those who have engaged in disruptive activities, rock throwing, and destruction of property constitute a minority. Outsiders may also be involved.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RAIL PASSENGER SERVICE ACT OF 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Calendar No. 769, S. 3706, again be laid before the Senate for consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. S. 3706, to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend sec. 13(a) of the Interstate Commerce Act, and for other purposes.

The Senate resumed consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, this will be the unfinished business when the Senate convenes tomorrow, immediately after the conclusion of the prayer.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending business now before the Senate?

The PRESIDING OFFICER. S. 3706, the Rail Passenger Service Act of 1970.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

PROGRAM OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, as a reminder to Senators, the Senate will convene at 11 o'clock a.m., tomorrow, following a recess. At the conclusion of the prayer—and, if the majority leader sees fit, the approval of the Journal—the unfinished business will be laid before the Senate. Time on each amendment, and amendments thereto, each appeal and motion, with the exception of a motion to lay on the table, will be limited to 30 minutes with the time equally divided. Time on the bill will be limited to 10 minutes, equally divided. There will be a rollcall vote on final passage, the yeas and nays having previously been ordered. There will be no period for the transaction of routine morning business until the unfinished business has been disposed of.

DEATH OF REPRESENTATIVE WILLIAM ST. ONGE, OF CONNECTICUT

Mr. DODD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Resolution 966.

The PRESIDING OFFICER (Mr. DOLE) laid before the Senate a resolution (H. Res. 966) which was read as follows:

Resolved, That the House has heard with profound sorrow of the death of the Honorable William L. St. Onge, a Representative from the State of Connecticut.

Resolved, That a committee of fifteen Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. DODD. Mr. President, I submit a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution offered by the Senator from Connecticut will be read.

The resolution (S. Res. 403) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. William L. St. Onge, late a Representative from the State of Connecticut.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now recess.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order and pursuant to Senate Resolution 403, as a further mark of respect to the memory of the deceased Representative from Connecticut, that the Senate stand in recess until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 9 minutes p.m.) the Senate took a recess until tomorrow, Wednesday, May 6, 1970, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate May 5, 1970:

FEDERAL MARITIME COMMISSION

Helen D. Bentley, of Maryland, to be a Federal Maritime Commissioner for the term expiring June 30, 1975; reappointment.

IN THE AIR FORCE

Maj. Gen. James T. Stewart, 486-14-3093FR, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President in the grade of lieutenant general under the provisions of section 8066, title 10 of the United States Code.

IN THE NAVY

Vice Adm. Edwin B. Hooper, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. John L. Chew, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Having designated Rear Adm. Eli T. Reich, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, I nominate him for ap-

pointment to the grade of vice admiral while so serving.

IN THE AIR FORCE

The following Air Force officers for appointment in the Regular Air Force, in the grade indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be captain:

Akridge, James A., xxx-xx-xxxx

To be first lieutenant

Ables, Charles D., xxx-xx-xxxx
 Abraham, Quentin D., xxx-xx-xxxx
 Adams, Harold Q., Jr., xxx-xx-xxxx
 Adams, Louis J., xxx-xx-xxxx
 Adamson, Daniel P., Jr., xxx-xx-xxxx
 Addison, John M., xxx-xx-xxxx
 Alau, Henry D. K., xxx-xx-xxxx
 Aldrian, Frederic L., xxx-xx-xxxx
 Alexander, Joseph R., xxx-xx-xxxx
 Alexander, Rudolph, xxx-xx-xxxx
 Alfred, Robert E. L., Jr., xxx-xx-xxxx
 Allemand, Kenneth J., xxx-xx-xxxx
 Allen, Paul B., xxx-xx-xxxx
 Allen, Roy M., xxx-xx-xxxx
 Alley, James B., xxx-xx-xxxx
 Allyn, George S., Jr., xxx-xx-xxxx
 Alverson, Don L., xxx-xx-xxxx
 Ames, Laurence W., xxx-xx-xxxx
 Amodeo, James M., xxx-xx-xxxx
 Anderson, Arlan J., xxx-xx-xxxx
 Anderson, David S. J., xxx-xx-xxxx
 Anderson, Gary L., xxx-xx-xxxx
 Anderson, Howard C., xxx-xx-xxxx
 Andre, Jerome P., xxx-xx-xxxx
 Angstadt, Howard J., Jr., xxx-xx-xxxx
 Armistead, John H., Jr., xxx-xx-xxxx
 Arndt, John B., xxx-xx-xxxx
 Arnholt, Terry J., xxx-xx-xxxx
 Arnold, Alfred F., xxx-xx-xxxx
 Arnold, Larry K., xxx-xx-xxxx
 Arrison, John R., xxx-xx-xxxx
 Arzaga, Eulalio, Jr., xxx-xx-xxxx
 Baasel, Richard W., xxx-xx-xxxx
 Babbitt, George T., Jr., xxx-xx-xxxx
 Bailey, William S., xxx-xx-xxxx
 Baird, Richard L., xxx-xx-xxxx
 Baker, Larry E., xxx-xx-xxxx
 Baker, Steven M., xxx-xx-xxxx
 Balzer, Eric H., xxx-xx-xxxx
 Banks, Thomas W., xxx-xx-xxxx
 Barclay, Lewis P., xxx-xx-xxxx
 Barcus, Robert G., xxx-xx-xxxx
 Bardal, Eugene A., xxx-xx-xxxx
 Barger, Edward L., xxx-xx-xxxx
 Barker, James N., Jr., xxx-xx-xxxx
 Barnes, Charles R., xxx-xx-xxxx
 Barr, Gene H., xxx-xx-xxxx
 Barrow, Robert W., xxx-xx-xxxx
 Barry, Edward G., xxx-xx-xxxx
 Barsaloux, Robert E., xxx-xx-xxxx
 Barton, Charles D., xxx-xx-xxxx
 Bass, Paul J., xxx-xx-xxxx
 Batt, William P., xxx-xx-xxxx
 Baugh, Eric R., xxx-xx-xxxx
 Beasley, John T., xxx-xx-xxxx
 Beaudrie, Kenneth C., xxx-xx-xxxx
 Beavers, William W., xxx-xx-xxxx
 Becherer, Paul O., xxx-xx-xxxx
 Becker, Lynn H., xxx-xx-xxxx
 Beeler, Larry L., xxx-xx-xxxx
 Beggs, Paul L., xxx-xx-xxxx
 Bell, Jack D., xxx-xx-xxxx
 Bennett, Carle E., xxx-xx-xxxx
 Bennett, Robert K., xxx-xx-xxxx
 Benson, David E., xxx-xx-xxxx
 Benson, John D., xxx-xx-xxxx
 Berentsen, Harold J., xxx-xx-xxxx
 Berger, Kenneth E., xxx-xx-xxxx
 Berge, David J., xxx-xx-xxxx
 Bernardi, Richard A., xxx-xx-xxxx
 Bernardy, Robert L., xxx-xx-xxxx
 Berrier, David L., Jr., xxx-xx-xxxx
 Berry, Robert W., xxx-xx-xxxx
 Betchel, Robert C., xxx-xx-xxxx
 Beu, Norman J., xxx-xx-xxxx
 Bever, Michael R., xxx-xx-xxxx
 Biehle, Arlen L., xxx-xx-xxxx
 Bifulchi, Charles L., xxx-xx-xxxx

Billones, Louis R. xxx-xx-xxxx
 Binzer, Kenneth J. xxx-xx-xxxx
 Bischoff, Kenneth D. xxx-xx-xxxx
 Bishop, Arland H. xxx-xx-xxxx
 Bishop, Donald W. xxx-xx-xxxx
 Bishop, Gary V. xxx-xx-xxxx
 Bitner, John B. xxx-xx-xxxx
 Bivens, George W. xxx-xx-xxxx
 Bjorn, Larry N. xxx-xx-xxxx
 Bjornestad, Maurice M. xxx-xx-xxxx
 Blachford, Wayne L. xxx-xx-xxxx
 Black, William S., Jr. xxx-xx-xxxx
 Blackhurst, David L. xxx-xx-xxxx
 Blielmel, Jeffrey, J. xxx-xx-xxxx
 Bloom, Leonard O. xxx-xx-xxxx
 Boggan, William J. xxx-xx-xxxx
 Bojack, Richard J. xxx-xx-xxxx
 Boles, James D. xxx-xx-xxxx
 Bolz, Larry F. xxx-xx-xxxx
 Bongartz, Theodore R. xxx-xx-xxxx
 Bonham, Frank A. xxx-xx-xxxx
 Bonk, Allan B. xxx-xx-xxxx
 Booth, James E. xxx-xx-xxxx
 Borkholder, Dale xxx-xx-xxxx
 Borries, Jerry L. xxx-xx-xxxx
 Bounds, Michael S. xxx-xx-xxxx
 Bourque, George M. xxx-xx-xxxx
 Bowen, James A., Jr. xxx-xx-xxxx
 Bower, Robert C. xxx-xx-xxxx
 Bowles, Joe A., III. xxx-xx-xxxx
 Boyce, Joseph B., Jr. xxx-xx-xxxx
 Boyde, Edward R. xxx-xx-xxxx
 Boyle, Richard P. xxx-xx-xxxx
 Bozeman, Jerald D. xxx-xx-xxxx
 Bragg, James J. xxx-xx-xxxx
 Brannan, Jack F., III. xxx-xx-xxxx
 Bream, Joseph R. xxx-xx-xxxx
 Brenneman, Richard C. xxx-xx-xxxx
 Bristol, Charles E. xxx-xx-xxxx
 Britton, Donald R. xxx-xx-xxxx
 Britton, Richard D. xxx-xx-xxxx
 Brooks, George W., Jr. xxx-xx-xxxx
 Brown, Allan D. xxx-xx-xxxx
 Brown, Edward F. xxx-xx-xxxx
 Brown, James F. xxx-xx-xxxx
 Brown, Marion L., Jr. xxx-xx-xxxx
 Brown, Raymond G. xxx-xx-xxxx
 Brown, Robert H. xxx-xx-xxxx
 Brown, Wayne G. xxx-xx-xxxx
 Brown, Wilbur N., Jr. xxx-xx-xxxx
 Brown, William J. xxx-xx-xxxx
 Bruckner, Robert A. xxx-xx-xxxx
 Brunson, Roy E. xxx-xx-xxxx
 Buchanan, Ross M. xxx-xx-xxxx
 Buhl, Theodor W. xxx-xx-xxxx
 Bullock, Joseph T. xxx-xx-xxxx
 Bunch, Dennis V. xxx-xx-xxxx
 Buntentbah, Jon M. xxx-xx-xxxx
 Bunts, Jeffrey M. xxx-xx-xxxx
 Burchfiel, Malcolm R. xxx-xx-xxxx
 Burchfield, Edward L. xxx-xx-xxxx
 Burke, Donald L. xxx-xx-xxxx
 Burke, Stuart A. xxx-xx-xxxx
 Burnett, Robert W. xxx-xx-xxxx
 Burns, Nicholas J. xxx-xx-xxxx
 Busboom, Richard J. xxx-xx-xxxx
 Busek, Joseph R., Jr. xxx-xx-xxxx
 Bussey, Robert M., Jr. xxx-xx-xxxx
 Butler, Norman D. xxx-xx-xxxx
 Bye, George E. xxx-xx-xxxx
 Cagle, Donald R. xxx-xx-xxxx
 Cahill, Richard W. xxx-xx-xxxx
 Calamos, John P. xxx-xx-xxxx
 Caldwell, Dennis H. xxx-xx-xxxx
 Calfee, James R. xxx-xx-xxxx
 Calver, Theodors R. xxx-xx-xxxx
 Canorro, Michael A. xxx-xx-xxxx
 Carroll, Robert G. H., III. xxx-xx-xxxx
 Carver, Luther W., Jr. xxx-xx-xxxx
 Cashman, Patrick J. xxx-xx-xxxx
 Cashman, Patrick J. xxx-xx-xxxx
 Castrucob, James F. xxx-xx-xxxx
 Caswell, James G. xxx-xx-xxxx
 Cathey, James L. xxx-xx-xxxx
 Caviness, Jesse C., Jr. xxx-xx-xxxx
 Ceffalo, George M. xxx-xx-xxxx
 Cejka, George J. xxx-xx-xxxx
 Cermele, Michael J. xxx-xx-xxxx
 Cerrato, Francis M. xxx-xx-xxxx
 Chambers, John F., Jr. xxx-xx-xxxx
 Chaplin, Wallace H., Jr. xxx-xx-xxxx

Chapman, Jerry D. xxx-xx-xxxx
 Chapman, John E. xxx-xx-xxxx
 Charlton, Hugh J. xxx-xx-xxxx
 Cherry, Charles E. xxx-xx-xxxx
 Chisholm, Harold W., Jr. xxx-xx-xxxx
 Choate, James W. xxx-xx-xxxx
 Ciz, George C. Jr. xxx-xx-xxxx
 Clair, William J. xxx-xx-xxxx
 Clark, Walter B. xxx-xx-xxxx
 Clark, William E., Jr. xxx-xx-xxxx
 Clarke, Sidney H. xxx-xx-xxxx
 Clawson, George D. xxx-xx-xxxx
 Coder, John K. xxx-xx-xxxx
 Colburn, Eugene J., III. xxx-xx-xxxx
 Cole, Peter A. xxx-xx-xxxx
 Cole Richard T. xxx-xx-xxxx
 Cole, Rondell L., Jr. xxx-xx-xxxx
 Collins, Edward L. xxx-xx-xxxx
 Collins, Gerald E. xxx-xx-xxxx
 Collins, James H. xxx-xx-xxxx
 Collins, Sumner R. xxx-xx-xxxx
 Condit, Douglas C. xxx-xx-xxxx
 Conklin, David A. xxx-xx-xxxx
 Conklin, Donald A. xxx-xx-xxxx
 Conner, Lorenza. xxx-xx-xxxx
 Conques, Duane L. xxx-xx-xxxx
 Contreras, Raymond I. xxx-xx-xxxx
 Cooke, John C. xxx-xx-xxxx
 Cookson, Gerard D. xxx-xx-xxxx
 Corbett, Elbert M. xxx-xx-xxxx
 Corbett, James D. xxx-xx-xxxx
 Corbin, Wayne W. xxx-xx-xxxx
 Corley, William D., Jr. xxx-xx-xxxx
 Corzine, Jack W. xxx-xx-xxxx
 Cosnowski, Walter J., Jr. xxx-xx-xxxx
 Cox, Jackie L. xxx-xx-xxxx
 Cox, John R. xxx-xx-xxxx
 Crane, Alfred C., Jr. xxx-xx-xxxx
 Cranston, Robert W. xxx-xx-xxxx
 Crawford, Daniel C., Jr. xxx-xx-xxxx
 Crawford, Paul E. xxx-xx-xxxx
 Crimmins, Francis T. xxx-xx-xxxx
 Cronk, James T. xxx-xx-xxxx
 Crosby, Paul S. xxx-xx-xxxx
 Cross, Allan J. xxx-xx-xxxx
 Cross, Jack P. xxx-xx-xxxx
 Crossman, Gregory J. xxx-xx-xxxx
 Crosson, Gerald J., Jr. xxx-xx-xxxx
 Cummings, James A. xxx-xx-xxxx
 Curlee, Loveta L. xxx-xx-xxxx
 Dabbs, Terry O. xxx-xx-xxxx
 Damiano, Michael R. xxx-xx-xxxx
 Dampman, William A. xxx-xx-xxxx
 Danner, Carl E. xxx-xx-xxxx
 Dannerbeck, Peter G. xxx-xx-xxxx
 Daschbach, Thomas M. xxx-xx-xxxx
 Davidson, Wayne T. xxx-xx-xxxx
 Davis, Curtis L. xxx-xx-xxxx
 Davis, Earl E., Jr. xxx-xx-xxxx
 Dayton, Douglas K. xxx-xx-xxxx
 Decker, Austin J., II. xxx-xx-xxxx
 Decker, Ronald C. xxx-xx-xxxx
 Delahoussaye, Jean P. xxx-xx-xxxx
 Delyser, Kenneth J., Jr. xxx-xx-xxxx
 Demeyer, Andrew F. xxx-xx-xxxx
 Demmon, John L. xxx-xx-xxxx
 Dempsey, Richard J. xxx-xx-xxxx
 Dent, Harvey L., Jr. xxx-xx-xxxx
 Denton, James C. xxx-xx-xxxx
 Dettwiler, Ronald H. xxx-xx-xxxx
 Dewese, Theodore R. xxx-xx-xxxx
 Dielman, Terry L. xxx-xx-xxxx
 Divingnzzo, Sam M. xxx-xx-xxxx
 Doetzer, William E. xxx-xx-xxxx
 Donohoe William F. xxx-xx-xxxx
 Donovan, Thomas P. xxx-xx-xxxx
 Dorner, Edward J., Jr. xxx-xx-xxxx
 Dostaler, Dion J. xxx-xx-xxxx
 Dotson, William P., Jr. xxx-xx-xxxx
 Doubrava, Laudie J. xxx-xx-xxxx
 Douglas, Kenneth W. xxx-xx-xxxx
 Drage, Charles J. xxx-xx-xxxx
 Drake, William C. xxx-xx-xxxx
 Dreher, Richard E. xxx-xx-xxxx
 Drolet, Normand E. xxx-xx-xxxx
 Drum, Louis M. xxx-xx-xxxx
 Dubis, William xxx-xx-xxxx
 Duers, James W. xxx-xx-xxxx
 Duff, Eugene B. xxx-xx-xxxx
 Dugan, Hugh xxx-xx-xxxx
 Duggan, David H. xxx-xx-xxxx

Dunn, Douglas M. xxx-xx-xxxx
 Dunn, Richard R. xxx-xx-xxxx
 Dwyer, John L. xxx-xx-xxxx
 Eagle, Henry III. xxx-xx-xxxx
 Earls, Allen R. xxx-xx-xxxx
 Eastman, Herbert C., Jr. xxx-xx-xxxx
 Ebbert, Ronald xxx-xx-xxxx
 Ebeling, Charles E., Jr. xxx-xx-xxxx
 Eckert, Raymond A. xxx-xx-xxxx
 Edgar, Robert J. xxx-xx-xxxx
 Edmiston, Ronald L. xxx-xx-xxxx
 Edwards, Michael R. xxx-xx-xxxx
 Edwards, William W. xxx-xx-xxxx
 Effinger, George W., III. xxx-xx-xxxx
 Ehrlich, Ralph I. xxx-xx-xxxx
 Elliott, William D. xxx-xx-xxxx
 Ellis, Ronald W. xxx-xx-xxxx
 Engles, Charles G. xxx-xx-xxxx
 English, James T. xxx-xx-xxxx
 Esther, James D. xxx-xx-xxxx
 Evans, Philip B. xxx-xx-xxxx
 Evans, Richard T. xxx-xx-xxxx
 Evans, Ronald G. xxx-xx-xxxx
 Evatt, Garvin T., Jr. xxx-xx-xxxx
 Ewing, Clyde W. xxx-xx-xxxx
 Fairbourn, Lee, R. xxx-xx-xxxx
 Fairchild, Gerald G. xxx-xx-xxxx
 Faith, Larry E. xxx-xx-xxxx
 Faletto, Richard J. xxx-xx-xxxx
 Fardin, Robert W. xxx-xx-xxxx
 Farley, Daniel P. xxx-xx-xxxx
 Farmer, Vivian J. xxx-xx-xxxx
 Farrell, William T. xxx-xx-xxxx
 Feddes, Robert G. xxx-xx-xxxx
 Feighny, James P., Jr. xxx-xx-xxxx
 Felts, Mary F. xxx-xx-xxxx
 Fennelly, Norman F. xxx-xx-xxxx
 Ferguson, James E. xxx-xx-xxxx
 Ferguson, John E. xxx-xx-xxxx
 Fernandez, Manuel, Jr. xxx-xx-xxxx
 Ferry, James D. G. xxx-xx-xxxx
 Fesmire, Thomas A. xxx-xx-xxxx
 Fichter, Kip R. xxx-xx-xxxx
 Fierro, Charles D. xxx-xx-xxxx
 Figel, Walter, Jr. xxx-xx-xxxx
 Fillare, Joseph P. xxx-xx-xxxx
 Fillion, Milton E., Jr. xxx-xx-xxxx
 Findley, Keith G. xxx-xx-xxxx
 Finses, James R. xxx-xx-xxxx
 Fletcher, John E. xxx-xx-xxxx
 Flournoy, Daniel B., Jr. xxx-xx-xxxx
 Floyd, Howard G., Jr. xxx-xx-xxxx
 Flynn, John D. xxx-xx-xxxx
 Ford, Rodney D. xxx-xx-xxxx
 Ford, Walter D. xxx-xx-xxxx
 Forshey, Jack R. xxx-xx-xxxx
 Foth, James R. xxx-xx-xxxx
 Fox, Frank M. xxx-xx-xxxx
 Fox, Paul M. xxx-xx-xxxx
 Fradella, Francis J. xxx-xx-xxxx
 Fraker, Paul J. xxx-xx-xxxx
 Framberger, James F. xxx-xx-xxxx
 Franc, Gary C. xxx-xx-xxxx
 Freeman, Forrest N., Jr. xxx-xx-xxxx
 Freeman, William B., Jr. xxx-xx-xxxx
 French, Stephen F. xxx-xx-xxxx
 Frerking, Stanley P. xxx-xx-xxxx
 Frey, Kenneth A. xxx-xx-xxxx
 Froeschner, Paul H. xxx-xx-xxxx
 Frutchey, Irvin W., Jr. xxx-xx-xxxx
 Fugate, Edward xxx-xx-xxxx
 Fulaytar, Gerald W. xxx-xx-xxxx
 Fuller, Othel R. xxx-xx-xxxx
 Gagnon, Donald J. xxx-xx-xxxx
 Gaines, Robert S. xxx-xx-xxxx
 Gallagher, Ingegerd H. xxx-xx-xxxx
 Gallagher, William S. xxx-xx-xxxx
 Gallardo, Edward xxx-xx-xxxx
 Galletta, Patrick M. xxx-xx-xxxx
 Gardner, Dennis L. xxx-xx-xxxx
 Garland, Hugh A. xxx-xx-xxxx
 Garneau, Robert A. xxx-xx-xxxx
 Garrison, Chester P. xxx-xx-xxxx
 Garrison, David W. xxx-xx-xxxx
 Garrity, Robert E. xxx-xx-xxxx
 Gastineau, Jerry E. xxx-xx-xxxx
 Gelb, George E. xxx-xx-xxxx
 Germann, Robert H. xxx-xx-xxxx
 Gerndt, Gerald L. xxx-xx-xxxx
 Gerry, Richard E. xxx-xx-xxxx
 Gibney, Jimmy C. xxx-xx-xxxx

Giglioli, Dominick R., xxx-xx-xxxx
 Gilbert, Boyd W., xxx-xx-xxxx
 Gilbreath, David M., xxx-xx-xxxx
 Giles, James T., Jr., xxx-xx-xxxx
 Gill, Luke J., xxx-xx-xxxx
 Gillespie, William U., III, xxx-xx-xxxx
 Giordano, Thomas J., xxx-xx-xxxx
 Gitto, Thomas, xxx-xx-xxxx
 Giusti, Peter C., xxx-xx-xxxx
 Gnuse, James R., xxx-xx-xxxx
 Gobelle, David R., xxx-xx-xxxx
 Gobien, Jurgen O., xxx-xx-xxxx
 Goddard, David M., xxx-xx-xxxx
 Goddard, William W., xxx-xx-xxxx
 Goodrich, Michael T., xxx-xx-xxxx
 Gordon, John T., xxx-xx-xxxx
 Gorr, Boehmer J., xxx-xx-xxxx
 Gossett, David E., xxx-xx-xxxx
 Gott, Fredrick L., xxx-xx-xxxx
 Gould, Douglas R., xxx-xx-xxxx
 Graham, John M., xxx-xx-xxxx
 Granrud, Garth P., xxx-xx-xxxx
 Gratton, John J., xxx-xx-xxxx
 Gray, Jack E., II, xxx-xx-xxxx
 Gregory, Richard E., Jr., xxx-xx-xxxx
 Griffin, John B., Jr., xxx-xx-xxxx
 Grindl, Anthony R., xxx-xx-xxxx
 Gross, Robert K., xxx-xx-xxxx
 Guillot, Fred A., xxx-xx-xxxx
 Guinn, Jerry R., xxx-xx-xxxx
 Gunderman, Ronald G., xxx-xx-xxxx
 Guran, Claude P., xxx-xx-xxxx
 Guwang, William C., Jr., xxx-xx-xxxx
 Haakenson, Terrence E., xxx-xx-xxxx
 Hackard, Charles N., xxx-xx-xxxx
 Haddad, Frederick F., Jr., xxx-xx-xxxx
 Haigh, James D., xxx-xx-xxxx
 Hall, Bruce B., xxx-xx-xxxx
 Hall, Eugene M., xxx-xx-xxxx
 Hall, James T., xxx-xx-xxxx
 Hall, Larry B., xxx-xx-xxxx
 Hall, Leonard E., xxx-xx-xxxx
 Hall, Ronald K., xxx-xx-xxxx
 Hallett, Jack P., Jr., xxx-xx-xxxx
 Halsey, Gregory A., xxx-xx-xxxx
 Halvorsen, Bruce D., xxx-xx-xxxx
 Hamilton, Charles D., xxx-xx-xxxx
 Hamilton, Linn E., xxx-xx-xxxx
 Hamm, James E., xxx-xx-xxxx
 Hammitt, Charles E., xxx-xx-xxxx
 Hammond, Lawrence E., xxx-xx-xxxx
 Hammons, Willard, xxx-xx-xxxx
 Hampton, Michael S., xxx-xx-xxxx
 Handy, Walter R., Jr., xxx-xx-xxxx
 Hanke, Thomas J., xxx-xx-xxxx
 Hannibal, Alexander R., xxx-xx-xxxx
 Hanson, John R., xxx-xx-xxxx
 Hardin, Jimmy O., xxx-xx-xxxx
 Hardy, John K., Jr., xxx-xx-xxxx
 Harms, Thomas E., xxx-xx-xxxx
 Harper, Robert B., III, xxx-xx-xxxx
 Harrington, Jeffrey M., xxx-xx-xxxx
 Harrington, William P., xxx-xx-xxxx
 Harris, Richard P., xxx-xx-xxxx
 Harris, Tyree W., xxx-xx-xxxx
 Harrison, John C., xxx-xx-xxxx
 Hart, Thomas E., xxx-xx-xxxx
 Hartman, John W., xxx-xx-xxxx
 Hartwick, Peter J., xxx-xx-xxxx
 Havener, William P., xxx-xx-xxxx
 Hazard, Christoph W., xxx-xx-xxxx
 Heath, Dale B., xxx-xx-xxxx
 Heffner, Charles W., xxx-xx-xxxx
 Hefty, Raymond S., xxx-xx-xxxx
 Heinze, Dieter H., xxx-xx-xxxx
 Heisler, Roger, xxx-xx-xxxx
 Heitz, John M., xxx-xx-xxxx
 Helsel, Ronald W., xxx-xx-xxxx
 Helt, Harold C., Jr., xxx-xx-xxxx
 Henderson, Thomas E., xxx-xx-xxxx
 Hendrickson, James L., xxx-xx-xxxx
 Henning, Jerry A., xxx-xx-xxxx
 Hensell, Ronald L., xxx-xx-xxxx
 Hensley, William S., xxx-xx-xxxx
 Hershfield, Norman A., xxx-xx-xxxx
 Hierro, Henry L., xxx-xx-xxxx
 Hill, Brian C., xxx-xx-xxxx
 Hill, James M., xxx-xx-xxxx
 Hill, Walter W., xxx-xx-xxxx
 Hillhouse, Jon S., xxx-xx-xxxx
 Hindman, Steven E., xxx-xx-xxxx
 Hintz, Peter B., xxx-xx-xxxx
 Hipps, Robert L., xxx-xx-xxxx
 Hiraoka, Lloyd T., xxx-xx-xxxx
 Hite, Jerry P., xxx-xx-xxxx
 Hitzler, William J., xxx-xx-xxxx
 Hnetyka, Martin J., xxx-xx-xxxx
 Hodge, Russell L., xxx-xx-xxxx
 Hodges, Charles G., III, xxx-xx-xxxx
 Hofson, Arthur T., xxx-xx-xxxx
 Hogwood, John C., xxx-xx-xxxx
 Hoisington, Bennett K., xxx-xx-xxxx
 Hoke, Eric O., xxx-xx-xxxx
 Holladay, Cecil A., xxx-xx-xxxx
 Hollis, Roger E., xxx-xx-xxxx
 Holmes, William T., Jr., xxx-xx-xxxx
 Hoover, Richard D., xxx-xx-xxxx
 Hoover, Thomas R., Jr., xxx-xx-xxxx
 Hopper, Harry J., Jr., xxx-xx-xxxx
 Horiuchi, Gerald T., xxx-xx-xxxx
 Hovastak, Michael W., xxx-xx-xxxx
 Howard, Dara L., xxx-xx-xxxx
 Howard, Robert E., xxx-xx-xxxx
 Howe, Frederick J., Jr., xxx-xx-xxxx
 Howell, Stephen D., xxx-xx-xxxx
 Hruskocy, Thomas C., xxx-xx-xxxx
 Hubbard, James W., xxx-xx-xxxx
 Huckaby, George L., Jr., xxx-xx-xxxx
 Hudson, Edwin J., Jr., xxx-xx-xxxx
 Hudyma, Michael G., xxx-xx-xxxx
 Huey, James S., xxx-xx-xxxx
 Huffman, Winston O., xxx-xx-xxxx
 Hull, George D., xxx-xx-xxxx
 Hulla, Gregory G., xxx-xx-xxxx
 Humbert, Steven B., xxx-xx-xxxx
 Hume, Jerome L., xxx-xx-xxxx
 Huneycutt, Charles J., Jr., xxx-xx-xxxx
 Hunsader, Thomas J., xxx-xx-xxxx
 Hupp, Eric M., xxx-xx-xxxx
 Hurd, Joseph E., xxx-xx-xxxx
 Hurley, James M., xxx-xx-xxxx
 Hussey, Gary L., xxx-xx-xxxx
 Hutchings, Michael W., xxx-xx-xxxx
 Hutter, Raymond R., xxx-xx-xxxx
 Ingalsbe, Gerald E., xxx-xx-xxxx
 Irion, Dennis L. M., xxx-xx-xxxx
 Irsch, Wayne C., xxx-xx-xxxx
 Jackson, Andrew R., Jr., xxx-xx-xxxx
 Jackson, Gary W., xxx-xx-xxxx
 Jacobs, Bernard S., xxx-xx-xxxx
 Jacobs, Edward M., xxx-xx-xxxx
 Jacobs, James W., Jr., xxx-xx-xxxx
 James, Norman E., xxx-xx-xxxx
 Jarvinen, Phillip L., xxx-xx-xxxx
 Jeffus, Robert E., xxx-xx-xxxx
 Jenkins, James B., xxx-xx-xxxx
 Jenks, Peter M., xxx-xx-xxxx
 Jennings, Neil H., xxx-xx-xxxx
 Jensen, Laurence A., xxx-xx-xxxx
 Jensen, Mark, xxx-xx-xxxx
 Johnsen, Arthur J., xxx-xx-xxxx
 Johnson, Harold R., xxx-xx-xxxx
 Johnson, Lionel P., xxx-xx-xxxx
 Johnson, Randall S., xxx-xx-xxxx
 Jones, Clarence E., Jr., xxx-xx-xxxx
 Jones, Dennis B., xxx-xx-xxxx
 Jones, Gary L., xxx-xx-xxxx
 Jones, James R., xxx-xx-xxxx
 Jones, Richard W., xxx-xx-xxxx
 Judge, Wallace A., xxx-xx-xxxx
 Kahn, Jay J., xxx-xx-xxxx
 Kalervo, Kaarlo A., xxx-xx-xxxx
 Keegan, John J., Jr., xxx-xx-xxxx
 Keezer, Daryl B., xxx-xx-xxxx
 Kelley, Jack L., xxx-xx-xxxx
 Kelling, John O., xxx-xx-xxxx
 Kelly, James W., xxx-xx-xxxx
 Kelly, Richard G., xxx-xx-xxxx
 Kennard, Richard D., xxx-xx-xxxx
 Kennedy, Francis E., Jr., xxx-xx-xxxx
 Kersis, Alexander J., Jr., xxx-xx-xxxx
 Ketterer, James A., xxx-xx-xxxx
 Kiechlin, Kevin P., xxx-xx-xxxx
 Kijek, Anthony F., xxx-xx-xxxx
 Kimbrell, Roy E., III, xxx-xx-xxxx
 Kinder, Jerome C., xxx-xx-xxxx
 King, Edward S., xxx-xx-xxxx
 King, Gerald W., Jr., xxx-xx-xxxx
 King, Ira E., xxx-xx-xxxx
 King, Wilburn, Jr., xxx-xx-xxxx
 Kirschbaum, Klaus R. K., xxx-xx-xxxx
 Kirwan, Maurice J., xxx-xx-xxxx
 Klingner, Robert S., xxx-xx-xxxx
 Knauf, Kenneth L., xxx-xx-xxxx
 Knutson, Gordon R., xxx-xx-xxxx
 Koch, Richard A., xxx-xx-xxxx
 Kolton, Adrian J., xxx-xx-xxxx
 Komets, Arik K., xxx-xx-xxxx
 Kondratowicz, Paul J., xxx-xx-xxxx
 Koontz, Gerard F., xxx-xx-xxxx
 Kopp, Robert A., xxx-xx-xxxx
 Korson, Lawrence J., xxx-xx-xxxx
 Kotzun, John J., xxx-xx-xxxx
 Kozma, Ronald F., xxx-xx-xxxx
 Kratt, Ronald A., xxx-xx-xxxx
 Krause, Daniel A., xxx-xx-xxxx
 Krog, Donald E., xxx-xx-xxxx
 Kruckeberg, Roger P., xxx-xx-xxxx
 Kuhnell, Charles R., xxx-xx-xxxx
 Kuiper, William H., xxx-xx-xxxx
 Kurtti, Donald E., xxx-xx-xxxx
 Lablanc, Ronald W., xxx-xx-xxxx
 Lacelle, Gareth F., xxx-xx-xxxx
 Lafoy, Joe C., Jr., xxx-xx-xxxx
 Laing, Donald J., xxx-xx-xxxx
 Lakin, Earle R., Jr., xxx-xx-xxxx
 Lambert, Richard L., xxx-xx-xxxx
 Lambert, Robert L., xxx-xx-xxxx
 Landolt, John F., Jr., xxx-xx-xxxx
 Landron, Thomas A., xxx-xx-xxxx
 Lands, Richard T., xxx-xx-xxxx
 Lane, John D., Jr., xxx-xx-xxxx
 Lang, Kenneth J., xxx-xx-xxxx
 Lange, Sammy D., xxx-xx-xxxx
 Lantz, Carl E., Jr., xxx-xx-xxxx
 Lappalainen, Hjalmer W., xxx-xx-xxxx
 Larkin, John A., xxx-xx-xxxx
 Larkin, Walter J., xxx-xx-xxxx
 Larsen, Bruce J., xxx-xx-xxxx
 Larsen, Richard H., xxx-xx-xxxx
 Lasho, Peter I., xxx-xx-xxxx
 Laster, William D., xxx-xx-xxxx
 Latch, John L., xxx-xx-xxxx
 Lathrop, Robert M., Jr., xxx-xx-xxxx
 Laverne, John L., xxx-xx-xxxx
 Lawrence, Gerald J. R., xxx-xx-xxxx
 Lawson, William H., xxx-xx-xxxx
 Leachman, Joe H., Jr., xxx-xx-xxxx
 Leahy, James T., xxx-xx-xxxx
 Leavenworth, William H., xxx-xx-xxxx
 Lebed, Joel P., xxx-xx-xxxx
 Lebert, Ronald M., xxx-xx-xxxx
 Leblanc, Gerald A., xxx-xx-xxxx
 Lee, John E., xxx-xx-xxxx
 Lee, John L., xxx-xx-xxxx
 Lees, Lawrence E., xxx-xx-xxxx
 Lembo, Nicholas P., xxx-xx-xxxx
 Lentz, James E., xxx-xx-xxxx
 Lepage, David A., xxx-xx-xxxx
 Lesavage, Frederick G., xxx-xx-xxxx
 Lessly, Roy R., xxx-xx-xxxx
 Lewis, Edward, III, xxx-xx-xxxx
 Lewis, John F., xxx-xx-xxxx
 Liebert, Edward W., xxx-xx-xxxx
 Lillard Mark H., III, xxx-xx-xxxx
 Lilly, Robert C., xxx-xx-xxxx
 Lindstrom, John A., xxx-xx-xxxx
 Linnemann, Hugh K., xxx-xx-xxxx
 Lippencott, Georg E., xxx-xx-xxxx
 Lisembee, William A., xxx-xx-xxxx
 Litherland, David D., xxx-xx-xxxx
 Little, Lawrence E., xxx-xx-xxxx
 Livingston, Robert D., xxx-xx-xxxx
 Lock, Eugene R., xxx-xx-xxxx
 Lockwood, James F., xxx-xx-xxxx
 Lodge, Charles H., xxx-xx-xxxx
 Loeb, Anthony M., xxx-xx-xxxx
 Long, Michael, xxx-xx-xxxx
 Loos, James R., xxx-xx-xxxx
 Lorch, Lance, xxx-xx-xxxx
 Lortz, Kendal N., xxx-xx-xxxx
 Lott, Stephen M., xxx-xx-xxxx
 Lowenthal, Philip V., xxx-xx-xxxx
 Lucas, Dennis M., xxx-xx-xxxx
 Lucas, Donald, xxx-xx-xxxx
 Lucas, James W., xxx-xx-xxxx

Luckinbill, Thomas A. xxx-xx-xxxx
 Luke, John H., Jr. xxx-xx-xxxx
 Lundy, John xxx-xx-xxxx
 Lunsford, George F., Jr. xxx-xx-xxxx
 Luplow, David H. xxx-xx-xxxx
 Luther, Charles R. xxx-xx-xxxx
 Lux, John H. xxx-xx-xxxx
 Lynch, Martin J. xxx-xx-xxxx
 Lynch, William B. xxx-xx-xxxx
 Lynn, Richard A. xxx-xx-xxxx
 Lyon, Lawrence M., Jr. xxx-xx-xxxx
 Macaluso, Donald L. xxx-xx-xxxx
 MacDonald, William J. xxx-xx-xxxx
 MacIboba, William G. xxx-xx-xxxx
 MacPherson, William R. xxx-xx-xxxx
 MacQuarrie, Ronald J. xxx-xx-xxxx
 Magoon, Wayne A. xxx-xx-xxxx
 Maland, Jon M. xxx-xx-xxxx
 Malchow, Stephen B. xxx-xx-xxxx
 Mallett, William F., Jr. xxx-xx-xxxx
 Malone, Keith D. xxx-xx-xxxx
 Mancarella, Owen xxx-xx-xxxx
 Marburger, Donald T. xxx-xx-xxxx
 Marcink, Roger L. xxx-xx-xxxx
 Mark, Daniel B. xxx-xx-xxxx
 Marsico, Leonard M. xxx-xx-xxxx
 Martin, Charles D. xxx-xx-xxxx
 Martin, Harold E., Jr. xxx-xx-xxxx
 Martin, Kevin P. xxx-xx-xxxx
 Maseda, Manuel R. xxx-xx-xxxx
 Masek, Richard T. xxx-xx-xxxx
 Masilko, Gary E. xxx-xx-xxxx
 Massie, Jerry N. xxx-xx-xxxx
 Matlock, John V. xxx-xx-xxxx
 Maxey, Eugene B. xxx-xx-xxxx
 Maxwell, Ernest R., Jr. xxx-xx-xxxx
 Mayo, Billy C. xxx-xx-xxxx
 Mayton, James E., Jr. xxx-xx-xxxx
 McClanahan, Harry R. xxx-xx-xxxx
 McCloskey, Michael J. xxx-xx-xxxx
 McCluskey, Ronald W. xxx-xx-xxxx
 McCollough, Austin E., III xxx-xx-xxxx
 McConnell, Thomas H. xxx-xx-xxxx
 McConnell, Victor I. xxx-xx-xxxx
 McCormick, George G., Jr. xxx-xx-xxxx
 McCormick, Richard M. xxx-xx-xxxx
 McCoy, Charles L. xxx-xx-xxxx
 McCoy, John D. xxx-xx-xxxx
 McCoy, Neil R. xxx-xx-xxxx
 McCrea, Van A. xxx-xx-xxxx
 McCubbin, Glenn D. xxx-xx-xxxx
 McCulley, George G., II xxx-xx-xxxx
 McDonnell, Rhett M. xxx-xx-xxxx
 McDouough, Larry G. xxx-xx-xxxx
 McElhaney, John R. xxx-xx-xxxx
 McGarvey, Anthony J., Jr. xxx-xx-xxxx
 McGraw, Robert G. xxx-xx-xxxx
 McKenzie, Terry M. xxx-xx-xxxx
 McLean, Terrence M. xxx-xx-xxxx
 McNamara, Wayne J. xxx-xx-xxxx
 McReynolds, Robert B. xxx-xx-xxxx
 Medlyn, Ralph W., Jr. xxx-xx-xxxx
 Meehan, Robert P. xxx-xx-xxxx
 Meiggs, Marvin G., Jr. xxx-xx-xxxx
 Melton, Olan K., Jr. xxx-xx-xxxx
 Merritt, Henry H. xxx-xx-xxxx
 Merwin, John T. xxx-xx-xxxx
 Meserole, David A. xxx-xx-xxxx
 Messenger, James D. xxx-xx-xxxx
 Messick, Kenneth E. xxx-xx-xxxx
 Metzger, John K. xxx-xx-xxxx
 Meyer, Andre B. xxx-xx-xxxx
 Michnal, Walter R. xxx-xx-xxxx
 Middagh, Jay W. xxx-xx-xxxx
 Milam, James R. xxx-xx-xxxx
 Milensky, Chester F. xxx-xx-xxxx
 Millich, Predrag xxx-xx-xxxx
 Miller, Christopher G. xxx-xx-xxxx
 Miller, James E. xxx-xx-xxxx
 Miller, Jerrold A. xxx-xx-xxxx
 Miller, John E. xxx-xx-xxxx
 Miller, Joseph N., Jr. xxx-xx-xxxx
 Miller, Larry R. xxx-xx-xxxx
 Miller, Robert C., Jr. xxx-xx-xxxx
 Miller, Ronald D. xxx-xx-xxxx
 Miller, Warren E. xxx-xx-xxxx
 Miller, William T. xxx-xx-xxxx
 Millsstead, Jay D. xxx-xx-xxxx
 Mims, Robert D., III xxx-xx-xxxx

Minardi, Franklin J. xxx-xx-xxxx
 Mitchell, McMorris xxx-xx-xxxx
 Mock, LeRoy, xxx-xx-xxxx
 Moeller, George H. xxx-xx-xxxx
 Molis, John E. xxx-xx-xxxx
 Monlux, Harold D. xxx-xx-xxxx
 Moody, Donald J. xxx-xx-xxxx
 Moomjian, Vasken M. xxx-xx-xxxx
 Moore, Evans W., Jr. xxx-xx-xxxx
 Moore, Kenney E. xxx-xx-xxxx
 Moore, Roland H. xxx-xx-xxxx
 Moore, Thomas W. xxx-xx-xxxx
 Morgan, Earl H., Jr. xxx-xx-xxxx
 Morris, Maynard B. xxx-xx-xxxx
 Morrison, Meredith A. xxx-xx-xxxx
 Morrison, Richard F. xxx-xx-xxxx
 Morton, Noble E. xxx-xx-xxxx
 Moser, Robert L., Jr. xxx-xx-xxxx
 Mostovoj, Vitali xxx-xx-xxxx
 Mott, David P. xxx-xx-xxxx
 Mott, Garry E. xxx-xx-xxxx
 Mullarkey, James D. xxx-xx-xxxx
 Murphy, Clarence, Jr. xxx-xx-xxxx
 Murphy, Jimmie N. xxx-xx-xxxx
 Murphy, Raymod H., Jr. xxx-xx-xxxx
 Murray, James T. xxx-xx-xxxx
 Myers, Glenn L. xxx-xx-xxxx
 Naehring, David L. xxx-xx-xxxx
 Najaka, Robert S. xxx-xx-xxxx
 Nall, George, Jr. xxx-xx-xxxx
 Nardino, Joseph A. xxx-xx-xxxx
 Nassick, Nick N., Jr. xxx-xx-xxxx
 Navarra, Arthur C. xxx-xx-xxxx
 Nebb, Peter J. xxx-xx-xxxx
 Neel, Richard O. xxx-xx-xxxx
 Neill, Robert M. xxx-xx-xxxx
 Nelson, Charles M. xxx-xx-xxxx
 Nelson, William H., II xxx-xx-xxxx
 Nepo, Meriem A. xxx-xx-xxxx
 Nestlerude, Howard E., III xxx-xx-xxxx
 Newell, Donald L. xxx-xx-xxxx
 Newton, Thomas J. xxx-xx-xxxx
 Niedzwiecki, Richard xxx-xx-xxxx
 Niemann, Edward R. xxx-xx-xxxx
 Nix, Paul W. xxx-xx-xxxx
 Nocito, Kenneth S. xxx-xx-xxxx
 Nolte, Laurence H., Jr. xxx-xx-xxxx
 Nordquist, Leo P. xxx-xx-xxxx
 Northington, James T. xxx-xx-xxxx
 Nyary, Norman B. xxx-xx-xxxx
 Nystrom, Ronald E. xxx-xx-xxxx
 Nystrom, Thomas L. xxx-xx-xxxx
 O'Connor, William F. xxx-xx-xxxx
 Odle, Wilbur P. xxx-xx-xxxx
 O'Donnell, Joseph G. xxx-xx-xxxx
 Odum, Paul R. xxx-xx-xxxx
 Olchvary, Paul S. xxx-xx-xxxx
 Olivier, Laurence C. xxx-xx-xxxx
 Olson, Bryce R. xxx-xx-xxxx
 O'Malley, Paul E. xxx-xx-xxxx
 O'Mara, David E. xxx-xx-xxxx
 O'Neal, Jerry, Jr. xxx-xx-xxxx
 O'Neal, Maston E. xxx-xx-xxxx
 O'Neill, Joseph H. xxx-xx-xxxx
 Oppel, Bernard F. xxx-xx-xxxx
 Orsolino, John xxx-xx-xxxx
 Osborn, Allan C. xxx-xx-xxxx
 Osborn, James R. xxx-xx-xxxx
 Osborne, Louis L., Jr. xxx-xx-xxxx
 Osborne, Vincent H. xxx-xx-xxxx
 Ott, Jerry K. xxx-xx-xxxx
 Paasch, Richard W. xxx-xx-xxxx
 Page, Anthony H. xxx-xx-xxxx
 Page, Audrey J. xxx-xx-xxxx
 Panza, Joseph A., Jr. xxx-xx-xxxx
 Papp, Francis R. xxx-xx-xxxx
 Parker, James R. xxx-xx-xxxx
 Parker, John M., Jr. xxx-xx-xxxx
 Parker, Luther, Jr. xxx-xx-xxxx
 Parrish, Richard L. xxx-xx-xxxx
 Paterson, Daniel G. xxx-xx-xxxx
 Patry, James, Jr. xxx-xx-xxxx
 Patterson, David E., II xxx-xx-xxxx
 Paul, Robert M. xxx-xx-xxxx
 Payne, Roger W. xxx-xx-xxxx
 Peacock, Steven S. xxx-xx-xxxx
 Pearce, Berthol S., Jr. xxx-xx-xxxx
 Pearce, Robert R. xxx-xx-xxxx
 Pence, Gary W. xxx-xx-xxxx

Pepper, David S. xxx-xx-xxxx
 Perez, Atiland V. xxx-xx-xxxx
 Pero, Kyle F. xxx-xx-xxxx
 Perry, James G. xxx-xx-xxxx
 Perry, Joseph H. xxx-xx-xxxx
 Persin, Kenneth F. xxx-xx-xxxx
 Peschier, John, Jr. xxx-xx-xxxx
 Petersen, Stephen V. xxx-xx-xxxx
 Peterson, William R., Jr. xxx-xx-xxxx
 Petrie, David S. xxx-xx-xxxx
 Phillips, James M. xxx-xx-xxxx
 Pilonetti, Dennis M. xxx-xx-xxxx
 Pine, William S. xxx-xx-xxxx
 Pinhack, Frances J., Jr. xxx-xx-xxxx
 Pinkerton, James, Jr. xxx-xx-xxxx
 Pitera, Richard xxx-xx-xxxx
 Plagman, Harold L. xxx-xx-xxxx
 Platt, James H. xxx-xx-xxxx
 Plummer, William W., Jr. xxx-xx-xxxx
 Podworny, William T. xxx-xx-xxxx
 Polek, Melvin F., Jr. xxx-xx-xxxx
 Poll, MacGregor E. xxx-xx-xxxx
 Post, Richard E. xxx-xx-xxxx
 Potter, Larry S. xxx-xx-xxxx
 Poulton, Marvin M. xxx-xx-xxxx
 Powell, William E. xxx-xx-xxxx
 Prahler, David C. xxx-xx-xxxx
 Pratt, John R., Jr. xxx-xx-xxxx
 Presley, Roger C. xxx-xx-xxxx
 Proctor, Richard D. xxx-xx-xxxx
 Provines, Robert W. xxx-xx-xxxx
 Puffer, Joseph M., Jr. xxx-xx-xxxx
 Pulis, Derrell R. xxx-xx-xxxx
 Purcell, David E. xxx-xx-xxxx
 Radican, Ronald R. xxx-xx-xxxx
 Radloff, Robert W. xxx-xx-xxxx
 Radochia, Robert T. xxx-xx-xxxx
 Rajczl, Louis J. xxx-xx-xxxx
 Ralston, Lynn B. xxx-xx-xxxx
 Ramming, Frank F. xxx-xx-xxxx
 Rand, James E. xxx-xx-xxxx
 Rankin, Thomas S. xxx-xx-xxxx
 Rapalski, Jan P. xxx-xx-xxxx
 Rasch, Anthony A. xxx-xx-xxxx
 Rasmussen, Robert B. xxx-xx-xxxx
 Ratcliffe, Stephen J. xxx-xx-xxxx
 Ratledge, John R. xxx-xx-xxxx
 Ratliff, James G., Jr. xxx-xx-xxxx
 Ray, Lawrence L. xxx-xx-xxxx
 Raygor, Senator C. xxx-xx-xxxx
 Reagin, Robert E. xxx-xx-xxxx
 Reavey, Michael F. xxx-xx-xxxx
 Rech, Joseph A. xxx-xx-xxxx
 Reed, Charles K. xxx-xx-xxxx
 Regal, Thomas E., Jr. xxx-xx-xxxx
 Reid, Larry D. xxx-xx-xxxx
 Reilly, James E. xxx-xx-xxxx
 Reilly, James P. xxx-xx-xxxx
 Reinhold, Jerome J. xxx-xx-xxxx
 Reiss, Anthony W. xxx-xx-xxxx
 Renzelman, Ronald L. xxx-xx-xxxx
 Reser, Thomas G. xxx-xx-xxxx
 Reynolds, Duane B. xxx-xx-xxxx
 Reynolds, Thomas S. xxx-xx-xxxx
 Rice, Donald F. xxx-xx-xxxx
 Richardson, Burke D. xxx-xx-xxxx
 Richardson, Ralph H. xxx-xx-xxxx
 Richmond, George M., II xxx-xx-xxxx
 Rideout, Donald L. xxx-xx-xxxx
 Ridnouer, Dennis M. xxx-xx-xxxx
 Riehl, Paul A. xxx-xx-xxxx
 Riley, Michael J. xxx-xx-xxxx
 Rinkel, Richard L. xxx-xx-xxxx
 Rissmiller, Thomas J. xxx-xx-xxxx
 Robb, Gerald A. xxx-xx-xxxx
 Robbins, David L. xxx-xx-xxxx
 Roberson, Paul R. xxx-xx-xxxx
 Rockensies, John A. xxx-xx-xxxx
 Rodenborn, James D. xxx-xx-xxxx
 Rogers, Charles W. xxx-xx-xxxx
 Rogers, Joe D. xxx-xx-xxxx
 Rogers, Peter B. xxx-xx-xxxx
 Rogers, William F. xxx-xx-xxxx
 Rogowski, Kenneth G. xxx-xx-xxxx
 Rohrer, Stephen K. xxx-xx-xxxx
 Rose, John D. xxx-xx-xxxx
 Rosenbach, Robert P. xxx-xx-xxxx
 Ross, John W. xxx-xx-xxxx

Round, Clyde A., xxx-xx-xxxx
 Routhier, Paul D., xxx-xx-xxxx
 Rubin, John G., xxx-xx-xxxx
 Ruby, Douglas F. H., xxx-xx-xxxx
 Rusak, Alexander, xxx-xx-xxxx
 Rush, William D., xxx-xx-xxxx
 Rush, William E., xxx-xx-xxxx
 Russell, Charles A., xxx-xx-xxxx
 Russell, Frederick E., xxx-xx-xxxx
 Russell, Ronald R., xxx-xx-xxxx
 Russo, Christopher F., xxx-xx-xxxx
 Rust, Malcolm M., xxx-xx-xxxx
 Rutyna, Aldis P., xxx-xx-xxxx
 Ryckley, Charles J., xxx-xx-xxxx
 Sabo, William J., xxx-xx-xxxx
 Sallee, Sherman K., xxx-xx-xxxx
 Salmon, Roy F., xxx-xx-xxxx
 Samuels, Lyle A., xxx-xx-xxxx
 Santoki, Paul H., xxx-xx-xxxx
 Sarkissian, John M., xxx-xx-xxxx
 Saul, Warren J., xxx-xx-xxxx
 Scalzo, Angelo, xxx-xx-xxxx
 Scanlon, Joseph J., Jr., xxx-xx-xxxx
 Scarborough, Otis F., Jr., xxx-xx-xxxx
 Schafer, John D., xxx-xx-xxxx
 Schantz, Bruce M., xxx-xx-xxxx
 Scharzt, Michael B., xxx-xx-xxxx
 Schaus, Roger H., xxx-xx-xxxx
 Schellhammer, Ric J., xxx-xx-xxxx
 Schill, Peter L., xxx-xx-xxxx
 Schlachter, David C., xxx-xx-xxxx
 Schleede, Ronald L., xxx-xx-xxxx
 Schlegel, Philip H., III, xxx-xx-xxxx
 Schleher, Jeffrey S., xxx-xx-xxxx
 Schneider, Joe G., xxx-xx-xxxx
 Schneider, Lloyd F., xxx-xx-xxxx
 Schoenhals, Larry M., xxx-xx-xxxx
 Schor, Frederick D., xxx-xx-xxxx
 Schreiber, Donald R., xxx-xx-xxxx
 Scott, James D., xxx-xx-xxxx
 Scott, Norman A., xxx-xx-xxxx
 Scott, Rolland A., xxx-xx-xxxx
 Sekimoto, Stanley S., xxx-xx-xxxx
 Sellers, William B., Jr., xxx-xx-xxxx
 Selzer, John M., Jr., xxx-xx-xxxx
 Seniawski, Charle D., xxx-xx-xxxx
 Setera, Richard A., xxx-xx-xxxx
 Sewell, Gary W., xxx-xx-xxxx
 Seymour, Gary L., xxx-xx-xxxx
 Shapiro, Michael N., xxx-xx-xxxx
 Shatto, Dwight A., xxx-xx-xxxx
 Shaughnessy, John E., Jr., xxx-xx-xxxx
 Shean, Robert P., xxx-xx-xxxx
 Shehi, Phillip C., xxx-xx-xxxx
 Shell, William R., xxx-xx-xxxx
 Sheridan, James V., Jr., xxx-xx-xxxx
 Sherman, Robert S., xxx-xx-xxxx
 Sherman, Todd H., xxx-xx-xxxx
 Shidal, Jerry G., xxx-xx-xxxx
 Shimek, John J., xxx-xx-xxxx
 Shoun, John W., xxx-xx-xxxx
 Siau, Robert M., xxx-xx-xxxx
 Siedlarz, John E., xxx-xx-xxxx
 Siefert, Mark C., xxx-xx-xxxx
 Sikes, Robert W., xxx-xx-xxxx
 Simpson, Richard T., xxx-xx-xxxx
 Simpson, Terry A., xxx-xx-xxxx
 Singleton, Stephen N., xxx-xx-xxxx
 Singleton, William P., xxx-xx-xxxx
 Sipp, Robert L., xxx-xx-xxxx
 Sisk, Donald E., xxx-xx-xxxx
 Small, Dennis E., xxx-xx-xxxx
 Smiley, David N., xxx-xx-xxxx
 Smith, Carl J., xxx-xx-xxxx
 Smith, Claude D., Jr., xxx-xx-xxxx
 Smith, Douglas D. C., xxx-xx-xxxx
 Smith, Elton L., xxx-xx-xxxx
 Smith, James W., xxx-xx-xxxx
 Smith, Lawrence E., xxx-xx-xxxx
 Smith, Leslie L., xxx-xx-xxxx
 Smith, Lewis P., II, xxx-xx-xxxx
 Smith, Richard W., xxx-xx-xxxx
 Smith, Robert E., xxx-xx-xxxx
 Smith, Ross L., xxx-xx-xxxx
 Smith, Stephen A., xxx-xx-xxxx
 Smith, Steve R., xxx-xx-xxxx
 Snedker, Harold C., xxx-xx-xxxx
 Snyder, Harry W., xxx-xx-xxxx
 Sonoda, Howard K., xxx-xx-xxxx

Souza, Manuel A., Jr., xxx-xx-xxxx
 Sox, Sam P., Jr., xxx-xx-xxxx
 Spalt, Allen E., xxx-xx-xxxx
 Spear, Richard W., xxx-xx-xxxx
 Spehar, Michael A., xxx-xx-xxxx
 Spence, Gary W., xxx-xx-xxxx
 Spencer, Clayton W., xxx-xx-xxxx
 Spencer, David T., xxx-xx-xxxx
 Spetch, Edward T., Jr., xxx-xx-xxxx
 Spitzmesser, Richard L., xxx-xx-xxxx
 Spory, Robert E., xxx-xx-xxxx
 Sprunk, Charles, xxx-xx-xxxx
 Stahl, Johnny M., xxx-xx-xxxx
 Stallins, Floyd H., xxx-xx-xxxx
 Stanfield, Charles R., xxx-xx-xxxx
 Stark, Robert R., xxx-xx-xxxx
 Stauder, Peter G., xxx-xx-xxxx
 Stearns, Roger H., xxx-xx-xxxx
 Steen, Waldo S., xxx-xx-xxxx
 Steger, Clifford, xxx-xx-xxxx
 Stehlik, Paul K., xxx-xx-xxxx
 Steidl, Robert A., xxx-xx-xxxx
 Stephenson, Bobby C., xxx-xx-xxxx
 Sterling, William H., xxx-xx-xxxx
 Stewart, Charles F., Jr., xxx-xx-xxxx
 Stine, Harry A., xxx-xx-xxxx
 Stojak, Anthony E., xxx-xx-xxxx
 Stout, David W., xxx-xx-xxxx
 Stovall, George W., Jr., xxx-xx-xxxx
 Stowers, Aubrey E., Jr., xxx-xx-xxxx
 Stringfellow, Michael F., xxx-xx-xxxx
 Suban, David N., xxx-xx-xxxx
 Suhy, Michael, III, xxx-xx-xxxx
 Sullivan, James W., xxx-xx-xxxx
 Sullivan, Joseph M. P., xxx-xx-xxxx
 Sunderland, Neil C., xxx-xx-xxxx
 Swanik, Michael, Jr., xxx-xx-xxxx
 Swayze, Orris D., xxx-xx-xxxx
 Swenson, Gary D., xxx-xx-xxxx
 Szczesny, Lawrence L., xxx-xx-xxxx
 Szimonisz, George P., xxx-xx-xxxx
 Szwarc, Joseph R., xxx-xx-xxxx
 Tallon, Thomas J., xxx-xx-xxxx
 Tamashunas, William A., xxx-xx-xxxx
 Tatom, John R., xxx-xx-xxxx
 Taylor, Bruce C., xxx-xx-xxxx
 Taylor, Byron D., xxx-xx-xxxx
 Taylor, Jerry A., xxx-xx-xxxx
 Tennant, Robert F., Jr., xxx-xx-xxxx
 Terbush, Donald M., xxx-xx-xxxx
 Thacker, James D., xxx-xx-xxxx
 Theunissen, Julio C., xxx-xx-xxxx
 Thomas, Charles F., xxx-xx-xxxx
 Thompson, James E., xxx-xx-xxxx
 Thompson, Scottie S., xxx-xx-xxxx
 Thompson, William M., xxx-xx-xxxx
 Thornburg, John W., xxx-xx-xxxx
 Tilley, Robert T., Jr., xxx-xx-xxxx
 Timmons, Gary R., xxx-xx-xxxx
 Todd, Franklin D., xxx-xx-xxxx
 Tool, Stephen C., xxx-xx-xxxx
 Topping, Douglas C., xxx-xx-xxxx
 Toumbacaris, G. B., Jr., xxx-xx-xxxx
 Towle, Charles D., xxx-xx-xxxx
 Towns, Oliver D., xxx-xx-xxxx
 Trabitz, Eugene L., xxx-xx-xxxx
 Traweck, Cornelius H., III, xxx-xx-xxxx
 Traylor, Charles R., xxx-xx-xxxx
 Trefry, David A., xxx-xx-xxxx
 Tribble, Alford P., xxx-xx-xxxx
 Trimble, Jerry E., xxx-xx-xxxx
 Tripp, Alfred D., Jr., xxx-xx-xxxx
 Troncoso, Frank M., xxx-xx-xxxx
 Trossbach, John M., Jr., xxx-xx-xxxx
 Trost, James E., xxx-xx-xxxx
 Trull, Benjamin F., Jr., xxx-xx-xxxx
 Trullinger, Park R., III, xxx-xx-xxxx
 Tucker, Theo M., xxx-xx-xxxx
 Tullos, George B., xxx-xx-xxxx
 Tupacz, Eugene M., Jr., xxx-xx-xxxx
 Turner, Melvin L., xxx-xx-xxxx
 Turney, Herbert F., xxx-xx-xxxx
 Tyson, John F., xxx-xx-xxxx
 Upton, Kole M., xxx-xx-xxxx
 Uzzle, James L., xxx-xx-xxxx
 Valenzuela, Aaron, xxx-xx-xxxx
 Vanblarcum, James C., xxx-xx-xxxx
 Vandenbossche, James V., xxx-xx-xxxx
 Vandrey, Roger W., xxx-xx-xxxx

Vanhook, Jeffrey, xxx-xx-xxxx
 Vanidestine, Dennis W., xxx-xx-xxxx
 Vanvalkenburgh, Nicholas, xxx-xx-xxxx
 Ventura, Gregory G., xxx-xx-xxxx
 Verdery, Donald A., xxx-xx-xxxx
 Vernon, Carlus M., Jr., xxx-xx-xxxx
 Vest, Michael S., xxx-xx-xxxx
 Vining, Gordon G., xxx-xx-xxxx
 Vogel, Glenn H., xxx-xx-xxxx
 Vosika, Richard J., xxx-xx-xxxx
 Waggle, Arthur W., xxx-xx-xxxx
 Wagner, James C., xxx-xx-xxxx
 Walker, Tommy L., xxx-xx-xxxx
 Walker, Vandy A., Jr., xxx-xx-xxxx
 Wallace, Ronald G., xxx-xx-xxxx
 Wallrapp, Michael F., xxx-xx-xxxx
 Walter, Dom B., xxx-xx-xxxx
 Walters, Brian L., xxx-xx-xxxx
 Walton, Robert L., xxx-xx-xxxx
 Walton, William H., xxx-xx-xxxx
 Ward, James B., xxx-xx-xxxx
 Ward, John P., xxx-xx-xxxx
 Ward, Sam T., Jr., xxx-xx-xxxx
 Washburn, Richard S., Jr., xxx-xx-xxxx
 Watkins, Thelma A., xxx-xx-xxxx
 Watson, James E., xxx-xx-xxxx
 Watson, Ronald R., xxx-xx-xxxx
 Weathersby, Kent T., xxx-xx-xxxx
 Webb, James T., xxx-xx-xxxx
 Weber, Michael F., xxx-xx-xxxx
 Weiss, Theodore J., xxx-xx-xxxx
 Weissensee, Alfred A., xxx-xx-xxxx
 Wenninger, Michael E., xxx-xx-xxxx
 Wentworth, Paul C., xxx-xx-xxxx
 West, Sherman E., xxx-xx-xxxx
 Weyrauch, Arthur H., xxx-xx-xxxx
 Whitaker, Robert C., xxx-xx-xxxx
 White, David A., xxx-xx-xxxx
 White, David B., Jr., xxx-xx-xxxx
 White, James R., xxx-xx-xxxx
 White, Larry C., xxx-xx-xxxx
 White, Robert C., xxx-xx-xxxx
 White, Robert L., xxx-xx-xxxx
 White, Wayne A., xxx-xx-xxxx
 Whitlaw, Benjamin R., xxx-xx-xxxx
 Whitman, Philip E., xxx-xx-xxxx
 Wick, Robert A., xxx-xx-xxxx
 Wieckowicz, Allen W., xxx-xx-xxxx
 Wiersma, James A., xxx-xx-xxxx
 Wigness, Douglas A., xxx-xx-xxxx
 Wike, David W., Jr., xxx-xx-xxxx
 Wilde, Robert R., xxx-xx-xxxx
 Wilder, Michael C., xxx-xx-xxxx
 Wilder, Ward R., xxx-xx-xxxx
 Wiley, Harold G., xxx-xx-xxxx
 Wilk, Stanley A., xxx-xx-xxxx
 Wilkerson, John H. L., xxx-xx-xxxx
 Williams, Andrew, xxx-xx-xxxx
 Williams, Brooks M., xxx-xx-xxxx
 Williams, Gilbert L., xxx-xx-xxxx
 Williams, John H., xxx-xx-xxxx
 Williams, Richard M., xxx-xx-xxxx
 Williams, Thomas M., xxx-xx-xxxx
 Willmann, Robert L., xxx-xx-xxxx
 Wilson, Calvin J., xxx-xx-xxxx
 Wilson, Theron C., Jr., xxx-xx-xxxx
 Wingate, Dennis H., xxx-xx-xxxx
 Winsor, Richard J., xxx-xx-xxxx
 Wisniewski, Martin N., xxx-xx-xxxx
 Witte, Jerome M., xxx-xx-xxxx
 Wolf, Jerry W., xxx-xx-xxxx
 Wong, Clyde M. H., xxx-xx-xxxx
 Wood, William A., xxx-xx-xxxx
 Wood, William C., Jr., xxx-xx-xxxx
 Woodworth, Donald A., Jr., xxx-xx-xxxx
 Worthington, Fred L., xxx-xx-xxxx
 Wortmann, John R., xxx-xx-xxxx
 Wright, Jackson D., xxx-xx-xxxx
 Wright, Philip M., xxx-xx-xxxx
 Yadouga, Joseph R., xxx-xx-xxxx
 Yatsko, Emil G., Jr., xxx-xx-xxxx
 Yeager, Rodney A., xxx-xx-xxxx
 Yeaple, Stephen E., xxx-xx-xxxx
 Yochem, Daniel R., xxx-xx-xxxx
 Yurcak, Ronald N., xxx-xx-xxxx
 Zalaznik, James E., xxx-xx-xxxx
 Zavalney, Harold N., xxx-xx-xxxx
 Zeitz, Stanley E., Jr., xxx-xx-xxxx