

SENATE—Monday, May 11, 1970

The Senate met at 12 o'clock noon and was called to order by Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

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

Almighty God, who has made and preserved us a nation, above the turmoil and turbulence of the world without, we pause in this Chamber to acknowledge that Thou art God forever and ever. Our fathers trusted in Thee and were not confounded. In days heavy with crisis be to us our shield, our strength, and our guide.

Open our eyes to the vision of Thy coming kingdom of justice and righteousness among all men and nations.

O Lord, bless Thy servants in the ministry of public affairs who serve Thee in this Chamber. Give them quiet minds and hearts that they may hear Thy voice. Help them to know when to speak, when to be silent, when to pray, when to work, and when to rest. Give them grace to contend without being contentious; to disagree without being disagreeable. Give them strength to oppose the wrong and to uphold the right. And when the evening comes may they have a good conscience and a soul at peace with Thee and with one another.

In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 11, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

EXECUTIVE REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT—SEPARATE AND INDIVIDUAL VIEWS (EXECUTIVE REPT. NO. 91-18)

Under the authority of the order of the Senate of May 7, 1970, Mr. EASTLAND, from the Committee on the Judiciary, on May 9, 1970, submitted an executive report on the nomination of Harry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court, together with the separate views of Senators BAYH, GRIFFIN, HART, KENNEDY, and TYDINGS, and the individual views

of Senators HART, BAYH, BYRD of West Virginia, and MATHIAS, which report was printed.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that the President had approved and signed the following acts:

On May 6, 1970:

S. 1963. An act for the relief of Wu Hip; and

S. 2306. An act to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes.

On May 7, 1970:

S. 533. An act for the relief of Barbara Rogerson Marmor;

S. 1177. An act to authorize the documentation of the vessel West Wind as a vessel of the United States with coastwise privileges; and

S. 1775. An act for the relief of Cora S. Villaruel.

REPORT ON THE INTERNATIONAL COFFEE AGREEMENT, 1968—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Finance:

To the Congress of the United States:

I transmit herewith my 1969 report on the operations of the International Coffee Agreements, 1968.

This treaty, which continues in modified form the International Coffee Agreement, 1962, embodies the oft-stated concern of the United States that the developing countries dependent on the export of primary commodities be able to achieve the stability in foreign exchange income essential for economic growth. The International Coffee Agreement, which involves the most important agricultural export of the less developed world, has evolved into an effective mechanism for influencing coffee prices toward levels which are equitable for producers and reasonable for consumers. While the Agreement is not designed to eliminate reasonable price fluctuations, it has been successful in 1969 as in the previous years of its existence in moderating price movements and preventing prices from reaching levels disastrously low for exporting countries or unacceptably high to the importing countries.

I am encouraged also by the progress which the Agreement has made in achieving long-term market equilibrium

through the setting of production goals for the coffee year 1972-73 and the establishment of the Coffee Diversification Fund designed to bring the supply of coffee in line with demand. I hope that negotiations for United States participation in this Fund soon will be completed.

Agreement with Brazil was reached April 30, 1969, on a temporary arrangement regarding the export of soluble coffee from that country to the United States. Consultations toward a permanent solution to this problem are currently under way.

RICHARD NIXON.

THE WHITE HOUSE, May 11, 1970.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. HOLLINGS) 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.)

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favored report of a nomination was submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

Brig. Gen. Harold R. Parfitt, U.S. Army, to be a member of the Mississippi River Commission.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of passage of various bills which the joint leadership intends to call up at this time, the distinguished Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 15 minutes.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 7, 1970, be dispensed with.

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

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, 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 to limit statements to 3 minutes in relation to routine morning business, which will be conducted after the remarks of the distinguished Senator from Ohio (Mr. YOUNG).

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.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to consider bills on the calendar, beginning with order No. 845, and the rest of the calendar, exclusive of order No. 848.

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

SPECIAL MILK PROGRAM EXTENSION

The Senate proceeded to consider the bill (H.R. 5554) to provide a special milk program for children, which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 1, line 7, after the word "exceed", strike out "\$125,000,000" and insert "\$120,000,000".

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. 91-842), explaining the purposes of the measure.

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

COST

The bill does not increase the current appropriation authorization of \$120 million annually; \$104 million was appropriated for this program for fiscal 1970.

BACKGROUND

Since 1954, the Department of Agriculture has operated a special milk program designed to encourage increased milk consumption by children. The program also helps maintain a healthy fluid milk dairy economy by expanding the market for fluid milk.

From fiscal year 1955 through fiscal year 1962, the program was financed through advances from Commodity Credit Corporation funds. The Agricultural Act of 1961 (Public Law 87-128), approved August 8, 1961, authorized an appropriation for the program and extended it through June 30, 1967. The Child Nutrition Act of 1966 incorporated the special milk program and extended it through fiscal year 1970.

In 1954, only nonprofit schools of high school grade and under were eligible for participation in the program; since that time, the program has been expanded to include nonprofit child care institutions such as nursery schools, summer camps, and settlement houses. Generally speaking, any institution which has been declared tax exempt by the Internal Revenue Service is eligible for the program.

Nationally, the special milk program is administered by the Child Nutrition Division, Food and Nutrition Service, of the U.S. Department of Agriculture, under provisions of section 3 of the Child Nutrition Act of 1966. Locally, the program is administered in all public schools within a State by the State educational agency. In many States, this same agency also administers the program in nonprofit private schools and child care institutions. A number of States are prohibited by State statutes from administering the program in eligible nonprofit private schools and institutions. In such States the Food and Nutrition Service administers the program directly through agreements with these schools and institutions. The Food and Nutrition Service also administers the program in outlets for which no State agency has assumed administrative responsibility.

Through fiscal year 1967, based upon available funds and prior year participation, letters of credit were issued to each State agency authorizing funds for the first half of the year. These letters were later revised to authorize additional funds as needed for the remainder of the year. In order to keep expenditures within the amounts available, reimbursements to participating outlets were discontinued through January 31, 1967.

Beginning in fiscal year 1968, available funds were apportioned among the States on the basis of payments made to schools and child care institutions for program reimbursement during the preceding year. Each State agency is advised of the amount of funds available to it for program reimbursement during the entire fiscal year.

The letter of credit procedure, established in 1965, permits State agencies to obtain funds to pay claims on hand by filing appropriate documents, through normal banking channels, with the Federal Reserve banks. This assures that funds will be available to the States for prompt payment of claims, and insures that Federal funds will be withdrawn from the Treasury only as needed by the States for payment of claims. No Federal funds are used by the State agencies for administering this program in the States.

From fiscal years 1955 to 1969, the number of outlets participating in the program has more than doubled and the number of half pints served has increased more than six times.

During the first year of program operation, 41,094 schools served approximately 449.8 million half pints of milk.

In fiscal 1969, 99,085 schools and child care institutions served an estimated 2,903.9 million half pints of milk. Of these, 90,272 were schools and 8,813 child care institutions.

PROGRAM STATISTICS BY FISCAL YEARS

Fiscal year	Number of outlets participating	Half-pints reimbursed (millions)	Number of children participating (millions) ¹	Total reimbursement payments
1955	41,094	449.8	2.5	\$17,220,281
1956	62,266	1,394.2	7.7	45,842,194
1957	71,239	1,752.7	9.7	60,411,200
1958	76,478	1,918.2	10.7	66,290,970
1959	81,587	2,176.2	12.1	74,223,939
1960	83,922	2,384.7	13.2	80,277,086
1961	86,494	2,476.7	13.8	84,008,164
1962	88,188	2,631.0	14.6	88,713,265
1963	90,486	2,765.6	15.4	93,347,465

Fiscal year	Number of outlets participating	Half-pints reimbursed (millions)	Number of children participating (millions) ¹	Total reimbursement payments
1964	91,890	2,929.0	16.3	\$99,156,543
1965	92,005	2,966.8	16.5	97,268,651
1966	97,437	3,059.1	17.0	96,025,736
1967	95,139	3,027.2	17.0	98,772,872
1968	94,422	3,035.7	17.0	101,936,228
1969	99,085	2,903.9	17.0	102,048,078
1970 (estimate)	99,100	3,000.0	17.0	103,314,000

¹ Estimated on basis of 180 school days per year.

Nutritionists have long contended that children of school age need a minimum of 1 quart of milk per day to insure sufficient calcium intake. Available statistics clearly demonstrate that these needs are not fulfilled especially with respect to children of low-income areas. The special milk program has made good inroads toward correcting this deficiency. As early as 1960 a study conducted by the Department of Agriculture revealed that:

The effect of the special milk program on consumption was especially pronounced in low-income areas. In these low-income areas per capita intake of whole milk during the survey period averaged nearly 4 ounces more for children attending special milk program schools than for those attending other schools. The 4-ounce average represented rural and urban areas combined; the difference between low-income urban schools under the special milk program and those not under the program was even larger. The impact of the special milk program was smaller in schools serving medium-income areas. Children in high-income areas drank milk at about the same rate whether or not their schools participated in the special milk program. Also, children from high-income areas attending special milk program schools drank nearly one-fifth again as much milk, and those attending other schools drank almost half again as much as children from low-income areas.

Progress continues to be made under the special milk program—since 1960 the number of students served has increased by one-third, from 13 to 17 million, and the number of participating outlets has been increased by nearly 15 percent.

The above conclusions are further strengthened by the fact that, in many instances, the only whole fluid milk which many of our school-age children receive is through the special milk program.

The special milk program has had the dual effect of encouraging increased consumption of milk by 17 million children as a nutritional measure and reducing purchases of dairy products by the Commodity Credit Corporation. Historically, dairy commodity programs under CCC have diverted between 4 and 5 percent of the Nation's milk production, and it therefore follows that eliminating the appropriation necessary for continuation of the special milk program in the interest of economy is a specious contention.

No imported milk or milk products are utilized in this program.

The volume of milk consumed under the program in 1969 amounted to more than 3 percent of the total nonfarm consumption of fluid milk. This was in addition to more than 3.3 billion half pints used in national school lunch program type A lunches; i.e., lunches which include a serving of milk and which meet certain other nutritional requirements.

Each of the 50 States and the District of Columbia are currently participating in the program. The following table reports by State the number of outlets participating, number of half pints reimbursed, and obligations for 1968 and 1969:

NUMBER OF PARTICIPATING OUTLETS HALF-PINTS REIMBURSED, AND OBLIGATIONS BY STATE—FISCAL YEARS 1968 AND 1969

State	Number of outlets participating		Estimated number half pints milk reimbursed (millions)		Obligations (thousands)		State	Number of outlets participating		Estimated number half pints milk reimbursed (millions)		Obligations (thousands)	
	1968	1969	1968	1969	1968	1969		1968	1969	1968	1969	1968	1969
Alabama	1,552	1,690	47.1	50.9	\$1,603	\$1,898	Montana	429	446	6.3	6.1	\$202	\$204
Alaska	87	100	1.4	1.4	29	29	Nebraska	998	1,078	17.9	17.3	638	639
Arizona	675	776	15.4	15.2	462	414	Nevada	221	219	5.5	5.7	152	150
Arkansas	1,031	1,070	28.7	28.8	1,104	1,113	New Hampshire	559	583	15.5	15.6	508	530
California	8,026	8,220	292.5	283.8	9,276	8,982	New Jersey	2,622	2,712	119.3	112.1	3,902	3,761
Colorado	1,204	1,300	26.9	25.9	941	944	New Mexico	713	749	28.9	26.6	754	728
Connecticut	1,394	1,466	55.8	55.1	1,698	1,766	New York	6,369	6,797	269.6	261.0	9,395	9,250
Delaware	242	244	10.3	10.7	363	384	North Carolina	1,786	2,266	81.1	83.5	3,758	3,543
District of Columbia	233	236	15.7	15.0	581	615	North Dakota	535	557	11.2	9.7	392	357
Florida	1,788	2,050	66.5	69.2	1,994	1,967	Ohio	5,170	4,995	198.5	198.4	6,557	6,653
Georgia	1,693	1,993	39.6	39.5	1,570	1,683	Oklahoma	1,521	1,466	32.4	36.8	1,045	1,118
Hawaii	274	277	5.6	4.5	199	157	Oregon	1,342	1,369	21.7	20.8	647	614
Idaho	590	599	6.4	6.0	191	188	Pennsylvania	5,829	5,698	156.6	129.4	5,271	5,058
Illinois	4,854	4,792	246.7	191.4	6,638	6,655	Rhode Island	370	388	15.1	13.9	425	508
Indiana	2,593	2,649	81.6	81.7	2,908	2,951	South Carolina	1,225	1,290	18.4	18.2	632	641
Iowa	2,185	2,172	49.4	47.9	1,851	1,808	South Dakota	511	429	11.4	10.3	368	362
Kansas	1,857	1,944	33.7	32.2	1,167	1,097	Tennessee	1,972	1,851	52.7	45.0	1,829	1,928
Kentucky	1,309	1,934	47.1	50.7	1,831	2,000	Texas	3,426	4,166	107.2	115.2	3,732	4,421
Louisiana	1,319	1,395	18.7	19.8	685	705	Utah	591	613	10.5	9.5	358	341
Maine	955	995	14.9	14.6	505	506	Vermont	421	524	7.7	7.5	252	266
Maryland	1,468	1,514	67.6	69.5	2,233	2,441	Virginia	1,801	2,031	54.8	44.3	1,828	1,445
Massachusetts	2,994	3,085	109.4	106.2	3,567	3,518	Washington	1,811	1,860	44.0	42.4	1,507	1,445
Michigan	4,462	4,775	168.1	160.9	5,692	5,076	West Virginia	1,205	1,212	16.9	16.2	618	668
Minnesota	2,517	2,716	74.3	68.6	2,659	2,698	Wisconsin	3,526	3,419	106.1	102.6	3,627	3,684
Mississippi	1,058	1,211	37.0	38.8	1,364	1,393	Wyoming	212	225	3.5	2.7	118	119
Missouri	2,897	2,939	62.5	64.8	2,310	2,388							
Total	94,422	99,085	3,035.7	2,903.9	101,996	102,048							

PRODUCTION RESEARCH UNDER MARKETING AGREEMENT AND ORDER PROGRAMS

The Senate proceeded to consider the bill (H.R. 14810) to amend section 602 (3) and section 608(6) (I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to authorize production research under marketing agreement and order programs, which had been reported from the Committee on Agriculture and Forestry with amendments, on page 1, line 3, after the word "the", strike out "Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 674; 50 Stat. 249)" and insert "Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation (7 U.S.C. 601; 48 Stat. 31)"; in line 9, after the word "Section", strike out "602(3)" and insert "2 (3)"; on page 2, at the beginning of line 3, strike out "608c(6) (I)" and insert "8c (6) (I)"; in line 5, after the word "section" strike out "608c(6)" and insert "8c (6)"; and in line 11, after the word "second", strike out "provision and insert "proviso".

The amendments were agreed to. The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An Act to amend section 2(3) and section 8c(6) (I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, so as to authorize production research under marketing agreement and order programs."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-843), explaining the purposes of the measure.

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

SHORT EXPLANATION

This bill would authorize inclusion in marketing orders for commodities other than milk of provisions for production research supported by handler assessments. It would also make such research, and marketing research and development projects as now authorized by the act, a purpose of the act. This would permit initiation and continuation of such research and development projects when prices were above parity.

COMMITTEE AMENDMENTS

The committee amendments make purely technical changes to correct the citations of the act and provisions being amended.

DEVELOPMENTAL VIEWS, BACKGROUND, COST, AND FURTHER EXPLANATION

The bill is further explained in the following report favoring enactment from the Department of Agriculture. The Department estimates the cost of an order amendment proceeding at \$7,500, and the annual cost of administering an order at \$25,000. A list of the fruit and vegetable marketing orders now in effect is also attached.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, July 28, 1969.

Hon. W. R. POAGE,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: This is in reply to your request of May 14, 1969, for a report on H.R. 8536, a bill to amend the Agricultural Marketing Agreement Act of 1937, as amended. The effect of this bill is to authorize research relating to the production of commodities essentially on the same basis that authority for marketing research is now provided for in 608(c) (I) of the Act. In addition, the amendment would clarify the authority contained in section 602(3), to regulate in above-parity situations, to assure that it applies to the initiation as well as continuation of marketing research and development projects as authorized in section 608c(6) (I), and would apply to production research on the same basis.

The Department favors enactment of H.R. 8536.

GUAM AGRICULTURAL SERVICES

The bill (S. 2991) to extend the act establishing Federal agricultural services in Guam, was considered, ordered to

be engrossed for a third reading, read the third time, and passed, as follows:

S. 2991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act to establish Federal agricultural services to Guam, Public Law 88-584, is amended by striking out "five years from the date of enactment of this Act" and inserting "June 30, 1975".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-844), explaining the purposes of the measure.

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

This bill extends through June 30, 1975, Public Law 88-584, which authorized the Secretary of Agriculture to maintain an agricultural program in Guam until September 7, 1969. Public Law 88-584 limits the number of employees of the Department of Agriculture stationed on Guam to carry out the program to not more than three at any one time. Public Law 88-584 limits appropriations for the program to not more than \$60,000 for any year.

At present one Federal extension specialist is stationed on Guam under an agreement ending June 30, 1970. Since expiration of Public Law 88-584, the Department depends, as authority for his services to Guam, on the following rather general language of section 3(d) of the Smith-Lever Act:

The Federal Extension Service shall receive such additional amounts as Congress shall determine for administration, technical, and other services and for coordinating the extension work of the Department and the several States, Territories, and possessions.

Enactment of the bill would provide clear authority for continuation of this extension work in Guam and would authorize additional programs to be made available in Guam if that is desirable.

Enactment of S. 1148, which was passed by the Senate on April 15, 1970, would authorize Extension and Cooperative State Research Service activities, but would not provide for other Department of Agriculture programs in Guam as would S. 2991.

IMPROVEMENT AND CLARIFICATION OF CERTAIN LAWS AFFECTING THE COAST GUARD

The Senate proceeded to consider the bill (H.R. 13816) to improve and clarify certain laws affecting the Coast Guard which had been reported from the Committee on Commerce, with amendments, on page 4, line 21, after "(b,)" strike out "and (c)" and insert "(c) and (e)"; on page 5, line 11, after the word "in", strike out "which event he is authorized to exceed the authorized average." and insert "some areas, in which event he is authorized to reallocate existing funds to high-cost areas so that rental expenditures in such areas exceed the average authorized for the Department of Defense."; on page 6, after line 14, insert: "(e) The authority provided in subsections (a), (b), and (c) of this section shall expire on June 30, 1972'."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc; and also send an additional amendment to the desk and ask that it be stated.

The ACTING PRESIDENT pro tempore. Without objection, the amendments will be considered and agreed to en bloc and, the clerk will state the additional amendment.

The LEGISLATIVE CLERK. On page 6, line 14 delete the quotation mark following the word "dependents."

The ACTING PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The amendments were 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. 91-847), 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 make a number of revisions in title 14, title 10, and title 37 of the United States Code for the better operation of the Coast Guard. All but a few of the revisions have the effect of aligning the law pertaining to the Coast Guard more closely with existing provisions applicable to the other Armed Forces.

Several of the provisions of the bill relate to the U.S. Coast Guard Academy at New London, Conn. The authorized ceiling of cadets who may be appointed annually to the Academy is increased from 400 to 600. An examination of the various areas in which the Coast Guard is operating, ranging from oceanographic research to the support of the country's efforts in Southeast Asia, suggests the need for a gradual expansion in the number of Coast Guard officers. The committee anticipates that the expansion will be at a rate of approximately 25 to 30 cadets per year and that the full level authorized will not be reached before 1980.

Also in connection with the Academy, the bill provides authority to order a cadet to active duty as a member of the Coast Guard Reserve in an appropriate enlisted grade for a period not to exceed 4 years, if he does not complete his course or refuses to accept a commission. This change is desirable to give the Coast Guard a means of protecting

its investment in a cadet who chooses not to fulfill the obligations he has undertaken in connection with his attendance at the Academy, and parallels similar authority granted the other Armed Forces. This authority is to protect the Government's investment and is not intended to be punitive in nature.

In that regard, the Coast Guard has expressed its intention not to require enlisted service of cadets separated before their third academic year, or for demonstrated unsuitability, unfitness or physical disqualification.

The authority contained in the bill to permit permanent commissioned teaching staff to remain until age 64 conforms to existing authority in the other armed service academies.

The bill also would authorize the promotion of ensigns to lieutenants (junior grade) after 12 months' active service, which is a practice similar to that in the Navy. Another change would remove Reserve officers assigned to the Selective Service System from the active duty promotion list, which will afford those officers opportunity for a promotion in accordance with their assigned duties. In addition, recall of retired regular officers with their consent is authorized.

The bill also makes certain changes with respect to the services provided dependents. For example, the increased activity of the Coast Guard has aggravated the problem of providing proper education facilities for dependent schoolchildren. In many cases, housing is located beyond normal travel distance and public means of transportation are not available to the children. This bill would authorize expenditures of money for transportation of the dependents where required. The expanded activity of the Coast Guard has also created a language problem with respect to dependents serving in overseas bases. To meet this problem, the bill authorizes language training for Coast Guard dependents in anticipation of assignment to permanent duty outside the United States. The other Armed Forces already have this authority.

The bill also contains provisions relating to housing and housing allowances and provides authority for procurement of leased housing and continued assignment to personnel of housing designated as inadequate for purposes of housing allowances. A more detailed explanation of the bill's provisions relating to housing appears hereafter under the title "Explanation of Amendments."

A number of years ago, the Coast Guard took over the former Lighthouse Service and with it the civilian lighthouse keepers. After the transfer to the Coast Guard, new assignments were made of Coast Guard personnel to lighthouse facilities, but a number of civilian employees still serve. Compensation of such personnel is limited to \$5,100 and this has prevented the more senior employees from receiving benefits afforded other civil service employees under pay increases during the past several years. In addition, the Bureau of the Budget has required an upward adjustment in rental charges for quarters for these employees and this will have an adverse effect on their net compensation. The increase in maximum compensation to \$7,500, as contained in this bill, will serve to protect the net pay position of these employees and to permit them to receive pay increases in accordance with those made to other civil service employees.

Other changes proposed by the bill will permit obligations to be incurred against anticipated reimbursement to the Coast Guard supply fund. The capacity of the fund has been reduced during recent years because of inflation and the need for increased inventories. The authority thus provided conforms to that presently enjoyed by the Department of Defense.

The remaining amendments to existing law include clarification of the degree of Coast Guard responsibility for underwater search

and rescue; maritime safety and law enforcement; authority to provide payment for Coast Guard aviation cadets similar to that for other Armed Forces aviation cadets; authority to provide uniform allowances for enlisted members of the Coast Guard appointed to permanent warrant officer grade; an increase in the maximum pay of the permanent commissioned teaching staff at the Academy; and authority to accept not to exceed four cadets from the Republic of the Philippines at the Academy.

EXPLANATION OF AMENDMENTS

The three amendments to H.R. 13816 adopted by your committee all relate to the housing provisions of the bill found in paragraph 11 of the first section.

With respect to the first amendment, H.R. 13816, as originally introduced, provided that rental expenditures for leased housing by the Coast Guard could not exceed the average authorized for the Department of Defense in any year. Because several of the Coast Guard's facilities are located in high-cost metropolitan areas, most notably New York and San Francisco, and because the Coast Guard had found that by reason of the location of its facilities the Department of Defense authorized average was inadequate to provide family housing, the House of Representatives amended H.R. 13816 to permit the Secretary of the Department in which the Coast Guard is operating to exceed the authorized average of the Department of Defense. The relevant provision read as follows:

"Expenditures for the rental of such housing facilities may not exceed the average authorized for the Department of Defense in any year except where the Secretary of the Department in which the Coast Guard is operating finds that the average is so low as to prevent rental of necessary housing facilities in which event he is authorized to exceed the authorized average."

Your committee concurs in the objective of the amendment made by the House of Representatives. The testimony of the Coast Guard in the hearing on this bill indicated that the Defense Department average relates to a broad geographic spectrum of housing and that volume and dispersal of personnel are the prime factors which account for the ability of the Defense Department to maintain leasing costs at the statutory average. While there are a sufficient number of Defense Department installations in low-cost rental areas to offset high-cost metropolitan rentals, the same is not true of the Coast Guard.

In commenting on the amendment, the report (No. 91-736) of the Committee on Merchant Marine and Fisheries of the House of Representatives made clear the intention that the amendment would not increase cost, but merely enable the reallocation of funds to high-cost areas. Your committee shares that view and has thus amended H.R. 13816 to make it more explicit that a reallocation of available funds is involved rather than an increase in cost.

The remaining two amendments to H.R. 13816 also relate to housing. The bill, as originally introduced, amended 14 U.S.C. 475 to provide permanent legislation to lease privately owned housing facilities in the United States for assignment as public quarters to Coast Guard personnel and their families, and also to provide inadequate family housing on a rental basis. In his report on S. 3081 (companion bill to H.R. 13816), the Assistant Comptroller General pointed out that none of the other military services have this authority on a permanent basis. Governmental leasing of private family housing has not been viewed as a desirable method of providing quarters for military personnel and the Department of Defense has this authority only on a temporary basis because of the housing shortage. It therefore is subject to periodic review by the Congress. Similarly, the Department of Defense has authority to

designate housing as inadequate and rent such quarters to military personnel without loss to them of the basic allowance for quarters only on a temporary basis. The committee has therefore determined that it would be desirable to continue the Coast Guard's authority with respect to leased and inadequate housing on a temporary rather than permanent basis and has, accordingly, amended H.R. 13816 to provide that the authority will expire on June 30, 1972.

CONCLUSION

The committee is of the opinion that H.R. 13816, as amended, will be beneficial to the operation of the Coast Guard and will make more uniform the laws relating to the Coast Guard and the other Armed Forces.

COST OF LEGISLATION

Enactment of this legislation will result in increased cost to the Government of approximately \$200,000 in fiscal 1971 and \$320,000 thereafter. These costs are exclusive of the leased housing program. As originally introduced the bill would have resulted in a gradual increased cost for leased housing of approximately \$1 million, which level would have been reached after several years. The action of your committee in terminating this authority on June 30, 1972, will substantially reduce that cost.

TLINGIT AND HAIDA INDIANS OF ALASKA

The Senate proceeded to consider the bill (H.R. 12858) to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 2, line 4, after the word "of", where it appears the first time, strike out "Alaska and approved by the Secretary of the Interior." and insert "Alaska."

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 and excerpt from the report (No. 91-848), explaining the purposes of the measure.

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

PURPOSE

The Tlingit and Haida Indians of Alaska have recovered a judgment against the United States for lands taken, principally the Tongass National Forest. The money to pay the judgment has been appropriated and is invested in interest-bearing accounts. The net amount now available is over \$7 million.

NEED

A 1965 statute authorized a central council as the governing body of the Tlingit and Haida Indians. The council consists of representatives of the various communities, primarily in southeast Alaska, where these Indians live. Under the 1965 statute, the judgment money is available to pay the administrative expenses of the council, and the cost of program planning. The money may not be used, however, to carry out these programs until further authorized by Congress. This bill will give that authorization. The Committee also considered similar bills S.

2628 and S. 2650 introduced by Senator Stevens and Senator Gravel.

The Secretary of the Interior is presently engaged in preparing a roll of those eligible to share in the judgment. Over 15,000 applications for enrollment have been filed, and over 10,000 of them have not been completely processed.

The central council's plans for using the judgment money are: \$200,000 for educational assistance; \$250,000 for special aids to the elderly; \$500,000 for housing; \$1 million for community development; \$1,500,000 for industrial development; \$550,000 for revolving loan fund; and \$3 million to be held in reserve.

These amounts are tentative and are subject to modification as the programs proceed.

The judgment already recovered by the Tlingit and Haida Indians is for land taken by the United States. The Indians claim aboriginal title to a much larger area that has not yet been taken by the United States. They will therefore participate in the general native land claims legislation now pending before the Congress, but this judgment will be taken into account when determining the degree to which they may participate.

COMMITTEE AMENDMENT

The general pattern that has been used for most tribes in recent years when per capita distributions were not contemplated is to authorize the money to be used for any purpose authorized by the tribe and approved by the Secretary of the Interior after the Congress is satisfied that the tribe's general plans are sound. However, in the case of the Tlingit and Haidas, the Committee has stricken the language which would make the tribal plans subject to being "approved by the Secretary of the Interior." These Indians have demonstrated that they are capable of managing their own affairs. They have developed sound plans for the use of their judgment funds and the Committee believes they can carry out those plans without any oversight by the Secretary.

The Committee notes however, that the tribal plans call for \$3 million to be held as a reserve fund. In this connection, the Committee admonishes the Tlingit and Haida Central Council not to utilize these reserve funds for the purpose of making per capita distributions to the tribal enrollees. The Committee believes, with respect to the \$3 million fund, that this money should be managed by a bank or trustee. In other words the Tlingit and Haidas should follow the prudent man theory of establishing a trust that will fully protect these funds for the benefit of all tribal members. The additional income should be used to supplement the amounts earmarked for specific purposes set forth in the tribal plans, or for like purposes.

COST

Enactment of H.R. 12858 will not result in additional Federal expenditures.

FORT BERTHOLD RESERVATION

The bill (S. 774) to authorize the mortgaging of tribal lands on the Fort Berthold Reservation for certain purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, but subject to the provisions of the constitution of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, and

the ordinances and resolutions adopted thereunder, and subject to the approval of the Secretary of the Interior or his authorized representatives, on such terms and conditions as the Secretary may prescribe, the Three Affiliated Tribes are authorized to execute mortgages on land purchased by the tribes, subsequent to the date of this Act, to finance the purchase of land. The tribe's authority to execute mortgages shall not extend to land owned by the tribes prior to the date of enactment of this Act.

Sec. 2. The proceeds of any loan secured by a mortgage described in the first section of this Act shall be used only for the purchase of real property within the boundaries of the Fort Berthold Reservation. Such loan funds shall be paid out in accordance with the provisions of this Act, and under procedures prescribed by the Secretary of the Interior. Title to all real property purchased under the authority of this Act shall be taken in the name of the United States in trust for the Three Affiliated Tribes.

Sec. 3. Any land acquired by the tribes under the provisions of this Act shall be subject to foreclosure or sale pursuant to the terms of such mortgage and in accordance with the laws of the State of North Dakota. The United States shall be an indispensable party to any such proceeding with the right of removal of the cause to the United States district court for the district in which the land is located, following the procedure set forth in section 1446 of title 28, United States Code: *Provided*, That the United States shall have the right to appeal from any order of remand entered in such action.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-850), 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 S. 774, introduced by Senator Burdick, is to authorize the mortgaging of tribal land acquired after the date of its enactment. Funds received as a result of mortgage would be used for the express purpose of buying lands within the boundaries of the reservation to improve the tribal land base. Title to land purchased under this authority would be taken in trust and would be subject to foreclosure or sale pursuant to the terms of the mortgage and in accordance with North Dakota law with the United States an indispensable party to any such proceeding with the right to remove the case to the U.S. district court where the land is located.

NEED

The Fort Berthold Reservation had an original area of 623,589 acres. Through allotment, sales, and fee patents the reservation has substantially diminished. However, the largest single loss of tribal property resulted from the taking of land for the construction of the Garrison Dam and Reservoir project. Under the act of July 31, 1947, as amended October 29, 1949 (61 Stat. 690, and 63 Stat. 1026-1049), the United States took approximately 175,700 acres for that project.

The Three Affiliated Tribes used considerable sums of money made available for rehabilitation after the reservoir taking, in the acquisition of tracts of land which were scattered throughout the reservation. Those funds did not create any significant impact on the economic growth of the agriculturally oriented membership.

The enactment of S. 774, which the Indians have requested, will be of great assistance to them in improving the general economic conditions on this reservation.

COST

No additional expenditure of Federal funds will result from the enactment of this legislation.

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

The bill (H.R. 9477) to provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation 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. 91-851), 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. 9477 is to authorize the Confederated Tribes of the Umatilla Indian Reservation to use a \$2,450,000 judgment recovered against the United States in the Indian Claims Commission, and accumulated interest. The money to pay the judgment has been appropriated, but under a provision carried in the annual appropriation act the money cannot be used until specifically authorized by Congress.

EXPLANATION OF RECOMMITTAL ACTION

H.R. 9477, along with companion bills, S. 1654 and S. 2357, introduced by Senator Hatfield, were the subject of hearings on October 29, 1969. H.R. 9477 was considered by the Committee on Interior and Insular Affairs on December 4, 1969, and ordered reported to the Senate without amendment. The bill remained on the Senate Calendar from December 5, 1969, to April 15, 1970, at which time, at the request of Senator Kennedy, on behalf of Senators Jackson, Hatfield, and Metcalf, and by unanimous consent, H.R. 9477 was recommitted to this committee with instructions to report it back to the Senate by May 1. It was not possible to comply with the May 1 date, and at the request of Senator Metcalf, and for the reasons set forth in his floor statement of April 30, the Senate was unanimous in extending the reporting date to May 7.

At the executive session of the committee held on May 6, this legislation was again thoroughly discussed and ordered reported without amendment.

The principal issue of concern to some committee members is the total amount of the judgment which would be distributed to Umatilla Indians per capita, and the relatively small sum that would be retained for a tribal purpose. Although the committee has not attempted to establish new policy in this bill with respect to the manner in which judgment funds should be utilized, H.R. 9477 should not be regarded as a precedent. The committee intends to resolve the kind of policy it should have in accordance with the purpose and intent of the Indian Claims Commission Act of 1946.

NEED

Along with H.R. 9477, the committee considered S. 1654 and S. 2357, introduced by Senator Hatfield. All three of the bills provide for the disposition of judgment funds to the Confederated Tribes of the Umatilla Reservation.

H.R. 9477 authorizes a per capita distribution of all of the judgment balance except \$200,000, which is reserved for use for educational purposes. The tribes have an estimated enrollment of 1,300, which will make the per capita share around \$1,750.

The \$200,000 reserved for educational pur-

poses will supplement other educational funds that are available to the tribes, and will make the total about \$500,000. In addition, each child who participated in a 1958 per capita distribution received approximately \$3,500, which was placed in trust for him, and these trust funds are now worth about \$5,000 each. The money is available for the education of the child, to the extent it has not already been used for that or other authorized purposes.

S. 1654 authorizes a full per capita distribution of the judgment funds. S. 2357 authorizes two \$250 per capita payments and the remaining balance to be set aside in the general fund of the tribe to be distributed as determined by the tribal governing body and approved by the Secretary of Interior.

During the committee hearings held on October 29, 1969, conflicting testimony was received regarding the type of distribution which the Confederated Tribes desired. At that time, it was suggested that the tribe present the committee with statistics regarding what plan was favored by the members.

On November 29, 1969, a tribal election was held with the following language listed on the ballot:

"A referendum election shall be held on November 29, 1969, on the following choices (which realistically appear to present the major alternatives which Congress would likely choose between and which, if and when tribal programs are to be had, will probably finance such proposed projects):

"Which does the member prefer as between the following choices:

"Choice No. 1: H.R. 9477 which, (except for a \$200,000 educational fund) would distribute all the judgment funds per capita in three installments over a 1-year period, providing about \$1,800 per capita for each member.

"Choice No. 2: Retention of about \$1,800,000 (including the \$200,000 educational fund) and distribution of the balance per capita in installments, providing about \$500 per capita for each member."

Of the 687 votes cast, 514 favored H.R. 9477 and 173 favored choice No. 2. Of those tribal members residing on the reservation, the vote was 132 to 105 in favor of H.R. 9477; of those not on the reservation, the vote was 382 to 68 in favor of H.R. 9477.

In appearing before the committee, Assistant Secretary Loesch testified that the Department of the Interior "has no objection to the enactment of the House passed legislation," but it has submitted a substitute bill which authorizes that only half of the judgment be distributed per capita, and that the balance be reserved for reservation programs.

COST

Enactment of the bill will involve no additional Federal expenditure.

ANNOUNCEMENT ON CONSIDERATION OF NOMINATION OF HENRY A. BLACKMUN, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. MANSFIELD. Mr. President, for the information of the Senate, let me say that I anticipate that at the conclusion of morning business today the Senate will proceed in executive session to consideration of the nomination of Judge Henry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court of the United States.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the

Blackmun nomination occur at 2:30 o'clock tomorrow afternoon.

Mr. SCOTT. Mr. President, there is no objection.

The ACTING PRESIDENT pro tempore. It there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

INQUIRY REGARDING CONSIDERATION OF CONFERENCE REPORT ON UNEMPLOYMENT COMPENSATION

Mr. SCOTT. Mr. President, I should like now to ask a question of the distinguished majority leader. I understand that the conference report on H.R. 14705, on unemployment compensation, may come up this week.

Can the distinguished majority leader give us any information on that?

Mr. MANSFIELD. Mr. President, in reply to the distinguished Senator from Pennsylvania, let me say that at the moment I can give him no information, but I will look into it and report back to him.

Mr. SCOTT. I ask because certain Senators want to be notified. I thank the Senator.

REVISION OF U.S. PATENT LAW AND PROGRAM FOR INTERNATIONAL PATENT COOPERATION

Mr. SCOTT. Mr. President, Mr. Rocco C. Sciliano, the Under Secretary of Commerce, recently addressed the New York Patent Law Association concerning the revision of the United States patent law and the program for international patent cooperation.

The Secretary stated that the pending bill for the general revision of the patent law, S. 2756, introduced by Senator JOHN L. McCLELLAN, chairman of the Subcommittee on Patents, Trademarks and Copyrights, "establishes a basis for modernization of our patent law without altering the fundamental principles on which it is based." As the ranking minority member of the subcommittee I am glad to join the Under Secretary in recognizing Senator McCLELLAN's "untiring efforts in balancing the rights of inventors, entrepreneurs, and the public."

I have introduced two amendments to S. 2756 to provide a statutory basis for well established and reasonable patent licensing arrangements. A clear statement in the patent law as to the type of license agreements that are permissible would be a practical guide for businessmen and enable them to carry on their licensing activities within the framework of the antitrust laws. I am hopeful that the Patents Subcommittee will incorporate the substance of my amendments.

I ask unanimous consent that the address delivered by Under Secretary Sciliano on April 17 before the New York Patent Law Association be printed in the RECORD.

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

ADDRESS DELIVERED BY ROCCO C. SICILIANO

It is my very real pleasure to be with you this evening to discuss the efforts being made by the Department of Commerce to

protect the fruits of American genius, both at home and abroad.

I need not remind this audience of the efforts which have been made over the past several years by the Government and the private sector, and especially by patent law associations like your own, to secure a responsible revision of our nation's patent laws and to promote closer cooperation in the protection of industrial property internationally. Since we are now reaching a decision point in both of these critically important undertakings, I would like to outline for you the relevant objectives and efforts of the Department of Commerce.

Our interest in patent law revision reflects the central role we must assume to help guarantee economic prosperity. We have committed our total resources to this effort. We will pursue revision of the patent laws as vigorously as we have proceeded with respect to other areas of the nation's economy.

The goals of the Commerce Department in fostering Patent Law Reform reflect the objectives of the report of the President's Commission on the Patent System. We are anxious to raise the quality and reliability of United States patents. We hope to shorten the pendency period for applications and reduce the expense of obtaining and litigating patents. It is also vital that there be an acceleration of the public disclosure of technological advances. We should prepare the patent system to cope with the exploding technology anticipated in future decades.

There is presently pending before Congress a bill introduced by Senator John L. McClellan, S. 2756, which we believe establishes a basis for modernization of our patent law without altering the fundamental principles on which it is based. As you know, Senator McClellan is Chairman of the Senate Subcommittee on Patents, Trademarks, and Copyrights. Without his untiring efforts in balancing the rights of inventors, entrepreneurs and the public, revision of the patent laws would not be the reality it is today. This bill represents a responsible and balanced approach to the revision of our patent laws and includes a number of desirable changes, such as assignee filing, the 20-year term, and nonpreemption of state laws, which constitute a major step toward the broad goals suggested by the President's Commission.

The commitment of the Department to furthering the nation's industry and commerce is total and involves a wide range of activities. The National Bureau of Standards conducts basic research on the fundamental properties of matter and materials to assist and stimulate industry in the development of new and improved products. The Office of Business Economics provides basic economic measures of our national economy to assist the business community in its planning activities. The Bureau of International Commerce strives to create and maintain favorable trading relationships abroad by fostering overseas trade missions and trade centers and the dissemination of marketing and economic information and assistance to exporters and investors.

From these and the many other activities carried on by the Department of Commerce, it must be clear that we deeply share the interests of the business community and strive to maintain a close and cooperative relation with it.

Certainly one of the most important activities conducted within the Department is that of examining and issuing United States patents. We are committed to the support of our patent system because it stimulates not only invention and innovation, but also investment in the practical application of new developments. These together lie at the heart of the process by which America, from its relatively recent and meager beginnings, has grown great and strong and has provided for our people the highest standards of living known anywhere in the world.

Obviously, patent incentives are not alone responsible for the phenomenal growth of the industrial might and the social development of our country. But there can be little doubt as to the substantial role they have played in stimulating the technological progress on which this growth and development have been so largely based.

Examples are all about us. For instance, in 1945 the television, jet travel, and digital computer industries were commercially nonexistent; yet by 1965 these industries contributed more than thirteen billion dollars to our gross national product, and they accounted for an estimated 900,000 new jobs. Consider the development over the same 20-year period of Polaroid, Xerox, Texas Instruments, 3-M, and IBM. These companies—all of them extremely active in research—experienced an annual average sales growth of almost 17-percent, as compared to an annual average growth rate of the gross national product, during the same period, of less than 3 percent.

As you are only too well aware, however, it takes much more than the mere conception of an invention to make its benefits available to the public, and to bring about such industrial progress and growth as these companies have achieved.

Let me cite one example—Xerox Company. The incentive of the patent system obviously played a role in stimulating the inventor, Chester Carlson, a patent attorney himself, to devote tireless years of effort to development of the world's first electronic copying machine. But when he established that his copier was workable, that was only the beginning.

First developed in 1940, it was not until 1950 that the first crude Xerox copiers were placed on the market.

It took still another decade, and more millions of dollars, before Xerox Corporation came up with a successful desk size copier capable of turning out dry copies on ordinary paper. And, of course, the success of Xerox has since become a legend.

That success could never have been achieved but for the incentives which the Patent System provided—not only for the initial creative work, but also for undertaking the tremendous investment required throughout all those years of uncertainty and risk, and for hard and costly effort. Without strong faith that the Patent System justified those risks, and that it would make it possible to recoup this tremendous investment, this work could hardly have gotten off the ground; and, even more certainly, it would not have been possible to secure the financial backing which was so essential throughout all of that long and trying period.

Just as the patent system makes possible the transfer of ideas from the laboratory to the marketplace in this country, so also it contributes to the transfer of these ideas to the marketplaces of the world. It has long been the policy of the United States to encourage international trade. Earlier this year, President Nixon said with respect to international trade:

"As in other areas of foreign policy, our approach is a sharing of international responsibilities. Our foreign economic policy must be designed to serve our purpose of strengthening the ties that make partnership work."

INTERNATIONAL PATENT LAW

The international exchange of industrial and intellectual property between the United States and other countries, involving the transfer of technical knowhow, patent rights, and trade secrets, represents an important application of this policy. The record is clear, moreover, that effective participation in such exchange is highly beneficial to the U.S. economy. An important element of our international balance of payments is what is termed the "technology" balance of payments. This international account reflects payments for techni-

cal knowhow, patent royalties, and the like. For 1968, the last year for which statistics are available, the technological balance of payments between the United States and the rest of the world favored the United States by more than one billion dollars.

The exploitation of technological progress through the exchange of goods among countries represents another facet of this program; and here also American innovation and invention under the stimulus of the patent system is a vital factor.

Continued success of U.S. firms in penetrating high technology foreign markets depends, however, to a considerable extent upon their ability to obtain foreign patents to protect their inventions and innovations. The importance of such foreign patent protection will increase as our mix of export products becomes more sophisticated. One need only realize the role which the high technology exports of the United States have played in maintaining our trade position to appreciate the importance to American industry of the efforts being made to promote closer cooperation and greater efficiency in the protection of industrial property internationally.

Today, the businessman, whether American or foreign, must obtain a separate patent in each country in which he desires protection. There is no single worldwide patent. This means complying with the multiple patent laws and procedures of the various individual countries where protection is desired. These are often complex and markedly different. In addition to these burdens, some observers seriously question whether existing national patent systems can endure under the growing volume of patent applications which will be filed in the next few years.

Such concerns led to the drafting of the proposed Patent Cooperation Treaty. This has been under very close and critical study by the member nations of the Paris Union and, as you are aware, has been twice revised. At the forthcoming Diplomatic Conference in Washington this May, this process of negotiation and revision will, we believe, be successfully concluded. We feel that the Treaty may substantially reduce the difficulties faced by businessmen of the United States seeking patent protection abroad, and could eliminate much needless duplication of effort by both applicants and the national patent offices of the member nations of the Paris Union.

The Treaty as now drafted includes two separable phases of operation. Under Phase I, an applicant can file an international application in the patent office of his own country. The application will have a standard format, and will include the applicant's designation of one or more member nations in which he may desire to obtain patent protection. At the time of filing, the international application will be subject to an international fee; however, the applicant may defer payment of the various national fees and translation expenses until completion of international processing. By the way, the applicant may be either the inventor or the owner of the application.

The invention will be searched and a report will be forwarded to the applicant, who may then, in light of the search report, amend the claims in his application. Each designated member nation will then receive copies of all the documents. Twenty months from the priority date, national fees and translations will be due for those nations in which the applicant wishes to proceed, at the national level, to obtain a patent.

A principal benefit of Phase I of the proposed Treaty is that it permits an applicant to defer the cost of national fees and translations until 20 months from the priority date, as against the present 12 months priority period of the Paris Convention. This additional 8 months period, coupled with the prior art cited in the search report,

should help applicants to assess, on a sounder basis, the potential of their inventions before deciding whether to incur the major expenses of national processing in many foreign countries. Inasmuch as applicants must commence preparation of the necessary papers and translations for foreign filing about four months before the date on which formal application papers must be filed in foreign patent offices, the Treaty will actually double the effective decision time, by increasing it from 8 months to 16 months.

Phase II of the Treaty is optional—it would apply only to those states which agree to be bound by it. Moreover, use of Phase II, even in such states, is completely at the applicant's option. If he chooses to proceed under this Phase, he gains an additional five months of decision time.

In proceeding under Phase II, the international examining authority issues a preliminary examination report in the form of an advisory opinion. This report may be of particular significance to those states which lack sufficient resources of their own to maintain well-staffed patent offices capable of keeping pace with current worldwide technology. It may thus be particularly important to lesser developed countries which are attempting to increase their technological base by developing a sound patent system to attract foreign capital and knowhow.

Let me assure you that we do not intend solely by treaty negotiated in 1970, to change the long-standing substantive law of the United States regarding date of invention and prior art, as has been suggested by some groups. Any change in these aspects of our patent laws will be accomplished in the usual manner throughout normal legislative process.

Our policy with respect to the proposed Patent Cooperation Treaty is really very simple. It offers some advantages to many of our nations in industry who are interested in international patent protection. To that extent, this treaty is in the national interest and we support it. But our support is conditioned upon the premise that the treaty will not have an adverse effect on the United States patent system, or upon the domestic interests of those of our applicants who are not interested in international protection.

As I said earlier, we in the Department of Commerce feel that we have the mission of promoting the interests of this nation's business community. Commissioner Schuyler tells me that we have magnificent support from your Association. I invite you to join us in charting our paths for the future.

DEATH OF WALTER REUTHER, PRESIDENT OF UNITED AUTO WORKERS

Mr. SCOTT. Mr. President, when Walter Reuther was killed in a plane crash Saturday night, organized labor lost an extraordinary, effective advocate. As President Nixon said, this was a deep loss not only for organized labor, but also for the cause of collective bargaining and the entire American process.

Walter Reuther's articulate, influential voice served the Nation as well as serving organized labor when he weeded out the Communists from the United Auto Workers following World War II. And his untiring, unstinting devotion to the welfare of his members was service to the cause of humanity.

One of the newspapers said this morning that he hoped to imbue union members, particularly young activists, with a sense of purpose to raise living standards among the poor; to aid the poor in gaining dignity as workers did for themselves

in the auto industry. He thought in terms of convincing young, well paid workers that they have the same duty toward the less fortunate that their fathers during the 1930's had to them.

The United Auto Workers will feel his loss deeply, as does the Nation.

Longfellow wrote that great men remind us man can be elevated and, departing, leave behind them footprints on the sands of time.

Walter Reuther's footprints will be visible to students of 20th century America for decades to come.

Mr. MANSFIELD. Mr. President, I join fully in the remarks just made by the distinguished minority leader.

I, too, am saddened by the passing of Walter Reuther. He brought to the American labor movement an excitement of ideas and a breadth of interests that provided leadership not only to his union but to the Nation as well. Over the 24 years that Walter Reuther served as leader of his union, he never succumbed to the temptation of believing that his greatest accomplishments were behind him. He believed that his obligations to his constituency went far beyond the important bread and butter issues of hours and wages. The total "quality of life" of his workers was his perspective.

No labor leader was more successful at the bargaining table to improve the economic well-being of his membership—but to Walter Reuther this was not enough. The issues of clean air and clean water—the issues of equal opportunity and equal treatment of all men without regard to the accidents of birth—the issues of war and peace—these too affected Walter Reuther's constituency as they do all Americans and Walter Reuther could not sit silently by and still feel that he was fulfilling his obligations to his union and to his country.

The shock to many people when they read of this tragic ending to this great man was not solely that he would no longer provide the type of leadership that these times so urgently require but also that Walter Reuther was 62 years old when he died. One could never picture Walter Reuther as anything but young in spirit and outlook and alive with ideas and vision. The great union movement that he lead certainly will carry forward his vision of a better America.

We have lost a labor statesman of the highest order in the annals of American history. With his untimely passing, the Nation has suffered a great loss.

Mr. GRIFFIN. Mr. President, I rise to associate myself with the comments of the distinguished minority leader and the distinguished majority leader concerning the tragic and unfortunate death of Walter P. Reuther, president of the United Auto Workers, one of the greatest leaders in the history of the labor movement.

Along with his wife and four other persons, Walter Reuther perished in a plane crash Saturday night near Pellston, Mich.

News dispatches report that Mr. Reuther and the other members of his party had planned to drive from Pellston to the UAW's education center which is nearing completion on Black Lake in the northern part of Lower Michigan.

He died as he lived—looking after the affairs of the union to which he devoted so much of his life.

The UAW membership of 1.6 million men and women have suffered a grievous loss, and the whole Nation is poorer for his passing.

Mr. Reuther was a bold, imaginative leader of the American labor movement. He was a skilled practioner in the art of collective bargaining, as executives of the auto industry well know.

And he was a champion of many other causes, some of them unpopular.

Throughout his life and his career as a leader of the labor movement, Walter Reuther earned respect for his idealism, his integrity, and great ability. And none respected him more than those who were his adversaries in the business world and in the political world.

Mr. President, the labor movement in general and the UAW in particular have lost a dynamic, courageous leader—a man who has contributed significantly to the progress of the Nation.

Mrs. Griffin joins me in extending deep sympathy to the Reuther family.

Mr. President, a sketch of Mr. Reuther's remarkable life was written for today's edition of the New York Times by Damon Stetson.

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

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

WALTER REUTHER: UNION PIONEER WITH
BROAD INFLUENCE FAR BEYOND THE FIELD
OF LABOR

(By Damon Stetson)

Walter Philip Reuther went to work as a bench hand at the age of 16 and rose to become a labor leader who had a major impact on the economic, social and political affairs of his time.

A crusader for a better world, he cast a shadow far beyond the 1.3-million member United Automobile Workers and the Congress of Industrial Organizations, which he had headed.

His ascendancy in the labor movement marked a break with the approach of the old line union leaders who were interested primarily in winning a few cents more an hour for their members.

Mr. Reuther challenged not only labor but the country—and sometimes the world—to seek new and broader horizons.

"The unfinished business of this century," he said, "is the problems of maintaining full employment in an expanding economy based upon the fair and healthy relationship between wages, prices and profits. . . .

"Either we shall use our new machines and technology to help us create security and dignity in the construction of a brave new world, or the impact of jet propulsion technology upon a huffing and puffing model T distributive system will dig our economic graves."

Mr. Reuther, boyish-looking even at the peak of his career, had red hair and was of medium height and solidly built. He was a cool, iron-nerved fighter; a shrew, hard-driving negotiator; an ambitious social reformer and an articulate public relations man who sold his ideas with the fervor of a missionary.

Legend has it that after a heated bargaining session, the late William Knudsen, then head of the General Motors Corporation, turned to Mr. Reuther and said:

"Young man, I wish you were selling used cars for me."

"Used cars?" Mr. Reuther asked.

"Yes," said Mr. Knudsen, "used cars. Anybody can sell new cars."

In a world in which back-slapping was often considered requisite to success, Mr. Reuther was no backslapper. He was not fond of jesting; he frowned on poker; he was frugal in his personal habits; he wore his wedding ring; he eschewed alcohol and didn't smoke.

FULL OF IDEAS

He always crackled with ideas that drove to the heart of contemporary issues. By day, he would scribble them on a pad on his desk—usually cluttered with books and reports—in his office in Solidarity House, the U.A.W. headquarters on the banks of the Detroit River at 8000 East Jefferson. At night, he would spring from bed to jot down a new thought.

A newspaperman, noting Mr. Reuther's capacity for speech-making and conversation, said that he was the only man who could reminisce about the future. Another said, "Ask Walter the time, and he tells you how to make a watch."

Although some people considered him cold, Mr. Reuther inspired an almost fanatical loyalty among his subordinates and was admired and liked by many in high places, including President Kennedy, Adlai E. Stevenson, Eleanor Roosevelt and Vice President Hubert H. Humphrey.

Some of Mr. Reuther's admirers regarded him as a Moses who had led the working man to pioneering achievements at the bargaining table—pensions, pay increases based on the cost of living and productivity rises; supplementary unemployment benefits, profit-sharing and early retirement.

But James R. Hoffa, imprisoned president of the International Brotherhood of Teamsters, considered him an antagonist more deadly than all anti-Hoffa industrialists combined. There was a basic clash of philosophy between Mr. Reuther and Hoffa. For Hoffa, unions were always a business with the basic aim of achieving fatter pay envelopes. But Mr. Reuther rejected the cash-register approach alone and always argued that labor should seek to build a better world.

In the late nineteen-fifties, when corrupt unions came under fire, Mr. Reuther supported George Meany in the clean-up of organized labor and the ouster of Hoffa and the Teamsters from the A.F.L.-C.I.O.

John L. Lewis, President emeritus of the United Mine Workers, once described Mr. Reuther as "a pseudo-intellectual nitwit." Gov. George Romney of Michigan, former president of the American Motors Corporation, once said that Mr. Reuther was "the most dangerous man in Detroit."

In 1946, Mr. Reuther, who was then 39, was elected to the presidency of the United Automobile Workers and six years later was elected president of the Congress of Industrial Organizations.

An architect of the subsequent merger of the C.I.O. and the American Federation of Labor in 1955, Mr. Reuther became a vice president of the A.F.L.-C.I.O. and a member of its executive board. He also served as head of its industrial union department.

In the years that followed, Mr. Reuther did not see eye to eye with George Meany, president of the merged labor group, and the feud culminated in July, 1968, when the auto union withdrew from the A.F.L.-C.I.O., charging that the parent federation was moribund and undemocratic.

In the ensuing year, Mr. Reuther laid the groundwork for a revitalized labor organization involving a merger of the auto union and the International Brotherhood of Teamsters. That merger brought the Alliance for Labor Action into being on May 26, 1969, with 3.6 million members.

At one point in 1962, Mr. Reuther, dis-

pleased with what he believed was the stagnation of the labor movement, considered challenging Mr. Meany's leadership, but the showdown did not materialize.

In the summer of 1963, Mr. Reuther and Mr. Meany had differences over the Civil Rights March on Washington. Mr. Reuther strongly supported the march, but the A.F.L.-C.I.O. executive board, although expressing sympathy with civil rights objectives, refrained from endorsing the march itself.

U.A.W. HALTS ITS DUES

The showdown between the two labor leaders came in the spring and summer of 1968 after years of disagreement over the direction and structure of the merged labor movement.

In March, the U.A.W. president called for a special convention "to modernize and revitalize" the A.F.L.-C.I.O. executive board. The 29-member board agreed, but only on the conditions that the U.A.W. attend and "accept the democratically arrived-at decisions of such a convention."

Mr. Reuther rejected the conditions and, to apply pressure on the A.F.L.-C.I.O. began withholding the U.A.W.'s \$1-million annual due. On May 17 the auto union was suspended for the nonpayment of dues.

The final break occurred on July 3, when the auto union cut its last tie with the 14-million-member A.F.L.-C.I.O. Mr. Reuther charged at the time that the parent body's leadership had become complacent and undemocratic.

Nearly seven months later, on Feb. 24, 1969, the A.F.L.-C.I.O. issued a 40,000-word white paper answering the charges accusing Mr. Reuther of misrepresentation, evasion and falsehood in what was called a two-year campaign of vilification by the auto union leader.

Ignoring the criticism, Mr. Reuther went ahead with plans to rehabilitate labor. On May 26, the auto union and the teamsters—the nation's two largest independent unions—merged in the Alliance for Labor Action with the objectives of organizing office and industrial workers not represented by the A.F.L.-C.I.O. It was also to direct its efforts toward political and social action.

The auto union leader, who always envisioned a greater day for mankind although frequently deploring his present plight, was an inveterate optimist. He looked forward to the day when the worker would spend less time at his job and more time working on a concerto, a painting or in scientific research.

"Technological advances will make that possible," he said. "In the future, an auto worker may work only 10 hours at the factory. Culture will become his main preoccupation. Working for a living will be sort of a hobby."

When will this golden age of factory workers-composers begin, he was asked.

"I don't know," Mr. Reuther replied, grinning. "But it'll come sooner than the National Association of Manufacturers expects."

BROAD UNION ROLE

To Mr. Reuther the theory that a union's only job was to raise wages and improve working conditions was obsolete. Through the years he was busy with production and pricing problems, consumer projects, co-operative movements, civil rights, politics and world affairs, all of which he believed were the legitimate concern of a modern union.

He contended that a worker's economic needs were inseparably connected with politics.

"The surest way to guarantee that your ice box is filled with good food," he said, "is to see that the ballot box is filled with good votes on Election Day."

Mr. Reuther was always an earnest expo-

nent of political action by the trade union movement. As an officer of the U.A.W. the C.I.O. and the A.F.L.-C.I.O., he was an active participant in political campaigns—mostly in directing strategy rather than in speech-making or work in the hustings. The political action programs of the U.A.W. were unusually well organized and well financed in Michigan and other areas where the U.A.W. was strong.

He supported President Roosevelt in 1936, 1940 and 1944; President Truman in 1948; Adlai Stevenson in 1952 and 1956; President Kennedy in 1960, President Johnson in 1964, and Vice President Humphrey in 1968.

QUESTION ON OBJECTIVES

During negotiations with General Motors on one occasion, a company official raised a question about Mr. Reuther's objectives. A sharp exchange ensued.

"If fighting for a more equal and equitable distribution of the wealth of this country is socialistic," Mr. Reuther said, "I stand guilty of being a Socialist."

One of the most persistent threads running through Mr. Reuther's thinking was the demand for a greater voice for organized labor in industrial planning. Too often, he maintained, industrial leaders were interested in keeping production down as a means of keeping prices up.

VIEW ON AUTOMATION

Mr. Reuther grew increasingly concerned about the impact of automation. Once, he walked through a Ford plant and saw scores of machines with only a few workers watching master switchboards.

"Somebody said to me," he later recalled, "How are you going to collect union dues from all these machines? And do you know what I said? I said, 'That's not what's bothering me. What's bothering me is, how are you going to sell Ford cars to all of these machines?'"

Mr. Reuther did not oppose automation, but he did contend that a balance ought to be achieved between the greater capacity made possible by automation and the people's purchasing power. And he felt that unions, industry and the government must find ways to employ workers displaced by machines.

An outstanding objective of Mr. Reuther's union career was the attainment of a guaranteed annual wage for workers. Such a guarantee, he declared, would attack the problems of mass unemployment at the root by shifting to the employer the cost of unemployment.

In March, 1953, he said that his union would demand, and if necessary, strike to achieve a guaranteed annual wage in the 1955 negotiations. At that time, Mr. Reuther and the union did not succeed in getting precisely what he had sought, but they did negotiate a precedent-setting supplementary unemployment benefit plan.

Under it, laid-off workers received payments from a fund built up through company contributions. The combination of unemployment insurance and the supplementary benefits meant that workers received about two-thirds of their regular take-home pay during layoffs. In subsequent negotiations, the benefits were improved.

Quite appropriately, Mr. Reuther was born Sept. 1, 1907, the eve of Labor Day. His grandparents had come to this country in 1892 to save their son Valentine from military conscription in Bismarck's Germany. They settled in Effingham, Ill.

Mr. Reuther's father, Valentine Reuther, moved to Wheeling, W. Va., but lost none of his parents' evangelical Lutheranism and economic liberalism. The elder Reuther was working for \$1.50 a day and was running the local brewers union. He served as head of the Ohio Valley Trades and Labor Assembly

and at one time ran unsuccessfully for Congress on the Socialist ticket.

There were five children in the Reuther family—Theodore, Walter, Roy, Victor and Christine. On Sunday afternoons, when the dishes were finished, Valentine Reuther organized family debates on social problems. His sons learned their lessons well.

At 16 Walter Reuther quit school and became an apprentice at 40 cents an hour in the corrugating plant of the Wheeling Steel Corporation.

The seven-day-a-week job denied him the opportunity to attend the Sunday afternoon family debates, so he decided to mobilize a protest against Sunday and holiday work. Consequently he was fired and at that early stage had won a reputation as a youthful agitator.

At 19, Mr. Reuther went to Detroit. His first job was on a 13-hour midnight shift at the Briggs Manufacturing plant. Next he talked his way into a job as a tool and die craftsman at \$1.05 an hour at the Highland Park plant of the Ford Motor Company. Within a few years he was bossing 40 men and was among the most highly paid mechanics in the company.

But the yeast of ambition was working in him. Averaging only a few hours of sleep a night, he finished high school at evening sessions at Fordson High School in Dearborn. Next he enrolled at Wayne University in Detroit, which he attended for three years, majoring in economics and sociology.

When Norman Thomas ran for President as a Socialist candidate in 1932, Mr. Reuther mounted the soapbox, although he later repudiated the party as unresponsive to American needs. He and his brother Victor led a campaign against the establishment of a Reserve Officers Training Corps on the Wayne campus. But Mr. Reuther's activities of those days did not deter the university from conferring an honorary Doctor of Laws degree on him 18 years later.

In 1932, in the midst of the Great Depression, Mr. Reuther was laid off by Ford because, he said, of his union activities. He and Victor decided to tour the world. With about \$450 each, they sailed from New York in steerage on an odyssey that lasted until 1935.

WORKED IN SOVIET UNION

They toured auto plants in England, cycled across the Continent and for nearly two years worked in a Ford-built plant in Gorki before they continued on to China and home.

Walter Reuther became a foreman in the Soviet plant but acquired no fondness for Communism, which he later fought so successfully in the U.A.W. He did, however, admire the Soviet people and their adaptation of new technical ideas.

On his return to Detroit, Mr. Reuther found a job in a tool and die shop and later at the Ternstedt plant of General Motors. He promptly joined the U.A.W.'s West Side Local 174, which was weak at the time because of workers' fears of reprisals for joining.

In 1936 Mr. Reuther was elected a delegate to the U.A.W.'s convention in South Bend, Ind. The treasurer gave him \$5 for expenses—it was all the local had—and he hitchhiked to the convention.

LED SIT-DOWN STRIKES

Mr. Reuther became president of his local but was fired from his job after he asked for a raise. Subsequently he and Victor led the first of the sit-down strikes at the Kelsey-Hayes plant on the West Side. The success of the demonstration spurred organization, and the local's membership jumped from 78 to 2,400.

By late 1936 the auto workers felt strong enough to tackle General Motors, the key to organizing the industry. The sit-downs in Flint, Mich., began after Christmas in 1936 and quickly became the center of one of the

bitterest and most decisive struggles in labor history.

Mr. Reuther rushed a group of West Side volunteers to Flint to assist in the drive, which resulted in February, 1937, in recognition by General Motors of the U.A.W. as bargaining agent for the company's workers.

The Chrysler Corporation recognized the union a few weeks later, and the union's membership began to approach 500,000.

The Ford Motor Company, however, had announced that it would never recognize the U.A.W. On a cloudy afternoon in May, 1937, a group of U.A.W. members, bearing handbills, rode out to the sprawling Rouge plant of Ford in Dearborn. They climbed the concrete steps of the overpass between the plant and the parking lot.

ATTACKED BY GOONS

Mr. Reuther, by that time on the U.A.W. payroll, was one of the leaders. As he stood on the overpass, a voice rang out, "You're on Ford property."

Goons mobilized by Ford quickly rushed forward, pulled Mr. Reuther's coat over his head, bounced him down the steps, slugged him and left him bleeding on the ground below.

The bitter struggle that followed has been immortalized in labor history and pictured as the "Battle of the Overpass" but Ford held out against recognizing the U.A.W. until 1941.

In the hectic years of organizational activity, the U.A.W. had adopted the sit-down as an organizing technique of singular effectiveness, but the Supreme Court ruled in 1939 that the sit-down was "an illegal seizure of buildings in order to prevent their use by their employers in a lawful manner."

In the late nineteen-thirties, as the U.A.W. grew in size and power, so did Communist influence within the union. Mr. Reuther, then a member of the executive board, and his faction thought it necessary to face and end Communist domination of the union.

Mr. Reuther became an anti-Communist symbol and rallying point. At the 1940 C.I.O. convention (the U.A.W. had joined in 1939), which displaced John L. Lewis as president, Mr. Reuther embraced President Roosevelt's pre-war policy of aiding the Allies and denounced Communists as "colonial agents for a foreign government."

WARTIME ROLE

At the 1941 U.A.W. convention, the Reuther brothers pushed through an anti-Communist resolution and captured 12 of 20 seats on the executive board. However, R. J. Thomas, who was not particularly sensitive to the Communist threat of infiltration, remained as president, and George Addes, who had been charged with following the Communist line, stayed as secretary-treasurer.

When war came and auto production became war production, Mr. Reuther attracted more and more national attention. He declined several offers of Government posts in Washington; instead, as a union leader, he helped keep auto workers in line on the no-strike pledge and induced them to give up extra pay for Sunday, night and holiday work and proposed an increased role for labor in management through industrial councils.

With the return of peace, he entered a long controversy with the union's demand for a 30 per cent increase in pay without an increase in the price of cars.

By this time he had a well-deserved reputation as an astute strike strategist, and in this dispute he evolved what came to be known as the "one-at-a-time" stratagem or the whipsaw tactic. It was based on the belief that competition among the auto industry's Big Three—Ford, Chrysler and General Motors—was stronger than their distrust of the union. This ploy was used repeatedly in later years and proved well nigh unbeatable at the bargaining table.

The other tactics put forward by Mr. Reuther at that time was his demand for a "look at the books." This shocked not only industry but also some labor leaders, who felt that it was the union's job to win money and management's job to decide whether the stockholders or the public paid the bill.

General Motors rejected his wage demands and his request for a look at the books. He responded by calling a strike of 200,000 workers. After a stoppage of 113 days, Mr. Reuther finally settled for a wage increase of 8½ cents an hour.

VICTORY AND DEFEAT

The March, 1946, convention of the U.A.W. at Atlantic City was bedlam. Mr. Reuther had decided to run against Mr. Thomas for the presidency. Both sides arrived with their dukes up. There were battles on the boardwalk and in bars.

The party faithful tried to save Mr. Thomas, but Mr. Reuther won, 4,444 to 4,320. While Mr. Reuther's supporters were celebrating, however, left wingers captured two-thirds of the executive board, thereby making Mr. Reuther's victory a hollow one, indeed.

It was a hard, frustrating year, but at the 1947 convention, Mr. Reuther swept in his own ticket by a 2-to-1 vote and took firm control of the executive board and the union.

Back in Detroit, he initiated a drive for a more perfect union—firing Reds and drones, driving lottery operators from the factories and preparing for a militant stand at the bargaining table. He and his wife, May, were living at the time at 20101 Appoline Street in a brick and frame house they had purchased for \$7,750.

GUNMAN'S VICTIM

It was in the kitchen of that home, on an April night in 1948, that Mr. Reuther was gunned down by a would-be assassin, who fled in the darkness. Buckshot from both barrels of a shotgun, fired at close range, struck the U.A.W. president in the chest and right arm.

For three months, Mr. Reuther was in a cast. He never recovered the full use of his arm, but through therapy and exercise he strengthened it so that he could gesture—somewhat awkwardly—and he was able to write, grasping a pen or pencil in an unusual, splay-fingered fashion.

Characteristic of his determination was the way he reacted to the injury. For hours he squeezed a sponge and pulled at the numb fingers. Resuming his former hobby of cabinet-making, he painfully forced his right hand to hold a hammer and to drive nails.

During his prolonged hospitalization, he became interested in medical problems, and by the time he was released, wearing a brace, he had a new kind of hospital insurance plan worked out. Subsequently, he and the U.A.W. led the way in the development of the Community Health Association in Detroit, a comprehensive hospital and medical program.

The executive board of the U.A.W. offered a \$100,000 reward for information leading to the conviction of Mr. Reuther's assailant. Five years later a hood confessed that he had driven the would-be killer's car the night of the attack. He named two other men, but before the trial he gave police the slip and left the country, ending the case.

BROTHER ALSO ATTACKED

Thirteen months after the shooting of Mr. Reuther, a similar attack was made on his brother Victor. His collarbone was fractured by a shotgun blast, and his right eye was destroyed.

In the course of his aggressive career, Walter Reuther had obviously made enemies, but it was never determined whether his assailant and his brother's were personal enemies,

gangsters upset over his antigambling efforts, Communists or others.

The lack of convictions in any of the cases, however, accounted for the elaborate security system set up by the union to protect the Reuthers.

Walter Reuther, for many years afterward, always had a bodyguard at his side when he appeared in public, and he and his family moved from the city to the safety and seclusion of a new home in Rochester, a suburb 35 miles from Detroit.

He had bought the core of the house for \$10,000 and then added improvements, many by himself, to the modern redwood home with its bullet proof picture windows.

From the road, a passerby could see only a nondescript white farmhouse, a tall steel-wire fence and a padlocked gate. The white building was really a barracks manned by an armed guard, and the fence was watched by four big dogs.

SHUNNED LUXURY

Although the unusual character of Mr. Reuther's hideaway made it seem elaborate, it was not a lavish or expensive home. In fact, he went to considerable pains to dispel any speculation that he lived in or sought after luxury.

He disliked wearing a tuxedo, ground his teeth over meetings of the executive board of the A.F.L.-C.I.O. at a plush hotel in Miami Beach, and fussed over what people might think.

His salary as president of the U.A.W. was \$29,500 a year, which was low by comparison with leaders of many other unions with much smaller and less affluent.

PRISONER EXCHANGE SOUGHT

In 1961, Mr. Reuther served as a member of the Tractors for Freedom Committee, which sought unsuccessfully to exchange 500 agricultural tractors for 1,214 Cubans taken prisoner in the April landings in Cuba. Serving with him were Mrs. Franklin D. Roosevelt, as honorary chairman; Dr. Milton S. Eisenhower, then president of Johns Hopkins University, and Joseph M. Dodge, a Detroit banker at that time.

The widely publicized attempt brought 70,000 pieces of mail in response to the committee's appeal for funds. But the deal struck a snag when Premier Fidel Castro of Cuba demanded large and costly bulldozers, the release of political prisoners in the United States and finally \$28-million in cash or its equivalent in tractors.

The Tractors for Freedom idea was praised for its humanitarian objectives but criticized by some as a move to capitulate to blackmail by Premier Castro.

Mr. Reuther directed the 1948 auto negotiations from the hospital room where he was recovering from his wounds. A contract with General Motors incorporating an annual wage improvement factor (based on productivity increase) and a cost-of-living escalator clause brought more fame.

In 1949, his union and the United Steelworkers of America blazed a new trail by negotiating employer-financed retirement pensions and expanded health and welfare benefits.

That same year Mr. Reuther served as chairman of a C.I.O. delegation that went to London and helped found the anti-Communist International Confederation of Free Trade Unions. * * * to the nonsalaried position of C.I.O. president.

In 1953, Mr. Reuther achieved flexibility under a five-year contract (1950 to 1955) by introducing the "living document" theory. This held that a contract was not a static document but a living compact obligating both parties to work out any problems that might develop during its term.

The first step toward a guaranteed annual wage was achieved in 1955 when he and his

staff negotiated the precedent-setting agreement with the Ford Motor Company that provided for special jobless benefits supplementing those paid by state funds.

CONTINUED TO PIONEER

In the bargaining field, Mr. Reuther and the U.A.W. continued to pioneer in the nineteen-sixties. In 1961, the union negotiated a profit-sharing plan with the American Motors Corporation, the first in the automotive industry.

In 1964, the union won huge new contracts from the auto companies, providing for earlier retirement, bigger pensions, improved wages, longer vacations and more holidays. Under terms of the agreement a worker could retire after reaching 55 any time his age and length of service totaled 85 years.

The pact also provided for retirement at age 62 without reduction in benefits and a special retirement benefit under which a man 60 years old, with 30 years service, could retire on \$381 a month. His pension, including Social Security, would drop to \$316 a month when he reached 65.

The settlements of 1964 did not come, however, without strikes at General Motors and Ford. The issues were not terms of the national economic agreements but local working conditions and problems. Mr. Reuther and other U.A.W. leaders, sensing a restiveness about local matters, insisted that these be settled before national agreements were signed.

In the 1967 auto negotiations the U.A.W. struck Ford for two months. The settlement, described by Mr. Reuther as "the most substantial contract ever to be negotiated in any corporation in the industrial field in the United States," provided for a guaranteed annual income plan, sizable wage increases, higher pensions and improved medical coverage. The union subsequently negotiated similar contracts with both General Motors and Chrysler.

Mr. Reuther's wife, the former May Wolf, was a quiet, red-haired woman who frequently traveled with him to union conventions but never shared his public attention.

When she met Mr. Reuther in 1933, she was a 23-year-old teacher of health and physical education at Trowbridge Elementary School in Detroit. "It was simply a 'How do you do' thing," she recalled.

After the first meeting, Mr. Reuther left Detroit for three years. When he returned in January, 1936, he met Miss Wolf on a streetcar where "we talked unions until my stop," she said. After a three-month courtship, they were married on Friday, March 13, 1936.

Mrs. Reuther gave up teaching and worked for the union full-time without pay as a secretary. The couple lived with Mrs. Reuther's parents for the first five years of their marriage.

Mrs. Reuther, a trim 5-foot-4-inch woman who preferred tailored suits when accompanying her husband at union functions, occupied much of her time with civic affairs in the Detroit area, including children's aid and mental health associations, the Girl Scouts and parent-teacher activities.

The Reuthers resided in Rochester, a Detroit suburb, where they often received friends but were not given to partying. Their time together was often limited by union activities, but Mrs. Reuther recalled that there was time to teach her husband to dance.

Friends said that on the day the Reuthers were married, they dashed from the wedding to a union meeting, where Mr. Reuther was to speak.

"The stories may exaggerate how much time we courted at union meetings," Mrs. Reuther said, "but I know if I hadn't been interested in unions we would never have married."

MISSISSIPPI RIVER COMMISSION

Mr. MANSFIELD. Mr. President, as in executive session, I send to the desk a nomination which I understand it is imperative that the Senate consider today and ask for its immediate consideration. It was reported earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The legislative clerk read the nomination of Brig. Gen. Harold R. Parfitt, U.S. Army, to be a member of the Mississippi River Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed; and, without objection, the President will be immediately notified.

POISON PREVENTION PACKAGING ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 848, S. 2162.

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

The LEGISLATIVE CLERK. A bill (S. 2162) to amend the Federal Hazardous Substances Act to provide for child-resistant packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting any hazardous substance, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Poison Prevention Packaging Act of 1970."

Sec. 2. For the purpose of this act—

(a) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(b) The term "household substance" means any substance customarily produced or distributed for sale for consumption, use, or storage by individuals in or about the household and which is—

(1) any hazardous substance as that term is defined in section 2(f) of the Federal Hazardous Substances Act (15 U.S.C. 1261 (f));

(2) any economic poison as that term is defined in section 2(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135(a)); or

(3) any food, drug, or cosmetic as those terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(c) The term "package" means the immediate container or wrapping in which any household substance is contained for consumption, use, or storage by individuals in or about the household, but does not include—

(1) shipping containers or wrapping used solely for the transportation of any consumer commodity in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof, or

(2) shipping containers or outer wrapping used by retailers to ship or deliver any commodity to consumers unless it is the only such container or wrapping.

(d) The term "special packaging" means

packaging that is designed or constructed to be significantly difficult for children under six years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

SEC. 3. (a) The Secretary, after consultation with the technical advisory committee provided for in section 5 of this Act, may establish in accordance with the provisions of this Act, by regulation, standards for the special packaging for any household substance if he finds that—

(1) the degree or nature of the hazard to children in the availability of such substance, by reason of its packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substance; and

(2) the special packaging required by such standard is technically feasible, practicable, and appropriate for such substance.

(b) In establishing a standard under this section, the Secretary shall consider:

(1) the reasonableness of such standard;

(2) available scientific, medical, and engineering data concerning special packaging, childhood accidental ingestions, illness, and injury caused by household substances;

(3) the manufacturing practices of industries affected by this Act; and

(4) the nature and use of the household substance.

(c) In carrying out the provisions of this Act, the Secretary shall publish his findings, his reasons therefor, and citation of the sections of statutes which authorize his action.

(d) Nothing in this Act shall authorize the Secretary to prescribe specific packaging designs, product content, package quantity, or, with the exception of authority granted in section 4(1)(ii) of this Act, labeling.

(e) The Secretary, on his own initiative, or upon petition of any interested party, and after consultation with the technical advisory committee, may exempt, in whole or in part, any category of product containing any substance subject to regulation, where he finds that such regulation, as applied to that category of product, is not necessary to protect children from serious personal injury or serious illness.

SEC. 4. For the purpose of making a household substance for which a standard has been established pursuant to this Act readily available to elderly or handicapped persons who may be unable to use special packaging, such household substance may be packaged in packages not complying with such standard provided that—

(1) such substance is (i) available in special packaging, and (ii) packaged in non-complying packaging of only a single size which bears conspicuous labeling stating: "This package for households without young children": *Provided, however,* That the Secretary may prescribe by regulation a substitute statement to the same effect for packaging too small to accommodate such labeling, or

(2) such substance is (i) dispensed pursuant to the order of a physician, dentist, or other licensed medical practitioner who is authorized to prescribe, and (ii) non-complying packaging is requested by the purchaser.

SEC. 5. (a) Proceedings for establishing, amending, or repealing of any standard pursuant to section 3 of this Act shall be promulgated pursuant to the provisions of section 701 (e), (f), and (g) of the Federal Food, Drug, and Cosmetic Act, except that—

(1) the Secretary's order after public hearing (acting upon objections filed to an order made prior to hearings) shall be subject to

the requirements of section 409(f)(2) of the Federal Food, Drug, and Cosmetic Act; and

(2) the scope of judicial review of such order shall be in accordance with the fourth sentence of paragraph (2), and with the provisions of paragraph (3), of section 409(g) of the Federal Food, Drug, and Cosmetic Act.

(b) For the purpose of assisting in carrying out the purposes of this Act, the Secretary shall appoint a technical advisory committee, designating a member thereof to be chairman, composed of not more than eighteen members who are equally representative of (1) the Department of Health, Education, and Welfare, (2) the Department of Commerce, (3) manufacturers of household substances subject to this Act, (4) scientists with expertise related to this Act and licensed practitioners in the medical field, (5) consumers, and (6) manufacturers of packages and closures for household substances. The Secretary shall consult with the technical advisory committee in making findings and in establishing standards pursuant to this Act.

(c) Members of the technical advisory committee who are not regular full-time employees of the United States shall, while attending meetings of such committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

SEC. 6. (a) Section 2(p) of the Federal Hazardous Substances Act (15 U.S.C. 1261-(p)) is amended by striking out "which substances" and inserting in lieu thereof "if the packaging or labeling of such substance is in violation of an applicable regulation prescribed pursuant to sections 3 and 4 of the Poison Prevention Packaging Act of 1970 or if such substance".

(b) Section 2(z)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135(z)(2)) is amended by striking out the period at the end of paragraph (h) of such section and inserting in lieu thereof a semicolon and the word "or" and by adding at the end thereof a new paragraph as follows:

"(i) if its packaging or labeling is in violation of regulations issued pursuant to sections 3 and 4 of the Poison Prevention Packaging Act of 1970."

(c) Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end thereof a new subsection as follows:

"(n) If its packaging or labeling is in violation of regulations issued pursuant to sections 3 and 4 of the Poison Prevention Packaging Act of 1970."

(d) Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end thereof a new subsection as follows:

"(p) If it is a drug and its packaging or labeling is in violation of regulations issued pursuant to sections 3 and 4 of the Poison Prevention Packaging Act of 1970."

(e) Section 602 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 362) is amended by adding at the end thereof a new subsection as follows:

"(f) If its packaging or labeling is in violation of regulations issued pursuant to sections 3 and 4 of the Poison Prevention Packaging Act of 1970."

SEC. 7. Whenever a standard established by the Secretary under this Act is in effect no State or political subdivision shall have any authority either to establish or continue in effect, with respect to any household sub-

stance, any standard for the special packaging or labeling of such substance which is not identical to the standard established under section 3 of this Act.

SEC. 8. This Act shall become effective on the date of its enactment. Each regulation establishing a special packaging standard shall specify the date such standard is to take effect which shall not be sooner than one hundred and eighty days from the date such regulation is final. No such standard shall be effective as to household substances subject to this Act packaged prior to the effective date of such final regulation.

The title was amended so as to read: "A bill to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes."

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. 91-845), explaining the purposes of the measure.

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

PURPOSE AND BRIEF SUMMARY

The purpose of S. 2162 is to reduce injuries to, and illnesses of, young children arising from ingestion of toxic or harmful substances customarily produced or distributed for sale for consumption, use, or storage by individuals in or about the household. The purpose of the bill is to be accomplished by requiring household substances which are accessible to young children and which may cause injury or illness to be contained in special packaging that is significantly difficult for children under six years of age to open or obtain a toxic or harmful amount of such substances within a reasonable time, but not difficult for normal adults to use properly. Special packaging is considered to be practicable because young children lack adult capabilities of strength, mastery of more complex operations and dexterity.

The scope of S. 2162 extends across all product lines and types to include all substances customarily produced or distributed for sale for consumption, use, or storage in or about the household. The bill authorizes the Secretary of Health, Education and Welfare to determine whether a substance should be contained in special packaging on the basis of its degree or nature of hazard to children. It empowers the Secretary after consultation with a technical advisory committee to establish performance standards for special packaging designed to protect young children against obtaining harmful amounts of such substance. Failure to conform to special packaging standards will result in the substance being deemed misbranded under applicable provisions of the Federal Hazardous Substances Act, the Food, Drug, and Cosmetic Act and the Federal Insecticide, Fungicide, and Rodenticide Act and subject to the penalties therein prescribed.

Although special packaging, by definition, is not to be difficult for normal adults to use, the Committee recognized that elderly and handicapped persons, such as those with infirmities of the hand) may experience particular problems in opening special packaging. Accordingly, the Committee has provided that substances for which special packaging standards have been established may, nonetheless, be marketed in one size of ordinary container not complying with special packaging standard, or if dispensed pur-

suant to prescription, may be sold in ordinary packaging at the purchaser's request, for the use of the elderly and the handicapped. The single size container is to bear a label statement: "This package for households without young children."

The bill provides for creation of a technical advisory committee composed of members representative of industry, the public and the scientific and medical professions to advise the Secretary in making findings and establishing standards for substances.

Although the bill would become effective upon enactment, it provides that the effective date of regulations will be not sooner than 180 days after final promulgation of regulations. Moreover, the bill provides that states may not establish or continue in effect standards not identical with federal standards.

NEED FOR SPECIAL PACKAGING

Ingestion of a potentially hazardous household substance is the most common medical emergency facing young children. Although ingestions reported to Poison Control Centers number above 70,000 and more than 300 deaths are reported each year, the Committee does not believe that such figures accurately measure the magnitude of the problem. For example, detailed survey in one state showed that only one in five serious poisoning accidents is reported to a Poison Control Center. Estimates of the number of annual poisonings have ranged between 500,000 and 2 million accidents per year.

The Committee believes that the proper purpose of this bill should be not only prevention of deaths, but also prevention of accidents themselves. Immeasurable tragedy occurs in cases where the child does not die, but is forced to undergo medical treatment and, perhaps, to spend the remainder of his life with some accident-caused impairment of his faculties.

A great variety of products have caused injury and illness to young children, according to present information. About 50% of the cases have been caused by drugs and medicines (aspirin accounting for about half of such cases) with the rest of the cases caused by other household products such as furniture polishes, electric dishwasher detergents, drain cleaners, paints and turpentine, cosmetics, and kerosene.

Accidental poisoning has been recognized as a serious problem for some time and efforts have been made to deal with it. The first Poison Control Center was established in 1953 to act as a central source of information on ingredients, toxicity, expected symptoms and recommended treatment for poisonings. About 550 Poison Control Centers have been established to date at the initiative and with the funding of localities. In 1957 the Surgeon General established a National Clearinghouse for Poison Control Centers to coordinate the efforts of local centers and to gather statistical data on poisoning.

Efforts to increase public awareness of the hazards of certain household substances have been undertaken and include yearly proclamation of National Poisoning Prevention Week by the President and privately sponsored advertising messages warning parents to keep harmful products out of the reach of their young children.

These prior efforts to deal with accidental poisonings, although commendable, have not been successful in significantly reducing accidental poisonings and, in the view of the Committee, can not be successful. Poison Control Centers are concerned only with treatment of victims. The Committee, on the other hand, believes that we must seek to prevent poisonings. Efforts at public education are based on the premise that poisonings are caused by parental negligence and that poisonings can be prevented by stimula-

tion of greater parental care. The Committee, however, believes that parental negligence is not the primary cause of poisonings. There are too many potentially hazardous products in the modern home to hope that all of them can be kept out of the reach of children. Special packaging will accomplish what previous efforts have not been attempting to create: positive separation between young children and hazardous substances. Special packaging is intended simply to make the environment of young children safer.

In 1957 the Food and Drug Administration sponsored a meeting of the Medical Advisory Panel on Accidental Ingestion and Misuse of Salicylate Preparations by Children. The proprietary drug industry voluntarily complied with the meeting's recommendations to reduce the strength of children's aspirin and reduce the number of tablets in bottles of children's aspirin. Efforts to develop safety closures for children's aspirin bottles were also recommended at that time. In 1966 hearings were conducted by the House of Representatives on a bill that would require safety closures on drug containers. No legislation resulted, but a joint industry, professional, governmental committee was established to develop methodology for measuring the capacity of various types of packaging to prevent access by children to their contents.

Although there are relatively few child-resistant containers on the market now, it appears to the Committee that a number are in development and that many more may be brought forward once a market for them has been established.

The efficacy of several forms of existing child-restraint containers in preventing access to their contents has been established. For example, laboratory tests conducted with small, but statistically sufficient, numbers of children show that some types of child-resistant containers baffle at least ¾ of the youngsters confronted with them. A large scale field test involving over 600,000 containers and extending over two years has shown that 90% of poisoning due to medicines can be prevented by dispensing medicines in child-resistant containers.

In light of this evidence, and mindful of the failure of prior efforts to secure widespread usage of child-resistant packaging, the Committee feels that legislation is now necessary to bring the benefits of such packaging to the American public.

Mr. MOSS. Mr. President, as sponsor of S. 2162, the Poison Prevention Packaging Act of 1970, I am very pleased that the Senate has passed the bill today. I believe that it offers an opportunity for the United States to take the lead in protecting the health and safety of its young children from the proliferating hazards of useful, but at times harmful, household products. I have received many letters in support of the bill. Since the bill was reported by the committee, I have even received inquiries from England concerning its provisions and suggesting that it might provide guidance for English efforts along the same lines.

The problem with which S. 2162 is concerned is doubtless familiar to all in its general outlines. Young children are curious and determined to investigate their new and expanding world. But they are not experienced and they are not cautious. Products that are safe for adults can be deadly for children who have not learned to handle them properly.

More specifically, children explore by sampling—and their mouths are their

sampling devices. They do not restrict their intake to rocks and worms; they also sample medicines and cosmetics, drain cleaners and furniture polish, kerosene and paint thinner. Medicines and drugs account for about 50 percent of the poisoning cases, but examples of types of poisons are legion. Ingestion of potentially hazardous household substances is the most common medical emergency facing young children. 71,000 ingestions and 4,000 hospitalizations involving children under 5 years of age were reported to the poison control centers in 1968. 325 children died in 1967 from these causes. But the reported figures do not give an accurate picture of the actual number of emergencies, and the number of deaths does not reveal the true dimensions of the tragedies. Estimates place serious cases of ingestion between 500,000 and 2 million. Mortality alone fails to reveal the suffering during the convalescence of children who recover and the toll paid by those who are maimed for life.

I cannot forget a case described in our hearings. Young Michael, 18 months, got into electric dishwashing compound one morning. His mother, who had training as a nurse, quickly washed out his mouth and throat, but to no avail. The highly corrosive product severely burned his throat. He was in surgery for 6 hours, several times close to death, and to the date of the hearings, 14 months later, was required to return to the hospital for one of every 7 days to have dilated the scar tissue that threatens to close off his throat. Other witnesses testified that this was not a typical case.

Along with the committee, I believe that the proper purpose of S. 2162 should be not only prevention of deaths, but also prevention of accidents themselves. Immeasurable tragedy occurs in cases where the child does not die, but is forced to undergo medical treatment and, perhaps, to spend the remainder of his life with some accident-caused impairment of his faculties.

The efficacy of several forms of existing child-resistant containers in preventing access to their contents has been established. For example, laboratory tests conducted with small, but statistically sufficient, numbers of children show that some types of child-resistant containers baffle at least three-fourths of the youngsters confronted with them. A large-scale field test involving over 600,000 containers and extending over 2 years has shown that 90 percent of poisonings due to medicines can be prevented by dispensing medicines in child-resistant containers.

In light of this evidence, and mindful of the failure of prior efforts to secure widespread usage of child-resistant packaging, I feel that this legislation is necessary to bring the benefits of such packaging to the American public. I look forward to the day when accidental poisoning of young children will not be as common a tragedy as it is today. And I believe that the Poison Prevention Packaging Act will spur the ingenuity of American industry to develop innovative containers that will help end the tragedy of childhood poisoning.

DEATH OF WALTER REUTHER, PRESIDENT OF UAW

Mr. HARRIS. Mr. President, I rise today sadly to mark the passing of a man we could not afford to lose. The news of the death of Walter Reuther and Mrs. Reuther and others in a plane crash was a shock to the mind and spirit. Mrs. Harris and I join with so many others in expressing our sincerest condolences to the families and friends of these whose lives were thus so tragically cut short.

Knowing Walter Reuther was for me a rich learning, a lastingly inspiring experience.

He was a perpetually fresh thinking social engineer who acutely felt, personally, the people's deepest needs. He was a fiery orator whose force of eloquence sprang from his basic moral convictions. He was a shrewd political strategist who would never be bound to outdated methods and unworking procedures. He was an impatient activist who struggled to move America more rapidly toward the full realization of its professed ideals.

The life of Walter Reuther was dedicated to peace and justice. They are nearer goals because of him.

His death comes at a time when we particularly need his wisdom, his compassion, his unshakeable idealism, his fighting spirit.

May each of us who valued his friendship and counted his service of such high worth honor him by taking up a little more of the burden. That must be his monument.

INCREASE IN UNEMPLOYMENT

Mr. HARRIS. Mr. President, it is clear that the economic stability of this Nation and the war in Indochina are firmly intertwined. While I think that the administration has failed to provide effective leadership in key economic matters, we should not fool ourselves into thinking that a suitable degree of economic stability can be attained until the massive expenditures in Vietnam and Indochina are greatly reduced.

Last week, with the announcement of the sharpest increase in the Nation's unemployment in 10 years, an increase from 4.4 to 4.8 percent, we have witnessed another seriously disturbing development in our economy.

The administration's high interest rate tight money policies, which, coupled with a hands-off attitude on prices and wages and its recommendations for continued high and unnecessary expenditures in military and other fields, has now been pursued for more than one-third of the President's term and has produced increasing and persistent inflation, decreased profits, increased unemployment, worsening of the balance of payments, virtual standstill in housing which is so badly needed, increased failing of small businesses, and a growing lack of confidence in the economy.

The administration cannot continue to pursue the economic policies it is pursuing and continue to widen the war and commit our resources in Indochina without also continuing the alarming and growing damage to our economy here at

home. I ask unanimous consent an editorial from today's New York Times, pointing out the need for action, may be printed at this point in the RECORD.

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

JUMP IN UNEMPLOYMENT

Last month the unemployment rate climbed to 4.8 per cent—up from 4.4 per cent in March and 3.5 per cent at the start of the year. There is cause for serious concern both over the speed of the rise in unemployment and over its composition.

Until the April figures were released, Administration spokesmen had been expressing their satisfaction that the rate of unemployment among Negroes and other non-white had been rising less than among whites. But last month the unemployment rate for whites rose from 4.1 per cent to only 4.3 per cent, while the rate for blacks jumped from 7.1 per cent to 8.7 per cent. Unemployment among youths under 20 has reached almost 16 per cent, with a heavy concentration among blacks. Thus, racial disadvantage—and racial discrimination—are again bearing their bitter fruit. If these trends continue, they are bound to aggravate social tensions.

It is true that President Nixon warned months ago that there would be "slowing pains" as a result of his policies to cool off the economy and stop inflation. But the rise in unemployment is coming faster and steeper than his economists predicted; the annual report of the Council of Economic Advisers in January forecast an average rate of unemployment of only 4.3 per cent for 1970 as a whole. This will almost certainly be one more example of the Administration's misplaced optimism.

At the same time, inflationary pressures remain strong. While the economic slowdown may have begun to reduce the rate of rise in wholesale prices, the resumption of quite sharp growth in the money supply, the slippage of the budget into deficit, and the escalation of wage demands by labor unions make it far from certain that the inflationary trend will not be intensified rather than moderated in the months ahead. Inflation is bad news both for employers and for workers; by squeezing profits, cost-push inflation forces layoffs of workers.

In his press conference this week, the President sought to reduce worry over unemployment by forecasting that Gross National Product will pass the trillion-dollar mark by the end of this year. He did not say how much of this would result from inflation. The President and his advisers cling to a hope that the lagged affect of the past slowdown will check future inflation, while the coming rise of G.N.P. will simultaneously check rising unemployment.

Thus the Administration continues to hope to find just the right middle path between too much stimulation and too much restraint and thus simultaneously stop both inflation and unemployment. But the time is rapidly approaching when the Administration must face up to the failure of its forecasts and to the necessity of building a broader program to achieve these conflicting objectives. Besides general control of total demand, the Administration needs two other basic weapons: an income policy to curb inflationary price and wage behavior, and a stronger Federal program to prepare the low skilled for employment, to break job discrimination, and to find or create jobs for those who are the victims of what Mr. Nixon calls "our fight against inflation."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett one of its

reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 4869) to further the economic advancement and general welfare of the Hopi Indian Tribe of the State of Arizona.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 15945) to authorize appropriations for certain maritime programs of the Department of Commerce.

The message further announced that the House had passed a bill (H.R. 17399) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. HOLLINGS):

H.R. 4869. An act to further the economic advancement and general welfare of the Hopi Indian Tribe of the State of Arizona;

H.R. 15694. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishment for the Coast Guard;

H.R. 15945. An act to authorize appropriations for certain maritime programs of the Department of Commerce; and

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.

HOUSE BILL REFERRED

The bill (H.R. 17399) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Ohio for not to exceed 15 minutes.

MURDER AT KENT STATE

Mr. YOUNG of Ohio. Mr. President, Maj. Gen. Winston P. Wilson, commanding officer of the National Guard, was scheduled to testify before the Armed Services Committee May 7 with other Army officers relative to strength request for the National Guard for fiscal 1971. He was questioned by Senators seeking information about the tragedy at Kent State University last Monday. He made astonishing and outlandishly untruthful allegations on the subject of that Kent tragedy about which he had no personal knowledge. This is the same major general who is bucking to be promoted to lieutenant general even to the extent of having a private bill introduced in the House of Representatives and surprisingly passed in that body. This bill, H.R. 15143, is now pending in the Senate Armed Services Committee. Furthermore, Mr. President, officials of the De

partment of Defense expressed opposition to the enactment of this bill as is reported in pages 4 and 5 of the committee report of the House of Representatives.

General Wilson stated before the Armed Services Committee of the Senate and to newspaper reporters that students at Kent State who were fired upon were lawbreakers in violation of the "Governor's ban, in violation of the Riot Act and the lawful order to disperse." General Wilson expressed no sympathy whatever for the shooting to death by National Guardsmen of four students, including two girls who were present out of curiosity, as spectators, and were not participating in any demonstration, peaceful or otherwise. This arrogant general then stated that he had an unconfirmed report that a nonmilitary spent shell casing was picked up on the Kent State University campus in the vicinity of the area where four students were killed and 14 students, boys and girls, were seriously wounded by rifle fire from National Guardsmen. He is the first and as far as I know the only person to make such an allegation. Of course, during the hours and days following last Monday noon there has been ample time for Guardsmen to plant shotgun shell casings or railways spikes, for that matter, on the campus grounds. Major General Wilson then said, "I have an unconfirmed report that four shots were fired by a person in the dissident group." He knows or should know there is no truth whatever to those statements. He made the false allegation that snipers were shooting at the Guardsmen. The facts are there is no evidence whatever of even one sniper bullet being fired. He repeated an allegation that had been previously made and was rejected as false that some sniper was on the roof of a building. The truth is that helicopter pilots, observing from the State highway patrol circling the entire area and the buildings of Kent State University, reported there was no sniper on any rooftop and that there had been no sniper fire. This fellow spoke of the unconfirmed rumor of four such shots. Then he had the effrontery to state that he had an unconfirmed report that a "witness had seen a girl dashing out of the dormitory who fired a weapon at the Guardsmen as they turned away." It is evident to me that General Wilson is the one who formulated and made public this as an unconfirmed rumor. Then the general added, "the Guardsmen turned back and returned the fire." He knows that there is no basis in fact for such allegation. He simply indulged in the big lie technique of Adolf Hitler that by making false statements and allegations repeatedly, then in the end credence is bound to be given them. In the Armed Service Committee he was asked why Guardsmen had fired into a crowd of students. He evaded that by stating, "We must await the result of the investigation by the Department of Justice." Then he made his startling allegations regarding the girl dashing out and firing a weapon and added a statement made for the very first time that four shots were fired by a person of the dissident group. These statements were fantastically false.

Persons at my urgent request made an on-the-spot investigation, continued for several hours until the university was closed and there were no students around available to be interviewed. Following the time General Wilson made these outlandish and fantastic speculative, unconfirmed and false statements, then a newspaper in a small city in Ohio quoted the general. The next thing I knew I received a telephone call from a radio station in Toledo that what I had been saying in the Senate regarding the Kent State tragedy had been altogether different than the facts given out by General Wilson following his investigation. So his Hitler technique of the big lie which was unbelievable and was not believed by members of the Armed Services Committee were finally reported as facts. This general and no other person told of an unconfirmed rumor that a witness had seen a girl dashing out of a dormitory and firing a weapon at the guardsmen as they turned away and they turned back and returned the fire. Statements given me by college students and a graduate Kent State college counselor are positive that no such incident occurred. They were equally positive that the guardsmen were the only ones who fired guns early that fatal Monday afternoon.

National Guardsmen on the scene on Saturday and Sunday and on Monday were brutal and mean and were pushing students around. According to a statement made to me and verified by a graduate counselor who witnessed the incident, a guardsman said to this student, "Get you—obscenity—out of here," and at the same time broke his blackjack over his right arm. I saw his black and blue arm and elbow.

One wonders if the underlying cause for these false allegations, or these rumors, stem from this general's desire to go all out with irresponsible, untruthful allegations, knowing that the officer who ordered his soldiers to fire pointblank into the students was guilty of murder in the second degree. Vice President AGNEW stated that Ohio National Guardsmen overreacted and also asserted, as a lawyer that the officer giving the order to fire could be considered guilty of murder and could be charged with murder but not first-degree murder. In Ohio, second-degree murder is murder committed without the element of premeditation as is first-degree murder.

Adjutant General Del Corso is commander of the Ohio National Guard. His deputy adjutant general, Canterbury, was present in Kent.

Adjutant General Del Corso was reported last week as saying he was "almost certain a sniper triggered the fatal rifle volley although Senator STEPHEN M. YOUNG blamed it on trigger-happy troops." Del Corso, according to the newspaper accounts, called me a "senile old liar." Del Corso is a 2-by-4 politician who holds a political appointment as adjutant general. My answer to Del Corso is that my father, Judge Stephen M. Young, many years ago, during my first term as a representative in the General Assembly of Ohio, told me never to get into a spraying contest with a skunk. It

is noteworthy that this two-bit politician Del Corso said nothing critical about Vice President AGNEW's statement that the Guardsmen overreacted, not much difference between that statement and mine of "trigger-happy Guardsmen." Very definitely, members of the National Guard who obeyed orders are not chargeable with committing manslaughter or second-degree murder.

It is noteworthy that neither Adjutant General Del Corso nor Major General Wilson expressed any regret or feeling of sorrow to the members of the families over the deaths of four students and the wounding of 14 others. Not one of the National Guardsmen was a casualty, not one was hospitalized. One sustained a heart attack and another Guardsman fainted. In this connection, Mr. President, I report that Gov. James Rhodes of Ohio last Monday afternoon when he first learned of this tragedy said, "This is the saddest day of my life."

It is a great misfortune, Mr. President, that shortly after noon on Monday, May 4, four students were killed. They were murdered. Fourteen were wounded. General Del Corso and his deputies let down and, in fact, betrayed Gov. Jim Rhodes. Our Governor, upon hearing of this tragedy, was shocked and tearful. I have admiration and respect for Governor Rhodes and share his feeling of sadness about this, but very definitely, Mr. President, I have nothing but a feeling of contempt toward General Del Corso and of regret that President Nixon referred to college students who demonstrate as "bums." This, despite the guarantee given all Americans in the very first amendment to our Constitution.

Mr. President, last Friday evening two girl students and a professor called at my Washington residence and then last Saturday between 9 in the morning and noon a number of boys and girls who are students at Kent State University called at my office. We have their names and addresses and statements were taken. Late Saturday afternoon and throughout Saturday evening boys who reside in Pennsylvania and Ohio came to my home. My Washington residence is not listed in the Washington telephone book nor is my home in Northwest Washington a few blocks from American University easy to find by one unfamiliar with Washington.

These students, both young men and women, state that a platoon of National Guardsmen were hurling canisters of tear gas at a crowd of students milling around the campus. Some of these students milling around immediately hurled back partly filled canisters of tear gas at the guardsmen. Also, there were some stones thrown—no large stones—and even the small stones and the tear gas canisters immediately hurled back were thrown from such a distance that most of them fell short. Not one of 10 or more of these students who were on the scene saw any tear gas canister or stone strike a guardsman.

One man reported to me some days ago that he feels a canister hit a guardsman on the arm and that the guardsman fired his gun accidentally. These boys, who were very close by, said that the

canisters, as far as they knew, never really struck any of the demonstrators, but the gas fumes came out, and then some of the demonstrators were hurling stones. There were no boulders, no large, hard objects whatever, but they were hurling stones and the canisters back, and, from that distance, most of them fell short and rolled toward the guardsmen.

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

Mr. YOUNG of Ohio. Mr. President, this is an important address I am making on the Kent State University murder. I ask unanimous consent to proceed for an additional 5 minutes.

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

Mr. YOUNG of Ohio. The students were milling around. We have these signed statements which, I am informing you, Mr. President, I shall keep locked up in my home or in my office until such time as I deliver them to the proper authorities.

They said that the guardsmen who were on the ground level with the demonstrators immediately emptied all the gas canisters they had, and immediately ran up the hill in some disorder, and at the top of the hill they immediately regrouped, with their guns in front, and then marched down in formation. Immediately the front rank kneeled and the lieutenant in command of that platoon held his arm aloft and then pulled it down. Immediately a volley was fired from the guardsmen.

That no more than four were killed and 14 seriously wounded is due to the fact that many of the guardsmen had the good judgment to fire high in the air.

These young men threw themselves on the ground, but they believed there were no bullets in those guns. They got up, and a girl to the right of them, somewhat to their rear, was lying in blood, part of her face shot away. Then they were frightened and ran away. All of the statements I have, unsigned and signed, say that those were the only shots that were fired. There was no first aid treatment whatsoever for any guardsman.

The Pentagon and the Army have issued ground rules for the suppression of riots. It is standard policy to furnish blank cartridges, and not to furnish live ammunition. That is in the rule book. But Del Corso ruled otherwise. He permitted live ammunition to be used. That is a violation of the general rules of the Army. In an emergency, only certain guardsmen, preselected, and on order from the headquarters, may fire live ammunition.

Rabbi Arthur J. Lelyveld of Shaker Heights who is nationally known and highly respected as one of the most learned rabbis in our Nation, condemned the fatal shooting of four Kent State students by National Guardsmen and warned that "get tough" policies will only increase unrest on other campuses.

It's inconceivable that the troops had no alternative to firing live ammunition into a crowd of students because some were throwing rocks.

Rabbi Lelyveld said in a statement issued by the American Jewish Congress which he heads:

Protest—even violent protest—is not a crime punishable by death.

The Cleveland rabbi said, adding:

We can't expect the deeply held feelings about our country's actions in Vietnam—the subject of the students' protest—to find expression only in forms of polite discussion.

Mr. President, the statements I have obtained and all that I obtain in the future will be made available to the majority leader of the Senate and, of course, to the chairman of the Senate Investigation Committee of this tragedy. In addition, I report that in Northern Ohio there was recently appointed by President Nixon a very fine U.S. attorney for the northern district of Ohio. Kent State University is within the northern district of Ohio. I shall turn over these fine statements to U.S. Attorney Robert Krupansky because I hope he is a fine lawyer and I know the statements I have would give probable cause to charge this lieutenant who gave the order to fire with second-degree murder. Of course, the soldiers who obeyed orders cannot be charged with any offense.

Mr. President, as a prosecuting attorney and as a trial lawyer over many years I am accustomed to deal with facts. My opinion as a lawyer, and Vice President AGNEW has expressed the same opinion when he stated the Ohio guardsmen overreacted and that murder was involved. Very definitely, Mr. President, there is probable cause that the lieutenant who gave the order to fire and Maj. Gen. Del Corso and his Deputy General Canterbury should be investigated.

DEATH OF WALTER P. REUTHER

Mr. PERCY. Mr. President, the Nation, and particularly the world of labor, suffered a great loss over the past week-end with the untimely death of Walter Reuther, president of the United Automobile Workers. He was not only a great labor leader both in this country and in the international labor movement, but also a great humanitarian and one of our outstanding experts in the field of health care, housing, hunger, and other unmet human needs.

In the alliance he formed with the Teamsters, he brought another great labor union and a great body of members of organized labor into humanitarian efforts for the benefit of the country. They accomplished many things in the private sector that otherwise would have to be done in the public sector.

He was also a great friend of many of us here in Congress. Until coming here, I had spent my whole working life in management. I first became acquainted with Walter Reuther through the president of the IBM Corp., who had served on a Government commission with him and was struck by his brilliance and by his great energy and foresight. Mr. Thomas Watson recommended to me years ago that I become better acquainted with Walter Reuther.

At the time that George Romney headed American Motors, he came to ask me to serve on the board of that great American corporation, and I asked him at the time his own impressions of Walter Reuther.

He indicated to me that very frequently he had dinner with him. He said that they discussed philosophy, and that they talked about not only labor-management relationships, but other subjects of mutual interest to them and of concern to the country.

He said that through the years he had developed tremendous respect for the depth of thought, the perception, and the dedication of Walter Reuther. Coming from a man who had represented management in opposition to labor through years of hard bargaining, I thought that was quite a great tribute.

Since I have served in the Senate, I have tried to work with organized labor as well as with members of the business community in trying to find better ways in which we can strengthen the economy of this country and move forward in the private sector. I have never turned to Walter Reuther for guidance or help and been disappointed. I was proud that, through recent years, he has been a friend, and that I had a chance, firsthand, to observe those qualities in him that my colleagues in business who had worked with him through the years had observed in him in the past.

He was a tough bargainer, hard in his demands for the people he represented, but also tough in his approach to fighting for better things in this country and to strengthening America. I know he has been looked upon with some concern by those in business who would perhaps not benefit as much from his tough, hard bargaining.

But I do feel this: As the automobile industry now goes into a period of very tough bargaining, I think the industry people may reflect on the fact that when they have bargained, and bargained hard, with Walter Reuther and his representatives, once they had struck a bargain the membership of the union, almost without exception, followed his leadership and provided a great deal of stability. The auto workers, therefore, have contributed through the years a great deal to the growth of the industry. Now they are now faced with some uncertainty, and we can only hope that the leadership will continue as strong in the future as in the past. This void must be quickly filled by a great union, because of the need of the industry itself for such inspired leadership.

The country has lost a great American, who has worked hard in behalf of our institutions, and I express my deep sympathy to the United Automobile Workers, to his colleagues and friends and, of course, to the members of his family.

SATURDAY'S MARCH ON WASHINGTON

Mr. PERCY. Mr. President, students have once again marched on Washing-

ton. They said they were tired of war in the name of peace. They said they were tired of expansion of the war in the name of withdrawal. They said they were tired of rhetoric in the name of action. We in the Congress heard this message from the students and faculty members who came to our offices, from those who phoned us from across the country, from thousands of letters and telegrams.

The administration heard the message, too. The President responded by opening a dialog with faculty members and students, by permitting the use of the Ellipse—within sight and sound of the White House—for the peace demonstration, by going to the Lincoln Memorial at dawn to talk with students, and by making Cabinet members and key aides available to students and faculty members for frank discussions. Secretary Finch was especially understanding of what the students were saying, and his availability, as well as that of other Presidential appointees, was much appreciated by student and faculty representatives.

Mr. President, I believe that great credit is due to the administration for the approach that it took toward the students, faculty members, and others who were in Washington this weekend. I think credit should also go to the news media for the balanced coverage they provided, and to the participants, particularly those who served as marshals, for preserving decorum in a sense of urgency, but also in the framework of nonviolence.

I particularly commend also the Washington police, under the able command of Police Chief Wilson, who contributed greatly to the tranquillity of the weekend. I believe that Police Chief Wilson's statement on television and to the news media was a very helpful statement in demonstrating to the country that Washington was not a scene of violence this weekend, but of what was by and large an orderly demonstration of citizens using their right of free assembly to petition the Government about something they felt very urgently.

But I think today, as we have a Monday morning quarterbacking session on what actually happened, that it is very important that we not lose sight of and just let pass the weekend. Let us take into full account what the demonstrators were attempting to tell us.

What we face today is a revolution of our young people and intellectuals. This revolution—here prayerful, there noisy, here nonviolent, there violent—has been caused by the failure of our system to respond creatively to the needs and desires of vital segments of our population. The students and faculty members see only failure in the tiny, hesitant steps forward of recent years. "Why," they ask, "cannot the richest Nation in the world feed the poor, guarantee human rights, and give equal opportunity to those for whom it has been so long denied?" They sense a terrible hypocrisy at home, compounded by monumental loss of life in a war they cannot accept or condone.

Those who came to Washington from our college campuses this week were doing what Americans have always done:

Seeking active representation from their elected representatives. I hope that we will respond to them quickly, and creatively, for if we do not act, this may have been the last time they will come to us. If they are alienated from us, we must also remember that in varying degrees we are alienated from them. What is at stake here is the thrust of a generation, the generation to which we will ultimately consign the responsibilities of power. We must prove to them that our system of elective politics at all levels is capable of action when action is required, lest they withdraw further from the system.

For students who have not yet dropped out—or opted out—of the system, the recent expansion of the war into Cambodia is a watershed. If the Congress fails to act quickly to end the Cambodian incursions, the system these students have supported may lose their support. The students and the faculty members and all the millions of Americans who share their concern are outraged not simply by the widening of the war, but by all that this widening symbolizes: questionable use of the warmaking power, a return to escalation, disregard for the yearnings of the American people for an end to this land war in Asia.

I ask my colleagues to consider the fact that our youth bears a disproportionate share of the burdens of this war. We adults pay our taxes and are amply represented in our national institutions. But the youth must fight a war which a majority of them abhor as immoral. The youth must pay for the war with disrupted educations and aborted careers and with their very lives and limbs. Like the founding fathers, they complain bitterly of "taxation" without representation.

I see some hope in the fact that most of the students who talked with me last week do not want to drop out. On the contrary, they are knocking on the door, demanding to be let in. We must open the door. We must lower the voting age to give them representation. We must work to bring them actively into the elective process, not only as voters, but also as campaign workers. We must end the draft and we must end the war.

Young people have long been the most enthusiastic workers of political campaigns, leaders of the civil rights and peace movements. Yet they remain disenfranchised, unable to affect—except in the most oblique fashion—the outcome of the issues on which they labor.

The students demand that we respond to the challenge of our traditional ideals, that we fulfill our national promise. They demand social action now, because they are tired of years of equivocation and plodding. They demand peace now, because they are tired of years of war.

I tell you that we cannot desert a whole generation of Americans, a whole generation of our sons and daughters. We must now take long steps to improve the nature of our society and to regain the peace. There is not sufficient reason to delay. Our work has been cut out for us.

I ask unanimous consent to have

printed in the RECORD my statement to a group of student demonstrators of May 8, 1970.

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

STATEMENT BY SENATOR CHARLES H. PERCY

You came here because you were angry—over an undeclared and tragic war in Southeast Asia that has been escalated sharply and over the inexplicable and indefensible killing and wounding of young people on the campus of Kent State University.

I share your anger. I opposed every escalation of the debilitating conflict in Vietnam during Democratic Administrations, and I would therefore, oppose just as vigorously any expansion of the war into Cambodia. I had thought we were on the road to withdrawal from a war unrelated to our own vital interests and national security. Now I am astonished and appalled to find that it has been widened into another country without Congressional approval.

But I believe that the abrupt turnabout in Southeast Asia—however misguided—and the shooting by American troops of American students exercising a constitutional right—repugnant as it may be to our national conscience—do not entirely account for your presence here today. You are as aware as I am, I think, that my generation has almost completely lost contact with yours, and that this may be our last chance for reconciliation.

I fear that you are on the verge of total alienation. This nation may be about to lose the allegiance of its young people, the millions of Americans between 18 and 30. It is a terrifying thought.

It does no good today to deplore once more the loss of our lives, our treasure and our international reputation in Southeast Asia. It is fruitless to lament again the plight of the poor, the hungry, the disenfranchised, those deprived of their civil rights. It is not enough to speak out against the inflammatory rhetoric, much of it emanating from the highest levels of government, which has driven moderates into the radical camp, transformed progressives into revolutionaries.

You have heard enough words. What you want is action, evidence that your voices have the power to shape the policies of the national government.

I offer you some specific promises:

First, I promise that I will work to redefine and clarify the war-making powers of the President and the Congress. We in Congress have the constitutional power to declare war, but it is necessary to go back through six Administrations—to World War II in the Roosevelt Administration—to find a war that has been declared by Congress.

Since the end of that declared war the United States has lost scores of thousands of men killed and wounded and upwards of 200 billions of dollars in undeclared conflicts, skirmishes, police actions—pick your own term—in Korea, the Dominican Republic and Southeast Asia. And there are no statistics available on the clandestine adventures—in Cuba, Guatemala, the Congo, Indonesia.

Second, I am introducing a resolution stating that it is the sense of the Senate that no American forces—land, sea or air—may be sent into combat without the express consent of the Congress, except in response to a direct and obvious attack.

Third, I have cosponsored and will work for enactment of a proposal calling for the repeal of the Gulf of Tonkin Resolution, the shaky instrument that has been used to justify countless escalations of a dreadful war.

Fourth, I have cosponsored and will work

for enactment of an amendment to cut off funds for the Cambodian incursion.

Fifth, in order to give impetus to the legitimate aspirations of young people to play a forceful role in the formulation of national policy, I am urging the presidents of all American colleges and universities to suspend classes for at least one week prior to next fall's congressional elections to permit the Nation's millions of college students to actively campaign for the candidates who will best represent their views. Coupled with this massive demonstration of political action we must press to give the franchise to 18 year olds. If it takes a constitutional amendment, so be it and let us get on with it. Young men and women must participate directly in the electoral process, making our officials and institutions more responsive.

Now that I have outlined my proposals, I would like to ask something of you. I urge you with all the force I can summon to shun and help prevent the violence that will only retard progress toward our common goals.

Violence is a form of self-indulgence, providing momentary release at the expense of the long-range aspirations we share. Violence: arson, damage to life and property—should be condemned and treated as the criminal acts they are, whether it be the wanton destruction of a scholar's life work or the death of innocent student by-standers. It can only lead to further polarization of this already battered but still great nation, and destroy our opportunity to represent your views effectively.

I do not say that you have not been provoked—verbally and physically—by a generation that too frequently mistakes your idealism for intellectual arrogance and ignores your laudable aims while concentrating on superficial matters, such as hair length and beards. But I do know that more violence will only turn the generation gap into an unbridgeable chasm.

If you feel today, in this almost unprecedentedly depressing time in our national life, as if all of your protests have been unavailing, I wish to disagree with you. I speak as a member of one institution, the United States Senate, and I can tell you that you are being heard. The message is loud and clear, and I hope you will not allow it to be muted by the tragic events of the past several days. Moreover, I believe that the President has heard and is listening now. I believe that he wants to end this war. I believe that the ending will be hastened.

In some measure, your dissent has been responsible for a formidable number of actions we have taken. With your support, we have begun to give military appropriations the scrutiny they deserve, to weigh the need for advanced military hardware against pressing human needs and cut billions from the defense budget without compromising our national security. The Senate also has turned back an attempt to emasculate the Voting Rights Act of 1965 and succeeded in having it renewed. It has greatly expanded programs to feed the hungry, another high national priority. It has just rejected a second Supreme Court nominee, one who exhibited lack of sensitivity to the aspirations of all Americans for full membership in American society.

I do not mean to dwell on our accomplishments, for so much remains undone, but only to offer you hope. I see in Secretary Hickel's courageous letter to the President a growing understanding in the Executive Branch that this Administration will never win your support through benign neglect. In the appointment of Judge Blackmun to the Supreme Court, I see a reassuring sign that the court will regain the integrity and public trust it must have.

I state unequivocally that there is hope.

This remains the greatest form of government devised by man. It was forged in a revolution and the fervor of that revolution has nourished it over two centuries. It can move it again, but only if the great energies are used with restraint, and genuine care for our future. A bloodbath would only restore the tyranny that we have rejected since the first days of the Republic.

So I would say to you in closing: Do not despair of us, do not abandon your country and its future in this crucial hour. Continue to prod us into action, to give us the benefit of your unique appreciation of this nation's moral obligations. Dissent vigorously—but peaceable and within the broad parameters of our constitution, and I pledge to you that we will respond.

OFFICE OF OPPORTUNITY COMPREHENSIVE HEALTH SERVICES PROGRAM

Mr. PERCY. Mr. President, one of the most successful programs of the Office of Economic Opportunity is the comprehensive health services program. The first neighborhood health center was funded by the agency in 1965. OEO now funds 50 of these comprehensive health-care projects. The operation of these programs has proven to be so successful that the responsibility for \$30 million in operating expenses for successful programs will be transferred from OEO to the Health Services and Mental Health Administration of HEW, so that OEO can concentrate on the more experimental and innovative aspects of health care.

A recent article from the Journal of the American Medical Association describes the success of two OEO-funded health clinics. The first is Mile Square Health Center which operates in Chicago's West Side. Of the 25,000 people in the target area, 90 percent are black. One-quarter of the people receive public aid. The infant mortality rate is more than double that of nonpoverty areas, and the district has one of the highest crime rates in the Nation. The Mile Square Center came into this district in 1966 to offer a wide variety of health services to the residents. Last year the center treated more than 18,000 patients for prenatal and postnatal care, pediatric care, adult medicine, mental health treatment, laboratory and X-ray work, dental care, and pharmaceutical services.

The second center is in King City, Calif., and is a neighborhood health center which combines a rural setting with private medicine. The target population of 8,000 is divided almost evenly between low-income permanent residents and poor migratory workers. The nearest medical facility was 50 miles away. Two and one-half years ago the Office of Economic Opportunity gave a grant to a group practice of seven physicians to provide health services to these people. Project personnel have succeeded in registering about 90 percent of the poor whom they hoped to reach. Approximately 70 percent of the people served by the group, however, remain private patients who pay for their care. As the project director states:

We have become convinced that physicians in the private sector can establish a workable partnership with the government.

Because of the increasing awareness of the need to provide better health care and facilities for the poor, I ask unanimous consent to have printed in the RECORD an article entitled "Can Community Centers Cure Health Problems of the Poor?" published in the Journal of the American Medical Association for March 23, 1970.

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

CAN COMMUNITY CENTERS CURE HEALTH PROBLEMS OF THE POOR?

On July 1, the comprehensive neighborhood health center concept will reach official maturity.

According to President Nixon's budget message, responsibility for \$30 million in center operating expenses will be transferred from the Office of Economic Opportunity (OEO) to the Health Services and Mental Health Administration (HSMHA).

Government officials feel that as many as ten of the "more mature" neighborhood health centers have fulfilled their roles as demonstration projects under OEO and are now ready to provide full-time services under HSMHA.

The neighborhood health center idea has been touted as one of the most effective means for delivering health care to the nation's poor. Advocates are calling for enough funds to sprinkle 600 to 800 comprehensive care clinics across the country.

Critics, however, argue that such centers deceive the poor by offering health care and economic benefits that probably cannot be maintained.

In order to grasp the problems and potentials of neighborhood health centers, Steve Murata of MEDICAL NEWS visited the Mile Square Health Center in Chicago, one of OEO's most successful projects. He also interviewed government officials, other center directors, and physicians interested in the program. The following articles reveal the extent of the neighborhood health center effort and discuss some key issues which may decide the future success of the concept.

MILE SQUARE: HEALTH CARE FOR CHICAGO'S POOR

More than 25,000 people, 90% of them black, jam the "Mile Square Area" on Chicago's West Side. Unemployment among male residents fluctuates around 13%, and more than 25% of the inhabitants receive public aid. The infant mortality rate is two-and-a-half times that of non-poverty areas, and community leaders must battle one of the highest district crime rates in the nation.

The decaying houses and apartments frequently have no heat, no hot water, and no functioning toilets. Evidence of malnutrition appears most often among children who are underweight, listless, hungry, and subject to repeated infections. "You have to have a strong mind and a strong and willing body just to survive," said one former resident.

Three years ago, the Mile Square Health Center opened its doors in an old, three-story brownstone, located in the heart of the area. The project represented a marriage of a strong community action group and Presbyterian-St. Luke's Hospital, said Joyce Lashof, MD, director of community medicine for the hospital and co-director of Mile Square.

In 1965, Dr. Lashof helped complete a study describing the health needs of Chicago's poor. Publicity from this report reached the Mile Square Federation, a community action group organized to combat inadequate housing, youth problems, health deficiencies, and unemployment.

Representatives of the Federation met with

Dr. Lashof and other officials from Presbyterian-St. Luke's, an 838-bed teaching hospital currently affiliated with the University of Illinois Medical School. Together they drafted a grant request, and in July 1966, received \$1,049,000 from the Office of Economic Opportunity (OEO) to begin planning, recruiting, and training programs. On Feb. 9, 1967, the first patients began arriving at the clinic's front door.

Today, the Mile Square Health Center has registered almost three-fourths of the target population. More than 18,000 patients packed the examining rooms last year to receive prenatal and postnatal care, family planning information, pediatric care, adult medicine, mental health treatment, laboratory and x-ray work, dental care, and pharmaceutical services.

By supplementing full-time professionals with part-time workers, the Mile Square Center has been able to assemble a staff equivalent to seven full-time internists, eight pediatricians, one obstetrician, six dentists, and 26 nurses, as well as 200 other professional and para-professional personnel, said Mile Square's other co-director, Harry P. Elam, MD.

Four months ago, the Government Accounting Office (GAO) issued an analysis of Mile Square which noted that the "center-hospital arrangement had provided many of the center's patients with their first affiliation with readily accessible comprehensive medical care."

"An OEO medical audit team has rated the center's medical services as supportive of quality medical care, and in general, among the highest quality medical care provided at any of the OEO-financed neighborhood health centers it had reviewed," the report added.

During the last five years, OEO has awarded grants to 49 widely differing groups in 24 states to generate neighborhood health centers. Funds have been dispersed to county medical societies, medical schools, state departments of public health, private group practices, hospitals, and a variety of community organizations to demonstrate the feasibility of the concept in as many innovative ways as possible, said Thomas Bryant, MD, director of OEO's Office of Health Affairs.

Thirteen of the OEO demonstration projects are located in rural communities including the much-publicized program in Mound Bayou, Mississippi. The remainder are scattered in urban areas across the nation with seven neighborhood health centers located in New York City.

Between 25 and 30 of the clinics are now providing a comprehensive range of services, while nine or ten others are just beginning operations.

A small number of neighborhood health centers, however, have sprung up without federal funds. The Spring Garden Community Services Center in Philadelphia receives support from Hahnemann Hospital and Medical Center, a pharmaceutical company, community fund, Jewish synagogue, and Lutheran congregation (*JAMA MEDICAL NEWS* 211:393 [Jan. 19] 1970).

Some medical schools and medical students have begun to involve themselves in community health problems. Even street gangs and radical groups such as the Black Panthers have established clinics in various forms.

Many of the small centers, especially those which are just beginning to operate, can only provide partial health services. By counting the immunization clinics, infant care clinics, and local centers run for specific health problems, the number of neighborhood health centers seems large, according to Effie O. Ellis, MD, special assistant for health services to the Executive Vice-President of the American Medical Association. "However,

there are probably only 150 neighborhood health centers in the country that are able to provide comprehensive services," she said.

One reason that neighborhood health centers have proven popular in many poor communities is a requirement for community involvement in directing the program. The Economic Opportunity Act specifies that health services for the poor must be furnished "in a manner most responsive to their needs and with their participation. . . ."

OEO guidelines further stipulate that policymaking bodies of the centers must include up to 50% representation by people eligible to receive services.

The provision for involving target area residents in decisions has been one of the most controversial aspects in neighborhood health center operations.

Some physicians, nurses, and other health care professionals have been fearful that the consumers would interfere with the practice of medicine. While OEO officials deny that residents try to change prescriptions, administrators admit that some of the poor residents have made non-medical demands which physicians have found hard to swallow.

Personnel selection, location of the center, hours of operation, eligibility criteria, fee schedules, and personal complaints have been debated at great length, often heatedly. One consumer group from a predominantly black community demanded that the physicians and nurses live in the target area and another center advisory board required the staff to learn Spanish within six months of hiring.

"At Mile Square, the residents established the medical care priorities," said Dr. Elam. "They were most concerned with prenatal and neonatal care. Then they wanted attention focused on the preschooler, followed by the multiple problem family."

OEO's Dr. Bryant acknowledged that several neighborhood health centers are experiencing great problems trying to satisfy the residents. "Some of the consumers have had little opportunity for education and have never dealt with hospitals and doctors except during medical crises. Through their lack of experience, they may overstate demands," he said. "If the professionals can continue the dialogue, they generally discover that the consumers and providers become more sophisticated and a better working relationship will evolve."

"You absolutely must be able to come through with solutions to honest demands made by the poor," said Mile Square's Dr. Lashof. "However, you must also be completely honest about what you can and can't do, giving the people all of the alternatives and choices available to them."

Being responsive to community needs frequently takes the form of providing jobs in the health centers for area residents. More than three-fourths of the 271 people working on Mile Square's staff are target area people.

"We don't have any volunteers at Mile Square," said Dr. Elam. Every position then provides a potential job for a target area resident and a chance for upward mobility.

The poor often require extensive and costly training programs to become community health aides, dental technicians, bookkeepers, and the other personnel needed by the center.

However, their hopes for a rapid rise to professional status have been thwarted at many locations due to licensing restrictions, lack of standardized training for degree purposes, or resistance from the professionals.

Many nurses, for example, have experienced difficulty sympathizing with para-professional aides who demand equal pay and status after a short course in nursing techniques and a year or so of experience.

"Training at the neighborhood health centers needs to be two-edged," said OEO's Dr. Bryant. "People from the community must be trained to perform their duties well. How-

ever, doctors, nurses, and other health care professionals must also be sold on the great value of the para-professionals.

"Clashes resulting from jurisdictional hangups will probably continue because of the immense shortage of manpower," he added.

Large numbers of these para-professionals are needed by neighborhood health centers to conduct "outreach" programs. Teams composed of a public health nurse and three community aids try to make target area residents aware of the comprehensive services available and to entice the poor into the Mile Square health care system.

Approximately 23,000 home visits were made by these community health teams last year. More than two-thirds of the visits were conducted by the 95 community health aides alone.

The community health teams provide the first level of services in "three echelons of care" as conceived by Mile Square's Dr. Elam. The health center itself forms the second level, and the hospital with its complex diagnostic equipment and in-patient beds, constitutes the third level, he said.

"The total commitment of the back-up hospital is most important to neighborhood health centers," said Dr. Lashof. "People must not be turned away from the emergency room or hospital clinic if the entire system is to function smoothly."

Mile Square residents receive plastic cards identifying them to personnel at Presbyterian-St. Luke's Hospital. A simple call to the records center at Mile Square generally clears up any questions when a patient arrives for tests or treatment.

The close cooperation of the hospital has also assured "continuity of care" for the residents of Mile Square. "All of the physicians who work 50% or more of their time at the center also maintain staff appointments at Presbyterian-St. Luke's," said Dr. Lashof.

"We recruit only those who already have hospital privileges or are assured of an appointment. Thus, the patient can count on seeing the same physician in the hospital he sees in the clinic."

What effects continuity of care, training plans for residents, and almost any other center program have on the actual health of the target population proves difficult to gauge. Mile Square directors, for example, developed plans to expand their "outreach" program by doubling the number of community health teams. After a preliminary evaluation, however, this proposal drew criticism from the GAO.

An auditing team estimated that the cost for covering all 4,200 target families would reach "\$94 per family per year, or about \$392,000 each year for this one aspect of the center's operations."

"OEO has not made an adequate assessment, as appears to be warranted, of the effectiveness of the community health teams. . . ." the Government Accounting Office concluded.

Dr. Lashof said, "the work performed by community health teams remains one of the most difficult areas to evaluate, especially on a strict accounting basis. We feel that the community health nurses and aides have been extremely effective in attracting people into the center who have difficulty understanding the importance of health care."

KING CITY: CARE IN A RURAL SETTING

A neighborhood health center which successfully combines a rural setting with private medicine is located in King City, California.

Working through the Monterey County Medical Society, a group practice of seven physicians secured an OEO grant two and one-half years ago to provide health services to the Mexican-American laborers who culti-

vate the celery, tomato, artichoke, and other seasonal crops grown in the Salinas Valley.

The target population of 8,000 patients was divided almost evenly between low-income permanent residents and low-income migratory workers. The nearest medical care available to the medically indigent prior to the Rural Health Project consisted of a county hospital located 50 miles away. In order not to lose the day's wages that such a trip would necessitate, the poor would try to ignore their illnesses until the problems became too severe to bear.

Personnel from the local George L. Mee Memorial Hospital and county medical society joined the physicians of the Southern Monterey County Medical group in requesting funds needed to care for the poor in a group practice setting. Poverty-stricken workers were to be treated in the same facilities as private patients, receiving the same personalized attention and quality of care.

So far, project personnel have succeeded in registering almost 90% of the poor whom they hoped to reach. With an annual OEO grant of almost \$1.5 million, the nine full-time physicians, seven part-time specialists, and a staff of 55 other workers handle as many as 3,500 to 4,000 patient-doctor visits each month.

Approximately 70% of the people served by the group, however, remain private patients who pay for their care, according to Len Hughes Andrus, MD, project founder and director. "Our experience demonstrates that private medicine is capable of successfully providing health care to the rural poor," he said.

"Despite difficulties caused by single-year project funding and many changes in federal policies and administrators, we have become convinced that physicians in the private sector can establish a workable partnership with government."

Dr. Andrus attributes part of the project's success to the efforts made by staff members who belong to emerging classes of health workers. The health center employs not only one of the physician's assistants from Duke University, but also a pediatric nurse practitioner from the University of Colorado program.

Other nursing personnel have also been trained to take over more responsibility. Mrs. Gwen Garner, a home health care nurse, performs many of the follow-up visits for patients who require special attention, such as former stroke victims, or elderly patients with cardiopulmonary problems.

More than 60 aides have been recruited from the target population and trained to provide x-ray work, laboratory analyses, physical therapy, as well as clerical and secretarial services. In a manner similar to Mile Square, the community advisory board for the project turned down proposals of volunteer help in favor of providing as many jobs as possible for low-income families. At King City, more than 50% of the clinical and "outreach" personnel come from the poor consumer population.

The para-medical workers have been most important in overcoming one of the program's biggest stumbling blocks—the Spanish language. Many of the Mexican-American laborers speak little English and health care professionals must either be bilingual or have an interpreter close at hand.

With an understanding of the cultural background of the population, the health education aides recruited from Mexican-American families prove particularly skillful in persuading parents to have their children immunized or in delivering birth control information.

Training those workers, however, has proven more expensive than originally anticipated. Low efficiency in handling patients due to language problems has combined with a large number of missed appointments to

raise the cost of overhead from 50% to more than 75%.

Another factor adding to the costs has been the large amount of bookkeeping required by state and federal government. The frequent financial and medical audits performed by OEO, GAO, and the county medical society have had at least one important benefit for both wealthy and poor patients treated at King City.

"The countless hours spent with the auditor and consultants uncovered some weaknesses in our private practice as well as the problems in the federally funded portion of our project," said Dr. Andrus. "By correcting these deficiencies, we have been able to raise the quality of care for all of the patients seen by our medical group."

Although the teams' primary goals are to follow up on missed appointments, provide preventive care, and offer nutritional advice the nurses and aides often become embroiled in problems with housing, welfare payments, or employment. As much as 50% of their time is devoted to problems of social intervention, said Dr. Elam.

"In the ghetto, you cannot separate the delivery of family medical care from housing problems, underemployment, culture, traditions, and mores. Although this concept is not part of traditional medicine, it is the new focus needed in working with the poor today."

OEO attempted to evaluate 27 of their neighborhood health centers according to the amount of consumer participation in planning and policy-making. During the November meeting of the American Public Health Association, investigators reported that almost half of the centers received low scores. Any such evaluation, OEO learned, is complicated by the political and social climate found in the center setting. "The fact that poor consumers sit as equal voting members of groups in discussions with health department officials, and officers of the local medical and dental societies may be a sign of great strides in some communities," they concluded.

Although infant mortality data have often been used to estimate the general level of health in a community, the statistics available to neighborhood health centers after only a few years of operation may have little real meaning, according to administrators at New York's Martin Luther King Health Center.

Harold Wise, MD, director, and Ronald Brooke, director of research evaluation, cited one example from their project which is associated with the Montefiore Hospital and Medical Center.

"In 1969, 500 women who received prenatal care at our health center delivered their babies without a single fatality," said Dr. Wise. Thirty-one babies died among another 500 mothers who did not receive any prenatal care. "However, this does not mean that the center necessarily had any effect since the mothers who received treatment might also be the 'aggressive consumers' of health care," he explained. "If so, they probably would have sought prenatal care in any case, and the neighborhood health center simply provided a readily accessible alternate source of medical attention."

Episodic examples, however, remain scientifically significant, according to Mr. Brooke. He cited one case concerning a five-year-old boy who appeared at the Martin Luther King Health Center six times in three months, suffering on each occasion from an upper respiratory infection. Two weeks after receiving treatment, the boy's siblings would also contract similar infections.

Although physicians soon recognized that the children were reinfecting each other, the cyclic pattern could not be broken until one of the center's community health aides visited the home.

The apartment lacked heat, and the win-

ter cold was leaking through a broken window. The family was also short on food and badly needed more clothing. Their plight was relieved to some extent when the health aide was able to correct a misunderstanding with the welfare department. Thus health center personnel could point to one instance in which they had directly improved the health of one family.

"In general, then, there are very few hard data on the benefits derived from the neighborhood health centers because the current state of the art of evaluation is very poor," said Dr. Bryant. "Experts cannot agree on a definition of 'health' much less what criteria should be used to judge when 'the poor are healthier,' the New York physician added.

"We assume that it is better to receive health care than not, and record the number of patient visits, the nature of the visits, number of immunizations, and so on. A system for collecting at least this type of information has now been established to try to answer the hard questions asked by Congress," he said.

Congressional scrutiny will no doubt increase if expenditures for neighborhood health centers grow larger and more visible. At the end of June, OEO will have spent more than \$200 million during the last five years to start these clinics.

With the current authorization of \$70 million, officials estimate that the 49 centers are providing comprehensive health services to one million poor citizens. If the number of neighborhood health centers were expanded to provide care to all 25 million people who have been declared officially "poor," the annual cost might balloon to \$1 billion or more.

Although federal and state governments have been spending \$10 billion a year for Medicare and Medicaid, little of this money has worked its way back to the centers to pay for operations. "I don't think that clinics in the best states are able to collect more than 25% or 30% in Title XVIII and Title XIX reimbursements," said Dr. Bryant.

The Cook County, Illinois, Department of Public Aid, for instance, told Mile Square administrators that welfare could not reimburse the center for home health services provided by the community health teams.

Moreover, since the clinic had emphasized health care for the young, few patients qualified for home visit payments under Medicare.

"Generally speaking, only one-fourth to one-third of the medically indigent qualify for health services under Medicare or Medicaid," said AMA's Dr. Ellis. "Another one-fourth receive welfare health assistance, but one-third to one-half of the people in a poor community may have no coverage at all."

To provide the needed funding, health center administrators are hoping for a reallocation of "old money" combined with an infusion of new funds from private as well as public sources.

Such problems have led many physicians to advocate alternate approaches to delivering health care to the poor. "The neighborhood health centers require two years or more of operation before they become efficient dollar-wise," said James Whittico, MD, immediate past president of the National Medical Association. "Meanwhile the consumers are already knocking on the door."

OEO plans to shift its emphasis to expanding outpatient departments of hospitals. "By putting in 'outreach,' emphasizing medicine, and utilizing a group practice approach, we may be able to provide the same comprehensive care for the poor," said Dr. Bryant.

Four of the 64 projects in this year's budget involve hospital expansion, and Dr. Bryant hopes to double this number soon.

"Many medically indigent already receive much of their medical care at the hospital emergency room or clinic," he added. "If we can make the system effective and efficient,

we may be able to increase ambulatory care and decrease pressures for in-patient services."

Other sweeping changes are being proposed in financing systems and delivery methods to cut the crush for hospital beds, provide incentives for using health manpower more efficiently, and lure more young physicians away from the research laboratories and into the job of providing primary patient care.

Although the neighborhood health centers may not be the ultimate answer, the wealthy as well as the poor will have benefited from the emphasis which these projects have placed on comprehensive rather than fragmented care, said Robert Kalnowski, MD, deputy director of OEO's Health Affairs.

"The poor will no longer accept missionary medicine where health care is delivered by people who supposedly know what's good for the natives," said Dr. Elam. "By providing continuity of care within a group practice setting, the neighborhood health centers can help to maintain the private physician-patient relationship and achieve a single standard of medical care."

WALTER REUTHER

Mr. JAVITS. Mr. President, I, too, would like to say a word about Walter Reuther, a man who not only led his own union to greatness, but who also was the conscience of the labor movement and, indeed, one of the champions of innovation in the labor movement. I think he had more to do than any other labor leader with advancing the concept of labor statesmanship. Especially in terms of world peace and world development, he showed a broad point of view and a spaciousness in his thinking which should typify the enormous interest which American labor has in the prosperity of our economy and of peace in the world.

Also, though he was often accused of being a socialist, he had a very keen understanding of the facts and figures and of the demands of the private enterprise system, as was attested to by the great leaders of business who dealt with him in respect of collective bargaining.

Mr. President, we shall all mourn the loss of Walter Reuther, especially the millions on earth whose aspirations he bespoke and represented. They will count him as their loss, Mr. President; and I wish to extend my condolences and those of Mrs. Javits to the remaining members of the family, who have been so tragically deprived of both Walter Reuther and his wife.

VIETNAM—PETITION FROM THE CITIZENS OF ITHACA, N.Y.

Mr. JAVITS. Mr. President, I have received this morning a most significant petition from the citizens of Ithaca, N.Y. As Senators well know, Ithaca, is the seat of Cornell University, one of the largest universities in my State, and the locus of considerable student dissent against our military involvement in Indochina.

We often hear that, while students protest, the solid citizens in the surrounding community are much less concerned with the war which drags on in Vietnam and has now extended itself to Cambodia. This petition, I believe, brands that supposition as erroneous, for it is signed by the business leaders,

the local political leaders, the community leaders of the town as a whole, and the people who collected these names state that fully three-quarters of those who were approached signed the petition, calling upon our Government to reverse the expansion of the Vietnam war into Cambodia, and to promote every genuine effort for a rapid and total withdrawal from Southeast Asia.

I ask unanimous consent that the covering letter explaining the petition, and the petition itself, be printed in the RECORD.

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

The following petition is addressed to Senators Javits and Goodell, of New York, and to Representative Robison of the 33rd congressional district:

We, voters in Tompkins County, New York, most earnestly request and urge you to do everything in your power

(1) to reverse President Nixon's recent expansion of the Vietnam war into Cambodia, and

(2) to promote with all genuine effort the rapid and total withdrawal of our forces from Southeast Asia.

Signatures were solicited by the two undersigned, with intermittent help from a handful of friends, during the period from May 6 through May 9, 1970.

Ithaca is dominated by Cornell University and Ithaca College; members of these academic institutions have made known their political views quite forcefully. Our own petition was addressed to the downtown community. In the course of our more than a hundred interviews, most of them detailed and extensive, we came to the conclusion that the noisy and sometimes violent expression of views from the colleges had tended, if anything, to cause a reaction against petitions of this nature.

The selection of people we contacted was a special one: influential members of the community, political leaders, business and professional men, the families of long residence. These men and women are not habitual signers of petitions; some of them told us this was their first such act. We were indifferent to party affiliation and often unaware of it. The issues were not discussed on a party basis, nor with reference to political personalities.

With our limited resources we were unable to envisage anything like total coverage of any given group: our selection methods must therefore be considered. They were somewhat haphazard and limited by lack of time. In some cases we failed to reach people we wished to include. There is also the possibility of bias introduced by our own sponsorship of this petition. However, we often deliberately tackled what seemed difficult or hopeless prospects in order to offset this bias. Anyone familiar with Ithaca can convince himself of this by scanning the list of signatures.

Note that, due to our limited coverage, absence of a given name from the petition by no means implies unwillingness to sign. In fact, the response to solicitation was outstanding. Complete records were kept. These show that, of those approached, three-quarters signed. (This figure is taken from the signatures obtained through solicitations and does not include those submitted spontaneously.)

The transcript, below, includes affiliation for purposes of identification only. Opinions were expressed on a personal basis. The list is not intended for publication and we ask that it not be misused.

RAPHAEL M. LITTAUER.
JOHN W. DEWIRE.

ITHACA, N.Y., May 11, 1970.

We, voters in Tompkins County, New York, most earnestly request and urge you to do everything in your power

(1) to reverse President Nixon's recent expansion of the Vietnam War into Cambodia, and

(2) to promote with all genuine effort the rapid and total withdrawal of our forces from Southeast Asia.

Respectfully,

MAY 1970.

David M. Abbott, developer.

Jean M. Angell, chairman, Tompkins County Democratic Committee.

Hushang Bahar, president, Tompkins-Cortland Community College.

Frank C. Baldwin, Sr., former member, Ithaca Common Council.

Frank C. Baldwin, Jr., M.D.

Samuel R. Barol, M.D.

Cheryl S. Beninati, Legal secretary.

Jersey Reed Bennett, prop., Westtown Optical.

Robert H. Broad, M.D., Commissioner of Health, Tompkins County.

Robert L. Bruce, member, County Legislature.

R. Brunner, optometrist.

Roger O. Buell, principal, Caroline School.

James V. Buyoucos, attorney, The Savings Bank of Tompkins County.

James B. Campbell, guidance councillor, DeWitt Junior High School.

Charles J. Chatfield, news editor, WHCU radio.

Richard H. Christensen, president, Ithaca Jaycees.

James M. Cirona, banker.

Constance E. Cook, New York State Assemblywoman.

William D. Cooke, president, Bill Cooke Cadillac-Oldsmobile Inc.

John E. Cortright, president, Ithaca Building & Construction Trades Council.

Ross D. Cortright, director of publications and community relations, Tompkins-Cortland Community College.

Rev. Louis Cunningham, director, South Side Community Center.

Warren W. Currier, assistant administrator, F R Supplement Education Ctr.

C. Robert Cutia, president, Ithaca Kiwanis Club.

R. Davis Cutting, president, Cutting Motors Inc.; trustee, Ithaca Savings Bank.

Harris B. Dates, Chairman, Tompkins County Legislature.

Haskell Davidson, prop., Browning, King & Co.

Charles A. deProse, M.D., past president, Ithaca Board of Education.

Dorothy Hoyt Dillingham, artist.

Howard Dillingham, president, Ithaca College.

Margaret Durland.

Alf O. Ekman, physical therapist, assistant trainer, CU Athletics.

Frank Fiocco, M.D.

Robert Fiske, member, BOCES.

Norman D. Freeman, attorney.

Joseph D. Gallagher, president, J. D. Gallagher & Co., Inc., realtors.

E. Corinne Galvin, former National Republican Committeewoman, member, Program & Progress National Republ. Committee.

G. Alexander Galvin, M.D.

James L. Gibbs, Mohawk Airlines; director, Tompkins County Chamber of Commerce.

Elson K. Glover, proprietor, Elwood-Glover Heating.

James Green, teacher, BOCES.

Robert E. Hamlish, M.D., Tompkins County Commissioner of Mental Health.

Frank G. Hammer, prop., Altman & Green; president, Tompkins County Chamber of Commerce.

Kay R. Hanna, administrative assistant, Cornell University.

Wilhelm G. Hansen, M.D.

John S. Harding, professor, Cornell University.

Margaret W. Harding, member, Ithaca Board of Education.

Edward E. Hart, M.D., ophthalmologist.

Carman B. Hill, supervisor, Massachusetts Mutual Life Insurance Co.; member and former president, Ithaca Board of Education.

Helen P. Hoefer, former Tompkins County Supervisor.

Laura H. Holmberg, attorney; president, Ithaca Board of Education.

Robert M. Johnstone, WHCU radio; former professor of Military Science.

Peter R. Jutro, news editor, WHCU radio.
Leonard E. Kassman, president, Brooks Four Pharmacies.

Noah J. Kassman, M.D.

*Jarris Langdon III, Editor, The Ithaca Journal.

Richard Leavitt, M.D.

Jay J. Levine, sports editor, WHCU radio.

Jonathan D. Levy, Executive Vice-President, Tompkins County Chamber of Commerce.

Ben A. Light, Vice-President, development, Ithaca College.

John Marcham, editor, Alumni News; representative, Tompkins County legislature.

Don Martin, general manager, WHCU radio.

Matthew F. McHugh, District Attorney.

Elizabeth S. McLellan, attorney; vice-chairman, Tompkins County Republican Committee.

Donald W. McPherson, prop., McPherson Saling Products.

Robert S. Miller, president, Erie J. Miller, Inc.

Robert A. Moog, president, R. A. Moog Co.
John R. Moynihan, professor, Cornell University.

Robert M. Mueller, architect, Ithaca College; vice-president, Finger Lakes Stone Co.
Isaiah W. Murray, carpenter.

Armando Natale, prop., Armando's Beauty Salon.

Martha Nicander, secretary to the president, Erie J. Miller, Inc.

Ronald J. Nordheimer, City Alderman; manager, Stone Travel Agency.

Donal J. O'Connor, business agent, International Association of Machinists & Aerospace Workers AFL-CIO.

Lyman G. Parratt, professor, Cornell University.

Charles R. Pettis, president, Hi-Speed Checkweigher Co., Inc.

Karl L. Phillips, realtor, Ivy Realty.

Franziska W. Racker, M.D., director, Rehabilitation Center, Tompkins County Hospital.

Margaret M. Rumsey, realtor; former Republican Committeewoman.

George H. Russel, attorney.

Arthur M. Santora, field representative, Hirsch & Cassetti.

T. Merrell Shipherd, executive director, Tompkins County United Fund Social Planning Committee.

A. Clifford Smith, salesman, Erie J. Miller, Inc.

Vernon W. Smith, associate director, University Publications, Cornell.

Everett M. Stage, D.D.S.

Frederick H. Stutz, member, County Legislature.

Shirley J. Taylor, planning associate, ALPHA.

Charles E. Treman, president, Tompkins County Trust Company.

Ari van Tienhoven, member, Ithaca Board of Education.

Serena Ward, secretary.

Geoffrey M. Weaver, president, Weaver, Schemp & McNeill, Inc.

Philip M. White, prop., White Nurseries.
Walter J. Wiggins, attorney.

William R. Wilcox, president, Wilcox Press, Inc.

Diedrich K. Willers, personnel director, Cornell University; former president, Tompkins County Chamber of Commerce.

Daniel I. Yale, M.D.

NEW COMMITMENT BY BANKERS

Mr. JAVITS. Mr. President, I was very pleased that the American Bankers Association recently set a goal of lending \$1 billion to minority businesses over the next 5 years and committed itself to aggressively work for equal employment opportunity for minority groups. This news was announced after a meeting of the American Bankers Association's Urban Affairs Committee, a newly created committee to aid in minority economic development.

The committee was a result of a policy program developed by the ABA after I had called together representatives of the New York City banks and the Small Business Administration and asked them to explore ways in which they could work together to assist minority small businessmen.

I congratulate the committee and the ABA for their new commitment. This is a further step in the effort to help minority businesses which the Nation's banks are engaged in and I am sure the banks will continue their fine efforts in this important area.

I ask unanimous consent that an article entitled "Bankers Plan Minority Loans" published in the New York Times on May, 1970, discussing this new initiative by the bankers be printed in the RECORD.

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

BANKERS PLAN MINORITY LOANS

WASHINGTON, April 30.—The American Bankers Association said today it had set a goal of lending \$1-billion for minority businesses over the next five years and committed itself to "an aggressive policy of equal opportunity employment."

Thomas W. McMahon Jr., executive vice president of the Chase Manhattan Bank and chairman of the A.B.A.'s urban affairs committee, said 54 cities had been picked for a concentrated effort to improve minority business lending.

He said local urban affairs committees already had been set up in New York, Philadelphia, Chicago and Los Angeles.

One of the first problems, Mr. McMahon said, is to design an accounting system that will give a good idea of what banks are doing in the minority field.

He noted that a survey the committee made last year showed that only 90 banks—out of 300 questioned—could give a good indication of how their minority lending programs were progressing, primarily because most banks did not maintain records on a racial basis.

But the report of 90 banks that they loaned almost \$100-million between July, 1968, and June, 1969, could mean that the goal of \$200-million a year for five years is on its way to being met.

With further information, both Mr. McMahon and the A.B.A. president, Nat S. Rogers of Houston's First City National Bank, said the goal would be revised.

HOW SAFE IS OUR DRINKING WATER?

Mr. JAVITS. Mr. President, there has been much attention given recently to the state of our physical environment. This attention and concern generally manifests itself as a desire for unpolluted lakes and rivers, clean air, less noise pollution, more activity in the area of solid waste disposal; in other words, the big pollution picture. The discussions rarely get down to the level of how this existing pollution affects us individually, how pollution, for example, affects such a simple and personal thing as a glass of water. An article in the May 2, 1970, Saturday Review, "How Safe is the Nation's Drinking Water?" comprehensively explores this question, and all U.S. cities with substandard drinking water systems according to the Bureau of Water Hygiene are listed.

Mr. President, in an effort to reinforce the necessity for cleaning up our Nation's water supplies, I direct the Senate's attention to this article and the list of cities with substandard drinking water systems and request that it be printed in the RECORD.

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

HOW SAFE IS THE NATION'S DRINKING WATER?

(By Sally Lindsay)

Every three months a computer in the Cincinnati office of the federal government's Bureau of Water Hygiene gives a readout of the status of all public drinking-water supplies that serve interstate carriers; that is, trains, planes, buses, and ships involved in interstate commerce. The most recent readout was made March 18, 1970. It covered 678 water supplies that serve some eighty-one million persons.

The chart on the facing page lists those interstate water-supply points across the country that had sufficiently serious deficiencies at the time of the readout to be rated *provisionally approved* instead of *approved*. (Interstate water supplies that do not appear on the list, such as New York City, were classified *approved*.)

Only three classifications are used to rate drinking water: *approved*, *provisionally approved*, and *prohibited*. *Approved* means that the water supply essentially meets all the standards set by the U.S. Public Health Service for both facilities and quality, that the reliability of the system is very high, and that it is deemed capable of continuously providing water that meets the standards. *Prohibited* means the water is unsafe and cannot be used on interstate carriers. *Provisionally approved* does not necessarily mean that the water is unsafe; it means that in the judgment of the state and federal inspectors either the facilities have some major deficiencies that casts doubt on the capacity of those systems to provide safe water continuously, or an occasional water sample has fallen below the quality standards, or both. Improvements, therefore have been requested. They are usually made as rapidly as possible, with the result that water supplies classified *provisionally approved* on one readout are frequently upgraded to *approved* on the next. Many of the watering points listed here have already made the necessary improvements and would be rated *approved* today.

About fifty million gallons of drinking water per day are consumed in the United States. Most of this amount comes from

* Item (2) of petition only.

the country's more than 20,000 municipal and privately owned water systems. The states are responsible for the water systems, called public regardless of ownership if they serve twenty-five or more consumers. The federal government, specifically the Bureau of Water Hygiene, which comes under the Environmental Health Service of the U.S. Public Health Service, is responsible for monitoring the supplies of drinking water made available to interstate carriers. These watering points, as the PHS calls them, are usually in large cities and transportation centers, and are therefore the major water supplies of the country. Those same sources of drinking water, of course, also supply local communities. Thus, when the federal government evaluates water supplied to interstate carriers, it is also evaluating the quality of the drinking water available to the local citizenry.

Standards for drinking water were first established by the PHS in 1914, and were revised in 1942 and again in 1962. Most of the states have adopted the PHS standards intact, although some states have made slight modifications. Whether rated by the states or the PHS, two aspects of all public water systems are evaluated: their physical facilities, and the quality of the water produced. The physical facilities include the source of the water, and the pumping, treatment, storage, and distribution equipment. Quality involves color, odor, taste, turbidity, bacteriological count, certain chemical and pesticide levels, and radioactivity.

The water supplies that come under PHS jurisdiction are monitored almost constantly. Suppliers are required to submit samples for bacteriological and chemical analysis on a monthly schedule geared to the size of the population served—approximately one sample per month is required for every 1,000 persons supplied, with a minimum of two samples per month. State and PHS inspectors who are usually sanitary engineers, examine the equipment at watering points, paying special attention to chlorination systems or alternative systems of disinfection; they check the pressure in the pumping systems to make sure it is high enough to prevent non-potable water or other substances from being sucked in, and are on the lookout for cross-connections that link pipes and mains carrying potable water with those carrying nonpotable or unanalyzed water.

Every three years the PHS makes an exhaustive study of all interstate water supplies. And once a year the states submit reports to the PHS on the interstate supplies within their boundaries, making recommendations on how each supply should be rated. The trimonthly computer readouts of the PHS are updatings of these annual reports.

No system of inspection and classification can, of course, guarantee absolute safety, and within the existing water-monitoring system there is ample room for improvement. The PHS and the states, for example, could use more staff, more facilities, and more funds to good advantage. Additional classifications for evaluating water supplies would do much to eliminate the ambiguity of the provisionally approved rating, which even many inspectors find difficult to define, and would help pinpoint the actual deficiencies to be corrected. And, finally, the drinking-water standards themselves should be revised to include safe levels for the new synthetic inorganic chemicals now being used by industry and frequently present in pesticides, herbicides, and insecticides but not mentioned in the current PHS manual on standards. A committee is presently working on such revisions.

Are the nation's drinking-water supplies safe? Most observers believe that within the limits of current knowledge they are—especially those in large communities. But they also believe that, in order to keep the supplies safe while new and possibly harmful

chemical substances are being loosed in the environment at an ever accelerating rate, a comprehensive research and testing program on the long-range effects of those chemicals is required. However, the PHS, by law, has authority to adopt standards only for the purpose of controlling the introduction or spread of communicable diseases. It has no legal authority to deal with the kind of non-communicable chronic disease that may be induced by some chemicals. Clearly, the law should be updated.

U.S. CITIES WITH SUBSTANDARD DRINKING WATER SYSTEMS AS OF MARCH 18, 1970 MAJOR DEFICIENCIES

(1) *Failure to maintain adequate sampling schedule for measuring bacteriological standards, indicating inadequate monitoring program, or failure to send sampling reports to the Public Health Service.*

(2) *Samples do not meet PHS bacteriological requirements.*

(3) *Failure to meet PHS chemical standards or provide adequate chemical data.*

(4) *No chlorination, inadequate chlorination, or no other system of disinfection.*

(5) *Low pressure in distribution system (which can cause backflows and cross-connections between potable water and water of unknown or questionable safety).*

(6) *No cross-connection control code, inadequate cross-connection code, or no continuing program of cross-connection inspection. (Involves possible pollution of potable water system by water of questionable safety.)*

Alaska: Kodiak (1); Nome (6), (3), (1); Unimak Island (1).

California: Avon (2), (3).

Colorado: Bond (1), (3); Denver (1), (3); Grand Junction (2); La Junta (1), (3); Pueblo (6), (2).

Georgia: Augusta (6), (3), (1); Brunswick (6), (3), (1); Macon (6), (1), (3); Savannah (3), (1); Waycross (6), (3), (1).

Idaho: Idaho Falls (1), (3); Lewiston Orchards (6); Nampa (1), (3); Pocatello (1), (3).

Illinois: Beardstown (1), (2), (3).

Indiana: Mount Vernon (6), (3).

Iowa: Cedar Rapids (1), (3).

Kentucky: Ashland (1), (3); Catlettsburg (1), (3); Central City (1), (6); Corbin (1), (3); Fulton (1); Louisville (1), (3); Somerset (1), (3).

Maine: Bucksport (1), (2), (3), (6); Searsport (1), (2), (3), (6).

Maryland: Piney Point (1), (5).

Massachusetts: Fall River (6); New Bedford (2).

Mississippi: Escatawpa (6), (3), (1); Pascagoula (1), (2), (3), (6), (4).

Montana: Missoula (3), (2).

New Jersey: Bayonne (6); Camden (6); Deepwater (1), (3); Hoboken (1); Jersey City (2); Kearny (3); Newark (1); Paulsboro (1), (3); Perth Amboy (1), (3), (6); Westville (1), (3); Woodbridge-Sewaren (1), (3); Wrightstown (1), (6).

New Mexico: Tucumcari (1), (3).

New York: Ogdensburg (1), (3); Oswego (1), (3); Rome (1), (6).

North Carolina: Asheville (6).

Pennsylvania: Altoona (6), (4), (2); Meadville (1), (3); Scranton (1), (3).

Puerto Rico: Aguadilla (3), (1), (2); Mayaguez (6), (3), (2); San Juan (6), (3).

Rhode Island: East Providence (6).

South Carolina: Cainhoy (3), (1).

Tennessee: Alcoa (6), (1); Chattanooga (6); Clarksville (1), (3), (6); Johnson City (2); Kingsport (6); Memphis (6), (3).

Utah (3).

Virginia: Crewe (6), (3), (2); Hot Springs (3), (4).

Washington: Edmonds (1), (2); Everett (1), (2); Hoquiam (2), (1), (3); Raymond (6), (3), (2); Vancouver (6), (3), (1).

West Virginia: Ceredo (1), (3); Charles-

ton (6); Grafton (6), (3); Huntington (1), (3); Point Pleasant (2), (3), (6); White Sulphur Springs (3), (1).

Wyoming: Cheyenne (1), (3); Green River (6), (1); Sheridan (6), (2).

RIISING UNEMPLOYMENT

Mr. JAVITS. Mr. President, I have long been concerned with the domestic economy, both here and in the other body, where I served for so long, and I rise today to express my feeling in respect to the upcoming crisis which we are likely to face, and which may even be a much worse crisis, Mr. President, than the crisis respecting Vietnam and the extension of the war. I refer to the economic crisis.

If we needed anything to cue us into the seriousness of it, it was the news of the sharp rise—the sharpest rise for any one month in 10 years—of the rate of unemployment. There are almost 4 million unemployed in the United States today.

The real problem is the unevenness of the impact of unemployment, because the jobless rate hits hardest among the blacks, where the jobless rate is up around 8 percent; it hits hardest in the poverty areas, where it is now up around 20 percent; and it hits hardest among teenagers, especially among black teenagers living in ghettos, whose rate of unemployment has now gone up to 32 percent. This is a shocking social problem.

Personally, I feel that the war on inflation which the administration has been waging, has been very badly mis-handled. Inflation continues unabated. And this is true as to price inflation as well as to wage inflation.

Prices on our security markets have literally dropped through the floor, which is a vote of no confidence in the administration in terms of the economy; and interest rates continue their inflationary course, with the American Telephone & Telegraph Co., and other great companies paying in excess of 9 percent interest, in a country where money ought to be available at 3 percent and 4 percent, considering the strength and productivity of our country.

So I wish to call attention to a number of things today which I feel urgently must be done in respect of the economy.

Mr. President, we can no longer merely engage in academic discussions as to what does or does not constitute "acceptable" or "tolerable" unemployment.

We have the responsibility as Members of this Congress to take action to deal with the unemployment situation which we face.

Specifically, I propose the following:

PUBLIC SERVICE EMPLOYMENT

First, Mr. President, I propose that the Congress respond favorably to the recommendation made this March by the Minority members of the Joint Economic Committee including Senators MILLER, JORDAN, PERCY, and myself, that the Nation consider a "limited" program of public service employment, in order to combat rising unemployment.

To implement that recommendation I shall introduce shortly, as an amendment to the Manpower Training Act, legisla-

tion to establish a public service employment program with an initial authorization of \$500 million and to "trigger" additional funds for public-service employment and manpower training activities in the event that unemployment becomes especially severe.

I shall be seeking cosponsors for that amendment in the coming days and I hope that my colleagues will give it every consideration. The amendment is described in remarks which I inserted in the RECORD of last Thursday, May 7, 1970.

Therefore, we need some money and some authority, especially in the pending manpower training bill, for public sector jobs. I hope the administration will come out for that flatly. I am the sponsor of that bill, but the important thing is administration support, and I hope the administration will seize this opportunity to come out strongly for that kind of program. The administration itself has recognized the need for public service employment programs in times of rising unemployment, by including, in its own bill a provision for a "triggering" of funds for that purpose. I merely propose that more funds be made available.

NEIGHBORHOOD YOUTH CORPS SUMMER JOBS

Second, Mr. President, I propose that we increase the amount of funding available this summer for summer jobs for the disadvantaged.

While the overall unemployment rate was 4.8 percent in April, the teenage jobless rate was 15.7 percent, compared with 13.9 percent in March. Some 200,000 more persons 16 to 19 years of age were out of work last month than in the previous month. That is the most incendiary group when it is idling in the slums and the ghettos of the United States.

The Secretary of Labor testified this morning before the Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor and Public Welfare that there will be about 330,000 summer job slots from the \$146 million to be provided for that purpose.

Yet the administration will provide 67,000 fewer summer job opportunities than provided last summer under the Neighborhood Youth Corps summer program which was developed to enable 14- to 21-year-old disadvantaged youths to earn money with public or private non-profit organizations.

In my own city of New York, funding for these programs is \$3 million less than last year.

And in fact, Mr. President, last summer's allocation covered less than one-third of the youths from whom the Department of Labor indicated could have benefited from the program. Need I add that if the unemployment rate continues upward as it is expected to do, the so-called target group for the program will be substantially greater.

A recent survey by the U.S. Conference of Mayors of the 50 major cities and of smaller cities, confirms these needs. As stated, in the attached letter from John J. Gunther, director of the conference, the cities require funding for at least 227,173 additional slots in the Neighborhood Youth Corps summer program. At approximately \$450 per opportunity, this means that an appropriation of more

than \$100 million will be required, in addition to the \$146,412,000 allocated by the administration for the program to date.

Mr. President, if it does not appear that the administration will be in a position to allocate funds for these program needs, I shall shortly introduce an amendment to the second supplemental appropriations bill, now before the Committee on Appropriations, in order to meet these needs.

There is, indeed, a time bomb ticking against us in the cities. We can provide these essential sums now and permit disadvantaged 14- to 21-year-olds to plan to spend this summer in terms of meaningful employment, or we can let them assume that they will spend their time once again on the streets.

We can let the cities know now that their minimum needs will be met so that they can adequately program for this summer, or we can let them spend another anxious summer in administrative uncertainty and confusion facing the long lines of youths who apply for employment—and must be turned away.

Mr. President, the Nation today faces two youth crises. The first relates to the young people on our campuses concerned with the agony of war.

The second is the personal crisis of those disadvantaged youth in our cities who will face these difficult times without an opportunity for employment.

I trust that this Nation will respond to both challenges.

These are two things which we can do immediately in this very dangerous unemployment situation.

I shall have other recommendations later in the week with respect to taxation, where I feel we have again heavily compromised the confidence of the business community of the United States, and also recommendations respecting the rediscount rate, which is a critical point with the great financial and business community of the United States.

I spoke on this subject on April 30, roughly 10 days ago, and at that time urged a decrease of the margin requirements as well as other measures; and I was very pleased that the administration has responded. I hope it will respond similarly with respect to these questions relating to manpower and unemployment.

I urge the administration to give these matters its immediate attention.

Mr. President, I ask unanimous consent to have printed in the RECORD, the letter from the Conference of Mayors, an editorial entitled "Jump In Unemployment," published today in the New York Times, and two releases of the Department of Labor on this subject, one entitled "The Unemployment Situation: April 1970," and the other entitled "The Unemployment Situation in Urban Poverty Neighborhoods: First Quarter 1970."

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

U.S. CONFERENCE OF MAYORS,
Washington, D.C., May 7, 1970.

HON. JACOB K. JAVITS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your request for information, we have made in-

quiries as to the cities' 1970 needs for the summer Neighborhood Youth Corps slots beyond those allocated to them to date. The information we have received from the fifty largest cities shows that the total number of additional slots that these cities could effectively utilize this summer is 165,298.

On the basis of our contacts with a sample of the smaller cities, we estimate their need and capacity to utilize additional slots to be approximately 30 percent above their present allocation. This would mean an additional 61,875 slots needed by the smaller cities.

Combining these figures, the present real need for summer 1970 is 227,173 additional slots nation-wide.

I trust that these statistics will be helpful to you in pointing up the critical need for an enlarged appropriation for the summer Neighborhood Youth Corps program.

Sincerely,

JOHN J. GUNTHER,
Executive Director.

JUMP IN UNEMPLOYMENT

Last month the unemployment rate climbed to 4.8 per cent—up from 4.4 per cent in March and 3.5 per cent at the start of the year. There is cause for serious concern both over the speed of the rise in unemployment and over its composition.

Until the April figures were released, Administration spokesmen had been expressing their satisfaction that the rate of unemployment among Negroes and other non-whites had been rising less than among whites. But last month the unemployment rate for whites rose from 4.1 per cent to only 4.3 per cent, while the rate for blacks jumped from 7.1 per cent to 8.7 per cent. Unemployment among youths under 20 has reached almost 16 per cent, with a heavy concentration among blacks. Thus, racial disadvantage—and racial discrimination—are again bearing their bitter fruit. If these trends continue, they are bound to aggravate social tensions.

It is true that President Nixon warned months ago that there would be "slowing pains" as a result of his policies to cool off the economy and stop inflation. But the rise in unemployment is coming faster and steeper than his economists predicted; the annual report of the Council of Economic Advisers in January forecast an average rate of unemployment of only 4.3 per cent for 1970 as a whole. This will almost certainly be one more example of the Administration's misplaced optimism.

At the same time, inflationary pressures remain strong. While the economic slowdown may have begun to reduce the rate of rise in wholesale prices, the resumption of quite sharp growth in the money supply, the slippage of the budget into deficit, and the escalation of wage demands by labor unions make it far from certain that the inflationary trend will not be intensified rather than moderated in the months ahead. Inflation is bad news both for employers and for workers; by squeezing profits, cost-push inflation forces layoffs of workers.

In his press conference this week, the President sought to reduce worry over unemployment by forecasting that Gross National Product will pass the trillion-dollar mark by the end of this year. He did not say how much of this would result from inflation. The President and his advisers cling to a hope that the lagged effect of the past slowdown will check future inflation, while the coming rise of G.N.P. will simultaneously check rising unemployment.

Thus the Administration continues to hope to find just the right middle path between too much stimulation and too much restraint and thus simultaneously stop both inflation and unemployment. But the time is rapidly approaching when the Administration must face up to the failure of its forecasts and to the necessity of building a

broader program to achieve these conflicting objectives. Besides general control of total demand, the Administration needs two other basic weapons: an income policy to curb inflationary price and wage behavior, and a stronger Federal program to prepare the low skilled for employment, to break job discrimination, and to find or create jobs for those who are the victims of what Mr. Nixon calls "our fight against inflation."

THE EMPLOYMENT SITUATION: APRIL 1970

Unemployment increased for the fourth consecutive month in April, the U.S. Department of Labor's Bureau of Labor Statistics announced today. The overall rate rose sharply from 4.4 to 4.8 percent, the highest point since April 1965. Nearly all of the increase occurred among male full-time workers.

Nonfarm payroll employment, after seasonal adjustment, declined by 90,000 in April, as a result of increased strike activity. In manufacturing, a large decline in employment was accompanied by a decrease in the factory workweek.

UNEMPLOYMENT

The number of unemployed persons, which usually falls significantly in April, declined much less than usual this April. As a result, after seasonal adjustment, unemployment was up by 300,000 to 3.9 million.

Since December, unemployment has risen by 1.1 million. About 450,000 of the increase occurred among persons who had lost their last jobs, 300,000 among reentrants to the labor force, 200,000 among persons who had never worked before, and 125,000 among job leavers. (See the new table A-5 containing seasonally adjusted data on reasons for unemployment.)

Thus far this year, the unemployment rate has risen from 3.5 percent in December to 4.8 percent in April. Although both full-time and part-time jobless rates have risen since December, the unemployment increase has been substantially greater among full-time workers. In April, nearly all of the increase occurred among full-time workers, whose rate rose from 4.0 to 4.4 percent.

The unemployment rate for adult men rose from 2.9 to 3.2 percent between March and April, while that for married men increased from 2.2 to 2.4 percent. Both rates have risen steadily since December and are back to the levels of mid-1965. The jobless rate for adult women was virtually unchanged in April at 4.4 percent; however, it was up nearly a full percentage point since December. The increase in joblessness has not been as great for adult women as for men over this period.

The teenage unemployment rate moved up sharply in April, after changing very little in recent months. Their rate rose from 13.9 to 15.7 percent, also the highest point in 5 years.

The jobless rate for workers covered by State unemployment insurance programs rose from 2.7 to 3.1 percent in April, the highest rate since May 1965. This rate has been rising since last September. A year ago, the rate was 2.1 percent.

The unemployment rate for Negro workers rose much more markedly than for whites in April, climbing from 7.1 to 8.7 percent. The white rate increased from 4.1 to 4.3 percent. After remaining less than double the white rate since last fall, the ratio of Negro-to-white jobless rates returned to the 2-to-1 relationship that has prevailed for many years. The larger over-the-month increase for Negroes occurred not only among adult men and teenagers but also among adult women.

Among occupation groups, unemployment rates rose over the month for clerical and sales workers and for craftsmen and nonfarm laborers. Although jobless rates for professional and technical workers, operatives, and

service workers were about unchanged from March, they have all moved up considerably in recent months.

Although the only significant industry jobless rate increases over the month occurred among workers last employed in trade and transportation and public utilities, rates in the other industries remained well above levels of the fall of 1969. Until April, these two industries had experienced only moderate unemployment increases. However, the increases in both trade and transportation in April were partly due to the secondary effects of the strike in the trucking industry. Jobless rates in manufacturing (4.8 percent) and construction (8.1 percent) were unchanged for the second consecutive month, after rising in February.

Short-term unemployment of less than 5 weeks duration rose by 300,000 in April to 2.3 million, the highest level since this series began in 1948. Unemployment of 15 weeks or over was about unchanged in April at 575,000. As a result, long-term unemployment as a proportion of the labor force remained at its March level of 0.7 percent.

Along with the rise in unemployment in April, there was also an increase of 425,000 in the number of persons who were working part time for economic reasons, such as slack work, material shortages, could find only part-time work, or started or stopped a job during the week. As a result of these developments, the percent of labor force time lost by the unemployed and by persons involuntarily working part time increased from 4.8 percent in March to 5.1 percent in April. (Labor force time lost is a measure of man-hours lost as a percent of potentially available labor force man-hours.) As with the overall unemployment rate, the hours-lost rate was at its highest point since the spring of 1965.

CIVILIAN LABOR FORCE AND TOTAL EMPLOYMENT

The civilian labor force increased in line with seasonal expectations in April. After seasonal adjustment, the labor force was virtually unchanged from the March level of 86.1 million. Although the adult male labor force rose slightly, the adult women and teenage labor forces were unchanged, after increasing sharply in recent months.

Total employment also increased in April, mostly due to the normal upsurge in agriculture. Nonagricultural employment did not show its usual March-to-April gain and, as a result, employment fell by 225,000 after seasonal adjustment.

Since December, the labor force has increased by 1.3 million persons (seasonally adjusted)—625,000 adult men, 400,000 adult women, and 275,000 teenagers. Employment growth, however, has reached a virtual standstill.

INDUSTRY PAYROLL EMPLOYMENT

Employment on nonagricultural payrolls increased slightly less than usual in April and, after seasonal adjustment, was down by 90,000. However, the decline was due entirely to new strike activity in construction, transportation and public utilities, and government. (Workers on strike are not counted as employed in the payroll employment series, whereas they are classified as "employed—with a job but not at work" in the household series.)

As has been true since early fall, over-the-month increases in service-producing industries were about counter-balanced by declines in manufacturing. Employment in manufacturing declined by 145,000 (seasonally adjusted) between March and April with virtually all of the cutbacks occurring within the durable goods sector. The largest decrease occurred in transportation equipment (40,000), primarily due to continued layoffs in the automobile and aircraft industries. Large declines also occurred in the fabricated metal products, primary metal, electrical equipment, and food industries.

There were smaller but widespread declines in many other manufacturing industries. Since the early fall of 1969, employment in manufacturing has dropped by 600,000.

Contract construction employment declined by 65,000 in April, after seasonal adjustment, with over two-thirds of the drop due to increased strike activity. The level of employment in construction was about the same as a year ago.

Payroll employment advances were posted in government (90,000), trade (35,000), and in services and finance, insurance, and real estate. The large gain in government reflected mainly the additional hiring of temporary Census workers. Since February, about 175,000 Census workers have been hired by the Federal government.

HOURS OF WORK

The workweek in manufacturing declined by 0.2 hour in April to 40.0 hours, seasonally adjusted, returning to about the February level. Since December, the average workweek for factory workers has fallen by nearly three-fourths of an hour. The over-the-month decline was generally widespread, with the largest drops occurring in primary metals, machinery, chemicals and petroleum.

Factory overtime continued its downward trend of recent months, falling by 0.1 hour in April to 3.0 hours. Since the 1969 high reached in January, factory overtime has dropped by 0.8 hour, to its lowest point in 6 years.

For all rank-and-file workers on private nonfarm payrolls, average weekly hours in April were unchanged for the third consecutive month at 37.4 hours (seasonally adjusted). Since early fall, the workweek was off by 0.4 hour. Among the major industry divisions, an over-the-month increase in the construction workweek was offset by reductions in manufacturing, mining, and finance.

EARNINGS

Average hourly earnings for production and nonsupervisory workers on private payrolls edged up by 1 cent in April to \$3.18. Compared with a year ago, hourly earnings were up 20 cents or 6.7 percent.

Average weekly earnings were virtually unchanged over the month. Among the major industries, increases in weekly earnings in construction and trade were countered by declines in manufacturing, mining, and finance, insurance, and real estate.

Over the year ending in March 1970, average weekly earnings rose by 5.6 percent; after adjustment for consumer price changes, however, earnings were down by 0.4 percent.

THE EMPLOYMENT SITUATION IN URBAN POVERTY NEIGHBORHOODS: FIRST QUARTER 1970

Unemployment rose over the year in the poverty neighborhoods of the Nation's 100 largest metropolitan areas, reflecting the weakening employment situation in the Nation as a whole, the Labor Department's Bureau of Labor Statistics reported today.

The jobless rate in the urban poverty areas was 6.6 percent in the first quarter of 1970, compared with 5.6 percent during the same quarter of 1969. This was the first over-the-year increase in the unemployment rate in urban poverty neighborhoods since the series began in 1967. This increase followed 3 consecutive quarters in which there had been little or no over-the-year improvement in the jobless rate. In the remaining urban neighborhoods of the 100 largest cities, the unemployment rate also increased over the year, rising from 3.1 to 4.0 percent.

The jobless rate increase in the poverty areas affected both whites and blacks; the white jobless rate rose from 4.6 to 5.7 percent, while the Negro rate increased from 7.0 to 8.0 percent. In the other urban neighborhoods, the unemployment rate for whites also rose sharply—from 2.9 to 3.8 percent—while the Negro rate was not significantly changed.

The rise in joblessness among white workers in poverty neighborhoods was concentrated among adult men, whose rate increased markedly—from 3.9 to 5.7 percent. There was virtually no change in the jobless rate for white adult women or white teenagers.

In contrast, the worsening in unemployment among Negroes living in poverty neighborhoods took place chiefly among teenagers, whose rate rose by more than one-half—from 20.9 to 32.7 percent. There was no significant change in the jobless rate for black adult men or women.

The number of unemployed in urban pov-

erty neighborhoods in the first quarter of 1970 was 415,000, up 55,000 over the same quarter a year earlier. The increase occurred largely among white workers, whose unemployment rose by about 25 percent between first quarter 1969 and first quarter 1970, while black unemployment edged up by only 7 percent.

EMPLOYMENT, LABOR FORCE, AND THE POPULATION

Accompanying the over-the-year rise in unemployment in urban poverty neighborhoods has been an even sharper decline in employment. Consequently, civilian labor

force in these neighborhoods diminished by nearly 150,000 workers over the year. Both the level of employment and labor force in poverty neighborhoods have been declining in the recent past. By way of contrast, in the other urban neighborhoods, employment and labor force have risen substantially, both for whites and blacks.

Perhaps the chief factor accounting for the decline in employment and labor force in urban poverty neighborhoods has been the movement of workers out of these areas. Between the first quarters of 1969 and 1970, the population of these neighborhoods dropped by nearly one-half million persons.

TABLE 1.—EMPLOYMENT STATUS OF PERSONS 16 YEARS AND OVER, IN URBAN POVERTY AND OTHER URBAN NEIGHBORHOODS¹ BY COLOR

[In thousands]

	Total		White		Negro and other races			Total		White		Negro and other races	
	1st quarter 1970	1st quarter 1969	1st quarter 1970	1st quarter 1969	1st quarter 1970	1st quarter 1969		1st quarter 1970	1st quarter 1969	1st quarter 1970	1st quarter 1969	1st quarter 1970	1st quarter 1969
	Total United States:								Unemployment.....	417	361	215	172
Civilian labor force.....	81,231	78,868	72,270	70,218	8,961	8,605	Unemployment rate.....	6.6	5.6	5.7	4.6	8.0	7.0
Unemployment.....	3,644	2,848	3,004	2,297	64	551	Other Urban Neighborhoods:						
Unemployment rate.....	4.5	3.6	4.2	3.3	7.1	6.4	Civilian labor force.....	39,975	38,210	36,558	35,098	3,417	3,122
Urban Poverty Neighborhoods:							Unemployment.....	1,590	1,188	1,401	1,024	189	164
Civilian labor force.....	6,273	6,417	3,758	3,734	2,514	2,683	Unemployment rate.....	4.0	3.1	3.8	2.9	5.5	5.2

¹ Pertains only to Standard Metropolitan Statistical Areas (SMSA's) with populations of 250,000 or more.

TABLE 2.—EMPLOYMENT STATUS OF PERSONS 16 YEARS AND OVER, IN URBAN POVERTY AND OTHER URBAN NEIGHBORHOODS¹ BY COLOR, SEX, AND AGE

[In thousands]

Employment status, sex, and age	Total		White		Negro and other races		Employment status, sex, and age	Total		White		Negro and other races	
	1st quarter 1970	1st quarter 1969	1st quarter 1970	1st quarter 1969	1st quarter 1970	1st quarter 1969		1st quarter 1970	1st quarter 1969	1st quarter 1970	1st quarter 1969	1st quarter 1970	1st quarter 1969
	Males, 20 years and over:								Other urban neighborhoods:				
Urban poverty neighborhoods:							Civilian labor force.....	13,821	13,009	12,429	11,732	1,392	1,278
Civilian labor force.....	3,476	3,589	2,156	2,185	1,321	1,404	Unemployment.....	530	436	461	372	69	64
Unemployment.....	197	163	121	86	75	78	Unemployment rate.....	3.8	3.4	3.7	3.2	5.0	5.0
Unemployment rate.....	5.7	4.5	5.7	3.9	5.7	5.6	Teenagers, 16 to 19 years:						
Other urban neighborhoods:							Urban poverty neighborhoods:						
Civilian labor force.....	23,032	22,432	21,259	20,788	1,773	1,643	Civilian labor force.....	513	507	313	285	200	222
Unemployment.....	659	435	586	384	73	51	Unemployment.....	105	85	40	38	65	46
Unemployment rate.....	2.9	1.9	2.8	1.8	4.1	3.1	Unemployment rate.....	20.5	16.7	12.7	13.5	32.7	20.9
Females, 20 years and over:							Other urban neighborhoods:						
Urban poverty neighborhoods:							Civilian labor force.....	3,123	2,769	2,871	2,568	252	201
Civilian labor force.....	2,283	2,321	1,227	1,265	994	1,056	Unemployment.....	400	317	353	268	46	48
Unemployment.....	114	112	63	48	61	64	Unemployment rate.....	12.8	11.4	12.3	10.5	18.4	23.9
Unemployment rate.....	5.0	4.8	4.1	3.8	6.1	6.1							

¹ Pertains only to SMSA's with populations of 250,000 or more.

THE SITUATION IN CAMBODIA

Mr. RIBICOFF. Mr. President, the tragic events of the past 2 weeks should cause deep concern to all of us. The shock waves of the extension of the war into Cambodia have been compounded by the senseless killings at Kent State University. There is much confusion, bitterness, and despair in our land instead of our traditional optimism.

The tens of thousands of young people who assembled angrily, but peacefully, here in Washington have now departed, leaving it to us, their representatives, to articulate the message they have so earnestly and passionately sought to convey to us. This message is so simple and direct it would take myopia to overlook it. They are pleading for this Nation to pursue peace and justice both at home and abroad. They are asking us to actually live up to our rhetoric, and to show respect for human life instead of seeking to sanctify death and rational destruction.

In more immediate terms they are entreating us to remove our forces from Cambodia—our newest war, to end our devious involvement in Laos—our secret war, and to withdraw our forces from Vietnam—our longest war.

The credibility gap of this administration is fast becoming a chasm which no hastily constructed bridge of twisted emotional appeals to patriotism can ever span. A new generation of Americans sees this yawning gap between word and deed—and their faith and trust in our Government are weakened. The American public and Congress are being asked in 1970 to accept, without protest, the doublespeak of Orwell's 1984.

We are asked to believe that evil is good, war is peace, invasion is withdrawal, and an air strike by 100 planes is "protective reaction." If the facts of history prove to be too embarrassing they are conveniently omitted. There was not the scantiest mention by the President in his address to the Nation of the most

obvious reason for the American and South Vietnamese thrusts into Cambodia—the opportune overthrow of the Sihanouk government.

We are in Cambodia today because our Government is still pursuing the illusion of military victory in Vietnam. At the same time, we are desperately trying to insure the presence in Phnom Penh of a pro-American regime. Our drives may secure us a short-term tactical advantage, but they pose grave risks of widening the war in Southeast Asia and of ultimately causing even more American casualties.

Instead of painfully confronting these obvious truths, we have been told that our military actions will be saving American lives in Vietnam, speeding our withdrawal, and helping to maintain the neutrality of Cambodia.

These search-and-destroy missions into Cambodia are certainly nothing new. Only now the names of the places have been changed—but unfortunately,

not to protect the innocent. We have been searching and destroying in Vietnam for years. Based on our past success in bringing about peace through these means, this latest venture into Cambodia should have more appropriately been called Operation Total Folly. What long-term strategic advantage may be gained is still unclear. But what is already abundantly clear is that these operations are producing more blasted villages, more refugees, and more orphans.

As part of the justification for this extension of the Vietnam war, we have been treated to an all too familiar pep talk—complete with a reminder about our 190-year winning streak that the new coach does not want broken. If we are to pursue consistency in our performance in Southeast Asia, let us examine the record in South Vietnam. It clearly shows that we have consistently underestimated the enemy, consistently overestimated our own capacity to destroy his will to resist, and consistently avoided the best solution to our dilemma—orderly withdrawal.

We are in great danger of fitting into the definition as a fanatic as "one who, when he loses sight of his goal, redoubles his efforts."

We are increasing our efforts in Indochina at the peril of losing sight of the fact that the basic strategic interests of this country do not call for a permanent direct military involvement in Southeast Asia. We are becoming mired deeper in Indochina precisely at the time when our attention should be focused elsewhere.

This past week our young people have been telling us, with a maturity far beyond their years, to give peace a chance. The time has come to make our system work for peace by ending our direct military role in Southeast Asia.

I shall support the Cooper-Church and the McGovern-Hatfield amendments along with the repeal of the Gulf of Tonkin resolution.

By these legislative measures we are not seeking to usurp the authority of the President as Commander in Chief of our Armed Forces. Rather, we are trying to reassert our own constitutional prerogatives. We have followed the executive branch in its journey from miscalculation, to mistake, and finally to disaster in Vietnam. It is time that we assumed a fair share of the foreign policymaking process in this country—and along with it the responsibility accompanying it.

Direct, clear congressional action is sorely needed. Our more informal entreaties, our resolutions, and the advice of the Foreign Relations Committee of this body have been ignored. I hope that the amendments being considered today by the Foreign Relations Committee to deny funds for specific military actions in various countries in Southeast Asia, will be presented in a timely manner to the Senate for its full consideration.

It must be emphasized that these legislative proposals are being offered out of deep concern and love for our country and its future. They can serve as meaningful, practical alternatives to the war-directed policies of our executive branch. They can serve as guidelines along the

difficult road to peace. And perhaps most important of all, they can help renew this Nation's faith in its Government and elected leadership. If this troubled, divided Nation is indeed to be brought together let us take the first step here in the Senate.

A RESPONSIBLE WAR ROLE FOR CONGRESS

Mr. HATFIELD. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "What Is a Responsible War Role for Congress?" published in the Washington Post on May 5, 1970.

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

WHAT IS A RESPONSIBLE WAR ROLE FOR CONGRESS?

The country has a right to expect that, in the present emergency, Congress will do something more than fulminate or merely spin its wheels, or just say no. Despite the deep concern that is felt on Capitol Hill over the widening of the war in Indochina, many of those who are most critical of the President's action talk nonsense when they get around to what should be done. Congress should indeed be getting into the act, not in the role of a kibitzer, or a vindictive naysayer, but in that of responsible national policy-making body.

The course advocated by Senators McGovern, Hatfield, Goodell and Hughes is too reckless for serious consideration. Congress, they say, "must either legislate the conflict by declaring war or veto and end it." To declare war in the present situation would, in our view, be akin to madness, as these four gentlemen doubtless would agree. It would commit the nation to use of all its military, economic and moral resources in a remote part of the world where our interests are tangential and our military reach is already overextended. It would risk the possibility of involvement with both China and the Soviet Union without serving any imperative national purpose. It would imbed us in concrete when what we need is room for flexibility.

No doubt the real purpose of the McGovern-Hatfield-Goodell-Hughes foursome is to focus attention on their alternative of vetoing and ending the war. But ending a war is not accomplished by the stroke of a pen or a denial of money. With our men still facing an enemy in many different areas of South Vietnam, in Laos, and now Cambodia, no rational Congress is going to tell them to fight no more. And it would be scarcely less calamitous to declare that no funds could be spent in connection with that conflict after December 31.

Congress could, however, adopt a national policy of withdrawal from Vietnam, leaving the timing of the exit flexible so that our forces there would encounter a minimum of danger and a vacuum would not be created overnight. We should like to see Congress debate and act on such a policy. It would necessarily have to face some vital questions. How important is continental Southeast Asia to our larger international policies? Does Vietnam have any vital relation to our national security? Just what is a "just peace" and have we the capacity to induce or impose or maintain it? What right do we have to set ourselves up as the arbiter of the future of that area? At what point might it be said that we have accomplished all that could reasonably be expected of us?

If these issues are sincerely debated, we suspect that Congress will go on record in favor of a flexible withdrawal policy, as in-

deed, the Nixon administration did before the recent escalation fever set in. In any event, Congress ought to be shaping the national purpose. If it is going to reclaim the war power previously relinquished to the President, it has an obligation to take a substantial share of the responsibility for the course that is to be pursued.

In the face of this great need for a reshaping of national policy, leaders of the Senate Foreign Relations Committee walked into a trap of its own making by demanding an audience with Mr. Nixon and reacted in petty fashion to the President's clever counter-suggestion that the Senate committee meet him jointly with the House Foreign Affairs Committee. Foreign Relations had a right to try for a separate meeting. But no treaty is under discussion. So the President has an equal right to argue that the subject of such a session ought to be the broad national policy of liquidating the war in an orderly fashion, and that this concerns the House and the country as much as it does the Senate.

The time has come for discussion of a comprehensive policy—not for petty bickering or jurisdictional squabbles. There seems to be much awareness of the fact that the President's action has placed him on trial in the court of public opinion, and Congress is no less on trial in its own sphere. Can it only kibitz and flounder, or can it assume a positive role and an honest responsibility in shaping a national policy?

Mr. HATFIELD. Mr. President, following the publication of this editorial in the Washington Post, which was highly critical of the amendment that was offered originally by the Senator from South Dakota (Mr. McGovern) and myself and since has been expanded to include the names of more than 19 Senators, I should like to read the response that we wrote to the Washington Post, which, for some reason or other, has failed to appear in rebuttal to this particular editorial.

It is dated May 7, 1970, and reads as follows:

MAY 7, 1970.

EDITOR,
The Washington Post,
Washington, D.C.

TO THE EDITOR: The Washington Post is entirely correct in its May fifth assertion that the country "has a right to expect that, in the present emergency, Congress will do something more than fulminate or merely spin its wheels, or just say no." We believe further that our amendment calling for a safe and systematic withdrawal from Vietnam is far superior to the Post's recommendation that we simply have more debate on issues debated to death over the past seven years, perhaps leading to a policy statement for the Administration to ignore.

Your description of the recklessness of withdrawing support from men engaged in combat is irrelevant to any discussion of our amendment, because that is not what we propose. Our plan does not require a precipitate withdrawal. It is, instead, a plan for complete disengagement on an orderly schedule, to commence by December 31st and to be completed by the end of the fiscal year next June. The amendment permits funds for self-defense in the process. And the plan specifically retains the options for Congress to extend the deadline for total withdrawal if it finds, upon request by the President, that additional time is needed to safeguard the lives of American men.

Nor is it relevant to discuss the calamity of a declaration of war. Of course we oppose such a step. It should be clear that it would nullify our amendment regardless of whether we referred to it or not. It is men-

tioned only to state precisely the choice we believe faces the Congress.

More serious than the misreading of our amendment, however, is the inference that it is improper for the Congress to use the power over issues of war and peace specifically reserved to it by the Constitution; that we must instead content ourselves with making worried speeches and with passing ineffectual statements of policy. Such advice flatly refutes your demand that we do more than "kibbitz or flounder" because it would leave us no other option. You, not we, are the proponents of a course of "kibbitzing and floundering."

It is time to face the fact that Congress—confronted with an uncooperative Administration—can end the war only if it makes the tough decision to restrict funds for its prosecution. A reading of history makes it clear that what we are doing is precisely what the founders had in mind when they reserved to the Congress—and denied to the President—the power to declare war and raise and support armies, and to provide funds or refuse funds for military adventures in other lands.

A copy of our amendment is enclosed. We would be delighted to discuss it with the editors of the *Post* at any time. We think it deserves more than the treatment it has thus far received in both your news and editorial pages. We regard the forthcoming roll call on our amendment to end the war in Southeast Asia as the most important vote we have cast in the Senate.

Sincerely,

GEORGE MCGOVERN.
CHARLES E. GOODELL.
MARK O. HATFIELD.
HAROLD E. HUGHES.

SEYMOUR HERSH—PULITZER PRIZE WINNER

Mr. YOUNG of Ohio. Mr. President, the mass murder of Vietnamese civilians—children, women, and old men—in the hamlet of Mylai took place on March 16, 1968, more than 2 years ago. It was in great part through the efforts and persistence of a single American journalist, Seymour Hersh, that this tragedy has been stamped indelibly on our national conscience. Seymour Hersh was the first reporter to interview Lt. William Calley. Since last October he has traveled more than 50,000 miles and has interviewed more than 50 members of the 1st Battalion Company who were at Mylai on that fateful day.

The results of Hersh's extensive research form the basis for a thoroughly documented, well-written book by Seymour Hersh entitled "My Lai 4. A Report on the Massacre and Its Aftermath," some of which appeared this month in Harper's magazine, in which he sets forth the most complete and accurate account of the Mylai massacre yet available to the public.

Mr. President, every American should read the full report of Seymour Hersh. He was awarded the much-sought-after Pulitzer Prize for international reporting for disclosing the Mylai tragedy.

On several occasions I have asserted the fact that the murders in cold blood of old men, women, children, and babies at Mylai were the result of a brutalization of America's young men by our involvement in a dirty, senseless, immoral, undeclared war. Unfortunately, hundreds of thousands of young Americans con-

scripted into our Armed Forces and following only 4 months of training have been and are being sent into combat in a civil war in a small faraway Asian land of no strategic or economic importance to the defense of our Nation. Once there they witnessed and participated under orders in napalm bombing of innocent civilians, in defoliation missions that not only poison the land for generations to come but cause the birth of deformed infants, in handing prisoners of war over to our South Vietnamese allies for torture and in some cases execution. All this, and a thousand other horrors of war. Then, in addition, they have seen their officers debase our military effort with body count procedures—a brutalizing practice which never occurred in any previous war in which our country was engaged. These facts have never been more clearly revealed than through the research of Seymour Hersh.

Because of its length, I shall not ask that the Harper's article be reprinted in the *RECORD*. However, I ask the indulgence of Senators in reading some representative passages from this outstanding account which greatly clarify what actually took place at Mylai:

The average GI's ignorance of Vietnamese customs was appalling, and the Army did little to educate them. The Vietnam-bound soldiers were given—at the most—only one or two lectures on the country and its people while in training.

Even worse than the misunderstandings were the deliberate cruelties and implicit assumptions of superiority on the part of the Americans. The pacification policy called for the free provision of medical care and medicines to the civilian population. But in practice, visits by medical teams to any hamlet were generally infrequent, and only two days' supply of medicine would be given each patient out of fear that the excess would fall into Viet Cong hands. Vietnamese were provided with new names when they entered a U.S. military hospital, so the staff would have less trouble identifying them. Thus a civilian who lost an eye was called, for example, "Bubbles," "Ohio," or "Cyclops." All U.S. hospitals had to keep 35 per cent of their beds empty in case of an emergency involving American casualties; this rule was adhered to even in areas where the local civilian populace was in desperate need of medical help. Few Americans paid any attention to the names of hamlets and villages, many of them centuries old, and devised their own titles, which often found their way onto official military maps.

Young GIs soon learned that there were Army names for Vietnamese too: gook, dink, and slope. One battalion commander in Vietnam named his helicopter the "Gookmobile" and listed his kills on the fuselage with a neatly painted row of conical hats. Another helicopter pilot stalked Vietnamese in free-fire zones, shooting at anyone who moved below with his pistol or a rifle. Another called his helicopter the "Slope-toter." One brigade commander ran a contest to celebrate his unit's 10,000th enemy kill. The winning GI received a week's pass to stay in the colonel's personal quarters. Many battalions staged contests among their rifle companies for the highest score in enemy kills, with the winning unit getting additional time for passes.

What, perhaps, would happen inadvertently in the beginning became routine. Terry Reid of Fond du Lac, Wisconsin, spent much of 1968 serving with the Eleventh Brigade of the

Americal Division near Chu Lai, the division headquarters a few miles north of Quang Ngai City. The indiscriminate slaughter of Vietnamese women and children was commonplace in his unit. "Our company was credited with hundreds of kills," Reid told a reporter. "In the first firefight our company encountered, my platoon alone accounted for forty kills. Yet no one in my platoon saw a (Viet Cong) body. But I witnessed many civilians being shot down like clay pigeons."

"To me," the ex-GI said, "the war was being ambushed every three to five days, being left with scores of wounded GIs, and then coming right back at the enemy by going into an innocent village, destroying and killing people."

If there was any reason for what began to happen to Charlie Company, it was not too much combat—but to little.

Occasionally the company, still new to Vietnam, was stunned by the evidence of the almost barbarous attitudes veterans displayed toward the Vietnamese people. Gregory Olsen of Portland, Oregon, remembered that soon after they were in Vietnam they saw an American troop carrier drive by with about twenty human ears tied to the antenna. It was kind of hard to believe. They actually had ears on the antenna.

After many weeks of no combat, the company began to systematically beat its prisoners, and it began to be less discriminating about who was—or was not—a VC.

Private Michael Bernhardt recalled that by March 16, "we'd already gone through some villages and the company more or less roughed up the people. If anybody ever told them to go there and kill everybody, they'd do it. They were looking for an excuse, and they got it."

Calley and his platoon were the first to board the large black Army assault helicopters. The men were heavily armed, each carrying twice the normal load of rifle and machine-gun ammunition. Leading the way was Calley, who had slung an extra belt of M16 rifle bullets over his shoulder. There were nine helicopters in the first lift-off, more than enough for the whole first platoon—about twenty-five men—and Captain Medina and his small headquarters unit of three radiomen, some liaison officers, and a medic. It was sunny and already hot when the first helicopter started its noisy flight to My Lai 4. The time was 7:22 a.m.; it was logged by a tape recorder at brigade headquarters. A brief artillery barrage had already begun; the My Lai 4 area was being "prepared" in anticipation of that day's search-and-destroy-mission.

The first platoon came out firing. But, after a moment, some men noticed that there was no return fire. "I didn't hear any bullets going past me," recalled Charles Hall, a machine gunner that day. "If you want to consider an area hot, you got to be fired on."

The platoon quickly formed a perimeter and secured the landing zone.

By this time, those Viet Cong who were in the hamlet had slipped away. Some local supporters of the guerrillas also left, but they did not go as far. They watched as Charlie Company went through My Lai 4.

The killings began without warning. Harry Stanley told the CID that one young member of Calley's platoon took a civilian into custody and then "pushed the man up to where we were standing and then stabbed the man in the back with his bayonet. . . . The man fell to the ground and was gasping for breath." The GI then "killed him with another bayonet thrust or by shooting him with a rifle. . . . There were so many people killed that day it is hard for me to recall exactly how some of the people died." The youth next "turned to where some soldiers were holding another forty- or fifty-year-old man in custody." He "picked this man up and threw him down a well. Then (he) pulled

the pin from a M26 grenade and threw it in after the man." Moments later Stanley saw "some old women and some little children—fifteen or twenty of them—in a group around a temple where some incense was burning. They were kneeling and crying and praying and various soldiers. . . . walked by and executed these women and children by shooting them in the head with their rifles. The soldiers killed all fifteen or twenty of them. . . ."

There were few physical protests from the people; about eighty of them were taken quietly from their homes and herded together in the plaza area. A few hollered out, "No VC. No VC." But that was hardly unexpected. Calley left Meadlo, Boyce, and a few others with the responsibility of guarding the group. "You know what I want you to do with them," he told Meadlo. Ten minutes later—about 8:15 a.m.—he returned and asked, "Haven't you got rid of them yet? I want them dead." Radioman Sledge, who was trailing Calley, heard the officer tell Meadlo to "waste them." Meadlo followed orders: "We stood about 10 to 15 feet away from them and then he (Calley) started shooting them. Then he told me to start shooting them. I started to shoot them. So we went ahead and killed them. I used more than a whole clip—used four or five clips." There are seventeen M16 bullets in each clip. Boyce slipped away, to the northern side of the hamlet, glad he hadn't been asked to shoot. Women were huddled against their children, vainly trying to save them. Some continued to chant "No VC". Others simply said, "No. No. No."

In the midst of the carnage, Michael Bernhardt got his first good look at My Lai 4. Bernhardt had been delayed when Medina asked him to check out a suspicious wood box at the landing zone. After discovering that it wasn't a booby trap, Bernhardt hurried to catch up with his mates in the third platoon. He went into the hamlet where he saw Charlie Company "doing strange things. One: they were setting fire to the hootches and huts and waiting for people to come out and then shooting them. Two: they were going into the hootches and shooting them up. Three: they were gathering people in groups and shooting them. The whole thing was so deliberate. It was point-blank murder and I was standing there watching it. It kind of made me wonder if I could trust people anymore."

Those Vietnamese who were not killed on the spot were being shepherded by the first platoon to a large drainage ditch at the eastern end of the hamlet.

In the early afternoon, the men of Charlie Company mopped up to make sure all the houses and goods in My Lai 4 were destroyed. Medina ordered the underground tunnels in the hamlet blown up; most of them already had been blocked. Within another hour, My Lai 4 was no more; its red-brick buildings demolished by explosives, its huts burned to the ground, its people dead or dying.

Michael Bernhardt later summarized the day: "We met no resistance and I only saw three captured weapons. We had no casualties. It was just like any other Vietnamese village—old papa-sans, women, and kids. As a matter of fact, I don't remember seeing one military age male in the entire place, dead or alive. The only prisoner I saw was in his fifties."

By nightfall, the Viet Cong were back in My Lai 4, helping the survivors bury the dead. It took five days. Most of the funeral speeches were made by the Communist guerrillas. Nguyen Bat was not a Communist at the time of the massacre, but the incident changed his mind. "After the shooting," he said, "all the villagers became Communists."

When Army investigators reached the barren area in November 1969, they found mass

graves at three sites, as well as a ditch full of bodies. It was estimated that between 450 and 500 people—most of them women, children, and old men—had been slain and buried there.

Specialist 5 Jay Roberts carried his reporter's note pad and a pencil with him when he took the helicopter from Eleventh Brigade headquarters at Duc Pho that morning.

Roberts—who had been out of My Lai since 11:00 a.m.—learned from Colonel Barker in the early afternoon that the final body-count for Task Force Barker that day was 128, with three enemy weapons captured. He had no idea how, or why, that total was reached. There was great excitement at LZ Dotti: the 128 body-count was the largest for the task force since it had begun operations forty days earlier.

Charlie Company's apparent victory did not go unnoticed. A few days after the battle, General William C. Westmoreland, then commander of U.S. forces in Vietnam, sent the following message: "Operation Muscatine (the code name for the My Lai assault) contact northeast of Quang Ngai City on 16 March dealt enemy heavy blow. Congratulations to officers and men of C-1-20 (Charlie Company, First Battalion, Twentieth Infantry) for outstanding action."

Charlie Company quickly settled back into its routine of search-and-destroy missions that continued until its year in Vietnam was over.

By then Medina's men were talking much less about My Lai 4. If there was any general consensus among the members of Charlie Company, it was perhaps best expressed by William Doherty, who thought that "it was pretty disgusting, but it was a different feeling. If they had been Americans," he said of the dead Vietnamese, "I might have felt different. I never really understood those people." Doherty was upset by what had happened to him in Vietnam: "You'd see a guy's leg blown off, or a rifle wound through his head—it stopped meaning anything more. It was nothing. You'd just say, 'Glad it wasn't me.'" They told me this would happen to me when I got to Nam—this attitude. I didn't believe it, but . . .

No one had stepped forward in protest, and most of the men started brooding about the incident only after they left the company or returned to their homes in the United States.

Mr. President, Mr. Hersh goes on to document the incredible and often deliberate effort at each level of command to cover up what really happened at Mylai. One can only wonder if other equally horrible massacres have taken place and reports of them quashed in the red tape of officialdom.

Through a thorough and eloquent presentation of the facts, without inserting his own opinions, Seymour Hersh has provided one of the most powerful arguments for ending our involvement in that senseless, immoral civil war in Vietnam. Further brutality and inhumanity can be the only results of continuing to send young Americans to fight and die in the swamps of Vietnam.

Mr. President, I commend Seymour Hersh for his outstanding contribution to our understanding of this horrible event. I am hopeful that all Americans will read his report and then be able to understand the real impact of Vietnam on our young people, our ideals, and our future.

Mr. President, Lt. Gen. W. R. Peers and Mr. Robert MacCrate have conduct-

ed a thorough and extensive inquiry into the events surrounding the Mylai massacre. On two previous occasions, I have called upon the Secretary of the Army and the Secretary of Defense to release the full Peers-MacCrate report, deleting only the names of the persons involved.

The outstanding research done by Seymour Hersh, including transcripts of interrogations by key witnesses conducted by the Army's Criminal Investigating Division, has given the public a much greater understanding of the Mylai massacre. There is no longer any reason for Army officials to withhold the important information in the Peers-MacCrate report.

The result of the Army's failure to inform the American people has been a profession of rumors and misinformation which is prejudicial to the rights of officers and men who face court martial trials. More important, it has placed the American people in the position of determining what happened at Mylai on the basis of hearsay and conjecture.

The citizens of the United States who are paying dearly for the Indochina war—in lost sons, brothers, and fathers as well as billions of dollars—have a right to know what our brutal policy has wrought. I again urge the Secretary of Defense to release the full Peers-MacCrate report.

REVISION OF DEFINITION OF A "CHILD" UNDER TITLE 38, UNITED STATES CODE

Mr. TALMADGE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 10106.

The PRESIDING OFFICER laid before the Senate the message from the House of Representatives, as follows:

Resolved, That the House concur in the amendments of the Senate numbered 1 and 2 to the bill (H.R. 10106) entitled "An Act 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."

Resolved, That the House disagree to the amendment of the Senate numbered 3 to the aforesaid bill.

Resolved, That the House concur in the amendment of the Senate numbered 4 to the aforesaid bill, with the following amendment:

On page 3, line 20, of the Senate engrossed amendments strike out "5" and insert "4".

Resolved, That the House concur in the Senate amendment to the title of the aforesaid bill.

Mr. TALMADGE. Mr. President, this bill, as passed by both House and Senate, would revise the definition of "child" for veterans' benefit purposes to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree rather than from the time the decree becomes final.

The committee and the Senate approved the text of the House bill without modification but added to the bill amendments which would:

First, increase by 10 percent monthly dependency and indemnity compensation payments to children, where there is

no widow entitled to receive dependency and indemnity compensation, and to certain children age 18 and over; and

Second, extend dependency and indemnity compensation to certain widows whose husbands were insured under national service life insurance on a premium-free basis.

Both of these provisions had been contained in the Senate version of S. 1471, the Talmadge bill to increase dependency and indemnity compensation, which became law last year.

The House agreed to accept the Senate amendment to increase monthly payments to children where there is no widow entitled. The House disagreed to the amendment affecting widows since they had already incorporated a similar provision in another bill they acted on last week.

Now, Mr. President, I have discussed this matter with the ranking minority member, the distinguished Senator from Utah, and he concurs in the action I request the Senate to take. This is a House-passed bill.

Mr. President, I move that the Senate recede from its amendment No. 3.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to.

Mr. TALMADGE. I move that the Senate concur in the House amendment to the Senate amendment on page 3, line 20, striking out "5", and inserting "4".

The motion was agreed to.

ORDER OF BUSINESS

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

The PRESIDING OFFICER (Mr. INOUYE). 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. HOLLINGS) laid before the Senate the following communications and letters, which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1971, FOR THE JUDICIARY (S. Doc. No. 91-69)

A communication from the President of the United States, transmitting amendments to the request for appropriations transmitted in the budget for the fiscal year 1971, in the amount of \$4,220,000, for the Judiciary (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PROPOSED AMENDMENT TO THE BUDGET, 1971, FOR THE FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW (S. Doc. No. 91-68)

A communication from the President of the United States, transmitting an amendment to the request for appropriations transmitted in the budget for the fiscal year 1971, in the amount of \$167,000 for the Federal Metal and Nonmetallic Mine Safety Board of Review

(with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PROPOSED SUPPLEMENTAL APPROPRIATIONS, 1970 (S. Doc. No. 91-67)

A communication from the President of the United States, transmitting proposed supplemental appropriations and other provisions for the fiscal year 1970, in the amount of \$282 million in budget authority, and \$55 thousand in a proposal not increasing budget authority (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

REPORT OF DEFENSE DEPARTMENT ON USE OF FOREIGN CURRENCIES

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, that no use was made of appropriated funds, during the period July 1-December 31, 1969, to make payments under contracts for any program, project, or activity in a foreign country except where, after consultation with a designee of the Secretary of the Treasury, it was determined that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law was not feasible for the reason that the Treasury Department was not holding excess foreign currencies in the country involved; to the Committee on Appropriations.

REPORTS OF AGREEMENTS SIGNED FOR FOREIGN CURRENCIES

A letter from the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, reports of agreements signed for foreign currencies for March and April 1970 (with accompanying reports); to the Committee on Agriculture and Forestry.

LANDS PROPOSED FOR INTERCHANGE AT MONROE RESERVOIR AND CANNELTON LOCKS AND DAM PROJECTS, HOOSIER NATIONAL FOREST, IND.

A letter from the Secretary of the Army and Secretary of Agriculture, transmitting, pursuant to law, a notice of the intention of Departments of Army and Agriculture to interchange jurisdiction of civil works and National Forest lands at Monroe Reservoir and Dam Projects in Indiana (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT OF DEFENSE DEPARTMENT ON ANNUAL COMPENSATION OF ANY OFFICER OR EMPLOYEE OF A FEDERAL CONTRACT RESEARCH CENTER IN EXCESS OF \$45,000

A letter from the Deputy Secretary of Defense, reporting, pursuant to law, the annual compensation of any officer or employee of a Federal contract research center in excess of \$45,000 from Federal funds (with accompanying papers); to the Committee on Armed Services.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on potential for savings in aircraft maintenance, Department of the Navy and Department of the Air Force, dated May 7, 1970 (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION TO PROVIDE FOR SETTLEMENT UNDER INTERNATIONAL AGREEMENTS, OF CERTAIN CLAIMS, INCIDENT TO NONCOMBAT ACTIVITIES OF THE ARMED FORCES

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend sections 2734a(a) and 2734b(a) of title 10, United States Code, to provide for settlement under international agreements, of certain claims incident to the noncombat activities of the armed forces, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

REPORT ON EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on extraordinary contractual actions to facilitate the national defense, for calendar year 1969 (with an accompanying report); to the Committee on the Judiciary.

PETITION

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS) laid before the Senate the following senate resolution of the State of Hawaii, which was referred to the Committee on Armed Services:

RESOLUTION REQUESTING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO LIMIT THE USE OF THE DRAFT LAW ONLY TO A LEGALLY DECLARED WAR

Whereas, the President of the United States made as part of his campaign a pledge to do his best to abolish the Draft Law and to establish a voluntary enlistment system whereby members of the Armed Forces will receive increased pay and other benefits to the level that drafting of individuals will become unnecessary; and

Whereas, the draft laws are under constant attack from a great number of the public as being unnecessary except in time of war, and as being unfair in that there are too many exemptions and unreasonable classifications; and

Whereas, some members of the Armed Forces receive pay below the minimum wage law and some pay is so little that the members qualify for welfare aid; and

Whereas, it would be of social and economic benefit to the people of the United States if the United States were bound by its own minimum wage law and if persons who enter the Armed Forces would be paid a decent living wage; and

Whereas, it would also be in the best interests of the United States if programs were established whereby the serviceman could complete college or high school while still a member of the Armed Forces by attending school one-half of the day and engaging in military training the other half; and

Whereas, the constant employment of the Draft Law during times of undeclared war renders it impossible for any male youth to plan his future and, to that extent, discourages him from doing so, and also causes the nation to constantly think in terms of war rather than peace; now, therefore

Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, that the President and Congress of the United States be and they are hereby respectfully requested to limit the use of the draft law only to a war declared by Congress; and

Be it further resolved that certified copies of this Resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President Pro Tempore and Majority Leader of the United States Senate, and to each member of Hawaii's delegation to the United States Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 2583. A bill to provide for the conveyance to the County of Washakie, State of Wyoming, of certain real property of the United States (Rept. No. 91-853).

By Mr. TYDINGS, from the Committee on the District of Columbia, with amendments: S. 3011. A bill to establish a revolving fund for the development of housing for low- and moderate-income persons and families in the District of Columbia, to provide for the disposition of unclaimed property in the District of Columbia, and for other purposes (Rept. No. 91-854).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 2208. A bill to authorize the Secretary of the Interior to study the feasibility and desirability of a national lakeshore on Lake Tahoe in the State of Nevada, and for other purposes (Rept. No. 91-855).

AUTHORIZATION OF APPROPRIATIONS TO THE ATOMIC ENERGY COMMISSION—REPORT OF JOINT COMMITTEE ON ATOMIC ENERGY (S. REPT. 91-852)

Mr. PASTORE, from the Joint Committee on Atomic Energy, reported an original bill (S. 3818) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, and submitted a report thereon, which bill was placed on the calendar and the report was ordered to be printed.

EXECUTIVE REPORTS OF A COMMITTEE

Mrs. SMITH of Maine. Mr. President, as in executive session from the Committee on Armed Services I report favorably the nominations of 23 flag and general officers in the Army, Navy, Marine Corps, and Air Force. I ask that these names be placed on the Executive Calendar.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS). Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Vice Adm. Elmo R. Zumwalt, Jr., U.S. Navy, for appointment as Chief of Naval Operations in the Department of the Navy, with the rank of admiral while so serving;

Gen. Earle Gilmore Wheeler, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general;

Lt. Gen. Lewis L. Mundell (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade of lieutenant general;

Maj. Gen. James William Sutherland, Jr., Army of the United States (brigadier general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general;

Maj. Gen. William K. Jones, and Maj. Gen. Raymond G. Davis, U.S. Marine Corps, for commands and other duties determined by the President, for appointment to the grade of lieutenants general while so serving;

Rear Admiral Jerome H. King, Jr., U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Brig. Gen. Charles W. Sweeney, Massachusetts Air National Guard, for appointment as a Reserve commissioned officer in the U.S. Air Force, to be a major general;

Col. James W. Carter, Tennessee Air National Guard; Col. William H. Pendleton, California Air National Guard; Col. Robert S. Peterson, Minnesota Air National Guard; and Col. George H. Taylor, Utah Air National Guard, for appointment as Reserve commissioned officers in the U.S. Air Force, in the grade of brigadiers general;

Brig. Gen. Homer I. Lewis, Brig. Gen. James L. Murray, Brig. Gen. Wendell B. Sell, and Brig. Gen. Frank H. Spink, Jr., Air Force Reserve officers, for appointment in the Air Force Reserve, in the grade of majors general; and

Col. Stuart G. Haynsworth, Col. Robert H. Hutchinson, Col. Ralph M. Lain, Col. Vorley M. Rexroad, Col. Benton C. Tolley, Jr., Col. David Waxman, and Col. Alfred J. Wood, Jr., Air Force Reserve officers, for appointment in the Air Force Reserve, in the grade of brigadiers general.

Mrs. SMITH of Maine. Mr. President, in addition, I report favorably 417 appointments in the Army in the grade of major and below; 226 appointments in the Marine Corps in grade of 1st and 2d lieutenants; and 2,765 promotions in the Air Force in the grade of lieutenant colonel and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS). Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Gary L. Goff, staff noncommissioned officer, for temporary appointment to the grade of second lieutenant in the Marine Corps;

Patrick J. Glynn (Naval Reserve Officer Training Corps), for permanent appointment to the grade of second lieutenant in the Marine Corps;

Maclyn Abbott, and sundry other officers, for promotion in the Regular Air Force;

Kenneth Charles Allison, Jr., and sundry other U.S. Naval Academy graduates, for permanent appointment in the Marine Corps;

James W. Rinschler, Naval Reserve Officer Training Corps graduate, for permanent appointment in the Marine Corps;

Gregory C. O'Kelly, U.S. Air Force Academy graduate, for permanent appointment in the Marine Corps;

James L. Allingham, and sundry other commissioned warrant officers, for temporary appointment to the grade of first lieutenant in the Marine Corps;

Jonah H. K. Chang, and sundry other commissioned warrant officers, for temporary appointment to the grade of second lieutenant in the Marine Corps;

William B. Baker, and sundry other staff noncommissioned officers, for temporary appointment to the grade of second lieutenant in the Marine Corps;

Jeffrey H. Andrews, and sundry other officers, for temporary appointment to the grade of first lieutenant in the Marine Corps;

David A. Clarke, and sundry other persons, for appointment in the Regular Army;

John W. Dawson, and sundry other persons, for appointment in the Regular Army of the United States;

Charles R. Andre, and sundry other scholarship students, for appointment in the Regular Army of the United States; and

Stephen C. Rasmussen, cadet, graduating class of 1970, U.S. Air Force Academy, for appointment in the Regular Army of the United States in the grade of second lieutenant.

BILLS AND A JOINT RESOLUTION INTRODUCED OR REPORTED

Bills and a joint resolution were introduced or reported, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PASTORE:

S. 3818. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; placed on the calendar.

(Reference is made to the above bill when reported by Mr. PASTORE which appears under the heading "Reports of Committees.")

By Mr. PROXMIRE:

S. 3819. A bill for the relief of Myrna S. Cabanada; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 3820. A bill to provide for the awarding of a Medal of Honor for Firemen; and

S. 3821. A bill to provide for the awarding of a Police Medal of Honor; to the Committee on Banking and Currency.

By Mr. BENNETT (for himself, Mr. BROOKE, Mr. CURTIS, Mr. DOMINICK, Mr. FANNIN, Mr. GOODELL, Mr. MCINTYRE, Mr. PACKWOOD, Mr. PERCY, Mr. SCOTT, Mr. SMITH of Illinois, Mr. TOWER, Mr. WILLIAMS of New Jersey, and Mr. HRUSKA):

S. 3822. A bill to provide insurance for member accounts, in State and federally chartered credit unions, and for other purposes; to the Committee on Banking and Currency.

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

By Mr. BROOKE:

S. 3823. A bill to amend the Bank Holding Company Act of 1956, and for other purposes; to the Committee on Banking and Currency.

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

By Mr. PELL:

S.J. Res. 199. Joint resolution to further amend the Elementary and Secondary Education Act; considered and passed.

(The remarks of Mr. PELL when he introduced the joint resolution and the ensuing debate appear later in the RECORD under the appropriate heading.)

S. 3822—INTRODUCTION OF THE CREDIT UNION SHARE INSURANCE ACT OF 1970

Mr. BENNETT. Mr. President, I introduce for appropriate reference a bill to provide insurance for member accounts in State-chartered and federally chartered credit unions, and for other purposes. I am joined in sponsoring this bill by Senators BROOKE, CURTIS, DOMINICK, FANNIN, GOODELL, MCINTYRE, PACKWOOD, PERCY, SCOTT, SMITH of Illinois, TOWER, WILLIAMS of New Jersey, and HRUSKA.

Unfortunately, in this era of consumer protection and disclosures of information, only a very small proportion of the savings in credit unions is insured against loss by the saver. Perhaps equally as important is the fact that most credit union members do not know that their savings are not insured. The bill which I offer today would provide insurance for those who save in credit unions just as is now provided in almost all other financial institutions in this country. This insurance program is patterned

after and would operate in a manner similar to the protection now provided for bank deposits by the Federal Deposit Insurance Corporation and for shares in savings and loan associations by the Federal Savings and Loan Insurance Corporation.

IMMEDIATE COVERAGE

It is surprising to many to find that Federal credit unions do not now have insurance on their shares. They are the only federally chartered savings institutions not covered by a federally sponsored insurance program. This bill provides immediate coverage of deposits in all federally chartered credit unions and makes the same coverage available on a permissive basis to State-chartered credit unions. Just as is the case with banks and savings and loan associations, the overall loss experience in credit unions has been relatively small. Yet the losses which have occurred have weighed heavily on a few credit unions and on a relatively few members. Since many credit unions deal primarily with individuals having limited incomes, it is particularly important that they enjoy the same insurance protection enjoyed by savers and depositors in other financial institutions.

When I refer to individuals with limited income, I mean the more than 8½ million account holders in Federal credit unions, for example, who have less than \$500 in savings. This money in many instances represents a substantial portion of the total liquid assets of these people, and I see no reason why their money should be unprotected simply because they have saved in a credit union. I believe that by providing insurance for credit union member accounts as called for in this bill, thrift would be stimulated among these small savers. The existence of share insurance would provide them with an increased incentive to develop a systematic plan for saving and would at the same time provide safety similar to that now provided by banks and savings and loan associations. In addition, individuals and business firms who may now refrain from depositing funds in credit unions in limited income areas should be more willing to do so if their funds are insured.

POOR WOULD BENEFIT

We have had recent testimony in our Banking and Currency Committee which indicated that credit unions in limited income areas which are specifically set up to assist poor people would benefit greatly from share insurance. Mr. Edward C. Sylvester, Jr., testifying for the Urban Coalition Action Council, testified that the lack of deposit insurance is a serious deficiency. He supported share insurance on the basis that it would provide additional funds for credit unions serving residents in the inner city where it is difficult to attract deposits. He said of share insurance, "It seems to us to be an essential device really to encourage others to participate in credit unions and in making a great deal more capital available to them than they are apt to get through their normal membership activities."

While the insurance program contained in the bill has the potential to cover substantially all of the \$14 billion of savings now in credit unions, only Federal credit unions would be required to have the insurance. State-chartered credit unions could obtain the protection if they desired. The program would be supported by the credit unions themselves through premiums paid for the insurance, and it would be administered by the Administrator of the National Credit Union Administration.

The need for share insurance has been made clear by a study of regular reserves in Federal credit unions published by the Bureau of Federal Credit Unions last year. In the study, the Bureau noted that 1,204 Federal credit unions completed liquidation in the 5 years ending December 31, 1967. Sixteen percent, or 189 of these liquidated at a loss to shareholders. Losses to the shareholders, although small in dollar amount, totaled just over 20 percent of shares. The majority of the credit unions which paid less than 100 percent at liquidation were small according to the Bureau's study. Almost four-fifths of them had assets of less than \$25,000. It appears quite clear that the burden of loss falls on the smaller credit union and the small saver. Yet the credit union can and should be most useful to those who have a relatively small amount to save. There are more than 9,500 Federal credit unions with assets less than \$500,000 serving people who may have limited access to other thrift and credit facilities. In its study, the Bureau found that without outside help, another 280 credit unions would have liquidated at a loss. Had this outside help not been available, more than one-third of all the Federal credit unions liquidated in the 5 years ending December 31, 1967, would have done so at a loss to their members. The fact that more of these institutions did not liquidate at a loss is due in large measure to the efforts of State credit union leagues which provided financial assistance to their member credit unions. Fortunately, the resources of the league funds were generally adequate to meet their members' needs during the period covered by the Bureau's study. It would be a mistake, however, to rely on this means alone as a guarantee of the shares of credit union members because the resources available from the leagues to their credit unions represented about 0.045 percent of the \$12 billion in savings held by credit unions in 1968.

PRESENT PLANS NOT SUFFICIENT

Another weakness is that financial assistance is made available to league members only. The owner of a credit union share account may not know that his credit union does not belong to a league organization. The program offered by this bill is designed so that it would not interfere with the commendable efforts of the league organizations to strengthen the financial reserves of their member credit unions. These private funds would continue to serve as useful supplements to the program of share insurance now being proposed.

Strong support for share insurance is indicated by moves within some States for statewide share insurance. The first effort, in 1955, in Illinois, had to be abandoned in 1964 because of structural weakness and because of internal squabbles. Voluntary share insurance for State-chartered credit unions in Massachusetts was started in 1961 and has been highly successful. The Massachusetts Share Insurance Corp. now has assets of about \$5½ million. During 1969, credit union share insurance bills were passed in Wisconsin and in Rhode Island. There is considerable interest in share insurance in some other States, showing that share insurance is desired and is needed. The State plans have the disadvantage of a restricted membership and of not being available to federally chartered credit unions. Thus a Federal system is also needed.

SUPPORT INCREASES RAPIDLY

Mr. President, support among Federal credit unions, their State trade organizations, regional organizations, and national organizations for FDIC-type Federal share insurance is increasing rapidly. While I do not have information which makes it possible for me to say that a majority of Federal credit unions desire such insurance, I believe that such a statement would be true. I would like to take just a minute or two to show why I believe that to be the case. In the mid-March meeting of CUNA, International, District 10, which includes Ohio, New Jersey, New York, Pennsylvania, and Puerto Rico, the directors voted unanimously to support "a Federal Government program of share insurance, mandatory for Federal credit unions and voluntary for State-chartered credit unions." District 10 has nearly 30 percent of all Federal credit unions. District 11, which contains the States of Maine, Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire, also has voted support for FDIC-type Federal share insurance. In addition, other State groups have voted their support. Among the States which have so voted are Illinois, Indiana, the District of Columbia, and Florida. When all of the Federal credit unions represented by these States and those additional Federal credit unions which have indicated in their correspondence that they support Federal share insurance are added together, I feel strongly that most credit unions realize that the insurance would be beneficial to their operations. One of the major national credit union organizations, the National Association of Federal Credit Unions, has expressed its support, and I hope that the largest of credit union organizations, CUNA, International, which is having its annual meeting starting this week, will conclude that Federal share insurance of savings held by credit unions should be approved.

PUBLIC UNAWARE OF INSURANCE LACK

Mr. President, it is a fact that most people who save in credit unions think their shares are insured.

I have spent some time discussing share insurance with some of the credit unions which I feel are among the most

progressive in the credit union movement. One of these, which is the largest credit union in the world, is the Navy Federal Credit Union. The Navy Federal Credit Union conducted a detailed survey among its members a couple of years ago. In that survey, 71 percent of the respondents said they thought their shares in the credit union were federally insured as they would be in a savings and loan or a bank which had Federal insurance. The Navy Federal Credit Union management decided that it should inform its membership that its shares were not insured. They found, however, that it was impossible to get this story over to the membership.

The returns received as a result of a continuing survey by the National Credit Union Administration indicate that five out of six respondents believed their shares were insured. In answer to a question as to how such an understanding came about, one respondent said an employee of the credit union told her that her shares were insured. In addition, she was told that when her savings reached a certain amount, she should divide them into two accounts so that the total amount in both accounts would be insured. Another respondent received the idea that shares were insured from credit union members. Still another stated that "When [the] credit union was started we were told by the appointed officers that the money was federally insured." Another respondent stated that he was told by the union financial secretary that his savings would be protected just as they were in the bank in which he had them deposited. Another respondent got the impression from literature received from the credit union. Regardless of where the idea came from, most of these people thought their shares were insured by a Federal agency. The really sad part about all of this is that those who experienced losses in credit unions were generally individuals who were unable to absorb such losses. One person who experienced a loss of over \$600 had an annual income of just over \$2,600. Another who lost over \$300 had no income. A retired foreman lost just over \$400. Another individual on social security lost \$350, and so it goes.

Mr. President, one of the comments made by a respondent I believe is important, and I quote: "In this age of consumer protection, this is one area lacking protection of any type."

MAJOR DEFICIENCY

Indeed, this is one area lacking protection. The lack of insurance on credit union shares is one of the major deficiencies in our financial institutions. Insurance would greatly enhance the incentive for credit union members to put their funds in credit unions and thus better enable credit unions to perform their primary function of assisting those who do not have access to other sources of credit.

This bill which I introduce today can provide the needed insurance protection.

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

The bill (S. 3822) to provide insurance for member accounts, in State and feder-

ally chartered credit unions, and for other purposes, introduced by Mr. BENNETT, for himself and other Senators, was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 3823—INTRODUCTION OF THE BANK HOLDING COMPANY ACT OF 1970

ONE-BANK HOLDING COMPANIES

Mr. BROOKE. Mr. President, I rise today to discuss a matter of growing importance to both the banking community and Congress: the growth of one-bank holding companies in our economy.

In 1933, Congress passed legislation which gave the Federal Reserve Board limited powers to regulate bank holding companies. The scope of regulation was restricted to companies holding a majority of the stock of a Federal Reserve member bank or in any way controlling the election of a majority of its directors. Where the Board's jurisdiction was thus established, it was authorized to examine the holding company and its subsidiaries, to set certain reserve requirements and to supervise other financial policies in the interest of protecting depositors.

Bank holding companies covered by the Banking Act of 1933 were required to obtain a permit from the Federal Reserve before voting their stock in subsidiary banks. Denial of a voting permit was the only regulatory weapon available to the Board and many bank holding companies were able to avoid regulation entirely by exercising control with less than majority ownership or without voting stock in majority-owned banks, or by controlling nonmember bank subsidiaries. The Banking Act also provided no limitation on the combining of banks and nonbank business activities under holding company management, except in the case of security dealings.

Over the years 1933-56, the unregulated growth of large bank holding companies was particularly rapid in some States, notably where branch banking was prohibited or quite limited.

In 1956, Congress passed the Bank Holding Company Act which defined bank holding companies, controlled their formation and expansion and required divestment of their nonbanking interests. In this first comprehensive bank holding company legislation, Congress clearly indicated its desire to prevent undue concentration of control in banking by bank holding companies and to prevent bank holding companies from controlling both banks and nonbanking enterprises. By choosing to regulate the holding companies rather than abolish them, Congress recognized them as a legitimate form of banking organization whose development, under supervision, could yield benefits to the banking public.

The 1956 act went beyond the 1933 act in covering banks that were not members of the Federal Reserve, in lowering the index of "holding" from majority to 25-percent control and in specifically limiting its coverage to companies controlling at least two banks.

In order to guard against a conflict of interest between banking and nonbank-

ing activities, bank holding companies were prohibited from engaging in non-bank activities with certain specified exceptions. The most important of these exceptions was contained in section 4(c)(8) of the act which permits activities of a financial, fiduciary or insurance nature, provided the Board determined such activities to be so closely related to the business of banking as to be a proper incident thereto. This provision permitted a broader range of financial activities through the holding company device than the bank could carry on directly.

Subsequently, Congress passed the Bank Holding Company Act Amendments of 1966 which provided, inter alia, that the Federal Reserve Board could not approve any acquisition, merger or consolidation of a bank by a bank holding company "whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner could be in restraint of trade, unless it finds that the anticompetitive effects are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community."

The 1966 amendments retained the exemption for one-banking holding companies. Although the House voted to regulate them and was supported in this position by the Federal Reserve Board, the Senate Banking and Currency Committee rejected this recommendation on the ground that "there was no substantial evidence of abuses occurring in one-bank holding companies."

As previously indicated, the 1956 act gave bank holding companies greater flexibility than was possible under, for example, national bank statutes. Banking interests found, however, that the Federal Reserve Board narrowly interpreted these provisions. Thus, they were met by opposition as they tried to enter such fields as data processing services, travel services, equipment leasing, operation of commingled trust funds, underwriting and dealing in revenue bonds, and the selling of insurance. Accordingly, the one-bank holding company was used as a means of avoiding restraints on bank activities.

A bank wishing to engage in prohibited activities could simply form a one-bank holding company and operate such activities as subsidiaries of the holding company. In theory, banks could enter almost any line of commerce, including retailing, manufacturing, mining, or farming. This possibility has rendered obsolete the existing legal restraints on nonbanking operations of banks. Although the larger banks have been free for years to form one-bank holding companies, the option was not seriously exercised until the last few years.

A study by the House Banking and Currency Committee—released on February 11, 1969—indicated that in the 14 years from 1955 through 1968, the number of existing and proposed one-bank holding companies had grown almost sevenfold from 117 to 783. The dollar amount of bank deposits had increased from \$11.6 billion to \$108.2 billion, a growth of over 800 percent. In terms of

bank deposits, most of the growth had taken place between 1965 and 1968. In this period, the number of unregistered one-bank holding companies rose by over 200, while the amount of bank deposits in these companies rose by over 600 percent, from \$15.4 billion in 1965 to \$108.2 billion at the end of 1968. The \$108.2 billion of deposits under the control of existing and proposed one-bank holding companies represented over 27.5 percent of total commercial bank deposits in 1968 compared to only 4 percent in 1965.

The House study indicated that unregulated one-bank holding companies carry on a wide variety of nonbanking activities. Of the 684 one-bank holding companies identified by the report, 578 participated in 20 different financial nonbanking activities, including insurance agencies and companies, as well as various types of credit institutions. Among the same group, 397 were engaged in 99 different nonfinancial activities, ranging from agricultural, mining, and petroleum operations and various types of manufacturing activities through businesses in the transportation, real estate, and wholesale and retail sales fields.

The House report also indicated that as of June 1968, 106 multibank holding companies with \$48.9 billion in bank deposits were registered with the Federal Reserve Board. By comparison, there were 783 existing and proposed one-bank holding companies which would come under no regulation comparable to that imposed on registered bank holding companies.

In March of this year, the Federal Reserve Board released figures which indicated that by the end of 1969 there were more than 890 known one-bank holding companies. These holding companies held banks with about \$181 billion in deposits—or about 43 percent of the total deposits of all insured commercial banks in the country.

The dimensions of the problem were described by President Nixon in a statement on March 24, 1969:

There has been a disturbing trend in the past year toward erosion of the traditional separation of powers between the suppliers of money—the banks—and the users of money—commerce and industry.

Left unchecked, the trend toward the combining of banking and business could lead to the formation of a relatively small number of power centers dominating the American economy. This must not be permitted to happen; it would be bad for banking, bad for business, and bad for borrowers and consumers.

The strength of our economic system is rooted in diversity and free competition; the strength of our banking system depends largely on its independence. Banking must not dominate commerce or be dominated by it.

The Treasury Department has cited two principal forces as being responsible for the sharp increase in banking assets controlled by unregulated one-bank holding companies: The move by many of the Nation's largest banks to create bank-dominated one-bank holding companies and "tender offer" acquisitions of banks by other corporations, including conglomerates. With respect to the first

and most influential force, the following factors have motivated large banks to create one-bank holding companies: A more efficient corporate structure for the application of modern management techniques; a more flexible format for the offering of financially related services; and a means for offering certain financial services through affiliates and thus avoiding, for example, limitations on the types of services which can be rendered by national banks. With respect to the second major force, the Treasury Department noted that while the number of tender offer acquisitions was not yet large, the trend was accelerating and there was great potential to effect significant changes in our economic structure.

One bank holding companies are generally divided into three categories: Small one-bank holding companies, conglomerates and congenics. For the most part, the first category consists of one-bank holding companies owned by families or by a relatively few individuals who are generally motivated by tax advantages of holding company ownership. The second category consists of a corporation or organization engaged principally in nonbanking activities which controls a bank. The third category consists of bank-dominated one-bank holding companies which are formed with the intention of engaging in a number of financially related activities, through the use of subsidiaries, which the bank would normally be foreclosed from entering. It is the latter category which has grown significantly in recent years.

It has been estimated that while congenics represent only 10 percent of the number of one-bank holding companies, they hold 85 percent of one-bank holding company deposits. Although the congeneric is theoretically free to acquire almost any nonbanking activity, most of them have not done so in anticipation of potential action by Congress.

The combination of banking and nonbanking operations under a single management raises serious public policy implications. It is argued that if banks become too closely involved in other business activities, either directly or through holding companies, the managers of the bank might be induced to make unsound loans in order to further their other business interests. It must be pointed out, however, that a bank which is an affiliate of a one bank holding company remains subject to all of the banking laws and regulations by supervisory authorities which control the activities of banks not affiliated with holding companies.

It has also been argued that commercial banks inevitably tend to lessen competition when they compete in areas outside the business of banking. Thus, banks can discriminate against their nonbanking business rivals by denying them favorable access to bank credit and by granting this to their nonbanking affiliates. This is a particularly serious problem in many cities and towns where there are only one or two major banking institutions to which business can turn for substantial amounts of credit.

Banks can also discriminate against their nonbanking rivals by unfairly luring customers away. This is accomplished by offering customers of their affiliates favorable access to bank credit or by suggesting to bank customers that if they want continued access to bank credit, they should also use the services of the holding company's other subsidiaries. Indeed, there is evidence that such tie-in arrangements are deeply rooted in traditional banking practices.

Banks can very effectively use their economic leverage to decrease competition in highly competitive nonbanking industries characterized by a relatively large number of smaller firms. It should be pointed out, however, that bank entry can result in increased competition particularly in industries where competition is weak because of domination by a few large firms. Thus, it is difficult to draw any arbitrary limits on the activities which banks might engage in without challenging the fundamental principles upon which our competitive system is built.

An additional argument which has been advanced for limiting the range of activities permitted to commercial banks is the desire to avoid an undue concentration of economic and political power. While it cannot be said that bigness is necessarily bad since it often brings economies of scale which have contributed to efficient production and to this Nation's affluence, we all know that concentrations of economic and political power could prove detrimental to our economic and social structure.

In response to those who raise public policy objections to the expansion of banks into nonbanking activities, banking leaders assert that our economy is constantly changing and that the banking industry must respond to meet the ever-changing needs of its customers. Rudolph A. Peterson, former president of the Bank of America, has argued this point:

As individuals have gained a financial sophistication, they have begun to demand a broader spectrum of financial services. Besides traditional services, they have added demands for financial counseling, investment management, bookkeeping, short term financing, etc. The same is true for business on an even broader scale. The banking community with its financial expertise is eminently suited to provide this more complete package of financial services to both the consumer and the businessman.

Quality financial services at the least cost to the public can be best assured through competition and the existence of a variety of financial services. Financial congenics embracing the "department store of finance" concept will stimulate competition and thereby improve both the variety and quality of financial services. Certainly all these results are obviously in the public interest. Those who object most vehemently to this potential competition appear to be those who have enjoyed privileged positions because the restrictive interpretations of bank regulations has hampered bank growth possibilities.

Three different approaches have been taken in the one-bank holding company bills presently pending before the Senate. The House-passed measure (H.R. 6778) specifies that a bank holding company

may carry on any activity of "a financial or fiduciary nature" if the Federal Reserve Board finds that the carrying on of such activity will be functionally related to banking and can be reasonably expected to produce benefits to the public that outweigh possible adverse effects. It then goes on to set forth a "laundry" list of prohibited activities such as travel and accounting businesses.

A second bill, introduced by my very distinguished colleagues on the Senate Banking and Currency Committee, Senator BENNETT of Utah and Senator SPARKMAN of Alabama, also proceeds on the assumption that the activities of one-bank holding companies should be restricted; however, this bill would subject them to an amended version of the Bank Holding Company Act of 1956 and would apply the new criteria established thereunder to existing multi-bank holding companies, as well.

The third bill, introduced by the distinguished Senator from Wisconsin (Mr. PROXMIER), does not proceed on the same assumption. Instead, it focuses on a determination of which activities should be restricted because of their probable adverse competitive effects on both banking and nonbanking sectors of our economy. It does, however, leave intact the definition of permissible activities contained in the Bank Holding Company Act of 1956, pending the report of a Presidential commission which would survey the entire bank holding company problem along with means of liberalizing restrictions on banking.

The bill which I introduce today—a copy of which I request to be printed in the RECORD at the conclusion of my statement—addresses bank holding company regulation from a new perspective. The bill is based upon the following premises with which, I believe, the distinguished sponsors of existing proposals and the administration would agree. These premises are:

First. Bank holding company legislation should not have an anticompetitive effect. It should not protect non-banking businesses from fair bank competition. I underline the word "fair." Furthermore, such legislation should not protect banks from fair competition from those not presently engaged in banking. I believe that an unintended byproduct of some of the bills previously filed will be to establish unnecessary and undesirable protection for both banks and nonbanking businesses.

Second. Commercial banking power should not be used for the unfair advantage of a business affiliate of a bank. Because of their control of commercial credit, banks possess tremendous power which could be used unfairly for the benefit of their affiliates and to the detriment of competitors of their affiliates. The commercial lending power of banks is unique and capable of unfair use without the need for overt coercion. I do not believe existing bills go far enough in protecting competitors of a bank's affiliate from the advantages which the affiliate inherently enjoys, for example bank lending power.

Third. Any bank holding company or affiliate which abuses its commercial

lending power should be subjected to civil sanctions which can be enforced by injunction or treble damage actions.

Fourth. Abuses of commercial lending power should be prohibited in all cases, including those where the bank and business affiliate are commonly controlled by an individual, an estate, a trust, partnership, or corporation. Presently proposed legislation does not attempt to deal with abuses that can be committed by banks and businesses commonly controlled by individuals.

The bill which I introduce today is based upon the objective of fostering fair competition and precluding unfair competition by banks and bank holding companies. Thus, section 5 of the act would add a new section to title 12 of the United States Code which would specifically preclude a bank from conditioning its commercial lending power on the fact that a consumer:

First, shall obtain some other credit, property, or service from a bank holding company of such bank or any subsidiary of such bank holding company;

Second, shall provide some other credit, property, or services to the bank holding company of such bank or any subsidiary of such bank holding company; or

Third, shall not obtain some other credit, property, or services from a competitor of such bank, bank holding company of such bank or any subsidiary of such bank holding company.

This provision would apply to all banks and not just banks which are controlled by bank holding companies since there is no justification for treating either type of bank differently.

In essence, this section specifically precludes tie-in transactions by a bank and its affiliates. In particular, a bank is prohibited from conditioning a loan to a third party on the third party's agreement to do business with an affiliate of the bank or not to do business with a competitor. At the same time, the section would not interfere with legitimate conditions in commercial lending transactions such as compensating deposit balances or negative restrictions on additional borrowings. Other provisions of section 5 would provide civil and injunctive remedies against any party which violated the provisions of section 5.

Section 4(e)(1)(A) of the proposed act would permit a bank holding company to engage in any activity which the Board of Governors of the Federal Reserve System determines is "functionally related" to banking. In considering whether an activity is "functionally related," the Board would be directed to consider whether the activity is one which is incidental to a banking transaction or is one providing assistance of a type which a customer normally looks to a bank or other financial institution to obtain. The section further provides that even if the activity is "functionally related," the Board may deny permission to engage in such activity if the activity might have significant anticompetitive effects. The adoption of a flexible test in this regard should avoid the problem of arbitrary circumscription of banking activities.

Section 4(e)(1)(B) of the bill permits a bank holding company or subsidiary to engage in activities not functionally related to banking, subject to a very material condition. The activity would be prohibited if either the bank holding company or any banking subsidiary extends banking services to any customer or supplier of such bank holding company or subsidiary engaged in the activity.

The purpose of this provision is to enable bank holding companies to compete in a wide variety of businesses, provided no potential for abuse exists. No potential is considered to exist where a bank is unable to use its commercial banking power directly or indirectly in favor of its nonbanking affiliates. Similarly, this provision will permit nonbanking entities to organize banks and provide additional competition in that industry, again subject to the proviso that the nonbanking affiliates receive no benefit from the commercial lending power of the banking affiliate.

In recent months, a wide variety of businesses have complained of the dangers which would exist if the banks were permitted to compete with them. Their complaints have been founded upon the premise that third parties will be directly or indirectly influenced to do business with the affiliate of the bank in hopes of receiving commercial loans from the bank itself.

Those who have urged strict legislation prohibiting bank holding companies from engaging in nonbanking activities have protested that this influence will be felt by third parties even though no specific representations are made by the bank or its business affiliate. The bill which I offer today would eliminate this possibility by prohibiting banks from extending credit or other banking services to a customer or supplier of the business affiliate of the bank. This provision will assure that the commercial lending power of banks will not be used to the unfair advantage of their business affiliates.

In approaching this problem, I realized that the administrative burden on banks in complying with this provision could be very severe. Accordingly, the bill authorizes the Federal Reserve Board to permit by regulation or order the rendering of such banking services in such amounts or under such conditions as it considers will not frustrate the purposes of the section. For example, I would envision the Board permitting banks to extend credit to customers or suppliers of nonbanking affiliates in limited amounts where the amount involved is such that it is unlikely to be a factor in the customer's or supplier's doing business with the nonbanking affiliate. Certain other transactions such as the renting of safe deposit boxes and transfer agent services would also be permitted without frustrating the purposes of this provision. In this manner, the bank would not have to consider the applicability of these provisions to every banking service which it renders.

This approach permits bank holding companies to retain investments in nonbanking affiliates provided that they meet specified conditions. Thus, there is no

need for a grandfather clause in the bill and bank holding companies may retain their investments in all nonbanking businesses, provided that they eliminate the circumstances which could lead to an abuse of their banking power. If, on the other hand, the bank holding company is unable or unwilling to abide by these conditions it would be subject to injunctive proceedings and/or treble damage actions and, therefore, as a practical matter, would be forced to divest itself of either its banking subsidiary or the nonbanking activity.

Another fundamental change in the bill being offered is that it will apply to banks which are controlled by individuals, trusts, estates, and partnerships—as well as corporations. An individual would find it no more difficult than would a corporation to direct the unfair use of a controlled bank's lending power for the benefit of a controlled business. Brother-sister corporations are common especially in many smaller communities, and it would seem that abuses of commercial banking power should be prohibited in these communities as well as in metropolitan areas and national markets. Thus, section 2(b) of the act would be amended to include within the definition of a company, "a person, estate, trust, or partnership." It should be noted that this provision would require that the Federal Reserve Board approve the organization of every new bank, whether or not the bank is a member of the Federal Reserve System or by the Federal Deposit Insurance Corporation.

A final major provision is contained in section 6 which would establish a "National Commission on Banking" which is charged with the responsibility of determining whether existing laws promote vigorous competition in the banking industry. This Commission—which has also been recommended by the administration and by Senator PROXMIRE—represents an excellent opportunity to undertake a critical review of our bank regulatory system. Section 6 is designed to give congressional support to the administration's proposal, to assure that it is backed by subpoena power and adequately financed. At the same time, it is my view that the legislation which I propose need not be delayed pending a broad study of financial institutions.

In conclusion, I believe it is necessary to encourage the competitive forces in our economy. We must devise rules which will prevent abuses and yet permit legitimate competition. The one-bank holding company issue is extremely complex and the solution which I propose recognizes this fact by avoiding arbitrary limits on the activities of bank holding companies. On the other hand, the bill acknowledges that such unbridled authority must be subject to carefully drawn guidelines which will prevent anticompetitive consequences. The bill also recognizes that an extensive review of banking regulation is long overdue. I offer this proposal with the hope that it will generate worthwhile discussion and may produce legislation which is more precisely directed at achieving a healthy and competitive

banking industry as this Nation moves into the 1970's.

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

The bill (S. 3823) to amend the Bank Holding Company Act of 1956, and for other purposes, introduced by Mr. BROOKE, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bank Holding Company Act of 1970".

SEC. 2. (a) Section 2 of the Bank Holding Company Act of 1956 is amended by striking out subsection (a) and inserting in lieu thereof the following:

"(a) 'Bank holding company' means any company (1) that directly or indirectly owns, controls, or holds with power to vote 25 per centum or more of the voting shares of any bank or of a company that is or becomes a bank holding company by virtue of this Act, (2) that controls in any manner the election of a majority of the directors of any bank, or (3) that has the power directly or indirectly to direct or cause the direction of the management or policies of any bank. For the purposes of this Act, any successor to any such company shall be deemed to be a bank holding company from the date as of which such predecessor company became a bank holding company. Notwithstanding the foregoing—

"(A) No bank and no company owning or controlling voting shares of a bank is a bank holding company by virtue of such bank's ownership or control of shares in a fiduciary capacity except where such shares are held under a trust that constitutes a company as defined in subsection (b) of this section, or as provided in paragraphs (2) and (3) of subsection (g) of this section.

"(B) No company is a bank holding company by virtue of its ownership or control of shares acquired by it in connection with its underwriting of securities if such shares are held only for such period of time as will permit the sale thereof on a reasonable basis.

"(C) No company formed for the sole purpose of participating in a proxy solicitation is a bank holding company by virtue of its control of voting rights of shares acquired in the course of such solicitation." (b) Subsection (b) of section 2 of such Act is amended to read as follows:

"(b) 'Company' means any person, estate, trust, partnership, corporation, association, or similar organization, but shall not include any corporation the majority of the shares of which are owned by the United States or by any State."

(c) Subsection (c) of section 2 of such Act is amended by inserting after "demand" the following: "and which is engaged in the business of making commercial loans".

(d) Subsection (d) of section 2 of such Act is amended—

(1) by striking out "or (2)" and inserting in lieu thereof "(2)"; and

(2) by striking out the period and inserting in lieu thereof the following: "; or (3) any company the management or policies of which such bank holding company has the power directly or indirectly to direct."

(e) Subsection (g) of section 2 of such Act is amended—

(1) by striking out "end" at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) a new paragraph as follows:

"(3) shares owned by the spouse, lineal descendants, or ancestors of an individual shall be deemed to be owned or controlled by such individual; and"

SEC. 3. (a) That part of section 4(c) of the Bank Holding Company Act of 1956 which precedes the numbered paragraphs is amended to read as follows:

"(c) The prohibitions in this section shall not, with respect to any bank holding company, apply to—"

(b) Paragraph (8) of section 4(c) of such Act is amended to read as follows:

"(8) Shares retained or acquired in any company engaged in activities which are authorized under subsection (e) of this section;"

(c) Section 4 of such Act is amended by adding at the end thereof the following:

"(e) (1) (A) A bank holding company or any subsidiary thereof may engage in any activity that the Board has determined, after notice and opportunity for hearings, is functionally related to banking. In determining whether an activity is functionally related to banking the Board shall consider whether the activity is one which is incidental to a banking transaction or is one providing assistance of a type which a customer normally looks to a bank or other financial institution to obtain. Notwithstanding a determination that an activity is functionally related to banking, the Board may deny permission to engage in such activity if it finds that the engaging in such activity by the bank holding company or subsidiary thereof has or may have significant anti-competitive effects.

"(B) A bank holding company or any subsidiary thereof may engage in any activity which is not functionally related to banking if such bank holding company and any banking subsidiary thereof does not extend banking services to any customer or supplier of such bank holding company or subsidiary thereof engaged in such activity. Notwithstanding the foregoing, the Board may by regulation or order permit the rendering of such banking services in such amounts or under such conditions as it determines will not be contrary to the purposes of this section.

"(2) In the event of the failure of the Board to act on any application for an order under this subsection within the 91-day period which begins on the date of submission to the Board of the complete record on that application, the application shall be deemed to have been granted.

"(3) The Board shall include in its annual report to the Congress a description of each activity approved by it by order or by regulation under this subsection during the period covered by the report."

SEC. 4. (a) As used in this section, the terms "bank", "bank holding company", and "subsidiary" have the meaning ascribed to such terms in section 2 of the Bank Holding Company Act of 1956.

(b) A bank shall not in any manner extend credit, lease or sell property of any kind, or furnish any service, or fix or vary the consideration for any of the foregoing, on the condition, agreement, or understanding—

(1) that the customer shall obtain some other credit, property, or service from a bank holding company of such bank or from any subsidiary of such bank holding company;

(2) that the customer provide some other credit, property, or service to the bank holding company of such bank or to any subsidiary of such bank holding company; or

(3) that the customer shall not obtain some other credit, property, or service from a competitor of such bank, bank holding

company of such bank, or any subsidiary of such bank holding company.

The Board may by regulation or order permit such exceptions to the foregoing prohibition as it considers will not be contrary to the purpose of this section.

(c) The district courts of the United States have jurisdiction to prevent and restrain violations of subsection (b) of this section and of section 4(e)(1)(B) of the Bank Holding Company Act of 1956, and it is the duty of the United States attorneys, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. The proceedings may be by way of a petition setting forth the case and praying that the violation be enjoined or otherwise prohibited. When the parties complained of have been duly notified of the petition, the court shall proceed, as soon as may be, to the hearing and determination of the case. While the petition is pending, and before final decree, the court may at any time make such temporary restraining order or prohibition as it deems just in the premises. Whenever it appears to the court that the ends of justice require that other parties be brought before it, the court may cause them to be summoned whether they reside in the district in which the court is held or not, and subpoenas to that end may be served in any district by the marshal thereof.

(d) In any action brought by or on behalf of the United States under subsection (b) of section 4(e)(1)(B) of the Bank Holding Company Act of 1956, subpoenas for witnesses may run into any district, but in civil actions no writ of subpoena may issue for witnesses living out of the district in which the court is held at a greater distance than one hundred miles from the place of holding the same without the permission of the trial court being first had upon proper application and cause shown.

(e) Any person who is injured in his business or property by reason of anything forbidden in subsection (b) or section 4(e)(1)(B) of the Bank Holding Company Act of 1956 may sue therefor in any district court of the United States in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

(f) Any person, firm, corporation, or association may sue for and have injunctive relief, in any court of the United States having jurisdiction over the parties, against threatened loss or damage by a violation of subsection (b) or section 4(e)(1)(B) of the Bank Holding Company Act of 1956, under the same conditions and principles as injunctive relief against threatened conduct that will cause loss or damage is granted by courts of equity, under the rules governing such proceedings. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing that the danger of irreparable loss or damage is immediate, a preliminary injunction may issue.

(g) Any action to enforce any cause of action under this section shall be forever barred unless commenced within seven years after the cause of action accrued.

Sec. 5. (a) (1) There is hereby established a National Commission on Banking (hereinafter referred to as the "Commission").

(2) The Commission shall consist of fifteen members to be appointed by the President as follows:

(A) Six shall be from private life and representative of the banking industry; and

(B) Nine shall be representative of the public interest and may be appointed from private or public life, including persons employed by State or Federal agencies.

Not more than three persons appointed to

the Commission shall be, at the time of their appointments, employed in a full-time capacity by the United States.

(3) The President shall designate one of the persons appointed to the Commission to serve as Chairman.

(4) A vacancy in the Commission shall not affect its powers and may be filled in the same manner as the original appointment.

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

(b) (1) The Commission shall study and appraise the role of banking in the national economy with a view to determining whether existing State and Federal statutes, regulations, and administrative practices are consistent with the objectives of economic growth and vigorous competition in the banking industry and among financial institutions consistent with reasonable safety of depositors' funds. Such study and appraisal shall include but not be limited to—

(A) restrictions on bank entry;

(B) restrictions on the formation of branches of banks;

(C) restrictions on the investment powers of banks;

(D) restrictions on the payment of interest on bank deposits;

(E) reserve requirements of banks;

(F) merger policies affecting banks;

(G) restrictions on banks engaging in nonbanking activities;

(H) restrictions on bank holding companies; and

(I) the desirability of consolidating Federal bank supervisory functions into one agency.

(2) The Commission shall report its findings, together with such recommendations for legislative and administrative action as it deems advisable, to the President and to the Congress not later than June 30, 1972.

(c) (1) The Commission, or any three members thereof as authorized by the Commission, may conduct hearings anywhere in the United States or otherwise secure data and expressions of opinion pertinent to the study. In connection therewith the Commission is authorized by majority vote—

(A) to administer oaths,

(B) to require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties,

(C) in the case of disobedience to a subpoena issued under this subsection to invoke the aid of any district court of the United States in requiring compliance with such subpoena,

(D) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths, and in such instances to compel testimony and the production of evidence in the same manner as authorized under subparagraphs (B) and (C) above, and

(E) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(2) Any district court of the United States within the jurisdiction of which an inquiry is carried on may, in case of refusal to obey a subpoena of the Commission issued under paragraph (1) of this subsection, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(3) The Commission may require directly from the head of any Federal executive department or independent agency available information which the Commission deems useful in the discharge of its duties. All departments and independent agencies of the Government shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law.

(4) The Commission may enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(5) The Commission may delegate any of its functions to individual members of the Commission or to designated individuals on its staff and to make such rules and regulations as are necessary for the conduct of its business, except as otherwise provided in this section.

(d) Members of the Commission who are appointed from the Government shall not receive additional compensation by reason of their service on the Commission, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission. Other members of the Commission shall receive compensation at a rate of \$100 for each day engaged in the business of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703), for persons in the Government service employed intermittently.

(e) (1) The Commission may, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or to classification and General Schedule pay rates, appoint and fix the compensation of an executive director. The executive director, with the approval of the Commission, shall employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed may receive compensation in excess of the rate authorized for GS-18 under the General Schedule.

(2) The executive director, with the approval of the Commission, may obtain services in accordance with section 3109 of title 5 of the United States Code, but at rates for individuals not to exceed \$100 per diem.

(3) The head of any executive department or independent agency of the Federal Government may detail, on a reimbursable basis, any of its personnel to assist the Commission in carrying out its work.

(4) Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services. The regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of that Administration for the administrative control of funds apply to appropriations of the Commission.

(5) Ninety days after submission of its final report the Commission shall cease to exist.

(f) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section. Any money so appropriated shall remain available to the Commission until the date of its expiration, as fixed by subsection (e) (5).

ADDITIONAL COSPONSORS OF BILLS

S. 3417

Mr. McGEE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Kentucky (Mr. Cook) be added as a cospon-

sor of S. 3417, to amend the Gun Control Act of 1968 to permit the interstate transportation and shipment of firearms used for sporting purposes and in target competition.

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

S. 3722

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Maryland (Mr. TYDINGS), the Senator from Oklahoma (Mr. HARRIS), the Senator from Alaska (Mr. GRAVEL), and the Senator from Montana (Mr. METCALF) be added as cosponsors of S. 3722, a bill to amend the Foreign Assistance Act of 1961 to require prior approval for delivery of excess defense articles to a foreign country.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 66—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF SENATE HEARINGS ON SPACE PROGRAM BENEFITS

Mr. ANDERSON submitted the following concurrent resolution (S. Con Res. 66); which was referred to the Committee on Rules and Administration:

S. CON. RES. 66

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Aeronautical and Space Sciences Committee six thousand additional copies of its hearing held during the ninety-first Congress, second session, on Space Program Benefits.

SENATE RESOLUTION 405—SUBMISSION OF A RESOLUTION DECLARING A POLICY FOR PEACE IN INDOCHINA

Mr. MUSKIE (for himself, Mr. HART, and Mr. MONDALE) submitted a resolution (S. Res. 405) declaring a policy for peace in Indochina, which was referred to the Committee on Foreign Relations.

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

SENATE RESOLUTION 406—SUBMISSION OF A RESOLUTION TO PRINT AS A SENATE DOCUMENT MATERIALS RELATING TO SENATE CONCURRENT RESOLUTION 49

Mr. ANDERSON submitted the following resolution (S. Res. 406); which was referred to the Committee on Rules and Administration:

S. RES. 406

Resolved, That there be printed with illustrations as a Senate document, in such style as may be directed by the Joint Committee on Printing, a compilation of materials relating to S. Con. Res. 49, providing Congressional recognition to the Goddard Rocket and Space Museum, Roswell, New Mexico, together with certain tributes to Dr. Robert H. Goddard, American rocket pioneer; and that there be printed for the use of the Aeronau-

tical and Space Sciences Committee seven thousand additional copies of such document.

IMPROVEMENT AND MODERNIZATION OF THE POSTAL SERVICE—AMENDMENTS

AMENDMENT NO. 619

Mr. STEVENS. Mr. President, I submit an amendment, intended to be proposed by me to the Postal Reorganization Act, S. 3613, which will require that the Post Office maintain special "book rates" similar to those now offered for various educational and cultural material. This refinement of the Reorganization Act is necessary for several reasons.

First, the Nation's libraries do a great deal of mailing, both to other libraries and to borrowers. In my State of Alaska rural residents are completely dependent on the mails for obtaining library books from our public library system. The sparsely populated areas of my State cannot support local libraries and the mails offer the only means of obtaining books from the larger urban libraries. The special "book rate" makes the use of the mails for library borrowers economically possible. Even with this lower rate, we still have many people who cannot afford to use the libraries because they cannot afford to pay the return postage. Eliminating the "book rate" would not only make it impossible for many more Alaskans to use our libraries, but it could make the initial mailing of the book by the library too expensive for the library to continue to offer this vital service.

The second reason for retaining the book rate is the need to provide schools and students with a low-cost method of obtaining study materials. The cost to rural schools for obtaining needed books, note books, and other classroom aids would be exorbitant in many parts of my State, and the cost of obtaining necessary study materials could be prohibitive to many Alaskan students.

I have pointed up these two reasons because of their immediate and severe impact on my State. The present book rate is also supported by many other reasons. That is why Congress has seen fit to maintain this rate for so many years.

The major opposition to maintaining the book rate is that the new operational policy of the Post Office dictates that mail pay its way. But we all know it costs more to send a letter across the country than across town; yet no one is suggesting differential rates to account for this. A continuing Government subsidy is involved in the postage stamp rate because it is considered an integral part of the service the Post Office should provide even though it does not lend itself to exacting economic balance sheets.

The book rate should be similarly considered. It performs an important and necessary service for the American public. It permits the transfer of educational and cultural materials at a cost which their users can afford. It lowers the cost to students and school systems of educational and study materials. It permits people who otherwise might never see a book to have access to all the works of

a modern urban library. Thus, while this service does not pay its way, its value to the American people warrants that it be continued. The continuing 10-percent budget subsidy is designed to cover just such nonpaying services as this.

One other feature of my amendment should be noted. The legislation presently before the Post Office and Civil Service Committee will place rate-making authority in a commission and the Postmaster General. My amendment will not affect this authority. It merely requires that the same relative benefit that is enjoyed by "book rate" mail today be continued under postal reorganization. Whenever letter mail rates are adjusted up or down, the book rate would be proportionately adjusted.

I ask unanimous consent that the text of my amendment be printed in the RECORD, immediately following my remarks.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS). The amendment will be received and printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 619) was referred to the Committee on Post Office and Civil Service, as follows:

On page 85, line 16, strike "4359, 4452, or 4554" and insert in lieu thereof "4359 or 4452".

On page 85, line 25, and page 86, line 1, strike "4358, 4452(b), and 4554(b) and (c)" and insert in lieu thereof "4358 and 4452(b)".

On page 86, lines 5 and 6, strike "4359, 4452(a), and 4554(a)" and insert in lieu thereof "4359 and 4452(a)".

On page 86 following line 9 insert the following new subsection:

"(f) Notwithstanding any other provision of this section the Commission shall include in any recommended decision for changes in rates or fees, rates of postage for the classes of mail or kinds of mailers under section 4554 of this title, as such section existed on the effective date of the Postal Reorganization Act, which bear the same ratio, as nearly as is practicable, to the letter mail rate contained in such decision as the rates provided in section 4554, as such rates existed on the effective date of the Postal Reorganization Act, bear to the first class rates as they existed on the effective date of the Postal Reorganization Act."

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENTS

AMENDMENT NO. 620

Mr. COOPER (for himself, Mr. CHURCH, Mr. MANSFIELD, and Mr. AIKEN) submitted an amendment, intended to be proposed by them, jointly to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was referred to the Committee on Foreign Relations and ordered to be printed.

AMENDMENT NO. 621

Mr. MUSKIE. Mr. President, on behalf of myself and Senators JACKSON, MAGNUSON, GRAVEL, SCOTT, PERCY, PACKWOOD, PEARSON, WILLIAMS of New Jersey, HOLLINGS, CANNON and ANDERSON, I submit today an amendment to the Foreign Military Sales Act, H.R. 15628, which would authorize U.S. assistance, at a level of \$200 million, to encourage positive and rapid implementation of a pro-

gram of land reform by the Government of South Vietnam.

I ask unanimous consent that the text of the amendment be printed in the RECORD following my remarks.

Mr. President, last December, I introduced an amendment to the Foreign Assistance Act of 1969 which would have provided American support, in the form of commodities, for a comprehensive program of land reform in South Vietnam. At that time, President Thieu's "Land to the Tillers" bill was in a very precarious position, having been diluted and rendered virtually ineffective by the lower house of the South Vietnamese legislature.

Since that time, however, the status of the land reform program in South Vietnam has altered significantly. On March 26, 1970, President Thieu signed into law one of the most comprehensive land reform programs in modern history. Under the new law, every piece of tenanted land in South Vietnam will be returned to the tenants now farming it. Approximately 2½ to 3 million acres of land will be transferred to some one million families.

Some of the specifics of the land reform bill are as follows:

First, all land not tilled directly by the land owner will be affected;

Second, landlords will be fully compensated by the Government of South Vietnam, on a ratio of 10 percent cash and 80 percent 8-year bonds redeemable according to an established schedule.

Third, farmers receiving land under the new law will be exempt from all kinds of tax relating to the transfer of land, and also from any land tax in the first year of ownership;

Fourth, the Government of South Vietnam will encourage the establishment of farm cooperatives to facilitate the improvement of agricultural methods;

Fifth, bonds used to compensate former landlords may be pledged, transferred, used as payment of credit obligations and land tax, or to buy shares in private or national enterprises;

Sixth, strict punitive measures are provided to deal with any person acting to prevent implementation of this law; and

Seventh, land will be distributed to the following: present tillers, next of kin of war dead, soldiers and civil servants when discharged, soldiers and civil servants forced to abandon cultivation because of the war, in that order.

Mr. President, in recent days we have witnessed new and serious developments in our involvement in Southeast Asia, developments to which a significant segment of the American populace is opposed. Arguing that we need to take additional steps to insure the security of a decreasing number of American troops in Vietnam and to strengthen our own negotiating position, as well as that of the South Vietnamese, President Nixon has chosen to step up military activity. I suggest that comprehensive land reform can serve both these ends, without risking more American lives and resources.

It is estimated that the majority of American casualties incurred in this war are directly or indirectly traceable to peasant support for the Vietcong. We

cannot expect to totally arrest peasant defections to the Vietcong—presently running at an estimated 40,000 a year. But by encouraging rapid implementation of land reform, we can strengthen the possibility of a significant shift in peasant allegiance toward the central government.

I suggest further that by broadening the base of support for the central government, land reform can strengthen the negotiating position of South Vietnam—a necessary accomplishment which raises serious questions as to the purpose and success of Vietnamization. By giving the peasants a stake in the preservation of their country, rapid implementation of the new land reform program can supply a new incentive to achieve political settlement—which most of us will agree is essential—by threatening the enemy with the erosion of its rural support.

On the Vietnamese side, I feel that the political will exists in South Vietnam to carry through with this program. Distribution over the past year of some 200,000 acres of government-owned lands lends substantial credibility to President Thieu's intentions. And viewed in an even broader context, this particular program may have broad implications for the success of similar programs enacted in other nations throughout the world.

Therefore I feel that now, perhaps more than ever, it is important that the United States lend its support and encouragement to a rapid implementation of the program. Opposition among some 100,000 landlord families to the successful operation of land reform will be stiff. Heavy financial demands—brought about by a need to strengthen the credibility of the program by compensating landlords as soon as possible, and by the government's intention to complete this program on schedule—will come to bear on an economy already overextended by inflationary pressures and increasing expenditures for defense.

The United States must move quickly in the direction of encouraging implementation of land reform as rapidly as possible. The Government of South Vietnam has set an outside limit of 3 years for carrying out this program. We who are sponsoring this amendment feel that this schedule can and must be stepped up, if the program is to have an immediate effect on ending the fighting and killing and on the consequent progress of our withdrawal from Southeast Asia.

Mr. President, the amendment which I am introducing would authorize \$200 million for support of rapid implementation of land reform in South Vietnam. This amount is less than the cost of several days of the war. Yet a successful land reform program could shorten the war by many more than several days.

There are those who will argue that the support we are advocating represents only a further encroachment by the United States in South Vietnamese affairs, at a time when we are trying to disengage ourselves from these affairs; that American support of this program will have the effect of propping up a government which does not deserve our support.

To this argument I reply that it has

long been my conviction that we cannot really wind down this war unless in some way we can find a political solution to the conflict. I think that a political solution inevitably involves a broadening of the base of political support for the Government of South Vietnam—the present one or one which succeeds it as a result of free elections. I think that land reform, by giving the people of South Vietnam a stake in things as they are, could do a great deal to encourage and promote the development of a viable political solution.

Mr. President, the United States has spent a great deal, in terms of lives and money, under the pretense of protecting the sovereignty of South Vietnam. The legacy we leave behind when we are finally disengaged from this conflict may not be a pleasant one to remember. It will be extremely difficult for us to measure the degree to which we have improved the lot of the average South Vietnamese, or strengthened our own national security. In this light, I urge my colleagues to weigh seriously the need for our support of a program which is probably the most important thing to happen in South Vietnam in recent years, in terms of long-range social and economic gain, and which could be the most positive legacy which the United States will leave behind.

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

The amendment (No. 621) was referred to the Committee on Foreign Relations, as follows:

H.R. 15628, an Act to amend the Foreign Military Sales Act viz: On page 4, after line 17, add the following new section:

"Sec. 7. (a) The success of a land reform program in Vietnam is a material factor in the future political and economic stability of that nation, and the speed with which such a program is given effect may have consequences with regard to the termination of hostilities there.

"(b) The President is authorized to use funds appropriated pursuant to this section to encourage and support the rapid implementation of the national land reform program enacted in March, 1970, by the Government of South Vietnam. The use of such funds for land reform in Vietnam shall be contingent upon the attainment of mutually agreed goals of accomplishment stressing economy, efficiency, and advanced implementation of the program by July 1, 1972. Tranches for land reform assistance to the government of Vietnam shall be made at quarterly intervals based upon satisfactory achievement towards the 1972 target goal.

"(c) Grants may also be made, out of funds appropriated pursuant to this section, for the purchase and shipment to Vietnam of goods and commodities, manufactured or produced in the United States, which, by their introduction into the Vietnamese economy, will contribute to sound economic development in Vietnam. Such goods and commodities (1) shall be of a type approved by the President for such programs; (2) shall include goods suitable for agricultural supplies, business inventories in nonluxury enterprises, and capital goods for economic development; and (3) may be exchanged for bonds issued by the Government of Vietnam to compensate landowners whose lands are transferred to other persons under such pro-

grams, or used in such other way as the Government of Vietnam may determine, consistent with the purposes of this section.

"(d) In order to carry out the provisions of this section, there are authorized to be appropriated \$200,000,000 in fiscal year 1971. Funds appropriated under this section are authorized to remain available until expended."

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 609

Mr. HATFIELD. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. McCARTHY), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Idaho (Mr. CHURCH), and the Senator from Maine (Mr. MUSKIE), be added as cosponsors of amendment No. 609 to H.R. 17123, an amendment to end the war in Southeast Asia.

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

Mr. McGOVERN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Missouri (Mr. EAGLETON) be added as a cosponsor of amendment No. 609 to H.R. 17123, an amendment to end the war in Southeast Asia.

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

ANNOUNCEMENT OF HEARINGS ON PREVENTIVE DETENTION

Mr. ERVIN. Mr. President, the Constitutional Rights Subcommittee has scheduled 9 days of hearings on the subject of pretrial release in the Federal courts. The hearings on May 20, 21, 26, 27, and June 9, 11, 16, 17, and 18, constitute a resumption of those we began in January and February of 1969 which were designed to serve as the first step in a comprehensive review of the Bail Reform Act of 1966 and related laws and procedural rules.

At our initial hearings we received testimony from a distinguished battery of witnesses, including Members of Congress, judges, law enforcement officials, law professors, and other experienced and informed persons. The published record of those hearings is an invaluable aid for those who would understand the purpose and goals of the act, its provisions, its administration over the last 3½ years, and the criticisms, both valid and invalid, that have been made of it.

As we all know, the purpose of the Bail Act of 1966 was to assure that those accused of Federal crimes would be released, either on personal recognizance or on certain specified conditions, without regard to their financial ability to pay money bond, unless there was reason to believe that the accused would not return to court for additional proceedings.

Passage of the act and application of its provisions represented a great step

forward in the enlightened administration of justice. The act, however, has not yet fully accomplished all of its intended purposes. Questions have been raised as to the need for wider and more enlightened use of the great variety of pretrial release conditions available, for more effective information gathering facilities, for providing meaningful sanctions for violation of release conditions, and for permitting courts to consider the element of danger to the community as well as likelihood of flight, in determining the conditions of release.

In addition, the subcommittee has received several highly controversial proposals to amend the act to authorize preventive detention of criminal suspects believed to pose a danger to the community if released. These proposals represent a substantial departure from the theory underlying enactment of the Bail Reform Act of 1966 and from the principles that have governed the law of bail since before the Constitution was written. Thus, they require our careful consideration of serious constitutional, practical, and policy questions.

We undertook consideration of preventive detention at our hearings last year. Those hearings clearly demonstrated, among other things, the conspicuous absence of any reliable statistics to support any preventive detention plan. Since that time I have repeatedly pointed out to the advocates of preventive detention that reliable statistical data constitutes an absolute prerequisite to fair and comprehensive congressional consideration of preventive detention. The lack of credible factual data has been a long-standing impediment to resumption of our hearings.

Several important developments over the past year make this a propitious time for us to continue our hearings. The Constitutional Rights Subcommittee staff has diligently pursued its study of the difficult issues raised by preventive detention and has, among other things, solicited the view of constitutional law experts and bar associations across the country. The Department of Justice has introduced its own preventive detention bill, S. 2600. Several useful independent studies have been undertaken and reports have been published. At least one major national conference has been held, and a published report of that proceeding should be available soon. An effort commissioned by the Department of Justice and sponsored by the National Bureau of Standards and the Law Enforcement Assistance Administration to secure, for the first time, reliable statistics on bail recidivism in the District of Columbia has just been completed. And, finally, there has been a tremendous increase in public awareness and public appreciation of the fundamental issues involved.

In the face of these developments and our previously announced intention to hold hearings on the preventive detention issue as soon as the Department of Justice completed its statistical study, I was astonished to learn on January 29 of this year that the Department was seeking immediate preventive detention leg-

islation for the District of Columbia. That change in the Department's position seemed especially incongruous since its statistical study dealt exclusively with the District and was due to be released just a few weeks later. By the time the study was published on April 8, 1970, and available to Congress and the public, the Department of Justice had already pushed its preventive detention proposal through the House in a D.C. crime bill. It is now before a House-Senate conference committee even though the Senate has never considered it and even though the factual data has just become available for our examination.

Regrettably, it appears that the Justice Department has deliberately chosen to hide its preventive detention legislation under false colors in the deepest recesses of the House version of the D.C. crime bill. The effect of its tactics has been to foreclose full and free debate on the constitutional and practical issues raised by the Department's bill. That course of action frustrates meaningful consideration of the issues and is at variance with accepted legislative principles.

I strongly oppose any effort to enact such controversial legislation by these dubious procedures. If this Congress wishes to enact preventive detention legislation, it should do so only after full consideration of all the law and facts and alternatives. The Senate should not even consider voting on legislation of doubtful constitutionality and unproved practicality which has never been subjected to full and fair hearings. If the conferees on the D.C. crime bill have not already struck the preventive detention provisions from the bill, I urge them to do so now.

The Justice Department's preventive detention plan included in the D.C. crime bill is identical to S. 2600, its national bill, now pending before the Constitutional Rights Subcommittee. The D.C. preventive detention plan received only a few minutes of discussion on the last day of the House District Committee hearings and the only witness called to testify was from the Justice Department. Not a single judge or law professor testified, and the Justice Department statistical study was not before the committee. As a matter of fact, it has been impossible for anyone or any congressional committee to consider that plan fairly or comprehensively until now because no reliable statistics have been available before. The time for meaningful hearings on preventive detention has just now arrived. That is the reason the Constitutional Rights Subcommittee has scheduled its hearings beginning May 20.

The constitutional issues, the statistical study, the practical difficulties, and the policy problems must receive deliberate and careful consideration before preventive detention is presented to the Senate. I intend to see appropriate consideration given to preventive detention and shall oppose the presentation of preventive detention to the Senate until the issues have been fully aired by the judges, prosecutors, defense attorneys, law professors, bar association repre-

sentatives and other knowledgeable individuals we have invited to our hearings.

Further information about the hearings can be obtained by contacting the subcommittee office.

ADDITIONAL STATEMENTS OF SENATORS

THE PRESIDENT'S NEWS CONFERENCE OF MAY 8, 1970

Mr. CURTIS. Mr. President, Friday night, May 8, 1970, the President of the United States held a televised live news conference which was extremely well attended and at which he attempted to answer completely every question the reporters asked. The questions were alert, informed, and thoughtful. What President Nixon said in response to them is of great importance to anyone who tries to understand our foreign policy.

Because of their value to all of us in our consideration of matters involving Southeast Asia and the world, I feel that the questions and his answers should be printed in full in the RECORD. I, therefore, ask unanimous consent that the transcript of the questions and answers of that news conference be printed in the RECORD.

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

PRESS CONFERENCE No. 10 OF THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Would you be seated. Mr. Risher.

QUESTION. Mr. President, have you been surprised by the intensity of the protest of your decision to send troops into Cambodia, and will these protests affect your policy in any way?

The PRESIDENT. No, I have not been surprised by the intensity of the protests. I realize that those who are protesting believe that this decision will expand the war, increase American casualties, an increase of American involvement. Those who protest want peace. They want to reduce American casualties and they want our boys brought home.

I made the decision, however, for the very reasons that they are protesting. As far as affecting my decision is concerned, their protests I am concerned about. I am concerned because I know how deeply they feel, but I know that what I have done will accomplish the goals that they want. It will shorten this war. It will reduce American casualties. It will allow us to go forward with our withdrawal program. The 150,000 Americans that I announced for withdrawal the next year will come home on schedule. It will in my opinion serve the cause of a just peace in Vietnam.

QUESTION. Mr. President.

The PRESIDENT. Mr. Cormier.

QUESTION. Do you believe that you can open up meaningful communications with this college age generation, and how?

The PRESIDENT. I would like to try as best I can to do that. It is not easy. Sometimes they, as you know, talk so loudly that it is difficult to be heard, as we have learned during the campaigns, and also during the appearances of many of the Cabinet officers made on university campuses. However, on an individual basis, I believe that it is possible to do what I have been doing, to bring representatives of the college and university communities to my office, to talk with them, to have a dialogue. I am very glad that

Chancellor Heard, the Chancellor of Vanderbilt, has agreed to take two months off from his very important responsibilities in that position to work with us in the Administration to see if we cannot develop better lines of communication both to school administrators, but also to school students.

QUESTION. Mr. President, what do you think the students are trying to say?

The PRESIDENT. They are trying to say that they want peace. They are trying to say that they want to stop the killing. They are trying to say that they want to end the draft. They are trying to say that we ought to get out of Vietnam. I agree with everything that they are trying to accomplish.

I believe, however, that the decisions that I have made, and particularly this last terribly difficult decision of going into the Cambodian sanctuaries which were completely occupied by the enemy—I believe that that decision will serve that purpose, because you can be sure that everything that I stand for is what they want.

I would add this: I think I understand what they want. I would hope they would understand somewhat what I want. When I came to the Presidency, I did not send these men to Vietnam. There were 525,000 men there. And since I have been here, I have been working 18 or 20 hours a day, mostly on Vietnam, trying to bring these men home.

We brought home 115,000. Our casualties were the lowest in the first quarter of this year in five years. We are going to bring home another 150,000. And, as a result of the greater accomplishments than we expected in even the first week of the Cambodian campaign, I believe that we will have accomplished our goal of reducing American casualties and, also, of hastening the day that we can have a just peace. But above everything else, to continue the withdrawal program that they are for and that I am for.

Yes, sir?

QUESTION. On April 20th, you said Vietnamization was going so well that you could pull 150,000 American troops out of Vietnam. Then you turned around only 10 days later and said that Vietnamization was so badly threatened you were sending troops into Cambodia.

Would you explain this apparent contradiction for us?

The PRESIDENT. I explained it in my speech of April 20th, as you will recall, because then I said that Vietnamization was going so well that we could bring 150,000 out by the spring of next year, regardless of the progress in the Paris peace talks and the other criteria that I mentioned.

But I also warned at that time that increased enemy action in Laos, in Cambodia, as well as in Vietnam, was something that we had noted, and that if I had indicated, and if I found, that that increased enemy action would jeopardize the remaining forces who would be in Vietnam after we had withdrawn 150,000, I would take strong action to deal with it. I found that the action that the enemy had taken in Cambodia would mean the 240,000 Americans who would be there a year from now without many combat troops to help defend them would leave them in an untenable position. That is why I had to act.

QUESTION. Mr. President, some Americans believe this country is heading for revolution, and others believe that dissent and violent dissensions are leading us to an era of repression. I wonder if you can give us your view of the state of society and where it is heading.

The PRESIDENT. That would require an extended answer. Briefly, this country is not headed for revolution. The very fact that we do have the safety valves of the right to dissent, the very fact that the President of the United States asked the District Commissioners to waive their rule for 30 days' notice for demonstration, and also asked that that

demonstration occur not just around the Washington Monument but on the Ellipse where I could hear it—and you can hear it pretty well from here, I can assure you—that fact is an indication that when you have that kind of safety valve you are not going to have revolution which comes from repression.

The second point with regard to repression, that is nonsense, in my opinion. I do not see that the critics of my policies, our policies, are repressed. I note from reading the press and from listening to television that the criticism is very vigorous and sometimes quite personal. It has every right to be. I have no complaints about it.

Yes, sir?

QUESTION. One of the consequences of the Cambodian action was the fact that the other side boycotted this week's peace talks in Paris. There is some question as to whether our side will attend next week. Have you made a decision on that?

The PRESIDENT. Our side will attend next week. We expect the talks to go forward. And at the time that we are cleaning out the enemy sanctuaries in Cambodia, we will pursue the path of peace at the negotiating table there and in a number of other forms that we are presently working on.

Mr. Horner?

QUESTION. Mr. President, Secretary of Defense Laird said last week that if the North Vietnamese troops should move across the DMZ in force, he would recommend resumption of the bombing. What would be your reaction to such a recommendation in those circumstances?

The PRESIDENT. I am not going to speculate as to what the North Vietnamese may do. I will only say that if the North Vietnamese did what some have suggested they might do—move a massive force of 250,000 or 300,000 across the DMZ against our Marine Corps people who are there—I would certainly not allow those men to be massacred without using more force and more effective force against North Vietnam.

I think we have warned the leaders of North Vietnam on this point several times, and because we have warned them I do not believe they will move across it.

Miss Dickerson?

QUESTION. After you met with eight university presidents yesterday, they indicated that you had agreed to tone down the criticism in your Administration of those who disagree with you. And tonight Vice President Agnew is quoted all over the news programs as making a speech which contains these words, "That every debate has a cadre of Jeremiahs, usually a coalition of choleric intellectuals and tired, embittered elders." Why?

The PRESIDENT. Miss Dickerson, I have studied the history of this country over the past 190 years. And, of course, the classic and the most interesting game is to try to drive a wedge between the President and Vice President. Believe me, I had eight years of that, and I am experienced on that point.

Now, as far as the Vice President is concerned, he will answer for anything that he has said. As far as my attempting to tone him down or my attempting to censor the Secretary of the Interior because he happens to take a different point of view, I shall not do that. I would hope that all of the members of this Administration would have in mind the fact a rule that I have always had, and it is a very simple one: When the action is hot, keep the rhetoric cool.

QUESTION. Mr. President, on April 30 you announced that you, as Commander-in-Chief, were sending in U.S. units and South Vietnamese units into Cambodia. Do the South Vietnamese abide by the same pull-out deadline as you have laid down for the American forces?

The PRESIDENT. No, they do not. I would expect that the South Vietnamese would come

out approximately at the same time that we do because when we come out our logistical support and air support will come out with them.

I would like also to say that with response to that deadline I can give the members of the press some news with regard to the developments that have occurred. The action actually is going faster than we had anticipated. The middle of next week the first units, American units, will come out. The end of next week the second group of American units will come out. The great majority of all American units will be out by the second week of June, and all Americans of all kinds, including advisors, will be out of Cambodia by the end of June.

The writing press gets a break.

I will take you next, Mr. Potter.

QUESTION. Mr. President, on your use of the word bums to categorize some of those who are engaged in dissent, and I know you meant it to apply to those who are destructive, but it has been used in a broader context, do you believe that is in keeping with your suggestion that the rhetoric should be kept cool?

THE PRESIDENT. I would certainly regret that my use of the word bums was interpreted to apply to those who dissent. All the members of this press corps know that I have for years defended the right of dissent. I have always opposed the use of violence. On university campuses the rule of reason is supposed to prevail over the rule of force. And when students on university campuses burn buildings, when they engage in violence, when they break up furniture, when they terrorize their fellow students and terrorize the faculty, then I think bums is perhaps too kind a word to apply to that kind of person. Those are the kind I was referring to.

Mr. Rather? I will get you next Mr. Bailey.

QUESTION. Mr. President, you mentioned that you expected the Americans to be out of Cambodia by some time in June. President Thieu was quoted as saying in an interview that he felt the North Vietnamese could reestablish their sanctuaries in Cambodia within six months and possibly, he was quoted as saying, within two or three months.

If that is the case, what have we accomplished in Cambodia? Was it worth the risk, and what do we do when they reestablish those sanctuaries?

THE PRESIDENT. I am planning to give a report to the nation when our own actions are completed, toward the latter part of June. At that time, I will answer that question in full.

At the present time, I will say that it is my belief, based on what we have accomplished to date, that we have bought at least six months and probably eight months of time for the training of the ARVN, the Army of South Vietnam. We have also saved, I think, hundreds, if not thousands, of Americans, as Frank Reynolds reported tonight on ABC. Rockets by the thousands and small arms ammunition by the millions have already been captured and those rockets and small arms will not be killing Americans in these next few months. And what we have also accomplished by buying time, the means that if the enemy does come back into those sanctuaries next time, the South Vietnamese will be strong enough and well trained enough to handle it alone.

I should point out too, that they are handling a majority of the assignments now in terms of manpower.

Mr. Bailey?

QUESTION. Sir, without asking you to censor the Secretary of the Interior, could you comment on the substantive points that he made in his letter?

THE PRESIDENT. I think the Secretary of the Interior is a man who has very strong views. He is outspoken. He is courageous. That is

one of the reasons I selected him for the Cabinet, and one of the reasons that I defended him very vigorously before this press corps when he was under attack.

As far as his views are concerned, I will, of course, be interested in his advice. I might say, too, that I hope he gives some advice to the Postmaster General. That was the fastest mail delivery I have had since I have been in the White House.

Mr. Scall?

QUESTION. Mr. President, how do you answer the criticism that the justification that you give for going into the Cambodian sanctuaries is appallingly similar to the reasons that President Lyndon Johnson gave as he moved step by step up the ladder of escalation? He wanted peace, too, sir.

THE PRESIDENT. Mr. Scall, President Johnson did want peace, and, if I may use the vernacular, he has taken a bad rap from those who say that he wanted war.

However, the difference is that he did move step by step. This action is a decisive move, and this action also puts the enemy on warning that if it escalates while we are trying to de-escalate, we will move decisively and not step by step.

Mr. Healy.

QUESTION. Mr. President, this war was well underway before you came in, as you just said. Considering the total in lives and in everything else that is happening now do you think it will have proved to be worthwhile?

THE PRESIDENT. It is rather a moot question, Mr. Healy, as to whether it will prove worthwhile. As Commander-in-Chief, I have found for 525,000 Americans it has been my responsibility to do everything I could to protect their lives and to get them home as quickly as I can. And we have succeeded pretty well. We brought 115,000 home. We are going to bring another 150,000, and this action will assure the continued success of that program.

However, looking at the whole of Southeast Asia, looking at the fact that we have lost lives there, I would say that only history will record whether it was worthwhile.

I do know this: Now that America is there, if we do what many of our very sincere critics think we should do, if we withdraw from Vietnam and allow the enemy to come into Vietnam and massacre the civilians there by millions, as they would, if we do that, let me say that America is finished insofar as the peacekeeper in the Asian world is concerned.

QUESTION. Mr. President, in light of the Kent State University incident, could you tell us what, in your judgment, is the proper action and conduct for a police force or a National Guard force when ordered to clear the campus areas and faced with a crowd throwing rocks?

THE PRESIDENT. We think we have done a rather good job here in Washington in that respect. As you know, we handled the two demonstrations, October 15 and November 15 of last year without any significant casualties, and that took a lot of doing because there were some pretty rough people involved—a few were rough; most of them were very peaceful.

I would hope that the experience that we have had in that respect could be shared by the National Guards which, of course, are not under Federal control but under State control.

What I say is not to be interpreted as a criticism in advance of my getting the facts of the National Guard at Kent State. I want to know what the facts are. I have asked for the facts. When I get them, I will have something to say about it. But I do know when you do have a situation of a crowd throwing rocks and the National Guard is called in, that there is always the chance that it will escalate into the kind of a tragedy that happened at Kent State.

If there is one thing I am personally committed to, it is this: I saw the pictures of those four youngsters in the Evening Star the day after that tragedy, and I vowed then that we were going to find methods that would be more effective to deal with these problems of violence, methods that would deal with those who would use force and violence and endanger others, but, at the same time, would not take the lives of innocent people.

QUESTION. After the American troops are removed from Cambodia, there may still be a question as to the future of Cambodia's ability to exist as a neutralist country.

What is your policy toward Cambodia's future?

THE PRESIDENT. The United States is, of course, interested in the future of Cambodia, and the future of Laos, both of which, as you know, are neutral countries. However, the United States, as I indicated in what is called the Guam or Nixon Doctrine, cannot take the responsibility and should not take the responsibility in the future to send American men in to defend the neutrality of countries that are unable to defend them themselves.

In this area, what we have to do is to go down the diplomatic trail, and that is why we are exploring with the Soviet Union—with not too much success to date, but we are going to continue to explore it—with Great Britain, with the Asian countries that are meeting in Jakarta, and through every possible channel, methods through which the neutrality of countries like Cambodia and Laos, who cannot possibly defend themselves, to see that that neutrality is guaranteed without having the intervention of foreign forces.

QUESTION. Mr. President, in your inaugural address, you said that one of your goals was to bring us together in America. You said that you wanted to move us in international terms from an era of confrontation to an era of negotiation. You said you wanted to bring peace to Vietnam. During the past two weeks, it seems that we are further than ever from those goals. How do you account for this apparent failure?

THE PRESIDENT. Don't judge us too quickly. When it comes to negotiation, I would suggest that you recognize the fact that some very important talks are going forward on arms limitation with the Soviet Union. We are still far apart. But I will predict now that there will be an agreement. When that agreement comes, it will have great significance. I say that having in mind the fact that we are far apart from the Soviet Union in our policy toward Southeast Asia, in our policy toward the Mideast; but I say that where the problem of arms is concerned, here is where our interests are together. The Soviet Union has just as great an interest as we have in seeing that there is some limitation on nuclear arms.

QUESTION. Mr. President, have you made any judgment yet on the sale of jets to Israel? And how do you view the situation in the Middle East at the moment?

THE PRESIDENT. Well, the situation has become ominous due to the fact that reports have been received with regard to Soviet pilots being interjected into the UAR Air Force, not in combat but in some other role. We are watching these reports very closely. If those reports prove to be true, and if that continues to escalate, this will dramatically shift the balance of power and it would make it necessary for the United States to re-evaluate its decision with regard to the sale of jets to Israel.

We have made it very clear—and this is in the interest of peace in that area—that the balance of power must not be changed and we will keep that commitment.

QUESTION. Mr. President, is the United States prepared to pursue with equal fervor

in Paris negotiations to find a political settlement of this war, including the possibility of discussing with the other side a coalition government?

The PRESIDENT. We are prepared to seek not only in Paris but in any other forum a political settlement of this war. We are not prepared, however, to seek any settlement in which we or anyone else imposes upon the people of South Vietnam a government that they do not choose. If the people of South Vietnam choose a coalition government, if they choose to change the leaders they presently have, that is a decision we will accept. President Thieu has indicated he will accept it. But we do not intend to impose at the conference table on the people of South Vietnam a government they do not choose.

QUESTION. Mr. President, on a domestic subject, on the economy, sir. Unemployment is up, the stock market is down, things look generally discouraging. Do you have any views on that, and do you have any plans?

The PRESIDENT. Yes. Unemployment reached the point of 4.8, I noticed, this last month. In order to keep it in perspective, it should be noted that in 1961, 1962, 1963, 1964 and 1965 the average unemployment was 5.7. 5.7 is too high. 4.8, I think, is also too high. But the unemployment we presently have is the result of the cooling of the economy and our fight against the inflation.

We believe, however, that, as we look to the balance of the year, that we will begin to see a moving up in our Gross National Product in the last of the second quarter and throughout the third and fourth quarters. I believe that by the end of the year we will have passed the trillion dollar mark in terms of GNP. I believe that the year 1970 will be a good year economically, a year in which unemployment, we hope, can be kept below the average that we had in the early 60's, which was much too high.

QUESTION. Mr. President, did Secretary of State Rogers oppose your decision to go into Cambodia or did Dr. Kissinger oppose it?

The PRESIDENT. Every one of my advisors, the Secretary of State, the Secretary of Defense, Dr. Kissinger, Director Helms, raised questions about the decision, and, believe me, I raised the most questions, because I knew the stakes that were involved, I knew the division that would be caused in this country. I knew also the problems internationally. I knew the military risks. And then after hearing all of their advice, I made the decision. Decisions, of course, are not made by vote in the National Security Council or in the Cabinet. They are made by the President with the advice of those, and I made this decision. I take the responsibility for it. I believe it was the right decision. I believe it will work out. If it doesn't, then I am to blame. They are not.

Mr. Morgan?

QUESTION. Volumes have been written about the loneliness of the Presidency. You, yourself, have said that you were not going to get trapped into an isolation as President. Have you, particularly in recent days, felt isolated? And if you have not, could you explain to us why it was not until yesterday that you, whose voice means more than anybody's else's in the Administration, whether it be Mr. Agnew or Mr. Hickle, waited until yesterday to tell the educators that the Administration was lowering—was modifying its discourse with the dissenters?

The PRESIDENT. Well, first let us understand what I told the educators. The educators came in to discuss their problems, and since they are all presidents I felt a community of interest with them.

I indicated to them that I didn't want to make their job any harder for them and I would appreciate it if they wouldn't make my job any harder for me in their own activities.

They raised questions about the Vice President, and about other people in the Administration, about the rhetoric, and I know, of course, questions have been raised about my rhetoric.

Let me say that in terms, however, of the Vice President, in terms of what I told the educators, I did not indicate to them that I was going to muzzle the Vice President, that I was going to censor him.

I believe that the President, the Secretary of the Interior, the Secretary of HEW, everybody in this Administration, should have the right, after considering all the factors, to speak out and express his views. This is an open Administration. It will continue to be.

I also think that people should have the right to speak out as they do in the House and in the Senate, in the media, and in the universities. The only difference is that, of all these people, and I refer particularly to some of my living critics in the House and Senate, they have the luxury of criticism.

I was once a Senator and a House Member; I thought back to this when I called Harry Truman today and wished him well on his 86th birthday, to some of the rather rugged criticisms I directed in his direction.

They have the luxury of criticism because they can criticize and if it doesn't work out then they can gloat over it, or if it does work out, the criticism will be forgotten.

I don't have that luxury. As Commander-in-Chief, I, alone, am responsible for the lives of 425,000 or 430,000 Americans in Vietnam. That is what I have been thinking about. And the decision that I made on Cambodia will save those lives. It will bring the peace that we all want, in my opinion. I could be wrong, but if I am wrong, I am responsible and nobody else.

QUESTION. Mr. President, early in the news conference, in saying that the troop withdrawals would continue, you said that a year from now there would be 240,000 American soldiers in Vietnam.

The PRESIDENT. Don't hold me to the exact figure.

QUESTION. That is 185,000. Are you announcing a larger withdrawal tonight?

The PRESIDENT. No, I wasn't. What I was indicating was a range. But don't get the impression that we might not get that low also, because you understand we are going to go forward on the negotiating track at this time, and I am not among those who has given up on that track. I still think there is a possibility of progress there.

QUESTION. Mr. President, will you see the demonstrators tomorrow in the White House?

The PRESIDENT. If arrangements are made by my staff so that they can come in to see me, I will be glad to. I talk to a great number of people. I will be here all day long. As a matter of fact, I will be here tonight and tomorrow as well. But sometimes it is quite difficult to arrange which groups should come in. I know members of my staff will go out to see them. I have asked all the younger members of my staff to talk to the demonstrators and try to get their views, as we did on November 15 and October 15. I will be glad to see them if some of them are available.

The PRESS. Thank you, Mr. President.

The PRESIDENT. Thank you.

WALTER REUTHER HAD VISION AND COURAGE AS HE WORKED TO AID MANKIND

Mr. RANDOLPH. Mr. President, the untimely death of a close friend and fellow West Virginian, Walter Reuther, has shocked and saddened the Nation.

We offer our personal condolences to daughters Linda and Lisa on the loss of their parents, to brothers Victor and

Ted and sister Christine, and to the gallant mother who bore him, Mrs. Valentine Reuther.

The world has yet to assess the debt it owes this valiant leader. No one will ever know how many lives he has lengthened and brightened. But we know he will be missed. And that those who follow in his footsteps will have a shining model of courage and devotion to the betterment of mankind.

His role in the labor movement is well recorded; his unceasing work on behalf of humanity remains immeasurable because it was too abruptly unfinished.

Walter Reuther was born in the world of the Wheeling steel mills. A high school dropout, he rose in the rough-and-tumble ranks of labor to become one of history's greatest figures in the movement of man toward a better life. His service to humanity is his monument.

Walter Reuther was one of the few labor leaders who had experienced, from the bottom rung of the ladder, the relative opportunities and oppressions of the capitalistic and communistic systems. He chose the system which, with his help, has provided the greatest good for the greatest number in the history of man.

Greatness is defined in terms of ability, innovative ideas, ethical standards and contributions to one's fellow man. By any measure, Walter Reuther can be accorded the mantle of greatness. In an era when machines seem to threaten the dignity of work, Walter Reuther will be remembered by his coworkers for his pioneering work in such progressive innovations as cost-of-living and productivity adjustments, company-financed pension programs, supplemental unemployment benefits, health insurance plans and profit-sharing programs.

Today these advances have been widely accepted throughout industry, and Walter Reuther could well have rested on his laurels as the chief of the powerful United Auto Workers. But as labor's most visionary, articulate spokesman, he went beyond the plant gates to give his energies to all people. When he died, he was on a mission to inspect his union's new family education center on Black Lake. This is but one of the products of his progressive energies.

It was Walter Reuther who insisted on democracy in the ranks, often at the risk of earning the animosity of his peers. It was Walter Reuther who fought so successfully to commit the AFL-CIO to the battle against discrimination, and to the cause of civil rights. His leadership served as an inspirational guideline at a time when growing opposition to the principle of brotherhood could have torn our Nation asunder.

Walter Reuther's hopes for mankind—and his dogged determination to bring all men under the banner of truth and justice—went beyond the bargaining table and even beyond the boundaries of nations. He opposed military involvement abroad at a time when it was deemed dangerous to do so. He dreamed of a day when workers around the world would share in the abundance of their labors.

Walter Reuther needs no monument to his existence. His achievements on earth have been monumental, but the fruition of his dreams is only beginning to grow around the world.

THE PRISONERS OF WAR—OUR NEVER-TO-BE-FORGOTTEN MEN

Mr. HANSEN. Mr. President, at a time when nationally we are expressing great concern about America's position in Southeast Asia, I call to your attention a group which, as far as many are concerned, might be called our forgotten men.

I refer to that group of approximately 1,400 Americans who are being held under the most dreadful circumstances by the Communists in North Vietnam, the prisoners of war. For the most part these are nameless men because the enemy, in clear violation of the Geneva agreements, has refused to furnish us with the names of those men who are being held prisoner.

The enemy has not furnished this Government with the information required by the Geneva agreements on prisoners of war. They have refused repeatedly to permit communication between the men and their families, which, again, is clearly in violation of all humane considerations.

The wives of these men have tried, through the Government and on their own, to find out what has happened to their husbands. They have been rebuffed at every turn by the callous leadership of the Communist forces in Vietnam.

Offers by this Government to exchange prisoners with North Vietnam have met with failure because of the peculiar Communist position that North Vietnam is not involved in the war in Vietnam. They refuse to admit that their men have invaded South Vietnam, and therefore will not consider a prisoner exchange.

The Communist leadership has attempted to use these men as propaganda weapons against America. They have played upon the natural concern and fears of the men's wives, urging these brave and loyal women to speak out against their government in return for information about their husbands.

The indictment against North Vietnam for mistreatment of prisoners of war is almost endless.

Recounting this indictment is not enough. We must act to get a satisfactory agreement with the North Vietnamese dealing with the prisoners they hold.

I urge my colleagues to join me in pressing for action wherever such action is possible. Our diplomats are in constant contact with diplomats of the Communist bloc. I urge them at every opportunity to bring up the subject of American war prisoners and their treatment.

Individual Americans who have contact with foreigners should also speak out repeatedly to help bolster the weight of world opinion which is so much against the Communist treatment of these prisoners.

Above all, Mr. President, as Americans and as America, we cannot allow these

prisoners or their families to think that we have forgotten them and their plight. We must keep them ever foremost in our thoughts and in our hearts.

BIRTHDAY ANNIVERSARY GREETINGS TO SENATOR COTTON

Mr. CANNON. Mr. President, I wish to offer my sincere congratulations to the senior Senator from New Hampshire on his birthday. Congratulations are also due to the citizens of New Hampshire for sending NORRIS COTTON to Congress—first to the House of Representatives in 1946, and then to the Senate in 1954.

Prior to his election to Congress he served in his State's house of representatives, and prior to that he was on the senate staff. It was in Washington that he met the girl who became his wife, thereby depriving Tennessee of one good democratic vote.

I am glad I have the privilege of serving with him in the Senate, particularly on the Committee on Commerce, where he is our ranking Republican and, I might add, a very hard-working and able Member.

Again, I congratulate him and the citizens of his State.

VIRGINIA KNAUER'S FIRST YEAR

Mr. MOSS. Mr. President, I was pleased to see in the Washington Post yesterday a story summarizing the first year in office of Mrs. Virginia Knauer, the President's Consumer Adviser, and successor to Esther Peterson and Betty Furness.

As chairman of the Consumer Subcommittee of the Committee on Commerce, I welcome the strong support of Mrs. Knauer for consumer legislation. She has indeed presented to Congress some worthwhile consumer proposals.

Reference is made to Mrs. Knauer's support of the President's "consumer package," and indeed there are good things in it, but those good things invariably have a congressional antecedent. We have been trying to strengthen the FTC over the years by granting it power to obtain preliminary injunctions, so it is not exactly novel when the President proposes it. There is a tendency for the administration to drag its feet in responding to congressional consumer initiatives. We find, almost as a rule, that they will ultimately endorse the objectives of the bill and ask for time to develop their own version, which usually ends up a pale, weak copy of the original congressional proposal.

Still, I am confident that, with the support of those administration officials who do have a genuine commitment to the consumer's needs, and with the growing strength of consumer advocacy in Congress, we will deliver to the President an impressive package of consumer bills. Perhaps even more than the President bargained for.

I ask unanimous consent that the article from yesterday's Washington Post be printed in the RECORD.

There being no objection, the article

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

VIRGINIA KNAUER: THE FIRST YEAR

(By Elizabeth Shelton)

What apple pie was to Esther Peterson and the refrigerator door was to Betty Furness, the hot dog is to Virginia Knauer.

It represents her first tangible success in the year just ended as the President's consumer advisor and symbolizes the Nixon brand of consumerism.

Mrs. Knauer insisted that the fat content of hot dogs be held down to 30 per cent and the President backed her "100 per cent." This was the break she was waiting for to prove to consumers that he cares about their problems, simple and complex, and that she has his support.

Since then, the wealthy Philadelphian who can afford filet mignon, has munched many hot dogs in public.

Like her predecessors, Mrs. Knauer is politically sharp, intelligent, sophisticated and has attempted to go far beyond just preserving the housewifely image. The bulk of the President's consumer message to Congress was based on her recommendations.

She persuaded General Motors to recall faulty school buses and trucks and is attempting to dissuade the Glass Container Manufacturers Institute from promoting non-returnable bottles that would add to the nation's garbage crisis.

Esther Peterson, former Assistant Secretary of Labor who held the job in the Kennedy and Johnson administrations, was a motherly figure who evoked the aroma of spicy apple pie coming out of a warm oven. She lost favor with LBJ when one of the Denver supermarket boycotters embraced her in public and she was blamed for instigating the housewives' rebellion against games and gimmicks while food prices were high.

Her most significant achievement was getting the consumer to find his voice.

The voice was growing loud by the time television actress Betty Furness replaced her. Instead of giving businessmen an "in" at the White House, the woman whose name and face were associated with Westinghouse television commercials carried consumer programs forward.

Mrs. Knauer, who formerly headed the Pennsylvania Consumer Protection Bureau, has gone farther still.

Her critics, who admit without grudging that the administration has gone farther in consumer protection than they had expected, still say it is not far enough. They suspect that administration programs are a matter of semantic twists being given to familiar phrases to preserve a pro-consumer but not anti-business posture.

"Continuous inspection," for example, became "continuous surveillance" when Mrs. Knauer presented the administration's position on the Fish Inspection Act. This conjured up a picture of the inspector watching from afar in Washington instead of standing over the shoulder of the seafood processors.

In the tough job of maintaining a balance between consumer activism and Republican conservatism, Mrs. Knauer counts as her best achievement of a difficult year: "Convincing the public that President Nixon is deeply concerned with consumer issues and has involved and presented to Congress a far reaching program."

She admits that "consumerism" used to be a dirty word in the Republican lexicon. "The Nixon administration has caught up and now has seized the initiative," she says, underscoring "seized the initiative."

It is thought by some that Presidential assistant John Erlichmann, with whom she consults almost daily, prevents Mrs. Knauer from taking stronger proconsumer stands on such controversial issues as class action suits, high beef prices and the fish inspection.

But for several months now only minor changes have been made by the White House in any of the speeches she prepared to deliver in public.

From the activists' standpoint, the consumer picture is far from rosy despite Mrs. Knauer's efforts. Sen. Philip A. Hart (D-Mich.) estimates that American consumers lose \$200 billion a year through monopolistic price fixing, oil import quotas, un-needed auto repairs, auto insurance, credit insurance, worthless drugs and inability to compare the prices of similar food, toilet and household products.

It is largely to Mrs. Knauer's credit that "consumerism" is now heard in the board rooms of big corporations and at trade association meetings. She told them bluntly, "Get with it, boys, or Congress will act. This may be your last chance."

Esther Peterson said she could not believe her ears recently when she heard representatives of the National Association of Manufacturers saying some of the same things they tried to get her fired for saying in the early '60s.

Mrs. Knauer argued for and won a White House go-ahead to relay consumers' complaints directly to the heads of large corporations. This has not only solved complaints but has made executives aware of what was going on at the lower echelon. As a result, an internal clean-up of industry has begun.

Several major appliance companies now furnish toll-free telephone "cool lines." A customer who is unable to get satisfaction from his dealer may telephone long distance to the manufacturers' home office, without charge. Whirlpool customers can pick up their home phones anywhere except Hawaii and Alaska and complain, free to a management executive. The calls go over a WATS telephone line.

Mrs. Knauer has been working closely with the states' attorneys general. Her new Office of Federal-State Relations is codifying for their use the consumer protection laws of all 50 states.

She has borrowed an idea from consumer advocate Ralph Nader and uses law students as summer interns. Last summer hers were called "Knauer's Wowers." She is hoping for something better this time. She says of Nader, "We get along fine."

In liaison with her office, George Washington University law students working on their doctorates are developing a continuing education program in consumer education to be taught by "paraprofessors" to adult residents of low income areas.

Several universities, among them Stanford, are considering funding permanent internships in her office to work with the President's Committee on Consumer Interests.

"No matter what budget, we will always have to reach out to dedicated people who want to share their expertise," Mrs. Knauer said. The budget was one of her successes. Congress has almost doubled it, effective July 1, to \$810,000, permitting staff and program expansion.

Among programs waiting for money is a plan to give all States that want them guidelines for developing consumer education curricula for all grades from kindergarten through high school. Mrs. Knauer plans to have the guidelines ready by July for the use of educators during summer professional workshops.

A consumer register, now in mimeographed form will be published to inform the general public of all of the government's consumer activities. These tend to get lost in the Federal Register and consumers miss the chance to attend important hearings. The interim consumer register goes to state attorneys general, consumer organizations and the group of voluntary organizations known as the Ad Hoc Committee that works with the President's Committee on Consumer In-

terests. This Ad Hoc Committee which meets regularly with Mrs. Knauer is being expanded to broader representation. The General Federation of Women's Clubs has been invited to join.

A study of duplication and overlapping in some 400 consumer functions of government is now in its second phase.

The Bureau of the Budget and Mrs. Knauer's staff are deciding whether to do a pilot project of 50 or tackle the whole 400. "It would take 10 years to do a management type survey," Mrs. Knauer explained.

"If we move into a coordinating role, which I think will be our main function, we will need this information."

One of the administration's four basic consumer bills proposed in the President's consumer message will give the office that coordinating role if it is enacted by Congress. The legislation makes her office a statutory office within the White House.

Consumer organizations would prefer to have a cabinet-level department of consumer affairs and Mrs. Knauer thinks there will eventually be one. For now, she says, an independent office "would be a disaster . . . I find that when you speak for the President you get things done."

The same administration bill establishes a Consumer Protection Division in the Department of Justice under its own assistant attorney general. Another gives a new Consumer Protection Division to a strengthened Federal Trade Commission. Both increase enforcement power in behalf of the consumer.

A third measure requires clearer statements in warranties and guarantees and a fourth sets standards to improve product testing.

Mrs. Knauer thinks this legislative package will begin to move in Congress "next session."

In her plan to relay the benefits of government experience in the buying and testing of products to the taxpayers, Mrs. Knauer promises "something by the end of the month." Eventually it is hoped that the consumer will be able to use the same sets of standards in making buying choices.

"We meet with the top echelon of everybody who buys products. We hope to have a report to the President in June," Mrs. Knauer said.

Mrs. Knauer, like her precursors in the past, is setting records in mail received and mileage traveled to talk to the public.

Her incoming letters average about 3,500 a month now, "more than twice Betty's." Mileage logged stands somewhere around 60,000. Speeches, formal and informal, and testimony before congressional subcommittees have numbered countless words.

Most of the trips are one-day, back-the-same-night, because of her morning meetings at the White House.

Mrs. Knauer has her own private consumer problems. An antique collector whose decorative taste is refined, she has waged a long telephone struggle with a Washington department store over "my three-legged sofa." The slate blue Italian import arrived with a broken leg that had been "pasted back on" and soon fell off.

She hopes that when the replacement is delivered it will not be a bright red that will clash with the peach silk draperies she made to go with the oriental rug in her Columbia Plaza commuter's apartment.

The only personal letter of complaint she has written so far was to a car rental company. The company keeps billing her and bothering her husband, Wilhelm, a Philadelphia lawyer, about \$200 for a car it was supposed to have picked up months ago.

Her monthly bills give her the same trouble as the average citizen trying to decipher closing dates and deciding whether revolving credit charges could have been avoided.

As a citizen, Mrs. Knauer is keenly interested in a clean environment. In her office

are samples of construction materials made from reclaimed solid wastes such as beverage bottles.

But since her office has no regulatory clout she confines herself to relating consumerism to ecology and survival and tells in speeches how they are compressing garbage into building materials in Japan.

Mrs. Knauer plans to be in Paris May 12 through 14 for the OECD meeting to tell consumer leaders of Western Europe and Japan about U.S. experience in consumer protection.

"They look to us for leadership," she explained. "We are ahead of all other countries in the area of product safety."

LIQUID PROPANE GAS REDUCES AIR POLLUTION

Mr. FANNIN. Mr. President, in recent weeks and months there has been much discussion in legislative halls throughout the land and in the news media about the serious pollution problems facing our Nation.

Effective and permanent correction of this intolerable situation will require long-range planning, sound implementation, and expenditure of sufficient funds to get the cleanup job done.

In this connection, I am happy to report that an important American industry is doing its part to minimize air pollution. I am referring to the liquefied petroleum gas industry which produces LP-gas engine fuel. LP-gas is known as propane, butane, or bottled gas. Some Senators may have used LP-gas in their homes for cooking, heating, and water-heating. But whatever it is called, it helps to reduce air pollution when used in motor vehicles because exhaust emissions are much lower in the substances which cause air pollution and smog.

In addition, an LP-gas engine fuel system is completely sealed. This factor eliminates pilferage, spillage, and evaporation loss. While we think of engine exhaust as the big pollution offender, it is estimated that about 15 percent of the air pollution charged against motor vehicles is caused by evaporation from the fuel tank and the carburetor.

LP-gas has been used as fuel for internal combustion engines almost as many years as gasoline and it is readily available throughout the Nation. During the past 42 years, over 17 billion gallons of LP-gas have been used in engines, and within the past 10 years, LP-gas carburetor sales were about 10 million units.

Greater use of LP-gas as an engine fuel, particularly in fleets of trucks, buses, industrial lift trucks, taxicabs, and other vehicles, can minimize air pollution in urban areas where pollution levels are at high levels.

The California Air Resources Board conducted tests on three LP-gas powered vehicles and reported that exhaust-emission values were substantially lower than California emission standards set for 1974.

These tests revealed that hydrocarbon emissions with LP-gas engine fuel were as much as 83 percent lower than the 1974 limit of 1.5 grams per mile. Carbon monoxide emissions were as much as 88 percent lower than the 1974 standard of 23 grams per mile, and emissions of nitro-

gen oxides were as much as 65 percent lower than the 1.3 grams per mile which will be allowed 4 years from now. These tests and others which have been conducted in California and elsewhere are convincing proof that LP-gas engine fuel can reduce air pollution when used in fleets of urban vehicles.

Engines using LP-gas fuel are quite similar to gasoline engines. While some LP-gas engines are factory designed and engineered for this fuel, other gasoline engines are easily converted to LP-gas operation. An LP-gas engine fuel system is relatively simple and consists of only four components: a pressurized fuel storage tank, an electrically operated fuel valve with filter, a converter to reduce pressure and vaporize the fuel, and a carburetor.

LP-gas engine fuel is all fuel and has an octane rating of 110 plus. Actually, LP-gas fueled engines develop the greatest possible horsepower per cubic inch displacement.

LP-gas is a superior engine fuel from an operational and economical standpoint because it burns clean. It enters cylinder chambers of an engine as a dry gas. As such, it mixes readily with intake air. Oil dilution or washing of cylinder walls of vital lubricating oil is impossible. Accumulation of carbon and sludge is nonexistent with LP-gas, and the engine stays clean. The results are lower maintenance costs, reduced down time, greatly extended engine life, and, of course, lower exhaust emissions.

This fuel has established an excellent safety record, and national standards apply to LP-gas containers and other pertinent equipment for use of LP-gas as an engine fuel. These standards are constantly being updated in light of technological developments and the combined thinking of regulatory, insurance, and industry personnel. These national standards have been adopted by substantially all States as their regulations. These standards are issued by the National Fire Protection Association and the American National Standards Institute.

Record of large fleets of vehicles operating on LP-gas is highly impressive. In Chicago, the transit authority operates some 1,500 buses on LP-gas. This is the world's largest fleet of its type, and it has an outstanding safety record after 716,000,000 miles of travel and 316,000,000 gallons of LP-gas consumed. There has never been damage of any significance to an LP-gas bus fuel system in any vehicle accident on the streets of Chicago.

The Chicago fleet of buses is only one of many large vehicle fleets operating on LP-gas engine fuel. The city of Orlando, Fla., has 350 LP-gas vehicles, including refuse trucks, tractors, lift trucks, pickup trucks, and others. In the same State, the city of Tampa operates over 260 LP-gas fueled sanitation trucks, street sweepers, and other vehicles. Tampa saves its taxpayers an estimated \$285,000 a year by using LP-gas engine fuel in its municipal fleet.

One of the largest commercial LP-gas fleets is owned by General Telephone Co. of Florida. This company began in 1962

to convert its entire fleet of over 1,000 vehicles to run on LP-gas. Recently General Telephone released a report which indicated savings of \$400,000 over a 3-year period through operation of its LP-gas fleet. The company attributes these savings to lower maintenance and repair costs, less engine wear, and longer engine life because LP-gas is a clean-burning fuel.

The LP-gas industry has the ability to make an even more significant contribution toward cleaner air. The industry has the engine fuel to do the job, and the distribution and marketing facilities to serve the public with low-emission fuel. Last year the LP-gas industry served some 12 million residential, farm, commercial, and industrial customers with a record 17.8 billion gallons of LP-gas. In this vital quest for cleaner air for all people, the LP-gas industry is making a distinct service to the Nation.

I am informed that the LP-gas industry will, on May 11 and 12, present a demonstration of the several types of vehicles now using LP-gas as an engine fuel, as well as a test of emissions to show the results that can be obtained. This demonstration will take place in the open area at Independence Avenue and Fifth Street SE.

THE UNTIMELY DEATH OF WALTER REUTHER

Mr. PROXMIRE. Mr. President, millions of Americans owe their jobs, their economic security, their liberty, and their human dignity to the life and work of Walter Reuther.

Under Walter Reuther's leadership, the United Auto Workers, time and again took up the battle for the poor, the neglected, the jobless, the black—in short, for the ill-clothed, ill-fed, and ill-housed of the Nation.

Walter Reuther was not only a union leader interested in wages and hours and working conditions. He improved them as few labor leaders have for the rank and file of his union. But Walter Reuther was in the front line of those who fought to gain civil rights for America's minorities. He backed the fights to stop repressive legislation whose aim was the denial of liberty to millions of Americans. He fought for minimum wages—imperative for the weak and unorganized, but of only marginal help to his union.

Under his leadership the UAW fought the fight for all Americans and for all those causes to improve America and to extend its blessings to millions who had not enjoyed them.

From the time Walter Reuther first organized the huge auto industry until the second he died in the flaming crash of a jet plane on the way to an educational center for the members of his union, his life was spent in advancing human dignity, improving the opportunities of millions of Americans, and in enhancing the moral and ethical life of the Nation.

Here was an organizing genius. His talents could have commanded rewards greater than those of the captains of industry with whom he bargained for his members' rights. Yet he lived simply,

taking only a modest salary on the ground that those who speak for the mass of ordinary citizens of the United States should not be too far removed from their economic hardships and concerns.

Walter Reuther was a man of simple tastes, deep devotion to economic justice and political liberty of Americans, and an eloquent and passionate leader in her finest causes.

Because of him, the United States is a better country than it would otherwise be.

The spirit of compassion burned fiercely in the heart of Walter Reuther. He not only felt strongly about poverty and injustice. He did something about them.

He was a great American. He made this a better and nobler country.

THE ROLE OF CONGRESS IN THE FUTURE OF U.S. POLICIES IN SOUTHEAST ASIA

Mr. HATFIELD. Mr. President, on May 5, the Senator from South Dakota (Mr. MCGOVERN), the Senator from New York (Mr. GOODELL), the Senator from Iowa (Mr. HUGHES), the Senator from California (Mr. CRANSTON), and I submitted an amendment to the military procurement bill regarding the role of Congress in the future of our policies in Southeast Asia.

The Constitution provides that Congress has the responsibility for raising and supporting our military forces in addition to the declaration of war provision and the power of the purse—article I, section 8. Through those means the Constitution gives to Congress a central responsibility in our military and foreign affairs. The Constitution does not provide that Congress shall remain passive while the executive branch pursues its foreign policy.

I hope that the question of congressional responsibility will receive the careful scrutiny of every Senator.

Mr. Tom Wicker of the New York Times, in an article entitled "What Can Congress Do?" published in the Times of May 5, holds that Congress must act now under its constitutional powers or else abdicate its role in the democratic process. His article states cogently the issue we confront.

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:

IN THE NATION: WHAT CAN CONGRESS DO?

(By Tom Wicker)

WASHINGTON, May 4.—Many members of Congress, in both parties, now are reacting to President Nixon's re-escalation of the Vietnamese war with as much anger as the "doves" used to direct at Lyndon B. Johnson. One useful but limited result is already apparent.

For decades now, the major direction of political thought in America has been to build up the powers of the Presidency, direct and implied, as against the powers of the legislative branch. While this had much to recommend it in some areas of policy, the result was to accelerate the diminution of Congressional prestige and prerogative and

to blind the nation to the possible menace of the power center it was creating in the White House. Mr. Johnson first, and now Mr. Nixon, have done much to strike away the blinders; a whole generation of potential leadership is coming out of the universities convinced that the Presidency is a virtually unchallenged despotism, and determined in some vague way to "change the system."

But for the moment, what can really be done by Congress or anyone else about Mr. Nixon's decision to invade Cambodia and reopen the bombing of North Vietnam? The latter of those operations, incidentally, was to have been carried out in secrecy, despite this Administration's talk of bridging the "credibility gap" dug by Mr. Johnson. And there was for neither assault the slightest sanction in the Presidential voting of 1968, or in anything authorized by Congress since then, or in any known measure of public opinion.

There are several things Congress could do. It could, for instance, repeal the Tonkin Gulf Resolution, which gives the war a patina of legitimacy. But Mr. Nixon would be likely—based on his performance so far—to take the view Mr. Johnson took, that even "if the resolution is repealed I think I could still carry out our commitments" in Southeast Asia, and to go right on fighting his war as Commander in Chief.

RESOLUTION BARRING ACTION

Congress could also pass a resolution prohibiting American military action in Cambodia—just as, last winter, it passed a resolution barring the use of ground troops in Laos or Thailand. Again, Mr. Nixon might well find means to ignore such a resolution.

The President would be more seriously hampered if Congress refused any further funds for the war in Cambodia, or in Southeast Asia altogether. Even in that case, there might be enough "in the pipeline" or on hand or available in contingency funds and supplies for him to keep the war going.

But Mr. Nixon's real defense against any of these steps, even against the "power of the purse-string," is political. Congress, obviously, is going to be reluctant to appear to be ham-stringing the President in the necessary conduct of foreign policy. It will not eagerly put itself in position for Mr. Nixon and Mr. Agnew to declare that it is aiding and abetting a Communist enemy. A President, of course, is presumed, usually falsely, to "have all the facts"; some members therefore will not wish to pit their judgment against Mr. Nixon's, although on his record so far, it is hard to see why. Most seriously, no member will wish to refuse supplies or support for troops in the field, whose lives may be endangered and who did not choose to be where they are.

In short, in the absence of overwhelming public demand, the likelihood that Congress will do any of these things is not great; nor can any of them be clearly viewed as the right course of action. Yet the meaning of Congressional impotence would be clear, and most particularly to that large group of Americans who have spent their youth in profound opposition to an undeclared war, of no clear purpose, with no discernible end. It will mean that one man alone holds in the world's oldest democracy the absolute power of war and peace, life and death.

If that is indeed the pragmatic fact, it is repugnant to the Constitution, to democratic theory and to American ideals; and if that is indeed what "the system" has come to, it ought to be changed.

RESOLUTION DECLARING WAR

That is why Congress, with its constitutional power to declare war, must make some effort to check and to balance unlimited Presidential power. And the strongest weapon may well be Congress's own war-making power—a resolution declaring war on North Vietnam, and driving the issue to that ulti-

mate question of public and political legitimacy.

It is much to be doubted that the President would wish to win—and certainly he would not want to lose—such a vote, and the mere threat that the Democratic leadership is prepared to push for it might well re-establish some Congressional influence in policy making.

WORLD LEPROSY WEEK, FEBRUARY 15-21, 1970

Mr. INOUE. Mr. President, as a sponsor of the Leonard Wood Memorial for the eradication of leprosy, I wish to acknowledge the humanitarian work of those who have dedicated their time and energies toward victory over that dreaded disease. This year in the United States, the observance of World Leprosy Day was extended for 1 week, February 15 to 21. The observance called attention to the needs of the world's more than 10 million people with leprosy.

As Senators are well aware, Hawaii has had a special interest in the struggle against leprosy. The State of Hawaii has recognized the great work of Father Damien De Veuster at Kalawao, an isolated settlement for those affected with leprosy, by presenting his statue to the National Statuary Hall collection.

The people of the State of Hawaii along with others throughout the world joined together in commemoration of World Leprosy Week. We as Americans should always be aware of the despair among those stricken with leprosy. Now is the time for action as well as for contemplation. I wish, therefore, to invite the attention of Senators to the outstanding work now underway in the struggle against leprosy.

I ask unanimous consent that the messages received from President Richard M. Nixon and Dr. M. G. Candau, Director-General of the World Health Organization, and articles from various publications be printed in the RECORD.

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

WORLD LEPROSY DAY

In this period of deep concern for improving the quality of life on earth, it is particularly appropriate that we pause to observe World Leprosy Day, and to reinforce our efforts to combat and eliminate this much misunderstood disease.

Leprosy symbolizes human agony at its worst and inflicts unnecessary daily torment on 10 million of our fellow beings. The emotional isolation visited upon leprosy victims, and rooted in unwitting falsehoods that derive from ignorance and prejudice, is in large part responsible for the torment they suffer.

The Federal Government wholeheartedly joins with the many private groups and individuals devoted to the kind of treatment, training and research that will one day win the battle to eradicate this dread disease.

RICHARD NIXON.

MESSAGE FROM THE DIRECTOR-GENERAL OF THE WORLD HEALTH ORGANIZATION TO THE PRESIDENT OF THE WORLD LEPROSY DAY

More than eleven million people, mainly in developing countries, suffer from leprosy. A third of them will have permanent disabilities. Leprosy causes more distress to patients and their families than almost any other disease—because of its chronicity, its

permanent sequelae and the historic stigma attached to it.

The World Health Organization, since its inception, has given full attention to the many problems posed by the disease. Treatment for individual cases has been available for thirty years and many countries, assisted by WHO, have organized programmes based on early detection and treatment. Results are good in the individual case; but the scanty resources available in most of the countries where the problem exists and the difficulty of applying on a mass scale the necessary intensive long-term treatment for each case strictly limits the usefulness of this means of control. Unlike most other human pathogens, the leprosy bacillus cannot yet be cultivated freely in the laboratory. This greatly hampers the development of possible vaccines. WHO is therefore placing emphasis on research which it is hoped will lead to advances in knowledge, improved methods of prevention and more effective treatment.

WHO welcomes the opportunity World Leprosy Day provides to record its dedication to the fight against the disease, and its determination to further the research still necessary. (Dr. M. G. Candau, Director-General, World Health Organization.)

[From the American Journal of Public Health]

LEPROSY: THE WORD CAN BE WORSE THAN THE DISEASE

Leprosy is one of the oldest and most mysterious of diseases. Although new drugs and surgical procedures now make it possible to minimize the deforming effects of leprosy, only about 20 per cent of the world's 10 to 15 million leprosy sufferers ever receive modern medical treatment. This is because it is largely a disease of underdeveloped areas; it thrives in portions of Asia, Africa and South America. In the United States the highest incidences occur in California, Hawaii, Louisiana, and Texas.

Disabling as the defects of the disease are, victims often suffer more from the word than they do from the disease. Throughout history, and even today, they are often cruelly treated, stigmatized as "unclean," and miserably neglected. Yet early treatment can arrest the disease in most cases, and surgery can ameliorate deformities in advanced cases.

To dramatize the needs of leprosy victims—the need for expanded research to discover methods of prevention, the need for expanded medical services, and the crucial need for public enlightenment—World Leprosy Day has been observed annually in more than 100 countries since 1954. This year it will be expanded into World Leprosy Week, from February 15 to February 21. (World Leprosy Week, 79 Madison Ave., New York, N.Y. 10016).

LEPROSY REMEDY REPORTED

SAN FRANCISCO.—The victims of leprosy, so shunned through history that the word leper means social outcast can now return to such jobs as doctor, card dealer and secretary—cured of the disease.

The status of the medical battle against leprosy, a skin disease which afflicts 15 million people in Asia and Africa, was reported by researchers at a world leprosy day observance.

"We have the cure, but we still have to learn how best to use it," said Dr. Louis Levy of the U.S. Public Health Service Hospital, where a scientific meeting and luncheon were held honoring Dr. Charles C. Shepard of Atlanta.

Shepard, a U.S. Public Health Service researcher, was presented the first world leprosy day award for demonstrating that human leprosy bacteria can be grown in animals, in this case on the footpads of mice.

The breakthrough provided researchers

with a technique for experimenting with possible cures and preventive measures outside human beings. The leprosy bacillus has never been isolated in a test tube.

Levy said the ability to grow the disease in mice and an electron microscope technique for examining infected tissue have provided drug researchers with their first rapid methods of testing possible cures.

He said dapsons, a drug used since 1941 to cure leprosy, rapidly kills the bacilli causing the disease.

"The problem is getting the drug to the patients in the parts of the world where leprosy is a major concern," Levy said.

"The leper no longer needs to be isolated," one doctor said, noting a leper colony in Hawaii hasn't accepted new patients in more than a year and the government's leprosy hospital in Carville, La., is now primarily a rehabilitation center.

[From the Providence Journal]

TOMORROW IS LEPROSY DAY

NEW YORK.—The 17th annual World Leprosy Day will be observed tomorrow in the United States to dramatize the current problems involving "mankind's most ancient and most stubborn affliction."

Leprosy specialists report that modern medicine now enables doctors to minimize the deforming effects of leprosy in most patients treated, but a preventive has not yet been discovered.

However, only about 20 per cent of the world's estimated 15 million leprosy victims receive any form of medical treatment, since it is a disease primarily of underdeveloped areas.

Medical authorities in the United States are particularly concerned about the disease because of the large number of American servicemen in Southeast Asia, where leprosy is relatively common.

Oliver W. Hasselblad, M.D., president of American Leprosy Missions and a sponsor of World Leprosy Day, urged churches throughout the nation to join the observance.

Despite modern advances, incidence of leprosy has continued to rise. The World Health Organization estimated a rise of one million in the next five years. The 1966 figure for the United States was 109 new leprosy cases, up from 37 new cases in 1957. The total of cases in the U.S., including unreported cases, is estimated at 10,000.

[From the Salem (Oreg.) Capital Journal]

LEPROSY MYTHS FADING OUT; 15 MILLION CASES REMAIN

(By Steve Toomajlan)

SAN FRANCISCO.—Leprosy, a disease shrouded for centuries in superstition, is so rare in the United States that most people have never known anyone who has it.

But at least 15 million cases exist in the rest of the world, complicated by the lack of preventive drugs and the necessity for repeated treatment to attain a cure.

Modern science is making progress toward the goal not only of eradicating leprosy, however, but the myths that go with it.

Some of the world's leading authorities got together this week to compare findings at an observance of World Leprosy Day at the San Francisco U.S. Public Service Hospital.

In America, where there are only about 3,000 cases, many people think leprosy is of unknown origin. It is believed curable only through a miracle, and those who have the disease are pictured as outcasts capable of instigating an epidemic by their mere presence.

Dr. Paul Fasal of the San Francisco hospital is an internationally known authority on the disease.

"This idea that persons with leprosy are covered from head to foot with ugly skin irritations is quite exaggerated," says Dr. Fasal. "There are a few cases like that, but

the disease manifests itself usually in isolated areas. Sometimes, it is so inconspicuous that a person can have it for years without realizing it."

Dr. Fasal, 65, treated skin diseases in Malaya, Japan, Samoa and Mexico following medical training at the University of Vienna.

For the past 10 years he has directed a leprosy clinic in San Francisco.

Despite the scarcity of leprosy in the United States, it is here that the crucial research against the disease is being conducted.

"It was Dr. Charles Shepard of Atlanta who revolutionized our knowledge of the disease," says Dr. Fasal. "He was able to obtain the multiplication of the leper bacillus in the foot pads of mice. His achievement has enabled us to experiment with the disease, since we haven't been able to isolate it in a test tube as with other diseases.

"We now know that after three months of treatment, the bacilla are almost killed. This means that a patient can return to his family after three months without fear of contaminating them, and he can still receive regular treatment for his condition."

Such work has hastened the development of drugs to cure leprosy, but the disease persists because no preventive has yet been found. Underdeveloped nations with unhealthy living conditions are especially liable to widespread occurrence of the disease.

The American leprosy missions, the Leonard Wood Memorial, the Damien-Dutton Society, UNICEF and the World Health Organization are among the voluntary and government organizations trying to stamp out the disease in Africa, India and other nations.

But the necessity for repeated treatment makes the mere logistics of cure almost overwhelming. And then there's that problem of recognizing a disease which can take so many forms.

"Leprosy affects skin sensitivity," says Dr. Fasal. "Sometimes it manifests itself on the outside of a person's skin. But often the disease will not be manifested in a visual way.

"There might be a spot on a person's back that is insensitive to touch. He may never notice this, until the disease has advanced through time and spread a little farther through his body. It's an elusive disease—a great imitator."

IMPENDING ENERGY CRISIS

Mr. HANSEN. Mr. President, Assistant Secretary of the Interior for Mineral Resources, Hollis Dole, has warned of an impending energy crisis as have other Government and industry officials.

Federal Power Commission Chairman John N. Nassikas testified before a committee of Congress recently that—

It may take five to ten years to restore the present supply deficit and regain the necessary balance with projected demand. We estimate that 800 trillion cubic feet of new gas reserves, as yet undiscovered, will be needed between now and 1990 if requirements grow as projected, and are to be met by domestic production while maintaining a reserve to production ratio of 10-1.

There are disturbing indications that some pipeline companies may not be able to supply the total gas demands of their customers in 1970-71.

In a recent address at Midland, Tex., FPC Commissioner Carl E. Bagge reviewed the history of gas producer price regulation in relation to the growing energy demands of the Nation and the present tight gas supply situation.

Commissioner Bagge said that an examination of producer price regulation

in the context of the next decade reveals problems of an entirely different character than those with which we have dealt in the past. He and FPC Commissioner Lawrence J. O'Connor, Jr., have both proposed new concepts of FPC gas price regulation.

Their proposals reflect a growing body of thought that there is an urgent need to give weight to market realities in producer price regulation. Their proposals reflect both an effort to make FPC regulation effective in competing with the intrastate market and in responding to the supply and demand dynamics of the interstate market.

Mr. President, I ask unanimous consent that the text of Commissioner Bagge's address, entitled "Broadening the Supply Base: A Proposal To Eliminate Producer Price Regulation," be printed in the RECORD.

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

BROADENING THE SUPPLY BASE: A PROPOSAL TO ELIMINATE PRODUCER PRICE REGULATION

(An address by Carl E. Bagge, Commissioner, Federal Power Commission)

There is something about the emergence of a new decade which generates introspection and concern about whether one's actions are relevant to one's goals. It is, indeed, a time when even one's goals are reappraised to determine whether they are relevant to the challenges of the new decade. This is as applicable to institutions as it is to individuals. John Gardner contends that this process of self renewal must be a continuing one if the individual or the society is to keep from becoming unhinged. But for those of us who cannot afford the luxury of continuing introspection, however, the appearance of the chronological milestone of a new decade affords us an opportunity to pause, catch our breath, and project ourselves into the decade ahead.

Government policy and those of us chosen to define and administer it should not be exempt from this process. Indeed, we have a greater burden to reexamine both our actions and our goals because of both the pervasive and irrevocable nature of our activities. And so it is in this context of reexamining our goals and appraising the relevancy of our actions toward the achievement of these reexamined goals that I offer these thoughts concerning what I believe to be the emerging goals of the decade of the 70's, in the regulation of business generally and in the regulation of the gas industry specifically.

When we step back and analyze the forces which led to the establishment of the independent regulatory agencies, it is fair to conclude that the purpose of governmental oversight of those sectors of the economy subject to federal regulation was to protect the citizen in his role as a consumer—as a purchaser of goods and services—as an economic man. The concept of the public interest as forged in the regulatory enabling statutes was directed toward an economic goal—prices, rates, and charges—for the protection of that economic man. Indeed, the body of law which evolved from these statutes confirm this. In the intervening decades since the establishment of this federal oversight of business enterprise, a new role for government regulation has now emerged. Economic man is still a consideration, but our concerns today extend more deeply and more pervasively. Today's environmental ethic sees the purpose of regulation in a far broader perspective—a perspective which ex-

tends beyond the economic man and encompasses man in relation to his total environment against the background of an increasingly complex, urbanized and interdependent society. Indeed, it may be said that our regulatory concerns now extend beyond economic man to ecologic man. President Nixon in his State of the Union Address characterized this new national goal as a concern for the "quality of life". The goals, therefore, of regulation are now different both in kind and in scope from those which initiated the regulatory process. The sooner we define these new goals in each area of regulatory oversight, the sooner we can make our actions relevant to their attainment.

As part of this assessment, it must be recognized that we can no longer even think about our problems in the framework of the past. Contemporary regulatory problems call for responses within the context of a far broader perspective than that which has been employed in the past. Transportation policy for the Nation, for example, if it is to be relevant to contemporary needs, cannot be formulated with continuing conflicts between maritime policy, surface transport policy, highway construction programs and air transport policies. The transportation crisis cries for resolution in an integrated, comprehensive fashion to serve the new goals of a mobile and urban society. This policy must evolve by giving substance and meaning to the quality of life in contemporary society. And so it is in every other area of government regulation of business.

To deal with these problems in a broader context and in a more relevant manner we must devise new means for their resolution. The adversary hearing process based upon combative economic interests which has characterized the regulatory process will become increasingly anachronistic in the decade of the seventies. Even now, it can no longer cope with many of the vast policy issues which confront regulation today. Rational regulatory policy cannot be forged in bits and pieces, based only upon glimpses of reality as they may be chosen by the parties and the staff to be spread upon a record. New goals must be defined and implemented through the establishment of a formalized consultative process between government and business and through that, the achievement of increased joint planning and joint action, increased use of rulemaking in place of adjudication, the employment of investigatory proceedings and by joint action between government agencies both federal and state which share responsibility for the oversight and regulation of the same sectors of the economy. Regulation as we have known it in the past will be increasingly displaced by such joint efforts based upon a more mature relationship between government and industry and between federal and state governments. Evidence of this is apparent in many areas. Illustrations of this in our regulatory concerns exist in the National Power Survey, the proposed National Gas Survey, our present approach to the problem of electric power reliability and our approach to the need for a more rational construction of off-shore gas transmission facilities in South Louisiana. These illustrations of contemporary problems require regulatory oversight but do not lend themselves to traditional regulatory methodology.

What have these general observations to do with the gas industry? The gas industry provides a dramatic illustration of the need for reexamining our national goals and providing responses which are relevant to the achievement of those goals. An examination of the gas industry within the time frame of the next decade and through the prism of the new goal of a concern for the quality of life, reveals that this industry provides a potential contribution far greater than we may have realized.

The gas industry provides, through the

technological development of the fuel cell, a potential alternative to central station power generation. The increasing difficulties confronting the electric utility industry in the siting of both nuclear and conventional generating plants and transmission facilities underscore the need for such an alternative. The gas industry also provides the Nation a unique weapon in our battle to combat air pollution.

Indeed, entirely new markets employing gas as a means of propulsion constitute a revolutionary potential unknown only a few years ago. Our national ethos includes an unquestioning faith in the efficacy of competition as the ultimate means of assuring protection of the consumer and efficiency in our use of resources. The gas industry provides an effective competitive force which provides the power consumer with a truly competitive choice. If that choice is to be preserved for the American public, if gas is to be made available for the revolutionary new power technologies to alleviate the urgent problem of air pollution and to contribute to several other environmental goals, and if we want to provide an alternative to central station power generation, then it is clear that the gas industry must, as a matter of national policy, be stimulated to serve not only as a viable but as an aggressive force in our energy economy. Our national goals have therefore changed since the enactment of the Natural Gas Act. Governmental responses must accordingly be made relevant to these goals. It cannot be circumscribed by more limited objectives. A blind adherence to the "exploitation of the gas consumer" mentality of the thirties and to the legal precedents which have been encrusted upon that limited objective may well be contrary to the achievement of contemporary goals.

It is when we compare the gas industry's potential contribution to the quality of life in the 70's with the effect of existing government policies that the basic inconsistencies become discernible. Today, we observe an industry experiencing, in varying degrees throughout the Nation, substantial difficulties with gas supply, an industry forced to turn to higher cost increments of gas from foreign sources to meet demand, an industry confronted with a new level of demand stimulated, in part, by regulation which at the same time has, in part, inhibited expansion of the base supply. There is no governmental commitment of federal funds for research and development in the gas industry such as exists with respect to electric power. Outdated legislative policies prevent the benefits of gas industry technology from accruing to consumers and producers in the non-contiguous states and prevent the economic transportation of gas in liquid form to domestic consumers. And a new LNG technology designed to serve unconventional markets is being shackled into the conventional utility mold by the extension of the Natural Gas Act.

This discrepancy between reality and existing government policy is precisely the problem to which the recently released Annual Report of the Council of Economic Advisors was addressed. In urging a greater reliance by regulatory agencies upon market mechanisms, the report states:

"The American experience with regulation, despite notable achievements, has had its disappointing aspects. Regulation has too often resulted in protection of the *status quo*. . . . Competition can sometimes develop outside the jurisdiction of a regulatory agency and make inroads on the regulated companies, threatening their profitability or even survival. In such cases, pressure is usually exerted to extend the regulatory umbrella to guard against this outside competition, so that the problems of regulation multiply and detract from the original purpose of preventing overpricing and unwanted side effects.

" . . . As quasi-judicial bodies, the regulatory commissions tend to give much weight to precedent. As a result, change of any kind becomes hard to justify and even harder to allow when some affected group can claim immediate harm, whereas the potential beneficiaries are widely diffused and usually not represented. Yet innovation and adaptation are the dynamics of economic progress.

"There is no clear safeguard against these dangers, but more reliance on economic incentives and market mechanisms in regulated industries would be a step forward. . . . Industries have been more progressive when the agencies have endeavored to confine regulation to a necessary minimum and have otherwise fostered competition. When regulation has stifled competition, performance has deteriorated. The clearest lesson of all, however, is that regulation should be narrowed or halted when it has outlived its original purpose."

I submit that these observations are relevant to the discrepancies which now exist in several important areas between the potential of this industry in serving our new goals and existing government policies. All of them should be reexamined as we enter this new decade. I will attempt here to deal with only one—producer price regulation.

An examination of producer price regulation in the context of the next decade reveals problems of an entirely different character than those with which we have dealt in the past. Discernible cracks are evident in the regulatory dike which was constructed to protect the interstate gas market from the forces of the market. Indeed, several breaches in this regulatory dike are already clearly discernible.

My proposal in an address last spring at Oklahoma State University to base producer pricing upon indices and my colleague Commissioner O'Connor's proposal in an article in the *Public Utilities Fortnightly* to predicate price regulation upon a basing point method both reflect a growing body of thought that there is an urgent need to give weight to market realities in producer price regulation. These proposals both reflect an effort to make FPC price regulation effective in competing with the intrastate market and in responding to the supply and demand dynamics of the interstate market.

Each proposal was intended to initiate a public dialogue regarding the need for the Commission to extricate itself from the strictures of the existing cost based area rate methodology. Commissioner O'Connor's basing point concept is incorporated in the recent rulemaking proposal concerning the establishment of area rates in the Appalachian-Illinois Basins. In that proceeding, it is proposed that the field price of gas be based on the adjacent pipeline gas rather than producer costs.

The adoption of indices giving weight to market forces has not been implemented by the Commission. I am grateful, however, to Mr. Stanley Learned for contributing to the public dialogue regarding this proposal by his response before the INGAA meeting here in Colorado Springs last fall. I believe there is an immediate need, based upon existing circumstances, to establish such indices for an effective and responsive method of producer regulation. This is essential now because existing market forces must be recognized and given weight in arriving at a just and reasonable rate.

The problem of producer regulation in a period of short-term gas surplus which was characteristic of the decades of the fifties and sixties is of an entirely different dimension than that of a period of tight supply. It is clear that the Commission must be apprised more fully and more quickly of the supply and demand dynamics of the interstate gas market. Functionally effective prices relate more directly to economic factors than accounting costs no matter how sophisticated

the costing method. Broadening the rationale of producer regulation by reflecting market realities is a response to only part of the problem. The methodology of producer regulation must also be changed to permit an effective and timely response in order to avoid serious national consequences. The Commission cannot continue gathering multitudinous volumes of cost data during unduly time consuming rate proceedings. Alternatives must be adopted to the existing controversies regarding cost analysis and cost methodology—and they must be adopted quickly.

It is essential that we recognize, however, that the adoption of such alternatives would provide only a response to the problem in its present dimensions. The need for such alternatives is based upon the impact of existing market forces and their present effect upon the supply of interstate gas. We must recognize that the adoption of such alternatives merely provides a short-range solution to the problem. For as we look further into the decade of the 70's several even more substantial fissures in the regulatory dike become apparent.

The most immediate threat of a breach lies in the proposals for substantial imports of gas from Canadian sources to Midwestern markets at higher prices. Farther west another breach may be caused by long-range proposals for Canadian imports at still higher prices. In less than three years, further breaches are threatened by the proposed imports of base load LNG from Algeria at substantially higher prices. Evidence of additional breaches is also discernible as a result of proposed imports from Venezuela and several other sources. Should the existing available supply and demand imbalance require, in the public interest, the importation of these substantial quantities of gas in both vapor and liquid form at significantly higher prices than those which presently prevail, we must then acknowledge that the market will have effectively and irrevocably swept away the dike of producer regulation.

When this occurs, regulatory policy cannot continue to operate as it has in the past with or without more rational alternatives to cost based pricing. Regulation cannot then escape the unpleasant fact that it will have been deluged by the very market forces for which it was intended to substitute.

Can regulation effectively respond by acknowledging the existence of the higher priced alternative sources and basing the domestic producers' price upon those sources with an appropriate discount for the cost of transportation? Can regulation effectively respond by instituting a basing point form of regulation predicated upon the market price of the highest or the average price of the alternate increment of gas? Can regulation effectively respond by employing indices to reflect the impact of these intrusions of the market? Is there any rational way in which producer pricing may continue to be effectively regulated when, for reasons of continuity of service, the market not only is acknowledged but is affirmatively sanctioned by the Commission in the form of imports of substantial quantities of higher priced base load gas?

I submit that the process of producer price regulation would no longer be viable with a competing market-oriented gas supply introduced into the present fabric of the regulated interstate gas market. Any response which regulation would attempt to make within this context can no longer honestly be regarded as "price" regulation. We can continue the incantations and express the search for a price in the litany of regulation, but we delude only ourselves if we believe that the ritual has any meaning. Once we are required to acknowledge that the inexorable laws of supply and demand require our sanction of market prices in the public

interest, we can no longer characterize the process as price "regulation". Although other public purposes may be served by the continued regulation of producer contracts, we must face up to the reality, in that event, that regulation cannot effectively encompass price.

What then is the alternative for national policy in the decade ahead as it seeks to provide continuing protection for the public and gas consumers. The Supreme Court held that regulation must substitute for the lack of competition in field sales of natural gas. But neither that decision nor regulation nullified the long-term forces of the market. The impact of the market may have been delayed, but it is the market that is controlling in the end.

Hence, unless an alternative policy is developed we are on the verge of entering into the worst of both worlds. We are confronted on the one hand by a demand stimulated in part by regulation which at the same time has inhibited in part expansion of the base supply. And we are confronted on the other hand by a market that is bringing forth alternatives into the supply vacuum at prices much higher than present regulated levels.

Since price regulation will be ineffectual in this context, the challenge is to harness the market so that it will work for the consumer. To meet the challenge would require a reversal of government policy—of the role originally ordained for regulation. When federal price control was imposed, the base supply was surplus to short-term demand. Even at unregulated prices, gas had been a devastating competitor, rapidly taking over markets long dominated by other space-heating and industrial fields. Regulation substituted for the lack of competition among sellers of gas at the wellhead. But that is academic if those sellers do not have an available supply with which to compete for incremental business. And the overriding fact today is that the available base supply, being inadequate to meet current potential demand, can no longer perform its competitive function.

It appears that gas is not presently available in sufficient quantities, for instance, to moderate the market price of new supply sources that are moving in to satisfy unmet demand. In this situation, therefore, the role facing government policy in the seventies is not so much to nurture the competitive vigor of base suppliers which was the goal of regulation in the fifties and sixties as it is to reinvigorate the base supply itself. Without a dynamic base supply of natural gas, the interstate market will not be able to compete for supplies with the unregulated intrastate market. Nor will there be any effective price competition for the unconventional higher-priced supplies that are knocking at the market door. But a base supply reinvigorated, can be the key to the price levels at which these new sources enter and can place the consumers less at the mercy of the supplementary sources.

It is significant that even now the existing proposals for innovative government policy for producer regulation see a solution to the present dilemma in moving toward a situation where more freedom is allowed to competitive market forces—through indices or basing points—one in which government intervention is flexible and designed to stimulate a greater dependence on the market to provide an equitable balance between supply and demand. In the future if the present trends continue, government policy should consciously seek out ways to strengthen the elements of a free market and reinvigorate the base supply by attempting to ensure that there are many competing sources of gas supply, that the supply base is broadened, that entry into the supply phase of the industry is both unrestricted and affirmatively encouraged and that price levels are per-

mitted to be responsive to demand. A government policy implemented along these lines would provide an effective alternative to producer price regulation in the long run, while holding forth the promise of relief for the present supply-demand imbalance at the lowest possible cost to the public.

Given a governmental policy of encouraging the greatest degree of market participation by the greatest number of suppliers of gas, where will new and supplemental sources of gas supply be found? The Potential Gas Committee in its 1969 report estimated the potential supply of natural gas in the United States at 1,227 trillion cubic feet. Areas of significant reserves include the continental shelf, where to date less than one percent of this area has been subject to exploration activity. Moreover, geologic indications are that the offshore area could also hold major reserves and become a major source of future gas supply. Additionally, geographical factors such as the proximity of such reserves to major markets have favorable economic implications.

New sources of supply also exist in the deeper onshore formations. While present United States production of natural gas has been essentially limited to shallow wells of 5,000 feet or less, geologic information indicates that gas bearing formations in some areas of the country may lie up to 40,000 feet below the surface. These formations represent a virtually untapped reserve.

The Prudhoe Bay discovery on Alaska's North Slope has drawn attention to the potential of Alaska as a major new source of gas supply. The promise of this area is indeed staggering as evidenced by figures released by the Potential Gas Committee which place the potential gas supply of Alaska at over 400 trillion cubic feet, one third of the potential supply of the United States.

Projects Rulison and Gasbuggy are the first steps in a process that could unlock some 320 trillion cubic feet of natural gas held in tight formations. These potential reserves as estimated by the Bureau of Mines represent an amount greater than the present proved recoverable reserves of the United States.

The dramatic announcement by El Paso in July of last year that contracts had been negotiated to purchase one billion cubic feet per day of LNG for import to the U.S. from North Africa underscores the coming of age of the LNG industry. The worldwide reserves of natural gas now enter as a factor in the dynamics of the U.S. energy market.

Methods of converting coal to pipeline quality gas are in the R&D stage. The implications of successful development of such a process are staggering. Conversion of coal to synthetic gas has the potential of providing 12,000 trillion cubic feet of reserves. This is about 40 times the present proved recoverable reserves and compared to the present consumption level of around 20 trillion cubic feet per year represents a virtually inexhaustible supply.

The important fact underlying all of these potential sources of gas supply is their dependence on technological advancement for any significant exploitation of these reserves. The present level of technology allows the drilling of exploratory wells offshore at depths greater than 600 feet, but such depths exceed present production capability. Some underwater wells in deep water are capped and await technology advances that will make recovery from them profitable. Economic recovery of natural gas from deep formations onshore would be enhanced by the development of novel drilling methods now in the research stage. This area of drilling research is one in which minimal support

for research and development has been evidenced.

The newly developing LNG industry that may provide the basis of bringing to U.S. markets natural gas from Alaska, North Africa and other countries is entirely dependent on advances in the technology of LNG transportation and storage if major projects are to become economically feasible.

The feasibility of producing pipeline quality gas from coal has been demonstrated in small scale plants. Pilot plant demonstrations of large scale feasibility of synthetic pipeline gas production are nearing the operating stage. All indications are that commercial utilization of coal conversion processes in the middle 70's could be realized if an adequate level of support to advance this technology were forthcoming. The critical period, it seems to me, in the developmental history of this process is near at hand when as in any developmental process the major jump from pilot plant operation to commercial scale demonstration is attempted. In the case of regulated industries, the realization of a project of this magnitude is particularly difficult. This is one area where the potential of this process should prompt a reappraisal of present policy toward support of gas related technology by government and industry.

The concept of total electrification is gaining public acceptance and many believe that the energy system of the future will be supplied by nuclear energy with breeder reactors and ultimately controlled thermonuclear fusion providing unlimited power. Why then this concern regarding gas supply for the future? I submit it is in the interest of the American public to maintain strong, competitive gas and electric industries. In a recent study of energy models, the Bureau of Mines concluded that the theoretically optimum energy system for the U.S. would be one based on natural gas with fuel cells used on site to provide electricity requirements. It costs about one-fifth as much on a B.T.U. basis to transport energy to the consumer in the form of gas than as electricity. The present investment of electric utilities per annual unit of energy delivered is ten times that of gas utilities. To capitalize upon the inherent favorable economics of gas transportation, energy conversion technology must be developed to allow gas to compete for the full spectrum of U.S. energy needs. What are these needs? The end uses of energy are heat, mechanical power, electricity and light. In the typical home, for example, 85 percent of purchased energy is used as heat and 15 percent in the form of electricity. Fuel cells now in the developmental stage could supply the electrical requirements providing a pollution-free source of power. Lighting devices utilizing gas directly providing high intensity lighting systems rivalling the electric bulb have been demonstrated. Environmental control giving year-round comfort control an entirely new concept when compared to present heating and cooling systems can be developed.

The question of adequate supply takes on added significance in the light of the new uses of gas made possible through liquefaction. The announced conversion of the state of California government fleet to LNG and present tests being carried out by the federal government underline the importance of this development. It is clear that instead of an industry slated to be supplanted by modern energy supply systems, the gas industry can be the wave of the future in the forefront of new and innovative uses of energy and providing standards of quality and service.

The federal government which supports research and development activities to provide methods of developing our primary energy resources—petroleum, gas, water power, coal and atomic energy—has ap-

parently failed to recognize the potential role that could be assured by natural gas in this decade and beyond. Recently, the Office of Science and Technology released a study prepared by the Energy Policy Staff which described the major civilian energy research and development programs funded by the federal government for fiscal year 1970. This study showed that \$368 million will be spent on civilian energy research and development through programs supported by federal funds. The research and development effort for atomic energy received over 84 percent of all the federal funds for energy R&D. Indeed, the study concluded:

"It is also significant that virtually all of the federal R&D expenses (about 90 percent) are addressed to the problems and opportunities of the electric power industry."

Less than two percent of these expenditures are directed toward advancing the technology of the natural gas industry. The level of investment in research and development is highly significant as future energy utilization patterns will be determined by the level of technology in the respective industries. It is here where governmental policy must strike a balance between the lure of unlimited energy through atomic power and the continued development of our other primary energy sources which, because of their own unique characteristics, can with imagination make invaluable contributions to the quality of life in the decades ahead—contributions which even atomic energy cannot provide in the foreseeable future. The relative costs of developing technology is also an important factor in decisions on resource allocation. There are obviously greater costs involved in developing a new technology, such as nuclear fission or fusion, compared to improving existing systems based on our other primary energy resources. The effect of past governmental policy in writing off fossil fuel sources as major energy contributors in the decades ahead is shortsighted and falls short of an optimum allocation of our resources. Development of production, transportation and conversion technology for fossil fuel utilization will open up needed alternatives of energy sources necessary to our new goal of protecting the quality of the environment and in the continuing effort to ensure the availability of energy supplies at reasonable costs to meet the Nation's growing energy requirements.

The Commission is increasingly concerned by the level of investment in research and development by jurisdictional companies. Responses to Order No. 322, "Annual Reporting of Research and Development Activities," showed that for the three reporting years subsequent to the effective date of this order, 1966, 1967 and 1968, jurisdictional gas companies invested 0.1 percent of operating revenues in research and development. Of more significance, thirty-seven jurisdictional gas companies reported no research and development activity in 1968. The National Science Foundation compiles statistics on nationwide research and development activities. Comparable statistics for other industries in 1967, the most recent compilation by the National Science Foundation, showed a range of investment in research and development of 1.5 to 4.1 percent of net sales. Comparison of investment levels by industry showed the largest investment levels in those industries characterized by rapid technological obsolescence. The wide disparity between jurisdictional company investment and that of other industries indicates the heart of the problem lies in the fact that, unlike the non-regulated sectors, the impact of investment in R&D on the financial position of the utility in many cases is unknown at the time of such decisions, and the accounting options are distinctly limited.

The incentive needed for greater R&D ac-

tivity by jurisdictional companies lies in providing a greater degree of certainty regarding the effect of R&D investment on the financial position of the company and in enlarging the area of managerial discretion with regard to the accounting treatment of such expenditures within the regulatory framework.

Consequently, just last month the Commission issued in Docket No. R-381 a proposed rulemaking delineating proposed amendments to the Uniform System of Accounts intended to clarify Commission policy on accounting for R&D expenditures. These amendments recognized the need to establish a greater degree of certainty in the Commission's ratemaking and accounting policies, the need to allow a return on significant expenditures for special research and development projects amortized over a period of years and the recognition that so-called "unsuccessful" projects pave the way for "successful" projects and as such should be regarded as part of the total research and development effort. This policy should place jurisdictional companies on a more equal footing with the non-regulated sector competition for capital investment in R&D, particularly where projects involving significant expenditures are concerned. At a time when the utilities are faced with major problems of gas supply, power generation and environmental concerns, the contributions of technology to the resolution of these problems should be fully explored and the Commission should not hesitate to adopt further measures to stimulate activity in a crucial area.

The fragmented nature of the industry's response to the technological challenges facing the industry and the need for a forum where the impact of changing technology on the industry as a whole can be assessed and an effective response formulated is urgent today. An effective solution to these problems cannot be formulated solely by one segment of the industry, nor can the industry by itself respond effectively to this challenge. These questions indeed encompass the future role of the gas industry in a Nation committed by allocation of research dollars to other methods of energy supply for the future. A Gas Research Council embracing all segments of the industry with governmental participation could work toward formulating effective national solutions to these problems. The Council could establish as its highest priority the development of adequate support by industry and government for R&D programs needed to stimulate the domestic supply base and maintain the industry as a major supplier of the Nation's energy requirements.

A decade ago, after a period of similar introspection and reexamination of its goals, the Commission initiated an innovative proposal. It conceived it to be the solution to the monumental problem of producer price regulation. It rejected a pricing methodology based upon the costs of individual producers. It proposed instead that prices be derived from the financial requirements of the industry as a whole. It characterized this process as area rates. This policy resulted from the realization that the traditional rate base method of utility regulation did not lend itself to the determination of the rates of independent producers.

Today, after a decade of industry-wide cost-based area rates, the regulatory process is equally as frustrated as it was in 1960. If we are candid, it must be acknowledged that we have failed the "practical test" which we established for ourselves in Permian. Individual company rate making having been determined to be unworkable and cost based area rate making having been demonstrated to be unworkable, the necessity for squaring producer prices with the market should now be clear. In the short term this over-

riding fact must be reflected in the adoption of indices which at least recognize market realities. In the long run, however, the market will inevitably prevail and regulation will be totally ineffectual to influence price.

We are obliged, therefore, to establish the policies now which will permit the inevitable ascendancy of market forces to operate in such a way as to work for the public just as they do in most other areas of our economic life. This, in the final analysis, can only be achieved if the market can operate unfettered by regulation and if, prior to that time, government policies are evolved which will affirmatively enlarge the supply base by broadening the base supply and increasing the supply sources. This, I submit, is the new goal of this new decade. It must be achieved by a national commitment which insures that the potential which this industry offers to the quality of life will be fully realized in this decade and in the decades to come.

QUEEN ISABELLA DAY

Mr. MOSS. Mr. President, April 22 marked the 519th birthday of Isabella of Spain, a queen whose courageous gamble in backing the voyage of Christopher Columbus earned her a place of honor in the annals of our history. The qualities which prompted this monarch to finance the trip of an explorer whose claims sounded absurd to the typical 15th century man are qualities we admire today. This country owes that far-sighted queen a substantial debt of gratitude.

Therefore, I am pleased to draw attention to the declaration of Gov. Calvin Rampton, of Utah, Proclaiming the 22d of April as Queen Isabella Day. I ask unanimous consent that the text of the declaration be printed in the RECORD.

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

DECLARATION OF THE STATE OF UTAH

Whereas, April 22, 1970 marks the 519th anniversary of the birth of Queen Isabella, dynamic Castilian queen who, through her faith and confidence in Christopher Columbus, gave the civilized world a new dimension; and

Whereas, Queen Isabella, wife of Ferdinand of Aragon, by her support of Columbus in his plans for exploration, earned for herself a unique place in the history of Western civilization; and

Whereas, in her own time, Isabella was a queen noted for a clear intellect, energy, virtue and patriotism; and

Whereas, the qualities of confidence in the future, spirit of adventure with a purpose and sacrifice in the cause of human progress exhibited by Queen Isabella are characteristics worthy of emulation in our twentieth century era of exploration;

Now, therefore, I, Calvin L. Rampton, Governor of the State of Utah, do hereby declare Wednesday, April 22, 1970, as "Queen Isabella Day" in Utah, and urge all citizens, schools, historical and other interested organizations suitably observe this significant event in the history of the world.

CALVIN P. RAMPTON,
Governor.

FRED H. HARRINGTON—A GREAT UNIVERSITY OF WISCONSIN PRESIDENT RESIGNS

Mr. PROXMIER. Mr. President, as the Milwaukee Journal says:

Fred Harrington was an extraordinary able and effective president of the University of

Wisconsin, one of the best the university has had.

As the Journal also says:

It is regrettable that he has decided to quit, although the action is understandable in view of pressures and abuse to which he has been subjected, coping with almost constant crisis.

The New York Times editorialized Saturday that the resignation of President Harrington "adds another victim to the honor roll of those who have tried in vain to fight the two-front battle against extremism on the left and on the right. Radical students have repeatedly terrorized the campus, provoking in turn not only armed occupation but also the repressive hostility of community and legislature."

It is unfortunately true that today's university president has been thrust into the position of a frontline soldier in the battle between contending factions and contending views. But a university is a place where disagreement is supposed to be settled by persuasion, argument, and peaceful means. President Harrington is a victim of the refusal of groups on both sides to carry out that tradition and who insist on undercutting the real purpose and meaning of a university and its traditions.

I ask unanimous consent that the editorials from the Milwaukee Journal of May 10 and the New York Times of May 9 on the resignation of President Harrington be printed in the RECORD.

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

[From the Milwaukee Journal, May 10, 1970]

A GREAT UW PRESIDENT

Fred Harrington was an extraordinarily able and effective president of the University of Wisconsin, one of the best the university has had. It is regrettable that he has decided to quit, although the action is understandable in view of pressures and abuse to which he has been subjected, coping with almost constant crisis.

He restructured the UW, making the statewide system of 16 campuses and 65,000 students work perhaps better than in any other state where the "multiversity" has been tried. His administrative and political skills enabled him to guide a \$250 million a year corporation through a time of tremendous growth. He built UW into prominence as an urban university and won swift development of the new UW—Green Bay and UW—Parkside.

There was never any doubt about who was boss at the UW while Harrington was president but, contrary to some public impressions, he liked to hear dissenting views from his subordinates. He listened with patience. He had empathy for people, and a keen sense of understanding of the positions that political foes and allies found themselves in. He liked a good fight, and had many. He did not win all of his fights, but he had a remarkable ability to salvage everything possible from defeat and mold it into a victory.

Harrington understood the essentiality of dissent on a campus. As Michigan's President Robben Fleming once explained, this put Harrington in "the dilemma of the traditional liberal," upset at trends on both the political far right and far left. The right of dissent implies the basic right of individuals to make their decisions without coercion from others, and "that's why Fred senses the basic totalitarian aspects of the really radical left," Fleming observed.

In the end, this kind of dilemma probably played a greater part in Harrington's decision to quit than did all the criticism.

Harrington is an outstanding historian with first class academic credentials. He could go virtually anywhere as professor or administrator—as he could have at any time in the past eight years. That he stayed at the UW was to the great benefit of the state and its university. Fortunately, he will remain on the faculty.

[From the New York Times, May 9, 1970]

WISCONSIN LOSS

The resignation of Fred H. Harrington from the presidency of the University of Wisconsin adds another victim to honor roll of those who have tried in vain to fight the two-front battle against extremism on the left and on the right. Radical students have repeatedly terrorized the campus, provoking in turn not only armed occupation but also the repressive hostility of community and legislature.

Mr. Harrington, who accepted a distinguished Wisconsin research professorship in history, denied that he was fired. But Dr. James Nellen, president of the Wisconsin Board of Regents, said pointedly that Mr. Harrington's successor must be a man who believes that campus rioting has to be "corrected." He must surely know, in the aftermath of Kent State and student uprisings at other, normally placid campuses, that the end of unrest requires more than a strong-armed president.

Mr. Harrington blamed inadequate support from the Regents, legislative criticism and fatigue for his decision. In nine years at the helm he has raised the university to the select company of the nation's leading institutions of higher learning. There may be special irony in the fact that, along with Harvard's president, Nathan M. Pusey, he had been a member of this week's delegation to the White House to plead for greater understanding of student alienation. His departure is added confirmation of the contempt in which the illiberal elements at both ends of the political spectrum hold democratic men of principle and ability.

WALTER REUTHER

Mr. CASE. Walter Reuther had a unique place in the American labor movement to which he was dedicated. A tireless worker, he spared neither himself nor others in the effort to make the labor movement a force for good in the community at large.

The members of the UAW have suffered a grievous loss. And the country has lost a man whose initiative and forthright advocacy sparked so many advances in our social and economic structure.

CURTAILMENT OF NORMAL POSTAL SERVICES

Mr. MCGEE. Mr. President, I invite the attention of the Senate to a story published in today's Washington Evening Star which details the quiet curtailment of normal postal services that is taking place, especially in the Washington region. These service cutbacks represent a troubling development in the midst of our consideration of postal reorganization legislation. One of the serious reservations many people have with the concept of a postal organization separated from the Federal family revolves around the question of public service. Would, in fact, an independent postal service under a mandate to eliminate all red ink

from its ledgers render the American people the service they require and which they deserve as citizens? Or would such an organization seek to achieve its goals by reducing services and, at the same time, thrusting upward the cost of postage?

The only evidence provided by the administration from January 1969, to date, demonstrates that the latter course will be followed. On April 3, the President requested Congress to enact a 10-cent first-class stamp, and a one-fifth-cent increase for third class. Now we have fresh evidence of service cutbacks.

I ask unanimous consent that an article, authored by reporters David Braaten and Philip Shandler, and published in the Evening Star of May 6, 1970, be printed in the RECORD.

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

POST OFFICE QUIETLY CURTAILS SOME SERVICES
(By Dave Braaten and Philip Shandler)

The Post Office is quietly compressing service and work schedules in what it calls an effort to eliminate waste.

Working documents envision elimination of the perennial postal deficit in five years, by cutting weekend work, consolidating and merchandising facilities, and seeking more customer help in zip-coding, sorting and distribution.

In Washington, evening mail pickups have been eliminated, vending machines have replaced Saturday window service downtown, and weekend sorting work has been curtailed.

MEMO OUTLINES PLAN

Other potential reductions are outlined in a strongly worded memorandum to local postmasters from the director of the region that includes Washington, and in a set of papers on service nationwide over the next five years.

Frank J. Sunlist, assistant postmaster general for operations, said current cuts are being left largely to the discretion of regional directors, after careful study of local conditions.

Only services for which demand has dropped as a result of changing consumer patterns are being reduced, he said. The general shift to a five-day work week, for example, has made window service unnecessary at postal headquarters at 12th Street and Pennsylvania Avenue NW, he said.

Guidelines for reductions in the District, Maryland, Virginia and West Virginia are contained in a memo from regional director Carl Ulsaker to "all city delivery offices."

EXCEPTIONS ALLOWED

"Any deviation should be because of some exceptional condition which you should explain," he wrote local postmasters. The memo says:

1. "All morning collection service should be eliminated except that made by the letter carrier while serving his route . . ."

2. Late evening collections "should be abolished unless significant volume will be advanced in dispatch. If retained, it must be confined to selected high-volume boxes in business districts, shopping centers or along arterial highways . . ."

3. "In purely residential areas a 5 p.m. collection is unnecessary and the only collection should be made by the letter carrier while serving his route . . ."

"This collection may be started earlier if essential in order to conserve manpower . . ."

ONE CITYWIDE COLLECTION

On weekends and holidays, "only one complete citywide collection is necessary," the memo says.

"Saturday service should be limited to collection by letter carrier or relay carrier in performance of their regular duties. Additional Saturday service to business districts may be provided only if warranted by local conditions."

In regard to window service—stamp sales, package handling, etc.—on Saturdays, the postmasters are advised to make an evaluation and "take appropriate action immediately to consolidate services and reduce number of windows required or compress over-all weekly window service hours."

WEEKEND ASSIGNMENTS

The memo also says that "assignment of clerks and mailhandlers on weekends must be reduced to a bare minimum to provide adequate service."

Among the steps called for are:

1. Eliminating or deferring the sorting of incoming and outgoing "non-preferential" mail between 6 p.m. Friday and 6 a.m. Monday.

2. Deferring from Saturday night to Sunday the processing of outgoing first class mail.

3. Reducing the processing of incoming first class mail between 6 a.m. Saturday and midnight Sunday to special delivery and box mail, "and maintaining a level of mail compatible with clerical assignments on Tour 1 (early morning) Monday."

The memo also suggests scrutiny of coffee breaks, "visiting" among employees, early departures from work and personal telephone calls, for "potential man-hour savings."

Officials were reluctant to discuss the details of moves being made here and elsewhere to eliminate waste. But Nunlist and others made these general observations:

Morning collections from mailboxes formerly were made by truck drivers who relayed delivery mail to postmen on foot. Now, most mailmen have their own vehicles and can collect mail themselves. "What we're eliminating is a duplicating service," Nunlist said.

Most first-class mail now is business communications, so fewer collections are necessary in residential areas.

Business has shifted to a five-day week, and downtown services—like window service at 12th and Pennsylvania—are scarcely needed on the weekend.

Less mail is moved by train and more by plane, so deadlines for sorting can be spaced further apart.

Many people have switched to the telephone for the kind of communications they used to send by mail, especially on the weekends, others said. And, as a result of the reassignments, fewer workers will have to work on weekends, Nunlist said.

But some grumbling is being heard. A writer to The Star's Action Line, for example, said recently that elimination of evening pickups "works a great hardship for people who are at work and have to come home and get signatures and finish off mail at home. . . ."

And Advertising Age magazine recently protested that the elimination several months ago of expeditious "red tag" service for magazines has resulted in later deliveries.

NATIONAL HOLIDAY OF THE RUMANIAN PEOPLE

Mr. BROOKE. Mr. President, the many states of Eastern Europe have been a battleground for contending forces and ideologies for many generations. Yet the brave people who inhabit this tumultuous buffer zone have managed, against great odds, to preserve their sense of identity and their cultural uniqueness.

The Rumanian people share the sad history of many of their sister states: Independence was a dream for many

generations. It was won at great cost. It was short lived. But it is long remembered.

On May 10, 1866, Prince Charles of Hohenzollern was proclaimed prince, and founded the Rumanian dynasty. On May 10, 1877, Rumania officially severed its ties with the Ottoman Empire, and 4 years later, on May 10, 1881, Prince Charles become Charles I, King of Rumania.

The 10th of May is thus a triple holiday for the Rumanian people. I join with other Senators in saluting them on this occasion, and pray that on another, happier, Tenth of May the Rumanian people may take their full, free, and independent place in the family of nations.

HARLAND CLEVELAND INAUGURATED PRESIDENT OF UNIVERSITY OF HAWAII

Mr. INOUE. Mr. President, the University of Hawaii recently held its inauguration ceremonies for President Harlan Cleveland. It was a happy and proud moment for our university because it marked the official ascension of a distinguished man to its presidency.

In Mr. Cleveland, our university gained a man recognized by the world for his integrity and leadership. He is truly a rare man—a man who has mastered both the world of thought and the world of action.

Few can claim the wide success Mr. Cleveland has met as a scholar, author, editor, publisher, government administrator, university administrator, and diplomat. As a government administrator, he directed diverse government programs ranging from the board of economic warfare to the allied control commission to Rome. As a university administrator, he served as dean of the Maxwell Graduate School of Citizenship and Public Affairs at Syracuse University. As an author, he has written books and articles on American foreign policy. As an editor and publisher, he managed the Reporter magazine. As a member of the sub-Cabinet of Presidents Kennedy and Johnson, he held the post of Assistant Secretary of State for International Organization Affairs. And as a diplomat, he served as our Ambassador to the North Atlantic Treaty Organization.

We in Hawaii have great confidence that with President Cleveland at the helm, the University of Hawaii will, as he says in his inaugural address, be known in the seventies for its openness, its cross-cultural tolerance, and as a great center of thought.

I think that Senators would find his address relevant and of interest, so I ask unanimous consent that it be printed in the RECORD.

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

INAUGURAL ADDRESS

I

This is a funny kind of job. In every other form of employment, they swear you in first and then put you to work. But in academic administration it's the other way around: they put you to work, and tell you to orga-

nize your own swearing-in. Maybe they want to make sure you survive the first few months before they have to buy all that champagne.

Even the compliments and congratulations are mildly equivocal, with mental reservations—as in the exchange of compliments between Winston Churchill and George Bernard Shaw before the opening of one of Shaw's plays. Shaw began it by writing to Churchill, enclosing two tickets to the opening and inviting Churchill to bring a friend, as he put it, "if you have a friend." Churchill promptly replied that he was busy on opening night, but would appreciate a pair of tickets to the lay's second night, as he put it, "if there is a second night."

Well, I can certainly say that I have more friends in Hawaii than I had a year ago; I hardly knew anybody in Hawaii then. And here I am six months and 18 days on the payroll already, being "inaugurated." It's no longer opening night, yet this must by definition be the beginning of something. What is it the beginning of?

For me, this is the beginning of an association with a congenial people in a precious environment—a first full taste of Aloha, that spirit which is impossible to define but equally impossible not to feel. This is also my introduction to a State which really believes in education—students who believe in education, a faculty that believes in education, alumni and parents who believe in education, Regents who believe in education—and political leaders who, together with the people they represent, genuinely want a first-rate system of public higher education in the State of Hawaii. In six months and 18 days, I have yet to meet a leader of any political persuasion who thinks it good politics to campaign against education. I will not detain you by reading the long list of American States in which the Presidents of the public universities cannot make that claim.

A visitor in my office the other day asked what I hoped the University of Hawaii would be known for, during the time I am here. I suppose that anyone with pretensions to be an educator has some private image of what the people who touch his school should take away with them. Some of these desired outcomes are universal among universities: both Johns Hopkins and the University of Hawaii hope that they can help students discover their hearts, develop their minds, and add to the range of their imaginations. We even join in hoping that they will find interesting jobs and happy marriages. But each of us is bound to have some special ambitions for his own institution. So here are some personal hopes of mine for the kind of place the University of Hawaii can be.

First of all, I hope that in the 1970's the University of Hawaii is known as an experience in openness—its campuses open to a free market in ideas, the open minds of its students and their teachers grappling together with the mysteries, the uncertainties, and the dilemmas of science and society.

Our doors of admission will be open too. Go out on the streets of Honolulu and ask the first adult you see which of his children is going to college. I'll guarantee you an argumentative response. "All of my children are going to college" he or she will probably reply.

In these islands, the State Legislature has already, in effect, declared a policy of "open admissions" to the University of Hawaii.

II

My second hope is that the University of Hawaii can continue to be a very special experience in cross-cultural humility and tolerance.

Every one who comes to live in Hawaii must be impressed, as I am, by the variety of its peoples and their comparatively tolerant attitudes toward one another. But on closer inspection, paradise seems based

on paradox: the tolerance is not despite the variety but because of it.

For it is not through the disappearance of distinctions in a melting pot that Hawaii has achieved a level of cultural equality and racial peace with few parallels around our discriminatory globe. Quite the contrary: the glory is that each of Hawaii's main ethnic groups retained or developed enough pride, enough self-confidence, and enough sense of its cultural history—in a word, enough distinctiveness of its own—to establish its right to be separate. And this group separateness was, paradoxically, the first step in establishing the rights of the individuals in each group to equality with people of different racial aspect, different ethnic background, and different cultural heritage.

Perhaps after all the Hawaii experience it is not so different from the transatlantic migration of the various more or less white Caucasians. On their way into New York they read a sign on the Statue of Liberty: "Send these, the homeless, tempest-tost, to me." But on arrival they didn't melt into open arms of the white Anglo-Saxon Protestants who preceded them. Quite the contrary: each new arrival glued himself to his own kind, shared the religion and language and humor and discriminatory treatment with his soul-brothers, and gravitated into occupations which didn't too seriously threaten the jobs of earlier-arriving ethnic groups.

In Hawaii as on the East Coast, waves of new Americans and older Americans have been thrown together in the tides of democracy, and have learned in time to tolerate each other—first as groups and only thereafter as individuals. As they rubbed against one another in an urbanizing America, they gradually discovered not just the easy old Christian lesson that all men are brothers, but the hard new multi-cultural lesson that all brothers are different.

So maybe the lesson from both Atlantic and Pacific migrations is that each ethnic group must first find its own identity, before the members of other ethnic groups will treat its members as individual human beings—as respected, valued citizens of a common polity—as brothers who are different and therefore brothers.

The lesson of Hawaii has plenty of modern relevance. The lesson has to be that black Americans who want to establish their blackness and glory in it are on the right track. It is important that a black child knows where he comes from, relives the history of his forefathers, feels the shame of historical failures and the pride of historic contributions, uses the flexible English language in ways that are distinctive, and brings to the forceful attention of all Americans that the various colors called black can be beautiful. Only when the distinction is fully accepted, will mutual tolerance likely follow—that, it seems, is the general meaning of Hawaii's very special experience.

For equality is not the product of similarity. It is the cheerful acknowledgment of difference.

Here in Hawaii, we have an incomparable opportunity to honor a wide variety of differences—and put them to work in higher education. I hope that it will be said of a University of Hawaii degree that its holder seems better able than other Americans to function across the barriers of color and culture; that he knows his own workways and his own outlook are not a valid standard by which the workways and outlooks of others are to be judged—and always found wanting.

We need not be embarrassed, as newcomers sometimes are, to list among Hawaii's natural resources the quality of aloha, which is another name for love. "Some day," says Teilhard de Chardin, "after mastering the winds, the waves, the tides and the force of gravity, we shall harness the energies of love,

and then, for the second time in the history of the world, man will have discovered fire."

III

Our best laboratory of practical aloha is right here on the Manoa campus and the other campuses of the University, the eight we have now and the two we are looking for this year. The University of Hawaii has the broadest ethnic and cultural mix of any American university; visiting academic consultants have recently praised the quality and dedication of its faculty; some outside experts credit our students with an unusual motivation for education.

This faculty, these students, and the administrators who are here because the faculty and students are here, will have to make together some far-reaching judgments—about what is learned and how, and about the management of our burgeoning campuses.

Our cultural diversity gives us a special opportunity to broaden the participation in University decisionmaking, and a special obligation to devise a system of governance, which matches participation to responsibility.

Academic faculties have traditionally dealt with faculty problems, students with student problems, and administrators with anything left over—which too often includes the most excruciating dilemmas and the most unanswerable questions. Without derogating from the elected organs of faculty and student governance, I think there is a place for a broader organization of representatives with whom the Regents and I can share the ethical dilemmas, the judgments about priorities, and the visions of future opportunities affecting the University as a whole. I will therefore suggest soon the framework for a University of Hawaii Conference—not a one-shot meeting but an on-going broadly representative group to help in developing consensus on all-University issues.

IV

I have said that I hope the University of Hawaii will be known in the Seventies for openness and for cross-cultural tolerance. But most of all I hope it will be known as a center for thinking.

"Thinking," said Josiah Royce, "is like loving and dying. Each of us must do it for himself." Yet the thinking the world needs most is done by the dozen, by the hundreds, sometimes by the thousands of educated people, working in groups to solve problems so complex that no individual can presume to tackle them alone. The great issues of our time—the organization of world order, the deterrence of ecological disaster, the achievement of a quantum jump in the quality of life will yield only to the organized application of human brainwork. There is no reason why a disproportionate share of that brainwork should not be done in our pleasant surroundings, and there is no reason why we cannot keep our surroundings pleasant.

Without posing as an instant oracle on Hawaii in the Year 2000 or any other year the futurists want to pick, I do have an idea that a very large part of Hawaii's future role depends on the excellence of Hawaii's University. Hawaii's attractive environment—if we can keep it that way—will attract more and more people who think for a living—if we already have here a "critical mass" of bright and creative thinkers.

The smokeless think-industries—a more enduring asset than some agricultural products, a more stable economic asset than mass tourism or military spending—cluster around good universities. If we can keep the first-rate thinkers who are here, and get a good many others to join them, Hawaii is a "natural" headquarters for organizations which can do their thinking anywhere, just so the surroundings are congenial and the intellectual company stimulating.

Part of Hawaii's destiny, then, is to be an

entrepot for intelligent people, a mecca for intellectual tourism, a center for international training, a laboratory for cross-cultural operations, technology assessment, environmental planning, and the public management of problem-solving.

There will be a thirsty market for organized brainwork in the years before and after 2000—of that there can be no doubt. Never has our destiny had less to do with the specialized search for knowledge; never has it hung so clearly on the capacity of men and women to encompass in their thinking the situation as a whole. Only the poets have captured the drama of this moment, as Christopher Fry does in a "A Sleep of Prisoners."

"... The frozen misery
of centuries breaks, cracks, begins to move,
The thunder is the thunder of the fies,
The thaw, the flood, the upstart Spring.
Thank God our time is now when wrong
Comes up to face us everywhere,
Never to leave us till we take
The longest stride of soul men ever took.
Affairs are now soul size."

Our affairs in Hawaii are soul size, because what we do here can cut the pattern for elsewhere, on the big island of North America and the bigger island of Eurasia. As we plan ahead there is no difficulty finding an enormous role for Hawaii; the problem will be to live up to the education requirements of that role.

That is why this State is so wise to bet so heavily on the academic excellence of the University of Hawaii. Governor Burns in his talk at our Interim Session last January, said it all in one sentence: "If education isn't booming, nothing will."

v

New friends and new colleagues, a good many extravagant things have been said about me this week. I am grateful to their authors, and I shall treasure them all, to remember on the days when the things being said will be less flattering and less elegantly expressed.

For those days of disillusion, when the eighth President of the University of Hawaii turns out to be a little lower than the Angel Gabriel, I remind you of the dialogue between two newlyweds. Right after their honeymoon, the groom took his bride by the hand and said, "Now that we're married, dear, I hope you won't mind if I mention a few little defects that I've noticed about you."

"Not at all," the bride replied with a deceptive sweetness. "It was just those little defects that kept me from getting a better husband."

As for the marriage which is celebrated here today, it is enough to say quite simply that I am in love with Hawaii.

A STATEMENT OF CONCERN FROM SAN FRANCISCO

Mr. MUSKIE, Mr. President, over the past few days, the Nation's alarm over the recent turn of events in Indochina has taken innumerable forms. One of the most strenuous expressions of dissent I have seen is the statement published this morning in the San Francisco Chronicle and subscribed to by more than 400 members of the San Francisco bar.

Mr. President, the signatories of this "statement of concern" range across the entire political spectrum. They are united in only one respect, and that respect is their profound dissent and alarm over the developing tragedy of Vietnam, at home and abroad.

I commend this statement to the at-

tention of the Senate and the American people.

The signers of this statement of concern have reached unity, Mr. President, but their unity is the unity of dissent, not the unity of a renewed purpose so earnestly craved by the American people.

I ask unanimous consent that the text of the statement be printed in the RECORD.

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

A STATEMENT OF CONCERN

The signers of this statement are San Francisco attorneys of varied experiences and political persuasions. Our common concern is the recent turn of events in Indochina.

The United States has now begun an offensive against the North Vietnamese sanctuaries across the border of Cambodia, and is now supplying arms to the Cambodian government. The President has stated that these initiatives are intended to facilitate withdrawal, to protect American lives, and to avoid the humiliation of a great power. He states that it is his continuing purpose to terminate the present war.

We respectfully record our dissent.

The war can be terminated at any time by our orderly withdrawal. Such a course would not risk American lives. We maintain full command of the air and the sea, and can bring home our troops at will.

The new offensive, limited in purpose though it may be, can only be explained as a further effort to achieve political results in Vietnam and Cambodia by the use of military force. The attack is not related to a planned withdrawal; on the contrary, it risks a greater involvement.

The lesson of Vietnam is that we cannot gain or keep military control of any area, in the absence of strong popular support, without a massive and sustained deployment of forces on the ground. An advance into new territory merely expands the area we are required to police.

In broader terms we have learned, or should have learned, that military operations cannot achieve our objective in Vietnam. Our experience has been one of tragic and continuous failure.

We have failed to win a military victory, despite the commitment of overwhelming power.

We have failed to negotiate a peace, despite our willingness to make ever greater concessions.

We have failed to eradicate corruption or to build a popular and democratic government.

We have failed to protect the lives and property of the people of South Vietnam, although we originally intervened for this very purpose. Instead, in response to the military needs of the moment, we have spread explosive and chemical destruction up and down the nation, from which the land and the people may never recover.

Our failures in Vietnam itself, however, are but a part of the tragedy. The indirect damage caused by the war, on a worldwide scale, may well have more permanent impact.

We have countenanced an expansion of the war powers of the President beyond the fair intent of the Constitution, to the point where Congress and citizens alike begin to fear for the future of the democratic process.

We have come close to alienating an entire generation of young people, who are compelled to fight in a war which most regard as futile, if not immoral. The strain of the war sharpens our existing divisions and strengthens the opponents of our essential institutions of law and government.

We have diverted our energies from pressing needs at home and abroad because of

the war. While we have witnessed the proliferation of weapons of mass destruction and the rapid and dangerous deterioration of our environment, we have wasted our major resources on a war which is insignificant with respect to our national security, and irrelevant to our survival.

We cannot remedy past failures by compounding them, nor salvage our national pride by extending a war we cannot win. What we can do and should do is withdraw, so that we can start afresh. Then, and only then, can we effectively set about building a secure and inhabitable world.

Alexander B. Aikman, Arthur R. Albrecht, Walter R. Allan, Gary S. Anderson, Michael B. Anderson, William H. Armstrong, Harold A. Ashford, Leigh Athearn, Laurence A. Aufmuth, John P. Austin.

Reese W. Bader, David M. Balabanian, John G. Bannister, Jr., David E. Baudler, Jeffrey F. Beck, John Roger Beers, John C. Begley, James H. Benney, Gary D. Berger, Lucius P. Bernard, Keith Betzina, William A. Beucne, Jr., J. David Black.

George A. Blackstone, Leighton M. Bledsoe, Gary M. Bloom, Robert Blum, Ralph E. Boches, Stephen V. Bonse, Alan D. Bonapart, John L. Boudett, Matthew P. Boyle, Leo E. Borregard, John L. Bradley, Alexander L. Brainerd, Roland E. Brandel, Jerome Braun, Susan S. Briggs, Thomas S. Brigham, William F. Broll, James J. Brosnahan, Peter S. Buchanan, David E. Bunim, J. Bradley Bunnin, T. Robert Burke, Richard C. Burton, Robert J. Burton, William J. Bush.

James T. Caleshu, Alexander L. Calhoun, Jr., Richard W. Canady, Alan Carlton, Russell B. Carpenter, Anthony Cary, Curtis M. Caton, Maryellen B. Cattani, Robert Cheatham, Gary B. Christiansen, William B. Christy IV, Thomas Lyman Chun, Charles H. Clifford.

George H. Clyde, George H. Cole, Jr., Francis J. Collin, Jr., Eric Collins, John C. Cook, John S. Cooper, Stephen A. Cowan, Joe C. Creason, Jr., Eugene C. Crew, M. L. Crimmins, Charles W. Craycroft, Michael J. Cullen, Lawrence E. Curfman III, Edwin L. Currey, Jr., John H. Cutler.

Anthony P. David, James E. Davidson, Craig Davis, Dario DeBenedictus, S. W. Delich, Bernard J. Della Santa, Larry B. Dent, Paul Dezurich, Philip E. Diamond, Lloyd W. Dinkelspiel, Jr., La Verne L. Dotson, Jerome C. Dougherty, William J. Dowling, Jr., William J. Dowling III, Lawrence E. Dosssee, Richard A. Dumke.

John A. Eddy, Lawrence Edelman, Robert Edmondson, Richard M. Eigner, Roy Eisenhardt, John G. Eliot, Jr., Harry B. Endsley, Robert S. Epstein, William D. Evers, Harden R. Eyring.

Robert H. Fabian, Jerome B. Falk, Jr., Seymour Farber, F. Conger Fawcett, Jesse Feldman, Donald K. Felt, Frederick S. Fields, Timothy H. Fine, R. Frederic Fisher, Hartly Fleischmann, Roger J. Fleischmann, John A. Flynn, James T. Fousekis, John W. Fowler.

Alan L. Fox, James B. Frankel, Jefferson Frazier, Alan C. Freeland, Robert Fremlin, Edwin A. Frey, Jr., Ronald L. Friend, Stanley Friedman.

John Gage, Gary Garfinkle, James Ganshill, James J. Garrett, Jean C. Gaskill, Robert P. Gates, Robert J. Gelhaus, Faye Generes, Michael Gettleman, Anthony C. Gilbert, Richard I. Gilbert, S. F. Gillmar, Willard D. Gilson.

Henry L. Glasser, Gerald K. Gleason, Jean W. Gleason, George H. Gness, Jr., Thomas Goetzl, Melvin R. Goldman, Charles Evans Goulden, Richard L.

Goff, Greig A. Gowdy, Stephen Grant, A. Crawford Greene, Bruce R. Greene, Richard L. Greene, Noble K. Gregory, Joseph R. Grodin, Richard J. Guggenheim, Andrew B. Gustafson, Richard E. Gutting, Jr.

Raymond P. Haas, Michael J. Halloran, J. Thomas Hannan, Kristina M. Hanson, Robert M. Harlick, Robert L. Harmon, James E. Harrington, Jr., Richard Harrington, H. Donald Harris, Jr., David R. Harrison, Darryl A. Hart, John N. Hauser, Douglas A. Haydel, Lauffer T. Hayes, James K. Hayes, Victor A. Hebert, Alexander M. Hehmeyer, David M. Heilbron.

Louis H. Hellbron, Robert C. Herr, Mortimer H. Herzstein, Richard G. Hildreth, Albert J. Hillman, Patrick S. Hobin, Fred C. Hoffman, John Hoffman, Claude H. Hogan, Paul E. Homrighausen, John B. Hook, Gilbert L. Horrick, W. E. Horwich, Henry W. Howard, Herman H. Howerton, Larry Hultquist, Bruce W. Hyman, William Michael Hynes, William R. Irwin.

James A. Jablonski, Robert E. Jack, Bartlett A. Jackson, Donatas Januta, Carol S. Johnson, Reverdy Johnson, Richard C. Johnson, Stephen C. Johnson, William F. Johnson, Willoughby C. Johnson, Eric W. Jorgensen.

Wallace L. Kaapcke, John Kagel, Daniel H. Kane, Jr., Richard M. Kaplan, Mark O. Kasanin, Eugene W. Kaster, Mark E. Kaufman, Michael J. Kelly, Roger Kent, Donald B. King, Dillman C. Kinsell, Jr., Richard S. Kinyon, Robert C. Kirkwood, James P. Kleinberg, Allen E. Kline, Jack G. Knebel, M. L. Korbholz, Carole A. Kornblum, Guy O. Kornblum, Thomas F. Kostic.

Thomas M. Lacey, Boris H. Lakusta, Lawrence R. Lanctot, John R. Laughlin, Thomas A. Lee, Jr., Charles A. Legge, Peter S. Leiter, Nancy C. Lenvin, Carl A. Leonard, Richard N. Light, M. Peter Lillevand, Jay S. Linderman, Peter E. Lippett.

Paul Little, Robert C. Livsey, H. Helmut Loring, Edwin N. Lowe, Jr., John B. Lowry, David L. Ludvigson, Philip J. Luks, Weyman I. Lundquist.

William R. Mackey, James R. Madison, Donald H. Maffly, Paul C. Maier, Robert L. Maines, Gerald D. Marcus, Alan Marer, Michael E. Marron, John S. Martel, William J. Martin, Jr., Joseph G. Mason, Michael L. Mellor, R. W. Meredith.

James E. Merritt, Robert A. Mills, Matthew P. Mitchell, Marc H. Monheimer, Graham B. Moody, Jr., Ralph James Mooney, John L. Moore, Albert J. Moorman, Thomas E. Montgomery, Frank B. Morgan, C. Blaine Morley, Robert B. Morrill, Richard B. Morris, Ronald B. Moskovitz, Robert E. Murphy, Patrick A. Murphy, Richard Murray.

J. Richard MacMichael, James R. McCall, D. Thomas McCune, Robert McGrouther, Jr., Thomas B. McGuire, William D. McKee.

Kenneth C. Nagel, Noel W. Nellis, Bruce A. Nelson, David E. Nelson, David C. Nolan, Robert E. Ohlbach, Michael L. Owen.

Harry Page, Michael L. Parker, Leslie S. Patrick, Leonard M. Patterson, Girvan Peck, Alvin H. Pelavin, Ronald C. Peterson, Barbara A. Phillips.

Theodore W. Phillips, Stuart Pollak, Terrence V. Ponsford, M. Laurence Popofsky, John C. Porter, William L. Porter, Charles F. Prael, Charles F. Preuss.

Robert Ralls, Robert D. Raven, Thomas Ray, Donald Read, Barry Redey, John A. Reding, James E. Reed, Charles W. Reese, Francesca Reese, John R.

Reese, Toni Rembe, Louise H. Renne, Paul A. Renne, Theodore E. Rhodes.

Denis T. Rice, Grantlen E. Rice, Norman B. Richards, Stephen D. Richards, Earl M. Ripley, Craig S. Ritchey, Sidney E. Roberts, Jerry Robinson, Walter J. Robinson, Joseph W. Rogers, Jr., Gayle Nin Rosenkrantz, James W. Rosenquist, Robert R. Rosson, Jr., Edward W. Rosston, Asher Rubin, Charles S. Ruby, Charles W. Rumph, Theodore A. Russell.

Jonathan H. Sakol, Paul J. Sax, Steven L. Saxe, Walter C. Schleman, Robert L. Schmalz, Matthew A. Schumacher, Douglas M. Schwab, George A. Sears, Robert A. Sellgson, John C. Shaffer, Jr., Thomas R. Shearer, Jr., John W. Sheehy, Jr., Stephen Shefer.

Ron Shumway, Richard J. Siggins, Arthur Silberman, Thomas Silk, L. B. Silver, Stephen H. Silver, Richard M. Sims IV, Jeffrey A. Skinner, Donald A. Slichter, Frank H. Sloss, Marshall L. Small, N. Richard Smith, Deene Goodlaw Solomon, Victor D. Sonnenberg, John R. Sparks, Leonard M. Sperry, Jr., Hart H. Spiegel, Michael S. Spiegel, John A. Sproul.

Robert G. Sproul, Jr., John O. Stansbury, Robert L. Steele, William W. Sterling, Julian N. Stern, Harold Albert Stone, Diana Stoppello, David Strain, Ross E. Stromberg, Peter N. Swan.

William E. Taggart, Jr., Peter E. Taussig, David A. Tegethoff, Stephen M. Tennis, Thomas D. Terry, Ernest C. Thayer, Kirtley M. Thiesmeyer, Robert Thompson, James O'M. Tingle, Gary J. Torre, George D. Tuttle, E. Thomas Unterman.

David J. Van Dam, Peter J. Van Every, Paul W. Vapnek, Paul H. Verriere, Jr., Charles E. Voltz, C. Richard Walker, Gary T. Walker, Edgar B. Washburn, William W. Watkins, Paul A. Webber.

Gordon M. Weber, Edward A. Weiner, Philip R. Weltin, Christopher A. Westover, Howard M. Wexler, Malcolm E. Wheeler, Robert J. White, Nelson H. Wild, Robert W. Williams.

Francis G. Willmarth, Wisner, Paul T. Wolf, Sheldon H. Wolfe, Gerald A. Wright, Thomas Y. Yasuda, E. Anthony Zaloom, William J. Zeigler, Jr., Norman A. Zilber.

CHEETAH CHARTER BUS SERVICE CO.

Mr. GOODELL. Mr. President, I invite the attention of Senators to the fact that the Interstate Commerce Commission has approved the application of the Cheetah Charter Bus Service Co. to operate a charter bus service between Manhattan, north of 110th Street, and 19 States. I commend the ICC for taking this action.

The Cheetah Charter Co. is a private domestic stock corporation, located in Harlem. It is a black-owned and operated enterprise which was formed to provide bus service to the black and Puerto Rican citizens of New York City. The Ford Foundation, Morgan Guaranty Trust Co., of New York, and Coalition Venture Corp. have loaned funds to the corporation for the purchase of buses.

The ICC hearing examiner, in his recommendation that Cheetah Charter be allowed to operate a service, pointed out that the owners of the company have been active in community affairs and that "their ties will enable them to better understand and meet the needs of their communities than a company not

located in the area or operated by people of different ethnic backgrounds."

There should be many more companies such as Cheetah Charter. This is why I have introduced a bill, S. 33, the Community Self-Determination Act, providing for new, locally controlled community development corporations, to promote the development of low-income urban and rural areas through a partnership of the people of the community, the private sector, and the Federal Government.

Mr. President, I ask unanimous consent that articles about Cheetah Charter, published in the New York Times and the Washington Post on February 10, 1970, be printed in the RECORD.

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

[From the New York Times, Feb. 10, 1970]

HARLEM COMPANY GAINS IN BID TO ICC TO RUN CHARTER BUSES

(By Douglas W. Cray)

The Cheetah Charter Bus Service Company, Inc., a fledgling enterprise with headquarters at 40 West 135th Street, announced yesterday that it had moved a step closer to the day it could start doing business.

Cheetah, which describes itself as "minority owned" and has as its symbol a drawing of the swift African animal, was found by an Interstate Commerce Commission examiner to be "fit, willing and able properly to perform [charter, interstate, bus] service."

Cheetah's founder and president, Douglas S. Gray, and other principals in the new corporation, said that the I.C.C. examiner's recommendation on its application to provide charter bus service had been filed with the commission on Wednesday. The original application was filed by Cheetah, a private domestic stock corporation, last March, 19.

Barring formal exceptions to the recommendation by examiner William J. Bateman by established intercity carriers in the 30-day period from last Wednesday or a rejection by the full commission of the examiner's recommendation, Cheetah expects to be "on the road" by April.

The I.C.C. examiner, who presided at hearings held in New York last fall, recommended departure points in Manhattan from 110th Street north. Destination points include four counties in New Jersey and range throughout 19 States.

According to the most recent I.C.C. figures available, operating revenues from charter service in 1968 for 176 Class I carriers amounted to \$88,910,355. The annual business volume, including tours, conferences and the like, has been steadily expanding in recent years, according to industry sources.

Mr. Gray, 41 years old and a native of New York City, worked for 11 years with the former Fifth Avenue Coach Lines. Cheetah was incorporated on Oct. 20, 1968.

Mr. Gray said at yesterday's news conference:

"The findings of the examiner, while not altogether agreeable to us, do represent recognition of the rights of black and Puerto Rican people to own and operate an interstate facility. At the same time, the findings cannot help but instill new faith in the Nixon Administration's program of bringing these much neglected citizens into the mainstream of the nation's economy."

Also attending the news conference, which was held in the community room of the 125th Street Medical and Dental Building, was Joseph E. Legree, 37, a native of Montgomery, Ala. Presently employed as a supervisor or maintenance training with the Manhattan and Bronx Surface Transit Operating Authority, Mr. Legree will be mainte-

nance manager for Cheetah. Thomas L. Granger, 59, who is secretary treasurer of the new firm and senior administrative assistant in the personnel department at the Operating Authority, was also there.

Guy A. Guyton Jr., 40, Cheetah's vice president, was in Detroit, it was explained, discussing with the General Motors Corporation such details as the interiors of the company's five new buses, which will cost \$75,000 each.

A news release expressed Mr. Gray's thanks for funding commitments to the Morgan Guaranty Trust Company of New York, the Ford Foundation, the General Motors Acceptance Corporation and the Coalition Venture Corporation of the New York Urban Coalition.

Thanks were also expressed to the 57 witnesses who appeared on behalf of the Cheetah's application at the I.C.C. hearings last fall and, for their support to Representatives Shirley Chisholm, Adam Clayton Powell and William Pitts Ryan, all Manhattan Democrats, and Governor Rockefeller, G. Donald Covington and Charles Williams were thanked for their services as legal counsel for Cheetah. Tribute was also paid to Edward Thomas for advertising and display work and to John H. Young for public relations assistance.

[From the Washington Post, Feb. 10, 1970]

ICC EXAMINER BACKS A HARLEM-BASED BUS LINE

(By William H. Jones)

An Interstate Commerce Commission examiner, finding that charter bus service in Harlem is inadequate, has recommended approval of a black-owned firm's application to operate buses between New York City and 19 states, plus the District of Columbia.

The examiner, William J. Bateman, said that although established carriers have shown no discrimination against Negroes, service "has not been enough to meet all of the reasonable needs of the Harlem community for charter bus service," particularly during the summer.

If the recommendation, which was made public yesterday, takes effect, the Harlem company—backed with loans from the Ford Foundation and Morgan Guaranty Trust Co.—would gain a foothold in a rapidly growing sector of the bus industry, serving an area from Maine to the Carolinas.

The application, by Cheetah Charter Bus Service Co. was opposed by more than 20 bus firms, including Greyhound and Trailways. The established carriers argued that there are enough companies to handle the business, that by dividing revenues the ICC would be impairing company profitability, and that there was no new business to develop in the Harlem community.

The ICC examiner, however, said the record showed Cheetah "could develop a significant amount of new business in Harlem."

Cheetah's three owners, said the examiner, "are black people who have lived long in the Harlem area . . . and have, they believe, perceived a need for an additional charter bus service."

The Ford Foundation, Morgan Guaranty and Coalition Venture Corp. loaned to Cheetah enough money (\$200,000) to buy a new, 49-passenger bus, and to make down payments on four additional buses. Purchase of the buses will be financed through General Motor Acceptance Corp.

As of the date Cheetah would start operations, the company would have total assets of \$354,400 and liabilities of \$339,400.

Nearly 40 groups supported the application, including the Urban League, NAACP, the National Association for Puerto Rican Civil Rights and the Harlem branch of the YMCA.

They testified that established companies are so busy that reservations must be made months in advance, that it was often impos-

sible to order additional buses, and that in the case of Puerto Ricans, drivers were uncooperative, perhaps because of a language barrier, Cheetah proposes to provide bilingual drivers.

The examiner noted that the black and Puerto Rican population of New York City now exceeds 2 million. He recommended that Cheetah be allowed to serve only that area of Manhattan north of 110th Street.

THE GENOCIDE CONVENTION AND THE BUILDING OF INTERNATIONAL LAW: AMBASSADOR CHARLES YOST DRAWS THE IMPORTANT CONNECTION

Mr. PROXMIER. Mr. President, one of the most important factors we must consider in determining the merits of U.S. accession to the Genocide Convention is the effect that it will have on the building of international law.

Our Ambassador to the United Nations, Hon. Charles Yost, has recognized the vital nature of this aspect of the case for Senate ratification of the Genocide Convention. Mr. Yost is well acquainted with the process of international law. His distinguished background in the field of diplomacy lends his persuasive arguments a great deal of importance.

In his excellent testimony before the Foreign Relations Subcommittee considering this treaty, Mr. Yost noted that our accession to the Genocide Convention would serve the basic principle of strengthening "international order based on law and justice." It is his expert judgment that, "to serve that purpose is surely in the highest interest of our country."

Mr. President, I ask unanimous consent that a portion of Ambassador Yost's testimony be printed in the RECORD.

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

EXCERPT FROM TESTIMONY OF HON. CHARLES YOST

My second major point concerns the value of this Convention to another fundamental American interest, namely, the building of world law. The Genocide Convention, like the other human rights conventions which were subsequently negotiated, establishes as matters of international concern and jurisdiction certain specified aspects of human rights, in this particular case the right of national, ethnic, and religious groups to exist, to survive. Under the Convention, of course, the punishment of the prohibited offenses is left primarily to the national legal and judicial processes of the states parties. In this connection the Subcommittee will have noted the opinion of the Attorney General, in concurrence with the Secretary of State, that there are no constitutional obstacles to United States ratification.

Obviously none of us can foretell the value of this convention in times to come. As one whose field is diplomacy rather than law, I am well aware that the building of a body of law in the community of sovereign nations is an agonizingly slow and difficult process. But surely the necessary foundation of any effective law, whether domestically or internationally, is public opinion, and a broad public consensus as to what is right and what is wrong. This Genocide Convention is an assertion by the community of nations that a certain particularly heinous act, perpetrated against any national or ethnic or racial or religious group whatsoever, is wrong—wrong not only in the domestic law

of this or that state, but wrong also in the law and opinion of the community of nations itself. That is a very great statement of principle for the community of nations to have made. I strongly believe that the formal acceptance of that principle by the United States of America, with our position of power and our historic commitment to justice, will not only be helpful to our reputation in the world. It will, in addition, serve that basic purpose which President Nixon, in his message to the Senate on this subject, called "the building of international order based on law and justice." To serve that purpose is surely in the highest interest of our country.

WALTER REUTHER

Mr. FULBRIGHT. Mr. President, the Nation has lost an outstanding leader with the death of Walter Reuther, president of the United Automobile Workers.

I join with many other Americans in expressing shock and sadness over the death of Mr. Reuther, his wife, and four others in the plane crash in Michigan.

Mr. Reuther, in addition to being an exceptionally able and effective labor leader, exerted influence and leadership far beyond his own union. He demonstrated a great concern for the major social problems of our era and worked continually to overcome them.

He was a courageous and forceful leader who did not hesitate to speak out on important issues. He was a true leader in that he constantly broke new ground and always endeavored to educate the members of his union and help them to develop a social conscience.

In the difficult times through which this country is living, he will be sorely missed.

LEGAL ASPECTS OF CAMBODIAN ACTION

Mr. PELL. Mr. President, during the past several days, the attention of the public and the media has been focused on dramatic expressions of dissent and protest against U.S. policy in Southeast Asia, and on real or feared violence here at home.

Fortunately—and it is a great tribute to our young people—there has been relatively little violence over this weekend.

But there has been a marked tendency during the past few days to concentrate on analysis of the motives and behavior of dissenters, rather than on the justification or lack of justification, the rightness or wrongness of our President's policy in Southeast Asia.

I would hope that we will not be distracted entirely by sociological examinations of the very widespread public protest. The public media, and we in Congress, must not forget that policy questions lie at the heart of the current unrest.

The Columbia Society of International Law, whose members are students at the Columbia University School of Law, have made a study of one important aspect of our President's policy in Cambodia—whether U.S. actions in Cambodia are in accordance with our obligations under international law.

The conclusion of their analysis is that the U.S. military action in Cambodia violates both the provisions and the spirit

of international law and agreements to which this Nation has subscribed. And I agree with their view.

I ask unanimous consent that the analysis of the international legal aspects of the Cambodian action, prepared by the Columbia Society of International Law, be printed in the RECORD.

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

ANALYSIS OF LEGAL ASPECTS OF CAMBODIAN ACTION

Throughout history, and especially since World War II, the United States has been a leading proponent and defender of freedom and independence for all nations of the world. It has helped initiate and has supported efforts to establish a system and a world community based upon respect for international law, for the right of self-determination of all peoples of the world, for the peaceful settlement of disputes and for all the principles of the United Nations Charter.

UNITED NATIONS CHARTER

In the Preamble to the U.N. Charter we affirmed our determination "to save succeeding generations from the scourge of war . . . to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained . . . and for these ends . . . to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest. . . ."

Article One states that one of the purposes of the United Nations is ". . . to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace. . . ." Most importantly, in Article Two we agreed to act in accordance with the principles that "All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered. All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

By unilaterally sending United States military units into the neutral territory of Cambodia, without the invitation or consent of the Cambodian government, and without consulting the Security Council, the United States has committed a grave breach of international law. This decision seriously threatens the principles of the United Nations, the principles which in the past the United States has staunchly supported.

This intervention also violates the domestic law of the United States. After due ratification, the United States Constitution declares that a treaty becomes the "Supreme Law of the Land." No action short of total withdrawal from and renunciation of the Charter can terminate our obligation to act in accordance with every one of its terms. Since we have not renounced or withdrawn our ratification of the United Nations Charter, our actions are an unconstitutional and unjustified violation of United States Law. Clearly, the U.N. Charter is in full force as law of the United States, and just as clearly, we have violated its provisions and its spirit.

SEATO TREATY

Under the South-East Asia Collective Defense Treaty, Secretary of State Dulles told the Committee on Foreign Relations in 1954 that action would be taken by the United States only "in accordance with its constitutional processes." This, he explained,

meant that action would be taken only after consultation with Congress. In approving the SEATO Pact, it is clear that Congress expected to be consulted prior to each United States military intervention in a country covered by the Treaty.

Cambodia did not become a member of the SEATO pact. The SEATO signatories, however, included Cambodia as a protocol party and not as a member of the organization. Cambodia has renounced its protocol status and has proclaimed its neutrality for many years. But even the SEATO Treaty itself, which accords to its members a unique power of unilateral intervention in the territory of a protocol party as well as members, specifically states that "no action shall be taken except at the invitation or with the consent" of the government. The United States has violated this provision by initiating military action without obtaining Cambodia's prior consent.

UNITED STATES POLICY

The State Department has repeatedly justified our involvement in Vietnam on the basis of the SEATO Treaty, and has said that additional legal support was given to this position by the Joint Resolution of Congress of August 10, 1964 (The Tonkin Gulf Resolution). Section 2 of that Resolution, however, affirms that the minimum condition for military engagement on the soil of a non-belligerent nation is the request of the other government. It states that ". . . the United States is . . . prepared . . . to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

The fact that our administration has failed to cite any request for armed intervention shows that it has failed to satisfy the most basic requirements of the Tonkin Gulf Resolution as well as of the SEATO Treaty. It is inconsistent and hypocritical for this country to condemn the Soviet Union for invading Czechoslovakia and then to invade Cambodia without the invitation of the Cambodian government.

It has been suggested that although Cambodia did not invite the United States to enter its sovereign soil in force, it has ratified our intervention by subsequent actions. The belated acquiescence in or "appreciation" of our intervention by the weak and unstable Cambodian government, faced with a military *jait accompli* by the world's greatest military power, cannot detract from the fact that the United States invaded a small country without its consent or invitation, in total disregard of its sovereign rights.

The United States is in fact applying the very kind of power politics for which we condemn the Soviet Union. But the consequences of their invasion of Czechoslovakia cannot compare to the devastation and prolonged civil war which will now engulf this defenseless country. Our latest military expansion is likely to lead to direct confrontation with the other major powers in an area in which China has particularly strong regional interests, at least as strong as those claimed by the United States in the Western Hemisphere.

If we are opposed to anarchy and contempt for the law domestically, we should also be opposed to it internationally. Recently, Under Secretary of State Richardson announced the doctrine of spheres of mutual restraint. The breach of our own doctrine would encourage other powers to act unilaterally, in the areas in which they have superior conventional power. What we do, we cannot expect other nations to refrain from doing.

The President has attempted to justify American actions as necessary to protect American troops and the Vietnamization program. It is clear, however, that this is not a valid exercise of the right of self-defense em-

bodied in Article 51 of the U.N. Charter. It has long been accepted, and was affirmed by the Nuremberg Tribunal, that invasion of a neutral territory for self-protection is justified only if there is a necessity for self-defense, instant, overwhelming and leaving no choice of means and no moment for deliberation. The United States' massive, unannounced strike into Cambodia failed to meet this standard at the outset—and reports from Cambodia fail to disclose evidence of a threat sufficient to satisfy the requirement of overwhelming necessity.

The administration has made no effort to justify its actions in the light of international law. Not even lip service was given to law when our troops crossed the Cambodian border. Just five days before Operation Total Victory began, Secretary of State Rogers censured North Vietnam for violating its treaty commitments to respect Cambodia's neutrality. He went on to say, "A more explicitly and unprovoked violation of the fundamental provisions of the Charter of the United Nations and of additional specific international obligations to respect the territory of others could hardly be imagined." The Secretary's words describe exactly our invasion of Cambodia. This action is demonstrative of the administration's contempt for and disregard of international law.

CONGRESSIONAL RESPONSIBILITY

It has been asserted that the President has sole decision-making power in this area as Commander-in-Chief. Although, by an evolutionary process, the Executive has gained the power to use the military in the conduct of foreign affairs *short of war*, the Congress still retains the sole power to declare war and to appropriate funds to support any military involvement.

Inherent in the power to declare war is the power to limit war activities and to declare the end of wars. The recent Resolution on Laos and Thailand was an expression of this power in declaring that the geographical extent of our ground involvement in Southeast Asia would stop at the borders of those countries. This was not an attempt to limit the Executive's power to conduct foreign affairs in those areas, but was an expression of Congress' sole responsibility to declare and limit war. Congress has the power to exercise the same responsibility in regard to our action in Cambodia.

We request the Congress of the United States to resolve that United States forces be immediately withdrawn from Cambodia, and to reaffirm our intention to respect the principles of the United Nations Charter and of international law.

THE CAMBODIAN DECISION

Mr. HART. Mr. President, while I deplore the decision to send U.S. soldiers into Cambodia, the question immediately at hand is what we do now that the expansion of the war is fact.

The President's announcement of his decision raised more questions than it answered.

His announcement did not make clear the full extent of the gamble.

A thoughtful discussion of the gamble appeared in the Washington Post of May 3, 1970.

Written by Josiah Lee Auspitz, president of the Ripon Society, a research and policy group of Republicans, the piece makes clear that the gamble "has got to be sharply defined and limited."

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 Washington Post, May 3, 1970]
CAMBODIA A TRAP NIXON EVADED IN 1967
(By Josiah Lee Auspitz)

The contingency plan which President Nixon has now dusted off for a massive search-and-destroy mission into Cambodia is similar to those which he opposed courageously and publicly in November, 1967.

At that time, Gens. Dwight D. Eisenhower and Omar Bradley, on nationwide television, advised hot pursuit and an "end run" on Communist forces beyond the borders of South Vietnam. Within 24 hours, Mr. Nixon responded in careful but unmistakable language, dissociating himself from this suggestion.

An expansion of the war, he said, was not advisable at that time.

He was right in the fall of 1967, and the Ripon Society praised him for helping to prevent a possible escalation of the war, even at the price of differing with Ike. He is wrong to embrace this plan now, and the manner in which he has made his decision suggests that he is in danger of falling into the same kind of bureaucratic trap that caught President Kennedy in the Bay of Pigs and enmeshed Lyndon Johnson in Vietnam.

UNDERESTIMATED FACTORS

The decision to go into Cambodia was doubtless presented to the President as a low-risk venture, as a quick surgical operation. American troops would clean out North Vietnamese base camps and then use this victory to gain a quick and favorable negotiated settlement.

But such a view of the Cambodian operation gives scant attention to the nature of the terrain, the problems of information flow into the White House, the implications for the Vietnamization program, the likely responses of other actors in Indochina, the global implications for American foreign policy and the consequences for American political institutions.

Mr. Nixon appears not to have considered these factors adequately. As a result, he has for the first time put himself in a position—which he can still reverse—in which he is the victim rather than the commander of his foreign policy bureaucracy.

1. The nature of the terrain: On the simple maps Mr. Nixon used in his talk, the operation looks very easy, but in fact the terrain is heavily overgrown. The area north of the Parrot's Beak is forest on both sides of the border.

The Communist headquarters (COSVN) that U.S. troops are seeking to destroy has in the past been moved around on both sides of the border between Cambodia and South Vietnam. When COSVN was thought to be located on the Vietnamese side, it was subjected to B-52 raids and major ground sweeps but it was not destroyed. If U.S. operations were not decisive on the South Vietnamese side of the border, there is no reason to assume they will be more successful in finding the camps on the equally overgrown Cambodian side.

Even if the sweeps do succeed in producing high "body counts," they probably will not achieve their basic goal of improving permanently the American negotiating position. Suppose, for example, that U.S. forces succeed in killing half the top 100 officers of the North Vietnamese army. Communist activities would no doubt be disrupted for a time, but a disruption of a few months will not change decisively the aims or capabilities of a 25-year-old Communist organization bent on unifying Indochina.

2. Information flow: It is doubtful whether the President can get an independent estimate even of the success of the military operation. There will be scant press reports. The military reports will inevitably be biased by the high political risk to the President in undertaking this operation.

If the operation "fails," those who planned it can expect demotion, dismissal or retirement. Their response, if it follows human nature, will be to report success wherever possible and to find pretexts to get more time and resources if the results are inconclusive.

Press reports suggest that the Cambodian operation will be given six to eight weeks to succeed. By eight weeks at the latest, therefore, the President should abandon this operation—either as a success or a failure. An inconclusive result should be judged a failure, and he should take steps to assure himself of the accuracy of the information on which to base such a judgment.

3. Vietnamization: The areas adjacent to Cambodia (the Mekong Delta and Saigon) which the President now wants to protect have already been turned over to the South Vietnamese for defense. Indeed, the defense of the delta and Saigon by ARVN (the South Vietnamese army) has been publicly hailed by the administration as a sign of success of the Vietnamization program.

It is a contradiction of these past claims to suggest, as the President has, that the lives of American troops are potentially in danger in these "Vietnamized" areas. If ARVN is strong enough to mount an attack across the border, it should be strong enough to defend the Mekong Delta and Saigon.

The U.S. public can only conclude either that it has been misled about the success of the Vietnamization program or that it is being misled now about the reasons for the Cambodian operation.

4. Possibilities of wider involvement: The risk of an all-Indochinese war is reduced by Mr. Nixon's unfortunate willingness to assume the far greater risk of nuclear confrontation. But should a wider land war develop, the roles played by Thailand, Red China and North Vietnam will be crucial.

The Thais: On April 21, the Thai premier announced that troops had been moved into position along the Thai-Cambodian border for "security" reasons. This suggests possible Thai occupation of the parts of Cambodia on which Thailand has a traditional claim, as well as Thai involvement in the lowlands of Laos, whose inhabitants are ethnically Thai.

The Chinese: They are building a road from Yunnan Province through northwestern Laos into Burma to give them an outlet to the sea for the export or raw materials. Should Thai or North Vietnamese armies move into this area, the Chinese might well occupy the territory needed to secure their road.

The North Vietnamese: Within the Nixon administration, two contradictory arguments seem to have been used to justify the Cambodian venture. On the one hand, it was argued that the North Vietnamese would be too weak to counterattack; on the other hand, it was asserted that Hanoi's forces were so strong that failure to move into Cambodia would lead to a rout of U.S. forces as they withdrew.

Both of these contradictory assumptions can be found in the President's address, and they give one an uneasy feeling of nuclear purpose.

In fact, the North Vietnamese have a number of possible responses to the U.S. operation. They can take Phnom Penh; they can simply try to elude the Americans in the overgrown Cambodian terrain with which they are more familiar, or they can counterattack in areas of South Vietnam from which U.S. mobile units have been removed to free troops for the Cambodian operation.

The President's dark hints at the end of his speech about past crises in American military history suggest that he is planning to respond to North Vietnamese counterattacks by threatening a nuclear confrontation or a full-scale bombing of North Vietnamese cities, harbors and dikes. Should the Cambodian operation turn into a Bay of Pigs, Mr. Nixon may be drawn into a nu-

clear confrontation like that of the Cuban missile crisis (Kennedy's . . . "finest hour," the President called it).

5. Consequences for American democracy: Secretary of State Rogers had publicly assured the Senate Foreign Relations Committee that he would consult with it before any new commitment of American forces. He did, indeed, appear before that committee last Monday, but he gave it no clear notice of the ARVN invasion of Cambodia on Wednesday or the American search-and-destroy operation Thursday. He thus showed a serious disregard for the prerogatives of elected officials and for constitutional procedures.

Even if the Cambodian operation is "successful," it may subject Mr. Nixon to such bitterness that the Republican leadership will have to be extraordinarily resourceful to avert a permanent breach between the Executive and Legislative Branches.

6. The global perspective: The overriding defect in the President's three speeches on Vietnam was that they failed to put the war into clear perspective in the global context of U.S. foreign policy. The President has perpetuated the notion that the United States and Hanoi are engaged in a contest of will and bluff—in a poker game—and that if Washington appears to lose, its commitments everywhere in the world will be in jeopardy.

In fact, the United States is engaged not in a poker game, but a chess game. Its major adversary is not Hanoi, but Moscow; North Vietnam is but a corner of the board. And while American resources and attention are occupied there, Moscow is able to pick up pieces in the Middle East, Africa, Europe and Japan.

UNDERSTATED LIMITS

The only way President Nixon can regain control over this situation is to impose strict limits on the incursion into Cambodia. White House briefings have defended the operation as focused on a target within 20 miles of the border—one which can be captured or destroyed within six to eight weeks.

But these specific limitations were not in the President's speech, nor, to all appearances, have they been made operational in orders to the military. Nor have they been made credible to foreign powers capable of widening the war.

This gamble has got to be sharply defined and limited, and its results coldly evaluated over the next eight weeks. If the President doesn't do this, the Congress should.

DEATH OF WALTER P. REUTHER

Mr. McGEE. Mr. President, the late Walter Reuther was quite a man, as I am sure even those who disagreed with him or did battle with him over the past 2 dozen years or more agree. His untimely death, along with the death of Mrs. Reuther and the others aboard the plane that crashed in Michigan Saturday night, is widely lamented. I share in the sense of loss at the passing of a man who was both a great labor leader and a great citizen.

Walter Reuther was a man of strong conviction and immense determination. Over his long tenure as president of the United Auto Workers, he proved himself an able, effective leader and representative of working men and women. But his dedication did not stop with his job. He was in the forefront of virtually every cause waged for the downtrodden in this country, tirelessly serving a much wider constituency than that which kept him at the helm of the UAW.

Mr. President, not only the UAW, but the cause of all organized labor, has lost a great leader. Not only the poor and the disadvantaged, but all Americans, have lost a true friend. He was an admirable man.

DEATH OF WALTER REUTHER

Mr. MUSKIE. Mr. President, Americans in all walks of life have lost a leader with the tragic death of Walter Reuther, of the United Auto Workers.

He was a leader not only of the millions he served during his lifetime but also of those who looked to him for an understanding of the creative genius of organized labor.

Walter Reuther was a spokesman for humane programs throughout his lifetime, always working toward bringing dignity into the lives of all men.

His influence stemmed from his intelligence and his innovative approaches. He was never afraid to try.

In these unstable times, his leadership and his wisdom will be sorely missed. We could provide no better tribute to his memory than to continue his valiant efforts.

THE 25TH ANNIVERSARY OF VICTORY BY ALLIED POWERS IN EUROPE

Mr. PELL. Mr. President, the past weekend marked the 25th anniversary of the victory by the allied powers in Europe during World War II. It is an anniversary that we observe with mixed thoughts and feelings, for the past 25 years have not brought to Europe the full peace and harmony for which we all hoped and for which we prayed.

I think that at this time Senators would be interested in the observations of a man who was personally involved in some of the tragic post-World War II developments in Europe.

Dr. Peter Zenkl served as Deputy Prime Minister of Czechoslovakia, as Minister of Social Welfare and Public Health, and three terms as Lord Mayor of Prague. During World War II, he was confined in Nazi concentration camps. He fled his home country after the Communist coup in 1948, and since that time has lived in exile in this country.

I knew Dr. Zenkl in connection with my own duties as a foreign service officer in Czechoslovakia. I ask unanimous consent that a statement by him on the occasion of the anniversary of the allied victory in World War II be printed in the RECORD.

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

STATEMENT BY PETER ZENKL

At the end of this week the entire world will commemorate the victory of the Allied Powers over Hitler. At no time before had the resources of mankind been mobilized to such an extent as they were during the Second World War for the victory of the very essence of civilized life against the onslaught of Nazi inhumanity. At no time before had so many individuals and nations suffered so much for their ideals. Today many of them owe their free existence to that sacrifice and enjoy its fruits.

But there are many whose suffering and sacrifice took them only from one kind of oppression to another. Such has been the fact of the people of Czechoslovakia. They were the first victim of Nazi aggression. Their splendid island of democracy in the heart of Europe was sacrificed for the empty promise of peace which was as ephemeral as the pledges of all dictators always are. The Czechoslovak people lost their defenses and their state and their spirit was hurt almost beyond repair. Yet during the Second World War the sons of that people found their way to the western as well as the eastern front and fought gallantly on the side of the Allies; on the home front Czechoslovak resistance never allowed the Nazis to take the occupied country for granted and produced hundreds of thousands of prisoners of war. The contribution of the Czechoslovak people to Allied victory under the most unfavorable conditions is beyond any doubt.

In 1945 the liberated Czechoslovakia looked forward to a future in freedom. In part delivered from Nazi domination by the armed forces of the United States which liberated the western part of their state, those "yankees of Central Europe" hoped that even though living on the borders of the Soviet empire, they would be able to carry on in the democratic tradition of their founding father, Thomas G. Masaryk. Three years later they fell victim to the overwhelming forces of Soviet-Communist tyranny. For two decades they suffered oppression, exploitation, and humiliation, as the rest of the world looked on. Yet, as the developments of 1968 proved, their spirit was never broken. The humiliated land was reborn almost overnight and tried to dedicate itself anew to the values and aspirations which we celebrate in the anniversary of the victory of 1945: freedom, dignity, and brotherhood of men. The tragic downfall of their dream equals the catastrophe of Munich, and the Soviet Union is all responsible for it.

The developments of 1968 were in part an attempt to place the relationship between Czechoslovakia and the Soviet Union on a new foundation. The new Czechoslovak leadership understood and also made it clear that it respected the interdependence of Czechoslovak and Soviet interests in the organization of Central Europe. At the same time, however, it finally came to understand that in the long run this interdependence could produce the maximum of mutual benefit only if Soviet coercion were replaced by Soviet recognition of Czechoslovakia's right to independence.

Fear, lack of self-confidence, failure of statesmanship, and ideological blinders prevented the Soviet Union from grasping this opportunity. In the absence of any external restraint, the Soviets nipped in the bud the Czechoslovak attempt at a new, free existence and coerced Czechoslovakia into a relationship that is even more unequal than that of the preceding twenty years. Their invasion and occupation produced, however, a reaction among the Czechs and Slovaks that obliterated whatever solidarity of interests between the two countries there might have been in the past. Instead of a search for the most suitable cooperation with the Soviet Union the liberation of their country from the Soviet grip now dominates the historical agenda of the Czechoslovak people more than ever before. The history of the Czechs and Slovaks should assure the Soviet Union that the issue will not disappear from their conscience and policies as long as they are not free.

On the occasion of the twenty-fifth anniversary of Allied victory, to which the people of Czechoslovakia contributed so bravely, the Free World salutes the Czechoslovak people and wish to assure them of the hope that before long they will be able to join the family of free nations. The Free World will not forget.

THE SAFETY OF ISRAEL

Mr. SCHWEIKER. Mr. President, my distinguished senior colleague from Pennsylvania (Mr. SCOTT), the Republican leader, has once again moved forcefully to help assure the safety of Israel and the Jewish people. I invite the attention of Senators to Senator SCOTT's latest effective actions by asking unanimous consent to have printed in the RECORD the texts of his May 7 letter to Secretary Rogers, his speech at the Israel Public Affairs Committee luncheon May 11, and his commemoration of the Warsaw ghetto uprising.

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

SENATOR SCOTT COMMEMORATES ISRAEL INDEPENDENCE DAY, ISRAEL PUBLIC AFFAIRS COMMITTEE LUNCH, RAYBURN HOUSE OFFICE BUILDING, MAY 11, 1970

For more than a quarter of a century, I have fought for an American policy which would help to restore the State of Israel and ensure its defense and survival.

I am still in that fight. I am here today—not only to salute Israel on her 22nd anniversary, but to reassert my conviction that a strong and dynamic Israel, able to defend herself and to deter her adversaries, contributes to the highest interest of the United States.

It does not serve the national interest of the United States to stand by as Israel is weakened militarily and economically.

I believe Israel is in danger today. I urge the Administration to resume the shipment of Phantom jets to Israel as soon as possible and to provide Israel with adequate economic aid so that her people, who are paying huge sums in life and resources, are not forced to carry this burden alone.

Continued failure to provide Israel with military and economic aid would embolden those who are determined to destroy her.

Some people in Washington have short memories.

In December 1947, a few days after the UN voted to partition Palestine, our Department of State imposed an arms embargo, preventing the future Jewish state from acquiring arms in this country. The 1948 war might have been averted, and many lives saved, if the United States had taken action then to arm Israel.

In the fall of 1955, after the Russians provided arms to Egypt, the United States refused Israel's appeal for arms, and sent her to the French. The Russians then expanded their shipments to Egypt.

In June 1967, we embargoed arms to Israel immediately after the six-day war, and, as a result, the Russians moved in and supplied Egypt, Syria and Iraq with more arms than they lost in the war.

This year, we again delayed action on an Israeli arms request, and the Russians have again increased their supplies to the Arabs, this time with Sam 3 missiles and with soldiers and technicians to operate them. Now we learn that Russian pilots are flying MIGS over Egypt.

I know that Israel has demonstrated her great qualitative superiority over the Egyptians, and there are experts who talk to computers and who are satisfied that Israel does not need weapons at this time. Well, unfortunately, computers are not accountable to anyone's conscience for disasters resulting from their miscalculations.

But the question here is not whether Israel has enough weapons to deter the Arabs. The frightening issue is whether Israel has enough military strength to deter the Russians. The obvious and even more frightening answer, in light of the recent disclosures, is "no."

I do not know anyone who can with any firm conviction predict what the Russians will do next. Perhaps such speculation is nightmarish fantasy, and should be dismissed. That may be easy for us. But it is not so easy for the Israelis to dismiss from their minds, what their eyes have seen.

One thing we can say with conviction. The Russians are more likely to act if they are convinced that we will stand aside. And they will begin to believe this if we turn aside from Israel's military aid requests.

We have heard a lot in recent months about Israel's image. Some of her critics say that she is losing ground with public opinion here.

But I would like to suggest that we Americans begin to think more soberly about the kind of image we have in the Middle East today.

It is commonly believed that we have held up on Israel's military aid requests with the hope of inducing the Arabs to the peace table. If that be so, it betrays our unpleasant facility for misjudging the psychology of the Arab states. Peace cannot be won either by giving them aid, or by denying it to their enemies.

They are not interested in deals or compromises. The present Arab leaders will continue to work for Israel's destruction until they, or their people, or the Russians, tire of the waste and the losses. They will begin to tire if they realize that we won't.

I don't think our country will ever tire of its support for Israel.

Last year, in association with Senator Abraham Ribicoff, I circulated a declaration which affirmed our support for direct Arab-Israeli peace negotiations. Congressman Celler circulated the same statement in the House, and we wound up with very impressive results. There were 70 Senators and 282 House Members. This year, declarations for direct negotiations gained 70 Senators and more than 300 House Members.

More than 15 months have passed since we began our talks with the Russians in an effort to expedite agreement. It is obvious that these talks are getting nowhere because the Russians will not agree to any compromise, and because they hope that we will abandon our support for Israel.

As long as we continue these talks, the chances for peace are obscure. When we get out of them and tell the Arab states that there is no alternative to direct Arab-Israeli peace negotiations, there may be some progress.

But, peace is still a long way off because we have missed opportunities in the past. I hope that the Administration will lose no time in taking the absolutely essential measures to prevent a renewal of hostilities. Keep Israel strong enough to keep the Arabs away from another war—and to win peace.

SCOTT AGAIN REQUESTS JET AIRPLANES FOR ISRAEL

Pennsylvania's U.S. Senator Hugh Scott renewed his request that Secretary of State William Rogers arrange to sell jet airplanes to Israel, especially in light of recent events. Text of letter follows:

MAY 7, 1970.

HON. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR BILL: The impact of recent developments in the Middle East, especially in light of the State Department's description as "unsatisfactory" of the Soviet Union's explanation for the commitment of Russian pilots in Arab aircraft, makes more essential than ever the sale of jet airplanes to the State of Israel on an extended basis.

I cannot urge too strongly the need for action. My views, of course, are well-known to you, and I have made this and similar requests many times in the past. But I believe these developments constitute one more oc-

casional on which I should like to express my feeling that action should be affirmative and that time is of the essence.

With best wishes,
Sincerely,

HUGH SCOTT,
Republican Leader, U.S. Senate.

SCOTT COMMEMORATES WARSAW GHETTO UPRISING

Mr. President, today marks the anniversary of the Warsaw ghetto uprising. On this day, we commemorate the 40,000 heroic Jews in Poland who chose to fight and die for freedom, dignity and honor rather than submit to the physical and spiritual humiliation of life in captivity and ultimate extermination.

In 1940, Nazi forces crowded one half million Jews from Warsaw and other sections into a cramped ghetto. Inhuman living conditions and starvation diets claimed some 85,000 lives by 1942 and 300,000 victims were transferred to labor and extermination camps. The next spring, the 40,000 Jews left in the ghetto learned that they "were to die to solve the Jewish problem."

Unable to accept passivity any longer, the remaining 40,000 armed themselves any way they could. On April 18, 1942, they began a well-organized military attack on their captors. For nearly four weeks, they resisted Nazi machine guns, incendiary bombs, heavy artillery, explosives and tanks.

In eleven days, 5,000 Warsaw Jews were killed in action, murdered in their houses or found dead in the wreckage. After five weeks, the ghetto was destroyed and the remaining 20,000 who escaped death were shipped outside Poland.

The Warsaw Jews chose to fight a hopeless battle against overwhelming odds rather than accept intolerable degradation and eventual demise. The memory of those heroic and tragic defenders of freedom serves as an inspiration to all people who fight oppression.

VIETNAM AND STUDENT UNREST

Mr. PELL. Mr. President, an advertisement in this month's issue of *Motor Boating* is, I believe, interesting not only because of what it says with reference to our adventure in Vietnam and student unrest, but also because it comes from a segment of society which has not been outspoken in its opposition to the war.

The Fisher-Pierce Co., of Rockland, Mass., has succinctly discussed some of the reasons for our present national discontent. In doing so, I truly believe they have been, to use an often abused word "courageous," for by doing so their business could markedly suffer. For this reason I think we should take note of their actions. I, for one, congratulate this firm on a most enlightened statement. It is a shame that other companies do not follow this lead.

I ask unanimous consent that it be printed in the RECORD.

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

ACCIDENT—OR CRIMINAL NEGLIGENCE?

The United States, quite accidentally, has committed a major atrocity in South Vietnam.

This comes from a sober, well documented article in the *New Yorker* magazine February 7. As many as a third of the babies born in heavily defoliated areas of South Vietnam may be deformed by the spraying of 2,4,5-T. Despite warnings of a laboratory study, put under a secrecy lid, the chemical is still being used.

When 2,4,5-T was used in lesser intensity in Arizona nearby animals and trees were killed, men sickened, and women had miscarriages, according to a *New York Times* dispatch February 8.

Fifty thousand tons of a chemical which produces deformities in fetuses of mice and rats have been sprayed on almost 5,000,000 acres of South Vietnam. The findings of Biometrics Research Laboratories were that the test animals were born with lack of eyes, cystic kidneys, and cleft palates. At the lowest dosage tested, 39 percent of the fetuses were abnormal, at higher dosages 90 to 100 percent.

Not only has the report on the dangerous side effects of 2,4,5-T, used in this country under a trade name, been kept secret from the U.S. public, but the Pentagon on October 10 announced there would be no change in its use of 2,4,5-T in Vietnam.

IS YOUR SON ON DOPE?

Before judging him personally, consider his alternatives.

At his age we "fascist pigs" had just grown tall enough to see over the rim of our personal oyster shell which contained a whole world of wondrous possibilities. Some of us could afford an interlude of bumming—around the world if we liked—or of learning life at first hand on "no account" jobs; at the least we could try to set out immediately on a career and family. World War II youth was denied this freedom but Mr. Hitler and his gas chambers gave them a fighting cause they could believe in.

But your son and his friends? They have just two choices: they can dodge the draft by subterfuge or leaving the country, or they can volunteer or be drafted, perhaps to assist in something like the defoliation exercise above or the alleged activities at My Lai. This they could rationalize if only they believed in the reality of a threat to their country's interests which could justify the fighting and the inevitable excesses of warfare.

But they do not believe the issues in Southeast Asia are our issues; rather that they would become unimportant if our presence were removed. To do a military stint in the interests of national and personal fitness is one thing; to do it and assist a policy that you believe lies somewhere between insane and criminal is another.

This dilemma should not drive your son to dope; but if it did, help him kick it and understand what he's looking at. If you'd do your bit to get the Pentagon back in the corral where it belongs, your son might even admire you.

SENATOR GOODELL OPPOSES PENN CENTRAL'S DISCONTINUANCE OF 34 EAST-WEST PASSENGER LINES

Mr. GOODELL. Mr. President, in New York City today, the Interstate Commerce Commission began on-site hearings on the request by the Penn Central Co. to discontinue 34 of its long-distance passenger trains.

Penn Central's announced decision represents the culmination of years of failure by the railroads to meet the needs of the public for adequate intercity rail transit. If this plan ever went into effect, it would be the death blow to cross-country passenger service and would severely disrupt our already unbalanced transportation system.

Last week, the Senate overwhelmingly passed a bill to establish a Government-sponsored private corporation to operate and improve the Nation's intercity rail passenger service starting March 1, 1971. Significantly, the bill automatically suspends all pending proposals to discon-

tinue passenger service—including Penn Central's announced plan. As a member of the Committee on Commerce, which drafted the legislation, it has my full support. I would hope that the House Committee on Interstate and Foreign Commerce would move immediately to report the bill favorably so that it can be considered and passed by the House as quickly as possible.

Mr. President, I have stated my strong opposition to the Penn Central plan in testimony submitted to the ICC at today's hearing. I ask unanimous consent that the text of my statement be printed in the RECORD.

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

OUR WRECKED PASSENGER TRAIN SYSTEM THE COLLAPSE OF PASSENGER SERVICE

The railroad passenger service system in the United States is a living example of an institutional "cop-out." The railroads—too often aided and abetted by the ICC—abrogated their responsibilities to the traveling public. Until a week ago, Congress stood on the sidelines—unwilling or unable to become involved.

In 1929, there were some 20,000 passenger trains in operation. Forty years later, the number had been reduced to 450.

The quality of the service decreased still faster than the quantity. Once a pleasurable and coveted experience, riding a passenger train has become a singularly depressing one. Riders can now expect purely hypothetical schedules, filthy cars, no heat in winter, no air conditioning in summer, and no water any time of the year.

We are all too familiar with the vicious cycle that has brought about the deplorable conditions which now prevail. The car and the airplane drained the rail passenger market. Patron decline on the railroads brought on revenue losses; revenue losses were followed by deteriorating facilities and eventual discontinuance of trains; and these curtailments of service, in turn, were followed by further patron decline.

No serious attempt was made by the railroads to break this vicious cycle, and one wonders if indeed they did not encourage it. When faced with competition from road and air, they simply refused to compete. Trains now carry scarcely 1½ percent of all intercity travelers. Considering the service the traveling public receives, it is almost remarkable that even so small a number still use the trains.

The railroads have attempted to justify their abandonment of passenger service by citing the revenue losses brought on from maintaining this service. These losses, in my view, have been the product of their own failure to provide adequate service and to develop constructive plans for meeting the competition of other modes of transport. The success of the Metroliner service between New York and Washington is proof of the invalidity of the railroads' arguments. This service has even produced additional passengers for other trains operating on the same route.

THE PENN CENTRAL DISCONTINUANCE

Adding insult to injury, Penn Central has proposed to discontinue 34 east-west passenger trains—its entire direct transcontinental service.

If this plan ever went into effect, it would be the death blow of all cross country passenger service. Nobody in his right mind would ever again travel by rail from New York to Chicago. There would be no overnight New York-Chicago sleeper—in fact, no direct service at all.

Any one of us who has experienced the recent air controllers strike can too well imagine the chaos there would have been, had New York-Chicago rail service also been discontinued under the Penn Central plan.

For the cities of upstate New York, the Penn Central proposal would be a disaster. The ICC already permitted the discontinuance of the Erie-Lackawanna's transcontinental route, thus depriving the entire Southern Tier of New York State of passenger service—including the cities of Binghamton, Elmira, Olean and my home city of Jamestown.

New York's largest upstate cities—Buffalo, Rochester, Syracuse, Albany—would have their names added to the already crowded discontinuance roster. So would Cleveland, Pittsburgh, Detroit, Toledo. It is far from an honor roll.

The economic effect on these communities could not even be estimated. Hundreds of employees will be displaced; communities which derive income from substantial maintenance and services along the lines will feel the effect. Commerce and industry will clearly suffer from a resulting drop in the tourist trade brought on by curtailed service. Our already crowded highways and airways will become more clogged with traffic.

Our national transportation system is already badly unbalanced. This massive discontinuance could not help but aggravate a deteriorating situation.

In sum, the Penn Central proposal is against the public interest.

FIRST STEP BY CONGRESS

As we enter the decade of the 1970's, efficient rail passenger travel has become a virtual necessity. Seventy-five percent of our population will be living in metropolitan areas such as New York, Buffalo, Cleveland, Pittsburgh and Chicago. Railroads can move countless numbers of people directly from one city to another. One railroad track can accommodate as many travelers as 20 lanes of highway. Schedules are not drastically effected by inclement weather. Passenger trains do not pollute the air.

The railroads did not have the foresight to build and keep a viable rail passenger system. In this vacuum, Congress must act.

Congress took a first step in this direction last week.

By an overwhelming margin, the Senate passed a bill to establish a government-sponsored private corporation to operate and improve the nation's intercity rail passenger service starting March 1, 1971.

The quasi-public corporation created by the bill would operate like Comsat. The stock of the corporation would be purchased by the railroads and the public, with the Federal government providing \$175 million in initial capitalization, loans and guarantees. The corporation would take over the intercity passenger service now operated by the participating individual railroads.

A significant advantage of the bill is that it automatically suspends all pending proposals to discontinue passenger services—including Penn Central's plan which we are considering today.

A quasi-public corporation of this nature could discard the usages of the past, and operate a nationwide passenger system in an efficient and imaginative way. It would utilize, naturally, many of the techniques developed with such success in the Metroliner.

The consensus support for the legislation from all members of the railroad community was unparalleled.

As a member of the Senate Commerce Committee that drafted the legislation, it has my full support. I would hope that the House Interstate and Foreign Commerce Committee would move immediately to favorably report the bill so that it can be considered and passed by the House as quickly as possible.

The Federal participation in the corporation is only \$175 million. Once the corporation is established, this participation should substantially be increased—to assure a strong financial base for its passenger service. We have poured massive amounts of aid into our airport/airways system and into our interstate highways. The passenger rail lines should receive their fair share.

THE REGULATORY STRUCTURE

Despite the fact that Congress has now moved to aid the rail passenger system, the basic problems which brought about that action still remain. Our transportation system is unbalanced and in need of a major overhaul. Coordination is lacking among the federal agencies and departments responsible for overseeing this vast network. A misallocation of resources results because each mode of transportation is regulated without reference to the other.

Serious questions are being raised about the ability of our regulatory agencies—as presently constituted—to respond to massive upheavals in our traffic patterns. Can the single regulatory agencies—the ICC, CAB, and FMC—adequately regulate the industries under their jurisdiction? Should we create a single regulatory agency which would have a broad overview of our transportation system?

In proposing to abolish the ICC, Ralph Nader suggested a new regulatory agency covering all modes of transportation. I am inclined to support Mr. Nader's concept, although I recognize that further study and development are needed.

I am in favor of Congress establishing a national commission to study this consolidation plan and report in one year. Senator Howard Baker of Tennessee has introduced a bill to create such a commission—and I endorse his bill.

CONCLUSION

The harassed railroad passenger is a symbol of our failure to respond to the transportation needs of the 1970's. The railroads have used him as a scapegoat for revenue losses. They have relegated him to the status of a commodity to be shipped from one place to another. The ICC has acquiesced in this travesty, and Congress until recently has stood idly by.

Cattle traveling on interstate trains are required by law to be fed and watered at certain intervals. Last fall, the ICC found that it did not have jurisdiction to require the railroads to have food, water or sleeping accommodations available for their passengers on 48-hour trips.

When, may I ask, will we start treating passengers as well as we treat cattle?

A MORE EQUITABLE DRAFT SYSTEM

Mr. SCHWEIKER. Mr. President, I commend President Nixon for the steps he has taken to reform our archaic draft system, as mentioned in his message to Congress on April 23.

It is my opinion that the President made two major proposals which would lead to the more equitable draft system we have been calling for, without threatening our national security.

First, he has recognized the effect of the draft on our young people and has noted the unfairness of the present system, and after serious consideration of all factors has decided that we should move toward an all volunteer force.

Second, he has proposed the establishment of monthly national draft calls using random selection which will certainly erase many inequities brought about by use of local board quotas.

These proposals, an all volunteer force and national calls, are changes which can ultimately lead to equality and freedom of the individual.

All of us should commend the President for his leadership in making these changes in the draft system which, for all too long, has been in need of revision.

President Nixon has demonstrated, by his remarks, that he is making a constructive effort to correct our draft system, and he has my full support on this greatly needed endeavor.

WALSH OF NEW YORK CITY HDA PRESENTS COMPREHENSIVE HOUSING PROGRAM

Mr. GOODELL. Mr. President, the housing crisis in our Nation, despite all our promises, continues unchecked.

The costs for construction, land, and money continue to rise and as they do, Government housing programs become useless. In addition, the redtape surrounding housing programs discourages private builders and developers from becoming involved in housing production for low- and moderate-income families.

As a result, the production of new housing units has decreased while the demand continues to grow.

The administration has recently submitted the 1970 housing bill which was introduced by the distinguished chairman of the Banking and Currency Committee, Senator JOHN SPARKMAN, and the ranking minority member, Senator WALLACE BENNETT. If passed, it would revamp the Department of Housing and Urban Development and rewrite the Federal housing law.

The bill is an ambitious piece of legislation designed to consolidate the myriad housing programs and thus eliminate some of the confusion and redtape surrounding HUD programs.

More housing units, however, will not be built merely through a departmental consolidation effort. Housing needs can only be met if much more resources are pumped into Government housing programs. Housing programs have failed largely because the executive branch and the Congress have not approved these adequate resources.

Last month, Albert A. Walsh, Housing and Development Administrator of New York City, addressed himself to the problems of Government housing programs at the Apartment Builder/Developer Conference and Exposition at Miami Beach, Fla. While supporting the concept of consolidation embodied in the 1970 HUD bill, he urged that a single comprehensive program be created to provide housing for all low-, moderate-, and middle-income families who cannot afford safe and decent housing at market rents. Walsh estimated that such a program would require an additional housing appropriation of \$420 million annually.

The major feature of the Walsh proposal is a variable housing subsidy that would be given to all families based on their need and ability to pay the economic rent of the community.

The Walsh plan would give the localities the authority to set construction costs according to regional cost indexes and to establish rent-to-income ratios

consistent with community standards. Under the proposed 1970 housing bill, HUD would establish national rent-to-income ratios for Government housing programs and maximum construction cost limits on a regional basis.

Those of us who have worked with Al Walsh know him to be one of the most talented housing administrators in the country. Prior to his appointment to the HDA, he was chairman of the New York City Public Housing Authority. In this capacity, he led the campaign with the National Association of Housing and Redevelopment Officials for housing legislation which would be responsive to urban needs.

His practical knowledge of housing programs and how they actually work make him eminently qualified to present a comprehensive action program to remedy the housing crisis. I ask unanimous consent that the full text of Mr. Walsh's remarks before the Apartment Builders/Developers Conference be printed in the RECORD.

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

A TOTAL HOUSING PROGRAM

Gentlemen: I wish to thank you for this opportunity to discuss the urgent need for a totally new approach—and a totally new and meaningful commitment—by the federal government to the critical national problem of providing an adequate supply of decent housing for our low and moderate income families.

This history of the federal government's involvement in programs of shelter for our low and moderate income families unfortunately reminds me of the 70-year-old codger married to a young chick in her twenties . . . promises and frustrations . . . frustrations and promises.

It all began years back when I'd dare say many of us in this room were wearing knickers, which, if the current style-trends continue, are sure to come back. Those were the New Deal days . . . the start of the government's long string of promises that it would put a chicken in every pot, a car in every garage and decent housing accommodations for those who needed it most and could afford it the least . . . promises and frustrations.

The 1930's, best known for prohibition and the depression, saw the birth of the federal public housing program . . . a promise to tear down the slums and replace them with safe and sanitary housing at low rents . . . promises . . . and frustration.

For the next 19 years little of anything was done . . . A few promises were made . . . some more frustration was added . . . and then came 1949, the passage of the historic Housing Act, the enactment by Congress of a comprehensive urban redevelopment program, an improved public housing program and the same old goal, wrapped up in new cliches . . . "a safe and decent home and suitable living environment for every American family."

In the 1950's and into the 1960's, the promises continued and so did the frustrations . . . New devices, such as the FHA below-market-rate program for moderate income families . . . rent supplements . . . direct rehabilitation loans . . . leased public housing . . . all adopted to increase the supply of governmentally assisted housing. Promises and frustration.

In 1968, everybody exceeded everybody else and the biggest promise of all, the historic enactment of the "Magna Carta of Housing" was passed by Congress. This one not only reiterated the goals of the 1949 promises,

and a few from the years before . . . it came out with the biggest promise of all . . . 26 million units of housing over a 10 year period . . . six million of which would be for low and moderate income families.

Now I wouldn't dare question for one moment the integrity of the men and women who made these promises . . . I know they were sincere . . . The glowing rhetoric with which they pronounced these long-range goals would convince even a skeptic like myself, and I must confess that for a time they did. I'll bet even some of you out there were convinced too.

But where are we today . . . the rhetoric is empty . . . the promises unfulfilled . . . the frustrations overpowering . . . and the people these grandiose promises were supposed to help . . . they're alienated . . . and they're angry.

Forty years . . . forty years in which two generations have grown old . . . have passed . . . and our housing situation is no better off today than it was in 1930 . . . I'd dare say we are worse off.

Thirty years have rolled by since public housing was first enacted, and the fruits of those years is a sparse 800,000 units. We find ourselves with 15 percent of our population still shackled to decayed, deteriorated and dilapidated housing.

Twenty-one years have passed since the historic act of 1949 and we are no nearer today to that goal of a safe, decent home and suitable environment for our families than we were in 1949. Two-thirds, yes two-thirds, of our non-white families in center cities are forced to call decayed, blighted and rat-infested pig-sties their "home."

Two years ago . . . 1968 . . . a national goal . . . a promise of twenty-six million units of housing was made . . . and . . . not wanting to break the chain of promise and frustration we came up with a production record last year . . . one of the lowest in modern times. Our commitment for 600,000 low and moderate income units a year was also unrealized. Last year we started about 200,000 units and the most optimistic prediction for this year, 1970, is substantially below the 600,000 level. And, to add insult to injury, inflation, tight money and high interest rates have combined forces to place nearly half of all Americans out of the market for a new home or apartment. The promises get bigger and better . . . the goals beyond reality . . . and our housing crisis gets worse by the day.

What is the answer? . . . Why have all the ambitious and well-meaning ideas failed to work?

It certainly cannot be for a lack of initiative for no one could dare challenge the worth of each and every housing program that was advocated.

But we have not produced housing . . . we have produced paper work . . . red tape . . . reams and reams of reports . . . endless lists of recommendations . . . hundreds and hundreds of amendments to laws. If the road to hell is paved with good intentions . . . our road to good housing has been paved with red tape. While we promised millions of units of housing we produced only thousands.

What then is the answer? I say there are three answers . . . three principal causes for this non-effort.

The absence of a comprehensive national strategy

the reliance on local initiative, without federal incentives, and

the low priority Congress and the national Administration has given to housing and urban development.

Probably the greatest impediment preventing an all-out effort in housing is the lack of a comprehensive strategy. Our housing "law" is in reality a fragmented series of laws passed in piecemeal fashion beginning in 1934. The National Housing Act, which encompasses all the FHA programs, really embraces over 80 separate programs ranging from high income

luxury housing through middle income housing all the way down to home improvement loans.

What is enacted in a given year depends on what is popular that year. For example, in the early 60's Congress enacted the 221(d) (3) BMIR program (an easily remembered title) to provide, in essence, direct low interest mortgage money to build rental housing for the moderate income family. However, in 1968, when "budget impact" was the key word, this program was de-emphasized and the interest subsidy approach (Section 236), requiring a much smaller initial drain on federal money, was enacted.

As each of these programs is enacted it is accompanied by its own unique restrictions and limitations—resulting in widespread and new mountains of red tape. For example, the determination of income and income eligibility for families varies for each program. In public housing, the local authority establishes its own limits and definitions and these are approved by the federal government. In the rent supplement program, the family's income cannot exceed public housing entry limits, but \$300 is deducted from gross income for each child. In the 236 moderate income rental program, income eligibility is usually 135 percent of public housing entry levels, with a \$300 deduction for each child plus an additional 5 percent deduction for normal expenses. The 221(d) (3) program has its own income limits established by the federal government, but the 236 program can, in certain circumstances, use 90 percent of these limits as its eligibility limits.

What a nightmare!

It takes a team of experts just to decide what program should be used to house a specific income group. The mere maze of programs, each with its peculiar regulations and guidelines, has created a whole new profession . . . housing consultants . . . whose purpose is to wade through the programs and find the best one for a community.

And yet the ironic, and sad, fact is that certain income groups are excluded from any federally-assisted programs. The very poor, who cannot even afford public housing's minimal rents are left out. There is also a gap between public housing and the minimum income required to obtain a moderate income unit. Finally, there are millions of families whose incomes exceed the federal maximums, but who cannot afford new, safe and decent housing.

Equally irrational are the various provisions governing continuing occupancy in federally-assisted housing. The worst example is in public housing where federal laws force many families to move out when their income exceeds a certain amount. This, of course, acts as a disincentive for the family to increase its economic wellbeing, or worse, leads to lies and unreported income.

Not only are there income gaps in the present programs, but also population gaps. We have tended to assist those who are politically popular—families first, then later the elderly and handicapped. Yet the single, unattached, non-elderly, non-handicapped man or woman has been almost totally neglected in our federal laws. He has no lobby, no friend in Congress and is left to find make-do living arrangements in the skid-rows of our cities.

To the builder or developer these fragmented programs offer only confusion, frustration and needless complications. The government is asking you to build the same product—a multi-family complex of modest design—but attaching a variety of different limits depending under which program it is to be built. These are different mortgage limits, different design standards, different forms and different processing requirements.

Likewise, the low or moderate income family is baffled when it applies for a new apartment and finds that it is eligible for a certain unit, which is not available, but earns

too much or too little for a nearly identical unit which is available two blocks away. Or, if eligible for both units, that the rent in one may be \$20 or \$30 more a month than the other.

We have legislated ourselves into a chaotic situation, discouraging many private developers from any interest in these programs. Those who do venture in, discover red tape, cumbersome requirements, and endless approvals. Many times they are not able to produce the type of building they feel is necessary for the needs of low-income families and produce only dull, drab "public slums."

The second principal problem with our present efforts is that housing production requires local initiative. Actual Federal construction of public housing, which started as a WPA-type program, was stopped in 1935 when a district court ruled that the Federal Government could not construct buildings for the purpose of renting them to private citizens. The way around this was to subsidize local public agencies to build and operate low-rent housing or to use local non-profit or limited-dividend entities to produce moderate-income housing.

Both of these, of course, are imperfect tools. There is no guarantee that the areas most in need of new housing will have the local leadership willing to mount a housing program. One critic of this system recently described it as "upside-down federalism," with localities deciding if they need low-income housing and the Federal Government worrying about such items as what door-knobs should be used.

The results are tragic. For example, only 41 percent of the population is presently served by public housing authorities. Such major cities as San Diego and Salt Lake City do not even have a housing authority. Most suburban communities do not have authorities or, if they do, are interested only in housing for the politically acceptable elderly. The same is true in the moderate income programs. Most of these units have been erected in center cities.

It is a vicious circle. Our cities have become the home for the poor, minorities, the aged, handicapped, sick, underemployed and unemployed. To solve the housing needs of these families, we build low- and moderate-income housing, which then attracts even more of these families and individuals—causing a greater need for more housing. In the meantime the suburbs become more affluent, white, young, healthy and income producing.

The irony is that while new jobs are being created in the suburbs, almost all the new housing for low income families who could fill these jobs, is located in the center city.

Within the city there are political decisions on where to locate publicly-assisted housing. Too often these units are clustered in one or more of the existing ghetto areas—and the occupants carry the stigma of living in an easily identified "project."

The real solution to so many of our problems—the dwindling urban tax base, *de facto* segregation, underemployment, increased job opportunities—depends on the dispersal of our urban poor throughout metropolitan areas. Yet, this will never happen unless low cost housing is built in these suburban areas, which have so far intentionally avoided providing such housing.

Yet, it is not such a black and white issue. There are at least some valid reasons why suburbs do not build low income housing developments within their boundaries. First, such projects are usually taxed at a rate lower than the assessed valuation of the land and buildings. Second, low income families require expensive services; such as special education programs, welfare programs, increased health care, and job training.

Very few suburban leaders are willing to

make a political decision which calls for an influx of low income families, a reduction in potential taxes from real estate, an increase in the level and volume of public services, and therefore the possibility of a tax increase.

This year's federal education act is the first—albeit partial—recognition of the effects a public housing project has on a community. The bill makes a community with a federally-assisted public housing project eligible as an "impacted area", and thus entitled to additional federal educational assistance based on the number of children in the project.

The third principal problem facing our national housing program is the low national priority placed on these programs by the Administration and Congress. This has become painfully obvious over the past year and a half as inflation, and monetary policies designed to combat it, have hurt the housing industry more than any other segment of our economy.

Housing production continues to decline, and only in the last two months have Congress or the President attempted to combat the mortgage credit crisis. In the absence of a major miracle, the 26 million unit production goal will not be reached by 1978—or by 1980—and perhaps not even by 1985. The production of low and moderate income units is even further behind schedule.

The national Administration has not requested nor has Congress appropriated the funds necessary to produce the authorized number of units. Last year the 236 program was underfunded by \$45 million, and rent supplements by \$68 million. Equally as important, urban renewal money, so urgently needed to provide the "suitable living environment" part of the 1949 Act and to create new sites for housing, was funded at only \$1 billion—\$600 million short of the authorized amount. This year the Administration is again only requesting \$1 billion, although \$1.7 billion is authorized and, by their own estimates, there is a backlog of \$4 billion in applications.

To be trite—but accurate—this is a nation willing to spend \$25 billion to put a man on the moon but unwilling to spend \$1.7 billion for housing subsidies to make life on earth more livable.

These, then, are the three hindrances to an all-out housing commitment—fragmented programs, local initiative with no reimbursement for additional local expenditures and a low national priority.

What, then, can be done to combat this situation?

A TOTAL HOUSING PROGRAM

Obviously, there is no one single, simple solution to the multifaceted problem I have presented. However, I would like to offer a four point program, designed to create a single, comprehensive national housing program for all low, moderate and middle income families; to provide incentives to local communities to encourage the construction of such housing; and to guarantee the money necessary to finance this housing.

I. A single, simple housing program

The key element in this proposal is to scrap all of our existing federally-assisted housing programs and enact, in their place, one simple program for all families who cannot afford safe and decent housing at market rents, with a variable subsidy based on the family's need and ability to pay.

Various types of sponsorship and financing would be possible. Local housing authorities, municipalities, states, regional organizations, non-profits, cooperatives, and limited dividend corporations would be eligible to sponsor such projects.

If the sponsor was a public agency or body, it could issue its own bonds, which would be paid off by the income received from rents after deducting operating costs, plus a federal

guaranteed contribution to cover the deficits. This is essentially the present public housing formula which has worked so well for more than thirty years. A private group could either obtain a private mortgage, or development loan from the federal government, and this also would be paid by tenants' rents—less operating costs and taxes—and an annual federal deficit subsidy.

The unique feature of this proposal is that the federal subsidy would not be limited to mortgage interest, or even to total debt service, but would cover the difference between net income received from a project and that required to pay the financing, management, taxes and operating costs of the project. Localities, with the approval of HUD, would establish initial income eligibility maximums based on housing conditions in the community. This would be the only eligibility requirement.

Likewise, communities would establish rent/income ratios consistent with current local ratios and adequate living standards for families of various size and circumstances. With certain exceptions at the lowest end of the income scale, a family would pay a greater absolute amount of rent as income increased, but the ratio would be smaller. Under no circumstances would the family pay a rent greater than the economic rent for the unit, nor would any family be forced to move because of increased income. It would merely pay the economic rent and no longer receive a subsidy.

The federal government would establish a single minimum—but not maximum—construction standard for the entire program, and regulate costs in accordance with current regional cost indices. The result would be a universality of product which would gradually reduce the identification and stigma associated with subsidized housing.

For a moment, let's look at the advantages of this proposal.

First, this one program can serve all income groups from the poorest to those of middle income who cannot afford the rents being charged in the community. Yet, the actual subsidy given to these families would be determined by their respective needs rather than the vagaries of a particular program. Based on our experience to date with various rent supplement programs, I am confident that the average cost, per family, would be far below the present public housing subsidy level.

Second, this is a national program, the first all-out effort to house all of those in need of housing. Our present programs, with their income and population gaps, would be replaced by a single program whose sole eligibility requirement would be economic need and the unavailability of reasonably priced housing in the community.

Third, its basic simplicity and lack of cumbersome requirements should make it attractive to local sponsors and to builders and developers. The lack of red tape, countless reviews and needless administrative requirements should also result in quicker production. It would, therefore, act as an inducement to achieve our national housing goals.

Fourth, the program will be attractive to the middle class who, during a housing cost crisis such as we are now experiencing, would be eligible for these units and receive a modest initial subsidy.

Fifth, the complete absence of income limitations on continued occupancy would encourage economic advancement and promote responsibility and leadership among tenants.

Sixth, the program would foster economic and racial integration, since the units would not be limited to a small income range. As the program developed it would result in the de-ghettorization of our cities.

II. Full taxes

Most important, I believe that local communities, outside the center city, would be willing to take advantage of the program because all of the housing built under the program would pay full taxes. These would not be passed on to the low income family, but would be absorbed by the federal government as part of the federal subsidy. Not only would this provide local governments with needed revenue, it would also minimize local opposition to the construction of such projects.

III. Public service grants

As an additional incentive, public service grants could be made to each community on the basis of the number of families it has residing in such federally-assisted housing. For example, if the federal government established a \$100 grant per family, and the local community completed a 300 unit project, the city would receive a \$30,000 annual grant to compensate it for the additional public services it would be required to perform as a result of this population. After a certain number of years this grant could be reduced, and eventually eliminated, as these families are integrated into the community.

This incentive grant, and the payment of full local real estate taxes, are justifiable national expenditures; the patterns of national migration and the goal of de-ghettoization of our central cities require it. The federally-assisted project built in a California suburb may house families from Alabama, New York, Iowa and Hawaii. It is only fair that the national tax base be tapped to cover the expenses this suburb will incur in housing these families.

IV. National commitment

Notwithstanding the savings that will be achieved through the use of a variable subsidy, this program will not be cheap; there is no cut-rate mechanism available to house our poor. They must be subsidized through public funds.

If we assume a need of 600,000 units a year at an average subsidy cost of approximately \$600 a unit, we're talking about a new subsidy authority of \$360 million each year. If we add the incentive bloc grants of \$100 a unit, it's another \$60 million.

Thus, it's a \$420 million a year program of new subsidies, exclusive of urban renewal, model cities and the other urban development programs. Ultimately, that's an annual housing subsidy of more than \$4.5 billion. That's a lot of money, more than we've ever spent on housing before. Yet when compared to the \$30 billion a year we spend on the Viet-Nam war, or the \$60 million we will spend on a national highway system, the amount seems more reasonable, and the results more meaningful.

Yet to guarantee results we must be assured of funds. We will need an appropriation at the beginning to cover at least three years of the program so communities and sponsors will know how much is available and can plan accordingly. For once we must match our rhetoric with money.

That is the basic program: four parts which, if enacted, will give us—for the first time—a national program and national commitment designed to solve the national problem of inadequate and insufficient housing for our low and moderate income families.

THE NIXON PROPOSAL

Last month the Nixon Administration sent its proposed 1970 housing bill to the Congress. This bill goes a long way toward the standardization and simplification of all—subsidized and non-subsidized—housing programs that I am talking about. It could be a big step in the right direction, but in its present form, it creates new problems which would endanger the successful implementation of a real national housing program.

Basically, the bill would continue two multi-family housing programs—an insured subsidized program patterned after the present Section 236 program and the public housing program subsidized through annual contribution contracts. It would establish a single, rather complicated income eligibility formula for both programs: 80% of the funds would have to go to families whose income is less than 80% of the area's median income; the remaining 20% of the funds could assist families whose income is between 80% of the median and the median itself.

There would be no statutory mortgage or cost limits, rather the Secretary would establish a "prototype" unit for a geographic area. This prototype would then be translated into a development cost figure for various size units and projects. The mortgage or cost limit would be restricted to 110% of this figure.

Rent income ratios would be established on a nationwide basis. Each family would pay 20% of its first \$3500 and 25% of any income above this amount. Families would have their incomes recertified every two years and rents would be adjusted to reflect an income change. This rent/income ratio formula would apply not only to new projects, but also to existing public housing and moderate income units.

The appropriations for the programs are open-ended, which means there is no dollar amount, no indication of the Administration's commitment to these programs.

My major criticism of this proposal centers around local autonomy. Under the proposal I've offered today the local community would establish income eligibility and rent/income ratios based on local conditions. The local community is better equipped to answer the questions—who needs the subsidy, and how can the family pay better than the federal government.

Differences between the Administration's bill and the alternative I have suggested fall into four main areas:

I. HUD proposal grants broad discretionary power to the Secretary of this and future Administrations to determine median income and set local mortgage cost limits.

Under my plan the local community, which deals daily with the realities of housing production (or lack of it, due, in part, to unrealistic cost limits) would not be saddled with cost limits established in Washington and often unworkable in the local community. Costs would be limited only by actual, local cost experience, as reflected in current regional construction cost indices.

The local community is also in a better position to evaluate its own housing market and to determine the income range of families which are in need of assisted housing. With the Administration's bill, if the Secretary were to use the median income figures from the Bureau of the Census' 1968 Vacancy Survey for New York City, the maximum income for admission to so called "moderate income" housing under the 80% formula would be \$5,760. The remaining 20% of eligible families could have incomes up to \$7,200. Thus, the program would effectively exclude many working class families who in New York City, with spiralling costs, a tight housing market and a 1% vacancy rate, find it impossible to obtain safe and decent housing at a price which they can afford.

With the program I have suggested, the local community would have the flexibility to determine the range of family incomes which require assisted housing in the light of local conditions.

Furthermore, instead of the arbitrary 20/25% rent income ratio suggested by the Administration, we would grant to the local community the autonomy to determine feasible rent income ratios, depending on such factors as income and family size, and consistent with the need for adequate disposable

income to meet the cost of other necessities in that community.

II. Continuing two programs to serve only those of the very lowest income means that the stigma attached to public housing will still remain and that old slums will merely be replaced by new ghettos. The alternative is a single, all-income housing program which will achieve economic integration and remove the stigma associated with housing for the poorest of the poor.

III. At present, and under the President's bill, there are no incentives to suburban communities to build moderate income housing and relieve the pressures of the central cities. Allowing publicly assisted housing to be taxed, and a bloc grant for public services to families living in such housing, will act as an inducement to these communities to build housing for our families of low and moderate income.

IV. The Administration has requested open ended authorizations for the programs in the new bill. It is difficult to face the fact that the cost of meeting our oft espoused goal of 26 million units in the next eight years is great—even astronomical. It is easier to avoid a dollar amount. Yet we have the capacity and the resources to achieve our goals. The proposal before you would require \$4.5 billion a year after eight years. It is the minimum needed to provide safe and decent housing for our nations low and moderate income families.

In summary, the proposals presented here today involve a rethinking of our housing goals and a recommitment to the pledge of a safe and decent home for every American. It is my belief that a single Federal housing program, with variable subsidy and full real estate taxes can be a means to relieve the pressures in our inner cities, to open the opportunities in the suburbs to our low and moderate income residents, and to allow our housing programs to reflect the needs and conditions in our local communities.

DEATH OF WALTER REUTHER

Mr. HART. Mr. President, too often, a leader's greatness is not tested until after his death. Too often, we do not inventory a man's admirers until they become mourners or count his deeds until they are cataloged in his obituary.

Walter Reuther is dead and today we reflect on his accomplishments and on the beneficiaries of his brilliance.

History will treat him kindly.

It will treat him kindly because he was right so often.

And it will treat him kindly because his dedication to the welfare of the people was so remarkably untarnished by selfishness and personal increase.

Mr. Reuther was from my State—Michigan—and Michigan has much cause to be grateful that he lived there and worked there. But the results of his social pioneering can be seen throughout the Nation. And the Nation has reason to be grateful.

Walter Reuther had a natural compassion that did not allow his mind to stay within the bounds of any narrow interest.

He was a superb union executive and the members of the UAW were well served by his leadership. But he wanted auto workers to have more than just a good union, he wanted them to live in a good society.

So a portion of his brilliance was always directed at the problems of the poor, whomever they might be. He con-

cerned himself with the problems of discrimination, whomever the victims might be.

He devised health care plans to benefit everyone, union member or not. And he insisted on solutions for the homeless, no matter what the obstacles.

Let us not forget that he was one of the first in the Nation to begin talking about what is now such a popular theme: National priorities.

While almost everyone else was still complacent about a priority system that had stopped making sense years before, Walter Reuther was wondering how often we should go to the moon to pick up rocks when our cities could not pick up the garbage.

He was wondering whether some of our concern about making Vietnam safe for democracy should not be transferred to our ghettos.

He had vision, this man. And under his hand the UAW became possibly the most respected union in the Nation. Because there is no one—no one—in America who has not somehow benefited from this union's social thrust.

The UAW, for example, devoted great energy and much of its money to campaigns for preservation of the environment.

In part, it was that as the UAW won shorter workweeks, it also sought to make certain that off-duty auto workers might have a place to fish and swim.

But it is also true that another union might have employed that energy and money to far narrower ends. And I doubt if there is anyone, in any State, who will begrudge Walter Reuther a posthumous "thank you" for that effort.

It was another of Mr. Reuther's dreams that organization techniques and bargaining methods—social devices whose efficacy he well knew—could be used to help the downtrodden improve their lot.

The Washington Post speculates today that this dream might have died with the man. I doubt it.

That was not a dream that depended for life on any single man's heartbeat. It was rather a seed, already taken root, already branching sturdily. I think what has happened in the California vineyards is testimony to that.

Walter Reuther was a practical idealist. He was enough of an idealist to constantly plant new ideas in forgotten corners of the Nation and enough of a pragmatist so that his seeds always found receptive soil.

He was a brilliant man but he was no mystery. As the Detroit Free Press pointed in an editorial this morning, he was pretty much what he appeared to be: an idealist, a man with a mission to help the working man, a man with an overpowering sense of social conscience.

He was, in short, an American of great honesty, brilliance and dedication. How often do we see such men?

He died on his way to visit another exciting new project, a UAW camp for family recreation and leader training. Mr. Reuther was always tremendously stimulated by ideas and always excited by the exchange of thought. He was also sentimental about family togetherness.

The result was predictable: The 800-

acre installation in northern Michigan where union men could bring their families while they trained.

Mr. Reuther's wife, as most here know, died with him. She was a fine woman, always a source of strength. I can say this because Walter Reuther never made any bones about—with her inspiration he might never have attained the position that allowed him to put his ideas into effect.

We have lost an idealist, doubtlessly one of the greatest of our time. America is going to be a little bit different without him. But it would be a great deal different if he had not come along at all.

Mr. President, I ask that the editorials from the Detroit Free Press and New York Times and the article from the Washington Post be printed at this point in my remarks.

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

[From the Detroit Free Press]

WALTER REUTHER'S STAMP IS ON HIS MEN
AND ON HIS CITY

It would be hard to name any one single person who has had a more profound effect on Detroit and the American Labor movement in the last thirty years than Walter Reuther. The stamp of his personality and ideals is on the city. He was more than a mighty man of labor. He tried to be the city's conscience and many times he succeeded.

Not everyone loved him, of course. He was a tenacious adversary and he never hesitated to lead his people out of the bricks when the bargaining seemed to require it.

But he will be long enshrined in the affections of those for whom he labored. He got them a living wage, job security, pensions, and improved working conditions. He brought them dignity.

Reuther was somewhat of an enigma to those who had to tangle with him. They could never figure out what was in it for Walter. He lived for years in an unpretentious Detroit home, until he was shot in his kitchen and decided to move to a rural area where security could be more easily enforced.

His salary was modest by industry standards. The United Auto Workers, under his leadership was run almost puritanically. There were no sweetheart contracts. No deals. Union officials whose conduct was suspect found themselves back tightening bolts.

In the field of race relations, there are few unions who can claim to match the record of Reuther's UAW. He flung open the doors of union leadership to white and black alike and there were no double pay scales, either.

Reuther was no enigma, really. He was pretty much what he appeared to be; an idealist, a man with a mission to help the working man, a man with overpowering sense of social conscience.

He thought about his people all the time. He wanted them to have that little bit of extra, so the poets and the philosophers and the artists could rise above grubbing for a living. How many of them did nobody knows, but many a man put himself through school on factory wages, and many more were able to educate their families.

Reuther was interested in more than the economic issues.

His UAW has worked for many years on running night schools, conducting art contests. The UAW was deeply involved in such things as the salvation of Belle Isle's Blue Heron Lagoon, the fate of the Rouge River and the quality of the atmosphere long before ecology became a household word.

But most of all those who saw Big Red in action will never forget his zest for the struggle, his good humor under trying cir-

cumstances. He could even come up with some wry jests about being manhandled by Ford's company police in the old days.

He would stumble out of an all-night negotiating session, change his shirt, take a shower, and be back in an hour with the light of battle in his eye and a "go to hell" smile on his face. Sometimes he ground down the opposition merely by being able to stand on his feet longest.

The auto worker in Detroit can justly look around his home and smell the chicken in the kitchen and think of the car in the driveway and the clothes on the backs of his kids and say under his breath, "Thank, Walter."

And because his vision was so much broader than narrow self-interest, Detroit and the nation say thanks, too.

[From the New York Times, May 11, 1970]

PIONEER IN SOCIAL CREATIVITY

The death of Walter P. Reuther is an even more substantial loss for the nation than it is for the labor movement. A social innovator of great creativity, he was the most zealous union proponent of the concept that labor must go forward with the community and not at the expense of the community.

When the crash of a private plane cut short his life, he was dedicating much of his energies to forging a broad coalition in support of universal health insurance. He was also working closely with many of the nation's foremost industrialists in seeking to apply space technology to the mass production of housing.

He showed enormous personal courage and dynamism in the bitter battles that marked the birth of the United Automobile Workers more than three decades ago. Over the years he was principally responsible for making that union not only economically powerful but a fountainhead of beneficial ideas for all labor. His most notable monuments in this regard are a comprehensive program of social security under the union label and a model system of safeguards for union democracy.

In the larger labor movement his influence was unhappily circumscribed by the increasing frustrations Mr. Reuther felt over his inability to push aside George Meany as head of the combined A.F.L.-C.I.O. The feud of these two strong unionists prevented the merger of which both were principal architects from ever achieving its full potential for national good. Yet Mr. Reuther's complaints of A.F.L.-C.I.O. stagnation and social sterility were predicated on far more than personal pique or ambition. In foreign policy and civil rights he blazed inspiring new trails.

His death on the eve of his union's crucial negotiations with the Big Three automakers could prove extremely injurious to the total economy in this volatile period. But the void will be greater in the realms of idealism and social inventiveness.

[From the Washington Post, May 11, 1970]

SOCIAL CRUSADES LEFT UNFINISHED

(By Ken W. Clawson)

The man who tried to revitalize the American labor movement is dead. His vision of increasing the share of the nation's bounty for the downtrodden by using trade union organizing and bargaining techniques may have died with him.

Walter P. Reuther at 62 hadn't accomplished either of these goals. But the volatile redhead's ideas always had run several years ahead of his accomplishments.

That was true even within the United Auto Workers Union, where Reuther created the model that supported his concept of unionism and its role in society. The success of the UAW and its ability to tie broad social needs of its members to contracts with the auto in-

dustry have been for years a powerful impetus in collective bargaining.

It was when Reuther sought to impose his broad social concepts, often far afield of traditional trade union activity, that he repeatedly was rebuffed by other national labor unions, particularly when he assaulted the wages-hours-working conditions proponents among craft unions.

In labor's highest councils, Reuther lost more battles than he won.

When the UAW withdrew from the AFL-CIO in July, 1968, it was a defeat, an acknowledgement that Reuther had failed to persuade the labor establishment that the problems of the nation demanded the zeal, fervor, hardship and commitment in which industrial unionism was born.

When Reuther relinquished his AFL-CIO vice presidency and the presidency of the federation's 7-million-member Industrial Union Department, he lost an influence and national platform that was not regained.

He charged that the AFL-CIO was resting on its laurels and was too content with the status quo.

"I didn't join the labor movement to sit on my fat bottom," he told delegates to the UAW convention.

Federation President George Meany who fought with Reuther from the time of the AFL-CIO merger in 1955, has responded that Reuther had every chance to make his point inside the organization and failed.

Many of the things that Reuther wanted to do, Meany pointed out, were already being done—usually in a methodical, businesslike manner. That seemed to be at the heart of Reuther's complaint.

He wanted American labor to lead a great social crusade on many fronts picking up steam through the infusion of young people and widening its base until a major segment of poor people, minorities and other groups became, in effect, one big union.

Toward this goal, the UAW joined with the Teamsters Union in the Alliance for Labor Action, a group that grew to about 4 million with the addition of the United Chemical Workers.

In St. Louis, Los Angeles and other cities the ALA is organizing community unions among the poor, but there has been little national impact. The broad social reforms supported by the ALA have yet to get off the ground, and there is a visible coolness among many bread-and-butter Teamsters to Reuther's programs.

He had hoped to imbue union members, particularly young activists, with a sense of purpose to raise the living standards of the downtrodden, to aid them in gaining dignity as workers did for themselves in the auto industry. In an interview in Detroit last year, he talked in terms of convincing young, well-paid workers that they had the same duty toward the less fortunate that their fathers during the 1930s had to themselves.

At the time of his death, Reuther was on his way to the UAW's new family education center at Black Lake, Mich., an 800-acre preserve where families of union members can have a free vacation while the union, at the same location, teaches the member the techniques and fundamentals of union activity.

"General Motors will probably pay" for the Black Lake facility, a UAW official said yesterday in discussing the wide range of benefits that Reuther has negotiated with the auto industry since becoming president in 1946.

His expertise as a negotiator is virtually unchallenged, even by industry. Reuther's death is even more untimely because contracts covering about 700,000 auto workers expire this year, with negotiations set to begin in July.

Louis G. Seaton, who retired as GM's chief negotiator last week, said the state of the

economy and UAW demands may bring about a strike longer than the record 113-day GM walkout in 1945-46.

Reuther's practice had been to have his vice presidents—Leonard Woodcock, Douglas Fraser and Ken Bannion—and Secretary-Treasurer Emil Mazey conduct the early phases of bargaining. He then stepped in during the final stages, usually after the union had selected a target company to set the pattern in the industry.

So the Reuther team remains intact, but without the dynamic personality that pioneered a score of new benefits in the industry.

He is credited with being the first labor leader to seek a profit-sharing plan as part of a contract, at American Motors. He negotiated it over 10 years, but finally succeeded in 1967 in combining unemployment compensation and supplemental unemployment benefits—paid by the employer—to the point where senior employees have a guaranteed annual wage.

Reuther also secured a cost-of-living escalator, which has meant more than \$1 an hour to UAW members.

In 1950, he pioneered a management-paid pension plan in the industry. In 1964, he negotiated an early retirement plan whereby a worker may retire at 60 with \$400 a month in benefits. This year, the goal is a service-based early retirement plan at \$500 a month.

During Reuther's career, the UAW went from zero to 1.6 million members. He took auto workers from Henry Ford's \$5-a-day pay scale to more than \$5 an hour in wages and fringe benefits. Reuther himself earned \$33,000 a year, lowest of any major union leader. He liked it that way.

In April, UAW delegates elected Reuther to his 13th term as president. It would have been his last, because of a constitutional bar to officers serving beyond their 65th birthday.

Reuther was born Sept. 1, 1907, in Wheeling, W.Va., one of five children of Valentine Reuther, an organizer for the United Brewery Workers. Walter left school at 15 and learned to be a tool and die maker at Wheeling Steel Co.

He went to Detroit in 1926, worked for nearly seven years at Ford Motor Co. during the day and completed high school and three years of college at night.

In 1933, Ford fired young Reuther for union activity. The day before the depression "bank holiday" he and his brother Victor drew their money out of the bank and set out on a walking and bicycling tour of the world that lasted until 1935. During that time, they worked 18 months in a Russian auto plant at Gorki.

In 1965, at the AFL-CIO convention in San Francisco, Russian reporters from Tass and Trud accosted Reuther in an aisle and asked him to compare the nations' respective auto industries.

In response to his comparison, they extolled the virtues of the Russian industry, particularly at the Gorki works.

"Don't give me that ———," said Reuther. "I think I still have calluses from that factory."

When the Reuther brothers returned to Detroit they were confirmed socialists and eager to organize workers. In 1936, Walter became first president of UAW Local 174, a new unit with 78 members. Within a year, the local had 30,000 members and Reuther became an international UAW executive board member. He was elected a vice president in 1942.

He was a designer of the sitdown strikes in Detroit and Flint in 1936-37. But he seemed to relish most the organizing campaign at Ford in 1937, and he soon came in contact with Harry Bennett, Ford's security officer.

Some of Bennett's "service men" or company police caught Reuther and Richard Frankenstein handing out leaflets near the

River Rouge, Mich., plant and worked them over with clubs in what became known as "The Battle of the Overpass." The beating was carried out in front of a photographer and the picture of the blood-spattered pair has become one of the best-known labor photos in existence. The picture showed so much blood that a company official said later, "There was a lot of blood but also a lot of catsup covering them."

Reuther was nearly killed in 1948 when a still-unknown person fired a shotgun blast through his kitchen window. The shot struck Reuther in the chest and right arm, nearly severing the limb. Just over a year later, a similar attack cost Victor Reuther an eye.

In both attempts on Walter's life, his wife, May, was with him. They were married in 1936 in Detroit.

Reuther became more influential in the UAW during the war years despite restraints on labor. When peace came, Reuther took 175,000 GM workers on a strike that lasted 113 days. In the UAW at that time, Communists were consolidating their strength, but when Reuther won election as president only days after the GM strike, he proceeded to weed out the Communist elements.

In 1952, upon the death of Phillip Murray, Reuther became president of the CIO, and led it into the AFL-CIO in 1955.

He joined with federation president Meany in 1958 to eject the Teamsters Union from the organization for corruption.

The Reuthers are survived by two daughters, Linda, a teacher in California, and Lisa, a college student. Reuther is also survived by two brothers, Victor, of Washington, and Ted of Wheeling, W. Va.; a sister, Christine Richey, of Reading, Mass.; and his mother, of Wheeling.

SAIGON PLUNDERERS

Mr. YOUNG of Ohio. Mr. President, while 500,000 Americans fight and die in Vietnam, Thieu, Ky, and their cohorts in the Saigon militarist regime continue to fatten their pockets and their bank accounts in Hong Kong and Swiss banks. Now this corrupt junta, our so-called allies, has come up with a plan to "assist the budget" out of prostitution, gambling, and dancing. They propose to open a series of official "entertainment centers" containing brothels, gambling dens, and dance halls under the direction of the Minister of Social Welfare. The first proposed center is expected to show a \$1 million profit the first year. This is the same government that remains in power solely because of the support of our Armed Forces and CIA. How long will this administration continue to risk the lives of young Americans for the sake of the plunderers in Saigon?

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Judge Harry A. Blackmun.

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

SUPREME COURT OF THE UNITED STATES

The assistant legislative clerk read the nomination of Harry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court of the United States.

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

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

JUDGE BLACKMUN—A WELCOME ADDITION TO THE SUPREME COURT BENCH

Mr. HRUSKA. Mr. President, the Senate has before it today the nomination of Harry A. Blackmun to be an Associate Justice of the U.S. Supreme Court. Judge Blackmun is no stranger to this Senator. It was my privilege to chair the Senate Judiciary hearing on his confirmation to the Eighth Circuit Court of Appeals in 1959. I remember the occasion very well and was then confident that Judge Blackmun would justify the faith and confidence that President Eisenhower placed in him and this he has done. A close study of his decisions provides ample evidence of the wisdom of President Eisenhower's judgment.

THE AMERICAN BAR ASSOCIATION RATING

The Judiciary Committee once again received the benefit of the American Bar Association's evaluation of the candidate.

As on previous occasions of Supreme Court Justice nominations, the association's committee engaged in an elaborate inquiry and study of the nominee's record, works, attributes and achievements.

As in the past, the results of the association's Committee on Federal Judiciary, are highly appreciated by members of the Judiciary Committee. The latter has not abdicated in any measure its duty and responsibility for making final judgment on any nominee; it has not conferred any semblance of a veto on any of the nominations. Yet we highly regard the scope and the depth of inquiry made by the bar association committee; we have always placed great store in the study given to the facts and material assembled, and the conclusions drawn from them.

The letter report of the American Bar Association's Committee on Federal Judiciary is found in the hearings starting at page 9.

Mr. President, I ask unanimous consent that its text be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HRUSKA. Mr. President, members of the committee are to be commended as well as thanked for their labors in compiling the report. Even a casual reading will indicate the very splendid and diligent work it represents.

In the opinion of this Senator, it is a

task as well performed as on previous similar occasions.

The letter from Judge Walsh, the chairman of the standing committee on the Federal Judiciary, states in conclusion that the committee was unanimously of the view that Judge Blackmun meets the highest standards of professional competence, temperament and integrity.

The committee can bestow no higher endorsement. In reaching this conclusion it interviewed several hundred persons. They included all of Judge Blackmun's colleagues on the eighth circuit; the chief judges of each of the district courts within the eighth circuit; more than 100 lawyers within the eighth circuit; a substantial number of judges and lawyers outside the eighth circuit, deans of a number of law schools, both inside and outside the eighth circuit, and others.

Judge Blackmun has been described as "the best qualified man in the eighth circuit—a conscientious hard worker and a good scholar." One of the most respected trial judges in the country considers him as "a gifted scholarly judge who has an unusual capacity for the production of opinions in the cases assigned to him—and coupled with all of his erudition, he is unassuming, kind and considerate in all of his associations with the bar and the public."

EIGHTH CIRCUIT PRACTITIONERS

My own State of Nebraska is in the eighth circuit. As a result, I have had an opportunity to observe and hear most about Judge Blackmun than most other judges whose nominations have been processed by the Judiciary Committee. Over the years, I have read many of his decisions. I have received many favorable reports on his performance. These reports have come from lawyers who have argued before the Judge and from fellow jurists on the Federal bench.

It is gratifying to note that my own private opinion has been firmly supported by the report of the bar association committee. The lawyers interviewed by the committee were not located in Nebraska alone however. They lived in Minnesota, North Dakota, South Dakota, Iowa, Missouri, and Arkansas as well, they represented a cross section of the bar. Their high regard for the judge was that of his fellow jurists on the eighth circuit.

OTHER RECOMMENDATIONS

It is noteworthy that a number of legislators of both political faiths appeared in sponsorship of Judge Blackmun's nomination. The generous praise bestowed upon him by Democrats and Republicans alike indicates that his work bears the stamp of impartiality and fairness.

It is also of interest that President George Meany of the AFL-CIO has expressed that organization's support of Judge Blackmun's nomination. Mr. Meany's observation is that Judge Blackmun "has proved himself to be intelligent, articulate, conscientious, open-minded and judicious. He is a distinguished conservative, who has demonstrated his respect for the law and legal

craftsmanship, who has not set himself against any group and who would grace the High Court with his learning."

Since the AFL-CIO provided much of the opposition to President Nixon's first two choices, it is gratifying that the organizations find no fault with his current choice. I will have more to say about this at a later time.

THE LEGITIMATE FUNCTIONS OF THE COURT

Mr. President, as we all know, the Constitution of the United States divides governmental power between the three branches of Government. The Supreme Court has vested in it all judicial power while the Congress has vested in it all legislative power. The various branches perform very specific functions and properly so. If they did not, the Constitution would be a document without meaning.

For many years, I have been concerned with insuring that each branch perform the duties delegated to it and only those duties, and that each refrain from encroachments upon the rights and responsibilities of its co-equal branches.

It is no secret, as a result, that I have been very disturbed by some Supreme Court decisions in recent years when these decisions have indicated that the Court in some instances has, in an unwarranted manner, intruded into the affairs of other branches of the Government, or into affairs properly left to the States.

Because of its encroachment upon the responsibilities of other governmental segments, the Court has been subjected to a great deal of criticism and its prestige has fallen in the eyes of a large part of our population.

I have always maintained a great respect for the Court as an institution. In my view, many recent decisions have not been justified. Several Justices have failed, and some still fail, to exercise the proper judicial restraint. Once the institutions of our Nation suffer a deterioration in the public eye, our viability as a country begins to erode.

At the same time, the Court must perform its function in our society as was originally perceived. The solution to this problem is to do just what President Nixon has undertaken to do—to place men on that Court who have a proper respect for the Constitution and who have demonstrated that respect by their actions. Judge Blackmun is such a man.

During his hearing before the Judiciary Committee, the judge was asked if he understood that not all economic, social, and political wrongs could be solved by the Court. He was asked if he understood that it was a judge's responsibility to review the written record and base his decision on the law and the facts behind him. He was asked if he recognized that the Legislature was the body which must effect changes in social political policy.

His answer, in each instance, was very reassuring, Mr. President. He has not only demonstrated this awareness with words, but with actions and opinions while on the Eighth Circuit Court of Appeals.

During the hearings, excerpts from this Senator's observations and questions

included the following, and they were addressed to Judge Blackmun as he occupied the witness chair. I am now quoting from page 57 of the hearings.

Institutions under our constitutions perform different functions in solving these social ills. Not all are given the same power. Isn't it true, Judge Blackmun, that a Supreme Court and the members thereof are bound pretty much by the record of the case before them and by the Constitution of the United States. They cannot and should not venture beyond the record and beyond the Constitution or beyond the state of the law and violate and distort the Constitution in an effort to try to achieve an alleviation of certain well-known evils. The same would be true of people in a legislative field such as the members of this committee. We have our limitations. We can legislate to be sure, but it is always subject to the limitations placed on us by the Constitution and of course by the courts.

Now, I can understand how one would be concerned with the social and the economic problems, and yet at the same time just because there is an awareness then and a great concern about it does not indicate, does it, that he can do almost anything and everything to try to rectify those problems?

Mr. President, Judge Blackmun replied as follows:

I strongly believe in our system of checks and balances and in our three-branch system of government. As you point out the Constitution in Federal cases is always part of the record. I firmly believe in deciding cases on the record. I hope I have never done otherwise.

I firmly believe that change, if change comes, must come within the framework of the law as we understand it. And not outside the law.

A little later in his testimony he stated:

Each of the three parts has its own sphere, and each is limited by the Constitution. Together we survive, I think. And I am a firm believer in this tripartite system of government that has blessed us over the many years.

Mr. President, later during the appearance of Judge Blackmun I called attention to the type question that was asked other nominees to the Supreme Court in recent years, particularly in the case of Justice Marshall, who for many years represented the civil rights movement before the court; also in the case of Justice Arthur Goldberg, who devoted the greater part of his career as a lawyer representing national labor unions; and Justice Fortas, who, when he was before us, was asked this same question.

The question I put to Judge Blackmun was in the same context as the question that was put to Justices Marshall, Goldberg, and Fortas. I read from page 58 of the hearing record:

If you become a member of the Supreme Court will you be able to render a fair and just decision in disputes put before you and act solely upon the law and the evidence of the case and render such a fair and just decision regardless of the color of the man's skin in front of you, or his wealth, or his poverty, or the part of the country from which he comes, or whether he is a member of management, of labor union management or a worker himself.

I observed at that time that in the instance of Justice Marshall, he answered, Yes, I believe I can. And I will.

While other nominees made the same response.

I asked Judge Blackmun this question: Would you care to respond to a question of that nature and of that scope?

This was the response by Judge Blackmun:

Well, I feel that this question, of course, is basic, essential, properly asked. This is the test of a true and a genuine judge. I would like to think that my past 10½ years on the court of appeals fulfills that standard. I think it does.

I think that those who have looked at me and my record think it does.

In answer to your inquiry, I can only give the same answer which you tell me was forthcoming from the other nominees. I am almost positive I can act in that way. This would be my sincere aim, and I would attempt to do so within the limits of my human and hence fallible limitations. I think I can. I can almost say I know I can, but I cannot be categorical except to say I shall do my very best.

Mr. President, I submit that this statement and the fashion in which it was uttered by the nominee are gratifying and reassuring. The Senate has before it a nominee who has the respect and admiration of the bench and bar. He has achieved his prominent position of high distinction and excellence through dedication and devotion to the law. He would be a welcome addition to the court and his nomination should be promptly confirmed by the Senate.

EXHIBIT 1

AMERICAN BAR ASSOCIATION,
STANDING COMMITTEE ON FEDERAL JUDICIARY,
New York, N.Y., April 28, 1970.

HON. JAMES O. EASTLAND,
Chairman, Senate Committee on the Judiciary, Washington, D.C.

DEAR SENATOR: This letter is submitted in response to your telegram of April 16, 1970 inviting the Standing Committee on the Federal Judiciary of the American Bar Association to submit its opinion regarding Honorable Harry A. Blackmun of Minnesota who has been nominated to be an Associate Justice of the Supreme Court of the United States.

Based on its investigation to date our Committee is of the opinion that Judge Blackmun meets high standards of professional competence, temperament and integrity. Our investigation is continuing and we should like the privilege of submitting a further report to your Committee after the conclusion of its hearings. Rather than making this report unduly long, we state our conclusions and shall be happy to supply further detail upon request.

Our Committee does not express any opinion as to political or ideological matters. Its opinion is limited to the professional competence, temperament and integrity of the nominee.

The investigation of the Committee as presently expanded, has included the following steps:

1. It has interviewed Judge Blackmun.
2. It has made its own survey of Judge Blackmun's opinions.
3. It has interviewed all members of the Eighth Circuit Court of Appeals.
4. It has interviewed the Chief Judges of each of the District Courts within the Eighth Circuit and a number of other federal and state judges within the Circuit.
5. It has interviewed and had reports from over 100 lawyers within the Eighth Circuit who are in active practice and who would be most likely to be familiar with Judge Blackmun's reputation in the Circuit.

It has interviewed the deans of four law schools within the Eighth Circuit.

7. It has interviewed a substantial number of judges and some lawyers outside the Eighth Circuit.

8. It has interviewed the deans of more than 25 law schools outside the Eighth Circuit.

9. It has carefully considered the sixteen page letter dated April 15, 1970 to you from Deputy Attorney General Richard G. Kleindienst.

Except for two instances hereafter related, none of the scores of persons interviewed commented adversely regarding Judge Blackmun and all those who knew him or who were familiar with his work state that he is highly qualified.

PROFESSIONAL BACKGROUND

Judge Blackmun has had broad general experience in law and business which gives him an excellent background for judicial work. He has served as a Judge of the Court of Appeals for the Eighth Circuit for some eleven years. He worked as the law clerk to Judge Sanborn of that Court in 1933. He practiced law in a leading Minneapolis firm for sixteen years. For five years he engaged intensively in tax work, for two years in general litigation and for ten years he specialized in wills, trusts, estate planning and taxes and bank work. For nine years, he was engaged as business manager and general counsel of the Mayo Clinic. He taught law school for eight years, six of them at William Mitchell College of Law night school during the 1930's and two of them at the University of Minnesota during the faculty shortage following World War II. Judge Blackmun has done considerable committee work in the Federal Court system by serving on the Advisory Committee on Research to the Federal Judicial Center, and the ABA Criminal Justice Standards Project's Advisory Committee on the Judges' Function. He has participated in numerous community activities.

1. Judge Blackmun Interview.—Judge Blackmun was interviewed and impressed us as a judge who is sincere, frank, understanding and cooperative, one who conscientiously and with open mind weighs every reasonable argument with careful knowledge of the record, the arguments and the law.

2. Survey of Judge Blackmun's Opinions.—Our survey included opinions written by him in various fields of law. They are scholarly and well written, with a consciousness of broad social policies involved and with a perception of current trends of the law. They may be characterized as lengthy but they have indicated to losing counsel and to the Supreme Court on review that all arguments have been considered and weighed in a fair manner by the court.

The substantive areas covered by Judge Blackmun's opinions include a wide range of subjects. He is particularly familiar with tax law. He has written frequently with respect to criminal cases. He has also written a number of opinions in the field of labor relations. Other than that his opinions run the usual wide variety of the Federal courts, including matters of administrative law, patents and trademarks, bankruptcy, and the questions of tort and contract law which come before the Federal court because of the diversity of citizenship of the parties. He has written some civil rights opinions and some of his criminal cases present civil rights issues and basic constitutional issues. He has written a few anti-trust opinions.

3. Members of the Eighth Circuit Court of Appeals.—His colleagues have unanimously endorsed him as well qualified. Judge Blackmun is described by a former Chief Justice of this court as "the best qualified man in the Eighth Circuit . . . a conscientious hard worker and a good scholar."

4. Other Federal and State Judges Within the Eighth Circuit.—These judges include

the judges whose decisions are reviewed by the Court of Appeals of which Judge Blackmun is a member.

The former Chief Judge of the District of Minnesota, one of the most respected trial judges in the country, writes of him in the following terms: "He is a gifted, scholarly judge who has an unusual capacity for the production of opinions in the cases assigned to him on that court which present learned treatises of the factual and legal questions involved. And coupled with all of his erudition, he is unassuming, kind and considerate in all of his associations with the Bar and the public. He has been an ideal Appellate Judge. I recommend him unreservedly to the Senate for the approval of his appointment."

The other federal judges support this view as do state court judges in the Circuit.

5. Lawyers of the Eighth Circuit.—The lawyers interviewed practice in Minnesota, North Dakota, South Dakota, Nebraska, Iowa, Missouri and Arkansas. They include black lawyers and white lawyers, lawyers for labor unions, for plaintiffs in personal injury cases, for railroads, and for corporations and insurance companies, civil rights lawyers, president and past presidents of State Bar Associations, in short, a fair cross section of the Bar. With a single exception, their comments were substantially the same as those of the judges, that Judge Blackmun is an excellent judge, one of the best in the Circuit, and that they had never heard anything derogatory about him. The exception believed that Judge Blackmun had a bias against labor unions. Several other lawyers representing labor unions stated that Judge Blackmun was an exceptionally fine judge, that he was open minded and that they favored his appointment.

6. Deans of Eighth Circuit Law Schools.—With the exception of one dean who was just appointed and who did not know Judge Blackmun, all spoke strongly in his favor. Among those who knew Judge Blackmun best was Dean William B. Lockhardt of the University of Minnesota, immediate past President of the Association of American Law Schools. He considered the appointment to be an excellent one. He spoke of Judge Blackmun as a "legal scholar and a very careful lawyer." He said further "his opinions are those of a first class legal craftsman. They would reflect high credit upon the Supreme Court."

7. Judges and Lawyers Outside the Eighth Circuit.—Outside the Eighth Circuit Judge Blackmun is less well known but he is well regarded by those who know him. He is known by the chief judges of most circuits and by other judges who have served on Committees with him. Those who know him all speak well of him both as a man and as a judge.

8. Faculty Members of Law Schools Outside the Eighth Circuit.—The deans of a substantial number of representative law schools throughout the country were interviewed, as were some professors in those law schools. Judge Blackmun is best known in the Midwest. However, in many of the law schools his name has been discussed by faculty and students. None of the faculty members interviewed had any unfavorable comments. Those who had had occasion to examine his opinions believed them well written. The Law Journal Editors of one law school expressed some concern that Judge Blackmun might be too subservient to precedent and lack sympathy for the defendant in criminal cases.

9. Judge Blackmun's "Financial Holdings and Off-Bench Activities" as Described in the Kleindienst Letter at Pages 8 through 15.—The Committee studied this letter and discussed these matters with Judge Blackmun. The information had been voluntarily given by Judge Blackmun. In our discussion he added another similar case and explained the circumstances.

In the opinion of the Committee none of the instances including stock holdings, executor's fees, directorships in charitable or business corporations, changes our favorable conclusion. Judge Blackmun has previously resigned his directorships in business corporations and he has stated that he will resign his charitable directorships if confirmed. His stock holdings are so small that in our opinion he violated no statute or Canon.

In the personal interview, Judge Blackmun thoroughly explained the matters mentioned to the Senate Committee by Mr. Kleindienst in his letter. As to the stock in Ford Motor Company, even though his stock interest was not substantial, he immediately recognized the possible existence of an ethical problem, and took appropriate action by discussing it with the Chief Judge of his court. After being told that he should participate and not disqualify himself, he also followed that advice in the second Ford case and a later case involving Northwestern Bell Telephone. Judge Blackmun's action in recently disqualifying himself in a case involving a Ford subsidiary reflects an awareness of the controversy and publicity which had occurred regarding judicial stockholdings within the last year.

In the course of our interview we learned that Judge Blackmun had further reviewed the decisions in which he had participated in order to ascertain if there were any other instances. Checking some 700 cases in the limited time available, the only comparable case he discovered involved Minnesota Mining and Manufacturing Company in which he had bought some 30 shares of stock for approximately \$2,250 on December 28, 1960 after having been a member of the court which decided a patent case against that company on December 1, 1960. Thereafter the panel of the court of which he was a member denied the company's petition for rehearing.

Judge Blackmun also detailed to the Committee his services as an executor and the receipt of fees from two estates as described by Mr. Kleindienst on page 15 of his letter. He said that these had been quickly discerned because they were reported on his income tax returns. He subsequently recalled there was a third case in which he acted as a co-executor for the estate of Dr. Donald C. Balfour, the son-in-law of Dr. Fill Mayo, whose will was drawn in June, 1959. Dr. Balfour died in July, 1963 and Judge Blackmun acted as coexecutor at the insistence of the widow. He received no fee.

We assured ourselves that in all of these cases the wills had been drawn before he became a judge and he did no legal work regarding the estate. In each of the cases the estate was represented by counsel, a bank was a co-executor and the decedents and surviving relatives had been close personal friends of Judge Blackmun and associated with the Mayo Clinic to such a degree that he felt obligated to serve. We also learned that Judge Blackmun had declined many other requests to act as executor.

Our interview also included discussions of directorships and trusteeships held by Judge Blackmun as related in Mr. Kleindienst's letter to you on page 14 and confirmed that Judge Blackmun had resigned as an active director of the Kahler Corporation which operated a chain of hotels shortly after the Judicial Conference indicated that such directorships were not advisable.

He presently serves without compensation as a member of the Kahler Corporation Foundation which is a charitable corporation. He still serves as a director of the Charles O. Gilfillan Foundation and the Fanny S. Gilfillan Foundation, both of which were established by benefactors of the Mayo Clinic to provide anonymous charitable assistance to the poor people who

needed medical help. He is a trustee of William Mitchell College of Law, the Rochester Methodist Hospital and the Board of Publications of the Methodist Church. He was a trustee of Hamline University until his recent resignation. Judge Blackmun stated that if he should be confirmed he intends to terminate all these relationships.

CONCLUSION

In the course of our investigation some persons commented that Judge Blackmun was not nationally known and that some of his opinions were unduly extended and that he was accordingly slower than others in the disposition of his cases. Lack of national reputation is not unusual for highly competent federal judges whose work is primarily in their own circuit and we do not consider this an impediment. We were reassured in our interview that Judge Blackmun recognizes the need for an Associate Justice of the Supreme Court to work rapidly and deal with an enormous volume of work under great time pressure and we believe that he would be able to meet the challenge.

Accordingly, upon the basis of our investigation to date, our Committee is unanimously of the view that Judge Blackmun meets high standards of professional competence, temperament and integrity.

Respectfully submitted,

LAWRENCE E. WALSH, *Chairman.*

Mr. ALLOTT. Mr. President, it will be my pleasure to vote in support of the nomination of Judge Harry A. Blackmun to be an Associate Justice of the Supreme Court of the United States.

I have been most impressed by the fact that not one single person has voiced any substantial criticism of Judge Blackmun. The American Bar Association's Standing Committee on the Federal Judiciary conducted an incredibly thorough examination of Judge Blackmun. They interviewed all of Judge Blackmun's colleagues on the eighth circuit, the chief judge of each of the district courts within the eighth circuit as well as judges outside the eighth circuit. They also talked to the deans of a number of law schools and to over 100 lawyers both inside and outside the eighth circuit. After this extensive investigation, the committee expressed the unanimous view that—

Judge Blackmun meets the high standards of professional competence, temperament, and integrity.

Shortly after President Nixon nominated Judge Blackmun, the chief judge of the Eighth Circuit Court of Appeals, Judge Martin D. Van Oosterhout, informed the Judiciary Committee that the entire Eighth Circuit Court of Appeals supported the nomination of Judge Blackmun. Here is what he said:

In summary, without hesitation the active and senior members of the Court of Appeals for the Eighth Circuit enthusiastically and without qualification support the nomination of Judge Blackmun for the position of the Supreme Court.

He went on to say that Judge Blackmun was a man of excellent character who possessed unquestioned integrity. He also stated that he had received direct word without solicitation from many of his district judges in the circuit, stating that they enthusiastically supported Judge Blackmun's nomination. Indeed, to his knowledge, there is

no judge in the eighth circuit who has a contrary view.

With the aid of detailed financial records supplied by Judge Blackmun and the Department of Justice, the Senate Judiciary Committee was able to conduct a thorough examination into Judge Blackmun's financial holdings. No improprieties were found by anyone.

Judge Blackmun is to be congratulated for the outstanding record he has compiled over the years. President Nixon should be congratulated, too, for having chosen such a fine man and an outstanding judge to be an Associate Justice of the Supreme Court. It will be my honor to vote in favor of Judge Blackmun.

Mr. MOSS. Mr. President, I support the nomination of Judge Harry A. Blackmun to the Supreme Court of the United States.

Unlike the two previous nominees, Judge Blackmun is eminently well qualified to sit on the Supreme Court. He has shown commendable sensitivity to judicial ethics and has a distinguished record as a jurist.

According to the American Bar Association, which also supports this nomination, Judge Blackmun's opinions are "scholarly and well written, with a consciousness of broad social policies involved and with a perception of the current trends of the law."

I know of no opposition to Judge Blackmun.

Mr. President, at a time when the authority of the law is being challenged by extremists on the right and on the left, it is crucial that appointees to the Supreme Court be of the highest caliber. The confirmation of Judge Blackmun's nomination will bolster public faith in the Supreme Court which has been eroded seriously.

Mr. McCLELLAN. Mr. President, I support the nomination of Judge Harry A. Blackmun to be an Associate Justice of the U.S. Supreme Court.

He has had a long and distinguished career as a practitioner of the law—as a teacher of the law—and, for the past 11 years, as an interpreter of the law as a member of the Eighth Circuit Court of Appeals.

Judge Blackmun's colleagues from the eighth circuit have unanimously endorsed him as being well qualified for the Supreme Court. Indeed, a former chief judge of that court described him as "the best qualified man in the eighth circuit—a conscientious hard worker and a good scholar."

The American Bar Association reports that Judge Blackmun meets high standards of professional competence, temperament, and integrity. He has been unanimously approved by the Senate Judiciary Committee.

I participated in the hearings on Judge Blackmun's nomination and was impressed with his candor, his humility, his understanding of the events and issues of today, his obvious respect for the Constitution, and his understanding of the proper role of the Supreme Court in our system of government.

I have reviewed his extensive record on the bench, and while I do not necessarily agree with his findings and conclu-

sions in every decision in which he has participated, yet I find myself in general agreement with the philosophy of most of his opinions.

Others may attempt to define and label Judge Blackmun's philosophy according to some standard known only to them. Perhaps he, himself, best described this, however, by stating simply that he believes that the Constitution means what it says. Judge Blackmun may or may not be what the press has called a strict constructionist, whatever that may mean. Apparently that term means different things to different people. I was impressed, however, by the respect and due regard he has shown for legal precedent, which should always be a guiding light and a great stabilizing force in the interpretation of law and the administration of justice.

Mr. President, that is one of the failings which has given rise to so much criticism of the Court—its failure to honor and follow long-established precedents. This criticism which has been significant in many instances, has been justified and has caused the Court to fall to its lowest status of esteem and prestige at any time in our present generation.

We are hoping that this trend will be reversed. I think the way to reverse it is to get back to the fundamentals of the Constitution, to honor, instead of to reject and disavow, the precedents of long standing which were established by men of great intellect and judicial stature. Instead of being repudiated these should be, as I have just said, a guiding light and a stabilizing influence on the Court of today.

His respect for precedent, his strong belief in our system of checks and balances—in the separation of powers—is indicated by a quote from an appeal in a capital punishment case which he upheld, noting that he was one who is: "not personally convinced of the rightness of capital punishment and who questions it as an effective deterrent," yet "the advisability of capital punishment is a policy matter ordinarily to be resolved by the legislature or through executive clemency and not by the judiciary—*Maxwell v. Bishop*, 398 F.2d 138 (1968).

Mr. President, that indicates that, though he does not necessarily believe in the wisdom of capital punishment, he respects the separation of powers of our system of Government and respects the right of the legislatures, the law-making agencies of the Government, to determine what the policy on this issue shall be. I was also impressed with his statement:

That change, if change comes, must come within the framework of the law as we understand it, and not outside the law.

Mr. President, that indicates to me that he believes a change in the Constitution should be achieved in the manner provided by the terms of the Constitution. He does not believe it is either the duty or the prerogative of the Court to change the historical interpretations of the Constitution so as to be tantamount to amending that great document by edicts and decree. For these basic prin-

ciples of judicial integrity, I commend him and highly respect him.

For almost two decades now, the Supreme Court has, in too many instances, tended to exceed its proper role and function as a coordinate branch of our tripartite system of Government. It has sought to fashion new remedies, new rules—indeed, even to restructure and rewrite laws to suit its own notions of what it believes to be best for this Nation and our people.

Hopefully, Mr. President, this activist era of the Court is in the eclipse—hopefully, we are entering into an era where the Court will perform its function of interpreting the laws, enacted by the people's representatives and enforced by the people's President. Hopefully, the Court will, with due propriety, leave the lawmaking to the legislative branch of the Government.

Mr. President, to the people, the Supreme Court is more than a tribunal. It is a symbol of justice and a constant reminder that we are a Nation governed by laws. If that symbol is tarnished, if that shining beacon of justice is dimmed, then each of us and all of us have lost a part of our precious heritage of freedom and suffered a corresponding diminution of our ability to govern ourselves.

Judge Blackmun made the following observation on the people's view of the Court which he noted during the days following his nomination:

What comes through to me most clearly is the utter respect which the little person has for the Supreme Court of the United States, and I think that the little person feels this is the real bastion of freedom and protection of strength in this nation. It was a lesson that was taught to me in the last two weeks and one which I think I shall never forget.

Mr. President, the seat for which Judge Blackmun has been nominated has been vacant since May 14, 1969, when Justice Abe Fortas resigned. That event and others have placed the Court under close and controversial scrutiny by the press and our people during the interim. I am sure that it has been quite a trying time for the Court and its members. As a consequence, both the Congress and the President have been confronted with problems of no small magnitude.

With the confirmation of the nomination of Judge Harry A. Blackmun, I trust that we can close this rather unpleasant chapter in the Court's history and look forward with confidence to restoring the Supreme Court to its rightful place of respect and reverence in the hearts and minds of our people.

Mr. President, I commend President Nixon on his selection of this nominee and congratulate Judge Harry A. Blackmun and wish him a most constructive and illustrious tenure on the Supreme Court.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled, "Prospects for Justice," published in the Arkansas Democrat on Monday, April 27, 1970.

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

PROSPECTS FOR JUSTICE

Let's get the important stuff out of the way first in our examination of Judge Harry

A. Blackmun, President Nixon's latest nominee to the Supreme Court.

Judge Blackmun reads Dostoevski, works Saturday Review double-crostics, quit chess because hypothetical moves kept him awake nights, collects stamps and likes dogs, or at least one named Pitter, the only chihuahua bitch extant without pop eyes. Although a graduate of Harvard, he reportedly sings Yale's "Whiffenpoof Song" in the shower.

That out of the way, we might also mention that his financial dealings appear to be above any of the questions raised by Clement Haynsworth's rather casual concern for letting his court rulings get in the way of making money. And that his stature as a jurist, based on a distinguished record on the 8th U.S. Circuit Court of Appeals at St. Louis, precludes him from the charge of mediocrity leveled at Harrold Carswell.

While we're at it, we might as well also look at his ideological orientation. In this area we can examine him in relation to our immediate surroundings, since he has ruled on several Arkansas cases.

In striking down the use of the whip in Arkansas prisons, he wrote, "Corporal punishment generates hate toward the keepers who punish and toward the system which permits it. It is degrading to the punisher and to the punished alike. It frustrates correctional and rehabilitative goals. . . ."

In telling the state to retry or release condemned rapist William Maxwell because of racial discrimination in choosing his jury, Judge Blackmun wrote, "That this may result in further time-consuming proceedings, both trial and appellate, before there can be an end to the (defendant's) case is, of course, regrettable. . . . Nevertheless it is to the credit and not to the shame of our system that, no matter what the alleged crime may be, a defendant in this nation will receive a trial conducted with the safeguards guaranteed by our fundamental law."

In directing the El Dorado school district to achieve further integration, he said: "We do not rule that busing is a constitutional imperative. Busing is only one possible tool in the implementation to unitary schools. Busing may or may not be a useful factor in the required and forthcoming solution of the elementary school problem which the district faces."

So we see that Judge Blackmun, while being restrained enough in his judgments to fit Mr. Nixon's definition of strict constructionist, would also continue the Supreme Court's decision to the protection of citizens' rights to equal protection under the law.

The most encouraging aspect of the Blackmun nomination may be that the President picked him on the advice of Chief Justice Warren Burger. This could mean that Mr. Nixon has quit paying so much attention to Attorney General Mitchell, who suggested the Haynsworth and Carswell nominations. The prospects for justice in this country are improving.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow, Tuesday, and that it convene at that time in executive session.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time for debate on the nomination of Judge Blackmun be equally divided and controlled,

respectively, by the majority and the minority leaders.

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

The unanimous-consent agreement, subsequently reduced to writing, reads as follows:

Ordered, That the Senate meet at 11 a.m. on Tuesday, May 12, 1970, in executive session, and that the vote on the confirmation of the nomination of Harry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court of the United States occur at 2:30 p.m., with that time being equally divided and controlled, respectively, by the majority and minority leaders.

SUPREME COURT OF THE UNITED STATES

The Senate, in executive session, continued with the consideration of the nomination of Harry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court of the United States.

Mr. PERCY. Mr. President, I enthusiastically support the nomination of Judge Harry A. Blackmun to serve as an Associate Justice of the Supreme Court of the United States. In my judgment, he will bring to the Court the qualifications that will inspire confidence in that institution and will advance the measure and quality of justice in our country.

What the Senate has been seeking over the past year is a man of extraordinary competence, of unimpeachable ethics, and of acute social sensitivity. President Nixon has given us such a man. Judge Blackmun has established a balanced record during his career. He is considered a strict constructionist, moderate on civil rights and conservative in the area of law enforcement. While these adjectives bespeak his philosophy, his method can only be termed one of excellence.

From the very beginning, Judge Blackmun came forward with a laudable candor before the Judiciary Committee of the Senate and before the public. No witnesses appeared in opposition to his nomination and the committee voted unanimously in his favor. The American Bar Association, pursuing new and more stringent criteria in passing on his fitness for service on the highest court of the land, expressed the unanimous view that he met the highest standards. And he has consistently demonstrated an important recognition of the changing demands of judicial propriety and an essential sensitivity to crucial questions of civil and human rights.

I am extremely pleased in this case that the President himself has taken charge of the selection. I was surprised when he disclosed to me in a meeting in his office prior to Senate action on the nomination of Judge Haynsworth, "You know, I've never met Judge Haynsworth."

I can, of course, well understand the President's desire to avoid cronyism, but in my mind an appointment to the Supreme Court is too important and a Justice, too influential, to warrant reliance on any substitute for the President's own best judgment.

The President met privately with Judge Blackmun and made his decision. Already we have sensed the quality of that judgment, and I am confident the

Senate will overwhelmingly, if not unanimously, ratify his choice.

There have been three extremely sensitive areas that have called for consideration, debate, and discussion over the past year in connection with the nomination of Associate Justices to the Supreme Court.

The first area was conflict of interest. In this respect, the candor of Judge Blackmun, both before the committee and the public, and the candor of the Justice Department were unprecedented. Judge Blackmun freely made available information regarding his financial holdings and Deputy Attorney General Kleindienst advised the committee that Judge Blackmun has never sat in a case involving "any corporation or entity for which he was then serving as an officer, director, or in a similar capacity," nor has he sat in a case "involving parties whom he had represented as an attorney."

Over the course of nearly 11 years and 900 cases, Judge Blackmun participated in only four cases in which he had any financial connection whatever. In the first of these cases, involving Ford Motor Co., Judge Blackmun held interests in the amount of \$2,500. He disclosed his stock interest to the chief judge of the circuit and the chief judge advised against disqualification because his interests was so small. In the other cases, his interest was again so minute a fraction of the total number of outstanding shares as to negate the monetary importance of his decision.

The second important area on which Senate debate has focused has been human or civil rights. When Richard Nixon accepted his party's nomination, he called for the appointment of men "dedicated to the great principles of civil rights."

In sharp contrast with previous nominees, not one single witness has appeared before the committee in its hearings on Judge Blackmun or to my knowledge contacted any Senator who has in any way criticized the long record held by Judge Blackmun in this highly sensitive area. In fact, many witnesses have indicated that Judge Blackmun's record reveals a deep sensitivity to those individual rights and freedoms guaranteed by our Constitution.

Mr. President, the third area in which debate has developed has been concerned with differences in ideology: conservatism versus liberalism. Here again there seems to be no dispute about the fact that Judge Blackmun in his judicial opinion has been conservative and, what might be termed, a strict constructionist of the Constitution. Yet, the Committee on the Judiciary, whose members spent more time than any other Senators on this matter, unanimously support the nomination. Senators such as the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. McCLELLAN), the Senator from North Carolina (Mr. ERVIN), the Senator from Connecticut (Mr. DODD), the Senator from North Dakota (Mr. BURDICK), the Senator from West Virginia (Mr. BYRD), the Senator from Nebraska (Mr. HRUSKA), the Senator from Hawaii (Mr. FONG), the Senator from Pennsylvania

(Mr. SCOTT), the Senator from South Carolina (Mr. THURMOND), the Senator from Kentucky (Mr. COOK), the Senator from Maryland (Mr. MATHIAS), and the Senator from Michigan (Mr. GRIFFIN), are men who have balanced feelings in the area of ideology. Their votes are joined by others on the Judiciary Committee such as the Senator from Michigan (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Mr. TYDINGS), to arrive at a unanimous vote in favor of the nomination.

So the country has assurance, whether an individual is liberal or conservative in terms of his judicial philosophy or regardless of his geographical origins—east or west, north or south—if he meets the high judicial and scholarly qualifications for the Supreme Court, he will be confirmed. The test is excellence, not partisanship, not sectionalism, not philosophy.

I might say, parenthetically, that those of us from Illinois are particularly pleased by this nomination since Judge Blackmun was born in Nashville, Ill., but this is not our major source of enthusiasm for this nominee. I am confident that the people of Illinois, who manifested such divisiveness over the earlier candidates' qualifications, can and will take pride and find agreement in Judge Blackmun's nomination. In fact, I have received virtually no mail from Illinois constituents opposing his nomination.

The wracking controversies that characterized the debate over the Court have made us eager to get on with the business of filling the Supreme Court vacancy expeditiously and without invective. Very soon after the announcement of Judge Blackmun's nomination, I discerned in the Senate and among the public the feeling that we are about to reap the rewards of our long insistence upon excellence. While those of us who have held out for a candidate who exemplified the indispensable qualifications for the Supreme Court would have held out even longer had the present nominee been found wanting, we are deeply gratified that that was not necessary.

Harry A. Blackmun has exemplified an enormous mental capacity for comprehension, brilliance, a stalwart character, partial only in its pursuit of justice, and a sensitive regard for the rights of all individuals within society. In choosing our interpreters and ministers of the law, we cannot and should not settle for less.

LEGISLATIVE SESSION

Mr. HRUSKA. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

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

AUTHORITY FOR ALL COMMITTEES TO FILE REPORTS DURING THE ADJOURNMENT OF THE SESSION UNTIL TOMORROW

Mr. PROXMIRE. Mr. President, I ask unanimous consent that during the adjournment of the Senate from the close

of business today until the Senate reconvenes at 11 a.m. tomorrow, all committees be authorized to file reports, including minority, supplemental, and individual views.

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

THE OXFORD OATH

Mr. ALLOTT. Mr. President, the Friday, May 8, edition of the Washington Post carried a timely and thoughtful column by Joseph Alsop concerning an ominous historical parallel to the current wave of student protest.

The current campus-based agitation against American policy in Vietnam reminds Mr. Alsop of a time when there was enthusiasm among British students for what came to be known as the "Oxford Oath." This was an oath, sworn to by large numbers of British students during the 1930's, which involved the pledge never to "bear arms for king and country."

As Mr. Alsop notes, this was not harmless student dissent. The oath received its first publicity and its name, from the fact that it was heavily supported by a vote in the Oxford University Union in 1933—after Hitler had taken power.

Hitler was impressed. Captured Nazi documents indicate that Hitler frequently referred to this oath as evidence that his aggression would not arouse forceful British opposition. For a long time he was right. By the time it dawned on the British that German national socialism and Italian fascism were expansionist ideologies, they had already expanded so far that they could only be stopped by the most costly war in history.

Mr. Alsop does not mention the fact that American students in the 1930's had their own version of the "Oxford Oath." That American "peace pledge" also contributed to the dangerous overconfidence in the German and Italian Governments. It is evidently the case that large numbers of American students are through studying history—and everything else—for this year. That is too bad. They have a lot to learn from the past.

I ask unanimous consent to have Mr. Alsop's important column printed in the RECORD.

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

DEMONSTRATORS SHOULD PONDER BRITISH STUDENTS' "OXFORD OATH"

(By Joseph Alsop)

In 1933, with Adolf Hitler already in power in Germany, a substantial majority of the members of the Oxford Union voted that they would never "bear arms for king and country."

This "Oxford Oath," as it was called at the time, must be wholly unknown to the young antiwar demonstrators, since they are also antihistory. But they will do well to ponder it, all the same.

The vote of the Oxford Union undoubtedly reflected the views then held by most British undergraduates. For that very reason, and also because it had a certain dramatic succinctness, it made a lot of noise in the world.

Among those who remember the "Oxford Oath" today, the customary thing to say is that the very same undergraduates who swore they would never bear arms in Britain's defense, then went out and fought like

hell in Hitler's war. This is true, in the main, but it is also completely unimportant.

It is most important, however, that the "Oxford Oath" made a tremendous impression upon Hitler himself, as the archives reveal. In fact Hitler customarily cited the oath, whenever the German general staff warned him of the risks of his next move forward. It was proof, Hitler said, that Britain was rotten to the core, which meant that the risks were being exaggerated by the general staff.

In this manner, in fact, the "Oxford Oath" even played a certain role in bringing on the Second World War. Even more important, it was also a mere reflection of the condition of moral and material disarmament into which Britain had fallen at that time.

It revealed the climate that left Britain almost unarmed, while Hitler built up Germany's armed might at a furious rate. It forecast the impotence of Britain's response to the invasion of the Rhineland, when Hitler's rule would have ended if the English government had been vigorous and firm.

In sum, the "Oxford Oath," the climate that produced it, and the other results that climate also produced, add up to a grim textbook case for today's young demonstrators to study. If they study the case carefully, they will learn exactly how to blunder into a third world war by being antiwar. And that is precisely where we are tending.

It is just this aspect of the American situation that most disturbs a traveler, like this reporter, who has just returned from an intensive inspection of two wars, in Vietnam and in Israel. The war in Vietnam is going very well indeed, as President Nixon quite truthfully informed the country.

It will go even better if the President wins his Cambodian gamble. Without Cambodian supplies and Cambodian bases, in fact, Hanoi must eventually abandon the war altogether in the richest and most important part of South Vietnam, the two big Southern Corps areas. And if this happens, American lives will indeed be saved, just as the President said.

But in the Middle East, it is very difficult indeed. Here the Russians have now taken over Egypt's air defense, pretty nearly lock, stock and barrel. They have thereby placed the hate-swollen Egyptians in a position to wear down Israel by slow stages, until Israel is destroyed. And let no one deceive himself: Israel's total destruction is Gamal Abdel Nasser's real aim.

It remains to be seen what the Israelis will do about this. Since they are too few to fight a purely defensive war, whatever they do must involve really desperate risks. There is something else, however, that most emphatically does not remain to be seen. The new Soviet step in the Middle East implies a drastic Soviet change of course, toward a much bolder, more aggressive national policy.

It can be said on highest authority that this ominous Soviet change of course was very much present in the President's mind, when he made his Cambodian decision. Looking at the toughness the President showed in that decision, the Kremlin leaders must naturally recalculate their risks all over the world.

But it is now a contest between the President and the antiwar demonstrators. Let us suppose the demonstrators win, by senatorial fattedness or in some other way. The United States will then sink into the condition of moral and military disarmament which these young people have been taught to regard as the national ideal.

Israel's destruction will be among the first consequences; in fact the demonstrators and their older inspirers will be Nasser's partners in the murder of Israel. One could go further with the lessons of the "Oxford Oath," but this should be sufficient.

THE IMPLICATIONS OF PRESIDENT NIXON'S DECISIONS ON CAMBODIA

Mr. ALLOTT. Mr. President, in their column of Thursday May 7, in the Washington Post, Rowland Evans and Robert Novak indicate the larger implications of the President's decision to authorize a limited sweep through the Cambodian sanctuaries.

The current allied operation is limited in its aim and its duration. But as the columnists make clear, the action has implications for the security of the whole region.

Their column is datelined Bangkok, and it deals with the current situation in Thailand. I ask unanimous consent to have this column printed in the RECORD.

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

[From the Washington Post, May 7, 1970]
DOUBTS ABOUT UNITED STATES AND FEAR OF CHINA ARE FORCING THAILAND TO WOO RUSSIA

(By Rowland Evans and Robert Novak)

BANGKOK, THAILAND.—Until President Nixon's daring military move into Cambodia, the crisis of confidence toward the U.S. by our Asian allies had become so serious that staunchly anti-Communist Thailand was making serious overtures toward the Soviet Union.

Fearful that the Nixon Doctrine really signals the withdrawal of the U.S. from Asia, Thailand sees an intractable and imperialistic Communist China filling the vacuum left in this part of the world by the departing Americans. Who, then, is left to counter the Chinese but their Communist rivals, the Soviet Union? That's why Bangkok in recent months has quietly been warming its formerly cool relations with Moscow. The Thais, who pride themselves on centuries of independence, were simply acting the role of the pragmatists of Southeast Asia.

This development (described as "an adjustment of policy") was made clear to us in a candid interview with Dr. Thanat Khoman, Thailand's shrewd and urbane Minister of Foreign Affairs, prior to the U.S. move into Cambodia. At that time, Thanat was deeply troubled by events in Washington. "Everybody knows there is a neo-isolationist wave in the United States," he told us, "and now it seems the wave is in the majority."

Thus, whatever its final military outcome, President Nixon's Cambodia move will have—temporarily at least—a reassuring effect on nervous Asian allies such as Thailand. That, in fact, is one of its secondary purposes.

Even before the Cambodian operation, Thailand was not about to abandon its Western orientation for outright neutralism. Its 12,000-man detachment remains in the Vietnam war. Thai soldiers are fighting the Communists on a covert basis, in southern Laos. Bangkok, stands ready to send detachments to reinforce outnumbered Lao forces in northern Laos if requested by Vientiane.

Nor is it certain that less worldly figures in Thailand's semi-military government are wholly in accord with Thanat. It may be symptomatic that Thanat's hint several weeks ago of a possible reduction in Thai forces in Vietnam was slapped down by Gen. Prapass Charusathara, the powerful deputy prime minister.

The fact remains, however, Thailand for the first time is talking to the European Communist bloc—negotiating a commercial air agreement with the Soviets and trade agreements with Romania and Bulgaria. Thai officials privately note historic bonds be-

tween Thailand and Czarist Russia and comment that the matter of mutual air landing rights, requiring months of vituperative haggling with the U.S., was disposed of in a few hours with the Soviets.

Thanat's own comments underline this as a significant departure for his country. "This is not surrender," he told us. "This is not compromise. This is facing the realities. . . we are drawing up our contingency plans, and you can't blame us." Those "realities" are twofold: doubt about the U.S. and fear about China.

That China's long-range goal is to dominate Thailand is taken for granted in Bangkok. The ominous road that the Chinese are building across northern Laos into Thailand is symbolic. The intensifying Communist insurgency of Meo tribesmen in north Thailand is led by Thais of Chinese extraction, many of them trained in China, and is partially supplied from China.

All Thai attempts to talk to Peking have failed. Most recently, Thanat hoped that the Thai representative would get a change to talk to the Chinese representative during the wedding of the Prince of Nepal in Katmandu. In fact, the Chinese ambassador refused to pass the time of day with any of the diplomats on grounds he had no instructions from Peking.

Coinciding with Chinese intransigence in the souring of relations with the U.S. The Thais are still shaken by last year's abrupt repudiation by the Nixon's administration, under Senate pressure, of the mutual contingency defense plan for Thailand. The new requirement that Americans visiting Thailand more than 15 days must have entry visas is a sign that the days of warm camaraderie are over.

Whether the Nixon Doctrine is broad enough to ever restore the old amiability is doubtful. But second only to their apprehension about China, the Thais have been deeply concerned about North Vietnamese invasions of Laos and Cambodia, the two buffer states around Thailand. Mr. Nixon's Cambodian offensive last week recognizing this menace makes for calmer nerves and more confidence in Bangkok.

THE PRESIDENT'S DECISION

Mr. ALLOTT. Mr. President, two distinguished journalists—Roscoe and Geoffrey Drummond—published a fine and fair column in the Washington Post of Saturday, May 9. It expresses admiration for the President's steadfastness in making tough and necessary decisions.

I am sure this admiration is shared by the majority of American people. In order that the Drummonds' insights may be shared with my colleagues, I ask unanimous consent to have their column printed in the RECORD.

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

[From the Washington Post, May 9, 1970]
TOUGHEST DECISION BY PRESIDENT SHOWS THE MEASURE OF THE MAN

(By Roscoe and Geoffrey Drummond)

Richard Nixon now faces his most perilous political crisis.

He has often said privately that he is quite prepared to be a one-term President if that is the price of making the tough decisions he believes must be made.

He has now made the toughest decision of all—to expand the area of fighting by sending U.S. ground troops against the Communist-held sanctuaries in Cambodia. He knows that his single action makes it

"Nixon's war" from now on. He knows that unless this expanded combat achieves its stated objectives, he faces political calamity.

That's the measure of the man and the bigness of the decision he has made.

Everyone knows that Mr. Nixon inherited the war, inherited the way it was fought, inherited the circumstances under which President Johnson himself tried to bring it to an end.

But it is "Nixon's war" now, both politically and militarily, because he alone is shaping the course by which he promises to extricate the United States without defeat, without humiliation, with a "just peace" and with the minimum risk to American lives.

He isn't blaming anybody for the past. He is taking, without any hedging, full responsibility for the present and the future. That's the measure of the man, and it should be reassuring to the nation.

How will the country respond?

Present indications are that the congressional critics of the President's decision are not ready to take responsibility for any alternative courses of action. They criticize what he is doing, but they are apparently skittish about taking any action which would put the responsibility on themselves for doing anything differently.

Sen. J. W. Fulbright proposes no action on the part of the Senate Foreign Relations Committee other than to try to "persuade" the President he is wrong. House resolutions which would seek to direct the commander-in-chief not to do what he is doing will almost certainly be defeated if they are ever brought to a vote.

It seems to us significant that the extreme dove-critics of the President's actions aimed to end the war without throwing away the peace always stop short of putting their own alternatives to a vote so the country could hold them accountable if they should prove to be the majority.

President Nixon cited the alternatives he had to choose from in light of the mounting enemy threat to remaining U.S. forces:

"We can do nothing," he said. He rejected that on the ground it would imperil the lives of American troops, delay the planned withdrawal of 150,000 more men in the coming year and consign South Vietnam to Communist conquest.

"We can provide massive assistance to Cambodia." He rejected that because it wouldn't work.

"We can go to the heart of the trouble," he said, by acting to destroy the Communist sanctuaries. That's what he is doing.

The congressional critics have alternatives they could take. They could test their strength by proposing that Congress direct the President to remove all U.S. troops from Vietnam at once—and take the consequences.

They could offer a resolution in the Senate and House, denying the President use of any funds to protect U.S. troops the way he is now doing in Cambodia.

Senator Fulbright shuns these actions because they mean taking responsibility for the consequences which would flow from such actions.

In the past, most Americans have shown that they admire and support the kind of bold, courageous decisiveness President Nixon is providing. It is politically risky—so be it.

MARTYRDOM NOT ACHIEVED

Mr. ALLOTT. Mr. President, Mr. William Raspberry, the distinguished columnist of the Washington Post, did a real service with his column of Friday, May 8. In that column he examined the mindless self-righteousness of the so-called "D.C. Nine"—one of the clusters of civil disobedients that have been brought to trial for destructive actions.

Since this town received more than its share of possessed visitors. It might be useful for Senators to ponder Mr. Raspberry's wise words. For that reason I ask unanimous consent to have his column printed in the RECORD.

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

[From the Washington Post, May 8, 1970]
EXACTLY NOTHING CONTRIBUTED BY "MARTYRDOM" OF D.C. NINE

(By William Raspberry)

The D.C. Nine have been convicted of ransacking the Washington offices of the Dow Chemical Co. a year ago and given sentences ranging up to six years.

Whether you view the sentences as light (they could have gotten up to 35 years each) or the defendants as martyrs says an awful lot about how you view protest, politics, justice and the war in Vietnam.

The defendants themselves saw their action as a sort of holy crusade against a manifestly evil war. They were outraged that the police and Judge John H. Pratt saw it as a case of unlawful entry and malicious destruction of property. Criminal charges not moral ones.

For the nine—four Catholic priests, a nun, a former nun, two Jesuit seminarians and a draft resister—the question was not *whether* they broke into the Dow offices and destroyed the records; they had earlier announced to the press their intentions to do just that.

The question they wanted aired was why. You see, Dow makes napalm, and napalm is harmful to children and other living things in Vietnam. They had wanted to talk about the evil of the war and the "criminality" of Dow's involvement in it. The vandalism was intended only to provide a forum for talking about the bigger questions.

Unfortunately, Judge Pratt sits in U.S. District Court here, not in Nuremberg.

There is evidence that the defendants were confused about that, as they were about a lot of things.

They seemed to believe that, somehow, the court (and the jury) would find it possible to try not the defendants but the war itself, or at the very least that Judge Pratt would grant them a platform for denouncing the American involvement in Southeast Asia.

They occasionally compared themselves with the late Dr. Martin Luther King, which suggested that they missed two of that martyr's main points.

In the first place, Dr. King was nonviolent, a philosophy he extended to property as well as person. And in the second place, when Dr. King broke laws, they were either local laws he believed to be at odds with federal provisions—in which case he expected to have them overturned in the courts, rendering them, in effect non-laws—or he acted in accord with a "higher law," in which case he fully expected to pay the earthly penalty for his earthly offense.

The D.C. nine were different. They expected to escape punishment, an expectation which painted them as arrogant saints.

They, like many of the college-age protesters, remembered only half of civil disobedience in the King tradition. They forgot, or seemed to, that Dr. King spent an awful lot of time in jail.

They were almost childishly disrespectful at times, one nun insisting, for example, on addressing the judge as "John." At other times they were simply naive, as when one defendant said:

"We are not afraid, because we are right . . . we know that we have taken a step forward for truth, justice and humanity."

The truth is, they had done nothing of the kind. They evoked a good deal of public sympathy—and confusion—because

of their religious vocations. But they did little to enlighten the public on the issue of the war or on anything else except their own arrogance.

Few people feel differently now about Dow and the war than they did before the vandalism. Their martyrdom, sad to say, contributed nothing at all.

They don't even come as martyrs in any real sense. For they have been sentenced not for what they believe, but—for a couple of run-of-the-mill criminal offenses.

SENATOR ALLOTT ADDRESSES FEDERAL COUNCIL FOR SCIENCE AND TECHNOLOGY'S COMMITTEE ON FEDERAL LABORATORIES

Mr. ALLOTT. Mr. President, last Thursday evening I had the pleasure of addressing the members of the Federal Council for Science and Technology's Committee on Federal Laboratories.

I used the occasion to examine some of the factors currently shaping the Federal effort in science research and development. So that I might share these thoughts with my colleagues, I ask unanimous consent to have my address printed in the RECORD.

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

ADDRESS OF SENATOR ALLOTT

I am here tonight to help bridge a gap that is less publicized and more avoidable than the "generation gap." I am referring to what I call the "Understanding Gap" between the scientific community and the Congress.

I do not intend to burden you with any esoteric thoughts on the so-called "two cultures" problem which Professors Leavis and Snow and others have explored. My concern is more practical.

My direct and practical interest in science—and the source of your direct and practical interest in me—is that point at which the needs of hard science meet the realities of the dismal science. Of course I am referring to the so-called "dismal science" of economics and to my part in the appropriations process.

As ranking Member of the Independent Offices Appropriations Subcommittee, and as a Member of the Defense Appropriations Subcommittee, I have considerable exposure to the desires—and frustrations—of the scientific community.

Tonight I want to share with you some thoughts on the legislators task of reaching an accommodation between the interests of the science community and the general national interest. Seeking such accommodations is a central part of the legislative function. But when high-level science research and development is involved, there are special complexities. These complexities relate to the scale of modern science enterprise.

The complexities of scale involve the cost of high-level R&D, and the increasingly elongated time-horizon that is relevant to planning and evaluating our Federal science effort.

There is a wide-spread fear, extending beyond the science community, that America is about to incur a "research gap" of its own making. This fear suggests three questions.

First, what is meant by the phrase "research gap"?

Second, what recent developments feed the fear that such a gap might develop?

Third, what can be done to ease the current anxieties in the science community, or perhaps to find a silver lining to the clouds that currently darken the sky?

I will deal with these questions in order. First, let me try to sort out some nuances of the phrase "research gap."

The term "research gap" can refer to a gap between our current effort in a particular field and our projected needs for achievements from this field. But in addition, as I understand current usage of that term, a "research gap" is said to exist not only when some other nation enjoys a science capability which exceeds our own in some field, but also when American preeminence in a particular field is less striking than we think desirable, or is less than it once may have been.

When the term "research gap" is understood this broadly, it is almost impossible to deny that the United States is experiencing a "research gap" at any given time. This is especially the case because until very recently we have enjoyed what was perhaps an unnatural scientific preeminence. A number of things contributed to this.

America is the richest Nation in the world. Moreover, when totalitarianism engulfed Europe, the United States became a principle beneficiary of an "intellectual immigration" which brought to our shore, and into our laboratories, some of the world's great scientists. Further, World War II disrupted the economies which supported advanced science in Europe. Finally, in the last three decades the United States has been deeply involved in a "hot" war and in a prolonged and dangerous Cold War. Both wars led to a forced-draft R&D effort.

I think it is healthy for Americans, within and without the scientific community, to feel that something is amiss when America is reduced to even a penultimate status in any field of high culture. This is a healthy presupposition and it helps sharpen the competitive edge which I consider essential to national excellence.

But this presupposition does not constitute an argument, and it can become tinged with chauvinism. We must be careful to distinguish between serious arguments for heavy R&D spending that are based on serious long-term projections of national needs, and arguments that rely excessively on national vanity. It really will not do to rest the case for (say) magnetic studies on the argument that the Dutch are closing in on us in this field.

There is another point to be made with regard to the problematic meaning of the phrase "research gap." Consider a statement recently made by Congressman Daddario, who feels deeply about what he takes to be a recent slighting of the scientific community. Congressman Daddario says:

"What seems particularly ironic is the obvious fact that none of the missions of the so-called mission agencies is likely to be realized without fundamental new knowledge of the kind sought by many of the research programs which are being downgraded or abandoned. Yet the annual cost of all of them together would not pay the interest on the national debt for a week or social security benefits for a day."

I want to point out two things about this statement.

First, the situation described—in which we know the sort of new knowledge that is needed for achieving stipulated objectives—is the situation that generally exists.

Second, the cost comparisons which the Congressman uses are perhaps more significant than the Congressman intended. Let me explain.

The cold economic facts are responsible for most of the fears that our science effort is endangered.

In this regard the Congressman mentions interest payments on the national debt and social security payments. This raises an interesting point.

Interest on the national debt and social security payments are "uncontrollables." That is, they become available without any current congressional action. Taking January estimates for FY 1971, 43 percent of the

budget is tied up in uncontrollables. When these are combined with the pared-down defense request, we have approximately 80 percent of the FY 1971 budget. This leaves us with approximately \$40 billion not committed to uncontrollables or national defense.

This is not an insignificant sum. It is twenty percent of a large budget, and it is a total larger than the whole Federal budget as recently as 1949. But it does not leave much elbow room.

In January it looked as though we might be able to get through the year with a balanced budget. But in just four months this hope has been jeopardized by three things: continuing high interest rates, some unexpected expenditures (such as the \$3 billion Federal pay increase), and decreased tax revenues resulting from two consecutive quarters of economic slowdown.

As a result, some informed observers indicate that we might run a deficit as high as \$8 billion. The root cause of this is inflation, and the thing we have to fear from it is more inflation. Experts in the dismal science are like experts in other sciences—they disagree about some important things. Economists disagree as to whether each deficit dollar has the inflationary impact of two, three or four regular dollars. I tend to think the higher estimates are more nearly correct. But in any case, a deficit will jeopardize the fight against the inflation that is causing the deficit. And the financial strength of the scientific community will not increase until the strength of the inflationary pressures diminishes.

I know it is small comfort to be told that others are in the same boat. But misery, it is said, loves company, and scientists have a lot of company in the misery of seeing funds cut, special projects go unfunded, and existing funds eroded by inflation.

Dr. Lee DuBridge, the President's science advisor, says that although Federal dollar support has remained stable, research support (measured in terms of "real dollars") has eroded by 30 percent in the past four years as a result of inflation.

Further, as inflation takes its toll on the vigor of the economy, we are receiving a dramatic—if painful—lesson about our society. High culture—including advanced scientific research—is precariously dependent on the upper most margin of wealth that our economy provides in periods of peak health.

When you consider this fact, and the current constraints imposed by inflation and the growth of "uncontrollables," you come to realize that when people talk about "re-ordering priorities" they may be talking about you. Whether they know it or not, the implication of their position may be a lowering of the rank of science R&D in American priorities.

Clearly the scientific community has a moral responsibility that accords with a practical interest. It has the moral responsibility to limit their fund requests in a period when the rest of the nation is being asked—and, in some cases, required—to make similar sacrifices. And it has a practical interest in curbing the inflation that is limiting the uses to which Congress can put the "controlled" portions of the budget.

Thus far in examining the factors that lead some to fear for America's R&D commitment I have stressed financial factors. I do want to say a few words about a cultural factor, the political importance of which cannot yet be measured. It concerns a growing disrespect for science in general, a disrespect that runs against the grain of modern thought.

The spirit of modernity is perfectly captured in Bacon's revision of the ancients' idea that knowledge is virtue. Bacon declared that knowledge is power, and this power

should be used to "torture" nature until she yields her infinite secrets to science.

Today there is an extraordinary questioning—especially among the young—about the relationship between man and nature. There is a reaction against science itself. Many voice a vague suspicion, that science is unresponsive to human needs, and that it constitutes a disrespect for nature.

In addition, sensitive and alert citizens such as you do not need to be told that a significant portion of the American public is apprehensive about the emergence of an American technocracy, and is resentful of the arrogance and privileges—real or imagined—of the scholarly class.

I do not want to get into questions of "pop sociology." Nor do I want to sermonize. I do not want to rule on the question of whether these people constitute a majority (silent or otherwise), or whether their perceptions are accurate. But I would be remiss if I did not include this facet of public opinion on my list of factors which complicate life for the science community.

Thus far I have catalogued some depressing facts. Now let me change pace.

I want to be very clear about where I stand, and where I think most of my colleagues stand. Neither I nor my colleagues can do much for science, or for anything else, until we bring inflation under control. When we achieve that, have some latitude with regard to science policy, I know that I will favor, and the Administration will favor a strong commitment to science.

But even while the economy is a problem, Congress agrees with the President that, "Scientific activity cannot be turned on and off like a faucet." To minimize inconvenience to science in this period of tight money, I would suggest that we all explore new ways of maximizing the resources available to the Federal science community.

Approximately 70 percent of the 570,000 scientists and engineers doing R&D work in America are in private industry. Government will provide 57 percent of a total of \$27.2 billion spent this year on R&D, but the private sector will account for 70 percent of all R&D performance. This is possible because Government will furnish 44 percent of the R&D funds spent by the private sector. But within the private sector, the reliance on private funds has risen 11 percent in just five years.

Surely it would be useful to encourage more interaction between the public and private R&D. If this period of tight money encourages this, then we may emerge from this period with more flexible institutions. It might be said that periods of tight money—like periods of war—can bring out the best in men and institutions. When inflationary pressures are high, and budget options are few, men and institutions are put on their mettle. This is constructive if it forces men to stringently reexamine their own priorities, and if it encourages institutions to become innovative in the ways they operate—and, especially, in the ways they seek financial resources.

I do not think we are standing at "the end of an era" insofar as a national commitment to science is concerned.

On the other hand, I do think the scientific community is going to find it very much in its own interest to collaborate with the Congress in the continuing assessment of that commitment.

In this regard I have two suggestions.

First, I favor establishing a Joint Congressional Committee on Science and Technology, and I favor establishing an Office of Technology Assessment for the Congress. These measures would enhance the efficiency (and hence the good name) of our science effort, and they would strengthen the case for increasing that effort.

Second, I favor including scientist ad-

visors on the staffs of all relevant Congressional committees.

This would help dispel the suspicion, within Congress and without, that the Government is legislating blindly in this area, and that the Government is at the mercy of scientists with pet projects.

Some persons may think that attaching scientists to Congressional staffs would be like sending a goat to watch the cabbage. They may think that it is impossible to find a scientifically competent person who is not permeated with bias in favor of the scientific community. I do not think there would be serious problems in this regard.

First, there is no single "science interest." The interests of American science are various, often unrelated, and sometimes in conflict.

Second, it is unjust to the science community to assume that no competent scientist can be found who will put the national interest over some professional interest.

Third, the problem of finding advisors who are both informed and disinterested is not a new problem. We face it (for example) in most regulatory agencies. When one wants to locate men who are informed about the innermost workings of a particular industry, it is often sensible to hunt for them within that industry. But we do not feel that this means that such men must be biased or self-serving.

Fourth, a science advisor to a Congressional committee will be an advisor. He will advise legislators about particular projects. But the legislators will retain the responsibility to consent to these projects.

Anyway, the crucial point remains that legislators will continue to make vital and far-reaching decisions about science, with or without the benefit of advice. Clearly such advice is needed.

I make these recommendations as a friend of the scientific community. The health and security of our society is bound up with the health of our science. Unfortunately, the health of neither is permanently secure.

Benjamin Disraeli, a learned and subtle politician, once remarked that "what art was to the ancient world, science is to the modern." Perhaps this is true.

If so, we should all work to make sure that the achievements of science justify our respect for it. We can do this by making sure that our respect for science is reflected in our readiness to adapt it to the most humane and innovative purposes.

SENATOR COOK'S ADDRESS AT THE UNIVERSITY OF KENTUCKY ON EARTH DAY

Mr. ALLOTT. Mr. President, the distinguished junior Senator from Kentucky recently presented a most important statement in connection with Earth Day at the University of Kentucky. In a most thoughtful speech he has called for both a reassessment of our population growth and a reorientation of man's attitude toward nature.

Senator Cook has appealed to America's youth to accept the environmental challenges in the spirit that they have met other great issues. I share the hope that the Senator expressed that the boundless enthusiasm of youth, with their alert and inquisitive minds, may provide constructive solutions to the present environmental challenges.

Mr. President, I ask unanimous consent that the text of Senator Cook's statement be printed at this point in the RECORD.

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

SPEECH BY SENATOR MARLOW COOK, REPUBLICAN OF KENTUCKY, MEMORIAL COLISEUM, UNIVERSITY OF KENTUCKY, APRIL 22, 1970, "EARTH DAY"

In the crisp, but revealing, words of the late English philosopher-historian, Bertrand Russell:

"Man, even if he does not commit suicide will perish ultimately through failure of water or air or warmth. It is difficult to believe that Omnipotence needed so vast a setting for so small and transitory result."

Were Lord Russell alive and well today, I am sure that he would be observing, in his own fashion, "Earth Day".

All across this country, young men and women are studying, listening, discussing, acting and generally making themselves and others aware of the imminent environmental crisis. However, I did not come here today to prophesy the doom of the world or to bore you with the very abundant statistics of how many tons of pollutants are daily spewed into the air, onto the land and into the water and oceans. We are all necessarily aware of the situation or we would not be here.

Today, April 22, is a day for many things. In the vernacular of the young, it is a time "to do your own thing" about pollution. To me this and the preceding days are for reflection on the cause of our present predicament.

As with the science of ecology itself, the environmental problem is the result of a number of interrelated factors. The three principal elements have been man's philosophy, technology and procreative powers. From an historical perspective it is not a result of the last decade, the last hundred years, the industrial revolution or even the agricultural revolution.

The root cause lies in ancient man's conscious philosophical belief that he, and he alone, is the central and dominant being in the environmental structure. Ever since the first humanoid crept out of his cave to kill the vermin and the wildlife, tame the wilderness, control the rivers and in general—conquer the world—man has been on a collision course with that world.

And God said, let us make man in our own image, after our own likeness; and let them have dominion over the fish of the sea, and the fowl of the air, and over the cattle, and over all the earth and over every creeping thing. . . (Genesis, 26:28)

Man the consummate consumer has cloaked his self-importance with spiritual garb and has very nearly conquered the world. Today, he can start being a *part* of the world.

While the underlying cause may be philosophical, it is only within the last one or two centuries that our technical advancement has made possible the ultimate subjugation of nature. The invention of the steam and internal combustion engines, the vacuum tube, the transistor and finally nuclear power has brought forth a heretofore undreamed-of standard of living. The products of science and industry have in turn created more demands for "creature comforts" by an ever-expanding populace. Appliances, automobiles and air conditioners have become "necessities", not luxuries. The manufacture, use and eventual disposal of these and other items create ever-increasing demands upon our resources. We have indeed created a *consumptive technology*—a technology which devours and consumes without truly creating or replenishing.

In the *New Republic* Doctor Wayne H. Davis stated that the United States, in terms of the impact of people on land, causes more environmental self-destruction than India, which has twice as many people on much less land. Doctor Davis, a nationally recognized biologist and ecologist, explained that the United States' population, in terms of "Indian equivalents", is at least 4 billion.

A single affluent American consumes and wastes as much as 25 Indian citizens.

This brings us to the last major factor, the population expansion. While some still ignore this as a problem, the general consensus is that it is becoming more critical each year. Even without a highly developed *consumptive technology*, and the desire to use it, the earth will support only a finite number of people.

The counter-arguments that our science will find ways to feed billions more, and that many parts of the globe are thinly populated, are no longer relevant in terms of present scientific knowledge. As Doctor Paul R. Ehrlich has said, "Density alone is one of the least important considerations." Much more important is the availability of needed resources. The Sahara Desert has a low density of habitation, but then its resources limit the number of life support. But of the utmost importance is the full development of human potential. As thinking and sensitive beings, it is quality of life we should be striving for, not quantity.

If the future appears bleak, it may very well be. However, as with any problem, the ultimate solution begins with a frank acknowledgement of the cause. If we have not already done so, there is no better place to start than here—today. It is essential that we recognize that all of us share in the degradation of the environment. We can no longer blame business, industry, agriculture or other scapegoats. We all derive benefits, however small, from this consumptive technological society.

Once our "master of nature" attitude is recognized for what it is, and hopefully corrected, there are but two basic approaches or solutions. These are the twin policies of optimum population and technology control. One complements the other, and each are of equal importance.

The latter may be divided into two categories with each having various minor variations. Some have suggested a technological retreat. This would probably result in a drastic reduction in our standard of living as we know it. In the February issue of *Fortune Magazine*, it was noted that a withdrawal to the 1870 level of technology would place the median American standard of living below the 1970 poverty line. Among the consequences of such an action would be the closing of 75% of the present colleges and universities. A retreat just to the 1900's would be a drastic change and would not result in any appreciable long-range protection of the environment. While some advocate such a retreat, it is doubtful that society will adopt this approach.

This is not to say that we should continue on our present reckless course. An alternative is to improve and refine the present system so that it becomes less consumptive and more productive. Productive in the sense that it conserves and recycles non-renewable resources. Truly productive in that it works in relative harmony with a world-wide ecosystem, rather than in total disregard thereof.

Apparently, such a productive system is either not scientifically available, or it is not feasible economically under present conditions. Conditions will surely change, and not for the better. Therefore, it is important that the cumulative body of knowledge which created this system find the requisite cure.

Besides technology control, the second key policy is one of assessing the size of our population. Even a relatively pollution-free technology will be swamped by an unchecked birth rate and the subsequent population growth. We have already determined that our resources are not inexhaustible. Therefore, as Doctor Ehrlich suggests we must consider the amount and availability of these resources, the desired standard of living, and

the optimum number of people that can be sustained.

The acceptance of any of the foregoing suppositions is, of course, a matter of personal and individual conscience. Each of us must educate himself to the problem and the various possible solutions. On a larger scale this becomes a matter of collective thinking necessarily resulting in social and political action.

Where better to be informed than in institutions of learning and research?

Who better to question the "conventional wisdom" than youth?

The young, as heirs of the present and custodians of the future, can and should become the catalytic action that is essential to reorient our thought and restructure our technology. It is natural that young Americans, idealistic, yet tempered in the great issues of the day—human rights, poverty and Vietnam—should meet and accept the challenge wrought by the *consumptive technology*.

Armed with boundless enthusiasm, alert and inquisitive minds, but with few preconceived notions, you are better prepared to both question the status quo and to implement its eventual change. Direct your energies towards the institutions which can affect changes—universities and research centers, industry and government. However, in your resolve to improve the quality of the environment—combine militancy with patience. For if there are any lessons to be learned from past events, it is that violent confrontations breed divisiveness. Divisiveness leads to intellectual polarization. And, polarization greatly diminishes the opportunity for eventual success.

The environmental movement offers one of those rare opportunities that occur for a short period—if at all—in the development of social issues. Among the old and the young, students and workers, hippies and businessmen, scientists and politicians, garden clubs and industrial leaders, there is consensus of concern about the world we are altering.

However, we have much to learn before this consensus is translated and finalized into problem-solving action. Therefore, all ideas on this subject are worthy of objective study. Differences will surely arise. If we cannot immediately resolve them, we can at least attempt to make the world livable in spite of them. In the words of a contemporary of mine, the late John F. Kennedy:

"For in the final analysis our most basic common link is that we all inhabit this planet. We all breathe the same air. We all cherish our children's fortune. And we are all mortal."

AMENDMENT OF NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966

Mr. PROXMIRE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 10105.

The PRESIDING OFFICER (Mr. ALLEN) laid before the Senate the amendment of the House of Representatives to the amendment of the Senate numbered 2 to the bill, as follows:

In lieu of the matter proposed to be inserted by the said amendment, insert: 1971, and \$40,000,000 for the fiscal year 1972

Mr. PROXMIRE. Mr. President, I move that the Senate concur in the amendment of the House to the Senate amendment.

The motion was agreed to.

CXVI—936—Part 11

AFTER 169 DAYS, NO ACTION FROM THE JUSTICE DEPARTMENT TO ENFORCE LAW AND ORDER IN THE FITZGERALD CASE

Mr. PROXMIRE. Mr. President, 169 days have passed since I first wrote to the Justice Department on November 22, 1969, requesting an immediate investigation of possible violation of the Criminal Code in the firing of A. E. Fitzgerald by the Air Force.

I have received no substantive reply to my request. At best the routine acknowledgments—the latest of which was on February 18, almost 3 months ago—have served only to postpone the enforcement of the criminal laws.

It is a crime to threaten, influence, intimidate, or impede any witness in connection with a congressional investigation. It is a crime to injure a witness on account of his testimony to a committee of the Congress.

After A. E. Fitzgerald testified before my Subcommittee on Economy in Government—at our request and with specific Air Force approval—that there was a \$2-billion overrun on the C-5A, he was in turn ostracized, lied about, investigated, and fired.

Such action under the code is a prima facie case that a witness has been injured because of his testimony.

When will the Justice Department include the Pentagon in its crusade for law and order?

When will the Justice Department begin to enforce the law equally?

When will the Justice Department end its double standard which appears to permit persons in high places to break the law with impunity when it suits their purposes.

Will another 169 days pass before the Justice Department acts?

SEC DRAGGING FEET 1 YEAR ON LOCKHEED INVESTIGATION

Mr. PROXMIRE. Mr. President, today I have written a letter to SEC Chairman Hamer Budge demanding an immediate report on an investigation asked for a year ago into reports high Pentagon officials had suppressed information on the Lockheed C-5A overruns to protect Lockheed's position in the stock market.

The full text of the letter to Chairman Budge follows:

On May 1, 1969 I requested the SEC to determine whether Government employees violated our securities laws by withholding unfavorable financial information in connection with the Lockheed C-5A contract. A year has transpired with no results yet reported to the Congress.

My letter to you followed disclosures in a House Government Operations Committee hearing that high Pentagon officials had suppressed information on the Lockheed C-5A overruns on the grounds that public knowledge of the cost difficulties "might put Lockheed's position in the common (stock) market in jeopardy." While this vital information was being hidden from the public, Lockheed was selling \$125 million in convertible debentures to investors. Today, these debentures have a market value of less than \$44 million. At the same time, high officials in Lockheed were selling sizeable quantities of their stock in the company.

During hearings before the Senate Banking Committee last April 16, you promised that the results of the investigation would be made available to the Commission within "the next week or ten days" and to the Congress within a week or two after that. The latest possible date for reporting to Congress is thus May 10 as indicated in your testimony. This date has come and gone with still no report.

I realize that an investigation of this sort is complicated and requires time. Nonetheless, the commission has had over a year to study the case. I would hate to think the Commission is dragging its feet on the investigation or is concealing information about the Lockheed situation which the Congress should have.

I urge you to report immediately to Congress your findings on the Lockheed investigation. I am sure you would not want to undermine confidence in the SEC by suppressing or delaying a potentially damaging report. The Congress needs the facts on the Lockheed contract and in my view, we have been overly patient in waiting for the SEC to complete its investigation.

SENATE JOINT RESOLUTION 199—JOINT RESOLUTION TO CORRECT A TYPOGRAPHICAL ERROR IN PUBLIC LAW 91-230 TO FURTHER AMEND THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. PELL. Mr. President, I introduce a joint resolution for the purpose of correcting a typographical error in a recently enacted public law, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the joint resolution (S.J. Res. 199) was read the first time by title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective April 13, 1970, clause (A) in clause (1) of section 5(c) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress) is amended by striking out "at least 10 percentum" and inserting in lieu thereof "at least 6 percentum".

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

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

Mr. PELL. I yield.

Mr. HOLLAND. Will the Senator explain briefly what is the nature of the mistake in the original resolution passed which it is desired by the present resolution to right?

Mr. PELL. I will be delighted to explain.

Mr. President, during the course of our consideration of the Elementary and Secondary Education Amendments of 1969, which was signed into law on April 13, 1970, as Public Law 91-230, our committee was plagued by typographical errors on the part of the Government Printing Office. We have been tolerant of typographical errors because we know accidents and mistakes occur on occasion.

The gravity of this situation has just now been brought to my attention because of a serious typographical error

which has become law. In connection with the amendments to Public Law 815 a Senate amendment was designed to add an alternate to the 6-percent minimum eligibility under Public Law 815 of the 81st Congress, which provides for school construction in federally affected areas. The conference report, Report No. 91-237, on page 41, clearly shows that eligibility under clause (1) (A) of subsection (c) of section 5 of Public Law 815 is 6 percent. That is the same minimum eligibility as it is under present law. There was no intention to change the present 6-percent eligibility.

However, in Public Law 91-230, on page 37 of the printed public law, the figure in that same clause (1) (A) is 10 percent. This is a change in the basic eligibility of Public Law 815; the Congress of the United States never intended to make that change; that 10-percent figure was never before the Congress. This is simply an error on the part of the Government Printing Office.

Prior to the enactment of the joint resolution I would hope that the Department of Health, Education, and Welfare would acknowledge that this change in eligibility for Public Law 815 is only a typographical error and would continue to administer Public Law 815 as if the printed law is 6 rather than 10 percent. I have requested that the General Counsel's office at HEW review the printed public law for the purpose of finding all of the errors so that we may enact another joint resolution to rectify other less urgent errors.

This resolution now before us simply corrects a typographical error in the public law. It has been cleared with the members of the Committee on Labor and Public Welfare and the leadership on both sides. It is necessary to act on this resolution immediately because many schools' eligibility for assistance for construction funds may be drawn into question because of this error.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. PELL. I yield.

Mr. HOLLAND. I thank the Senator warmly for his explanation. I certainly have no objection to the immediate consideration and passage of the joint resolution.

Mr. PELL. I thank the Senator from Florida.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

SENATE RESOLUTION 405—SUBMISSION OF SENATE RESOLUTION—DECLARATION OF PEACE FOR INDOCHINA

Mr. MUSKIE. Mr. President, the time has come for us to substitute new policies for old in Southeast Asia.

Once again we have lost our way in the jungles and swamps of Southeast Asia. The action taken in the last 2 weeks has deepened our involvement, widened the

war, and left us even further from the peace we want and need so badly.

We have watched with dismay while American troops are again dispatched to search out and destroy an elusive enemy. Once again we have seen that enemy fade into the countryside and our men left with the mission of destroying the homes of those they have been sent to save. We find ourselves again supporting with American might a military dictatorship which sanctions the slaughter of defenseless civilians, just because of their Vietnamese origin. And we saw again the bombers go north in an effort to end a political struggle in the south.

We have seen all this before and we have seen that it does not and cannot work. It is time that our leaders recognize the following basic facts about our participation in what must now be called the Indochina war:

The way out of Vietnam does not lead through Cambodia.

The way to reduce the level of hostilities and the rate of American casualties is not to send our men on new search and destroy missions.

The way to obtain movement toward a negotiated settlement is not to redouble our efforts for a military victory.

The way to revitalize the Paris peace talks is not to leave our delegation lacking the President's personal replacement for Ambassador Lodge.

The way to regain the confidence of our youth is not by callous disregard or soothing incomprehension of their efforts to communicate their dismay about the war.

The way to heal the divisions in American society is not to intensify our obsessive preoccupation with Vietnam.

The way to restore our reputation and influence as the world's first-ranking power is not by further investment in a fifth-ranking interest.

The way to obtain public understanding is not through manipulation of facts or appeals to passion.

The overriding fact is that our national interest demands not that we do more, but that we do less in Southeast Asia. While we continue to strive there for unattainable military victory, vital international interests are neglected and situations of far graver risk to world peace are allowed day by day to deteriorate. We pursue our policy in Vietnam at great price, in terms of human lives, and diversion of the time, talent, and resources needed to solve major problems at home.

President Nixon has suggested the danger that we may appear to be a "pitiful stumbling giant," if we do not follow his course. No one in the world could so regard us. But there may be some who would remind us that "it is excellent to have a giant's strength; but it is tyrannous to use it like a giant." It is not only tyrannous; abuse of our great strength can be disastrous for us and for all mankind.

With each new explanation of each new act of escalation, the basis for communication between our people and our Government has been distorted and eroded. Both President Nixon and Vice President AGNEW insist that U.S. and South Vietnamese forces crossing the

border from South Vietnam into Cambodia cannot be called an invasion of Cambodia. The Department of Defense persists in calling between 50 and 100 sorties per day for 3 days into North Vietnam "reinforced protective reaction" or "suppressive fire" for U.S. reconnaissance flights.

These explanations represent more than a travesty on the English language. They break down the way that Government and the people should talk to and understand each other. I am reminded here of a passage from Isaiah where the Lord says:

Shame on you! You who call evil good and good evil, who turn darkness into light and light into darkness, who make bitter sweet and sweet bitter. Shame on you! You who are wise in your own eyes and prudent in your own esteem.

The war has taken its toll in many tragic ways in Vietnam and here in the United States. We must not let it rob us of our basic capacity to distinguish right from wrong.

Over the past several years, Congress had become increasingly concerned about our involvement in military conflicts without declaration of war. The concern has stemmed not solely from fear that our constitutional prerogatives are being usurped but because this shortcutting of constitutional procedures may lead to more and more Vietnams. Accordingly, some have proposed that the Congress should now present a declaration of war, both to reassert constitutional prerogatives and to serve as a test of popular opinion on the Vietnam conflict. Most Members of Congress, myself included, have believed that this course of action would only complicate the problem of making peace.

I have been searching for something other than a constitutional crisis or test of political strength—a positive expression with a positive program.

We need no constitutional crisis today. We need no declaration of war, even if proposed for the purpose of rallying sentiment for peace. The expression of the American public's fervent desire for peace can be better achieved through a positive expression of our will that the war end. To this end, I am submitting a declaration of peace accompanied by a program of positive action to see that this hope can be realized. The declaration is in the form of a Senate resolution. It offers a program for peace and reconstruction, it calls on the President to develop and present a total withdrawal program, and it provides the basis for congressional action to implement that program. It is consistent with several specific proposals pending in the Senate and goes beyond them.

The resolution I am submitting gives the President an opportunity to exercise his initiative in presenting a total withdrawal plan to the Congress, and opens the way for the Congress to act on expenditures relating to our involvement in Indochina and the withdrawal of military forces from that area, and to provide authorization for economic and technical assistance in Indochina.

Mr. President, I ask unanimous consent that the text of the resolution (S.

Res. 405) be printed at this point in the RECORD.

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

The resolution (S. Res. 405) which reads as follows, was referred to the Committee on Foreign Relations:

S. RES. 405

Resolution declaring a policy for peace in Indochina

Whereas deescalation of the fighting, withdrawal of United States troops from Indochina, and intensive efforts at negotiations are the only routes to peace in Southeast Asia: Now, therefore, be it

Resolved, That the United States of America seek a peaceful resolution of its differences with North Vietnam, and that United States policy encourage peace among all the peoples of Indochina; and be it further

Resolved, That to achieve the objectives of this resolution: (a) the United States immediately withdraw all its military forces from and cease military operations in Cambodia; (b) United States bombing of targets in North Vietnam be stopped henceforth; (c) the United States seek an immediate, standstill cease-fire in Vietnam and other areas in Indochina; (d) the United States Government declare that all its forces and military personnel will be withdrawn from Indochina in a specified time, not to exceed eighteen months from the date of adoption of this resolution; (e) the United States delegation to the Paris Vietnam peace talks be strengthened with negotiators empowered and directed to seek an agreement to facilitate the formulation of a political settlement in South Vietnam; (f) the United States encourage a conference under the auspices of the governments of East Asia or other appropriate international sponsorship to provide for discussions among all the various governments and political groups in South Vietnam and in Indochina for the purpose of resolving their political differences; and (g) the United States pledge technical and economic assistance for the reconstruction and economic development of the war-ravaged regions of Indochina; and be it further

Resolved, that (a) the Senate express its support, and urge the President to develop a plan for the complete withdrawal of United States military personnel from Indochina, such withdrawal to be completed in not more than eighteen months from the date of adoption of this resolution; and (b) the Committees on Appropriations, Armed Services and Foreign Relations submit to the Senate by July 15, 1970, appropriate legislative recommendations, including but not limited to restrictions on military expenditures in Indochina, to implement the objectives of this resolution.

Mr. MUSKIE. Mr. President, the time has come for the Senate to act, not simply in response to the President, not simply out of anguish for what has been done, but with a will to do what must be done—to end the war in Indochina, to work for peace in Southeast Asia, to contribute to the reconstruction and development of that part of the world, and to apply our resources to the healing and building of a whole society in our own country.

For these reasons, Mr. President, I urge early consideration of Senate Resolution 405, and action on specific proposals which would carry out the policies it describes.

The PRESIDING OFFICER (Mr. AL-

LEN). The resolution will be received and appropriately referred.

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

Mr. MUSKIE. I am happy to yield.

Mr. HANSEN. Mr. President, I join with my distinguished colleague from Maine in expressing the hope that there may be an end to the war in Southeast Asia, that our troops may come home, that peace may replace the present conflict that exists over there, and that the resources of this country might then be applied to peaceful pursuits to help advance the estate of man wherever he lives.

But I would ask my distinguished colleague, assuming the information I have before me is correct—and, if I may, I hope he will permit me to read, from an article in today's New York Times, a statement that:

By late today, the tentative count reaching Saigon command headquarters stood at 6,757 rifles; 1,232 heavy machine guns, mortar tubes, rocket launchers, recoilless rifles and antiaircraft guns; 865 tons of ammunition; 1,653 tons of rice; 12 tons of medical supplies; 130 trucks, and thousands of other items ranging from radios to mortar cleaning and repair kits.

My question is: Would not my distinguished colleague agree with me that immense amount of war-making material is in better hands for our having taken it than it would be were it to remain in the hands of the enemy, so that it could be shot at American and South Vietnamese people?

Mr. MUSKIE. I say to my good friend from Wyoming that the question involved is not that narrow. It is not a question of whether the other side will be weakened by the loss of 6,700 rifles. Rather, the question involved is whether the venture into Cambodia, under the circumstances in which it took place—considering the risks that it involved, considering the setback that it may have imposed on the prospects for a negotiated peace, considering the impact upon world opinion and the opinion of countries in Europe with which we are allied, and considering the impact upon the bonds of trust and confidence which ought to bind our people and our Government and our leaders—is worth this price, for a mere 6,700 rifles.

I can remember in the early days of the war when the other side, the Vietcong, fought only with rifles, and largely with rifles captured from us. They did not have their own. Still they sustained the battle; still they stopped the world's military giant; still they continued on, built up their strength, built up their reserves, built up their military equipment to the point where now they have caches of 6,700 rifles.

Is this all? I have talked with people who have made some evaluation of the consequences of this kind of a result. To them, all this venture means may be 2, 3, or 4 months for the other side to build up these supplies again.

If we pull back, as the President has said we will, in June—and I take it he meant that—it will be only a matter of a few weeks—2, 3, or 4 months—before the enemy brings back supplies. The

food that has been captured, the rice, can be resupplied by Communist China. This is not a mortal military setback to the other side.

For years we relied upon body counts as an indication of our progress in the war. Apparently, now we are going to rely on rifle counts. But I do not think either is a very effective measure of prospects for ending our involvement and withdrawing from Southeast Asia.

Second, may I say to the Senator that for years, under the administration of my party, I was persuaded that a measured response to the other side, to deny the other side a military victory, to press them into a negotiated settlement, was the way to end this war. Time after time we were told that if we just take this one additional military step, that will be enough to end the war, that the boys will be home by Christmas, that we see the light at the end of the tunnel. We see exactly the same kind of rationale applied now to this additional military step. I am not confident that the capture of 6,700 rifles makes this rationale more credible or sound or meaningful today than it did in the past, when what we captured was our own rifles from the other side.

I do not think that the figures the Senator has read have any meaning in terms of the prospect of shortening the war or ending the war or bringing our boys home earlier.

I agree with what the President said in the first of the two speeches he has made in the last month. He said to us that negotiations are the key to settling this war. He said it in words which, if read, indicate that he meant it. Just how credible to the other side can that emphasis on negotiations be when, 10 days later, we pursue another military initiative, across another international boundary, in pursuit of the headquarters of the other side? If I were the other side, I would say the President is not interested in negotiations. He just talks about it as a cloak for another initiative.

The Senator and I are good personal friends, and I understand that he wants to get out of this war, and I think he wants to get out of it as badly as I do.

Mr. HANSEN. Mr. President, will the Senator yield at that point? Does the Senator think that the President does not want to get out of the war?

Mr. MUSKIE. I am prepared to accept the President's desire to get out of the war. But motives have nothing to do with judgments. If we get into the business of attacking each other's motives, we becloud our judgment, and reduce the possibility of communicating. I am not attacking motives. I accept the President's motives as being in the direction of peace. That is not the thrust of my argument or my position.

Let me say to the Senator that men, including the Senator and myself, make mistakes of judgment. As I looked over the sequence of events, beginning with the President's first speech announcing the withdrawal of 150,000 more troops in the next 12 months and his speech announcing this intervention—to stay away from the word "inflation," which seems to be debatable—in Cambodia, it seemed to me it was predictable that there would

be a revulsion of public opinion in this country to the President's action.

In the first speech, the President said that he was taking the decision to withdraw 150,000 more troops after full consultation with his commanders in the field. He indicated no doubts or reservations about the military soundness of that decision. He indicated that there were no doubts or reservations about the security of our troops in the process of withdrawal. On the contrary, he told us that he was confident that the end was in sight. Then, 10 days later, he told us that in terms of the security of those very 150,000 troops, this venture into Cambodia was—and this was his word—indispensable. That would seem to me to be a material fact. If such information was in his possession when he announced the withdrawal in his first speech, one wonders why the decision was made, if the decision were persisted in, why that material fact was not then made known. If that material fact was not known at the time of the President's first speech, it seems incredible to me that the situation should have so deteriorated in 10 days between the two speeches as to require such a sharp reversal in policy.

That is the way people in this country look at it—as a sharp reversal in policy. It took people off balance. They had been reassured in one speech and then, in the next speech, raised to the heights of alarm about the lives of our troops.

During the administration of President Johnson, we struggled with what was called increasingly the credibility gap. Again, this has nothing to do with the underlying motive of President Johnson. It is a question of whether or not in presenting his policy he did it in a way which commanded full public understanding and support. I say to my good friend on the other side of the aisle that what has developed in the last 2 weeks raises similar questions with respect to full public understanding and support of our present policy, and that we ought to be careful about shaking public confidence in these terms with respect to such an explosive question as Vietnam. This is why the bells of alarm have rung.

I have never seen such a flow of telegrams, letters, and telephone calls and personal appeals as has come to me since the President's speech of April 30. It has been simply overwhelming. The consistent plea among people is this: You have now let the President decide this policy long enough. Congress must impose its influence upon the shape of that policy.

That is why I have done so. It is not easy to impose legislative judgments. The President is, after all, Commander in Chief. Under the Constitution, he is given dominating authority over foreign policy. Legislative means to deal with foreign policy are at best awkward. Therefore, it is a sound principle that a President have flexibility to use discretion in these areas to meet unforeseen contingencies. But I must say to my good friend that under the pressure of this plea that Congress influence this policy to insure that it moves us in the direction of withdrawal and disengagement, I think that we in the Senate have a responsibility to respond.

Over the weekend—as a matter of fact, over 2 weekends now—I have traveled across the country at least four times. On Friday night I spoke at the University of Kansas. Ten thousand students, on a Friday night, filled the seats of the fieldhouse there. I cannot describe the atmosphere of tension. These young people were concerned young Americans, constructive, caring about their country and what happens to it. It was one of the most difficult times I have had, to answer their questions, to try to reassure them that the political process in this country did respond, would respond, to public opinion, and was open. It was very difficult to get the point across to them.

I went then to Colorado and North Dakota; and yesterday morning I flew to Maine, to meet students from all of Maine's colleges, concentrated in a central place. Again, I was besieged by the same questions, raising doubts as to whether Congress, the President, or the political process as a whole would respond. They simply doubted that our policy—whatever the President's motives—was designed to get us out of South Vietnam. That is why I have introduced the resolution which, in a sense I suppose, violates some of the principles as to the President's dominance in the military and foreign policy fields, and the desirability of executive discretion. We are in a time when we have to reassure the people, particularly the young, that Congress, the Senate and the House, will try to give effect to the concerns that so many Americans, young and old, are expressing about the war.

I do not jump into these kinds of devices easily. I am sure the Senator would agree with that. I have done so, in this instance, out of a feeling of great compulsion that this must be done, to reassure the people that it is not just a power establishment that decides what must be done, but that they can influence policy.

Thus, I hope—whatever legislative results there are in connection with my resolution—Congress will focus upon it, and that in our debates at least, in committee consideration, and in floor discussion, we will undertake to put our stamp on this policy.

If, in addition, we achieve some legislative results which will really put our mark upon the policy which emerges, I think that will be all to the good. That is what is behind my resolution, and what I am saying and doing today, let me say to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I have the greatest regard, as my distinguished friend from Maine knows, for him as an individual, as a legislator, and as a former Governor of the great State of Maine. I would like to make a few observations, though, on some of the points to which he has called attention.

He speaks about the President's actions having caught the American public off balance.

I think he is quite right that many people in this country were surprised; but I think that the enemy—the same enemy we have been fighting for 9 or 10 years now in Vietnam—was even more surprised.

I would call attention to the fact that

we are still fighting, despite the fact that the battlefield location may have been changed somewhat, the very same enemy who was there when the late President Kennedy ordered in troops, and the very same enemy President Johnson pursued when the forces of this country were under his command. I would point out, further, that undoubtedly it did catch the enemy very much by surprise—

Mr. MUSKIE. Will the Senator yield right there, on that point?

Mr. HANSEN. I yield.

Mr. MUSKIE. I ask the Senator to yield because he may be able to clarify something. I have read at least two stories in the press—I understand, of course, that they are not necessarily founded on accurate information—to the effect that the enemy made moves prior to the time we crossed the border, indicating that if it did not know of this proposed venture, at least it suspected it. We have not really caught any great number of them in any great concentration. We have found some rifles. There is little evidence of great disarray to indicate a hasty exit.

I have read stories that the North Vietnamese military have great mobility and do not really have to carry a great supply of anything around with them, in order to maintain their communication and command capacities.

I have read the stories in the press. If they are inaccurate, I would be interested to know. My impression is that the effect of the element of surprise was not so great as some might have thought.

Mr. HANSEN. Well, Mr. President, I rather suspect we could debate this point for a long time as to the degree of surprise that characterized the reaction of the enemy, but I happen to think that the enemy must not have anticipated very long in advance our moves into Cambodia or they most certainly would have taken steps to retrieve part of the great amount of materiel which has been captured by our forces operating in that part of the war theater.

Mr. MUSKIE. Will the Senator yield on that point?

Mr. HANSEN. I am happy to do so.

Mr. MUSKIE. It seems to me that if I were the enemy, under these circumstances, I would concentrate more on saving my troops with whatever advance notice I had. The carrying of rice with me would not be too important because rice is replaceable from Chinese sources of supply. I would not jeopardize troops to save rice.

As to the rifles, I am really not impressed by 6,700 rifles. We do not know what they took with them, either. I do not know whether this is one of the largest caches we have captured in the war, but I do not think this has been claimed as a mortal military blow. I do not think that will be claimed for it. I do not think it was.

Mr. HANSEN. I am sorry I do not have the New York Times story before me, because the Senator would understand me not to have underscored only the 6,700 rifles—

Mr. MUSKIE. There was some rice and several other—

Mr. HANSEN. If I could finish,

please—if I have been understood to say that was only what was captured, then I did not get over the full thrust of what I meant to convey earlier, because not only were rifles captured, but a great many other things as well, which the Senator must know were captured. It is important to recognize that, despite what many of us may believe, American and South Vietnamese soldiers are killed by explosions of mortars, and they are killed by acts of the enemy in firing rifles. Therefore, caches of war materiel certainly are of significance, and that was accomplished by our entrance into Cambodia.

I must also say that the Senator from Maine compared the steps taken by President Nixon with those taken by President Johnson, saying that we take small steps, that every time we give assurance that if we take the next step, it would be an easy little step, and that peace will be around the corner.

I would remind my good friend from Maine that not too many months ago I heard some of our distinguished colleagues in this Chamber saying that if we would only stop the bombing, if we just stopped the bombing, then the world would understand that we are not trying to take over, that we are not trying to force our will on Southeast Asia, that everything would fall into place and we would have a meeting of the minds and it would not be too long before peace would be at hand. Now we did stop the bombing—

Mr. MUSKIE. If the Senator would yield there, I made no such statement as that.

Mr. HANSEN. I did not say the Senator did. If the Senator will be good enough to read the RECORD tomorrow, he will specifically find that I did not say the Senator said that.

Mr. MUSKIE. I understand.

Mr. HANSEN. I said that our colleagues in this Chamber—I repeat this—that our colleagues did—I did not say the Senator did. I said some of our colleagues did say that. They said that if we would just stop the bombing, we would have peace in this country.

Now, I have yet to hear a single one of our colleagues—I did not say the Senator made that statement, because so far as I know, he did not—but I have yet to hear a single one of those Senators who 26 months ago were saying that if we halted the bombing, we would have an end to the war, I have yet to hear a single one of them—I might be mistaken about it—

Mr. MUSKIE. Will the Senator yield there?

Mr. HANSEN. I yield.

Mr. MUSKIE. I have never taken that simplistic view of any steps that might be taken in the direction of peace or war. What I believe would be significant are steps that might be taken in the diplomatic field. I do not think there is any single answer to ending this war. I think that ending the war is going to take patience, ingenuity, and consistency. The question is whether we are taking initiatives in the right area. I just do not believe, on the basis of the past, that

military initiatives of this kind advance us.

I used to hear that argument from the Senator's side—including President Nixon, himself, when he said that we did not take big enough steps, that we have not informed Hanoi sufficiently of this, or that. I do not see anyone seriously advancing the idea that big military initiatives are the answer any more. That idea appears to have been discredited.

There may still be some who support this idea. Nevertheless, there is apparently still reliance on these smaller military initiatives as the way to bring pressure to end the war. I just do not believe this argument.

I did not believe that stopping the bombing would end the war. I never thought that. I thought that it was the kind of initiative we ought to take to get us moving in the direction of a negotiated settlement of the war. And I think that those kinds of initiatives should be taken. Whenever a good one emerges, it should be pressed.

I do not think that there is a single gesture we could make in the military or diplomatic field that could end the war overnight.

Mr. President, I am holding up some of my colleagues in a markup session on the pollution bill. I ought to stay here. Would it inconvenience the Senator if I were to leave at this point? I am sure he will not take advantage of my absence.

Mr. HANSEN. Mr. President, I certainly would not want to take advantage of the Senator. However, I do feel constrained to make some comments.

I have tried not to deny the Senator an opportunity to respond. I appreciate the colloquy I have had with him. But I do intend to present some other statements.

As I have said, if anything I have to say seems to be unfair or to indicate that I have taken advantage of the Senator, I now offer my sincere apologies.

It is my intention to be here tomorrow, and I will certainly be answerable for anything I have to say.

I hope that whatever I have to offer in the way of statistics will be factual. Any conclusions that I draw from those statistics will be my own.

I do not intend to put any words in the mouth of the Senator. I do intend to call attention to some things so that the public will understand and place in clear perspective what the President has been accomplishing in Southeast Asia.

Mr. President, I call attention to the fact that since President Nixon has taken office, the casualties for the last 15 months are down 37.6 percent from what they were the previous 15 months.

I point out also that we have 115,000 fewer troops in Vietnam today than we did when President Nixon took office. Part of the reason he has been able to accomplish this, I think, is that he has taken some rather courageous steps; not little steps, not poking the enemy with one punch as he hits us with one punch and then stepping back and bowing.

The enemy has been surprised by what President Nixon has done. I know that he wants to bring about the complete

Vietnamization of the war as quickly as he can.

It was in pursuance of that objective that the President ordered the troops into Cambodia. It is very clear that the monsoons will shortly be engulfing that part of the world. And, as a consequence, the enemy will be badly hurt if he is denied the use of the material I spoke of initially when he tries to fight back and to kill American men and South Vietnamese soldiers. He will not have the ability he had before our intrusion into Cambodia and before he was denied the use of these materials.

That is the reason, I submit, that the actions that have been taken by the President of the United States are very much in the public interest. They are in support of the very goals that the Senator addressed himself. The time will be hastened when we can leave Southeast Asia and can apply the energies and the wealth of this great Nation to the solution of other great problems facing us.

Until we are able to terminate our involvement in Southeast Asia, that opportunity to act here at home will, to a degree, be denied the President.

That is exactly why President Nixon took the steps he did. That is why he wants to deny the enemy the opportunity and the ability to hit American forces, to kill American men, to hit South Vietnamese soldiers, and to kill South Vietnamese men. It will set their time table back 6 or 9 months before they will be able to build up more strength so as to carry on the burdens of the war.

That, I think, is something that people ought to understand. They should appreciate the fact that President Nixon has reduced the casualties in that war.

I have the statistics on it. From January 1, 1969, to March 1, 1970, there were 10,592 American deaths in Vietnam. But for the previous 15 months, there were 16,980 American deaths in Vietnam.

So I say to my distinguished colleague that the President has pursued a very successful policy so far. I am certain our entrance into Cambodia is in the continuance of a policy which, if successful, will reduce American losses, shorten the war, and will make possible a viable government for South Vietnam, a government not only able to govern its people, but also to defend itself so as to assure a balance of power that will be good for people in this part of the world and will permit this great United States of ours to concentrate on other areas of interest throughout the world as well as in our own country.

Those are some of the things that I appreciate the opportunity to say, because I think that when people have the opportunity of looking back with the advantage that history affords, they are going to say that what President Nixon did was very much in the interest of this country because it hastened the day—and this is my prediction—that peace could come to Southeast Asia and the South Vietnamese would be able to govern themselves, to run their own show, and to protect themselves.

I am sure the Senator would agree with me that that is a desirable objective.

Mr. MUSKIE. Mr. President, of course the war has been winding down. It started with the cessation of the bombing. However, I am sure it was not the Senator's intention to suggest that we should not have stopped the bombing of the north.

The stopping of the bombing made it possible to take the next step toward deescalation of the military activity. That is a desirable thing.

The fact that there was a winding down of our military activity, a withdrawal, I think, bought the President an acceptance—however uneasy on the part of some—of his policy.

The fact is that the emphasis for some months has been on military initiative.

I think that a lot of us believe that the only way to leave a viable situation behind is to do it with a negotiated political settlement, to do it with a system of government in Saigon which has the broadest possible political base, bringing into it all elements of the South Vietnamese society.

We fear that without those steps being taken, at some point in the Vietnamization or withdrawal of troops, the political situation in South Vietnam may become so precarious as to threaten us with a chaotic condition. If that happens, what do we do?

There has been no diplomatic initiative on our side, according to the President's speech of last month, since his speech of a year ago last May.

In the summer he said that he was going to take no new diplomatic initiative unless the other side accepted his initiative of May.

Ambassador Lodge resigned last November from the post of chief negotiator in Paris. It is now over 170 days, or 6 months, since we had a chief negotiator in Paris. The President, in his speech last month, said negotiations were the key, and yet he gives no reason for not replacing Mr. Lodge in the one place where there is a forum and where parties are assembled for the purpose of discussing negotiations.

Mr. HANSEN. Mr. President, will the Senator yield at that point?

Mr. MUSKIE. I shall yield in a moment. I imagine the thrust of the Senator's question will be that this has been a frustrating experience with no visible momentum on either side, with each side at a standoff from the other without either side taking the initiative.

However, I wish to say that when we entered into negotiations at the time of the Korean war it took us 2 years to work out a negotiated settlement, two frustrating and drawn-out years when we had to suffer humiliation.

Mr. HANSEN. Mr. President, will the Senator yield at that point?

Mr. MUSKIE. The Senator will remember when they took 4 inches off the chairs of our negotiators to permit them to negotiate at a lower level, but we persisted. President Eisenhower came in, but we persisted and got a settlement. Notwithstanding the frustration, we persisted. I happen to think there would have been some softening on the other side; but I have already discussed that

heretofore in the RECORD and I will not do so now.

I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, it should not go unnoticed that in the minds of many commentators and historians of today the decisive change or telling change that came about in the negotiations that had dragged on for more than 2 long years in Panmunjom, which involved the end of the Korean war, was not our further willingness to sit, as we have been sitting in Paris, listening to the diatribes of the North Koreans, but rather it was an ultimatum by President Eisenhower that unless they got down to business, he was no longer going to feel himself circumscribed by the rules that America up to that time had been following. I think the message came through very clearly to our enemies, the North Koreans, in Panmunjom at that time that we just might escalate the war and we might not continue to observe the boundaries which had, up to that time, circumscribed our reaction to the war which had been denied north of the 38th parallel.

In the minds of a great many people that was the decisive element which brought some real measure of action to the negotiations in Panmunjom. It was not that we were supplying a new team of negotiators over there, as the Senator thinks we should have in Paris, but rather it was a clear-cut expression of determination on the part of this country that if North Koreans wanted to enter seriously into negotiations and arrive at some peace terms, we would listen; but if they did not, our patience was about exhausted.

I think that was the significant point that brought that whole change about.

I do not know when the President may want to replace Mr. Lodge as the chief negotiator in Paris. I have not seen anything to indicate any willingness or increased desire on the part of the North Vietnamese to do anything except castigate us, criticize us, and call us warmongers. We have done all sorts of things in Vietnam and they have never yet indicated any willingness to respond to any of the repeated movements that this country has made that hopefully might lead to peace.

Mr. MUSKIE. May I respond to the point the Senator has already made?

Mr. HANSEN. I did not want to get too far ahead.

Mr. MUSKIE. We should keep the matter in reasonably good context. I have just finished reading Dean Acheson's description of why we were finally able to settle the Korean war. He did not refer to the incident the Senator discussed, the ultimatum from President Eisenhower—which I have described as an ultimatum—to use nuclear weapons. I have never seen this stated in an authoritative place and I do not know that it did take place. If he did make such a threat, history should disclose it because it would be the first and only time after World War II when the threat to use nuclear weapons has been used by a nuclear power. Maybe that happened; I do not know. Maybe the Senator knows.

Mr. HANSEN. All I know is what was on the record.

Mr. MUSKIE. I have read speculation in the public press but I have not seen any authoritative statement relating to President Eisenhower or his administration or any one in it. I do not know, but I have not seen it authoritatively stated. Dean Acheson did not refer to it in his book "Present at the Creation."

The reason he gives for the North Koreans finally coming to terms and accepting a settlement that was available at the end of the Truman administration was that the North Koreans undertook another offensive in the North which failed, and so ultimately they accepted the settlement which was available to them.

But there was another lesson in the Korean war that we should not forget—that is, the risk General MacArthur took with respect to the Chinese, the volunteers, when he went to cross the Yalu and raised in their minds the risk of an American attack on them, thus prompting a response which almost drove him off the Korean Peninsula. In other words, he pushed his military luck too far. We might have been able to settle for a much better deal militarily if that had not been pushed too far. Dean Acheson covers that situation well in his book. I commend it to the Senator's attention.

I have not suggested that simply sending a negotiator to Paris is going to end this war. I think I have made this quite clear. But if we are really interested in negotiations, is it really our view, as I understand the Senator to have said, that until the North Vietnamese come to us hat in hand and say to us, "Tell us what you want," we are not interested in talking? If that is the case, our policy is aimed at their surrender and not a negotiated settlement. If that is our attitude, I am really disquieted about the use of military initiatives and military emphasis in connection with this administration's policies, because it suggests we are going to press, and that perhaps by adding small increments we will not allow anyone to surrender to us.

Mr. HANSEN. Mr. President, will the Senator yield at that point?

Mr. MUSKIE. I yield.

Mr. HANSEN. I will try to articulate what I believe. I appreciate the fact the Senator raises the rhetorical question as to whether I was suggesting that we say to the North Vietnamese that they must come to us hat in hand before we are interested in further negotiations and that would be almost tantamount to surrender. I did not say that.

For 9 years we have done a pretty good job of trying to persuade the North Vietnamese that we had certain well-defined goals in Southeast Asia; that we hoped they would be reasonable enough to sit down and discuss them with us.

I was called in, as Governor of Wyoming, just as Governors are being called in here today. Although the distinguished Senator from Maine was in the Senate at that time, I know he can recall his very noteworthy service to the State of Maine as Governor of that State. I served 4 years as Governor of my State. During that time, I have forgotten

whether it was twice or three times that President Johnson invited the Governors of the States, of which I was one, to come to Washington for briefings. I note that the occupant of the chair at the moment is a distinguished former Governor of Oklahoma (Mr. BELLMON). He too was in on those briefings. President Johnson detailed the steps that were being taken, the numerous olive branches that were being extended to the North Vietnamese.

We have had no desire to control any of their country, or to impress our form of government upon them, or to enforce our authority over them or their people. Our goals have been well defined. I think it is perfectly easy to understand, after such a long time, the frustration the President feels in believing the North Vietnamese simply have used the Paris peace talks as a ploy to gain time to do the very sort of thing they have been doing in Cambodia.

They always talk peace. They start out every time by saying to us, "Until you get all of your forces out of Southeast Asia, we won't even talk about it, because you are aggressors. You have intruded into our country. Clear out of here and then we will talk." That is the first condition they lay down.

So I do not find any reason for any honest reassurance from the North Vietnamese or the Vietcong that they are interested in anything except our unilateral withdrawal from there, which they would like to take over.

Mr. MUSKIE. May I respond to that?

Mr. HANSEN. Yes.

Mr. MUSKIE. I engaged in colloquy on this point on the floor of the Senate with the distinguished Senator from Kansas (Mr. DOLE).

The first point I make is that the President is frustrated on the diplomatic side. There are two ways to respond to frustration, with either a diplomatic initiative or a military initiative. He seems to fight frustration always with a military initiative, not with a diplomatic initiative.

Let me give the Senator an illustration. The President, in his November 3 speech, disclosed the correspondence he had had with Ho Chi Minh. The President read us the text of his letter. There were no new initiatives in the letter. The initiative was the wording of the letter itself. As I recall, the thrust of the letter was a plea to Ho Chi Minh to put his personal weight behind the talks in Paris in an effort to find ways to get them moving in a meaningful way.

The President received a reply. He did not read that reply, but he released the text. Although the text was published, in his remarks he described it as a flat rejection of his letter. I accepted it as that, but then I read the letter. I have read the English language for a long time. I read that letter. I did not read it as a flat rejection.

I wish I had the text of the letter here so I could give the Senator the exact language. It represented a distinct softening of attitudes on three critical points. One was the unconditional withdrawal of all our troops before talks could begin. It was not then a hard and fast condition as it had been known for a couple of

years. That letter had softened that condition.

Mr. HANSEN. In what respect? Does the Senator recall?

Mr. MUSKIE. No. I do not recall the text, but I ask unanimous consent that the texts of both letters be included at this point in the RECORD, so the Senator can read them himself.

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

EXCHANGE OF LETTERS BETWEEN PRESIDENT
NIXON AND HO CHI MINH
THE WHITE HOUSE,
July 15, 1969.

His Excellency HO CHI MINH,
President, Democratic Republic of Vietnam,
Hanoi.

DEAR MR. PRESIDENT: I realize that it is difficult to communicate meaningfully across the gulf of four years of war. But precisely because of this gulf, I wanted to take this opportunity to reaffirm in all solemnity my desire to work for a just peace. I deeply believe that the war in Vietnam has gone on too long and delay in bringing it to an end can benefit no one—least of all the people of Vietnam. My speech on May 14 laid out a proposal which I believe is fair to all parties. Other proposals have been made which attempt to give the people of South Vietnam an opportunity to choose their own future. These proposals take into account the reasonable conditions of all sides. But we stand ready to discuss other programs as well, specifically the 10-point program of the NLF.

As I have said repeatedly, there is nothing to be gained by waiting. Delay can only increase the dangers and multiply the suffering.

The time has come to move forward at the conference table toward an early resolution to this tragic war. You will find us forthcoming and open-minded in a common effort to bring the blessings of peace to the brave people of Vietnam. Let history record that at this critical juncture, both sides turned their face toward peace rather than toward conflict and war.

Sincerely,

RICHARD NIXON.

HANOI,
August 25, 1969.

His Excellency RICHARD MILHOUS NIXON,
President of the United States,
Washington.

MR. PRESIDENT: I have the honor to acknowledge receipt of your letter.

The war of aggression of the United States against our people, violating our fundamental national rights, still continues in South Vietnam. The United States continues to intensify military operations, the B-52 bombings and the use of toxic chemical products multiply the crimes against the Vietnamese people. The longer the war goes on, the more it accumulates the mourning and burdens of the American people. I am extremely indignant at the losses and destructions caused by the American troops to our people and our country, I am also deeply touched at the rising toll of death of young Americans who have fallen in Vietnam by reason of the policy of American governing circles.

Our Vietnamese people are deeply devoted to peace, a real peace with independence and real freedom. They are determined to fight to the end, without fearing the sacrifices and difficulties in order to defend their country and their sacred national rights. The overall solution in 10 points of the National Liberation Front of South Vietnam and of the Provisional Revolutionary Government of the Republic of South Vietnam is a logical and reasonable basis for the settlement of the Vietnamese problem. It has earned the sym-

pathy and support of the peoples of the world.

In your letter you have expressed the desire to act for a just peace. For this the United States must cease the war of aggression and withdraw their troops from South Vietnam, respect the right of the population of the South and of the Vietnamese nation to dispose of themselves, without foreign influence. This is the correct manner of solving the Vietnamese problem in conformity with the national rights of the Vietnamese people, the interests of the United States and the hopes for peace of the peoples of the world. This is the path that will allow the United States to get out of the war with honor.

With good will on both sides we might arrive at common efforts in view of finding a correct solution of the Vietnamese problem.

Sincerely,

HO CHI MINH.

Mr. MUSKIE. The second was on the point and the degree to which the North Vietnamese insisted that the present Government of South Vietnam go, unconditionally. The letter softened the point on the National Liberation Front 10-point program. Up to that time the North Vietnamese position insisted that the only basis for settlement was the 10-point program of the National Liberation Front. The letter said simply that we could begin our discussions, in effect, on the basis of the NLF 10-point program.

These are three softenings. We are not going to get anything more clearcut than that as an opportunity to begin negotiations. We never had any sharper break at the time of the Korean conflict. These were softening steps, but they were characterized by the President as a flat rejection.

That is the second point I would like to make about the letters.

The President got the letter 3 days before Ho's death. We all remember the discussion in the papers that Ho's successors were going to have to follow a hard line because of Ho's death and because they did not have the political base to support a change in direction. What a time to exercise an initiative. We had just received a letter from Ho 3 days before his death. Why not write to those who succeeded him? I guess it was a sort of committee. We received this letter from Ho. We could have said: "It seemed to us it offered the possibility of discussion on those three points. If you agree, would you agree to go forward?" If they did not agree, what would we have lost?

As far as I know, given the tone of the President's rejection of Ho's letter, that initiative was not taken. That is the kind of initiative that ought to be prepared. Guaranteed to work? Of course not. I am not that naive. But we should have taken such an initiative. I am amazed the President did not, frankly, because I think he wants a negotiated settlement. Why he did not, I have no way of knowing. We had no explanation but the language of the letter itself. I have checked with others to see if I were a little blind about what its real meaning was. I have had a great deal of concurrence in my view from thoughtful commentators and observers, who just could not understand the President's description of Ho's reply.

It is difficult to evaluate a softening in position or language. Sometimes a change in wording is a sign. It is difficult to know when we are getting a real sign, a real signal. I understand that. But I think if we are going to end this matter, we ought to pursue any opportunity, however uncertain, with a view to settling the conflict.

I have to leave. I have appreciated the colloquy. I have found it a constructive exchange that I hope will be useful to those who read the RECORD.

Mr. HOLLAND. Mr. President, I hope the Senator from Maine will not leave at this time, because I have a few comments to make. I think this debate should be, very clearly, a nonpartisan debate.

While I agree with very much of what the Senator from Maine has said and agree almost entirely with what the Senator from Wyoming has said, I think a bipartisan approach is very necessary, insofar as we can acquire it. All four Senators in the Chamber at this time have found that out by reason of being Governors, two of them during the Korean war, I believe, and one or two during the early part of this war. The Senator from Florida was Governor during World War II, and he knows perfectly well that in all those meetings with Governors during both of those wars—and I am sure during every war—every emphasis was laid on a bipartisan approach to what are serious national questions.

So I wish to make a few comments from a little different viewpoint, if I may.

Mr. MUSKIE. Mr. President, will the Senator yield for just a moment on that point?

Mr. HOLLAND. I am glad to yield.

Mr. MUSKIE. I agree with the importance, of course, of closing ranks in a bipartisan way to the extent that we can in the field of foreign policy.

But at the same time, I think that all of us have a responsibility to make constructive inputs to any discussion of foreign policy, if we are to have a policy that truly represents our country. I think that has always been an understood facet of the bipartisan foreign policy concept.

I am particularly familiar, I suppose, with Dean Acheson's experience, because I have just finished reading his book; and I was struck, during the last years of the late distinguished Senator from Michigan, Senator Vandenberg, with the very constructive and solid relationship that existed between Secretary Acheson and Senator Vandenberg at that time.

Yet there are incidents related in the Acheson book of distinct public disagreement on the part of Senator Vandenberg.

So there is, in the concept of bipartisan foreign policy, room for disagreement and differences of opinion, hopefully always in a constructive spirit.

Mr. HOLLAND. I thank the Senator. I think his remarks are quite appropriate. His mention of Senator Vandenberg reminds me that one of the first assignments that I can recall after my coming to the Senate was being assigned—I presume by Dean Acheson, or someone

over in the Department of State—to appear on a bipartisan interview beamed toward Latin America, in which the distinguished Senator Vandenberg appeared from one side of the aisle, and the very undistinguished newcoming Senator from Florida participated from the other side of the aisle.

Mr. MUSKIE. The Senator was the distinguished Governor of his State at that time. That makes up for it.

Mr. HOLLAND. Well, I was not Governor at that time. I had just come to the Senate.

So I have all pleasant recollections of Senator Vandenberg, who was then President pro tempore, and also of Dean Acheson, of whom I am extremely fond. Now for a few comments.

I have been conferring, as I am sure my friends have, with students from my own State, largely, but with a few from other States, in the last several days. I want to say that I have been impressed with the fact that their attitude has been largely bipartisan and nonregional.

My first large conference was Friday afternoon, with about 50 students from Florida, but attending universities in States of the northeastern part of the Nation—Yale, Columbia, Rutgers, the University of Buffalo, Northwestern, Haverford—I do not remember them all; there were 10 or 12 different colleges and universities represented.

I must say that the conduct of every one of these who participated—and there were about 50—was very respectful and very constructive. It reminded me a little bit of colloquies on the floor of the Senate; they were just that kind to each other, and to the Senator from Florida.

Mr. MUSKIE. The Senator means some colloquies on the floor of the Senate.

Mr. HOLLAND. Well, I am speaking of the present colloquy, because that is fresh on my mind.

And I had a conference with a representative group sent here by the student government of the University of Florida, of whose law school I am privileged to be a graduate. Those five young people observed the same sort of amenities. I discovered they were bipartisan, some from the one party, and some from the other. This morning there was a similar delegation from the University of Miami, with the same result.

It seems to me that it is very necessary—and that is the reason I have risen at this point—that we emphasize the fact that all of us are hoping that the President will succeed. Some may have greater doubts than others. None of us forecloses his attitude in the future, in the event his hopes are not realized in the future; but the Senator from Florida happens to believe that there is good reason for this recent decision, so much now being debated, to make the effort to destroy the sanctuaries in Cambodia.

In these conferences with these young men and women, I have been somewhat surprised to find that in most instances they were giving little attention to this thought: That so long as Sihanouk was in command, so long as it was his country, in the so-called neutral position

which he insisted upon, that we were in one situation; but that, now that there has been a revolution, that there is another government, and that other government, to the best of its ability, is fighting the Communist invader, the situation is largely reversed. That is my first point.

My second point is this: At lunch today one Senator told me about one of his employees who has just come back from something more than a year in Vietnam. He told that Senator—who has not by any means wholly supported the President in everything he has done in this matter—that the most frustrating thing that has happened to American soldiers in this terrible experience in South Vietnam is the fact that so frequently they would pursue the enemy, the enemy had been beaten and was in retreat, they crossed the line into a neutral territory; and he even told the Senator, so the Senator told me, that at times they could see him going uphill on the other side of the frontier into Cambodia, and they could not fire and could not do a thing, because the enemy had reached sanctuary.

Now that the condition has changed, and the sanctuaries can be taken, it seems to me that this effort was worthwhile, and it seems to me, from all I can learn—and I do not pretend to know everything, and I do not believe anyone knows everything yet about the success or failure which has been attained—that there has been a considerable degree of success.

I read from a UPI excerpt which appeared on the ticker tape outside the Chamber this afternoon:

The Pentagon said today that removing U.S. troops from Cambodia under President Nixon's timetable would "present a logistical problem," but that the timetable would be met.

Pentagon spokesman Jerry Freidheim said troops moving into the area had found so much equipment that it would present a "very major problem" to either dispose of it or carry it out of the country. He indicated no decision had been on what to do with the captured equipment.

Nixon said in his televised news conference that part of the American forces would be pulled out by the middle of this week and the rest by July 1.

"It is a difficult situation," Freidheim said. But he added, "the President's timetable will be met."

He said that as of last Thursday, more than eight million rounds of small arms ammunition had been captured in the Cambodian operation, that 4,543 enemy soldiers had been killed and 1,240 had been captured. He said more than 6,000 weapons and more than 1,700 tons of rice had been captured. He said the rice found so far would have fed 6,000 enemy troops for a year.

He said 85 Americans had been killed in action so far, and 249 South Vietnamese had been killed.

Mr. President, I think that that is a rather substantial indication of results. I hope that it will be proved to be true. I hope and believe it will be shown to have been less than the total results ultimately accomplished, before the removal; and I hope above everything that the President's timetable will be met. I have been very careful to say already in these remarks, and I say again, I certainly reserve my right to look at the

facts that exist at the end of this operation and come to whatever conclusion I think is justified by those facts as being in the best interests of this country.

I want to make one more point—

Mr. MUSKIE. Mr. President, will the Senator yield at that point?

Mr. HOLLAND. I yield.

Mr. MUSKIE. In my discussion with the distinguished Senator from Wyoming, we went into the subject of the results so far, and the point I made then I think perhaps might be repeated briefly here.

What is involved is not whether or not it is useful to deprive the other side, or the enemy, of these supplies, military or nonmilitary, but whether or not the price we pay to get them is in proportion to the advantages.

I will not belabor that argument, because the Senator was good enough to listen to our colloquy at quite some length, and I think the argument was rather complete on that point. So I will not add to it. I simply want to refer to it.

Mr. HOLLAND. I did hear the Senator's argument. There was much meat in it. I realize there is a point to it, and think it ought to be considered. I think, also, that the facts I have just read into the RECORD, which I believe to be the facts—I hope they are the facts—

Mr. MUSKIE. I have read the same facts.

Mr. HOLLAND (continuing). Are correct. I think the Senator will agree with me that he hopes so, also, and that he hopes that such equipment and material and food as mentioned here will be largely exceeded by the time we have completed the operation. I am sure he feels that way because he, too, hopes for the success of this venture.

The second thing I found was that these very fine young men and women did not seem to understand—some of them did, but many did not—the geography of the situation. We are approximately 39 miles from Baltimore. The boundary is less far from Saigon than we are from Baltimore while we are in this Chamber. To have all that fighting going on not only in and around Saigon from time to time but also in the areas between Saigon and the boundary, and to have these sanctuaries immediately available, has been, I should think, the most frustrating thing, just as this young returned soldier has said to one of our colleagues today, that could possibly confront men in the field of battle. I have been in combat, and I know something about it. I am sure that some of the Senators now in the Chamber know more of that than I. But I know a great deal about it, myself. I cannot think of anything that would be more frustrating than to see the enemy in full retreat, and beaten and throwing away weapons, going across the boundary and then be in sanctuary. Yet, that is what has happened time after time after time.

The changing conditions created a situation under which there was a chance and under which the President, evidently based upon information he had—and he had vastly more than I have, and I believe vastly more than any other Senator has—thought the time was good for an invasion and a capture of those sanc-

tuaries. They are raids, pure and simple, and they seem to be bringing results.

The third thing I want to mention is this: I have not heard anybody talk about this matter who seems to realize that we are also carrying on an errand of mercy. We have a joint fleet, mostly of South Vietnamese ships or small boats, going up the Mekong River, where it turns as you go upstream westward into Cambodia, but also with a good many ships of our Nation going along, and with some larger ships from our Nation supplied, which, as their first errand—so we are told in the press today—landed at a place where a large group of Vietnamese settlers in Cambodia were awaiting relief and awaiting evacuation back to South Vietnam. I did not see any numbers given in the articles I saw on the ticker. I did not see any numbers given in the newspapers. But it said it was a very sizable number, mostly of women and children, who were being evacuated back to South Vietnam.

The statement also was made that a principal object of this small armada of small vessels is, if possible, to reach Phnompenh, the capital of Cambodia, where several thousand Vietnamese civilians are hopefully awaiting the chance to be evacuated back to their home. I hope that that part of the mission also will be successful. I am sure that every Senator so hopes.

So this is a mission of joint mercy to others and relief and protection to our own, not only for their lives in the immediate future, but also, in the event the President goes forward with his evacuation of 150,000 more of our men from South Vietnam in the next year—I believe he has given himself about a year for that—there must be safer conditions than would result if the sanctuary situation were to continue and to be observed.

So far as the Senator from Florida is concerned, he wants to go on record, first, to this effect: He does not believe that there is any Senator who does not hope, in the depths of his heart, that this mission will be successful, that it will protect our men, that it will save the lives of many of our men, that it will promote an earlier and a more successful evacuation. I am sure that is the case. In my own heart, I am sure that the President in taking a chance—which he knew was a chance—had good reason to believe that success could be attained.

Speaking for this Senator alone, he is going to hope with all his heart that that success can be sustained. Up to this point, he strongly supports his President, and he speaks for the great majority of the people in his State, if the correspondence, wires, and telephone calls from his State are any indication, in saying that he believes the people of his State very strongly have the same belief.

After all, Mr. President, the Commandant of the Marine Corps, General Chapman—and the marines still are heavily engaged there—is a native of Florida and a citizen of Florida, and we are very proud of him.

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

Mr. HOLLAND. I shall yield in a moment.

After all, we of the South are rather

proud of the fact that the Chief of Staff of the Army, General Westmoreland, is a South Carolinian, who took terrible punishment for 3 years or more in South Vietnam. And we want to back him up.

We are also very proud of the fact that the newly nominated Chairman of the Joint Chiefs of Staff, Admiral Moorer, is an Alabamian.

Although my distinguished friends do not seem to like the idea of coming South for judicial officers, I am glad that they are quite ready to come South for military leaders. May I add, with a smile, too, that they seem quite willing to come South for people to collect their taxes for them. I notice that we now have Randolph Thrower, head of the Bureau of Internal Revenue, an Atlanta boy, whose grandfather happened to be my Methodistism will be found to be sound, and a small boy.

All I am saying now is that tremendous values of loyalty are involved here, and I am sure that no Senator fails in entertaining those feelings of loyalty and of hope. Although there may be differences in detail as to how this difficult problem may be handled, I am never going to believe that any Member of this body has anything else but loyalty to his Nation and hope that his President's decision will be found to be sound, and a willingness to support that decision.

Mr. President, I yield the floor.

Mr. HANSEN. Mr. President, who has the floor?

The PRESIDING OFFICER (Mr. BELLMON). The Senator from Wyoming has the floor.

Mr. HANSEN. I thank the Chair.

I now yield to my distinguished colleague from South Dakota, in order that he may present a unanimous-consent request.

Mr. McGOVERN. I should also like to make a few brief remarks.

Mr. HANSEN. Yes, indeed.

Mr. McGOVERN. Mr. President, before I comment on the colloquy which has just taken place, I want to commend the distinguished Senator from Maine (Mr. MUSKIE) for the resolution he has introduced before the Senate today, and also to make a report to the Senate on the progress we have made in securing cosponsors for amendment No. 609. The amendment to end the war, which calls upon the Senate to cut off further funding for military operations in Southeast Asia except for purposes of effecting the safe and systematic withdrawal of our forces.

Since I last reported to the Senate on Thursday afternoon, seven additional Senators have added their names as cosponsors to this bipartisan amendment.

Mr. President, I ask unanimous consent that the names of the following Senators be added at the next printing of the amendment:

The Senator from Connecticut (Mr. RIBICOFF), the Senator from Minnesota (Mr. McCARTHY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Idaho (Mr. CHURCH), the Senator from Maine (Mr. MUSKIE)—who has just been speaking on the floor—the Senator from Missouri (Mr. EAGLETON), and the Senator from Michigan (Mr.

HART), bringing the total to 21 Senators who are now listed as cosponsors.

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

Mr. McGOVERN. Mr. President, in addition, some 10 Senators have told me that, if this measure were being voted on today, they would vote for it; but they are not ready, for various reasons, to add their names as cosponsors at this point. In some cases they have minor language changes to suggest. In other cases, they are Senators who ordinarily do not cosponsor legislation; but, nevertheless, 10 Senators on both sides of the aisle, in addition to the 21 who are cosponsors, have told me that they would vote for the amendment.

Mr. President, that means that nearly one-third of the U.S. Senate is already committed to supporting the amendment. This is a perfectly proper procedure under the Constitution. As a matter of fact, it is the only way under which the Senate can express and work its will, the only way it can be effective in terms of bringing the war to a conclusion.

All of us heard the President of the United States say on last Friday at his press conference that Members of the House and Senate have the luxury making speeches and offering criticism, but that only he carries the burden of making the decisions and taking the risks.

Very frankly, I think that the President's point is well taken. That is exactly what we have been doing. We have been standing here offering criticism and advice to him but, so far, in the long and tragic history of this war, never have we really stood up as Members of the Senate and answered yes or no as to whether we want the war to continue or to end.

That is the purpose of amendment No. 609, the amendment to end the war, to share that burden with the President of the United States—which we are supposed to do under the terms of the Constitution of the United States.

We will be saying to the President, when we vote on that amendment: "No longer will we content ourselves simply to advise you on what you should do in handling your duties. We are willing to face up to our responsibilities. We are willing to bear some of the political risks and some of the political responsibility involved in deciding whether or not to continue the war or to end it."

If it is true, as has frequently been said, that a majority of the Senate wishes we had never become involved in Southeast Asia and would like to find some dignified, constructive way by which we can extricate ourselves, this amendment will provide that formula.

Mr. President, five Members of the Senate, including the Senator from Oregon (Mr. HATFIELD) and the Senator from New York (Mr. GOODELL) on the Republican side, the Senator from Iowa (Mr. HUGHES), the Senator from Idaho (Mr. CHURCH), and myself on the Democratic side, are going on television tomorrow night at 7:30 on NBC, to make an appeal to the Nation for support for this amendment.

I want to say to the thoughtful and concerned students who have been with

us in Washington over the past weekend, especially since the tragedy at Kent State University, that winning support for this amendment to end the war is the area in which they should be working. This is the area where the action is going to be that counts, in terms of deciding whether the war continues or whether it does not.

We are not going to end the war simply by strikes, protests, wringing our hands, or tearing our hair. All of those things might seem understandable; but not one of them will change our course in Southeast Asia.

There is only one way that can be done—unless the President decides to call off the action—and that is by Congress exercising its responsibility under the Constitution.

Thus, I want to plead with Members of the Senate, with the students, and with our older citizens—all the people across this land—to make our constitutional system work, not to write it off until we have tried it, and not to say that Congress has no power in the area of war or peace.

Let us not be talking about this war as President Nixon's war. He did not start it. Let us not talk about it as Johnson's war, or the CIA's war, or the Pentagon's war. Under the Constitution, only Congress has the responsibility to declare war.

We have surrendered that responsibility. We let it slip away from us. The only way we can reclaim the war-making or the war-ending power that resides in this Congress under the Constitution is by exercising it.

Therefore, I ask my colleagues in the Senate and the House of Representatives, I ask all my fellow citizens, to make our constitutional system work the way our Founding Fathers intended.

Mr. President, this is what we hope to accomplish with this amendment.

I do not want to get into a debate with my good friend from Florida, who feels deeply on this question but who is trying to keep his mind open. He has given the students a hearing, as others have done. I want to make a few quick observations here as to what he had to say about the move into Cambodia.

I do not question the President's sincerity, in what he was trying to do, but I do question his judgment. It seems to me that this is another in the long series of efforts on the military front—which were made supposedly to bring the war to an earlier end—which are going to prove disappointing.

When one talks about wiping out rice supplies in Cambodia, capturing small arms ammunition, and capturing rifles and arms of all kinds, we must remember that this is not a traditional type of war. Measured against that must be the impact on the total situation, such as the pictures we all saw on television and in the press of another Cambodian village in smoking ruins, the wreckage, and everything that was destroyed by American artillery and American air strikes.

I understand from the military viewpoint why these things happen, but this war is not just a military operation. Even the military commanders will tell us that

this is a struggle to win over the hearts and minds of the people of Southeast Asia.

Well, Mr. President, what is going on in the hearts and minds of the people in that small village in Cambodia which was smashed to the ground and blasted beyond recognition, with young American soldiers amidst the wreckage, looking at the bodies of the horribly burned men, women, and children who were hit by napalm?

The press showed a picture of a young American soldier looking at the remains of a little girl who was probably 7 or 8 years old who had been incinerated by napalm bombing, and the bodies of two women and a man lying beside her.

They happened to be four victims in that particular incident of the war which occurred shortly after we were shocked by the deaths of four students at Kent State University.

Both of those groups were killed as a consequence of this war.

We are terribly shocked and saddened by what took place at Kent State University.

But what happened in the hearts and minds of the people related to those four innocent people who died in the village of Snou in Cambodia?

Is that the way to win the hearts and minds of those people?

How impressed can they be with the argument that by destroying their village, we were able to capture so many rifles and so many bullets and small arms which can weaken the capacity of the enemy to strike back?

I suggest, Mr. President, that every time a village like that is destroyed in Southeast Asia—and they have been destroyed by the hundreds and perhaps thousands—we lose another step in this great struggle for the hearts and minds of the people of Southeast Asia.

I cannot ever get out of my mind the picture of those bodies floating down the Mekong River 2 or 3 weeks ago. They were not Communist bodies. They were bodies of citizens of Cambodia who were killed by the armed forces of their own country—probably with armament supplied by us. We did not supply it for that purpose. We supplied it because we thought that that government shared the same purposes we do in Southeast Asia.

The fact remains, however, that because of longstanding and bitter tribal rivalries that we do not know very much about, these things happen. That is one of the very great dilemmas we face there—that we do not know very much about what we have gotten into in Southeast Asia. Because of things that have very little to do with the concerns of this country, we watched hundreds of bodies of Cambodian citizens, tied together, floating down the river. They had been slaughtered by the forces of their own government.

One has to ask the question: What is the impact of that on the hearts and minds of the people we are trying to reach in Southeast Asia?

Mr. President, this was the incident at Kent State University multiplied several hundred times over. We must balance that against the mission of mercy going

the other way up the Mekong River, to which the distinguished Senator from Florida referred a moment ago. Let us recognize that we are involved in far more than a simple military operation in Southeast Asia.

There is no possible way that this struggle can be solved by increasing inputs of military power.

If one were to pursue the sanctuary theory to the ultimate, we would have to move into Cambodia, North Vietnam, China, and the Soviet Union, and, in fact, into the whole Communist world, for that is a sanctuary in a sense for the forces with which we are engaged in Southeast Asia.

I think the time has come, not to widen this war, not to base our hopes on some dubious claim that maybe, by extending the war into yet another area, we can bring it to an end, but the time has come in the interest of our country and in the interest of the highest form of patriotism to do what I believe many Members of the Senate want to do. And that is to correct what we now know was a dreadful mistake.

The way to do that is by supporting the amendment to end the war.

I am very hopeful that amendment will prevail.

Mr. President, I thank the Senator from Wyoming for yielding to me for what turned out to be more than a unanimous-consent request. [Applause in the galleries.]

The PRESIDING OFFICER. The occupants of the galleries should be warned that the rules of the Senate do not permit demonstrations or approval or disapproval by the spectators in the galleries.

If it happens again, the Sergeant at Arms will be ordered to clear the galleries.

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

Mr. HANSEN. I yield.

Mr. HOLLAND. Mr. President, I think that the Senator from South Dakota has said many things that are worth while. He calls to our attention the fact that there is more than one side of the coin to look at here.

I am sure the Senator has spoken from a very pure heart. He has a fine record as a bomber pilot in World War II. I am sure that when he dropped bombs, knowing perfectly well that people would be mutilated and that people would be killed, he felt that it was his duty. I feel so, too.

I have been in somewhat the same situation myself, although not in a bomber. I flew on four fronts in France—as the Senator from South Dakota knows—a good long time ago.

I know that the Senator from South Dakota has not given what I think is necessary consideration in this picture—and it is a miserable picture and no one can make it out in any other way—to the fact that we have lost many American men by reason of the privilege of these sanctuaries which has been given to those who come out of the sanctuaries and attack and, after a hit-and-run engagement, generally by surprise, go back into these sanctuaries.

The question is where is the balance in this thing? The Senator from Florida

does not know, and he does not believe that the Senator from South Dakota or any of us can know. And he is not entirely sure that the President knows. However, he thinks that the President has vastly more opportunity to know than can any Member of the Senate.

The President has the full reports of the CIA, the full reports of his field commanders, the full reports of the Ambassador. I trust that my distinguished friend listened carefully to our Ambassador to South Vietnam on the television last night. The President has the reports of the Joint Chiefs of Staff. He has the reports of the State Department. He has the reports of every intelligence group that our Nation possesses.

Surely the President knows better than we know how many hundreds and maybe thousands of casualties we have sustained. My understanding is that it is a bitter fact that we have sustained better than 40,000 deaths in the fighting in South Vietnam and over 200,000 wounded. I do not have the exact figures in mind. However, that is a terrible, tragic picture for us to consider.

The President knows better than anyone else how much of that is chargeable to these nefarious sanctuaries which for 5 years have been plaguing our men in the field just a stone's throw across a boundary that is also almost nonexistent in many places. In many places the boundary cannot even be determined with exact accuracy.

The Senator from Florida feels that everyone of us should hope and pray that this decision is a sound one and that it will result, at relatively small loss, in the destruction of large amounts of equipment.

The figures I placed in the RECORD awhile ago would indicate that it was more than enough equipment to fully arm a full division. I understand that they have few full North Vietnamese divisions over there.

The Department of the Army states in that release I had printed in the RECORD that the amount of rice captured and either carted away or destroyed would supply 6,000 fighting enemy for a year.

I do not believe that my distinguished friend was present when the first clipping was read into the RECORD by the Senator from Wyoming. It was a clipping from today's New York Times.

The clipping stated that in addition to the 6,000-odd small arms which had already been captured—I will read the exact figures if the Senator has not heard them. Perhaps he has.

The figures are as follows: 6,750 rifles; 1,232 heavy machineguns, mortar tubes, rocket launchers, recoilless rifles, and antiaircraft guns—it does not say how many of each; 865 tons of ammunition. The rest is confined to edibles and medical supplies, except that it does mention specifically 130 trucks and I think my friend knows that trucks are not built in that section of the world. They have to be brought in from China or Russia. The capture of 130 trucks—it does not say whether they were large or small—is a tremendous raid upon the carrying capacity of those who have been using the Ho Chi Minh Trail now for more

than 5 years in building up more and more the reserves that were there.

This is just part of the story. We do not know what the full story will be.

The only thing I plead for now is that we not do that thing we so frequently regret later and use snap judgment.

Mr. McGOVERN. Will the Senator yield?

Mr. HOLLAND. I shall yield in a moment. I plead that instead we wait until the story is told.

The Senator from Florida has already said that in the event this raid or series of raids—and it is now five or six of them—should last longer than the President has assured us, or proves less successful than hoped for, or brings greater losses than expected, the Senator from Florida reserves his entire freedom of decision.

The Senator from Florida has not failed to buck presidents in the past, whether they were Democratic or Republican, and he will not fail to buck them in the future when he thinks they are wrong. But I think this decision has promise and hope for working out and I hope my distinguished friend will continue to nurture some hope for this success. I feel, knowing as little as we do about the essential facts in this case, that it is the better part of wisdom and loyalty for us to have hope that it will be successful and I believe most Members of the Senate will come to that conclusion.

I yield to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I wish to say to the Senator that it does seem on the surface that the argument that he makes about the President having more information than the rest of us should bring him to a more sensible judgment than any of us can make. However, that is precisely why Congress has surrendered much of the responsibility that we were intended to carry under the Constitution.

Years ago when anxieties were expressed about the commitment of American forces into Southeast Asia, that same argument was raised, the argument that the Commander in Chief had information that was not available to us. Very frankly, I am embarrassed when people come to me with questions about to what extent we were involved, for example, in the collapse of Prince Sihanouk, and I have to say that I do not know; I am not privy to that information.

Mr. HOLLAND. Mr. President, will the Senator yield at that point?

Mr. McGOVERN. I yield.

Mr. HOLLAND. The Senator does know, however, does he not, that Prince Sihanouk did not come to us; he did not go to the French; but he went to Moscow and Peking and he is enlisting Communist forces to put him back in power.

Mr. McGOVERN. I know that happened since he was deposed, but I do not know that that would have been the situation with a little more impagination on our part prior to the time he was deposed.

I am getting impatient with the argument that the President has information more dependable than ours and that we

should accept his judgment. That is not the way I read his responsibility or our responsibility. I think every Member of the Senate has some obligation to act on his own best judgment. I think that is why the warmaking power was vested not in the President of the United States but in the Congress of the United States. For various reasons that perhaps the Senator understands better than I, we have abdicated that power.

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

Mr. McGOVERN. I yield.

Mr. HOLLAND. Did the Senator vote for the Gulf of Tonkin resolution?

Mr. McGOVERN. Yes, and I regret it very much. I do not want to repeat that mistake 6 years later.

Mr. HOLLAND. The Senator from Florida is in exactly the same position. The Senator from Florida, standing here, addressed question after question, as the Senator will see if he looks at the record of debate, to the distinguished Senator from Arkansas, who was leading the debate for the adoption of the resolution. All but two Members of this body voted for giving the President the power to act as he saw necessary in his discretion to whatever might occur in that theater.

I am not trying to pass judgment in advance on what the distinguished Senator is offering today. I have not seen the Senator's resolution. But I am pleading for continuance of some confidence and hope and support of the one man that we have as President, for whom I did not vote, but who is my President and the President of this Nation, and who has vastly more information than any other citizen can have.

He wants peace; of course he wants peace.

Mr. McGOVERN. I do not have any doubt of the President's motives. I feel exactly as the Senator from Arkansas said so many times: that he does not question the motives of the President; he questions whether he is following the proper means to achieve his object, which is an early peace in Southeast Asia.

Even from a military standpoint, the Senator knows that, just prior to the Tet offensive, there were tremendous military operations that were directed into the so-called iron triangle area around Saigon which were believed to be the very center of the North Vietnamese and NLF military operations in South Vietnam.

There were two of those offensive operations which we conducted in 1967 which led General Westmoreland to the conclusion that we had destroyed the base camps, staging areas and the principal supply areas for Communist forces operating in South Vietnam. The Senator will recall there were all kinds of optimistic reports that we had virtually destroyed the underpinning of the enemy in the south. Then came the Tet offensive and the whole apparatus fell apart. The Senator knows the impact of that on domestic policies in the United States.

To say we have captured so many pounds of rice, so many guns, and so many boxes of ammunition in Cambodia and that, therefore, we are going to have American forces in South Vietnam conjures in my mind similar opti-

mistic predictions made before. I have no doubt that the kind of Vietnamese Pentagon they were looking for in Cambodia was probably a handful of people with a few radios on their backs, and a floating operation that vanished in the jungle in a few hours prior to our invasion.

I do not have the slightest hope that we have broken up the North Vietnamese and NLF apparatus. Basically that is a political apparatus; military considerations are secondary. What we are contesting is a vast political network spread through a vast jungle area. One cannot tell friend from foe. To use our military power in the way the Senator is talking about, the way he used it in World War I and in World War II, would defeat the purposes we have in mind because we would be killing the very people we are trying to save. I think the President is asking us to make the same mistake we have made time after time based on the mistake that our progress is winning the minds of Southeast Asia can be evaluated in military operations.

The Senator remembers the charts that former Secretary of Defense McNamara brought with him when we would go to the White House for a briefing. He would say, "We killed so many Vietcong and so many North Vietnamese and, therefore, on April 15, 1956, they should surrender according to my computations."

It never worked that way because of this "hearts and minds" business that cannot be measured with computers. This is the other side of the equation we have to keep in mind. We have to measure what this war is doing to us. I think the question has now become not so much whether we can continue this operation in Southeast Asia, but the question really is becoming whether we can hold our own society together if we stay on this course much longer in Asia. To me that is the crucial question.

I am doing what I think is the right thing to keep our society together by giving Congress and the American people an opportunity to register a decision in this matter in a way provided by the Constitution.

Mr. HOLLAND. Mr. President, if the Senator will yield further, I am very sure that the Senator from South Dakota has completely and correctly stated his own feelings and his own objective. The only difference between us is that I do not agree with that objective, and I call the Senator's attention that the very thing he has done here today in offering a resolution is to try to put a date on the end of this whole thing when he has just remarked, so truthfully, that frequent predictions in the past as to when the war would end would come to naught.

So far as the Senator from Florida is concerned, he is going to give careful attention to anything that comes from the Senator from South Dakota, for whom he has much admiration. He was a great soldier. I say again, I am sure he knew when he dropped his bombs there would be great loss of life. And I am sure he knows that in war there will be loss of life. And I am sure he knows that nobody can state with certainty now what

is going to happen. But he also knows that that handful of men with walkie-talkies could not carry away those 6,700 muskets, much less the mortars, rocket launchers, the 130 trucks, and all the rest of the tremendous amount of equipment.

We are not talking about simply hauling equipment from Washington to Alexandria. We are talking about replenishing their supplies from remote parts of China—and China itself is a long, long way off—and from remote parts of Russia, which are even more remote. There is bound to be tremendous difficulty in replacing the amount of equipment already reported as having been captured.

Surely, the Senator from South Dakota, once with the military himself, will take at face value the numbers given by the Pentagon as those weapons, trucks, launchers, and rockets that have actually been captured.

That is no mean accomplishment. That is a tremendous setback to people who have to look as far away as they have to for a replenishment of their equipment so they can fight again.

I just plead again, let us not make up our minds too quickly. The Senator from Florida is retaining completely freedom of decision after we have gone far ahead to see how hopefully a situation we will be in after this effort is over. He is retaining, however, still his feeling that the President is entitled right now to our support, and he is going to have the support of the Senator from Florida.

I yield the floor. I thank my friend for yielding to me.

Mr. HANSEN. Mr. President, I think just for the record I would like to ask my distinguished friend from South Dakota if I understood him correctly to speak about the Cambodian bodies floating down the river.

Mr. McGOVERN. Yes; I did speak about that, which goes back to perhaps 3 weeks ago. I am not referring to anything that happened in the destruction of the village to which I referred previously, but this took place shortly after Prince Sihanouk was deposed.

Mr. HANSEN. And these were Cambodian bodies?

Mr. McGOVERN. Yes; the ethnic background of those people is Vietnamese, but they are residents of Cambodia and have lived there, as I understand it, for many centuries. There has been longstanding bitterness, a kind of tribal rivalry between these groups in Cambodia and some of the others in that country. But it was not a case of Communists being killed by anti-Communists. These people were not killed on ideological grounds.

Mr. HANSEN. My only point in asking the question was that I have in my hand a copy of Newsweek magazine. While I think the Senator's explanation now does clear the point I wanted to make, I believe it ought not to go unnoticed that, according to Newsweek—and I have the April 27, 1970, issue in my hand, and I read from page 37:

As we approached the car-ferry crossing the Mekong River at Neak Luong, everything was oddly silent. None of the usual fruit peddlers were in sight. The Vietnamese-owned shops were boarded up and the names of

their owners hastily painted over. But once on the ferry a far more dramatic sight occurred. As far as the eye could see, odd-shaped bundles were slowly drifting toward us. At first I thought they were clumps of water lilies. But the Cambodian passengers—

I repeat that:

But the Cambodian passengers on the ferry identified the bundles immediately as the bloated bodies of Vietnamese men and women, still clad in their black pantaloons.

Mr. McGOVERN. Yes, but the Senator should keep in mind that they were citizens of Cambodia. That is like saying that if our Government turned on the Boston Irish, it was shooting Irishmen, not Americans. These people were citizens of Cambodia who happened to have Vietnamese origin, but they had lived in Cambodia for many, many centuries. The rivalry between the forces that killed them and the people who were killed had nothing to do with communism versus the free world, as we sometimes describe this war.

Mr. HANSEN. I would suggest, Mr. President, that that is the Senator's interpretation and conclusion. It may be that not every one would agree with him. Nevertheless, that is certainly his opinion, and I respect him for it.

I yield the floor.

ADJOURNMENT TO TOMORROW AT 11 A.M. IN EXECUTIVE SESSION

Mr. McGOVERN. Mr. President, in executive session, I move that the Senate stand in adjournment in accordance with the order previously entered.

The motion was agreed to: and (at 4 o'clock and 38 minutes p.m.) in executive session, the Senate adjourned until tomorrow, Tuesday, May 12, 1970, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate, May 11, 1970:

U.S. MARSHAL

Jose A. Lopez, of Puerto Rico, to be U.S. Marshal for the district of Puerto Rico for the term of 4 years, vice Santos Buxo, Jr., term expired.

IN THE ARMY

The following-named officers to be placed on the retired list in grades indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Frank Schaffer Besson, Jr., 579-52-8234, Army of the United States (major general, U.S. Army).

To be lieutenant general

Lt. Gen. Oren Eugene Hurlbut, 490-44-9251, Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Richard Thomas Knowles, 340-10-3134, Army of the United States (brigadier general, U.S. Army).

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United

States, under the provisions of title 10, United States Code, sections 3284 and 3305:

IN THE ARMY

To be colonel

Shaddy, Mershan G. xxx-xx-xxxx

DENTAL CORPS

ARMY PROMOTION LIST

To be colonel

Powers, Walters J. xxx-xx-xxxx

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be lieutenant colonel

Abbruzzese, Peter A. xxx-xx-xxxx

Adams, Dwight L. xxx-xx-xxxx

Adams, Pritchard G. xxx-xx-xxxx

Adams, Walter E. xxx-xx-xxxx

Adkins, Virgil S., Jr. xxx-xx-xxxx

Ahern, Neal J. xxx-xx-xxxx

Aiken, Jamie L. xxx-xx-xxxx

Alexander, John T. xxx-xx-xxxx

Alexander, Marvin L. xxx-xx-xxxx

Allen, John W., Jr. xxx-xx-xxxx

Allen, Robert W. xxx-xx-xxxx

Allen, Robert W. xxx-xx-xxxx

Allgood, Charles N. xxx-xx-xxxx

Allison, James W. xxx-xx-xxxx

Alvarez, Alfred A. xxx-xx-xxxx

Ambrose, Bernard J. xxx-xx-xxxx

Ambrose, Wayne R. xxx-xx-xxxx

Anderson, James R. xxx-xx-xxxx

Ankley, William J. xxx-xx-xxxx

Armell, Jerry P. xxx-xx-xxxx

Arnold, George H. xxx-xx-xxxx

Attmore, Charles M. xxx-xx-xxxx

Aull, Luther B., III. xxx-xx-xxxx

Austin, Thomas A. xxx-xx-xxxx

Bachus, Walter O. xxx-xx-xxxx

Baeuchle, Alfred A. xxx-xx-xxxx

Bagley, James E., III. xxx-xx-xxxx

Baish, Charles F., Jr. xxx-xx-xxxx

Baldwin, Daniel L. xxx-xx-xxxx

Ball, George L. xxx-xx-xxxx

Ball, Thomas H. xxx-xx-xxxx

Banks, Thomas G. xxx-xx-xxxx

Barclay, Kenneth K. xxx-xx-xxxx

Barkley, James R. xxx-xx-xxxx

Barnes, James C., Jr. xxx-xx-xxxx

Barnet, John A. Jr. xxx-xx-xxxx

Barry, Raymond N. xxx-xx-xxxx

Bashore, Boyd T. xxx-xx-xxxx

Bassett, Cyrus W. xxx-xx-xxxx

Bateman, Benjamin F. xxx-xx-xxxx

Baxley, William J. xxx-xx-xxxx

Bean, Robert. xxx-xx-xxxx

Beauchamp, Darwin D. xxx-xx-xxxx

Beaumont, Robert B. xxx-xx-xxxx

Beckner, David A. xxx-xx-xxxx

Beddoe, William A. xxx-xx-xxxx

Begley, Thomas F. xxx-xx-xxxx

Belford, Robert E. xxx-xx-xxxx

Belock, Frank. xxx-xx-xxxx

Bennett, Karl F. xxx-xx-xxxx

Berry, Albert D. H. xxx-xx-xxxx

Berry, William T. xxx-xx-xxxx

Beverly, Sidney E. xxx-xx-xxxx

Bice, William S. xxx-xx-xxxx

Birk, Elmer L. xxx-xx-xxxx

Bjork, Harlan L. xxx-xx-xxxx

Black, Lorne S. xxx-xx-xxxx

Black, Sammy J. xxx-xx-xxxx

Black, William C. xxx-xx-xxxx

Blair, Arthur H. xxx-xx-xxxx

Blank, Harold L. xxx-xx-xxxx

Blankenship, Alan W. xxx-xx-xxxx

Blount, John B. xxx-xx-xxxx

Blumh, James L. xxx-xx-xxxx

Blumhardt, Howard J. xxx-xx-xxxx

Bobzien, Gerald B. xxx-xx-xxxx

Bohn, Donald L. xxx-xx-xxxx

Bolduc, Lucien E., Jr. xxx-xx-xxxx

Bolen, Charles M., Jr. xxx-xx-xxxx

Bolson, Carl D. xxx-xx-xxxx

Boite, Phillip L. xxx-xx-xxxx

Boyer, Robert E. xxx-xx-xxxx

Boyes, John H. xxx-xx-xxxx

Boylan, James F. xxx-xx-xxxx

Boyle, Garrison J. I. xxx-xx-xxxx

Bradley, William M. xxx-xx-xxxx

Brandes, William F. xxx-xx-xxxx

Breitwieser, Albert. xxx-xx-xxxx

Brenner, John A. xxx-xx-xxxx

Brent, Walter I. xxx-xx-xxxx

Briggs, Jack L. xxx-xx-xxxx

Brindel, Charles L. xxx-xx-xxxx

Brinker, Joseph R. xxx-xx-xxxx

Brinkerhoff, John R. xxx-xx-xxxx

Brister, Alan A. xxx-xx-xxxx

Broderick, John P. xxx-xx-xxxx

Brooke Stafford R. xxx-xx-xxxx

Brown, Charles H. xxx-xx-xxxx

Brown, James L. xxx-xx-xxxx

Brown, Lloyd J. xxx-xx-xxxx

Brown, Robert L. xxx-xx-xxxx

Brown, Vance S., Jr. xxx-xx-xxxx

Brumme, Gunther A. xxx-xx-xxxx

Bryan, John A. xxx-xx-xxxx

Buccolo, Joseph P. xxx-xx-xxxx

Buchanan, William J. xxx-xx-xxxx

Buckley, Francis R. xxx-xx-xxxx

Buckner, Garrett D. xxx-xx-xxxx

Bull, Kenneth R. xxx-xx-xxxx

Bunn, Dudley T. xxx-xx-xxxx

Burack, Emanuel. xxx-xx-xxxx

Burke, Lloyd L. xxx-xx-xxxx

Burnop, George T. xxx-xx-xxxx

Burtchett, Howard D. xxx-xx-xxxx

Busbey, Arthur B., Jr. xxx-xx-xxxx

Bush, Charles C. III. xxx-xx-xxxx

Butler, Millard J. xxx-xx-xxxx

Byers, Andy J. xxx-xx-xxxx

Byrne, John P. xxx-xx-xxxx

Caffrey, James V., Jr. xxx-xx-xxxx

Cain, John H. xxx-xx-xxxx

Callanan, John A. xxx-xx-xxxx

Cameron, David H. xxx-xx-xxxx

Cameron, Stephen F. xxx-xx-xxxx

Campbell, John W. xxx-xx-xxxx

Campbell, Robert M. xxx-xx-xxxx

Caraplis, Louis A. xxx-xx-xxxx

Carey, Eldon W. xxx-xx-xxxx

Carlisle, Wilford B. xxx-xx-xxxx

Carrejo, Joe T. xxx-xx-xxxx

Carroll, Danford S. xxx-xx-xxxx

Carter, Donn F. xxx-xx-xxxx

Cary, Richard L. xxx-xx-xxxx

Casper, Paul N. xxx-xx-xxxx

Cassidy, Joseph B. xxx-xx-xxxx

Chabot, Richard C. xxx-xx-xxxx

Chadwick, Harold M. xxx-xx-xxxx

Chamberlain, Edwin. xxx-xx-xxxx

Chamberlain, Robert. xxx-xx-xxxx

Chamberlin, Robert. xxx-xx-xxxx

Chambers, Robert M. xxx-xx-xxxx

Chandler, Malcolm W. xxx-xx-xxxx

Chapman, Herschel E. xxx-xx-xxxx

Chaulk, Kenneth G. xxx-xx-xxxx

Cheney, Robert A. xxx-xx-xxxx

Childers, Charles N. xxx-xx-xxxx

Childers, John C., Jr. xxx-xx-xxxx

Christensen, Hal S. xxx-xx-xxxx

Clark, Richard P., Jr. xxx-xx-xxxx

Clement, Coleman C. xxx-xx-xxxx

Coakley, Paul E. xxx-xx-xxxx

Coffman, Warren G. xxx-xx-xxxx

Collins, John J. xxx-xx-xxxx

Collins, Robert S. Jr. xxx-xx-xxxx

Colville, Warren R. xxx-xx-xxxx

Conners, Robert J. xxx-xx-xxxx

Conroy, Bernard J. xxx-xx-xxxx

Cornay, Florian O. xxx-xx-xxxx

Coursen, Edward O. xxx-xx-xxxx

Covach, John. xxx-xx-xxxx

Cowden, John E. xxx-xx-xxxx

Cox, Charles P. xxx-xx-xxxx

Cox, Joice O., Jr. xxx-xx-xxxx

Coxe, Robert L. xxx-xx-xxxx

Coykendall, Kenneth. xxx-xx-xxxx

Coyle, Marcus W. xxx-xx-xxxx

Craft, Clayton. xxx-xx-xxxx

Cramer, Arthur J. xxx-xx-xxxx

Crawford, Albert B. xxx-xx-xxxx

Creuziger, Donald P. xxx-xx-xxxx

Crockett, Edward P. xxx-xx-xxxx

Crooks, Eugene F. xxx-xx-xxxx

Culbertson, Edward. xxx-xx-xxxx

Cunningham, Charles. xxx-xx-xxxx

Currier, John W. xxx-xx-xxxx
 Curtis, James A. xxx-xx-xxxx
 Daniels, Hiram E. xxx-xx-xxxx
 Darling, Gregory xxx-xx-xxxx
 Dasch, William E., Sr. xxx-xx-xxxx
 Daugherty, William xxx-xx-xxxx
 Davis, David H. xxx-xx-xxxx
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 Davis, Reed E., Jr. xxx-xx-xxxx
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 Davis, William D. xxx-xx-xxxx
 Day, Harvey C., Jr. xxx-xx-xxxx
 De Fiori, Victor A. xxx-xx-xxxx
 De Graf, William B. xxx-xx-xxxx
 Delavan, Patrick N. xxx-xx-xxxx
 Denison, Allen R. xxx-xx-xxxx
 Detherow, Ralph H. xxx-xx-xxxx
 Devane, William L. xxx-xx-xxxx
 DiCiro, Charles M. xxx-xx-xxxx
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 Dickerson, Charles xxx-xx-xxxx
 Diehl, Robert C. xxx-xx-xxxx
 Dielens, August J., Jr. xxx-xx-xxxx
 Digrazia, John E., Jr. xxx-xx-xxxx
 Dill, Harold E. xxx-xx-xxxx
 Dillon, Robert E. xxx-xx-xxxx
 Dissek, John, Jr. xxx-xx-xxxx
 Dixon, Frank W. xxx-xx-xxxx
 Dixon, Louis F. xxx-xx-xxxx
 Dixon, Roland M., Jr. xxx-xx-xxxx
 Dobbins, John P. xxx-xx-xxxx
 Dolan, Pierre J. xxx-xx-xxxx
 Dolezal, Thomas R. xxx-xx-xxxx
 Donovan, James C. xxx-xx-xxxx
 Dornbush, Louis W. xxx-xx-xxxx
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 Farrar, Julian D. xxx-xx-xxxx
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 Faulkner, Oscar L. xxx-xx-xxxx
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 Feicht, Victor R. xxx-xx-xxxx
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 Fite, Richard A. xxx-xx-xxxx
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 Fletcher, Tyler H. xxx-xx-xxxx
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 Henderson, John K. xxx-xx-xxxx
 Hendry, James B. xxx-xx-xxxx
 Hendry, John R. xxx-xx-xxxx
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 Herbert, Morris J. xxx-xx-xxxx
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 Hirsch, Peter J. xxx-xx-xxxx
 Hoch, John J. xxx-xx-xxxx
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 Holbrook, Bruce xxx-xx-xxxx
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 Holst, Melvin xxx-xx-xxxx
 Holt, Hugh C. xxx-xx-xxxx
 Holt, Paul E. xxx-xx-xxxx
 Hoppe, Robert B. xxx-xx-xxxx
 Hord, William J. xxx-xx-xxxx
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 Horne, Carlton R. xxx-xx-xxxx
 Horton, Charles L. xxx-xx-xxxx
 Horton, George C. xxx-xx-xxxx
 Horton, William S. xxx-xx-xxxx
 Howard, John D. xxx-xx-xxxx
 Howden, James A. xxx-xx-xxxx
 Howe, William S., Jr. xxx-xx-xxxx
 Howell, James G. xxx-xx-xxxx
 Hubbard, George H., II xxx-xx-xxxx
 Hubbard, Norman F. xxx-xx-xxxx
 Huestis, John L. xxx-xx-xxxx
 Huff, Cecil R. xxx-xx-xxxx
 Hughes, David R. xxx-xx-xxxx
 Hughes, Robert B. xxx-xx-xxxx
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 Hunt, Richard L. xxx-xx-xxxx
 Hunter, Charles M. xxx-xx-xxxx
 Hurst, John E., Jr. xxx-xx-xxxx
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 Hutzler, Charles T. xxx-xx-xxxx
 Hyatt, Douglas P. xxx-xx-xxxx
 Ingalls, Robert E. xxx-xx-xxxx
 Irish, Wilfred E., Jr. xxx-xx-xxxx
 Irons, James V. xxx-xx-xxxx
 Irvine, Joseph M. xxx-xx-xxxx
 Isley, George H., Jr. xxx-xx-xxxx
 Ivins, William E. xxx-xx-xxxx
 Jackley, Lawrence W. xxx-xx-xxxx
 Jacobson, Gerhard L. xxx-xx-xxxx
 Jefferson, Alfred B. xxx-xx-xxxx
 Jennings, Allen B. xxx-xx-xxxx
 Jennings, John R. xxx-xx-xxxx
 Jensen, Richard W. xxx-xx-xxxx
 Johansen, Elvind H. xxx-xx-xxxx
 Johnson, Albert A., Jr. xxx-xx-xxxx
 Johnson, Edward L. xxx-xx-xxxx
 Johnson, Erik G. Jr. xxx-xx-xxxx
 Johnson, George M. xxx-xx-xxxx
 Johnson, James H. xxx-xx-xxxx
 Johnson, Malcolm D. xxx-xx-xxxx
 Johnson, Norman G. xxx-xx-xxxx
 Johnson, Richard L. xxx-xx-xxxx
 Johnson, Walter A., Jr. xxx-xx-xxxx
 Johnsrud, Melvin H. xxx-xx-xxxx
 Jolley, James A. xxx-xx-xxxx
 Jones, Briggs H. xxx-xx-xxxx
 Jones, Clarence Q. xxx-xx-xxxx
 Jones, John G. xxx-xx-xxxx
 Jones, John R. xxx-xx-xxxx
 Jones, Mark E. xxx-xx-xxxx

- Jones Paul B. xxx-xx-xxxx
- Jones, Richard L. xxx-xx-xxxx
- Jones, Robert L. xxx-xx-xxxx
- Jones, Roy C. xxx-xx-xxxx
- Jones, William A. II, xxx-xx-xxxx
- Jones, William R. D. xxx-xx-xxxx
- Joy, David D. xxx-xx-xxxx
- Judd, James J. xxx-xx-xxxx
- Jurgens, Francis M. xxx-xx-xxxx
- Kackley, Roy L., Jr. xxx-xx-xxxx
- Kaplan, Phillip xxx-xx-xxxx
- Kastner, William H. xxx-xx-xxxx
- Kean, John J. xxx-xx-xxxx
- Kellar, Robert S. xxx-xx-xxxx
- Kelley, Gerald P. xxx-xx-xxxx
- Kelley, Johnny W. xxx-xx-xxxx
- Kelly, James L. xxx-xx-xxxx
- Kelly, Victor J. xxx-xx-xxxx
- Kennedy, Edwin L. xxx-xx-xxxx
- Kennedy, James E. xxx-xx-xxxx
- Kenney, Donald E. xxx-xx-xxxx
- Kessinger, Howard E. xxx-xx-xxxx
- Kessler, Robert F. xxx-xx-xxxx
- Killam, Howard W. xxx-xx-xxxx
- Kilpatrick, Paul E. xxx-xx-xxxx
- King, David B. II, xxx-xx-xxxx
- King, Francis. xxx-xx-xxxx
- Kingston, Robert C. xxx-xx-xxxx
- Kinnaird, Ralph D., Jr. xxx-xx-xxxx
- Klein, John M. xxx-xx-xxxx
- Knapp, Albert C. xxx-xx-xxxx
- Knapp, William L. xxx-xx-xxxx
- Knauer, Glenn W. xxx-xx-xxxx
- Knipp, Arthur L., Jr. xxx-xx-xxxx
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- Greene, Philip D. xxx-xx-xxxx
- Harcus, Alan xxx-xx-xxxx
- Kaufman, Paul I. xxx-xx-xxxx
- Lovett, James H., Jr. xxx-xx-xxxx
- Marshall, Paul S. xxx-xx-xxxx
- Mueller, Louis C. xxx-xx-xxxx
- Myers, William J., Jr. xxx-xx-xxxx
- Pemberton, Samuel H. xxx-xx-xxxx
- Pond, Nathaniel H. xxx-xx-xxxx
- Powell, Winston K. xxx-xx-xxxx
- Read, John K. xxx-xx-xxxx
- Reynolds, Daniel J. xxx-xx-xxxx
- Thompson, Herbert J. xxx-xx-xxxx
- Tyndall, Arnold E. xxx-xx-xxxx
- Wells, Robert J. xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

- Anderson, Marion V. xxx-xx-xxxx
- Atkinson, Audrey P. xxx-xx-xxxx
- Berman, Thelma L. xxx-xx-xxxx
- Bowman, Betty O. xxx-xx-xxxx
- Bradley, Mary L. xxx-xx-xxxx
- Brosmer, Margaret M. xxx-xx-xxxx
- Brown, Virginia L. xxx-xx-xxxx
- Bullock, Sarah C. xxx-xx-xxxx
- Casey, Berniece I. xxx-xx-xxxx
- Christensen, Donna xxx-xx-xxxx
- Corbin, Mabel H. xxx-xx-xxxx
- De Laney, Ramona E. xxx-xx-xxxx
- Dean, Martha xxx-xx-xxxx
- Douglas, Maxine xxx-xx-xxxx
- Doyle, Doris P. xxx-xx-xxxx
- Eckhoff, Genevieve xxx-xx-xxxx
- Eidson, Lois C. xxx-xx-xxxx
- Fore, Claudia L. xxx-xx-xxxx
- Frazier, Doris S. xxx-xx-xxxx
- Gallagher, Eleanor xxx-xx-xxxx
- Jablunovsky, Anne C. xxx-xx-xxxx
- Jones, Mary A. xxx-xx-xxxx
- Kennedy, Marion K. xxx-xx-xxxx
- Knox, Grace E. xxx-xx-xxxx
- Kropski, Lena S. xxx-xx-xxxx
- MacGarvie, Elizabeth xxx-xx-xxxx
- McConnell, Amy L. xxx-xx-xxxx
- McCusker, Yvonne U. xxx-xx-xxxx
- Mooney, Sara C. xxx-xx-xxxx
- Moore, Daisy E. xxx-xx-xxxx
- Moore, Leota M. xxx-xx-xxxx
- Oneill, Marion H. xxx-xx-xxxx
- Pak, Regina xxx-xx-xxxx
- Pishak, Irene R. xxx-xx-xxxx
- Ramirez, Rosa J. xxx-xx-xxxx
- Reider, Bernadette xxx-xx-xxxx
- Roberts, Gracie V. xxx-xx-xxxx
- Schiffman, Regina H. xxx-xx-xxxx
- Smith, Roberta W. xxx-xx-xxxx
- Smith, Virginia L. xxx-xx-xxxx
- Sulkowski, Cecilia xxx-xx-xxxx
- Tague, Lena M. xxx-xx-xxxx
- Varnier, Marjorie L. xxx-xx-xxxx
- Weeks, Nelda L. xxx-xx-xxxx
- Wilson, Ruth A. xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonels

- Hagan, Constance E. xxx-xx-xxxx
- Leath, Mary K. xxx-xx-xxxx
- Treash, Eileen B. xxx-xx-xxxx

ARMY PROMOTION LIST

To be major

- Adams, Harvey L., Jr. xxx-xx-xxxx
- Alton, Carly L. xxx-xx-xxxx
- Crawford, Charles W. xxx-xx-xxxx
- Feeny, Gerald F. xxx-xx-xxxx
- Gates, Clayton S. xxx-xx-xxxx
- Stallings, Donald R. xxx-xx-xxxx
- Wood, Ernest M., Jr. xxx-xx-xxxx

ARMY PROMOTION LIST

To be captain

- Adlesperger, Ray D. xxx-xx-xxxx
- Andrews, Russell W. xxx-xx-xxxx
- Barta, Donald F. xxx-xx-xxxx
- Beal, Richard H. xxx-xx-xxxx
- Bialkowski, John R. xxx-xx-xxxx
- Bouldin, James R. M. xxx-xx-xxxx
- Bresser, Richard C. xxx-xx-xxxx
- Broadie, Samuel F. xxx-xx-xxxx

- Carlin, James J. xxx-xx-xxxx
- Chole, Hilbert H. xxx-xx-xxxx
- Coates, Richard R. xxx-xx-xxxx
- Davenport, David L. xxx-xx-xxxx
- Davis, Julian A. xxx-xx-xxxx
- Elrod, William C., Jr. xxx-xx-xxxx
- Hall, Robert L. xxx-xx-xxxx
- Herrick, James J. xxx-xx-xxxx
- Heuple, Larry W. xxx-xx-xxxx
- Hickok, Philip J. xxx-xx-xxxx
- Hogan, Vincent G. xxx-xx-xxxx
- Holaday, Howard R. xxx-xx-xxxx
- Jones, Robert T. xxx-xx-xxxx
- Kappel, Darrel N. xxx-xx-xxxx
- Larsen, Daniel M. xxx-xx-xxxx
- Lee, Frederick W. xxx-xx-xxxx
- Lorimier, Joseph M. xxx-xx-xxxx
- Madden, Charles E. xxx-xx-xxxx
- McGurk, Francis W. xxx-xx-xxxx
- McKinney, Raymond E. xxx-xx-xxxx
- Meade, David C. xxx-xx-xxxx
- Mitchell, Ralph W. xxx-xx-xxxx
- Moore, William F., III xxx-xx-xxxx
- Petersen, William T. xxx-xx-xxxx
- Phenegar, Michael E. xxx-xx-xxxx
- Prineipio, Marco A. xxx-xx-xxxx
- Ray, Max A. xxx-xx-xxxx
- Reed, Walter R. xxx-xx-xxxx
- Reid, Wilbur R. xxx-xx-xxxx
- Roche, John J. xxx-xx-xxxx
- Schneider, William A. xxx-xx-xxxx
- Scott, Billy L. xxx-xx-xxxx
- Seifert, Richard F. xxx-xx-xxxx
- Seldomridge, John A. xxx-xx-xxxx
- Snipes, Robert T. xxx-xx-xxxx
- Timm, Richard H. xxx-xx-xxxx
- Tisdale, David M. xxx-xx-xxxx
- Walkley, Lester D. xxx-xx-xxxx
- Walther, John R. xxx-xx-xxxx
- Way, Darwin M., Jr. xxx-xx-xxxx
- Young, Robert S. xxx-xx-xxxx

CHAPLAIN

To be captain

- Bailey, Harvey E. xxx-xx-xxxx
- Behlendorf, Jack R. xxx-xx-xxxx
- Dombrowski, Robert J. xxx-xx-xxxx

MEDICAL CORPS

To be captain

- Babcock, William S. xxx-xx-xxxx
- Bowman, Robert P. xxx-xx-xxxx
- Footo, William C. xxx-xx-xxxx
- Lowden, Roland G. xxx-xx-xxxx
- Merrill, Richard H. xxx-xx-xxxx
- Metz, Joseph R. xxx-xx-xxxx
- O'Regan, Thomas J. xxx-xx-xxxx
- Patton, Jack T. xxx-xx-xxxx
- Shaw, Robert W. xxx-xx-xxxx
- Wiebe, Robert A. xxx-xx-xxxx
- Wiese, George M. xxx-xx-xxxx
- Yates, Dowey, J. xxx-xx-xxxx

DENTAL CORPS

To be captain

- Mohr, Richard J. xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be captain

- McKinster, Lowell xxx-xx-xxxx
- Smalling, Oliver H. xxx-xx-xxxx

ARMY NURSE CORPS

To be captain

- Johnson, Joyce G. xxx-xx-xxxx

IN THE NAVY

The following-named midshipmen (Naval Academy) to be permanent ensigns in the line or staff corps of the Navy, subject to qualification therefor as provided by law:

- | | |
|-----------------------|----------------------|
| Lucian M. Acuff | William R. Anderson, |
| Charles R. Adams | Jr. |
| Robert E. Adams | David J. Armstrong |
| Roger C. Adams | James C. Arnold |
| Timothy M. Ahern | Robert W. Atwell |
| Daniel F. Akerson | John S. Auckland |
| Robert K. Alden | Michael B. Aycock |
| Harry P. Alesso | Charles R. Bachtell |
| Douglas B. Alexander | Douglas A. Backes |
| Corson L. Allen | William R. Bacon |
| Phillip K. Allen, Jr. | Robert A. Baeder |
| James D. Anderton | Guy R. Bafus |

- Walter E. Bahr
Robert J. Bailey
John R. Baker
Robert D. Baker
Jeffrey St. John Ball
Michael J. Bangert
Steven J. Bannat
William P. Barry
Douglas A. Bateman
Larry C. Baucom
Albert J. Beatrice, Jr.
Aaron J. Beattie III
Larry V. Beatty
Stephen E. Becker
Charles B. Beckman
Thomas J. Bender, Jr.
Christopher Benjes
Robert F. Berger
Alan L. Bergstrom
Linden L. Berkheimer
Eulogio C. Bermudes
Colin M. Berry
Gary W. Bethke
David A. Blank
Wilburn Mac Blount
Kent L. Blythe
John W. Bodnar
Douglas M. Bond
Paul J. Borer
Michael O. Borns
William G. Borries
Allen R. Boutz
Daniel E. Bowler
James F. Bowlin, Jr.
William G. Bozlin
Timothy B. Brace
William T. Bramlett
II
Matthew J. Breede
Dennis F. Breen
Dale E. Brehm
Thomas L. Bricken
Melvin H. Brown
Michael C. Brown, Jr.
Tommy R. Brown
Louis E. Buck, Jr.
Joseph H. Buescher, Jr.
Richard C. Buff
Scott R. Bulfinch
Jerome P. Burger
David R. Burrows
Robert N. Burton, Jr.
Robin P. Bushore
Lonnie D. Butler
William R. Butler
Rene F. Butyn
Phillip T. Cahill
Daniel J. Callahan
Phillip W. Campbell
Charles D. Carey III
Norman J. Carley
William H. Carnes, Jr.
James M. Carney
Roger W. Carr, Jr.
Joseph D. Carroll
Frank S. Carter III
James B. Carter, Jr.
Michael W. Casey
Robert B. Casteel II
Kristopher L. Castle
Kenneth W. Chambers, Jr.
John S. Chandler
Robert C. Chaplin
Steven E. Chapman
Michael B. Charley
Robert N. Christian-son
Duane L. Clabaugh
Reed O. Clark
Larry E. Cleghorn
Frederick R. Clements
Alan R. Click
Larry LaM. Cochran
Mark D. Cochran
Timothy R. Coccozza
Robert P. Coffin
Joseph J. Cohen
Stephen T. Coleman
David O. Collins
John G. Collins
- Robert S. Collins
Royal W. Connell, Jr.
Michael A. Cosgrove
Joseph J. Cote, Jr.
Terrence A. Councilor
Thomas Counihan
Steven J. Cranney
Richard A. Creighton
John P. Crisp
Phillip M. S. Crisson
Don M. Crites
Robert C. Crosby
Pete A. Crystal
Lowell R. Culp
John C. Cumming
Curtiss B. Cunningham
William R. Currer
Eugene T. Dalley
James L. Daily II
Craig R. Dampier
Dale F. Daniel
Carl R. Davies
Charles C. Davis
David L. Davis
Earl R. Davis, Jr.
Ernest G. Davis
Larry T. Davis
Joseph F. Davolio
Howard W. Dawson, Jr.
James C. Dawson, Jr.
John C. De Jong
John E. De Lappa
Clement P. Deltete
Michael W. DeLorey
Nicholas L. DeMal
John J. Demlein, Jr.
Dwight E. Denson
Larry G. Denton
Jack A. Detweiler
James F. Devaney
Thomas E. Dickey
Kenneth A. Dieter
Douglas W. Dietz
Raymond V. DiGiacomo
Hall S. Dillon II
Jack D. Dodd
David C. Dodson
John O. Dollerschell
Phillip V. Donohue, Jr.
Robert M. Doolin
Bruce K. Doubleday
William E. Doud, Jr.
Terry S. Douglas
Martin E. Doyle, Jr.
Vaughn W. Duff
Paul O. Dunn
James L. Durham
Marc A. Dzikowski
Lloyd D. Eadie, Jr.
William R. Eason, Jr.
John M. Eckert
Warren R. Eckert
Mark R. Edwards
Gerald V. Ellingwood
Charles D. Elliott III
Thomas J. Elliott, Jr.
Daniel "A" Ellison
David R. Ellison
Gerald G. Ermentrout
Gregory W. Ertel
Phillip D. Eslinger
Edward J. Fahy, Jr.
Paul J. Falten, Jr.
Thomas B. Fargo
Richard L. Farley
Charles S. Farrell, Jr.
Gerard M. Farrell
Marc Farris
David P. Faucher
Christopher J. Fearh
John S. Fedor
George Feigate
William M. Ferris
William W. Fetzler, Jr.
Neil C. Finn
Gerard R. Finnegan, Jr.
Dennis M. Fiordaliso
Jack A. Fisher
Charles B. Fitchet
- Douglas Fitzgerald
Robert L. Fitzgerald
Paul E. Fitzgibbons
Mark O. Flaherty
Thomas J. Flaherty
John E. Flanagan, Jr.
Stephen D. Floyd
Richard M. Folga
Alexander L. Ford III
Anthony E. Ford
John W. Forrester
William K. Foster
Earl J. Fought
Paul L. Fowler, Jr.
Thomas J. Fowler
Charles M. Frary
Steven J. Frasher
Michael G. Frick
David R. Frieden
Morrison L. Gable
George V. Gaidorisi
Dale E. Gange
Raymond W. Ganthner
James M. Garman
Charles F. Garrison
Edmund P. Glambastiani, Jr.
John A. Gillerist, Jr.
Lewis W. Goen
Gilbert M. Gonzales
Dilan D. Gonzalez
Joe A. Goodman
James R. Goodrich
Gary A. Gradisnik
Bryce L. Graham
David L. Graham
Richard K. Graham
Joseph F. Graul
Edward P. Graves
Everett L. Greene
Bruce J. Gregor
Larry C. Gretzinger
John J. Grossenbacher
Francis B. Grubb, Jr.
Mark J. Grussendorf
James M. Guarneri
Stanley D. Guertin
Edward M. Gumkowski
Ralph F. Gunkelman
III
Wallace E. Gunter, Jr.
Gerald F. Guppy
Richard G. Gurnon
Rhodric C. Hackman
Jerry M. Haggerty
Alan R. Hails
Robert G. Halgren, Jr.
Fred M. Hall
Howard R. Hall
George H. Halvorson
Kent W. Hamlin
Marvin J. Hamm, Jr.
Kirk C. Hansen
Peter A. Haring, Jr.
John P. Harrell, Jr.
Dale C. Harris
Bruce R. Harrison
John B. Hart
Robert R. Hasbach
Richard G. Hastings
III
Steven P. Hash
Russel E. Hauck
Patrick J. Havey
Charles E. Hawlik
Jeffrey B. Hawkins
Jeffrey T. Hayes
Steven A. Hazelrigg
Robert J. Healy
Lawrence P. Hearn
John F. Heaton
William Helfen
Joseph G. Henry
Robert D. Herb
Thomas G. Herbert
Harry A. Herdrich, Jr.
Lawrence Heyworth
III
Charles R. Hickman
- James H. Hill
Roger D. Hill
Ronald M. Hill
Gregory W. Hinchliffe
Curtis O. Hingson
Robert H. Hingson, Jr.
James R. Hinkle II
James R. Hinton
William L. Hitchings
Daniel T. Hogan
Patrick M. Hogan
Mark A. Hoke
John G. Holewa
Paul D. Hollenbach
Christopher W. Hollowell IV
Benjamin L. Holt, Jr.
James D. Hook
Andrew W. Houck
Paul L. Houde
Thomas L. Howard, Jr.
Ronald D. Huddleston
Terry R. Huff
Paul M. Hurd
David T. Hunter
George I. Hutcherson
Guy S. Futchison
Albert M. Hutchins
Warren H. Ide, Jr.
Clyde J. Ihrig
Charles P. Jackson
Richard K. Jackson
Roger P. Jacobs
Jimmy D. James
Roger D. James
Jay B. Jans
Thomas C. Jemison
Jay L. Jenkins
William F. Jenkins
Jon R. Jensen
Glenn A. Jewell
Dale R. Johnson
Donald H. Johnson
Jack A. Johnson
Jon R. Johnson
Michael M. Johnston
Gordon L. Jones
Steven E. Jones, Jr.
Ronnie L. Justiss
Melvin Kaahanui
Mark A. Kane
John A. Kapololu
George W. Karch
Alan W. Katz
Jack E. Kauffman II
Jefferson D. Kaylor, Jr.
Marc M. Keefe
Thomas B. Keefe
William J. Keller, Jr.
John D. Kelley
Kevin J. Kelley
William M. Kemp
Charles W. Kendall
James B. Kenney
James F. Kenney
Daniel R. Kestly
Kenneth L. Keymer
Franklin G. King
Peter C. King
William A. King
Jeb B. Kingseed
Terence L. Kipp
Robert W. Kirk
Thomas C. Kirner
Bruce G. Kline
Carl E. Klingelberger
Steven I. Klotz
Guy R. Knierlem
Gary D. Knight
Gary L. Knock
Michael B. Knudsen
Dean L. Knuth
Timothy A. Kok
Harry P. Kondrick
Norman A. Koneman
III
Gregory C. Koons
Jeffrey J. Krstich
Michael D. Kuhne
Michael P. Kunitonis
- Timothy W. La Fleur
Douglass H. LaMartin
Mark E. Lamb
Emmett J. Lancaster II
James R. Laricks
David A. Larson
Andrew J. Laska
Rodney G. Latham III
Patrick H. Lawless
James P. Lawton
Dudley W. Leath
Jeffrey A. Lehman
James M. Levy
Barry B. Lewis
Charles S. Lewis
Robert E. Lewis
Edward C. Ligon IV
James N. Lingan
James E. Linquist
James C. Linville, Jr.
Jeffrey R. Lipscomb
Walter R. Lohrmann
Francis B. Lord
Dennis M. Losh
Dennis M. Lunghofer
David P. McCampbell
Alan R. McCauley
Tim S. McClain
James L. McClane
Keith J. McCormick
Stuart E. McFarland
Michael P. McGahan
Richard J. McGoey
Myles T. McGrane
Lewis F. McIntyre
Edward R. McKenny, Jr.
William F. McMena-min
Brock A. McMunn
John R. McNamee, Jr.
Robert B. McPhall
Michael J. McReynolds
Richard D. MacBain
Ronald K. Machtley
Warren J. Mackensen
Thomas L. MacKenzie
Robert J. Mackey
Patrick C. Mackin
Henry J. MacLaughlin
Stephen L. Madey, Jr.
Clemens J. Mady, Jr.
Michael J. Magaletti, Jr.
Phillip J. Magaletti, Jr.
William J. Magnan
Michael D. Malone
Patrick J. Maloney
John J. Manis
Terrance L. Manson
Ronald A. Marchetti
John T. Marino, Jr.
Thomas G. Marshall
Reginald T. Martel
David A. Martin
Walter F. Martin, Jr.
Michael F. Martino
Gary D. Marvin
James T. Mason
John C. Mason
Raymond L. Mast
Dennis L. Mattison
Hugh D. Mauldin, Jr.
James R. Maxey II
Michael D. Maxey
Clarence W. Mayott III
Thomas J. Mazour
John M. Meacham
Gerald C. Mello
Paul L. Mellott, Jr.
Frank B. Melson, Jr.
Thomas O. Merrell
Walter F. Merrick II
Gary C. Meyer
Robert A. Meyer
Gary A. Michelsen
George N. Midkiff
Patrick D. Milano
Wilson A. Miles, Jr.
Robert F. Milewski
- David D. Miller
Robert P. Miller, Jr.
Stuart J. Miller
Daniel D. Milner
Jack R. Missimer
George L. Moe
John B. Montgomery
Jack O. Moody
Edmund E. Moore
Larry I. Moore III
Richard S. Moore, Jr.
Robert D. Moore, Jr.
Robert J. Morgenfeld
David J. Morrison
William A. Mugg
Charles V. Murphy
Daniel J. Murphy, Jr.
Dennis G. Murphy
Gregory B. Murphy
Ronald J. Murray
Walter H. Nadeau, Jr.
Dennis A. Naplor
John B. Nathman
James H. Neale
Lester D. Needham
Frederick H. Neel
Christian C. Nelson
Kenneth L. Nelson
Neal J. Nelson
Bradley W. Nemeth
Robert W. Ness
Michael F. Nevins
Scott F. Newberry
Rodney L. Niebuhr
James E. Nolan, Jr.
Robert M. Noonan
Thomas F. Noonan
James H. Nottingham, Jr.
Michael J. Novak
William A. Nurthen
Frank A. Nusom, Jr.
John P. Nute
John R. Oakes
Kenneth L. O'Bannon
David B. Oberholzer
William P. O'Brien
James M. O'Dell
Paul Odell, Jr.
Thomas J. O'Leary
Michael P. Oliver
Dennis D. Olson
John S. Olson
Russell C. Olson
Patrick W. O'Neil
Thomas G. Otterbein
William P. Overson
Robert J. Pacenta
Charles G. Paddock
Richard W. Palla
David C. Pallesen
John R. Panico
Alan E. Para
William M. Pardee, Jr.
"S" DuPree Parker
Steven G. Parks
William H. Parks, Jr.
Gregory R. Patch
Michael B. Pate
Peter deV. Patrick
Donald J. Patterson, Jr.
Ralph C. Paulk
Lael J. Paulson
Frank C. Peacock, Jr.
Robert L. Perch
Thomas A. Perkins III
James S. Perry
Oliver H. Perry III
Eric A. Peters
David S. Phillips III
David A. Pierson
Daniel L. Pike
John C. Plunkett
Phillip J. Poehlman
John S. Pohl
Richard H. Pollock
Charles D. Potter
Stuart R. Powrie
James W. Pratt
Henry S. Prevette, Jr.
Robert E. Prince

Richard L. Purcell
 Randy J. Radeackar
 Jorge R. Ramirez
 Randy D. Rankin
 John F. Rantschler
 Sam E. Rasmussen
 William K. Reed
 Francis P. Regan
 Robert W. Reich
 Frank W. Reifsnnyder, Jr.
 Charles B. Reigner
 Timothy M. Reichert
 Joseph B. Reid
 Charles B. Reinhardt, Jr.
 Harley L. Rhodes
 Jack Richardson
 Frederick L. Rickabaugh
 Charles E. Ringer, Jr.
 Michael C. Roberts
 Peter G. Roberts
 Andrew C. Robertson
 John G. Robinson
 Syd W. Rodenbarger
 Paul R. Roeder
 John D. Rogers
 Mark A. Rogers
 Leo S. Rolek, Jr.
 Stephen L. Root
 Michael P. Rothstein
 Allan H. Roy
 Daniel M. Rugg III
 Richard S. Rusczyk
 Preston G. Rusch
 Dennis L. Ryan III
 Dennis M. Ryan
 Peter A. Sachon
 William M. Saltenberger
 Doyne M. Sanders
 Byron P. Sansom
 George E. Sauer III
 Carter D. Savage
 Patrick J. Savidge
 Larry R. Schear
 John H. Schilling, Jr.
 William H. Schermund
 William R. Schmidt
 Frederick G. Schobert, Jr.
 Jeffrey M. Schott
 John R. Schrot
 John B. Schwab
 Richard C. Seaman, Jr.
 John R. Seeley, Jr.
 Paul S. Semko
 Thomas G. Serwich II
 Gregg F. Sessler
 John W. Seward, Jr.
 Martin A. Shadday, Jr.
 John N. Shaffer, Jr.
 John T. Shannon
 Kevin W. Sharer
 Mark N. Sheldon
 Lawrence E. Sheller, Jr.
 David B. Shepard
 Thomas S. Sher
 David L. Shickle
 John T. Shields III
 Chester A. Shorts
 Craig W. Silverthorne
 Michael L. Simmons
 Gary M. Simpson
 Michael W. Skahan
 Joseph F. Skerbec, Jr.
 Howard A. Skinner
 Charles R. Skolds
 Kenneth D. Slaght
 Patrick J. Slattery
 Robert L. Slowik
 Carl C. Smith, Jr.
 Douglas V. Smith
 Kerry J. Smith
 Stanley H. Smith
 Ernest M. Snowden II
 Steven M. Songer
 Kenneth V. Spenser

Mark E. Spong
 James S. Spore III
 Dale E. Stahl
 John G. Stampelos
 Jeffrey D. Stanley
 Gilbert M. Staudt
 Richard A. Stearns III
 Barry L. Steelman
 William H. Steussy
 Gregory A. Stiles
 Daniel Q. Stockhaus
 William L. Stockho
 David V. Stoddard
 David G. Storer
 Charles M. Stout
 Chester E. Strait
 Ronald A. Stribling
 David G. Strong
 Robert S. Sugermeier
 James W. Suhr
 John J. Sullivan, Jr.
 Paul F. Sullivan
 Walter F. Sullivan
 William G. Sutton
 Samuel R. Swah
 James P. Swoope
 Henry E. Tabb III
 Robert Tamburini
 James L. Taylor
 John P. Tazewell, Jr.
 Richard M. Teater
 Edward C. Tempesta
 Gary J. Tettelbach
 Leigh M. Thaeler, Jr.
 Mark A. Thomas
 Richard H. Thomas
 Douglas S. Thompson
 Richard A. Thompson
 Robert B. Thompson, Jr.
 Stephen R. Thompson
 Grant W. Thorpe
 Glenn P. Tierney
 Charles M. Todorich
 Mark S. Tripp
 Benjamin W. Tucker, Jr.
 Peter Van Dusen
 Kirk K. Van Tine
 Cameron K. Vantrease
 Gary L. Vine
 Robert M. Viney
 Dominick W. Visco
 Robert A. Wachtel
 James B. Waddell
 James M. Wade
 Frank B. Wahl, Jr.
 David R. Walker
 Harold B. Wallace
 Stephen R. Walmsley
 David F. Walsh
 Marc N. Waterman
 Anthony J. Watson
 William F. Webb
 William J. Webb, Jr.
 Stanley B. Weeks
 Carl E. Weiscopef
 Benjamin H. Welch III
 Carl S. Wells
 Richard E. Westcott
 Donovan E. Westerfeld
 Francis C. Whilden
 Clayton E. Whitaker
 Bradley T. White
 George B. Whitten III
 Carl E. Wick
 Lynn H. Widener
 David B. Wiedeman
 Leonard A. Wiens
 Bryan D. Wiggins, Jr.
 Charles B. Williams
 Galbraith D. Williams, Jr.

James R. Williams
 Edward H. Williamson
 Paul A. Wilson
 Richard E. Wirkkala
 Thomas M. Wittkamp
 Edward Wlodarczyk
 Theodore S. Wolfe
 Wayne L. Wolfe
 Robert A. Wood
 Stephen M. Wood
 The following-named U.S. Army cadets to be permanent ensigns in the line or staff corps of the Navy, subject to qualification therefor as provided by law:
 Gary A. Cornelison
 Stephen J. Wood
 The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to qualification therefor as provided by law:
 Neil J. Dilloff
 George W. Echan, Jr.
 Gerald R. Harmon
 John G. Hughes
 Jay W. Jeffcoat
 Thomas S. Key
 R. A. Manekin
 Joel J. Metter
 Mark M. Nunlist
 The following-named (naval enlisted scientific education program candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to qualification therefor as provided by law:
 Theodore I. Blackwell
 Thomas R. Dunlap
 Steven S. Seekins
 John E. Brashear
 James Orr (civilian college graduate), to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to qualification therefor as provided by law.
 The following-named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to qualification therefor as provided by law:
 Joseph P. Cleary
 Milan L. Hopkins
 Robert E. Hughes
 Robert C. McDaniel
 Richard L. Moors
 William B. O'Grady
 Vincent J. Pelletiere
 Anthony D. Sakowski, Jr.
 Harvey B. Sher
 Richard G. Sugden
 Donald G. Tretheway, Jr.
 Edward N. Zissman
 The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to qualification therefor as provided by law:
 James E. Engeler, Jr.
 James E. Ives
 Lloyd W. Stetzer
 The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to qualification therefor as provided by law:
 Sheffield Boardman, Jr.
 Douglas A. Brownell
 Victor A. Conforti
 Roger T. Crenshaw
 Depue H. Duffey, Jr.
 Robert G. Graham
 James M. Hogan
 James A. Johnson
 Thomas A. Johnson, Jr.
 Gerald T. Keegan
 Thomas E. Knuff
 Frank S. Kohl
 Robert S. Kollen
 Edward H. Lesesne, Jr.

Frank L. Wurst
 Charles J. Yash
 Charles B. Young
 James J. Zaborowski
 Paul A. Zambernardi
 Stephen W. Zavadil
 Leon J. Zielinski
 Michael J. Zins
 Thomas S. Zysk
 John D. Radd
 William A. Regan
 Paul A. Rogers
 John W. Shern
 R. C. Stearns
 Addison B. Thompson
 James Webster
 William L. Zimmerman
 Gilbert L. Johnson
 Richmond R. Nye
 David K. Wallace
 James E. Engeler, Jr.
 James E. Ives
 Lloyd W. Stetzer
 Dennis L. Lombardi
 John J. McCarthy
 Neal R. Makens
 John H. Masys
 James D. Miller
 John C. Pollard
 Michael J. Resnick
 John D. Rowekamp
 Brian S. Saunders
 Steven J. Schang, Jr.
 David E. Smith
 William R. Smith II
 Gerald R. Sylvain
 William E. Watson
 Harold H. Weller
 Donald Kear, U.S. Navy officer to be reverted to permanent chief warrant officer

W-3 and temporary chief warrant officer W-4 in the Navy, limited duty (avionics) subject to qualification therefor as provided by law:
 Cary F. Wright, U.S. Navy officer to be reverted to permanent chief warrant officer W-3 and temporary chief warrant officer W-4 in the Supply Corps of the Navy, limited duty, subject to qualification therefor as provided by law:
 Donald E. LeDuc, U.S. Navy retired to be reappointed from the temporary disability retired list as lieutenant in the line of the Navy, for temporary service, limited duty (avionics) subject to qualification therefor as provided by law:
 The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to qualification therefor as provided by law:
 Robert G. Esquire
 Richard B. Finger, Jr.
 The following-named chief warrant officers to be ensigns in the Navy, limited duty for temporary service in the classification indicated and as permanent warrant and/or permanent and temporary Warrant subject to qualification therefor as provided by law.
SUPPLY
 Black, James L.
 Bothe, James J.
 Burbidge, Robert L.
 Coats, Daniel M.
 Cormier, Edward N., Jr.
 Cubbedge, Carlton E.
 Dowell, Billy R.
 Farlow, Roger K.
 Flahiff, Daniel E.
 Loney, James E.
 Lowdermilk, Richard F.
 Pearrell, Larry W.
 Ritzel, Charles J.
 Siemers, Uwe
 White, John P.
CIVIL ENGINEER
 Becker, Raymond H.
 Headrick, Jay C.
 Hisey, Howard A.
 Martin, Norman R.
 Schraud, Henry F.
DECK
 Childers, Gary N.
 Dougherty, Thomas J.
 Driver, John E.
 Huffman, Karl H.
 Lighthart, Lloyd W.
 Rawls, Robert S.
 Tollson, James P.
 Wade, Johnny B.
 Walter, Fredrick S.
 Weeks, Bill F.
 Welch, Leslie C., Jr.
OPERATIONS
 Ahlers, Norbert A.
 Bobo, Jerry L.
 Boon, John E.
 Lawrence, James R.
 Locke, Gary W., Jr.
 Mitchell, Elmer R.
 Parker, James A.
 Speh, Warren G.
ORDNANCE
 Haffner, Guy A.
 Hambley, James G.
 Herrman, Larry V.
 Irby, Eldon E.
 Johnston, James E.
 McCleskey, Dale L.
 Milligan, Donald R.
 Neste, Carl A.
 Reed, Frank G.
 Scheleman, Robert L.
 Vanhee, Richard C.
EXPLOSIVE ORDNANCE DISPOSAL
 Swanson, Raymond P.
 Wenter, Gary E.
 Wood, Ronald D.
ADMINISTRATION
 Bobo, Billy J.
 Carey, John D.
 Cooper, William J.
 Davis, Robert L.
 Drier, Melvin F.
 Germany, Charles J.
 Goss, Marlin E.
 Hinson, Baucom
 Kenyon, Larry L.
 Long, Homer R.
 Marsh, Robert D.
 Miller, Paul H.
 Reinoehl, Phillip W.
 Robinson, Frank J.
 Smith, Herbert M.
 Stanek, David M.
 Talbot, Ronald E.
 Tarter, Arlan G.
 Vettese, Anthony
 Wertz, Bruce N.
 Williams, Thomas Y.
DATA PROCESSING
 Anderson, J. Q.
 Barclay, Ray F., Jr.
BANDMASTER
 Phillips, William J., Jr.
 Vanhoose, Ronald

ENGINEERING		AIR INTELLIGENCE		Dunkin, David E.		Moore, Edwin T.	
Aversano, Anthony J.	Hobbs, Hurshel B., Jr.	Sronce, Frank T.		Dye, George W., Jr.		Noel, Raymond J., Jr.	
Baldwin, Robert L.	Horsfall, William E.	PHOTOGRAPHY		Fumia, Francis H., Jr.		O'Brien, Michael F.	
Bartholomew, David L.	Howard, James E., Jr.	Husted, George G.	Snyder, Ralph O.	Grant, Homer T., Jr.		Olmstead, Allen J., Jr.	
Bartke, Harold L.	Jackson, Robert B.	Marshall, Leo R.	Villemalre, Albert J.	Grubaugh, Gene C.		Sapienza, Gerald J.	
Billick, Dan R.	Jones, Carlos	METEOROLOGY		Hahn, Steven W.		Wesh, Francis R.	
Blanchard, Gary F.	Kellum, William C., Jr.	Fisher, Glen A.		Hobert, Raymond J.		Willems, Robert C.	
Bobo, Harold	Markle, Donald F.	Partesius, John S.		Jacobs, Richard E.		Wolf, Edward J.	
Boyle, David J.	McCleer, James L.	Smith, Kenneth F.		Jamison, Charles F., Jr.		Woods, Robert A.	
Butler, Robert E.	McElroy, Fred C.	AVIATION ORDNANCE		SUPPLY CORPS			
Chandler, Frank L.	Rand, Verl A.	Ashworth, Robert A.	Gordon, Harold L.	Atkins, John W., III			
Daniel, Jess M.	Robertson, Bernard L. III	Barker, Harvey W.	Lyon, Scott R.	Dittmann, Harry G.			
Deinhardt, John J.	Rudden, Francis A.	Malone, Robert G.	Schmidt, Curtis J.	Jamison, David C.			
Driscoll, Richard F.	Ruth, Herbert M.	New, Melvin R.	Tanner, William E.	Jordan, Robert R.			
Edwards, Bernard D.	Stewart, Lowell T.	Olson, John T., Jr.	Uptegrove, Edwin W.	Lemon, Harvey B.			
Foss, Harry C., Jr.	Stiffler, James W.	AVIONICS		CIVIL ENGINEER CORPS			
Hale, Douglas A.	Vick, Don A.	Braswell, Wallace E.	Olsen, Fredrick L.	Bohn, Ronald G.			
Harris, Thomas E.	Zogimann, Paul S.	Chitwood, Orvis H., Jr.	Pohl, Matthew J.	Lacy, Gordon R., Jr.			
Hill, Robert W.		Clabaugh, Ronald S.	Rodgers, Carl T.	MEDICAL SERVICE CORPS			
Hine, Jerry G.		Crain, Robert L., Jr.	Scherzer, James D.	Morton, Robert J., Jr.			
HULL		Cudia, David T.	Smith, Robert E.	The following named women officers of the U.S. Navy for permanent promotion to the grade of lieutenant in the line, subject to qualification therefor as provided by law:			
Bailey, Defort	Hoyt, William H.	Doehring, Robert F.	Spear, Earl J.	Haynes, Edith E.			
Binion, John I., Jr.	Johnston, Wilford P.	Howard, Donald R.	Strickland, LeRoy H.	Hudson, Agnes S.			
Delancey, James D.	Jordan, Boykin B.	Lormor, Eugene H.	Thomason, William R.	The following named officers of the U.S. Navy for permanent promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:			
Edwards, Raymond L.	Lowe, Walter R.	Michielson, Dennis C.	Tibbs, John W.	Lee, Howard F.			
Fuller, Emil A.	Richardson, Billy E.	AVIATION MAINTENANCE		Marnane, Michael J.			
ELECTRICIAN		Akins, Olen C.	Nassar, Albert N.	Reidelberger, William H.			
Brooks, Edgar T.	Mathews, Carl L.	Benning, Vale J.	Nechvatal, Charles J.	Sapienza, Gerald J.			
Cloutier, Lawrence P., Jr.	McGuire, David N.	Black, James D.	Rogge, John A.	Thunberg, Bruce E.			
Haupt, Lloyd	Page, Alfred L.	Bond, Lester F.	Strong, Franklin E.	Valenty, John T.			
Jensen, Gordon M.	Spears, Tommie E.	Brown, Richard A.	Terry, Robert J.	Wolf, Edward J.			
ELECTRONICS		Deutsch, Joseph K.	Thompson, Robert M.	LINE			
Arion, Ellsworth E.	Lee, Robert E.	Donnellan, David F.	Treadway, Alton G.	Bielefeld, James M.			
Bradford, Billy C.	Lentz, Joe B.	Etten, Gary A.	Tudor, Tommy N.	Burke, James L.			
Brown, Robert E.	Majchrowicz, Edward J.	Gepford, Richard D.	Whalen, Regis E.	Daniel, David D.			
Campbell, Donald L.	Miller, Roy A.	Graff, Clinton G., Jr.	Will, George F.	Davis, Joseph W.			
Caton, Robert N.	Moran, Matthew F., Jr.	Hagensick, John R.	Wilson, James O.	Flaherty, Timothy J.			
Dekart, Donald F.	Oehler, James C.	John, Paul M.	Young, Neal R.	Haynes, Edith E.			
Eney, Neilson E., Jr.	Pelletier, Ronald W.	King, Orville C.		Hudson, Agnes S.			
Fridell, Robert A.	Smith, Kenton L.	The following named officers of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the line and staff corps, as indicated, subject to qualification therefor as provided by law:		Kindle, Mickey E.			
Grimes, David A.	Tucker, Malcolm R.	The following named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the line and staff corps, as indicated, subject to qualification therefor as provided by law:		SUPPLY CORPS			
Hall, Richard W.	Tyler, Bobby D.	Moses, Raleigh W.		Elliot, Ernest A.			
Heuchert, Richard H.	Weaver, Sterrie L., Jr.	Strickler, James W.		Merritt, Thomas W.			
Johnson, Thomas S., Jr.	Whiteley, William B.	CHAPLAIN CORPS		CIVIL ENGINEER CORPS			
Lechtenberg, Richard C.		Olander, Edward A.		Bohn, Ronald G.			
CRYPTOLOGY		Taylor, Francis S., III		Griffin, Harry G.			
Goerg, Frederick C.	Rakfeldt, Harry O.	CIVIL ENGINEER CORPS		Norman H. Dahlgren, Supply Corps, U.S. Navy, for transfer to and appointment in the line of the U.S. Navy in the permanent grade of ensign.			
Haller, Bernard J.	Ross, Albert J., Jr.	Emison, Joseph B., Jr.		The following named officers of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the Medical Corps of the U.S. Navy, subject to qualification therefor as provided by law:			
Havenstein, Gene L.	Schaffer, Lawrence C., Jr.	Stewart, Allen J.		Credle, William F., Jr.			
Lopez, Clyde C.	Skipper, John W.	Lieutenant Clifford J. Kamen, Jr., for temporary promotion to the grade of lieutenant commander in the Medical Corps of the U.S. Navy, subject to qualification therefor as provided by law:		McDonald, Thomas G.			
Lovejoy, Jay E.	Walker, Arthur T.	The following named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the line and staff corps, as indicated, subject to qualification therefor as provided by law:		Donschik, Garry R.			
Peters, John W.	Wyatt, Thomas V.	Beardsley, William F.		McLamb, James N.			
Popikas, Charles F.		Bielefeld, James M.		Grotenhuis, Paul W.			
COMMUNICATIONS		Bonner, Jerold A.		CONFIRMATION			
Crowder, James D.	Nichols, Paul M.	Bowles, Hugh C.		Executive nomination confirmed by the Senate May 11, 1970:			
Enevoldsen, Jack	Palmer, Charles F.	Carroll, Richard J.		MISSISSIPPI RIVER COMMISSION			
Fetter, Norman L.	Scheine, Murray	Cope, Stuart S., Jr.		Brig. Gen. Harold R. Parfitt, U.S. Army, to be a member of the Mississippi River Commission, under the provisions of section 2 of an act of Congress approved June 28, 1879 (21 Stat. 37; 33 U.S.C. 642).			
James, Bobby C.	Shaul, Michael C.	Day, Richard S., Jr.					
Loranger, Richard G.	Sparks, Howard F.	AVIATION OPERATIONS					
Lucero, Seferino	Woods, Gerald B.	Emswiler, Robert B.					
AVIATION CONTROL		Gregory, Thomas					
Harry, Robert M.		Vsetecka, Leonard J.					
Salter, Jesse E.		AVIATION CONTROL					

HOUSE OF REPRESENTATIVES—Monday, May 11, 1970

The House met at 12 o'clock noon. The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

God is not far from each one of us, for in Him we live and move and have our being.—Acts 17: 27, 28.

O God and Father of us all, we bow before Thee reverently and humbly as we

begin the work of another week. Thou art with us every moment of every day. Help us, we pray Thee, to be aware of Thy presence as we endeavor to lead our people in right and just and good paths.

We thank Thee for brave words and courageous deeds which have made our Nation great among the nations of the

world. In this moment we pray for those who with word and deed are seeking to keep our Nation great in this day—our leaders in Congress, the men and women in the Armed Forces of our country, those who labor for peace and freedom, and all who strive for liberty in law and law in liberty.