

to become due on certain lands in the Greater Wenatchee irrigation district, Greater Wenatchee division, Chief Joseph Dam project, Wash.; to the Committee on Interior and Insular Affairs.

By Mr. OLSEN:

H.R. 17611. A bill to amend title 5, United States Code, to correct unfair labor practices and inequities with respect to the computation of duty time and overtime, night, holiday and Sunday pay of certain employees engaged in negotiations of labor-management contracts based on statute or Executive order; to the Committee on Post Office and Civil Service.

By Mr. PEPPER:

H.R. 17612. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. ROBERTS:

H.R. 17613. A bill to provide for the designation of the Veterans' Administration facility at Bonham, Tex.; to the Committee on Veterans' Affairs.

By Mrs. SULLIVAN (by request):

H.R. 17614. A bill to provide for reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama; to the Committee on Merchant Marine and Fisheries.

By Mr. ROBERTS (for himself and Mr. ALBERT):

H.R. 17615. A bill to require the Secretary of the Army to permit the use of recreational areas at Lake Texoma for nontransient mobile homes; to the Committee on Public Works.

By Mr. ANDERSON of Illinois:

H.J. Res. 1229. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. DIGGS:

H.J. Res. 1230. Joint resolution designating May 25 of each year as "African Liberation Day"; to the Committee on the Judiciary.

By Mr. HOGAN (for himself and Mr. BROYHILL of Virginia):

H.J. Res. 1231. Joint resolution granting the consent of the Congress for the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact relating to the establishment and authority of a Washington Metropolitan Airport Authority; to the Committee on the District of Columbia.

By Mr. ANDERSON of Illinois (for himself, Mr. ANDREWS of North Dakota, Mr. FRELINGHUYSEN, Mr. FULTON of Pennsylvania, Mr. GROVER, Mr. KING, Mr. LEGGETT, Mr. McKNEALLY, Mr. PREYER of North Carolina, Mr. RUPPE, Mr. SMITH of New York, Mr. STANTON, Mr. WYDLER, Mr. YATRON, Mr. HARRINGTON, and Mr. McDADE):

H. Con. Res. 610. Concurrent resolution; the Congress reaffirms its constitutional responsibility of consultation with the President on matters affecting grave national issues of war and peace; to the Committee on Foreign Affairs.

By Mr. PIRNIE:

H. Con. Res. 611. Concurrent resolution to modify certain tariff concessions granted by the United States; to the Committee on Ways and Means.

By Mr. SKUBITZ (for himself, Mr. CARTER, Mr. MIZE, and Mr. SHRIVER):

H. Con. Res. 612. Concurrent resolution; the Congress reaffirms its constitutional responsibility of consultation with the President on matters affecting grave national issues of peace and war; to the Committee on Foreign Affairs.

By Mr. QUIE:

H. Con. Res. 613. Concurrent resolution expressing the sense of the Congress with respect to the establishment of a United Nations international supervisory force for the purpose of establishing a cease-fire in Indochina to aid efforts toward a political solution of current hostilities; to the Committee on Foreign Affairs.

By Mr. DIGGS:

H. Res. 1005. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. ICHORD:

H. Res. 1006. Resolution authorizing the printing of additional copies of hearings entitled "Investigation of Students for a Democratic Society, part 7-A (Return of Prisoners of War, and Data Concerning Camera News, Inc., 'Newsreel')"; to the Committee on House Administration.

By Mr. MONTGOMERY (for himself, Mr. CAFFERY, Mr. GOLDWATER, Mr. ROGERS of Florida, Mr. LENNON, Mr. JONES of North Carolina, Mr. McMILLAN, and Mr. PICKLE):

H. Res. 1007. Resolution to establish a select committee to study U.S. involvement in Southeast Asia and then report its findings to the House of Representatives of its adoption; to the Committee on Rules.

By Mr. RIEGLE (for himself, Mr. McCLOSKEY, Mr. BLATNIK, Mr. BURTON of California, Mr. DULSKI, Mr. GILBERT, Mr. GREEN of Pennsylvania, Mrs. MINK, and Mr. MOSS):

H. Res. 1008. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. ZWACH:

H. Res. 1009. Resolution to express the sense of the House of Representatives with respect to travel at Government expense by Members of the House who have been defeated, resigned, or retired; to the Committee on House Administration.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 17616. A bill for the relief of Rolando Ferrer Landon; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 17617. A bill for the relief of Lee T. Sellars; to the Committee on the Judiciary.

By Mr. PURCELL:

H.R. 17618. A bill for the relief of Michael Burton; to the Committee on the Judiciary.

## SENATE—Wednesday, May 13, 1970

The Senate met at 12 o'clock noon and was called to order by Hon. HAROLD E. HUGHES, a Senator from the State of Iowa.

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

O Eternal Father, who watches over men and nations, may the soul of this Nation and all people in it heed the ancient summons, "If my people who are called by my name humble themselves, and pray and seek my face, and turn from their wicked ways, then I will hear from heaven, and will forgive their sin and heal their land." Draw together in united repentance, cleansing and renewal, those who serve Thee in government and those served by the Government, that we may become day by day a worthier instrument for justice and righteousness in our troubled world. Guide Thy servants here through the daily stresses and strains that their actions may be for the welfare of all the people and the advancement of Thy kingdom on earth.

In the name of Him who is King of Kings and Lord of Lords. 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 13, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HAROLD E. HUGHES, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,  
President pro tempore.

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

### MESSAGES FROM THE PRESIDENT

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

### REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HUGHES) 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 Foreign Relations:

To the Congress of the United States:

As required by law, I transmit to the Congress the Seventh Annual Report on Special International Exhibitions conducted during Fiscal Year 1969 under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256).

This report covers exhibits presented abroad by the U.S. Information Agency at international fairs and under East-West Cultural Exchange agreements, exhibits and labor missions presented abroad by the Department of Labor, and trade missions organized and sent overseas by the Department of Commerce.

RICHARD NIXON.

THE WHITE HOUSE, May 13, 1970.

## EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. HUGHES) laid before the Senate a message from the President of the United States submitting the nomination of Hugh F. Owens, of Oklahoma, to be a member of the Securities and Exchange Commission, which was referred to the Committee on Banking and Currency.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 12, 1970, be dispensed with.

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

## LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

## ACCOMMODATION TO SENATORS WHO WISH TO SPEAK FOR A LONGER PERIOD THAN 3 MINUTES

Mr. MANSFIELD. Mr. President, if Senators wish to speak at any length beyond the 3-minute limitation, I would suggest that they kindly contact the joint leadership, because we are always willing to have the Senate meet earlier than the usual convening hour to accommodate them by giving them the time they desire.

## 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.

## ORDER FOR ADJOURNMENT UNTIL 10:30 O'CLOCK TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 o'clock tomorrow morning.

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

## ORDER FOR RECOGNITION OF SENATOR HUGHES OF IOWA TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow, at the conclusion of the prayer, the distinguished Senator from Iowa (Mr. HUGHES) be recognized for not to exceed one-half hour.

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

## ORDER FOR RECOGNITION OF SENATOR PERCY OF ILLINOIS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the speech by the distinguished Senator from Iowa (Mr. HUGHES) tomorrow, the distinguished Senator from Illinois (Mr. PERCY) be recognized for not to exceed 45 minutes.

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

## ORDER FOR RECOGNITION OF SENATOR TALMADGE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the speech by the distinguished Senator from Illinois (Mr. PERCY) tomorrow, the distinguished Senator from Georgia (Mr. TALMADGE) be recognized for not to exceed 30 minutes.

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

## DISTRICT OF COLUMBIA HOUSING REVOLVING FUND ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 855 and 858.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The first measure will be stated.

The LEGISLATIVE CLERK. S. 3011, 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.

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

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the District of Columbia with amendments, on page 4, line 6, after the word "Columbia", strike out "Disposition of"; in line 13, after the word "Columbia", strike out "Disposition of"; in line 16, after the word "the", strike out "Disposition of" and insert "District of Columbia"; and on page 8, line 23, after the word "deposit", strike out "or presented the pass book or other similar evidence of the deposit for the crediting of interest"; so as to make the bill read:

## TITLE I—DISTRICT OF COLUMBIA HOUSING REVOLVING FUND ACT

SEC. 101. This title may be cited as the "District of Columbia Housing Revolving Fund Act".

## DEFINITIONS

SEC. 102. As used in this title, the term—  
(a) "Commissioner" means the Commissioner of the District of Columbia, or his delegate.

(b) "Preconstruction costs" means the costs approved by the Commissioner for the necessary expenses, prior to construction, in planning, and obtaining financing for, the rehabilitation or construction of housing for low-income or moderate-income persons, including but not limited to: (1) expenses for surveys as to need and for market analysis; (2) fees for preliminary feasibility studies, and advances for planning, engineering, and architectural work; (3) site acquisition costs; (4) necessary application and other fees to Federal and District agencies; and (5) such other expenses incurred by the nonprofit sponsor as the Commissioner may deem appropriate to effectuate the purposes of this title.

(c) "District" means the District of Columbia.

(d) "Federally aided mortgage" means any mortgage with respect to which financial assistance of any kind is provided under one or more of the several Federal programs for housing for families of individuals of low or moderate income.

(e) "Fund" means the District of Columbia housing revolving fund created by this title.

(f) "Housing project" means a specific work or improvement financed by a federally aided mortgage or privately financed and undertaken by a nonprofit sponsor to provide dwelling accommodations for low-income or moderate-income persons in the District of Columbia, including the acquisition, construction, or rehabilitation of lands, buildings, and improvements, and such social, recreational, community, or other nonhousing facilities as may be incidental or appurtenant thereto.

(g) "Low-income or moderate-income persons" means those persons and families having an annual income in such an amount as to make them eligible, by reason of regulations promulgated by the Secretary of Housing and Urban Development, or his delegate, for occupancy of dwelling units within any housing project assisted by a federally aided mortgage. Such term shall also mean those persons and families made eligible, by reason of regulations promulgated by the District of Columbia Council, for occupancy of dwellings in any housing project assisted by private financing.

(h) "Nonprofit sponsor" means any nonprofit corporation, association, cooperative, or other organization.

## HOUSING REVOLVING FUND

SEC. 103. (a) There is hereby created and established in the Treasury a revolving fund to be known as the District of Columbia housing revolving fund.

(b) There shall be paid into the fund (1) any moneys appropriated pursuant to the authorization contained in this title; (2) any moneys which the Commissioner may receive in repayment of advances made by him pursuant to this title; and (3) any other moneys which may be made available to the Commissioner from any other source or sources for the purpose of the fund.

(c) Notwithstanding any other provision of law, the Commissioner is authorized to deposit in the fund moneys received by him pursuant to the District of Columbia Unclaimed Property Act other than the moneys deposited into the separate trust fund established pursuant to such Act. The Commissioner is further authorized from time to time to transfer to such trust fund moneys held in the housing revolving fund whenever the trust fund contains insufficient moneys to satisfy any claim or claims duly allowed pursuant to the District of Columbia Unclaimed Property Act. If from time to time the amount in the housing revolving fund or in the trust fund established pursuant to the District of Columbia Unclaimed Property Act is insufficient to satisfy such claim or claims, then in such event there is hereby authorized to be appropriated for deposit in the latter fund such amount as may be necessary to meet any such deficiency.

## ADVANCES FOR HOUSING

SEC. 104. (a) The Commissioner is hereby authorized to use the moneys held in the fund to make non-interest-bearing short-term advances, in accordance with the provisions of this title, to nonprofit sponsors for



housing projects owned or to be owned by such sponsors.

(b) No such advance shall be made unless the Commissioner determines that there is need for the housing project and that the development of the housing project for low-income or moderate-income persons is feasible.

(c) Moneys of the funds advanced by the Commissioner to a nonprofit sponsor shall be used only to defray the preconstruction costs of the housing project. Each advance shall be repaid in full to the Commissioner by the nonprofit sponsor under such terms and conditions as may be required by regulations promulgated by the District of Columbia Council. Such repayment shall be made upon completion of the housing project or sooner. The Commissioner may cancel any part or all of a loan as he may determine cannot be recovered from the proceeds of any permanent loan made to finance the rehabilitation or construction of the housing project.

#### DELEGATIONS OF AUTHORITY

SEC. 105. (a) The District of Columbia Council is hereby authorized to make such rules, regulations, and orders as it may deem necessary to effectuate the purposes of this title. Such rules and regulations may require any nonprofit sponsor, as a condition precedent to receiving an advance from the fund, to enter into an agreement with the Commissioner regulating the operation of the housing project with respect to (1) the maximum rental charges, (2) the eligibility of tenants, (3) the disposal of any property or accumulated profits of the nonprofit sponsor, (4) the dissolution of the nonprofit sponsor, (5) the examination of the records and accounts of the nonprofit sponsor or of any housing project owned by the nonprofit sponsor, and (6) any other matter relating to the operation, maintenance, or function of the housing project or the nonprofit sponsor.

(b) The Commissioner is hereby authorized to delegate to any officer, employee, or agency of the District government, except the courts thereof, any function authorized by this title.

#### APPROPRIATIONS AUTHORIZED

SEC. 106. Appropriations are hereby authorized to carry out the purposes of this title.

### TITLE II—DISTRICT OF COLUMBIA UNCLAIMED PROPERTY ACT

SEC. 201. This title may be cited as the "District of Columbia Unclaimed Property Act".

#### DEFINITIONS

SEC. 202. As used in this title, unless the context otherwise requires:

(a) "Banking organization" means any bank, trust company, saving banks, or a private banker engaged in business in the District of Columbia.

(b) "Business association" means any corporation (other than a public corporation), joint stock company, business trust, partnership, or any association for business purposes of two or more individuals.

(c) "Commissioner" means the Commissioner of the District or his delegate.

(d) "District" means the District of Columbia.

(e) "Financial organization" means any savings and loan association, building and loan association, credit union, or investment company, engaged in business in the District.

(f) "Holder" means any person in possession of property subject to this title belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to this title.

(g) "Life insurance corporation" means any association or corporation transacting within the District the business of insurance on the

lives of persons or insurance appertaining thereto, including, without limitation, endowments and annuities.

(h) "Owner" means a depositor in case of a deposit, a beneficiary in case of a trust, a creditor, claimant, or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to this legal representative.

(i) "Person" means any individual, business association, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity.

(j) "Utility" means any person who owns or operates within the District, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

#### PROPERTY HELD BY BANKING OR FINANCIAL ORGANIZATIONS OR BY BUSINESS ASSOCIATIONS

SEC. 203. The following property held or owing by a banking or financial organization or by a business association is presumed abandoned:

(a) Any demand, savings, or matured time deposit made in the District with a banking organization, together with any interest or dividend thereon, excluding any charges that may lawfully be withheld, unless the owner has, within seven years:

(1) Increased or decreased the amount of the deposit; or

(2) Corresponded in writing with the banking organization concerning the deposit; or

(3) Otherwise indicated an interest in the deposit as evidenced by a memorandum on file with the banking organization.

(b) Any funds paid in the District toward the purchase of shares or other interest in a financial organization or any deposit made therewith in the District, and any interest or dividends thereon, excluding any charges that may lawfully be withheld, unless the owner has within seven years:

(1) Increased or decreased the amount of the funds or deposit, or presented an appropriate record for the crediting of interest or dividends; or

(2) Corresponded in writing with the financial organization concerning the funds or deposit; or

(3) Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the financial organization.

(c) Any sum payable on checks certified in the District or on written instruments issued in the District on which a banking or financial organization or business association is directly liable, including, by way of illustration but not of limitation, certificates of deposit, drafts, money orders, and travelers checks, that, with the exception of travelers checks, has been outstanding for more than seven years from the date it was payable or from the date of its issuance if payable on demand, or, in the case of travelers checks, that has been outstanding for more than fifteen years from the date of its issuance, unless the owner has within seven years, or within fifteen years in the case of travelers checks, corresponded in writing with the banking or financial organization or business association concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization or business association.

(d) Any funds or other personal property, tangible or intangible, removed from a safe deposit or any other safekeeping repository in the District on which the lease or rental period has expired due to nonpayment of rental charges or other reason, or any surplus amounts arising from the sale thereof pursuant to law, that have been unclaimed

by the owner for more than seven years from the date on which the lease or rental period expired.

#### UNCLAIMED FUNDS HELD BY LIFE INSURANCE CORPORATIONS

SEC. 204. (a) Unclaimed funds, as defined in this section, held and owing by a life insurance corporation, shall be presumed abandoned if the last known address, according to the records of the corporation, of the person entitled to the funds is within the District. If a person other than the insured or annuitant is entitled to the funds and no address of such person is known to the corporation or if it is not definite and certain from the records of the corporation what person is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured or annuitant according to the records of the corporation.

(b) "Unclaimed funds", as used in this section, means all moneys held and owing by any life insurance corporation unclaimed and unpaid for more than seven years after the moneys became due and payable as established from the records of the corporation under any life or endowment insurance policy or any annuitant contract which has matured or terminated. A life insurance policy not matured by actual proof of the death of the insured is deemed to be matured and the proceeds thereof are deemed to be due and payable if such policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based, unless the person appearing entitled thereto has within the preceding seven years (1) assigned, readjusted, or paid premiums on the policy, or subjected the policy to loan, or (2) corresponded in writing with the life insurance corporation concerning the policy. Moneys, otherwise payable according to the records of the corporation are deemed due and payable although the policy or contract has not been surrendered as required.

#### DEPOSITS AND REFUNDS HELD BY UTILITIES

SEC. 205. The following funds held or owing by any utility are presumed abandoned:

(a) Any deposit made by a subscriber with a utility to secure payment for, or any sum paid in advance for, utility services to be furnished in the District, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than seven years after the termination of the services for which the deposit or advanced payment was made.

(b) Any sum which a utility has been ordered to refund and which was received for utility services rendered in the District, together with any interest thereon, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than seven years after the date it became payable in accordance with the final determination or order providing for the refund.

#### UNDISTRIBUTED DIVIDENDS AND DISTRIBUTIONS OF BUSINESS ASSOCIATIONS

SEC. 206. Any stock or other certificate of ownership, or any dividend, profit, distribution, interest, payment on principal, or other sum held or owing by a business association for or to a shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a cooperative, who has not claimed it, or corresponding in writing with the business association concerning it, within seven years after the date prescribed for payment or delivery, is presumed abandoned if—

(a) it is held or owing by a business association organized under the laws of or created in the District; or

(b) it is held or owing by a business association doing business in the District, but not organized under the laws of or created in the District, and the records of the business association indicate that the last known address of the person entitled thereto is in the District.

**PROPERTY OF BUSINESS ASSOCIATIONS AND BANKING OR FINANCIAL ORGANIZATIONS HELD IN COURSE OF DISSOLUTION**

Sec. 207. All intangible personal property distributable in the course of a voluntary dissolution of a business association, banking organization, or financial organization organized under the laws of or created in the District, that is unclaimed by the owner within two years after the date for final distribution, is presumed abandoned.

**PROPERTY HELD BY FIDUCIARIES**

Sec. 208. All intangible personal property and any income or increment thereon, held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner has, within seven years after it becomes payable or distributable, increased or decreased the principal, accepted payment of principal or income, corresponded in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum on file with the fiduciary:

(a) If the property is held by a banking organization or a financial organization, or by a business association organized under the laws of or created in the District; or

(b) If it is held by a business association, doing business in the District, but not organized under the laws of or created in the District, and the records of the business association indicate that the last known address of the person entitled thereto is in the District; or

(c) If it is held in the District by any other person.

**PROPERTY HELD BY THE COURTS AND PUBLIC OFFICERS AND AGENCIES**

Sec. 209. All intangible personal property held for the owner by any court, public corporation, public authority, or public officer of the District, that has remained unclaimed by the owner for more than seven years is presumed abandoned.

**MISCELLANEOUS PERSONAL PROPERTY HELD FOR ANOTHER PERSON**

Sec. 210. All intangible personal property, not otherwise covered by this title, including any income or increment thereon and deducting any lawful charges, that is held or owing in the District in the ordinary course of the holder's business and has remained unclaimed by the owner for more than seven years after it became payable or distributable is presumed abandoned.

**RECIPROCITY FOR PROPERTY PRESUMED ABANDONED OR ESCHEATED UNDER THE LAWS OF A STATE**

Sec. 211. If specific property which is subject to the provisions of sections 203, 206, 207, 208, and 210 is held for or owed or distributed to an owner whose last known address is in a State by a holder who is subject to the jurisdiction of that State, the specific property is not presumed abandoned in the District and subject to this title if:

(a) it may be claimed as abandoned or escheated under the laws of such State; and

(b) the laws of such State make reciprocal provision that similar specific property is not presumed abandoned or escheatable by such State when held for or owned or distributable to an owner whose last known address is within the District by a holder who is subject to the jurisdiction of the District.

**REPORT OF ABANDONED PROPERTY**

Sec. 212. (a) Every person holding funds or other property, tangible or intangible, presumed abandoned under this title shall report to the Commissioner with respect to the property as hereinafter provided.

(b) The report shall be verified and shall include:

(1) except with respect to travelers checks and money orders, the name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of such value as the District of Columbia Council shall by rule prescribe, or more, presumed abandoned under this title;

(2) in case of unclaimed funds of life insurance corporations, the full name of the insured or annuitant and his last known address according to the life insurance corporation's records;

(3) the nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that items of value under \$3 each may be reported in aggregate;

(4) the date when the property became payable, demandable, or returnable, and the date of the last transaction with the owner with respect to the property; and

(5) other information which the District of Columbia Council may prescribe by rule as necessary for the administration of this title.

(c) If the person holding property presumed abandoned is a successor to other persons who previously held the property for the owner, or if the holder has changed his name while holding the property, he shall file with his report all prior known names and addresses of each holder of the property.

(d) The report shall be filed before November 1 of each year as of June 30 next preceding, but the report of life insurance corporations shall be filed before May 1 of each year as of December 31 next preceding. The Commissioner may postpone the reporting date upon written request by any person required to file a report.

(e) If the holder of property presumed abandoned under this Act knows the whereabouts of the owner and if the owner's claim has not been barred by the statute of limitations, the holder shall, before filing the annual report, communicate with the owner and take necessary steps to prevent abandonment from being presumed. The holder shall exercise due diligence to ascertain the whereabouts of the owner.

(f) Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer.

(g) The initial report filed under this title shall include all items of property that would have been presumed abandoned if this title had been in effect during the ten-year period preceding its effective date.

**NOTICE AND PUBLICATION OF LISTS OF ABANDONED PROPERTY**

Sec. 213. (a) Within one hundred and twenty days from the filing of the report required by section 212, the Commissioner shall cause notice to be published at least once each week for two successive weeks in an English language newspaper of general circulation in the District.

(b) The published notice shall be entitled "Notice of Names of Persons Appearing To Be Owners of Abandoned Property", and shall contain:

(1) The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice as hereinbefore specified.

(2) A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any persons possessing an interest in the property by addressing an inquiry to the Commissioner.

(3) A statement that if proof of claim is not presented by the owner to the holder and if the owner's right to receive the property is not established to the holder's satisfaction within sixty-five days from the date of the

second published notice, the abandoned property will be placed not later than eighty-five days after such publication date in the custody of the Commissioner to whom all further claims must thereafter be directed.

(c) The Commissioner is not required to publish in such notice any item of less than \$25 unless he deems such publication to be in the public interest.

(d) Within one hundred and twenty days from the receipt of the report required by section 212, the Commissioner shall mail a notice to each person having an address listed therein who appears to be entitled to property of the value of \$25 or more presumed abandoned under this title.

(e) The mailed notice shall contain:

(1) A statement that, according to a report filed with the Commissioner, property is being held to which the addressee appears entitled.

(2) The name and address of the person holding the property and any necessary information regarding changes of name and address of the holder.

(3) A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice, the property will be placed in the custody of the Commissioner to whom all further claims must be directed.

(f) This section is not applicable to sums payable on travelers checks or money orders presumed abandoned under section 103.

**PAYMENT OR DELIVERY OF ABANDONED PROPERTY**

Sec. 214. Every person who has filed a report under section 212, within twenty days after the time specified in section 213 for claiming the property from the holder, or in the case of sums payable on travelers checks or money orders presumed abandoned under section 203 within twenty days after the filing of the report, shall pay or deliver to the Commissioner all abandoned property specified in the report, except that if the owner within the time specified in section 213 establishes his right to receive the abandoned property to the satisfaction of the holder, or if it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property, which will no longer be presumed abandoned, to the Commissioner, but in lieu thereof shall file a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

**RELIEF FROM LIABILITY BY PAYMENT OR DELIVERY**

Sec. 215. Upon the payment or delivery of abandoned property to the Commissioner, the District shall assume custody and shall be responsible for the safekeeping thereof. Any person who pays or delivers abandoned property to the Commissioner under this title is relieved of all liability to the extent of the value of the property so paid or delivered for any claim which then exists or which thereafter may arise or be made in respect to the property. Any holder who has paid moneys to the Commissioner pursuant to this title may make payment to any person appearing to such holder to be entitled thereto, and upon proof of such payment and proof that the payee was entitled thereto, the Commissioner shall forthwith reimburse the holder for the payment.

**INCOME ACCRUING AFTER PAYMENT OR DELIVERY**

Sec. 216. When property is paid or delivered to the Commissioner under this title, the owner is not entitled to receive income or other increments accruing thereafter.

**PERIODS OF LIMITATION NOT A BAR**

Sec. 217. The expiration of any period of time specified by statute or court order, during which an action or proceeding may be commenced or enforced to obtain payment of a claim of money or recovery of property,



shall not prevent the money or property from being presumed abandoned property, nor affect any duty to file a report required by this title or to pay or deliver abandoned property to the Commissioner.

#### SALE OF ABANDONED PROPERTY

SEC. 218. (a) All abandoned property other than money delivered to the Commissioner under this title shall within one year after the delivery be sold by him to the highest bidder at public sale. The Commissioner may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient. He need not offer any property for sale if, in his opinion, the probable cost of sale exceeds the value of the property.

(b) Any sale held under this section shall be preceded by at least a single publication of notice thereof, at least three weeks in advance of sale in an English language newspaper of general circulation in the District.

(c) The purchaser at any sale conducted by the Commissioner pursuant to this title shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The Commissioner shall execute all documents necessary to complete the transfer of title.

#### DEPOSIT OF FUNDS

SEC. 219. (a) All funds received under this title, including the proceeds from the sale of abandoned property under section 218, shall forthwith be deposited by the Commissioner in the general fund of the District, except that the Commissioner shall retain in a separate trust fund an amount not exceeding \$25,000 from which he shall make prompt payment of claims duly allowed by him as hereinafter provided. Before making the deposit the Commissioner shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and of the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours.

(b) Before making any deposit to the credit of the general fund of the District, the Commissioner may deduct: (1) any costs in connection with the sale of abandoned property, (2) any costs of mailing and publication in connection with any abandoned property, and (3) reasonable service charges.

#### CLAIM FOR ABANDONED PROPERTY PAID OR DELIVERED

SEC. 220. Any person claiming an interest in any property delivered to the District under this title may file a claim thereto or to the proceeds from the sale thereof on the form prescribed by the Commissioner.

#### DETERMINATION OF CLAIMS

SEC. 221. (a) The Commissioner shall consider any claim filed under this title and may hold a hearing and receive evidence concerning it. If a hearing is held, the Commissioner shall prepare a finding and a decision in writing on each claim filed, stating the substance of any evidence heard by him and the reasons for his decision. The decision shall be a public record.

(b) If the claim is allowed, the Commissioner shall make payment forthwith. The claim shall be paid without deduction for costs of notices or sale or for service charges.

#### JUDICIAL ACTION UPON DETERMINATION

SEC. 222. Any person aggrieved by a decision of the Commissioner or as to whose claim the Commissioner has failed to act within ninety days after the filing of the claim, may commence an action in the District of Columbia Court of General Sessions to establish his claim. The proceeding shall be brought within ninety days after the de-

cision of the Commissioner or within one hundred and eighty days from the filing of the claim if the Commissioner fails to act. The action shall be tried de novo without a jury.

#### ELECTION TO TAKE PAYMENT OR DELIVERY

SEC. 223. The Commissioner, after receiving reports of property deemed abandoned pursuant to this title, may decline to receive any property reported which he deems to have a value less than the cost of giving notice and holding sale, or he may, if he deems it desirable because of the small sum involved, postpone taking possession until a sufficient sum accumulates. Unless the holder of the property is notified to the contrary within one hundred and twenty days after filing the report required under section 212, the Commissioner shall be deemed to have elected to receive the custody of the property.

#### EXAMINATION OF RECORDS

SEC. 224. The Commissioner may at reasonable times and upon reasonable notice examine the records of any person if he has reason to believe that such person has failed to report property that should have been reported pursuant to this title.

#### PROCEEDING TO COMPEL DELIVERY OF ABANDONED PROPERTY

SEC. 225. If any person refuses to deliver property to the Commissioner as required under this title, he may bring an action in the District of Columbia Court of General Sessions to enforce such delivery.

#### PENALTIES

SEC. 226. (a) Any person who willfully fails to render any report or perform any other duty required under this title shall be punished by a fine of not more than \$100 for each day such report is withheld or for each day he refuses to perform the required duty, but not more than \$1,000.

(b) Any person who willfully refuses to pay or deliver abandoned property to the Commissioner as required under this title shall be punished by a fine of not more than \$300 or imprisonment for not more than ninety days, or both.

(c) All prosecutions for violations of this title, or regulations made pursuant thereto, shall be conducted in the name of the District of Columbia by the Corporation Counsel or any of his assistants.

#### RULES AND REGULATIONS

SEC. 227. The District of Columbia Council is authorized to make such rules, regulations, and orders as may be necessary in order to effectuate the purposes of this title. Such rules, regulations, and orders may specify, without limitation, the kinds and character of property which may be excluded from the coverage of this title, and may authorize the Commissioner to join with the appropriate official of a State in equitably apportioning, between the District and such State, all amounts which are presumed, under this title, to be abandoned in the District and subject to this title and also are presumed, under a corresponding law of such State, to be abandoned in such State and subject to its said law.

#### DELEGATION OF AUTHORITY

SEC. 228. (a) The Council is hereby authorized to delegate to the Commissioner or, subject to the concurrence of the Commissioner, to any officer, employee, or agency of the District government except the courts thereof any function authorized by this title.

(b) The Commissioner is hereby authorized to delegate to any officer, employee, or agency of the District government except the courts thereof any function authorized by this title.

#### AUTHORIZATION OF APPROPRIATIONS

SEC. 229. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

#### EFFECT OF LAWS OF ANY STATE

SEC. 230. This title shall not apply to any property that has been presumed abandoned or escheated under the laws of any State prior to the effective date of this title.

#### SEVERABILITY

SEC. 231. If any provision of this title or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the title which can be given effect without the invalid provision or application, and to this end the provisions of this title are severable.

The amendments were agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-854), explaining the purposes of the measure.

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

#### PURPOSE OF THE BILL

The purpose of S. 3011 is to establish in the District of Columbia a revolving fund for planning housing for low- and moderate-income families to help the critical housing shortage in the Nation's Capital.

Title I, to be cited as the District of Columbia Housing Revolving Fund Act, establishes a fund within the District government consisting of appropriated moneys and sums from any other source, including the unclaimed intangible property in the custody of the District of Columbia government. From this fund, noninterest bearing short-term advances could be made to nonprofit housing developers for planning purposes only. No money from this fund could be loaned for actual housing construction.

Title II, to be cited as the District of Columbia Unclaimed Property Act, would make the government of the District of Columbia custodian of unclaimed intangible property in the District. The provisions of this title are consistent with those adopted by the National Conference of Commissioners on Uniform State Laws in 1966, and enacted in 18 States.

#### COMMITTEE AMENDMENTS

Committee amendments on page 4 are technical in nature to conform certain language on that page to the context of the language in the rest of the bill.

The amendment on page 8 was recommended by the District of Columbia Bankers' Association, which suggested that passbooks are falling into increasing disuse and hence the language deleted might soon be obsolete.

#### NEED FOR LEGISLATION

#### District of Columbia Housing Revolving Fund Act

One of the most pressing problems now facing the District of Columbia is the need for decent, safe, and sanitary housing for persons of low or moderate income. An approach to providing such housing showing significant promise for alleviating the housing shortage for those most in need is through existing federally aided mortgage programs which enable nonprofit organizations to enter the housing development field. To some extent there has been encouraging activity in the District of Columbia on the part of nonprofit groups which indicates that through private initiative much can be accomplished in meeting these needs. Nevertheless, there is clearly an urgent demand for many additional housing units to be developed under the sponsorship of nonprofit organizations.

It has been estimated that approximately 51,600 households in the District consists of

low- or moderate-income families that would qualify for housing constructed under existing federally aided programs. However, the difficulty that has been encountered in attempts to develop additional housing units for low- or moderate-income families, under the existing Federal mortgage programs, has been the inability of potential nonprofit sponsors of such housing to obtain needed funds prior to construction so that such organizations can move forward with worthwhile housing plans. This inability to obtain so-called seed money frequently frustrates attempts to develop this vitally needed housing.

The housing crisis in the District cannot be overstated, and the development of new housing nonprofit sponsors under existing federally aided mortgage programs could make a large contribution toward alleviating the distressing conditions of low- and moderate-income persons and families. By establishing the proposed revolving fund to provide the preconstruction capital for such sponsors, a major step would be achieved in the direction of meeting these urgent needs.

#### DISTRICT OF COLUMBIA UNCLAIMED PROPERTY ACT

Enactment for the District of Columbia, as proposed by this bill, of the 1966 revision of the Uniform Disposition of Unclaimed Property Act approved in 1955 by the National Conference of Commissioners on Uniform State Laws, and by the American Bar Association, already in effect in 18 States, would provide a fair and adequate basis for dealing with the problem of unclaimed intangible property.

Under provisions of this title intangible property would include dormant bank accounts, unclaimed funds held by life insurance companies, deposits and refunds held by utilities, undistributed dividends and distributions of business associations, property of business associations and banking or financial organizations held in the course of dissolution, property held by fiduciaries, property held by the courts and by public officers and agencies, and miscellaneous personal property held for another person. This title also deals with the matter of multiple liability on the part of a holder of unclaimed property over which two or more jurisdictions seek to assert a claim. Finally, the title makes it possible for those persons who have unclaimed property in their possession to close out the account relating to it, thereby relieving themselves from maintaining a current record of the property.

The owner of any such property would be deprived of his rights in it. The Uniform Disposition of Unclaimed Property Act is custodial in its nature, and its operation does not result in the loss of the property rights of the owner of the unclaimed property which is made subject to the provisions of the act. Under title II, the District of Columbia would, after a specified period of time, take custody of the property and remain the custodian in perpetuity. This means, of course, that the District would have to keep a record of the property on a permanent basis, so that if the owner of the unclaimed property should present a claim for it, his claim would be honored. In this respect, the proposed legislation differs from the escheat type of statute, under which the right of the owner of the property is foreclosed.

The District of Columbia Unclaimed Property Act, if enacted, will serve to protect the interest of owners; relieve the holders of such property from annoyance, expense, and liability; preclude multiple liability on the part of the holders of such property; and give the District the use of considerable sums of money that otherwise will remain dormant and unproductive.

#### HISTORY OF THE LEGISLATION

S. 3011 was introduced on January 20, 1970, at the request of the District of Columbia government. During public hearings held February 12, 1970, by the full committee, the bill was endorsed by the Deputy Mayor-Commissioner of the District, the Vice Chairman of the District of Columbia City Council, the Mayor's special assistant for housing, the Washington Board of Realtors, the Mortgage Bankers Association of the District of Columbia, the Washington Real Estate Brokers Association, the District of Columbia Chamber of Commerce, and the United Planning Organization.

The bill was ordered favorably reported by the committee March 18, 1970.

#### FEASIBILITY AND DESIRABILITY OF A NATIONAL LAKESHORE ON LAKE TAHOE, STATE OF NEVADA

The Senate proceeded to consider the bill, S. 2208, 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, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, line 3, after the word "preserving", strike out "all or"; in line 5, after the word "waters", strike out "in Nevada"; on page 2, line 2, after the word "the", insert "Tahoe Regional Planning Agency and other"; in line 7, after the word "Basin," insert "Federal departments and agencies are authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to furnish such statistics, data, reports, and other material as the Secretary may deem necessary for purposes of the study."; and in line 13, after the word "within", strike out "2 years" and insert "one year"; so as to make the bill read:

S. 2208

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to consider preserving appropriate segments of the lakeshore of Lake Tahoe and adjoining lands and waters in their natural condition for public outdoor recreation, the Secretary of the Interior (hereafter referred to as the "Secretary") shall study, investigate and formulate recommendations on the feasibility and desirability of establishing such areas as a national lakeshore. The Secretary shall consult with the Secretary of Agriculture; the Chief of Engineers, Department of the Army; and any other interested Federal agencies, as well as the Tahoe Regional Planning Agency and other State and local bodies and officials involved; and shall coordinate the study with applicable outdoor recreation plans, pollution control plans, highway plans, and other planning activities relating to the Lake Tahoe Basin. Federal departments and agencies are authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to furnish such statistics, data, reports, and other material as the Secretary may deem necessary for purposes of the study.*

SEC. 2. The Secretary shall submit to the Congress, within one year after the date of this Act, a report of his findings and recommendations. The report of the Secretary shall contain, but not be limited to, findings with respect to—

(a) the scenic, scientific, historic, outdoor recreation, and natural values of the water, lakeshore, and related upland resources involved, including their use for driving for

pleasure, walking, hiking, riding, bicycling, boating, swimming, picnicking, camping, forest management, fish and wildlife management, scenic and historic site preservation, hunting, fishing, and winter sports;

(b) the potential alternative beneficial uses of the water, lakeshore, and related upland resources involved, taking into consideration appropriate uses of the land for residential, commercial, industrial, agricultural, and transportation purposes, and for public services;

(c) the type of Federal, State, and local programs that are feasible and desirable in the public interest to preserve, develop, and make accessible for public use the values identified; and

(d) the relationship of any recommended national lakeshore to existing or proposed Federal, State, and local programs to manage in the public interest the natural resources of the entire Lake Tahoe Basin.

SEC. 3. Pending submission of the report of the Secretary to the Congress, the heads of Federal agencies having administrative jurisdiction over the Federal lands within the area referred to in section 1 of this Act shall, consistent with the purposes for which the lands were acquired or set aside by the United States and to the extent authorized by law, encourage and provide maximum opportunities for the types of recreation use of such lands referred to in section 2(a) of this Act.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. BIBLE. Mr. President, Lake Tahoe, the subject of the bill before us, is synonymous with scenic beauty. The pristine clarity of its waters is legendary. The majesty of its mountain setting high in the Sierra is unsurpassed in North America. But this priceless—and fragile—scenic treasure is threatened by massive urban development that has sprung up in recent years. There is a very real and very urgent need for decisive action to preserve and protect this resource now—before it is too late.

The States of California and Nevada which share the Lake Tahoe Basin, recognized the value of this resource and the urgency of the need to protect it by adopting the Tahoe regional planning compact. This compact, granted the consent of Congress last year, provides coordinated regional authority for controlling land and water use and for conserving the basin's resources. My bill to authorize a Federal study into the feasibility of establishing a national lakeshore or similar program for public recreation and conservation is the logical second step toward the goal of saving Lake Tahoe's remaining unspoiled scenic reaches. Senators may recall that a third step—providing broader Federal land acquisition authority at the lake—has already been approved by this body and now awaits action in the House of Representatives. It has been my honor and my privilege to introduce the legislation to implement these three important steps, and I urge the Senate to act promptly on the bill before us so that this entire program can become a reality before the year is out.

Considerable planning is already underway at Lake Tahoe. The Tahoe Regional Planning Agency created by the California-Nevada compact is scheduled to adopt within 18 months a basinwide plan for land use controls, transporta-



tion, public services, and recreation facilities. The U.S. Forest Service, which supervises three national forests in the basin, is designating a team of specialists to assist in environmental planning and resource management. The study proposed in my bill would be conducted by the Secretary of the Interior and would be developed in close cooperation with concerned State, regional, and the Federal agencies. It would be directed primarily at determining which lands and resources should be converted to public ownership and how these lands should be managed. The State of Nevada, which has already acquired nearly 6,000 acres for a State park, has pledged to cooperating closely in this effort.

Clearly, the job is too big for the States of California and Nevada to handle alone. Whether recreation and resource management becomes a Federal-State responsibility or is administered by a Federal agency is a question the study should answer. The study should also tell us whether it is best to establish a national lakeshore under the Park Service or a national recreation area under the Forest Service.

I will not attempt here to detail the history and geological-environmental features of Lake Tahoe. The report of the Interior Committee covers these aspects well, and I recommend it for thorough reading.

It should be noted, however, that the original bill I introduced has been changed in some respects. Acting on my proposals, the committee adopted amendments that would broaden the scope of the study to embrace California as well as Nevada regions of the basin. This has the support of the Secretary of Interior and the Senator from California (Mr. CRANSTON), who, along with my colleague from Nevada (Mr. CANNON), is cosponsoring this measure. It is felt, rightly, I think, that the recreation and resource management needs of the entire basin should be covered by, and benefit from, the study authorization.

Language has also been inserted that is designed to promote full cooperation among Federal agencies consulting in the study and to require completion of the study in 1 year instead of 2. Other minor changes I recommended and the committee adopted are perfecting in nature and are explained fully in the report.

Mr. President, both State and Federal Governments are already moving forward in the areas covered by this bill. The State of Nevada, as I noted, has acquired extensive holdings with the assistance of Land and Water Conservation Fund allocations. The U.S. Forest Service is expanding its holdings in the Toiyabe National Forest within existing boundaries with appropriations from the same fund. And extensive planning is underway at several levels. The feasibility study authorized by this bill is badly needed now to provide the public policy and the Federal-State coordination required to insure that the scenic grandeur of Lake Tahoe is carefully and effectively protected for generations of Americans to come.

I urge the passage of this bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-855), explaining the purposes of the measure.

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

#### BACKGROUND

In recent years a series of studies have been prepared offering recommendations for the preservation of this superlative lake and the adjoining basin. Currently, a number of planning groups are working on the completion of up-to-date articles on the region. Public law 91-148 provided the consent of Congress to the Tahoe regional planning compact, with the condition for Federal representation and authorization, for the Secretaries of Agriculture and Interior to cooperate with said Tahoe Regional Planning Agency. This Agency is to adopt, within 18 months, a regional plan for the Lake Tahoe Basin consisting of, at least, the following: plans for land use, transportation, conservation, and public service and recreational facilities.

The U.S. Forest Service is designating a team of specialists to complete intensive environmental planning for the management of national forest lands in the basin. This group—to consist of men skilled in ecology, hydrology, geology, forestry, and landscape and regional planning—will cooperate with the Tahoe Regional Planning Agency to assure that the projects and plans for management meet the requirements of the basin as a whole.

In view of the foregoing, it is obvious that any study authorized by S. 2208 must be fully coordinated with the activities of the Tahoe Regional Planning Agency and other Federal or State groups who can contribute to the project.

About one-half of the total land area of the basin (23,500 acres) is in Nevada and within the boundaries of the Toiyabe National Forest. This includes about 5,200 acres which are owned by the United States and administered as a national forest. An additional 800 acres are under option to purchase by the Forest Service. The State of Nevada owns about 5,800 acres within the basin, which are administered as a State park. Expanded public landownership is vital in protecting natural conditions and preserving environmental quality within the basin.

Lake Tahoe is a "young lake," a scooped-out granite bowl, unproductive as yet, of plant and animal organisms that markedly impair its purity and if human and chemical pollutants could be kept from it, its continued purity as a water source probably would be assured. But a small amount of raw sewage is still leaking into the lake, an increasing summer season usage of the lake for visitor viewing, swimming, boating, picnicking, camping, home occupancy, and commercial enterprises spells more pollution. With local streams and wells furnishing only a small percentage of the water used in the basin, the continued purity of Lake Tahoe water for domestic uses becomes even more essential.

Tahoe's geology is the basic determinant of its past, present, and future. We transgress that geology in what we do at our peril, for the very continued existence of the lake depends on it and gives the area the unique character it possesses. The spectacular mountains surrounding Lake Tahoe are living today, and their proof of life shows up as they change shape, create water-holding ponds and new water-courses, combine with changing climatic seasons to perform miracles of snow and ice, falling waters, and floods. Mountains are the setting of such changes, and in their own altered shapes, sizes, and composition are exerting both a shortrun

and long-effect upon all that lives and has its being, plant, animal and man, within the basin itself. It is these geologically formed masses that must be listened to, taken into account, and served by people, as we seek to make reasonable uses of the basin which they form and maintain.

Water is the most precious commodity in Tahoe Basin. Despite the vast amount of it in Lake Tahoe and the tremendous gallons produced by each year's snow and rain falling on the mountains and carried by more than 60 streams and rivulets into the lake, the threat of too little water for domestic uses is a growing one and could become a major determinant of how many people the basin can allow to visit or live there.

The water of Lake Tahoe is dedicated by law to several uses. There is the need to maintain a certain level of water in the lake even in the height of the greatest use and driest period of the year. The Federal water master releases lake water down the Truckee River outlet on a legally scheduled volume basis for the uses of communities, cities, and farms. Finally, by very old treaty arrangements with the Indians holding tribal rights to the water's ultimate destination in Nevada's Pyramid Lake, an up-to-now inviolate first right to a major volume of Lake Tahoe water rests with them. A California-Nevada-U.S. Government compact is now being considered to fix these various volumes and destination in law. The outcome is very much in doubt, but in this process the Tahoe planning agencies have no jurisdiction and must deal with whatever amount of water the compact determines can be used in Lake Tahoe Basin. The rate of increase of uses there prompts the chairman of the California planning agency to tell me that in the near foreseeable future there will be insufficient water to meet the domestic needs of the basin's people.

#### THE NEED

The great beauty and other attractions of Lake Tahoe and the basin continue to attract an ever increasing number of people. National forest beaches, campsites, picnic areas, lake fishing, boating, swimming, and general enjoyment of the out-of-doors provide for a major segment of the recreational activities available to the expanding mass of visitors.

There is a generally accepted conservative figure of 313,000 people that will be using the Tahoe lakeshore seasonally during the next 10 years. So rapid is the growth that, within 20 years, the projections estimate of over half a million people "living" at the lake during the summer period. Approximately one-third of these will be permanent residents.

The population pressure on the Tahoe Basin is seasonal, the resident population being swollen up to triple its number by those who come to visit or stay an average vacation of 2 weeks some time during the 3 months of John Muir's "perfect Sierra days" from mid-June to Labor Day, when schools convene again. With two interstate highways leading into the basin, No. 50 directly and No. 80 by a 12-mile drive along the Truckee River, both year-round roads, Tahoe also experiences a considerable and growing stop-over visit of travelers.

Winter sports are interesting more people in the lake area. Squaw Valley on the Truckee Roadway was considered good enough to become the site of the 1960 World Winter Olympics. There are presently three commercially operated ski lifts right on the lakeside, some of which have multiple runs, and two more just outside the lake area. Their users are mostly weekenders from the more populated communities of California and Nevada, and they must have heated accommodations, which they find available for the off-season demand is much less than the capacity of motels and hotels geared to meet summer's peak needs.

## AMENDMENTS

In order to broaden the scope of the proposed feasibility study (Lake Tahoe National Lakeshore) the following amendments were submitted to and approved by the Senate Interior and Insular Affairs Committee:

On Page 1, delete from the title of the bill the words "State of Nevada" and substitute the words "States of California and Nevada"; and in line 5, delete the words "in Nevada."

This amendment makes clear that the study will include the California portion of Lake Tahoe as well as the Nevada side. In order to explore fully the range of possibilities for providing public access and use of the outdoor recreation facilities of Lake Tahoe and adjoining areas, it is recommended that the study should include the entire Lake Tahoe Basin as contemplated in section 2d of the bill.

In line 3, delete the words "all or" because they are not needed. Use of *all* of the shoreline would not be possible. Page 2, line 2, before the word "State"; insert the following: "Tahoe Regional Planning Agency".

In conducting the study it will be necessary to work with said planning agency and other groups who are in the process, or have completed, important studies of the Lake Tahoe region.

Page 2, line 6, the following new sentence is added to insure a coordinated, cooperative study: "Federal departments and agencies are authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to furnish such statistics, data, reports and other materials as the Secretary may deem necessary for purposes of the study."

The study period is reduced from 2 years to 1. Contact with principals of the Bureau of Outdoor Recreation revealed that 12 months was definitely enough time. In fact, the more rigid time limitation would probably be helpful in the study priority area. Also they intended to take full advantage of the many reports and examinations available on the area.

## COST

The Bureau of Outdoor Recreation, which has conducted a number of feasibility studies on both national parks and recreational projects, estimates that the cost of conducting an in-depth feasibility study of the Lake Tahoe National Lakeshore project, to be \$50,000. Again, this undertaking would be effectively coordinated with the Tahoe planning group and appropriate Federal and State agencies.

## COMMITTEE RECOMMENDATIONS

The Senate Interior and Insular Affairs Committee favorably reports S. 2208 and urges early approval of the bill.

The amendments were agreed to.

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

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to study the feasibility and desirability of a national lakeshore on Lake Tahoe in the States of Nevada and California, and for other purposes."

## ATOMIC ENERGY AUTHORIZATIONS, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of morning business, Calendar No. 857, 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, be laid

before the Senate and made the pending business.

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

The LEGISLATIVE CLERK. 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.

The ACTING PRESIDENT pro tempore. Without objection the Senator's request is agreed to.

Mr. MANSFIELD. Mr. President, that will be the pending business?

The ACTING PRESIDENT pro tempore. The Senator is correct.

## MURDER AT KENT STATE UNIVERSITY

Mr. YOUNG of Ohio. Mr. President, it is stated that there are 40 or more FBI agents in Kent and on the campus of Kent State University and, in addition, Adj. Gen. S. T. Del Corso, who holds his office as a political appointee of Governor Rhodes, is spearheading a group giving out unconfirmed rumors, and with the assistance of other militia officers including his so-called administrative aide, Lieutenant Colonel McCann, now comes forward with the claim that the militia opened fire after a sniper began shooting. As the first concoction of the imagination and result of frantic efforts, following guardsmen shooting to kill, it was reported by Maj. Gen. Winston Wilson that he had an unconfirmed rumor of a girl dashing out of a dormitory door and firing four shots from a rifle at the National Guardsmen. Then Lieutenant Colonel McCann, so-called administrative aide to the adjutant general, yesterday reading from a prepared statement, reported that two handguns and two rifles had been taken from persons arrested in Kent the day of the killing of four students and wounding others by rifle fire from Ohio National Guardsmen or militiamen.

Officers of the State highway patrol, who flew helicopters above the Kent University area on May 6, 7, and 8 have previously reported that they saw no sniper on the roof of any building and that there were no shots fired from any sniper on Monday, May 4. Now one of Del Corso's handymen comes forth with a statement that some nun engaged in graduate work at the university reported a bullet crashed through a window in her room early Monday afternoon. That could certainly have occurred. Some of the militia ordered by their lieutenant to fire on the milling crowd of girls and boys without a doubt fired their guns into the air. Unfortunately, too few fired into the air. Of course, then Del Corso's man makes a statement that the bullet crashed at an angle indicating it came from a rooftop or other elevated position. As a trial lawyer I know that it would require an expert following a scientific investigation to make a determination regarding from whence that rifle was probably fired. All this just goes to show the fanstatic efforts being made under Del Corso's direction follow-

ing a time militia under his command committed murder.

How insignificant and meaningless are all these efforts when the facts are that not one guardsman of the 107th Armored Cavalry Regiment, 2d Squadron, and the 1st Battalion, 145th Infantry was a casualty on Monday, May 4. Not one even received first-aid treatment. Without a doubt within the next day or so some claim will be made that some of the militiamen were in fact bruised by being struck with a tear gas canister hurled back at them from boys in the crowd on the campus or injured by stones thrown. Many eyewitnesses who were students and also guardsmen on active duty at that time and place have given statements to me that the distance separating the guard outfit and the students confronting them was such that they saw no stones strike any guardsman and no partially filled tear gas canisters first hurled by the guardsmen and then rolled along the ground into the front group of students and immediately thrown back hit any guardsman. The distance was too great. They would roll close to the guardsmen spewing out some tear gas which had remained in the canisters. Only one spectator said he believed he saw one of these canisters strike a guardsman. Of the platoon that fired a volley from their guns on the students not one was injured on that Monday. Not one required first-aid treatment. One fainted and another dropped down due to a heart attack. Can it be claimed even by Del Corso that students who riot and throw stones should be shot at and killed?

Governor Rhodes expressed his sorrow about the killing of four students and serious wounding of others, one of whom is in critical condition and paralyzed from the waist down. The Governor said that Monday, May 4, was the saddest day of his life. However, not one word of sorrow nor of sympathy for the fathers and mothers and loved ones of those students who were killed and wounded has been made by Adjutant General Del Corso or Major General Wilson, Chief of the National Guard Bureau.

In Life of May 15, "Tragedy at Kent" is featured. The picture shows clearly an officer of the National Guard apparently firing his handgun and it clearly portrays approximately 40 guardsmen aiming and firing their weapons. Underneath the picture is the statement, "Retreating to a knoll, the guardsmen leveled their guns and aimed and fired into the crowd of students. At the fore was a soldier with a .45-caliber service automatic. Witnesses said the shooting stopped when a man in a fatigue cap—under umbrella at rear—ran out and yelled, 'Cease-fire!' The guard's commanding officer estimated later that, in all, about 36 shots were fired by his men." Then in the rear the officer who shouted "cease-fire" is said to be Brigadier General Canterbury, deputy adjutant general.

No matter whether spent bullets or other articles such as spikes may be planted on the university common, or allegedly found in dormitory rooms and no matter what further fantastic actions



are taken under Del Corso's direction, it is crystal clear just as Vice President AGNEW stated that the National Guard overreacted and that there is probable cause to charge the officer who gave the order to fire with murder. Vice President AGNEW stated that would not be murder in the first degree. That is true. I fully agree with the Vice President's statement.

According to the laws of my State of Ohio there is a probable cause that the lieutenant commanding this platoon is guilty of murder in the second degree. The soldiers who obeyed orders could not be chargeable. They obeyed orders.

On the preceding Saturday night in Kent some students in downtown streets fought with some of our National Guardsmen. Some guardsmen sustained bruises and required first-aid treatment and some students were injured by the guard. Undoubtedly, due to incidents in Kent Saturday and Sunday ill feeling was engendered on the part of guardsmen against students. Also these same outfits had been on riot duty shortly before at another college. I have the statement of a student whose arm and elbow were severely injured when a guardsman broke a club over his elbow. I saw the swelling and black and blue marks corroborating this. No claim is made even by Del Corso that a guardsman sustained an injury at any time Monday, May 4. If such a claim should now be made, it would mean nothing. It is a well-known rule of criminal law that any person assaulted may use only such force as is required to defend himself. Is Del Corso so cruel and stupid as to claim that if guardsmen were struck by stones thrown at them that justifies killing four students, two of whom were girls?

Adjutant General Del Corso should resign. If he is so insensitive and in event Governor Rhodes does not ask his resignation, I report with pleasure that he will be out of his political-military job early next January.

In my opinion the U.S. attorney for the northern district of Ohio, Hon. Robert Krupansky, will direct in the very near future a Federal grand jury investigation of the Kent State University tragedy. He will have available to him all information collected by the FBI agents. Also, Mr. President, I shall gladly turn over to U.S. Attorney Krupansky all of the many statements I have taken from Kent students and guardsmen who were eye witnesses on that sad day Monday, May 4, and shall give him the names and addresses of others I interviewed but from whom I did not obtain signed statements.

Mr. President, this morning I received a letter from Ohio. Accompanying this letter was a foreword from a lawyer who is my personal friend. He wrote, "Senator, I know the young man who wrote this letter. He is wise beyond his years. I think this letter should be helpful." Naturally, he and I agreed he should not sign his name but if later he were subpoenaed as a witness, he would, of course, respond. I read this young man's letter:

Hon. STEPHEN M. YOUNG,  
U.S. Senator:

Having been in the National Guard for the past four and one half years, I am not surprised at the results of Monday's confrontation at Kent State University. The problem is a result of the structure and composition within the leadership of the National Guard. The leadership positions, sergeant and above, are literally given to men who have spent more than six years in the guard. The men who stay more than six years usually will do so to supplement income. Typically they resent the fact that many of their troops are college graduates, believe more in the power of peace than in war, and think the national guard is a political tool. They oppose change in the status quo and label dissent from the students as communist inspired.

It is my contention that these men should by no means be in command of any civil military force. The only way to face the campus problem and the race relations problem is by communication. Attempt to understand what the students and minorities believe. From the Governor, to the Adjutant General, to the Company Commanders, to the Sergeant there has been no attempt to listen, only repress.

I hope it is obvious why I can not sign this letter. The axe would surely fall. I assure you that there are many of us within the National Guard who are disgusted. There is no better time than now, in the election year, for change and recognition of inadequate solutions.

It is tragic that the Kent State episode is being used to solicit your attention in this letter. But I am afraid that if we do nothing, many more lives will be wasted.

The problems within the National Guard have been pointed out before by several of this nation's larger magazines. Concerned citizens should demand congressional investigation and require the newly elected candidates to propose revision. Money has been wasted on the National Guard for years. Money is one thing, human life is another.

A CONCERNED CITIZEN,  
A Member of Ohio National Guard.

#### AUTHORIZATION, IN THE DISTRICT OF COLUMBIA, FOR THE GIFT OF ALL OR PART OF A HUMAN BODY AFTER DEATH FOR SPECIFIED PURPOSES

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2999.

The ACTING PRESIDENT pro tempore (Mr. HUGHES) laid before the Senate the amendment of the House of Representatives to the bill (S. 2999) to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes, which was on page 12, line 6, strike out "(e)" and insert "(f)".

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House. I understand it is very technical in substance. It changes the letter "(e)" to "(f)".

The motion was agreed to.

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

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

The bill clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded.

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

#### THE DISAPPEARANCE OF 1,500 AMERICANS

Mr. MILLER. Mr. President, once again I address myself to the question of American servicemen held prisoner by the North Vietnamese. There are approximately 1,500 such Americans, who, as a result of deliberate violations of the Geneva Convention by North Vietnam, has disappeared. Nothing has been heard about them or from them since their capture.

These Americans were captured individually or in small groups over a protracted period of time. Thus, the impact of their disappearance has not been as dramatic as the *Pueblo* incident, for example.

But let us remember that the majority of small towns and villages in the United States have fewer than 1,500 people in them. Suppose a small town simply disappeared?

Can you imagine the furor this would create, the stories in the papers? Has anyone forgotten Lidice? About 160 people died there.

Suppose an entire American unit of 1,500 men was captured at one time, and disappeared into North Vietnamese prison compounds without a word.

That, too, would cause enormous reactions, and strong denunciations of the cruel and illegal policies toward POW's adopted by the North Vietnamese.

Let us then try to think of these unfortunate American servicemen in such terms, and resolve to continue to press their case on every front. In this way we may force their captors to give the required information as to the fate and condition and whereabouts of these 1,500 brave men.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 17548) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

S. 1458. An act to prohibit the business of debt adjusting in the District of Columbia except as an incident to the lawful practice of law or as an activity engaged by a non-profit corporation or association;

S. 3778. An act to change the name of the

Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Mo.; and

S.J. Res. 199. Joint resolution to further amend the Elementary and Secondary Education Act.

#### HOUSE BILL REFERRED

The bill (H.R. 17548) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

#### COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HUGHES) laid before the Senate the following communication and letter, which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1971,  
FOR THE DEPARTMENT OF THE INTERIOR  
(S. Doc. No. 91-81)

A communication from the President of the United States, transmitting amendments to the request for appropriations transmitted in the budget for fiscal year 1971, in the amount of \$194,100,000 in new budget authority and a proposed transfer of \$37,000, which will not increase budget authority, for the Department of the Interior, Bureau of Indian Affairs (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

#### CORRECTION OF DEPARTMENT OF THE INTERIOR COMMUNICATIONS

A letter from the Legislative Counsel, Office of the Solicitor, Department of the Interior, transmitting with reference to Department letters under date of April 20 and April 30, the information that an error occurred in both letters pertaining to clearance obtained from the Bureau of the Budget. The last paragraph of both letters should read "The Bureau of the Budget has advised that there is no objection to submission of this legislative proposal from the standpoint of the administration's program"; to the Committee on Interior and Insular Affairs.

#### PETITIONS AND A MEMORIAL

Petitions were laid before the Senate and referred as indicated:

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

A resolution adopted by International Good Neighbor Council, of Monterey, Mexico, expressing concern regarding any legislation that may be introduced that would adversely affect the United States-Mexico border industrialization program; to the Committee on Finance.

A resolution adopted by the board of supervisors, county of Los Angeles, Calif., remonstrating against the action of the President in ordering American troops into Cambodia; to the Committee on Foreign Relations.

A resolution adopted by the Council of Polish Societies and Clubs in the State of Delaware, Wilmington, Del., praying for action to be taken by the General Assembly of the United Nations to seek action before the International World Court of Justice against the Union of Soviet Socialist Republics for committing a crime at Katyn Forest, U.S.S.R.; to the Committee on Foreign Relations.

#### AMENDMENT OF FEDERAL YOUTH CORRECTIONS ACT—REPORT OF A COMMITTEE (S. REPT. NO. 91-866)

Mr. HRUSKA. Mr. President, from the Committee on the Judiciary, I report favorably, without amendment, the bill (S. 3564) to amend the Federal Youth Corrections Act (18 U.S.C. 5005 et seq.) to permit examiners to conduct interviews with youth offenders, and I submit a report thereon. The bill seeks to amend the Youth Corrections Act by authorizing the use of examiners to conduct interviews of youthful offenders who have been committed to Federal institutions.

The Youth Corrections Act provided for the establishment of a special division of the Board of Parole to deal with problems peculiar to youthful offenders. This Youth Corrections Division, composed of members of the Board of Parole, makes recommendations concerning the treatment and corrections policies for committed young offenders; it orders the release of offenders on parole; it orders the return to custody of offenders when appropriate; and it orders the unconditional release of those who have successfully completed 1 year on parole.

It also provides that the members of the Division will conduct interviews of young offenders after initial commitment and upon return to custody. Since the Division is located in Washington, D.C., it is unavailable to conduct these interviews in many cases until long after a particular offender has been taken into custody. Examiners have been used to conduct these interviews, as they do for adult offenders, but only when the offender waives his right to be interviewed by a member. If, however, the young offender refuses to sign a waiver, the interview must wait until a member of the Division is available. This often results in substantial delays, which may minimize the value of these interviews. The amendment remedies this problem by allowing examiners to conduct the interviews while members of the Division remain in Washington.

This amendment was recommended by the Task Force on Corrections of the President's Commission on Law Enforcement and Administration of Justice, and is designed to make the operation of the Board of Parole and the Youth Corrections Division much more effective and efficient.

The PRESIDING OFFICER (Mr. SCHWEIKER). The report will be received and the bill will be placed on the calendar; and the report will be printed.

#### EXECUTIVE REPORTS OF A COMMITTEE

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

By Mr. HRUSKA, from the Committee on the Judiciary:

Robert Gottschalk, of New Jersey, to be First Assistant Commissioner of Patents; Lutrelle F. Parker, of Virginia, to be an examiner in chief, U.S. Patent Office; and Donald D. Hill, of California, to be U.S. marshal for the southern district of California.

#### TAX CONVENTION WITH THE REPUBLIC OF FINLAND, AND SUPPLEMENTARY CONVENTION ON EXTRADITION WITH FRANCE—REMOVAL OF INJUNCTION OF SECRECY

Mr. FULBRIGHT. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive E, 91st Congress, second session, a tax convention with the Republic of Finland, and Executive F, 91st Congress, second session, a supplementary convention on extradition with France, transmitted to the Senate today by the President of the United States, and that the conventions, together with the President's messages, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's messages be printed in the RECORD.

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

The messages from the President are as follows:

#### To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the convention between the United States of America and the Republic of Finland for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and property, signed at Washington on March 6, 1970.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the convention.

The existing income-tax convention of March 3, 1952 with Finland would be terminated and replaced by the new convention upon the coming into effect of the latter. Provisions of the 1952 convention would cease to have effect from the date on which the corresponding provisions of the new convention shall for the first time have effect according to its stipulations.

A revision of the existing convention has been considered desirable because of developments since 1952 in relations between the two countries and changes in the tax laws of both countries and in tax treaty policy. The new convention follows in general the pattern of bilateral income-tax conventions now in force between the United States and a number of other countries. In particular, it reflects tax treaty policies established in recent revisions of conventions with France, the Federal Republic of Germany, the Netherlands, and the United Kingdom. It also reflects to some extent the 1963 model income-tax convention of the Organization for Economic Cooperation and Development.

The convention has the approval of the Department of State and the Department of the Treasury.

I recommend that the Senate give early and favorable consideration to the convention.

RICHARD NIXON.

THE WHITE HOUSE, May 13, 1970.

#### To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a supplementary



convention on extradition between the United States and France, together with two related exchanges of letters, signed at Paris on February 12, 1970.

The convention, the second of a new series of extradition treaties being negotiated by the United States, significantly updates the present extradition relations between the United States and France by adding the offense of aircraft hijacking and by clarifying and expanding the offense relating to narcotics, adding hallucinogenic drugs.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the convention.

I recommend that the Senate give early and favorable consideration to the convention, together with the two exchanges of letters, submitted herewith and give its advice and consent to ratification.

RICHARD NIXON.

THE WHITE HOUSE, May 13, 1970.

#### BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. JAVITS:

S. 3830. A bill to amend the Public Health Service Act by establishing a new title X to such act to provide Federal assistance to develop local comprehensive health service systems, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. MILLER:

S. 3831. A bill to revise the quota-control system on the importation of certain meat and meat products; to the Committee on Finance.

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

By Mr. SPARKMAN:

S. 3832. A bill to prohibit false statements on loan and credit applications to institutions insured by the Federal Deposit Insurance Corporation and by the Federal Savings and Loan Insurance Corporation; and

S. 3833. A bill to amend the Federal bank robbery statute to prohibit the destruction of banks or savings and loan associations; to the Committee on the Judiciary.

By Mr. BROOKE:

S. 3834. A bill for the relief of Milenka Vuksanovich; to the Committee on the Judiciary.

By Mr. MOSS:

S. J. Res. 200. Joint resolution to provide for a study by the Federal Trade Commission of the relationship between advertising and drug abuse in the United States; to the Committee on Commerce.

(The remarks of Mr. MOSS when he introduced the joint resolution appear later in the Record under the appropriate heading.)

#### S. 3830—INTRODUCTION OF LOCAL COMPREHENSIVE HEALTH SERVICES SYSTEMS ACT OF 1970

Mr. JAVITS. Mr. President, I send to the desk a bill called the Local Comprehensive Health Services Systems Act of 1970, dealing with the reform of local health care delivery systems. This bill is essential if we are to head toward a national health insurance scheme. I have

introduced a bill with that purpose. Other bills have been introduced in the other body implementing the ideas of the AFL-CIO and the distinguished work done in this field by the late, lamented Walter Reuther, heading a major citizens committee for the same purpose.

In order to have prepaid health care for all our citizens, we have to transfer the debate from the university lecture halls to the congressional hearing rooms. There, the first question should be, If we want to rationalize medical care and service and facilities, do we have the systems, the means, with which to do it? Obviously the answer is "No."

Question: What can we do to begin to establish those systems even as we prepare for some plan, even if it is the plan of the American Medical Association—which has a plan being considered—which will give a higher level of care, with greater equity and without discrimination because of economic status or physical location, to our people?

Mr. President, to assure all Americans—whatever their economic status—accessible, quality health care and to provide form and direction to change the dangerously haphazard organization of health care in America, I recently introduced the National Health Insurance and Health Services Improvement Act of 1970, S. 3711.

This legislation, I believe, will mark the beginning of an extensive examination of mandatory prepaid health care for all our citizens—an idea whose time has been too long in coming—and will transfer the national health insurance debate from university lecture halls to congressional hearing rooms.

To implement a national health insurance system, it is vital to proceed immediately with the rationalization of medical-care services and facilities.

The bill I introduce today, the Local Comprehensive Health Service Systems Act of 1970, is designed to accomplish that end by putting into motion initiatives that ultimately will reshape the inequities and hardships of our presently anachronistic national health-care system—a system aggravated by duplication, waste, overlap and poor coordination. Health manpower and resources are now in short supply, often resulting in priority care to patients on the basis of ability to pay rather than the most pressing need for services.

We must begin a process of revolutionary change in medical care systems and stimulate the delivery of comprehensive quality health care to every American in need. Although we spend more money than any other country in the world on health care, the quality of care remains uneven—and for many—particularly the poor—it is abysmally low, if not nonexistent.

Although the United States leads the world in many branches of medical service, there is a national disparity in health services between the rich and the poor, between black and white.

In the disadvantaged areas we find the following tragic statistics and unchallenged facts:

First. The poor suffer six times as many deaths from pregnancy complica-

tions, 3½ times more deaths from diseases in early infancy, four times more deaths from TB, five times more deaths from syphilis, 1½ times more deaths from cervical cancer, three times as much heart disease, seven times as many eye defects, and five times as much mental retardation.

Second. The life expectancy of a non-white American is 7 years less than his white counterpart, infant mortality rates are twice as great for nonwhites as for whites, and nonwhite maternal mortality is four times as great as the rate for whites.

Third. According to an estimate made by the department of health, there is one doctor in private practice per 740 persons in New York State. Yet, in Harlem, with a population of 185,000 persons, there are a mere 30 physicians in private practice relating to the local population.

I believe the enactment of this legislation would be most important in developing comprehensive health care centers in disadvantaged areas and an excellent mechanism for meeting the ghetto's needs and combating the tragic statistics I have just cited. Also I would emphasize that my bill provides for community involvement and participation—significant factors in developing programs for satellite health centers.

What is needed is an innovative medical care delivery system, and toward this end, my bill would:

First, authorize the Secretary of Health, Education, and Welfare to make loans and grants and provide technical assistance to enable comprehensive health service systems to plan and develop comprehensive health care programs and assist them to become self-supporting.

Second, establish the criteria for systems seeking financial and technical assistance from the Government for the purposes of developing comprehensive health-service systems. Such systems would be required, among other things, to enter into an agreement with the Secretary to provide or arrange to provide services authorized by medicare. In addition to certain requirements concerning enrollment of beneficiaries in such systems, comprehensive health-service systems would have to develop preventive health-care programs, train and employ allied health personnel, be organized in a manner consistent with the State's overall comprehensive health-care plan, and emphasize local consumer and community involvement in its planning, development, and operation.

Third, authorize the Secretary of Health, Education, and Welfare to make grants to public or nonprofit hospitals, medical schools, any insurance carriers or nonprofit prepayment plans or nonprofit community group to pay 80 percent of the cost of planning and development of comprehensive health-service systems. Applications for assistance under this title would have to be approved by a State health planning agency.

Fourth, authorize the Secretary to contract with an approved comprehensive health-service system to pay as much of administrative, operating, and maintenance costs of such system as exceed its

income for the first 5 years after approval. The contract would require the system to make efforts to enroll members, control costs and utilization of services, and otherwise maximize income and minimize costs. The Secretary may see fit to terminate a contract after giving 6 months' notice. The Secretary would be authorized to make grants to a system for programs of capital development in an amount not to exceed 80 percent of non-Federal contributions otherwise required for construction and modernization of hospital, and so forth, under title 6 of the Public Health Service Act. The awarding of such a grant would depend upon approval of the proposed project by the responsible State health planning agency.

Fifth, identify a comprehensive health service system as one providing health care to an identified population group in a primary service area on the basis of contractual arrangements which embody group practice, established by a medical school, hospital medical staff, or medical center or other entity among the participating providers of services.

Sixth, define comprehensive health service systems as those which provide at least all services specified in title 18, Social Security Act—hospital and physician benefits—and include annual physical checkups, provision of maintenance prescription drugs, and dental services for children under 8 years of age. Other appropriate preventive and comprehensive health care would be required by the Secretary.

Seventh, authorize "such sums as may be necessary" to carry out the purposes of this act.

If we in the Congress are to soothe, not stir the angry feelings of frustration about health care in America, let us not depend upon an already overburdened health-care system to provide medical services. Let us begin now to make positive efforts to improve and preserve quality health care; develop the capacity in the health-care system to provide medical services; and reorganize health-care systems to benefit all Americans.

Therefore, Mr. President, I send the bill to the desk for appropriate reference, and ask unanimous consent that the bill may be printed in the RECORD.

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

The bill (S. 3830) to amend the Public Health Service Act by establishing a new title X to such act to provide Federal assistance to develop local comprehensive health service systems, and for other purposes, introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3830

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SHORT TITLE

SECTION 1. This act may be cited as the "Local Comprehensive Health Services Systems Act of 1970".

#### AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

SEC. 2. (a) The Public Health Service Act is amended by adding at the end thereof the following new title:

#### "TITLE X—FEDERAL AID TO ESTABLISH LOCAL COMPREHENSIVE HEALTH SERVICE SYSTEMS"

##### FINDINGS AND DECLARATION OF PURPOSE

"SEC. 1001. (a) (1) The Congress hereby finds and declares that improving the provision and the delivery of health care is of critical importance and of the highest national priority and that present programs of health services do not provide for continuing, efficient and comprehensive health care, and lead to an unnecessary duplication of facilities, equipment, and personnel.

"(2) The Congress further finds and declares that the establishment of a system of health insurance for every American must not only increase purchasing power and equalize access to quality health care but must also bring about significant change in the health care system.

"(b) It is the purpose of this title to provide financial and technical assistance through loans, grants, supplementary financing and otherwise to health service institutions and organizations which will stimulate and enable such institutions and organizations to plan, develop and implement comprehensive systems for the delivery and provision of health care.

##### "BASIC AUTHORITY

"SEC. 1002. The Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the 'Secretary,') is authorized to make loans and grants and to provide technical assistance, as provided by this title, to enable comprehensive health service systems (as defined in section 1007) to plan and develop comprehensive health care programs in accordance with the purpose of this title, and to assist them to become self-supporting.

##### "ELIGIBILITY FOR ASSISTANCE

"SEC. 1003. (a) A comprehensive health service system (as defined in section 1007 of this title) is eligible for assistance under section 1005 of this title if—

"(1) such system assures the provision of health services to all its members by a contract or contracts with the Secretary, or by such a contract and subcontracts entered into by one or more providers of services (as defined in section 1861(u) of the Social Security Act) and other persons furnishing health services, or by a health insurance carrier or nonprofit prepayment plan, or by a combination of the foregoing;

"(2) such system is designed, to the maximum extent feasible, to make all health services readily accessible to persons residing in the specified primary service area and will pay for transportation where reasonable accessibility to persons in that area cannot otherwise be assured;

"(3) all persons, whether or not residing within the primary service area, are eligible to become members of such system, except that (A) the number of members may be limited, with or without giving preference to persons living within the primary service area, to avoid overtaxing the resources of the system, and (B) such restrictions upon enrollment may be imposed as are approved by the Secretary as necessary to prevent undue adverse selection; and the system is so designed and operated as to encourage enrollment from as broad as practicable a range of income and social groups;

"(4) all health services are provided by providers or other persons who meet the standards imposed by or pursuant to title XVIII of the Social Security Act for the respective services;

"(5) such system encourages increased health education of its members and the development and use of preventive health serv-

ices, and provides for a group of physicians (such as a committee of medical school faculty, of a hospital medical staff, or of a group practice organization), approved by the Secretary for this purpose, consulting periodically with representatives of the membership, to fix the professional policies of the system, to oversee the professional aspects of the delivery of services, and to review the utilization of all health services, drugs and supplies;

"(6) such system shall, to the extent practicable and consistent with good medical practice, train and employ allied health personnel and subprofessional and lay persons in the rendering of services;

"(7) any participating extended care facility is affiliated with a hospital or with a group practice or similar organization and the medical staff of the hospital or the group practice organization assumes responsibility for rendering or supervising professional services in the facility;

"(8) premiums charged by such system for services not paid for under title XVIII of the Social Security Act are reasonable; and

"(9) the establishment of such system shall be consistent with any comprehensive State health plan developed pursuant to section 314(a) of the Public Health Service Act, as amended, and shall be approved by the State planning agency designated or established pursuant to that section, and, where appropriate, shall be in accord with area-wide health planning carried out pursuant to section 314(b) of that Act;

"(b) In administering this title, the Secretary shall emphasize local initiative and consumer and community involvement of the planning, development and operation of such comprehensive health service systems, and shall seek to insure prompt response to local initiative, and maximum flexibility in the planning, development and operation of such systems. Appropriate Federal departments and agencies shall provide maximum coordination of other Federal assistance with the operation of this title.

##### "FINANCIAL AND TECHNICAL ASSISTANCE FOR PLANNING COMPREHENSIVE HEALTH SERVICE SYSTEMS

"SEC. 1004. (a) The Secretary is authorized to make grants to, and to contract with, any public or nonprofit hospital, or any medical school or other institution of higher education, or any insurance carrier or nonprofit prepayment plan providing health coverage, or any nonprofit community organization, or any community group organized for this purpose in a geographically defined primary service area and representing a broad range of income and social groups, or any combination of two or more such entities, to pay 80 percent of the cost of planning and developing a plan for a comprehensive health service system (as defined in section 1007) which will meet the requirements of section 1003. The Secretary is also authorized to undertake such activities as he determines to be desirable to provide, either directly or by contracts or other arrangements, technical assistance to such entities for the development of plans for such comprehensive health service systems.

"(b) Financial and technical assistance for planning such a system will be provided under this section only if the application for such assistance has been approved by the State health planning agency designated or established pursuant to section 314(a) of the Public Health Service Act, as amended.

##### "FINANCIAL AND TECHNICAL ASSISTANCE FOR THE OPERATION OF APPROVED COMPREHENSIVE HEALTH SERVICE SYSTEMS

"SEC. 1005. (a) The Secretary is authorized to approve a plan for a comprehensive health service system (as defined in section 407) if, after review of the plan, he determines that such plan satisfies the criteria set forth in section 1003.



"(b) The Secretary is authorized to contract, in accordance with section 1003(a)(1), with a comprehensive health service system, if he has approved the plan for such system, to pay so much of the administrative, operating, and maintenance costs of such system as exceed its income for the first five years of operation after approval under this section. Any such contract shall require the system to make all reasonable efforts to enroll members, to control costs and the utilization of services, facilities, and supplies, and otherwise to maximize its income and minimize its costs. If at any time the Secretary finds that the system is not making reasonable progress toward becoming self-supporting, he may, after hearing, terminate the contract on not less than six months' notice.

"(c) To assist a comprehensive health service system to carry out programs of capital development which the Secretary finds necessary for the purposes of this title, the Secretary is authorized to make a grant to such system of not to exceed 80 percent of the amount of non-Federal contribution otherwise required for the construction or modernization of hospitals and other medical facilities assisted under title VI of the Public Health Service Act, as amended: *Provided*, That such project has been approved by the State agency under that title and is consistent with the approved State plan, other than the provisions thereof respecting priorities.

"(d) In connection with any project of an approved comprehensive health service system for the modernization, rehabilitation, or construction of ambulatory care facilities which the Secretary finds necessary for the purposes of this title, the Secretary is authorized, in lieu of assistance under any other Federal program or under subsection (c) of this section, to make a grant for up to 50 percent of the cost of such project and to make a loan, on such terms as he shall prescribe, except that the rate shall not exceed 3 percent per annum, for the remaining cost of the project.

"(e) The Secretary is authorized to contract to make periodic interest reduction payments on behalf of any group practice or other ambulatory care facility, nonprofit hospital or nursing home which is operated or to be operated as part of an approved comprehensive health service system, such interest reduction to be accomplished through payments to the holder of a mortgage insured under Title XI, or Section 232, or Section 242, of the National Housing Act. Interest reduction payments with respect to a facility shall be made during such time as the facility is operated as part of the approved comprehensive health service system. The interest reduction payments shall be in an amount not exceeding the difference between the monthly payment for principal, interest, and mortgage insurance premium which the owner of the facility is obliged to pay under the mortgage, and the monthly payment for such purposes which the owner would be obliged to pay if the mortgage bore interest at the rate of 1 percent per annum.

"(f) Of the sums appropriated pursuant to section 406 for any fiscal year, 2 percent shall be available for grants by the Secretary to pay 100 percent of the costs (but in no case to exceed \$100,000) of projects, in areas designated by the Secretary as urban or rural poverty areas, for assessing local needs for comprehensive health service systems, obtaining local financial and professional assistance and support for local comprehensive health service systems, or for comprehensive health service system projects which, in his judgment, are of national significance because they will assist in meeting the needs of the disadvantaged for comprehensive health services systems or demonstrate new or particularly effective or efficient methods of delivery of health care through comprehensive health service systems.

#### "APPROPRIATIONS

"Sec. 1006. There are authorized to be appropriated for the fiscal year ending June 30, 1970, and for each of the four fiscal years thereafter, such sums as may be necessary to carry out the purposes of this title.

#### DEFINITIONS

"Sec. 1007. As used in this title, the term "comprehensive service system" means a system providing health care to an identified population group in a primary service area and its environs enrolled as members, on the basis of contractual arrangements (which embody group practice, are established by a medical school, a hospital medical staff or a medical center, or similar arrangements) among participating providers of service and other persons organized so as to—

"(1) assure continuity of care and the ready referral and transfer of patients where medically appropriate;

"(2) provide comprehensive health services, which shall include dental services for children under 8 years of age, annual physical checkups, maintenance prescription drugs and at least all services specified in title XVIII of the Social Security Act (such services to be provided except as authorized by the Secretary, without deductibles, co-insurance, or copayment), drugs prescribed for ambulatory patients, one hundred days of extended care services (which are not post-hospital extended care services) in any spell of illness, and necessary immunization, and may include other health services which are approved by the Secretary as appropriate to the particular comprehensive health service system."

(b) Section 1 of the Public Health Service Act is amended to read as follows:

"Section 1, Titles I to X, inclusive, of this Act may be cited as the 'Public Health Service Act'."

(c) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title X (as in effect prior to the enactment of this Act) as title XI, and by renumbering sections 1001 through 1014 (as in effect prior to the enactment of this Act), and references thereto, as sections 1101 through 1114, respectively.

#### S. 3831—INTRODUCTION OF A BILL TO REVISE THE QUOTA-CONTROL SYSTEM ON THE IMPORTATION OF CERTAIN MEAT AND MEAT PRODUCTS

Mr. MILLER. Mr. President, I introduce, for printing and appropriate reference, a bill to revise the quota control system on the importation of certain meat and meat products. I do not intend to make a detailed explanation of this bill other than to say that it is the same as the meat quota bill introduced by the senior Senator from Nebraska (Mr. HRUSKA) on June 12, 1969—S. 2400—except that my bill also includes fresh, chilled, or frozen pork and prepared or preserved pork products except sausage. Since Iowa is the No. 1 pork producing State in the Nation, I believe it is appropriate that I introduce a bill to include pork and pork products, including canned items, in the meat quota law—especially since Midwest hog prices recently sank to the lowest point since their May 1969 level.

Mr. President, a serious situation is developing in the case of imports covered by the meat quota law. Under the 1964 law, the present quota for 1970 is 998.8 million pounds. This quota is not triggered, however, unless actual meat imports subject to the law exceed the quota

by 10 percent; in other words, reach 1,098 million pounds. Each of the major supplying countries has agreed to voluntary limits which, for 1970, amount to 1,061 million pounds. If the limits were adhered to for this year, imports would not exceed the quota by 10 percent and, therefore, the quota would not be triggered.

However, for the period of January through March this year, the U.S. imports of meat subject to the meat quota law totaled 337 million pounds—47 percent more than the same period in 1969. It is my understanding that the estimate for April is about 100 million pounds for a total through April of this year of about 437 million pounds. This is an annual rate of around 1,300 to 1,350 million pounds—far in excess of the trigger point of 1,098 million pounds.

On March 10, 1970, 16 other Senators and I signed a letter to President Nixon urging him to issue an Executive order, which he presently has under consideration, to prohibit the entry of meat except on through bills of lading which act as meat import certificates. This would put a stop to the practice of shipping meat from Australia and New Zealand to Canada and then transshipping it across the border for the purpose of evading our quota system. Although the amount involved is not large, it is significant. I once again urge the President to issue this Executive order. Such action will make it clear that evasion of the intent of Congress will not be permitted.

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

The bill (S. 3831) to revise the quota-control system on the importation of certain meat and meat products, introduced by Mr. MILLER, was received, read twice by its title, and referred to the Committee on Finance.

#### SENATE JOINT RESOLUTION 200—INTRODUCTION OF A JOINT RESOLUTION TO PROVIDE FOR A STUDY OF THE RELATIONSHIP BETWEEN ADVERTISING AND DRUG ABUSE

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a joint resolution directing the Federal Trade Commission, together with the National Institute of Mental Health and in cooperation with the advertising industry, to undertake a comprehensive study and investigation of the relationship between advertising and drug abuse in the United States. Under the terms of the resolution the FTC would be directed to formulate guidelines designed to help advertisers avoid themes and techniques which contribute to or promote drug abuse. The Commission would also be directed to make such recommendations to Congress and the President as it deems appropriate.

To most of us, until very recently—drug abuse was perceived, as a remote concern—a problem of the racial ghettos, an aspect of the criminal subculture or an aberration of alien societies.

Then drug abuse burst upon the American consciousness. Suddenly, it was the children of the suburbs, not the children

of the ghettos—"our children" not "their children" who had become trapped in the descending spiral of alienation, despair, and death which are the grim by-products of drug addiction.

There are model schools in which marijuana passes freely in the seventh grade. In New York City the death rate stemming from heroin abuse now approaches the homicide rate. A psychiatrist warns suburban school boards that heroin strikes susceptible high school populations "like an epidemic" spreading with infectious speed throughout the school.

To most of us this revelation provokes surprise and shock.

Yet, if we had been alert, we could have seen all around us signs of the phenomenal growth of what has come to be known as America's "drug culture."

We could have seen that parents, who now react in shock and horror to the discovery that their son or daughter has become an addict, have themselves fallen prey to lesser, but related, addictions—sleeping tablets to ease the burdens of the night; two cups of coffee "to get started in the morning"; Benzedrine tablets "to get through the day"; tranquilizers to "ease the tension"; and, of course, at the end of the day, a couple of cocktails to "wind down."

But the drug culture finds its fullest flowering in the portrait of American society which can be pieced together out of hundreds of thousands of advertisements and commercials. It is advertising which mounts so graphically the message that pills turn rain to sunshine, gloom to joy, depression to euphoria; solve problems, dispel doubt.

Not just pills; cigarette and cigar ads; soft drink, coffee, tea, and beer ads—all portray the key to happiness as things to swallow, inhale, chew, drink, and eat.

Does advertising merely reflect the growth of a drug culture initiated and stimulated by other economic and social forces? Or is advertising itself a cause, a promoter of the drug culture?

I do not think we know now. But many Americans, including many professionals who are responsible for seeking paths out of the drug culture, are deeply concerned about the role of advertising.

For example, a distinguished Miami pediatrician, Dr. Richard C. Adler, has called for an end to drug advertising:

There is no reason to advertise drugs. People can shop for them in drug stores or ask their doctors.

The advertising industry itself is clearly troubled by the growing concern with potential antisocial byproducts of its advertising and its techniques. Advertisers, like their audiences, have never before adequately considered the social consequences of advertising campaigns designed with the singleminded objective of selling goods and services.

Today they are alerted. The distinguished member of the House Public Health and Welfare Subcommittee, Congressman ROGERS of Florida, in a recent letter to broadcasters urged them "to consider restricting mood drug advertising in television."

The news account of a recent gathering of broadcasters meeting to consider the

implications of advertising's role in drug abuse was headlined by Advertising Age "Why don't FTC, FDA help us?" Ads pushing pills that stimulate, tranquilize worry broadcasters".

Before we in public life and those in the advertising industry itself can come to grips with this problem and begin to prescribe remedies, we must acquire knowledge and understanding of the precise role of advertising in drug abuse.

Congress and the country was not able adequately to respond to the growing concern over the hazards of smoking until we had the insight gained through the study by the Surgeon General's Advisory Committee on Smoking and Health and the intensive scrutiny and analysis of cigarette advertising practices performed by the Federal Trade Commission.

Similarly, the time is now ripe for exhaustive study and comprehensive analysis of the impact of specific advertising themes and techniques upon the attitudes and behavior of the potential victims of drug abuse. Among other studies, we need content analyses and the utilization of sophisticated marketing techniques to reveal the implicit as well as the explicit messages of those advertisements which trouble us. We need to know the differing susceptibilities of varying age groups to the impact of advertising themes and techniques. We are told that between the ages of 0 and 5 the child learns most of what he is going to learn throughout his life. What is the impact of hundreds and hundreds of advertising messages which the infant receives from a TV set that may be a more constant companion to him than his mother?

We need to learn how to differentiate between the necessary freedom to utilize the techniques of communication to attract customers and exploitation of so-called "crutch advertising" that sells, not the virtues of the product, but escape from reality.

Mr. President, there is no doubt in my mind that Congress should proceed with extreme caution when tampering with market mechanisms. This resolution does not contemplate that it will be necessary to impose any additional regulatory burdens upon advertising content. It is based, instead, upon the belief that the advertising industry, as much as families and communities afflicted by the spread of drugs, need and will welcome a clear understanding of the dangerous, though unintended, byproducts of certain forms of advertising, and will welcome guidelines which will enable them to avoid these tragic effects.

I ask unanimous consent that an editorial for Advertising Age of May 11, 1970, be printed at this point and that full text of the joint resolution also be printed in the RECORD.

The PRESIDING OFFICER (Mr. STENNIS). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and editorial will be printed in the RECORD.

The joint resolution (S.J. Res. 200) to provide for a study by the Federal Trade Commission of the relationship between advertising and drug abuse in the United

States, introduced by Mr. Moss, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S.J. Res. 200

Whereas recent action by the Congress, banning cigarette advertising from the broadcast media, reflects its concern with the potential antisocial impact of certain advertising practices on American society;

Whereas there is mounting concern over increasing drug abuse by young people;

Whereas certain advertising themes and techniques employed in the promotion of drugs and other products appear unintentionally to promote or stimulate drug abuse among the young; and

Whereas the Congress and the President need accurate information and an informed judgment regarding the impact of advertising on the initiation of drug abuse: Now therefore, be it

*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That—*

(1) the Federal Trade Commission, in cooperation with the National Institute of Mental Health and the advertising industry, is authorized and directed to undertake a thorough study and investigation of the relationship between advertising and drug abuse in the United States;

(2) the Federal Trade Commission, at the conclusion of such study, shall publish guidelines for advertisers designed to avoid advertising themes and techniques which contribute to or promote the abuse of drugs; and

(3) the Federal Trade Commission shall report to the Congress and the President its findings, including the guidelines published pursuant to this joint resolution, conclusions, and recommendations, not later than January 1, 1972.

Sec. 2. In conducting such study and investigation the Federal Trade Commission shall have all powers conferred upon it by section 6 of the Federal Trade Commission Act (15 U.S.C. 46), and shall be subject to the limitations imposed upon it by subsection (f) of that section. The provisions of sections 9 and 10 of that Act (15 U.S.C. 49, 50) shall apply with respect to studies made by the Federal Trade Commission under this joint resolution.

Sec. 3. There are authorized to be appropriated not to exceed \$1,000,000 to carry out the provisions of this joint resolution.

The editorial, presented by Mr. Moss, is as follows:

[From Advertising Age, May 11, 1970]

#### DRUGS, PILLS AND PROBLEMS

There is a steadily mounting concern over the increased use of drugs—both the legal and illegal varieties—in our society, and not the least concerned by any means are the pharmaceutical manufacturers, the television networks and stations, and the National Assn. of Broadcasters.

In a story in last week's issue of Advertising Age it was noted that some people have written to television stations and networks complaining that advertising for such over-the-counter stimulants as Vivarin and Viv and No Doz makes it increasingly difficult for parents today to keep their children from experimenting with some of the not-so-easily-obtainable drugs which can eventually lead to drug addiction.

With an estimated \$289,000,000 being spent annually on TV advertising of medicines, this serious question is being raised: Is the flood of advertising for such medicine so pervasive that it is convincing viewers that there is a medical panacea for any and all their problems, medical and otherwise? Are we being so consistently bombarded with pills for this



and pills for that and pills for the other thing that we have developed a sort of Pavlovian reaction which makes us reach for a pill every time we are faced with an anxious moment, be it of physical or psychic origin?

In a recent letter to Vincent Wasilewski, president of the NAB, and to pharmaceutical companies and TV networks, Rep. Paul O. Rogers (R., Fla.) said he felt that the growing tendency to promote drugs in TV commercials as mood changers "has given young viewers a sense of acceptability to taking pills." Television, understandably, comes in for the brunt of the criticism as the carrier of these pill commercials because it is the primary medium for this type of advertising, and also, more importantly, because it reaches vast numbers of young people who are not exposed to anywhere near as much print advertising. But ads for these products are evident in radio and in newspapers and magazines, as well as in other media.

Leaving aside for the moment, however, the impact on TV and all other mass media on people of all ages, we wonder if we haven't all grown up in a terribly medically conscious era. From the time a baby is born in our society he is subjected to all kinds of inoculations, vaccinations, external medical applications, pill, powder and liquid ingestions, until it becomes second nature for a person to engage in all forms of "self medication," if that is the proper term, to alleviate any and all problems that arise, whatever their nature.

Partly because of this great preoccupation we have with the use of various drugs, both legal and illegal, we think the pharmaceutical industry and the television industry are facing one of their most crucial problems: What to do about future drug advertising on television. In replying to Rep. Rogers' letter, Mr. Wasilewski said that the NAB TV code board meeting in Washington May 26-27 will be reviewing the entire issue of proprietary advertising in general. And in New York last week both the TV network censors and the NAB code authority officials talked about possibly setting up new or revised copy clearance.

#### ADDITIONAL COSPONSORS OF BILLS

S. 3

Mr. KENNEDY. Mr. President, I ask unanimous consent that at the next printing the name of the Senator from Michigan (Mr. HART) be added as a cosponsor of S. 3, to authorize the Attorney General to provide a group life insurance program for State and local government law-enforcement officers.

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

S. 2293

Mr. PELL. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Texas (Mr. YARBOROUGH) and the Senator from Vermont (Mr. PROUTY) be added as cosponsors of S. 2293, to amend the National Sea Grant College and Program Act of 1966 in order to extend the authorizations for the purposes of such act.

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

S. 3215

Mr. PELL. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Texas (Mr. YARBOROUGH), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Minnesota (Mr. MONDALE),

and the Senator from Vermont (Mr. PROUTY) be added as cosponsors of S. 3215, to amend the National Foundation on the Arts and the Humanities Act of 1965 to provide for a permanent authorization for programs under such act.

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

S. 3739

Mr. MILLER. Mr. President, at the request of the Senator from Kansas (Mr. DOLE), I ask unanimous consent that, at the next printing, the names of the Senator from West Virginia (Mr. RANDOLPH) and the Senator from New Mexico (Mr. MONTOYA) be added as cosponsors of S. 3739, to amend the Small Business Act to increase the availability of management counseling to small business concerns.

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

S. 3758

Mr. MILLER. Mr. President, at the request of the Senator from New York (Mr. GOODELL), I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. WILLIAMS) be added as a cosponsor of S. 3758, a bill to require the heads of the respective executive agencies to provide Congress with advance notice of certain planned organization and other changes or actions which would affect Federal civilian employment, and for other purposes.

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

S. 3822

Mr. MILLER. Mr. President, at the request of the Senator from Utah (Mr. BENNETT), I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. ANDERSON) be added as a cosponsor of S. 3822, to provide insurance for member accounts in State and federally chartered credit unions, and for other purposes.

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

#### ADDITIONAL COSPONSOR OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 187

Mr. HRUSKA. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New York (Mr. JAVITS) be added as a cosponsor of Senate Joint Resolution 187, the resolution to authorize the President to designate the third Sunday in June of each year as Father's Day.

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

#### SENATE RESOLUTION 408—REPORTED RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported the following original resolution (S. Res.

408); which was referred to the Committee on Rules and Administration:

S. RES. 408

*Resolved*, That the Committee on Interior and Insular Affairs is hereby authorized to expend, from the contingent fund of the Senate, \$20,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 309, Ninety-first Congress, agreed to February 18, 1970.

#### ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 13, 1970, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 1458. An act to prohibit the business of debt adjusting in the District of Columbia except as an incident to the lawful practice of law or as an activity engaged by a nonprofit corporation or association; and S. J. Res. 199. Joint resolution to further amend the Elementary and Secondary Education Act.

#### NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. HRUSKA. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary: 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.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Wednesday, May 20, 1970, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

#### POSTPONEMENT OF HEARING ON INTERIOR DEPARTMENT PLANS TO DEVELOP OIL SHALE RESERVES

Mr. MOSS. Mr. President, a public hearing on Department of Interior plans to develop oil shale reserves in the Western United States was set for 10 a.m. tomorrow, May 14, 1970, before the Minerals, Materials, and Fuels Subcommittee of the Interior Committee. Most unfortunately, I was advised this morning that the Secretary of the Interior, the Under Secretary of the Interior, and both Assistant Secretaries with knowledge of the subject matter of the hearing would be out of Washington and could not appear. Moreover, no person at the Department of Interior is available who is authorized to discuss the oil shale development program.

Therefore, I announce that the hearing has been postponed for 1 week—until May 21, 1970, at 10 a.m. in room 3120 of the New Senate Office Building.

It is expected that the Secretary of the Interior will appear and testify at that time.

It is personally frustrating to me to

have this matter postponed. For several years, I have tried to gain authorization of a development program for oil shale to add to our country's energy reserve. Secretary Udall announced a leasing proposal to stimulate development, but it did not succeed.

In January of this year, I received a letter from the then Under Secretary of the Interior Russell E. Train in response to an inquiry I had initiated the previous October. Under Secretary Train wrote me under date of January 5, 1970:

Various alternatives are under active discussion and consideration, but because of the many complex interrelationships between the technical, economic, and policy alternatives, no date can be as yet set for further Departmental action.

I ask unanimous consent, Mr. President, that the full text of the letter from the Under Secretary of the Interior to me be printed at this point in the RECORD.

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

U.S. DEPARTMENT OF THE INTERIOR,  
Washington, D.C., January 5, 1970.

Hon. FRANK E. MOSS,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR MOSS: This is in further reply to your letter of October 25, in which you requested a comprehensive report on the oil shale situation.

There is enclosed a new publication by the Bureau of Mines, RI 7303, which presents the results of tests run during the period 1964 to 1966 at the Anvil Points facilities near Rifle, Colorado. However, the report dated May 1968, also enclosed, still represents this Department's technical judgment with respect to the "state-of-the-art" and the costs associated with the various processes that have been proposed for shale oil production. No new data have been published which would significantly alter the technical and economic conclusions reached in Chapter 4 of this report.

Numerous factors other than technology have affected the timing of the development of an oil shale industry. A copy of a paper is attached which was presented at the AIME in February of this year. This paper assesses some of the many factors which will be important in determining the initiation of an oil shale industry.

The oil shale leases offered in December 1968 did not result in bids sufficiently high to warrant issuing the leases. Among the many factors that might have caused such low bids were the lease terms and conditions. However, so many other important factors, such as those outlined in the AIME paper were involved that a good estimate cannot be made on the effect on the bids of the lease terms.

The Department has been working diligently to clear the clouds on the title of the Federal oil shale deposits. A task force of 19 employees located in Denver are engaged in this program. The state of title clearance is shown in detail in Attachment A.

Consideration is now being given as to the alternative actions that might be considered with respect to the oil shale lands during the period when ownership is still being contested.

Other than title clearance activities, the Department continues to be active in developing new geologic knowledge of the oil shale deposits in research and development of basic mining techniques which will be valuable when oil shale deposits are mined, an increasing knowledge of both in-situ and above-ground retorting. Other activities in-

volve surveying of environmental aspects that would be associated with either surface developments or underground nuclear stimulation. The River Salinity Management Program for the Colorado River include studies of leaching of shale by surface and ground waters under conditions of a developing oil shale industry. Studies of the impact of a new oil shale industry on wildlife and recreational areas, and other resource uses has also been undertaken.

Some preliminary discussions have been held of whether changes in the Minerals Leasing Act are desirable or necessary to encourage the development of an oil shale industry, but no conclusions have yet been reached.

The oil shale study of 1968, the offer of leases and the lack of response by industry to these offers have made it necessary for the Department to reconsider what policies and programs it should follow with respect to oil shale. The various alternatives are under active discussion and consideration but because of the many complex interrelationships between the technical, economic and policy alternatives, no date can as yet be set for further Departmental action.

Sincerely yours,

RUSSELL E. TRAIN,  
Under Secretary of the Interior.

#### ATTACHMENT: TITLE CLEARANCE

The Supreme Court, in *Ickes v. Virginia-Colorado Development Co.*, 295 U.S. 639 (1935) held that the Department could not cancel claims for failure to perform assessment work, as it had attempted to do.

In the late 1950's and early 1960's applications were made for patents to claims cancelled in decisions rendered in the above-mentioned earlier contests which were not thereafter appealed. The Department refused to consider the applications and, while it acknowledged that the earlier decisions may have been based upon an erroneous legal theory, held, in *Union Oil Company of California, et al.*, 71 L.D. 169 (1964), that after 30 odd years the application would be denied because of the long passage of time, on grounds of finality of administrative action, estoppel by adjudication, and *res judicate*.

In an action for judicial review of the Department's decision, the United States District Court for the District of Colorado disagreed with the Department and held that the Department may not rely on the old cancellation in disposing of pending applications involving mining claims so cancelled. The District Court's decision was affirmed by the United States Court of Appeals for the 10th Circuit in *Udall v. The Oil Shale Corporation, et al.*, 406 F.2d 759 (1969). The Government has filed a petition for a writ of certiorari to the Supreme Court to review the judgment of the United States Court of Appeals for the 10th Circuit, and the Supreme Court has agreed to hear the case.

Should the Court affirm the judgment of the lower courts, the Government's present title clearance program for the oil shale lands of Colorado, Utah and Wyoming will be made more difficult. The project to clear the public lands of long dormant, unpatented mining claims will involve thousands of claims, with many more thousands of locators, many of whose identity and locations, because of the passage of time, are now unknown, covering millions of acres of public lands. The Government still would have the right to challenge the claims on the grounds there was no discovery of a valuable mineral. It is estimated that it will cost the Government many millions of dollars to search out present owners of such claims, examine the lands covered by each claim for possible mineral outcrops and conduct administrative hearings.

As a consequence of administrative proceedings commenced against oil shale mining claims, one firm within the last few weeks

relinquished 31 oil shale claims. In contest Nos. 359 and 360 (Colorado), the Government is seeking to establish the invalidity of certain oil shale claims on the basis that oil shale never was, and still is not, a valuable mineral within the purview of the United States mining laws. Extensive hearings were held and briefs have been submitted by the parties. The case is under consideration by a hearing examiner of the Bureau of Land Management. Should the final administrative decision of the Department be adverse to the claimants it is likely that they will seek judicial review. Should the ultimate decision on this issue be that oil shale was not, and is not, a valuable mineral within the ambit of the United States mining laws, such a determination, if judicially fixed, would probably be dispositive of all existing unpatented oil shale mining claims. However, it is unlikely that the issue will be resolved other than by a decision of the Supreme Court of the United States. In Colorado contest No. 260, the issues involved include the question of whether oil shale was and is a valuable mineral within the purview of the United States mining laws, whether the claims have been abandoned, and whether there is sufficient evidence of discovery of the mineral on the claims.

In addition, the Department has initiated administrative proceedings by way of contest against 2911 dawsonite claims on the basis that dawsonite is not a locatable mineral.

Mr. MOSS. Although the Interior Department had stated to me that it was not in a position to take action, reports were rife on the Hill and in the oil industry that a program had in fact been pretty well worked out. As indicative of this fact, I ask unanimous consent that the text of a memorandum to me from a member of the professional staff of the Interior Committee who has been working with me on mineral resource development appear in the RECORD at this point.

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

#### MEMORANDUM ON OIL SHALE

JANUARY 19, 1970.

To: Senator Moss, Chairman, Subcommittee on Minerals, Materials, and Fuels.  
From: Stewart French.  
Subject: Oil Shale Program.

A new oil shale leasing program is being developed in the Interior Department, and announcement is expected within the next week or so.

Basically, the program adapts procedures from the Outer Continental Shelf leasing act in that interested parties may make nominations of tracts to be put up for leasing by competitive bidding. A three-stage procedure is planned.

1. Bona fide potential developers may obtain exploration permits and do core drilling and other prospecting. Results of the exploration must be made available to the Department on a "commercial confidential" basis.

2. The second stage will be a period of evaluation, for Interior as well as for the potential industry, of the data, and, based on it, a determination as to lease terms.

3. The actual leasing itself, based on the information and evaluation.

Patents for processes and inventions will be the exclusive property of the inventor and developer for a period of five years, after which they must be made available for licensing.

Thus, the new proposal appears to meet some of the valid objections to previous proposals, both on the part of those against development by private enterprise and those who felt the previous lease terms far too



stringent to live with. That is, both the government and the private entrepreneur will be able to have a pretty good idea of the potential value of a tract, and the problems connected with development before rights accrue and huge investments are made. Royalty and other terms can be realistic. Efficiency and good luck will not be penalized, as in the Udall proposals. And inventive genius will have some opportunity to attain some rewards.

Also, and highly important, the leases will require careful control over all types of pollution and any other threats to environmental quality.

Mr. MOSS. Mr. President, the need for development of new sources of energy within our country is a very pressing one. The oil shale deposits on the public lands in Utah, Colorado, and Wyoming, are a very great potential source of this needed energy.

It is the subcommittee's earnest hope that the administration will be able to discuss with it the situation with respect to oil shale development next week, so that we can have the facts as a basis for action.

#### ADDITIONAL STATEMENTS OF SENATORS

##### HOLLIS ENGINEERING IS HONORED

Mr. MCINTYRE. Mr. President, the Hollis Engineering Corp. of Nashua, N.H., has been honored by the President's "E" award. I wish to take this occasion to pay personal tribute to the corporation and its founder, Howard Wegener, for exemplifying the best in our Nation.

As chairman of the Small Business Subcommittee of the Committee on Banking and Currency, and as a member of the Select Subcommittee on Small Business, I follow the development of small business with keen interest. Rarely have I come across a small business success story so classically American as the story of Hollis Engineering.

Ten years ago Howard Wegener began manufacturing automatic wave soldering systems in his garage.

In the short span of a single decade, his corporation has become the undisputed leader in sales of automatic wave soldering systems, doubling its sales every single year.

By now Hollis has installed no less than 3,000 such systems in locations throughout the world, and numbers among its clients such giants as IBM, Motorola, Control Data, Sanders, and many others.

Until 1966 Hollis confined its sales network to the continental United States. Indeed, no representative of the firm had so much as taken a trip outside this country.

But realizing the value of the export market, Hollis began working with the Department of Commerce and in the fall of 1967 sent representatives to the Department's show in Milan, Italy. Encouraged by the success of the show, Hollis representatives made a month-long trip through Europe to establish a sales and distribution network there. Since then a sales and service office has been established in Switzerland to support continental distributors and representatives.

In 1968 Hollis duplicated its European effort in Japan, Hong Kong, and Taiwan, and in the past year and a half sales representatives have been established in Mexico and in every country in South America.

Now the export program is producing no less than 40 percent of Hollis' total annual sales, and last year overseas sales totaled more than a million dollars.

Hollis now advertises in local trade publications in every nation, has its manuals printed in many foreign languages, and this year will participate in more than 20 trade shows outside this country.

Mr. President, the success of Hollis Engineering is truly remarkable, considering its humble beginnings, but it demonstrates once again how dedication, perseverance, initiative and ingenuity will not be denied in our free enterprise system.

Best of all, Mr. President, the company's growing success has meant more and more jobs for the people of New Hampshire.

#### BIASED REPORTING BY NETWORK TELEVISION

Mr. DOLE. Mr. President, it is a never-ending task to keep up with the irresponsible and biased reporting by network television.

A column by Henry J. Taylor, in which he discusses recent CBS coverage of Abbie Hoffman and Jerry Rubin, has been brought to my attention.

If what Mr. Taylor says is true, it makes pale, by comparison, CBS' attempt to distort the resignation of a holdover Democrat in a fifth-level HEW civil service position as a setback of major proportions to the Nixon administration.

I refer, of course, to Toby Moffett, an \$11,200-a-year aide to Education Commissioner Allen, whom the networks have attempted to bill as a consultant to the President. This kind of distorted reporting serves only to make heroes out of malcontents, loudmouths, and rabble-rousers. Such reporting will eventually destroy public faith in the news media if it does not destroy our country first.

I ask unanimous consent that Mr. Taylor's column be printed in the RECORD.

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

##### THE PIGS ON TV

(By Henry J. Taylor)

The pigs are in the pasture on TV, weakening America around the clock, and if we don't see thru this vicious and deliberate push we need our heads examined.

CBS, NBC and ABC are obviously infiltrated. Haven't these fast-buck money machines, getting a free ride on the public's airwaves, any responsibility at all?

A full hour that CBS handed over to convicted "Chicago Seven" riot instigator Abbie Hoffman on the Merv Griffin show was hardly off the air when CBS unabashedly pushed another convicted criminal's venomous propaganda into the nation's homes. This time it was infamous Jerry Rubin on the Joseph Benti program—three days in a row during a single week.

Under the subterfuge, as usual, of "news," CBS aired Rubin's all-out pitch for revolution, murder, city burning, the destruction

of the police, and violence of every kind. "Thank you for coming," said Joseph Benti—three days in a row.

Benti deliberately injected the subject of LSD into the Rubin propaganda and shares with CBS the responsibility for Rubin's praise of this destructive drug as a joyful, harmless source of euphoria. "It'll give you kicks, baby, and you'll like it." Rubin told the listening millions. Can the CBS moguls contend they are not accessories to promoting a dangerous drug by the oldest device known to snake-oil medicine men—the personal testimonial?

Why doesn't infiltrated CBS just sell advertising time to an LSD pusher and pick up the money, besides?

The neanderthal standards of the networks are so low and so resented that we were told we should create the National Educational Television (NET) network to raise them.

Well, NET started right out with an inexcusable thing called "Day of Absence." The entire cast consisted of about 100 Negroes demanding violence, topped off by a vicious adolescent shouting, "I'm for violence, because we've pled with 'whitey' too long." OR did you see that network's "Report on Iron Mountain?"

This atrocious blasphemy contrived a fictional war and then anonymously ridiculed the United States and our fighting men in Vietnam in scathing criticism, helped to do so by a grant from the Ford Foundation.

The National Educational Television network gives us impeccable offsets like "The Forsythe Saga" and then pushes three attempts to whitewash Castro's Red dictatorship in Cuba: "Report from Cuba," "Three Faces of Cuba" and "Fidel!"

With the cards stacked as they are, your only effective influence on CBS, NBC and ABC is to hit them where it hurts—their pocketbooks.

A roaring shout should go out—by pen and paper—from across our victimized country. Write the sponsors of every program you see that teaches or stimulates destruction, whether it is violence in our streets or against America's institutions.

The pen is a mighty weapon. Get busy!

#### THE CAMBODIAN FORAYS

Mr. EAGLETON. Mr. President, we are asked to believe that our Cambodian forays are for a limited objective, using limited force for a specific time period; but all the evidence suggests that in reality the President's policy is to assure the survival of a non-Communist Cambodia, whether under Lon Nol or someone else.

The domino theory came through loud and clear between the lines of President Nixon's April 30 speech—this time to explain why we are militarily involved in Cambodia.

Cambodia, so it goes, is the domino whose fall will bring South Vietnam down, too. Noting increased enemy activity, President Nixon concluded:

If the enemy succeeds, Cambodia would become a vast enemy staging area and a springboard for attacks on South Vietnam along 600 miles of frontier—a refuge where enemy troops will return from combat without fear of retaliation. . . North Vietnamese men and supplies could then be poured into the country, jeopardizing not only the lives of our own men but the people of South Vietnam as well.

Temporarily eliminating border sanctuaries will not solve that problem.

On Cambodia, the new Nixon sounds tragically like the old Johnson, who on July 28, 1965, raised the American ante

in Vietnam from 75,000 to 120,000 troops stating that this step, "like our actions in the past, is carefully measured to do what must be done to bring about an end to aggression and a peaceful settlement."

It is an all-too-familiar story. Limited involvement grows. Commitments spring up where none existed. Original rationales disappear, and new ones sprout. More U.S. forces are needed, first as advisers to South Vietnamese invading the Parrot's Beak section, then as combat troops in the Fish Hook area, now 20,000 U.S. soldiers are in Cambodia.

The U.S. Navy forces are needed to go up the Mekong River, and South Vietnam's forces go to Phnom Penh and beyond for the ostensible and tragically ironic purpose of rescuing Cambodian citizens of Vietnamese descent from calculated persecution by our incipient minion, the Lon Nol government. And now we hear of a blockade on the Cambodian coast—of whose shipping?—by what right?

The American people are being led, blindly, into another open-ended commitment. Before we undertake such a commitment, the issue and its implications should be laid before the American people and debated in Congress.

I have supported President Nixon as he withdrew troops. I did not ask that the United States unilaterally withdraw from Vietnam. On July 2, 1969, in a colloquy with the Senator from South Dakota (Mr. McGOVERN), I stated:

I would have to say that I am not prepared at this juncture to adopt the ultimate recommendation of the Senator from South Dakota: Namely, that the United States should unilaterally withdraw its forces from South Vietnam. Before we reach that decision, I should like to exhaust such other remedies as a steadfast ceasefire. I should like to exert more muscle on the Thieu-Ky regime to have it broaden its base considerably so as to include neutralists. I should like to have an opportunity to exhaust remedies such as these and have them shown to be fruitless before adopting the ultimate conclusion.

I am now ready to accept that ultimate conclusion.

As long as we are embroiled militarily in Southeast Asia, I fear the logic of military escalation will prevail, as it obviously has in Cambodia.

American involvement in Southeast Asia was and is a mistake—a disastrous one. It should be terminated as rapidly as possible consistent with the safety of American troops.

Enoch Powell, a right-wing figure in the Conservative Party of Britain, an unsentimental man, a man utterly opposed to communism, recently stated of the American involvement in Southeast Asia:

American military power cannot secure any specific political result in Southeast Asia. This is a war in which the United States can win, if it wishes, every battle; but it is a war which the United States is bound to lose.

I have no doubt that the United States forces can eliminate the Vietcong base which has so long flourished—of course it has—in Cambodia. But when the operation is over, the underlying facts of the situation reassert themselves like the tide washing out footmarks in the sand.

The ultimate fact reasserts itself: The Americans do not live there; everyone knows that their presence is destined to be temporary; everyone knows the realities which will prevail over them.

It is past time to recognize those realities in Southeast Asia.

It is time we let the Southeast Asians decide their own destiny, free of American interference.

I am, therefore, joining the Senator from South Dakota (Mr. McGOVERN), the Senator from Oregon (Mr. HATFIELD), and other Senators in cosponsoring their amendment to end the war.

Mr. President, I ask unanimous consent that a speech on this same subject, which I delivered at Washington University, St. Louis, Mo., on May 9, 1970, be printed in the RECORD.

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

#### SPEECH OF SENATOR EAGLETON

The political course of this nation, since its inception almost 200 years ago, has been one of moderation in politics and social change. With some noteworthy exceptions, we have not been beset by the violent wrenchings which have been part of the 19th and 20th century history in other nations.

There are many reasons—economic, social, educational, political—for this gradual evolution. Our general affluence has tended to insure continuity. Our political processes, especially the two-party system, have helped channel philosophical diversity toward widely accepted consensus. Pragmatism and idealism have tempered each other in our public life.

On occasion, however, this tenuous mix has been disrupted. The Civil War wrenched the nation violently, and placed this country irrevocably on a different course. The Great Depression of the 1930s permanently altered the role of government on the domestic scene as profoundly as if we had thrown out our old Constitution and drawn up another. In both cases, the lives and expectations of individuals were as severely disrupted as the structure of society itself.

The emergence of the United States as a world power through two world wars was another of these epochal changes. After World War I, President Wilson attempted to utilize our new-found power through the League of Nations; but we were not ready to accept our new and necessary role, and instead reverted to isolationism.

World War II once again thrust us upon the global scene. This time, in an age of atomic weapons, we could no longer leave the fate of the world to others. No longer could we remain aloof, smugly satisfied by the protection of the Atlantic and Pacific Oceans.

Erstwhile isolationists like Arthur Vandenburg became avid internationalists. We embarked on the Acheson-Dulles era of foreign policy—a totally new game in an unfamiliar arena . . . a game with few rules except the law of the jungle . . . a game fraught with new fears and uncertainties.

But just as we had blindly underreacted after World War I, we zealously overreacted after World War II. In response to our fears—some well grounded, some not—of Soviet intentions, the United States set itself up as the conservator of the non-communist world. We felt we had to guide, control . . . indeed, if we could, to remake . . . the world in our image.

The success in Europe of the Marshall Plan and the Truman Doctrine spawned a gospel of protective intervention to be applied around the world, wherever opportunity beckoned. We became "treaty happy" and

intervention prone. No area of the world was too small or too remote for us to protect by our advice, by our dollars and, if called upon, by our armies.

Perhaps it can be argued that our motivation was noble. Many of our actions in Europe and elsewhere were surely necessary. But in Southeast Asia we have gone too far—far beyond the demands of our own security . . . far beyond what the prudent concern for world peace permits.

As the French were expelled, we intruded. As the North Vietnamese expanded their operations, we escalated. As the Laotian government weakened, we bombed. As the new Cambodian government faltered, we invaded.

The consequence is the Second War in Indochina (for that is what it is now), a bitter, bloody travesty of American internationalism.

A seemingly innocuous venture in 1954 has brought America to another great watershed. The customary and historical evolutionary political process of our nation has once again been wrenched. The results may well equal the Civil War, the Depression or the World Wars in their impact on the lives of all of us.

We might have absorbed the countable costs of the war in Southeast Asia—fifty thousand dead . . . 400 thousand wounded . . . 110 billion dollars for health care and education diverted to war.

But this war has been far more insidiously destructive to us than that. After years of honest hopes and false promises . . . of public pleas for support for decisions secretly made . . . it has weakened the faith of all Americans in our political processes and institutions. Most of all, it has putrified the idealism which has given this government its purpose.

The credibility of the Presidency has been weakened . . . and the electoral process by which we choose our leadership has failed to change an outmoded policy. It is tragic to recall the words of President Lyndon B. Johnson as he spoke in New York during his campaign for the Presidency on August 12, 1964:

"Some others are eager to enlarge the conflict. They call upon us to supply American boys to do the job Asian boys should do. They ask us to take reckless action which might risk the lives of millions and engulf much of Asia and certainly threaten the peace of the entire world. Moreover, such actions would offer no solution at all to the real problem of Vietnam."

Nor is it difficult to remember the words of Richard M. Nixon, when he told this country four years later as he ran for the Presidency, "I have a plan for peace" . . . and the hopes of those who voted for "a change."

The credibility of the military has also grossly deteriorated. Can it be retrieved?

Congress, itself, as a partner in the governmental process, has been found wanting . . . has failed to stop a runaway foreign policy . . . has failed to restore the humane priorities this nation was created to serve. Can Congress act?

Many of the people—young and old—have lost faith in our system. How and when can confidence be regained?

The measure of a people—the measure of the American people—is not its aggregate wealth of its military hardware.

The measure of a people—the measure of the American people—is its ability to meet adversity, to recognize it, to surmount it.

The measure of a people—the measure of the American people—is to recognize the blunders of the past and to shed their crippling burden . . . not to press on like a blind and helpless giant crushing villages and crippling ourselves in a futile, meaningless quest to "save face."

Our repeated pledge to support "the de-



fense of freedom and self-determination for the peoples of Vietnam," in addition to being grandiose, was the result of an emotional reaction to fear of "communism"—a fear which caused the United States to assist the French in their struggle to re-establish colonialism in Indo-China and then to provide money, materiel, and men to a series of unrepresentative and unresponsive governments which ruled through military strength and with United States support.

For over 14 years, the United States has fought for the governments of Diem, Minh, Tho, Khanh, Huong, Oanh, Quat, Ky and Thieu, in order to assure a non-communist regime in South Vietnam. Must Americans now learn a still longer litany of unfamiliar names as we struggle vainly to support regime after regime in Cambodia?

Vietnam was and is a mistake.

Some of us have tried to sanitize it by pleading for the reform of the Thieu-Ky regime. Some of us have pleaded for a stand-fast ceasefire. Some of us have asked for a graduated, but firm, timetable of withdrawal. Our pleas have not been heeded.

Since January 20, 1969 when President Nixon took office, over 13,000 Americans have died. We still continue to blunder ahead . . . now into Cambodia, tomorrow perhaps beyond. On the one hand, the President announces a policy of "Vietnamization," a policy of gradual—ever so gradual—withdrawal. On the other hand, he escalates our involvement in Laos. He expects to find peace through negotiation, but renews a fruitless policy of bombing in North Vietnam.

How much longer, how many more American lives, how much more divisiveness will it take before we recognize that Vietnam is a problem that only the Vietnamese can settle?

The situation in Indo-China is hopeless as far as the U.S. is concerned. It is an endless nightmare. No conceivable outcome can possibly justify the risks of deeper involvement. No longer is there even a realistic possibility that we can "save face."

The face we must now save is not the face of past foreign policy blunders. The face we must save is the face of a nation facing the future. It is time for the President to stop talking about saving face and start talking about saving lives.

The future is heavily upon us. It is an uncertain, turbulent future.

We must move into it swiftly and convincingly, unshackled from the Vietnamese cancer.

Therefore, I urge that we withdraw immediately from Cambodia, discontinue our sorties in Laos, and withdraw our forces from Vietnam on a fixed and urgent schedule commensurate with the safety of our troops.

#### INCREASED AUTO SAFETY IS EVERYBODY'S CONCERN

Mr. HRUSKA. Mr. President, in 1960 there were 38,137 traffic deaths. Within 10 years the annual total has reached 56,400. This comes to more than 1,000 each week. Hence, all of us must be relieved when official statistics reveal that certain States and cities have shown a remarkable and significant decrease in motor vehicle deaths for the recent months of January and February, 1970.

South Dakota, Oklahoma, Nebraska, and Kansas, a consecutive block of States in the great breadbasket of America, showed in this period a significant drop in fatal accidents of 55 percent, 37 percent, 29 percent, and 5 percent, respectively. Sixteen other States in all parts of this Nation also experienced decreases ranging all the way up to 36 percent. Naturally, we hope that all forms of

traffic accidents will be reduced materially and that each of the 50 States will continue its efforts to do so.

But hope alone is not sufficient. What is required is greater coordinated efforts to develop safer streets and highways, safer and properly repaired motor vehicles, and safer and self-disciplined drivers.

These three all-important aspects of traffic safety can be improved only if a united effort is made by government, civic, and religious organizations, business, labor, agriculture and other segments of our economy, and by the general public. Everyone must get into the act.

The Federal, State, and local governments, including legislative, executive, judicial, and law enforcement branches, have a most important role in achieving safer highways, safer automobiles, and safer drivers. Space does not permit a detailed explanation of the methods necessary to fulfill these objectives, but they are well known.

Mr. President, the role of the community and the general public is just as important. Recently, I received an important letter from Leslie Weber, writing on behalf of the entire senior class of Friend High School in Friend, Nebr. He stated:

I am writing on behalf of a very concerned group of Seniors from Friend High School. As of late, there has been a mounting concern over car safety in our class. They asked me to write and urge you to help make our highways safer by introducing or supporting bills that would help cut down on highway accidents. There are some areas which we feel need to be examined carefully. One such area is drunk drivers. We feel that there should be stiffer penalties when driving under the influence of alcohol, especially when drivers are involved in an accident. We would appreciate it very much if you would do all you could in helping to reduce traffic fatalities. Thank you.

This letter expresses the community concern for this problem. I hope it will act as a catalyst arousing the interest of every senior high school and college, as well as other groups of citizens, so that grassroots efforts will help us drastically reduce traffic accidents in every town, city, county, and State.

Each area may have a special problem to solve. It may be the unsafe highways, undetected unsafe automobiles, unsafe and undisciplined drivers, or a combination of these factors.

Community action can correct these traffic difficulties just as community action has corrected other serious problems affecting the safety and health of the public. I congratulated my young friends at Friend High School for their community spirit. I sent them a CONGRESSIONAL RECORD reprint of my pre-Christmas traffic safety appeal which included excerpts from the report of our mutual friend, Gov. Howard Pyle, president of the National Safety Council. The report contained specific data in the fight to curb traffic accidents. I also sent them the late Senator Dirksen's CONGRESSIONAL RECORD reprint of a traffic safety project which was inaugurated by the minority as a result of the data received in the automobile insurance hearings conducted by the Subcommittee on Anti-

trust and Monopoly, on which I now serve as the ranking Republican.

But as I reflected more on the thoughts in this letter sent by my constituents from Friend, Nebr., I knew that more could be done by Members of Congress and other public officials and that more also could be done by an inspired and dedicated citizenry.

Mr. President, let me itemize a few of the benefits of more dedicated efforts by all of us:

First, reduction of the 56,400 auto deaths annually;

Second, reduction of the millions of auto-related injuries to citizens;

Third, reduction of the economic loss of \$13 billion each year;

Fourth, reduction of automobile insurance premiums which have been increased because of the increasing number of accidents occurring each year;

Fifth, reduction of heartaches and personal or family suffering caused by these auto-related deaths, injuries, and economic losses;

Sixth, last but not least, citizen action, by young and old, could do much to reduce the startling statistics which show that 50 percent of the motor-vehicle-related deaths are in the age group of our young people under 30 years of age; that 42 percent of fatal traffic accidents involve only one automobile; 33 percent of accidents on high-speed roads are due to sleepy drivers; and 50 percent of the annual auto fatalities are due to or connected with alcohol use.

Hence, parents and youth have an added incentive to crusade for traffic safety. The parents must make their 16- to 25-year-olds understand that automobile accidents are the No. 1 cause of death for that age group. Further, the family auto insurance premium is almost doubled because of the driving habits of a segment of our youth, which automatically places all young drivers in the high insurance premium classification.

The youth have their important responsibility. Millions have watched Father Keller's Christopher television program exemplifying what one person can do. We then can project what an inspired youth group can do in the area of traffic safety, especially when statistics show that youth has the most to gain; the under-30 age group comprises 50 percent of the automobile accident fatalities. That adds up to 28,000 annually, or over 280,000 in 10 years, and represents a great tragedy.

How our young people go about such projects will depend upon the traffic accident problems of the community involved. However, one approach is universal—our young must convince each other of the importance of careful, alert and safe driving for their own safety and preservation.

The adults, who should participate in traffic safety projects of their own, certainly will respond to any call upon them from the youth of America to support youth programs to curb auto accidents. This should be especially true of adults who serve as directors of the driver training classes in the schools.

Mr. President, I close my remarks with some encouraging statistics which would

indicate that aggressive programs to curb automobile accidents may prove very successful and reduce the projected 60,000 automobile deaths in 1970. Auto fatalities for the 1963-1967 period showed approximately a 3,000 annual increase. The increase from 1968 to 1969 was 1,200 auto fatalities which is a great drop in the annual upward curve. This is good to note.

These factors may be responsible: the use of seat belts, which it is believed can save 10,000 auto deaths annually; safer highways and safer automobiles as a result of the 1966 Federal statutes; and greater government and general public efforts to convince the drivers that automobile accidents on our highways can be avoided by careful and self-disciplined driving habits. More can be done and should be done by all segments of our society, including each individual driver.

#### AMENDMENT NO. 609—AMENDMENT TO END THE WAR

Mr. GOODELL. Mr. President, a bipartisan group of Senators purchased prime television time to explain the amendment to end the war—amendment No. 609 to H.R. 17123—to the American public and to seek support for it.

The half-hour broadcast marks the first time that a congressional group has produced such a nationwide program.

The program—"The Amendment to End the War"—was broadcast on Tuesday, May 12, at 7:30 p.m. over the NBC television network.

Senators GEORGE MCGOVERN, MARK HATFIELD, HAROLD HUGHES, FRANK CHURCH, and I participated in the program.

The amendment to end the war was drafted by Senators MCGOVERN, HATFIELD, HUGHES, and me and was introduced on May 5, 1970. It states that unless Congress shall have declared war, no moneys appropriated under the act to which it is attached, or under any other law, shall be used in Vietnam after December 30, 1970, except for the withdrawal of all American forces. It requires that the withdrawal of American forces from Vietnam be completed—that all American military personnel be pulled out—by June 1971, unless the President of the United States requests and Congress passes a joint resolution extending that deadline.

The amendment provides that no money shall be used for military operations in Laos after December 1970. And it provides that no moneys shall be authorized for any military operations in Cambodia or for military aid for that country 30 days following the adoption of the amendment.

I ask unanimous consent that the transcript of the program be printed in the RECORD.

Mr. President, last week the St. Louis Post-Dispatch carried an excellent editorial commenting upon the Cambodian invasion and the amendment to end the war.

I ask unanimous consent that the editorial and the text of the amendment be printed in the RECORD.

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

#### THE AMENDMENT TO END THE WAR: A NETWORK TELEVISION BROADCAST, MAY 12, 1970, NBC

(Participants: Senator George McGovern, Senator Mark O. Hatfield, Senator Charles E. Goodell, Senator Harold E. Hughes, Senator Frank Church)

**NARRATION.** Today, in the bright springtime of 1970, the United States of America has been ripped apart. Citizens bludgeoned each other in the streets of New York. Students die in a campus eruption. Buildings explode. Banks burn. The Nation's colleges are shut down. The population is polarized, and there are parades of protest everywhere. Not since the days of the Civil War have Americans treated each other like this.

At the heart of the trouble lies the war in Vietnam. It is a strange war—a war that we have to keep explaining to ourselves year after year after year. And it is a difficult war to explain—particularly to the people who have to go and fight on its inconclusive battlefields.

But while all the talk goes on, the war goes on, too. It continues tonight, as it has continued for a decade. Tonight, Americans will die in Vietnam. Tonight, Americans will die in Cambodia.

What can we do?

Last week, amendment No. 609 was introduced on the floor of the United States Senate. It was co-sponsored by a bi-partisan coalition of twenty Senators. These Republicans and Democrats call it *the amendment to end the war*. They regard it as a realistic new thrust for peace. The Senate debate on it will begin in just a few days.

In the next half hour, five of these Senators will make a case for this amendment. If the American people can effectively urge its passage upon the Members of the House and Senate, if "the amendment to end the war" is passed, then the traditional right of declaring whether or not we shall commit Americans to battle will be returned to the Congress—where it belongs.

Through protest . . . petition . . . and an act of law, we shall have at last ended the Vietnam war.

And now, Senator George McGovern of South Dakota.

Senator MCGOVERN. There is no way under the Constitution by which the Congress of the United States can act either to continue this war or to end it, except by a decision on whether we will appropriate funds to finance the war.

Article I, Section 8 of the Constitution reads as follows: "The Congress shall have power to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years."

Senator HATFIELD. Our amendment to end the war fulfills the obligations that we have under the Constitution. The amendment clearly states that unless the Congress shall have declared war, that no monies appropriated on the act to which we attach the amendment, or any other law, shall be used in Vietnam after December 30th, 1970, except for the withdrawal of American troops and other provisions.

It provides that no money shall be used for military operations in the country of Laos after December of 1970. It provides that no monies shall be authorized for the use of any military operations in Cambodia, thirty days following the adoption of the Amendment; and that all troops shall be withdrawn from Vietnam, all American troops, by June 1971 unless the President of the United States shall deem that it is important enough to extend that time by requesting the Congress to pass a Joint Resolution authorizing such extension time.

Senator HUGHES. The Amendment to End the War provides continuing funding for full protection of American troops during the total period of our withdrawal. It also provides adequate funding to provide political asylum for all those South Vietnamese and other civilians for which there may be great concern about a bloodbath; and there are adequate provisions that these civilians may be placed in other places for their own protection.

It also provides for a continuing negotiation of exchange of prisoners.

Senator CHURCH. Very soon the Senate will be acting on another Amendment offered by Senator Cooper and myself, which is addressed to the Cambodian situation and sets the limits on that adventure to those declared by the President.

But this End the War Amendment takes the full step, and provides an orderly method for the extrication of the United States from the war in Vietnam, itself.

Senator MCGOVERN. And so what we're looking for is a reasonable way to accomplish that withdrawal, and I think that the principal stumbling block now is that we're somehow worried about losing face. We're worried about embarrassing the policy makers that sent us in there. We're worried about admitting that perhaps we made a mistake.

Actually, I think it would contribute to the greatness of the United States if, as a free people, we could just admit that we're capable of making a mistake; and then do the best we can to put an early end to it.

Senator HUGHES. Vietnamization is not a change in policy at all. It's a continuation of the old, old policy. It is dedicated to war, not to peace. It means that the war will go on and continue to go on for years to come. It means that there has been no one speaking, in this Administration or the last, of an end to our support commitment in Vietnam.

It means that we can look into the future for at least a decade, in all probability, to a quarter of a million men involved in Vietnam. I think every mother and father in America who has a son right now that's five, or six, or seven years old, or anywhere up to 15 or 16, should well realize that that boy is going to be involved in our future commitment in Vietnam under existing policy.

Senator GOODELL. We have come to the point where we realize, and I think the President realized when he went into Cambodia, that Vietnamization will not work; and it was an admission of the failure of Vietnamization.

I think it's time that the American people recognize that the President doesn't have the power to declare war or make war, alone. He can ask Congress to declare that power; and I think that's why what we are discussing here, and urging support from the American people for, is so important.

Congress can do this, and it's not an irresponsible action; and with the walls all falling down around American prestige and power in the world if we decide we're going to get out. Congress would simply be saying, "Okay, we've fought for seven years, we've bled and died, and we've spent our resources on this; and now the time has come to say to the South Vietnamese, 'take it over. We'll give you time. Over a period of time we're going to be withdrawing and you can go on getting aid if you fight for yourself in your own civil war. We're not going to stay there and fight and bleed and die for you any longer.'"

Senator HATFIELD. But the point is simply this: It's no longer the opinion of Presidents, and no longer the opinion of Senators; it's the evidence of history, of over 40,000 deaths, and this amount of resource expended that has proven each one of those escalations to be wrong. And I say, how



many more American men have to be heaped upon that funeral pyre of war to disapprove a theory or a doctrine of military action that has been proven wrong each time that it's been acted upon.

Senator CHURCH. After all, the United States is not going to impose any permanent solution in Asia to settle Asian problems among Asian people on the Asian mainland. Now, the idea that we are going to do that is—runs against the whole current of history.

Now, what's happening in Asia is that the western powers are moving out, and that the Asians are taking over for themselves; and Vietnamization, as it's been pointed out here, is not the method for extricating us from this morass. It will merely perpetuate our involvement in this war. Half of the troops may come home; the other half will stay indefinitely; and it does not serve the interests of the United States to maintain a permanent military base in Southeast Asia.

Senator GOODELL. The President reiterated the other night that he was going to continue to bring back these 150,000 men in the next 12 months. Now, many Americans may feel that that means they're all going to be coming back, and nobody's going to be going.

Under a policy of bringing back 150,000 men in the next 12 months, we will send to South Vietnam 276,000 men who are not there now, who are now in the military or about to go into the military; and we'll bring back more, 150,000 more than we send, but in the rotation process there will be this 276,000 men go over there to fight, and perhaps die.

Senator McGOVERN. And what would we have accomplished, or what evidence is there based on past history, to lead us to believe that we would be in any better position, or that South Vietnam would be in any better position, 1 year or 5 years or 10 years hence, after tens of thousands of additional Americans have been killed, than we are now? What would we have gained?

Senator CHURCH. We have created a "crisis of confidence," and a deep disillusionment and an alienation that doesn't just affect a narrow fringe of radicals on campus. Anyone who goes to the campuses knows that this feeling extends to millions of young Americans.

Now, if they grow up without a belief in this system, that, it seems to me, has far greater bearing upon the future of the United States than anything we have now, or have ever had at stake out in Indochina.

Senator HUGHES. I think one of the great, tragic byproducts of all of this has been the spiritual scarring of our own people. The questioning in our own minds of why we're involved in a body-count war with total military supremacy, with indiscriminate bombing and far-ranging effects on the ecology of those nations by spraying chemicals and driving the people off of the land into the cities, completely changing the complex of that little nation involving sixteen to eighteen million people.

And we ask ourselves, can we be happy about the fact that we've killed 10,000 Vietnamese and suffered 300 deaths ourselves and in the process that this complete psychology that we have of destroying life, you know, at any expense, and what the results of it are—

Senator CHURCH. It's brutalizing our own society.

Senator HUGHES. It's brutalizing us internally, and we find our young people turning away from it, fleeing to Canada to avoid a war they consider immoral and attitudes that they consider unrealistic in a time, in an age when we really are questioning ourselves to find national purpose again.

Senator McGOVERN. What we need to understand is that there is no way to separate the cost of this war in Asia, from the cost of our own society. Now, there were

stories in the press recently that some of our poor people, some of the black citizens and other minority groups, have shied away from participating in protests against the war on the ground that their concerns are with hunger and with racism and with poverty.

But what I think all of our fellow Americans need to understand is that the answer to these other problems will not come until we put this war behind us, and the enormous drain that it's taking here in our society. The person who's worried about inflation ought to realize that war is a principal cause of it. The man who's worried about the stock market skidding ought to realize that the stock market jitters are associated, to a great extent, with the war.

And as you've said so many times, the Governors and the city councilmen and the others who are worried about where the money is going to come from for those new schools or new sewage projects or other things, they have to understand that the war is robbing them of those possibilities.

Senator HUGHES. We're talking about 16 to 18 million people in South Vietnam. There are 23 million blacks in America who have not been able to find justice in this great country. Untold thousands of American Indians who have never been brought to their fulfillment. You who have worked so long and so energetically in the field of hunger in America, and poverty, with some 35 million people living in poverty, with the very foundations shaking of every major city in the Nation, with the great, basic, undergirding of this Nation that has always kept it stable, with those minorities is now being drained off and siphoned off in the name of somehow saving face in Southeast Asia, you know.

So when we talk, I think you would agree that there seems to be a great paradox in this.

Senator GOODELL. The cost of the war last year was \$23 billion, so you can say in just about specific terms that 1 year's cost of this war would clean up all our waters in the United States.

Senator HATFIELD. The half hour that this program is being telecast to the American people, to reduce that or to translate that into terms of the cost of the war; the Federal Government will be spending \$1 million just in this one-half hour period.

Senator GOODELL. In Vietnam.

Senator HATFIELD. In Vietnam. Just in Vietnam.

Senator CHURCH. Mark, you know the argument is made that the world will think we're weak if we withdraw from Vietnam. I think that of all the arguments that are made, that is the least impressive. Actually, the world knows that we have the power to exterminate every living inhabitant of Vietnam. If we unleashed that power we could salt it over the way Rome salted over Carthage.

It's not our power that's in question out there. It's the wisdom of our policy; and the world sees the biggest, richest, strongest nation dropping more bombs on North Vietnam than we dropped on all Europe in the Second World War. They see this tremendous disproportion of strength and wealth, and that puts us in a very bad light in the world.

In fact, this war has done more to undermine America's moral leadership in the world than anything that's ever happened to us, and the faster we put the matter right in Southeast Asia and end this war, the sooner we will begin to win back again the respect that this country ought to have throughout the world.

Senator HUGHES. What do you say to people who are really concerned, and I know they're concerned, about the fact that we'll lose face in the world, you know, that we'll really not be a first rate power, as has been

implied by our Chief Executives in the past and in the present? And the concern of honest Americans who want to get out of the war, who want to stop the killing and the dying, and yet they say this is America's place in the world, that unless we accept this challenge we're somehow failing in world leadership.

I think this is the question in the minds of millions of Americans today.

Senator HATFIELD. What constitutes leadership. Not just power of armament, but power of ideals. And I say that we are losing in the world today by continuing to be in Vietnam.

It's not a matter of national price. It's a matter of whether we're practicing what we preach. It's a matter of whether our ideals that were embodied in the Constitution, in the hearts of the American people, are really at the center of our policy, or whether we're out here with some peripheral object of face-saving, and so forth. I say, if it's to be humiliating to admit we're wrong and to save lives, then the sooner we do this, the better it's going to be for our nation. But I don't consider it humiliation. I consider it greatness, because only the powerful can take the chance of admitting error, and we're that powerful today.

Senator GOODELL. And most civilizations that have died, have died from within; and that is happening now in the United States of America if we don't get out of this war.

Senator CHURCH. We clothe this war in the sacred words of "justice" and "freedom" and "peace." But justice and freedom and peace aren't at stake out there. You know, the Government that we're supporting is not a democratic government, it's an incompetent and corrupt military dictatorship; and it's involved in a war with another dictatorship. This is a war between two dictatorships for control of Vietnam.

So I think we make a grave mistake when we try to clothe such a war in terms of the ideals for which this country should stand. Freedom is not at issue for the people of Vietnam. One way or the other, the kind of freedom that we know is not going to be the gift of this war out there.

Senator HUGHES. I think the gut question, though, Frank, and particularly George, when we're talking about this Amendment to End the War, to most Americans is, how can I support this Amendment and at the same time support my country in an involvement we've had over the last 15 years. And I think if people could resolve this in their own minds, you know, they'd very willingly bring this war to an end through this Amendment.

Senator McGOVERN. Now, the President said the other night that if we leave Vietnam now, we're going to be through, or I think he said we're going to be finished as a peacemaker in Asia. Well now, I think we ought to quit trying to be the policeman for Asia. Let's quit trying to be a solo policeman and banker and pacifier in Asia alone. How ironic it would be if at long last we succeeded in pacifying Southeast Asia and couldn't pacify our own society.

Senator HUGHES. The invasion of Cambodia, I think, was truly the straw that broke the camel's back. They're writing to me at about 8 to 10 to one against the President's posture right now in Southeast Asia; and in the belief and the hope that the Senate of the United States will offer the leadership, you know, to alter this posture.

Senator GOODELL. Everything we have said here tonight is completely unpartisan. I think we have all been as critical of the Democratic Presidents as we have of Republican Presidents, and we should not be considering this in terms of political or partisan advantage one way or the other. This war transcends partisanship, and I know a great many Republicans as well as Democrats who think our policy now is wrong, and we ought

to get out. I think the overwhelming number of all Americans, whatever their political party, believe this.

Senator McGOVERN. I think what we're trying to do with our Amendment to End the War, is to say that that is too important a decision to place on the shoulders of one man. It's too big a risk to ask one man to decide alone. The President ought not to have to make that judgment alone, and under the Constitution, he's not supposed to make that decision alone.

What we're proposing to do is to share that responsibility, and whatever political risk, whatever opportunity, whatever hazard is involved in making the decision to end this war, we're prepared, as elected officials, to stand up on that question and answer yes or no, and then take whatever blame or whatever credit is involved.

Senator GOODELL. In effect, we're providing a situation where the President can withdraw faster, where he can make a determination the war is going to end by a fixed date, and he will not bear the whole onus, himself. We recognize that when you've made such a tragic mistake, there's no painless way to get out of that mistake. We're saying, "We'll share that pain, we'll share that responsibility. But let's recognize the mistake and get out of it."

Senator HUGHES. What do we say to the American parents who have sons fighting in Vietnam? Is this a patriotic move that we are taking in this Amendment to End the War? Is this support of their sons and of our fighting men in Vietnam?

Senator GOODELL. There is no better way to protect the young men who are fighting over there than to bring them home; and I don't know of any military person in any responsible position, who doubts that if we made our declaration, "we're coming out," that they would be brought home safely then.

As long as we stay there, the casualties are going to go up, and if President Nixon's program works, over the next three years, we are talking about a minimum of 5,000 more American dead, and probably closer to 20,000. Four or five times that many casualties, and four or five times that many Vietnamese deaths in the process. Not to mention the billions of dollars involved.

Senator McGOVERN. But now what we're proposing is not a disorganized and uncoordinated outcry. We're proposing a specific legislative Act that will have the full force of law, and it will say in effect, no more money for Southeast Asia for any purpose other than arranging for the systematic and safe withdrawal of our forces, for the exchange of prisoners, for asylum for those people that might be threatened by our withdrawal. It's an orderly, Constitutional procedure for bringing about an end to this war.

Senator CHURCH. Now, this brings the Congress back to the role that it should have been playing all along. It asks the Congress to assume its responsibility to the American people, and it brings our democratic system back to life again in a balanced, Constitutional manner; and that in itself is as important in the long run to the life of this Republic as ending the war in Vietnam.

Senator HATFIELD. What do we say to the American people who have been watching, and who would say, "Well, we agree with you, but our voice is not very loud. I'm only one person, I'm just a little person, so-called little person." You hear that many times. Does that voice have a place in this whole great issue of war and peace?

They say, "We're tired of speeches. We want some action." A lot of the young people say this to us. A lot of the older people say, "All right, turn it off. We agree with you,

but what have you done about it? What can you do about it, what can we do?"

Senator CHURCH. We're asking people to make their views known responsibly to their Congressmen, and we are asking the Congress and the Senate of the United States particularly, to begin to assume its responsibility under the Constitution. For years and years now we've abdicated. We've given all the power to the President when it came to war. We've sat on our hands and done nothing, and hoped that the people would look the other way.

Well, the time has come to reassert our responsibility and to stand up and vote on the question of war or peace.

Senator HATFIELD. You know, we've sort of enshrined silence as the virtue of patriotism in the last year or so; and actually, I think the highest patriotic duty that any citizen has is to speak up, to speak his convictions and his mind. That's the hope that we've got to give to all American people. That there is this method, there is this channel open to them, and that we, and others like us on this end of the power structure, so to speak, are receptive. We're not only receptive, but we're inviting them to participate in this Amendment to end the War.

Senator HUGHES. This is what we must do. We need their help. Even if we had 40 Senators presently on this Amendment, we need the help of the people of the United States. There's no other way that we can succeed; and the voice of the people counts in the final analysis. If I'm to exercise my judgment and to follow my conscience in a position of responsibility, I must tell the people when I think we're right, and I must tell them when I think we're wrong; and expect them to support those positions, or to oppose them. But for Lord's sake, don't be quiet. Write, support or oppose, but do something in this critical time.

Senator HATFIELD. If you want to cast your vote to end the war in Indochina, there is something you must do in the next few days. Write to your Congressman or your Senator, just the simple words, "I vote for the Amendment to End the War in Southeast Asia."

Senator GOODELL. And there's something else you can do. Take a sheet of paper and write on the top, "We, the undersigned, favor the Amendment to End the War." Leave room for names and addresses; and then go out to work, to the church, to the supermarket, where ever you can collect signatures, and get people to sign who agree with you. Send those petitions to your Congressman and to your Senators.

Senator HUGHES. The President of the United States rightfully can command all media to bring a message to the people of the United States any time he deems he has a message of importance. For those of us who have differing viewpoints, and wish to express those to you, the American people, it requires that we seek your assistance.

Senator CHURCH. Remember that 66 cents out of every tax dollar now goes for war. A dollar for peace could go a long way. So send your contribution, whatever it may be, in order that we can continue to speak out. Make your checks out to "Amendment to End the War," post office Box 1A, Ben Franklin Station, Washington, D.C. 20044.

Senator McGOVERN. Let me close this broadcast on a very concrete and specific point. What we are proposing here is that for the first time in the long history of this war, the Senate of the United States stand up and be counted yes or no, on the question of whether we wish the war to continue, or to be ended. We propose to do that in a vote that will come in a very short time. We pledge you that that vote will be held. This is not a sense of the Congress Resolu-

tion, it is not a debator's point; it is an act of law, which if carried, will put an end to this war in a systematic way. We ask earnestly tonight for your support in that effort.

President NIXON. Strive in every area of the world—

General WESTMORELAND. In 1968, a new phase is now starting.

President JOHNSON. General Westmoreland's strategy is producing results.

General WESTMORELAND. The enemy's hopes are dim.

President NIXON. If, when the chips are down, the world's most powerful nation acts like a pitiful, helpless giant—

Closing NARRATION. In just a few days, debate on the amendment to end the war will begin on the floor of the United States Senate.

If the American people can effectively urge its passage upon the Members of the House and Senate, if the amendment to end the war is passed, then the traditional right of declaring whether or not we shall commit Americans to battle will be returned to the Congress—where it belongs.

Through protest, petition, and an act of law, we shall have at last ended the Vietnam war.

#### AMENDMENT No. 609 TO THE MILITARY PROCUREMENT AUTHORIZATION BILL (H.R. 17123)

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

(b) Unless Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended after December 31, 1970, to furnish to Laos any military advisers, or to support military operations by the forces of the United States or any other country in or over Laos.

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

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

[From the St. Louis Post-Dispatch, May 3, 1970]

#### A CUT-OFF DATE FOR WAR FUNDS

President Nixon now has his own Indochina war and his own credibility gap. Neither one is inherited any longer. In asking the American people to support the ex-



pansion of the Vietnam war to Cambodia, as he has already expanded it to Laos, he asks them to believe the same false promises which have repeatedly betrayed them against their will into ever deeper involvement on the mainland of Asia.

They are asked to seek peace by making war; to seek withdrawal of our troops by enlarging the arena of combat; to diminish American casualties by sending more young men to their death; to save the lives of 450,000 American troops by one more round of escalation. And all this Mr. Nixon asks in the name of preserving the credibility of America as a great power!

Such an exercise in double-think and double-talk would be unbelievable if the whole nation had not seen an uneasy President floundering in illogic and misrepresentation before its very eyes. It is still hard to understand how a President who saw his predecessor destroyed by manipulating the people into an unwanted war would now attempt to manipulate them into enlarging the war he promised to end.

When all of Mr. Nixon's patchwork rationalizations are stripped away, it is quite clear what has happened. His policy of Vietnamization is a failure. It always was a fatuous assumption that as American troops withdrew the South Vietnamese would become stronger and Hanoi would be intimidated into accepting defeat. Now that the assumption has been exposed as false—now that the Communists refuse to give up fighting on Mr. Nixon's command—the Pentagon has sold him the bill of goods that escalation will rescue a bankrupt policy.

It is the same bill of goods, slightly worn, that the generals sold Lyndon Johnson. First they promised that a merciless air war would bring Hanoi to its knees; and it didn't. Then, 500,000 ground troops would cow the Viet Cong; and they didn't. Now, "cleaning out" the bases on the Cambodian border, which our forces have lived with for five years, will suddenly win the war—and who can believe, honestly, that it will?

Nor can rational men honestly believe that sending American troops into Cambodia is necessary to save the lives of our garrison in Vietnam. The 450,000 men there, equipped and armed to the hilt, are perfectly able to protect themselves and Mr. Nixon knows it. So he fuzzes up the argument by saying that the object is to protect the lives of those Americans who will be left in Vietnam after mid-1971, when the current withdrawal schedule has been fulfilled.

This adds up to an interesting confession that Mr. Nixon intends to leave some 300,000 troops in Vietnam after his third year in office, but it is no more persuasive than the other. The plain truth is that Vietnamization has failed, the withdrawal schedule is threatened, Mr. Nixon because of his marriage to the Thieu-Ky regime refuses to negotiate a compromise political settlement, and so he buys the old, battered nostrum of escalation.

Until now many Americans have been disposed to give the President every benefit of the doubt, to support his withdrawal schedule and Vietnamization policy as sincere efforts to end the war. Now increasing numbers of them must feel like Republican Senator Alken of Vermont, who after pleading with Senators for months to back the President on faith is compelled to acknowledge the "greatest disappointment in my life."

It is no wonder that moderate and thoughtful men like Republican Senator Mark Hatfield of Oregon are coming to the conclusion that the only way left to carry out the public will is to exercise the constitutional powers of Congress in a way that guarantees an end to the war. Like Republican Senator Goodell of New York, Senator

Hatfield is proposing that Congress stipulate a cut-off date after which no more funds will be appropriated for military operations in Indochina.

We favor such a measure. The cut-off date could be set far enough ahead to avoid any perils of precipitate withdrawal. It would not interfere with, but would reinforce, an orderly and secure disengagement. It would do no more than to write into law what Mr. Nixon claims to be his policy of ending the war. Its most immediate effect, we imagine, would be to compel Mr. Nixon to negotiate a reasonable political settlement based on a coalition government, to be followed by elections in which the Vietnamese people determine their own future. And what is wrong with that?

### CREDIBILITY GAP IN TELEVISION BROADCASTING BUSINESS

Mr. DOLE. Mr. President, a column written by Richard Wilson and published in the Washington Evening Star of May 11, 1970, points out the growing credibility gap in the television broadcasting business.

Mr. Wilson, himself a member of our much criticized news media, discusses the refusal of the Columbia Broadcasting System to supply the Department of Defense with information which might help to determine whether war crimes have been committed in Vietnam.

The columnist mentions three CBS news segments filmed in Vietnam which have been under investigation for allegedly being "faked."

I ask unanimous consent that the column be printed in the RECORD.

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

#### CBS STAND IN WAR NEWS PROBE IS QUESTIONED (By Richard Wilson)

The Columbia Broadcasting System has been under investigation for allegedly faking horror scenes from Vietnam but is standing its ground in refusing to supply the Defense Department with requested information which might help to determine if war crimes were committed.

There are some fine points here but CBS's judgment can be questioned in not cooperating, both as a matter of self-examination and in the interest of punishing American officers for any complicity in war crimes.

Freedom of press and speech is not so much involved as the integrity of television broadcasting which is already suffering from a credibility gap. The view inside the Nixon administration is somewhat more drastic. CBS is considered to be totally irresponsible, indefensibly hiding behind a freedom-of-the-press screen, a bald fraud on the public.

That view need not be adopted in order to see the weakness in CBS's position in not in itself wishing to get to the bottom, or at least letting the public get to the bottom, of how much fakery there is on TV and where showmanship ends and falsification begins.

Three incidents in particular have been under recent investigation. In one, CBS Evening News on Feb. 17, 1970, showed South Vietnamese soldiers covering the face of a prisoner with a towel and pouring water on it to bring the victim to the verge of suffocation and thus persuade him to talk. A U.S. adviser was pictured watching.

CBS Evening News on Oct. 9, 1967, reported an incident in which a soldier attempted to cut off the ear of a dead enemy soldier. Two

CBS people, Don Webster and John Smith, were involved in reporting the incident. They were subpoenaed at the trial of Spec. 4 George A. Pawlasky but neither appeared, both being absent from the Republic of Vietnam at the time of the trial.

Pawlasky was found guilty in the ear-cutting incident. At the request of the American Embassy, no further action was taken against Smith, who was listed as a principal in the case for having supplied the knife for the ear cutting.

The third incident appeared on CBS Evening News on Nov. 3, 1969, and was narrated by the same Don Webster who reported the ear-cutting matter. The third incident involved the stabbing of a captured Viet Cong by a South Vietnamese in the presence of U.S. personnel. Its authenticity was challenged in a report from the American Embassy in Vietnam on Nov. 13 as a "cut and paste" job involving different locales and personnel and including an Australian helicopter as well as some U.S. training film.

In all these instances efforts were made by the directorate of defense information to get from CBS information or unused film (called "outtakes") other than had appeared in any of the broadcasts. The president of CBS News, Richard S. Salant, advised the Defense Department that it would not risk compromising its news sources and its news personnel in Saigon by revealing more information than was broadcast.

Salant was asked to reconsider but he refused. "Outtakes," like a reporter's notebook, are sacrosanct, Salant contended. And he observed that the Defense Department, with its widespread facilities, does not have to rely on CBS News in order to carry out its investigation of a war incident.

The latter may be quite true but it does not adequately explain why CBS, like any newspaper, would not support the authenticity of its own reports by more than merely asserting that they were true.

There undoubtedly will be some kind of a judicial determination, growing out of other cases, on whether or not reporters can refuse to supply their raw notes which might or might not support evidence of the commission of a crime.

And, of course, this question becomes sharper when reporters or photographers, as in the case of the Vietnam incidents, may be called upon to supply information against people who might have cooperated with them in production of a television feature. These people might conceivably be their friends, while reporters turning over their notes on demonstrators and protesters might not know the persons involved.

There are really two separate questions, the integrity of television broadcasting and the matter of the inviolability of a reporter's news sources. The courts can decide the latter. But the public wishes to know if what it is seeing on TV is authentic, exaggerated showmanship or just plain fakery, and it is much in the long-range interest of CBS to reassure the public on this point, either by proof of the authenticity of its reporting or corrective action against fakery.

#### WALTER REUTHER

Mr. HUGHES. Mr. President, in remembering Walter Reuther, I would rather speak of the great gains that came to our society because such a man lived, rather than to dwell on the immeasurable tragedy to America of his sudden loss. Walter was too vital a man to lend himself to obituaries.

My personal impression of Walter Reuther was one of sudden sunlight and

quick lightning. Within him were the contrasts of greatness. He was the toughest of fighters against injustice, and at the same time a compassionate and prophetic planner for human betterment.

His passionate commitment to the great causes of this democratic society and of all humanity kept him youthful, looking into his early sixties.

It was my privilege to have a long visit with him by telephone on the Friday afternoon before his untimely death.

Out of this conversation, I received the same sparks of vision and leadership I have always gathered from my contacts with this great American. I would not presume to guess how many individuals in public life have gained strength and encouragement from Walter Reuther to sustain them in the never-ending job of building a just and better society. He was always the bulder, never the iconoclast.

He was a brilliant leader among the brilliant men of his times. More than this, he had passion and faith. Equipped with them, man can move mountains. Walter Reuther did.

It was of no consequence to him that a cause might be unpopular, if he believed it was right.

He was one of the early crusaders for peace, despite the extensive involvement of his union in war industries. In recent months, he was an outspoken opponent of the ABM and of the extension of our Asian involvement into Cambodia.

He was the fearless advocate of the open society—open unions, open political parties, the unified American society in which there would be no exclusions or polarizations for reasons of age, ethnic origin, creed or economic status.

He was a pioneer among labor leaders for equal opportunity and the elimination of racial prejudice.

He entered the lists for these broad human goals with the same unquenchable zeal that he had brought to winning equitable wages and working conditions for the 1.3 million members of his union.

No one who knew Walter Reuther could doubt the memorial that he would want—the continuation by organized labor of his unique campaign, beyond the traditional bread and butter issues rightly prized by the workers, to the broader goals of building a stronger democratic nation and a peaceful world community.

I, for one, believe that the leadership of the United Auto Workers and other great units of organized labor will keep faith with Walter Reuther and build him the kind of living memorial he would have wanted.

#### ISRAEL INDEPENDENCE DAY

Mr. HRUSKA. Mr. President, this week the Nation of Israel celebrates the 22d anniversary of its Proclamation of Statehood. On May 14, 1948, Mr. David Ben-Gurion read the proclamation to a group of tearful but happy Jews gathered in Tel Aviv, and a few hours later, at midnight, the State of Israel came into existence. It was a paradox of history that this Nation, one of the oldest

on the earth with a history of almost 4,000 years, should be welcomed into the family of nations in 1948 as a new member. In the intervening 22 years, the Israelis have demonstrated that they are a young and dynamic nation, worthy inheritors of the wisdom and industry of their forefathers.

Because of Israel's long and close relationship with the United States, it is fitting that we should note the anniversary of its statehood and take the occasion to reflect upon the growth and achievements of this young and vital nation.

In the few short years of its existence, Israel has successfully absorbed countless thousands of immigrants from lands as diverse as Yemen and the Soviet Union. Under conditions of extreme physical hardship, a State has been built that rivals any in the world for its industry, its creativity, and the dedication of its people.

In every field of endeavor, the Israelis have shown an uncommon capability to provide new insights, to seek new approaches, to devise new methods. It is perhaps this innovative spirit which has made the State of Israel so prominent in so many enterprises. But unfortunately, for all the initiative invention of the Israeli people, they have not been able to find the formula for peace in their land.

It is regrettable and tragic that the constant threat of escalating conflict continues to hang heavy over the Middle East. It is difficult to replace bitter enmity and rancor with candor and conversation, but peace and prosperity are worth pursuing and must be pursued despite the difficulty of the task.

It is my belief that the nations of the Middle East must mutually recognize the right of each other to live in peace as sovereign nations with secure boundaries. The United States does not propose that Israel withdraw from occupied Arab territory except in the context of a mutually accepted peace and measure to insure the security of both sides. While the President has said it would be a "grave mistake" for Israel to take final and formal possession of the occupied territories, he has also stated "it is not realistic to expect Israel to surrender vital bargaining counters in the absence of a genuine peace and effective guarantees." I am certainly in agreement with him on this point. What virtually the entire world is saying to both sides is that peace and withdrawal are inseparable. There will be no peace without withdrawal; there should be no withdrawal without peace. This has been the constant position of the United States since 1967 and is the essence of the November 1967 Security Council Resolution.

The most recent developments and their relation to the arms balance do, however, serve as a serious reminder of the depth of the Soviet commitment to the Arab countries. It is in this context that President Nixon observed that

When one gets an enormous advantage over another, or a significant advantage, the danger of war coming escalates. That is why our

policy has to be to try to maintain a balance so that neither is encouraged to embark on an aggressive course.

In a recent speech the President reaffirmed the commitment which he made to Israel last year in a speech to the B'nai B'rith convention. Senators may recall these words:

Israel must possess sufficient military power to deter an attack. As long as the threat of Arab attack remains direct and imminent, sufficient power means the balance must be tipped in Israel's favor. . . . For that reason—to provide Israel a valid self-defense—I support a policy that would give Israel a technological military margin to more than offset her hostile neighbors' numerical superiority. . . .

The President recently emphasized:

The United States is prepared to supply military equipment necessary to the efforts of friendly governments like Israel's to defend the safety of their people. We would prefer restraint in the shipment of arms to this area. But we are maintaining a careful watch on the relative strength of the forces there, and we will not hesitate to provide arms to friendly states as the need arises.

As the conflict continues, the world is becoming increasingly aware of the trials faced by the State of Israel. The wars between the Israelis and their Arab neighbors in the past two decades, have drained vital energy, wealth, and time from the Israeli people. It is important to note, however, that the pride of Israel has never been lost. The pride they have in their young people who have been sent off to battle, retarding the process of nation building, should be an example to us all. In spite of the burdens which have faced this young nation, the Israelis have amassed one of the most astonishing records of growth and development of any nation in the history of the world. The Israeli triumph over adversity is truly one of the miracles of our time.

On the occasion of the anniversary of Israel's independence, we join the many friends of Israel around the world in offering our heartiest congratulations and expressing the hope that the next celebration in Israel shall be for a permanent and meaningful peace.

#### THE 22D ANNIVERSARY OF ISRAEL

Mr. MCGOVERN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the Senator from New Jersey (Mr. WILLIAMS).

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

ISRAEL AT 22

Mr. WILLIAMS of New Jersey. Mr. President, this week the State of Israel is celebrating the twenty-second anniversary of its independence. On Independence Day, one would expect a national leader to recite, in prepared speeches, all the right nationalistic slogans, raising the Nation to the highest peaks of patriotism. This especially would appear to be the case for a country at war. One would expect that, in a country like Israel, the entire day would be devoted to glamorizing Israel's heroic victory in the Six-Day War of June, 1967.



Instead, we cannot help but notice the sober tones and mature international attitude of this young nation, as reflected by the Independence Day speech of that remarkable woman, Golda Meir, the Prime Minister of Israel. Instead of reflecting the attitude of a victorious warrior, Mrs. Meir assured the world that Israel would negotiate a peace "without preconditions" and with "full consideration for Arab dignity and legitimate rights."

This generous statement comes from the leader of a nation created by the survivors of history's worst example of the refusal to recognize the dignity of man and his legitimate rights. Out of the holocaust of World War II, a nation was reborn. All it claimed for itself was a tiny and physically not very desirable piece of the earth's surface. Few objective viewers would have given that handful of people much chance in their fight against the sun-baked wasteland. Fewer would have believed that they could protect that land and their own lives against the armed invasion of an Arab world outnumbering her 40 to 1 in population, and even more so in weaponry.

Twenty-two years and three wars later, Israel still lives and thrives. She lives on her strength of character, on her will to survive, on her dedication to a fruitful and productive life in the Jewish homeland.

But today, Israel faces a new threat. Indeed, the entire free world faces a new threat in the escalating Middle East crisis.

As I have stated previously, the recent escalation by the Soviet Union strikingly demonstrates the error made by the Administration two months ago in refusing to sell Israel American aircraft. Although we all abhor further arms escalation, in these circumstances we cannot delay for even one more day agreeing to sell Israel the aircraft she desperately needs in order to survive.

#### LUTHERAN MEDICAL CENTER AND REVITALIZATION OF SUNSET PARK IN BROOKLYN, N.Y.

Mr. GOODELL. Mr. President, last December 19 my distinguished colleague from New York (Mr. JAVITS) spoke eloquently of the Lutheran Medical Center in Brooklyn, N.Y., and its pioneering efforts to improve a seriously blighted urban area. I should like today to bring Members of Congress up to date on the progress that has been made by that hospital in the community of Sunset Park.

During the last 12 months, what was a diverse and fragmented neighborhood has united on the common ground of the hospital and in the hope of possibly revitalizing their neighborhood. In essence, the Lutheran Medical Center is attempting to create a bridge between its neighbors and their local, State, and Federal governments. It is trying to articulate for those who can help, the needs and hopes of the people in Sunset Park. It is working at bringing together the diverse groups to encourage a unified neighborhood. It is acting as an instrument to bring about change in their area.

The Lutheran Medical Center is seeking to be the focal point for other community forces to gather and create a strong neighborhood voice. It means to give support to existing community or-

ganizations by providing the talents of its staff, the use of its physical facilities, and the prestige of its institutions. It will help them with their functions, or operate neighborhood services in partnership with them, or design health services with their advice. In short, the Lutheran Medical Center is endeavoring to draw the attention of all to the plight of Sunset Park, and to weld the power of government and the power of the people into a positive force to improve the quality of life in their neighborhood.

There is evidence that this program of community advocacy is beginning to work. The following examples would give one hope that a community institution—serving the people and intimately involved with them, a major employer of neighborhood residents—can effectively serve as a community advocate.

The Lutheran Medical Center runs an Office of Economic Opportunity-sponsored neighborhood family health center, in its third year of operation.

The Lutheran Medical Center, in partnership with its community, runs a food distribution center.

As a result of interest generated in the community in support of using the hospital as the instrument for change, and in partnership with the city of New York, the Sunset Park redevelopment committee, a group of 16 community residents, representatives of the various ethnic, political, social points of view, was formed to work together to develop a broad plan for the redevelopment of their neighborhood. The result of this committee is a 120-page document that addresses itself to the needs and desires of a community, with community, hospital and city input—a far-reaching cooperative effort that has the kind of power necessary to bring it all to fruition. However, the Lutheran Medical Center is absolutely essential to the success of the urban plan.

The hospital has therefore applied to the New York State Department of Health for a loan under the State's loan program for voluntary hospitals. In this regard I was gratified that the Lutheran Medical Center—particularly through the efforts of Mrs. Bonnie Kraig, assistant to the president of the center—was able to steer through to enactment by the New York State Legislature a bill that is vital to the whole redevelopment program.

I think what is particularly exciting and innovative about the story of the Lutheran Medical Center is the effort being made by an indigenous institution to look beyond its own self interests, and see its role as concerning itself with the total health needs of its community. In a day when most institutions are fleeing the city, this one chooses to remain and create a momentum of positive action.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

#### ATOMIC ENERGY AUTHORIZATION, 1971

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business which will be stated by title.

The LEGISLATIVE CLERK. A 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.

The Senate proceeded to consider the bill.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. PASTORE. Mr. President, the reason for my asking for the quorum call was to alert Senators to the fact that new business is pending, it being Calendar No. 857, 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.

Mr. President, I wish to point out that the authorization bill we are presenting today to the Senate is the result of 9 days of hearings by the Joint Committee on Atomic Energy, and additional probing questions by our committee and its staff regarding the authorization bill and the details of the atomic energy program as approved for inclusion in the President's budget for fiscal year 1971.

The bill reported out by the Joint Committee is the result of several months of careful consideration and the resolution of all differences among the members of our committee. The Joint Committee unanimously supports S. 3818.

S. 3818 would authorize appropriations to the Atomic Energy Commission totaling \$2,290,907,000. This amount covers both "Operating expenses" and "Plant and capital equipment." This total amount is less than last year's authorization for the AEC by over \$150 million, or over 6 percent less. If escalation is taken into account the actual effort for fiscal year 1971 is reduced over 11 percent.

Section 101(a) of S. 3818 would authorize appropriations of \$2,013,307,000 for "Operating expenses" of the Atomic Energy Commission. A table summarizing the operating expenses for the AEC's major programs is set forth in the Joint Committee's report accompanying the bill.

I ask unanimous consent that that table be printed in the Record at this point.

There being no objection, the table was ordered to be printed in the Record, as follows:

AUTHORIZATION OF OPERATING EXPENSES<sup>1</sup>

[In thousands of dollars]

| Program                                     | AEC<br>authoriza-<br>tion<br>request | Committee<br>recommen-<br>dations | Change | Page<br>No. | Program  | AEC<br>authoriza-<br>tion<br>request | Committee<br>recommen-<br>dations | Change | Page<br>No. |
|---|--------------------------------------|-----------------------------------|--------|-------------|--|--------------------------------------|-----------------------------------|--------|-------------|
| Raw materials.....                          | 18,016                               | 18,016                            | -----  | 9           | Mathematics and computer.....                    | 5,410                                | 5,410                             | -----  | 37          |
| Special nuclear materials.....              | 348,518                              | 348,518                           | -----  | 10          | Chemistry.....                                   | 51,980                               | 51,980                            | -----  | 37          |
| Weapons.....                                | 841,760                              | 833,260                           | -8,500 | 14          | Metallurgy and materials.....                    | 26,980                               | 26,980                            | -----  | 38          |
|   |                                      |                                   |        |             | Controlled thermonuclear.....                    | 29,610                               | 28,610                            | -1,000 | 38          |
| Reactor development:                        |                                      |                                   |        |             | Total, physical research.....                    | 274,430                              | 273,430                           | -1,000 |             |
| Civilian power reactors.....                | 130,000                              | 130,600                           | +600   | 16          | Biology and medicine.....                        | 88,300                               | 88,440                            | +140   | 39          |
| Cooperative power.....                      | 43,000                               | 43,000                            | -----  | 23          | Training, education, and information.....        | 12,780                               | 12,780                            | -----  | 41          |
| General reactor technology.....             | 42,000                               | 42,000                            | -----  | 27          | Isotopes development.....                        | 6,000                                | 6,920                             | +920   | 42          |
| Nuclear safety.....                         | 35,940                               | 37,300                            | +1,360 | 27          | Civilian applications of nuclear explosives..... | 8,000                                | 7,500                             | -500   | 43          |
| Operational services.....                   | 1,890                                | 1,890                             | -----  | 28          | Community.....                                   | 7,844                                | 7,844                             | -----  | 45          |
| Subtotal, civilian power-related.....       | 252,830                              | 254,790                           | +1,960 |             | Regulation.....                                  | 12,672                               | 13,572                            | +900   | 46          |
| Space nuclear propulsion.....               | 43,000                               | 43,000                            | -----  | 28          | Program direction and administration.....        | 111,128                              | 110,828                           | -300   | 47          |
| Space electric power development.....       | 33,395                               | 33,055                            | -340   | 30          | Security investigations.....                     | 8,370                                | 8,370                             | -----  | 49          |
| Terrestrial electric power development..... | 2,200                                | 900                               | -1,300 | 31          | Cost of work for others.....                     | 24,246                               | 24,246                            | -----  | 49          |
| Naval propulsion.....                       | 132,000                              | 136,800                           | +4,800 | 32          | Revenues applied.....                            | -227,357                             | -227,357                          | -----  | 50          |
| Total, reactor development.....             | 463,425                              | 468,545                           | +5,120 |             | Changes in selected resources.....               | 19,768                               | 18,495                            | -1,273 | 51          |
| Physical research:                          |                                      |                                   |        |             | Unobligated balance brought forward.....         |                                      |                                   |        | 51          |
| High-energy physics.....                    | 119,450                              | 119,450                           | -----  | 35          | Total.....                                       | 2,017,900                            | 2,013,407                         | -4,493 |             |
| Medium-energy physics.....                  | 13,140                               | 13,140                            | -----  | 36          | Less reduction for foreign travel.....           |                                      | -100                              | -100   |             |
| Low-energy physics.....                     | 27,860                               | 27,860                            | -----  | 37          | Net authorization.....                           | 2,017,900                            | 2,013,307                         | -4,593 |             |

<sup>1</sup> A table showing the Atomic Energy Commission's appropriations request for operating expenses for fiscal year 1971 and the effects of the authorization recommendations of the Joint Committee on this appropriations request, is set forth as an appendix to this report on p. 65.

Mr. PASTORE. The table also shows the Joint Committee's recommended changes in the amounts requested; these reflect the committee's judgment respecting the funding necessary to maintain AEC's higher priority programs at an appropriate level.

The Joint Committee has recommended a reduction of \$8,500,000 in the weapons program to adjust an imbalance it considered to exist among the AEC's 14 program areas. The committee has recommended utilizing this amount in AEC's civilian programs.

Several other reductions were made by the committee, including \$1.3 million in the program for terrestrial electric power development, and \$1 million in the controlled thermonuclear research program.

In the high-energy-physics program, the committee left unchanged the administration's request for \$119,450,000 for operating expenses. As is generally known, the AEC serves as executive agent on behalf of the entire Federal Establishment for high-energy physics. As such, the Commission provides more than 90 percent of the funding from all sources for this program.

In talking about the high-energy-physics program, I am talking about the accelerators at Cambridge, at Princeton, at Argonne, and at Brookhaven, the 200-Bev. accelerator under construction at Batavia, Ill., the Stanford linear accelerator, and also the Berkeley bevatron.

The committee has added \$4.8 million to the \$132 million requested of the Congress by the administration for operating expenses for Admiral Rickover's naval propulsion program. The \$4.8 million is a partial restoration of the \$6.2 million reduction effected during the administration's budget review process. The total amount recommended by the Joint Committee will enable the Commission to proceed with its development program for advanced submarine nuclear propulsion reactors. The committee is deeply concerned about the budgetary actions taken to reduce the advanced development program for submarine naval pro-

pulsion reactors, particularly in view of the massive resources that the Soviet Union is continuing to apply toward the design, construction, and operation of its nuclear submarines.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD the language in the committee report beginning under the heading "Naval propulsion" on page 32, to the conclusion of the dissertation on that subject; that is, down to the heading "Physical research" on page 34.

There being no objection, the excerpt from the committee report (No. 91-852) was ordered to be printed in the RECORD, as follows:

## (9) NAVAL PROPULSION

## A. AEC REQUEST

The AEC requested \$132 million in operating funds for the naval propulsion reactors program for fiscal year 1971. This represents an increase of \$11,145,000 over the estimated costs for fiscal year 1970. This increase is primarily due to continued effort on the development and testing of a high-powered, long-fuel-life reactor for propulsion of two-reactor nuclear-powered aircraft carriers and on the development of advanced reactors and cores for higher performance nuclear attack submarines.

In addition, the AEC requested authorization of \$18,550,000 for plant and capital equipment. Of this amount, \$1,800,000 is for general plant projects and \$16,750,000 for capital equipment not related to construction. The latter amount includes \$12,750,000 to complete the procurement of advanced computer systems for naval reactor development work.

## B. COMMITTEE ACTION

The Joint Committee recommends authorization of \$136,800,000 for the operating costs of this program in fiscal year 1971, an increase of \$4,800,000 over the funds included in the President's budget request. The \$4.8 million increase partially restores the reduction of \$6.2 million made during the administration's budget review process for development work on improved nuclear submarine propulsion plants. These additional funds will enable the Commission to proceed with its development program for advanced submarine nuclear propulsion reactors. The committee also recommends the full amount requested for plant and capital equipment

in order to provide the tools and facilities to support the research and development work.

The Joint Committee in hearings earlier this year reviewed the status of the naval nuclear propulsion program with particular regard to the advancements made by the Soviets in their nuclear submarine program. On the basis of this review, the committee believes that the U.S. naval reactors program, considered in its entirety, has achieved remarkable results in the field of submarines and surface warships. It continues to provide effective and reliable power reactors for both defense and peaceful uses of atomic energy all of which directly benefit our national well-being. However, the committee is deeply concerned about the budgetary actions taken against the advanced development program for submarine naval propulsion reactors. A reduction of \$4 million was made in last year's budget which delayed the same development projects as those affected by this year's \$6.2 million budget cut. The restoration of \$4.8 million will help alleviate some of the delay in reaching the vitally important goal of maintaining superiority or at least parity with the Soviets in this field so critical to our national security. To continue to delay such work will, in the committee's opinion, jeopardize our future technological advantage in the field of nuclear submarine propulsion. Nothing is of greater importance than to maintain this advantage, particularly in light of the unprecedented challenge we face from Soviet nuclear submarines.

The classified testimony received by this committee confirms that tremendous resources continue to be applied by the Soviet Union to submarine design, construction, and operation. According to unclassified data, the Soviets now have a force of about 350 submarines, all of which were built since World War II. More than 70 of these are nuclear powered. The United States has 146 operational submarines, 87 of which are nuclear powered and the remainder diesel powered. Most of the diesel units are of pre-World War II vintage. In total numbers the Soviets have an advantage of 350 to 146. What is even more disturbing is that the numerical lead, so long enjoyed by the United States, in nuclear submarines is likely to vanish by the end of 1970. Considering the large-scale construction program underway in the Soviet Union, the United States will experience a growing nuclear submarine deficit in the years to come.



In the case of ballistic missile submarines, the Soviets have assigned top priority to surpassing our U.S. Polaris fleet. They are building nuclear-powered submarines similar to our Polaris types at a rate which will equal our fleet by 1973 or 1974. We can assume that already these submarines are patrolling the ocean—each with its 16 ballistic missiles targeted on U.S. cities.

The Soviets have also introduced a number of new design nuclear submarines having a wide variety of capabilities. They have made large-scale commitments to submarine design, development, and construction that far surpass our efforts in the United States. Unless we continue to move ahead in submarine propulsion plant development, the United States may well find that in future years it will be as far behind in quality of submarines as it is today in numbers.

In light of these considerations, the Joint Committee strongly supports the advanced development work for submarine nuclear propulsion plants and recommends that the Congress authorize an additional \$4.8 million for this purpose. The committee also strongly supports a continuing nuclear submarine construction program which should include as a minimum this fiscal year, authorization of funds necessary to complete four high-speed SSN 688 class nuclear attack submarines and advance funding for two more. In this regard the committee wishes to express its deep concern over the continued delay by the Department of Defense in assigning to the SSN 688 class the highest industrial priority. The Congress has consistently supported a vigorous submarine construction program because of the vital part it plays in countering the Soviet submarine threat. The urgency of this program has not diminished and the Department of Defense should take prompt action to assign to the SSN 688 class the high priority it clearly deserves.

The Joint Committee, in addition to urging the support of a vigorous nuclear submarine development and construction program, wishes to commend to the Congress a strong nuclear surface warship development and construction program. As the United States continues to reduce its overseas bases and to lay up over-age ships, and as the Soviet capabilities at sea continue to accelerate, the need for nuclear-powered warships in our fleet is of increasing importance. The nuclear-powered attack carrier and nuclear frigate programs are of vital importance to provide the mobility and tactical flexibility needed in our naval striking forces. Secretary of Defense Laird summarized the importance of nuclear-powered surface striking forces at the keel laying of the nuclear frigate *California* on January 23, 1970, as follows:

"What we are doing here today is to begin a vitally needed and continuing program of ship construction to improve the Navy of the United States. We are building nuclear-powered frigates for the Navy of the 1970's, the 1980's, and the 1990's \* \* \*."

"The *California* will be equipped with antisubmarine, anti-air and antisurface weapons. These will enable her to operate, either independently or in concert with other units, and in any or all of these important roles."

"As an escort to nuclear aircraft carriers of the present and future, the *California* and her successors which have been authorized by the Congress will greatly extend the range of attack carrier striking forces throughout the world."

"The additional radius of action which the *California* and her successors will provide to naval forces will be of great value to the defense of our country and the defense of our allies. This is particularly important as we face the inescapable reality of what the Soviet Navy is doing in expand-

ing seapower throughout the world. The Soviet Navy is now second in power only to our own."

Mr. PASTORE. Mr. President, one of the difficulties of a member of the Joint Committee on Atomic Energy is the fact that he sits, hour by hour, day by day, listening to these very sensitive classified briefings, which are very compelling. Then, of course, I am put in the position that, when I come to the floor, because it is restricted information, because it is classified information, I cannot reveal it. I am inhibited from telling the American people just what is happening. For that reason, I lose all the dramatization of the points that should be made in order to explain the actions of the committee.

I have been in contact with the offices downtown, to see if I could not be given the authority to reveal some of this information so as to dramatize exactly what is happening, that is, as to our development in the submarine naval fleet as against what the Russians are doing, and the kind of new designs that they are developing, and the kind of maneuverability and performance that they are developing, and that, unless we meet our challenge, we could turn out to be second best.

We have always said that our Polaris nuclear submarines constitute our first line of defense. I hope we will never lose that position.

In response to my inquiry, this is what they authorized me to say. It is rather innocuous, but this is all I can say:

For years, the Soviets have concentrated on developing high speed nuclear submarines. We know that several new classes of Soviet nuclear powered submarines are of an improved design, incorporating high speed and high performance capability.

All I can do is ask my colleagues to please infer from this what we are talking about. I sometimes think that is a shameful situation, because we just cannot make the American people understand what we are up against unless we give them the facts; but everytime we try to give them the facts, we are told by the Defense Department, by the State Department, and by others that it is classified information and we cannot reveal it.

So I hope that Senators will read very carefully all these words that are inserted here, and reach their own conclusions. If they have any doubts, they can come and ask me, and I will whisper it in their ears.

Mr. MILLER. Mr. President, will the Senator yield at that point?

Mr. PASTORE. I yield.

Mr. MILLER. I commend the Senator from Rhode Island for what he has just said. I do think this raises a question as to whether he has any indication, or any information of any indication, on the part of the Soviets that they have any intention of possibly slowing down this submarine program of theirs, which he refers to in the report as an unprecedented challenge, and especially whether or not this might be within the area of negotiation during the SALT talks.

Mr. PASTORE. Well, it could be part of the negotiations during the SALT

talks, but from my experience, the Russians are not fools. Since I became a member of the Committee on Atomic Energy in 1952, I have made a study of the whole history of progress in this area.

We started out in 1946 by trying to internationalize control over the atomic bomb. That is when we had it alone. The Soviets told us, "Nyet."

In 1949, they had their own explosion. They had a nuclear device, and then in 1953 they had a hydrogen bomb.

Then, of course, we were trying for the longest time to bring about a nuclear test ban treaty. We did not achieve a partial nuclear test ban treaty until 1963. I was one of those who were sent by President Kennedy to Moscow to witness the signing of this agreement.

What am I trying to say? When we agreed, in 1963, the Russians had already developed an antiballistic missile.

Now we have more nuclear submarines than they have. We have 41 Polaris and 46 attack nuclear submarines. We know, do not ask me how I found out, because I cannot tell you, I can whisper it in your ear, but I cannot tell you publicly on the floor, but we know that they have now developed their own construction capability in such a way that if we stand still and they keep going, in a few years they are going to catch up with us in all types of nuclear submarines, and maybe even pass us. Perhaps after they have caught up with us and passed us, then they will agree at the SALT talks. That has always been the history. But if you ask me at the moment, I would say "No." They will agree, on anything we are ahead on, that we stop.

But in anything in which they are ahead on, they will never agree to stop. They never agree to stop when they are behind, only when they have caught up or are ahead. That is what we are up against. Fundamentally, I can understand that. After all, you do not expect anybody to agree to something where they are going to be the underdog. They are not going to agree to that. No one ever is going to agree to that, and we would be foolish to think so.

But to answer the Senator's question as to whether they will stop their submarine construction, design, and development at this point, when we have more than they have, I doubt it very, very much.

As to the information I have, I received briefings from the CIA, from the intelligence community, and from the Defense Department; and, frankly, I have no place else to go. If I cannot believe them, then God help us.

Mr. MILLER. Mr. President, will the Senator yield further?

Mr. PASTORE. I yield.

Mr. MILLER. I appreciate very much the Senator's response. May I say that his information is the same information I have received from the same sources.

I wanted to get the Senator's reaction to the possibility of the Soviets slowing down this program, the possibility that they might be in the area of negotiations.

Mr. PASTORE. I hope so.

Mr. MILLER. I know the Senator

hopes so. I recognize that he is being realistic and tough minded in his answer.

The next question that comes up, the argument we all hear, is this: If we continue to move ahead on our own nuclear submarine fleet, this is just going to cause further escalation on the part of the Soviet Union. I would like to know what the Senator from Rhode Island has to say in response to that argument.

Mr. PASTORE. I am not asking at this time that we build more subs, although I think we should. It has been recommended by Admiral Rickover.

What I am asking for today is a small increase in the amount of money for our research in developing a nuclear reactor for a submarine that the enemy cannot catch. Do I make that clear? That the enemy cannot catch. That is what I am talking about. Because if they can catch us, then our submarine is absolutely obsolete as a weapon.

The idea here is that you have to outdistance them. If they are faster than you are, as in anything else, they win the race. And they are going to blow up our subs if they can catch us. Yet, if we can go faster than they can, we make them No. 2 and we remain No. 1. That is the challenge. One may go along with that concept or not. But I think the Senator goes along with it. I know pretty much how he feels about these things, and I know his concern.

I am not trying to minimize the concern of other Members of the Senate. But it must be realized that we are in a very sensitive area here. The bear has not fallen asleep yet.

I am hopeful that we can reach an agreement at the SALT talks. The only answer to the madness in the world today is a disarmament agreement that can be enforced. That is the only answer. But until that day comes, let us not be fooled by any Trojan horse.

Mr. MILLER. Mr. President, will the Senator yield further?

Mr. PASTORE. I yield.

Mr. MILLER. The Senator, in effect, has said, if I understand him correctly, that our strategy or our policy should be to try to develop something that will be so advanced that the Soviets cannot catch up, and that they will recognize this; and, having recognized it, then they may be amenable to negotiations or some kind of disarmament arrangement.

Mr. PASTORE. That is correct. That is my opinion. What we are talking about here is maneuverability, not quantity.

Mr. MILLER. We are talking about being in a position in which the Soviets will recognize that they cannot catch up—at least, without perhaps an inordinate amount of use of their resources—and that when they do recognize that they cannot catch up, they will then be more amenable to negotiations and to disarmament agreements than they are now.

Mr. PASTORE. That is correct.

I do not want our nuclear fleet or submarines to become sitting ducks. I think everybody understands that.

Mr. MILLER. The Senator recognizes this, I am sure—and I hope he will understand that I am perhaps taking the

part of the devil's advocate in this—but I think it is important to bring out the fact that there are some who will then say we are sort of begging the question when we say they will never catch up and that the Soviet mind will react by saying, "We will indeed catch up," and that this will provide a further escalation of the arms race.

Mr. PASTORE. There is certain validity to that argument. There is no question about that.

As I said earlier, this thing can escalate and escalate and escalate, and I am not for it. I look at the present picture. I am not talking about the future. I am talking about the present picture. We know enough about the nuclear submarine development of the Soviet Union to know that unless we get going on an advanced design, as to increased maneuverability of our submarines, we could become second-rate insofar as quality and maneuverability are concerned. That is all I am saying.

As to the speculation regarding how this will affect the SALT talks, how the Soviet Union might look at it with respect to reaching a disarmament agreement, I cannot answer that question. I can speculate, and I quite agree with some of the theses that have been developed by the Senator. I would hope that in this particular case we would not get into that matter, because the Senator will find that just as many people disagree with him on that subject.

Mr. MILLER. The point the Senator makes, however, is that we do not know what the Soviet mind is going to do, what its reaction is going to be. We may hope that it will have a certain reaction, but we had better not take a chance on America's security.

Mr. PASTORE. That is correct. In the meantime, keep your powder dry. But, truly, "Don't shoot until you see the whites of their eyes."

Mr. MILLER. I appreciate the Senator's response. I know that he has had a vast amount of experience on a very key and sensitive committee, and I think his opinion is worth a great deal of weight.

Mr. PASTORE. I thank the Senator. The following appears on page 33 of the report:

What is even more disturbing is that the numerical lead, so long enjoyed by the United States, in nuclear submarines is likely to vanish by the end of 1970.

Imagine that: The end of 1970.

Considering the large-scale construction program underway in the Soviet Union, the United States will experience a growing nuclear submarine deficit in the years to come.

That has reference to numbers. I am now talking about maneuverability and performance. We have learned that every time we made a new nuclear submarine, it was better than the one before; and the one who makes the last one always makes the best one.

I now continue with my statement, Mr. President.

The Joint Committee has also recommended additional funds for four programs in biology and medicine and isotopes development fields. In the biology

and medicine field, the committee's recommended increase of \$140,000 would apply to the Commission's food irradiation activities. These efforts will enhance the vigor of the food irradiation program and will materially contribute to its potential for success.

Under the biology and medicine program, the committee has strongly recommended the addition of \$2 million in plant and capital equipment funds under section 101(b) of the bill to construct an addition to the physics building at Argonne National Laboratory to house a newly created Center for Human Radiobiology. During the Joint Committee's extensive hearings in the fall of 1969 and in January and February of this year on the environmental effects of producing electric power, there was repeated emphasis on the desirability of acquiring increased knowledge concerning the effects of chronic low-level irradiation on humans.

It is very important that, wherever possible, study and research programs learn as much as possible from actual exposures. The unfortunate experience of the radium dial watch painters, whose exposures occurred during the first third of this century, has provided considerable scientific data, but much more can be learned from examinations of affected individuals. The Joint Committee believes it is important that everything possible be done to assure that as many of the victims as possible participate in the study and research program, that the medical teams engaged in this important endeavor receive appropriate support, and that suitable facilities be provided to permit the study and research efforts to proceed systematically. The \$2 million authorization added by the Joint Committee for the "Plant and capital equipment" category will make this possible.

To the isotopes development programs, the Joint Committee added \$120,000 for work on radiation preservation of foods, and \$800,000—and this is quite important, Mr. President—to begin the development of a power converter for an isotopic heart pump. The artificial heart program is being worked on cooperatively by the AEC and the National Heart and Lung Institute of the National Institutes of Health. This, I think, is an admirable program.

Included in "Operating expenses" is \$254,790,000 for the civilian reactor development program of the AEC. For the nuclear safety category, the joint committee has recommended an increase of \$1.3 million. The major fraction of the increase recommended by the committee would be utilized in reactor safety work pertinent to the liquid metal fast breeder reactor program. This breeder program is the highest priority civilian nuclear reactor program of this Nation. In the judgment of the Joint Committee, it is of major importance to the general welfare of this country, and it may well be essential to satisfy the need for adequate, safe, reliable, and economical energy. It will also assist in reducing environmental pollution.

There is a total of \$71 million in



this budget for the conduct of research and development on the effects of radiation on man and his environment, and related matters. It is with great pride that I point to the fact that the Joint Committee on Atomic Energy and the Congress have continued from the inception of the Atomic Energy Act in 1946 to date to see to it that radiation is controlled, regulated, and understood as completely and comprehensively as the human mind and human resources reasonably permit.

The Joint Committee has added \$16.1 million to the \$5 million requested by the administration for the cascade improvement program required for our uranium enrichment facilities. It is well to point out that the AEC originally requested \$170 million for this program. Our Nation's enrichment facilities represent a vital national asset for all the people. It is extremely important that the capacity of these facilities be kept fully improved and augmented to fulfill our great need for special nuclear material in this country and to permit us to meet our commitments abroad.

Here, again, I am talking about peaceful use of atomic energy. I want the United States of America to be the merchants of these great new developments in atomic energy.

Section 106 of the bill before you would provide the authorization requested by the administration for the Commission to enter into a definitive cooperative arrangement for a liquid metal fast breeder reactor powerplant demonstration project. The demonstration project would entail research and development, design, construction, and operation of an LMFBR powerplant in cooperation with a reactor manufacturer-utility team. The opening phase of this demonstration program was authorized in fiscal year 1970 by section 106 of Public Law 91-44, AEC's authorization act for fiscal year 1970.

The Joint Committee firmly believes that LMFBR demonstration plants will be a major and indispensable building block in the successful accomplishment of the breeder program—which program may well be essential if the needs of this country for an adequate supply of safe, reliable, economical energy are to be met.

The amounts of Government assistance authorized in section 106 of the bill are precisely those requested of the Congress. They are, essentially, \$43 million, plus commitments of up to \$20 million for Commission-furnished services, facilities, or equipment which the Commission has available or is planning to have available to it under its civilian base program, plus a total of up to \$10 million in the form of waiver of the Commission's use charges for special materials.

Now, Mr. President, in conclusion, I have discussed some of the highlights of the principal provisions of the bill. The Joint Committee's report accompanying the bill discusses the features of the bill in considerable detail. Unless my colleagues have any questions, I shall dispense with further explanation of the provisions of the bill. I ask unanimous consent to have printed in the Record

excerpts from the committee report No. 91-852, showing the section-by-section analysis of the bill.

There being no objection, the section-by-section analysis was ordered to be printed in the Record, as follows:

#### SECTION-BY-SECTION ANALYSIS

##### SECTION 101

Section 101 of the bill authorizes appropriations to the Atomic Energy Commission, in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended, for "Operating expenses" and "Plant and capital equipment."

Section 101(a) of the bill deals with the authorization of appropriations for "Operating expenses." The Commission's authorization request under this heading was presented to the committee in terms of costs to be incurred during fiscal year 1971, adjusted in total to the obligations to be incurred during the fiscal year.

The Joint Committee is recommending authorization of \$2,013,307,000 for "Operating expenses," not to exceed \$119,450,000 in operating costs for the high-energy physics program category. It is the Joint Committee's intent that the amount specified for any program or category shall be exceeded only in accordance with specific arrangements which have been developed between the Commission and the committee. These arrangements include provisions for periodic reporting to the committee of changes in estimates of authorized programs. These informal procedures, embodied in an exchange of correspondence between the Atomic Energy Commission and the committee, have operated efficiently. It is the Joint Committee's belief that legislative measures or other formal devices that would impose legal limitations upon the reprogramming of Commission funds are not necessary at this time. It is the committee's intent that the procedures specified in this exchange of correspondence shall remain in effect during fiscal year 1971.

It is intended that costs incurred pursuant to the authorization contained in this act shall be generally in accordance with the analysis of the proposed bills submitted by the AEC and other background and explanatory materials furnished by the Commission in justification of the AEC's fiscal year 1971 authorization bill.

Plant and capital equipment obligations are provided in two sections of the bill. Under section 101(b), authorization is provided for new construction projects and capital equipment not related to construction. This authorization, together with the change in a prior-year project authorization provided for in section 105, comprise the total authorization for plant and capital equipment provided in this bill. The AEC's request for authorization for these purposes was presented on the basis of new obligational authority required. New construction projects authorized under subsections (1) through (7) of section 101(b) of the bill total \$95 million.

It is intended that the projects under this authorization be related, as in previous years, to the analysis of the proposed bills submitted by the AEC and other background and explanatory materials furnished by the Commission in justification of the AEC authorization bill. It is not intended to prevent technical and engineering changes which are considered necessary or desirable by the Commission consistent with the scope and purpose of the project concerned.

Pursuant to section 101(b) (8), appropriations are authorized for capital equipment not related to construction in the amount of \$173,050,000. This equipment is necessary to replace obsolete or worn-out equipment at AEC installations. Additional equipment is required to meet the needs of expanding programs and changing technology. Examples of typical equipment include machine tools,

computers, and office equipment. The Joint Committee expects to receive a report from the Commission at least semiannually on obligations incurred pursuant to this authorization.

##### SECTION 102

Section 102 of the bill provides limitations similar to those in prior authorization acts.

Subsection (a) provides that the Commission is authorized to start projects set forth in certain subsections of section 101 only if the currently estimated cost of the project does not exceed by more than 25 percent the estimated cost for that project set forth in the bill.

Subsection (b) provides similar limitations for projects in other subsections of section 101, except that the increase may not exceed 10 percent of the estimated cost shown in the bill.

Subsection (c) provides limitations on general plant projects authorized by subsection 101(b) (7), whereby the Commission may start such projects only if the currently estimated cost of such project does not exceed \$500,000 and the maximum currently estimated cost of any building included in such project does not exceed \$100,000; provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy. Additionally, section 102(c) provides that the total cost of all general plant projects shall not exceed the estimated cost set forth in subsection 101(b) (7) by more than 10 percent.

Under arrangements previously agreed to by the Commission and the Joint Committee, the Commission shall report to the Joint Committee and the Appropriations Committees after the close of each fiscal year concerning the use of general plant project funds, and such report shall identify each project for which the proposed new authorization has been utilized.

##### SECTION 103

Section 103 of the bill authorizes the Commission to undertake engineering design (titles I and II) on construction projects which have been included in a proposed authorization bill transmitted to the Congress by the Commission. It is understood that this work would be undertaken on projects which the Commission deems are of such urgency that physical construction should be initiated as soon as appropriations for the project have been approved.

##### SECTION 104

Section 104 of the bill provides authorization for the transfer of amounts between the "Operating expenses" and the "Plant and capital equipment" appropriations as provided in the appropriation acts. The AEC appropriation acts have, in past years, provided that not to exceed 5 percent of the appropriations for "Operating expenses" and "Plant and capital equipment" could be transferred between such appropriations, provided, however, that neither appropriation could be increased by more than 5 percent by any such transfer. It is understood that any such transfer shall be reported promptly to the Joint Committee on Atomic Energy.

##### SECTION 105

Section 105 of the bill amends prior AEC authorization acts as follows:

(a) Subsection 110(f) of Public Law 86-50, as amended, is further amended by adding at the end thereof the following: "And provided further, that waiver of use charges by the Commission may not extend beyond ten years after initial criticality of the reactor."

(b) Subsection 101(b) of Public Law 89-32, as amended, is further amended by adding to paragraph (4) for project 66-4-a, sodium pump test facility, the qualifying words "for design and Phase I construction."

(c) Subsection 101(b) of Public Law 91-44 is amended by increasing the authorization

for project 70-1-c, waste encapsulation storage facilities, Richland, Washington, by \$9,550,000, to \$10,750,000 and by removing the restriction to architect and engineering services only.

## SECTION 106

Section 106 of the bill authorizes the Commission to continue the project definition phase (authorized by section 106 of Public Law 91-44) and to enter into a definitive cooperative arrangement for the research and development, design, construction, and operation of a demonstration liquid metal fast breeder reactor (LMFBR) powerplant. The bill increases the previous authorization (for the project definition phase only) from \$7 million to \$50 million, which increase is included in section 101. In addition the Commission is granted the discretionary authority to provide up to \$20 million in the form of Commission-furnished items and, further, to waive fuel use charges up to a total of \$10 million. The participation by the Commission is authorized without regard to sections 53 and 169 of the Atomic Energy Act. Any cooperative arrangement agreed upon must be submitted to and lie before the Joint Committee on Atomic Energy for a period of forty-five days.

Mr. PASTORE. Mr. President, the Joint Committee on Atomic Energy unanimously urges enactment of S. 3818 in its present form.

Mr. AIKEN. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I am happy to yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, the distinguished Senator from Rhode Island has done such an excellent job of explaining the pending bill that he does not leave much of anything for me to say.

The Senator from Rhode Island is one of the best chairmen we have ever had on the Joint Committee on Atomic Energy. He is conscientious in his work and accurate in his descriptions.

I do not know that I can say anything more than that. As I have already said, he has given us a thorough explanation of the bill.

Mr. President, in case other members of the committee have something to say on the pending bill, I suggest the absence of a quorum, in order to alert them.

The PRESIDING OFFICER (Mr. STENNIS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CURTIS. Mr. President, I associate myself with the remarks of the distinguished Senator from Rhode Island (Mr. PASTORE), particularly with what he has had to say about the defense of our country, especially with reference to nuclear powered naval vessels.

We must keep in mind the long lead time that is necessary in a program of this kind. It takes many years at the best. We would be derelict in our duty today in failing to provide for the defense of the country, and the ill effects of that course of action would perhaps not show up for many years—at a time when perhaps some of us would be no longer serving in the Senate.

It calls for conscientious and sometimes courageous action to support de-

fense measures. Congress is charged with the responsibility of providing for the national defense. We should not be tempted to neglect that responsibility for any reason whatsoever.

Strength in the hands of a peace-loving country such as the United States is strength built up and exerted to prevent war rather than to invite it.

Mr. President, there were a couple of other items in the authorization bill upon which I should like to comment. I am very much interested in the food irradiation program. The program of food irradiation is a means of preserving food.

A great portion of the population of the world is not only hungry but also without refrigeration. In order that those people might be reached and provided with a proper diet, including protein, anything that advances the preservation of food is a humanitarian enterprise. In addition, it will greatly expand the markets of the United States.

We know from what has already been accomplished in the way of food irradiation that fresh fruit, such as berries, can be treated with irradiation and instead of spoiling within 1 or 2 days, perhaps their life will be extended for 10 days or so.

That means that the producers of that product have a greater market and a wider market area. That is also true in reference to the market for red meat.

The total amount requested by the Bureau of the Budget for the food irradiation program was only enough to barely keep it alive but not enough to insure a significant contribution to the world effort in this field. The Joint Committee has recommended additional authorization for the two phases of the AEC's program—isotopes development and biology and medicine studies—which essentially double the level of effort for the coming year over that requested. At that, the total amount involved is still only \$540,000. That is a minimum the committee deems essential for a meaningful program in low-level radiation of food products which is now approaching fruition. This program, together with the Army's high-level radiation sterilization program, will provide a balanced effort to help the United States retain its position of world leadership in this field.

That position is in jeopardy even now. Our country has approved only two products—wheat and potatoes—for consumption after radiation treatment. Israel has also approved two, but Canada has three and Russia has nine products on the approved list. Many other countries—The Netherlands, France, Denmark, West Germany, Spain, Hungary, England—all have programs to develop this technology which is going to be the food preservation method of the future. They look to us for guidance and leadership both in technology and commitment. The amounts recommended by the committee should be adequate for us to continue in a worthwhile fashion.

Mr. President, my State of Nebraska is vitally interested in this program.

The State of Nebraska, including the industrial resources division of the State government and the University of Nebraska and many other agencies, have

made contributions to the program of food irradiation.

We do this for two reasons. First, we are convinced that it will be a means of helping to feed the people of the world. Second, and very frankly, it will widen the markets available to the farmers of America.

Some day the turmoil in the country will subside. We will always have problems, but we will not always be in an emotional crisis such as now.

When that time comes, this program will aid rural America by adding to its income. It will help to build a stronger rural America. Any program that offers better and wider markets for the products of our farms will be welcome.

Such a program will serve two great purposes. It will add to the greater potential of rural America and make a contribution in the feeding of the whole world.

There is another item in the bill that I should like to mention. I refer to the subject the distinguished Senator from Rhode Island spoke of—the artificial heart research program. This is very important. It is one avenue that promises great hope in connection with saving lives that are now lost because of heart failure.

We have had some miraculous things happen in the way of heart transplants. Actually, however, there are not enough timely donors to scratch the surface. Furthermore, it has not been demonstrated as yet that the transplant of a human heart is a lifesaving process for very long. The procedure is limited by the length of time that the benefits accrue to the recipients of the heart transplants. The recipient is assured of living for a while, but not for too long. There are many problems yet to be overcome. So, we must turn our attention to other methods.

Several studies made by the National Heart and Lung Institute and others indicate that of the some three-quarters of a million people who have died annually from heart disease, about 100,000 might have been saved had a circulatory support system been available.

The Atomic Energy Commission and the National Heart and Lung Institute have divided the research efforts on a radioisotopic powered artificial heart program.

The present program entails current and proposed research on an isotopic heat source, a power converter, a power transmission system, and the heart pump. The AEC's fiscal year 1971 budget contains \$500,000 for continuation of the program of fuels—medical grade plutonium-238—and radiation measurements research. I consider that this sum \$500,000, constitutes a minimum level of effort to obtain meaningful progress in the development of the heat source.

In fiscal year 1970, the joint committee recommended authorization of, and the Congress appropriated, \$800,000 to start research on the second item of the system—the power converter. Those funds were lost to the AEC during an administration application of an unallocated congressional reduction of \$22 million in the fiscal year 1970 budget.



I strongly recommend that \$800,000 be authorized for fiscal year 1971 so that the AEC can begin research on this extremely vital project, the power converter.

Successful development of an isotopic powered artificial heart will result in a longer and better life for thousands of Americans.

Mr. President, in yielding the floor, I wish again to commend the distinguished Senator from Rhode Island for the service he rendered and the leadership he provided in this very important program that is represented in this authorization bill.

#### GASEOUS DIFFUSION PLANTS

Mr. GORE. Mr. President, in the entire Atomic Energy budget, the decision of the Joint Committee which has the most significant impact is that relative to the Government-owned gaseous diffusion plants which are the sole source of enriched uranium for fuel to power nuclear reactors. Enriched uranium is also used in nuclear weapons. The committee is recommending the addition of \$16.1 million in construction funds to initiate the so-called Cascade improvement program known as the CIP.

As many Senators know, uranium is enriched, that is, the percentage of fissionable material is increased, by means of a gaseous diffusion process which remains highly classified. Developments in the technology associated with this process have provided us with the ability to increase the production capacity of the three existing plants by improving the Cascades—the actual diffusion machinery—without increasing the electric power level at which they are operated.

The CIP is the first of several steps which must be taken to increase our capacity to meet the rapidly growing demand for enriched uranium. It is a large-scale project which will take many years to complete, but it will provide additional capacity at the lowest cost of any means presently available.

Our gaseous diffusion plants provide a source of material for our nuclear weapons, but such uses draw on only a very small percentage of the plant capacity. By far—and I mean well over 95 percent—of the enriched uranium is used as fuel in domestic and foreign nuclear powerplants. The capacity of the diffusion plants has a finite limit and estimates of the demands upon that capacity, both foreign and domestic, indicate that such capacity will be exceeded by demand by the mid-1970's. In fact, the greatest proportion of the capacity will be committed by the end of this year. The AEC has estimated that, by the end of 1978, the demand will outstrip AEC's ability to supply all customers from both current production and preproduced inventory.

Notwithstanding these facts, the administration has for the second consecutive year refused the request of the Atomic Energy Commission to seek authorization of funds to initiate the Cascade improvement program. Last year the Commission asked for \$138 million, but the administration rejected it. This year the AEC asked that \$170 million be authorized and \$61 million appropriated.

Instead, the budget submitted contained only \$5 million for architect-engineering work. This small amount for A-E work would provide no assurance that the administration will eventually get on with the job of increasing the capacity of these plants. Certainly installation of the CIP would be delayed for at least 1 more year.

It is the considered judgment of the Joint Committee that we cannot afford this continued procrastination and delay.

This decision was reached unanimously by the committee.

I pause in this discourse to thank the distinguished and able senior Senator from Rhode Island for his leadership and his support in this field, and to the chairman of the Joint Committee, Representative HOLIFIELD, and to each member thereof. It is clearly recognized by everyone knowledgeable in this field, including the administration, that the existing facilities must be improved, and that notwithstanding such improvement there will be a need for a new enrichment facility by the end of this decade. In the judgment of the Joint Committee the time to commence the improvement of these plants is now. Ideally, it should have been started last year.

It should have been started last year because, unless we do proceed with the improvement of this source of nuclear fuel this country faces a crisis in energy both at home and with respect to the demands upon our country from abroad.

The effect of the recommended addition of \$16.1 million is to permit not only the necessary planning but also the initial construction and long leadtime procurement for the production support facilities necessary to effectuate improvement of these plans and, further, to permit the design and procurement necessary for actual installation of improvements to the first 80 stages by December 1974. Authorization of such activity this year advances by about 6 months the completion of the CIP. More important, this initial commitment will provide the necessary assurance that the U.S. gaseous diffusion plants would continue to have sufficient capacity to meet the needs of all qualified customers, both domestic and foreign. It will enhance the prospects for continued sale of U.S.-type reactors abroad with the attendant trade and balance-of-payments advantages. Moreover, it will assist in minimizing the risk of further proliferation of nuclear weapons.

Mr. President, I noticed with interest and approval today the testimony of Secretary of State Rogers that the administration was vigorously seeking a voluntary agreement with Japan and other nations with respect to textile imports into the United States. This has become an acute problem. I have watched with interest the bill introduced by the distinguished chairman of the Ways and Means Committee, Representative MILLER, and I hope that the administration will proceed with vigor and that its efforts will succeed in the conclusion of a voluntary agreement.

Unless this is done, I wish to call to the attention of the nations exporting to the United States the necessity for the

Congress to consider their refusal to enter into a reasonable voluntary agreement, should they so refuse. But here is an opportunity to sell reactors abroad, to export reactor parts, to export fuel to be used in those power reactors. This is a field in which the United States has no competitors. Indeed, it is a demand which we have agreed to supply in consequence of the adherence to the Non-proliferation Treaty by many nations that are in political affinity with the United States.

In order to meet those demands abroad and in order to reap the rewards of the added trade, the benefits to our balance of payments, jobs to Americans, it is necessary to start now an expansion of the plants necessary to produce the fuel.

Let me reiterate, there is no dispute that this work must be done. The administration is seeking again to put off the inevitable. The Joint Committee has exhaustively studied this program in extensive hearings over the past 2 years and is of the firm belief that we must go forward now. Let me remind my colleagues of earlier occasions when the Joint Committee stood before the Congress urging that the legislative branch provide the necessary leadership to accomplish significant national objectives. The most outstanding example was in the development of the H-bomb. Perhaps of equal significance was the development of the nuclear submarine which today provides one of our most effective deterrents against war.

Indeed, as we consider the whole question of deployment of deterrent nuclear weapons, the most secure weapon we have now, the weapon in which we can place most confidence, the weapon about which a potential enemy would be most concerned, is the nuclear submarine.

The improvement of the Nation's only uranium enrichment facilities stands with these two examples in its import to the national well-being.

I need not remind the members of this body of the crisis our Nation faces in providing an adequate supply of low-cost electric energy.

The distinguished senior Senator from Vermont, the beloved Senator ARKEN, has spoken many times in this vital field. He has shown the way by pointing to the need by our country of sources of reasonably priced electrical energy.

Nuclear powerplants will play a major role in solving that crisis—but not without the enriched uranium they need as fuel. Without the timely improvement of the gaseous diffusion plants, there will not be adequate nuclear fuel for those electric powerplants. Already we have had to reduce the scope of our guarantee to supply fuel to foreign countries for their reactors. The United States has had to limit from 5 years to 3 years the period within which construction must begin on foreign reactors in order to qualify them for inclusion in a fuel commitment. Our continued capacity to supply low-cost nuclear fuel is an important economic factor in deterring other nations from development of their own enrichment capability. With such capability comes the attendant increases in

the potential proliferation of nuclear weapons. In addition, our inability to supply the fuel for foreign reactors will represent the loss of a very substantial foreign market. A commitment to the CIP must be made now to avoid these problems in the near, and I emphasize near, future. I urge support of the Joint Committee's recommendation to move forward with this program before it is too late.

Not only do I urge approval of the authorization, but I beseech the Appropriations Committee to make available the full appropriation herein authorized.

Mr. MILLER. Mr. President, the distinguished Senator from Rhode Island indicated that he would be pleased to answer questions. I have a few questions I would like to ask him. If perchance some of them get into classified answers, I shall be pleased to consult him without having any of that information made public.

I would like to refer to the committee report, copies of which are on our desks. On page 35, at the bottom of the page, there is a reference to the plan of the Atomic Energy Commission to phase out the Princeton-Pennsylvania accelerator during the latter part of fiscal year 1971. The report indicates that that is most disturbing to the Joint Committee. The report indicates that that facility cost the taxpayers of this country approximately \$40 million, and that it has only been in full operation during the past 5 years.

I wonder if the Senator would be good enough to tell us what that plan is and why there is such a plan, because the committee is obviously concerned about it. May I say that the Senator from Iowa is concerned about it.

Mr. PASTORE. It is the old story—budgetary stringencies. I do not quite go along with it. We have invested so much money in it that I think it is next to folly to cut it out. Of course, other facilities are being built at Batavia, Ill. We were critical of the witnesses who appeared before the committee, not of their personality or character, but of their judgment in phasing out this particular facility. It has to do with high energy physics. It has to do with basic knowledge in science. It is regrettable that, after we put in the amount of money that we have put into it, it is said that it must be cut off a bit here and a bit there. May I say that it is a case of biting off your nose to spite your face.

That is the best answer I can give the Senator.

Mr. MILLER. The report states that the committee strongly recommends that steps toward termination be deferred to see whether or not sufficient funds can be obtained to permit continued use of the facility. What did the committee have in mind as to the source of "sufficient funds"?

Mr. PASTORE. We have made money available for fiscal year 1971. We requested \$2 million to allow orderly phaseout during fiscal year 1971. I think we ought to keep it up in years subsequent to fiscal year 1971.

Mr. MILLER. The Senator, in effect, is saying that these "sufficient funds" could come from the Atomic Energy

Commission, but the report refers to efforts by Princeton University and the University of Pennsylvania also. Is there some possibility of funds being raised by the universities to move into this?

Mr. PASTORE. I would hope they would not stop operation. As a matter of fact, Princeton is quite an area of scientific activity, as the Senator knows. I do not think they want to lose it.

Mr. MILLER. If this is phased out, what will happen to it?

Mr. PASTORE. It will not be used; it will just be there. It would be like putting a ship in mothballs. It would be there, but it would be in mothballs. That is about the size of it.

Mr. MILLER. There would not be any opportunity to sell it to a private organization, to realize some return?

Mr. PASTORE. I do not think so. This has to do with basic research.

The private people who go there are scientists and professors who use the facility to conduct their experiments. Many times, of course, industry is interested as well; but if this takes a commitment, I doubt very much if any one industry would undertake the expense.

Mr. MILLER. How much does it cost to operate this a year?

Mr. PASTORE. I will have to put that in the RECORD later. I have no off-hand figure.

Mr. MILLER. One thing that I would wonder is, if the Atomic Energy Commission simply phases out its costing of the program, it would seem that possibly the universities concerned might just go ahead and operate it themselves. There are 15 universities, as I see in the report, which make use of this facility.

Mr. PASTORE. That is right. There has just been handed to me the information that the cost to operate the Princeton-Pennsylvania accelerator is projected at about \$4 million for fiscal year 1970. It can be operated for as little as \$2 million per year.

Mr. MILLER. I thank the Senator for his answer.

I refer to page 37 of the committee report, under the item "Chemistry research." The report says:

The Joint Committee notes that this total research effort will be reduced \$1,990,000 below the estimated costs of \$53,970,000 for fiscal year 1970. Also, many offsite (university) contracts will be canceled during fiscal years 1970 and 1971.

Does the Senator have any information readily available to him, either from his own files or from the files of the committee staff, which suggest what this is going to mean as far as university contracts are concerned, what universities will be affected and what amounts?

Mr. PASTORE. I do not have much information. I would assume they would be cut, but I think we should put the available information in the RECORD later.

Mr. MILLER. If the Senator could have the committee staff get that information and supply it for the RECORD, I would appreciate it.

Mr. PASTORE. All right.

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

#### OVERALL EFFECTS OF BUDGET RESTRICTIONS ON AEC CHEMISTRY RESEARCH PROGRAM

At the national laboratories, the primary impact of budget restrictions has been in the area of employment. At Argonne, a total of 55 staff and support personnel have been terminated in 1969 and 1970. At Lawrence Radiation Laboratory, reductions will result in the loss of about 10 scientific personnel and an equal number of supporting staff. The pattern is similar for Oak Ridge (39 lost since 1969) and Brookhaven (30 lost since 1967).

In other cases, budget restrictions have resulted in the Chemistry program assuming an increased share of facility operating costs. For example, at Brookhaven the reduction in support of the cyclotron provided by the Physics Department will impose 90% of the costs on chemistry in FY 1971, compared to 40% in FY 1969 and 75% in FY 1970.

At Notre Dame, all of the programs in physical and inorganic chemistry, including spectroscopy and spectrometry, will be terminated and activities will be confined to needs of the radiation chemistry program.

In the off-site program, it will be necessary to terminate approximately 26 contracts totalling roughly \$550,000 during FY 1970 and FY 1971. Although every effort is being made to minimize the impact of these actions, the net effect will be a reduction in the level of chemistry research at off-site locations.

#### DISTRIBUTION OF BUDGET REDUCTIONS

The overall philosophy in distributing budget reductions has been to continue to work in each area that is considered of highest relevance to AEC programs and to use the major facilities available for this work. Within the areas of research, i.e., Nuclear, Structural and Inorganic, Radiation, Isotope and Physical Chemistry, and Systems and Materials Chemistry, the reductions have been roughly proportional to the program and it is within the fields in an area that the increases and decreases are to be taken. In the special projects area, efforts will be made to insure the expeditious analysis of samples and to reduce the R&D efforts. In the area of preparation and purification of special isotopes for research, the major cost is the operation of the high Flux Isotope Reactor and the Transuranium Processing Plant to prepare transplutonium elements. This must be continued at a level which insures the continued operation of the reactor to get maximum production of transplutonium isotopes which decay during any shutdown of the reactor. Increases in the cost of this operation will be offset by a reduction in R&D for target preparation and other special isotopes.

In the areas of Nuclear, Structural and Inorganic Chemistry, the nuclear and heavy element program will be kept as near to current levels as possible, and reduction will be made in inorganic, high temperature, and structural and theoretical chemistry. In the field of structural and theoretical, the emphasis will be on structural (neutron diffraction) with greater reduction in the theoretical work.

In the area of Radiation, Isotope and Physical Chemistry, the radiation and hot atom chemistry reduction will be kept at a minimum, which means that the effort in isotopic effects, physical and analytical chemistry will be cut back.

In the area of Systems and Materials Chemistry, the balance between fields will be maintained at approximately the current program.

The off-site program will be reduced proportionately more than the on-site. The distribution of reductions between off-site and on-site is to a great extent determined by such factors as the need at the national laboratories to maintain balanced chemistry programs with expertise in many fields in order to insure the vitality of the laboratory. Each laboratory chemistry division has its special character determined by the staff, the



overall laboratory programs and the unique facilities of the laboratory. Some examples are: Lawrence Radiation Laboratory in 1971 will have the Improved Heavy Ion Linear Accelerator and is a prominent center for heavy ion research. Argonne has a new pulsed electron accelerator for radiation chemistry. Oak Ridge has a program of heavy element chemistry; and Brookhaven specializes in hot atom chemistry.

In the off-site program the individual projects are usually carried out in chemistry departments at universities where other research is going on without AEC support. Therefore, the selection of work does not have the consideration of overall balance of the program of the department and each project can be considered on the basis of its importance to the AEC. In the case of nuclear chemistry and radiation chemistry, the AEC is the principal source of support for such work.

#### LIST OF PROGRAMS SEVERELY CURTAILED

High-temperature and molten salt studies will be reduced at Ames and Argonne, and inorganic chemistry and analytical chemistry research will be severely curtailed at all of the laboratories and in the off-site program. A reduction will be effected in physical chemistry support in the off-site program by the termination of a number of contracts where the relevance to AEC interests exists but is less pronounced than in other areas. The Notre Dame Radiation Laboratory will completely eliminate all physical and inorganic chemistry research in favor of radiation chemistry studies. All of the National Laboratories will cut back on the support of postdoctoral research associates and Argonne will eliminate its summer research participation program.

Since the major facilities available to the Chemistry Programs are not numerous and almost exclusively on-site, and since programs and the use of such facilities are emphasized, no shutdown of major facilities is being contemplated.

Mr. MILLER. On page 39 of the committee report, under "Biology and medicine," in the middle of the page, there is a statement that:

The Joint Committee recommends that the increase in operating expenses of \$140,000 be applied to the food irradiation program. The committee believes that these additional funds are necessary in order to carry out the work required to assure approval of planned petitions to the Food and Drug Administration (FDA) on irradiation preserved foods.

I am interested in this subject, because a year or two ago I had considerable correspondence with the Defense Department on the use of irradiated foods for the armed services. I take it what this relates to, however, is the use of such foods in a commercial sense rather than an armed services sense; is that correct?

Mr. PASTORE. That is correct.

Mr. MILLER. I ask the Senator whether or not the work done by the Defense Department could not have been utilized as a basis for FDA approval.

Mr. PASTORE. I think they participate now.

Mr. MILLER. I would hope that they participate.

Mr. PASTORE. They have a tremendous interest in this.

Mr. MILLER. But I wonder what this work is that is supposed to be done with this money, to assure approval of planned petitions.

Mr. PASTORE. Say that again, please.

Mr. MILLER. The committee report says:

The committee believes that these additional funds are necessary in order to carry out the work required to assure approval of planned petitions.

I must say I am not at all clear on what kind of work that would be.

Mr. PASTORE. Well, it runs the whole gamut, feeding studies and radiation studies, things of that kind. It goes to the acceptability of the product.

Mr. MILLER. In other words, this is work done by the Atomic Energy Commission?

Mr. PASTORE. Under the auspices of the Atomic Energy Commission, that is right.

Mr. MILLER. Either directly or through contract?

Mr. PASTORE. That is right. It is done under contract.

Mr. MILLER. Then the results of this work are turned over to FDA, for FDA to use in evaluating products?

Mr. PASTORE. That is right, in determining whether or not they will accept it. Many products—such as, the Senator will remember, the fishmeal we have talked about here in the Senate many times—are acceptable in many countries of the world, but it is hard to get them accepted here in the United States through the Food and Drug Administration.

I will say this: I do not think the American eating public is ready for irradiated food. Not today. I think the time will come when it will be acceptable, but, as the Senator from Nebraska brought out, there are a lot of people throughout the world who are on the edge of starvation. They are hungry, and while there is a remote possibility that this may not meet the acceptability standards of the American palate, it certainly would go a long way for people who have not eaten for days; and that is where you get your first acceptability.

The food is absolutely pure and absolutely safe, but sometimes, of course, there may be a little bit of a change that comes about in the taste of food, and you have to get used to it. It is like one cigarette against another cigarette. I do not smoke, but they have so many brands to satisfy so many people that there must be a difference among them, and it is the same way with food.

For example, you eat bacon, and bacon has a certain taste for you. If you irradiate bacon, it may change the taste a little bit. It is just as good and just as nourishing, yet you may have to get used to the new taste.

Mr. MILLER. The Senator from Iowa appreciates that, and he is very much in favor of it.

Mr. PASTORE. Yes, I know that.

Mr. MILLER. But I do not know, for example, why this money is not authorized and being expended by the Food and Drug Administration, if this is something that is supposed to enable FDA to give approval of petitions filed with FDA.

Mr. PASTORE. Well, because they do not do that sort of thing. They do not perform the research and then pass judgment on their own work. I think that is what we are up against.

The Senator must realize, here, that much of the impetus on these programs

comes chiefly from the Joint Committee—I can say that with due pride, and yet in full modesty—even more so, sometimes, than the Atomic Energy Commission itself. Many times they come up here with a weakened position until we fortify it for them. I will tell the Senator frankly, I have never met a group of 18 Members of Congress who were more energetic, more devoted, more dedicated, or more hard working than the 18 members of that committee. Sometimes, because of our multitudinous responsibilities in the Senate, we do not attend as many of the meetings as some of the Members of the House of Representatives, although we try to go as often as we can.

The fact still remains that I have never seen anything quite like it. There is no ballyhoo about the committee; no fanfare about the committee. Most of its work is done behind closed doors. But this is the committee which got for America its first nuclear submarine. This is the committee which gave America the first hydrogen bomb. This is the committee that has always been on the alert. Time and time again—we could write a book on this subject.

So when the Senator asks me, "Why do you not give it to the Food and Drug?" I reply, "because it may die on the vine. Leave it where it is now, and something will come of it."

Mr. MILLER. The Senator from Iowa appreciates the great work of this committee, and I think it can be said that a considerable amount of it is attributable to the leadership the committee has had.

However, I take it that the Senator from Rhode Island is saying that there is no problem as far as the relationship and the cooperation between the Atomic Energy Commission and FDA is concerned.

Mr. PASTORE. Absolutely none. Absolutely none.

Mr. MILLER. On page 41 of the committee report, the committee notes that:

The field of ecology has recently become a topic of great popular interest. The Commission's research program in this area predates this recent upsurge of interest. The overall funding for ecological studies in the fiscal year 1971 AEC budget is in excess of \$18 million for the biology and medicine program.

I take it that this interest of the Commission in ecology has gone back, probably, a number of years. Are there any reports that the Commission has issued on the problem of pollution from atomic devices?

Mr. PASTORE. We have had extensive hearings. We have volumes of hearings testimony before our committee, and reports.

Mr. MILLER. But has there been anything beyond the hearings?

Mr. PASTORE. We have issued reports.

Mr. MILLER. The committee itself has issued reports?

Mr. PASTORE. We ourselves.

Mr. MILLER. May I ask how recently one might have been issued?

Mr. PASTORE. I am told about 3 months ago. I will see that the Senator gets a copy.

Mr. MILLER. I would appreciate it. I

think, Mr. President, that it would be well for the work of the Atomic Energy Commission on this subject to be popularized a little more, because there are a great many people who are not familiar with the fact that the Commission, and no doubt the committee, too, have been on top of this thing for quite some time.

Mr. PASTORE. The Senator comes from a State that has an acquaintanceship with the entire development of atomic energy. I can say to him that insofar as the record of safety of the atomic energy activity of this Nation is concerned, there is no record quite like it, particularly when we realize the vastness of our participation, the types of weapons we have developed, the number of bombs we have produced, and the number of reactors we have throughout the country—research, experimental, and actual power producing reactors, in various parts of the country. When one realizes that more people were affected through painting the watch dials with radium in the 1920's than through the development of the whole atomic energy program, he says to himself what a marvelous record that is. We have always been on top of safety. That is our primary concern.

I do not know whether the Senator has ever visited one of these places where you have to put covers on your shoes and they give you coveralls to put on, and when you come out they give you a thorough check with the Geiger counter. You say to yourself, "We can't afford to ever become careless or negligent." We have always been exceedingly careful.

I am gratified that we have maintained such a fine record of safety in this industry. It is a primary concern, because we are dealing here with radiation. There is no question about it. If man becomes complacent, one can imagine how serious it can become.

The Senator ask me whether or not we have been interested in pollution in this connection. This dates back to the beginning of our atomic energy program. We have to be interested in it. There is no question about it. We have to be interested in what comes out of that stack, what comes out of that reactor, and what gets into the water. Otherwise, the whole program could be jeopardized.

Mr. MILLER. I think the Senator appreciates the fact that there are some who talk about the ecology program as though certain committees in Congress have never heard of such a thing. While I realize that the Public Works Committee, of which I was a member at the time, got into the Water Pollution Control Act back in 1962, the Atomic Energy Commission has been working on this for a much longer period of time.

Mr. PASTORE. Yes.

Mr. MILLER. I think it would be very useful for many people to obtain copies of the reports to which the Senator has referred.

I would like to drop down to the next section, "Training, Education, and Information," on page 41. The statement is made:

Program efforts are directed toward assistance to colleges and universities in establishing nuclear curricula.

Could the Senator tell us how much of this authorization is proposed to go to this type of activity?

Mr. PASTORE. \$12,780,000 was requested for training, education, and information operating funds.

Mr. MILLER. That is correct. But I take it that the program efforts for provision of assistance to colleges and universities would be only a portion of that.

Mr. PASTORE. A portion of it, about \$6.8 million out of the total of \$12.8 million, would go for the purpose stated by the Senator.

Mr. MILLER. Would it be feasible for the Senator to put a breakdown in the RECORD, not only showing how much is going for this particular aspect, but also how many colleges and perhaps what their names are?

Mr. PASTORE. We will do that. We will put it in the RECORD when we get the information.

Mr. MILLER. I will appreciate that very much.

Mr. President, I would like to go over to page 44. Here, as I said earlier, if I am getting into a sensitive area, I hope the Senator will so indicate.

A great many of us who are not privileged to serve on this committee were rather hopeful at the time the Senate ratified the Nuclear Nonproliferation Treaty that there would be prompt action to implement some of its provisions. The committee is very much aware of this, obviously, and it states:

It seems reasonable that the policy of our Government should be clearly stated on this interrelated matter as soon as possible. The Joint Committee recommends that the AEC accelerate its work with the Department of State and other responsible agencies to develop such a policy.

May I ask what the Atomic Energy Commission has done already, since the time we ratified the Nonproliferation Treaty? The committee talks about its work and it wants to accelerate its work, but I want to know what its work has been.

Mr. PASTORE. We have proceeded with the exploration for natural gas and oil and things of that kind utilizing nuclear explosives as mentioned in article V of the Nonproliferation Treaty.

Mr. MILLER. The Senator is talking about peaceful uses.

Mr. PASTORE. The peaceful uses of atomic energy for what AEC calls underground engineering.

Mr. MILLER. What about inspection?

Mr. PASTORE. Inspection of what?

Mr. MILLER. Inspection of atomic installations, which is one of the areas—

Mr. PASTORE. Does the Senator mean throughout the world?

Mr. MILLER. Yes. In other nations.

Mr. PASTORE. We have essentially delegated that to the International Atomic Energy Agency which has its headquarters in Vienna, Austria. We do that on a cooperative basis. We started out with bilateral agreements, but we have been turning inspection activities under the bilaterals over to the Agency for independent inspection. We feel that that is the better way to do it. We have been very careful about this, to make sure that any of the material that is given

and any of the assistance that is given is not diverted to weaponry.

Mr. MILLER. Of course, that was called for by the treaty.

Mr. PASTORE. That is correct. And we make sure. We follow through.

Mr. MILLER. I am wondering just what the Atomic Energy Commission's work has been, for example, with the international agency to which the Senator has referred.

Mr. PASTORE. They develop standards. They develop methods of inspection. They—

Mr. MILLER. Has there been real momentum on this?

Mr. PASTORE. Of course there has been.

The civilian nuclear power program has been slightly slowed down in America. As the Senator knows, up until recently the United States was going along very speedily. We have many, many reactors on order now. But there has been slight resistance in some localities because of the siting situation. That has not been with respect to atomic energy alone. It has even been so with respect to conventional plants. That is one of the problems we are wrestling with now.

Everybody knows we have to have enough electricity to meet our demands. Everybody wants to turn on that light, to make sure it burns when he hits the switch. Everybody wants to put in a plug and make sure the electricity is there. When they turn on their air conditioner, they want to make sure the electricity is there. On the other hand, we do have blackouts and brownouts, and sometimes we have a paucity of electricity.

As a matter of fact, our study shows that every 7 to 10 years, our demand for electricity doubles. Our big question will be how we are going to meet this big demand.

One of the big subjects we have today is the matter of siting. Some people want island siting, where a plant of, let us say, 1,000 megawatts would be built, a big one, and then convey the electricity ashore. Many suggestions are being made. The remarkable thing about it is that there has been some resistance on the part of some citizenry as to the construction of these atomic plants in certain parts of the country. We have received resistance. It never existed before, but it has developed, and I suppose this has developed in other countries as well. This more or less has slowed down the whole operation.

It grieves me, because I think the future of a second source of energy lies in atomic energy, and we need a second source of energy. We are told that by the end of this century, there is a serious question as to whether or not we will have any oil left. We have a tremendous amount of coal, but I understand that the coal they burn in Illinois comes from Montana. These problems are becoming serious.

There is only so much coal and so much oil in the ground. We cannot manufacture more of it. It is just there. Once we exhaust it, it is gone, never to come back again, as the song would go.

What we have to do is to develop another source of energy. We are an industrial Nation. We are the most indus-



trialized nation in the world. We consume 50 percent of the goods and the natural resources of the world. We control 40 percent of the wealth of the world. We represent only 6 percent of the population of the world and 7 percent of its land mass. Yet, here we are, superior and supreme. Why? Because we have the oil. We have the gas. We have the coal. We have the methods to use them. We have the means of industrial production. If all energy goes, then we will lose our industrial superiority.

The United States has pioneered in the field of atomic energy. We were the first to utilize the energy of the atom. We were also the first to get into the business of peaceful uses of atomic energy.

I therefore hope that we would pursue our development of a second source of energy. I know that there are risks involved as well as many problems connected with it.

I do not want to mention a cliché this afternoon, but any nation that can put a man on the moon, any nation that can return three men to earth, who possibly, because of an accident, did not get to the moon as we did the last time, certainly such a nation can solve some of these problems.

Mr. MILLER. The Senator has very well expressed the thought I have on this, but I would like to get into something in which I am interested by asking this question of the Senator.

In the Nonproliferation Treaty, one of the highlights of it was that it laid down the framework for the "have" nations to pass on to the "have not" nations some of our nuclear resources so that they could develop them for peaceful uses.

Does the Senator from Rhode Island know whether, since the Proliferation Treaty was ratified, the United States, or any other "have" nation, has transferred nuclear equipment or resources to any of the "have not" nations?

Mr. PASTORE. As a matter of policy, there is no nation in the world in the nuclear club which has shared its nuclear largess with the people of the world more than the United States of America. I mean it has been the policy of this country, so much so that it has been, sometimes, criticized by some Members of Congress.

Mr. AIKEN. If the Senator would yield, let me say that we are one of the three signatories who already possess nuclear weapons and we do not have to submit to inspection. However, we voluntarily do submit to it.

Mr. MILLER. Of our plants?

Mr. PASTORE. We have then come to places like the Yankee Atomic Power Plant in Massachusetts. We do not want them to go to places where sensitive, military activities are in progress. We have entered into bilateral agreements with other nations. We were responsible for the installation of the reactor in India. That is an American reactor. We have also cooperated with Israel. We have bilateral agreements with many nations in the world, but up to now it has been on power and research reactors.

Mr. MILLER. I am talking about the type of equipment or materiel that was

referred to in the Nonproliferation Treaty. If the Senator could provide for the RECORD within the framework—

Mr. PASTORE. An actual electrical generating nuclear reactor?

Mr. MILLER. An explosive device for peaceful purposes.

Mr. PASTORE. Oh, no; we have not done that.

Mr. MILLER. My question was whether the Senator knew whether the United States or any other of the "have" nations have, within the ambit of the Nonproliferation Treaty, supplied the "have not" nations with any nuclear device which was covered by the treaty.

Mr. PASTORE. No, no. We have not done that, for the simple reason that we have not even done it in this country on a commercial basis.

What we have to do with one of these devices is to explode it without getting it into the atmosphere within the limits of the NPT. We hope to be ready to provide the service when the time comes. We have done it only on an experimental basis. It has not been perfected and there has not been a call for it.

Mr. MILLER. I wish I had a copy of the treaty with me—

Mr. PASTORE. I know what the Senator means.

Mr. MILLER. As it is covered by the treaty. I am interested in knowing whether any of the nuclear nations have transferred any of the devices to non-nuclear nations which are covered by the treaty and which, in turn, are subject to an international inspection team. That is another aspect of the treaty.

Mr. PASTORE. When the Senator says "nuclear devices," he is talking about something different, which is a nuclear device, a bomb.

Mr. MILLER. I am talking about peaceful uses.

Mr. PASTORE. It is a bomb with a peaceful use. But it is a bomb. When we talk about creating a harbor, we are essentially talking about a bomb which is exploded. In this case, it blows up sand and water. However, we have to be careful that we do not blow up people at the same time, and that we do not contaminate the atmosphere. We have not done that, but we have developed reactors to generate electricity.

Mr. MILLER. Is that subject to an international inspection team as covered by the treaty?

Mr. PASTORE. Yes; but not yet by the Nonproliferation Treaty. That is now covered by a bilateral or trilateral treaty to make sure that the fuel they get to support the reactor is not used to make a bomb.

Mr. MILLER. Now the Senator is on the same wavelength that I am. The next question I have is to what extent have the inspection teams been developed which were covered by the treaty?

Mr. PASTORE. The authority for these teams exists in the International Atomic Energy Agency for the peaceful uses of atomic energy. That is its job.

Mr. MILLER. All right now—

Mr. PASTORE. That is the Agency's job. It has developed standards as to the disposal of waste and things of that kind.

It has developed techniques of inspection. As a matter of fact, the last time I was in Vienna, some time back, we were briefed on the subject of what they were doing. That was several years ago.

Mr. MILLER. I am particularly interested in what has been developed since the Nonproliferation Treaty.

Mr. PASTORE. What we should do is to have the staff communicate with the AEC on this and find out specifically whether there has been a request for any of these devices. I doubt it, because we have not used the devices in our own country except for underground testing, and for experimental projects, that is all.

Mr. MILLER. Really, what I am asking of my colleague from Rhode Island is to give us some indication as to what the work of the AEC has been on—

Mr. PASTORE. All right. Fine.

Mr. MILLER. If we do not want the AEC to accelerate this work, I want to know what its work has been.

Mr. PASTORE. We will research that and place it in the RECORD. There is no fast answer to that this afternoon.

Mr. MILLER. That would be fine.

Mr. PASTORE. All right, sir.

Mr. MILLER. I have one or two more questions. On page 45, on the authorization for community spending, the Senator from Rhode Island, I am sure, is aware of the bind that some of the military airbases got into over Federal aid to schools—impacted aid. Has there been any similar development of any of these atomic energy sites with respect to the impacted aid program, or something analogous to the problem, like the one at Bellevue, Nebr., where they were going to close down the schools because they were not getting adequate funds for the schools?

Mr. PASTORE. These are communities which the AEC owns. We have been careful about that. We have not been unfair. Many times, of course, they find out in their own Government, and things of that kind, that there should be a separation. We do provide for a termination period; but, frankly, I think the AEC has been much more generous than we have been on our other Federal impacted area programs.

Mr. MILLER. I thank my colleague. Now, my last question relates to the security investigations portion of the report on page 49. Is the Senator able to tell us how many security investigations were made by the AEC during fiscal year 1970?

Mr. PASTORE. I will have to put that in the RECORD.

Mr. MILLER. And how many they expect to make for fiscal year 1971.

Mr. PASTORE. We will have to put that in the RECORD.

Mr. MILLER. Would the Senator provide for the RECORD how many security investigations resulted in turn-downs of the applications?

Mr. PASTORE. Yes, if possible we will put that in the RECORD.

Mr. MILLER. I think that would be helpful, if the Senator could do that, subject, of course, to its not being classified information.

Mr. PASTORE. Of course.

Mr. MILLER. I thank my colleague for his indulgence.

Mr. PASTORE. I thank the Senator very much.

Mr. BAKER. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. BAKER. Would my distinguished colleague give me the benefit of his knowledge and information, as I am not a member of the Joint Committee, on the prospect for the development of the liquid metal fast breeder reactor or an alternate breeder reactor, as he judges that situation?

Mr. PASTORE. That is of first priority, as the Senator well knows. We have slowed down—in fact, we have brought to a halt AEC assistance with reference to boiling water and pressurized water reactors, because we feel that we have done enough. That is essentially a commercialized thing today.

On the breeder reactor, of course, we are engaged in research and development there for the simple reason that we think that is the complete answer to the future atomic energy for the generation of electricity. And we are going along as fast as we can.

I would hope that the Senator would be on the floor when the appropriation bill comes up, because I think we will have a little trouble in having the Appropriations Committee go along with the full amount of the authorization. I would hope the Senator would give us a hand on that.

Mr. BAKER. Mr. President, I commend my colleague from Rhode Island for his participation in the project and his support of the program in general.

I will indeed make an effort to be on the floor to support that bill when it is before the Senate.

I agree that the breeder program is of the highest priority.

I agree that the liquid metal fast breeder reactor is the first logical choice.

I am concerned over the breeder reactor concept on page 24 of the report, paragraph 4. There is a reference there to the liquid metal fast breeder reactor as an alternate. There are perhaps references to other concepts. But there is no reference to the molten salt breeder project that I have spoken of.

Mr. PASTORE. Please look at page 22. It states:

The Joint Committee continues to support this important program and recommends the full funding requested in the President's budget.

The committee also continues to endorse the ongoing effort in the development of molten salt breeder reactor technology which is directed toward an evaluation of the industrial potential of this system for economic central station power production. However, the committee is dissatisfied that the austere budget does not permit further development of the molten salt breeder and other promising reactor concepts.

Mr. BAKER. Mr. President, I agree with my colleague that the statement is accurate. And I agree with the intent for whatever it is worth. I have tried to see if the Bureau of the Budget would make a request to permit us to go ahead with the molten salt breeder project—that

would be the construction of the next phase—and ultimately the MSBR.

I think it is a most promising breeder concept. At the very least, it is a most promising converter. I think that the Joint Committee, which so often takes the lead in this field, even to a greater extent at times than the Commission itself, would do well to consider the additional funding and additional emphasis on this molten salt breeder program.

I would hasten to say that I have more knowledge of this program than any of the other breeder concepts because most, if not all, of the work in that program is going on in my State, at Oak Ridge. But I disclaim any parochial concern, because I do believe that the program will stand on its own.

Mr. PASTORE. Mr. President, has the Senator talked to any members of the Commission with respect to the financing of this molten salt breeder program? Did they give him any promising reaction, or did they act the way they acted with us when they said, "We don't have the money, and we have to concentrate on other things?"

Mr. BAKER. Mr. President, I have talked with some members of the Commission, and with some people in the Bureau of the Budget. I must say that the stringency of the budget was the argument used. The argument is also used that the importance of the breeder program is so great that even in the most austere budget, I would hope, we would find adequate funding and even more than adequate funding to go ahead with the primary breeder program, the liquid metal fast breeder reactor, as well as the full range of alternatives, including the molten salt program.

I have one additional question to ask the distinguished Senator from Rhode Island, and that concerns the funding level of research on controlled nuclear fusion.

I note that the report indicates that there is a recommendation by the committee that there be a reevaluation of several techniques now being studied, especially in view of the stated claims of the Soviet Union with their Tokamak machines, and similar efforts demonstrated in the United States with the Tokamak machines.

I would say, as I have said before on the floor, that our urgent pursuit of controlled nuclear fusion has been rather leisurely. That is not meant as a criticism of the joint committee, but rather because of the stark reality that the Soviet Union is spending many times the amount of our present investment in demonstrating the feasibility of the contained, sustained fusion reactors. And they have the first demonstrable quantum in their Tokamak machine. The United States is now in the business of imitating the results produced at Novosibirsk, Russia.

Mr. PASTORE. Mr. President, I agree. It is disturbing to me that we have to reduce items such as this in the budget. I heard a very influential member of the House Appropriations Committee, who is no longer a member of the House committee—as a matter of fact, he has passed on to his eternal rest—say that

we ought to knock everything out of the budget on cancer because we have not yet found its cure. That is the attitude of some people. They fail to realize that nuclear fusion is a very, very exotic and very complex problem.

Mr. BAKER. But it is one that holds infinite promise.

Mr. PASTORE. When we got that infinite power for a fraction of a second, we are amazed that we were able to get it. We do not yet get the duration that we need. But unless we try it and keep at it, we may lose out on something that ultimately may be the answer to our future power needs.

Mr. BAKER. Mr. President, I agree. There is no validity to the argument that because we have not harnessed the controlled fusion process we should not try to develop it.

I really believe that we ought to consider a very substantial increase in the spending level for our controlled thermonuclear program.

I would point out, first, that the Russians with their Tokamak experiment have produced the densities and temperature and confinement times that are theoretically necessary to sustain fusion reaction.

I point out also that these are barely in the range of sustained fusion reactions. But they are verified by an independent team of researchers from the United Kingdom. They are not just Russian claims.

I would point out as well that we of the United States, the leaders in the field, are rapidly building our own versions of the Russian Tokamak. We call them the Ormak, and also there is a range of other devices.

We are now playing catch-up ball in this field. The advantages of controlled nuclear fusion are such that not only will we produce, in effect, limitless power from limitless resources at a very attractive price, but it also eliminates the risk of nuclear accident.

Mr. PASTORE. And eliminates pollution.

Mr. BAKER. The Senator is correct. And pollution and thermal problems and sizes.

The indications are that the requirements for the building of a reactor of this type will be at least as low or possibly much lower in cost than that of the breeder reactors. I do not say that as an argument against the development of the breeder reactors or the liquid metal fast breeder reactors.

I say it because I think there is a tendency to lose sight of the enormous importance of developing controlled nuclear fusion.

Mr. PASTORE. Mr. President, I could not agree more. As a matter of fact, I see more importance in putting money in the development of thermonuclear fusion and the promise of unlimited power that it would give us, tremendous power, the most potent power of nature, than in putting money in another flight to the moon, because I think after you have gone to the moon the second, third, and fourth time how much have you done for mankind? Maybe a few more rocks will be picked up to bring back so that scien-



tists can chisel on them. But controlled thermonuclear fusion will give power and we need power. I would rather put my money there than on another flight to the moon, but flights to the moon are dramatic and you do not have any trouble in the Senate on them.

Mr. BAKER. Mr. President, I agree with the Senator from Rhode Island. But if we examine the verities of our basic thinking we will conclude that the richness of this Nation or of any nation depends not on its gold reserves or its gross national product but on the energy it produces.

Mr. PASTORE. I absolutely agree with the Senator from Tennessee.

Mr. BAKER. I am not one of those who feels that to solve the worries of the world we have to reduce our gross national product. We do not. We need to increase it but at the same time increase the quality of our life, and the way we have the greatest possibility for eliminating abject poverty from the earth and drastically increasing the quality of life on this planet is not by any of the half measures we are compelled to take now, such as in pollution and so forth, but by abundant energy from nuclear fission.

Mr. PASTORE. I agree with the Senator.

Mr. BAKER. Mr. President, I will join the committee and the Senator from Rhode Island in an effort to see that we have substantial increases in the funding in this field. I believe that in years to come historians will record that our progress or our lack of progress in this specific area of research perhaps had more to do with the life of this Nation than any other single piece of legislation we are likely to undertake.

Mr. PASTORE. I thank the Senator. He will have a good strong supporter in the Senator from Rhode Island.

NATIONAL NUCLEAR SCIENCE INFORMATION CENTER, OAK RIDGE, TENN.

Mr. GORE. Mr. President, the pending bill authorizes an important facility which will accomplish three objectives: it will house the American Museum of Atomic Energy; it will provide a National Conference Center; and it will establish a National Library for Physics and Atomic Energy.

It is eminently reasonable that such a center be located at Oak Ridge, Tenn. The present atomic museum is inadequate to perform this important educational function. The structure was erected in 1943 as a "temporary" cafeteria and resembles a wartime barracks building rather than an appropriate repository for some of man's most significant achievements in science, medicine, and technology.

The potential contribution of the National Conference Center to the exchange of valuable information and ideas among top scientists from throughout the world is difficult to delineate. Unquestionably, the Oak Ridge community represents a considerable cadre of this Nation's top-flight nuclear scientists and their access to a means of free, open, and convenient communication with their counterparts from other nations must rate as a significant factor in furthering peaceful utilization of nuclear technology. This

center, with its auditoriums, seminar rooms, and simultaneous translation facilities, should substantially accommodate this exchange of information so important to furthering the cause of mutually beneficial scientific activity.

The National Library for Physics and Atomic Energy will fill a void long apparent among the scientific community by providing a central repository for key scientific data and papers in the field of nuclear physics and engineering. Such facilities have existed for some time in the fields of medicine and the agricultural sciences. Consolidation with the AEC's computerized documentation center will provide a central location for efficient application of scientific research endeavors.

THE ATOM: ITS DANGEROUS AFTERMATH, PART V—JOINT COMMITTEE STRESSES IMPORTANCE OF THE ENVIRONMENT IN ATOMIC POWER DEVELOPMENT

Mr. CHURCH. Mr. President, today we have under consideration the authorization legislation of the Atomic Energy Commission for the coming fiscal year. As many in this Chamber know, I have stressed for some time now the importance to our Nation of a viable and safe atomic power industry. It is essential to provide for our power needs in the decade ahead. I have also expressed concern that perhaps, in our rush toward the development of atomic power, we have not given enough concern to the environmental problems which attend the production of atomic power. That is why I am especially pleased to note that the Joint Committee on Atomic Energy has authorized the expenditure of \$1,360,000 above the original AEC request in the area of atomic reactor safety programs. This is a step in the right direction on the long road before us which can lead to safe and salable atomic power in the future.

I am also pleased to note that the Joint Committee has stressed in their report the extreme importance of environmental considerations in the atomic power industry.

The report quotes Dr. Lee A. DuBridge, the President's Science Advisor and Director of the Office of Science and Technology, on the subject of nuclear power safety. Dr. DuBridge makes clear that we can solve the environmental problems associated with nuclear power production if we choose to do so. He says:

Nuclear power plants, to my mind, pose no environmental threat which is beyond our technical competence. There are technical solutions to minimizing these (atomic waste disposal) problems. However, these technical solutions will cost money, increasing the cost of electricity or taxes, or both.

We all know that solutions to these perplexing technical problems will not be either easy or inexpensive but it is a price we must pay if we are not to repeat the same mistakes with regard to nuclear fuels that we have made with conventional fuels. We must, as the Joint Committee suggests, embark upon a coordinated and ongoing research program to solve the problems which, Dr. DuBridge so properly points out, may be solved with a commitment of purpose and funding to do so.

The Joint Committee states in the clearest terms:

This country has the dual need to safeguard the quality of our environment and to provide sufficient energy to meet the requirements of our industrialized civilization.

At page 18 of the report, the committee further comments:

Research and development and related efforts on a comprehensive and systematic basis must be carefully mounted and brought to bear against all environmental problems.

As one who has repeatedly called for such a research effort, I am pleased to see the recognition given to this concept by the Joint Committee on Atomic Energy in its report. However, although the committee points out the AEC is expending \$18 million this year on research programs in this area, I respectfully submit that when compared with the overall AEC budget this is a small amount to devote to such an effort. It totals less than 1 percent of the total AEC budget for 1971. I strongly feel that more funding is necessary in this vital matter.

In terms of specifics contained in the report, I am glad to see that the AEC has requested and the Joint Committee approved \$1,400,000 for work related to radioactive contamination control improvements at the National Reactor Testing Station in Idaho. In the past, I have called upon the AEC to initiate programs to improve atomic waste disposal methods at NRTS. This additional funding authority to conduct such work in Idaho is welcome. I stress again, however, that much more needs to be done. Such programs are in the long-range interest of our people, our Government, the nuclear power industry and the AEC itself.

I am gratified that the Joint Committee has indicated its interest in the type of long-range research program of environmental problems of atomic power which I suggested in February of this year. I am hopeful that the AEC will lend every effort toward making such a program a reality.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Mississippi (Mr.

STENNIS). If he were present and voting, he would vote "yea"; if I were permitted to vote, I would vote, "nay." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. McCARTHY), the Senator from Wisconsin (Mr. NELSON), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

I further announce that the Senator from New York (Mr. GOODELL) and the Senator from Texas (Mr. TOWER), are detained on official business.

I further announce that, if present and voting, the Senator from New York (Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), and the Senator from Texas (Mr. TOWER), would each vote "yea."

The result was announced—yeas 83, nays 1, as follows:

[No. 144 Leg.]

YEAS—83

|              |               |                |
|--------------|---------------|----------------|
| Aiken        | Fong          | Mondale        |
| Allen        | Gore          | Montoya        |
| Allott       | Gravel        | Moss           |
| Anderson     | Griffin       | Murphy         |
| Baker        | Gurney        | Muskie         |
| Bellmon      | Hansen        | Packwood       |
| Bennett      | Hart          | Pastore        |
| Bible        | Hartke        | Pearson        |
| Boggs        | Hatfield      | Pell           |
| Brooke       | Holland       | Percy          |
| Burdick      | Hollings      | Prouty         |
| Byrd, Va.    | Hruska        | Proxmire       |
| Byrd, W. Va. | Hughes        | Randolph       |
| Cannon       | Inouye        | Schweiker      |
| Case         | Jackson       | Scott          |
| Church       | Javits        | Smith, Maine   |
| Cook         | Jordan, N.C.  | Smith, Ill.    |
| Cooper       | Jordan, Idaho | Sparkman       |
| Cotton       | Kennedy       | Spong          |
| Cranston     | Long          | Stevens        |
| Curtis       | Magnuson      | Symington      |
| Dole         | Mathias       | Talmadge       |
| Dominick     | McClellan     | Thurmond       |
| Eagleton     | McGee         | Williams, Del. |
| Eastland     | McGovern      | Yarborough     |
| Ellender     | McIntyre      | Young, N. Dak. |
| Ervin        | Metcalfe      | Young, Ohio    |
| Fannin       | Miller        |                |

NAYS—1

Fulbright

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—15

|           |          |                |
|-----------|----------|----------------|
| Bayh      | McCarthy | Saxbe          |
| Dodd      | Mundt    | Stennis        |
| Goldwater | Nelson   | Tower          |
| Goodell   | Ribicoff | Tydings        |
| Harris    | Russell  | Williams, N.J. |

So the bill (S. 3818) was passed, as follows:

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Sec. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", \$2,013,307,000, not to exceed \$119,450,000 in operating costs for the High Energy Physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) SPECIAL NUCLEAR MATERIALS.—

Project 71-1-a, contaminated storm water runoff control facilities, Savannah River, South Carolina, \$900,000.

Project 71-1-b, in-tank waste solidification systems, Richland, Washington, \$6,300,000.

Project 71-1-c, storage and waste transfer facilities, Richland, Washington, \$1,700,000.

Project 71-1-d, radioactive contamination control improvements, National Reactor Testing Station, Idaho, \$1,400,000.

Project 71-1-e, gaseous diffusion production support facilities, \$14,700,000.

Project 71-1-f, process equipment modifications, gaseous diffusion plants, \$6,400,000.

(2) ATOMIC WEAPONS.—

Project 71-2-a, weapons production, development and test installations, \$10,000,000.

(3) REACTOR DEVELOPMENT.—

Project 71-3-a, modifications to reactors, \$2,000,000.

Project 71-3-b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, \$1,000,000.

Project 71-3-c, modifications to EBR-II and related facilities, National Reactor Testing Station, Idaho, \$2,000,000.

(4) PHYSICAL RESEARCH.—

Project 71-4-a, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, \$900,000.

Project 71-4-b, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, \$925,000.

Project 71-4-c, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, \$825,000.

Project 71-4-d, accelerator improvements, Stanford Linear Accelerator Center, California, \$950,000.

Project 71-4-e, accelerator improvements, medium and low energy physics, \$400,000.

(5) BIOLOGY AND MEDICINE.—

Project 71-5-a, addition to physics building (human radiobiology facility), Argonne National Laboratory, Illinois, \$2,000,000.

(6) TRAINING, EDUCATION AND INFORMATION.—

Project 71-6-a, National Nuclear Science Information Center (AE only), Oak Ridge, Tennessee, \$600,000.

(7) GENERAL PLANT PROJECTS.—\$42,000,000.

(8) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, \$173,050,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (3), and (4) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsections 101(b) (5) and (6) only if the currently estimated

cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b) (7) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000 provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b) (7) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

SEC. 105. AMENDMENT OF PRIOR YEAR ACTS.—

(a) Section 110 of Public Law 86-50, as amended, is further amended by adding the following at the end of the present text of subsection (f) of said section: "And Provided further, That waiver of use charges by the Commission may not extend beyond ten years after initial criticality of the reactor."

(b) Section 101 of Public Law 89-32, as amended, is further amended by adding to subsection (b) (4) for project 66-4-a, a sodium pump test facility, the words "for design and Phase I construction."

(c) Section 101 of Public Law 91-44 is amended by striking from subsection (b) (1), project 70-1-c, waste encapsulation and storage facilities, Richland, Washington, the words "(AE only)" and further striking the figure "\$1,200,000" and substituting therefor the figure \$10,750,000."

SEC. 106. LIQUID METAL FAST BREEDER REACTOR DEMONSTRATION PROGRAM—FOURTH ROUND.—(a) The Commission is hereby authorized to enter into a cooperative arrangement with a reactor manufacturer and others for participation in the research and development, design, construction, and operation of a Liquid Metal Fast Breeder Reactor powerplant, in accordance with the criteria heretofore submitted to the Joint Committee on Atomic Energy and referred to in section 106 of Public Law 91-44, without regard to the provisions of section 169 of the Atomic Energy Act of 1954, as amended, and the Commission is further authorized to continue to conduct the Project Definition Phase subsequent to the aforementioned cooperative arrangement. Appropriations totaling \$50,000,000 are hereby authorized for the aforementioned cooperative arrangement and for the Project Definition Phase authorized by section 106 of Public Law 91-44 and this section, said total amount to include the sum authorized by section 106 of Public Law 91-44. The Commission is also authorized hereby, without regard to the provisions of section 3679 of the Revised Statutes, as amended, to agree under said cooperative arrangement to provide assistance up to a total amount of \$50,000,000 less the subs available to the Commission and utilized for the Project Definition Phase contracts authorized pursuant to section 106 of Public Law 91-44 and this section; and, in addition to said total amount, in the



Commission's discretion, to provide assistance up to a total amount of \$20,000,000 in the form of Commission-furnished services, facilities or equipment otherwise available to or planned by the Commission under its civilian base program: *Provided*, That said ceiling amounts shall not be deemed to include assistance in the form of waiver of use charges during the term of the cooperative arrangement and the Commission may agree to provide such assistance without regard to the provisions of section 53 of the Atomic Energy Act, as amended, by waiving use charges in an amount not to exceed \$10,000,000.

(b) Before the Commission enters into any arrangement or amendment thereto under the authority of subsection (a) of this section, the basis for the arrangement or amendment thereto which the Commission proposes to execute (including the name of the proposed participating party or parties with whom the arrangement is to be made, a general description of the proposed powerplant, the estimated amount of cost to be incurred by the Commission and by the participating parties, and the general features of the proposed arrangement or amendment) shall be submitted to the Joint Committee on Atomic Energy, and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however*, That the Joint Committee, after having received the basis for a proposed arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such forty-five day period: *Provided further*, That such arrangement or amendment shall be entered into in accordance with the basis for the arrangement or amendment submitted as provided herein: *And provided further*, That no basis for arrangement need be resubmitted to the Joint Committee for the sole reason that the estimated amount of the cost to be incurred by the Commission exceeds the estimated cost previously submitted to the Joint Committee by not more than 15 per centum.

Mr. MANSFIELD. Mr. President, the senior Senator from Rhode Island (Mr. PASTORE), who so very ably chairs the Joint Committee on Atomic Energy on behalf of the Senate, has again demonstrated his outstanding legislative skill and ability. With his handling of this year's AEC authorization, he again brought to the Senate his clear and convincing understanding of a program for which he has provided the leadership since its very inception. Its overwhelming acceptance speaks loudly and clearly the thanks of a grateful Senate. This achievement adds another to an already abundant list of outstanding accomplishments. Senator PASTORE's record of public service is one built upon devotion and dedication unexcelled in this body.

Joining Senator PASTORE in steering the bill so expeditiously and efficiently through the Senate was the distinguished senior Senator from Vermont (Mr. AIKEN), the dean of Senate Republicans. His willing and constructive assistance was certainly typical. His strong support in guiding this measure through was indispensable to this success. The Senate is deeply grateful.

The distinguished Senators from Tennessee (Mr. GORE), from Nebraska (Mr. CURTIS), and from Iowa (Mr. MILLER) are deserving of special recognition also. They, too, contributed greatly to the

overall high quality of the debate. They and the other Senators who joined the discussion are to be thanked for offering their most thoughtful views and comments.

Finally, the Senate as a whole deserves a special vote of thanks from the leadership for the cooperation and attention given on this measure. Its swift acceptance with full consideration for the views of every Senator is a fine tribute to this entire body.

#### AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 868, H.R. 15628, I do this so that the bill will become the pending business.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments.

#### ORDER OF BUSINESS

Mr. FULBRIGHT obtained the floor. Mr. THURMOND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from South Carolina.

Mr. THURMOND. I thank the Senator for yielding.

#### SALUTE TO THE ARMED FORCES

Mr. THURMOND. Mr. President, it is an honor to salute America's men and women in uniform on Armed Forces Day, May 16, 1970. Never before have our Armed Forces served our Nation with such dedication in the face of so much unjust criticism by certain elements of our society. If this undermining continues, both our Armed Forces and the American people will suffer the consequences.

Unstinting support and understanding of our Armed Forces by our citizens are vital to the strength, vigor, and morale of our uniformed forces. We can be thankful that the diffusion of this support has not broken the bond between the American people and our Armed Forces.

Mr. President, this mutual trust must not be eroded. It has propelled our forces to victory for almost two centuries. Our Armed Forces have never failed our country on the field of battle or in the years of peace.

Armed Forces Day provides an appropriate time for the American people to reaffirm their support of the men and women who faithfully serve their country. Some 3½ million of our courageous and loyal servicemen are on duty throughout the world in the cause of freedom. Many are enduring the priva-

tions of hardship conditions. Thousand face peril in the service of their Nation, and they do their duty without complaint. They are there because their Nation sent them there. In my view, their allegiance, their loyalty and their devotion to duty should be matched by the American people.

Mr. President, our soldiers, sailors, marines, airmen, and coastguardsmen exist to serve the American people. But if they ever believe that their service is not appreciated, as some critics in this country would have them believe, then their morale would deteriorate, their effectiveness would be weakened and their loyalty diverted. This would be another milestone achievement of the Communists and left-wing extremists.

There are those in our society who deliberately attempt to achieve this by undermining the Military Establishment and by violent antimilitary demonstrations.

They are the ones who give aid and comfort to the enemy.

They are the ones who raise Communist flags in our country.

They are the ones who chant "Ho, Ho, Ho Chi Minh."

They are the ones who replace the pictures of Washington with Lenin.

They are the ones who have the flag of the enemy that has killed over 40,000 Americans.

They are the ones who burn down our college ROTC buildings.

They are the ones who would accept national humiliation and defeat.

They are the ones who prolong the inhumane treatment of American prisoners of war.

They are the ones who are encouraged and incited by some people in high places in our country.

Mr. President, honest disagreement has always been a vital part of our national heritage. Our Armed Forces honor this tradition. They are dedicated to its survival. Yet, those who have faced the dangers of the battlefield, and in some cases sacrificed their lives or suffered inhumane captivity to preserve this precious heritage, have been perplexed and shocked by those American citizens who sympathize with the enemy and urge our servicemen to disobey their officers.

It is my fervent hope that on Armed Forces Day America will demonstrate renewed support of our Armed Forces. The American people should take this opportunity to pay tribute to our men and women in uniform who are protecting our freedom. The real strength of our Nation lies in all of the dedicated individuals who proudly wear the uniform and support the flag of our country. Americans may well be thankful that our Armed Forces have had the strength to stand off the advances of communism for the past 25 years. Otherwise the security of every free nation would have been threatened by unchecked aggression.

In my view, our Armed Forces in Vietnam and Cambodia are continuing this long struggle to contain aggression. The President's decision for a bold thrust into Cambodia was another successful effort to halt Communist advances, and to shorten the war, protect our Armed

Forces, and insure continued progress of Vietnamization.

Mr. President, on Armed Forces Day, I urge all Americans to salute this recent success and to honor our Armed Forces. I join my fellow Americans in paying tribute to our Armed Forces for their courage and devotion to the preservation of American ideals and our freedom.

#### PRINCETON OPENS WAR ON CONGRESSIONAL HAWKS

Mr. THURMOND. Mr. President, I would like to call the attention of the Senate to an article which appeared in the May 8 edition of the Detroit Free Press entitled "Princeton Opens War on Congressional Hawks." I would like to quote a few passages from this interesting article:

Princeton antiwar students, with support from the university and its political science facilities, have launched a campaign to elect doves and defeat hawks in Congress.

The Princeton idea is novel because the research facilities, the students, and even the computers at the university's Woodrow Wilson School of Public and International Affairs, will be turned from academic politics to actual campaigning. And it is being done with official faculty support.

The faculty approved all student proposals, voted to back the political campaigns, and for the first time put Princeton officially on record condemning the expansion of the war.

Mr. President, there is another source I would like to quote from at this point—section 501(c)(3) of the Internal Revenue Code of 1954, the section under which Princeton has been granted a favored income tax exempt status. Subsection (c) lists various organizations which qualify, and the pertinent portions of paragraph (3) are as follows:

Corporations . . . organized and operated exclusively for . . . educational purposes, . . . no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

Mr. President, I feel that there is a serious question here as to whether or not Princeton can legally sponsor this project and provide facilities to aid in its success while maintaining a tax-exempt status under section 501(c)(3). I intend to ask the Treasury Department to investigate this matter thoroughly to determine what action should be taken.

Mr. President, I ask unanimous consent that the article entitled "Princeton Opens War on Congressional Hawks" be printed in the RECORD at this point.

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

#### PRINCETON OPENS WAR ON CONGRESSIONAL HAWKS

(By Saul Friedman)

WASHINGTON.—Princeton antiwar students, with support from the university and its political science facilities, have launched a campaign to elect doves and defeat hawks in Congress.

Their initial effort will be aimed at local races in New Jersey and nearby Pennsylvania, but there are indications the campaign will spread nationwide.

The novel idea is one of the few concrete proposals students have come up with amid their frustrated calls for strikes. Students, like politicians, have been confused over the sudden expansion of the Indochina war.

The Princeton idea is novel because the research facilities, the students, and even the computers at the university's Woodrow Wilson School of Public and International Affairs, will be turned from academic politics to actual campaigning. And it is being done with official faculty support.

The campaign is called the Princeton Movement for a New Congress. On Saturday, while students in Washington and elsewhere will be marching and demonstrating, its leaders will meet with representatives from other schools in New York to make their movement a national effort.

Hundreds of students have volunteered to enlist in the campaign.

Monday night and Tuesday, in long and heated meetings, the faculty approved all the student proposals, voted to back the political campaigns, and for the first time put Princeton officially on record condemning the expansion of the war.

Coordinator of the student effort is James Browning, 20, of Fairfax, Va., a junior studying urban affairs and the son of an Army colonel.

Browning, who says his politics is somewhere between liberal and radical, hopes the Princeton movement's efforts can elect five more doves to the Senate and perhaps 15 in the House.

"Maybe Congress can't change the system the way it needs changing," he said, "but it will be more possible to make changes if we can elect liberals. A lot of issues, like the antiballistic missile, have been decided by just a few votes in the Senate."

"The House is very conservative, but even if we can get 15 more liberals elected, we would be able to insure that at least they would have to be reckoned with."

"The fact is, that despite what we may think of the system, Congress continues to vote on important questions."

Leaders of the Princeton movement have scheduled a meeting Saturday in New York with students from Harvard, Yale, Amherst, and Stanford to initiate similar organizations at those schools.

"Our hope is that we can make this a national thing, so that university facilities and students all over the country are fanning out to help in congressional elections this fall," said Robert Vandervele, an administrator of the Woodrow Wilson School and a former colonel in Army intelligence.

#### PARTICIPATION BY THE FEDERAL GOVERNMENT IN INTERNATIONAL EXPOSITIONS

Mr. FULBRIGHT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 856.

The PRESIDING OFFICER (Mr. CRANSTON) laid before the Senate the amendment of the House of Representatives to the bill (S. 856) to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes, which was on page 6, strike out lines 5 through 7 inclusive, and insert:

SEC. 8. There are authorized to be appropriated such sums, not to exceed \$200,000 in any fiscal year, as may be necessary to carry out the purposes of this Act.

Mr. FULBRIGHT. Mr. President, the only difference between the Senate and the House with respect to S. 856 is a

simple one. The Senate had authorized to be appropriated "such sums as may be necessary" to carry out the purposes of the act. The House, in lieu thereof, authorized the appropriation of not to exceed \$200,000 in any fiscal year for these purposes.

The Department of Commerce, as the principal agency interested in this bill, had testified before the Foreign Relations Committee that it expected enactment of the bill to result in additional expenditures of \$100,000 to \$150,000 a year. Thus, the \$200,000 ceiling voted by the House is entirely reasonable and I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER (Mr. SCHWEIKER). The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

#### CAMBODIA—DELUGE OF MAIL AND PETITIONS RECEIVED IN OPPOSITION TO PRESIDENT NIXON'S ACTION

Mr. FULBRIGHT. Mr. President, in the past 10 days I have received more letters, telegrams, and phone calls than in any comparable period since I came to the Senate.

The mail is being delivered by the bag and only with the assistance of young volunteers am I able to get it all opened. It is arriving in such quantities that it is impossible to keep an up-to-the-minute tabulation. However, at the last report, about 28,000 telegrams and 43,000 letters had been counted—and they are continuing to arrive at that rate.

Mr. President, in that connection, it is interesting to note that I received this morning a letter addressed to me by the majority and minority leaders, dated May 7. That was 6 days ago. It was supposed to be internal mail, but it took 6 days to get from the majority leader's office to my office in the New Senate Office Building. I say this only to illustrate how difficult it is to handle this kind of volume of mail.

Although I would certainly not claim that the communications I receive are representative of overall public sentiment, it is highly significant to note that a count of telegrams showed 25,697 opposed to widening and continuing the war in Indochina, while only 556 favored the President's position. Of the letters I have received, 38,825 are in opposition to the administration's policies in Southeast Asia, while 2,133 support the President. Additionally, I have received petitions bearing 47,031 names: 46,984, or all but 89, opposed the President's actions. None of these were solicited in any way.

Many of the petitions I have received have contained hundreds of names, although the great bulk of the letters and telegrams are from individuals or small groups. I did receive one large group of letters—about 10,000—collected by students at Dalton High School in New York in 1 day. Two young ladies, Miss Nancy Troy and Miss Katherine Shea, brought knapsacks full of the letters to Washington and personally delivered them to me.

Because of the volume of mail, it is



simply impossible for me to provide individual responses to all those who have sent communications to me. However, I would like to acknowledge some of the petitions and letters I have received and call them to the attention of the Senate and the public. Among them are:

A petition signed by more than 2,100 undergraduates at Harvard and Radcliffe Colleges.

A petition signed by 32 staff members of the Psychiatric Social Service Department of the Albert Einstein College of Medicine, Bronx, N.Y.

More than 1,000 letters collected by students at the Wurzweller School of Social Work, Yeshiva University, New York.

A petition from 2,300 students and faculty members at the University of Denver.

Petitions from members of Hamline University's Urban Studies Team, St. Paul, Minn.; the Democratic party caucus, Weld County, Colo.; students at the College of the Redwoods, Eureka, Calif.; 913 signatures on petitions "protesting nonviolently President Nixon's present policy in Southeast Asia" from Lowell High School, San Francisco, Calif.; 4,339 signatures on petitions from members of the Queens College Community, N.Y., protesting "President Nixon's unconstitutional escalation in Indochina" and "the killing of Kent State students" and reaffirming "the right of peaceful dissent."

A petition signed by 43 members of the faculty of Alfred University.

A petition from 40 members of the faculty of the School of Social Service Administration at the University of Chicago urging "the immediate termination of the Cambodian invasion and prompt steps to disengage American troops from hostilities throughout Southeast Asia."

A petition with names of 92 registered voters from 22 States at the Colgate Rochester Divinity School, supporting the move to rescind the Tonkin Gulf resolution.

A petition from 117 employees of the Practicing Law Institute, New York City.

A petition with 75 signatures from members of Tau Epsilon Phi Fraternity, Drexel University.

A petition from 777 members of the Wellesley College community, Wellesley, Mass., supporting the move to rescind the Tonkin Gulf resolution.

A petition from 87 employees of the division of engineering and applied physics at Harvard University.

A petition from 98 students, faculty, and staff of the Columbia University Graduate School of Journalism calling for "congressional action to bring a rapid end to America's senseless involvement in Southeast Asia."

Letters from 48 students at Monmouth College, West Long Branch, N.J.

Nine thousand two hundred and forty-one signatures collected by the East Bay Women for Peace, Berkeley, Calif., urging rapid withdrawal of our forces from Southeast Asia.

One thousand one hundred signatures on petitions "deploring President Nixon's expansion of the undeclared war in Southeast Asia" from

Scripps, Pitzer, and Pomona Colleges and others in the Claremont, Calif., area.

A petition from 189 doctors, medical students, and nursing students at Cornell University Medical College protesting the President's policies.

A petition from 21 members of the staff of the Mid Westchester YM & YWHA, Scarsdale, N.Y. deploring "prolongation of our involvement in Southeast Asia resulting in tragic military and student deaths."

A petition with 125 signatures from students and faculty at San Francisco College for Women "strongly opposed to the use of American combat troops in Cambodia and renewed bombing in North Vietnam."

A petition from 203 students of Palomar College, San Marcos, Calif.

Petitions with 378 signatures from the San Francisco area, calling for "the immediate cessation of the invasion of Cambodia; immediate withdrawal from Indochina" and "no further military action by the President without the advice and consent of the Congress."

A petition from 300 students and faculty members at the Belmont Hill School, Belmont, Mass.

A resolution passed at an open meeting of the Wilson College community, Chambersburg, Pa., signed by 275 students and faculty. The resolution concludes:

"Because we deplore the murder of human beings anywhere in the world and can only see the recent decisions of the Administration regarding Southeast Asia leading us not to peace but to increasing violence at home and abroad, we urge you to support any measure which can bring about withdrawal from Indochina. As voters and future voters, we support a law which would make illegal the use of Congressional funds for an undeclared war."

Two hundred and seventy-five signatures on petitions from the Harpur College community "expressing vigorous support of your recent efforts to stop the Nixon administration's policy of continued and expanding involvement in Southeast Asia."

A total of 678 signatures from "responsible citizens who wish to voice opposition to the expansion of the Southeast Asian war," mostly collected by students from Brooklyn College, Brooklyn, N.Y.

A letter signed by 1,000 students at Stanford University, representing nearly every State, supporting "congressional action to cut off further funds for the Southeast Asian conflict except for the purposes of withdrawing our troops."

Petitions from 547 citizens of Massachusetts supporting the move to rescind the Tonkin Gulf resolution.

A petition from 51 faculty, students, and staff of the Hopkins Marine Station of Stanford University, Pacific Grove, Calif., calling for "an end to our involvement in this war" and giving "national priority to the worsening economic crisis, domestic strife, and deterioration of the environment."

A petition from 144 faculty and staff at Kingsborough Community College, Brooklyn, N.Y., urging repeal of the Tonkin Gulf resolution, stating that—

"The situation at home and abroad has now reached the stage at which we cannot support the United States acting as the policeman of the world . . . unless the situation directly and immediately threatens the safety of this nation."

A petition from the New York City Government Employees Against the War, signed by 610 persons opposing our country's involvement in Southeast Asia and supporting the right of every American to protest this involvement.

Petitions from 85 dentists in the Boston area calling for withdrawal of our forces from Cambodia.

A petition with 37 signatures from the Harvard Medical School department of physiology calling for "more rapid withdrawal of American forces from Southeast Asia."

A petition with 138 signatures from science and engineering students, staff and faculty at California Institute of Technology, Pasadena, calling for "an end to the U.S. invasion of Cambodia and a rapid conclusion of U.S. involvement in Indochina."

A petition with 312 names from Washburn College, Crawfordsville, Ind., stating:

"We cannot support these acts of escalation in the Southeast Asian conflict and we call upon Congress to act in response to the recent policies of the President. We believe it is now time to end the war in Vietnam and for American troops to be brought home."

A petition from Great Neck, N.Y., with 32 signatures of persons opposed to "any military involvement in Cambodia."

A petition from 450 students and 50 faculty and staff members at Whitman College, Walla Walla, Wash. The accompanying letter read, in part:

"We are very discouraged, as millions of other Americans are, about the possibilities which exist for stopping Nixon's war. But we are not yet in total despair. Those of us who led the petition drive here still believe that there is a chance that Congress, especially the Senate, can bring back some sanity to our Government."

A petition signed by 1,900 members of the faculty, staff, and students of the University of California, Riverside, including a request for "the immediate withdrawal of all American military and paramilitary forces from Southeast Asia" and "that Congress shall make no appropriations which permit offensive military operations anywhere in Southeast Asia."

A petition signed by 20 employees of the Ski Hut, Berkeley, Calif.

A petition from 100 students and faculty of the English Department, University of California, Berkeley.

A petition from a group of 15 citizens from Connecticut and Massachusetts.

A petition with 170 signatures from students and faculty of Duke University School of Law, Durham, N.C., opposing the President's "conduct of military operations in Indochina" and the "divisive tenor" of the administration's approach to domestic dissent.

Signatures from 84 participants at the Lower Income Housing Development Conference at Berkeley, Calif., opposed to U.S. military involvement in Cambodia, "especially at a time when re—

sources are so desperately needed for domestic programs."

A petition from 22 members of the Hartford Seminary Foundation faculty, Hartford, Conn., who—

Deplore and protest the invasion of Cambodia, the renewed bombing of North Vietnam, the continued war in South Vietnam, the insensitivity of our government to peaceful protest at home, and the contributions of our government to violence and death in our society.

Petitions from 19 faculty and staff members and graduate students at Cornell University and from the faculty and staff of the English for foreign students program at the University of California, Berkeley.

A petition from 37 members of the staff of the Modern Language Association of America.

A petition from Salina, Kans., signed by 53 persons.

A petition signed by 16 persons from the Boston area urging the Congress to reaffirm its constitutional responsibility and "reverse this latest tragedy in U.S. foreign policy."

Forty-six signatures on a petition from Los Angeles, protesting the "escalation of the war" which is "dividing our country."

A petition containing 94 signatures of first year medical students at the UCLA School of Medicine, Los Angeles, expressing "abject disapproval of U.S. military involvement in Asia."

A petition signed by 26 residents of Staten Island, N.Y., opposing "the escalation of the war by the presence of American troops in Cambodia."

Seven hundred and eighty-five signatures on a petition from Bryn Mawr College, Pennsylvania calling upon Members of Congress to exercise their lawful authority, in this time of national stress, in curbing Presidential decisions which commit U.S. Armed Forces to Southeast Asia."

Petitions signed by 75 members of the "aware majority" in Chicopee, Mass.

One hundred and forty-one signatures from workers, patients and others at Beth Abraham Hospital, Bronx, N.Y., protesting the expansion of the war, calling for a shifting of national priorities, and deploring "the murder of Kent State students."

A petition from 16 citizens of Canton, Ohio, who stated:

The plummeting stock market and the disorders and four tragic deaths at Kent are only a few signs that we as a nation can no longer bear the stress and strains of this war.

Two hundred and ninety-one signatures from students and faculty at Peabody Conservatory of Music, Baltimore, voicing distress and concern about the deepening American military involvement in Indochina and stating:

No war has been legally declared; the Congress has not been adequately consulted by the President. The disproportionate investment of American tax money in military commitments has interfered with the fulfillment of far more urgent human needs. The loss of life is intolerable.

Petitions with 1,266 signatures from residents of Orange County, Calif., say-

ing the war is unconstitutional, divisive and disrupting the economy and causing widespread unrest and disregard for the American principles of justice and humanity. They ask for withdrawal of U.S. forces from Cambodia, Thailand, and Laos and legislation cutting off funds for continuing the war in South Vietnam.

Petitions from 513 citizens of the Berkeley, Calif., area asking a "cessation of the invasion of Cambodia"; "withdrawal from Indochina" and that the President take no further military action without the advice and consent of the Congress and the people."

Four hundred and ninety-six signatures on petitions from the New Democratic Coalition of New York "fully supporting the Senate Foreign Relations Committee's position against any military involvement in Cambodia," and saying "the tragic experience of Vietnam must not be repeated in Cambodia."

A petition with signatures of 550 students and faculty at Nebraska Wesleyan University, Lincoln, Nebr. The petition reads:

We . . . regret that the Nixon Administration has extended United States involvement in Indochina by sending United States troops into Cambodia and by resuming bombing of North Vietnam. We ask that the Senate exercise its constitutional obligation and review these dangerous actions immediately.

Two thousand nine hundred signatures on petitions from citizens of the San Francisco area collected by the New Mobilization Committee To End the War in Vietnam.

A letter from seven high school teachers in Madison, Wis., who wrote:

How many times has it been said that we must learn from history? Vietnam is not yet history and we have apparently ignored all the lessons it offers.

A petition from 26 persons at the Department of Genetics, Stanford University School of Medicine "as Americans interested in bringing peace to a part of the world too long in war and as citizens eager to rechannel the anger in our country toward a constructive solution to our own problems."

Petitions bearing 300 signatures collected by Midwood Women Strike for Peace, New York, stating that "sending U.S. troops into Cambodia expands the war and endangers American lives and world peace."

Petitions from 414 New York area residents supporting the position of the Foreign Relations Committee and the Cooper-Church amendment.

A petition from 51 doctors and other medical personnel in San Francisco protesting "the further involvement of American men and materials in Cambodia and other Southeast Asian countries."

A petition from 17 ladies in Los Angeles strongly opposed to U.S. involvement in Cambodia.

A petition from 39 residents of an apartment building in Mount Vernon, N.Y., urging deescalation and "a negotiated settlement of the war—at the earliest possible date."

A petition with 10 signatures from Castro Valley, Calif.

A petition from 14 persons in the Denver area urging "legislation ending funding of all U.S. military activity in Southeast Asia except withdrawal of forces."

Twenty-seven signatures on a petition from Los Angeles strongly opposing our involvement in Cambodia.

A petition with 91 names from Concord, Pittsburg, and other California communities protesting the expanded war.

A petition from 65 employees of Time magazine which included a call for withholding military funds until all American forces have been withdrawn from Cambodia and Laos, an immediate halt to the bombing of Laos, and an investigation of the conduct of the Vietnam War.

A petition signed by 27 residents of New York which stated, in part:

The appalling sacrifice of lives, the terrible dollar drain away from our over-riding domestic priorities demand that we speak out. We cannot urge you enough to expend every possible effort to end the war immediately.

Thirty-four signatures on a petition from the Westport-New Haven, Conn., area urging support for the McGovern-Hatfield amendment to the military authorization bill.

From citizens of the Santa Cruz, Calif., area 1,060 signatures, and 45 names on a petition from Los Gatos, Calif., which stated:

The rationale of the President . . . is a continuation of the fruitless policies and baseless justification made by previous administrations and can only result in the perpetuation and extension, rather than the end, of the Vietnamese War.

Some 239 signatures from members of the Brooklyn College faculty "condemning President Nixon's decision to invade Cambodia and the resumption of bombing in North Vietnam" and urging the Senate Foreign Relations Committee "to take every possible measure to reverse this dangerous widening of the war."

A petition from 94 members of the All-University Department of Physics, New York University, supporting—

The recent initiatives in Congress to repeal the Gulf of Tonkin Resolution, reaffirm the constitutional prerogative of Congress to declare war, and put a swift and immediate end to the war.

A petition from 33 residents of Seattle, Wash., urging Congress to work for a quick end to the war.

The 240 signatures on petitions from Glenside, Pa., asking Congress "to assert its constitutional powers."

A petition from 17 members of the staff of James Weldon Johnson Community Center, Inc., New York.

A petition from 319 Long Beach, Calif., residents calling upon Congress to assert its constitutional authority.

A petition from 39 members of the faculty of Finch College, New York, stating:

We . . . condemn the extension of the war . . . and the killing of students in Ohio by National Guard troops, because every lawless action on the international level has the effect of still further tearing apart the social fabric of the United States. Therefore, we urge that Congress reassert its constitutional responsibilities . . .



The 1,048 signatures from members of the faculty, administration, and student body of State University College, New Paltz, N.Y., on a petition which concluded:

Please help us stop this senseless waste of American lives and resources and help us safeguard our Constitution.

A resolution signed by 120 people associated with the Department of Chemistry, University of Minnesota, deploring the escalation and calling for withdrawal of all U.S. troops from Southeast Asia.

The 287 signatures on petitions from residents of Minneapolis and St. Paul expressing unqualified opposition to the most recent escalation of the war.

The 2,225 signatures on petitions collected by graduate students and faculty members of the City University of New York from residents of the New York area. They express deep dismay at the expansion of the war "as well as the killings of Americans by Americans at home" and offer support for the Cooper-Church and Hatfield-McGovern amendments.

Mr. President, let me reemphasize that these are only some of the petitions I have received, and they are continuing to arrive. I did want to acknowledge these, however, and summarize them briefly for the Senate.

I would like to point out that although they come from citizens of all ages and from all parts of the country, a number of them were gathered by students and young people. I think this is an indication that many of them are endeavoring to work through the system to bring about change.

I am sure that nearly every Member of the Senate has talked with young people in recent days who have been here lobbying for a cause they believe in. I had a most interesting session several days ago with students from Arkansas and others representing about 35 colleges and universities around the country.

I advised them, as I have advised the students from my own State who have contacted me, not to give up on democracy, and not to give up their efforts to bring an end to the war.

There are ample possibilities for a strategy of dissent through the processes of American democracy. In addition to lobbying for peace through the legislative process, there is an obvious and promising strategy in this election year: to take to the political hustings and to work in an efficient and organized way for candidates who favor peace.

Ringling doorbells and passing out handbills are neither as dramatic nor as cathartic as a march on Washington or a student strike, but they speak the language that politicians understand: the language of votes.

Discouraging though it may seem at times for those who want change, peaceful political dissent at home is the most powerful incentive our policymakers have for bringing the war in Indochina to an end. The real impact of orderly, democratic dissent in America is not on the policymakers in Hanoi, as people who support the present course are fond of asserting, but on the policymakers in

Washington. That, no doubt, is why they object to dissent, and that is why those of us who oppose this war must sustain it.

Mr. President, although I do not intend to fill the RECORD with the texts and signatures from all the petitions that I have received, I would like to place in the RECORD a few of the letters which accompanied the petitions and which were of special interest. I, therefore, ask unanimous consent to have printed in the RECORD letters from Stanford University, Harvard University, and Mr. Kurt Stone of Santa Cruz, Calif.

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

STANFORD, CALIF.,  
May 5, 1970.

HON. J. W. FULBRIGHT,  
New Senate Office Building,  
Washington, D.C.

DEAR SENATOR FULBRIGHT: We, the undersigned of Stanford University, strongly urge your support for the congressional action to cut off further funds for the Southeast Asian conflict except for the purposes of withdrawing our troops. Specifically, we refer to an amendment to the military authorization bill limiting future American actions in Vietnam, Cambodia, and Laos. Funds would be authorized only to cover the withdrawal of our forces, the exchange of prisoners, and asylum for Vietnamese who might feel threatened by our withdrawal. This amendment is being offered by Senators Hatfield, Goodell, Hughes, Cranston, and McGovern. We ask that you, too, go on record against further funding of a war whose continuance means more slaughter and destruction on all sides, a war whose constitutionality is questionable, a war which is being tragically escalated by President Nixon. This escalation has resulted in worldwide anti-American sentiment, internal strife and a stronger alliance of Red Chinese, Russian, and Vietnamese Communists against the United States.

CAMBRIDGE, MASS.,  
May 6, 1970.

HON. J. WILLIAM FULBRIGHT,  
U.S. Senate,  
Washington, D.C.

SIR: I write this letter to accompany a petition which has been signed by more than 2100 undergraduates at Harvard and Radcliffe Colleges.

The majority of the students at Harvard and Radcliffe Colleges favor the conclusion of American intervention in Southeast Asian affairs. For many years we listened and believed the promises that this country's political leadership foisted upon us. For most of us now, however, the bankruptcy and futility of our nation's expressed aims in fighting this war have become starkly apparent. Concurrent with this realization has come recognition of the fact that each life, American and Asian, that is lost in this conflict is inevitably lost in vain. Tragic as well is the increasing polarization between government and students, and the new levels of intensity of dissent and repression which are being reached in our country. Today, four students lie dead from gunshot wounds suffered while protesting this war. Sadly, their deaths are the result of the unleashed fury of American officers sworn to uphold the law that makes this a free society. Provocation may indeed have been intense; nevertheless, firing into an unarmed crowd of students, many of whom, it now appears, were but observers, is unjustified and unmitigated barbarity.

It was because of these disturbing events that I drafted and circulated this petition. I believe strongly that students should express their dissent against the policy that our

President has chosen for our country with respect to Southeast Asia. I believe as well and as strongly that students have an obligation to make such expressions of dissent both peaceful and lawful. In a time of rapidly escalating rhetoric and increasingly violent confrontations as well as a growing disenchantment among students with the ability of government to deal morally with the problems of society, I drew up this petition to offer an alternative which I felt that everyone in the Harvard Community could support in good conscience. Moreover, my ethical inclinations led me to believe most emphatically that we, as members of a privileged intellectual community, should get on record as being opposed to the further prosecution of the war.

I am proud that this petition contains the signatures of well over a third of all the undergraduate community of Harvard University; I am even prouder of the fact that of those who read the petition, some 80-90% signed it. That we have only as many signatures as are here is a function of the inadequacies of our signature collection methods and not of our moral fibre. We sincerely hope that our faith in the efficacy of peaceful dissent and our indignation over the recent actions taken by our President will not remain unvindicated.

For your tireless efforts to restore a degree of sanity to the conduct of the foreign policy of my nation, I salute you.

Sincerely,

HAYWOOD TORRENCE, JR.

SANTA CRUZ, CALIF.,  
May 2, 1970.

DEAR SENATOR FULBRIGHT: Although the military consequences of American involvement in Cambodia are not known at this time, there is one severe societal consequence that is as apparent as it is damaging: that deep underlying feeling of helplessness that I spoke of in my last letter to you. I don't know what I can do as a student—I do not want to throw bricks. Yesterday however, I decided that the least I could do was to show some solidarity for your position when you meet with the President on Tuesday. I wrote up the enclosed petition yesterday, Saturday, May 2, and circulated it amongst the students, professors and residents of Santa Cruz, a retirement community that has in the past overwhelmingly supported the President in his foreign policy. The 1,000 plus signatures enclosed represents only three hours work; the percentage of those, when asked, that signed is about 85%. At Berkeley yesterday, 7,000 names were gathered in the same three hour period. I do not know if these names can serve as anything more than a symbolic gesture; however, as I said, it was the least I could do.

The language of the petition is not strong; indeed, it even approaches being milktoast. However, I feel that the people who signed it knew what they were doing. I trust that by this time, people from all over the country have sent you similar signs of solidarity.

I trust that these names reach you before your Tuesday meeting with President Nixon. In the event that they do not, rest assured that when you go into conference, the American people will be supporting you all the way. May your strength and wisdom not fail you in this most important hour. Hopefully, our sense of helplessness will not turn to apathy and a lessening of our desire to be the vanguard among peace-seeking nations.

This letter can best be concluded with a quote from William Penn that expresses my feelings towards the Nixon administration: "... politics made obsolete by new accidents are as unsafe to follow as antiquated clothes are ridiculous to wear."

America stands behind you. In sincere trust and friendship, I am

Very truly yours,

KURT F. STONE.

Mr. FULBRIGHT. Mr. President, among the thousands of individual letters I have received, one of the most interesting is from a decorated veteran of Vietnam who is now a student at Cornell University. Mr. Richard Dunham received the Silver Star and an Oak Leaf Cluster, the Bronze Star and the Army Commendation Medal for Heroism. Because of his experience as both a soldier and student, I think his views are of particular interest, and I ask unanimous consent that his letter be printed in the RECORD.

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

Ithaca, N.Y.,  
May 6, 1970.

Hon. J. W. FULBRIGHT,  
Senate Office Building,  
Washington, D.C.

DEAR SIR: I would like to register my complete support of your attempts to extricate this nation from its tragic involvement in Southeast Asia. I am appalled by our invasion of Cambodia; the deceptive rhetoric employed by the Administration and its supporters has brought many of us near despair. Our insane foreign policy must cease—at once! To facilitate this return to sanity, the United States Congress must assert its constitutional prerogatives.

I am a student at Cornell University; I am also a veteran of two years of duty in Southeast Asia as a non-commissioned officer in the United States Army. I can list among my decorations two awards of the Silver Star, one award of the Bronze Star and one award of the Army Commendation Medal for Heroism. I rejected an offer of a battlefield commission. I saw many good men killed and maimed; included among them were soldiers of the Democratic Republic of Vietnam and the National Liberation Front, as well as American soldiers. Though constantly engaged in combat, some of my men actually expressed to me disgust and remorse at being charged with the execution of an unjust policy. These men were members of an organization which considered it unmanly to attack and destroy other men with anything less than intense zeal and a sense of satisfaction. My men were not blind; they saw the peasants of the Mekong Delta defer to the soldiers of the Army of the Republic of Vietnam as one would to an army of occupation—the ARVN troops excelled in that role.

I choked as I watched President Nixon deliver his rambling treatise on "patriotism" in the corridors of the Pentagon last week. It demonstrated a perversity which I had never expected: American soldiers are tall men; radical students are bums. I am a student. Three years of Army service has radicalized me. Hence, I was a tall man, yet, now I am a bum. Two days later the President's venomous tongue-lashing was supplemented with the fierce authority of lashing bullets. This is part of the continuing war against rationality on the home front. It is a logical extension of this country's foreign policy.

Professor George Kahin of the Department of Asian Studies at Cornell University has informed me of an organized, methodical campaign mounted by the Pentagon to undercut your political effectiveness. I find the assumption of such a role by the Pentagon repugnant and counter to the best interests of this nation and those of all mankind.

Our egomaniacal Administration must be restrained. Demonstrate to the American people that they have recourse to the United States Congress in their quest for a sane foreign policy.

I have enclosed copies of Department of

Defense documents which testify as to the extent and nature of my military service.

Hopefully yours,  
RICHARD K. DUNHAM.

Mr. FULBRIGHT. Mr. President, I have seen a number of thoughtful, reasoned and moving editorials in recent days. One of particular interest to me appeared in an Arkansas paper, the Arkansas Democrat of Little Rock. The editorial is entitled "What Does It Take?" and asks "What does it take to convince a President we really mean it?" I ask unanimous consent to have the editorial printed in the RECORD.

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

#### WHAT DOES IT TAKE?

Lyndon Johnson was elected President because he opposed a bigger war in Vietnam. Lyndon Johnson made a bigger war.

Lyndon Johnson became so unpopular he didn't run for reelection.

Richard Nixon was elected President because he promised to get our troops out of Vietnam.

Richard Nixon is making a bigger war by spreading it to Cambodia.

What does it take to convince a president we really mean it?

It shouldn't take demonstrations, peaceful or violent.

It certainly shouldn't take the martyrdom of college students.

The vote against Hubert Humphrey, Johnson's vice president, should have been enough.

And people are still saying that the ballot box is the only way to make changes.

The reports from the Cambodian invasion continue. 25,000 American troops are involved.

On April 23, Secretary of State William P. Rogers said, "We recognize that if we escalate and get involved in Cambodia with our ground troops, that our whole program is defeated."

Rogers also said, "I think the one lesson the war in Vietnam has taught us is that if you are going to fight a war of this kind satisfactorily you need public support and congressional support."

Thousands of students demonstrate against the sending of troops to Cambodia. Congressional leaders threaten to cut off funds for the war.

In Philadelphia an organizer refused to play "Onward Christian Soldiers Marching as to War."

At John F. Kennedy High School in Wheaton, Md., an American flag is burned by students who support the move into Cambodia. The flag had been flying at half mast because of the death of Allison Krause, a graduate of the school. Allison was shot to death by a National Guardsman in the Kent State University Massacre.

The flag was burned in a wastebasket on the second floor of the school.

The top National Guard officer said of the guardsmen at Kent, "Those people did the job they were told to do."

They were given rifle bullets to do the job with. The adjutant general of the Arkansas National Guard said this state's guardsmen are sometimes given rifle bullets when employed at demonstrations by civilians. He didn't say why.

The Ohio adjutant general said the guardsmen were given ammunition to use if they felt their lives were in danger. Four students were killed. 100 guardsmen were bruised by rocks.

The Kent campus is quiet, the school closed.

Troops continue to push into Cambodia,

where it is reported 10 Americans were killed in a barrage.

In Cambodia allied troops are burning villages, destroying rubber trees and crops, slaughtering livestock, clearing out civilians as well as enemy forces.

In the United States, students are burning and vandalizing ROTC buildings, the handy military symbols.

The growing civil war is not a war of symbols.

It involves real people who violently oppose our involvement in Indochina. And people who violently oppose the opposers.

The longer the President delays getting us uninvolved in the war over there, the worse the war over here will get.

The war over here is now a war of bullets, too.

What does it take to end the war?

It should not take the martyrdom of college students.

It shouldn't even take the burning of a flag in a wastebasket on the second floor of John F. Kennedy High School.

Mr. FULBRIGHT. Further, Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Arkansas Democrat of May 8, entitled "A War-Peace Dialog at Conway," which reports on discussions among students and faculty members at Hendrix College in Arkansas.

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

#### A WAR-PEACE DIALOG AT CONWAY

(By Tim Hackler)

CONWAY.—Students at Hendrix College here Thursday evening reflected the nationwide student frustration over having a cause, but not knowing just what to do about it.

A march had been planned for 6 p.m. on Conway's new federal building to protest the Cambodian invasion and the killing of four students at Kent State University. But leaders called off the march, deciding that it could provoke violence and that it would only increase the polarity over the war and student demonstrations.

About 250 students, some 25 from State College of Arkansas across town, had assembled for the march at the library plaza on the Hendrix campus when they heard of the cancellation. For nearly an hour students took turns speaking at a portable lectern on the march, the merits of peaceful rather than violent demonstration, the publicity they were receiving, and what tact the protest movement should take.

The students, having failed to come up with any satisfactory plans, were clearly as frustrated after the informal exchange about what to do as they had been when they assembled.

Pat Goss of North Little Rock, one of the organizers of recent peaceful demonstrations at Hendrix, explained why the march had been called off.

"It looks like we may be turning the corner on this peace movement right now," he said, and the students shouldn't jeopardize the movement's effectiveness by encouraging confrontation and polarity.

Goss emphasized that neither the Hendrix administration nor Conway officials had put any pressure on the students. "This is not a cop-out," he said. "We simply thought we came up with something better."

Goss and another student, Larry Pearce of Magnolia, announced plans for a "tele-lecture" from Washington next week, during which Sen. J. William Fulbright would answer questions over a telephone circuit posed to him by Hendrix students. Goss encouraged his audience to be prepared with intelligent questions about what course student protest should take.



Pearce had talked during the day with Fulbright and said the senator had cautioned against violence that would only bring repression.

Pearce and Goss also announced that Hendrix would be the Arkansas communications center for a nationwide project initiated at Williams College in Williams, Mass., to conduct a one-hour work stoppage May 20.

Goss turned the lecture over to anyone who wanted to speak. Most of the students supported the decision not to march, although there were some dissenters. There were also some personal testimonies.

One student said that he had looked forward to marching downtown singing "We Shall Overcome," but that he understood the decision not to march. "We won't stoop to violence like they do," he said.

Some American cities will "burn" this summer, predicted one student. "Why?" he asked. "Why not?" he answered. Peaceful demonstrations have not worked, he said, but violence has. "The government doesn't listen to you any other way."

But another student argued that violence was not the answer. "That's what we're here to stop," he said.

One student came to the lectern to explain why he was carrying an upside down American flag. It is a sign of distress for a country that is in a "pitiful" condition, he said.

A State College student argued that the march should be conducted to show Conway people student feelings against the country's foreign and domestic policies. "Conway has never seen a march," he said. "They just see us sitting in our libraries."

But another student argued that there was not much point in conducting the march because Conway businesses had closed and the television crew had left.

Thomas Slinkard, a history instructor, said he thought that the march would accomplish little, adding that he had been on several marches, including the march from Selma to Birmingham, Ala., in 1965. He suggested that the students' energy be channeled through a campaign to oppose the announced efforts of Jim Johnson to recall Fulbright. Such an effort would also provide an opportunity for students to talk with older people, he said, "maybe even your parents."

One student, who said he was attending his first protest demonstration, agreed that the students would be most effective by working politically against unsympathetic congressmen and by talking to their parents.

"If my mom and dad knew that I was talking to you now, they would try to understand," he said. "They might not agree right away, but they'd try to understand."

He also admitted sheepishly that he was the roommate of the student who had harassed a protest meeting on the campus Tuesday night by playing loud patriotic music from his dormitory window.

One student suggested that college administrators be pressured into making public their feelings about the war. And another urged that State College and Hendrix students work together. He noted that it had taken a peace demonstration to get students from the traditionally rival schools together.

The last speaker urged the students not to let their longing to do something fade away. "We finally appear to be getting something going here," he said, "and we shouldn't let it die."

By the end of the night, 300 students had signed a petition against the war, and two carloads of students had left for Saturday's mass protests in Washington.

#### RESOLUTION ON VIETNAM BY CITY COUNCIL OF PHILADELPHIA

Mr. FULBRIGHT. Mr. President, on March 5 the city council of Philadelphia,

by unanimous vote, adopted a resolution memorializing "the President and Congress of the United States to act immediately to end the tragic waste of American lives and resources in Vietnam so as to give priorities to meeting the domestic needs of our own people."

The members of the city council of Philadelphia are to be commended for taking this official action in protest against continuation of the war. I hope that the council's recommendation will help to impress upon administration officials the urgent need to end this tragic war and reorder our national priorities to place the needs of our own people first once more.

I ask unanimous consent to have the text of the resolution printed at this point in the RECORD.

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

#### RESOLUTION

Memorializing the President and Congress of the United States to act immediately to end the tragic waste of American lives and resources in Vietnam

Whereas, The war in Vietnam is consuming \$30 billion a year in public funds and has caused the deaths of over 45,000 American fighting men and countless more Vietnamese; and

Whereas, Apart from the war in Vietnam, the military expenditures of the federal government far exceed any rational defense needs of this country and tend only to serve to inflate American prestige abroad and to make American soldiers policemen for the world; and

Whereas, In an effort to bring an end to the arms race and to make possible the peaceful resolution of international disputes, it would be more meaningful to strive toward arms control and disarmament; and

Whereas, We earnestly request that our national priorities be realigned to give first preference to meeting the domestic needs of our own people in such fields as education, housing, health, public safety, transportation, environmental improvements and recreation, and to removing the injustices which are responsible for the widening divisions in our society; therefore

Resolved, by the Council of the City of Philadelphia, That we hereby memorialize the President and the Congress of the United States to act immediately to end the tragic waste of American lives and resources in Vietnam so as to give priorities to meeting the domestic needs of our own people.

Resolved, That certified copies of this Resolution be forwarded to the President of the United States, Vice-President, Speaker of the House, President Pro Tempore of the Senate, United States Senators from Pennsylvania and Congressmen from Philadelphia, as evidence of the sentiments of this legislative body.

#### AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be treated as original text for the purpose of further amendment.

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

Mr. FULBRIGHT subsequently said: Mr. President, a few minutes ago I asked unanimous consent that the committee amendments be agreed to en bloc.

The distinguished Senator from Michigan (Mr. GRIFFIN) was under obligation to object and was in the process of objecting but he did not catch the eye of the Presiding Officer in the chair, who announced that the amendments were agreed to en bloc.

I now would like to ask unanimous consent that that unanimous-consent agreement be rescinded.

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

Mr. GRIFFIN. Mr. President, I want to thank the Senator from Arkansas very much for his kindness and cooperation in this regard. The Chair, ordinarily, would have asked, "Is there objection?" under those circumstances, and would then have said, "Without objection, it is so ordered."

Both the Chair and the Senator from Michigan now realize that I should have objected. I was under the obligation to object, and I appreciate very much that the Senator from Arkansas realizes that.

If, on tomorrow, he wants to renew his request, after I have had an opportunity to discuss it with some of my colleagues, then I think it will be appropriate.

Mr. FULBRIGHT. Let me reassure the Senator from Michigan it is sort of a tradition around here. I had no idea there would be any objection, or I would have objected myself. I do not believe that we can operate the Senate on that kind of inadvertence.

Mr. President, it is with both a sense of great reluctance and a feeling of guarded accomplishment that I present this bill to extend the foreign military sales program to the Senate.

My reluctance derives from the fact that I take no pride in asking my colleagues to approve the portion of this bill which contributes to the spread of conventional military hardware. On the other hand, there is a feeling of accomplishment because of the committee's adoption of a number of significant amendments, including the prohibition on further involvement in Cambodia and a number of restrictions on the military aid and sales programs.

The basic purpose of this bill is to authorize continuation of the military credit sales program for fiscal years 1970 and 1971.

It would authorize credit sales of \$300 million in military arms and equipment for each of those years and would authorize the appropriation of \$250 million each year to finance the sales. The sales financed under this program are made primarily to less developed countries. Credit sales to rich countries are generally financed either through commercial channels or the Export-Import Bank.

But the credit sales program must be viewed in the context of the total picture of U.S. arms exports. The Department of Defense estimates that in the current fiscal year the United States will sell

abroad a total of about \$1.9 billion in arms and military equipment. Of that, \$300 million will be financed under authority of the Foreign Military Sales Act. In addition to the sales volume, the United States will supply \$392 million in arms through the military grant aid program and will have an additional \$166 million in surplus arms and equipment—valued at one-fourth of acquisition cost—to give away. Thus, the United States will sell or give away nearly \$2.5 billion in military materials this fiscal year.

I point out also that there are some \$9 billion worth of surplus arms and military equipment now available for the Department of Defense to give away—even to Cambodia—without any congressional limits. And the total is mounting rapidly as U.S. forces are withdrawn from Vietnam. In addition to the excess arms, the funds available under the regular grant aid and sales program, the President may, under section 506 of the Foreign Assistance Act, give other nations up to \$300 million of arms and equipment out of the Department of Defense's stock if he considers it vital to our national security. The sources of U.S. arms are many and the volume is vast. The credit sales program authorized by this bill is only the tip of the iceberg.

All of these programs add up to the fact that the United States is the world's largest producer and exporter of military equipment. And in this global context, I call attention to the grim reminder that for the period from 1964 to 1969 total military outlays around the world amounted to over \$1 trillion. According to the Arms Control and Disarmament Agency, this sum when measured against available economic resources exceeds the value of all goods and services produced in the United States in the past year; it is more than 2 years' income for the world's developing countries in which 2½ billion people live; and it is equal to as much money as was spent by all governments on all forms of public education and health care in the 6-year period.

Few would disagree that this is a pretty sad commentary on the priorities set by governments around the world. But the future is even more bleak. Drawing on a recent United Nations study, the Christian Science Monitor graphically reported recently:

If one silver dollar coin was dropped every second, it will take 126,000 years to exhaust the amount of money that will be spent on world armaments in the next 10 years.

As a practical matter there is little that the committee can do to change the outlook for that forecast. But it did act to try to control the contribution the Pentagon planned to make toward making the prediction a reality. It made a number of substantive changes that may help to stem the flow of American weapons abroad. I would like to describe briefly the most significant actions taken.

Nothing was more indicative of the Pentagon's blatant disregard for the intent of Congress than its giving away of some \$140 million in surplus military equipment to Taiwan following Congress' refusal to appropriate \$54.5 million in additional military aid above the

amount authorized. As a result of this attempt to increase appropriations over the authorization level, and the Pentagon's attempt to make an end run around the Congress by using the surplus program, two amendments have been added to this bill to prevent such developments in the future.

The first, dealing with the excess property issue, restricts the Department of Defense's authority by imposing a \$35 million ceiling on the amount of surplus military arms or equipment that may be given away in any fiscal year. A portion of the original cost of any surplus material given away above that amount would be deducted from the funds available for grant military aid.

The second, relating to appropriations, simply states that any appropriation above the amount authorized cannot be used and that any appropriation for which there is not an authorization cannot be expended. This amendment writes into law the principle, supported by the Senate in two votes last year, that the appropriation of funds which are not authorized is bad practice and, if carried to extremes, could seriously undermine the authority of all legislative committees.

In addition to these two amendments, the bill contains provisions which require: that recipients of military grant aid, including surplus equipment, pay in their local currency 50 percent of the value of the grants, the funds to be used to meet U.S. obligations in the country and to finance educational and cultural exchange programs; that the United States not approve requests by foreign countries to transfer military equipment, supplied under the grant or sales program, to any country to which the United States would not supply the arms directly; that the President be given explicit control over successive transfers of military equipment supplied under Government-financed programs; and that sales or grants of the International Fighter aircraft, except for those given to Vietnam or sold through commercial channels, be authorized under the regular military grant aid or sales programs.

Mr. President, the fact that the committee felt compelled to adopt these restrictions serves only to emphasize the failure of policies which have resulted in making the United States the world's leading arms merchant. This policy, which places such great reliance on arms as a means of solving problems of human and national relationships evidences a type of national illness.

It is the kind of illness that has spread deceptively and insidiously for many years and now permeates our entire body politic.

It is an illness that blinds both policymakers and public to our Nation's basic traditions and values to produce a kind of "Doublespeak" where lives are saved by sending more men into combat; villages are destroyed in order to save them; and risks for peace are taken by buying more weapons of destruction.

It is the kind of illness that has drawn us into Vietnam; that has nurtured our adventure in Laos; and that has brought us to the brink of a far wider war throughout Indochina.

In short, it is the kind of illness that prostitutes and distorts. It is the kind of illness that must be cured if we are to ever achieve peace abroad or at home.

The Church-Cooper-Aiken-Mansfield amendment, to prevent any further U.S. involvement in Cambodia, is a small, but important step in the recovery process.

Last year, by a vote of 70 to 16, the Senate adopted the national commitments resolution expressing the sense of the Senate that "a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the U.S. Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment." By its action of April 1970 in initiating hostilities within the territory of Cambodia without the consent or even the prior knowledge of Congress or any of its committees, the executive branch has shown disregard not only for the national commitments resolution but for the constitutional principles in which that resolution is rooted. In the wake of recent events, there is reason to reassert, with renewed conviction, a statement made in the Foreign Relations Committee's report of April 16, 1969, on the national commitments resolution:

Our country has come far toward the concentration in its national executive of unchecked power over foreign relations, particularly over the disposition and use of the Armed Forces. So far has this process advanced that, in the committee's view, it is no longer accurate to characterize our Government, in matters of foreign relations, as one of separated powers checked and balanced against each other.

The notion that the authority to commit the United States to war is an Executive prerogative, or even a divided or uncertain one, is one which has grown up only in recent decades. It is the result primarily of a series of emergencies or alleged emergencies which have enhanced Executive power, fostered attitudes of urgency and anxiety, and given rise to a general disregard for constitutional procedure.

In fact, there was neither uncertainty nor ambiguity on the part of the framers of the Constitution as to their determination to vest the war power exclusively in the Congress. As Thomas Jefferson wrote in a letter to Madison in 1789:

We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

As to the powers of the President as Commander in Chief, Alexander Hamilton, an advocate of strong executive power, wrote in *Federalist* No. 69:

The President is to be commander in chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and admiral of the Confederacy, while that of the British king extends to the declaring of war and to the raising and



regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.

The present administration's view of the President's power as Commander in Chief is almost the polar opposite of Hamilton's. In its comments of March 10, 1969, on the then pending national commitments resolution, the Department of State made the following assertion:

As Commander in Chief, the President has the sole authority to command our Armed Forces, whether they are within or outside the United States. And, although reasonable men may differ as to the circumstances in which he should do so, the President has the constitutional power to send U.S. military forces abroad without specific congressional approval.

Like a number of its predecessors, the present administration is basing its claim to war powers on either a greatly inflated concept of the President's authority as Commander in Chief, or in some vague doctrine of inherent powers of the Presidency, or both. Another possibility is that the matter simply has not been given much thought.

Whatever the explanation may be, the fact remains that the Executive is conducting a constitutionally unauthorized, Presidential war in Indochina. The commitment without the consent or knowledge of Congress of thousands of American soldiers to fight in Cambodia—a country which has formally renounced the offer of protection extended to it as a protocol state under the SEATO Treaty, and to which, therefore, we are under no binding obligation whatever—evidences a conviction by the Executive that it is at liberty to ignore the national commitments resolution and to take over both the war and treaty powers of Congress when congressional authority in these areas becomes inconvenient.

It is noteworthy that, in his address to the Nation of April 30 explaining his decision to send American troops to Cambodia, the President did not think it necessary to explain what he believed to be the legal ground on which he was acting, other than to refer to his powers as Commander in Chief of the Armed Forces. Equally noteworthy was the President's repeated assertion in his press conference of May 8 that he—and he alone—as Commander in Chief was responsible for the conduct of the war and the safety of our troops. This sweeping assertion of the President's authority as Commander in Chief amounts to the repudiation of those provisions of article I, section 8 of the Constitution, which empower Congress not only to "declare war" but to "raise and support armies," "provide and maintain a Navy," and "make rules for the Government and regulation of the land and naval forces." It is true, of course, that the present administration's attitude in this area hardly differs from that of its predecessors—except that preceding administrations took no special pride, as the present administration does, in adherence to a "strict construction" of the Constitution.

The Senate's adoption of the Church-Cooper-Aiken-Mansfield amendment will be a significant step toward restoring the health of our constitutional system of

checks and balances. Both its purpose and language are simple and straightforward. Its purpose is simply to prevent involvement by the United States in a wider war in Asia by insuring that our forces are withdrawn from Cambodia and that the United States does not end up fighting a war in behalf of Cambodia. I will not go into the several points of the amendment since the sponsors of it will discuss its details in their presentations.

Mr. President, I believe that, with the amendments adopted by the committee, this is a good bill and I hope that the Senate will approve the committee's recommendations.

#### AN EXPLANATION OF THE COOPER-CHURCH AMENDMENT

Mr. CHURCH. Mr. President, first, I want to commend the distinguished chairman of the Committee on Foreign Relations for the excellent explanation he has made of the military sales bill, as recommended to the Senate by the committee, and the endorsement he has given to the Cooper-Church amendment, which I should like to explain further at this time.

The United States is still stuck fast in the longest war of its history in the former French properties known as Indochina. Three Presidents, representing both political parties, have been unwilling to put an end to the American involvement in this Asian war.

Throughout this protracted period, the Congress of the United States has permitted each President to exercise blank-check powers. In so doing, we have shrunk from the use of our own authority under section 8 of article I of the Constitution, which vests in Congress the purse strings, together with the power to declare war, to raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the land and naval forces. Our failure to make effective use of any of these powers, while the war was passed from one President to another, is one for which historians may judge us harshly.

Within the past 2 weeks, another front has been opened in this interminable war—again as the result of a Presidential decision taken without so much as a bow to Congress. The dispatch of American troops into Cambodia, though presently limited in scope, could easily become the first step toward committing the United States to the defense of still another government in Southeast Asia. Sobering as this specter should be, in light of our experience in Vietnam, it nonetheless presents Congress with a historic opportunity to draw the limits on American intervention in Indochina. This is the purpose of the amendment that Senator Cooper and I, joined by Senators Mansfield and Aiken, urge the Senate to approve. If enacted into law, it would draw the purse strings tight against a deepening American involvement in Cambodia.

There is a precedent for what we are asking the Senate to do. It lies in the action taken last December when, you will recall, the Senate adopted overwhelmingly a modification I proposed to

an amendment offered by Senators Cooper and Mansfield to the military appropriations bill for fiscal year 1970. It provided that "none of the funds appropriated by this act shall be used to finance the introduction of American ground combat troops into Laos or Thailand." There is reason to believe that this amendment, which became law, had a restraining effect on our newest venture, because the President is said to have rejected recommendations that the current operation include Laos as well as Cambodia. To have done otherwise, might well have placed the President in the untenable position of breaking the law.

We now seek to do for Cambodia what our earlier amendment did for Laos. But since American forces have already entered Cambodia, the amendment we propose would set limits on their intervention, prevent them from remaining in Cambodia, and preclude any military entanglement on our part with the government of that country.

Unquestionably, Congress has the power to accomplish these objectives. But this power, so little used in recent years, amounts to so much idle talk, unless a majority proves willing to invoke it. Our amendment is drafted in such manner as to invite, and offered in the hope that it will attract, majority support.

Some have argued that it is useless for the Senate to legislate limits, when the House of Representatives has already backed away from them. I do not agree. Nor do I believe the Senate should be put off on such a pretext. If the amendment were affixed to a House passed bill, such as the Military Sales Act now pending before the Senate, and then strongly backed by the Senate as a whole, the vote would provide our conferees with a mandate to insist that the amendment be retained in any final version of the bill.

The amendment itself is a realistic one. It is no exercise in futility; it does not attempt to undo what has been done. Instead, it is addressed to the immediate need of preventing the United States from bogging down in Cambodia, and from committing itself to the defense of another Asian government on a new front.

It does this by: First, denying funds for the retention of American forces in Cambodia; second, prohibiting funds for the instruction of Cambodian military forces or for hiring mercenaries to fight for Cambodia; and, third, forbidding the use of any appropriation for conducting combat activity in the air above Cambodia in support of Cambodian forces.

In sum, the amendment is directed against those very activities which led to our entrapment in Vietnam. Its adoption would erect a legal barrier against further penetration of American forces into the jungles of Southeast Asia and help expedite the withdrawal of our troops from Vietnam.

Mr. President, legislative action is needed now, not only to make certain that the avowed perimeters of our attack upon Cambodian sanctuaries are not exceeded, but also to bar the beginnings

of an escalating military assistance program to the new Cambodian regime. We owe nothing to the generals who have seized power in Phnom Penh. We have made them no promises. For once in our lives, we stand unfettered by any treaty obligations. We have no duty to furnish them with arms, let alone to come to their defense.

Still, it takes no exercise of the imagination to forecast, now that the Cambodian boundary has been breached and our gunboats ply the Mekong, that pressures will soon develop for sending an American military mission to Phnom Penh which, in turn, would generate a whole set of American obligations to the new Cambodian regime. This very sequence of events led us ever deeper into the morass in Vietnam. We must not travel down that tragic trail again.

This war has already stretched the generation gap so wide that it threatens to pull the country apart. The new generation never saw in Vietnam the demons that our generation perceived. Unlike American Presidents, who were mesmerized by the "lessons" of World War II, our brightest young people never believed that Ho Chi Minh was Adolf Hitler in disguise, or that our failure to send in our own troops to fight for the government we subsidized in Saigon would amount to another "Munich." They knew that Vietnam really had nothing to do with the security of the United States, the safety of the American people, or the well-being of our society. And so they soon came to view the war as an unwarranted intrusion on our part in a Vietnamese struggle which we should never have made our affair.

It does no good to tell these young people that our "will and character are being tested," that we shall not be humiliated or accept our first defeat. They do not believe a mistaken war should be won. They believe it should be stopped. That, for them, is the path of honor.

Little wonder, then, that our generation has lost communication with young America. We move in two different worlds; we speak two different tongues. We would pass each other by, like two ships in the night, were it not for the collision course we oldsters have charted; we keep drafting them to fight our war. We persist in that course, even at the price of alienating millions of young Americans.

The deep disillusionment of college students in their country and its institutions has its roots in Vietnam. When the power of the State is used to force young men to fight a war they believe to be wrongful, under penalty of imprisonment if they refuse, the seeds of sedition are sown. We now reap the bitter harvest, manifested in the angry uprisings on campuses from coast to coast. Whenever the limb is shaken, all the leaves tremble. Once the moral authority of the Government is rejected on an issue so fundamental as an unacceptable war, every lesser institution of authority is placed in jeopardy. Every sacred principle, every traditional value, every settled policy becomes a target for ridicule and repudiation. Cauldrons of anarchy soon begin to boil.

So it has happened that our country is coming unstuck. The crisis in our land, the deepening divisions among our people, the festering, unattended problems at home, bear far more importantly upon the future of the Republic than anything we have now, or have ever had, at stake in Indochina. That is why the time has come for Congress to draw the line against an expanded American involvement in this widening war.

Too much blood has been lost, too much patience gone unrewarded, while the war continues to poison our society. If the executive branch will not take the initiative, then the Congress and the people must.

#### LIST OF COSPONSORS

Mr. President, when the amendment was originally offered, Senators MANSFIELD and AIKEN joined Senator COOPER of Kentucky and myself in recommending it to the Committee on Foreign Relations. The committee adopted the amendment by a vote of 9 to 5 and affixed it to the Foreign Military Sales Act now pending before the Senate.

Since the committee took that action, many other Senators have asked to be listed as cosponsors of the amendment.

Mr. President, I ask unanimous consent that their names be affixed as cosponsors.

The full list of cosponsors is: Senator AIKEN of Vermont; Senator BAYH of Indiana; Senator BROOKE of Massachusetts; Senator CASE of New Jersey; Senator CHURCH of Idaho; Senator COOPER of Kentucky; Senator CRANSTON of California; Senator FULBRIGHT of Arkansas; Senator GOODELL of New York; Senator HARRIS of Oklahoma; Senator HART of Michigan; Senator HATFIELD of Oregon; Senator JAVITS of New York; Senator MANSFIELD of Montana; Senator MATHIAS of Maryland; Senator MONDALE of Minnesota; Senator MOSS of Utah; Senator PEARSON of Kansas; Senator PELL of Rhode Island; Senator PROXMIER of Wisconsin; Senator RIBICOFF of Connecticut; Senator SAXBE of Ohio; Senator SCHWEIKER of Pennsylvania; Senator SYMINGTON of Missouri; Senator TYDINGS of Maryland; Senator WILLIAMS of New Jersey; Senator YOUNG of Ohio; Senator MCGOVERN of South Dakota; Senator HUGHES of Iowa; and Senator GRAVEL of Alaska.

Mr. President, as of now, the total number of Senators sponsoring the amendment is 30.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. CHURCH. Mr. President, I also ask that a text of the amendment in its revised form, as reported from the Committee on Foreign Relations, be printed at this point in the Record.

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

#### CHURCH-COOPER AMENDMENT

SEC. 7. The Foreign Military Sales Act is amended by adding at the end thereof the following new section:

"SEC. 47. Prohibition of assistance to Cambodia.—In order to avoid the involvement of the United States in a wider war in Indochina and to expedite the withdrawal of American forces from Vietnam, it is hereby provided that, unless specifically authorized

by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of—

"(1) retaining United States forces in Cambodia;

"(2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces;

"(3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or to provide persons to engage in any combat activity in support of Cambodian forces; or

"(4) conducting any combat activity in the air above Cambodia in support of Cambodian forces."

Mr. CHURCH. Mr. President, I am pleased to share with my colleagues a petition signed by students from my home State of Idaho attending Harvard University who protest against the U.S. invasion of Cambodia.

I ask unanimous consent that this petition, together with the names of the students who signed it, be printed at this point in the Record.

There being no objection, the petition with list of names, was ordered to be printed in the Record, as follows:

MAY 8, 1970.

HONORABLE FRANK CHURCH: We, Idaho students attending Harvard University, wish to register our opposition to President Nixon's policy in Southeast Asia. We strongly feel that the immediate, complete withdrawal of United States troops from Indochina is essential for the fulfillment of our national goals. Therefore, we urge you to take any steps necessary to disengage the United States from this unfortunate war.

Mike E. Brandeberry, Boise, Tom Ambrose, Wendell, Daniel F. Brandeberry, Boise, Irene Kelly, Jerome, Ralph J. Coates, Buhl, Craig Ipsen, Montpeller, Matthew Berman, Moscow, Larry D. Bishop, Boise, Del Ray Maughan, Boise, Robert T. Horten, Coeur d'Alene, Robert Stevens, Pocatello, Julian R. Birnbaum, Caldwell, Marie Kelly, Jerome, Melanie York, Boise, Richard Smith, Caldwell, Steve Mike-sell, Boise.

Mr. CHURCH. Finally, Mr. President, an excellent and perceptive article appeared in the New York Times of Sunday, May 10, 1970, written by the distinguished columnist Harrison E. Salisbury.

In the article Mr. Salisbury points out that the initial political reaction to our movement into Cambodia has been to draw the Soviet Union and Red China closer together, the first time this has happened in a number of years.

A few days ago, when members of the Senate Foreign Relations and the House Foreign Affairs Committees attended a briefing in the White House on the Cambodian venture, I came away convinced that the President of the United States had launched a large gamble for small stakes.

After listening closely to the President's explanation and to the answers he gave to the many questions asked, I felt that if he were to win the gamble, he would gain no more than a temporary removal of certain border bases to which the enemy would soon return; if he lost the gamble, the enemy reprisals might well take the form of a Communist take-over of Laos or Cambodia or both, and beyond Indochina, the repercussions might tend



to resolidify the fractured Communist world. That indeed seems to be what is happening.

Let me read to the Senate portions of this very perceptive article by Mr. Salisbury. He points up what very large losses may be entailed for the United States as a result of a military venture which, at best, can produce only the most limited and temporary of benefits.

Mr. Salisbury writes:

The United States action in Cambodia has touched off a swift Chinese diplomatic offensive which is radically altering Sino-Soviet-American relationships and may open the way to temporary easing of Sino-Soviet tensions.

The Chinese moves were undertaken at a moment when the Sino-Soviet conflict had touched a new height of violence. They came in the face of major new Soviet troop movements to the disputed frontier with China.

Now, however, as a result of the personal intervention of Chairman Mao Tse-tung the principal Soviet diplomatic negotiator, Deputy Foreign Minister V. V. Kuznetsov, has returned to Peking amid rumors that Moscow and Peking may be willing to lay aside, in part and for the time being, their bitter quarrel.

Premier Chou En-lai moving with remarkable deftness, has managed to seize for China the leadership in the Communist response to the United States action. He has managed to put China at the head of an emerging coalition of Indochinese powers and may have stalemated the Soviet Union in what might have been a new escalation of the Sino-Soviet quarrel.

#### WARNING TO U.S.

In the process the Chinese have delivered a low-key warning to the United States that escalation of the war in Indochina might bring about their intervention; made an offer of "volunteers" to Prince Sihanouk (which he graciously declined); blocked the Russians almost completely out of the direct relations with any of the Indochina countries; re-established warmer and closer relations with bristly North Korea; and laid the foundation for a possible "united front" of China, the Indochina states and North Korea against "U.S. aggression."

The consequences to future United States and future Soviet policy of the Chinese diplomatic blitzkrieg may be far-reaching.

The United States is scheduled to meet with Communist Chinese delegates in Warsaw May 20 for a renewal of two-power discussions designed to lead to a new basic American-Chinese relationship. Diplomats now wonder whether the meeting will actually be held. They rate its chances for progress as something less than zero.

At the same time the specter emerged of increasing difficulties with the Soviet Union, particularly in the critical SALT talks under way in Vienna. Premier Alekssei Kosygin himself raised the question of confidence in this connection in his Moscow press conference.

The effect of the United States action on the critical confrontation in the Middle East was still uncertain. One Washington theory was that the President believed a display of "muscle" in Cambodia would deter the Soviet Union from stepping up its military support of Egypt. The validity of this hypothesis remains to be tested.

#### TOUCH OF IRONY

The principal power to suffer in the rapid sequence of events appeared to be the United States. Instead of a diplomatic horizon marked by escalating rhetoric and menacing military moves by the two Communist powers the prospect emerged of a new if shaky "cool" between Moscow and Peking.

An ironic touch was the fact that as of early April Russia and China had come to

another derailment in their long, harsh disagreement. Mr. Kuznetsov had been ordered to return to Moscow. New Soviet military units were ordered up to the China frontier. Polemics, suspended since the inception of the Peking talks in late October, had begun again.

The propaganda war took a major turn April 22, the 100th anniversary of Vladimir Lenin's birth, when the Chinese published the most slashing assault they had ever delivered against Moscow—a declaration comparing Party Secretary Leonid Brezhnev to Adolf Hitler. Soviet Russia to Nazi Germany—complete with Nazi racist overtones. They charged Russia with contemplating a Nazi blitzkrieg against China.

Moscow retaliated by spewing into the airwaves personal vilification of Chairman Mao Tse-tung, charging him with complicity in the murder of his first wife, the death of his eldest son, and a wide catalogue of crimes and misdemeanors.

But, with the mounting escalation of the United States action in Cambodia, a simultaneous escalation of the Sino-Soviet conflict became increasingly embarrassing to both Peking and Moscow. Neither side was prepared to abandon the deep-rooted quarrel but there was rising urgency to lay it to one side for a while—if possible.

#### QUARREL PUT ASIDE

Premier Chou En-lai went into action, providing patronage for the Indochina powers conference, promising support and "volunteers" if necessary. On May Day Chairman Mao Tse-tung himself, ignoring Soviet personal attacks, sought out a Soviet diplomat, V. G. Gankovsky, and urged that the Sino-Soviet talks resume.

By week's end the well-oiled propaganda machinery in Moscow and Peking was swinging into line. China attacks on Moscow ceased. Russian propaganda against Peking began to taper off—but did not cease completely.

Moscow was still stung by China's emergence as the chief protecting power in Indochina and by Peking's obvious effort to shoulder Russia aside in that part of the world. But faced with a Chinese *fait accompli* and the critical implications of United States action in Cambodia it seemed that Russia would, for the moment, put aside the China quarrel for the sake of over-all opposition to the United States.

Mr. President, I offer this article as evidence of how much we stand to lose diplomatically and strategically as a result of the attack we have made into Cambodia. I think that the risks involved for the United States, if it permits itself to be drawn still more deeply into this war, are so immense that we must no longer put off the responsibility we have, as representatives of the people, to assert powers which are vested by the Constitution in the Congress.

The purpose of this amendment is to set the outer limits of American penetration into Cambodia. We take the President of the United States at his word that the present operation is limited in scope, that it is confined to the capture of particular border sanctuaries, and that, as soon as this objective is accomplished, American forces will be withdrawn.

The amendment simply says, in effect, that Congress undertakes to set the outer limits of American involvement in Cambodia. As soon as the bases are captured, as soon as the objectives of the operation are achieved, then no further funds are available for retaining Ameri-

can forces in Cambodia. That is the first objective of the amendment.

The second objective is to lay down a legislative barrier against the kind of escalating military assistance program which, once commenced, can easily lead this country into an entangling alliance with the new regime in Phnom Penh.

We know from our experience in Vietnam that what commences as a limited military aid program can readily expand into a much more extensive program; that small arms soon lead to more sophisticated armaments; and that these weapons, in turn, lead to the necessity for introducing American instructors and advisers who, once committed, create pressures for the final commitment of American combat troops. That was the sequence of events in Vietnam, and we must make certain it does not become the sequence of events in Cambodia.

The adoption of this amendment would prevent this from happening. If future developments were to lead the President to advocate a renewal of our attack upon Cambodian territory, or a more extensive occupation of that country, then he would be obliged to come to Congress, make his case before us, and ask the Congress to lift its prohibition against such an expanded war.

Now, Mr. President, we should have done this a long, long time ago. For too long, we have abdicated away our authority to the President, sitting on our hands hoping the American people would look the other way, while this war has gone on and on, while casualties have mounted inconclusively, until today our involvement in Vietnam has become the longest war of our history and one of the costliest. Still there is no end in sight. The time has come for the Senate to assume its responsibility under the Constitution, drawing outer limits on this latest involvement, and insisting that if the President intends in the future to expand still further our participation in this war, he come back to the Congress, make his case, and ask Congress for the consent that the Constitution intended us either to grant or to withhold.

I hope in the coming days of debate that we can clearly set forth the constitutional issue involved here. I hope that we can encourage the Senate to adopt this amendment as a proper assertion of congressional authority.

Last December, we took the first step, Mr. President, when the Senate adopted overwhelmingly an amendment of mine, made a part of the military appropriations bill for fiscal year 1970, that prohibited the introduction of American ground combat forces into Laos or Thailand. That represented the first instance, in the whole long course of this war, that Congress had undertaken to use the purse strings to draw a line. At the time, the President said it was in conformity with his own policy. He did not raise questions about undermining his authority as Commander in Chief; he accepted the decision of Congress, as consistent with its responsibility in determining how and where public moneys shall be spent.

No different principle is posed by this amendment. If the earlier amendment was acceptable to the President, it escapes me why this amendment should not be, for each rests upon the right of Congress, under the Constitution, to control the spending of public money, and each is pointed toward the necessity of establishing limits to the American involvement in a wider Indochina war. I think it is the second step, a necessary and logical step to take, in view of the developments of the last 2 weeks, to reassure the American people that Congress is alive and living in Washington, D.C.

So I hope, when the debate has been completed, that the Senate will support the amendment.

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

Mr. CHURCH. I am happy to yield to the Senator from Tennessee.

Mr. GORE. I congratulate the Senator upon a very able address and upon the many praiseworthy efforts he has made in this field.

I wanted to suggest the possibility of an amendment. I do not ask the Senator to give his reaction now, nor do I wish to offer an amendment now, but I would like to call it to his attention. He may wish to think about it, or if he wishes to respond now, fine.

On lines 5 and 6, if we strike the words "expedite the withdrawal of American forces from," and substitute instead, "to facilitate a negotiated peace in," this would make the first clause of the sentence beginning on line 4 read as follows:

In order to avoid the involvement of the United States in a wider war in Indochina and to facilitate a negotiated peace in Vietnam.

What I seek to do by this possible amendment is to draw a clear distinction between "Vietnamization" and a negotiated peace. As the able Senator knows, I have not, from the day Vietnamization was announced, believed that it could work or would work to bring an early peace, to bring an early end to the war. Indeed, I do not believe it is designed to bring an early end to the war. It is a formula, not to end the war, but to prolong the war. It is a phased withdrawal, having as its purpose sustaining the Thieu-Ky regime in power in Vietnam. "Vietnamization," therefore, is contradictory to and incompatible with a negotiated settlement.

A witness before the Foreign Relations Committee this morning said that only in the past 2 years had priority been given to the ability of the Saigon government to defend itself. Well, I suppose he was talking about defending itself against its own people as well as its neighbors in North Vietnam.

What seems to me should be our top priority is not sustaining Thieu and Ky in power, but achieving a negotiated settlement. In my view, this means a compromised peace based upon a coalition government, or a compromised government, or an agreed government—use whatever term one likes—in Saigon.

It is the purpose of this amendment to draw a distinction between a phased withdrawal—which is "Vietnamiza-

tion"—and a negotiated peace, which would permit not a long, drawn-out piecemeal withdrawal, but disengagement, a cease-fire, peace, and the bringing of all of our sons home.

Mr. CHURCH. Let me say to the distinguished Senator that, of course, I would give very serious attention to any amendment he might propose. He and I both share the same skepticism about the President's policy of Vietnamization. I agree fully with the Senator from Tennessee that this policy, as it has been explained to us, is not one that will take the United States out of the war in Vietnam, but, rather, one that is designed to keep us in the war for years to come. All that Vietnamization will accomplish is a reduction in the number of American forces—

Mr. GORE. Unilateral reduction.

Mr. CHURCH. Yes, a unilateral reduction in the number of American forces, bringing, according to the President's announced intentions, the total down to about half of what it was at the time that Mr. Nixon became President, from something over half a million men to something close to a quarter of a million men; and those remaining will continue to fight the war. They will continue to give aerial support, artillery support, combat engineer support, logistical support—

Mr. GORE. Infantry.

Mr. CHURCH. Even infantry, to secure our own remaining forces; and they are scheduled to give that support indefinitely, as long as it is necessary to keep them there in order to sustain in power the government in Saigon.

So I agree wholeheartedly that Vietnamization is not an acceptable method for extricating the United States from its involvement in Indochina, but nothing in this amendment is meant in any way to express the approval of the Senate as regards the Vietnamization policy. All that this amendment does is to set the limits on the new American venture in Cambodia, to make certain that we neither bog down in Cambodia nor establish an elaborate military assistance program that commits us to the defense of the new regime in Cambodia.

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

Mr. CHURCH. I am happy to yield.

Mr. GORE. Of course, since Vietnamization is the only program we have, other than the recent widening and reescalation of the war, all of us must hope that it will prove successful; but I must say that I have never thought that a unilateral withdrawal, or unilateral reduction, of U.S. forces while the other side increases, augments, builds up, deploys greater and larger forces, could possibly lead to other than a reescalation, which we now have had, or the danger of a slaughter of the American forces remaining there.

After all, how long can one side reduce while the other side increases, without facing a catastrophe?

Obviously, the administration recognized that further reductions would present a hazard. It was inevitable that this would occur. It is inevitable that it will recur, unless it be that, by some unusual

change of circumstances, South Vietnam becomes able to master its own situation.

It appears now that a program is underway to "Vietnamize" Cambodia. I am not sure how this is going to turn out.

I wish to draw a clear distinction between a negotiated peace, which is the goal I wish to see achieved, and "Vietnamization," which I am not sure I wish to approve.

The Senator says the proposed resolution does not constitute an approval of Vietnamization. I wish to approve a negotiated settlement. This, it seems to me, should be the first goal. I shall leave this in the Record, and we can consider it further.

Mr. CHURCH. I appreciate that. The Senator and I are kindred spirits, and I am confident that it will be possible for us to reach an accord with regard to the intended aim which will fully satisfy the Senator.

Mr. President, I yield the floor.

#### OPERATION OF LARGER JETS AT NATIONAL AIRPORT

Mr. SPONG. Mr. President, the recent action by the Federal Aviation Administration to allow larger jets to operate at National Airport not only contradicts assurances given to me and other Senators, but totally ignores the community interest in seeing reasonable limits established at that facility.

In making this decision, it appears that the FAA consulted only the airlines whose convenience and profit would be served. The people over whose homes these aircraft fly and whose communities are blighted by this overburdened airport are left to take the consequences.

Mr. President, the FAA claims to be acting in the true public interest, but it has not once asked what the public thought or let its voice be heard. In the one case in which the public was offered a forum to express its views on congestion at National Airport—the Civil Aeronautics Board's Washington-Baltimore airport investigation—the FAA was instrumental in having that case discontinued even before a formal hearing was held. Is it any wonder that public confidence in government is so low?

Mr. President, I have introduced a bill which would remove National and Dulles Airports from the control of the FAA and give the communities affected a strong voice in their future operation.

In this connection, I ask unanimous consent to have printed in the Record three recent editorials: "Airport Logic," published in the Norfolk Virginian Pilot of May 3, 1970; "Bigger Jets at National," published in the Washington Post of May 4, 1970; and "Stretching the Rules," published in the Washington Evening Star of May 12, 1970.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Norfolk Virginian Pilot, May 3, 1970]

#### AIRPORT LOGIC

A single management for the airports at the Nation's capital is as logical as a single management for the port terminals in



Hampton Roads. This is a part of the thrust of a bill introduced by U.S. Senator William B. Spong Jr.

Senator Spong's bill also would get the Federal Government out of the commercial airport business. The Federal Aviation Administration owns and operates both Washington National and Dulles International, and critics contend that the FAA runs them for the benefit of the airlines exclusively.

The Senator's bill would create an authority—made up of representatives from Virginia, Maryland, and the District of Columbia—which would hire a staff to run the airports.

The authority would give the communities a voice in the airports' operations and assure greater efficiency by channeling some of the overload at Washington National to the relatively empty runways at Dulles International.

Senator Spong's bill, introduced last November, was prompted by the Civil Aeronautics Board's failure to hold a single public hearing or take any action in an investigation of the crowded conditions at Washington National. The CAB last week formally dropped the investigation after almost three years.

Fortunately, a hearing on the Spong bill, called by the Senate Commerce Committee's Aviation Subcommittee June 9-10, seems destined to do the CAB's job of investigating Senator Spong's charge that "the FAA has been operating these facilities as though they were its private property."

The Federal agencies' apparent lack of concern over present congestion is even more alarming in the face of an expected threefold growth in air traffic to the Capital by 1980.

[From the Washington Post, May 4, 1970]

#### BIGGER JETS AT NATIONAL

Every once in a while, it seems, the airlines and the Federal Aviation Administration have to be reminded that they should be working to make Dulles and Friendship this area's major airports, not National. Senator Spong dropped in that reminder last week when he discovered that the FAA is permitting stretched 727s to land at National. These are the long versions of one of the two-engine jet models allowed there, and their additional passenger capacity alone (170 as compared with 131) is sufficient to keep them out.

What happened was that the FAA "temporarily" lifted the ban on these planes during the semi-strike of the air controllers. It did so for a perfectly good reason—more people could be moved in fewer planes, thus easing the load on the air traffic control system. But this "temporary" action has outlived the strike and, as we unhappily learned with the jets, once you let a particular type of plane land at National you have all kinds of problems barring it subsequently.

The trouble with National, as far as this community is concerned, consists of noise, dirt and congestion. The hope of eliminating it as an airport seems gone, although that would be the proper step, and the only part of the problem which can still be controlled is congestion. The place is too crowded now and bringing in bigger planes with more passengers is only going to make it worse. The best way to get passengers out of National and out to Dulles, where they can be accommodated better, is to get airplanes out to Dulles. Allowing bigger 727s into National only postpones that day and it has already been postponed far too long.

[From the Washington Star, May 12, 1970]

#### STRETCHING THE RULES

In the public interest, during the recent air controller slowdown, the Federal Aviation Administration relaxed its rules to allow the

so-called "stretch" jets to operate at Washington National Airport. Now, with the slowdown over, the larger jets remain. And timely protests have been registered by both Virginia's Senator Spong and Representative Gude of Maryland.

John H. Shaffer, the FAA chief, defended the rule stretchout in a speech the other day, in which he also repudiated the continuing demands that National be shut down altogether.

On the latter point, we're in his corner. The air capacity of National provides a vital, logical service to the Nation's Capital. Its value, in the years ahead, will become even more apparent. And we doubt that the shrillest of the airport's opponents really believes there is the slightest chance that this facility, in view of the spiraling pace of air travel, will be closed.

But Shaffer, for his part, doesn't seem to understand that he is undermining his own cause by slipping in little extras sought by the airlines—of which the stretch jets are a prime example—at every opportunity. In fact, according to Spong, the decision contradicts the specific recommendation of a confidential study by the FAA itself, which concluded that the use of the stretch 727s would violate the intent of operational restraints imposed by the agency on National more than two years ago.

In his argument, Shaffer said that Dulles Airport, in time, will join National in handling all the traffic it can bear. No doubt he is right, and the time to start looking elsewhere in earnest for further airport capacity is already overdue.

But Dulles is by no means at a point of congestion. And that is where the larger jets, with their increased passenger loads, ought to be routed now—rather than to impose new pressures on facilities at National which already are jammed.

#### ADDRESS BY SENATOR KENNEDY ON FORMER CHIEF JUSTICE WARREN AND THE CURRENT CRISIS IN CIVIL LIBERTIES

Mr. HART, Mr. President, for the past 5 years, the J.F.K. Lodge of B'nai B'rith has honored great Americans by presenting them with its Profiles in Courage Award. On April 28, the sixth of these awards, the award for 1970, was made to former Chief Justice Earl Warren. I believe that the lodge honors itself by having made this choice, and its action should be noted in this RECORD.

Further, Mr. President, I believe the RECORD should contain the address given on that occasion by the able senior Senator from Massachusetts (Mr. KENNEDY). It is a moving eulogy to a magnificent Chief Justice. I believe that the widest possible circulation of this address is desirable, both for those who admire the Chief Justice and those who seek even greater respect for the Supreme Court.

Therefore, Mr. President, I ask unanimous consent that the speech of Senator KENNEDY be printed in the RECORD at this point.

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

#### REMARKS OF SENATOR EDWARD M. KENNEDY

Just five years ago I was pleased to be with you to honor the memory of the first recipient of the Profiles in Courage award, Edward R. Morrow. In the four years since then, the winners have been giants in American life and American liberty, Judge Simon Sobeloff, Charles Weltner, Paul Douglas, and Ramsey Clark. And today that proud tradi-

tion continues as we pay tribute to Chief Justice Earl Warren.

I feel a deep sense of privilege and awe in performing my role tonight. For the life of the Warren Court spanned my entire adult life. I was 21 when Earl Warren became Chief Justice, and perhaps my generation will be the last to understand from personal experience why the Warren Court was the subject of so much controversy and so much emotion.

Indeed, for many of us, the key rulings of the Warren Court have already come to seem in retrospect merely the necessary articulation of self-evident constitutional precepts. It hardly seems radical to have decided nearly 90 years after the 13th, 14th and 15th Amendments, that officially forced separation of citizens by skin color was unacceptable. It is not surprising that after 175 years of increasingly irrational legislative apportionment, the Court decided that "Legislators represent people, not acres or trees." It certainly does not shock us now to hear that poor defendants are entitled to the same Constitutional protections as rich ones, that these protections accrue as soon as a suspect is deprived of his liberty, and that the suspect must be told of his rights before he can be assumed to have waived them.

These, stripped to their essentials, are the three major, and most controversial, decisional lines of the court which Earl Warren led for 16 years, and it is a sign of that Court's impact on national life that today most of us take them for granted.

Yet the fact is that each of these developments in the law was earthshaking in its day, and reflected the courage and confidence of Chief Justice Warren and his fellow justices.

For in those days the constitutional promises of equality and liberty and justice were often shams in the courts, in the legislatures, in the precinct houses, and in the schools and public facilities. And few with the power to act had been willing to recognize those shams, to mark them for what they were, to destroy them, and to replace them. The legislative branch would not. The executive branch could not. And the judicial branch had failed to appreciate that by refusing to decide cases, or by deciding to acquiesce in the status quo, it was exercising its power as fully as if it took cases and altered the status quo. It would not admit that by choosing not to address problems which it could have addressed, it assumed a share of the responsibility for those problems. There appeared to be a judicial code of silence on many great issues and hard issues, a code which said if the problem is difficult and complex and the correct judicial solution would raise its own difficulties, then the courts had better abstain from seeking a solution, no matter how pressing the need for change. The theme seemed to be that only easy problems with easy answers were fit for judicial solution, and that drastic problems with difficult answers should remain unsolved. Judicial restraint became judicial abdication, and since there were no other sources of relief, judicial abdication became the last step in America's toleration of constitutional hypocrisy.

But within a year after he joined the Court, Earl Warren changed all that. With the Chief Justice as catalyst and spokesman, the Court's unanimous opinion in *Brown* showed forcefully that the Court was prepared to address large issues and hard issues, and to tear away the Constitutional facade behind which we had been living.

The first years of the Warren Court were historic not merely for the advances in judicial responsiveness which they marked, but perhaps more strikingly for the political context in which they occurred. In Congress, where an effective combination of political forces was resisting all social progress and

generating novel legislative dilutions of liberty, there had developed a pattern of individual demagoguery and fear-mongering that threatened to destroy any person or any institution working in the public interest, and especially those who sought to strengthen and promote and avail themselves of Constitutional liberties and individual freedoms. In the Executive, there was not just a benign neglect of pressing national challenges, but a benighted preference for low profile government which would not make waves—even when it saw that the waters were already troubled. And the public quietly accepted this attitude. Tired from two wars, cowed by McCarthyism, worried by the first time since World War II about their pocketbooks, the nation did not have the emotion or inclination for social activism. Even those who suffered most, and most directly, from the system's failures—the black, the city dwellers, the poor, the ignorant—suffered in comparative silence—without demonstrations, without violence, without rebellion, with just an occasional lawsuit seeking to test the honesty and validity of the system.

So it was left to the courts, and with Earl Warren at their apex, the courts responded. They responded carefully and judiciously, step-by-step, and with attention to pragmatics. The reach of *Brown* was expanded cautiously in a logical series of holdings that has not yet reached its end. *Mallory* merely elaborated on *McNabb* and *Upshaw*. *Miranda*, as the dissents in earlier cases pointed out, was only the inescapable application of the careful progression of *Gideon*, *Hamilton*, *White*, *Massiah*, and *Escobedo*. And even *Baker v. Carr* was written with enough restraint so that its strongest critic could opine that the Court had merely "opened a colloquy, posing to the political institutions of Tennessee the question of apportionment, not answering it for them."

Earl Warren had been a great and successful politician. He had been elected district attorney, attorney general, and 3 times, Governor of California. He knew the Nation and its people. He knew what they wanted and what they needed, and what they would accept. He knew that politics was the art of the possible, but he also recognized, in the words of a quote which Congressman John F. Kennedy saved and used, that "the best politics is to do the right thing." Earl Warren's vision of "the right thing" changed over time. What seemed necessary to him in 1941, probably seemed inconceivable in 1961. But it was this growth and perspective which gave him strength.

He knew what he wanted the Supreme Court to be. While he did not find it necessary to articulate a comprehensive theory of how the Court should go about deciding cases, his record on the Court spoke deep and thoughtful messages about his philosophy of judicial behavior. Jim Clayton has summarized the Frankfurter and Warren philosophies this way: "Frankfurter saw it as a Court in which only principles were established; Warren often sees it as a place where justice is done." But I think that contrast does not stand up, and does not fairly reflect the meaning and importance of the Warren philosophy. For when a supreme instrument of government does justice, it also establishes principles. It demonstrates that the government, the institutions of organized life, the Establishment, if you will, is alive and well, is responsive and responsible, is vital and functioning. It restates the principle that justice can be done and should be done and must be done by all instruments of government. It keeps alive the faith of the people in the system, stimulates them to seek more justice from the system, shows them how the system should operate so that they will recognize its malfunctions.

It broadcasts the clear lesson that the Constitution is not just a piece of parchment

to be kept in hellum at the Archives for schoolchildren to look at, and for lawyers to genuflect to, but that the Constitution is a living force, a guide for finding contemporary answers to contemporary questions, a working tool for every citizen, meant to be used, and strengthened by use.

And when the instrument which establishes these principles is the Supreme Court, they have special meaning. For when the Supreme Court finds it necessary to intervene, that is a strong warning to other institutions of government that they may be failing in their own responsibilities.

Of course, that warning came through loud and clear from the Warren Court, first to the Executive Branch, and then to the Congress. The first change of Administrations during the Warren era found a new commitment to social justice. The Executive worked in tandem with the judiciary, taking strong initiatives in civil rights, and laying the groundwork for an upheaval in criminal and civil justice by focusing on the problems, ventilating them, and proposing administrative and legislative reforms. By the end of the first decade of the Warren Court, Congress also began to complete what the Court had started. The civil rights acts of 1960, 1964, and 1965, provided massive legislative solutions which facilitated or replaced the excruciating case-by-case pursuit of equality. The Criminal Justice Act, Narcotics Addict Rehabilitation Act, Ball Reform Act, the Law Enforcement Assistance Act, and others recognized the need for overhauling the machinery of justice. With OEC, education, health, and manpower legislation the Congress assumed even broader responsibilities for social progress. A misguided effort in Congress to turn the clock back on *Baker v. Carr* was rebuffed not once but twice, and the Court's demand for equality of representation remained intact.

And so, as the Warren era drew to its close, our national government was strong enough to withstand the twin challenges of urban violence and political dissent. By and large the institutions of order, especially at the Federal level were able to respond firmly when necessary, but with flexibility, compassion, and due respect for legitimate rights. I think it is a mark of the contribution of the Warren Court that we were able to get through the last half of the decade of the Sixties with our liberties and our institutions intact.

Now I fear that we are entering another era of crisis, an era of inaction and retrogression and repression easily matching that which faced Chief Justice Warren when he arrived in Washington, an era which will demand frequent profiles in courage if we are to survive as a free people. Many of the signs are small, but they are ominous. Taken separately, some may not seem unbearable or worth fighting about. But taken together they suggest a trend and a pattern which could lead to an ever faster circle of repression and reaction with no conceivable end. They are gnawing at the precious foundations of our freedom, chipping away piece by piece the barriers against tyranny and oppression which the framers of the Constitution erected.

Even to recite calmly a list of the symptoms is to give the impression that 1984 may be less than 14 years away, and that "Z" could happen here:

More wiretapping in more kinds of cases, and assertion of the absolute power to bug dissenters without court orders.

Pressures for no-knock searches and for detention without bail.

The use of scare tactics to discourage attendance at protest gatherings, and the obsessive focus on the few lawbreakers in peaceful crowds of tens of thousands.

Growing use of domestic spies—in schools, in political groups, at public meetings, of

informants who sometimes help to foment the very acts they are supposed to be investigating.

Verbal harassment of dissenters by political leaders, not on the merits of the issues involved, but through guilt by association and exaggerated codewords.

Total lack of sensitivity by those leaders to the issues involved—the Attorney General trying to tell jokes about his wiretapping to an audience that is quite seriously concerned about his wiretapping; the Vice President and the President making light of their affinity to "Dixie" at a time when the nation's stability may depend on whether that affinity outweighs their affinity to justice.

The new application form for Washington demonstration permits with blanks for everything from philosophy to arrest records.

A new attempt to prevent disagreeable protests near the White House altogether.

The installation in the White House of a journalist with carte blanche to fish through federal tax files and other confidential materials.

Executive resistance to a bill to eliminate an anachronistic and frightening provision for federal detention camps, resistance which melted only when it became publically embarrassing.

Serious consideration being given to a proposal to remove 5 and 6 year old children from their homes into correctional camps on the basis of tests of their potential for later criminality.

Federal stockpiling of huge amounts of teargas, and equipping of federal marshals with shotguns that they do not need or want.

Sharp curtailment of the availability of federal parole, the best incentive known to give prisoners hope and a goal as they are rehabilitated.

Refusal to support extension of the Voting Rights Act of 1965, the most successful contribution to universal suffrage since the 19th Amendment.

Federal encouragement of continued resistance to Constitutionally required school desegregation.

Court nominees chosen for their willingness to resist Constitutional mandates, rather than for eminence or leadership.

Official solicitation of letters of endorsement of a Court nominee from federal employees and judges, but investigating and threatening of government funded lawyers who write letters opposing the nominee.

Attempts to ease non-conformist employees out of the civil service by applying political tests and by reinvestigating their backgrounds for past participation in protest activities.

Inspection of incoming foreign mail by federal authorities.

A concerted effort to interfere with the freedom of the press, led by the Number Two man in the Administration.

Harassing calls to the networks by the Chairman of the Federal Communications Commission, and to local media by a member of the Subversive Activities Control Board and by our nation's first information czar.

Harassment of the national educational T.V. network by the Internal Revenue Service.

A constant effort to blame the nation's ills on scapegoats such as the previous Attorney General.

Each of you can probably add to that list, from your own knowledge, items which the public is not yet aware of, and there are others I have omitted.

Nevertheless, it is a shocking and terrifying list. It betrays a total lack of respect for our heritage of freedom and constitutes an immediate threat to our system. The most disturbing element is perhaps the rhetoric which accompanies these symptoms of incipient Constitutional retrograde. The innuendoes are those of the '50's. The implica-



tion is that anyone who believes in the principles of the Bill of Rights or the 14th Amendment is somehow unpatriotic, that the Twentieth Century cannot afford the luxury of liberty, that we should go on a diet that dispenses with the frosting of freedom on America's cake. And the results of such rhetoric are unmistakable. A reporter walks the street with the text of the Declaration of Independence on July 4th and has a hard time finding anyone willing to sign it. A network poll shows a substantial proportion of Americans willing to have their constitutional protections taken away.

The Constitution protects us, but we sometimes forget that it does not and cannot protect itself. It will atrophy if it remains unused. It will be eroded if it is not defended at every opportunity. It will come into public disrepute if politicians are allowed to go unchallenged as they pander to, and exploit, and act out, the basest instincts of human character, playing man against man, group against group, region against region, and generation against generation.

And if the Constitution withers away the nation will wither away—or will disappear in an orgy of violence. For the Constitution is the hope and strength of all Americans of all philosophies. Today those of one ideology may feel they can do without Constitutional protection because they have political protection. But the political shoe changes quickly from foot to foot, and on the next go around they may be the ones who need the Constitution most.

And so all of us must speak up for freedom. All of us must be advocates for justice. All of us must be executors and conservators of the valuable estate left to us by Thomas Jefferson and Alexander Hamilton and Benjamin Franklin and their associates. They were men of courage and foresight. And if their testament to us is to be preserved, our times will have to produce citizens of courage and foresight.

There was ample proof this month that courage still abounds in the land. Just when the outlook for government responsiveness looked bleakest, the U.S. Senate responded to the national need by rejecting a Supreme Court nominee who would have been an insult to the Constitution and the Court which enforces the Constitution. That response was possible only because citizens and lawyers and Senators had the courage to place conscience above convenience. Thus, there is hope. There are Americans who can carry on the fight for justice which Earl Warren led so bravely. But they must step forward now, for it is late in the game.

When Earl Warren stepped down from the Bench, he said, "We serve only the public interest as we see it, guided only by the Constitution and our own consciences, and conscience is a very severe task master." And so we have seen his courage not just in profile but in full face, for he has devoted his whole being to liberty and to justice, for all and forever. There was always something very special about the Chief's courage. Archie Cox described it this way: "not merely the will to decide and decide according to his convictions but the courage that preserves equality, tolerance, and good nature in the face of provocation." That kind of courage is welcome in any man, vital for a good Justice, and absolutely essential in a great Chief Justice. Earl Warren had it and that is why we are proud to honor him today.

#### ISRAEL'S 22D ANNIVERSARY

Mr. HART. Mr. President, on May 11, 1970, the Senator from Maine (Mr. MUSKIE) spoke at the American-Israel Public Affairs Committee Luncheon, in honor of Israel's 22d anniversary.

Senator MUSKIE's message was an eloquent one, and I believe it deserves a wider audience. I ask unanimous consent that it be printed in the RECORD at this point.

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

REMARKS BY SENATOR EDMUND S. MUSKIE AT A LUNCHEON IN HONOR OF ISRAEL'S 22D ANNIVERSARY, MAY 11, 1970.

Our presence here today bears witness to the continued vitality of a national and religious impulse that has persisted for three thousand years.

Our presence is also testimony that we stand firmly in support of Israel, for we all share her commitment to freedom and the sanctity of life.

I feel privileged to be able to share with you today some thoughts about the establishment of Israel and her role in the world today.

In 1948 a nation was born. Since then, Israel's spirit, character, and accomplishments have established her as perhaps the most gifted and vital new member of the family of nations. Her achievements take on even greater proportions when one considers they took place and were preserved despite great natural and political difficulties.

Only three years ago the world watched anxiously as war erupted. But the book of judges still lived, and Israel's safety was again assured by her citizen army and the brilliant planning and foresight of her chief of staff.

Today, however, Israel's very existence is challenged anew.

Recent emplacement of Russian SAM-3 missiles coupled with the use of Soviet pilots in the United Arab Republic, clearly indicate that Israel does not need praise for past accomplishments, but present assurances that democracies like the United States will firmly support her basic right to exist.

In this time of crisis neither Israelis or Arabs can afford to disregard the importance of peace. But the goal of peace can only be approached if we first recognize both the paramount needs of national security and the overriding considerations of prestige and self-respect.

The Arab-Israeli problem may be the most difficult to confront statesmen in this century. It must, however, be successfully resolved. Failure would be catastrophic for the future of civilization in the Middle East. It could even write the final chapter to the story of mankind.

I am convinced, however, that the problem is not insoluble.

In moments of doubt I take heart in Israel's almost miraculous creation which we are now celebrating, and which not long ago would also have seemed visionary and unrealistic.

I then can read, as a hopeful message for our times, and the future these words of Isaiah:

"In that day Israel will be with Egypt and Assyria a blessing in the midst of the earth, whom the Lord of Hosts has blessed saying, 'blessed be Egypt my people, and Assyria the work of my hands, and Israel my heritage.'"

#### CBS HANDLING OF NEWS FROM CAMBODIA

Mr. DOLE. Mr. President, last week I included in the RECORD a transcript of a report from South Vietnam by Gary Shephard, a Columbia Broadcasting System correspondent who was covering the strikes into the Cambodian sanctuaries of the North Vietnamese.

At that time, I said that it appeared to me that Mr. Shephard was literally attempting to incite mutiny among the troops. Certainly he was playing on the fears and uncertainties that always affect soldiers when they go into combat.

At the time I was not aware that about 500 station executives from CBS affiliates were watching Walter Cronkite air the CBS evening news live from studio 33 at CBS Television Studio in Hollywood.

Nor was I aware that as part of that program Mr. Shephard was shown conducting this infamous interview.

I am told that many in the audience were shocked, distressed, and angered by this kind of reporting and protested it to Richard Salant, who heads CBS's news operation.

I do not know if those protests had any effect, or if mine did, or if those of other Americans around the country who joined in the protests.

But I do know that we suddenly have a different story from Mr. Shephard, who appears to have mended his ways, at least temporarily, or maybe has found a situation he just cannot ignore. I ask unanimous consent to have a transcript of Mr. Shephard's broadcast of last Monday night printed in the RECORD.

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

Alpha Division (?) of the U.S. first Air Cavalry Division was one of the first units to uncover this vast enemy supply depot, the largest of the Vietnam war. Despite the protests at home against the movement of U.S. forces into Cambodia, the GIs here generally think the decision was the right one.

"I think it's alright. I'm scared everywhere I go, but I think we are definitely putting the hurt on Chuck. So, I think it's worth it, you know. I don't think it's worth it in lives. I mean if we put the hurt to them as much as we can to try and stop the war, you know. It's been going on too long."

How do you feel about being inside of Cambodia like this?

"Well, it's quite a change after three tours of Vietnam to come over here and to find a lot of good weapons and a lot of ammunition that could be used against us. I'm glad that we are. We haven't been finding too much in Vietnam lately and the more we find over here the less they can use against us. When you come right down to it, I'm glad we are over here."

Are you glad to be here?

"No, I'm not glad to be here, but I think it's necessary to do it. I think it will probably save lives in the long run being here. I think we are fighting the war in the right way finding all this stuff cause some of these bullets probably will have some of our names on them otherwise."

Are you happy you found all of these weapons and ammunition?

"Yeah, it's better they can't use them on us you know, cause we got them and they don't. I don't like fighting at a disadvantage, but if we have the upper hand, I like it. If we're even, I don't."

So far 6½ million rounds of 51 caliber machine bullets have been uncovered and in addition to rifle, rockets, mortar and radios everything the enemy needs to fight the Vietnam war. There is no question the discovery of this vast supply depot has dealt the Communists war efforts supply a devastating blow.

Gary Shephard, CBS News with the U.S. First Air Cavalry Division inside Cambodia—9:36 P.M.

Mr. DOLE. I point out, Mr. President, that in this CBS report of Monday evening, Mr. Shephard interviews some of the young men who are now in Cambodia. I cite just one example of a comment made by a soldier there:

Well, it's quite a change after three tours of Vietnam to come over here and to find a lot of good weapons and a lot of ammunition that could be used against us. I'm glad that we are here. We haven't been finding too much in Vietnam lately and the more we find over here the less they can use against us. When you come right down to it, I'm glad we are over here.

#### ORDER OF BUSINESS

Mr. DOLE. 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 call.

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

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

#### RESULTS OF THE CAMBODIAN SANCTUARY OPERATION

Mr. MILLER. Mr. President, I furnish, for the RECORD, the results of the Cambodian sanctuary operation as of 8 a.m., May 13, 1970, and I ask unanimous consent that it be printed in the RECORD.

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

#### RESULTS OF THE CAMBODIAN SANCTUARY OPERATION AS OF 08:00 A.M., MAY 13, 1970

##### TOTAL OPERATIONS

Individual Weapons, 7,274.  
Crew Served Weapons, 1,012.  
Bunkers Destroyed, 3,294.  
Small Arms Ammunition (Rounds), 8,375-925.  
Machine Gun Rounds, 6,861,388.  
Rifle Rounds, 1,514,537.  
Grenades, 12,761.  
Anti-Aircraft Rounds 4,072.  
Mortar Rounds, 13,231.  
Large Rocket Rounds, 869.  
Smaller Rocket Rounds, 8,156.  
Recoilless Rifle Rounds, 9,362.  
Rice (lbs), 4,780,000.  
Man Months, 105,160.  
Vehicles, 171.  
Boats, 40.  
Enemy KIA, 5,178.  
POWs (Includes Detainees), 1,399.  
Mines, 1,200.

#### LESS AMERICAN FOOD FOR EUROPE

Mr. MILLER. Mr. President, in the Commonwealth Quarterly known as the Round Table, for April 1970, is a very knowledgeable article by Harald Malmgren entitled "Less American Food for Europe." This scholarly and knowledgeable article discusses the common agricultural policy of the Common Market and its implications for U.S. agricultural exports. In addition, it discusses the problems, both for Britain and other members of the community and other countries, of Britain's entry into the Common Market, with particular emphasis on agricultural trade.

I believe that a reading of this article would be most helpful and informative to my colleagues in the Senate and, in fact, to all who read the CONGRESSIONAL RECORD, and I ask unanimous consent that it be printed in the RECORD.

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

#### LESS AMERICAN FOOD FOR EUROPE; GROWING DISILLUSION WITH THE COMMON MARKET

(By Harald B. Malmgren)

Originally, there were many reasons for American encouragement of European unification. Early supporters ranged from those primarily interested in military security to those interested in stabilizing the relations between the national and factional interests in Europe. There were differences of view about the best forms of integration, but there was a central theme, A Grand Design: Unification should be both political and economic, and it should lead both to greater interdependence and to coordination of policies with the rest of the world. In other words, unification should be complete, and it should result in outward looking policies.

At that time in the United States, economic union was thought to be a desirable development because it was considered a means toward political union. At the present time, however, the political thrust is weak and it does not appear to be gaining strength. Moreover, there are many Europeans who are increasingly willing to share the Gaullist view in public remarks of their own. There are many who doubt whether political unification ought to be central. And there are those who have been rethinking, and concluding that the whole approach has been wrong, as did Dr. Erhard a year ago:<sup>1</sup>

Unification, let alone the unity of Europe, remains blocked so long as we are not prepared to make a clear distinction between economic and political integration, between economic community and the formation of a state. A European state, however organized, may lie at the end of the road. But it was an obvious mistake to try to give the European Economic Community, in its initial stages, the character of a political as well as an economic union. Not only did this idea generate opposition even inside the Community, but it was precisely the emphasis of this aspect which made it hard for outside countries (and, in particular, for the United Kingdom) to agree in advance to an increasingly extensive sacrifice of sovereign rights and powers.

He went on to point out the even greater problems caused for other European nations by this conception of unity.

Today, there are very few political achievements in the history of the European Communities which one can point to, and several examples of disruptive nationalistic decisions, which even ignored the established economic rules and consultative procedures which provide that modest degree of cohesion which exists. When France, for example, found herself in May, 1968, in a trade and payments crisis because of the general strike, she resorted to a series of restrictive trade and capital measures without any prior consultation with her partners in the EEC, and without any reference to the provisions of the Treaty of Rome. Later, when France, and then Germany, were forced to adjust their exchange rates, the implications for the economic adjustments in agriculture amongst the Six were essentially treated as secondary matters.

Thus, realistically, the United States has to change its conception of what unification is

<sup>1</sup> Dr. Ludwig Erhard, "Prospects for European Integration", *Lloyds Bank Review*, January, 1969, pages 1-2.

all about, in the light of experience and its assessment of its own interests. Pragmatically, we can make a case that economic union is still desirable if it provides greater opportunity for reconciliation of European political stresses and strains, and if the emerging union is outward-looking in its policies. A restrictive, inward-looking bloc would not be desirable, especially if it harms legitimate foreign commercial interests, while ignoring the need for continuous internal adjustment in relation to the interests of other nations. This pragmatic approach leads to the need of an ever more careful assessment of the economic stakes.

#### A MONSTROUS ECONOMIC MACHINE

The major political achievement of the Common Market has clearly been the unification of agriculture under the Common Agricultural Policy (CAP). For the negotiators of the Treaty of Rome, and for many of the Ministers meeting in Brussels over the years, it has been a great political success. But it has also been the source of continuous quarreling, and it has become a costly, monstrous economic machine which devours great chunks of national budgets, as well as funds which would otherwise go to those budgets. The CAP, correctly has become the central focus of most studies of the cost of entry for the United Kingdom and other countries.

The administration of the CAP must be of great concern to the United States, because agriculture represents a very important part of American exports. While the popular conception of the great American technological export engine is partially valid, it is often overlooked that agricultural exports currently represent nearly 20 per cent of total U.S. exports. Commercial, non-concessional agricultural sales are over 15 per cent of the total commercial exports. Looked at from the domestic point of view, the production of one out of every four or five acres goes into export. A very high proportion of the total production of our great foreign exchange earners, soybeans and wheat, goes into exports: soybeans exports usually represent about 40 per cent of home production. Wheat exports were down to 34 per cent in 1969, as compared with 62 percent in the period 1963-5. It should also be added that the U.S. is one of the most efficient producers in the world of wheat, feedgrains, and soybeans.

While new industrial protection and discrimination arising out of the integration of the Six has been modest, and has been offset by general income growth and the Kennedy Round tariff negotiations, the CAP has become increasingly protectionist. The CAP was brought to near-completion in the 1966-7 period. With the variable import levy, the protection now is about treble what it was eight or nine years ago.<sup>2</sup>

Defenders of the CAP have sometimes argued that the level of exports from the U.S. and other countries would continue to rise, in spite of the system. They believed internal damage would continue to grow fast enough to offset the damaging effects of the import levies. Until 1965-6 this did in fact happen. But subsequently, after the full system fell into place for many products, there has been a reversal. In the last three years, U.S. farm exports to the E.E.C. have fallen nearly 20 per cent. The item subject to the variable import levy system amounted to \$736 million in 1965-6; in 1968-9 they were \$441 million. They fell, in other words, by 40 per cent.

This is not the whole picture, however. The price support levels within the E.E.C.

<sup>2</sup> H. B. Malmgren and D. L. Schlechty, "Technology and Neo-Mercantilism in International Agricultural Trade", *American Journal of Agricultural Economics*, American Agricultural Economics Association, December 1969.



lies far above world market prices. For example, the E.E.C. price per metric ton for soft wheat is about 86 per cent above the world market price; corn is about 60 per cent above; butter is over two-and-a-half times higher. Moreover, the CAP does not provide for production controls, and its administrators are strongly opposed to any quantitative limitations on output. The mechanism of the CAP was originally designed to provide a financial bridge up to the internal price levels through the variable levy import system, and a financial bridge down to world prices for exports through the restitution (subsidy) system. The restitutions were theoretically to be established to offset the effects of import charges, so that an exported ham or chicken would not have to bear the inflated costs of imported feedstuffs, or the inflated domestic price levels. In practice, in the day-to-day administration of the restitution system, this conception has been lost, the regulations have often been rewritten or reinterpreted, and the export subsidies are simply set so as to meet export competition and clear the internal market of surpluses.

The production stimulation has been far-reaching. For example, in 1969-70, West Germany will probably become a net exporter of wheat and flour for the first time in her history. The unrestrained growth of production has resulted in an increasing need to unload surpluses in world markets at heavily subsidized, distress prices. Often the subsidies are larger than the value of the product itself. These aggressive export pricing policies have damaged United States interests in many markets, and have proven very disruptive for such countries as Denmark, Canada, Australia, and New Zealand. It means increased competition for all exporters in remaining markets and a downward pressure on world prices.

The trade distorting effects of the CAP are thus found not only in its import protection system, but in the stimulus to production and its export restitutions. Most of the studies of the effects of the CAP ignore the latter elements.

### THREE LAYERS OF COSTS

The consequent costs of the agricultural system to the member countries are extremely high. The direct costs of the CAP system, as administered in Brussels, is about \$2.5 billion (U.S.) now, and rising. Behind that figure, however, lies the national expenditures. The national budgetary costs to member countries for agriculture is about \$5.5 billion in addition to the CAP expenditures. The total public expenditure of \$8 billion on farm programs is larger in absolute terms than the total of the whole United States. Moreover, the Common Market forces its consumers to pay out an additional vast amount in the form of prices well above world markets. One U.S. government estimate puts the consumer cost at about \$7 billion annually.<sup>3</sup>

The E.E.C., however, is not alone in its tendency towards further trade distortions in agriculture. The Japanese, protected by a series of quantitative import restrictions inconsistent with the General Agreement on Tariffs and Trade (the G.A.T.T.), and holding to a price support treble the world market, are finding themselves with a rapidly increasing rice surplus and mounting budgetary costs. This creates pressure to maintain import restrictions on other temperate commodities to make way for domestic diversification. Japan is now also trying to unload some of its mountain of high-cost rice in the form of food aid, disrupting the rice

markets for developing country exporters. Denmark, finding itself squeezed by widespread subsidization in world markets, adopted its large-scale Home Market Scheme, a euphemism for export subsidy program. Australia and Canada have felt the pressures, particularly in declining wheat prices during the last year or so (witness the political turmoil in Canada's western provinces). In part this was a result of the past unwillingness of the Canadian and Australian governments and wheat producers to recognize that they must share in controlling world production by restraining their own output, or else face general deterioration in world grains prices, the International Grains Arrangement notwithstanding.

The United Kingdom has also turned in the direction of increasing protection, justified in policy statements by balance of payments considerations. Both political parties in the U.K. advocate increased self-sufficiency in agriculture. The minimum import price scheme, which was introduced in 1964 for grains, is highly protective. The Economic Development Committee for Agriculture was established to develop import-saving policies. The Ministry of Agriculture has followed its general proposals to stimulate home production and cut back imports, in order to save about \$400 million annually by 1972-3. While there have been some difficulties in moving toward increased self-sufficiency, and whereas the costs are high both to the government and the U.K. consumer, there is no doubt that the direction of policy is towards increasing self-sufficiency.

These developments in the major commercial markets come at a time when the developing nations are finally in a position to step up their rates of growth of agricultural production as a result of the Green Revolution in rice and wheat. Some of them are not only becoming self-sufficient, but they are also pinning hopes on potential commercial exports. This, at the very time when the developed countries together are pressing each other's prices downward through protectionism, artificially stimulated production, and export subsidization. It is in this context, of worldwide downward pressures on grain prices, and a resurgence of mercantilism in some of the major developed nations, that the consequences of the CAP and of further unification of Europe must be viewed.

For the United States, increasing discrimination against its exports, and increasing competition arising out of unreasonable production and export pricing policies, will have both adverse economic and political effects. The U.S. political reaction can directly affect European interests.

For example, many of the pressures in the United States Congress for troop reductions in Europe come from members who represent farm states. It is not in Europe's interest to see a unilateral military withdrawal of the United States, without some type of agreed adjustment in Eastern Europe and some further understandings about American intentions for the future. Unilateral moves leave Western Europe with little bargaining leverage. Yet an aggressive mercantilistic policy in European agriculture is the quickest way to step up domestic pressure on American members of Congress to withdraw anything which can be construed as assistance.

In the trade field alone, European agricultural policies are increasingly affecting the thinking of the Congress. Even Senator Javits, an internationalist, free trader, and champion of further steps toward economic integration wherever possible, made a strong speech on the Senate floor criticizing the policies of the Common Market in the autumn of 1969. His concern, shared by many Americans who favor trade expansion, is intensified by the experience of the last few

years in Congress, when American farm interests have been among the strongest opponents of protectionist trade legislation, and have saved the day on several occasions when new trade restrictions came close to enactment in legislation, Senator Javits said:

If pursued, the CAP's policies of high agricultural support prices combined with no limitations on production could score a knockout punch not only to the world agricultural market structure, as we presently know it, but also to the possibility of the United States continuing the liberal trade policies that this Nation had pursued over the past 25 years.

Thus, as far as Europe is concerned, its industrial exports could eventually be at stake, because of American reaction to inward-looking agricultural policies in Europe.

### PAYING THE COSTS OF BRITISH ENTRY

Looking more specifically at the economic costs of British entry into the E.E.C., an American must be struck by the fact that almost every study assumes an adverse effect on U.S. agricultural exports, at least in the short run. Some of the studies come out with a relatively small short-run impact, but argue that the long-run changes will bring about general improvement. There is a tendency in such studies to make three sets of assumptions: the CAP as it now exists is the relevant force to consider, the costs of the CAP would be a restraining force on further distortions, and the agricultural policies of the rest of the world will continue exactly as in the past.

The present coverage of the CAP leaves out soybeans (and its derivative products), tobacco, and canned fruits and vegetables. These are major American export earners in the U.K. and the E.E.C., amounting to \$600-\$700 million in the E.E.C. alone. Moreover, soybean products and soybeans have for several years been one of the best growth performers in overall U.S. exports, both industrial and agricultural. With the U.S. trade balance faring badly, growth exports become critical. The intention of the Common Market Commission is to introduce the CAP, or other trade restrictions with similar effect, for these products. Thus, the question of where the Market is heading is just as important, or more so, than the present coverage of the CAP.

As for the costs of the CAP, these, though high, have not yet brought about any major changes in policy. No serious attempt has yet been made to alter the basic system of farm income support. That system is based upon unlimited production coupled with unlimited guarantees on price supports. The Mansholt Plan for restructuring European agriculture may look adventurous and expensive (it is both), but the key issue of removing the causes of the overproduction and high costs has not so far been faced. Most of the political arguments within the Six instead revolve around whether or not to raise support prices, and how to distribute the financial costs.

As for the present worldwide situation in temperate agriculture, it is simply nonviable, and adjustments will have to be made somewhere.

Would British entry automatically reduce the problems for third countries, or alter the basic tendencies of the CAP? The answer is clearly no.

The British trend, to date, has been towards increasing self-sufficiency. Entry will not itself change this, except for accelerating the restrictive effects on imports from third countries, including the U.S., Canada, and Australia. Broadening the coverage of the CAP would not itself be a matter for major concern in the U.K., except perhaps for its tobacco manufacturers, so that here too there would be no automatic shift in the balance of pressures.

Since, as even M. Pisani admits, the U.K. would have to bear about half the total costs

<sup>3</sup> G. R. Krueger and B. Bernston, "Cost of the Common Agricultural Policy to the European Community", *Foreign Agricultural Trade of the United States*, U. S. Department of Agriculture, October 1969.

of the CAP if she accepts the Treaty of Rome and the present rules as they stand, the financing problem would become easier for the other members with the British in. Moreover, they all could assume that some of the grains surplus, as well as that of other products, would sooner or later be absorbed by the United Kingdom, as supplies from other areas became displaced by the variable levy (which would make Continental grains and other products relatively cheap in the U.K.).

Can Britain afford simply to set aside the real costs of entry in the search for the abstract political benefits of a formal, unified superstructure? The cost to the U.K. will be high initially, both to consumers and to the government. Low estimates (to be found in certain newspapers) based upon butter price differences and marginal adjustments from the *status quo* simply fail to take into account the trends in overall E.E.C. costs, the changing international production picture, and the downward price tendencies in the world market for temperate products. Can the United Kingdom afford a deal which will offset its last devaluation, on top of its present national rise in costs per unit of output of over 6 per cent per year, without a change in E.E.C. policies in sight?

Would rapid entry without carefully negotiating the terms allow Britain to change E.E.C. policies after entry? Yes, but only after several years during which the rest of the Community would utilize the financial relief provided by the United Kingdom to adjust their own costly predicaments. During that period, an unhappy America would be reassessing its political interests, and an unhappy British Treasury would be wondering how to increase revenues from non-agricultural sources at home and abroad to pay for the romantic affair with European farming.

#### THE IMPACT OF DANISH ENTRY

American assessments must not stop here, however. The question of entry of other European countries must be considered. If the terms of entry for each is the same—namely, adoption of the system as it stands (with perhaps provision for an adjustment period)—the United States is likely to face ever-increasing difficulties with the import, production and export distortions which would inevitably occur. Internally, for example, Denmark will take away some of the American market; externally Denmark will become an even more aggressive competitor. Politically, Americans are not a particularly patient people. If the so-called short-term effects are adverse, and last for a decade or more, the political mood will be justifiably bad.

Should an American therefore conclude that British entry is no longer desirable, and should be discouraged? I think the answer here must depend upon the approach taken by all the countries concerned. First of all, the U.S. will inevitably have to be much more aggressive in defending its own commercial interests than it might have been a few years ago, when formal political unification looked to be the central objective. Any E.E.C. arrangement with the U.K. which was preferential but without full economic union, or which altered our existing G.A.T.T. rights, would have to be opposed with vigor. That has already been made clear by the U.S. government. Moreover, tariff concessions made to the U.S. in the past trade negotiations will have to be paid for in so far as U.K. entry alters them.

In defending its interests more aggressively, the U.S. would also be assisting the interests of Commonwealth countries, who face similar problems, even though they have increasingly become less dependent upon the U.K. market. Again, it must be emphasized that the issue for them, or any agricultural exporter outside the CAP system, is not only import protection, but also the consequent production stimulus and export subsidization.

But it is not enough to threaten trade conflicts. This alone would only lead to more political friction, without simultaneously enhancing the prospects for rationalizing the difficulties faced by all the parties concerned.

The questions for the U.S., and all of the major countries, ought to be put more broadly. Further steps in international cooperation are necessary, but there are many alternative institutional forms for carrying this out. As Francis Bator argued in the well-known policy review, *Agenda for the Nation*, the evolution of a new relationship with the United States is really a matter of process, not of structure. That process ought to be a continuous search for, and exploration of, areas of mutual interest.

It seems to me that this is the right perspective, whether the problems are viewed from London, Brussels, Paris, Bonn, or Washington. It really is time for a pragmatic re-examination on all sides, with special attention to the mutual interests where they exist, considering the costs and benefits of the various alternative ways of capitalizing on that mutuality. The formal institutional framework is a secondary matter.

#### INTERNATIONAL PARTICIPATION IN E.E.C. REFORM

It is a moment of confrontation and potential conflict, and in such situations good governments should quickly turn to the search for common interests. There do exist many mutual interests at this time, and here I include the interests of the Commonwealth, Japan, and the trading countries. Consider the question of agriculture in Europe alone. The cost of the CAP must inevitably bring about a change in the nature of the system itself, fairly soon, unless outside financial relief is found. There is already much discussion within the Six of some kind of shift to the concept of income support which combines some limited degree of price guarantee with direct income supplements and penalties for excessive production. Although finance ministers have in the past wrung their hands at the costs of the CAP, they have only recently interested themselves in the actual farm pricing decisions made by their agricultural colleagues. This interest is bound to affect price decisions, and even decisions on the details of the restitution system, eventually. Moreover, the mood among many Continental farmers is changing. There is now realistic recognition by a number of key producer groups that domestic farm policies and trade policies interact, and that international coordination and national production restraints are needed. This major change in attitude has led to some remarkable international agreement on resolutions passed by the International Federation of Agricultural Producers in Tokyo in late October, 1969, favoring production controls and international coordination of farm policies. It has led to extraordinary discussions between representatives of leading E.E.C. agricultural organizations with the major American farm groups in Washington in 1970, to examine means of resolving the current chaotic conditions in temperate agriculture.

This alteration in the mood of farmers should be explored by governments. New policies should be allowed to emerge, instead of further defining and firming up the present rules and practices of the CAP. Since British farm interests, and those of the Commonwealth, are also involved in some degree of rethinking, the conditions are right for a gradual reassessment of what might constitute reasonable terms of accession and a reasonable change in the workings of the CAP itself.

An opportunity for finding new means of policy coordination can also be found in the present wheat situation. On the U.S. side, and for the Canadians and Australians, there is much interest in modifying the world policies which have led during 1969

to the collapse of the pricing provisions of the International Wheat Trade Convention. Since the E.E.C. itself has argued hard and often about the desirability of commodity arrangements and the need for creating order in world agricultural markets, an opportunity exists for the E.E.C. to shift to positive initiatives in the wheat area. In the absence of progress in wheat and grains policies, there will be no renewal of the wheat agreement. Due to some complex past bilateral negotiations with the U.S., Australia, Canada, and Argentina, failure to renew would in turn create problems for the U.K. farm program and the minimum import price scheme.<sup>4</sup> Secretary Hardin and other members of the present administration have argued that the U.S. could not go on carrying the whole world grains market by restraining production by itself, and that the restraints would have to be shared. The alternative, of course, is for the U.S. to let its mighty agricultural engine run unrestrained, which would be very painful indeed to Britain, the E.E.C., and everybody else in the long run.

Similarly, the mountain of butter in the Six must eventually become such an embarrassment that a major reshuffle of feed, wheat, dairy, and beef relationships will have to be undertaken, in addition to price reductions and production controls. Feeding butter back to cows (which is now being done) simply dramatizes the absurdity of the situation to the layman.

#### MONETARY COOPERATION IN THE EEC

In this context, and with increasing recognition among producers in all exporting nations that international coordination of national policies is a necessary ingredient in rationalizing world trade and production, there ought to be a common interest in the Six, in Britain, in the E.F.T.A. countries, Canada, Australia, and the United States for parallel, broader discussions. British entry, and the process of talks involved, could become an opening, rather than a closing operation. The possible damage to the Six and to Britain could be averted by transforming the talks into discussions of coordinating changes in domestic and border policies on both sides, leading toward international rationalization on a broader scale.

Since some degree of new monetary cooperation in the Common Market will be required on British entry, to help Britain and the Sterling countries through the costly adjustment, an opportunity could be found in genuine new methods of cooperation within the Common Market. To date, there has been only one modest step forward, with the 1970 E.E.C. agreement on short-term monetary cooperation. A major political step would be an agreement on long-term (over six months) mutual monetary assistance linked to, or broadened by, British entry. Alternatively, if a major new financing operation for British entry is not mounted by the members concerned, there is no reason why outsiders such as the U.S. should come to the rescue financially. Indeed, from the U.S. point of view, anything less than a major new financial arrangement would be harmful, while on the other hand a breakthrough on European monetary cooperation could be positively helpful.

In its institutional processes, the E.E.C. has not been very sensitive to external influences and pressures. The elaborate negotiating process which ties up ministers in agonizing conflicts over agriculture leaves little flexibility to Commission officials in their dealings with other countries. The routine administration of the CAP and ne-

<sup>4</sup>The U.S. has duty-free "binding", or tariff commitments, in the U.K. which are temporarily waived during the life of the wheat agreement.



negotiations for discriminatory arrangements with selected associated countries (Yaounde Convention countries, Maghreb countries, Spain, Israel, Greece, Turkey, etc.) take up a tremendous amount of time. Important decisions on agriculture are often made at low levels, because the sheer quantity of regulations and restitution decisions is far too large for the senior officials who technically approve them.

In part this problem lies in the institutional structure of the Commission, in part in the political disarray among the Six themselves, and in part in the complicated machinery of the CAP which as presently constructed defies detailed supervision by high level officials with foreign affairs responsibilities. There is no "Foreign Office" in the Six to defend the interests of the outsider, and no easy way to bring about coordinated resolution of international conflicts through approaches to the member states individually.

British entry could provide an opportunity to alter the institutional structure and the administrative and policy procedures, so as to make the Community more outward-looking. The alternative is leaving the system intact, or even further fractionating it in the desire to make room for additional officials from the U.K., creating new bureaus, and more titles. There ought to be a general common interest here: The U.K. ought to want a viable system which is sensitive to outside interests, because external pressures will help it in its own problems. The internationalist elements and those conscious of the costs of the CAP inside the Six ought to want more, not less, outside pressure, in order to strengthen their own internal bargaining role in reducing the costs of the CAP. The U.S., consistent with its long-term objective, would welcome improvement in the power and responsibility of the foreign affairs side of the Community, even if it only were to encompass commercial and financial matters.

#### MORE INTENSE ECONOMIC ACTIVITIES

Looked at in this broader way, countries on both sides of the Atlantic, and the Pacific powers, should be continuously looking for new means of economic cooperation and new economic negotiations. There are many mutual interests at stake, and the process of informal talks, formal consultations, or negotiation should be engaged wherever possible. Instead of standing back, and leaving Britain to carry the whole international adjustment on its own through its entry talks, the other countries should continue and intensify their economic activities in other forums. This would be the best insurance against protectionist retrenchment in the U.S. or any other country.

Interdependence in agriculture, trade generally, and finance are all at stake. Moreover, the process of meaningful discussion and coordination on several multilateral levels should lead, in the final result, to the same end objective as that of The Grand Design: the coordination and harmonization of conflicting national policies.

From the point of view of Britain, and Europe, and Washington, I cannot help thinking that a slow, methodical negotiation between Britain and the E.E.C., eschewing glamorous political pronouncements, would be the best for all concerned. A very slow process of negotiation which allows time for maturation of present political and cost developments, and which relates to developments initiated on other fronts, would be least costly economically and politically, and would ultimately help the E.E.C. itself. And if the entry does not after all take place, the world will not automatically fall into chaos. There are alternatives. A rapid and mad embrace will not lead to a satisfactory marriage, and it will

certainly lead to very angry relatives and friends.

The politics of agriculture in particular must be dealt with carefully, lest commercial conflict or political reaction emerge on a grand scale, and the security of Europe consequently become an uncertain piece in the great game of war and peace. As I have indicated, the United States cannot be expected to look at Europe in the same way as it did a few years ago when the dream of political unity was near to fulfillment. In an article in *The Times* that angered a handful of prominent people on both sides of the Atlantic, but which did convey the new mood Europe must sooner or later contend with, Mr. Edwin Dale said, very simply:<sup>5</sup>

Of all the grand and sad dreams of American foreign policy in the last 20 years, one of the two or three grandest and saddest is 'European unity.' . . . The girl looked gorgeous for a while. But now she is all warts. It is all very human but the time has come to cut our losses.

Mr. Dale it should be remembered was once a major advocate of European unity, and he is a very astute observer of the American mood in economic matters.

The answer to this must lie in a more sophisticated diplomacy, and a recognition in Europe that it too has responsibilities, now that it has grown up. Agriculture is a critical part of those responsibilities.

A positive and wise appeal was recently made by the Deputy Undersecretary of State, Mr. Samuels:

Our continued and constructive relationships with the European Economic Community require each of us to look beyond the parochial nature of our interests and to raise the level of these relationships to that of high policy in an interdependent and economically expanding world. . . . Our thoughts should turn to the harmonization of policies rather than the compromising of conflicts.

From conflict resolution to positive, creative policies for international economic co-operation: Can it be done?

#### INDOCHINA: THE CONSTITUTIONAL CRISIS

Mr. McGOVERN. Mr. President, there are two profound issues involved in the amendments which have been proposed to limit U.S. activities in Southeast Asia.

The merits of whether it is politically, militarily, or morally sound for us to be entangled in that conflict will be debated at length, as they have been debated for many years. Most of us have strong opinions.

The other issue has received less attention, and for that reason alone it deserves a special focus. Regardless of how any Senator feels about the wisdom of our involvement, he has good reason for deep interest in the procedures through which it has come about, and particularly in the role Congress has or has not played. Concern has been expressed about a possible constitutional crisis over the war power. In truth that crisis already exists, and the Vietnam war is the best possible illustration of that fact.

The complementary amendments introduced by Senators CHURCH and COOPER, on Cambodia, and by Senators HATFIELD, GOODELL, HUGHES, CRANSTON, myself, and other Senators on Vietnam,

<sup>5</sup> "The American Dreams that Went Wrong," *The Times*, September 24, 1969.

Cambodia, and Laos, are practical attempts to assert proper congressional involvement. In fact, they use the only vehicle—limitations on spending appropriated funds—that we have available to enforce our decisions on the use of American military power abroad. Moreover, it is a vehicle which the founders of our Republic believed should be vigorously employed.

In this connection, Mr. President, I would like to make available to Members of the Senate an analysis of the constitutional issues broached by these amendments. Entitled "Indochina: The Constitutional Crisis," it supplies an excellent historical description of the war power and a concise discussion of the legislative actions which have been used to justify our posture in Southeast Asia.

With respect to our amendment, it concludes that:

Proposed restrictive provisions (such as those advanced by Senators McGovern, Hatfield, Hughes, Goodell and Cranston) are not only a legitimate exercise of Congress' money power, but pose no danger of inflexibly committing our policy to a hazardous course because (1) they include exceptions which insure the safety of our forces and (2) they may be overridden by future congressional action if circumstances change.

Mr. President, the authors of this memorandum include prominent legal scholars and former government officials. I should like to read their names:

Alexander M. Bickel, Professor of Law, Yale Law School.

Bruce Bromley, Attorney, New York City; former Judge, New York Court of Appeals.

Elias Clark, Professor of Law, Yale Law School.

Ramsey Clark, former Attorney General.

William T. Coleman, Attorney, Philadelphia, Pa.

John Doar, President, Bedford-Stuyvesant D&S Corporation, Brooklyn; former Assistant Attorney General.

John W. Douglas, former Assistant Attorney General.

George N. Lindsay, Attorney, New York City.

Burke Marshall, Professor of Law, Yale Law School; former Assistant Attorney General.

Louis F. Oberdorfer, former Assistant Attorney General.

Robert M. Pennoyer, Attorney, New York City.

Stephen J. Pollak, former Assistant Attorney General.

Paul C. Warnke, former Assistant Secretary of Defense.

Edwin M. Zimmerman, former Assistant Attorney General.

In addition, Mr. President, I want to note that the basic research and drafting for the memorandum was done by the 12 Yale Law School students: David Cooke, Reid L. Feldman, Gary Fontana, Frank Hamsher, Gertrude Hamsher, Howard O. Hunter III, Christopher Lundin, David Marks, Jeffrey Orleans, Randall Shepard, Eric Stauffer and John M. Townsend.

Their outstanding work on this project provides a graphic demonstration of how students are doing important, useful, and constructive work on behalf of the peace effort.

I ask unanimous consent that the memorandum to which I have referred be printed in the RECORD.

There being no objection, the mem-

orandum was ordered to be printed in the RECORD, as follows:

#### INDOCHINA: THE CONSTITUTIONAL CRISIS

The dispatch of American troops into Cambodia by the President, without specific authorization by Congress, raises serious questions about the constitutional allocation of power between the legislative and executive branches. The most significant factor in the resolution of such questions is the presence or absence of action by each branch.

The power to commit American forces to combat was originally entrusted to Congress, which retained it almost unchallenged for over a century. But in the twentieth century, Congress has passively allowed the effective ability to engage the United States in hostile actions abroad to be assumed almost entirely by the Presidency.

Proposals now before Congress invoke the money power as a means of asserting control over the Indochinese War. If Congress exercises its money power to prohibit specific uses of the armed forces, it will reassert its long dormant capacity firmly and constitutionally to limit the President's ability to use the armed forces for purposes which Congress does not approve.

#### I. THE LANGUAGE OF THE CONSTITUTION

The power to commit American troops to battle was allocated by the Constitution between the President and Congress. (The relevant clauses of the Constitution are quoted in the Appendix.) The President is entrusted with the executive power,<sup>1</sup> made Commander in Chief of the Army and Navy,<sup>2</sup> and, with the advice and consent of the Senate, empowered to make treaties and appoint ambassadors.<sup>3</sup> The Congress is empowered to lay taxes to provide for the common defense,<sup>4</sup> to define and punish offenses against the law of nations,<sup>5</sup> to declare war,<sup>6</sup> to raise and support armies (but not to finance them for more than two years at a time),<sup>7</sup> to provide and maintain a navy,<sup>8</sup> to make rules for the land and naval forces,<sup>9</sup> and to provide for calling up and organizing the militia.<sup>10</sup>

#### II. THE ORIGINAL UNDERSTANDING

The Constitution does not say explicitly whether the army may be sent into battle when Congress has not declared war, or if it may, under what circumstances and by whose decision. In interpreting the Constitution on this point, it is helpful to look at the intent of the Framers and to the understanding of the men who first put the Constitution into practice.<sup>11</sup>

The Constitutional Convention debated the clause giving Congress the power to declare war on August 17, 1787.<sup>12</sup> The clause originally empowered Congress "to make war."<sup>13</sup> Some delegates objected that the power should lie with the executive, as it did in England.<sup>14</sup> Most of the Convention seemed firmly of the opinion that the power should lie with Congress, but that the President should have the power to defend against a sudden attack. The Convention decided to "insert 'declare,' striking out 'make' war, leaving to the executive the power to repel sudden attacks."<sup>15</sup> The Framers had in mind a division of functions. The President, as Commander in Chief, was charged with the conduct of hostilities after they are legally begun. He was also expected to take measures to repel any actual attack upon the United States, as an incident of his executive power. But the power to initiate hostilities was clearly meant to be reserved to the Congress, with the President participating in that initiative only so far as his signature was necessary to complete an act of Congress. Thus, the President, unless his veto is overridden, may prevent war, but he cannot constitutionally act alone to begin a war.

The judicial branch was also quick to con-

clude that Congress alone can declare war. Delivering the opinion of the Supreme Court in an 1801 prize case, Chief Justice John Marshall concluded that the "whole powers of war" were "vested in Congress."<sup>16</sup>

There may, however, be hostilities which fall short of requiring an actual declaration of war. Ten years after the adoption of the Constitution, the naval trouble between the United States and France which had begun under Washington became so acute that American shipping was greatly endangered.<sup>17</sup> President Adams had to decide what to do. Alexander Hamilton advised the administration against action without Congressional authority:

"In so delicate a case, in one which involves so important a consequence as that of war, my opinion is that no doubtful authority ought to be exercised by the President."<sup>18</sup>

Adams decided to wait for Congress to act, and it passed laws authorizing him to protect American commerce.<sup>19</sup> Similarly in 1801, President Jefferson was faced with hostilities on the Barbary Coast, but felt that he could order only defensive measures until Congress authorized him to commit forces to offensive action.<sup>20</sup>

In the first two limited wars in which the United States found itself, both Adams and Jefferson had the means to order retaliatory action immediately. Perhaps some lives and property would have been saved had they done so. But both clearly felt that the decision to commit American forces was not constitutionally theirs to make, and preferred the preservation of the Constitutional process to the pursuit of a temporary military advantage.

#### III. HISTORICAL DEVELOPMENT OF THE WAR POWER

##### A. Wars and limited wars in the nineteenth century

If the President's power to engage American forces in hostilities on his own initiative is limited to defensive action by a strict construction of the Constitution, the question of the proper role of Congress arises. Congress clearly has the power to engage the United States in formal war, as it did in 1812 with the President reluctantly assenting.<sup>21</sup> It may declare war at the request of the President.<sup>22</sup> And Congress may also ratify after the fact hostilities begun by the President.<sup>23</sup>

The executive branch very early recognized the exclusive power of Congress to declare war. In the course of a dispute with Spain in 1805, President Jefferson told Congress:

Considering that Congress alone is constitutionally invested with the power of changing our position from peace to war, I have thought it my duty to await their authority before using force in any degree which could be avoided.<sup>24</sup>

Similar deference to the sole power of Congress to make any decision to commit the United States to war was voiced by President James Monroe,<sup>25</sup> Secretary of State John Quincy Adams,<sup>26</sup> and Secretary of State Daniel Webster.<sup>27</sup>

The Congress itself was jealously aware of its war power, and on one occasion nearly censured the President for invading it. In 1846 it had declared, after the fact, that a state of war existed with Mexico. But the debate was bitter and the war unpopular. At the end of the war, the House of Representatives voted its thanks to General Taylor, but amended its resolution to note that he had won.

A war unnecessarily and unconstitutionally begun by the President of the United States.<sup>28</sup>

Among the Congressmen supporting the amendment were former President John Quincy Adams and future President Abraham Lincoln.

Congress also has considerable power, short of a declaration of war, to authorize and

regulate limited hostilities, as it has done on a number of occasions, with and without executive approval, since 1798.<sup>29</sup>

During the nineteenth century, the executive branch frequently recognized the need for congressional authorization even for limited military actions. In 1857 the Secretary of State refused to send ships to help a British expedition in China, because he lacked congressional authority to do so.<sup>30</sup> The next year President Buchanan pleaded with Congress for authority to protect transit across the isthmus of Panama, but refused to act without it.<sup>31</sup> Nor in 1876 would the State Department use force to help Americans in Mexico, because it felt it lacked the power to do so.<sup>32</sup> As late as 1911 President William Howard Taft felt that he had enough power to move troops to the Mexican border, to be ready in case Congress told him to protect American lives and property endangered by the revolution there, but refused to send them in on his own authority.<sup>33</sup>

##### B. Erosion of the congressional war-making power in the 20th century

In the early part of the twentieth century, the executive began to exercise greater discretion in the use of American armed forces abroad. For instance, without specific congressional approval, President Theodore Roosevelt sent American troops into Panama in 1903 and President Wilson sent troops into Mexico in 1916 in pursuit of the Pancho Villa bandits.<sup>34</sup>

Since 1945, the executive has regularly used military force abroad as a tool of diplomacy. Aside from Indochina, the greatest use of American force was in Korea, where several hundred thousand troops were committed to combat and major casualties were incurred. There was neither a formal declaration of war, nor any other specific congressional sanction for the Korean conflict.<sup>35</sup> American forces were sent into the Formosan Strait in 1955, into Lebanon in 1958, and into the Dominican Republic in 1965. The Navy was used to blockade Cuba during the missile crisis in 1962. And, most recently, naval vessels were dispatched to the vicinity of Haiti and Trinidad in response to internal conflicts in those countries. Prior congressional resolutions were obtained by the President for the Formosan and Lebanese actions, but both the validity of those resolutions and the degree to which President Eisenhower relied on them has been questioned.<sup>36</sup>

The application of prior historical precedents to unilateral executive use of armed force abroad in the mid-twentieth century can, however, be misleading. For instance, as precedents for the Vietnam War, a State Department Memorandum cites a long series of military actions ordered by the President alone.<sup>37</sup> The majority of the cited military actions undertaken by the executive without congressional approval took place in the nineteenth century. Most of them were not actions that involved conflicts with foreign states; rather, the bulk of them involved the protection of individuals, police actions against pirates or actions against primitive peoples. Furthermore, the United States did not have a significant standing army during peacetime until after 1945, and the President was limited in the military actions that he could take by the need to approach Congress to ask for any increase in the size of the armed forces. Today, with a tremendous military machine and modern transport at his immediate disposal, the President is under little practical pressure to seek congressional authorization for his actions, and therefore he is unlikely to seek it unless Congress insists that he do so.<sup>38</sup>

#### IV. THE THEORETICAL BASES FOR UNILATERAL PRESIDENTIAL ACTION

The theories on which various Presidents have relied for the use of military force abroad without congressional approval may

Footnotes at end of article.



be divided into three general categories: (1) the sudden attack theory; (2) the neutrality theory; and (3) the collective security theory.<sup>20</sup>

(1) *The Sudden Attack Theory.*—The President as the Chief Executive has the inherent power to defend the sovereignty and integrity of the nation itself and to respond to an armed attack on the territory of the United States without requesting congressional approval. For example, we do not question the constitutional authority of the President to order a retaliatory strike in the event of an atomic attack on the territory of the United States. In the absence of an armed attack on American territory proper, the power of the President is more closely circumscribed.<sup>40</sup>

(2) *The Neutrality Theory.*—Also known as "interposition," the neutrality theory was developed during the nineteenth century as a justification for American military involvement abroad to protect American citizens and property. When American armed forces were sent into a foreign nation, their presence was supposed to be "neutral" with respect to any conflicts there. *The executive, in taking such action, was not necessarily "making war" but merely dispatching troops to act as security guards for American citizens and their property. The real difficulty, clearly, was in remaining neutral and avoiding conflict.*<sup>41</sup>

(3) *The Collective Security Theory.*—Since 1945, the United States has entered into many security treaties with foreign nations. Many of these agreements have clauses which indicate that the security of each signatory is vital to the security of each other signatory. Unilateral presidential action under these agreements may be justified as necessary for the protection of American security even though the conflict may arise thousands of miles from American shores, but, carried to its extreme, the collective security theory would justify almost any unilateral presidential use of armed force abroad,<sup>42</sup> a result contrary to Constitutional standards.

#### V. THE JUSTIFICATIONS FOR UNILATERAL EXECUTIVE ACTION IN INDOCHINA

The involvement of the United States in Vietnam, the commencement of an air war in Laos, and the expansion of the ground war into Cambodia have resulted almost entirely from executive decisions and actions. The executive branch of the government has justified its action primarily on the grounds of: (1) the presidential prerogative to protect American security interests abroad by whatever means necessary; (2) the SEATO treaty; and (3) the Gulf of Tonkin Resolution.<sup>43</sup> It cannot be said that the recent actions by the executive in Cambodia or the earlier actions in both Vietnam and Laos are clearly contrary to the Constitution. However, the expansion of the war into Cambodia is the latest in a long series of acts which, taken together, have nearly stripped Congress of its war power.

(1) *The Presidential Prerogative.*—Undoubtedly, the speed with which crises develop in the modern world necessitates a strong executive who can respond quickly to such crises. The need for a speedy response, the need for secrecy, the need to protect American citizens and property abroad, and the need to protect American security interests in the balance of power are all used to legitimize the use by the executive, without congressional approval, of American armed forces abroad. Recent United States actions, especially in Korea and Indochina, are cited to support great executive discretion in the use of American military force abroad. The recent invasion of Cambodia without prior congressional approval or even notice is not without historical precedent

and not without justification under a broad interpretation of the collective security theory.<sup>44</sup>

However, the real question is whether the balance has shifted too far in favor of the executive.<sup>45</sup> A war, such as the one in Indochina, requires great sacrifices on the part of great numbers of the American people. It is difficult, if not impossible, to predict the ultimate outcome of any American intervention. Consequently, when there is a possibility of large scale American involvement and even a limited risk of war, Congress should pass on the desirability of American military action.<sup>46</sup>

The executive has also placed reliance on the power of the President as chief formulator of foreign policy and as Commander in Chief of the armed forces. *Granted that the President does have primary responsibility in the modern world for the handling of foreign policy, he should not have the discretion to initiate war as an instrument of foreign policy.*

Finally, the Commander in Chief provision of the Constitution is an expression of civilian control over the military; it does not give the war power to the President.<sup>47</sup>

(2) *The SEATO Treaty.*—The Southeast Asia Treaty Organization is one of the many multilateral collective security treaties which the United States has signed. Neither South Vietnam nor Cambodia is a signatory, but both countries are within "protocol areas" which the signatories consider to be vital to their security interests.<sup>48</sup> The terms of the treaty are ambiguous, and it is at least questionable whether the United States was obligated by the terms of the treaty to come to the aid of South Vietnam.<sup>49</sup>

More importantly, the SEATO agreement cannot help answer the constitutional questions, because it specifically states that action by a signatory in response to an attack on another signatory or a "protocol country" is to be made only after a decision made according to the "constitutional processes" of the signatory.<sup>50</sup>

The more relevant issue is the power of the President to involve American forces in foreign combat on the basis of a treaty. The Constitution requires that the Senate must give its advice and consent to any treaty before it can become effective.<sup>51</sup> Once approved, the treaty is of the same nature as any other duly passed law which the executive is bound to execute faithfully.<sup>52</sup> If, however, the war power is a congressional prerogative, the decisions regarding the initiation of war should be made by both houses of Congress and not just the Senate.<sup>53</sup>

(3) *The Tonkin Gulf Resolution.*—Following reported attacks on American naval vessels in the Gulf of Tonkin in August of 1964, Congress passed a joint resolution which gave the President broad discretion to respond to "aggression" in Southeast Asia.<sup>54</sup> Congressional action which does not amount to a formal declaration of war may be a valid congressional authorization of hostilities,<sup>55</sup> and some commentators think that the Tonkin Gulf Resolution is an adequate congressional authorization for the Vietnamese War.<sup>56</sup>

There are two factors, however, which make the Tonkin Gulf Resolution an invalid basis for continued Congressional inaction. First, it was passed with great speed and in the heat of emotion that resulted from the reported attack on American naval vessels in the Tonkin Gulf.<sup>57</sup> Secondly, there were few American troops in Vietnam in the American ground combat forces there.<sup>58</sup>

It has also been argued that congressional inaction and failure to repeal the Tonkin Gulf Resolution give implicit authorization to the Indochinese War. The logical outcome of such an argument is that the President can do whatever he wishes and the Congress has the affirmative duty to try to stop him.

This shifts the presumption of the Framers in favor of congressional control over war-making and gives the initial and continued upper hand to the executive.<sup>59</sup>

#### VI. THE OPPORTUNITIES FOR REASSERTION OF CONGRESSIONAL POWER

The power of the purse is the last bastion of popular control of the government.<sup>60</sup> Congress now has the opportunity to use this power to restore the constitutional balance by including in authorization acts any of a number of restrictions on the use of American funds and forces in Indochina. More forcefully than a resolution of one or both houses,<sup>61</sup> enacting specific restrictions on the use of our military forces in Indochina and directing their withdrawal would effectively assert congressional control of the limited war in which we are now engaged. Proposed restrictive provisions (such as those advanced by Senators McGovern, Hatfield, Hughes, Goodell and Cranston)<sup>62</sup> are not only a legitimate exercise of Congress' money power, but pose no danger of inflexibility committing our policy to a hazardous course because (1) they include exceptions which insure the safety of our forces and (2) they may be overridden by future congressional action if circumstances change.

#### A. Specifically restricting the use to which military forces may be put is a legitimate exercise of congressional power

There is no doubt that under the Constitution Congress has complete control over governmental use of funds. Historical precedent, textual analysis of the Constitution, the intent of the Framers, and judicial construction unambiguously indicate that the money power may be used to restrict the President's control of the armed forces.

Past congressional success in the restriction of military policy through the use of specific provisions in money acts offers conclusive support for the legitimacy of such a measure to control the military actions of the President. Riders and amendments on appropriation and authorization acts traditionally have been a device favored by Congress to restrict and to control executive action.<sup>63</sup> The most recent example is Section 643 of the Defense Appropriation Act for the current fiscal year, passed in 1969, which states that "none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos and Thailand."<sup>64</sup> Last year's rider alone serves as clear precedent for similar restrictions on use of forces or funds in Cambodia or in Vietnam itself.

An almost identical restriction was enacted by Congress in the Selective Service and Training Act of 1940, which included the proviso that:

"Persons inducted into the land forces of the United States under this Act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands."<sup>65</sup>

It appears that in the past Presidents have always complied with such restrictions, even when they originally expressed an intention to ignore them.<sup>66</sup> Compliance by the executive is, in fact, clearly dictated by the Constitution.

The general grant to the President of the executive power<sup>67</sup> is qualified by the admonition that "he shall take care that the laws be faithfully executed."<sup>68</sup> The powers of Congress to raise and appropriate revenues, to raise and support armies, and to provide and maintain a navy, are all law-making powers.<sup>69</sup> An appropriation rider enacted into law would therefore impose a clear constitutional obligation on the President to abide by its provisions.<sup>70</sup> In addition, it would constitute a *pro tanto* repeal of previous statutes granting the President discretion to use funds for military purposes.

The President's power as Commander in Chief does not free him from enacted restrictions. The Constitution has granted to Congress the fundamental power to create the resources employed by the branches of the government. *The Commander in Chief clause merely entitles the President to the supreme command of the armed forces within the limits established by the legislation which created those forces, provided the limits are reasonable.*<sup>69</sup>

The fundamental importance of the money power is evident from the determination of the Framers to place this power firmly in the hands of Congress. Particular care was taken to maintain under congressional control the use of funds for military purposes, as indicated by the constitutional provision that no money may be appropriated for the army "for a longer term than two years."<sup>70</sup> The rationale for the allocation of power made by the Framers of the Constitution is basic to our concept of democracy: that the legislators, as representatives of the people, should have complete control over the nation's resources. Madison described the money power in these terms:

"This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people."<sup>71</sup>

The wisdom of this grant of power is borne out by recent history. The conduct of the Indochina War has precipitated a widespread disillusionment with the government, and attendant loss of respect for law. If the people, through their representatives, have no control over the commitment of their resources to war-making, the result is inconsistent with the democratic principles of the Constitution.

The Supreme Court spoke most directly to the issue in the *Steel Seizure Case*,<sup>72</sup> concluding that the powers of the President, both as Commander in Chief and in his executive capacity, were not unlimited and could be restrained by another branch of the government.<sup>73</sup> All the Justices in the majority indicated that the extent to which Congress had acted to control the action taken by the President, seizure of most of the nation's steel mills, was significant in determining the constitutionality of his action.<sup>74</sup> The opinions imply that *When Congress speaks on the question of what form executive action may take, such power to act alone as the President may have will be circumscribed.* In the *Steel Seizure Case*, the Justices disagreed on the proper interpretation of Congress' failure to act on relevant legislation; in contrast, if Congress enacts a clear prohibition on military action in specified areas of Indochina, the meaning would be clear, and presidential power would be effectively limited.

*B. Continuing congressional control and the inclusion of adequate exceptions to restrictions on military action insure that military policy will remain flexible*

There is, of course, a possibility that changed circumstances will force a reconsideration of the wisdom of certain specific limitations. But the assertion of congressional control by enacting the proposed restrictions merely shifts from the President to Congress power over future military involvement in Indochina.

The President would retain the power to engage in immediate self-defense under the executive power to repel sudden attacks. In addition, exceptions to the restrictions of the McGovern-Hatfield-Hughes-Goodell-Cranston proposal permit full executive freedom to protect our troops and prisoners during withdrawal.<sup>75</sup> But major decisions would be reserved for Congress, which is fully capable of making major decisions quickly and competently. And by asserting its proper role

in decisions of war-making, Congress would act to re-establish the traditional constitutional balance.

#### VII. CONCLUSION

The current unlimited freedom enjoyed by the executive to engage in military action is largely the result of inaction by Congresses past. As Supreme Court Justice Jackson stated:

"We may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers."<sup>76</sup>

#### FOOTNOTES

<sup>1</sup> Constitution of the United States of America, Article 2, § 1.

<sup>2</sup> *Ibid.*, Article 2, § 2, cl. 1.

<sup>3</sup> *Ibid.*, Article 2, § 2, cl. 2.

<sup>4</sup> *Ibid.*, Article 1, § 8, cl. 1.

<sup>5</sup> *Ibid.*, Article 1, § 8, cl. 10.

<sup>6</sup> *Ibid.*, Article 1, § 8, cl. 11.

<sup>7</sup> *Ibid.*, Article 1, § 8, cl. 12.

<sup>8</sup> *Ibid.*, Article 1, § 8, cl. 13.

<sup>9</sup> *Ibid.*, Article 1, § 8, cl. 14.

<sup>10</sup> *Ibid.*, Article 1, § 8, cl. 15 and cl. 16.

<sup>11</sup> For an exhaustive analysis of the historical development of the war power see the article by Francis D. Wormuth, "The Vietnam War: The President versus the Constitution," on which this paper draws heavily. It is reprinted in Falk, ed., *The Vietnam War and International Law*, Princeton University Press, 1969.

<sup>12</sup> James Madison, *Notes of Debates in the Federal Convention*, Ohio University Press edition, 1966.

A transcript of Madison's notes on the debate on the war power is included in the appendix to this paper.

<sup>13</sup> *Ibid.*, debate of August 17, 1787 (Ohio edition page 476).

<sup>14</sup> *Ibid.*, remarks of Mr. Butler (see appendix). For a discussion of the English allocation of power, still accurate when the Constitution was written, see John Locke, *Second Treatise on Government* (1960), chapters 12 and 13, § 145.

Mr. Gerry remarked that he "never expected to hear in a republic a motion to empower the Executive alone to declare war."

<sup>15</sup> *Ibid.*, the motion passed eight states to one, Massachusetts absent. (see appendix).

<sup>16</sup> *The Amelia*, 1 Cranch (5 U.S.) 1 (1801). Chief Justice Marshall wrote:

"The whole powers of war being, by the Constitution, vested in Congress, the acts of that body alone can be resorted to as our guides in this inquiry."

The case involved a ship whose seizure would have been legal under the President's privateering proclamation, but whose seizure the Court held was illegal under the terms of the Act of Congress which authorized the proclamation. The privateer was made to pay damages to the ship's owner.

<sup>17</sup> After the outbreak of the war between France and England in 1792, American shipping was molested by the blockades of both nations. President Washington met the challenge with his famous Neutrality Proclamation, which kept the United States out of the conflict. By 1798, however, French depredations on American commerce had become so menacing that action was needed to protect it. The question was whether President Adams could do so on his own authority or whether he needed the authority of Congress.

<sup>18</sup> Alexander Hamilton to James McHenry, the Secretary of War, May 17, 1798 (quoted in Wormuth, *op. cit.*)

<sup>19</sup> Congress suspended commercial intercourse with France in the Act of June 13, 1798, augmented by the Act of February 9, 1799. (1 Stat. 565, 1 Stat. 613).

It denounced the treaty with France in the Act of July 7, 1798 (1 Stat. 578).

It created the Department of the Navy by the Act of April 27, 1798 (1 Stat. 553).

And it established the Marine Corps by the Act of July 11, 1798 (1 Stat. 594).

The controversy with France is described in note 17, above.

<sup>20</sup> The Barbary States, particularly Tripoli, had been marauding American shipping, in an attempt to exact a payment of tribute from the United States. When the promised tribute was not paid, Tripoli declared war on the United States. President Jefferson sent ships to the Mediterranean, but authorized them only to defend themselves and other American ships. The Navy captured a Tripolitan ship, but released it after disarming it, as the President told Congress:

"Unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense, the vessel, being disabled from committing further hostilities, was liberated with its crew. The Legislature will doubtless consider whether, by authorizing measures of offense also, they will place our force on an equal footing with that of its adversaries."

Thomas Jefferson, First Annual Message, December 8, 1801, *Messages and Papers of the Presidents* (1908) vol. I, p. 326.

<sup>21</sup> Act of June 18, 1812 (2 Stat. 155).

<sup>22</sup> Act of April 20, 1898 (30 Stat. 738), containing the ultimatum to Spain, and the Act of April 25, 1898 (30 Stat. 364), declaring that a state of war had existed since April 21.

<sup>23</sup> Act of May 13, 1846 (Stat. ), and Act of August 6, 1861 (12 Stat. 326).

<sup>24</sup> *Messages and Papers of the Presidents*, vol. I, p. 389.

<sup>25</sup> In 1824 Colombia notified the United States that it was threatened by France, and asked for protection. The Monroe Doctrine had been announced the year before, but the administration would not commit itself to defend Colombia. President Monroe wrote to Former President Madison that:

"The Executive has no right to compromise the nation in any question of war."

Letter of August 2, 1824, quoted in Wormuth, *op. cit.*

<sup>26</sup> Three days after Monroe's letter to Madison, Secretary of State Adams formally wrote to the Minister of Colombia to the United States:

"By the Constitution of the United States, the ultimate decision of this question belongs to the Legislative Department of the Government."

John Quincy Adams to Jose Maria Salazar, August 6, 1824.

<sup>27</sup> In 1851 Hawaii asked the United States for protection from France. Secretary of State Daniel Webster refused to help:

"I have to say that the war-making power rests entirely with Congress and that the President can authorize belligerent operations only in the cases expressly provided for by the Constitution and the laws. By these no power is given to the Executive to oppose an attack by one independent nation on the possessions of another."

J. B. Moore, *Digest of International Law*, Washington, G.P.O. vol. 7, p. 163.

<sup>28</sup> *Congressional Globe*, 30th Congress, 1st Session, page 95, January 3, 1848.

The Mexican War had been precipitated in 1846 by President Polk's dispatch of American troops into a territory whose possession was disputed with Mexico. After hostilities erupted, Congress reluctantly declared that a state of war existed between the United States and Mexico.

The resolution referred to was a vote of thanks to General Zachary Taylor, the Commander of the successful American forces. The clause censuring the President was moved as an amendment to that resolution. The amendment was adopted on January 3, but was dropped when the resolution came up for a final vote.



<sup>29</sup> For the 1798 legislation, see note 19. above.

Congress authorized the President to act against Tripoli in the Act of February 6, 1802 (2 Stat. 129).

In 1839, in the course of a dispute over the boundary of Maine, Congress authorized the use of force against England in the Act of March 3, 1839 (5 Stat. 355). Force was never needed.

In 1890 the Congress passed an act, which became law without the President's signature, authorizing the use of force to extract an indemnity for the seizure of American ships off Venezuela. Act of June 17, 1890 (26 Stat. 674). The indemnity was secured by arbitration.

<sup>30</sup> Secretary of State Lewis Cass wrote the British Government that:

"Under the Constitution of the United States, the executive branch of this Government is not the war-making power. The exercise of that great attribute of sovereignty is vested in Congress, and the President has no authority to order aggressive hostilities to be undertaken. . . . Military expeditions into the Chinese territory cannot be undertaken without the authority of the National Legislature."

Moore, *op. cit.*, vol. 7, p. 164.

<sup>31</sup> President Buchanan told Congress that:

The executive government of this country in its intercourse with foreign nations is limited to diplomacy alone. When this fails it can go no further. It cannot legitimately resort to force without authority of Congress, except in resisting and repelling hostile attacks.

*Messages and Papers of the Presidents*, vol. 5, p. 616: Message of December 6, 1858.

<sup>32</sup> Acting Secretary of State Hunter wrote:

"The President is not authorized to order or approve an act of war in a country with which we are at peace, except in self-defense. This is a peculiarity of our form of government, which at times may be inconvenient, but which is believed to have proved and will in the future be found in the long run to be wise and essential to the public welfare."

Moore, *op. cit.*, vol. 7, p. 167.

<sup>33</sup> In his Third Annual Message, President Taft told Congress:

"The assumption by the press that I contemplate intervention on Mexican Soil to protect American lives or property is of course gratuitous, because I seriously doubt whether I have such authority under any circumstances, and if I had I would not exercise it without express congressional approval."

Despite presidential protestations to the contrary, a diluted but similar recognition of the need for Congressional approval of limited hostilities lay behind the requests for the Formosa Resolution of 1954, the Middle East Resolution of 1957, and the Gulf of Tonkin Resolution of 1964.

<sup>34</sup> See generally, Reveley, "Presidential War-Making: Constitutional Prerogative or Usurpation?" 55 Va. L. Rev. 1243, 1257-63 (1969).

President Wilson sent American troops into Vera Cruz in 1914 on his own authority, but he had asked Congress for an enabling act the day before the troops were used, and the day after the landing Congress ratified his action.

<sup>35</sup> See, "Congress, The President and the Power to Commit Forces to Combat," in *The Vietnam War and International Law*, v. 2 (Falk ed. 1969) at 616, 636-37. This article originally appeared as a Note in the *Harvard Law Review*, 81 Harv. L. Rev. 1771 (1968). Much of the content and many of the arguments in this memorandum have been drawn from this Note. Hereinafter it will be cited as the "Harv. Note" with page citations to the Falk collection.

<sup>36</sup> See, Moore, "The National Executive and the Use of Armed Forces Abroad," in Falk, *supra* (n. 35) at 809, 817. This was originally an address given by Professor Moore at the Naval War College on Oct. 11, 1968. (Hereinafter cited as "Moore Address" with page citations to the Falk collection); and see Harv. Note at 637.

after cited as "Moore Address" with page citations to the Falk collection); and see Harv. Note at 637.

<sup>37</sup> U.S. Department of State, "The Legality of United States Participation in the Defense of Viet-Nam," 54 Department of State Bulletin 474 (1966), reprinted in "Symposium—Legality of United States Participation in the Viet Nam Conflict," 75 Yale L.J. 1084 (1966). [Hereinafter cited as State Department Memo.]

<sup>38</sup> As precedent for Vietnam, however, the majority of the nineteenth century uses of force do not survive close scrutiny. Most were minor undertakings, designed to protect American citizens or property, or to revenge a slight to national honor, and most involved no combat, or even its likelihood, with forces of another state. To use force abroad on a notable scale, the President would of necessity have had to request Congress to augment the standing army and navy.

Reveley, *supra*, n. 8, at 1258.

<sup>39</sup> See generally, Harv. Note.

<sup>40</sup> See generally Harv. Note at 624, 631.

In the event of an armed attack on the territory of the United States proper, there is little question that the executive possesses the power to respond with all means at his disposal. Congressional approval of such action would probably be immediate. When, on the other hand, an attack is made on American persons or property abroad, then the response should generally be proportional to the attack. The recent "Pueblo Incident" is a striking example of the fact that not every use of force against the United States is an act which places the country at war and that a variety of factors should enter into the development of an appropriate response. Short of an attack which threatens the life of the country, therefore, it seems that the President's power under the sudden attack theory is fairly limited.

There is also the danger of provocation, either planned or accidental. The mere presence of American forces near a hostile nation may provoke a "sudden attack." Consider, for instance, the U-2 incident in 1960, the various RB-47 incidents, then the "Pueblo Incident." If the response to such an attack is not limited, then the country may become involved in a much larger conflict with little or no executive-legislative collaboration.

<sup>41</sup> See generally, Harv. Note at 634; Reveley, *supra* (n. 34) at 1257 et seq.; and Velvel, "The War in Viet Nam: Unconstitutional, Justiciable and Jurisdictionally Attackable," 16 Kan. L. Rev. 449 (1968). (Caveat: Prof. Velvel's article is highly one-sided.)

Modern analogies of the "neutrality theory" were the landing of troops in the Dominican Republic in 1965 and the recent dispatch of American naval vessels to the area around Haiti and Trinidad.

The real problem with the neutrality theory is remaining neutral. "Interposition" may easily lead to "intervention" and the Congress may be faced with a fait accompli. President Roosevelt accomplished an actual "intervention" in Panama in 1903 by "interposing" American troops there under an executive order, ostensibly to protect American property and citizens, but actually to support a friendly government.

However, American citizens who live or own property abroad probably should be able to expect some degree of aid from their government in time of conflict. But if the President has an unfettered right to employ the American military anywhere at any time to protect American property, Congress may be left without an opportunity to assert its views. And, in many cases, the risks of deployment may be greater than the risks of restraint.

<sup>42</sup> See generally, State Department Memo; Alford, "The Legality of American Military Involvement in Viet Nam: A Broader Per-

spective," 75 Yale L.J. 1109 (1966); Harv. Note at 627 et seq.; cf., Memorandum of Lawyers' Committee on American Policy toward Viet Nam, CONGRESSIONAL RECORD, vol. 112, pt. 2, pp. 2665-2673.

Almost every national in the world has become classified as friendly, hostile, or neutral, and conflicts which might have seemed minor fifty or a hundred years ago are now often viewed as dangerous because they tend to upset the precarious world order and balance of power. Consequently, the idea of American security has expanded greatly so that an armed conflict in a far part of the world may appear to be a threat to the security of the United States itself. Unilateral Presidential employment of armed forces abroad, under the collective security theory has, therefore, been justified on much the same grounds as unilateral executive action under the sudden attack theory. The physical territory of the United States may be in no immediate, or even distant, danger. There may be no immediate threat to American forces, citizens, or property, but a conflict may seem to endanger the worldwide security system of the United States. The argument for Presidential action under the collective security theory is that the executive must have the power to respond quickly and forcefully to attacks which are considered important, for a variety of reasons, to the maintenance of the balance of power.

The executive action in Indochina has been premised largely on the collective security theory. The Indochinese War and other recent American military actions serve to indicate that the neutrality theory is no longer viable. In a world which is divided into friendly, hostile, and neutral countries, most armed conflicts will probably affect the existing order. It is difficult, if not impossible, therefore, for American intervention in such conflicts to remain wholly neutral.

The notion that the United States possesses extraterritorial security interests is not novel. The Monroe Doctrine of 1823 is a clear example. But the proliferation of bilateral and multilateral security agreements since the end of World War II has widened American security interests to include most of the world.

Accepting the general premise of the collective security theory, the question is: who determines when the security interest of the United States is threatened, the President or Congress? And who determines what response is to be taken to protect that interest?

<sup>43</sup> See generally, State Department Memo.

<sup>44</sup> See Text and notes, *supra*.

<sup>45</sup> If the balance has shifted too far in favor of the executive, then Congress must share the blame for its failure to act in the past. Is there any real concern or is it acceptable for the President to have primary responsibility for the use of American forces abroad?

There is certainly a strong argument in favor of giving the executive the ability to respond with speed and force to crises which constitute a direct threat to the security of the United States. (See Harv. Note at 640.) But, there are equally strong, if not stronger, arguments in favor of increased congressional control over executive actions which may involve the United States in lengthy conflicts that are costly both in terms of lives and economic resources.

<sup>46</sup> See generally, Moore Address.

<sup>47</sup> Velvel, *supra* (n. 41) at 457.

<sup>48</sup> The full text of the SEATO Treaty may be found in 6 U.S. Treaties 81; T.I.A.S., No. 3170; 209 U.N. Treaty Series 28; and Falk, *supra* (n. 35) at 561 and seq. The signatories were: Australia, France, New Zealand, Pakistan, Philippines, Thailand, the United Kingdom, and the United States.

The Protocol to the SEATO Treaty provides in pertinent part that:

"The parties to the Southeast Asia Collective Defense Treaty unanimously designate for the purposes of Article IV of the Treaty the states of Cambodia and Laos and the free territory under the jurisdiction of the state of Vietnam."

6 U.S. Treaties 87; T.I.A.S., No. 3170; 209 U.N. Treaty Series 36; Falk, *supra* (n. 35) at 564.

Laos was removed from the "protocol area" by the Geneva Accords of 1962. See: Protocol to the Declaration on the Neutrality of Laos, T.I.A.S. 5410; Falk, *supra* (n. 35) at 568.

Article IV goes to the core of the collective security agreement:

"1. Each party recognizes that aggression by means of armed attack in the treaty area against any of the parties or against any state or territory which the parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

"2. If, in the opinion of any of the parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any party in the treaty area or of any other state or territory to which the provisions of paragraph 1 of this article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

"3. It is understood that no action on the territory of any state designated by unanimous agreement under paragraph 1 of this article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned."

<sup>50</sup> See generally, Falk, "International Law and the United States Role in the Viet Nam War," 75 Yale L.J. (1966); Falk, "International Law and the United States Role in Viet Nam: A Response to Professor Moore," 76 Yale L.J. 1095 (1967); but cf. Moore, "International Law and the United States Role in Vietnam: A Reply," 76 Yale L.J. 1051 (1967).

<sup>51</sup> Art. IV, §1 of SEATO Treaty, *supra* (n. 48).

<sup>52</sup> Constitution, Art. 2, § 2, cl. 2.

<sup>53</sup> Id., Art. 2, § 3.

However, the treaty is rendered of no effect if it conflicts with subsequent legislation, since the lawmaking power of Congress is equally as potent as the treaty power.

"A treaty may supersede a prior act of Congress, and an act of Congress may supersede a prior treaty. *The Cherokee Tobacco*, 78 U.S. (11 Wall.) 616, 621 (1870); accord, *Pigeon River Co. v. Cox Co.*, 291 U.S. 138, 160 (1934); *Moser v. United States*, 341 U.S. 41, 45 (1951).

<sup>54</sup> See Harv. Note at 643-46.

The possibility of giving the war power to the Senate alone was specifically considered and rejected by the Framers. See, Appendix on the debate in the Constitutional Convention.

<sup>55</sup> Southeast Asia Resolution, Aug. 10, 1964, Public Law 88-408 (H.J. Res. 1145); 78 Stat. 384. The Resolution is also reprinted in Falk, *supra* (n. 35) at 579.

<sup>56</sup> See e.g. opinion of Chief Justice Marshall in *Talbot v. Seeman*, 5 U.S. (1 Cr.) 1, 25 (1801). And, as former Secretary of Defense McNamara has said, "There has not been a formal declaration of war—anywhere in the world—since World War II." Address to American Society of Newspaper Editors, May 18, 1966, *New York Times*, May 19, 1966, p. C-11, col. 1 (city edn.) at col. 2.

<sup>57</sup> See generally, Moore Address; Alford, *supra* (n. 42); Moore and Falk articles, *supra* (n. 49).

Whether the Tonkin Resolution is sufficient authority for the Cambodian invasion and the air action in Laos has not been considered by the legal commentators thus far, but the language of the Resolution is so broad that it could, arguably, authorize almost any American action in the Western Pacific area. See, remarks of Senators Fulbright and Cooper during debate on the Resolution, 11 Cong. Rec. 18409-410 (1964).

<sup>58</sup> One commentator, however, does argue that Congress had sufficient information to form a reasonable opinion about the possible consequences of the Resolution, and that it was perhaps an unfortunate, but not unconstitutional abdication of responsibility. See, Moore Address at 821, and see generally, Moore and Underwood, "The Lawfulness of United States Assistance to the Republic of Viet Nam," CONGRESSIONAL RECORD, vol. 112, pt. 12, pp. 15519-15567.

<sup>59</sup> It is at least questionable whether a resolution passed in response to a relatively minor attack on American warships was sufficient authorization for a war which has resulted in more American casualties than any war except the Civil War and World Wars I and II.

It has also been argued that Congress has given its implied approval to the Indochinese War because it has passed military authorization bills for the area. The argument based on enactment of military appropriations legislation is specious. The authorization of expenditures for the support of the soldiers in Southeast Asia War necessitated by the executive fait accompli in dispatching forces there. And, if the Framers had thought that the money power by itself gave Congress sufficient control over the military, there would have been no need to grant Congress the explicit war power. See generally, Harv. Note at 646.

<sup>60</sup> Harv. Note at 646.

<sup>61</sup> The power of the purse was the weapon used by the English parliament to combat the exercise of despotic power by Charles I and James II. The Framers of the Constitution were certainly aware of its utility as a guarantee of the powers and privileges of the legislature.

<sup>62</sup> The resolutions now before Congress, though carrying important political impact, would affect the constitutionality of subsequent executive action. If a resolution were made before the initiation of hostilities, Presidential commitment of American forces or significant expansion of the war would be precluded because the resolution would be a clear assertion of the primacy of Congress in the making of war. See *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952) (Jackson, J., concurring). Once forces were involved in combat the resolution would prohibit expansion of hostilities.

<sup>63</sup> Such restrictions should be distinguished from the so-called "legislative veto," which reserves to Congress or one of its components the right to determine the actual effect of the restriction by subsequent action falling short of actual legislation, such as disapproval by committee action or a resolution of one or both houses.

It is arguable that the inclusion of specific dates on which these restrictions take effect is an invasion of the inherent powers of the President as Commander in Chief. According to a strict construction of the Constitution, the President's inherent power may be limited to the power to repel sudden attacks only by immediate and temporary action. The expansion of his power through its unopposed exercise may be determinative of its constitutionality when Congress does not act, but it may be limited by Congressional action. The important question is whether the proposed limitation is reasonable. Since there is no indication that compliance with these restrictions is not fully feasible, there is no reason why the will of Congress should not be respected on this issue. The authors thus reject the argument.

<sup>64</sup> Harris, *Congressional Control of Administration*, 213-215 (1964); Huzar, *The Purse and the Sword*, 211, 220, 240 (1950).

<sup>65</sup> 83 Stat. 469 (1969).

The inclusion of the phrase "in line with the expressed intention of the President of the United States," whatever its value as a face-saving device for the President, detracts not at all from the force of this proviso. The full text of the amendment reads:

"In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand."

<sup>66</sup> Act of September 16, 1940 (54 Stat. 885).

<sup>67</sup> In 1955, for instance, Congress attached a rider, § 638, to the Defense Appropriation Act prohibiting use of funds appropriated therein "for the disposal or transfer by contract or otherwise of work that has been . . . performed by civilian personnel of the Department of Defense unless justified to the Appropriations Committee(s) . . ." 69 Stat. 321 (1955). A threat to Congress' constitutional powers arose when, in a message to Congress, the President stated that § 638 was unconstitutional and declared that "to the extent that this section seeks to give to the Appropriations Committees of the Senate and the House of Representatives authority to veto or prevent executive action, such section will be regarded as invalid by the executive branch of the government . . . unless otherwise determined by a court of competent jurisdiction." 101 Cong. Rec. 10459-60, 10416, 84th Cong., 1st Session (July 13, 1955).

But despite this threat, the Defense Department complied in full with the provisions of Section 638. The Department reported, as required by the Act, and agreed to delay action to accommodate Congress. And after the Armed Services Subcommittee of the House Appropriations Committee formally denied permission to dispose of several operations employing civilians, the President and the Defense Department followed its directions during the time that § 638 remained law. Carper, *The Defense Appropriation Rider* (1960).

The response of the Comptroller General to this crisis adds further support to the position of Congress. A month after the President had made his threat, the Comptroller General informed Congress that—

"On the fundamental basis that it is for Congress to say how and on what conditions public monies should be spent, the position of the GAO, as the agent of Congress, must be, in this case and always, to accord full effect to the clear meaning of an enactment by the Congress so long as it remains unchanged by legislative action and unimpaired by judicial interpretation. *Id.*"

Therefore, he concluded, where a violation were found he would exercise his power as Comptroller General to disallow credits in the agencies accounts and hold the officers personally liable for the cost of the illegal activity. *Id.* Although § 638 was an example of the use of the legislative veto, it serves as a valid indication of expectable executive response to an unequivocal restriction, particularly since the legislative veto is open to possible attack as a circumvention of the constitutionally required lawmaking process.

<sup>68</sup> U.S. Constitution, Art. II, § 1.

<sup>69</sup> U.S. Constitution, Art. II, § 3.

<sup>70</sup> U.S. Constitution, Art. I, § 8, 9.

<sup>71</sup> Even if the President acts beyond the constitutional limits of his powers, "Congress has not thereby lost its exclusive constitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution in the Government of the United States, or any Department of officer thereof." *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 588-89 (1952).

Whatever the merits of the arguments



about the President's power to impound funds, such practices under which the executive exercises discretion within the limits set by Congress in appropriations acts can be clearly distinguished from a more clearly unconstitutional breach by the executive of restrictions on positive action. See, e.g., Fisher, "Presidential Impoundment of Funds," 38 Geo. Wash. L. Rev. 124, 130 (1969); Davis, "Constitutional Power to Require Defense Expenditures," 33 Fordham L. Rev. 39, 40-41, 55 (1964).

<sup>60</sup> In the words of Justice Black:

"The Constitution is neither silent nor equivocal about who shall make laws which the President is to execute. . . . The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control. . . . The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times."

*Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 587-89 (1952).

Other judicial pronouncements on the "raise and support" and appropriations clauses have construed them to give Congress power to control the creation of military forces. One early opinion stated the argument succinctly:

"The power of congress to raise and support armies . . . is clear and undisputable. The language used in the constitution in making this grant of power is so plain, precise and comprehensive, as to leave no room for doubt or controversy, as to where the supreme control over the military force of the country resides."

*In re Grier*, 16 Wisc. 423, 431 (1863).

Another court has stated the conclusion more forcefully:

"The purpose of the appropriations, the terms and conditions under which said appropriations were made, is a matter in the hands of Congress and it is the plain and explicit duty of the executive branch of the government to comply with the same."

*Spaulding v. Douglas Aircraft Co.*, 60 F. Supp. 985, 988 (S.D. Cal. 1945), affirmed 154 F.2d 419 (9th Cir. 1946).

<sup>70</sup> U.S. Constitution, Art. I, § 8.

<sup>71</sup> *The Federalist*.

<sup>72</sup> *Youngstown Sheet & Tube v. Sawyer*, 343 U.S. 579 (1952).

<sup>73</sup> For instance, Justice Frankfurter felt that the absence of Presidential power would have been beyond contention "had Congress explicitly negated such authority in formal legislation." *Id.* at 602.

Rejecting the view that the Commander in Chief clause supports "any Presidential action, internal or external, involving the use of force," Justice Jackson concluded that "Congress alone controls the raising of revenues and their appropriation and may determine in what manner and by what means they shall be spent for military and naval procurement." *Id.* at 643.

<sup>74</sup> The much-noted concurring opinion of Justice Jackson stated the proposition in more detail:

"Presidential powers are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress. . . . When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb. . . . Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting on the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system." *Id.* at 635-638.

<sup>75</sup> Exceptions broader than these are not required by the Constitution, since Congress could authorize at any time military action beyond immediate self-defense.

<sup>76</sup> *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 654 (1952).

## THE CONSTITUTION OF THE UNITED STATES (Clauses related to war)

### ARTICLE I

Section 1. All legislative power herein granted shall be vested in a Congress of the United States . . .

Section 8. The Congress shall have Power to lay and collect Taxes, Duties, Imposts, and Excises, to . . . provide for the common Defence . . .

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant letters of Marque and Reprisal, and make rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of money to that Use shall be for a longer term than Two years;

To provide and maintain a Navy;

To make rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia . . .

To provide for organizing, arming, and disciplining the Militia . . .

To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, . . .

### ARTICLE II

Section 1. The executive Power shall be vested in a President of the United States of America. . . .

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the Several States when called into the actual service of the United States; . . .

He shall have power, by and with the advice and consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors . . . and all other Officers of the United States . . . (The appropriations clause)

### ARTICLE I

Section 9. No money shall be drawn from the Treasury, but in consequence of Appropriations made by law; . . .

## THE DEBATE ON THE WAR POWER IN THE CONSTITUTIONAL CONVENTION

(From Madison's notes)

Friday August 17th in Convention.

"To make war"

Mr. PINKNEY opposed the vesting this power in the Legislature. Its proceedings were too slow. It would meet but once a year. The House of Representatives would be too numerous for such deliberations. The Senate would be the best depository, being more acquainted with foreign affairs, and most capable of proper resolutions. If the States are equally represented in the Senate, so as to give no advantage to large States, the power will notwithstanding be safe, as the small have their all at stake in such cases as well as the large States. It would be singular for one authority to make war, and another peace.

Mr. BUTLER. The objections against the Legislature lie in great degree against the Senate. He was for vesting the power in the President, who will have all the requisite qualities, and will not make war but when the Nation will support it.

Mr. MADISON and Mr. GERRY moved to insert "declare," striking out "make" war; leaving to the Executive the power to repel sudden attacks.

Mr. SHARMAN thought it stood very well. The Executive should be able to repeal and not to commerce war. "Make" better than "declare" the latter narrowing the power too much.

Mr. GERRY never expected to hear in a republic a motion to empower the Executive alone to declare war.

Mr. ELLSWORTH. There is a material difference between the cases of making war and making peace. It should be more easy to get out of war than into it. War also is a simple and overt declaration, peace attended with intricate and secret negotiations.

Mr. MASON was against giving the power of war to the Executive, because not safely to be trusted with it; or to the Senate, because not so constructed as to be entitled to it. He was for clogging rather than facilitating war; but for facilitating peace. He preferred "declare" to "make."

On the motion to insert *declare*—in place to *make*, it was agreed to.

N.H. no.

Mas. absent

Cont. no (On the remark by Mr. King that "make" war might be understood to "conduct" it which was an Executive function, Mr. Ellsworth gave up his objection, and the vote of Connecticut was changed to—ay.)

Pa. ay.

Del. ay.

Md. ay.

Va. ay.

N.C. ay.

S.C. ay.

Geo. ay.

Mr. Pinkney's motion to strike out the whole clause, disagreed to without call of States.

## COMMENTS ON THE ROLE OF CONGRESS AND THE PRESIDENT IN MILITARY AND FOREIGN AFFAIRS

JAMES MADISON: "The management of foreign relations appears to be the most susceptible of abuse of all the trusts committed to a government, because they can be concealed or disclosed in such parts and at such times as will best suit particular views; and because the body of the people are less capable of judging, and are more under the influence of prejudices, on that branch of their affairs, than of any other. Perhaps it is a universal truth that the loss of liberty at home is to be charged to provisions against danger, real or pretended, from abroad."—Letter to Jefferson, May 13, 1798.

THOMAS JEFFERSON: "Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided."—Message to Congress, December 6, 1805.

JOHN MARSHALL: "The whole powers of war being, by the Constitution, vested in Congress, the acts of that body alone can be resorted to as our guides in this inquiry."—Opinion in *The Amelia*, 1801.

Justice SAMUEL P. CHASE: "Congress is empowered to declare a general war, or Congress may wage a limited war; limited in place, in object, in time. If a general war is declared, its extent and operations are only restricted and regulated by the *ius belli*, forming a part of the law of nations; but if a partial war is waged, its extent and operation depend on our municipal laws."—Opinion in *Bas v. Tinney*, 1800.

DANIEL WEBSTER: "In the first place, I have to say that the war-making power in this Government rests entirely with Congress; and that the President can authorize belligerent operations only in the cases expressly provided for by the Constitution and the laws. By these no power is given to the Executive to oppose an attack by one independent nation on the possessions of another. We are bound to regard both France and Hawaii as independent states, and equally independent, and though the general policy of the Government might lead it to take part with either in a controversy with the other, still, if this interference be an act of hostile force, it is not within the constitutional power of the President; and still less is it within the power of any sub-

ordinated agent of government, civil or military."—Statement while Secretary of State, 1851.

JAMES BUCHANAN: "The executive government of this country in its intercourse with foreign nations is limited to the employment of diplomacy alone. When this fails it can proceed no further. It cannot legitimately resort to force without the direct authority of Congress, except in resisting and repelling hostile attacks. It would have no authority to enter the territories of Nicaragua even to prevent the destruction of the transit and to protect the lives and property of our own citizens on their passage. It is true that on a sudden emergency of this character the President would direct any armed force in the vicinity to march to their relief, but in doing this he would act upon his own responsibility."—Message to Congress, December 6, 1858.

ABRAHAM LINCOLN: "Let me first state what I understand to be your position. It is that if it shall become necessary to repel invasion, the President may, without violation of the Constitution, cross the line and invite the territory of another country, and that whether such necessity exists in any given case the President is the sole judge. . . .

Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such a purpose, and you allow him to make war at his pleasure. Study to see if you can fix any limit to his power in this respect, after having given him so much power as you propose. . . .

The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing oppression upon us. But your view destroys the whole matter, and places our President where kings have always stood."—Letter to Herndon while in Congress.

#### ENVIRONMENTAL TEACH-INS

Mr. McGOVERN. Mr. President, when he proposed last fall that environmental teach-ins be held across the Nation on the same day, Wisconsin Senator GAYLORD NELSON was hopeful that 25 to 40 campuses would participate. Instead, Earth Day produced a gigantic swelling of public concern with environmental teach-ins at 2,000 colleges and universities, 10,000 high schools, and additional thousands of communities.

As Senator NELSON has pointed out, Earth Day can—must—be the beginning of a nationwide movement to halt the tide of environmental destruction. It will be a long, tough struggle, and will require a continued commitment on the part of millions of citizens.

We must establish specific goals, declare and implement new national policies, form environmental action groups in every community.

An analysis by reporter James G. Driscoll in the National Observer captures the sweep and the meaning of this unique and nationally significant event—Earth Day—and I ask unanimous consent to have it printed in the RECORD.

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

#### SENATOR NELSON'S WEEK: AFTER ITS EARTH DAY, A MOVEMENT TAKES STOCK

(By James G. Driscoll)

Less emphasis on increasing the gross national product. More attention to improving the quality of life.

Last week's Earth Day carried that broad meaning for the day's originator, Sen. Gaylord Nelson, Wisconsin Democrat.

Earth Day was a variegated burst of activity, with mock burials of automobile engines, processions of students wearing gas masks to protest air pollution, and the signing in Philadelphia of a "Declaration of Interdependence" to illustrate that all the earth's creatures depend on one another for survival. Though some ecologists plan to make Earth Day an annual event on the third Wednesday in April, there is uncertainty over the direction of the movement and its ability to keep up the momentum generated last week.

#### AN ECOLOGY CONGRESS

Senator Nelson, a long-time advocate of conservation and environmental improvement, realizes that rhetoric and mock burials can accomplish little. He has proposed a comprehensive plan for Federal action and suggests that environment-minded citizens organize nonpartisan political-action groups in each community. Then, he urges: elect an "ecology Congress" this fall; support local candidates who are "right" on the environment issue; and keep this "big picture" in mind:

"We live on a finite planet with a limited capacity to support life. It is a closed system, like the system on an Apollo space ship. There is just so much water and land, encased in a relatively thin envelope of air." Man, asserts the senator, has intruded into the fragile system and damaged it.

Without question, the evidence of pollution—in fouled streams, murky air, and ill-used land—has made environmental quality a tempting political concern. Congress, for example, shut down for Earth Day so many of its members could hurry home to address rallies.

Congressmen, governors, mayors, ecologists, students—they all attacked the problem with words, millions of them. In New York City, Sen. Charles E. Goodell spoke at New York University while a leaflet was passed out by some of his detractors describing his speech as "the biggest cause of air pollution."

#### THE ISSUE IS FUZZY

If public officials have difficulty in coming to grips with the ecology issue, it is because the issue is fuzzy. It includes antilitter campaigns as well as birth control. And newcomers to the subject often are astonished by its scope.

Senator Nelson last week made a dozen speeches, zig-zagging across the country from Boston to Bloomington, Ind., to Denver to Berkeley. To enthusiastic crowds, he described the environmental "crisis," and offered some specific solutions.

On his home grounds in Madison, Wis., the senator told a cheering audience of 5,000 in the University of Wisconsin stock pavilion that "we need to change our attitude toward nature and nature's works. . . . Man is just one of the creatures that the Lord put on this earth and is not more important than all the rest."

Mr. Nelson called for a "new American ethic" that values quality of living over quantity of production. He received support from Boyd Gibbons, secretary to President Nixon's Council on Environmental Quality, who told the Madison audience that a "land ethic" is needed.

"We viewed the land as an infinite commodity," Mr. Gibbons asserted. "We lost respect for the land. . . . Decisions on land use are judged in traditional economic terms with no thought of ecological consequences."

Mr. Gibbons finds no one in particular to blame for this. Widespread pollution "is less a design of men of ill will than of outmoded approaches" toward use of resources, he contended. Ralph Nader, the consumer advocate, was more direct. Speaking in Philadelphia, he asserted that industries are the worst pollution offenders and that it will take a "radical militant ethic" to end pollution.

Senator Nelson outlined a dozen "national policies" that he says are necessary to reverse the degradation of the environment. Among them:

A policy on air and water quality "that says very simply that every municipality and industry shall install equipment that meets the highest state of the art in cleaning dirty air and water." This would be enforced by fines. As a corollary, Mr. Nelson argues that the internal-combustion engine must be outlawed unless it can be made essentially pollution free—and he thinks that is impossible.

A policy on minerals that would, for example, prohibit oil drilling in the seabed "until we have the technology to extract it without the risk of an environmental disaster."

A policy on land use that would, for instance, prohibit strip mining unless the mine operator restored the top soil, contoured the land, seeded it, planted trees, and refrained from polluting nearby waterways.

A policy on herbicides and pesticides that would prevent their use unless they had been proved harmless to the environment. "We're medicating the whole world with these dangerous substances without the world's consent."

A policy on energy and power plants that would concentrate on research into new, cleaner ways of creating electric power.

A policy on transportation that would downgrade the highway and the car and upgrade mass transit via pollution-free vehicles.

A policy on recycling waste products that would require, for instance, that old cars—no longer in running condition—be recycled through plants that would reduce them to their basic metal elements. Then the metals would be used again.

Many of those proposals are either being considered, or advocated, by the Nixon Administration, usually at a slower pace and on a more modest scale than Mr. Nelson would like. And all the proposals are related to population control. Senator Nelson notes that since the United States cannot effectively dispose of the waste produced by 200,000,000 residents, it is unlikely to be able to do so for a population of 300,000,000 that may come in 30 years.

He urged the limitation of births to one or two per family. "I hope those who want five or six children go out and adopt some," Mr. Nelson said. He has three children.

The senator has introduced 18 bills in this Congress covering most of his ideas on the environment. He advocates that the Government spend huge amounts of money on improving the environment—\$25 billion a year immediately and \$40 billion or \$50 billion soon.

The mood of Earth Day in such cities as Madison, Milwaukee, Bloomington, and Denver was serious, with occasional moments of lightheartedness. In Madison, a jittery City Council canceled a parade of nonpolluting vehicles for fear of disorders; the previous week an antiwar march had turned into rioting, which resulted in \$100,000 damage to downtown stores.

The ecology enthusiasts, however, seemed uninterested in violence. Many showed up for the parade because they had not heard



of the City Council's action two hours earlier. A few blocked traffic on State Street, yelling "pedestrian power," but were quickly dispersed by police, without problems.

In Bloomington, an ecology fair was held in sunny Dunn Meadow on the Indiana University campus. Students manning booths showed how individuals could help clean up the environment. Ride bicycles—they don't pollute. Buy beer and soft drinks in returnable bottles—they don't end up as litter. Reynolds Metals Co. sent trucks last week to 18 colleges in 14 states to pick up aluminum cans that students had collected; the cans will be recycled by Reynolds and the aluminum used again.

#### POLLUTER OF THE MONTH

Here in Denver, an ecology teach-in was held in the new, modernistic Currigan Exhibition Hall downtown. A "polluter of the month" award was given to the Atomic Energy Commission for the underground explosions it has conducted in Colorado.

About the only critical note about Earth Day came from the convention of the Daughters of the American Revolution (DAR). Meeting in Washington, D.C., the organization passed a resolution saying that "the real problem of pollution . . . is being distorted and exaggerated by emotional declarations and by intensive propaganda." It said that "pollution of the mind" is the real danger to society, and urged the Federal Government to refrain from "unnecessary and harmful programs which the nation would later regret."

Though few observers were criticizing the ecology movement, some were questioning its staying power. A conference of 250 persons who were leaders in Earth Day is scheduled to deal with this question in June at Black Lake, Mich. Sponsored by the United Auto Workers Union, the conference will try to produce an agreement on specific actions to take in the coming months.

Dr. Kenneth E. Watt, a zoology professor at the University of California in Davis, talked about the movement's staying power in a speech last week at Swarthmore College in Pennsylvania.

"The history of movements like this is not very promising," he said. "We had great movements on civil rights and the Vietnamese War. The problems are still with us, but the movements have died away . . . But about five years from now it will become increasingly clear . . . that what we ecologists are saying now is true, and then the political pressure for change will become inexorable."

#### THE 22D ANNIVERSARY OF INDEPENDENCE OF ISRAEL

Mr. KENNEDY. Mr. President, this week marks the 22d anniversary of Israel's independence. A great deal will be said about the trying history of this country. A great deal will be said about her tremendous progress and her contributions to the cause of freedom—about the democratic spirit of her people—about their extraordinary courage and stamina and industriousness—and about their desire to live in peace with their neighbors. Few Americans will quibble with such appraisals of Israel, and our national hopes for her progress and security have been a matter of record since her founding in 1948.

But despite her national character and strength, which has won the admiration of people throughout the world, Israel remains a beleaguered country. And her continued progress and security—as well as the prospects for general peace in the area—are being jeopardized more today than ever before.

I do not feel it necessary to burden the RECORD with a lengthy discussion on the immediate causes for this situation. We read about them daily in the press. All of us are familiar with the ominous signs that time is running out for the cause of peace in the Middle East.

Sporadic violence across borders continues with growing intensity—reinforcing the bitterness and hatreds and suspicions that have thrived in the area for years—causing untold anguish and fear, which knows no borders, among the people on both sides of the conflict.

The arms race continues as well. Nations which need all available resources to further the economic and social advancement of their peoples are caught up in a senseless competition to acquire the means of war and to divert large numbers of their men into military pursuits. The reported participation of Soviet pilots in the military activities of the United Arab Republic is only the latest in a number of moves by the Soviet Union which are contributing significantly to this competition.

The situation is ominous, Mr. President (Mr. McGovern), because the prospects for peace, and the long term security of Israel, are being steadily swept away—in a tide of daily events which seem of little concern to our national leadership, at a time when this concern is so vitally needed.

The point is debatable perhaps—but a case can be made that the Soviet Union has increased its military activities in the Middle East, because of ambivalence and weakness on the part of the administration in its general policy toward this area. On the specific question of jets to Israel, the administration has chosen, for the present at least, to reject Israel's request for help. The President's initial announcement on this issue was made only days after the Soviet's introduction of Sam-III missiles into the area, suggesting in many quarters a lack of American concern over the significance of this development. Even after the subsequent disclosure of Soviet pilots in the United Arab Republic, the administration's position—as outlined by the President last Friday night—remains the same.

It is easy to deplore Soviet military activities in the Middle East. It is easy to deplore the increasing level of violence throughout the area. It is easy to proclaim a policy view supporting a military balance between the parties to the conflict. It is easy to advocate meaningful steps toward peace.

But rhetoric is no alternative to decisive action. In light of deteriorating conditions in the Middle East, meaningful steps must be taken by our Government, so that all the world, especially the Soviet Union, will understand that America's commitment to assist Israel's defense of nationhood is a firm one—but also, that our goal of peace will not be pushed aside in the process.

To these ends, I recommend two steps. First of all, our Government should announce immediately that it will permit the sale of jets to Israel in sufficient numbers to help maintain her defensive capacity and the maintenance of a military balance vis-a-vis her Arab neigh-

bors. In this connection, our Government should also exercise more flexibility and generosity in responding to Israel's economic needs.

Second, it is not enough, however, that we contribute to Israel's defense and the maintenance of an arms balance in the area. The time has also come to reverse the process of military escalation on both sides, to halt the drift into a new round of full-scale warfare, and to head off a potentially dangerous confrontation among the great powers.

The time has come, I feel, for a major diplomatic initiative by the United States—most appropriately, by the President himself. Such initiative at the highest level of our Government will not only underscore the importance we attach to what is chronically called the Middle East crisis; but it will also underscore the urgency we attach toward removing this crisis from the business-as-usual doldrums of routine diplomacy. Before time has run out, every effort must be made to bring about a reduction in the level of violence—if not its end—and to stop the senseless arms race, which can only lead to catastrophe for all mankind.

The elements of a major U.S. diplomatic initiative should include at least the following:

First, an immediate effort to secure a cease-fire—a binding moratorium—under international auspices;

Second, an agreement among parties concerned to establish a substantial international emergency peacekeeping force, under international auspices and commensurate with the legitimate security interests of both Israel and her Arab neighbors;

Third, the creation of a special international commission to supervise and monitor the moratorium arrangements; and

Fourth, in close cooperation with Israel and her Arab neighbors, the convening by the United Nations Secretary General of the actual and potential arms-supplying nations involved in Middle East arms traffic, to make necessary arrangements for reducing the flow of arms into the area and for declaring the Middle East a nuclear-free zone.

Mr. President, I strongly believe—and feel that this view is shared by many Americans—that progress on the urgent issue of bringing about a military disengagement in the Middle East crisis will hopefully generate the atmosphere and set the stage for fruitful efforts in the direct negotiation of longstanding differences between the parties immediately involved in the Arab-Israel conflict.

Let us leave no stone unturned in accomplishing this objective. But let us do so with meaningful action to meet immediate needs, and with the urgency that a truly serious crisis demands.

#### PRESIDENTIAL POWERS

Mr. MILLER. Mr. President, an editorial in today's Evening Star entitled "Presidential Powers" expresses the view that passage of the Cooper-Church amendment in its present form would be unwise.

I ask unanimous consent that the edi-

torial to which I have referred be printed in the RECORD.

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

#### PRESIDENTIAL POWERS

The Cooper-Church amendment, passed this week by the Senate Foreign Relations Committee, if approved by both houses, would cut off funds for future American military activities in Cambodia. The Senate and the House should give extremely careful consideration to all of the implications of the proposal.

Since the amendment could not come into force before the President's July 1 deadline for the return of all American troops from Cambodia, the proposal's supporters may be motivated by one or more of the following convictions:

1. They may fear that the President intends to violate his own deadline.
2. They may suspect that, if the Cambodian incursions are as successful as they appear to be, Mr. Nixon may be tempted to repeat the move at a later date.
3. They may feel that there is domestic political capital to be made out of a move which could be unconstitutional and in any event would be difficult administratively to enforce, and hence would be of little effect.
4. In an attempt to preserve and enhance senatorial prerogatives, they may wish to challenge the President's power to wage undeclared wars anywhere on the globe without prior congressional approval.

Both the State Department and the Pentagon are leery of the proposal, as well they might be. They see it as restricting the President's power as Commander in Chief and endangering his ability (in the State Department's words) "to take action to protect the lives of American troops within the Republic of Vietnam."

The issue is too complex to be dealt with adequately in this space. As a preliminary judgment, however, it is our view that passage of the Cooper-Church amendment in its present form would be unwise. The alternative to an undeclared war in at least some situations would be not peace, but a declared war. The existence of secret treaties between the nuclear powers and their client states under such circumstances would greatly increase the chances of a global holocaust.

And that is something no thinking person wants.

#### PRESIDENT'S WAR POWER THREATENED

Mr. MILLER. Mr. President, also in today's Washington Evening Star there appears an article by the distinguished columnist, David Lawrence, entitled "President's War Power Threatened." It is a short commentary on the Church-Cooper amendment.

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

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

#### PRESIDENT'S WAR POWER THREATENED

(By David Lawrence)

For the first time in American history, the Senate Foreign Relations Committee has ignored not only the spirit but also the letter of the Constitution. It has approved an amendment to a bill which, if accepted by the Senate and the House, would deprive the commander-in-chief of the armed forces—namely, the President—of his power to conduct military operations. In the midst of a war, a congressional committee recommends a law to withhold funds unless its methods and restrictions are followed.

The principle is important to the security of the United States, which has joined with other countries—twice in Europe and twice in Asia—to prevent communism from taking over small countries and eventually dominating the free world.

By a vote of 9 to 4, the Senate committee has begun to say to the President that no matter what contingencies may arise, he must pursue a specified course with respect to Cambodia. He is being told to follow the rules outlined by the committee in connection with operations that the President feels are necessary to protect the remaining American troops in South Vietnam. Other senators are proposing modifications, and administration supporters are suggesting some, too.

Assistant Secretary of State David M. Abshire, in a letter to the committee, said that, while the amendment reported out by the committee coincides with the intention of the President concerning the limited role of American forces in Cambodia, "we do not consider it desirable that actions of the commander-in-chief should be subject to statutory restrictions."

Nobody knows just what the North Vietnamese may do after a substantial number of American combat troops have been withdrawn from South Vietnam. There is a possibility that attacks will be launched from bases in Cambodia and North Vietnam, and that the South Vietnamese will need all the help they can get in thwarting them. The President, as commander-in-chief, needs a free hand in dealing with military contingencies. This has always been the rule.

The amendment voted by the Senate Foreign Relations Committee would bar not only the use of U.S. combat troops in Cambodia but the employment of American advisers and instructors. The President, however, has to look at the problem on a long-range basis. He must be sure that the American troops who are left in Vietnam for the time being are not threatened by any major offensive, for this could mean the loss of many lives.

Nixon has said that by July 1 our troops will be out of Cambodia. The enemy has not started any offensives that could interfere with such a decision, but in a war, nobody knows when or from what direction an attack may come. This is why the commander-in-chief must have the widest discretion in the use of troops and equipment.

Interference by Congress in the actual operation of the armed forces is a serious thing at any time. But nowadays the Communists can derive much encouragement from such a situation. They may feel inclined to take chances on the theory that the President will not dare to return any troops to Vietnam once they have been removed. A big assault might therefore be launched by Hanoi against the remaining Americans and the South Vietnamese after a major part of the U.S. forces have been withdrawn.

There has been plenty of opposition in Congress by isolationists before wars began. But during a war no attempts have been made actually to impair military movements on the use of armies or navies. This has been left to the judgment of the commander-in-chief.

It may be that if a constitutional convention is called some day, as has been proposed in recent years, a new amendment will be offered to restrict the powers of Congress so that there can be no possible right to interfere with the flow of appropriations necessary to maintain a military operation in the midst of a war. For once the commander-in-chief has committed troops in an expedition designed to thwart an international enemy like the Communists and to prevent eventual attacks on the United States itself, the power to deal instantly with developments must be, as heretofore, within the discretion of the President.

#### POSITIVE THINKING ON NIXON'S CAMBODIA MOVE

Mr. MILLER. Mr. President, in today's Washington Evening Star is another article, written by the distinguished and knowledgeable columnist, Richard Wilson, entitled "Positive Thinking on Nixon's Cambodia Move."

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

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

#### POSITIVE THINKING ON NIXON'S CAMBODIA MOVE

(By Richard Wilson)

The protesters have come and gone, rhetoric has cooled and President Nixon is preparing to announce that the Cambodian operation is a success. This announcement will be based on the volume of arms and supplies captured and the hope that further Communist aggressive action in South Vietnam has been set back for a year.

How much of a success was the Cambodian thrust will continue to be argued, and it will play a part in the congressional campaign. But Nixon thus far, at least, has managed to keep control of the operation.

This matter of control has been the problem from the first. There are reports that early in considering the strike Nixon doubted he could maintain control. That is to say, a complex of circumstances including American public reaction, the military reaction from the Communist side, the difficulty of limiting any military operation once it has begun, would converge to defeat the operation.

Probably the decisive factor was Nixon's final judgment that he could keep American opinion under control long enough to permit a 60-day operation which could be very damaging to the Communists.

This required an accurate judgment on the depth of the reaction in American public opinion and Nixon measured that correctly. It required an accurate judgment on the Communist reaction and, up to now, that has been measured correctly.

Some things may not prove to have been measured correctly, including the search for the Communist headquarters for Vietnam operations (COSVN) which may be buried somewhere deep underground in the areas the Americans are sweeping. If the Americans do not find that control center many questions will rise in Congress and it might have been better if Nixon had not mentioned it in his justification for the Cambodian incursion. There were other reasons which were just as good.

Perhaps one of the most significant aspects of this critical period was the reluctance of Congressional members who were attacking the President to join in the youth protest, and there were good reasons for this. A score of senators and congressmen who endorsed the first mobilization against the war in October and participated to some extent in the November turnout in Washington shunned the festivities last Saturday although their cause for participating might have been greater than before.

The protest Saturday was on a scale probably about one-third of the Nov. 14-15 Mobilization for Peace and it may be that this way of expressing public opinion is no longer, if it ever was, an effective instrument for influencing public policy.

When congressmen up for re-election stay away from such festivities it can be taken for granted that they see no advantage in that kind of political identification. The effectiveness of such pressure can be measured also by Nixon's decision to treat it indul-



gently as not really a threat but just something to be gotten through with the least trouble.

This is, in fact, what happened. The rally did not influence anyone. It was wasted effort.

Nixon, in fact, "improved his position" with those who think it has been pointless to take a defiant and name-calling attitude toward student protest.

In the longer range, if the Cambodian operation is, or can be termed, a success the results will not be merely militarily and diplomatically favorable.

These circumstances, coming into focus and after midsummer, would give the President a firm platform for another forthcoming intervention, a political intervention. Nixon

needs more strength in Congress if he is to carry through his very extensive program of reform in the next couple of years.

His hand would be greatly strengthened in appealing for a Republican congress if Cambodia has proved to be a success. Perhaps that contributed, too, to the lack of interest in Congress in last week's demonstrations.

#### ADJOURNMENT TO 10:30 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment in accordance with the

previous order, until 10:30 tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 13 minutes p.m.) the Senate adjourned until tomorrow, Thursday, May 14, 1970, at 10:30 a.m.

#### NOMINATION

Executive nomination received by the Senate May 13, 1970:

##### SECURITIES AND EXCHANGE COMMISSION

Hugh F. Owens, of Oklahoma, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1975; reappointment.

## EXTENSIONS OF REMARKS

**FEDERAL JUDGE ROBERT E. MAXWELL DELIVERS SIGNIFICANT ADDRESS ON DIVISIVENESS IN AMERICA—ASKS AMERICAN LEGION "IS AMERICA WORTH SAVING?"—EMPHASIZES TYRANNY CANNOT BE DISGUISED**

### HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 13, 1970

Mr. RANDOLPH. Mr. President, the Honorable Robert E. Maxwell, judge of the U.S. District Court for the Northern District of West Virginia, in an address recently in Morgantown, W. Va., before the 40 and 8 of the American Legion, discussed aspects of the crisis facing us regarding the divisiveness in America.

Judge Maxwell indicated that there are many citizens who see the serenity of the college campus disrupted and buildings destroyed, the peace and the use of our streets disturbed with blockades, the dignity of man grossly diminished, and they wonder whether we have lost our way.

Judge Maxwell said:

The human condition has been so appallingly distorted by irrationality and emotional unreason that a surprisingly large cross-section of America is beginning to wonder whether "The politics of violence" or "The strategy of confrontation" presented with a noisy, ill-tempered and bad-mannered dialogue isn't the essence of a new emerging public philosophy.

He noted, and asked his listeners:

It is important for America to recognize that the presently disruptive wave which crosses America does not represent the majority opinion of this vast and outspoken land of ours. The disrupters represent only a fractional part of the body politic and they take unwarranted advantage of the freedoms guaranteed by the Bill of Rights. Is America Worth Saving?

Judge Maxwell said that during the past quarter of a century we have suffered three serious wars with violent inflation as one of the results. He warned:

We are now in the middle of a racial revolution as incendiary in its ultimate meaning as the Civil War. We are in the throes of a continuing scientific revolution that is much more fundamental than the industrial revolution of a hundred years ago. We are witnessing a population explosion, the conse-

quences of which we can hardly begin to understand. And, we are in the middle of some type of revolution in personal morals, which is causing many in our land, we as well as across the world, to wonder whether the family as the basic unit of our social structure is in fact losing its vitality.

Maxwell contends that what many people who are reaching out fail to understand as they look at the violent world around them is that change in its many dimensions is not a recent manifestation of the human race. Change, he points out, has been a part of the process of living since man was first identified as man.

Some 200 years ago, Edmund Burke said:

To complain of the age we live in, to murmur at the present possessors of power, to lament the past, to conceive extravagant hopes of the future, are the common dispositions of the greater part of mankind.

The judge stressed that the magnitude as well as the cadence of change which we are experiencing today is where the difference lies:

In the life span of most of us, America has moved from a predominantly agricultural society to an industrial one—from an economy of scarcity and privation to an economy of abundance and influence—and from a labor-job oriented society to one increasingly aimed toward the utilization of leisure time.

Commenting on those who feel that revolution is the only alternative, Judge Maxwell said those critics of our system, who would advocate destruction as the only acceptable means of alteration, charge that our system is impersonal, disinterested, hypocritical, disenchanting, and that the noble experiment of self-government is not worth saving are wrong.

He said these distortions of facts must be challenged. Maxwell emphasized:

America must be heard to say in a loud and clear voice that our system today possesses the same honor, decency, integrity and dignity as it possessed when it was created by the most lucid minds of that marvelously lucid age some 200 years ago.

Maxwell said:

Today, in the questioning dialogue which wells up daily from the campuses and streets of America, we must ask ourselves again what quality of life we want, not only as consumers and producers, but as citizens of a great republic. No preordained destiny decrees that America shall have all the soft options. Our present greatness and our af-

fluence do not give us a special license to take a short cut to an imagined Utopia.

Adding:

Thus, for the first time in history, a Nation is so inherently rich in the material things that we frequently believe we can afford the luxury of taking a holiday from aspiring for the horizons of the heretofore unattainable.

Early in the Civil War, President Lincoln wrote his secretary, John Hay:

For my part, I consider the central idea pervading this struggle as proving that popular government is not an absurdity. We must settle this question now, whether in a free government the minority have the right to break up the government whenever they choose. If we fail, it will go far to prove the incapability of the people to govern themselves.

Judge Maxwell said that these plain, simple, timeless remarks are as appropriate then as now, as forceful and moving today as they will be tomorrow.

#### ISRAELI INVOLVEMENT IN LEBANON

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. RARICK. Mr. Speaker, Israeli armed forces have now invaded the territory of neutral Lebanon. The meager news reports play down the invasion of Lebanon as the crisis and tension escalate. Perhaps the feeling is that the supporters of President Nixon's U.S. policy in Cambodia can ill afford to denounce this latest Middle East invasion. Yet one wonders at the silence of those so extremely reactionary to the Cambodian campaign.

For the apologists overlook the action taken by President Nixon's predecessor, Gen. Dwight D. Eisenhower, in sending 5,000 U.S. Marines into Lebanon to protect its ancient and peaceful territorial integrity.

Nor can the Lebanese situation be compared with that in Cambodia; for Cambodia was threatened with complete Communist occupation precipitating a coup. The military action by the United States was taken without opposition by