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PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, SECOND SESSION

SENATE—*Thursday, May 14, 1970*

The Senate met at 10:30 o'clock a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

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

Lord God Almighty, guide, we pray Thee, all those to whom Thou has committed the Government of this Nation, and grant to them at this time special gifts of wisdom and understanding, of counsel and strength; that, upholding what is right and following what is true, they may obey Thy holy will and fulfill Thy divine purpose, through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 13, 1970, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Iowa (Mr. HUGHES) is recognized for 30 minutes.

Mr. MANSFIELD. Mr. President, will the Senator from Iowa yield to me briefly, without losing the floor or any of his time?

Mr. HUGHES. I yield.

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

EXECUTIVE SESSION

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

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

U.S. PATENT OFFICE

The assistant legislative clerk read the nomination of Robert Gottschalk, of New Jersey, to be First Assistant Commissioner of Patents.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and without objection, it is confirmed.

The assistant legislative clerk read the nomination of Lutrelle F. Parker, of Virginia, to be an examiner in chief, U.S. Patent Office.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

U.S. MARSHAL

The assistant legislative clerk read the nomination of Donald D. Hill, to be U.S. marshal for the southern distict of California.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

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

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Iowa (Mr. HUGHES) is recognized.

S. 3835—INTRODUCTION OF COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

Mr. HUGHES. Mr. President, I rise this morning to introduce, for myself, the Senator from New York (Mr. JAVITS), the Senator from Utah (Mr. Moss), and 35 other Senators from both parties, the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970."

I send the bill to the desk and ask unanimous consent that it be referred to the Committee on Labor and Public Welfare, with the understanding that the subject matter contained in section 403 of the bill will be rereferred to the Armed Services Committee, should that be the desire of that committee; that the subject matter contained in section 405 of the bill be referred to the Judiciary Committee, should that be the desire of that committee; and that the subject matter contained in title V of the bill be referred to the Finance Committee, should that be the desire of that committee.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The bill will be received; and, without objection, the several unanimous-consent requests will be granted.

The bill (S. 3835) to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism, introduced by Mr. HUGHES (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. HUGHES. I thank the Chair very much.

Mr. President, I also ask unanimous consent that, at the end of my remarks, a section-by-section analysis of the bill be printed and that the bill itself be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibits 1 and 2.)

Mr. HUGHES. Mr. President, I ask unanimous consent to add to the list of cosponsors the name of the Senator from California (Mr. MURPHY).

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

Mr. HUGHES. Mr. President, the introduction of this legislation is, as I see it, a historic and symbolic event.

In testimony before the Senate Subcommittee on Alcoholism and Narcotics, Dr. Roger Egeberg, our Government's ranking doctor, termed alcoholism the Nation's No. 1 health problem.

The latest estimates indicate that 9 million Americans suffer from the compulsive overuse of alcohol. I personally believe the number is much greater than that.

It is also estimated that alcoholism costs our society from $4 to $7 billion in economic waste annually.

I am talking now about loss of time and mistakes in industrial production, all the way from management to the production line. I also believe that that figure is very low.

Alcoholism is now rated the fourth major killing illness in America.

No responsible authority, to my knowledge, doubts that it is the Nation's most neglected and costly illness.

Its impact on our society in terms of wasted lives, broken homes, destruction of youth, and general misery and heartache is beyond any calculation.

This deadly illness, which gives people of all ages and social strata the compulsion to poison their bodies and minds, has a direct and devastating impact on families of alcoholics, affecting a total of perhaps 30 to 40 million persons in the United States.

So we are now talking about roughly 50 million Americans who are affected by alcoholism in this country.

Add to that those who are victimized by what alcohol makes alcohol abusers do—the victims of highway accidents, the victims of crime in which alcohol was a contributory factor, and the employers whose business operations are crippled by absenteeism and inefficiency resulting from alcohol abuse.

Put these facts and figures together and it is apparent that alcoholism is a problem of our entire society.

It should be equally apparent that it will take a total effort of our society to control it.

I would point out, as I have previously in this body, that there have been estimates that one out of every seven beds in our mental institutions are occupied by an alcoholic; that one out of every six beds in our veterans hospitals is occupied by an alcoholic; that 60 percent of the men in our prisons and reformatory institutions are there because of crimes committed while under the influence of alcohol; and that over 25,000 deaths a year on our highways are directly attributable to alcohol abuse and alcoholism.

In recent decades, we have learned a great deal about the problem of alcoholism.

We now know that alcoholic patients can recover their health.

We know that, with the proper treatment and help, they can overcome the habit and the addiction.

We know how to help patients control their illness so that they can live normal and productive lives.

We know how to launch effective programs of prevention, so that people in America can realize that alcohol is a devastating drug, the most widely abused drug in America today.

But all of the light that has been shed on the problem of alcoholism in our society will be the light that failed, unless we take action along the lines indicated—on a massive, all-out scale.

We have tragically refused to meet this challenge thus far. We have simply nibbled at the corners of the problem, relegated it to a status indicating unimportance, and let people continue to die or to be shunted here and there in the dark recesses of the streets and homes of America.

To get the job done will require an enormous amount of coordinated effort at all levels of government—and very sizable outlays of money. There is no patent, painless solution. There is no shortcut.

To sum it up, we know the critical nature of this problem; we know that it is growing at a rapid rate; we know that we must face the problem realistically sooner or later—or, if we do not, it will ultimately destroy the health and well-being of our society.

We know what we must do. We simply have not done it.

The bill we are introducing today is the vehicle by which the Congress can face the realities of the situation from the standpoint of the Federal Government, and can offer leadership to other levels of government in America, and to private organizations in this country.

The legislation is unprecedented in its dimension and in its comprehensiveness.

It would establish the administrative structure and authorization for a massive, diversified, inclusive Federal campaign to treat, control, and prevent alcoholism in the United States.

Cosponsoring the bill along with Senator JAVITS and Senator Moss are Senators ANDERSON, BAKER, BAYH, BIBLE, BROOKE, BURDICK, CANNON, CRANSTON, DOLE, EAGLETON, FULBRIGHT, GOODELL, GURNEY, HARRIS, HART, HARTKE, HOLLINGS, INOUYE, KENNEDY, MANSFIELD, MCGEE, MCINTYRE, METCALF, MONDALE, MONTOYA, MURPHY, PACKWOOD, PERCY, PROUTY, RANDOLPH, SCHWEIKER, SMITH of Illinois, SPARKMAN, WILLIAMS of New Jersey, and YARBOROUGH.

The bill has the active support of the North American Association of Alcoholism programs, which represents State and local government groups dealing with alcoholism, and of the National Council on Alcoholism, composed of citizen organizations throughout the Nation in the field of alcoholism.

The bill we are presenting is a very complex piece of legislation dealing with a subtle difficult, and unglamorous problem.

There are no easy solutions. Perhaps more than any other illness, alcoholism afflicts the whole man and the whole society.

It has devastated almost every nation and every culture in the world from the beginning of recorded history. It disrupts the family and cripples the economy. It is a progressive, insidious disease which, for thousands of people, ends finally in insanity or death.

John W. Gardner, former Secretary of Health, Education, and Welfare, has said:

> No other national health problem has been so seriously neglected as alcoholism. Many doctors decline to accept alcoholics as patients. Most hospitals refuse to admit alcoholics.

And, I might add, they still do today, in spite of the protestations of their association representatives.

> Available methods of treatment have not been widely applied. Research on alcoholism and excessive drinking has received virtually no significant support.
>
> The atmosphere of moral disapproval surrounding the entire subject, and the deplorable custom of treating alcoholics as sinners or criminals have obscured the nature of the problem.
>
> But now we recognize that alcoholism is an illness—no more moral or immoral than tuberculosis or schizophrenia—and that our ways of dealing with that illness have been shockingly inadequate.

As Mr. Gardner states, it has now been authoritatively established that alcoholism is a disease, and not just a weakness which the sufferer can cure if he has the will to do so.

We accept this concept in the abstract; but when we are confronted with specific cases, we are inclined to slip back into the old medieval prejudices which insist on regarding alcoholism as a crime.

The first step in alleviating the problem of alcoholism is to disabuse ourselves of this attitude of moral condemnation. We do not condemn epileptics, diabetics, or cancer victims. But when we speak of an alcoholic who has got well and learned to control his compulsion, we are still apt to call him a "reformed" alcoholic.

We do not speak of a "reformed" diabetic. The proper term for an alcoholic who has been restored to health and learned to control his problem is, of course, "recovered" alcoholic, because he has recovered from his disease.

In testimony before the Senate Subcommittee on Alcoholism and Narcotics, we were told by representatives of the American Hospital Association, the American Medical Association, and the American Psychiatric Association that all three of these organizations have officially accepted the concept that alcoholism is an illness and a major health problem.

But, in point of fact, society still refuses to accept alcoholism as a disease. What do you do with a drunk? Arrest him, throw him in jail? Above all, get him out of sight. Walk around him with disgust, if he is lying on the street. If he fell there with a heart attack, we would rush the most modern medical treatment to his side, so that he might possibly have a chance to live. But the alcoholic could lie there and die, as people, in disgust, walk around him.

Our system of dealing with alcoholics is a revolving door. We put the person suffering from the illness in jail. We throw him in the tank. If he dries out overnight, he is released, with a raging thirst to resume his role as a costly and difficult problem for society.

I am talking here, of course, about the indigent man or woman—the man or woman on the street. I should point out that such persons represent only about 3 percent of the alcoholics in America. Most alcoholics are hidden in the comfort of their suburban homes. They are not lying on the street, but are hidden in the upstairs room, with their families secretly trying to cope with the problem, ashamed to seek assistance that should be readily available.

We have made incredible progress in the past generation in many of our

health problems. We have developed the Salk vaccine. We have made notable headway in cancer treatment and research, and may be, in fact, on the verge of breakthroughs in these areas. We have done wonders in controlling heart disease. We have tamed tuberculosis as a major health problem.

But in the commonplace, accessible area of alcoholism, we have fallen flat on our faces. We have failed to make more than a small dent in the treatment, control, and prevention of a killing illness that is as widespread and as familiar as the common cold.

My distinguished colleague, Senator JAVITS, pointed out at hearings of the Special Subcommittee on Alcoholism and Narcotics that he and the Senator from Utah (Mr. Moss) representing a completely bipartisan effort, "have been trying since 1966 to establish alcoholism as an acknowledged illness which needs to be treated on the basis of medical care, research, and rehabilitation."

If any Government program has a sound economic rationale, the programs called for by this legislation must lead the list. For every dollar invested in controlling alcoholism, we can save $10 to $100 in the ultimate cost to our society. There is no investment on the stock market that can match this one in the certainty of the return.

The Crime Commission reported in 1965 that one out of every three arrests—some 2 million in all—were for public drunkenness. In urban areas, that figure rises to over 50 percent of all arrests. Consider the intolerable burden this places on the courts, the police, and the corrections system, all of which are already overburdened with increasing crime.

A recent California study of more than 2,000 felons concluded:

> Problem drinkers are more likely to get in trouble with the law because of their behavior while drinking or because they need money to continue drinking.

Problem drinking is "the No. 1 problem on our highways," according to Dr. William Haddon, Jr., former Director of the National Highway Safety Bureau. Approximately 50 percent of all highway fatalities can be attributed to problem drinking.

A report by the U.S. Department of Transportation to the Congress in 1968, entitled "Alcohol and Highway Safety," stated:

> The use of alcohol by drivers and pedestrians leads to some 25,000 deaths and a total of at least 800,000 crashes in the United States each year. Especially tragic is the fact that much of the loss in life, limb, and property damage involves completely innocent parties.

The extent to which alcoholism cripples industry in America is established but not generally recognized. In a work force of over 58 million employees in business, industry, and civilian government today, more than 2 million—or 5.3 percent—are estimated to be alcoholics.

I would like Senators to keep in mind that for the estimates I have been giving of chronic alcoholics, there are at least an equal number of borderline problem drinkers who have not yet reached the point of calling themselves or being diagnosed as alcoholics. This means that we could double the figure I gave earlier of families involved and total people involved, and that number would be raised to almost 75 million Americans whose lives are touched or subject to being touched by alcoholism. I have hardly met a man, woman, or child who, somewhere in their family, does not have a problem of alcohol.

The National Council on Alcoholism puts the annual cost to employers of an estimated 2,697,000 untreated alcoholic cases as $4,267,033,000—and these are low estimates. The costs of alcoholism are attributable to absenteeism, accidents, sickness, benefit payments, lowered morale, and damaged customer and public relations.

In an article in Business Management of January 1969, it was estimated that the cost to industry may run as high as $7 billion yearly. In fact, I might mention that a friend of mine told me never to buy an American car that came off the production line on Monday, for the simple reason that there were too many hangovers on Monday, and the probability is that you would get a lemon, because of the ineffectiveness of the workers as a result of the weekend.

Obviously the cost in human suffering, anxiety, humiliation, impoverishment, broken families, and destroyed lives cannot be calculated. I could go on and on about emotionally disturbed children and family members in situations in which the mother or father, or both, were chronic alcoholics or problem drinkers.

There is no more acute social concern in America today than our apprehension about the frightening growth of drug abuse and narcotics addiction among our children and youth.

Anguished parents whose sons and daughters are on drugs ask: "Where did it begin?"

In our alcohol-oriented society, we do not really want to know the truth. This would stir up guilt feelings about our own self-indulgence in adult America. Most parents are inclined to place the blame on marihuana.

But from my own observations in the field and from testimony given in our subcommittee hearings in cities from Los Angeles to New York, I have learned that most of the youngsters who are on drugs or narcotics got started with the most widely abused drug of all—alcohol—and that was the beginning, if we want to go back to the beginning.

I recall the case of one 15-year-old boy who died, within the past year, from an apparent overdose of drugs. It developed that over a period of time, he had volunteered to be a "guinea pig" among his high school chums. He would experiment with taking all of the unidentified pills and other drugs they could swipe. If he got a "high" out of the drug and did not get sick, then the others could feel that it was safe to try the unknown substance.

But this 15-year-old was reported to have said that he enjoyed the "high" he got out of alcohol more than any pill or any drug he could find.

He went to other drugs simply because it was easier to conceal what he was doing from his parents, who had punished him severely when they had discovered he was using liquor.

Research shows that teenagers tend to follow adult models in their drinking patterns. The average age at which students have their first drink is 13, although they have probably tasted alcohol as early as age 10.

Mr. President, let me make it plain that I am not advocating a return to prohibition. We have been through the Volstead Act nightmare.

I am simply asking that we face the problem of alcohol abuse in our society realistically, before it destroys the health and stability of our society, which it is well on the road to doing.

Obviously if we do not have the strength and self-reliance as a people to face up to this familiar, solvable problem, we might as well forget about our other major critical problems, such as peace, poverty, and racial equality. How on earth will we ever be able to solve those?

It is interesting to note that the Soviet Union has recently shown great apprehension about the mushrooming problem of alcoholism in their society. They are desperately attempting to cope and deal with it.

It would be ironic if the United States and the Soviet Union, these two great superpowers, become locked into another contest like the nuclear arms race—a contest to save the health and stability of their respective societies from the debilitating and destructive effects of alcohol abuse.

But this might well become the reality.

And I might point out that our success or failure in controlling the deadly illness of alcoholism in our society has an important bearing on our national security as well as our public health and well-being.

Mr. President, I wish to express to this body my appreciation for the shared concern of my colleagues about this problem. As can be seen by the number of cosponsors of this measure, it is a bill in which there is great interest. Congress will later be called upon to put its money where its mouth is, or the structure of the proposed legislation itself will not be effective.

EXHIBIT 1

SECTION BY SECTION ANALYSIS—COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

TITLE I—FINDINGS AND DECLARATION OF PURPOSES

Section 101—finds that alcohol abuse can seriously impair health, and can lead to alcoholism; that alcoholism is an illness or disease that requires treatment through health rehabilitation services; that a comprehensive and coordinated approach is needed; that existing laws have not been

adequate to prevent alcohol abuse or to provide sufficient education, treatment, and rehabilitation of alcoholics; that increasing education, treatment, and rehabilitation services, and closer coordination of efforts, offer the best possibility of reducing alcohol abuse and alcoholism; that a major commitment of health and social resources and government funds is required to institute an adequate and effective Federal program for the prevention and treatment of this problem; that present Federal programs for alcohol abuse and alcoholism are relegated to a low level of priority and remain uncoordinated within the government; that alcoholism has not been handled effectively in regard to those for whom the Government has special responsibilities; that existing Federal research, social, health, and rehabilitation laws have not adequately been used to attack alcohol abuse and alcoholism; that lack of Federal leadership and funding has also contributed to the failure of public and private State and local agencies to recognize their responsibilities for meeting these problems; that dealing with public inebriates as criminals has proved expensive, burdensome, and futile, since criminal law is ineffective to deter what are basically major health and rehabilitation problems; that removal of public intoxication from the criminal system and establishment of modern public health programs for the medical management of alcohol abuse and alcoholism facilitate (1) early detection and prevention of alcoholism and the treatment and rehabilitation of alcoholics, (2) diagnosis and treatment of concurrent diseases, and (3) assistance with underlying psychological and social problems; that handling alcohol abusers and alcoholics through rehabilitative programs relieves the police, courts, correctional institutions, and other law enforcement agencies of a burden that interferes with the protection of citizens.

Section 102—declares that a National Institute for the Prevention and Control of Alcohol Abuse and Alcoholism shall be established within the National Institute of Mental Health to coordinate Federal alcohol abuse and alcoholism programs and to administer the programs and authorities established by this Act; that major Federal action and assistance to State and local programs shall be undertaken to encourage planning, coordination, statistics, research, training, and education with respect to the alcohol problems, and to provide equal access to care, treatment, and rehabilitation for all alcoholics; that other Federal legislation providing for Federal assistance in research, prevention, treatment, or rehabilitation in the fields of health, education, welfare, rehabilitation, and highway safety shall be more fully utilized to reduce alcohol abuse and alcoholism.

TITLE II—DEFINITIONS

Section 201—for the purposes of this Act—"alcohol abuse" means any use of any alcoholic beverage that results in intoxication which endangers persons or property; "alcoholic" means any person whose consumption of any alcoholic beverage consistently causes him physical, psychological, or social harm; "alcoholism" means the illness or disease characterized by a person's consumption of any alcoholic beverage to an extent that consistently causes him physical, psychological or social harm.

Other definitions include those for the terms "commissioner," "emergency medical services," "inpatient services," "Institute," "intermediate care services," "outpatient services," "prevention and treatment."

The remaining definitions are routine.

TITLE III—NATIONAL INSTITUTE FOR THE PREVENTION AND CONTROL OF ALCOHOL ABUSE AND ALCOHOLISM

Establishment of the Institute

Section 301—establishes a National Institute for the Prevention and Control of Alcohol Abuse and Alcoholism within the National Institute of Mental Health to administer the programs and authorities assigned to the Secretary by this Act. Remaining sections of this title set out the responsibilities of the Institute and the qualifications of its personnel.

Administrative functions of the Secretary

Section 302—sets out the assisting of other Federal agencies in developing and maintaining prevention, treatment and rehabilitation programs; the evaluation of adequacy and appropriateness of the provisions relating to the prevention and treatment of alcohol abuse and alcoholism of all State health, welfare, and rehabilitation plans submitted to the Federal Government; the administering of grants and contracts; and any other action consistent with the intent and objectives of this Act.

Planning functions of the Secretary

Section 303—sets out the planning functions of the Secretary. They include the development of a detailed and comprehensive Federal alcohol abuse and alcoholism control plan to implement the objectives and policies of this Act; the evaluation of existing alcohol education materials; the development of model alcohol abuse and alcoholism control plans and legislation for State and local governments; the providing of assistance and consultation to State and local governments and private organizations, agencies, institutions, and individuals with respect to the prevention and treatment of alcohol abuse and alcoholism; and the promotion throughout the country of public health procedures for the treatment of alcoholics as alternatives to present criminal procedures.

Coordination functions of the Secretary

Section 304—sets out the coordination functions of the Secretary. They include assistance of the Civil Service Commission, the Department of Defense, the Veterans' Administration, and other Federal departments and agencies in the development and maintenance of appropriate prevention, treatment, and rehabilitation programs and services for alcohol abuse and alcoholism; service as consultants to courts, departments and agencies, including those responsible for programs affected by Title V of this Act; coordination of all Federal health and rehabilitation efforts to deal with alcohol abuse and alcoholism; encouragement and assistance of State and local government programs and services as well as public and private agencies, institutions, and organizations; stimulation for more effective use of existing resources and services; cooperation with appropriate federal departments and agencies to develop a policy consistent with this Act with regard to federal employees who are alcohol abusers or alcoholics; and assistance of state and local governments in coordinating programs among themselves.

Statistical functions of the Secretary

Section 305—sets out the statistical functions of the Secretary. They include the gathering and publishing of statistics pertaining to alcohol abuse and alcoholism, and the promulgation of rules and regulations specifying uniform statistics, records, and reports.

Research functions of the Secretary

Section 306—sets out the research functions of the Secretary. They include the carrying out and encouragement of research, investigations, experiments, and studies relating to the cause, epidemiology, sociological aspects, prevention, diagnosis, and treatment of alcohol abuse and alcoholism; encouraging and assisting others in conducting all forms of research, investigation, experiments, and studies relating to the toxicology, pharmacology, chemistry, and effect on the health, of alcohol abuse and alcoholism; coordination of the research conducted by the Institute with that done by other departments and agencies; establishment of a research register; availability of research facilities and resources of the Administration to appropriate authorities engaged in special studies related to this Act; awarding of grants to, and contracts with universities, hospitals, laboratories, agencies, institutions, organizations, and individuals for such research; establishment of an information center on such research; establishment and maintenance of a research fellowship program; investigation of methods for detection of alcohol levels; protection for individuals who are the subjects of such research, and evaluation of existing and proposed new programs and services for the prevention and treatment of alcohol abuse and alcoholism.

Training functions of the Secretary

Section 307—sets out the training functions of the Secretary. They include establishment of training programs for professionals and para-professionals; encouragement of such programs by state and local governments; and establishment of training fellowships.

Educational functions of the Secretary

Section 308—sets out the educational functions of the Secretary. They include development of model curricula for instructing children and for use by parent-teacher associations, adult education centers, private citizen groups, or other State or local sources, for instruction about alcohol abuse and alcoholism; preparation of a broad variety of educational materials for use in all media; establishment of a variety of learning units for use by Federal officials and state and local agencies on the causes of, and treatment for alcohol abuse and alcoholism; serving as a clearinghouse for the collection, preparation and dissemination of all information relating to alcohol abuse and alcoholism; recruitment, training, organization, and employment of professionals and para-professionals to organize and participate in programs of public education in relation to alcohol abuse and alcoholism; coordination of activities carried on by the Federal government relating to the health education aspects of alcohol abuse and alcoholism; and the undertaking of such other activities as may be important to a national program of education relating to alcohol abuse and alcoholism.

Reporting functions of the Secretary

Section 309—sets out the reporting functions of the Secretary. An annual report to Congress, specifying actions taken and services provided under each provision of this Act, and an evaluation of their effectiveness is required. Additional reports, as requested by the President of the United States or by Congress and appropriate recommendations to the President of the United States and Congress are also required.

TITLE IV—PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM FOR FEDERAL EMPLOYEES, MILITARY PERSONNEL, VETERANS, AND FEDERAL OFFENDERS

Alcohol abuse and alcoholism among Federal Government employees

Section 401—provides for the prevention and treatment of alcohol abuse and alcoholism among Federal government employees, by establishing that the Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Institute and other Federal agencies, appropriate policies and services for the prevention and treatment of alcohol abuse and alcoholism among Federal employees. That such employees will retain the same employment benefits as persons afflicted with illness, not losing pension, retirement or medical rights; that the Secretary shall be responsible for fostering similar alcohol abuse and alcoholism prevention, treatment and rehabilitation services in State and local govern-

ments and in private industry; and that no person may be denied Federal employment or a Federal license or right solely on the ground of prior alcohol abuse, except in regard to extremely sensitive positions.

Health and disability insurance plans for Federal employees

Section 402—provides that all health and disability insurance policies and plans for Federal employees shall cover acoholism in the same way as other health problems, illnesses, and diseases that are not self-inflicted.

Alcohol abuse and alcoholism among military personnel

Section 403—provides that alcoholism shall be regarded as a physical disability and shall not be regarded as the result of intentional misconduct or willful neglect; that an alcoholic shall retain the same rights and benefits as any other person afflicted with illness, and shall not lose pension, retirement, medical or other rights because of alcoholism (this shall be retroactive); that medical care provided to military personnel and their dependents shall include appropriate treatment and services for alcohol abuse and alcoholism.

Alcohol abuse and alcoholism among veterans

Section 404—provides that appropriate treatment facilities and services for alcohol abuse and alcoholism shall be made available within Veterans Administration hospitals as a matter of high priority; that alcoholism during military service shall be regarded as a service-connected disability, and shall not be regarded as due to willful misconduct; that Section 602 of Title 38 of the United States Code is amended to add "or alcoholism" in the title and in the body of the section after the word "psychosis"; and that a dishonorable discharge prior to the effective date of this Act shall not bar a veteran from treatment if the discharge was the result of alcohol abuse or alcoholism.

Alcohol abuse and alcoholism among Federal offenders

Section 405—provides that any person charged with a criminal offense under Federal law and who appears to be an alcoholic shall, after police processing and consultation with counsel, promptly be taken for emergency medical services, where he shall either be admitted as a patient or transported to another appropriate health facility for treatment and diagnosis; that upon admission as a patient, such person shall immediately be examined to determine whether (1) it is probable that he is not an alcoholic, and (2) he is in need of emergency medical services; that any such person may be detained as long as is necessary to complete this diagnosis, and emergency medical treatment, but no longer than three days after which he shall be released and handled as in any other criminal case; that the services established by this Act shall be used by the Bureau of Prisons and the Board of Parole for alcoholic offenders placed on work release, probation, parole, or other conditional release; and that the Secretary and the Bureau of Prisons shall cooperate in establishing alcoholism prevention and treatment services in Federal correctional institutions.

Provision of services

Section 406—provides that the treatment and rehabilitation services authorized by this title may be provided at any available facility, including but not limited to Public Health Service Hospitals, Veterans Administration hospitals, public and private general hospitals, community mental health centers, and public and private alcoholism treatment and rehabilitation centers; that care and treatment for veterans shall be provided where possible in Veterans Administration hospitals; that the Secretary may contract with any appropriate public or private agency, organization, or institution that has proper and adequate facilities and personnel.

Confidentiality of records

Section 407—provides that all patient records prepared or obtained pursuant to this Act, and all information contained therein, shall remain confidential, and may be disclosed with the patient's consent only to medical personnel and only for purposes of diagnosis and treatment of the patient or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his alcoholism; that disclosure may be made for purposes unrelated to such treatment or benefits upon order of a court after application showing good cause therefor (in determining this the court shall weigh the need for the information sought to be disclosed against the possible harm of disclosure to the person to whom such information pertains, to the physician-patient relationship, and to the treatment services, and may condition disclosure of the information upon any appropriate safeguards); that no such records or information may be used to initiate criminal charges against a patient under any circumstances; that all patient records and all information contained therein relating to alcohol abuse or alcoholism prepared or obtained by a private practitioner shall remain confidential, and may be disclosed only with the patient's consent and only to medical personnel for purposes of diagnosis and treatment of the patient or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his alcoholism.

TITLE V—PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM UNDER FEDERAL HEALTH, WELFARE, AND REHABILITATION PROGRAMS

Medicare and medicaid

Section 501—provide that an alcoholic shall be regarded as a sick or disabled person eligible for treatment under medicare and medicaid; that Section 1396a of Title 42 of the United States Code is amended to add: "(a) (31) include provisions for prevention and treatment of alcohol abuse and alcoholism."

Social security

Section 502—provides that an alcoholic shall be regarded as eligible for disability benefits under the Social Security Act, as amended, and benefits shall not be barred on the ground that alcoholism is a self-inflicted disability.

Economic opportunity

Section 503—provides that alcohol abuse and alcoholism shall be a matter of high priority for programs undertaken under the Economic Opportunity Act of 1964 as amended.

Vocational rehabilitation

Section 504—provides that an alcohol abuser or alcoholic, or a facility or program or service for the prevention or treatment of alcohol abuse or alcoholism, shall be eligible for funds made available pursuant to chapter 4 of title 29 of the United States Code; that Section 35(a) of title 29 of the United States Code is amended to add: "(15) provide for the uses of vocational rehabilitation in the prevention and treatment of alcoholism."

Welfare

Section 505—provides that alcohol abuse and alcoholism shall, for the purposes of all Federal welfare programs and all State welfare programs that receive Federal participation, be regarded as a major health and economic problem; that State and Federal agencies charged with administering such welfare programs shall take action to reduce the incidence of financial indigency and family disintegration caused by alcohol abuse and alcoholism, and shall provide for treatment and rehabilitation services for those persons enrolled in welfare programs whose financial eligibility for such assistance results, in part or in whole, from alcohol abuse or alcoholism; that alcohol abuse or alcoholism prevention and treatment programs for persons enrolled in such welfare programs whose financial eligibility for such assistance results, in whole or in part, from alcohol abuse or alcoholism, shall, if approved by the Secretary, be eligible for 75 per centum Federal funding; that applications for funds under this subsection shall be made by the State agency charged with administering the aid program, which may conduct the program or may contract with any other appropriate State agency or private organization for the provision of any of the designated services; that persons otherwise eligible for such welfare assistance shall not be ineligible for such assistance because of alcohol abuse or alcoholism; that any person whose financial eligibility for assistance results, in whole or in part from alcohol abuse or alcoholism, shall be provided the services of appropriate treatment and rehabilitation services upon certification by a responsible medical officer that (1) the service will more likely than not be appropriate for the recipient, and (2) that the services can accommodate the recipient; that after such certification, participation by the recipient in the program shall be a requirement for continuing eligibility for such assistance, in the absence of good cause for nonparticipation; that a certification by the director of the facility that the recipient is no longer amenable to treatment shall constitute such good cause; that any alcohol abuse or alcoholism treatment facility as a medical institution within the meaning of section 306(a) of title 42 of the United States Code; that the Secretary promulgate regulations specifying how benefits shall be used to contribute to the costs of treatment and rehabilitation of an alcohol abuser or alcoholic receiving welfare assistance; that any recipient of welfare assistance whose inability to work or to participate in a work training program is the result of alcohol abuse or alcoholism shall be excused from such participation on condition that he accept rehabilitation services and treatment made available to him; that the Secretary shall promulgate regulations and offer technical assistance to States in providing programs of education about alcohol abuse and alcoholism for children of school age and adults responsible for them, and appropriate treatment for children damaged mentally or physically as a result of alcohol abuse or alcoholism on the part of adults with whom they have significant contact.

Highway safety

Section 506—provides that each State highway safety program approved pursuant to the Highway Safety Act of 1966 shall include provisions for the prevention and treatment of alcohol abuse and alcoholism among licensed drivers; that each program shall provide for screening, diagnosis, and treatment coordinated with and integrated into comprehensive community health and rehabilitation planning; that statistics shall be maintained with regard to the incidence of alcohol abuse and alcoholism among licensed drivers and individuals involved in automobile accidents whether alcohol abuse was a probable factor or not; that highway safety research conducted pursuant to that Act shall include research with respect to the prevention and treatment among licensed drivers; that any Federal funds used

to assist State and local governments in the prevention and treatment of alcohol abuse and alcoholism among licensed drivers shall be expended for the purpose of education, treatment, and rehabilitation, and not for the purpose of punishment; and that such funds shall be expended for programs and services that are coordinated with and integrated into comprehensive community and health and rehabilitation programs and services.

General

Section 507—provides that alcohol abuse and alcoholism shall be regarded as a health problem, disorder, sickness, illness, disease, disability, or other similar term, for purposes of all Federal legislation relating to health, welfare, and rehabilitation programs, services, funds, and other benefits; that any Federal legislation providing for medical assistance, medical care, treatment, rehabilitation, or other similar services, shall be regarded as including programs and services for the prevention and treatment of alcohol abuse and alcoholism.

TITLE VI—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS AND COMPREHENSIVE STATE PLANS

Section 601—provides that Section 246 (a) of title 42 of the United States Code is amended to add: "(L) provide for services for the prevention and treatment of alcohol abuse and alcoholism, commensurate with the extent of the problem, such plan to (i) estimate the number of alcohol abusers and alcoholics within the various areas within the state and the extent of that health problem, (ii) establish priorities for the improvement of the capabilities of State and local governments and public and private agencies, institutions, and organizations with respect to prevention and treatment of alcohol abuse and alcoholism, and (iii) specify how all available community health, welfare, educational, and rehabilitation resources, and how funds, programs, services, and facilities authorized under existing Federal and State legislation, are to be used for these purposes."

State hospital and medical facilities construction plans

Section 602—that Section 291c(a) of title 42 of the United States Code is amended to add: "(4) to projects for construction and modernization of facilities for prevention and treatment of alcohol abuse and alcoholism;" that Section 291d(a)(4) of title 42 of the United States Code is amended to add: "(F) the facilities needed to provide adequate services for the prevention and treatment of alcohol abuse and alcoholism."

State mental health centers plans

Section 603—provides that Section 2684 of title 42 of the United States Code is amended to add: "(11) provide for services for the prevention and treatment of alcohol abuse and alcoholism, commensurate with the extent of the problem;" that Section 2691(c) of title 42 of the United States Code is amended by inserting after "mental illness," the following "alcohol abuse or alcoholism," and by inserting after "mentally ill patients," the following: "alcohol abusers or alcoholics,".

Grants and contracts for the prevention and treatment of alcohol abuse and alcoholism

Section 604—provides that the Secretary is authorized to make grants and enter into contracts for the prevention and treatment of alcohol abuse and alcoholism to assist State and local governments and public and private organizations, agencies, institutions, or individuals to meet costs of constructing, equipping, and operating treatment and rehabilitation facilities, to conduct research, demonstration, and evaluation projects, to provide education and training for professional personnel, including medical, psychiatric, and social welfare personnel; to recruit educate, train, organize, and employ community alcohol abuse and alcoholism prevention and treatment personnel; to provide services in correctional and penal institutions for the prevention and treatment of alcohol abuse and alcoholism; to provide services for the prevention and treatment of alcohol abuse and alcoholism among juveniles and young adults; to provide programs and services for the instruction of interested individuals relating to the causes, effects, prevention, and treatment of alcohol abuse and alcoholism, and provide services for outpatient counseling of alcohol abusers or alcoholics; to develop or evaluate curricula on alcohol abusers and alcoholism prevention and treatment including the preparation of improved and new curricular materials; to develop or evaluate a program of dissemination of curricular material; to provide training programs on alcohol abuse and alcoholism for teachers, counselors, and other educational personnel; to provide community education programs on alcohol abuse and alcoholism; to enable a State government agency to assist local education agencies in the planning, development, and implementation of alcohol abuse and alcoholism education programs; to develop educational material and programs about the prevention and treatment of and problems arising from alcohol abuse and alcoholism, for use or distribution by mass media. Such programs shall not exceed 90% of the cost of the program or project; grants to meet costs of compensation of personnel in treatment and rehabilitation facilities shall not exceed eight years in duration, shall not exceed 90% of the cost for the first two years of the program or project, and shall be reduced during the following years.

An amount, not to exceed 5% of the amount appropriated pursuant to this Act is made available to cover up to 100% of the costs of local planning efforts; and an amount, not to exceed 1% of the amount appropriated pursuant to this Act is made available for evaluation of the programs authorized by this title.

Application for federal assistance from units of local government and private organizations

Section 605—provides that administering the provisions of this title the Secretary shall require coordination of all applications for programs in a State, and in view of the local nature of alcohol abuse and alcoholism shall not give precedence to public agencies over private agencies or to state agencies over local agencies; that all applications from within a State may be reviewed and commented upon by the State agency responsible for administering the State comprehensive plan for treatment and prevention of alcohol abuse and alcoholism, if such an agency exists; it also establishes the administrative and budgetary criteria which must be met by those seeking funds under this title.

Approval by National Advisory Mental Health Council

Section 606—provides that grants made under this title may be made only upon the recommendation of the National Advisory Mental Health Council.

Administration of grants and contracts

Section 607—provides that recipients of assistance under this Act keep such records as may be prescribed by the Secretary, and provides that the Secretary and the Comptroller General may audit and examine relevant books, etc. of such recipients.

Section 608—provides that payments under this title may be made in advance or by way of reimbursement, and in such a way as the Secretary may determine.

Section 609—provides that no funds shall be available under this title to any public or private agency unless the funds are used by the recipient to supplement and, to the extent practical, increase the level of funding for the program for which the funds are being sought.

Section 610—provides that whenever the Secretary finds failure to comply with the terms of a grant or contract made under this title, he shall terminate payments until he is satisfied that there will no longer be any failure to comply; that the exclusive remedy of anyone adversely affected by a final action of the Secretary under the preceding subsection of this section is to appeal to the United States court of appeals for the circuit in which it is located by filing a petition with such court within sixty days after such final action. The procedures and conditions of filing such a petition are set out.

Admission of alcohol abusers and alcoholics to private and public hospitals

Section 611—provides that alcohol abusers and alcoholics shall be admitted to and treated in private and public hospitals solely on the basis of medical need and shall not be discriminated against because of their alcoholism; that no hospital that violated this section shall receive Federal financial assistance under the provisions of this Act or any other Federal law administered by the Secretary; that no such action shall be taken until the Secretary has advised the appropriate person or persons of the failure to comply with this section, and provided an opportunity for correction or a hearing; that any action taken by the Secretary pursuant to this section shall be subject to judicial review as in the preceeding section.

TITLE VII—THE SECRETARY'S ADVISORY COMMITTEE ON ALCOHOL ABUSE AND ALCOHOLISM

Section 701—provides that the Secretary shall appoint an Advisory Committee on Alcohol Abuse and Alcoholism to consist of eighteen qualified persons, including leaders from the general public representing business, medicine and government as well as leaders who have a major concern for alcohol abuse and alcoholism; that the Advisory Committee shall advise and consult with the Secretary and the Institute and assist them; that the Secretary shall appoint a Chairman who shall serve a one-year term but may be re-appointed; that the members of the Advisory Committee shall serve without compensation, except for expenses, for terms of three years; that the Committee shall meet at least once every two months and shall consult with various agencies and groups.

Section 702—provides that the Committee may appoint one or more technical consultants from experts throughout the country to assist in evaluating the progress of the Institute.

Section 703—provides that the Committee shall employ a full-time director with a secretary, who shall not be employees of the Institute, to assist the Committee and coordinate its activities.

Section 704—provides that the Committee shall consider at least the following matters: the establishment of goals and priorities for the alcohol abuse and alcoholism programs of the Department; the development of policy concerning the role of the Federal government in the development of alcohol abuse and alcoholism programs; formation of structures and methods through which the programs developed or in effect at the Federal, State, or local levels might have the broadest impact; and, review of allocation of funds and personnel for the implementation of these programs.

TITLE VIII—INTERGOVERNMENT COORDINATING COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

Section 801—provides that for the purpose of coordinating all Federal Government prevention, treatment, and rehabilitation efforts with respect to alcohol abuse and alcoholism, of coordinating such Federal efforts with State and local governments, and of developing an enlightened policy and appropriate programs for Federal employees for the prevention and treatment of alcohol abuse

and alcoholism and the rehabilitation of alcoholics, there is hereby established an Intergovernment Coordinating Council on Alcohol Abuse and Alcoholism consisting of the Commissioner who shall serve as Chairman, the executive director of the Secretary's Advisory Committee on Alcohol Abuse and Alcoholism, four representatives of Federal departments or agencies, and five representatives of State and local government departments or agencies; that the President shall designate the four representatives of Federal departments or agencies who shall serve on the Coordinating Council, and shall appoint the five representatives of State and local government departments and agencies; that the Coordinating Council may appoint such technical consultants as are deemed appropriate for advising the Council in carrying out its functions.

Section 802—provides that the Coordinating Council assist the Secretary and the Institute in carrying out its function of coordinating all Federal prevention, treatment, and rehabilitation efforts to deal with alcohol abuse and alcoholism; assist the Institute in carrying out its function of coordinating such Federal efforts with State and local governments; engage in educational programs among Federal employees, and in other appropriate activities, designed to prevent alcohol abuse and alcoholism; implement programs for the rehabilitation of Federal employees who are alcohol abusers or alcoholics; and, develop and maintain any other appropriate activities consistent with the purposes of this Act.

TITLE IX—GENERAL

Section 901—provides that the Secretary may promulgate regulations, pursuant to subchapter II of chapter 5 of title 5, United States Code, to implement this Act.

Section 902—provides that if any section, provision, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

Section 903—provides that there are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act; that any appropriated funds shall remain available until expended.

Section 904—provides that Section 7352 of title 5 of the United States Code is hereby repealed; that paragraph (3) of subsection 8102(a) of title 5 of the United States Code is hereby repealed; that paragraph (2) of subsection 2504(d) of title 22 of the United States Code is hereby amended to repeal the clause "or unless intoxication of the injured volunteer is the proximate cause of the injury or death."

Section 905—provides that this Act shall take effect upon the expiration of one hundred and eighty days following the date of its enactment.

EXHIBIT 2

S. 3835

A bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism

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

SHORT TITLE

This Act may be cited as the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970".

TITLE I—FINDINGS AND DECLARATION OF PURPOSES

SEC. 101. The Congress hereby finds that—

(a) Alcohol abuse and alcoholism are rapidly increasing throughout the country. Alcohol abuse can seriously impair health and can lead to alcoholism. Alcoholism is an illness or disease that requires treatment through health rehabilitation services.

(b) Alcoholism treatment and control programs should, whenever possible, be community based; provide a comprehensive range of services, including emergency treatment, under proper medical auspices on a coordinated basis; and be integrated with and involve the active participation of a wide range of public and nongovernmental agencies.

(c) Existing laws have not been adequate to prevent alcohol abuse or to provide sufficient education, treatment, and rehabilitation of alcoholics. Increasing education, treatment, and rehabilitation services, and closer coordination of efforts, offer the best possibility of reducing alcohol abuse and alcoholism. A major commitment of health and social resources and Government funds is required to institute an adequate and effective Federal program for the prevention and treatment of alcohol abuse and alcoholism.

(d) Present Federal programs for alcohol abuse and alcoholism are relegated to a low level of priority and remain uncoordinated within the Government.

(e) Federal officials have failed to effectively handle alcoholism among those for whom the Government has special responsibilities—civilian employees, military personnel, veterans, Federal offenders, American Indians, and Alaskan Natives.

(f) Existing Federal research, social, health, and rehabilitation laws have not adequately been used to attack alcohol abuse and alcoholism. Lack of Federal leadership and funding has also contributed to the failure of public and private State and local agencies to recognize their responsibilities for meeting these problems.

(g) Dealing with public inebriates as criminals has proved expensive and burdensome. The criminal law alone is ineffective to deter what are basically major health and rehabilitation problems.

(h) Establishment of modern public health programs for the medical management of alcohol abuse and alcoholism facilitate (1) early detection and prevention of alcoholism and effective treatment and rehabilitation of alcoholics, (2) diagnosis and treatment of other concurrent diseases, and (3) uncovering and providing assistance with underlying psychological and social problems.

(i) Handling alcohol abusers and alcoholics primarily through health and other rehabilitative programs relieves the police, courts, correctional institutions, and other law enforcement agencies of an onerous burden that interferes with their ability to protect citizens, apprehend law violators, and mantain safe and orderly streets.

SEC. 102. The Congress declares that—

(a) There shall be established and maintained within the National Institute of Mental Health of the Department of Health, Education, and Welfare, a National Institute for the Prevention and Control of Alcohol Abuse and Alcoholism, through which the Secretary shall coordinate all Federal health, rehabilitation, and other social programs related to the prevention and treatment of alcohol abuse and alcoholism and administer the programs and authorities established by this Act.

(b) Major Federal action and Federal assistance to State and local programs shall be undertaken to engage in and encourage planning, coordination, statistics, research, training, and education with respect to alcohol abuse and alcoholism, and to provide equal access to humane care, effective treatment, and rehabilitation for all alcoholics regardless of their circumstances.

(c) In addition to the funds provided for under this Act, other Federal legislation providing for Federal or federally assisted research, prevention, treatment, or rehabilitation programs in the fields of health, education, welfare, rehabilitation, and highway safety shall be utilized to reduce alcohol abuse and alcoholism.

TITLE II—DEFINITIONS

SEC. 201. For the purposes of this Act—

(a) "Alcohol abuse" means any use of any alcoholic beverage that results in intoxication which endangers persons or property.

(b) "Alcoholic" means any person whose repetitive use of alcohol causes him physical, psychological, or social harm.

(c) "Alcoholic beverage" includes alcoholic spirits, liquors, wines, beer, and every liquid or fluid, patented or not, containing alcoholic spirits, wine or beer which is capable of being consumed by human beings and produces intoxication in any form or in any degree.

"(d) "Alcoholism" means any condition characterized by the repetitive use of alcohol to an extent that causes the drinker physical, psychological, social, or social harm.

(e) "Courts" includes all Federal courts, including any United States magistrate.

(f) "Department" means the Department of Health, Education, and Welfare.

(g) "Emergency medical services" includes all appropriate short term services for the acute effects of alcohol intoxication which (1) are available twenty-four hours a day, (2) are community based and located so as to be quickly and easily accessible to patients, (3) are affiliated with, and constitute an integral (but not necessarily physical) part of, the general medical services of a general hospital, and (4) provide detoxification and other appropriate medical care and treatment, professional examination, evaluation, diagnosis, and classification with respect to possible alcoholism, and referral for other treatment and rehabilitation.

(h) "Inpatient services" includes all treatment and rehabilitation services for alcohol abuse and alcoholism provided for a resident patient while he spends full time in a treatment institution.

(i) "Institute" means the National Institute for the Prevention and Control of Alcohol Abuse and Alcoholism within the National Institute of Mental Health and the Department of Health, Education, and Welfare.

(j) "Intermediate care services" include all treatment and rehabilitation services for alcohol abuse and alcoholism for a resident patient while he spends part time in a treatment institution (including but not limited to a halfway house, hostel, or foster home) which is community based and located so as to be quickly and easily accessible to patients.

(h) "Outpatient services" includes all treatment and rehabilitation services (including but not limited to clinics, social centers, vocational rehabilitation services, welfare services, and job referral services) for alcohol abuse and alcoholism provided while the patient is not a resident of a treatment institution, which are community based and located so as to be quickly and easily accessible to patients.

(l) "Prevention and treatment" includes all appropriate forms of educational programs and services (including but not limited to radio, television, films, books, pamphlets, lectures, seminars, workshops, conferences, adult education, and school courses); planning, coordinating, statistical, research, training, evaluation, reporting, classification, and other administrative, scientific, or technical programs, or services; and screening, diagnosis, treatment (emergency medical care, inpatient, intermediate care, and outpatient), vocational rehabilitation, job training and referral, and other rehabilitation programs or services.

(m) "Secretary" means the Secretary of Health, Education, and Welfare.

(n) "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

TITLE III—NATIONAL INSTITUTE FOR THE PREVENTION AND CONTROL OF ALCOHOLISM

ESTABLISHMENT OF THE INSTITUTE

SEC. 301. (a) There is hereby established within the National Institute of Mental Health of the Department of Health, Education, and Welfare, a National Institute for the Prevention and Control of Alcohol Abuse and Alcoholism, to administer the programs and authorities assigned to the Secretary by this Act. The Secretary, acting through the Institute, shall develop and conduct a comprehensive health, education, research, and rehabilitation program for the prevention and treatment of alcohol abuse and alcoholism.

(b) The Institute shall be under the direction of a Director who shall be appointed by the Secretary.

(c) The Institute and its programs and services shall be staffed with an adequate number of personnel, who shall possess appropriate qualifications and competence, and some of whom may be recovered alcoholics. Prior criminal arrests or convictions shall not be a bar to such employment.

(d) In recognition of the increased responsibilities assigned by this Act, the title of the National Institute of Mental Health is hereby changed to the National Institutes of Mental Health.

ADMINISTRATIVE FUNCTIONS OF THE SECRETARY

SEC. 302. It shall be the duty of the Secretary, acting through the Institute, with respect to his administrative functions to—

(a) assist Federal departments and agencies in the development and maintenance of appropriate prevention, treatment, and rehabilitation programs and services in accordance with section 304(a) of this Act;

(b) review and provide in writing an evaluation of the adequacy and appropriateness of the provisions relating to the prevention and treatment of alcohol abuse and alcoholism of all comprehensive State health, welfare, and rehabilitation plans submitted to the Federal Government pursuant to Federal law, including but not limited to those submitted pursuant to section 35(a)(15) of title 29 and sections 246(a)(2)(L), 291c(a)(4), 1396a(a)(31), and 2684(11) of title 42 of the United States Code;

(c) administer the grants and contracts authorized under title VI of this Act; and

(d) administer any other service or program, or take any other action, consistent with the intent and objectives of this Act.

PLANNING FUNCTIONS OF THE SECRETARY

SEC. 303. It shall be the duty of the Secretary, acting through the Institute, with respect to his planning function to—

(a) develop a detailed and comprehensive Federal alcohol abuse and alcoholism control plan to implement the objectives and policies of this Act. The plan shall be submitted to Congress as soon as practicable, but not later than one year after the enactment date of this Act. Other responsibilities of the Secretary, as set out in this Act, shall not be interrupted or delayed pending the initial development of such a plan. The plan shall be reviewed annually and submitted to Congress with any appropriate revisions as part of the Secretary's annual report. The Secretary shall, in developing the comprehensive Federal plan, consult and collaborate with all appropriate public and private departments, agencies, institutions, organizations, and individuals. The plan shall specify how all available health, welfare, educational, and rehabilitation resources, and how funds, programs, services, and facilities authorized under existing Federal legislation, are to be utilized;

(b) carry out a complete evaluation of existing and ongoing alcohol education materials and programs, and alcohol abuse and alcoholism prevention campaigns;

(c) develop models of alcoholism treatment and rehabilitation legislation for State and local governments, which utilize the concepts incorporated in this Act;

(d) develop model alcohol abuse and alcoholism control plans for State and local governments, utilizing the concepts incorporated in the comprehensive Federal plan. The model plans shall be reviewed on a periodic basis and revised to keep them current. They shall specify how all types of community resources and existing Federal legislation may be utilized;

(e) provide assistance and consultation to State and local governments and private organizations, agencies, institutions, and individuals with respect to the prevention and treatment of alcohol abuse and alcoholism; and

(f) encourage and promote, throughout the country, public health procedures for the treatment of alcoholics as alternatives to present criminal procedures.

COORDINATION FUNCTIONS OF THE SECRETARY

SEC. 304. It shall be the duty of the Secretary, acting through the Institute, with respect to his coordinating functions to—

(a) assist the Civil Service Commission, the Department of Defense, the Veterans' Administration, and other Federal departments and agencies in the development and maintenance of appropriate prevention, treatment and rehabilitation programs and services for alcohol abuse and alcoholism pursuant to title IV of this Act;

(b) serve in a consulting capacity to all Federal courts, departments, and agencies, including those responsible for programs affected by title V of this Act, and to be responsible for assisting in the development and coordination of a full range of programs, facilities, and services available to them for education, diagnosis, planning, counseling, treatment, and rehabilitation with respect to the alcohol abuse and alcoholism problems they encounter;

(c) coordinate all Federal social, health, rehabilitation, and other efforts to deal with alcohol abuse and alcoholism including but not limited to those relating to vocational, rehabilitation, manpower development and training, older Americans, law enforcement assistance, highway safety, economic opportunity, health research facilities, mental retardation facilities, and community mental health centers, juvenile delinquency, health professions educational assistance, hospital and medical facilities, social security, community health services, education professions development, higher education, Federal employee health benefits, comprehensive health planning, elementary and secondary education, the civil service laws, and laws providing for the treatment and discharge of the members of the Armed Forces and support and treatment of veterans of the Armed Forces;

(d) encourage and assist State and local government programs and services, and programs and services of public and private agencies, institutions, and organizations for the prevention and treatment of alcohol abuse and alcoholism;

(e) stimulate more effective use of existing resources and available services for the prevention and treatment of alcohol abuse and alcoholism;

(f) cooperate with the Secretary's Advisory Committee on Alcohol Abuse and Alcoholism, the Federal Intergovernment Coordinating Council on Alcohol Abuse and Alcoholism, the Civil Service Commission, and other appropriate Federal departments and agencies, to develop a policy consistent with this Act with regard to Federal employees who are alcohol abusers or alcoholics, involving appropriate programs and services for the prevention and treatment of alcohol abuse and alcoholism among such employees; and

(g) assist State and local governments in coordinating programs among themselves for the prevention and treatment of alcohol abuse and alcoholism.

STATISTICAL FUNCTIONS OF THE SECRETARY

SEC. 305. It shall be the duty of the Secretary, acting through the Institute with respect to his statistical functions to—

(a) gather and publish statistics pertaining to alcohol abuse and alcoholism;

(b) promulgate regulations specifying uniform statistics to be obtained, records to be maintained, and reports to be submitted by public and private departments, agencies, organizations, practitioners, and other persons with respect to alcohol abuse and alcoholism. Such statistics and reports shall not reveal the identity of any patient or alcoholic or other confidential information.

RESEARCH FUNCTIONS OF THE SECRETARY

SEC. 306. It shall be the duty of the Secretary, acting through the Institute with respect to his research functions to—

(a) conduct and encourage all forms of research, investigations, experiments, and studies relating to the cause, epidemiology, sociological aspects, prevention, diagnosis, and treatment of alcohol abuse and alcoholism;

(b) conduct, and encourage and assist others to conduct, all forms of research, investigation, experiments, and studies relating to the toxicology, pharmacology, chemistry, and effects on the health, of alcohol abuse and alcoholism;

(c) coordinate such research with research conducted by other Federal and State and local agencies, public and private agencies, institutions, organizations, and individuals. To facilitate this activity the Secretary shall establish and maintain a complete and current register of all practitioners and other qualified investigators engaged in any form of research on alcohol abuse and alcoholism;

(d) make available research facilities and resources of the Secretary to appropriate authorities, health officials, and individuals engaged in special studies related to the purposes of this Act;

(e) make grants to, and contracts with, universities, hospitals, laboratories, agencies, institutions, organizations, and individuals for such research;

(f) establish an information center on such research, which will gather and contain, and disseminate where appropriate, all available published and unpublished data and information. All Federal departments and agencies shall send to the Secretary any unpublished data and information pertinent to the cause, prevention, diagnosis, and treatment of alcohol abuse and alcoholism and the toxicology, pharmacology, epidemiology, and incidence of alcohol abuse and alcoholism, and studies, reports, and other research on other alcohol problems such as those pertaining to traffic safety, and the Secretary shall make such data and information widely available;

(g) establish and maintain research fellowships in the administration and elsewhere, and provide for such fellowships through grants to public and private agencies, institutions, and organizations;

(h) investigate methods for the more precise detection and determination of alcohol levels in the blood stream, or by analysis of breath or other means, and publish on a current basis uniform methodology and technology for such detections and determinations;

(i) any information obtained through investigation or research conducted pursuant to this section shall be used in ways so that no name or identifying characteristics of any person shall be divulged without the approval of the Secretary and the consent of the person concerned. Persons engaged in research pursuant to this section shall protect the privacy of individuals who are the

subject of such research by withholding from all persons not connected with the conduct of such research the names or other identifying characteristics of such individuals. Persons engaged in such research shall protect the privacy of such individuals and may not be compelled in any Federal, State, civil, criminal, administrative, legislative, or other proceeding to identify such individuals; and

(j) evaluate existing and proposed new programs and services for the prevention and treatment of alcohol abuse and alcoholism.

TRAINING FUNCTIONS OF THE SECRETARY

SEC. 307. It shall be the duty of the Secretary, acting through the Institute, with respect to his training functions to—

(a) establish training programs, including interdisciplinary and bilingual training programs for professional and paraprofessional personnel with respect to alcohol abuse and alcoholism;

(b) encourage the establishment of training courses, including interdisciplinary and bilingual training programs, for professional and paraprofessional personnel by State and local governments with respect to alcohol abuse and alcoholism; and

(c) establish and maintain training fellowships in the Administration and elsewhere, and provide for such fellowships through grants to public and private institutions.

EDUCATIONAL FUNCTIONS OF THE SECRETARY

SEC. 308. It shall be the duty of the Secretary, acting through the Institute, with respect to his educational functions to—

(a) develop model curricula which reflect social, geographic, and economic variables of the alcohol abuse and alcoholism problem, and which include relevant data and other information, for utilization by elementary and secondary schools for instructing children about alcohol abuse and alcoholism;

(b) develop model curricula which reflect social, geographic and economic variables of the alcohol abuse and alcoholism problem, and which include relevant data and other information, for utilization by parent-teacher associations, adult education centers, private citizen groups, or other State or local sources, for instructing parents and other adults about alcohol abuse, and alcoholism;

(c) prepare a broad variety of educational material, for use in all media and to reach all segments of the population, that can be utilized by public and private agencies in educational programs with respect to alcohol abuse and alcoholism;

(d) establish a variety of learning units including relevant data and other information, on the causes and effects of, and treatment for, alcohol abuse and alcoholism, for Federal law enforcement officials (including prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officers, and other law enforcement personnel), Federal welfare, vocational rehabilitation, military, veterans, civil service, transportation, economic opportunity, housing personnel, and other Federal officials who come in contact with alcohol abuse and alcoholism problems;

(e) develop a variety of learning units including the provision of relevant data and other information, on the causes and effects of, and treatment for, alcohol abuse and alcoholism for use by appropriate State and local government and private agencies, institutions, and organizations, for State and local law enforcement officials (including prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officials, and other law enforcement personnel), State and local welfare, vocational rehabilitation, veterans, civil service, transportation, economic opportunity, and housing personnel, and other State and local officials and community leaders.

(f) serve as a clearinghouse for the collection, preparation and dissemination of all information relating to alcohol abuse and alcoholism, including State and local alcohol abuse and alcoholism treatment plans, availability of treatment resources, training and educational programs, statistics, research, and other pertinent data and information. Preparation and dissemination of such data and information shall reflect the social, geographic and economic variables of the alcohol abuse and alcoholism problem;

(g) recruit, train, organize and employ professional and other persons, including recovered alcoholics, to organize and participate in programs of public education in relation to alcohol abuse and alcoholism;

(h) coordinate activities carried on by all departments, agencies, and instrumentalities of the Federal Government with respect to health education aspects of alcohol abuse and alcoholism;

(i) promote the implementation of bilingual education programs in carrying out the provisions of this section; and

(j) undertake such other activities as the Secretary may consider important to a national program of education relating to alcohol abuse and alcoholism.

REPORTING FUNCTIONS OF THE SECRETARY

SEC. 309. It shall be the duty of the Secretary, acting through the Institute, with respect to his reporting functions to—

(a) submit an annual report to Congress, which shall specify the actions taken and services provided and funds expended under each provision of this Act and an evaluation of their effectiveness, and which shall contain the current Federal alcohol abuse and alcoholism control plan;

(b) submit such additional reports as may be requested by the President of the United States or by Congress; and

(c) submit to the President of the United States and to Congress such recommendations as will further the prevention, treatment, and control of alcohol abuse, and alcoholism.

TITLE IV—PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM FOR FEDERAL EMPLOYEES, MILITARY PERSONNEL, VETERANS, AND FEDERAL OFFENDERS

ALCOHOL ABUSE AND ALCOHOLISM AMONG FEDERAL GOVERNMENT EMPLOYEES

SEC. 401. (a) The Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Secretary and with other Federal agencies and departments, appropriate policies and services for the prevention and treatment of alcohol abuse and alcoholism among Federal employees, consistent with the purposes and intent of this Act. Such policies and services shall make optional use of existing governmental facilities, services, and skills. Government employees who are alcohol abusers or who are alcoholics shall retain the same employment and other benefits as other persons afflicted with health problems and illnesses, and shall not lose pension, retirement, medical, or other rights. A good faith attempt shall be made to find appropriate nonsensitive work within the Government during the employee's rehabilitative treatment, rather than placing him on sick leave: *Provided*, That acceptance of appropriate treatment shall be required as a condition of continued work.

(b) The Secretary, acting through the Institute, shall be responsible for fostering similar alcohol abuse and alcoholism prevention, treatment, and rehabilitation services in State and local governments and in private industry.

(c) No person may be denied or deprived of Federal employment or a Federal professional or other license or right solely on the ground of prior alcohol abuse, except with regard to extremely sensitive positions specified in regulations promulgated by the Secretary.

HEALTH AND DISABILITY INSURANCE PLANS FOR FEDERAL EMPLOYEES

SEC. 402. All health and disability insurance policies and plans for Federal employees shall cover alcoholism in the same way as other health problems, illness, and diseases that are not self-inflicted.

ALCOHOL ABUSE AND ALCOHOLISM AMONG MILITARY PERSONNEL

SEC. 403. (a) For purpose of chapter 61 of title 10 of the United States Code, alcoholism shall be regarded as a physical disability and shall not be regarded as the result of intentional misconduct or willful neglect. An alcoholic shall retain the same rights and benefits of any other person afflicted with illness, and shall not lose pension, retirement, medical, or other rights because of alcoholism. This subsection shall be retroactive.

(b) The medical care provided to military personnel and their dependents pursuant to chapter 55 of title 10 of the United States Code shall include appropriate treatment services for alcohol abuse and alcoholism.

ALCOHOL ABUSE AND ALCOHOLISM AMONG VETERANS

SEC. 404. (a) Appropriate treatment facilities and services for alcohol abuse and alcoholism shall be made available within Veterans' Administration hospitals as a matter of high priority.

(b) For purposes of chapters 11 and 17 of title 38 of the United States Code, alcoholism during military service shall be regarded as a service-connected disability, and shall not be regarded as due to willful misconduct.

(c) Section 602 of title 38 of the United States Code is amended to add "or alcoholism" in the title and in the body of the section after the word "psychosis."

(d) A dishonorable discharge prior to the effective date of this Act shall not be a bar to treatment for alcoholism if the discharge was the result of alcohol abuse or alcoholism.

ALCOHOL ABUSE AND ALCOHOLISM AMONG FEDERAL OFFENDERS

SEC. 405. (a) (1) Any person charged with a criminal offense under Federal law and who appears to be intoxicated or an alcoholic shall, after preliminary police processing and an opportunity to consult with counsel, promptly be taken for emergency medical services and diagnosis where he shall either be admitted as a patient or transported to another appropriate health facility for treatment and diagnosis. Upon admission as a patient, such person shall immediately be examined to determine whether (A) he is an alcoholic, and (B) he is in need of emergency medical services. Any such person may be so detained as long as is necessary to complete this diagnosis and emergency medical treatment, but in no event longer than three days after his admission. He shall then be released and shall be handled as in any other criminal case.

(b) The services established by this Act shall, when appropriate, be used by the Bureau of Prisons and the Board of Parole for alcoholic offenders (including persons sentenced under the Federal Youth Corrections Act, chapter 402 of title 18 of the United States Code) placed on work release, probation, parole, or other conditional release. The Secretary and the Bureau of Prisons shall cooperate in establishing alcoholism prevention and treatment services in Federal correctional institutions.

PROVISION OF SERVICES

SEC. 406. The treatment and rehabilitation services authorized by this title may be provided at any available facility, including but not limited to Public Health Service hospitals, Veterans' Administration hospitals, public and private general hospitals, community mental health centers, and public and private alcoholism treatment and rehabilitation centers. Care and treatment for veterans shall be provided where possible in Veterans'

Administration hospitals. The Secretary may contract with any appropriate public or private agency, organization, or institution that has proper and adequate facilities and personnel in order to carry out the purposes of this Act.

CONFIDENTIALITY OF RECORDS

SEC. 407. (a) All patient records prepared or obtained pursuant to this Act, and all information contained therein, shall remain confidential and may be disclosed, with the patient's consent, only to medical personnel and only for purposes of diagnosis and treatment of the patient, or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his alcoholism or, for research purposes, to public or private research organizations, agencies, institutions or individuals whose competence and research programs have been approved by the Secretary. Disclosure may be made for purposes unrelated to such treatment, benefits or research upon an order of a court after application showing good cause therefor. In determining whether there is good cause for disclosure, the court shall weigh the need for the information sought to be disclosed against the possible harm of disclosure to the person to whom such information pertains, to the physician-patient relationship, and to the treatment services, and may condition disclosure of the information upon any appropriate safeguards. No such records or information may be used to initiate criminal charges against a patient under any circumstances.

(b) All patient records and all information contained therein relating to alcohol use or alcoholism prepared or obtained by a private practitioner shall remain confidential, and may be disclosed only with the patient's consent and only to medical personnel for purposes of diagnosis and treatment of the patient or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his alcoholism.

TITLE V—PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM UNDER FEDERAL HEALTH, WELFARE, AND REHABILITATION PROGRAMS

MEDICARE AND MEDICAID

SEC. 501. (a) An alcoholic shall be regarded as a sick or disabled person eligible for treatment under medicare and medicaid (the Social Security Amendments of 1965 as amended).

(b) Section 1396a of title 42 of the United States Code is amended to add:

"(a)(31) include provision for prevention and treatment of alcohol abuse and alcoholism."

SOCIAL SECURITY

SEC. 502. An alcoholic shall be regarded as eligible for disability benefits under the Social Security Act, as amended, and benefits shall not be barred on the ground that alcoholism is a self-inflicted disability.

ECONOMIC OPPORTUNITY

SEC. 503. Alcohol abuse and alcoholism shall be a matter of high priority for programs undertaken under the Economic Opportunity Act of 1964 as amended.

VOCATIONAL REHABILITATION

SEC. 504. (a) An alcohol abuser or alcoholic, or a facility or program or service for the prevention or treatment of alcohol abuse or alcoholism, shall be eligible for funds made available pursuant to chapter 4 of title 29 of the United States Code.

(b) Section 35(a) of title 29 of the United States Code is amended to add:

"(15) provide for the uses of vocational rehabilitation in the prevention and treatment of alcoholism."

WELFARE

SEC. 505. Alcohol abuse and alcoholism shall, for the purposes of all Federal welfare programs and all State welfare programs that receive Federal participation, shall be regarded as a major health and economic problem.

(a) State and Federal agencies charged with administering such welfare programs shall take action to reduce the incidence of financial indigency and family disintegration caused by alcohol abuse and alcoholism, and shall provide for treatment and rehabilitation services for those persons enrolled in welfare programs whose financial eligibility for such assistance results, in part or in whole, from alcohol abuse or alcoholism.

(b) Alcohol abuse and alcoholism prevention and treatment programs and services for persons enrolled in such welfare programs whose financial eligibility for such assistance results, in whole or in part, from alcohol abuse or alcoholism, shall if approved by the Secretary under the same procedure and criteria used for approving programs under title VI of this Act, be eligible for 75 per centum Federal funding participation. Application for funds under this subsection shall be made by the State agency charged with administering the aid program, which may conduct the program or may contract with any other appropriate State agency or private organization for the provision of any of the designated services.

(c) Persons otherwise eligible for such welfare assistance shall not be ineligible for such assistance because of alcohol abuse or alcoholism. Any person whose financial eligibility for such assistance results, in whole or in part, from alcohol abuse or alcoholism, shall be provided the services of appropriate treatment and rehabilitation services upon certification by a responsible medical officer that (1) the services will more likely than not be appropriate for the recipient, and (2) the services can accommodate the recipient. After such certification, participation by the recipient in the program shall be a requirement for continuing eligibility for such assistance, in the absence of good cause for nonparticipation. A certification by the director of the facility that the recipient is no longer amenable to treatment shall constitute such good cause.

(d) Any alcohol abuse or alcoholism treatment facility shall qualify as a medical institution within the meaning of section 306(a) of title 42 of the United States Code. The Secretary shall promulgate regulations specifying how such welfare benefits shall be used to contribute to the costs of treatment and rehabilitation of an alcohol abuser or alcoholic receiving welfare assistance so far as practicable without imposing undue hardship on him or his family.

(e) Any recipient of welfare assistance whose inability to work or to participate in a work training program is the result of alcohol abuse or alcoholism shall be excused from such participation only on condition that he accept appropriate treatment and rehabilitation services made available to him.

(f) The Secretary shall promulgate appropriate regulations and offer technical assistance to States in providing, as part of the services rendered under section 705 of title 42 of the United States Code, programs of education about alcohol abuse and alcoholism for children of school age and adults responsible for them, and appropriate treatment for children physically or mentally damaged or otherwise affected as a result of alcohol abuse or alcoholism on the part of adults with whom they have significant contact.

HIGHWAY SAFETY

SEC. 506. (a) Each State highway safety program approved pursuant to the Highway Safety Act of 1966 shall include provisions for the prevention and treatment of alcohol abuse and alcoholism among licensed drivers. Each such program shall provide for early screening, diagnosis, and treatment for alcohol abuse and alcoholism among intoxicated drivers, coordinated with and integrated into comprehensive community health and rehabilitation planning. Statistics shall be maintained with respect to the incidence of alcohol abuse and alcoholism among licensed drivers and individuals involved in automobile accidents, and whether alcohol abuse or alcoholism was a probable factor in any automobile accident. Highway safety research conducted pursuant to that Act shall include research with respect to the prevention and treatment of alcohol absue and alcoholism among licensed drivers.

(b) Any Federal funds used to assist State and local governments in the prevention and treatment of alcohol abuse and alcoholism among licensed drivers shall be expended for the purpose of education, treatment, and rehabilitation, and not for the purposes of punishment. Such funds shall be expended for programs and services that are coordinated with and integrated into comprehensive community health and rehabilitation programs and services.

GENERAL

SEC. 507. Alcohol abuse and alcoholism shall be regarded as a health problem, disorder, sickness, illness, disease, disability, or other similar term, for purposes of all Federal legislation relating to health, welfare, and rehabilitation programs, services, funds, and other benefits. Any Federal legislation providing for medical assistance, medical care, treatment, rehabilitation, or other similar services, shall be regarded as including programs and services for the prevention and treatment of alcohol abuse and alcoholism.

TITLE VI—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

COMPREHENSIVE STATE PLANS

SEC. 601. Section 246(a)(2) of title 42 of the United States Code is amended to add:

"(L) provide for services for the prevention and treatment of alcohol abuse and alcoholism, commensurate with the extent of the problem, such plan to (i) estimate the number of alcohol abusers and alcoholics within the various areas within the State and the extent of the health problem caused, (ii) establish priorities for the improvement of the capabilities of State and local governments and public and private agencies, institutions, and organizations with respect to prevention and treatment of alcohol abuse and alcoholism, and (iii) specify how all available community health, welfare, educational, and rehabilitation resources, and how funds, programs, services, and facilities authorized under existing Federal and State legislation, are to be used for these purposes."

STATE HOSPITAL AND MEDICAL FACILITIES CONSTRUCTION PLANS

SEC. 602. (a) Section 291c(a) of title 42 of the United States Code is amended to add:

"(4) to projects for construction and modernization of facilities for prevention and treatment of alcohol abuse and alcoholism;".

(b) Section 291d(a)(4) of title 43 of the United States Code is amended to add:

"(F) the facilities needed to provide adequate services for the prevention and treatment of alcohol abuse and alcoholism;".

STATE MENTAL HEALTH CENTERS PLANS

SEC. 603. (a) Section 2684 of title 42 of the United States Code is amended to add:

"(11) provide for services for the prevention and treatment of alcohol abuse and

alchoholism, commensurate with the extent of the problem."

(b) Section 2691(c) of title 42 of the United States Code is amended by inserting after "mental illness," the following: "alcohol abuse or alcoholism," and by inserting after "mentally ill patients," the following: "alcohol abusers or alcoholics,".

GRANTS AND CONTRACTS FOR THE PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM

SEC. 604. (a) The Secretary, acting through the Institute, is authorized to make grants and enter into contracts for the prevention and treatment of alcohol abuse and alcoholism to assist State and local governments and public and private organizations, agencies, institutions, or individuals to—

(1) meet the costs of constructing, equipping, and operating treatment and rehabilitation facilities, including but not limited to emergency medical, inpatient, intermediate care, and outpatient facilities for alcohol abusers and alcoholics, and to assist them to meet, for the temporary periods specified in subsection (b) of this section, a portion of the costs of compensation of personnel for the initial operation of such facilities, and of new services in existing facilities for alcohol abusers and alcoholics;

(2) conduct research, demonstration, and evaluation projects, including surveys and field trials, looking toward the development of improved, expanded, and more effective methods of prevention and treatment of alcohol abuse and alcoholism;

(3) provide education and training for professional personnel, including medical, psychiatric, vocational rehabilitation, and social welfare personnel, in academic and professional institutions and in postgraduate courses, about the prevention and treatment of alcohol abuse and alcoholism, and provide training for such personnel in the administration, operation, and supervision of programs and services for the prevention and treatment of alcohol abuse and alcoholism;

(4) recruit, educate, train, organize, and employ community alcohol abuse and alcoholism prevention and treatment personnel to serve with and under the direction of professional medical, psychiatric, vocational rehabilitation, and social welfare personnel in alcohol abuse and alcoholism prevention, treatment, and rehabilitation programs. Prior alcohol abuse or alcoholism and prior criminal arrests or convictions shall not be a bar to such employment;

(5) provide services in correctional and penal institutions for the prevention and treatment of alcohol abuse and alcoholism;

(6) provide services, in cooperation with schools, law enforcement agencies, courts, and other public and private agencies, for the prevention and treatment of alcohol abuse and alcoholism among juveniles and young adults. These services, where feasible, shall include curricula for alcohol education in elementary and secondary schools, and among parents and other adults;

(7) provide programs and services, in cooperation with local law enforcement agencies, the courts, and other public and private agencies, for the instruction of law enforcement officers, prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officials and legal aid, public defender, and neighborhood legal services attorneys with respect to the causes, effects, prevention, and treatment of alcohol abuse and alcoholism. Such programs and services shall include, where possible, a full range of services available to State and local courts for diagnosis, counseling, and treatment for alcohol abuse and alcoholism for persons coming before the courts;

(8) provide services for outpatient counseling of alcohol abusers and alcoholics to include employment, welfare, legal, education, and other assistance, in cooperation and coordination with welfare and rehabilitation personnel;

(9) develop or evaluate curricula on alcohol abuse and alcoholism prevention and treatment, including the preparation of new and improved curricular materials for use in elementary, secondary, college, and adult education programs;

(10) develop or evaluate a program of dissemination of curricular material;

(11) provide training programs on alcohol abuse and alcoholism (including courses of study, institutes, seminars, films, workshops, and conferences) for teachers, counselors, and other educational personnel;

(12) provide community education programs on alcohol abuse and alcoholism (including courses of study, institutes, seminars, films, workshops, and conferences) especially for parents and other adults in the community;

(13) enable a State government agency to assist local education agencies in the planning, development, and implementation of alcohol abuse and alcoholism education programs; and

(14) develop educational material and programs about the prevention and treatment of, and problems arising from, alcohol abuse and alcoholism, for use or distribution by any form of mass media.

(b) The amount of any Federal grant made under subsection (a) of this section, except with regard to certain grants made under paragraph (1) of subsection (a), shall not exceed 90 per centum of the cost of the program or project specified in the application for such grant. The amount of any Federal grant made under paragraph (1) of subsection (a) of this section to meet costs of compensation of personnel may be made only for the period beginning with the first day for which such a grant is made and ending with the close of eight years after such first day; and such grants may not exceed 90 per centum of such costs for each of the first two years after such first day, 80 per centum of such costs for the third year after such first day, 75 per centum of such costs for the fourth and fifth years after such first day, and 70 per centum of such costs for each of the next three years after such first day.

(c) An amount, not to exceed 5 per centum of the amount appropriated pursuant to the provisions of this Act for any fiscal year, shall be available to the Secretary to make grants to local public or nonprofit private organizations to cover up to 100 per centum of the costs (but in no case to exceed $100,000) of projects for assessing local needs for programs of services for alcoholics or narcotic addicts, designing such programs, obtaining local financial and professional assistance and support for such programs in the community, and fostering community involvement in initiating and developing such programs in the community. In no case shall a grant under this subsection be for a period in excess of one year; nor shall any grant be made under this subsection with respect to any project if, for any preceding year, a grant under this subsection has been made with respect to such project.

(d) An amount, not to exceed 1 per centum of the amount appropriated pursuant to the provisions of this Act, shall be available to the Secretary for evaluation, directly or by grants or contracts, of the programs authorized by this title.

APPLICATION FOR FINANCIAL ASSISTANCE FROM UNITS OF LOCAL GOVERNMENT AND PRIVATE ORGANIZATIONS

SEC. 605. (a) In administering the provisions of this title, the Secretary shall require coordination of all applications for programs in a State and, in view of the local nature of alcohol abuse and alcoholism, shall not give precedence to public agencies over private agencies, or to State agencies over local agencies.

(b) Each applicant from within a State, upon filing its application with the Secretary, shall submit a copy of its application for review by the State agency responsible for administering the State comprehensive plan for treatment and prevention of drug abuse, if such agency exists. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation may include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of drug abuse. The State shall furnish the applicant a copy of any such evaluation.

(c) Approval of any application by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria established by the Secretary that—

(1) provide that the activities and services for which assistance under this title is sought will be substantially administered by or under the supervision of the applicant;

(2) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects; and

(3) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant.

APPROVAL BY NATIONAL ADVISORY MENTAL HEALTH COUNCIL

SEC. 606. Grants made under this title may be made only upon the recommendation of the National Advisory Mental Health Council established by section 217(a) of the Public Health Service Act.

SEC. 607. (a) Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants or contracts entered into under the provisions of this Act under other than competitive bidding procedures.

SEC. 608. Payments under this title may be made in advance or by way of reimbursement and in such installations as the Secretary may determine.

SEC. 609. No funds shall be available under this Act unless the Secretary first determines that there is satisfactory assurance that (A) the services to be provided will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) in, services that would otherwise be provided, and (B) Federal funds made available under this part for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds, including third party health insurance payments, that would in the absence of such Federal funds be made available for the program for which funds are being sought under this Act by the applicant, and will in no event supplant

such State, local, and other non-Federal funds.

SEC. 610. (a) Whenever the Secretary finds a failure to comply with the terms of a grant or contract made or entered into under this title, he shall, after reasonable notice and opportunity for a hearing, terminate payments until he is satisfied that there will no longer be any failure to comply.

(b) The exclusive remedy of anyone adversely affected by a final action of the Secretary under subsection (a) of this section is to appeal to the United States court of appeals for the circuit in which it is located by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file with the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or set it aside, in whole or in part, temporarily or permanently. Until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts shall be conclusive if supported by substantial evidence, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

ADMISSION OF ALCOHOL ABUSERS AND ALCOHOLICS TO PRIVATE AND PUBLIC HOSPITALS

SEC. 611. (a) Alcohol abusers and alcoholics shall be admitted to and treated in private and public hospitals on the basis of medical need and shall not be discriminated against solely because of their alcoholism. No hospital that violates this section shall receive Federal financial assistance under the provisions of this Act or any other Federal law administered by the Secretary. No such action shall be taken until the Secretary has advised the appropriate person or persons of the failure to comply with this section, and provided an opportunity for correction or a hearing.

(b) Any action taken by the Secretary pursuant to this section shall be subject to such judicial review as is provided by section 609(b) of this title.

TITLE VII—THE SECRETARY'S ADVISORY COMMITTEE ON ALCOHOL ABUSE AND ALCOHOLISM

SEC. 701. (a) The Secretary shall appoint an Advisory Committee on Alcohol Abuse and Alcoholism to consist of eighteen qualified persons, including (1) leaders from the general public representing such areas as business and industry, professional and public training and education, medical and paramedical training, law, religion, State and local government, public health, labor, urban affairs; and (2) representative leaders from those with major concern for alcohol abuse and alcoholism, including voluntary associations, governmental groups, and the universities. Some members of the Advisory Committee must be recovered alcoholics. The Advisory Committee shall advise and consult with the Secretary and the Institute and assist them in carrying out the provisions of this Act.

(b) The Secretary shall appoint a Chairman, who shall serve a one-year term but may be re-appointed. The members of the Advisory Committee shall serve without compensation, except for expenses, for terms of three years, staggered so that three vacancies occur every year. A member may be reappointed if, in the judgment of the Secretary, his special competencies are required by the Committee.

(c) The Committee shall meet at least once every two months, and may meet more often. It shall consult at regular intervals with representatives of the Secretary, the judiciary, corrections, probation, vocational rehabilitation, public welfare, parole, Economic Opportunity, the Department of Transportation, the Department of Housing and Urban Development, the Department of Defense, Veterans' Administration, the Civil Service Commission and such other agencies as may become involved in a total effort to attack alcohol abuse and alcoholism.

SEC. 702. The Committee may appoint one or more technical consultants from experts throughout the country to assist in evaluating the progress of the Institute so that it will have the best possible comprehensive programs for combating alcohol abuse and alcoholism.

SEC. 703. The Committee shall employ a full-time executive director with a secretary to assist the Committee and coordinate its activities.

SEC. 704. The Committee shall consider at least the following matters:

(a) the establishment of goals and priorities for the alcohol abuse and alcoholism programs of the Department;

(b) the development of policy concerning the role of the Federal government in the development and promotion of alcohol abuse and alcoholism programs;

(c) formation of structures and methods through which the programs developed or in effect at the Federal, State, or local levels might have the broadest impact; and

(d) review of allocation of funds and personnel for the implementation of these programs.

TITLE VIII—INTERGOVERNMENT COORDINATING COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

SEC. 801. (a) For the purpose of coordinating all Federal Government prevention, treatment, and rehabilitation efforts with respect to alcohol abuse and alcoholism, of coordinating such Federal efforts with State and local government efforts, and of developing an enlightened policy and appropriate programs for Federal employees for the prevention and treatment of alcohol abuse and alcoholism and the rehabilitation of alcoholics, there is hereby established an Intergovernment Coordinating Council on Alcohol Abuse and Acoholism consisting of the Secretary who shall serve as Chairman, the executive director of the Secretary's Advisory Committee on Alcohol Abuse and Alcoholism, four representatives of Federal departments or agencies, and five representatives of State and local government departments or agencies.

(b) The President shall designate the four representatives of Federal departments or agencies who shall serve on the Coordinating Council, and shall appoint the five representatives of State and local government departments or agencies. The State and local government representatives shall serve for terms of five years, staggered so that one vacancy occurs each year. A State or local government representative may be reappointed immediately after serving less than a full term, and may be reappointed after a five-year hiatus after serving a full term.

(c) The Coordinating Council may appoint such technical consultants as are deemed appropriate for advising the Council in carrying out its functions.

SEC. 802. The Coordinating Council is authorized and directed to—

(a) assist the Secretary in carrying out his function of coordinating all Federal prevention, treatment, and rehabilitation efforts to deal with alcohol abuse and alcoholism;

(b) assist the Secretary in carrying out his function of coordinating such Federal efforts with State and local governments;

(c) engage in educational programs among Federal employees, and in other appropriate activities, designed to prevent alcohol abuse and alcoholism;

(d) implement programs for the rehabilitation of Federal employees who are alcohol abusers or alcoholics; and

(e) develop and maintain any other appropriate activities consistent with the purposes of this Act.

TITLE IX—GENERAL

SEC. 901. The Secretary may promulgate regulations, pursuant to subchapter II of chapter 5 of title 5, United States Code, to implement this Act.

SEC. 902. If any section, provision, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

SEC. 903. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Any appropriated funds shall remain available until expended.

SEC. 904. (a) Section 7352 of title 5 of the United States Code is hereby repealed.

(b) Paragraph (3) of subsection 8102(a) of title 5 of the United States Code is hereby repealed.

(c) Paragraph (2) of subsection 2504(d) of title 22 of the United States Code is hereby amended to repeal the clause "or unless intoxication of the injured volunteer is the proximate cause of the injury or death."

SEC. 905. This Act shall take effect upon the expiration of one hundred and eighty days following the date of its enactment.

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

Mr. HUGHES. I am happy to yield to the distinguished Senator from Utah.

Mr. MOSS. Mr. President, I have listened with care to the very powerful, articulate, and eloquent statement made by my colleague, the Senator from Iowa (Mr. HUGHES).

I wish to express my appreciation for his great leadership in the field of finding a solution to the pressing problem of alcoholism. He generously made reference to earlier efforts that have been made in this field in which I was involved; but I say today, to him and to this body, that with the added drive, leadership, and scope of the work done by the Senator from Iowa, we now have before this body, introduced by him today, a vastly broader, deeper, and more comprehensive bill than any suggested before.

Mr. President, it is a great satisfaction to join today with the Senator from Iowa (Mr. HUGHES) and the Senator from New York (Mr. JAVITS) in introducing a bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism. Thirty-five of our colleagues have joined with us in cosponsoring the bill which is indicative of the enormous concern in the Senate about this tragic problem and the necessity of mounting a full-scale and intensive attack on it.

For the bill which we are introducing today does attack the illness of alcohol-

ism on a broad front. Its passage would place the Federal Government at the helm of a coordinated, high priority drive to strike at alcholism in all of its aspects—through research as to causes, financial assistance to prevent and treat the disease, and full-scale educational programs to acquaint the public of its dangers. It has a sweep far beyond anything attempted before. I am convinced that its benefits will be boundless.

I am particularly moved to hail this measure for a strong, inclusive attack on alcoholism because I introduced, in 1965, the first Senate bill to place a locus of responsibility for alcoholism in the Federal Government, and in 1967, joined with the Senator from New York (Mr. JAVITS) in sponsoring the alcoholism control bill, some sections of which were incorporated in community mental health centers bill of the 90th Congress. Senator JAVITS and I joined again this session in sponsoring S. 1997. But the bill we are introducing today vastly expands the scope and content of S. 1997.

I commend the Senator from Iowa (Mr. HUGHES) for the extensive hearings which he held to provide the information necessary to draft this enlarged attack on alcoholism, and I am grateful for his dedication to its purpose. I pledge to him and to my other colleagues my strong support in getting it passed at the earliest possible date.

Mr. President, from the remarks made by the distinguished Senator from Iowa in making his introduction, I believe that we can begin to comprehend the real depth of the problem which is so pervasive in our society and which has been ignored or shunted aside for so long that it has had tremendous impact on the well-being of our people.

I am in hearty agreement that the time is long past due when we must make a full-scale attack on the problem, to find ways to treat, rehabilitate, and educate the people as to the use of alcohol in order to improve their health and well-being.

Again, I commend the distinguished Senator from Iowa for his great leadership in this field.

Mr. HUGHES. I thank my distinguished colleague from Utah and wish particularly to express my appreciation to him for the fact that without his pioneering work and that of the distinguished Senator from New York (Mr. JAVITS), which they did on a bipartisan basis, we would not have the bill today on the floor of the Senate. Much of that work was done in years gone by. We are in great debt to the Senators from Utah and New York for their contributions in this field. We very much appreciate their continuing support and work for this breakthrough in American medical history—which is really what we are looking for.

Mr. CRANSTON. Mr. President, I am pleased to cosponsor the proposed Federal Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970. Senator HUGHES has performed an enormous public service in conducting, through the Special Subcommittee on Alcoholism and Narcotics, of which he is chairman, the very thorough indepth study which has culminated in the introduction of this comprehensive legislation to deal with the major social and health problem of alcohol abuse and alcoholism.

We are all generally aware of the existence of an alcoholism problem in the United States, but the real dimensions of the problem have not been widely understood and have never attracted the necessary attention and resources to deal with it. Although it has been estimated that alcoholics number as many as 9 million adult Americans, according to a recent survey by researchers at George Washington University, and alcohol has been implicated in fully half the Nation's 50,000 traffic fatalities each year, appropriate professional attention and facilities have not been made available to the vast majority of alcoholics and alcohol abusers.

Experts who deal with the problem—in the medical, legal and social welfare fields—find themselves ill-equipped by training and orientation to recognize and deal with alcoholism and alcohol abuse. Although alcoholism is increasingly viewed as a complex, chronic illness, there is still comparatively little medical research into the basic causes and components of the disease.

Senator HUGHES' comprehensive bill would authorize much-needed programs of research, education, treatment, and rehabilitation, and would focus and coordinate national attention on ways of approaching and overcoming this serious national health problem.

While I am in agreement with much that this bill seeks to do, I find that I must offer caveats on a number of provisions of the bill similar to those I outlined in my statement on March 9, 1970, when I joined in cosponsoring S. 3562, Senator HUGHES' bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence. Many of these provisions deal with veterans matters which are under study by the Subcommittee on Veterans' Affairs, of which I am chairman, and I would like to have an opportunity to discuss them with appropriate officials in the Veterans' Administration and elsewhere.

For a discussion of these and other provisions which I believe require further study and reflection, I refer Senators to my remarks of March 9, 1970, on page 6453 of the CONGRESSIONAL RECORD.

In both human and economic terms, there are few other public investments which will return such substantial savings as the kind of broad, creative, and comprehensive attack on alcoholism proposed by Senator HUGHES. A national commitment to overcome this problem is long overdue, and the bill introduced by Senator HUGHES today provides the basic framework around which we can work to build and carry out that commitment.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Illinois (Mr. PERCY) is recognized at this time.

Mr. GRIFFIN. Mr. President, with the agreement of the distinguished Senator from Illinois (Mr. PERCY), I ask unanimous consent that the distinguished Senator from California (Mr. MURPHY) be recognized for 5 minutes at this point, prior to the special order of the Senate regarding the Senator from Illinois.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Michigan? The Chair hears none, and the Senator from California is recognized for 5 minutes.

PROPOSED RESOLUTIONS TO CUT OFF MILITARY FUNDS TO PRESIDENT NIXON

Mr. MURPHY. Mr. President, I should like to associate myself with the remarks made yesterday on television and in the press by the distinguished chairman of the Armed Services Committee, the Senator from Mississippi (Mr. STENNIS), when he objected to the proposed resolutions to cut off the availability of funds to be used in pursuance of the war in Indochina as planned by the President of the United States.

The series of suggested resolutions which will be designed to restrain or restrict the powers of the President in the conduct of this inherited war in Vietnam, Cambodia, and Laos, seems to me to be ill-advised, ill-timed, and certainly not in the best interests of the possibilities and powers of the United States to conduct the plan of the President to bring this war to an honorable and permanent end.

It is an unfortunate design to impair the ability of the Commander in Chief to execute his obligations under the Constitution, and to bring these unfortunate and inherited hostilities to a just conclusion as quickly as possible.

It may be perfectly proper and conceivable that, sometime in the future, there should be consideration of imposing congressional restraint and control on the executive branch in the matter of declarations of war, undeclared wars, police actions, or any other strange circumstances which might be contrived and in which we might find ourselves involved. But it seems to me to be the worst possible timing to raise this question when we find ourselves on the brink of what might be the most successful and important military action of the past 5 years when measured in terms of saved American lives—punishment inflicted on the enemy, disruption of the enemy's supply lines and his communications, when we are told that our military actions are moving ahead with such great success, and in such a way as to make it impossible for him to continue to fight. Hopefully, of course, these effects should also bring the enemy to the conference table quickly, at long last in a meaningful way.

Mr. President, we presently find ourselves in a needlessly protracted and, I believe, unpopular, and undeclared war in which the enemy's entire hope of success rests on the possibility of dividing our opinion at home, which is being done constantly through the use of propaganda, and destroying our national commitment and determination to carry out our obligations to our friends in South Vietnam, Cambodia, Laos, and Thailand.

I am glad to see, lately, that this has all been considered as one war. It has always been one war. Those who would have divided our people, I am afraid, have tried to do so with the idea of creating unnecessary confusion.

The method chosen to restrict or restrain our Commander in Chief is the unusual one of threatening to cut off his funds, based on the power of Congress to deny the use of the purse. I cannot understand the moral basis for this. Consequently, I certainly would not be part of such a move which would say, in effect, that having sent our fighting men halfway around the world on a military commitment, we had then suddenly decided there should be no funds, or a restricted amount of funds, for them to carry out their mission.

I have the greatest sympathy and understanding for those who desire to bring about the end of this war. I was among those who objected to our involvement, in the first place. I have been on record continuously, begging that the civilian advisers to past administrations allow our military experts to conduct the war in the way in which they suggested, which would have brought it to a quick and certain ending. In my humble opinion, this war should have been over 3 years ago.

Mr. President, I yield to no one in my aversion to the unnecessary and wasteful killing which has taken place, as well as to the waste of materiel and the dollars which could be better used for worthwhile programs here at home.

I repeat, therefore, that I am unalterably opposed to any proposals which would shackle the President at this time in his efforts to end the killing.

I shall continue to support and work for the President's plan to withdraw our men under those conditions which I believe will insure that justice is preserved, and that there will be less likelihood, and less possibility of new Vietnams in the future.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized for 45 minutes.

S. RES. 409—SUBMISSION OF A RESOLUTION RELATING TO THE CAMBODIAN INCURSION

Mr. PERCY. Mr. President, in recent years, as a result of the commitment of American troops to combat in Vietnam, and in recent days, as a result of the commitment of American troops to combat in Cambodia, many Senators, many Representatives, many Americans have felt that American Presidents have strained and, in some instances, actually gone beyond their constitutional powers as Commander in Chief of the Army and Navy. There is much concern that the constitutional powers of Congress in warmaking have been seriously eroded.

The Presidents have received heavy criticism for the imbalance in warmaking powers created when the Nation's Armed Forces are moved into action without the consent of Congress. I would submit, however, that—if criticism is in order—the criticism must be shared by the Congress which has passively allowed its constitutional prerogatives to be eroded for so long.

There is no question that the framers of the Constitution meant to give Congress the power to initiate hostilities, except that the President, as Commander in Chief, was empowered to repel sudden attacks. During the past several weeks I have gone back over the proceedings of the Constitutional Convention to better understand the intention of our Founding Fathers.

During the course of the debate on warmaking powers, James Madison of Virginia and Elbridge Gerry of Massachusetts challenged the phrase "to make war" which had been the focus of discussion. They moved to change the phrase from "make war" to "declare war," contending that this would leave to the President the power to repel sudden attacks. This motion was agreed to by a vote of 8 to 1.

The Constitution ultimately named the President as Commander in Chief of the Army and Navy, and empowered him to make treaties with the advice and consent of Congress. To Congress were allocated the power to levy taxes for the common defense, 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.

When, at the Convention, Pierce Butler of South Carolina had suggested that the warmaking power could be safely vested in the President, Mr. Gerry replied that he never expected to hear in a republic a motion to authorize the Executive alone to declare war. As I have mentioned, the Madison-Gerry motion was adopted, limiting the war-initiating power of the President to repelling sudden attacks.

But that is the limit of the Constitution's mandate in regard to warmaking powers. Nowhere does the Constitution specify whether, under what circumstances, or by whose decision the Armed Forces can be sent into battle when Congress has not declared war and there has been no sudden attack on the Nation.

At the beginning of our constitutional history, the primary responsibility of Congress in the initiation of war was frequently proclaimed and acted upon. President Adams, in 1798, concerned about French threats to American shipping, waited until Congress provided the authority to move. Alexander Hamilton had advised the administration, in a letter to Secretary of War James McHenry, as follows:

> 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.

In 1801, in his opinion on the Amelia case, Chief Justice John Marshall stated that the "whole powers of war" were vested in Congress.

That same year, Tripoli declared war on the United States when the United States refused to pay tribute in exchange for safe passage of American ships. President Jefferson moved ships to the Mediterranean with orders limiting them to self-defense and the defense of other American ships. He told the Congress that he felt obligated to take only defensive actions because he was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense."

During a dispute with Spain in 1805, President Jefferson renounced the use of force, saying that he thought it was his duty to await congressional authority "considering that Congress alone is constitutionally invested with the power of changing our position from peace to war."

In equally unequivocal statements, President Monroe and Secretaries of State John Quincy Adams and Daniel Webster, stated that the initiation of war is a prerogative of Congress. President Monroe wrote:

> The Executive has no right to compromit the nation in any question of war.

Adams wrote that under the Constitution "the ultimate decision" belongs to Congress. Webster stated:

> 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.

In 1846, when President Polk moved troops into territory disputed between this country and Mexico, resulting in hostilities, Congress reluctantly declared war after the fact. Later, when the House of Representatives was resolving to thank Zachary Taylor, the victorious general, an amendment to the resolution stated that the war "was unnecessarily and unconstitutionally begun by the President of the United States." Former President John Quincy Adams, then a Member of the House, and future President Abraham Lincoln voted for the amendment which was adopted by a vote of 85 to 81, but later dropped.

In 1857, Secretary of State Lewis Cass responding to a British request to send ships in support of an expedition to China, wrote to the British Foreign Office 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.

President Buchanan made the point as forcefully when he asked Congress for authority to protect transit across Panama in 1858. In his message to the Congress on December 6 of that year, he said:

> 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.

In 1900, President McKinley sent thousands of American troops to suppress the Boxer Rebellion in China and to rescue Western nationals in Peking. Although he was accused of acting without congressional authority, Congress had already adjourned and, because it was an election year, there was no interest in returning for a special session.

In 1911, President William Howard Taft sent troops to the Mexican border, but conceded that only Congress could authorize sending troops across the border. In a message to Congress, President Taft said:

> The assumption of the press that I contemplate intervention on Mexican soil to protect American lives or property is of course gratuitous, because I certainly doubt whether I have such authority under any circumstances, and if I had I would not exercise it without express Congressional approval.

Since the turn of the century, Presidents have used military force more freely, moving troops in support of foreign policy decisions and in reply to particular situations. Thus, an incursion was made into Mexico in pursuit of the bandit, Pancho Villa, in 1917. President Wilson sent marines to fight in Haiti and Santo Domingo. President Truman sent hundreds of thousands of troops to fight in Korea. All these actions were taken by the Executive without congressional authority.

Of course, questions about the division of powers and the Congress' prerogatives have been raised most strongly in connection with the sending of U.S. troops into the Dominican Republic and Vietnam. Until Congress passed the Gulf of Tonkin resolution, the use of American troops in combat in Vietnam was totally without congressional approval.

At this time the incursions into Cambodia have raised fears of expanded Southeast Asian war. Even though I believe President Nixon had full authority for these actions, I think Congress must examine its relationship to the Executive in regard to warmaking powers. The fact remains that the division of warmaking powers is not adequately defined in the Constitution to cover contemporary circumstances when there is no declaration of war and no sudden attack. I believe that a better definition is required, and that it would be a service to both Presidents and Congresses, but most of all to the people—for it is the people who must pay in blood and treasure for the wars we undertake.

Last year the Senate took an important step toward redressing an imbalance of powers between the executive and legislative when it overwhelmingly passed a resolution on national commitments which stated that commitments to foreign powers require affirmative action of both branches. It is logical now to redress the imbalance which has arisen in the warmaking powers as a result of the Nation's Armed Forces being committed to combat activities without the approval of Congress.

Because I believe that congressional approval should be required for the combat use of the Armed Forces, I am now submitting a resolution expressing the sense of the Senate on combat use of U.S. Armed Forces as an instrumentality of foreign policy. The requirement for congressional approval for any combat activity does not preclude a necessary, immediate response, pending congressional approval, to a clear and direct attack upon the United States, its territories or possessions, or upon forces of the United States, where they are lawfully deployed pursuant to treaty or other specific congressional authorization.

I deeply believe that the dilemma in definition of powers must be resolved. I have consulted in recent days with two of our Nation's most distinguished constitutional lawyers, Prof. Philip B. Kurland of the University of Chicago Law School and Prof. Alexander Bickel of Yale University Law School. Professor Kurland believes that the Congress has a responsibility now to clarify the warmaking powers. Professor Bickel contends that—

> The erosion of Congressional control over exercise of the war power has resulted in a Constitutional imbalance which needs urgently to be ratified.

I have also discussed this important matter with a number of my distinguished colleagues on the Senate Foreign Relations, Armed Services, and Judiciary Committees. It is their overwhelming consensus that it would be in the best interests of the country that the Senate have an open debate soon on this fundamental question bearing so heavily on Presidents and Congresses since the founding of the Republic, but as yet unresolved. I do not seek to impose my own solution, although I will speak strongly for it. More important is to open the debate, to bring out all opinions, and to come to a decision which expresses the sense of the Senate in the most definite terms possible, thereby giving clearer definition to the relative roles of the executive and the legislature in war making. I would hope to have a close working relationship with the executive branch of Government during the course of these deliberations.

Mr. President, I send to the desk a resolution expressing the sense of the Senate regarding the combat use of U.S. Armed Forces as an instrumentality of foreign policy.

The resolution reads as follows:

S. RES. 409

Whereas the Senate has resolved that certain national commitments of the United States require affirmative action by both the Executive and Legislative branches of the United States Government; and

Whereas the use of the armed forces in combat in foreign countries necessarily has an important effect on international relations: Now, therefore, be it

Resolved, That in order that the Congress may properly exercise its constitutional powers regarding the use of the armed forces of the United States whenever the use thereof directly involves the foreign relations of the United States and the foreign policy of the United States generally, it is declared to be the sense of the Senate that the President should not utilize the armed forces of the United States in interventions abroad for any combat activity without the express consent of the Congress except where the use of such forces is necessary, pending Congressional approval, to respond to a clear and direct attack upon the United States, its territories or possessions, or upon forces of the United States that are lawfully deployed pursuant to a treaty or other specific Congressional authorization.

The PRESIDING OFFICER (Mr. Moss). The resolution will be received and appropriately referred.

The resolution (S. Res. 409) was referred to the Committee on Foreign Relations.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Pursuant to the previous order, the Senator from Georgia is recognized.

FAMILY ASSISTANCE ACT OF 1970—AMENDMENT TO CHANGE TITLE TO "WELFARE EXPANSION ACT OF 1970"

AMENDMENT NO. 624

Mr. TALMADGE. Mr. President, I submit today an amendment to H.R. 16311, an act which has been approved by the House of Represenatives and referred to the Senate Finance Committee. My amendment would change the name of H.R. 16311 from the "Family Assistance Act of 1970" to the "Welfare Expansion Act of 1970".

Mr. President, I send the amendment to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER (Mr. Moss). The amendment will be received and appropriately referred.

The amendment (No. 624) was referred to the Committee on Finance and ordered to be printed.

Mr. TALMADGE. Mr. President, the introduction of this amendment is not a facetious gesture. My purpose is to attempt to clarify the issues involved in the debate of H.R. 16311. This legislation has been sold to the American people as welfare reform. The press refers to the bill as the President's welfare reform bill. My objective is to point out that the administration's bill should not be called welfare reform because it does not really provide welfare reform. The outstanding characteristic of this bill is its extension of benefits to 15 million additional Americans. Supposedly, the bill would eliminate inequities by expanding welfare to the so-called working poor.

The Senate Finance Committee searched in vain for the reform features of the act when Secretary Finch and his assistants testified before the committee. My idea of welfare reform is a program for upgrading the skills of welfare recipients and getting them into the mainstream of the American economy.

We hear a great deal about the lack of dignity inherent in our present welfare system. I would be the first to agree that our welfare system is demeaning, that it has serious inequities, and that we should attempt meaningful reform. However, I do not believe that we can devise a system where a welfare recipient will have full dignity and self pride. I do not believe that anyone can feel a great deal of satisfaction with himself unless he is a working, productive, self-sufficient member of society.

Therefore, the chief thrust of any welfare reform bill must be an attempt to get people off the welfare rolls and onto the payrolls. Welfare benefits should go only to those individuals who are aged, blind, or disabled, or to able-bodied individuals who have children and who are unable to find employment.

Unfortunately, many States have been so lax in the administration of their welfare programs that many able-bodied individuals are receiving benefits and are much better off than their neighbors who work at low wages.

By extending benefits to the working poor, the bill would admittedly eliminate some of the inequities of the present system. However, the bill would at the same time create more inequities.

Worst of all the act would establish a new principle. It would establish, by an act of Congress, the principle of a guaranteed annual income. Welfare would now be considered a right. In the past, the drive to work has always been one of the strongest drives of the American citizens. Part of this drive can be attributed to the fact that in the past anyone who did not work had little chance of even obtaining decent food to eat.

We must remember that the tastes and mores of each generation are shaped in response to the requirements made on that generation and the opportunities available to it. If we establish for all time the principle that everyone has a right to a decent standard of living, whether he works or not, then we will have largely destroyed the incentive to work for a great number of lower income Americans.

When questioned about the guaranteed income aspect of the act, the administration responds that this act does not provide a guaranteed annual income because of the work requirement. Under an amendment added in the Ways and Means Committee every recipient must register for work.

However, that is as far as it goes. All that is required as a prerequisite of getting benefits is that the applicant sign his name to a piece of paper saying that he is available for work.

During the Finance Committee's hearings, I questioned the Secretary at some length to determine whether the work requirement had any teeth in it. In fact, the work requirement provisions of the new administration program is even less mandatory than the language of the old work incentive program, a program which has been a dismal failure because few people have been certified and trained and placed in productive jobs.

In my mind, the key feature which distinguishes a guaranteed annual income plan from real welfare reform is a meaningful work requirement together with adequate job training and job placement. Without these features the administration plan is little more than a guaranteed annual income plan, or a welfare expansion plan.

Many people were amazed that the President has proposed such a revolutionary welfare expansion plan as this. It seemed inconceivable that a Republican President would propose legislation which would establish the principle of a guaranteed annual income.

I submit that the President has been badly misinformed and deluded about the true impact of this legislation. The act has been sold to the press and to the American people as "workfare" rather than welfare. It has been touted as a bill which would get people off the welfare rolls by providing a real incentive to work. Amazingly enough, the bill passed the House on this basis.

It was not until the bill was subjected to the penetrating analysis of the Senate Finance Committee that its basic flaws were uncovered.

It is easy to see how our President, who sometimes must work 18 or 20 hours a day on the crisis on Southeast Asia, could be misled by some of his aides who are anxious to sell their welfare expansion program. Of course, he would not have time to examine all of the details of the program and to become fully familiar with the impact of such legislation.

I believe that the President's advisers have done him a great disservice by persuading him to propose this Welfare Expansion Act. They have done him an additional disservice by attempting to manufacture evidence to support this ill-conceived proposal.

In my mind, it is inconceivable that such a revolutionary proposal as this should be introduced by the administration without at least one pilot program to show that it would work. It is true that one such pilot program has been begun. However, contrary to press accounts, this program proves nothing.

We read glowing accounts of "the New Jersey Urban Experiment." According to the press this experiment proves that the administration's plan will work.

I believe that an article in the New York Times magazine written by Fred J. Cook is very revealing on this point. This article, entitled "When You Just Give Money to the Poor," is extremely favorable to the New Jersey experiment and indicated that the experiment really proves something. However, the statistics cited in the article do not support this contention. I found this article quite interesting because of its account as to how the statistics were compiled. At this point I think that it is revealing to quote directly from the article:

> The Nixon proposal went into deep freeze in the conservatively controlled House Ways and Means Committee, and early this year committee sources began complaining that the President's plan would encourage shiftless recipients to live a life of leisure on the dole. The income-maintenance idea seemed to be in trouble, and the White House—through its intellectual in residence, Daniel Patrick Moynihan—sought to counter the objections. They turned to Wilson for ammunition.
>
> "I sat down to write a report," Wilson recalls with a rueful grin, "and I took it to Pat Moynihan. Pat jumped all over me. He stomped around the room, waving his arms, that Irish temper of his flaring. "Wilson," he said, "you mean to tell me that you've had a $5-million experiment running in New Jersey for almost two years now and you don't know what you've got?"
>
> "I tried to explain that you had to let the experiment run its course before you could evaluate your data. "Wilson," Pat snorted, "the fact is that you haven't got any answers. Why don't you have answers? That's the trouble with you economists—you never have any facts until it is too late."
>
> "He got me so mad that I said, 'Damn it, I'll get some answers.'"
>
> This confrontation took place on a Thursday. Wilson returned to his office and, as he says, "stewed" about the decision he had to make all the rest of that day and most of Friday. The first sizable group of families in the experiment had been getting aid for only about 15 months. Wilson doubted whether this was enough to show any positive trends; he was afraid that a premature compilation of data might jeopardize the whole experiment—but he decided, with the political pressures what they were, that he had to chance it.
>
> So on Friday afternoon he telephoned Dave Kershaw in Princeton and ordered him to collate all the information available on the first 509 test families in the Trenton area. The group included 364 families who had been receiving assistance and 145 in the control group.

The article goes on to describe that data on the experiment was frantically assembled, and the experiment director is quoted as being surprised at uncovering such "definite trends."

So it is apparent that the project director threw together some data in response to a mandate from Moynihan. Anyone who has done any work with statistics knows that it is possible to prove all sorts of things with different statistical methods if one has to do so.

The results of the New Jersey experiment published by the Office of Economic Opportunity are certainly inconclusive. It proves the wisdom of the project director's original contention that you have to let an experiment run its course before you can evaluate data. Although the experiment is a 3-year program, the statistics used in the data create more questions than it answers.

I do not see how the administration can possibly contend that a 10-month experiment on 509 families in a particular area of the country proves that a multibillion-dollar program covering 25 million people will work.

Mr. President, since so much has been printed in the press about the glorious results of the New Jersey graduated work incentive experiment, I believe that the printed results offered by the Office of Economic Opportunity should be given wider circulation so that the American public will have a better chance to see for themselves whether this experiment proves anything. Therefore, I ask unanimous consent that the OEO publication be printed in the RECORD at this point.

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

PRELIMINARY RESULTS OF THE NEW JERSEY GRADUATED WORK INCENTIVE EXPERIMENT

INTRODUCTION

The Office of Economic Opportunity in 1968 initiated an experimental project in New Jersey to measure the effects of a program that assures families a minimum income level in a manner designed to protect their incentive to work.

This experiment is being conducted by the University of Wisconsin, Institute for Research on Poverty in conjunction with Mathematica, Inc., a Princeton, N.J., research firm. One of the purposes is to study test

families to determine the degree to which income maintenance payments increase or reduce work effort. The income maintenance payments are reduced as a family's other income rises, and the experiment is carefully designed to assure that the earning of income always profits rather than penalizes the beneficiary. The experiment, which is being financed by more than $5 million in grants, will be completed at the end of 1972.

The first significant data from the New Jersey project have now been analyzed. These data would be valuable under any circumstances, for their implications would suggest ways to reform our welfare system. But they have assumed particular importance in recent months because the operation of the New Jersey experiment in many ways is similar to the operation of the Family Assistance Program proposed by the President.

Two important differences between the New Jersey experiment and the Administration program, however, should be kept in mind in evaluating this data. First, the New Jersey experiment contains no requirement that participants accept work training or a job to receive benefits. Secondly, it does not provide the extensive day care facilities that are an integral part of the President's program.

The addition of these two provisions as proposed in the Family Assistance Program would be expected to have a positive effect on work incentive. Therefore, we can assume that the New Jersey data give a conservative estimate of the trends that could be expected were all elements of the President's Family Assistance Program implemented.

The New Jersey data now available were gathered from August, 1968, through October, 1969, in Trenton, Paterson, and Passaic from 509 of the 1,359 participating families. They are based on the experiences of 364 families receiving various levels of support payments and a control group of 145 families not receiving payments. The control group is used for purposes of comparison with the experimental group, since their characteristics at the beginning of the experiment were similar to those of the experimental group. We can therefore tell whether the payments have had any effect at the end of the experiment by looking at any differences between the two groups.

CONCLUSIONS

This experiment was specifically designed to provide evidence about the effects such a program would have for the person it is designed to assist, give realistic cost estimates, and offer suggestions for implementation.

We believe that these preliminary data suggest that fears that a Family Assistance Program could result in extreme, unusual, or unanticipated responses are unfounded.

Furthermore, we believe these preliminary data from the New Jersey project indicate that a Family Assistance Program is practical. The data suggest that:

1. There is no evidence that work effort declined among those receiving income support payments. On the contrary, there is an indication that the work effort of participants receiving payments increased relative to the work effort of those not receiving payments.

2. Low income families receiving supplementary benefits tend to reduce borrowing, buy fewer items on credit, and purchase more of such consumer goods as furniture and appliances.

3. The Family Assistance Program, excluding the Day Care Program and Work Training provisions, can be administered at an annual cost per family of between $72 and $96. Similar costs for the current welfare system run between $200 and $300 annually per family.

RESULTS

The data were analyzed for the purpose of gathering preliminary information on four questions (Chart I):

How is work incentive affected by supplementary assistance payments?

How does such assistance affect the spending behavior of the beneficiaries?

What are the effects of the higher income levels on family stability?

What are the estimated administrative costs of the proposed Family Assistance Program?

CHART I—AREAS OF INFORMATION

A. Work effort.
B. Spending behavior.
C. Family stability.
D. Administrative costs.

CHARACTERISTICS OF FAMILIES IN THE EXPERIMENT

Chart II reflects the characteristics of the families in the experimental group at the beginning of the project.

As this chart shows, the average test family had 5.8 members, nearly one-fourth had eight or more family members, and nearly 70 percent had children younger than 6. The average age of the male head of household was 35.6 years. About 36 percent of the families were white, another 36 percent were black, and the remainder were principally Spanish-speaking Puerto Ricans.

The majority of participants in the test group rented apartments from public and private landlords and the majority had less than a high school education. Sixty-three private landlords and the majority had less than a high school education. Sixty-three percent of the heads of household who were employed worked as skilled workers and 35 percent as unskilled laborers. All but 8 percent of the heads of household were employed and 66 percent of those who were employed usually worked full time. The average family income at the beginning of the experiment was $4,248 per year, and this income is being supplemented during the experiment by an average benefit of $1,100 per year per family.

CHART II—CHARACTERISTICS OF FAMILIES IN EXPERIMENT

Average family size is 5.8 persons.
36 percent are Black.
36 percent are White.
28 percent are Spanish-speaking.
81 percent did not graduate from high school.
8.6 years is the median education level.
63 percent are skilled workers.
35 percent are unskilled workers.
992 percent are employed.
Average family income, $4,248.
Average level of benefits, $1,100.

ALTERNATIVE WORK EFFORT BEHAVIOR

Chart III (not printed in the RECORD) shows two alternative extremes of possible work effort behavior.

Line A shows the pattern that would be followed by a participant who reduced his work effort dollar for dollar as the supplementary benefits increased, until his work effort reached zero. Thus his total income remained the same, although he had completely stopped working. This is, of course, the maximum possible disincentive effect.

Line B shows the pattern that would be followed by a participant whose work effort remained constant. The payments had no effect on his incentive to work.

ACTUAL WORK EFFORT BEHAVIOR

Chart IV (not printed in the RECORD) indicates actual work effort on the part of the participants. On the basis of these data, we can say that work effort did not decline for the group analyzed, but rather that it followed a pattern close to Line B on Chart III. There is, in fact, a slight indication that the participants overall work effort actually increased during the initial test period.

CHART V—ACTUAL WORK EFFORT BEHAVIOR

[In percent]

	Control	Experimental
Percent of families whose—		
Earnings increased	43	53
Earnings did not change	26	18
Earnings declined	31	29

INCOME PATTERNS OF EXPERIMENTAL GROUP

The trend toward increased work effort is further apparent in Chart V (not printed in the RECORD) which shows a very slight rise in the average monthly income of the 364 test families.

The monthly income, which includes earnings as well as supplementary benefits, increased from an average of $340 at the beginning of the experiment to $381 during the tenth month, reaching a low of $358 and a high of $388.

ATTITUDES TOWARD WORK

In-depth interviews with participants indicate that the low-income individual is *strongly* motivated toward work.

As shown in Chart VI, the majority indicated that they aspire for a better job and are willing to move to another city or take training even if it meant a pay cut in order to get that better job. The majority also indicated that they are willing to work two jobs to support their families. Of all the factors influencing work choice, job security was ranked twice as high by participants as any other job factor, including wages, working conditions, or job interest.

These responses from the participants indicate that supplementary income assistance will not reduce their work effort.

CHART VI—ATTITUDES TOWARD WORK

Aspire for a better job, 65 percent.
Would move to another city for a good job, 56 percent.
Would take training with pay cut to get better job, 55 percent.
Would work two jobs, 60 percent.
Job stability is *twice* as important as any other aspect of job.
Low income people are *strongly* work motivated.

CHANGES IN BORROWING BEHAVIOR

This raises the question: How do beneficiaries' behavior patterns change as their incomes increase? The answer: They seem to borrow less and to purchase more durable goods.

Chart VII shows that the experimental group borrowed less while receiving supplementary assistance payments than did the control group which, of course, received no supplementary assistance.

Only 40 percent of those in the experimental group increased their borrowing, compared to 53 percent of those in the control group. Meanwhile, 24 percent of those in the experimental group actually borrowed less, as compared to only 18 percent of the control group.

This could indicate that those in the experimental group are paying back loans to a greater degree and buying items on time less than their control counterparts who are not receiving payments.

CHART VII—CHANGES IN BORROWING BEHAVIOR

[In percent]

	Control	Experimental
Borrowing increased	53	40
No change in borrowing	29	36
Borrowing declined	18	24

MAJOR CONSUMER PURCHASES

Chart VIII indicates that the supplementary assistance payments not only helped the experimental group to borrow less, but also allowed those families to make some major purchases.

Twice as many families in the experimental group purchased furniture as did families in the control group, while purchases of television sets and other major appliances also increased in the experimental group.

The data indicate that furniture dominated purchases among younger families, while major appliances were the most frequent choice of older families.

CHART VIII—MAJOR CONSUMER PURCHASES

Purchases	Percent of families who purchased given items	
	Control	Experimental
Furniture	4.8	9.6
TV	9.7	12.2
Other major appliances	6.2	8.0
Other	10.3	10.7

FAMILY STABILITY

Another important question is whether an increase in income would decrease the divorce, separation, and desertion rate among families.

While the experiment was not designed to specifically address this question, data presented in Chart IX suggest that an increase of income of the levels examined in the experiment has little impact on family stability. The change in family composition in the New Jersey sample to date has been approximately the same in both the control and the experimental groups. Of the 364 families in the experimental group, only 54 changed in composition because of desertion, death, divorce, or separation. This evidence must be taken as extremely tentative since the causes of family instability clearly include more than income alone and the experiment has been underway for only a short time.

This finding of lack of change in family stability differs from information from the U.S. Bureau of Census shown in Chart X which reports that family stability increases significantly as income rises.

Clearly, we need further information on this question, information that may be provided during the remaining two years of the New Jersey experiment.

CHART IX—FAMILY STABILITY

[In percent]

	Control	Experimental
Husband present at start of program	92	94
Husband not present at start of program	8	6
Husband present at end of program	86	85
Husband not present at end of program	14	15

CHART X.—FAMILY STABILITY BY INCOME LEVEL[1]

Family income	Proportion of stable marriages	
	Nonwhite	White
No income	39	58
$1 to $999	50	65
$1,000 to $2,999	56	74
$3,000 to $4,999	58	78
$5,000 to $6,999	63	81
$7,000 to $9,999	68	82
$10,000 and over	69	85

[1] Stable families refer to marriages in which men have been married only once and wife is present.

Source: U.S. Population Census, 1960, Marital Status, Table 6.

ESTIMATED ADMINISTRATIVE COSTS

Estimated administrative costs of the proposed Family Assistance Program based on similar costs in the New Jersey experiment are reflected in Chart XI.

These costs are relatively low because the Family Assistance Program would be virtually self-administering. After an initial personal contact, approximately one-half of the beneficiaries can be expected to fill out and file their reporting forms with no additional help. An additional 30 to 40 percent can be expected to complete the necessary reporting following a second or third contact. The remainder will probably require regular supervision.

The estimated costs include the submission of monthly reports on family size, earnings, and other sources of income. The benefits could be adjusted each month with benefit payments made every two weeks.

The estimated total cost per family for this type of administration is $72 to $96 per year, exclusive of work training and day care costs. This figure compares to the estimated cost of $200 to $300 per family per year for the existing welfare system, also excluding the costs of training and services.

CHART XI—ESTIMATED ADMINISTRATIVE COSTS

Category:	*Annual cost per family*
Field office operations	$23–29
General inquiries from recipients.	
Assistance in filing income report forms.	
Follow-up on address changes.	
Reports to the central office.	
General administration	36–48
Payment calculations.	
Check writing and mailing.	
Audit.	
Appeals procedures.	
General supervision and program review.	
Supplies and services	13–19
Forms and clerical supplies.	
Postage.	
Computer time.	
Office rentals and equipment.	
Total annual cost per family	72–96

DESCRIPTION OF EXPERIMENT

These preliminary data are abstracted from one of two major experiments now being sponsored by the Office of Economic Opportunity in its effort to determine the effects of an income support system on work incentive.

These data are from the New Jersey urban experiment, which includes 1,359 families in Trenton, Passaic, Paterson, and Jersey City, New Jersey, and Scranton, Pennsylvania. All families in the urban experiment are headed by males between the ages of 20 and 58. Because knowledge of the effects of such support payments on other types of families is also important, the second experiment includes 835 rural families in Duplin County, North Carolina, and Pocahontas and Calhoun counties, Iowa. The rural experiment includes both male- and female-headed households and family heads who are older than 58. Both experiments are being directed by the University of Wisconsin Institute for Research on Poverty, which has subcontracted some of the work to Mathematica, Inc., a New Jersey research firm.

In both experiments, the income guarantee is scaled to reduce as other income rises, but to assure beneficiaries that the earning of income will always profit rather than penalize them. Two variables are applied to the income guarantee scale. The first variable increases the amount of income guarantee to 50, 75, 100, or 125 percent of the poverty line. For a family of four, this poverty line for the purposes of the experiments is $3,300 per year. The second variable reduces supplementary payments as other income rises. This amount is expressed as the equivalent to 30, 50, or 70 percent of other income.

Mr. TALMADGE. The statistics most often referred to in the New Jersey Experiment are the statistics which supposedly show that earnings increase when a family is given Government payments. These statistics indicate that 53 percent of the 364 families receiving various levels of support payments increased their earnings. According to the OEO figures, only 43 percent of the control group—the group of 145 families who did not receive payments—increased their earnings.

If only 15 additional families in the control group had experienced an increase of earnings of $1 per month, the results would have been the same for the control group that it was for the experimental group. In other words, the addition of only a few dollars a month would have completely changed the results of the celebrated New Jersey Experiment.

Mr. President, I submit that a 10-percent difference in two groups which are so small in one tiny section of this Nation of 200 million people proves nothing. The OEO figures do not tell us how much earnings increased generally in the area in which the experiment was conducted. I would assume that most employees would experience some increase in earnings over a 10-month period without putting forth any increased work or initiative. Everyone knows that earnings have increased rapidly in the past few years. In fact, anyone who did not experience an increase in earnings over the past year would be losing out, because inflation has increased the cost of living over 6 percent in the past year.

Another significant point is the fact that 92 percent of the family heads who participated in this minuscule experiment were already employed. The OEO figures gave us no indication of the increase in work effort among individuals who are not employed. We have no indication as to whether a guaranteed annual income plan will provide an incentive for welfare recipients to get off the welfare rolls and on the payrolls.

In more than one place the OEO conclusions are not supported by the evidence. The OEO concludes that low-income people are strongly work motivated. I would agree that low-income individuals who are working for low wages in the New Jersey area are strongly motivated. If they were not strongly work motivated they would be on the welfare rolls, for in many cases they can have more disposable income through welfare than by holding down a job. The OEO statistics, however, are based on individuals who hold down a job and not on individuals who are receiving welfare rather than working.

It might be contended that while the OEO experiment does not prove that family assistance payments will increase the incentives to work, it does prove that such payments do not prevent people from working. I submit, Mr. President, that there is no comparison between the administration plan, which would establish a guaranteed annual income on a nationwide basis, and the New Jersey experiment in giving money to a few se-

lected families over a 10-month period. In the New Jersey experiment the Government was merely making temporary grants to a few people. With the enactment of H.R. 16311, we would be establishing a new principle, the principle that everyone has a right to a certain level of income whether he works or not. I believe that once this principle is established, there will be a substantial change in people's attitude toward work.

In my view, the inadequacy of the OEO figures is typical of the administration's efforts in regard to H.R. 16311. I do not have time in this speech to go through the multiple inadequacies of this welfare expansion legislation but I think one point is especially significant.

Over 6 months ago, when the administration was testifying in favor of the family assistance plan before the House Ways and Means Committee, Congresswoman GRIFFITHS asked Secretary Finch to list all the places in the bill where the Secretary is given authority to decide policy and issue regulations and to indicate what the regulations might be in every case. This was an especially important question because there are over 30 delegations of authority in the act. This information was never provided to the Ways and Means Committee.

When the Senate Finance Committee hearings were held over a half a year later, I asked if Secretary Finch could furnish this information. The Secretary indicated that he had been working on some regulations for day care but that he did not have the information which Mrs. GRIFFITHS had requested. He promised to furnish it for the record, but at the time this speech is being made, the material requested has not yet been received by the Senate Finance Committee.

Therefore, it appears that not only does the Secretary not know how he would administer this multibillion-dollar plan, he does not even care to try to determine how he will administer it.

As presently written, the act assures only one thing. It assures that there will be a guaranteed cash benefit level. There is no guarantee of job training and job placement. As a matter of fact, the Secretary indicated that they have not even tried to grapple with the problem of placing welfare recipients in jobs—a key point in administration rhetoric.

If the bill is to have meaning and if it is to be a bill which I can support, there will have to be substantial changes. The delegations of authority will have to be changed to provisions of law. More importantly, there must be some process which will assure that maximum emphasis will be given to job training and job placement.

I commend to the attention of the Senate a bill, S. 3156, the Employment Opportunity Tax Act of 1969, which I introduced last November.

The bill I introduced would provide a 10-percent tax credit to industries which would conduct a job training program. The tax credit would be available only to employers who provide on-the-job training and who keep the employee on the job after he is trained. Another important feature of my bill is a provision for a 10-percent tax credit for employers who hire an individual through the work incentive program of the Social Security Act. At the time I introduced this bill, I realized that the work incentive program enacted in 1967 had been a dismal failure. Few individuals were enrolled in training programs and even fewer had actually been placed in productive jobs.

In most cases, individuals who are currently on the welfare rolls are not the best employment risks. Therefore, if we are to encourage industry to hire these individuals, we must give tax credit.

During President Nixon's campaign, he urged the adoption of tax incentives as a means of promoting more effective job training. There is no more appropriate place for tax incentives to be considered than in conjunction with the President's family assistance plan.

If the administration is to make good on its rhetoric about workfare rather than welfare, it must secure the adoption of an amendment which will actually place welfare recipients in productive jobs.

It must substitute meaningful legislation for the 30 delegations of authority in H.R. 16311. Only when this is done can the act be characterized as welfare reform rather than welfare expansion.

When the Senate Finance Committee sent the family assistance plan back to the drawing board, I requested that the administration give thorough consideration to my tax incentive approach and that it write meaningful work requirements into the bill.

Press reports have indicated that the administration plans to make very little changes in its program.

Mr. President, I hope that these reports are erroneous. I hope that the administration will reconsider some of the fundamental premises of its plan and that it will give real consideration to my tax incentive approach.

Mr. President, as best I can determine the facts from research by my staff, our Government now has some 19 Federal agencies conducting some 39 different training programs. They are a complete mystic maze, and not even Members of the U.S. Senate can determine how many there are, how effective they are, or whether or not they are producing the desired results.

I know that some of these training programs are doing a good job. In many instances, however, they train individuals for nonexistent jobs. In other instances, they send them off to work camps at vast cost—in excess of $8,000 a year—and they return without a job, without any increased talent, without any increased education, only to resume going on welfare rolls or walking the streets of our principal urban areas.

If we have a partnership between Government and business, we can train people for jobs then in being; and when they get through training, they will be trained for a particular job. They will be on the payroll. They will become taxpayers rather than beneficiaries of the taxes of working people throughout the country.

I do not believe that the overwhelming majority of American people want to work in order to provide a living for people who choose not to work. That is not the American way. I think the overwhelming majority of the American people believe in doing everything they possibly can for those who cannot work. We want to help the aged. We want to help the blind. We want to help the disabled. We want to help the dependent children. But I do not believe that the American people believe that we ought to tax all our citizens, and that those people who choose to work and desire to work should be required to support the individuals who do not want to work.

Therein, I think, is the great weakness of the program that the President has submitted. Should the program not be revised as the Committee on Finance has directed, we will have to do some extensive rewriting on our own initiative. Only if this bill is changed to provide real reform can I support it.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the distinguished Senator from North Carolina.

Mr. JORDAN of North Carolina. Mr. President, I commend my distinguished colleague, the Senator from Georgia, for the fine speech he has made and the facts he has brought out.

I am in full accord with the amendment he has submitted with respect to the tax incentive. It is the only sensible approach I know of to the problem of hiring those who do not have jobs. An employer who would hire people to train them would normally hire them in the community where the unemployed live, and he would hire them for a job they would have permanently after learning to run the job.

One of the reasons why employers have not done more of this in the past is that, under the wage and hour laws today, a trainee must be started at the minimum wage scale. The employer carries them along for several months. The trainee probably proves inefficient and nonproductive, and the employer has to let him go, so he has wasted that much money. Therefore, employers are prone not to hire that particular class of people. If an employer has to hire trainees, he hires the most apt trainees, high school graduates, the most intelligent, so that it will cost him the least to train them for a job he wants them to keep. An employer who hires people and trains them at his expense wants to keep those employees, because he has paid for training them.

If there is some tax incentive, as the Senator from Georgia has pointed out, by which the Government would share part of the training cost, the employer would be much more apt to hire people who are less likely to be easily trained over a period of time than he would be to take the brightest ones he could find in the area.

Mr. TALMADGE. I certainly concur with the Senator. The Senator has had broad experience in hiring employees, and I know that he speaks with the voice of wisdom in this field.

No employer is going to employ someone when he thinks the employee's productivity will be less than the cost of hiring him. If we can have a partnership between Government and private business, as the Senator has pointed out, we can have a training program that will work. When the employee gets through training he will have a job; he will al-

ready be working. He will become a taxpayer when his training period is over.

In my own State I visited a number of industries in searching for answers to this problem and I found many programs that were working exceedingly well.

For example, in the Albany area I found people operating sophisticated equipment and making automobile tires. A few years ago they were plowing behind a mule and some of them were unemployed. Their educational skills were very low. Their working skills were low prior to training.

Then I went to the Dublin area and I saw people making furniture that was shipped all over the world. These were people who had come from agricultural areas, who had come from the farms, with limited education.

I went to Augusta, Ga., and I saw people making sophisticated surgical equipment and dressings and things of that type. Just a few months before they had been unemployed or underemployed.

So I know that a training program of this type will work. I have seen the results. I think that is what our Government should do to get people off the welfare rolls, to make productive, useful, and self-respecting citizens of them, so that they can contribute something to society rather than be the beneficiaries of the other taxpayers of America .

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield for a question?

Mr. TALMADGE. I am delighted to yield.

Mr. JORDAN of North Carolina. In the Senator's survey of the plants he visited, did he not find that the employers who hired these people hired them for a particular job; that when these people were trained, the employers needed them?

Mr. TALMADGE. Exactly.

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

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

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

Mr. TALMADGE. They first made arrangements with the vocational-technical schools in the community to work with them and help train these individuals. As soon as these individuals were trained in these vocational-technical schools, the employer had a job for them that day. They went to work that day. They are still working. They are taxpayers now. They have some pride in what they are doing. They have self-respect. They have the respect of the community. They are no longer beneficiaries of tax funds, but they are taxpayers themselves.

Mr. JORDAN of North Carolina. The Senator did not find that the company making automobile tires started training people to work in a furniture factory, did he?

Mr. TALMADGE. No.

Mr. JORDAN of North Carolina. Neither did he find the opposite.

Mr. TALMADGE. They taught the trainee to operate a specific piece of machinery, to do a specific thing.

Mr. JORDAN of North Carolina. And when the person was trained, he had a permanent job.

Mr. TALMADGE. Exactly.

Mr. JORDAN of North Carolina. He became a citizen of that community, and he is happy in that job because he became a part of that institution, whatever it is.

Mr. TALMADGE. The Senator is correct.

Mr. JORDAN of North Carolina. The Senator has delivered a fine and wise speech, and in my opinion his approach is the way out of this problem.

Mr. TALMADGE. I appreciate the remarks of the Senator, and I appreciate his contribution.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. TALMADGE. Mr. President, I ask unanimous consent that there be a period for the transaction of routing morning business, with a 3-minute limitation on statements therein.

Mr. EASTLAND. Mr. President, will the Senator withhold that request?

Mr. TALMADGE. Yes.

Mr. EASTLAND. Mr. President, I ask unanimous consent to speak for 6 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TALMADGE. Mr. President, I ask unanimous consent that, at the conclusion of the speech of the distinguished Senator from Mississippi (Mr. EASTLAND), there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

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

The Senator from Mississippi is recognized for 6 minutes.

THE FOREIGN MILITARY SALES ACT—SUBMISSION OF AMENDMENTS

AMENDMENT NO. 625

Mr. EASTLAND. Mr. President, I send to the desk an amendment, and I ask unanimous consent that it be printed and lie on the table.

The PRESIDING OFFICER (Mr. Moss). Without objection, the amendment will be received and printed, and will lie on the table.

The amendment (No. 625) was received and ordered to lie on the table.

Mr. EASTLAND. Mr. President, I oppose the pending legislation for a number of very basic reasons.

My opposition is based on the firm belief that this action comes at the wrong time and is directed toward the wrong President.

This President has already reduced—substantially—the number of Americans engaged in Vietnam and has announced another withdrawal of 150,000 of our GI's.

Further, the operation he ordered against areas under the complete control—for an extended period of time—of the Hanoi Communists is aimed directly at the achievement of the goal toward which we strive—the safe disengagement and removal of our fighting forces from Vietnam.

Any first-year student at West Point, Annapolis, or in an ROTC program—provided that some ROTC units survive the vicious attack that has been launched against this concept, which has done so much for our country—any of these students can state, with absolute certainty, that the denial of logistical support to an enemy is the first rule of warfare.

The capture—by American and South Vietnamese troops—of enormous amounts of weapons, ammunition, and other material will cripple Hanoi's capabilities over a wide operational front—furnish time for the orderly development of the Vietnamization program—and—most important of all—contribute to the security of our own forces.

Mr. President, I ask unanimous consent to have printed in the RECORD a tentative list of the equipment which has been captured.

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

Military update of Cambodian operations, May 13, 1970

Latest cumulative data:	
Individual weapons captured	7,274
Crew-served weapons captured	1,012
Rice (tons)	2,390
Rice (man-months)	105,160
Rocket rounds captured	9,025
Mortar rounds captured	13,231
Small-arms ammunition captured	8,375,925
Land mines captured	1,200
Bunkers destroyed	3,294
Vehicles destroyed or captured	171

NOTE.—The above figures are tentative cumulative results as reported by Hq, MACV.

Mr. EASTLAND. Mr. President, this President has stated—publicly and repeatedly—his determination to bring our soldiers and sailors home at the earliest possible date. I am convinced that he is working very hard to attain this end, and I am equally convinced that his foremost concern—as the program moves ahead—is maximum support and safety for every man who wears our uniform and whom this Nation sent to Asia.

Therefore—I repeat—I shall vote against this legislation because it would do what the President is already doing. It comes before us in the wrong administration and at the wrong time in relation to the protection of American forces committed to combat in the region and with regard to the safe withdrawal of these forces.

However, Mr. President, in the event that this legislation is adopted, it is, in my view, the clear duty of the Senate and of this country to remember each of those American boys who are, today, enduring cruel captivity as prisoners of war of the barbarous regime which rules from Hanoi.

These men—who have suffered to the limit of human endurance at the hands of their Communist captors—deserve what they have earned at the hands of the land they fought to defend.

We are solemnly obligated, Mr. President, legally, morally, and in the name of honor and decency, to stand by these men even as they stood by America.

We must not forget them, we cannot abandon them, our principles and our tradition forbid us to forsake them.

Mr. President, I have offered an amendment to the pending legislation, which would stay and enjoin any action under the terms of the legislation until the President of the United States has successfully arranged and obtained the release and safe return to their families and to their country of every American prisoner of war presently held by the Vietnamese Communists.

America—with President Nixon in the forefront—prays and strives for peace. Americans long for a cessation of fighting and dying—of separation and hardship.

This truly great Nation—with her record of unparalleled generosity to all mankind—would see Woodrow Wilson's dream become reality—"not a balance of power, but a community of power—not organized rivalries, but an organized common peace."

However, Mr. President, we must deal—not with noble dreams but with harsh facts created by the Communist masters in Hanoi, Peking, and Moscow.

I submit that President Nixon—confronted, as he is, with the cold calculations, callous aggression, and endless maneuvering of the latter-day oriental khans—is pursuing—with all his strength—our great goals of bringing peace to the Far East and bringing our troops back home.

I hope that Congress will support our Commander in Chief in his desire and his effort to restore and to maintain peace in the Far East, the Middle East, and across the earth.

I believe that the defeat of the pending legislation is in the best interests of the United States. I believe—also—that if this legislation is aprpoved, my amendment must be included in order that we keep faith with those who offered their lives for us—in order that this Nation continue to be recognized around the world as the home of a brave and decent people who will never turn their backs on their own.

I assert—Mr. President—that when the American servicemen who have borne the battle in Vietnam with uncommon valor and dedication return to our shores, that they all return together—the soldier, the sailor, the airman, and the prisoner. All who have served and suffered side by side have earned this right and deserve no less.

AMENDMENT NO. 626

Mr. DOMINICK. Mr. President (Mr. HUGHES), I am going to be quite brief because, as I understand it, we are operating under morning business rules.

I am concerned over this matter, and so are many other people, as to the reaction which has occurred to the Cambodian episode.

For many years, I have been saying that the action of Presidents Kennedy and Johnson in injecting ground troops into Vietnam was a fundamental mistake, that I hoped we could get them out as soon as possible, and that we have to deal with everything which has been imposed upon us by the action of the two prior Presidents.

As a result, I was delighted to have President Nixon turn that around and begin to withdraw troops and promise to withdraw more.

The action now going on, he has stated, will be completed by July 1, that American forces will be withdrawn from Cambodia and, at that time, we can continue with the program of withdrawing an additional 150,000 troops from South Vietnam.

Accordingly, Mr. President, I send to the desk at this time an amendment, which I would ask be printed in the RECORD at the conclusion of my remarks, and that it be printed and lie on the table.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, the amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD at the conclusion of the remarks of the Senator from Colorado.

Mr. DOMINICK. Mr. President, the amendment specifically backs up what the President is saying. It provides that after July 1 we will not authorize the use of funds for the introduction or the retention of American forces in Cambodia, except where it may be necessary to protect the lives of our men in South Vietnam.

The amendment would act prospectively instead of retroactively. It would follow along the assurances we have received from the President. It would retain some jurisdiction in Congress over what future action may be.

In my opinion, the amendment will neither hamper the President in preserving the lives of those ordered into combat nor will it do anything to hinder the increase in the Vietnamization program which the President has already announced.

As a result, it is my hope that my amendment can be brought up as, perhaps, a substitute for the amendment reported from the Committee on Foreign Relations.

At the appropriate time, I intend to bring up the amendment and have it debated.

The text of the amendment is as follows:

AMENDMENT NO. 626

On page 4, line 24, strike out section 7, and insert in lieu thereof the following:

"SEC. 7. The Foreign Military Sales Act is further amended by adding at the end thereof the following new section:

" 'PROHIBITING USE OF AMERICAN GROUND COMBAT TROOPS IN CAMBODIA

" 'SEC. 47. In accord with the expressed statements of the President of the United States, none of the funds authorized by this or other Act shall be used after July 1, 1970, to finance the introduction or retention of American ground combat troops into Cambodia without the prior consent of the Congress, except to the extent that such is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam.' "

Mr. PEARSON. Mr. President, in this morning's New York Times, there is an article published, under a Washington dateline, indicating that American and western intelligence sources report 100 Soviet pilots have been sent to the UAR, so that it is part of a military advisory force now numbering 8,000 to 10,000 men.

Mr. President, the widening conflict in Southeast Asia has obscured, for the most part, a dangerous escalation of force and intervention in the Middle East.

The Arab-Israel conflict and the cold war confrontation between the great powers represents the greatest danger to world peace because of the possible involvement of either Soviet or U.S. forces.

The participation of Soviet pilots as a part of the Egyptian defensive air command has not only had a serious effect on the balance of forces there, but could very well provide the spark which could ignite an ever consuming and ever widening war of global proportions.

Mr. President, while Mr. Nixon is being criticized for a move into Cambodia, it seems to me only fair to recall his restraint and caution in denying last March the Israeli request for additional Phantoms and Skyhawks. The President's decision to deny this request sought to reduce the dangers and the tensions in the Middle East. Furthermore, Mr. President, the administration's decision was made not only in the face of domestic and political pressure, but against the background of huge military aircraft purchases by the Arab nations. These new inventories of military jets were not as dangerous as their numbers implied, we understand, because the Arab nations, particularly the United Arab Republic, lacked trained pilots and competent personnel. Now that limitation has apparently been removed.

President Nixon has ordered a full review of the strategic balance in the Middle East. The State Department is asking Moscow for an explanation of its purpose and intent. But, in the meantime, the Congress should be prepared for the prospect that additional military aid to Israel is essential if a balance of force is to be maintained.

I suggest, Mr. President, that this Government should seek to provide this assistance if found to be necessary on an international and multilateral basis. Indeed the call from Israel was for international assistance.

Mr. President, the Soviet Union may not want war in the Middle East, but they also do not want peace. The Kremlin's policy is not aimed at returning peace and stability in that part of the world, but in establishing a strong Soviet sphere of influence in the Arab nations—particularly in the United Arab Republic. This policy which has led to direct Soviet intervention in the form of Soviet Mig pilots represents immense dangers. Nasser's threat to President Nixon on May 2; King Hussein's criticism of U.S. policy and his move toward the Soviet Union of May 4; and Prime Minister Meir's vow to fight the Russian pilots if necessary a day or so later are more than verbal eruptions, but are manifestations of a deteriorating condition, as we learn of repeated and stronger attacks across the Suez Canal and the Jordan River.

To repeat, Mr. President, serious as may be the problems in Southeast Asia, circumstances in the Middle East and the

new developments there warrant our immediate and continued attention.

Mr. President, I ask unanimous consent that the article published in the New York Times of Thursday, May 14, 1970, to which I have referred be printed at this point in the RECORD, and I thank the courtesy of the Senator from South Dakota.

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

100 RUSSIAN PILOTS REPORTED IN EGYPT FLYING INTERCEPTORS

(By William Beecher)

WASHINGTON, May 13.—American and other Western intelligence sources report that about 100 Soviet pilots have been sent to the United Arab Republic in recent weeks to man three or four squadrons of jet interceptors.

The sources say that this is in addition to 70 to 80 Russian pilots who have long been training Egyptian fliers in Egypt. The new complement of pilots is reported to be part of a military advisory force that now numbers 8,000 to 10,000 men.

Military and diplomatic sources have also provided the following reports on new Soviet activity in Egypt:

Approximately 100 pilots and their maintenance crews were transferred to Egypt from assignments with three or four operational squadrons in Russia. Some of the latest model MIG–21's were flown in as well, and other aircraft were borrowed from the Egyptian Air Force.

The 8,000 to 10,000 Soviet military advisers in Egypt, up from a total estimated at 2,500 to 4,000 men before the build-up, are said to include entire air defense missile and antiaircraft artillery crews, maintenance men and communications specialists.

Twenty SAM–3 air defense missile sites under construction would contain 160 missile launchers when they are completed. Some estimates suggest that for a really effective defense of military bases in the Alexandria, Cairo and Aswan Dam areas, the Russians might want to expand to 40 SAM–3 sites.

One unconfirmed report is that the Russians have moved in an armored brigade of troops to provide ground defenses against possible Israeli commando raids on the missile sites.

The Russian pilots are believed to be operating from a number of airfields west of the Nile River, from Alexandria to well south of Cairo. They often scramble into the air when radar shows Israeli planes are heading toward the Suez Canal, which is only three to five minutes flying time from Cairo.

ISRAELI-SOVIET CLASH FEARED

To date no direct engagement between Israeli and Soviet jets has been reported.

The principal concern of many Nixon administration officials is whether the Russians will decide to take over primary responsibility for air defense of all Egypt, including the west bank of the Suez Canal. If this happens, Defense and State Department officials fear Israeli jets will be sure to clash with Soviet jets.

For the time being, Israel is forgoing deep raids into the Cairo-Alexandria region to avoid a direct confrontation with Soviet pilots and antiaircraft missile crews.

INFORMATION SKETCHY

American and Western intelligence sources concede that information on the precise shape of the Soviet build-up in Egypt is sketchy and in some details open to dispute.

For example, Israeli officials recently provided the United States with tape recordings of intercepted radio transmissions that included 200 excerpts attributed to Russian pilots.

American sources say these recordings included duplications and do not demonstrate that there are now more than 200 Soviet pilots flying missions in Egypt. Presumably much of the independent United States information on the presence of Soviet pilots also comes from intercepted communications.

American analysts believe the Russians decided to deploy some of their own air defense ground and air crews out of fear that continued Israeli air raids deep into Egypt could undermine President Gamal Abdel Nasser.

The Russians are also said to have been angered by an Israeli air strike several weeks ago near Helwan, nine miles south of Cairo, in which some Russian military advisers were reported to have been killed and others wounded. This incident has not been publicly mentioned by the Russians, the Egyptians or the Israelis.

Meanwhile, the Nixon Administration is considering whether to provde additional F–4 and A–4 fighter-bombers to Israel.

Abba Eban, the Israel Foreign Minister, is coming to Washington next week, apparently to renew his country's plea for arms and economic assistance. Israel is believed to be seeking 25 to 50 F–4 Phantom jets and 100 A–4 Skyhawks.

ORDER OF BUSINESS

Mr. McGOVERN. Mr. President, I ask unanimous consent that I be recognized at this time for 8 minutes.

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

SENATOR McGOVERN ADVISES LEGION AND VFW COMMANDERS TO QUIT PLAYING POLITICS

Mr. McGOVERN. Mr. President, I want first of all to have printed in the RECORD two news releases—the first, a joint statement issued by the commander of the American Legion and the commander of the Veterans of Foreign Wars on yesterday after, according to press reports, they were escorted to the Senate Press Gallery by the Republican floor leader, the distinguished Senator from Pennsylvania (Mr. SCOTT).

The second statement was issued earlier on February 28 at Jefferson City, Mo., by the commander of the VFW, Mr. Gallagher.

I urge all Members of Congress who have not seen these statements to reflect on them carefully and then consider that they were actually made in the name of veterans who have risked their lives for this country. I frankly am shocked and appalled that two Americans who claim to speak for veterans could utter such un-American statements. So before I comment further on the statements, I ask unanimous consent that they be printed at this point in the RECORD.

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

JOINT STATEMENT BY AMERICAN LEGION NATIONAL COMMANDER J. MILTON PATRICK AND VETERANS OF FOREIGN WARS NATIONAL COMMANDER RAY GALLAGHER

WASHINGTON, D.C. In the name of the more than six million members of the American Legion, the Veterans of Foreign Wars, and their Auxiliaries, we condemn the actions of those Senators who would tie the President's hands by withholding funds from his efforts to bring the war in Southeast Asia to an honorable conclusion with safety for our troops assured.

The proposals of these individuals amount to a declaration of surrender to communist forces, and constitute a stab in the back for our boys in combat.

We would remind these Senators that they are directly responsible for the presence of United States forces in Vietnam. They owe these troops and their country no less than full support for the President's plan—so far successful beyond the imagination—to bring the conflict to an honorable conclusion with complete safety for our troops.

We specifically criticize Senators Church, Cooper, Fulbright, McGovern, and others who follow their actions as prime movers of legislation which would assure the humiliation of the United States and pose a direct threat to the safety of our forces disengaging from the Vietnam Conflict.

We are urging the Congress and all Americans to unite and support our President and our forces in Southeast Asia.

JEFFERSON CITY, MO.—The national commander of the Veterans of Foreign Wars said Saturday the United States might have to resort to a "police state" to contain the militant left wing.

Raymond A Gallagher, a Redfield, S. Dak., lawyer, told newsmen that America's is a Government by majority and warned of the dangers of the militant minority.

Gallagher was in Jefferson City to speak before State VFW officials.

"Sometimes, the minority must yield to the majority," Gallagher said. "So far they have not. Instead, they go out into the streets and demonstrate, destroying buildings, even people.

"If the minority continues to refuse to yield, the only alternative is some type of power structure to force them," Gallagher said. "I hate to see this country develop into some type of police state, but, to have security for our people, it may be necessary."

Of the defendants in the "Chicago Seven" trial, Gallagher said, ". . . you can't have a mockery like we had in Chicago because they are dedicated to destroying the system. They aren't concerned with the courts unless the courts rule with them. But when the court or Government rules against them, they rebel violently. This has to be stopped."

"This is still a major form of Government," he said, "and the majority should be in control—not the minority." He said those on the militant left have vowed to continue their tactics "until they make the majority conform to the minority. This isn't the American way of life."

Mr. McGOVERN. Mr. President, I want to admonish Mr. Martin Patrick, the commander of the Legion, and Mr. Ray Gallagher, the commander of the VFW, to quit playing politics with the veterans organizations and betraying the best interests of U.S. veterans.

These fellows claim to be speaking for more than 6 million members of the American Legion and the VFW. I have been a member of both of those organizations for 25 years, and neither Patrick nor Gallagher speaks for me. Nor do they speak for large numbers of combat GI's who have communicated their views to me and other Senators.

I regard the views of these self-styled foreign policy experts as nonsense that no reasonable person would give a second thought. Let them extol the virtues of the Nixon foreign policy, if they wish. Let them distribute their political propaganda in the Senate Press Gallery escorted by the Republican floor leader, if they wish. But they ought to take off

their veterans organization caps when they stop speaking for veterans and begin playing politics.

If Gallagher and Patrick are really interested in the welfare of veterans, they had better quit attacking Senators on foreign policy issues and concentrate on securing bipartisan support for veterans' programs. Certainly they have no right to play politics with the Legion and the VFW. If they are really interested in saving the lives of young Americans and the honor of our Nation, they should urge that we stop wasting American blood and prestige trying to save corrupt dictators in Southeast Asia. Instead of attacking Senators who are trying to end this foolish mistake that our leaders have made in blundering into the jungle of Asia, they should be joining with us to get our forces out of the morass that is weakening our country and needlessly slaughtering our young men.

The Senators they criticized—including the Presiding Officer, the Senator from Iowa (Mr. HUGHES) and others—are engaged in a thoughtful patriotic effort to restore a measure of congressional responsibility for the warmaking operations of our Government as intended by the Constitution. Patrick and Gallagher ought to be defending the Constitution instead of attacking Senators who are trying to reclaim constitutional government.

Let me add one final word directed specifically at Mr. Gallagher's statement at Jefferson City, Mo. Mr. President, how could any American citizen, and especially a lawyer, make this statement that Mr. Gallagher made while wearing a VFW cap:

> If the minority continues to refuse to yield, the only alternative is some type of power structure to force them. I hate to see this country develop into some type of police state, but, to have security for our people, it may be necessary.

Mr. President, that is plain unadulterated Hitlerism. It is this kind of police state mentality that destroyed the freedom of the German people and brought on World War II. It is this type of dictatorial arrogance that I fought against as a bomber pilot in World War II. What gives Mr. Gallagher the notion that he speaks for the majority, and second, even if his assumption is right, what kind of Americanism does he represent when he says the majority has the right to smash the constitutional freedom of expression of the minority by establishing a police state?

What was World War II all about if it was not to establish freedom for people, whether they were of the minority or the majority?

Instead of spending his time issuing news releases in the Senators' Press Gallery, Mr. Gallagher had better read the American Constitution. I would suggest that he also read the charter of the Veterans of Foreign Wars. He does not seem to know what World War II was all about, let alone what we ought to be doing to prevent world war III.

Mr. President, because of the wild distortions of the amendment I and 20 other Senators have cosponsored—Republicans and Democrats alike—to end the war in Southeast Asia and because of the difficulty in getting a simple explanation of the amendment carried in the press, I ask unanimous consent that the text of that amendment be printed at this point in the RECORD.

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

On page —, line —, insert the following:

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 the 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.

Mr. McGOVERN. Mr. President, I would ask Senators to please note that this amendment provides specifically for the safe and systematic withdrawal of our forces, for the exchange of prisoners, for asylum for those Vietnamese who might feel threatened by the withdrawal of American forces and to please note also that it specifically provides that if the President and the Congress jointly find that more than a year's time is needed to withdraw our forces systematically and safely, the withdrawal time can be provided by joint declaration of the Congress and the President.

Mr. President, what is wrong with giving Congress some right to work with the President in making a declaration as to the commitment of American forces in foreign countries? Is that not what the Constitution is all about?

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

Mr. McGOVERN. I shall yield in just a moment.

This amendment is a formula for saving American lives and American honor. It is a formula for restoring constitutional government. It was drafted by patriotic Senators, most of whom have fought for their country in previous wars and all of whom know far more about what America really stands for than either Gallagher or Patrick have yet manifested in their foolish statements.

Mr. President, I conclude by reading a letter I received, typical of many letters I have received, last October 29 from 31 members of a combat platoon in Vietnam, the Third Platoon, Company D, Second Battalion, 502d Regiment, First Brigade of the 101st Airborne Division, one of the crack American forces fighting in Vietnam. It will take me just a moment to read this letter which is signed by all members of this platoon except one man. It reads:

OCTOBER 28, 1969.

HON. GEORGE MCGOVERN,
Senate Office Building,
Washington, D.C.

OUR DEAR SENATOR MCGOVERN, Congressmen, and fellow Americans: The third platoon asks you to give audience and consideration to the opinions and attitudes of some front-line G.I.'s here in Viet Nam. We invite you to listen to us who are fighting the war which is causing so much debate in America. We are decidedly and entirely in favor of peace in Viet Nam and systematic and rapid withdrawal of American troops from this country. We support and appreciate the tireless efforts of those who strive so diligently to advance the cause of peace. We were especially heartened by the Moratorium Day observance this month. We are pleased that the force against the war has reached this extent on such a wide base of public opinion. We were not disappointed and disillusioned, as some have claimed, by this demonstration of disenchantment with U.S. policy in Viet Nam and those who perpetuate this policy. We, in fact, would like you to consider this letter as our contribution in observance of the Moratorium.

We are sick of bloodshed, tired of body counts and lists of war dead and casualties. We are tired of listening to empty and unfulfilled promises to end the war. We want peace, and we want it now. America has been in Viet Nam too long; it is time to leave. We hope that President Nixon and our national leaders will hear and consider our plea to end the war.

These are our feelings; now America knows how one group of men feels on the other side of the Pacific. And we are sure there are many more who feel the same way. We want to encourage those of you who are working for peace to continue your efforts. We thank you for what you have done in the past.

Thank you for listening to us.

With hope for peace for all men in the very near future, we are

Peacefully yours,

Third Platoon: Pfc. Ted H. Mowrer, Sp4. John A. von Mertschinsky, Pfc. Kenneth C. McKim, Pfc. John O. Mendey, Jr., Pfc. Carl M. Morris, Pfc. Mark W. Trace, Pfc. Bruce W. Shaw, Sp. 4 David B. Patterson, Pfc. Edward Dickout.

Sp4. James E. Shetler, Pfc. Juan A. Trevino, Pfc. Larry C. Howerd, Pfc. Roger Harris, Pfc. Albert Martell, Jr., Pfc. Ernesto Perez, Pfc. Jaime Lopez, Pfc. Asdrubal Trujillo Diaz, Sp4. Robert D. Winders, Pfc. Fred Seniours, Pfc. Roland W. Blair.

Pfc. Rickey J. Shelton, Sgt. Alberta Cummings, Sp4. Danny W. Witt, Pfc. Gary L. Wagner, Pfc. Curtis Ross, Sgt. Robert J. Boland, Sp4. Daniel J. Pike, Pfc. Gary W. Mendoza, Sp4. Thomas Turling, Sp4. Patrick E. Harmon, Sp4. Ron L. Sanders.

Mr. President, as I have said, this letter was signed by each member of that platoon representing men from all parts of the United States.

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

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

Mr. McGOVERN. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes so that I may yield to the Senator from Rhode Island, and then, if he wishes, to the Senator from Michigan.

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

Mr. McGOVERN. I yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, I commend the Senator from South Dakota for the statement he has made. I think all of us in this body are aware of the fact that no one here has a better war record than the Senator who just spoke. His is a particularly brave and gallant one.

I speak as one who fought in World War II. I came back in a hospital ship. I was sick, not wounded. However, many of us who fought in World War II are among those who have taken a strong lead in trying to bring this war to an end.

With respect to our patriotism being impugned, those of us who joined the military service prior to Pearl Harbor would join again if our country was similarly threatened. But, now we know our country is following the wrong policy, which is based on the wrong moral principles, and is following the wrong strategy. It is not correct to question us on our patriotism. I think the Senator is correct in what he said.

I have often thought if we had a draft starting at an older age and we had to go back to fight our body would be less buoyant in supporting the policies we do.

With respect to patriotism, with regard to our generation, I look at those 4 or 5 years taken from our lives. Those of us who came back were improved by that experience, but those who were killed will never be with us again. And the wounded will never be the same again. It is reprehensible to accuse us of a lack of patriotism.

I thank the Senator for yielding, and I commend him for his statement.

Mr. McGOVERN. I thank the Senator from Rhode Island.

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

Mr. STENNIS. Mr. President, will the Senator yield to me?

I ask unanimous consent that I may proceed for 3 minutes on my time.

Mr. McGOVERN. I yield.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I have not read all of the statement to which the Senator referred and I did not know until now that the Senator from South Dakota was mentioned in the statement by name. I regret exceedingly that anything said even by implication, challenged the integrity or patriotism of the Senator from South Dakota, or any of the others mentioned.

Mr. McGOVERN. I know the Senator has conducted himself that way all along.

Mr. STENNIS. I refer to the Senator from South Dakota or any other Senator. I cannot feel that the statement represents the deliberate thoughts of those two great organizations or that of their two representatives. I believe in some way it was written by some aide and was not carefully scrutinized or fully examined. I do not see how it could represent deliberate opinion.

I have the opposite view to the Senator about the merits of this proposed amendment, but certainly I do not approve, and I totally disapprove statements that the Senator has read.

Mr. McGOVERN. Mr. President, I appreciate all that the Senator has said, but part of the indignation I feel is that these two gentlemen claim they were speaking for over 6 million members of the VFW and the American Legion. I am a lifetime member of those organizations and I know they are not speaking for me or thousands of other combat GI's who have written to me, and doubtless they have written to the Senator and other Senators over the last few years, and they are members of those organizations referred to, and who disagree with our present policies.

We should be able to discuss the issues without talking about stabbing our boys in the back. No Senator is going to advocate that course.

Mr. STENNIS. I think the Senator is correct. I want to add this thought. The Senator said Congress has a place with respect to this Cambodian matter. I think it certainly does have a place but I believe right now, this being a part of the war in South Vietnam, our place is to refrain from passing these amendments that put restrictions on the Commander in Chief, and I shall elaborate on that thought later.

Mr. McGOVERN. I do not want to take the Senator's time now. However, I am puzzled as to why he does not support an effort to give Congress a greater voice under the Constitution in the committing of American forces across foreign frontiers. It seems to me, even if the Senator's argument were presumed to be right, that we should make different commitments, and it would be closer to a correct interpretation of the Constitution.

Mr. STENNIS. In reply to the Senator I would say that the war is on, the battle is being fought, our boys are being sent into battle every day, and when that is going on it is not the proper time for suggesting an ultrastrict construction of the Constitution. I want to end the war, but not restrict the President in his battle over the sanctuaries. The destruction I shall later outline will help our fighting men.

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

SOME ADDED THOUGHTS ABOUT VIOLENCE

Mr. YOUNG of Ohio. Mr. President, Bill Gold, nationally known columnist of the Washington Post, in its issue of Thursday, May 7, commented on the fact that on the campus as well as in Southeast Asia violence is escalating.

Bill Gold's column, the District Line, is always tremendously interesting. His recent column is really outstanding. Mr. President, the thoughts about violence expressed by Bill Gold are so timely and are such superior editorial comments that I ask unanimous consent that this column be inserted in the RECORD.

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

[From the Washington Post, May 7, 1970]

THE DISTRICT LINE: SOME ADDED THOUGHTS ABOUT VIOLENCE

(By Bill Gold)

On campus and off, violence is escalating. Violence always escalates.

It doesn't settle much—only things like who will suffer the greatest hurt. The real issues always remain to be settled through peaceful negotiation.

I wrote about these things, again, the last time students at the University of Maryland engaged in violence. Many undergraduates wrote back, again, to "explain" things to me.

Among these letters was one from New York University signed by Paul Miller. It ended with these words:

"When the university fails to respond to students' opinions and needs, the students are then compelled to such other types of uprisings as sit-ins, students strikes and building takeovers. By using such tactics students hope to make their views heard by those who normally close their ears to student opinion . . . Until those who control the universities realize that the prime responsibility of those institutions is to the students who attend them, then such undesirable uprisings shall continue."

Let's test that language and "reasoning" with a few substitutions. Let us pretend that I am the dean of the university, and that I say to the students: "When students fail to respond to the opinions and needs of the dean, the dean is compelled to use such tactics as ordering all your heads shaved, the compulsory wearing of ties, jackets, bras, girdles and long dresses, and a 9:30 p.m. curfew. Also 10 lashes with a bullwhip, just as a reminder. These things may be slightly irrational or illegal, but by using such tactics I hope to make my views heard by those who normally close their ears to the opinions of deans. Until those who want to use the services of this university realize that its prime responsibility is to the adult community that built it and pays for it, these repressive measures will have to continue. You have compelled me to do these things."

Students who become outraged at this turnabout can congratulate themselves on having just bridged the communications gap. Now they know how adults feel when students use this kind of tortured reasoning in an attempt to justify illegal or irrational acts.

Students who have "demanded" the right to be heard and the right to make changes could benefit from listening to an adult viewpoint with regard to their demands.

They might keep in mind that the Constitution gives us a right to speak, not a guarantee that anybody will listen. Or that we'll get our way.

People have a right to advocate, not a license to jam their views down the throats of others.

One who fails to get his own way does not, if he values the respect of adults, throw a tantrum or consider himself compelled to resort to violence. He simply recognizes that there are many disappointments, delays and defeats in life, and that one must learn to live with them as he continues to work toward the goals he believes in.

Young people are understandably preoccupied with their own problems, but if they took a broader view of education they would realize that almost everybody shares their concern about it.

When student days are finished, we marry and begin raising students of our own. Then, long after the last of the brood is through college, adults continue to pay for schools. Everybody pays property taxes (albeit sometimes in the form of rent). Some contribute

extra money and effort to universities out of personal gratitude for their own educations, some because they see education as man's best hope for a better life.

Whatever our status, most of us are concerned. And involved. The student who understands that he has no under-30 monopoly on these qualities is far more likely to contribute to the solution than to the problem.

Such a student might even develop a degree of sympathy for adults who cheerfully accept the burden of providing good schools for their children. He might see them as people of good conscience who do the best they can to formulate sound policies and select respected professionals to serve as their administrators.

This is not to say that an understanding student would always agree with the adult community. But surely he would be less likely to ascribe base motives and stupidity to adults, or to force violent confrontations—or to challenge the Establishment to a battle unto death and then scream "Pigs!" when blood flows.

Violence always escalates. It doesn't settle much, just things like who will suffer the greatest hurt. The real issues always remain to be settled through peaceful negotiation.

Mr. YOUNG of Ohio. This is recommended reading not only for my colleagues who have not already read the column, but for all Americans who are so deeply concerned and have reason for that concern over the escalation and intense increase of violence not only in Vietnam and now in Cambodia but also here at home.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER. The hour of 12:30 having arrived, the Chair lays before the Senate the unfinished business, which will be stated by title.

The BILL CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

ORDER FOR FURTHER ROUTINE BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding the fact that the unfinished business has been laid before the Senate, the Senate may continue with the transaction of routine morning business for a brief period.

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

What is the pleasure of the Senate?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BYRD of West Virginia. Mr. President, I do not believe any Senator wishes to speak further with respect to routine morning business.

Mr. YOUNG of Ohio. Mr. President, I wish to speak for about 2 minutes.

Mr. BYRD of West Virginia. I yield to the Senator from Ohio.

BRAVE MEN HAVE DIED IN VIETNAM

Mr. YOUNG of Ohio. Mr. President, all Americans are grateful that our astronauts returned to earth safely. We are proud that the Nation's resources and ingenuity were used to their fullest to save the lives of these three brave men. During the time that astronauts Lovell, Haise, and Swigert were in space, some 141 equally brave young Americans lost their lives in an undeclared civil war in Southeast Asia and 692 were wounded, some maimed for life. Comparatively little mention of that from the White House.

Remember? Richard Nixon in campaigning for the Presidency in 1968 proclaimed to audiences throughout the country that he had a secret plan to end the war in Vietnam and to bring the boys home. Those who listened to him, saw him on television making this promise and read his statements in news accounts believed him. Without a doubt, Richard Nixon was elected President because many voters believed he had a secret plan and if elected President our involvement in a war in Vietnam would be ended. Well, that is still Nixon's secret. Instead of ending the war in Vietnam, 16,000 American fighting men have invaded Cambodia. In addition, our war planes have been bombing Cambodia incessantly in recent weeks. We have violated the neutrality of Cambodia. Instead of bringing our boys home, our fighting in Vietnam has ben escalated and expanded in Laos and more recently in Cambodia. Unfortunately, Army intelligence furnished President Nixon has proved as wrong as it was in 1950 when General MacArthur relied on Army intelligence that the Chinese would not enter the North Korean war even if we invaded North Korea. We did that. Then thousands of Chinese troops crossed the Yalu into North Korea and our soldiers were forced back into South Korea with heavy losses.

The generals of the Joint Chiefs of Staff informed President Nixon that the main headquarters of the Communist forces enabling them to wage offensive war was but 21 miles inside of Cambodia. Those generals were wrong as usual. Now they give the lame excuse that the headquarters is a mobile headquarters somewhere in Cambodia.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLER of California, Mr. TEAGUE of Texas, Mr. KARTH, Mr. HECHLER of West Virginia, Mr. FULTON of Pennsylvania, Mr. MOSHER, and Mr. ROUDEBUSH were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H.R. 17138. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries and for other purposes; and

H.J. Res. 1232. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 17138) to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 3479. A bill to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands (Rept. No. 91–867).

By Mr. BELLMON, from the Committee on Interior and Insular Affairs, with amendments:

S. 885. A bill to authorize the preparation of a roll of persons whose lineal ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the Treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgment in Indian Claims Commission Docket Numbered 314, amended, and for other purposes (Rept. No. 91–870).

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

S. 3558. A bill to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting (Rept. No. 91–869).

REPORT ENTITLED "THE FEDERAL JUDICIAL SYSTEM"—REPORT OF A COMMITTEE (S. REPT. NO. 91–868)

Mr. TYDINGS, from the Committee on the Judiciary, pursuant to Senate Resolution 47, 91st Congress, first session, submitted a report entitled "The Federal Judicial System," which was ordered to be printed.

BILLS INTRODUCED

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

By Mr. HUGHES (for himself, Mr. JAVITS, Mr. MOSS, Mr. ANDERSON, Mr. BAKER, Mr. BAYH, Mr. BIBLE, Mr. BROOKE, Mr. BURDICK, Mr. CANNON, Mr. CRANSTON, Mr. DOLE, Mr. EAGLETON, Mr. FULBRIGHT, Mr. GOODELL, Mr. GURNEY, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HOLLINGS, Mr. INOUYE, Mr. KENNEDY, Mr. MANSFIELD, Mr. MCGEE, Mr. MCINTYRE, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MURPHY, Mr. PACKWOOD, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. SCHWEIKER, Mr. SPARKMAN, Mr. SMITH of Illinois, Mr. YARBOROUGH, and Mr. WILLIAMS of New Jersey):

S. 3835. A bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism; by unanimous consent referred to the Committee on Labor and Public Welfare; and, by unanimous consent, when reported from that committee, if desired by the following committees, then referred to the Committee on Armed Services, Committee on the Judiciary, and the Committee on Finance.

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

By Mr. MURPHY:

S. 3836. A bill for the relief of Esperanza Lobos; to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 3837. A bill to include the Secretary of Commerce and the Secretary of Housing and Urban Development as members of the Water Resources Council; and

S. 3838. A bill to prevent the unauthorized manufacture and use of the character "Johnny Horizon," and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. JACKSON when he introduced the above bills appear later in the RECORD under the appropriate headings.)

By Mr. CHURCH (for Mr. MAGNUSON) (by request):

S. 3839. A bill to require load lines on U.S. vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes; and

S. 3840. A bill to revise and improve the laws relating to the documentation of seamen; to the Committee on Commerce.

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

By Mr. JAVITS:

S. 3841. A bill to remove the requirements of section 101(b)(1)(F) of the Immigration and Nationality Act that a citizen must be married in order to petition for immediate relative status to be accorded to his adopted child; to the Committee on the Judiciary.

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

By Mr. MCGEE (for himself and Mr. FONG):

S. 3842. A bill to improve and modernize the postal service and to establish the U.S. Postal Service; to the Committee on Post Office and Civil Service.

S. 3837—INTRODUCTION OF A BILL TO INCLUDE THE SECRETARIES OF COMMERCE AND HOUSING AND URBAN DEVELOPMENT AS MEMBERS OF THE WATER RESOURCES COUNCIL

Mr. JACKSON. Mr. President, on behalf of myself and the ranking minority member of the Committee on Interior and Insular Affairs (Mr. ALLOTT), I introduce for appropriate reference, a bill to include the Secretary of Commerce and the Secretary of Housing and Urban Development as members of the Water Resources Council.

This proposal was submitted and recommended by the Water Resources Council, and I ask unanimous consent that the bill and executive communication accompanying the draft bill be printed in the RECORD at this point in my remarks.

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

The bill (S. 3837) to include the Secretary of Commerce and the Secretary of Housing and Urban Development as members of the Water Resources Council, introduced by Mr. JACKSON, for himself and Mr. ALLOTT, by request, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs and ordered to be printed in the RECORD, as follows:

S. 3837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of the Water Resources Planning Act (42 U.S.C. 1962a) is amended to insert, immediately after "the Secretary of Health, Education, and Welfare," the words "the Secretary of Commerce, the Secretary of Housing and Urban Development,".

The communication presented by Mr. JACKSON is as follows:

WATER RESOURCES COUNCIL,
Washington, D.C., April 9, 1970.

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

DEAR MR. PRESIDENT: Attached to this letter is a copy of proposed legislation which would amend the Water Resources Planning Act, P.L. 89-80, to include the Secretary of Commerce and the Secretary of Housing and Urban Development as full members of the Water Resources Council. The statutory members of the Council now consist of the Secretary of Interior, the Secretary of Agriculture, the Secretary of the Army, the Secretary of Health, Education, and Welfare, the Secretary of Transportation, and the Chairman of the Federal Power Commission (42 U.S.C. 1962a; 49 U.S.C. 1656(a)).

At the present time, the Secretaries of Commerce and of Housing and Urban Development are non-statutory "associate" members of the Council. This status does not give them the privileges and responsibilities of statutory membership; the Secretaries cannot vote and their roles are essentially advisory.

The Department of Commerce has statutory responsibilities for fostering industrial expansion and economic development which require substantial use of water and related land resources. A number of the agencies in the Department have a special expertise in the comprehensive planning of these resources.

The Department of Housing and Urban Development has contributed much to the Council by providing a link between planning for river basins and planning for the concentrated urban population centers. The new Flood Insurance Program, set up under the Housing and Urban Development Act of 1968, will require extensive coordination with all flood damage prevention programs, for which the Council has major responsibilities.

Both of these Departments are now represented on the river basin commissions which have been set up under Title II of the Water Resources Planning Act. They also have membership on most of the field coordinating committees, and on many of the Council's administrative and technical committees.

Full membership in the Council for the Secretaries of Commerce and of Housing and Urban Development should better enable the Council and these Departments to carry out their statutory responsibilities for the coordination, planning, and development of water and related land resources.

The proposed change from associate to full membership on the Council would not require any increase in expenditures.

The Bureau of the Budget advises that there is no objection, from the standpoint of the Administration's program, to the submission of this proposal for the consideration of the Congress.

Sincerely yours,

WALTER J. HICKEL,
Chairman.

S. 3838—INTRODUCTION OF A BILL TO PREVENT UNAUTHORIZED USE OF THE CHARACTER "JOHNNY HORIZON"

Mr. JACKSON. Mr. President, on behalf of myself and the ranking minority member of the Senate Interior and Insular Affairs Committee (Mr. ALLOTT), I introduce, for appropriate reference, a bill to prevent unauthorized use of the character "Johnny Horizon."

This legislation has been submitted and recommended by the Department of the Interior, and I ask unanimous consent that the bill and executive communication accompanying the proposal be printed in the RECORD at this point in my remarks.

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

The bill (S. 3838) to prevent the unauthorized manufacture and use of the character "Johnny Horizon," and for other purposes, introduced by Mr. JACKSON, for himself and Mr. ALLOTT, by request, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may establish and collect use or royalty fees for the manufacture, reproduction, or use of the character "Johnny Horizon," originated by the Bureau of Land Management and announced in the July 3, 1968, issue of the Federal Register (33 Fed. Reg. 9677) as the official symbol for a public service antilitter program to maintain the beauty and utility of the Nation's public lands.

SEC. 2. The Secretary of the Interior shall deposit into a special account all fees collected pursuant to this Act. Such fees are hereby made available for obligation and expenditure for the purpose of furthering nationwide antilitter campaigns.

SEC. 3. Chapter 33 of title 18 of the United States Code is amended by adding a new section to be known as section 714, as follows:

"§ 714. 'Johnny Horizon' character or name.

"As used in this Act, the name or character 'Johnny Horizon,' means the representation of a tall, lean man, with strong facial

features, who wears slacks and sport shirt buttoned to the collar (both green, when colored), no tie, a field jacket (red, when colored), boot-type shoes (brown, when colored) and who carries a backpack, which was originated by the Bureau of Land Management, United States Department of the Interior, as the official symbol for a public service antilitter program to maintain the beauty and utility of the Nation's public lands.

"Whoever, except as authorized under rules and regulations issued by the Secretary of the Interior, knowingly manufactures, reproduces, or uses the character 'Johnny Horizon', or any facsimile thereof, or the name 'Johnny Horizon' as a trade name or mark, or in such a manner as suggests the character 'Johnny Horizon', so that such use is likely to cause confusion, or to cause mistake, or to deceive, shall be fined not more than $250 or imprisoned not more than six months, or both.

"This section shall not make unlawful the use of any such emblem, sign, insignia or words which was lawful on the date of enactment of this Act.

"A violation of this section may be enjoined at the suit of the United States attorney, upon complaint by the Secretary of the Interior."

SEC. 4. The analysis of chapter 33 immediately preceding section 701 of title 18 is amended by adding at the end thereof:

§ 714. "Johnny Horizon" character or name.

SEC. 5. The rights in the name and character "Johnny Horizon" shall terminate if the use by the Secretary of the Interior of the name and character "Johnny Horizon" is abandoned. Nonuse for a period of two years shall constitute abandonment.

The communication presented by Mr. JACKSON is as follows:

U.S. DEPARTMENT
OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., Apr. 30, 1970.

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

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To prevent unauthorized use of the character 'Johnny Horizon', and for other purposes." We recommend that the proposed bill be referred to the appropriate Committee for consideration, and we recommend that it be enacted.

Litter is a major and expensive public problem. Rapid and continuing increases in the number and mobility of the American people and in their participation in all kinds of outdoor recreation are adding to the problem each year. Estimates put the annual cost to the American taxpayer of cleaning up trash at over $500 million.

The litter problem is particularly acute on the public lands of the United States, because of their great expanse and the lack of intensive supervision of their use. On the average, each district manager of the Bureau of Land Management is responsible for multiple-use activities on 2,800,000 acres of land. The annual cost of cleaning up careless littering, such as unauthorized dumpsites and roadside litter, is estimated to exceed 15 million dollars. To combat the growing flood of careless litter, to clean up the public lands, and to keep them clean, without large expenditures of public funds, the Department of the Interior, through the Bureau of Land Management, in June 1968 launched an intensive public service antilitter program. The theme of the program is "This Land is Your Land—Keep it Clean." It is designed to involve all users of the lands in the antilitter campaign, and to give them a sense of identity with the program.

To serve as a symbol for the program, the Bureau of Land Management created "Johnny Horizon", a representation of a rugged outdoorsman who loves our forests, deserts, mountains, lakes, streams, and terrain. Literature and litter bags imprinted with the campaign motto have been distributed to schools, civic groups, and other organizations. Cooperative cleanup activities have resulted in outstanding success of the campaign in its first year. For example, the Bureau of Land Management in cooperation with a 4-wheel drive association, was able to accomplish nearly $40,000 worth of cleanup on the Imperial Sand Dunes of southern California through volunteer efforts of members of the organizations.

The total value of voluntary services resulting in cleanups in fiscal year 1969 is estimated to be $100,000. As the program gains momentum, the value of these cleanup efforts is expected to increase sharply. Planned and projected voluntary cleanup activities during the fiscal year 1970 are estimated to be worth from $2 to $3 million. This includes thousands of man days of volunteer work.

As a symbol of the spirit and conscience of every American who loves and enjoys the land and wants to protect it, Johnny Horizon has proved of wide appeal to all classes and ages of Americans. Keep America Beautiful, Inc., a non-profit organization, supported by the Advertising Council, considers this one of the outstanding programs in the United States. Program materials include "Clean-camp Commendation" certificates and State and District Office awards.

On July 3, 1968, by notice published in the *Federal Register* (33 Fed. Reg. 9677), the symbol of Johnny Horizon was established as the official symbol for the public service antilitter program. Use of the symbol without authorization was proscribed. We have authorized firms to produce litter bags imprinted with the Johnny Horizon symbol and theme for sale to various organizations. We have not charged a fee for this privilege. A copy of the manufacturer's material is enclosed.

Interest in Johnny Horizon continues to grow. There are possibilities for increased sales of litter bags and sales of various other items bearing the Johnny Horizon symbol—hats, shirts, boots. We estimate that license revenues will be at the $15,000 level after the first year, increasing to a annual rate of $50,000 or more, at the end of five years. The attached draft bill would provide specific statutory authority in the Department of the Interior to license the use of the Johnny Horizon symbol, for a fee. Use of the symbol without authority would be subject to fine or imprisonment. The draft provides further that the Secretary shall deposit all fees so collected in a special account, which shall be available for furthering nationwide antilitter campaigns.

The program appears to be developing in the same manner as "Smokey Bear", which is provided for in 18 U.S.C. 711. These are the kinds of "small, splendid efforts that make headlines in the neighborhood newspaper", which President Nixon called for in his inaugural address.

The Bureau of the Budget has advised that this legislative proposal is in accord with the President's program.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

S. 3839 AND S. 3840—INTRODUCTION OF TWO BILLS, RELATING TO LOADLINES ON U.S. VESSELS AND REVISION OF LAWS RELATING TO THE DOCUMENTATION OF SEAMEN

Mr. CHURCH. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON), and at the request of the Secretary of Transportation, I introduce, for appropriate reference, two bills. The first is a bill to revise and improve the laws relating to the documentation of seamen. I ask unanimous consent that the bills, the letters of transmittal from the Secretary of Transportation, and the accompanying section-by-section analyses be printed in the RECORD.

The second is a bill to require loadlines on U.S. vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes.

The PRESIDING OFFICER (Mr. BELLMON). The bills will be received and appropriately referred; and, without objection, the bills, letters, and analyses will be printed in the RECORD.

The bills, introduced by Mr. CHURCH (for Mr. MAGNUSON), by request, were received, read twice by their titles, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3839

A bill to require load lines on United States vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the International Voyage Load Line Act of 1969.

SEC. 2. The Secretary of the department in which the Coast Guard is operating (hereinafter referred to as "Secretary") shall enforce the provisions of this Act and prescribe regulations to carry out its provisions. With the consent of the Secretary of the Treasury, the Secretary may utilize officers of the Bureau of Customs to enforce this Act and the regulations established hereunder.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "new ship" means a vessel the keel of which is laid (or which is at a similar stage of construction) on or after July 21, 1968; and

(2) "existing ship" means a vessel which is not a "new ship".

APPLICABILITY

SEC. 4. (a) This Act applies to vessels which—

(1) arrive at any port or place within the jurisdiction of the United States from foreign ports;

(2) make voyages between foreign ports (except foreign vessels engaged in such voyages); or

(3) depart from any port or place within the jurisdiction of the United States for a foreign port.

(b) This Act does not apply to—

(1) ships of war;

(2) pleasure craft not used in trade or commerce;

(3) fishing vessels;

(4) existing ships of less than one hundred fifty gross tons;

(5) new ships of less than seventy-nine feet in length;

(6) vessels which navigate exclusively on the Great Lakes; or

(7) vessels operating on sheltered waters between ports of the United States and neighboring countries as provided in any treaty of the United States.

(c) A vessel which voluntarily obtains load lines shall be treated as a vessel subject to this Act until its load line certificate is surrendered and its load line marks removed.

(d) This Act does not abrogate any provisions of treaties or conventions in effect, which are not in conflict with the Interna-

tional Convention on Load Lines 1966, and to which the United States is a signatory.

SEC. 5. Determination of load lines; issuance of certificate; prohibition.

(a) The Secretary shall prescribe load lines, the marking thereof and associated condition surveys for vessels subject to this Act to indicate the maximum safe draft to which each may be loaded, giving due consideration to, and making differentials for the service, type, and character of each vessel.

(b) Load lines shall be permanently and conspicuously marked and maintained in the manner prescribed by the Secretary. Upon completion of survey requirements and a finding that the load line is positioned and marked in the manner prescribed, the Secretary shall issue a load line certificate, to the master or owner of the vessel, which shall be carried on board the vessel.

(c) A load line shall not be established or marked which is above the actual line of safety.

APPOINTMENT OF SURVEYORS; REVOCATION

SEC. 6. The Secretary may—

(1) appoint the American Bureau of Shipping, or any other United States non-profit-making corporation or association for the survey or registry of shipping, to determine that a vessel's condition is satisfactory and whether its load line is positioned and marked in the manner prescribed by the Secretary and thereupon to issue a load line certificate;

(2) at the request of a shipowner, appoint a corporation or association for the survey or registry of shipping, or an officer of the United States, to determine that a vessel's condition is satisfactory and its load line is positioned and marked in the manner prescribed by the Secretary and thereupon to issue a load line certificate; and

(3) revoke an appointment under this section at any time.

EXEMPTIONS

SEC. 7. When a vessel subject to this Act is shown to be entitled to an exemption from the provisions of this Act by an international agreement to which the United States is signatory, a certificate of exemption shall be issued to the vessel, and carried in lieu of the certificate required by section 5 of this Act.

RECOGNITION; NON-APPLICABILITY

SEC. 8. (a) When it is found that the law and regulations in force in a foreign country relating to load lines are equally effective as this Act and the regulations hereunder, or when a foreign country subscribes to an international load line agreement to which the United States subscribes, the markings and certificate thereof of a vessel of the country shall be accepted as complying with the provisions of this Act and regulations hereunder. The control of such vessels shall be as provided in the applicable international agreement.

(b) Subsection (a) does not apply to vessels of foreign nations which do not similarly recognize the load lines prescribed under this Act.

LOADING RESTRICTIONS; RECORDATION

SEC. 9. (a) No vessel subject to this Act may be so loaded as to submerge the prescribed load line, or to submerge the point where an appropriate load line under the Act and the prescribed regulations should be marked.

(b) The master of a vessel subject to this Act shall, after loading but before departing for a voyage by sea from any port or place in which this Act applies, record in the official log book or other permanent record of the vessel a statement of the relative position of the prescribed load line mark applicable at the time in question with respect to the water surface, and of the actual drafts of the vessel, forward and aft, at the time, as nearly as they may be ascertained.

DETENTION OF VESSELS

SEC. 10. (a) When the Secretary has reason to believe that a vessel is about to leave a port in the United States or its possessions in violation of this Act or the regulations hereunder, the Secretary may, upon notifying the master or officer in charge of the vessel, order the vessel detained.

(b) Clearance required by section 4197 of the Revised Statutes, as amended (46 U.S.C. 91), shall be refused or withdrawn from any vessel so detained until correction of deficiencies.

(c) The master or officer in charge of a vessel may petition the Secretary, in a manner prescribed by regulation, to review the detention order.

(d) Upon receipt of a petition, the Secretary may withdraw the detention order, modify it, or require independent surveys as may be necessary to determine the extent of deficiencies. Upon completion of his review, including results of any required independent surveys he shall affirm, set aside, or modify the detention order.

(e) The owner of a vessel is liable for any costs incident to a petition for review and any independent surveys if the vessel is found to be in violation of this Act or the regulations hereunder.

PENALTIES FOR VIOLATIONS

SEC. 11. (a) Except as otherwise provided in this section, the owner and the master of a vessel found in violation of this Act or the regulations thereunder, are each liable to a civil penalty of not more than $1,000 for each day the vessel is in violation.

(b) Each person, if the owner, manager, agent, or master of a vessel who knowingly allows, causes, attempts to cause, or fails to take reasonable care to prevent the violation of subsection 9(a) of this Act or the regulations thereunder, is liable to a civil penalty of not more than $1,000 plus an additional amount of not more than $500 per inch of unlawful submergence.

(c) For any violation of subsection 9(b) of this Act or the regulations thereunder, the master of the vessel is liable to a civil penalty of not more than $500.

(d) Any person who knowingly causes or permits the departure of a vessel from any port or place within the jurisdiction of the United States or its possessions in violation of a detention order pursuant to section 10 of this Act, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(e) Any person who causes or allows the concealment, removal, alteration, defacement, or obliteration of any mark placed on a vessel pursuant to section 5 of this Act and the regulations thereunder, except in the event of a lawful change or to escape enemy capture in time of war, shall be fined not more than $2,000 or imprisoned not more than two years or both.

(f) For any penalty under this section the vessel is also liable.

(g) The Secretary may assess and collect any civil penalty incurred under this Act and, in his discretion, remit, mitigate, or compromise any penalty prior to referral to the Attorney General.

SEC. 12. Act, March 2, 1929, C. 508, 45 Stat. 1493; Act, May 26, 1939, C. 151, 53 Stat. 783; and section 1 of Act, August 31, 1962, Public Law 87-620, 76 Stat. 415, are hereby repealed.

S. 3840

A bill to revise and improve the laws relating to the documentation of seamen

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Seamen's Documentation Act."

DEFINITIONS

SEC. 2. As used in this Act—

(1) "master" means the person having command of a vessel;

(2) "seaman" means a person employed or engaged on board a vessel in any capacity; and

(3) "Secretary" means the head of the department in which the Coast Guard is operating.

MERCHANT MARINER'S DOCUMENTS

SEC. 3. The Secretary shall, under regulations prescribed by him, issue merchant mariner's documents for the identification of seamen and the certification of ratings for which they have qualified.

MERCHANT MARINER'S DOCUMENTS; CONTENTS

SEC. 4. Each merchant mariner's document shall identify the person to whom it is issued, contain a notation as to his nationality, and specify the ratings for which he has qualified. It shall contain such additional information as the Secretary may prescribe.

VESSELS REQUIRING MERCHANT MARINER'S DOCUMENTS AND SHIPPING AGREEMENTS

SEC. 5. (a) Unless otherwise provided, sections 6(a) and 7(a) of this Act apply to—

(1) vessels documented under the laws of the United States;

(2) undocumented vessels belonging in whole or in part to a citizen of the United States or any corporation created under the laws of the United States, or of any State, territory, or possession thereof, or of the District of Columbia, Puerto Rico, the Virgin Islands, or the Canal Zone; and

(3) public vessels of the United States operating as merchant vessels.

(b) Sections 6(a) and 7(a) of this Act do not apply to—

(1) vessels of less than 100 gross tons;

(2) vessels on which the crew is entitled by custom or agreement to share in the profit or result of the voyage;

(3) fishing vessels;

(4) yachts; or

(5) vessels engaged exclusively in trade on the navigable rivers of the United States.

MERCHANT MARINER'S DOCUMENTS; REQUIRED

SEC. 6. (a) A seaman may not be engaged in the crew of a vessel to which this subsection applies unless he is a holder of a merchant mariner's document and exhibits it at the time he is engaged.

(b) Whenever in his judgment the public interest requires, the Secretary may extend the provisions of subsection (a) to such additional classes of vessels and to such waters as he designates.

(c) If the Secretary finds that the application of subsection (a) is not in the public interest, he may suspend it or exempt a vessel from its provisions upon such conditions as he specifies.

SHIPPING AGREEMENTS; REQUIRED

SEC. 7. (a) The master of each vessel to which this subsection applies, before proceeding on a voyage—

(1) between the United States and a foreign country;

(2) between places in one or more foreign countries; or

(3) between a place in any State, territory, or possession of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, or the Canal Zone and a place in another of those jurisdictions not adjoining;

shall make an agreement in writing with each seaman in the crew.

(b) The agreement shall state the nature, and so far as practicable, the duration of the intended voyage and the port or country in which the voyage is to terminate or the term of time for which each seaman is engaged, as the case may be. The agreement may include any other matter not contrary to law to which the parties agree.

Collective bargaining not impaired

SEC. 8. This Act does not affect the right of seamen to bargain collectively.

ENGAGEMENTS VOID WITHOUT AGREEMENT

SEC. 9. The engagement of a seaman contrary to section 7 of this Act is of no legal effect. A seaman so engaged may leave the service of the vessel at any time and is entitled to compensation at the highest rate being paid at the port where he was engaged for the position for which he was engaged, or the rate agreed to at the time he was engaged, whichever is higher.

FOREIGN AND CERTAIN INTERCOASTAL VOYAGES

SEC. 10. (a) In the case of a vessel on a voyage between the United States and a foreign country (other than Canada, Bermuda, the West Indies, or Mexico), or a voyage between a place on the Atlantic Ocean and a place on the Pacific Ocean, the written agreement required by section 7 of this Act shall be in the form and contain the items of information that the Secretary may prescribe and shall state—

(1) that each seaman agrees to perform his duties to the best of his ability and to obey the lawful orders of the master, or any person who may lawfully succeed him, and those of the vessel's officers and supervisory personnel acting under the authority of the master and by whom the seaman is supervised in matters relating to the vessel;

(2) that the master agrees to receive, consider, and accord appropriate action to the legitimate complaint of any seaman presented in a reasonable manner and at a reasonable time; and, as the agent of the owner or operator of the vessel, to pay each seaman compensation at the agreed rate; and

(3) any rules of conduct that may be agreed upon which may include the time each seaman is to report on board.

(b) A qualified official designated by the Secretary shall supervise the engagement and discharge of the crew—

(1) for each voyage on which subsection (a) applies; and

(2) if the master or owner of the vessel so requests, for any other voyage on which a written agreement is required by section 7 of this Act.

(c) Before a crew is engaged under subsection (b) the master shall exhibit on the vessel at a place accessible to the crew, a copy of the agreement to be entered into, less the items pertaining to individual seamen.

(d) Notwithstanding any other provision of law, the first clause of section 596, and sections 593 through 595, 597, 600, 603, 604, 625 through 628, 644 and 651 of title 46 apply in the case of a seaman whose engagement is supervised by a qualified official under clause (2) of subsection (b).

WRITTEN EVIDENCE OF SERVICE UPON DISCHARGE

SEC. 11. Each master required by section 7 of this Act to make a written agreement with a seaman shall, upon discharge of the seaman, provide him with written evidence of his service prepared in the manner and form prescribed by the Secretary. However, it may not contain any reference to the seaman's ability or conduct.

FOREIGN ENGAGEMENTS AND DISCHARGES

SEC. 12. The Secretary shall, subject to the concurrence of the Secretary of State, prescribe procedures for the engagement and discharge of seamen outside the United States.

SERVICE RECORDS

SEC. 13. The Secretary shall maintain a service record for each holder of a merchant mariner's document.

PUBLICATION OF STATISTICS

SEC. 14. Service records maintained by the Secretary are not public records. However, the Secretary may—

(1) provide information from a seaman's record to the seaman or his designee, or to any organization established by an employer and a collective bargaining agent of the seaman to provide the seaman with welfare, pension, vacation, or training benefits; and

(2) prepare and publish statistics and other data extracted from the records that the Secretary considers pertinent or useful.

CREW REPORTS

SEC. 15. To ensure compliance with the laws and regulations relating to the engagement and discharge of seaman and the manning of vessels, and to provide information necessary to maintain service records for holders of merchant mariner's documents, the Secretary may require masters of vessels to submit reports in a form and manner to be prescribed by the Secretary.

OFFICIAL LOGBOOK; REQUIRED ENTRIES

SEC. 16. (a) An official logbook shall be carried on board each vessel on a voyage to which section 10(a) of this Act applies. The Secretary may prescribe the form of the official logbook. The master of the vessel shall make, or cause to be made therein, entries concerning the following matters:

(1) Each conviction of a member of the crew by civil authority and the punishment imposed.

(2) In the manner specified in section 702 of title 46, each offense committed by a member of the crew for which it is intended to prosecute or to enforce a forfeiture.

(3) Each offense for which punishment is imposed on board, and the punishment imposed.

(4) A statement of the conduct, character, and qualifications of each seaman in the crew or a statement that he declines to give an opinion of those particulars.

(5) Each case of illness or injury occurring on board to a member of the crew, which results in his incapacitation for 72 hours or longer, and a description of any treatment given to him on board.

(6) Each death on board and the cause thereof.

(7) In the case of collision, a statement thereof, and the circumstances under which it occurred.

(8) Such other matters as are required by law or by the Secretary.

(b) Completed official logbooks shall be retained, transferred, or otherwise disposed of as the Secretary may prescribe.

OFFICIAL LOGBOOK; MODE OF MAKING ENTRIES

SEC. 17. Each entry required to be made in the official logbook, unless otherwise required by law—

(1) shall be made as soon as possible after the occurrence;

(2) if not made on the day of the occurrence, shall be dated and show the date of the occurrence;

(3) if relating to an occurrence happening before the vessel's arrival at her final port of discharge, shall be made not later than 24 hours after arrival; and

(4) shall be signed by the master, and by the chief mate or some other member of the crew.

VIOLATIONS; PENALTIES; PROCEDURES

SEC. 18. Whoever violates section 6, 7, 10, 12, 15, 16, or 17 of this Act, or a regulation prescribed thereunder, is liable for a civil penalty of not more than $2,000 for each offense. The Secretary may assess and collect any civil penalty incurred under this Act and, in his discretion, remit, mitigate, or compromise any penalty prior to referral to the Attorney General.

DELEGATIONS, REGULATIONS, AND FEES

SEC. 19. The Secretary may—

(1) delegate, and authorize successive redelegations of, and of the duties or powers conferred on him in this Act; and

(2) subject to section 553 of Title 5, prescribe regulations to carry out this Act;

(3) prescribe a reasonable fee for any document issued or any report, statistics, or data provided under this Act.

AMENDMENTS TO OTHER LAWS

SEC. 20. (a) Section 4612 of the Revised Statutes, as amended (46 U.S.C. 713), is amended by striking out the schedule and tables following the text.

(b) Section 10 of the Act of June 26, 1884, as amended (23 Stat. 55; 46 U.S.C. 599), is amended—

(1) by amending subsection (b) to read as follows:

"(b) It shall be lawful for any seaman to stipulate, in writing, at the time he enters into a shipping agreement, for the allotment of a portion of the wages he may earn (1) to his grandparents, parents, wife, sister, brother, or children; (2) to an agency duly designated by the Secretary of the Treasury for the handling of applications for United States Savings Bonds, for the purpose of purchasing such bonds for the seaman; (3) for deposits to be made in an account opened by him and maintained in his name at a Federal or state credit union or at a savings institution in which such accounts are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation; or to any other allottee that the Secretary authorizes by regulation."; and (2) by striking out the second paragraph in subsection (e).

(c) The Act of August 19, 1890, as amended (26 Stat. 320; 46 U.S.C. 563, 2nd paragraph) is amended to read as follows:

"The clothing of a seaman is exempt from attachments and liens. Whoever detains a seaman's clothing or any license, certificate of registry, or merchant mariner's document issued to a seaman by the Coast Guard shall be fined not more than $500 or imprisoned not more than six months, or both."

(d) Section 434 of the Tariff Act of 1930, as amended (46 Stat. 711; 19 U.S.C. 1434), is amended by striking out the words "crew list, its".

(e) Section 435 of the Tariff Act of 1930, as amended (46 Stat. 711; 19 U.S.C. 1435) is amended by striking out the words "that a list of the crew need not be delivered, and".

(f) Section 4 of Public Law 89–99 (79 Stat. 424; 46 U.S.C. 444) is amended by striking out the period at the end and adding the words "or the Seamen's Documentation Act," in place thereof.

(g) Section 5 of Public Law 89–99 (79 Stat. 424; 46 U.S.C. 445) is amended by inserting the words "or the Seamen's Documentation Act," immediately following the words "or supplementary thereto,".

(h) Whenever used in any other law with reference to documentary evidence of a seaman's rating, "certificate of service", "certificate of service or efficiency", and "certificate" are considered to mean a certification of that rating on a merchant mariner's document issued under this Act.

LIMITED PURPOSE AND EFFECT

SEC. 21. The legislative purpose of this Act is to revise and improve documentation and record keeping pertaining to seamen. Except as expressly provided by this Act it does not affect the relationship between the master and the crew of a vessel, or abrogate or diminish, in any way, the authority of a master, or the rights of any seaman relating thereto.

REPEALS

SEC. 22. The following laws are repealed except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this Act.

Revised statutes section	Revised statutes section	Revised statutes section
4290	4510	4522
4291	4511	4523
4292	4512	4548
4501	4513	4549
4502	4514	4551
4503	4515	4553
4504	4516	4568
4505	4517	4573
4506	4518	4574
4507	4519	4575
4508	4520	4576
4509	4521	4595

Date	Chapter	Section	Statutes at large Volume	Page
Feb. 27, 1877	69	1[1]	19	250
June 26, 1884	121	19, 20, 27	23	58
June 19, 1886	421	2	24	80
Mar. 3, 1897	389	1, 3, 19	29	687
Dec. 21, 1898	28	1, 2, 14	30	755
Feb. 14, 1900	19	1	31	29
Apr. 26, 1906	1875		34	137
Mar. 4, 1915	153	1	38	1164
June 25, 1936	816	3	49	1934
Mar. 24, 1937	49	1, 2	50	49
June 16, 1938	467	3	52	754
Oct. 17, 1940	896	1, 2	54	1200

[1] Only the part amending R.S. 4290, 4513, 4522, 4575.

EFFECTIVE DATE

SEC. 23. This Act shall become effective on the first day of the sixth month following the month in which it is enacted.

The letter accompanying Senate bill 3839 is as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., April 7, 1970.

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

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill, "To require load lines on United States vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes."

The draft bill is submitted to implement the provisions of the International Convention on Load Lines 1966, which the United States has accepted and which came into force on July 21, 1968. The convention recognizes developments in the maritime industry since the drafting of the International Convention respecting Load Lines 1930, and the new regulations annexed to the 1966 Convention reflect these changes. The enclosed draft bill would provide for the implementation of these changes in the United States and to this end would replace existing authority commonly referred to as the "Foreign Load Lines Act", which would be repealed.

The existing law which requires load lines on certain vessels of 150 gross tons or more, would be supplanted for new vessels, by load line requirements based on a vessel's length. This is the major substantive change in the bill. The proposal follows the 1966 Convention in setting forth the vessels to which the load line requirements are applicable and in enumerating vessels excepted. With the exception of a new section dealing with certificates of exemption as provided for in the Convention, the remaining provisions of the draft bill parallel existing sections 2 through 8 of the Act of March 2, 1929, which were generally in need of editorial revision.

The draft bill would authorize the Secretary of the department in which the Coast Guard is operating to prescribe regulations for determining load lines. He would also be responsible for enforcing the provisions of the Act, and to this end use of the officers of the Bureau of the Customs with the consent of the Secretary of the Treasury, is provided for. Provision is also made for the determination of the position and manner of marking of load lines by the American Bureau of Shipping or other United States non-profitmaking organizations for the survey of registry of shipping and for the recognition of load line certificates issued by other nations which extend reciprocity to U.S. load line certificates.

Other provisions of the draft bill make it unlawful for a vessel to be so loaded as to exceed the maximum safe draft provided under the regulations and permit the detention of a vessel about to depart in an overloaded condition. The master of a vessel subject to the Act is required to record the ship's draft and position of the load line mark prior to the departure of a vessel from any port or place to which this Act applies.

Civil penalties are provided for violation of the Act or any regulations issued thereunder. The Act would also make it a crime to knowingly permit a vessel to depart from any port in violation of a detention order and to cause or allow the alteration of prescribed load line marks.

In the preamble to the 1966 Convention, the contracting governments state their intention "to establish uniform principles and rules with respect to the limits to which ships on international voyages may be loaded having regard to the need for safeguarding life and property at sea." The proposal being submitted therefore, does not apply to vessels which engage in coastwise trade, or which navigate exclusively on the Great Lakes, and existing authority requiring load lines on vessels engaged in these trades would not be affected.

The enactment of this proposed bill would not impose any additional budgetary requirement upon this Department.

It would be appreciated if you lay this proposal before the Senate. A similar proposal has been submitted to the Speaker of the House of Representatives.

The Bureau of the Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

JOHN A. VOLPE.

The letter and analysis, accompanying S. 3840, are as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., April 15, 1970.

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

DEAR MR. PRESIDENT: There is transmitted herewith a proposed bill "To revise and improve the laws relating to the documentation of seamen", together with a section-by-section analysis.

This proposed bill would supplant the statutes pertaining to seamen's identification certificates, the engagement and discharge of seamen, shipping articles (employment agreements), Coast Guard maintained seamen's records, and official log books for vessels. A similar proposal was submitted to the 90th Congress and introduced as S. 3759 and H.R. 18547. Since then there have been consultations with various interested elements of the maritime industry and a continuing assessment of the Department's role in the activities covered by the proposed legislation. The enclosed bill is the resulting refinement of the earlier proposal.

The statutes to be replaced are an interrelated maze of laws enacted piecemeal during the years between 1872 and 1940 to cope with a number of separate and distinct conditions. They are replete with inconsistencies and redundancies as well as undesirable voids and are completely out of tune with the needs of today's maritime industry.

All of the statutes to be replaced by the proposed bill relate to the business of documenting seamen and the permanent recording of critical information concerning them. The Coast Guard's central record activities regarding seamen laboriously maintained under the existing statutes, face increasing problems in discharging their vital part in establishing the work experience qualifications of seamen and their entitlement to higher ratings and various health and pension benefits and in filling the needs of Federal maritime-related agencies for data pertaining to seamen.

The primary source of information on American maritime manpower is the Coast Guard's system of identification documents issued to seamen as supplemented and updated by information collected in the shipboard engagement and discharge process. Certificates of discharge issued to seamen at the termination of each voyage are a principal source of information. Unfortunately the present statutory scheme, especially the form of "Shipping Articles" prescribed for use on foreign voyages, does not lend itself to modern, efficient paperwork and record keeping. A modern system to collate accurate data for rapid retrieval and evaluation is vital to proper planning for a healthy peacetime merchant marine.

The Coast Guard's statutory functions associated with the engagement and discharge of seamen and related record keeping are now performed at an annual cost of $1,100,000. The detailed and rigid statutory forms and procedures from another era imposed by the existing statutes prevent the use of modern paperwork and record keeping procedures. Retrieval of information from existing records is both slow and costly.

The proposed bill would establish a concise and orderly scheme dealing with the various elements of seamen's documentation—identification, qualifications, and service. It would replace the detailed restrictions of the existing statutes with provisions setting forth basic guidelines for the comprehensive seamen's documentation program to be administered through the Coast Guard.

Enactment of the proposed bill would allow the immediate introduction of modern procedures and business practices commonly used elsewhere in the Government without any increased Government costs. It would also make possible the eventual introduction of an automated data processing system.

The Bureau of the Budget advises that there is no objection from the standpoint of the President's program to the submission of this draft legislation to the Congress.

Sincerely,

JOHN A. VOLPE.

SECTION-BY-SECTION ANALYSIS OF A BILL TO REVISE AND IMPROVE THE LAWS RELATING TO THE DOCUMENTATION OF SEAMEN

(Related sections of existing sections of Title 46 U.S. Code that would be amended or replaced are indicated in parentheses following the analysis of the corresponding section of the bill.)

Section 1 contains the short title.

Section 2 defines certain terms used in the Bill. The definitions are consistent with those in closely related existing statutes. "Secretary" would mean the Secretary of Transportation or, when the Coast Guard is operating as a service in the Navy, it would mean the Secretary of the Navy.

Section 3 provides for the issuance of a single standard document for the identification of United States seamen and for the certification of their ratings. Provisions for the licensing of qualified ship's officers have been part of the Federal statutes for over 100 years. It was not until 1936 that American seamen received any form of certificate that would identify them as members of the

U.S. Merchant Marine. Also, commencing in 1936, unlicensed seamen were issued "certificates of service" as evidence of their special shipboard qualification. In 1937, "certificates of identification" came into being. Several years later, without statutory change, these two "certificates" were combined in a single document called a "United States Merchant Mariner's Document". The Merchant Mariner's Document, in use today, also serves as a passport for American seamen on vessels in the foreign trade.

The 1937 Act that created the certificate of identification gave the seaman an option. In lieu of a certificate of identification he could receive the "continuous discharge book" which served him both as a means of identification and a cumulative record of his shipboard employment. Over the years, this option has been exercised by a very limited number of seamen. Today the Merchant Mariner's Document is not only issued in place of the certificates but also as a companion document to the seaman electing to receive a continuous discharge book. In addition to giving statutory recognition to the Merchant Mariner's Document as a replacement for both the certificate of identification and the certificate of service, this section would discontinue the issuance of continuous discharge books. (The records of service that would be established under section 12 would replace the cumulative records now kept in the "books".) (46 USC 643(a) (part) and (h)).

Section 4 prescribes the minimum information to be included on Merchant Mariner's Documents. (46 USC 643(a) (part) and (b)).

Section 5 identifies the kinds of vessels on which the crew members must be holders of Merchant Mariner's Document (§ 6(a)) and on which written agreements of employment are required for certain voyages (§ 7(a)). Subject to the specific exemptions listed in subsection (b), these requirements apply generally to U.S. flag vessels, regardless of whether or not they are Federally documented, and to public vessels that operate in commercial service. (46 USC 566 (part) and 643(a) (part) and (i)).

Section 6 requires the possession of a Merchant Mariner's Document for employment in the crew of commercial vessels of 100 gross tons or larger (except those specifically exempted by § 5(b)). Subsection (b) authorizes the Secretary to extend this requirement to other vessels when the public interest requires. Under subsection (a) a vessel would be required to employ persons who possessed Merchant Mariner's Documents except in those situations for which the Secretary had prescribed a relaxation under subsection (c). (46 USC 569, 643(c) (part), 643b). Today possession of a Merchant Mariner's Document is required by section 121.01 of title 33 of the Code of Federal Regulations for employment on the vessels to which this section would apply. That regulation, based on section 191 of title 50, U.S. Code, is applicable only during periods of national emergency as proclaimed by the President. The application of that regulation would no longer be limited to national emergencies if this section is enacted.

Section 7 requires that written agreements be executed between the master and the crew of commercial vessels of 100 gross tons or larger on foreign voyages and coastwise voyages between non-neighboring States.

Subsection (b) requires that the agreements contain a description of the period of employment and provides that they may contain any other lawful terms which the parties agree to (46 USC 564 (part), 574 (part)).

Section 8 recognizes the existence of "collective bargaining" and its relationship to shipping agreements required by this Act.

Section 9 provides legal remedies for the seaman who is improperly taken into vessel's employ in violation of the preceding section. (46 USC 575 and 578).

Section 10 requires that shipping agreements for (1) foreign voyages (except for those to certain nearby countries), and (2) intercoastal voyages be prepared in the format prescribed by the Secretary and contain a number of specific provisions. (46 USC 564 (part), 713 (Table A)).

Subsection (b) requires a qualified official (shipping commissioner) to supervise engagements and discharges on voyages covered by subsection (a). (46 USC 565, 641 (part), 643(e) (part), and 643 (k) (part)). It also permits the same supervision of engagements and discharges on coastwise and nearby foreign voyages at the option of the master or owner of the vessel (46 USC 563 (1st paragraph)).

Subsection (c) requires public display of the terms of the agreement before a crew is actually engaged under the supervision of the qualified official. (46 USC 577).

Subsection (d) provides for the application of certain enumerated laws pertaining to seamen's wages to coastwise and nearby foreign voyages when a master or owner exercises his option to have the engagement and discharge of his crew supervised by a qualified official under subsection (b)(2). (46 USC 563 (part of 2d paragraph)).

Section 11 requires masters of vessels on voyages for which written agreements are required, to provide crew members with documentary evidence of their service on his vessel in a form to be prescribed by the Secretary. Masters are prohibited from including on the document any evaluation of the crew members' conduct on their performance. (46 USC 643(e) (part) and (k) (part)).

Section 12 provides authority for the Secretary to prescribe procedures for the engagement and discharge of seamen overseas during foreign voyages. Under existing statutes it is contemplated that such engagements and discharges be performed in the presence of an American consul, if there is one available, or reported to the consul at the vessel's next port of call where there is one available. This section of the Bill would allow the Secretary and the Secretary of State to jointly develop and implement procedures for overseas transactions. (46 USC 569, 570).

Section 13 requires the Secretary to maintain a service record for each documented seaman. (46 USC 643(f) (part)).

Section 14 prohibits publication or disclosure of information about a named seaman from his record of serivce except to the seaman and certain of his identified representatives. It authorizes the Secretary to use such information for statistical purposes and to publish useful data derived from seamen's records of service. (46 USC 643 (f) (part)).

Section 15 authorizes the Secretary to require the submission of reports to assist him in the proper enforcement of the laws relating to the engagement and discharge of seamen and the manning of vessels with qualified crews and to provide information necessary to maintain seamen's service records. In cases where the engagement and discharge of crews are supervised by Federal officials under section 10(b) of the Bill most of the necessary information will be assembled by that official. This section provides a means for collecting the information from vessels not serviced by Federal officials under section 10(b). (46 USC 643(k) (part) and (1)).

Sections 16 and 17 replace the existing 46 USC 201 and 202 relating to official log books. Section 16 requires log books to be maintained on voyages on which engagements and discharges are supervised by a Federal official (e.g., foreign and intercoastal). It prescribes seven required log book entries and authorizes the Secretary to prescribe other matters about which entries should be made, in addition to certain matters prescribed elsewhere by statute. (46 USC 201, 202).

Section 18 prescribes civil penaltites for violations of the principal provisions of this Bill. It also prescribes the means for enforcement of those penalties and vests the Secretary with discretionary power in the disposition of those penalties. (46 USC 203, 567, 568, 575, 577, 641, 643 (k) and (l)). Existing suspension and revocation authority under 46 USC 239 would also be available as a means of enforcing the provisions of this Bill.

Section 19 authorizes the Secretary to delegate responsibility for administration of the Bill and to prescribe regulations for its implementation. (46 USC 643(j)). It also authorizes a reasonable fee to cover the cost of issuing merchant mariner's documents and providing informative reports and statistics authorized by section 14 of the Act.

Section 20(a) eliminates the statutory form for "Shipping Articles" in the foreign and intercoastal trade. Under section 9(a) the Secretary will, subject to the specific requirements of that section, prescribe the form. (46 USC 713 (schedules)).

Section 20(b) amends the statute relating to seamen's allotments by—

(1) providing for allotments to be made "at the time" a seaman enters into a shipping agreement rather than requiring it to be included in the formal agreement;

(2) eliminating the no longer existent "postal savings" from the list of approved allottees and adding "brothers" and "Credit Unions";

(3) authorizing the Secretary to add to the list of approved allottees; and

(4) eliminating the requirement that Shipping Articles be presented to Customs for their examination before they clear the vessel to depart on a foreign voyage. (46 USC 599).

Section 20(c) amends the statute relating to (1) the engagement of seamen in the coastwise trade by shipping commissioners at the option of the vessel and (2) the exemption of seamen's clothing from liens. It eliminates the former, now covered by section 10(d), and perpetuates the latter. This section also extends the penalty for wrongful detention of a seaman's clothing to cover his Merchant Mariner's Document and marine licenses. (46 USC 563 (proviso)).

Sections 20(d) and (e) amend the statutes pertaining to the entry of vessels from foreign voyages to eliminate the requirement that the master deliver a crew list to the customs house. Under the International Convention on Facilitation of International Maritime Traffic and its Annex (TIAS 6251), "a crew list dated and signed by the master or some other ship's officer duly authorized by the master" may serve the function of "providing public authorities with information relating to the number and composition of the crew on the arrival and departure of a ship." To meet the requirements of this multilateral agreement that became effective with respect to the United States on May 16, 1967, and to provide for our own domestic needs, the Bureau of Customs, the Immigration and Naturalization Service and the Department of Transportation have jointly developed a standard form for crew lists, which when filed with a vessel's inward manifest, meets the operational needs of the Bureau of Customs.

Sections 20(f) and (g) amend the statutes relating to scientific personnel on oceanographic research vessels so as to preserve the application of those statutees in cases where this Act replaces provisions of Title 53 of the Revised Statutes or laws amendatory or supplementary to that title.

Section 20(h) makes it clear that a notation of a seaman's rating on the Merchant's Document issued to him is the official documentary evidence of his qualification for that rating in lieu of the separate certificates issued under prior statutes.

Section 21 disclaims any intention of disrupting the relationship between masters and their crews or the rights provided seamen for their protection and benefit under the laws affects by this Bill.

Section 22 repeals existing statutes replaced by this Bill and several related statutes superseded by Reorganization Plan No. 3 of 1946. The 1946 Reorganization Plan transferred the statutory functions of individual "Shipping Commissioners" to the Commandant of the Coast Guard. Through Reorganization Plan No. 20 of 1950 and section 6(b) of the Department of Transportation Act (49 U.S.C. 1655(b)) those functions are now vested in the Secretary of Transportation. It also repeals existing statutes requiring a crew list to be delivered to the customs house before clearance may be granted for a foreign voyage.

Table showing where sections of the Revised Statutes and the Statutes at Large that would be repealed by this section may be found in the U.S. Code

Revised statutes—section:	Title 46, United States Code section
4290	201
4291	202
4292	203
4501	541
4502	542
4504	543
4509	546
4506	548
4507	549
4508	545
4509	561
4510	562
4511	564
4512	565
4513	566
4514	567
4515	568
4516	569
4517	570
4518	571
4519	577
4520	574
4521	575
4522	576
4523	578
4548	605
4549	641
4551	642
4553	645
4568	665
4573	674
4574	675
4575	676
4576	677
4595	542a

Date	Statutes at large: Chapter	Section	Volume	Page	Title 46, United States Code, section
1877: Feb. 25	69	1	19	250	201, 566, 576, 676.
1884: June 26	121	19	23	58	572.
		20			573.
		27			541.
1886: June 19	421	2	24	80	563 (1s. par.), 646.
1897: Mar. 3	389	1	29	687	549
		3			677.
		19			564.
1898: Dec. 21	28	1	30	755	569.
		2			576.
		14			665.
1900: Feb. 14	19	1	31	29	201.
1906: Apr. 26	1875		34	137	542.
1915: Mar. 4	153	1	38	1164	569.
1936: June 25	816	3	49	1934	643.
1937: Mar. 24	49	1	50	49	643.
		2			643.
1938: June 16	467	3	52	754	643a.
1940: Oct. 17	896	1	54	1200	643.
		2			643b.

Section 23 provides for an effective date six months after enactment to allow for the implementation of modernized engagement, discharge, and reporting procedures.

S. 3841—INTRODUCTION OF A BILL TO AMEND THE IMMIGRATION AND NATIONALITY ACT TO REMOVE THE REQUIREMENT THAT ONLY MARRIED COUPLES MAY PETITION FOR IMMEDIATE RELATIVE STATUS TO BE ACCORDED TO THEIR ADOPTED CHILD

Mr. JAVITS. Mr. President, I introduce for appropriate reference a bill to amend section 101(b)(1)(F) of the Immigration and Nationality Act to remove the requirement that only married couples may petition for immediate relative status to be accorded to their adopted child to allow all qualified Americans to so apply.

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

The bill (S. 3841) to remove the requirements of section 101(b)(1)(F) of the Immigration and Nationality Act that a citizen must be married in order to petition for immediate relative status to be accorded to his adopted child, introduced by Mr. JAVITS, was received, read twice by its title and referred to the Committee on the Judiciary.

Mr. JAVITS. Mr. President, under present law, a U.S. citizen and spouse may adopt a foreign child under the age of 14 or an orphan or a child whose sole or surviving parent is incapable of providing for the child—and has irrevocably released the child for emigration and adoption—and the U.S. citizen may file a petition with the Attorney General to have the adopted child accorded immediate relative status. If the petition is approved by the Attorney General, the child, if otherwise qualified for admission as an immigrant, is admitted to the United States without regard to the numerical quota limitations of the Immigration and Nationality Act.

However, the definition of "child" for the purposes of the act is limited in section 101(b)(1)(F) to a child adopted abroad or brought over to the United States for adoption by a U.S. citizen and spouse. Under this definition, if a child is adopted by only one parent, he or she would not be considered a child for purposes of the immigration law, and the parent could not petition the immediate relative status for the child. If only one parent adopts a foreign child, that child can be considered a child under section 101(b)(1)(E) of the act if the child is under 14 years of age and the parent has legal custody or resides with the child for a period of 2 years. This would require the single parent to move to the child's home country for a 2-year period before becoming eligible to petition for immediate relative status for the child.

The legislation I have introduced would remove the present distinction between married and unmarried U.S. citizens. It would allow an unmarried individual to adopt a foreign child and petition for immediate relative status on the same basis as a married couple. It makes no other change. There is no reason that an unmarried, though eligible, person should be discriminated against by making that person wait for a long period before the foreign child is able to come to the United States under the applicable quota. As long as the preference exists, it should be available to all eligible parents regardless of marital status.

ADDITIONAL COSPONSOR OF A BILL

S. 2308

Mr. CHURCH. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. MONTOYA) be added as a cosponsor of S. 2308, to amend title 38, United States Code, to provide for the payment of an additional amount of up to $100 for acquisition of a burial plot for the burial of certain veterans.

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

SENATE RESOLUTION 409—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE REGARDING THE COMBAT USE OF U.S. ARMED FORCES AS AN INSTRUMENTALITY OF FOREIGN POLICY

Mr. PERCY submitted a resolution (S. Res. 409) expressing the sense of the Senate regarding the combat use of U.S. Armed Forces as an instrumentality of foreign policy, which was referred to the Committee on Foreign Relations.

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

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 14, 1970, he presented to the President of the United States the enrolled bill (S. 3778) to change the name of the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Mo.

AUTHORIZATION OF A FAMILY ASSISTANCE PLAN—AMENDMENT

AMENDMENT NO. 624

Mr. TALMADGE submitted an amendment, intended to be proposed by him, to the bill (H.R. 16311) to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under

the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

(The remarks of Mr. TALMADGE when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

AMENDMENT OF FOREIGN MILITARY SALES ACT—AMENDMENTS

AMENDMENT NO. 625

Mr. EASTLAND submitted amendments, intended to be proposed by him, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which were ordered to lie on the table and to be printed.

(The remarks of Mr. EASTLAND when he submitted the amendments appear earlier in the RECORD under the appropriate heading.)

AMENDMENT NO. 626

Mr. DOMINICK submitted an amendment, intended to be proposed by him, to House bill 15628, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. DOMINICK when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

AMENDMENT NO. 627

Mr. CHURCH submitted amendments, intended to be proposed by him, to House bill 15628, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 628

Mr. GORE submitted an amendment, intended to be proposed by him, to House bill 15628, supra, which was ordered to lie on the table and to be printed.

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

AMENDMENT NO. 629

Mr. GORE submitted an amendment, intended to be proposed by him, to House bill 15628, supra, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF AN AMENDMENT

NO. 620

Mr. CHURCH. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Illinois (Mr. PERCY) and the Senator from Indiana (Mr. HARTKE), be added as cosponsors of Amendment No. 620 to H.R. 15628, to amend the Foreign Military Sales Act.

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

NOTICE OF HEARING ON GOVERNMENT LAND CLAIMS BILL

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce a hearing for the consideration of S. 3292. This bill deals with Government land claims in Arizona and California.

The hearing will be held on May 25, 1970, at 10 a.m., in Room 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the RECORD should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, Room 6306, New Senate Office Building.

NOTICE OF HEARING ON JUDICIAL REVIEW OF INTERSTATE COMMERCE COMMISSION DECISIONS BILL

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce a hearing for the consideration of S. 3597. This bill deals with judicial review of decisions of the Interstate Commerce Commission.

The hearing will be held on May 22, 1970, at 10 a.m., in Room 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the RECORD should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, Room 6306, New Senate Office Building.

CORRECTION OF NOTICE OF HEARINGS ON S. 3678, FOREIGN BANKING SECRECY

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Wisconsin (Mr. PROXMIRE), I ask unanimous consent that a statement by Senator PROXMIRE announcing the correction of notice of hearings on S. 3678, Foreign Banking Secrecy, be printed in the RECORD at this point.

CORRECTION OF NOTICE OF HEARINGS ON S. 3678, FOREIGN BANKING SECRECY

Mr. PROXMIRE. Mr. President, on May 12, 1970 I announced that the Subcommittee on Financial Institutions of the Committee on Banking and Currency will hold hearings on S. 3678, a bill to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in United States currency be reported to the Department of the Treasury and for other purposes.

At that time I stated that the hearings will be held on June 1, 2, 3 and 4, 1970. However, there has been a change in the Committee schedule, and I wish to announce that instead of holding these hearings on the aforementioned dates, the Subcommittee on Financial Institutions will conduct the hearings on Monday through Friday, June 8 through 12, 1970. Hearings will begin each day at 10 A.M. in room 5302 New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Kenneth A. McLean, Senate Committee on Banking and Currency, room 5300, New Senate Office Building, Washington, D.C. 20510; telephone 225-7391.

ADDITIONAL STATEMENTS OF SENATORS

THE TREATMENT OF OUR PRISONERS OF WAR A TRAVESTY ON HUMAN DECENCY

Mr. GRIFFIN. Mr. President, for the past several weeks we have heard much talk across this land of ours about human decency and human dignity. For the most part, this talk has been aimed as criticism of our own Government and our own system.

Great concern is being expressed throughout America about humanity and the humane treatment of people.

But not enough is being said in behalf of one small segment of humanity which suffers daily from inhumanity. I refer to the 1,500 or so Americans being held prisoners of war in North Vietnam.

The women and children, who are the families of these prisoners, do not comprise a large number of our citizens. But their suffering is so acute and so deep—and so long drawn out—that their sorrow far outweighs their numbers.

I can conceive of little that can be more tragic than the sight of a woman pleading to know whether she is a wife or a widow. Counter to every precept of human dignity, the Communist leaders of North Vietnam have steadfastly refused to accept even the most minimal responsibility for the proper care of the men they have captured during the course of the Vietnamese war.

Under the agreed standards of humane treatment they are supposed to notify the Government of the men captured that they are being held and where they are being held. They are also supposed to provide medical care and an adequate diet for the men. Finally, they are supposed to allow at least limited communications between the men and their families.

We do not know for sure what kind of treatment the Americans being held captive are getting from the Communists. We do not know because we have little or no information about most of these men.

Failure of the Communists even to notify the U.S. Government that the men have been captured is a clear violation of the humane treatment provisions concerning prisoners of war. And refusal of the Communists to allow them to write to their families or receive letters from their families is a gross dereliction of duty to humanity.

It would be my hope that the emotional outpouring generated by events in Southeast Asia will not be confined to attacks upon our own Government. Surely, some of it should be directed at the people in Hanoi in the interest of our American prisoners of war.

CHAIRMAN TRAIN WARNS OF SERIOUS ENVIRONMENTAL POLLUTION FROM SST

Mr. PROXMIRE. Mr. President, on May 12 the Subcommittee on Economy in Government of the Joint Economic Committee heard testimony from Russell Train, Chairman of the President's Council on Environmental Quality, and from Gordon MacDonald, a member of that Council. The bulk of their testimony was addressed to the environmental consequences of proceeding with development of the supersonic transport. The information which Mr. Train and Dr. MacDonald gave us is so vital and so timely that I feel it should be made more readily available to all Members of Congress and to the public.

Mr. Train discussed two crucial environmental issues: The airport noise we must expect from the SST and the possibly very damaging atmospheric effects of the SST. With respect to the airport noise question, Mr. Train announced to us a commitment by the administration that—

The guidelines with respect to noise certification of the supersonic civilian transport should assure that the noise environment in the vicinity of airports at the time of the introduction of supersonics will not be degraded in any way.

In the course of questioning it became clear that in order to fulfill this commitment to avoid degradation of the noise environment, it will in all probability be necessary to prohibit the SST from landing at most of our existing major airports. Let me quote Mr. Train:

I believe that if we set our standard for the supersonic aircraft in a way which insured that the noise environment in and around our airports will not be degraded, that it will be exceedingly difficult if not impossible for the SST as presently designed and the Concorde as we now know it to operate from U.S. airports.

Continued funding of a prototype of a plane which will probably not be able to operate from existing U.S. airports seems, in my judgment, absurd. I asked Mr. Train and Dr. MacDonald what technical progress was being made in overcoming this airport noise problem. Mr. Train replied:

The present level of research in sideline noise, as well as the other environmental problems and uncertainties to which I have referred, is not at a level that we think it should be.

Dr. MacDonald added:

Using current technology, the chances of obtaining an economically viable airplane and meeting what we propose as the noise criterion are slim. However, there are alternatives ahead that might very well lead to a quieter engine.

Mr. President, I submit that Congress would be wise to refrain from appropriating any more funds for prototype construction until these "alternatives ahead" have materialized.

With respect to the effect of SST flights on the upper atmosphere, Mr. Train and Dr. MacDonald made it abundantly clear that we simply do not know at this time what these effects might be. Substantial additional moisture will be introduced into the stratosphere. This moisture may destroy some fraction of the ozone in the atmosphere, leading to an increase in the ultraviolet radiation which reaches the earth. This moisture may also increase our cloud cover. Again I quote Mr. Train:

The increased water content coupled with the natural increase could lead in a few years to a sun shielding cloud cover with serious consequences on climate . . . The effects should be thoroughly understood before any country proceeds with a massive introduction of supersonic transports.

Dr. MacDonald concurred:

This is potentially such a significant problem that we really must understand it before proceeding in any way to alter the water vapor content of this part of the atmosphere.

Again, I submit that Congress should listen to the administration's own experts. We should wait until these atmospheric effects have been much more thoroughly evaluated before we continue with the development of a supersonic transport.

Finally, Mr. President, I would like to point out that the agency responsible for SST development, the Department of Transportation, has not submitted the documentation on the environmental effects of this program which is required under section 102 of the National Environmental Policy Act of 1969. Congress should insist that this act be complied with before considering appropriation requests for this or any other program with major environmental consequences.

I ask unanimous consent that Mr. Train's testimony before the Subcommittee on Economy in Government be printed in the RECORD.

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

STATEMENT OF THE HONORABLE RUSSELL E. TRAIN, CHAIRMAN, COUNCIL ON ENVIRONMENTAL QUALITY, BEFORE THE SUBCOMMITTEE ON ECONOMY IN GOVERNMENT OF THE JOINT ECONOMIC COMMITTEE, MAY 12, 1970

Chairman Proxmire, members of the Committee: As Chairman of the Council on Environmental Quality I am responding to your invitation to discuss environmental considerations which should enter into Federal transportation expenditure decisions and specifically the decision as to development of the supersonic transport. I am accompanied by Dr. Gordon J. F. MacDonald, a member of our Council and a scientist with considerable background in the scientific issues involved.

At the outset I should make clear that the mandate of the Council under the National Environmental Policy Act is to advise the President concerning the *environmental* aspects of Federal government programs and activities. The goal of the Act is to assure that, to the greatest extent practical, environmental considerations are given careful attention and appropriate weight at all stages of the planning and decision-making process in every agency of the Federal Government. We recognize, of course, that environmental considerations are not the only considerations relevant to this process.

I turn now to the views of the Council on Environmental Quality on the environmental considerations that would be relevant to the development of a fleet of supersonic transports. The question of a civilian supersonic transport is important in its own right but has a broader significance because of the problems and opportunities that we as a nation face in the years ahead. In the case of the supersonic transport our great technological strength provides us with an opportunity to make a significant advance in aviation. Yet we must assess whether such progress in aviation represents progress for society—for our whole society. We must at all times be careful that we do not pursue technology simply for the sake of technology simply for its own sake—but rather for its contribution to human welfare. There is a growing awareness that, with certain technological advances, come social and environmental costs that are difficult to quantify but that must be taken into consideration. What is true for aviation is also true for many other technologies. In the years ahead we must assess the full consequences of technological advance well ahead of the deployment of that technology.

Before proceeding to a brief discussion of the specific environmental aspects of the development of a supersonic fleet, I wish to emphasize four points:

1. The Administration's program is for the design, development, fabrication, assembly and a hundred hour flight test of two identical prototype supersonic transportation aircraft. In and of themselves the two prototype models would not give rise to environmental problems provided appropriate precautions are taken with regard to their test flights.

2. The final decision with respect to the production of further supersonics will depend on a number of factors, including economic and foreign policy aspects, as well as enviornmental considerations. The Administration's program has carefully separated prototype development from possible future commercial production. I would hope that before the time that a decision must be made with regard to production, we will be in a position to assess correctly the environmental costs of full-scale production and operation. In the decision to proceed with prototype development, it has been implicit that a decision to proceed with commercial production would not be made in the absence of a satisfactory resolution of environmental problems.

3. The U.S. Government, together with a few other nations, has taken the environmental lead throughout the world in prohibiting supersonic flights over any land area of the United States. The proposed rules issued by the Federal Aviation Administration governing overland flights effectively forbid flights at speeds which would produce a detectable boom at the ground.

4. The environmental problems I will discuss are of concern not only to the United States but also to those nations that are proceeding with the development of supersonic transports, to those nations whose airlines might fly a supersonic transport and indeed to all nations of the world. I will return to this point.

At present the most significant unresolved environmental problem I see for the supersonic transport is the high level of noise in the vicinity of airports. Because of its relatively steep degree of climb, the SST will actually create less community noise in the direction of its flight path than present subsonic jet aircraft. The SST also generates less noise on approach. However, the current design of the U.S. supersonic transport and of the Concorde leads to a noise field radiated perpendicular to the runway, called "sideline noise," that is substantially greater than that of the conventional subsonic jets. In terms of the measures used by the Federal Aviation Administration to assess annoyance, the SST would be three to four times louder than current FAA sideline noise standards and four to five times louder than the 747. In terms of noise pressure, the sideline noise level would also be substantially higher than that of subsonic jets meeting the FAA requirements.

I doubt that communities adjacent to our large international airports will accept this added noise burden if it should extend beyond airport boundaries—a circumstance which seems likely in the case of most existing airport facilities. This is a view that I believe is shared by a majority of those responsible for the operation of airports. Furthermore, the discomfort and hazard to those actually on the airport site—both passengers and service personnel—will require careful attention.

It has been suggested that the sideline noise problem can be solved by:

1. Technical improvements to the airplane.

2. Confining noise to the airport.

3. Converting communities near airports into industrial or commercial areas.

4. Developing new airports.

With regard to technical improvements, it is doubtful that current technology can produce the required lowering of noise levels and still carry a viable payload. If indeed new technology is to be the solution of the future, then there should be greater emphasis on research and development of a quieter engine.

As to the other possible solutions, I do not think it is practicable to confine the noise

projected by the SST to the airport. Most airports were designed many years ago and were not built in such a way as to minimize the effects of sideline noise. Redevelopment of areas near airports would require an investment on the order of billions of dollars; it seems unrealistic to assume that the country would undertake investment of such magnitude simply to provide for the supersonic transport. Doubtless, some new airports must be constructed to facilitate the traffic volume forecast by 1980. Adequate land planning in such cases could mitigate sideline noise. At the same time, we believe it important to establish now and maintain the principle that the noise environment in the vicinity of all our airports is not to be degraded in any way. Furthermore, the problem of sideline noise at airports is not just a domestic matter. Other countries are developing supersonic transports with comparable high sideline noise characteristics and they will, without question, wish to use our airports. Further, noise problems at international airports abroad will be as severe as our own.

I now turn to a potential problem which has not received the attention it deserves. The supersonic transport will fly at an altitude between 60,000 to 70,000 feet. It will place into this part of the atmosphere large quantities of water, carbon dioxide, nitrogen oxides and particulate matter. This part of the atmosphere is to a substantial extent isolated from the rest of the atmosphere. For example, on the average, 18 months are required for a water molecule introduced into the atmosphere at 65,000 feet to find its way to the lower atmosphere. A fleet of 500 American SST's and Concordes flying in this region of the atmosphere could, over a period of years, increase the water content by as much as 50 to 100 percent. This could be very significant because observations indicate that the water vapor content of the stratosphere has already increased about 50 percent over the last five years due presumably to national processes, although there is a possibility which should be researched that subsonic jets have been contributing to this increase.

Water in this part of the atmosphere can have two effects of practical significance. First, it would affect the balance of heat in the entire atmosphere leading to a warmer average surface temperature. Calculations on the magnitude of this increased temperature are most uncertain but probably it would be on the order of .2 to .3° F. Secondly, water vapor would react so as to destroy some fraction of the ozone that is resident in this part of the atmosphere. The practical consequences of such a destruction could be that the shielding capacity of the atmosphere to penetrating and potentially highly dangerous ultraviolet radiation is decreased. As in the case of surface temperature, we do not have adequate knowledge on which to make secure judgments as to the practical significance of the effect of water on the ozone. Finally, the increased water content coupled with the natural increase could lead in a few years to a sun shielding cloud cover with serious consequences on climate.

Clearly the effects of supersonics on the atmosphere are of importance to the whole world. Any attempt to predict those effects is necessarily highly speculative at this time. The effects should be thoroughly understood before *any country* proceeds with a massive introduction of supersonic transports.

There are other potential adverse environmental consequences of supersonics; for example, the effect of sonic booms over water on ship crews and passengers and on nesting birds on isolated islands. However, I will not discuss these as I have tried to confine my remarks to what I consider the two most important issues—namely, noise in and around airports and atmospheric effects.

In view of the known and potential environmental impacts of the operation of a fleet of supersonic transports, I make three specific, positive proposals for environmental protection at this time.

1. The guidelines with respect to noise certification of the supersonic civilian transport should assure that the noise environment in the vicinity of airports at the time of the introduction of supersonics will not be degraded in any way. As technology advances, permitted noise levels should be reduced and these reductions likewise applied to the supersonic transport.

2. We should increase substantially the level of investment in research on the environmental problems associated with the SST. Our knowledge about the environmental effects of the supersonic is clearly inadequate. Far greater emphasis should be devoted to research and development programs leading to an engine having a substantially reduced noise level. Further, an integrated research should be undertaken as to the effects of the chemical constituents introduced by the supersonic transport into high altitudes. Such a research program should include not only determining current changes in this part of the atmosphere but projected changes resulting from supersonic transport operations.

3. The United States should take the initiative in discussing present and potential environmental problems of SST operations with other nations. Discussions should certainly take place among those countries currently developing supersonic transports. Further, the whole issue of the supersonic transport and its environmental consequences should be considered for the agenda of the United Nations conference on the environment to be held in 1972.

This Administration endorses my first proposal and regulations to this effect will be issued. I have discussed the second and third proposals within this Administration and can report very definite agreement in principle. However, the shortness of time has simply made it impossible, in view of budgetary and related considerations, to obtain final, formal clearance.

In assessing the feasibility of SST operations we should accept the likelihood that other nations will come to be as concerned about the environmental consequences as we are, and that there will be a "domino effect" from our own environmental protections. Our prohibition against sonic boom over U.S. territory and our concern about airport noise, for example, will surely be echoed abroad. I think it essential that the SST not be considered simply as a domestic issue. By its very nature, its implications are worldwide in scope, and it is important that we approach the matter as an international concern. Those of us who possess the capacity for developing and introducing new technologies into the world have a very special responsibility for insuring in advance that such technologies do not, on balance, create serious long-term environmental emergencies for the world as a whole.

All of this is to say, as I mentioned at the outset, that we are entering an age when there is a determination that the impact of new technology on the environment be examined closely. We will continue to keep the environmental aspects of SST development under review and I know that the Departments share our concern that degradation of the environment must be avoided.

I repeat that the current program is for prototype development only. The Administration remains committed to the view that commercial development of the SST will not be undertaken unless and until the significant environmental problems and uncertainties are satisfactorily resolved.

AIR AND WATER POLLUTION CONTROL

Mr. DOLE. Mr. President, on February 10, 1970, the President of the United States summoned this Nation to act now to preserve and protect our environment. In his message to the Congress, the President did not seek to assess blame for the severe problems we face. He stressed that the damage to our environment resulted "not so much from choices made, as from choices neglected; not from malign intention, but from failure to take into account the full consequences of our actions."

President Nixon emphasized that we could succeed only through the cooperation of Government at all levels and "with the aid of industry and private groups."

Yesterday, the International Paper Co. announced it will spend $101 million over the next 4 years in a companywide program to control air and water pollution at all of its operating mills and plants.

I feel it is particularly noteworthy that all International Paper Co. mills will have both primary and secondary waste water treatment systems and that they will remove 99 percent of all particulate matter from their plant emissions.

Mr. President, this type of constructive action by the private sector must be encouraged if we are to reach the goal outlined by President Nixon:

> The rescue of our natural habitat as a place both habitable and hospitable to man.

I ask unanimous consent that a press release describing the International Paper Co.'s program be printed in the RECORD.

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

INTERNATIONAL PAPER CO.'S PROGRAM

NEW YORK, May 13, 1970.—International Paper Company will spend $101 million over the next four years to complete its program to control air and water pollution at all of the company's U.S. mills and plants, Edward B. Hinman, President and Chief Executive Officer, announced today at the annual meeting of shareholders here.

The company-wide program will provide every operating mill with primary and secondary waste water treatment systems, utilize the latest technology to remove from the air over 99% of all particulate matter coming from its pulp and paper mills, and adapt new technical developments to control mill odors.

Mr. Hinman pointed out that in the last five years alone the company has spent more than $23 million at existing mills and plants on facilities designed solely to improve water and air conditions. Many other capital investments for projects other than those specifically for pollution control have had related beneficial impact on environmental conditions, he added.

One such program, for example, involves the construction of a $76 million pulp and paper mill in Ticonderoga, New York, to replace an old mill there.

The new Ticonderoga mill will include the most modern water and air treatment facilities ever installed in North America. Purified water from the treatment system will be diffused in Lake Champlain in such a way that the biological and esthetic values will not be altered. The mill is also expected to be virtually odor-free. The old Ticonderoga pulp mill will be shut down by the end of 1970 as the new mill starts up. Remaining operations at the old mill will be phased out late in 1971.

The company said that by 1974, highly efficient water treatment systems will be installed at all of the company's operating pulp and paper mills in the United States.

These treatment systems will remove all settleable solids from waste water and enable the company to meet standards for biological oxygen demand. Water so treated does not adversely affect the complicated life chain in natural waters from bacteria to plankton to plants and fish life.

The company reported that projects totaling $33 million of the $101 million program have actually started. As a result of programs conducted in past years, I–P now has primary water treatment at 12 of its 18 mills and some form of secondary treatment at 6 mills. Projects now under way include secondary treatment systems to be installed at I–P mills in Georgetown, South Carolina; Panama City, Florida; Mobile, Alabama; Moss Point, Mississippi; Corinth, New York; and Jay, Maine. A secondary water treatment system has just been completed at the company's mill in Pine Bluff, Arkansas.

Programs related to air improvement to be started this year will involve mills at Natchez, Mississippi; Tonawanda, New York; Panama City, Mobile, Georgetown, and Jay.

Between 1971 and 1974 similar water and air treatment will be installed or modernized at the other operating mills of the company in the United States. Of the $101 million program announced today the company expects that a total of $45 million will have been invested in water treatment systems and that an additional $56 million will have been invested in applying the latest technological developments to the control of all emissions to the air, including the pungent odor characteristic of kraft paper mills.

Mr. Hinman told shareholders today, "All of these activities are part of your company's commitment to a cleaner, better America. Our program is not designed merely to meet the requirements of existing legislation—this is a program to do what is right as industrial citizens in our communities and our nation—in keeping with our stated policy. We believe that we can complete this program for a better environment without interrupting our planned growth or adversely affecting achievement of our profit objectives."

In discussing I–P's programs in support of the national search for a quality environment, Mr. Hinman also noted that the company was deeply involved in environment and ecology in its role as owner and manager of millions of acres of timberland.

He said that the company has a staff of professional foresters who are trained ecologists and conservationists.

"Good forest management, which is their job, is good environmental practice", Mr. Hinman said. "Well managed tree farms, in addition to producing the continuous crops of trees essential to our business, provide many environmental benefits as well. Under our programs of multiple use many of the benefits of the managed forest are available to be shared by the public."

Among these benefits he listed are: the role of the forest in preventing erosion, collecting rainfall for later release as pure water into streams and lakes; the food and shelter provided by young, growing forests for wildlife; the road systems built and maintained by the company, which provide forest access for recreationists as well as protection against forest fires; the natural beauty of the company's widespread forest areas, and the lesser known function of a forest in its normal growth process of absorbing carbon dioxide from the air and releasing oxygen.

WALTER REUTHER, A LABOR STATESMAN

Mr. NELSON. Mr. President, history will recall Walter Reuther as a man of action, of principle, and of passion for the troubles of his fellow man.

He will be remembered as a dynamic labor negotiator, a pioneer for social reform, an advocate for union solidarity, and an outstanding American.

His achievements for organized labor ranged from the first profit-sharing plan to a cost-of-living escalator in UAW contracts. While the membership of the United Auto Workers grew to 1.6 million employees, Reuther succeeded in increasing wage scales of his members from the $5 a day in Henry Ford's day to the current level of more than $5 an hour in wages and fringe benefits.

But his contributions to the Nation far surpassed the boundaries of normal labor activities. He was on the forefront of struggles to improve human relations. He stood firmly and proudly on the forward ranks of civil rights marches and placed his full weight behind efforts to eliminate all barriers for full citizenship to all Americans, whether union members or not.

I was privileged to speak at last month's UAW annual convention at which Reuther was reelected for his 13th term as president. The convention was a spirited one, one that reflected the urgent need to improve the quality of life for every citizen. With Reuther's strong leadership, the convention delegates strongly endorsed measures to rid our environment of air and water pollution and to take steps to make all citizens aware of the potential effects of an ecological disaster.

At this same convention, Reuther and his membership put industry on notice that the UAW was as concerned about pollution within the factory as the pollution emerging from the smokestacks or sewer pipes. High on the bargaining agenda for this summer's negotiations with the automobile manufacturers are strong safeguards against occupational health and safety hazards. This is a long neglected area and one desperately deserving action by Congress. Accomplishments in this vital area will be a fitting tribute to Walter Reuther—an outstanding labor statesman.

I ask unanimous consent to have printed in the RECORD an article entitled "Walter Reuther: Union Pioneer With Broad Influence Far Beyond the Field of Labor," written by Damon Stetson, and published in the New York Times of May 11, 1970; an article entitled "Labor Movement Desperately Needs Reuther Pressure for Social Justice," written by Frank Mankiewicz and Tom Braden, and published in the Washington Post of May 12, 1970; an editorial entitled "Pioneer in Social Creativity," published in the New York Times of May 11, 1970; and an editorial entitled "Walter Reuther," published in the Washington Post of May 12, 1970.

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

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

(By Damon Stetson)

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

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

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

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

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

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

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

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

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

"Used cars?" Mr. Reuther asked.

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

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

FULL OF IDEAS

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

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

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

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

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

In the late nineteen-fifties, when corrupt

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

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

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

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

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

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

At one point in 1962, Mr. Reuther, displeased with what he believed was the stagnation of the labor movement, considered challenging Mr. Meany's leadership, but the showdown did not materialize.

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

U.A.W. HALTS ITS DUES

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

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

Mr. Reuther rejected the conditions and, to apply pressure on the AFL–CIO, began withholding the U.A.W.'s $1 million annual dues. On May 17 the auto union was suspended for the nonpayment of dues.

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

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

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

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

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

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

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

BROAD UNION ROLE

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

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

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

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

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

QUESTION ON OBJECTIVES

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

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

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

VIEW ON AUTOMATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WORKED IN SOVIET UNION

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

Walter Reuther became a foreman in the Soviet plant but acquired no fondness for Communism, which he later fought so suc-

cessfully in the U.A.W. He did, however, admire the Soviet people and their adaptation of new technical ideas.

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

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

LED SIT-DOWN STRIKES

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

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

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

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

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

ATTACKED BY GOONS

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

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

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

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

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

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

WAR-TIME ROLE

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

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

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

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

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

General Motors rejected his wage demands and his request for a look at the books. He responded by calling a strike of 200,000 workers. After a stoppage of 113 days Mr. Reuther finally settled for a wage increase of 18½ cents an hour.

VICTORY AND DEFEAT

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

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

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

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

GUNMAN'S VICTIM

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

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

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

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

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

BROTHER ALSO ATTACKED

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

In the course of his aggressive career, Walter Reuther had obviously made enemies, but it was never determined whether his assailant and his brother's were personal enemies, gangsters upset over his antigambling efforts, Communists or others.

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

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

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

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

SHUNNED LUXURY

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

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

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

PRISONER EXCHANGE SOUGHT

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

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

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

Mr. Reuther directed the 1948 auto negotiations from the hospital room where he was recovering from his wounds. A contract

with General Motors incorporating an annual wage improvement factor (based on productivity increase) and a cost-of-living escalator clause brought more fame.

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

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

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

The first step toward a guaranteed annual wage was achieved in 1955 when he and his staff negotiated the precedent-setting agreement with the Ford Motor Company that provided for special jobless benefits supplementing those paid by state funds.

CONTINUED TO PIONEER

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

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

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

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

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

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

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

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

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

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

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

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

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

LABOR MOVEMENT DESPERATELY NEEDS REUTHER PRESSURE FOR SOCIAL JUSTICE

(By Frank Mankiewicz and Tom Braden)

He was 62 years old when he died, but Walter Reuther was the youngest man in the labor movement from the day he entered it until his shocking death Saturday night.

If any young people of passion and concern and commitment want to go into the labor movement today, it is because of the example and image that radiated from Reuther. In a movement increasingly old and tired and frozen in a conservatism more intransigent than most of business, Reuther remained contemporary. He was one of the first idealists in American labor—and stayed to become the last.

As the UAW—with more than a million and a half members—pulls itself together to face what seems an almost inevitable fall crunch with General Motors, its members—and the nation—can reflect on the extraordinary economic strength of the union.

For the UAW, Reuther achieved the noncontributory pension—now widespread in the industry, but denounced at the time as socialism or worse by many of the men who pay him homage today.

By the early '50s, it was Reuther, and Reuther alone, who was talking about a guaranteed annual wage for autoworkers, and the cries of anguish from businessmen and politicians—this time the socialism was "creeping"—were loud and shrill. But, combined with unemployment insurance under the label of SUB—supplementary unemployment benefits—the annual wage was secured. It was, in a curious way, the forerunner of President Nixon's welfare reform plan, which now calls for a guaranteed annual wage, not for autoworkers alone but for everyone.

The "escalator clause" was another Reuther first for a national union contract, and secured not only a measure of protection from inflation for the workers, but a sizable degree of labor peace as well.

But the economic advances for the UAW—and the rest of the labor movement—were far from the measure of the man, and it is not for them that Walter Reuther will be remembered. He knew—and he repeated the thought in almost every public appearance—that as labor gained in power it shriveled in its soul. "Technical competence," he said in one of his last speeches, "is not enough. It must be matched by compassion and a commitment to social justice."

His idealism, and his politics, were old-fashioned in the best sense. His commitment to racial integration—on the job and off—was total and evangelistic, and he never yielded to the chic modernism—abroad even in liberal circles—that "integration is dead."

Around the country there are hundreds of thousands of men and women who know the power of that passionate commitment. Laundry workers, grape pickers, garbagemen—whenever an organizing drive was on for the outcasts of labor, Reuther and the UAW could be counted on to help, with money and organizing talent.

The failure of the AFL–CIO merger to maintain the momentum of social justice must have been Reuther's greatest regret. The labor movement, he observed when he took the UAW out of the federation, had lost its soul. After all, in the foreign field, it had been Reuther who pioneered international activity to fight the threat of Communist infiltration at the service of a monolithic movement. It was Reuther who urged that the effort be abandoned when that movement shattered and left the AFL–CIO with a sterile sloganeering anti-communism at the service of militarism and reaction.

In the last week of his life, this view of the sterile foreign policy of the AFL–CIO was confirmed when George Meany, virtually alone unnoticed, almost reflexively supported the invasion of Cambodia. When construction unionists armed with iron pipes savagely attacked unarmed and peaceful demonstrators in New York, Reuther must have wept.

All of his adult life, Walter Reuther was a public witness to all that is best in us—to that decency that informs the American legend. We cannot afford to lose many more.

PIONEER IN SOCIAL CREATIVITY

The death of Walter P. Reuther is an even more substantial loss for the nation than it is for the labor movement. A social innovator of great creativity, he was the most zealous union proponent of the concept that labor must go forward with the community and not at the expense of the community.

When the crash of a private plane cut short his life, he was dedicating much of his energies to forging a broad coalition in support of universal health insurance. He was also working closely with many of the nation's foremost industrialists in seeking to apply space technology to the mass production of housing.

He showed enormous personal courage and dynamism in the bitter battles that marked the birth of the United Automobile Workers more than three decades ago. Over the years he was principally responsible for making that union not only economically powerful but a fountainhead of beneficial ideas for all labor. His most notable monuments in this regard are a comprehensive program of social security under the union label and a model system of safeguards for union democracy.

In the larger labor movement his influence was unhappily circumscribed by the increasing frustrations Mr. Reuther felt over his inability to push aside George Meany as head of the combined A.F.L.–C.I.O. The feud of these two strong unionists prevented the merger of which both were principal architects from ever achieving its full potential for national good. Yet Mr. Reuther's complaints of A.F.L.–C. I.O. stagnation and social sterility were predicated on far more than personal pique or ambition. In foreign policy and civil rights he blazed inspiring new trails.

His death on the eve of his union's crucial negotiations with the Big Three automakers could prove extremely injurious to the total economy in this volatile period. But the void will be greater still in the realms of idealism and social inventiveness.

WALTER REUTHER

It was hard to resist Walter Reuther. He took you by storm, by charm, by agility in argument, by the unrelenting force of his own certainties, by the infectious exuberance

of his personality. Politicians, industrial potentates, peers in the labor movement fought him and usually succumbed to him in one way or another. He left his imprint upon the social and economic life of the United States more indelibly, perhaps, than any political figure in his time, Franklin Roosevelt excepted. He was part labor leader, part social reformer, part evangelist. But it was always through the labor movement, as the responsible head of the United Auto Workers Union, that he functioned. He understood that the welfare of workers was inseparable from the welfare of the national community.

Nothing seemed insurmountable to Walter Reuther. So he was ceaselessly putting forward romantic, imaginative schemes. He proposed when America got into World War II a fantastic idea—which came to be known as the Reuther Plan—for converting the machine tools of the automobile industry into instruments for manufacturing airplanes; it resulted in the greatest air armada ever known. He sought for the workers he represented not merely pay increases but a share in the productivity of industry—a share even in industrial planning—that would ensure for them a full participation in the potentialities of the American economy. He was an extraordinarily shrewd, resourceful and tough bargainer for all sorts of innovations initially derided and resisted by industry—pension plans, productivity raises, profit sharing, long-term contracts, health and welfare benefits, increased leisure time, a guaranteed annual wage.

Reuther made the UAW a fighting force for social ends beyond the special interests of its members. He led it into the acceptance of fair employment formulas; and he made it a spearhead of the drive for civil rights. He appealed to the best instincts of his followers and of his countrymen generally. "The unfinished business of this century," he said, "is the problem of maintaining full employment in an expanding economy based upon the fair and healthy relationship between wages, prices and profits . . ."

In short, he thought of labor unions as a movement rather than a business. As president of the Congress of Industrial Organizations, as an architect of that group's merger with the American Federation of Labor and as vice-president of the combine, he sought, against rather obdurate odds and with scant success, to revitalize the labor movement and to focus its attention on larger goals than mere wage increases. Failing in this, he took his union out of the AFL-CIO to form a new alliance. He leaves an immense estate to his heirs. There is very little of fortune in it because he valued frugality more than indulgence. But there is a rich bequest of idealism, of optimism, of social statesmanship. And, as always, all Americans are among his beneficiaries.

TEXTILE IMPORTS

Mr. TALMADGE. Mr. President, earlier this month, the Department of Commerce released figures on textile imports for March 1970. It is an understatement to call them alarming.

Imports of cotton, wool, and manmade fiber textiles in March reached a record 367 million square yards. For the first quarter of this year our textile imports totaled 1,021,000,000 square yards equivalent. This is one-third higher than the level for the comparable period of 1969.

At current rates, textile imports would reach almost 4.1 billion square yards in 1970, a 14-percent increase over last year's record volume. Our textile trade deficit would soar to $1.3 billion as compared with almost $1 billion in 1969.

Four countries accounted for 57 percent of our total imports during the first quarter of 1970—Japan, Hong Kong, Taiwan, and Korea.

All of this points up the essential need for restraints on our textile and apparel imports now. We cannot continue to sacrifice large chunks of this basic industry to foreign producers simply because of the large wage gap between the United States and other textile-producing nations and because of the fact that the American market remains open while the markets of other developed countries remain closed.

Hearings on trade policy are underway right now before the House Committee on Ways and Means. Pending before that committee is legislation offered by the chairman, Mr. MILLS, and more than 180 additional Members of the House. I am a cosponsor of an identical bill in the Senate.

This measure will do the job. It is reasonable in its approach and fair in its treatment of foreign textile-producing nations. It encourages and accommodates negotiated agreements. It does not require that textile imports be sharply reduced.

In testifying on this measure before the Committee on Ways and Means, administration spokesmen have asked that action on it be deferred "for several weeks." They contend that there are reasons to believe that a successful negotiation can be concluded in a matter of weeks.

I consider such a position disappointing. The efforts of the administration to negotiate a satisfactory comprehensive agreement—and we must have comprehensive limitations—with Japan, Korea, and Taiwan have been frustrated for over a year. I find it difficult to understand what recent developments have occurred which generate any kind of optimism in a successful negotiation.

It seems to me that a more consistent and stronger position would be for the administration to support H.R. 16920. Certainly, its bargaining position would be vastly strengthened.

But regardless of whether substantive negotiations are underway, this Congress should proceed promptly to pass this legislation, because it specifically exempts from the application of the bill any country which has entered into an agreement with the United States.

We are past the point where we can afford to indulge in further conversation on this subject. Prompt action is required if we are to obtain a reasonable solution to our critical textile import problem.

I ask unanimous consent that there be printed in the RECORD an article regarding the Commerce Department's report on U.S. textile imports, published in the Washington Evening Star of May 11.

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

U.S. IMPORTS OF TEXTILES SET NEW RECORD IN MARCH

NEW YORK.—U.S. textile imports reached a record high of 367 million square yards equivalent in March, according to the Commerce Department.

The department said the March total, including cotton, wool and man-made fiber textiles, topped the level for February 1970 by 20 percent and also exceeded the March 1969 level, when imports were unusually high following settlement of dock strikes.

For the first three months of 1970 textile imports totaled 1,021 million square yards equivalent, one-third higher than the same period of 1969, which was affected by the dock strike, the department said.

Imports from Japan, Hong Kong, Taiwan and Korea constituted 57 percent of the total during the 1970 quarter, the department said, a one-fifth larger proportion of total textile imports than in the 1969 quarter.

BRUNO V. BITKER: A TRUE CHAMPION OF HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, the recent hearings held on the Genocide Convention by a special Foreign Relations Subcommittee marked the first Senate consideration of this important treaty in over 20 years. Until this year, when Senator CHURCH'S subcommittee held hearings on the treaty, the Genocide Convention had largely languished in the back of our national conscience.

Many distinguished and dedicated people have labored long and hard to bring this vital treaty to the attention of our country's legislators and citizens. I am extremely proud that Mr. Bruno V. Bitker, a distinguished Milwaukee attorney, is a member of this group of concerned Americans.

His extensive background in human rights is an extraordinary example of dedicated effort and limitless devotion.

Bruno Bitker's initial involvement with the Genocide Convention stems from his active participation in the United Nations Association at the time this treaty was drafted by the U.N. From 1947 to 1956 he was a member of the original Governor's Commission on Human Rights. He has also served as chairman of the Wisconsin Advisory Committee to the U.S. Commission on Civil Rights, and in this capacity devoted his enormous talents to securing equal rights for all our citizens. In 1965, he chaired the Human Rights Panel at the White House Conference on International Cooperation.

Mr. Bitker was intimately involved in the planning and events of Human Rights Year 1968. He was selected by President Johnson as a member of the President's Commission for the Observance of Human Rights Year 1968 and served on the Commission's Special Lawyer's Committee. This important committee, which was headed by Justice Tom Clark, carefully considered the treaty-making power of the Senate in regard to human rights treaties. In addition to these impressive activities, Mr. Bitker represented the United States at the United Nations International Conference on Human Rights that was held in Tehran in 1968.

Mr. Bitker's involvement in the field of human rights also extends to the American Bar Association. He is a member of the Committee on World Order Through Law and the Section on Individual Rights and Responsibilities, two very important and influential ABA committees that have considered the

Genocide Convention. As such, Mr. Bitker was involved in preparing the reports of both these committees recommending ABA endorsement of the convention.

Mr. Bitker is also serving on the National Advisory Committee of the Ad Hoc Committee on the Human Rights and Genocide Treaties. The ad hoc committee is an important organization of citizens concerned with the efforts to guarantee international protection of human rights.

His testimony at the recently completed Senate hearings on the Genocide Convention presented a compelling argument for Senate ratification.

The record of Bruno Bitker in the field of human rights is a record of achievement, devotion, and unsurpassed dedication to this vital cause. For myself, both as a U.S. Senator from Wisconsin and as one involved in the efforts to secure Senate ratification of the human rights treaties, I take great pride in his monumental accomplishments in this area. Bruno Bitker has truly been a champion of human rights for all people.

FIFTIETH BIRTHDAY CONGRATULATIONS TO THE LEAGUE OF WOMEN VOTERS

Mr. BURDICK. Mr. President, this spring the League of Women Voters celebrated its 50th anniversary of outstanding public service. Since it was organized in late March 1919 the league has become one of the most constructive forces in our system of participatory democracy. Perhaps no other organization in these years has been more consistently and progressively identified with the public interest.

In the last 10 years the league has issued more than 3½ million publications on national problems in addition to vast quantities of reports on State and local issues. More important than the quantity of its output has been its quality. For the hallmark of the league is that it studies a problem before taking a stand and that its conclusions avoid partisanship, ideologies, and popular fads.

Millions of what the league calls "woman hours" have been devoted to informing voters as to candidates and issues and to studying constitutional revision, fair apportionment, sound fiscal policies, and legislative programs. The leaguers are well known at city councils, school boards, and planning bodies all over the country. At the moment they are devoting a great deal of energy to a drive against water pollution, to working for equality of opportunity in education, employment, and housing, and to the reform of the electoral system.

The league was founded by Mrs. Carrie Chapman Catt, whose statesmanlike leadership in the fight for woman suffrage, as president of the National American Woman Suffrage Association, finally saw victory with the passage of the 19th amendment in 1919. At the close of the association's victory convention in Chicago early in 1920, even before the required three-fourths of the States had ratified the amendment, Mrs. Catt convened the first congress of the League of Women Voters. Women had won the vote; now they must learn to make wise and effective use of it, she had determined.

She told the women:

> We are going to be a semi-political organization, we want to do political things. We want legislation. We are going to educate for citizenship. . . . Be a partisan, but be an honest and independent one. Important and compelling as is the power of the party, the power of principle is even greater.

Mrs. Catt could take great pride in the way the league has fulfilled her early vision. May I congratulate its members on an outstanding record of achievement and urge the support and cooperation of citizens everywhere for its vitally important work.

THE RISE IN UNEMPLOYMENT

Mr. MOSS. Mr. President, last week the Labor Department announced that the rate of unemployment continued to rise during April and now stands at 4.8 percent, up from 4.4 percent in March. This is the sharpest monthly rise in the rate of unemployment in 10 years—since the economic recession of 1960.

Coincident with this rise I received word that the Provo-Orem area in my State has been classified by the Department of Labor as having "substantial unemployment." This means that the rate of unemployment has risen above 6 percent and is expected to remain there for at least the next 2 months. The Geneva Steel Works is operating well below its capacity, and below its output of last year. There has also been a reduction in employment by the manufacturing industries in the Provo-Orem area, particularly in the electronics and sewing industries.

The Department of Labor had previously classified the Brigham City and Beaver areas of Utah as having "substantial" unemployment. Nine areas are classified as having "persistent unemployment": Heber City, Kanab, Manti, Moab, Nephi, Panguitch, Park City, Price, and Roosevelt. For these areas the rate of unemployment has averaged 6 percent or more for at least the last year.

The Utah Department of Employment Security estimates that the overall rate of unemployment in Utah for April was 5.5 percent on a seasonably adjusted basis. This is up sharply from the rate of 4.8 percent in March.

These figures distress me greatly.

Mr. President, almost 4 million people in this country are now looking for jobs and cannot find them. We had 300,000 more at the end of April than we had in March. This may not mean very much to those who hold a job, and feel they are secure in it, but the statistics are very real and personal to those who are out of work and to their families who look to the future with uncertainty. And the figures I have quoted do not include those who have become discouraged at not finding work, and who have dropped out of the labor force. If these people and their families are taken into consideration, the distress out across our country becomes even more evident—and more acute.

There are a number of disturbing factors about the rapid increase in unemployment. There are, for example, some people who are still working, but have had to take a cut in pay. They do not show up as statistics in unemployment figures, but their impact is felt in lessened buying power.

Again, the sudden spurt in unemployment is coming just prior to the end of the school year when many of our young people will be looking for summer jobs to help finance their education. The sudden drying up of jobs is going to hurt them, and it may result in unhappy changes in plans for school next fall.

The full effect of these concurrent events will not be felt for some time to come, but feel them we will, unless we can somehow turn our economy upward again, and put our people back to work.

If unemployment were our only problem, I would not be so apprehensive, but, as Senators well know, our rising rate of unemployment is coupled with high interest rates and rising prices—galloping inflation. Prices are rising at the annual rate of 6.6 percent—a faster rate of increase than the rate which skyrocketed prices in 1969. Interest rates continue at or near record highs. We now have the worst of both worlds—we have double economic jeopardy—inflation and unemployment.

Mr. President, the administration says that it has been trying to cure inflation and that unemployment is one of the side effects—undesirable, but necessary.

There is an old saying about curing the disease but killing the patient. Our present economic policies seem to be killing the patient without even curing the disease.

I am hopeful that the Administration will reappraise its economic policies so that all of our citizens can find jobs and enjoy economic security.

SENATOR SMITH OF ILLINOIS LAUDS ERNIE BANKS, A GREAT CHICAGOAN

Mr. SMITH of Illinois. Mr. President, on Tuesday a great Chicagoan, a great gentleman, and a great sportsman reached a significant milestone. With the smooth sweeping swing that has thrilled Chicago Cubs fans for nearly two decades, Ernie Banks stroked the 500th home run of his major league career.

It has been a long and glorious career since September 20, 1953, when Ernie hit his first major league home run off Gerry Staley in St. Louis.

Going into this season, Ernie had played more games—2,417—been at bat more times—9,116—got more total bases—4,577—driven in more runs—1,586—and clouted more extra base hits—984—than any Cub player in history. Further, Ernie is second only to the legendary Cap Anson in the number of hits and doubles by a Cub. Last year Cub fans voted Ernie the title of the greatest Cub player in history. For many years Ernie has been "Mr. Cub"—the unofficial mayor of Chicago.

Ernie's excellence on the playing field is matched by his excellence as a citizen. He has long been a community leader admired by all Chicagoans.

Ernie has not just been a great slugger. He is one of the great defensive players of all time. At shortstop Ernie had a fluid grace, a wide range, and a strong arm sufficient to power a throw from deep short in time to nip even a fast runner. Since moving to first base he has been a consistent standout performer.

It is wonderful that Ernie hit his 500th home run in what he likes to call "the friendly confines of Wrigley Field." One of the reasons Chicagoans have been able to enjoy Ernie's playing for so many years—and will continue to enjoy it for many more—is that the Cubs do not play night baseball at Wrigley Field.

It is generally acknowledged that daytime baseball is easier on the players. It is hard to measure these things, but most baseball people are agreed that the players who call Wrigley Field home are apt to be able to extend their playing careers a little longer than other players who cannot play 81 home games under the warm afternoon sun. For this reason, all of us who have enjoyed Ernie's long career should give special thanks to the owner of the Cubs, Mr. P. K. Wrigley.

It is well known that many of the years Ernie has spent with the Cubs were not exactly great years is terms of team winning. Nevertheless, Ernie managed to be named the most valuable player in the National League two consecutive seasons.

His hard hitting during these difficult years was all the more remarkable considering the weak hitting of some of his teammates. Great sluggers usually have the benefit of a hard-hitting team. This prevents the opposing pitchers from "pitching around" the sluggers. Ruth and Gehrig, Hodges and Snider, Aaron and Matthews—baseball history abounds with similar examples of great sluggers whose successes owed much to each other. But for many years Ernie was virtually alone as a major threat in the Cub lineup. This makes his hitting—and his unfailing good cheer—all the more remarkable.

The ball Ernie hit will be sent to the Baseball Hall of Fame in Cooperstown, N.Y. The time will come when Ernie will be a member of that Hall of Fame. Our only hope is that he will not become a member too soon. He cannot be admitted to the Hall of Fame until after he has retired, and we hope that will not be for some time.

Ernie has always said that he will not retire until he has played in a world's series. I certainly hope he will not retire just as soon as he has played in a world's series. The 1970 Cubs are doing well this year, and could very well wind up in the series this fall. But they are a fairly young team, so they might need the seasoning—and hard hitting—of Ernie in the 1971 series, and a few more after that.

Mr. President, all Cubs fans hope that Ernie Banks goes right on making life miserable for another generation of National League pitchers.

One think is certain: Ernie Banks will always have a special place in the hearts of all Chicagoans.

COMMENDATION OF GUAM BRANCH, NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKES

Mr. BURDICK. Mr. President, on February 3, 1970, the Legislature of the Territory of Guam adopted a resolution relative to commending the Guam branch of the National Institute of Neurological Diseases and Strokes for its extremely important research work in the debilitating and widely prevalent Guam diseases of amyotrophic lateral sclerosis—lytico—and Parkinsonism dementia.

I ask unanimous consent that the resolution as adopted be printed at this point in the RECORD.

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

RESOLUTION BY THE GUAM LEGISLATURE

Relative to commending the Guam Branch of the National Institute of Neurological Diseases and Strokes for its extremely important research work in the debilitating and widely prevalent Guam diseases of Amyotrophic Lateral Sclerosis (lytico) and Parkinsonism Dementia

Be it resolved by the Legislature of the Territory of Guam:

Whereas, the tiny territory of Guam is cursed with the highest prevalence in the world of two dire and dreadful disorders, one being Amyotrophic Lateral Sclerosis, locally known and feared as "lytico", a disease ultimately fatal after a painful and long protracted illness, and Parkinsonism Dementia, an apparently related disease equally debilitating; and

Whereas, in response to this tragicly high incidence of such nerve disorders, the National Institute of Neurological Diseases and Strokes has set up on Guam a research center to find out all it can about these diseases, their prevalence in Guam, their causes, their treatment, and hopefully, their cure, which research center has carried out its task with remarkable diligence and care, and although no cure for these diseases has yet been discovered, there is no question but what this center has considerably ameliorated the lot of those unfortunate persons suffering from these disorders in the territory; and

Whereas, since the diseases strike young and old alike and without any discernable pattern, it is a matter of extreme urgency that the research center continues its activity in seeking a cure, the thought of the victims of these diseases being without the care and attention of the Research Center being heartbreaking since their only hope is in the care and treatment they receive from the Center; now therefore be it

Resolved, that in view of the foregoing, the Tenth Guam Legislature does hereby on behalf of the people of Guam express the highest commendation and sincerest gratitude to the Guam Research Center of the National Institute of Neurological Diseases and Strokes for the magnificent and absolutely vital research work it is carrying out in the task of ultimately providing effective treatment and care for those terrible nerve disorders with a higher prevalence in Guam than anywhere else in the world, Amyotrophic Lateral Sclerosis and Parkinsonism Dementia; and be it further

Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Secretary of Health, Education, and Welfare, to the Surgeon General, U.S. Public Health Service, to the Director, National Institutes of Health, to the Director, National Institute of Neurological Diseases and Strokes, to the Director, Research Center, Guam Branch, to the Chief, Epidemiology Branch, NINDS, to Guam's Washington Representative, and to the Governor of Guam

Duly and regularly adopted on the 3rd day of February, 1970.

JAMES T. SABLAN,
Legislative Secretary.
EDWARD S. TERLAJE,
Vice Speaker.

DISCHARGE OF WILLIAM WOESTENDIEK FROM WETA

Mr. DOLE. Mr. President, the firing of Bill Woestendiek as editor of WETA's "Newsroom" has generated a great deal of publicity, much of it critical of the station.

In order to gain some perspective, I obtained copies of minutes of WETA's last board meeting before Woestendiek was fired, the statement issued by the WETA executive committee following the firing and a dissenting statement issued by two members of the committee, and copies of editorials and news stories which immediately followed the firing.

In order that Senators may have the opportunity to read this material, 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:

WETA TELEVISION/26
Washington, D.C., April 23, 1970.

To Trustees of the Greater Washington Educational Television Association.

We are enclosing, for your prompt reading, preferably in the order listed, the following:

1. Minutes of the Board Meeting held February 11, 1970 (note page 3, Mr. Woestendiek's statement). These minutes will be approved at the Board meeting to be held May 20, 1970.

2. Statement issued by the Executive Committee of GWETA, following a Special Meeting held at 4 P.M. on April 22, 1970, in the Offices of the Federal City Council.

3. Corporation for Public Broadcasting News Release, April 20, 1970, "Public TV Viewing High".

4. Closing Statement by Mr. Kampelman on *Washington Week in Review,* April 23, 1970.

(Mrs.) EDMUND D. CAMPBELL,
President.

THE GREATER WASHINGTON EDUCATIONAL TELEVISION ASSOCIATION, INC.

In the absence of Dr. Kampelman, who had been unavoidably delayed, Mrs. Campbell called the meeting to order and suggested that items 1 and 4 on the agenda be reversed so that the report of the General Manager and the introduction of staff could proceed at once. Since there was no objection to this, Mrs. Campbell called on Mr. McCarter to give his report on Newsroom, WETA–FM, and the proposed new communications building.

Mr. McCarter described, as "the most significant happening at WETA", the final development of Newsroom, scheduled to go on the air Monday evening, March 16, 7:00 to 8:00 p.m. This will be a live, daily, Monday through Friday broadcast of news, with in-depth information and analysis. The program, as previously announced, is being supported for two years by grants from The Ford Foundation and the Corporation for Pubic Broadcasting. He introduced the Edi-

tor-in-Chief of Newsroom, Mr. William J. Woestendiek, an editor of nationally known newspapers and magazines, including the Long Island, N.Y., daily *Newsday; The Houston Post; Think,* the I.B.M. magazine; and *This Week* magazine, a nationally syndicated newspaper supplement (ceased publication 1969).

Most recently, Mr. Woestendiek has been named the second recipient of the Corporation for Public Broadcasting Distinguished Fellowship Award.

Mr. Woestendiek explained the Newsroom operation in some detail and said that the program would be divided into two major categories, people and places. Showing a model (made by Dr. Jack Hunter) of the City Room as it will look in Studio A, he described how Newsroom would operate in this setting, explaining that the eleven reporters on the Newsroom staff will not all be on camera every night, but will be helping in some way with the program each night. Mr. Woestendiek said more than 200 applications had been received from reporters in the Washington area, and from other parts of the country. There has been great enthusiasm shown, not only from the people who have been hired, but from others who are not available for the program. Mr. Woestendiek named some of the reporters who have been employed:

Warren Unna, *The Washington Post.*

David A. Jewell, *The Washington Post.*

Victor W. Maerki, Managing Editor-News, WVNY–TV, Burlington, Vt.

Peter A. Janssen, Education Editor, *Newsweek.*

Mr. Woestendiek stated that they have encountered a problem in finding good black reporters and women reporters. Although they have received applications from several who are interested, definite commitments have not yet been made. A number of people have indicated an interest in appearing weekly or bi-monthly. They are:

Tom Wicker, *New York Times,* Associate Editor.

Paul Lisagor, *Chicago Daily News,* Washington Bureau Chief.

Hugh Sidey, *Time* Magazine, Washington Bureau Chief; *Life* Magazine, Columnist.

In response to Mr. Woestendiek's request for questions from the Board, the following ensued:

Q. Is the whole program going to be live?

A. Yes, it will be live, from 7 to 8:00 p.m., replayed at 11:00 p.m.

Q. Will you have videotape slots at one time or another?

A. Some of it will be taped, but we will have people coming into the studio to talk and, preferably, we hope to keep it live.

Q. Will it be almost exclusively national or exclusively local?

A. It will not be exclusively either. It will be a local program, since Washington news is local and a locally oriented newsroom, since it is coming out of Washington.

Q. Are we going to send it to EEN?

A. This has not yet been decided. It will begin as a local Washington newsroom.

Q. What will happen to WWIR?

A. Mr. McCarter answered that it will be completely untouched because of its popularity.

Mr. Woestendiek went on to explain the format of NEWSROOM and how it will work:

"The reporters will go out in the morning on a story that has been decided upon by the Air-Editor-in-Chief. Their material will be used to relate the whys-and-whats of the news of the day, usually with film and still photos, when available, to tell the story."

Dr. Kampelman noted that a liaison committee of the Board, chaired by Mr. Austin Kiplinger, had been appointed to work with the NEWSROOM staff. The members of the committee will be available to view the tapes of programs, to critique them, and to make suggestions. Mr. Woestendiek had to leave at this point to attend a luncheon meeting regarding a newsroom staff appointment.

Dr. Kampelman called on Mr. McCarter to introduce the report on the new building. He recalled that the NEWSROOM studio, as seen in the model referred to previously by Mr. Woestendiek, had been built within the walls of Studio A. Studio B, although small, must now accommodate all other "in-house" productions. The radio operation will be conducted from the Arlington tower site. Four new offices have just been completed in unused space on the roof of the present structure at 2600—4th Street, N.W. It is becoming imperative that plans get under way for the provision of more space. The staff and Hugh Newell Jacobsen, the architect who has drawn the preliminary plans for a building in the Southwest waterfront area of Washington, have made a study of an unused warehouse located on Grace Street, N.W., between M Street and the C&O Canal in Georgetown.

Mr. McCarter stated that we are now operating in approximately 25,000 sq. ft. of building, and, with newsroom and the radio operation, we should have approximately 75,000 sq. ft. of building to handle these operations. To Mrs. Mann's question as to how much space could be added at the present location, Mr. McCarter answered that, since Howard University owned the property, they alone could make the decision as to how much we could build on. There is, actually, very little land remaining between the buildings and the athletic field.

Dr. Kampelman stated that, besides the needs of WETA, there are three other major activities here in Washington that could be housed with us: 1) Public Radio; 2) the Washington Office of NET; and 3) Public Broadcasting Service. To the question, "How long before the 75,000 sq. ft. is needed?" Dr. Kampelman answered, "Right now. It had been hoped that a decision on site could be made shortly."

Another question, "Is potential expansion into the future a major consideration here?", was answered by Dr. Kampelman. "It is a consideration, but we should not be expanding much beyond this. We cannot have more than 2 TV stations and a radio station." Mr. McCarter elaborated on our pressing need for expansion, and added that we are keeping Mr. John W. Macy, Jr., President of CPB, informed as to the progress on building plans.

Mr. McCarter reported that WETA is moving right now on many fronts in the Washington community. Channel 26 is, indeed, a public communications nerve center: broadcasting for schools and for homes; speaking to the medical community; becoming an outlet for entertainment; a public service outlet; and, now, bringing news and news analysis. We have a TV station 8 years old; an FM radio station (the most powerful in this metropolitan area—75,000 watts), which will go on the air in a month; we are investigating the 2,500 megacycle field, which will probably play a major role in school broadcasting in the future; we have Channel 32 waiting for implementation and, in short, this organization has been plunged into the midst of the educational revolution taking place in the country. Mr. McCarter also reported that in January of this year, WETA had its largest membership contribution month in the history of the station—$50,000. Mr. McCarter cited the success of the televised City Council hearings (the number of people watching these hearings surprised everyone), and FORSYTE SAGA and Sesame Street have been spectacular successes. WETA has had its problems. There have been programs that people have not liked (our telephone log is our audience temperature indicator); and financing continues to be the magnificent potpourri of television.

Mrs. Campbell introduced Mr. Charles I. Cassell, newly appointed to represent the Board of Education, District of Columbia, on the Board of GWETA.

Dr. Kampelman introduced Mr. Lloyd McNeill, Jr., a new Board member, and welcomed Dr. George H. Williams, President of American University, to his first Board meeting. He also announced that the Executive Committee meetings are held on the second Wednesday of each month, and reminded the Board that the Executive Committee meetings are open to all Trustees.

Dr. Kampelman gave a report on the recent grants that have been made to WETA. The HEW grant of $88,000 for radio equipment; the NBC grant of $280,000 over a 5-year period (the first payment was made in December 1969, and the second in January of this year); the NEWSROOM grant from The Ford Foundation and CPB of $1,200,000 a year for a 2-year period; the renewal for the 3rd year of the INCO grant of $40,000, underwriting the Sunday program schedule. This grant is acknowledged by on-air announcements stating that the programs are brought through the courtesy of INCO. And, a grant from Eastern Airlines of $7,500 to underwrite the STOCK MARKET REPORT, shown each day, Monday through Friday, from 12 Noon to 1:00 p.m.

It was reported that the Executive Committee had reviewed the question of categories of contributing memberships, had decided to continue the $15 individual membership and $25 family membership, and to initiate a patron contribution category of $100 and a sponsoring membership of $1,000 a year. A discussion followed concerning the idea of going to business organizations for underwriting. No decision was made, but, it was generally felt that "WETA should be receiving more help from Washington business." Mrs. Campbell thanked those who had responded to her letter asking for contributions to keep SESAME STREET on the air on Saturdays, and reported that SESAME STREET will be on until the end of May.

Mr. McCarter reported that the Evening Star Broadcasting Company has an application to build a new facility and tower on Connecticut Avenue. WETA has indicated an interest in joint occupancy of this tower and has found the company sympathetic to the proposal—free use of the tower by GWETA, if and when they are able to construct it.

Correspondence, read by Mrs. Campbell, included:

(1) A letter from the brother of the late Paul Niven, Jr., closely associated with WETA as NET's reporter-correspondent, in which he quoted Paul's written comment:

"Here in Washington, the educational station has grown, despite the UHF handicap, from a shoestring operation to a highly professional one and a significant force in the community."

(2) A letter from Dr. Henry S. Robinson, Jr., Chairman of the Public Safety Committee of the District of Columbia City Council, thanking WETA for telecasting the Public Hearing on Marijuana on Saturday, January 17, 1970.

(3) Dr. John A. Sessions' letter of resignation from the Board due to the expiration of his term on the Board of Education, District of Columbia.

(4) A letter from Mr. McCarter extending a welcome on behalf of the GWETA.

STATEMENT ISSUED BY THE EXECUTIVE COMMITTEE OF GWETA FOLLOWING A SPECIAL MEETING HELD AT 4 P.M. ON APRIL 22, 1970 IN THE OFFICES OF THE FEDERAL CITY COUNCIL

1. The Executive Committee of WETA unanimously expresses its confidence in Mr. William J. McCarter as Vice President and General Manager, and expresses its appreciation to him for his outstanding services to the community and the station.

2. The Executive Committee, by a vote of 11 to 2, approved and ratified the action of Mr. McCarter in relieving William Woesten-

diek of his duties as Editor of WETA's Newsroom program.*

3. In arriving at his decision, Mr. McCarter properly consulted with the Chairman; with the Vice-Chairmen, Dr. Lloyd H. Elliott and Mr. Stephen Ailes; with Mr. Austin Kiplinger, Chairman of the Special Newsroom Liaison Committee, appointed by the Board of Trustees some months ago; and with Mr. James M. Mitchell, Chairman of the Trustees' Program Committee.

4. Mr. McCarter's decision was based on his judgment as to how best to preserve the independence, objectivity, integrity and reputation of the Newsroom program, and was in no way related to outside pressures or partisan political considerations. Nor was the decision related to any dissatisfaction with Mr. Woestendiek's performance as Editor of the Newsroom program.

5. Public broadcasting has a special responsibility, under Congressional mandate, to maintain a high standard of independence and impartiality, free of outside political or commercial pressures. Clarity is necessary as to proper standards in public broadcasting. The Executive Committee will appoint a special committee to consult with the staff and with journalists and other experts in the community and elsewhere, with the view of recommending a set of guidelines by which WETA, as a public television station, might judge any other similar problems that now exist, or may later arise, and which WETA can make available to avoid any future misunderstandings.

Members of Executive Committee in attendance: Mr. Stephen Ailes, Mr. Stuart Beville, Mrs. Elizabeth Campbell, Mr. G. Yates Cook, Dr. Lloyd H. Elliott, Mr. Ernest Feidler, The Hon. Patricia R. Harris—Dissent, Mr. Garfield Kass—Dissent, Mr. Austin Kiplinger, Dr. Wm. Stuart Nelson, Rev. Daniel E. Power, S.J., Mr. Mark Sullivan, Jr., Mr. William J. McCarter—Abstained, Dr. Max M. Kampelman—Abstained.

Voting in absentia: Mr. James M. Mitchell.

Out of town: Marcus Cohn, Esq., Mr. Laurence Wyatt.

Members of the Board present: Dr. Richmond D. Crinkley, Mrs. James H. Mann.

STATEMENT BY WILLIAM J. MCCARTER, VICE PRESIDENT AND GENERAL MANAGER OF WETA/CHANNEL 26, WASHINGTON, D.C.

The decision with respect to the NEWSROOM program was made by me as station general manager on my own responsibility and after consultation with station management and members of the NEWSROOM liaison committee of the WETA Board of Trustees: This committee is chaired by Mr. Austin Kiplinger.

The action would have been the same had a member of Mr. Woestendiek's family accepted employment of this nature with other national public officials, but especially anyone involved in national public policy.

Speculation as to political or other pressures touching this decision are completely untrue.

STATEMENT BY WILLIAM J. MCCARTER, VICE PRESIDENT AND GENERAL MANAGER OF WETA/CHANNEL 26, WASHINGTON, D.C.

William Woestendiek, editor of WETA's NEWSROOM, has been relieved of his active duties with that program pending further consideration of his status by WETA.

It has been announced that Mrs. Woestendiek was recently hired as the Press Secretary to the wife of a national public official and is on their private payroll.

We have great respect for Mr. Woestendiek, but this station's action was necessary to avoid any possible charge of bias or influence which might affect the program. The action was also necessary to avoid any relationship that might arouse public concern which could compromise the credibility of the program or its participants.

Effective Monday, April 20, Ben W. Gilbert, Associate Editor with the Washington Post will appear as Guest Editor of NEWSROOM.

STATEMENT OF GARFIELD KASS AND PATRICIA ROBERTS HARRIS, MEMBERS OF THE EXECUTIVE COMMITTEE OF THE BOARD OF TRUSTEES OF GWETA, APRIL 22, 1970.

We are in profound disagreement with the action taken by Channel 26 in relieving Mr. William Woestendiek of his responsibilities as Editor of Newsroom.

We believe that on a policy matter of this sort, involving an issue about which reasonable men may disagree, the Executive Committee should make a decision before definitive action is taken by the Station management.

We are in total disagreement with the reason given for relieving Mr. Woestendiek of his duties. The separate professional lives of spouses is a right to which both men and women are entitled, and we believe that Mrs. Woestendiek had the right to accept any lawful employment and that her husband had the right to retain his employment.

Whatever may be the spiritual union of man and wife, their professional independence must be protected, and Channel 26 had no right to interfere with this independence.

[From the Washington Post, Apr. 20, 1970]

WETA: LEANING TOO FAR OVER BACKWARD

Martha Mitchell, wife of Attorney General Mitchell, is given to moments of exuberance in which she has expressed herself vigorously, some would say excessively, on a variety of public issues, and in ways which we presume do not reflect considered administration policy. The Attorney General has been very good about this, in our view—not that it is necessarily any of our business. He has been loyal and relaxed, taking the view that there is no automatic connection between what his wife says or does as a private citizen and his role as a public official. Recently he hired a former newspaperwoman, Kay Woestendiek, as press secretary for his wife, presumably in an effort to help keep this distinction clear. Whereupon, Mrs. Woestendiek's husband William was summarily fired from his job as editor of WETA's "Newsroom" show, on the grounds that his wife's job with Mrs. Mitchell somehow endangered the show's "credibility." There is fine irony in this: Mr. Mitchell hires a press secretary for the presumed purpose of helping maintain the line between his public life and his wife's private life, and WETA sacks the press secretary's husband for fear that his professional life would be compromised by his wife's job.

"Every time there would be a story from that part of the administration," said William J. McCarter, general manager of the local public broadcasting station, "people would make the connection over and over. It would eat away at us."

Nonsense. WETA has every good reason to maintain its independence of mind. But if that is what it takes, its independence of mind must be in a pretty soggy state. It has been flatly denied that the decision was made under the influence of outside pressure, notably from Fred W. Friendly, television adviser to the Ford Foundation, which supports the "Newsroom" show. The finger points, instead to pressure from the WETA staff. But this only makes it worse; assuming that it was an inside job, the decision was still Mr. McCarter's and what he is saying, in effect, is that WETA cannot keep its balance unless it controls the wives of its employees. In our view, President Nixon made a lot more sense on this same issue when he declined, after one of Mrs. Mitchell's more outspoken contributions to the public dialogue, to take responsibility for the wives of members of his cabinet. In these matters there are sometimes hard choices—between what people will think and what is right. James Thurber had it about right in the moral he wrote to one of his famous fables. You might just as well fall flat on your face, he said, as lean too far over backward.

[From the New York Times, Apr. 20, 1970]

MARITAL CENSORSHIP

Even if this were not the year of women's liberation, there would be a ludicrous quality to the controversy that led to the ouster of William Woestendiek as editor of a news feature program on Washington's educational television station. The station says it feared a "conflict of interest" was created by the decision of Mr. Woestendiek's wife to go to work as press secretary for Mrs. Martha Mitchell, the outspoken wife of the Attorney General. Establishing such a guilt-by-marriage standard is as silly as it is outrageous. Someone ought to educate the educational TV officials responsible in common sense.

[From the Washington Evening Star, Apr. 21, 1970]

THE FLAP AT WETA

In firing William Woestendiek as editor of "Newsroom," the managers of WETA got confused about two things: A man and his wife.

Woestendiek was discharged because his wife took a job as press agent for Martha Mitchell, wife of the Attorney General. Woestendiek's bosses were embarrassed about this, fearing for the "credibility" of the foundation-supported experiment in news broadcasting. There was no hint that Woestendiek's own handling of the news was affected or was likely to be affected by his wife's choice of employment. If Woestendiek had been regarded as so pliable, he would not have held the succession of responsible news positions he has had.

So it was the matter of appearances that bothered WETA. The controversy that Mrs. Mitchell's utterances regularly provoke was seen as rubbing off on Mrs. Woestendiek and, in turn, on her husband and the television program. WETA in this view, should avoid not the real possibility of a conflict of interests but the vague appearance of such a possibility. The better to fend off evil-minded critics.

WETA, in holding Woestendiek to account for his wife's method of earning pin money, accepted the ancient myth that wives are extensions of their husbands, doing only what they are told. It's an idea that was out of date at the time of Adam and Eve. In this age of aggressively liberation-minded women, the old-fashioned concept is downright dangerous.

The rulers of WETA should treat Woestendiek as an individual—married or not—and reconsider his status. This would be more in keeping with an effort to chart new ways in broadcast journalism.

THE FLAP AT WETA

SIR: I wish to correct a serious error in recent news stories implying that I urged the management of WETA to fire Bill Woestendiek as editor of Newsroom after his wife accepted a job as Martha Mitchell's press secretary.

Throughout last week the only thing I urged the management of WETA to do was to reach a decision on a very difficult issue as quickly as possible. As long as the issue remained unresolved, the morale of Newsroom was subject to erosion. I personally believed that Mrs. Woestendiek's job presented a conflict of interest with her husband's job—and I regret that the Woestendieks were unable to resolve the conflict themselves.

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*See attached Statement of Garfield Kass and Patricia Roberts Harris.

To my mind the situation here was very special. First, WETA is a public broadcasting station, with a particular charge to remain impartial and fair in its news treatment. Second, Newsroom was a new program and needed to establish its own credibility. Third, Martha Mitchell was a controversial news personality in her own right, with a reputation for trying to influence news and public policy. Fourth, Mrs. Woestendiek's job was "press secretary"—presumably she would be working directly with the news media.

Because of the combination of these circumstances, I believed that there was a journalistic conflict of interest—adversely affecting Newsroom—as long as Mrs. Woestendiek remained in her job.

PETER A. JANSSEN.

THE GREATER WASHINGTON EDUCATIONAL TELEVISION ASSOCIATION, INC.

SIR: In your editions of April 22 you carried a story by Star staff writers Jack Kneece and Ronald Sarro regarding the previous night's broadcast by the WETA Newsroom staff about the firing of editor William Woestendiek.

The story said that Woestendiek's ". . . firing was pushed by two of the program's staffers, Peter Janssen, 33 and David Jewell, 34."

This is inaccurate and untrue.

Inaccurate because this was not, as your report stated, "a salient part. . ." of the program.

Untrue because Janssen and I did not push for the firing of Woestendiek.

What we did was to urge the management of the station to "resolve" the problem of conflict of interest that we and seven other staffers agreed existed regarding Woestendiek.

This is precisely what we said on the broadcast, nothing else.

The notion that a staff reporter, or even two staff reporters could somehow engineer the firing of a top editor, is, to my mind, a romantic one.

DAVID A. JEWELL,
WETA, Inc.

SIR. Your TV critic, Bernie Harrison, showed much more wisdom and perception in commenting on "The Flap at WETA" than did your editorial writers.

Mr Harrison correctly pointed out that television—particularly public television—has a unique responsibility to avoid even the slightest potential conflict.

No one has questioned Mr. Woestendiek's integrity, but I certainly question his judgment. I do not see how even the most inexperienced reporter could fail to see that when Mrs. Woestendiek took the job with Mrs. Mitchell, she was inevitably compromising Mr. Woestendiek's position and that of Newsroom, a potentially outstanding program.

Much more could be said, much of which has been sloppily reported in the press. The point which Mr. Harrison perceived and your editorial writers did not is that appearances are important—and they should be.

HAL PRICE.

SIR. Bernie Harrison asserted that "public television carries a unique responsibility to avoid all possible conflicts, slight as they may seem to be, and establishing this as a value (as educational television ventures into the news area) is fundamental. It was an unhappy thing to have to do, but—in this reporter's judgment—necessary."

Question? Why is it more necessary for educational television to avoid all possible conflicts in the news area than it is for commercial TV or for newspapers, for that matter?

If Mr. Woestendiek had a conflict (which I don't believe he had) why then doesn't WETA fire Walterene Swanston, whose husband works for Senator Cranston, and remove from his job as a news program moderator Max Kampelman, who has been actively engaged in Democratic politics for a number of years?

I believe Mr. Harrison should speak to these matters, also, in the interests of consistent, if not objective, reporting.

BARBARA ESTRIDGE.

CHEVY CHASE, MD.

SIR. If the present self-generated furore going on at WETA buries it, it will have been worthwhile.

I saw about a 15-minute portion of a discussion of a group of movie producers on WETA. I accidentally wandered into it because William Buckley was on the program. If I were to relate any part of the discussion, your newspaper would consign the letter to the waste-basket. It was not fit for print nor was it fit to be considered a part of any television program. If they call that kind of programming educational—it is no wonder the kids can't read.

Mrs. ALICE T. DEISROTH.

SIR. The firing of Woestendiek is yet another example of the power of a select few liberals in dictating the policies of our news media.

It is not enough to insist that all employes be liberals; now they are not even allowed to marry people of possibly conflicting opinions.

Is this called freedom of the press?

JANET D. LAPEY, M.D.

THE WETA DISMISSAL

You suggest that TV station WETA was "Leaning Too Far Over Backward" when it relieved William Woestendiek from active duty as editor-in-chief of its sensitive "Newsroom" program because his wife accepted a job as press secretary to the ebullient Martha Mitchell.

Do you really think that The Washington Post would have retained its own executive editor in his sensitive position under similar circumstances? Not really!

EDMUND D. CAMPBELL.

WASHINGTON.

I am amazed and disgusted that WETA–TV has reportedly "relieved" an editor because of his wife's employment. It is reprehensible enough when a man is persecuted for his own political views (as opposed to his actions). But WETA has carried the process a step further! What business is it of theirs what any of their employees' spouses do, so long as it is legal. McCarthyism is obviously not limited to the right wing.

BARRY T. CRICKMER.

FALLS CHURCH.

Did pure partisan pique prompt WETA–TV to fire William Woestendiek after his wife was hired by Martha Mitchell, as some Republicans have inferred? My experience suggests not. It is possible that the station's management meant what it said in essence: "Newsroom" personnel shall not be "compromised" by any taint of political affiliation.

When Woestendiek and company were recruiting staff, I presented my credentials as a seasoned newspaperman and free-lance writer. But I also mentioned having campaigned for Senator McCarthy and Senator Morse in '68. WETA replied that my "political identification" disqualified me from being considered for the new panel. The station did not want to gamble on hiring anyone who could be accused of "bias."

I'm of the mind that WETA's policy is self-damaging, prejudicial, pusillanimous and silly, for several reasons. (WTOP–TV's Frank Mankiewicz has proved that political work doesn't turn an experienced journalist into a partisan propagandist for the rest of his days. Conversely, political virginity assures neither reportorial independence-of-mind nor competence. And, let's face it, "absolute objectivity" doesn't exist anyway.) But WETA executives deserve some credit—if only for continued consistency—in demanding their staff stay as professionally chaste as Caesar's wife, especially when they might incur the wrath of Mitchell's.

PHILIP KOPPER.

WASHINGTON.

[From the Washington Daily News, Apr. 21, 1970]

KIDS STOOD UP TO BE COUNTED

(By Jack Mann)

Channel 26, which to its everlasting credit also presents Sesame Street, last night presented "a thoro, professional journalistic report" on why Bill Woestendiek was fired as editor of its experimental news broadcast, Newsroom.

At the end of the hour Mr. Woestendiek was just as fired, for what he called "guilt by marriage"—his wife's employment as press aide to Martha Mitchell, wife of the U.S. Attorney. But Mr. Woestendiek felt better about it.

He felt that he had enjoyed an exhilaration permitted few men: that his truth had gone marching on.

"They said my wife's job compromised the program," Woestendiek said. "Now I know it can't be compromised. Those kids stood up to be counted."

ON THE LINE

The first of the kids who stood up was Columbus Smith, who is 26 and covers things like sewage disposal. He had listened while two members of the staff Woestendiek put together recited how Martha Mitchell had "emerged as a strong public figure," and how Mr. Woestendiek conveyed "an almost studied indifference" to the conflict-of-interest peril that was obvious to the WETA management.

Obvious, at least, to staff reporters Peter Janssen and David Jewell, who volunteered at a staff meeting yesterday morning to do the obsequies on Mr. Woestendiek. Mr. Jewell capsuled Mrs. Mitchell: she took a stand in favor of abortion; somebody called her "our female Spiro Agnew"; she called in the night for the crucifixion of Sen. Fulbright.

"It was the sense of the staff," Mr. Janssen said, "that there was a problem. We felt we were compromised."

Columbus Smith, who held his cool as a Green Beret first lieutenant for a year in Vietnam, but perspires under the hot lights while delivering a report on reconversion of sewage into drinking water, held still while Mr. Janssen told of an "increasing crescendo of Martha Mitchell stories . . . gabby things."

Staff reporter John Morton was to say later that there had been undue emphasis on "the irrelevant parts of Mrs. Mitchell . . . the silly, talky things," and Ben Gilbert, Mr. Woestendiek's successor as moderator of the panel, was to say that they were relevant because Mrs. Mitchell was in the papers and would continue to be.

But none of this was to happen until Columbus Smith, who was sitting there "thinking it was a filibuster," and being "real close to quitting, right on the air," broke his silence. That happened when Mr. Janssen found "irony" in the fact that Sen. Fulbright, whose crucifixion Mrs. Mitchell had sought, joined the protest of Sen. Mark Hatfield, R.-Ore., against Woestendiek's dismissal.

(Smith resigned this morning. His letter of resignation expressed "ranking doubts as to the qualifications of Channel 26 to be in the news business.

("It has never been made clear enough by the management," the letter said, "that the firing was not politically motivated. Regardless of motivation, the move was a tremendous, insensitive overreaction which has totally undermined my confidence in the station.")

He had asked at the morning meeting, Mr. Smith said in a slightly quavering voice, that Mr. Woestendiek be included in the broadcast. "There are at least five of us," Mr. Smith said, "who asked that Bill not be fired. . . . The two most violently opposed to him gave this report. . . . That is most distasteful to me. . . . Is Martha Mitchell an enemy of Newsroom, or just a public figure?"

"It is obvious," Mr. Jewell said, "that we (he and Mr. Janssen) were the only ones who pushed for a decision by the management."

An intra-WETA source had said that a secret ballot would have resulted in a vote of 7–3, perhaps 8–2, in favor of keeping Woestendiek. The estimate seemed realistic as the silent majority around the table was heard.

"I don't like the idea that these two people did the story," Vic Maerki said, "but they did a good job."

Steve Northrup, as young as Columbus Smith, said the firing was "a grievous mistake." He mispronounced "grievous," but he said it twice.

Warren Unna said he considered Kay Woestendiek's job "screwy, nutty," but added that a man didn't have the right to control his wife. WETA's work, he said, should be a function of "our own credibility and integrity."

"Guest editor" Gilbert agreed: "We should be judged by what we put on the air."

"That's the standard I wanted to be judged by," Mr. Woestendiek said after viewing the program.

Of the report of "staff pressure," reporter Walterene Swanson said: "I didn't know it existed."

"That this was a staff consensus was not true," said Rudy Pyatt.

"It's beautiful," Mr. Woestendiek said. "The staff couldn't have thrown me a champagne party that would have made me feel more bubbly. The show isn't mine any more, but I know it's a good one, because it's a good staff. That's satisfying."

"PRESSURE" IS DENIED IN WETA FIRING

(By John Mathews)

The general manager of WETA, Channel 26, yesterday labeled as "untrue" reports that "political or other pressures" led to the dismissal of the editor of the educational television station's experimental "Newsroom" program.

The editor, William Woestendiek, was "relieved" of his duties because his wife, Kay, was hired April 10 as the press aide for Atty. Gen. John Mitchell's outspoken wife Martha.

Four other participants on the program, upset at Woestendiek's firing, turned in their resignations yesterday, United Press International reported. They are Tom Wicker, associate editor of The New York Times; Hugh Sidey, White House correspondent for Life magazine; Bonny Angelo, Time magazine; and Charles McDowell, Jr., Richmond (Va.) Times-Dispatch.

Walter J. McCarter, WETA's general manager and vice president, said in a statement yesterday that the same action would have been taken if a member of Woestendiek's family had "accepted employment of this nature with any national public official, but especially anyone involved in national public policy."

The general manager said the decision to fire Woestendiek was made after he, McCarter, met with the station's general management and a board of trustees committee headed by publisher Austin Kiplinger.

McCarter acknowledged, however, that before making his decision he had consulted with Fred W. Friendly, former CBS producer and an official of the Ford Foundation, which supports the Newsroom program, and with Max M. Kampelman, Washington lawyer and lobbyist who is chairman of the WETA board and a close associate of former Vice President Hubert H. Humphrey.

The general manager said Friendly had called him and made no recommendation on the possible conflict of interest situation.

AWARE OF SITUATION

McCarter said Kampelman, vacationing in the Virgin Islands, was aware that the situation was developing and "might have leaned the other way" regarding the firing of Woestendiek.

There had been speculation among staff reporters of the Newsroom program that Kampelman, closely identified with the Democratic Party, had a part in acting against Woestendiek because of his wife's connection with the Republican administration.

Sen. Mark Hatfield, R-Ore., yesterday cused the station of undermining freedom of the press and applying a "double standard since other members of its staff and the station's board have ties with the Democratic leadership."

The station's 67-member board has a number of former Johnson administration appointees including Stephen Ailes, a board vice chairman who formerly was Secretary of the Army. Several board members, however, are Republicans.

Hatfield went on to charge that the firing of Woestendiek also "puts WETA in the position of setting out to punish the attorney general's wife, and that this is outrageous."

He concluded that the "quickest way to destroy public support for educational television is to intimidate or fire newsmen and executives for political reasons."

Yesterday, Woestendiek said he would not accept another assignment from the station.

"It's not easy to give up a $50,000-a-year job, because you think there are certain basic individual human rights human beings must have," Woestendiek said.

The station yesterday was bombarded with telephone calls from viewers, who according to one source, overwhelmingly criticized the firing.

In a telephone interview, Friendly acknowledged that he had talked with "both parties" to the issue, but had made "no decision or recommendation."

BIG FORD GRANT

Ford has given nearly $1 million in grants to support the experimental program on which reporters and an editor discuss news stories. Friendly said that once a grant is made the local station has full control.

Mrs. Woestendiek, formerly women's editor of the Houston Post, was hired by Mrs. Mitchell as a press aide following a controversial call by the attorney general's wife to the Arkansas Gazette.

McCarter said he felt it would be appropriate for the Newsroom program, now headed by "guest editor" Ben W. Gilbert, who resigned Tuesday as associate editor of the Washington Post, to have a full report on its Monday night show of the Woestendiek firing. "I think Bill should be invited to appear," he added.

The program is seen weeknights at 7 p.m. and is rebroadcast at 11 p.m.

[From the Washington Post Apr. 25, 1970]

WHERE WAS THE "PRESSURE"?

(By Lawrence Laurent)

"Newsroom," the controversy-scarred television experiment at Channel 26, still has 22 months to run under a new editor. The change of editors, from William J. Woestendiek to Ben W. Gilbert, came after 26 programs and was "the most agonizing decision I've ever had to make," says the station's vice president and general manager, William J. McCarter.

The agony began April 10, when Woestendiek's handsome, blond wife, Kay, accepted a job as press secretary to Martha Mitchell, wife of the Attorney General. Almost daily, for the following week, McCarter asked Woestendiek to resolve a "conflict of interest" between the editor's job and his wife's job.

McCarter is a soft-spoken executive with a reputation for gentle persuasion. But he couldn't budge Woestendiek, who said—and still says—no conflict existed.

What deepened the controversy and set off high speculation was McCarter's own attempts to explain the decision to "relieve" Woestendiek. On at least three occasions, he used the phrase "outside pressure" as one of his reasons.

At Channel 26, where a major source of operating funds is donations from the public, the phrase "outside pressure" usually means "public response," either by telephone or by mail. To McCarter, it also meant "pressure" on "Newsroom" reporters who said they were being teased about Mrs. Woestendiek's job. Reporters also complained to McCarter that news sources were drying up because of the "conflict of interest."

What is clear, by now, is that the "outside pressure" came neither from the "Newsroom" source of funds (the Ford Foundation) nor from McCarter's main source of authority (WETA board chairman Dr. Max M. Kampelman).

Both Dave Davis and Fred W. Friendly of the Ford Foundation declined even to offer advice to McCarter. Friendly told him, "It is a station matter."

Kampleman advised McCarter to delay the decision. "Hold your horses," he said, and wait to see if Mrs. Woestendiek's job actually did affect the "Newsroom" editor's news judgment.

McCarter's top executives, program director Dr. Jack Hunter and news director Lincoln Furber insisted that Woestendiek must resolve the "conflict" and quickly. "I felt," McCarter recalled, "that the entire future of public television was riding on my decision."

McCarter consulted at least five members of his Board of Trustees. The strongest view came from editor-publisher Austin Kipplinger, whose father, the late Willard M. Kipplinger, was mainly responsible for the creation of WETA-TV.

Kipplinger insisted that all "Newsroom" personnel must be "free from any suspicion of bias, based on any personal or family involvement with sources of news." He added that all journalists must separate participation in an event from reporting the event.

McCarter has been living in physical pain for the past four weeks, the result of surgery to repair the achilles tendon in his right ankle. He is in a cast and hobbling, painfully, on crutches.

The decision to "relieve" Woestendiek was also painful, but he made it and he made it alone.

[From the Evening Star, April 29, 1970]

"NEWSROOM" FIRING POSES FOUNDATION TROUBLE

(By Richard Wilson)

A $50,000-a-year newsman for the local educational television station, WETA, has been fired because his wife went to work as a public relations woman for Mrs. Martha Mitchell. Conflict of interest was supposed to be the reason.

This has caused a tremendous flap in media circles but for other reasons the discharge of William Woestendiek, editor of the station's "Newsroom," came at an extremely inopportune time for the big foundations. The Ford Foundation is one of the supporters of WETA and its TV adviser, Fred W. Friendly, has told a House subcommittee that he had nothing to do, as was originally thought, with firing the husband of Martha Mitchell's press agent.

As it happened, certain influential officials in the Nixon administration, apparently with the President's encouragement, were at the time beginning to burn with indignation over foundation-financed "sharp-shooting and second guessing" of the Republican administration in Washington.

The firing of Woestendiek was taken as confirmation that the intellectual and political climate fostered by foundation financing is hostile to the administration. It goes farther than that. Some of the President's advisers think that Democratic castouts from the Kennedy-Johnson era have found haven in foundations, universities and international organizations, from which protected positions they have launched a tax-exempt assault on the political, economic and social structure of the country.

They are accused of clandestine political activities, and writing books and articles and turning out speeches for their allies on Capitol Hill in a concerted attempt to blacken the administration and promote a series of liberal causes ranging from unilateral disarmament to the advancement of educational television and dissolution of the military-industrial complex.

A good deal of research data has been drawn together to show that such accusations are well supported. This should be useful to the Treasury Department in drawing up regulations to implement the new limitations voted by Congress on foundation financing of politically related causes and institutions. So it is plain that the WETA officials could not have picked a worse time to protect their intellectual purity from any subtle marital taint by the wife of the attorney general secondhand.

Mrs. Mitchell, it has been pointed out, might well have been equally as concerned that the husband of the press agent who was supposed to protect her was directing news from educational television.

Whatever the merits of that controversy, it does serve to bring to public attention the impressive emigration of the Kennedy-Johnson clique into the shielded and well-heeled cloisters of the privately controlled educational and charitable foundations.

We start right at the top with Robert S. McNamara, president of the World Bank, who is a trustee of both the Ford Foundation and the Brookings Institution and an honorary associate of the Kennedy Institute of Politics.

The list becomes much longer and includes dozens of former officials in the Ford Foundation, the Brookings Institution and other establishments which are offering critiques on national policy which sometimes send Nixon up the wall.

Some of the Nixon people call the foundation experts a "shadow government" and the "academic-foundation complex."

Poor Woestendiek, having gotten used to a $50,000-a-year job, need not despair. A foundation may come along to finance his celebrations but he probably wouldn't like the work as well with H. L. Hunt, the Texas defender of our freedoms.

DECLINE OF THE MERCHANT MARINE

Mr. MAGNUSON. Mr. President, I have frequently expressed my grave concern about the decline of our merchant marine. Many Senators share that concern and, as was discussed on the floor last week, it now appears that we have taken action to enhance our maritime capability and restore this Nation to its rightful position on the seas.

However, the segment of our merchant marine that is perhaps in the most serious trouble is the passenger fleet. Most of our passenger ships are laid up, and this will result in a loss to the Nation of an important defense resource, a favorable item in our balance of payments, and many job opportunities. The administration's proposed new maritime program does not include our passenger fleet. On the day the program was announced last October, I urged the Secretary of Commerce and the Maritime Administrator to spare no effort in attempting to develop solutions for this grave problem. They assured me that they would do so. In the meantime, the Committee on Commerce has developed some measures which have subsequently become law and will provide some limited relief to our remaining passenger ships.

The importance of passenger ships to our national security was recently highlighted by a thoughtful article in the April 1970 issue of Navy, the magazine of the Navy League of the United States. The author of the article, Dr. Robert Kilmarx, is the Director of Soviet Seapower Study, Center for Strategic and International Studies, Georgetown University. I ask unanimous consent that the article be printed in the RECORD.

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

U.S. PASSENGER FLEET—THE BROKEN LINK

(By Robert Kilmarx)

In the 1950s, when the strategic concept of "massive retaliation" was the order of the day, and conventional forces were relegated to a distinctly secondary place, America's passenger fleet was strong and many elegant liners plied the trade routes. In the 1960s when the shift was made to a flexible strategic force, with the emphasis being placed on non-nuclear response, the very ships necessary to transport that response were, in increasing numbers, being laid up, or deactivated.

It is a grim, and dangerous paradox that when we did not plan to use them there were over fifty U.S. flag passenger liners in operation, but now, when we are very much in need of them there are only 13; and in a few years there very likely will be none.

First to become idle was the American Export-Isbrandtsen Lines liner *Atlantic* in October 1967. She was joined in August-November 1968 by the *Constitution* and *Independence*. Then Moore-McCormack laid up the *Argentina* and *Brazil* in September of 1969. Finally, in November, the majestic *United States* was placed on the inactive list. Today, they lie lifeless at out-of-the-way piers in Baltimore, Jacksonville and Newport News, their hope for future use at best uncertain.

The *Independence* and her sister liner the *Constitution* sailed lucrative routes to Europe and to the Mediterranean during their heyday; the *Independence* carried 1080 passengers and a crew of 580—the passenger list was usually full. Now, only a crew of two lives aboard. Her withdrawal from service came at a most inopportune time, occurring just as Soviet penetration of the Mediterranean by political, economic, military and psychological means was going into high gear. This is not an isolated situation, quite the contrary, it has been a sad pattern of commercial retreat when a strong posture was needed.

FEW OPERATING

The only U.S. flag passenger ships still operating in the east coast are the Grace Line's *Santa Rosa* and the *Santa Paula*, each of which can carry only about 300 passengers, and four smaller ships capable of handling 125. Part of the reason these ships are able to operate lies in the fact that they are not truly "luxury liners," although they are most comfortable, since they carry cargo as well as people. Even such combination ships have had problems, for they too are required by law to adhere to specific routes.

Cruise shipping, which would seem to be the answer, is impossible on a full time basis, for without a definite route schedule ships are not eligible for government subsidy, and without subsidy they cannot remain economically feasible. Hence, great liners tied up at piers.

On the west coast the story is the same, although one ship, the Matson Lines *Lurline* operates without subsidy—the only American flag vessel to do so from either coast. Oceanic Steamship Company, a Matson subsidiary, still sails two combination ships to Australia and American President Lines has three combination ships operating from the west coast. The sands of time are running out, however; these ships have not been operating on a year round basis and one has already been sold.

NO PROVISION

The future holds out little hope for improvement since President Nixon's proposed legislation for our Merchant Marine, which may soon be enacted, does not contain any provisions directly relatnig to the U.S.-flag passenger ship industry. To the Administration passenger ships pose a disturbing dilemma, for management feels that they have become an economic liability. To continue their operation is only to sustain intolerable losses—counting government subsidy, the losses in 1968 totaled $60 million. These losses have been produced by high operating costs and the failure to achieve parity with foreign competitors through operating subsidy, as well as the lack of suitability for cruising, under existing statutes. Nothing short of amendment of the 1936 act, which established the present subsidy structure will resolve the problem and there is strong political opposition to such a move in some quarters. The result is that the United States, at a time when it needs passenger ships not only for commercial, and "show-the-flag" reasons but for very valid defense reasons, finds itself locked into a system whose change would create great political problems.

As important as labor and other operational costs, as well as statutory restrictions have been in producing the problem, by far the most devastating onslaught to America's passenger fleet has come from the country's commercial aviation—which transports people for less money more quickly. That "quickly" is not necessarily a virtue is obvious in the cruise trade, but still must be considered on a point-to-point liner.

Fewer than 15 per cent of all travelers on the North Atlantic route went by air in the 1950's. Since then, with the availability of jet aircraft the figures have reversed—and are even worse—passengers ships on this route now carry only a 7 per cent share of this travel market.

NATIONAL NEED

Clearly, without commercial justification, the only basis remaining to continue the operation of passenger ships would be a national need declared by the federal government, to insure that sealift is at hand to transport our armed forces in case of a future conflict.

Arguments about the contribution of the U.S. flag passenger ships to the United States' image abroad, to our national prestige, to our balance of payments or to other less tangible values of state apparently have not proved persuasive enough to bring change. There is, however, one argument that must be persuasive enough if we are to fulfill our defense requirements—these ships are necessary to move troops and the materials those troops need.

The Department of Defense, however, has not come to the passenger fleet's aid and has not offered military justification for insuring the availability of these ships and their replacement in the years ahead. This is attributable primarily to the still prevalent belief, inherited from Secretary McNamara's administration, that air transport can satisfy anticipated requirements supported by

limited sealift that may be obtained from the Military Sea Transportation Service, the National Defense Reserve Fleet (NSDF) and chartered foreign vessels.

The subsidiary concept of "effective control" of foreign flag vessels, that are not U.S. owned, only chartered was fostered by McNamara while Secretary of Defense and unfortunately, its ghost still haunts the corridors of Congress and the Pentagon. This, despite the overwhelming evidence that the tenuous ties of a charter arrangement do not meet the sound needs of defense planning. The validity of the argument against "effective control" receives daily reinforcement from the actual experience of the Viet Nam war. It is also worth remembering that when in 1967 the Suez Canal was closed airlift measures were not sufficient and cries went out for help from foreign vessels.

These experiences make it clear that there are absolute defense needs which can only be met by ships wholly owned by, and available to, the United States to meet the contingencies of mobilization at whatever level they occur.

The U.S. passenger fleet, with its capability to move troops is a definite part of this picture, and its increasing malaise a subsequent weakness in the defense network. The threatened demise of the U.S. flag commercial passenger ship industry puts a difficult burden on Department of Defense planners. For a while they may count on the U.S. passenger ships now tied up at U.S. docks—most of them are in good condition and have been adequately maintained. The ships, however, are aging. The *United States* and *Independence* are about 20 years old. The *Argentina* is even older having served as a troopship in World War II before undergoing conversion to a liner starting in 1947. Should the industry conclude there is no future possibility of a profitable commercial market for their utilization they may end up as floating hotels or in the Reserve Fleet, or attempts may be made to sell them abroad. In any case, they would not be readily available in an emergency.

NO REPLACEMENTS SEEN

No replacements are in sight. The Maritime Administration seems disposed to permit their passing, looking to the day when further subsidies for passenger ship operations would not have to be paid. Also the Maritime Administration does not seem inclined to grant construction subsidies for replacements, and ship purchases from abroad with subsidy are illegal.

The Military Sea Transportation Service will not provide the answer in the 1970's. Only three transport ships (TAPS) are presently operational in MSTS. There are about 18 additional TAPS in the Maritime Administration Reserve Fleet, or in the process of being transferred from MSTS. After having been employed in carrying Allied troops, these 3 ships are also to be deactivated after the Viet Nam war to join the NSDF, this means they would not be ready for 90 to 120 days. Their reactivation would require extensive warning time in case of a future crisis—time that will not exist. The experiences of Viet Nam revealed that many National Defense Reserve Fleet ships were in worse condition than expected and crew shortages and subsequent delays also have been a continuing problem. There is no reason to think things would be easier in the future. The aging NSDF is a disappearing asset (it is now about 25 years old). By 1978, it may be no more. The interests of the Military Sea Transportation Service for follow-on vessels, too, have run into major problems, partly because of budgetary constraints and industrial concern about government competition.

At the same time as the passenger capability has dropped our amphibious forces have been hard hit. Active amphibious sealift ability has been markedly reduced because of budgetary cutbacks. A number of the U.S. Navy's LWAs, LPAs, LSDs and LSTs are being deactivated or scrapped during the fiscal years '70–'71. The Navy's amphibious sealift capability, therefore, is being reduced from two marine expeditionary forces to about 1 and one-third. It will be some time before new LHAs are available, thus the danger exists of a major gap in quick reaction, amphibious sealift performance, as well as follow-on seaborne logistic support, especially to areas of the world where port facilities might not be adequate. There it might be essential to have barge-type ships, with roll on-roll off capability, carrying 800 to 1000 troops or more with organic equipment.

MAIN "TRADES"

The sealift capability from many of the new commercial containerized ships also is restricted because of their non-self-sustaining characteristics. They are designed primarily for the major trade routes and not for carriage to underdeveloped countries. Even with the incorporation of defense features, as is planned, their role may be markedly restricted unless guided by a comprehensive Department of Defense sealift program for the 1970's.

One of the problems is adequate DOD sealift planning: planners apparently have not effectively tackled some key issues of strategic mobility. As Vice Admiral Lawson P. Ramage told the Naval War College on 6 February, 1969, ". . . I have been appalled in recent months to discover how many senior officers of all services particularly those who are intimately concerned with forward planning, have no real conception of the problems of moving troops and equipment to the objective area."

A number of Pentagon military planners agree that some measure of sealift is essential, but they worry about where it may come from in the years ahead and cannot estimate how much will be required with high confidence.

AIRLIFT INADEQUATE

In spite of the availability of C–141 and C–5 air transports, the adequacy of an "airlift only" doctrine in the new military strategy is seriously questioned by many knowledgeable military spokesmen. Contingencies that can be envisaged might call for the employment of U.S. military forces under circumstances in which the landing of troops by air and their marriage to unit equipment in the theatre might not be feasible. Insuperable problems may arise because of the vulnerability of the aircraft and of the landing sites, or their lack of availability; problems of overflight rights and the requirements of supporting logistic bases in nearby territory may arise. The very magnitude and character of required operations may preclude airlift alone.

A further reason for concern is the inadequate support in Congress for forward floating deployment of military equipment. Approval for Fast Deployment Logistic ships was never obtained, and the danger even exists that the forward base supplies that have been used up in the Viet Nam war will not be replaced. The problem will be compounded as more of our forces are withdrawn from the Far East and Europe.

There seems to be ample justification for the comments about sealift contained in President Nixon's foreign policy statement. When he was discussing NATO strategy in his statement, "Strategy for Peace" last month, he included the following, "Questions have been raised concerning whether, for example, our logistic support . . . our airlift and sealift capabilities are sufficient to meet the needs of the existing strategy." The answer to these questions may be "not sufficient" but the difficulty may turn out to be the strategy.

COUNTER-REACTIONS

Since the operational meaning of a particular strategy is dependent upon capabilities, constraints such as these are alarming—and symptomatic. They could markedly limit not only our willingness to defend our allies but even our capabilities, if the will could be found. In the case of some of our allies and friends, such constraints could help to create counterreactions. They could be forced to decline to act in their own defense with inadequate means. They may accommodate to threats so that hopeless defense efforts would not be necessary. Some might even turn to the Soviets for assistance.

The fact that the Soviet Union now is at least equal and probably will become superior in some measure in strategic offensive, nuclear warfare capabilities puts an increased burden on the current credibility of conventional forces, supported by sealift. These should not be wanting. Serious danger exists that the Soviets, mindful of the changing military balance and suffering from ideological hardening and unstable, weak political leadership, may seek unanticipated opportunities for quick international political gain, when no response from the United States is expected. For the Soviet Union is turning more to an external global policy, while U.S. priorities are turning inward.

Flexible response in many contexts could thus become a hollow shell. The prospect of denial of conventional military options to the President in future contingencies and the political price that may have to be paid for such denial should be cause for great concern. Insufficiency even in sea transport can undermine a successful "Strategy for Peace."

SENATOR JAVITS PRAISES NATIONAL TV PRESENTATION ON VIETNAM BY SENATORS GOODELL, HATFIELD, McGOVERN, CHURCH AND HUGHES

Mr. JAVITS. Mr. President, the compelling and reasoned articulation of the critical need to end the Vietnam war, presented by Senators GOODELL, HATFIELD, McGOVERN, CHURCH, and HUGHES in their Tuesday night television broadcast to the Nation, was an excellent contribution to the current national debate on U.S. policy in Indochina. As a Senator who has worked closely on many occasions with these same Senators to gain peace in Vietnam, I wish to make clear my strong support for their stated objective of establishing how the Congress can contribute effectively to end the Vietnam war. The question for Senators like myself who agree on the policy objective is whether the amendment sponsored by this group is the best means for the Senate to invoke from the legislative and constitutional standpoints.

It is my hope and expectation that further consultation between the amendment's sponsors and other Senators like myself will lead to a procedure which will make possible the support of a solid majority in the Senate. Senators GOODELL, HATFIELD, McGOVERN, CHURCH, and HUGHES have rendered an outstanding public service in the cause of peace through their broadcast to the Nation and in submitting their important legislative amendment to the Senate.

CONCLUSION OF FURTHER ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, further morning business is concluded.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time under the Pastore germaneness rule begin running as of now.

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

Mr. STENNIS. Mr. President, I address myself to the pending bill, particularly that part thereof known as the Church-Cooper amendment.

Referring to the area involved in Cambodia where we have crossed over the line to get at the sanctuaries, I requested the Department of Defense this morning to give me the actual figures, down to and including the latest available, with reference to just what had happened there since that part of the battle started, with reference to the capture of supplies, ammunition, and matters that go to make up military equipment, as well as the manpower situation.

About an hour ago the Secretary of Defense sent me this statement, which I shall read for the information of the Senate. I think it has a special place, too, in the RECORD.

Mr. President, in my opinion, during the few short days that this part of the battle has been going on, which is distinctly and essentially a part of the war in Vietnam, I think it has been relatively highly successful. I read this statement, a summary statement of the activities:

> On the basis of current reports of the amounts of enemy supplies and equipment located so far in Cambodia by South Vietnamese and American forces, the weapons alone are sufficient to equip about 20 enemy battalions. More than 7,000 rifles and 1,000 crew served weapons (e.g., mortars and machine guns) have been captured, along with more than 8 million rounds of small arms ammunition, which would have supplied these 20 battalions for upwards of a thousand battalion-size attacks.

Those are enormous figures. Continuing the statement:

> Food supplies located so far comprise almost five million pounds of rice, the basic food for Southeast Asia. This rice would have fed the entire enemy force in III and IV Corps in South Vietnam for 5 months.

We know that the III and IV Corps cover a very considerable area in South Vietnam. I wish that this had been given in terms of square miles, but that area is an important area, and a considerable area in square miles.

I quote again:

> Twenty-two thousand mortar and rocket rounds have been found. This amount of munitions would have supplied about 3,000 fire attacks in South Vietnam of the same intensity that the enemy has been conducting in recent weeks—about seven rounds per attack.

That refers to the small, quick, rapid mortar and rocket attacks that they have been very successful in. This would have taken care of 3,000 such attacks.

I continue the quotation:

> More than 5,400 enemy have been killed in Cambodia and about 1,400 have been detained. If earlier estimates of about 40,000 enemy troops in Cambodia are correct, this loss by the enemy means that about 17 percent of his Cambodian forces have been destroyed.
>
> Loses by the enemy thus far in terms of men, munitions, and supplies will indeed have a significant effect on his future operations.

That is the end of the statement.

Mr. President, that means that, almost within throwing distance of the line between South Vietnam and Cambodia, and really a part of the battlefield that our men are fighting on, and have been, all these arms and munitions and battle supplies have been found which could have been used and would have been used in the course of months. Certainly they would have been used against our men and the troops of South Vietnam.

Call it what we will about where the boundary line is, or what strict construction of the Constitution of the United States requires, this is a very significant thing, highly helpful to our position, enabling the saving of a great number of lives of our men and those of the allies. As a matter of fact, it is the first big thing that has been done in a long time that really does substantially contribute to the bettering of our position there.

Yes, Mr. President, it is true I am a strict constructionist of the Constitution. But the time has long since passed for making a strict construction here, when we have been sending these men into battle for months and years, and still are, right this minute—right this minute—not as a part of an act of aggression, but as a part of an action, now, of receding and trying to pull out.

It is under those conditions, and for those reasons—and because blood is being spilled, and lives lost, and will continue to be as a result of the use of just such ammunition as we are destroying here—that I say, let us not stay our hand now, and thus send the enemy word that, "You will never be subjected to this again."

I hope we can pull out. I wish we could pull out tomorrow, out of Cambodia, and stay out forever. But I know as long as we are there, engaged in these battles, we ought not to be sending word to the enemy, "We are going to leave you alone hereafter as far as this area is concerned."

That is what we will be doing if we pass a law saying that our Commander in Chief is prohibited from doing anything like this again, regardless of the circumstances, unless he can get another law passed.

There are a lot of things about this war that are not pleasing to me. We have made plenty of mistakes. But I pray we will not make this mistake. Not this one, sending such glad tidings to our adversaries, not only those in Hanoi, but those who are allied with them—Peking, Moscow, and others—that we are going to tie a part of our other hand behind us, and we are not going to proceed unless another law can be passed.

Mr. President, I believe that when all these facts are exposed, and this has sunken into the commonsense of the American people, their verdict will be, "No; do not do it."

This is not a time to be stepping in here and stopping a procedure of battle that has every evidence of being highly profitable. There is no reason to promise now that we will never do it again unless we can get a law passed.

Mr. GRIFFIN. Mr. President, I wish to commend the distinguished Senator from Mississippi. Once again he has demonstrated that he is not only very learned and knowledgeable, but he is also a statesman as he rises at this point in the history of our country to say some things that ought to be said now on the floor of the Senate.

I am as concerned as any Senator about the prerogatives and the powers of the Congress, and particularly of the Senate.

But I do not understand the argument of some who support the amendment and variations thereof being talked about today. The Constitution says Congress shall have the power to declare war. Any Senator is perfectly within his rights if he wishes to introduce a resolution to declare war, or to argue the point that war ought to be declared or ought not to be declared, because the Constitution does say that Congress has the power to declare war.

It should be noted, however, that a declaration of war is a very broad policy declaration on the part of the Congress. On the other hand, the Constitution gives the President, as Commander in Chief of the Armed Forces, the responsibility for military decisions, strategy, tactics, and so forth. In Congress we cannot, and should not, attempt to make battlefield decisions, or to draw precise lines or to make decisions regarding the time or scope of a battle, nor should we try to direct the Commander in Chief specifically with regard to how battles should be conducted, or exactly where they should be conducted. Such decisions are beyond the constitutional powers of Congress and it would not be in the interests of the United States for the Congress to attempt to make such decisions. I am very much concerned that the amendment before us gets into that territory and that area of decisionmaking—areas which are appropriately and properly left to the Commander in Chief.

As one Senator, I would not favor a declaration of war at this particular time, under these circumstances. At an earlier point I think that might have been a question properly to be put to the Senate. It is somewhat of a moot question now, because under the facts as they have developed, we are as a matter of fact engaged in a war with North Vietnam and the Vietcong.

We are not engaged in a war with Cambodia. We have not invaded Cambodia, as some of the critics say over and over again. We are not challenging the Government of Cambodia. We are not contesting the Armed Forces of Cambodia. In fact, we are not even on territory that the Government of Cambodia has occupied or controlled during recent years.

In Cambodia we are involved in hostilities with the same enemy and we are fighting him on territory and on geography that the enemy, and not the Government of Cambodia, has occupied and controlled during recent years.

As we consider these amendment res-

olutions, particularly the so-called Church-Cooper amendment, it is important to keep in mind that one person is absolutely essential to the hope of negotiating a peaceful settlement of this war, and one person is absolutely essential to the success of an orderly withdrawal of our troops. Of course, that person is the President of the United States.

The credibility of the President of the United States is very important. That the President of the United States should be believed; that others realize that he means what he says and says what he means, is of utmost importance—not only in the United States, but more important, as far as the enemy is concerned. Because if the Senate should infer by the adoption of this amendment that we doubt, or do not believe the President, then how can we expect the enemy to believe what the President of the United States is saying?

Such an inference would not only be very damaging to the prospects for peace, but it would also be very unfair, I submit, to this President who has been cautious and very careful in his statements concerning the Vietnam war.

He has not made overly optimistic statements about our progress in the war. He has made no promises that he has not felt firmly convinced he could keep. On the basis of his record so far, surely this President is entitled to some good faith support on the part of Congress. He is entitled to the benefit of the doubt, particularly because the credibility of the President of the United States is so essential to the goals that we all want.

So, I believe the distinguished Senator from Mississippi is performing a great service today when he points out the dangers that are inherent in the amendment we are considering.

Even if we were to draft an amendment which was precisely tailored to the exact and actual intentions of the President, it seems to me that it would be a mistake to adopt such an amendment. We would be tying our own hands needlessly in a way that would serve the enemy, and would make it more difficult to negotiate with the enemy. I am sure the enemy would be delighted if we were to announce that we are going to tie our own hands in this way.

So I hope that, as this debate goes on, that Senators and the people will consider carefully what is at stake here, I hope and trust that the Senate will not take any action which will have the result of impeding the President in his efforts to withdraw our troops on an orderly basis and to negotiate a settlement of this conflict.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BYRD of West Virginia. Mr. President, I am about to suggest the absence of a quorum, and I think Senators should be put on notice that this will be a live quorum.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 145 Leg.]

Allott	Fulbright	Miller
Baker	Griffin	Packwood
Bellmon	Hansen	Prouty
Byrd, W. Va.	Hollings	Proxmire
Church	Hruska	Schweiker
Cook	Hughes	Scott
Cooper	Javits	Sparkman
Curtis	Magnuson	Thurmond
Dole	Mansfield	
Fannin	McGee	

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Massachusetts (Mr. BROOKE), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Maryland (Mr. MATHIAS), the Senator from California (Mr. MURPHY), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER (Mr. HOLLINGS). The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken	Gurney	Pastore
Allen	Hart	Pearson
Anderson	Hartke	Pell
Bible	Hatfield	Percy
Boggs	Holland	Randolph
Burdick	Inouye	Smith, Maine
Byrd, Va.	Jackson	Smith, Ill.
Case	Jordan, N.C.	Spong
Cotton	Jordan, Idaho	Stennis
Cranston	McCarthy	Stevens
Dominick	McClellan	Symington
Eagleton	McGovern	Talmadge
Eastland	McIntyre	Tower
Ellender	Metcalf	Tydings
Ervin	Moss	Williams, Del.
Fong	Muskie	Young, N. Dak.
Gore	Nelson	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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 unanimous consent that the committee amendments be adopted en bloc.

Mr. GRIFFIN. Mr. President, I reserve the right to object, and at the request of other Senators, and in my own behalf as well, I am constrained to object.

Mr. MANSFIELD. Does the Senator object to considering the Cooper-Church amendment, which I assume is what he is directing his objection against? That is on the bill. That is one of the amendments put in the bill by the committee. It was done so regularly, through democratic and senatorial procedure, and I just wonder if there is going to be a stall against considering the Church-Cooper amendment in view of the conditions which face the Senate and the country today or whether we should consider the business which confronts this body.

Mr. GRIFFIN. Mr. President, if the distinguished majority leader will yield——

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. I certainly do not intend to indicate any objection to consideration of the amendment. Perhaps I misunderstood the majority leader's request. It was a unanimous request that it be adopted. Was it not?

Mr. MANSFIELD. That is right; that the committee amendments be adopted en bloc—the amendments which were reported favorably by the Committee on Foreign Relations, which happens to have jurisdiction of this particular bill.

Mr. GRIFFIN. Then I would respond to the distinguished majority leader in this way: Certainly, it is very much in order to consider committee amendments when they come before the Senate, and the Senator from Michigan is only preserving a right which is in accordance with the normal procedure, as I understand it. The Senate can, of course, adopt committee amendments by unanimous consent, but very frequently we do not do so; and when such an amendment is not adopted by unanimous consent the Senate is then in a position to vote on it.

Mr. MANSFIELD. Mr. President, I understand the objection raised by the distinguished Senator. I would say that usually, as a courtesy to a committee, almost always, committee amendments are offered and accepted en bloc.

I call up the first committee amendment.

Mr. STENNIS. Mr. President, will the Senator yield to me for a matter of information?

Mr. MANSFIELD. Yes.

Mr. STENNIS. As the Senator from Mississippi understood, the Senator's unanimous-consent request was that the amendments be adopted en bloc.

Mr. MANSFIELD. Yes.

Mr. STENNIS. As the Senator from Mississippi understands, the request was that they be agreed to all together.

Mr. MANSFIELD. That is right. Then, of course, the bill would be open to amendment.

Mr. STENNIS. But the Cooper-Church amendment would already be adopted.

Mr. MANSFIELD. It is in the bill, and it would be subject to amendment with the committee amendments—the same procedure as followed by the distinguished chairman of the Committee on Armed Services as to his proposals when they come out in legislative form, out of his committee.

Mr. STENNIS. If the Senator will yield further, of course the Senator from Montana knows there is divided opinion here about the Cooper-Church amendment. There was divided opinion in the Foreign Relations Committee on it. The Senator from Mississippi does not know whether it is going to take the turn of just a vote up or down on the Cooper-Church amendment, or the proposal of a substitute, or whether there will be a proposed amendment to that amendment. Certainly until something more could be known, the Senator from Mississippi would share with the Senator from Michigan the idea of objecting.

I point out that the Senator from Mississippi does not want to unduly delay the matter, but simply to delay it for the sake of debate or understanding. This is a far-reaching matter. It has been out of the committee only a short time, and they have done a lot of fine work on it.

So it is something we cannot agree to en bloc, or agree to have go by with just slight debate.

Mr. MANSFIELD. Mr. President, I think the Senator from Mississippi is under an illusion if he thinks we are trying to get by on the basis of a slight debate. We are not. We are facing up to a grave constitutional question, which I think the Senate should be unanimously behind, because it is the Senate's responsibility and authority, in my opinion, which is at stake. I am surprised that there are Senators who would place the position of this body in a secondary position. This is a most important issue, and I call up the first amendment.

The PRESIDING OFFICER. The clerk will state the first committee amendment.

The assistant legislative clerk read as follows:

On page 2, line 13, after the word "exceed", strike out "$275,000,000 for the fiscal year 1970 and not to exceed $272,500,000 for each of the fiscal years 1971 and 1972;" and insert "$250,000,000 for each of the fiscal years 1970 and 1971";";

The PRESIDING OFFICER. The question is on agreeing to the first amendment.

Mr. GRIFFIN. Mr. President, I am going to make a point of order of no quorum, unless a Senator is ready to speak.

Mr. MANSFIELD. No, make the point of no quorum, and we will have a live quorum. We have something pending before the Senate now on which a vote can be taken, and on which discussion should be had.

Mr. GRIFFIN. I suggest the absence of quorum.

Mr. MANSFIELD. And, Mr. President, for the information of the Senate, this will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 146 Leg.]

Boggs	Gore	Pastore
Burdick	Griffin	Pell
Byrd, W. Va.	Hansen	Percy
Church	Holland	Prouty
Cook	Hollings	Schweiker
Cotton	Jordan, N.C.	Stennis
Cranston	Jordan, Idaho	Symington
Dominick	Mansfield	Thurmond
Ellender	McIntyre	
Ervin	Nelson	

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken	Gurney	Pearson
Allen	Hartke	Proxmire
Allott	Hatfield	Randolph
Anderson	Hruska	Scott
Baker	Hughes	Smith, Maine
Bellmon	Inouye	Smith, Ill.
Bible	Jackson	Sparkman
Byrd, Va.	Javits	Spong
Case	Magnuson	Stevens
Cooper	McClellan	Talmadge
Curtis	McGee	Tower
Dole	McGovern	Tydings
Eagleton	Miller	Williams, Del.
Eastland	Moss	Young, N. Dak.
Fannin	Muskie	Young, Ohio
Fong	Packwood	

The PRESIDING OFFICER (Mr. CRANSTON). A quorum is present.

Mr. MANSFIELD. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The question is on agreeing to the amendment beginning on page 2, line 13.

Mr. MANSFIELD. Mr. President, would the Chair please have the amendment stated?

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 2, line 13, after the word "exceed", strike out "$275,000,000 for the fiscal year 1970 and not to exceed $272,500,000 for each of the fiscal years 1971 and 1972";" and insert "$250,000,000 for each of the fiscal years 1970 and 1971";

Mr. WILLIAMS of Delaware. Mr. President, I would hope that the Senate would accept the amendment. It does reduce the amount from $275 million to $250 million. It would restrict it to fiscal year 1970, which is about ended now and just for 1 year, 1971. This was all approved, as I recall, pretty much unanimously by the committee, and I would, therefore, certainly hope that the amendment would be agreed to.

Mr. MANSFIELD. Mr. President, I would hope that the Senate would follow the advice of the distinguished Senator from Delaware because this is a reduction. It was approved unanimously in the committee. If we could have a voice vote, fine; otherwise, I will ask for the yeas and nays.

Mr. HANSEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. HOLLAND. Was the committee, in placing this amendment in the bill, unanimous in its action?

Mr. CHURCH. The committee was unanimous.

Mr. HOLLAND. From both sides of the aisle?

Mr. CHURCH. From both sides of the aisle.

Mr. HOLLAND. Then what is the reason for a request for a rollcall vote on this amendment?

Mr. MANSFIELD. The reason is that some Members desire a rollcall vote, even though it was agreed to unanimously in committee. What the reason for the rollcall vote is, I do not know. Personally, I would as soon have a voice vote.

Mr. HOLLAND. Is there any insistence upon a rollcall vote, in view of the fact that this was the unanimous action of the committee?

Mr. WILLIAMS of Delaware. No. I did not ask for it.

Mr. HOLLAND. I notice the Senator from Tennessee expressing himself over there. Is there any objection to having a voice vote?

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Tennessee will state it.

Mr. BAKER. Is my understanding correct that the yeas and nays have been ordered?

The PRESIDING OFFICER. They have been ordered.

Mr. BAKER. Then it would take unanimous consent to withdraw the request for the yeas and nays?

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLAND. Mr. President, I ask that unanimous consent. If anyone wants a rollcall vote, all they will have to do is to object.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida?

Mr. HANSEN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the committee amendment beginning on page 2, line 13.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Sena-

tor from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Louisiana (Mr. LONG), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Massachusetts (Mr. BROOKE), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Maryland (Mr. MATHIAS), the Senator from California (Mr. MURPHY) and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maine (Mrs. SMITH) is detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Maine (Mrs. SMITH) would each vote "yea."

The result was announced—yeas 70, nays 3, as follows:

[No. 147 Leg.]

YEAS—70

Aiken	Fong	Muskie
Allen	Gore	Nelson
Allott	Griffin	Packwood
Anderson	Gurney	Pastore
Baker	Hansen	Pearson
Bellmon	Hartke	Pell
Bible	Hatfield	Percy
Boggs	Holland	Prouty
Burdick	Hollings	Proxmire
Byrd, Va.	Hruska	Randolph
Byrd, W. Va.	Hughes	Schweiker
Case	Inouye	Scott
Church	Jackson	Smith, Ill.
Cook	Javits	Sparkman
Cooper	Jordan, N.C.	Spong
Cotton	Jordan, Idaho	Stevens
Cranston	Magnuson	Symington
Curtis	Mansfield	Talmadge
Dole	McClellan	Tydings
Dominick	McGee	Williams, Del.
Eagleton	McGovern	Young, N. Dak.
Eastland	McIntyre	Young, Ohio
Ellender	Miller	
Fannin	Moss	

NAYS—3

Ervin	Thurmond	Tower

NOT VOTING—27

Bayh	Harris	Mundt
Bennett	Hart	Murphy
Brooke	Kennedy	Ribicoff
Cannon	Long	Russell
Dodd	Mathias	Saxbe
Fulbright	McCarthy	Smith, Maine
Goldwater	Metcalf	Stennis
Goodell	Mondale	Williams, N.J.
Gravel	Montoya	Yarborough

So the amendment on page 2, line 13, was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The legislative clerk read as follows:

On page 2, line 19, after the word "thereof", strike out "during the fiscal year 1970 shall not exceed $350,000,000 and during each of the fiscal years 1971 and 1972 shall not exceed $385,000,000", and insert "shall not exceed $300,000,000 for each of the fiscal years 1970 and 1971".

Mr. WILLIAMS of Delaware. Mr. President, this would reduce the amount of credit sales by $50 million. Again, as I recall, it was approved unanimously by the committee, and I hope the Senate will approve the amendment.

Upon request, I ask for the yeas and nays so that the conference will know the position of the Senate.

Mr. PASTORE. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the second committee amendment on page 2, beginning on line 19. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Louisiana (Mr. LONG), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Massachusetts (Mr. BROOKE), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Maryland (Mr. MATHIAS), the Senator from California (Mr. MURPHY), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Hampshire (Mr. COTTON) and the Senator from Colorado (Mr. DOMINICK) are detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. GOODELL), the Senator form South Dakota (Mr. MUNDT), the Senator from Colorado (Mr. DOMINICK), and the Senator from California (Mr. MURPHY) would each vote "yea."

The vote was recapitulated.

After some delay:

Mrs. SMITH of Maine. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The regular order is called for.

The result was announced—yeas 64, nays 7, as follows:

[No. 148 Leg.]

YEAS—64

Aiken	Gurney	Packwood
Allen	Hansen	Pastore
Anderson	Hartke	Pearson
Baker	Hatfield	Pell
Bellmon	Holland	Percy
Bible	Hollings	Prouty
Boggs	Hruska	Proxmire
Burdick	Hughes	Randolph
Byrd, Va.	Jackson	Schweiker
Byrd, W. Va.	Javits	Scott
Case	Jordan, N.C.	Smith, Ill.
Church	Jordan, Idaho	Sparkman
Cook	Magnuson	Spong
Cooper	Mansfield	Stevens
Cranston	McClellan	Symington
Dole	McGee	Talmadge
Eagleton	McGovern	Tydings
Ellender	McIntyre	Williams, Del.
Fannin	Miller	Young, N. Dak.
Fong	Moss	Young, Ohio
Gore	Muskie	
Griffin	Nelson	

NAYS—7

Allott	Ervin	Tower
Curtis	Smith, Maine	
Eastland	Thurmond	

NOT VOTING—29

Bayh	Gravel	Montoya
Bennett	Harris	Mundt
Brooke	Hart	Murphy
Cannon	Inouye	Ribicoff
Cotton	Kennedy	Russell
Dodd	Long	Saxbe
Dominick	Mathias	Stennis
Fulbright	McCarthy	Williams, N.J.
Goldwater	Metcalf	Yarborough
Goodell	Mondale	

So the second committee amendment, on page 2, beginning on line 19, was agreed to.

The PRESIDING OFFICER. The clerk will report the final committee amendment.

The LEGISLATIVE CLERK. On page 4, line 21, insert the language down to and including line 21 on page 9.

The committee amendment is as follows:

Beginning on page 4, after line 20, insert as follows:

SEC. 7. The Foreign Military Sales Act is further 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 in-

struction 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."

SEC. 8. Unless the sale, grant, loan, or transfer of any International Fighter aircraft (1) has been authorized by and made in accordance with the Foreign Military Sales Act or the Foreign Assistance Act of 1961, or (2) is a regular commercial transaction (not financed by the United States) between a party other than the United States and a foreign country, no such aircraft may be sold, granted, loaned, or otherwise transferred to any foreign country (or agency thereof) other than South Vietnam. For purposes of this section, "International Fighter aircraft" means the fighter aircraft developed pursuant to the authority contained in the proviso of the second paragraph of section 101 of Public Law 91-121 (relating to military procurement for fiscal year 1970 and other matters).

SEC. 9. (a) Subject to the provisions of subsection (b), the value of any excess defense article given to a foreign country or international organization during any fiscal year shall be considered to be an expenditure made from funds appropriated for that fiscal year to carry out the provisions of part II of the Foreign Assistance Act of 1961, and at the time of the delivery of that article a sum equal to the value thereof shall be withdrawn from such funds and deposited in the Treasury as miscellaneous receipts.

(b) The provisions of subsection (a) shall apply during any fiscal year only to the extent that the aggregate value of all such articles so given during that year exceeds $35,000,000.

(c) For purposes of this section "value" means not less than 50 per centum of the amount the United States paid at the time the excess defense articles were acquired by the United States.

At the top of page 7, insert a new section, as follows:

SEC. 10. (a) No excess defense article may be given, and no grant of military assistance may be made, to a foreign country unless the country agrees—

(1) to deposit in a special account established by that country the following amounts of currency of that country:

(A) in the case of any excess defense article to be given to that country, an amount equal to 50 per centum of the fair value of the article, as determined by the Secretary of State, at the time the agreement to give the article to the country is made; and

(B) in the case of a grant of military assistance to be made to that country, an amount equal to 50 per centum of each such grant; and

(2) to make available to the United States Government, for use in paying obligations of the United States in that country and in financing international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961, such portion of the special account of that country as may be determined, from time to time, by the President to be necessary for any such use.

(b) Section 1415 of the Supplemental Appropriation Act, 1953 (31 U.S.C. 724), shall not be applicable to the provisions of this section.

On page 8, after line, 2 insert a new section, as follows:

SEC. 11. (a) In considering a request for approval of any transfer of a defense article to another country under section 505 (a) (1) and (a) (4) of the Foreign Assistance Act of 1961, and section 3(a) (2) of the Foreign Military Sales Act, the President shall not give his consent to the transfer unless the United States itself would transfer the defense article under consideration to that country.

(b) The President shall not consent to the transfer by any foreign country or person to a third or subsequent country or person of any defense article given, loaned, or sold by the United States, or the sale of which is financed by the United States (through credit, guaranty, or otherwise), unless the foreign country or person which is to make the transfer first obtains from the country or person to which the transfer is to be made an agreement that such country or person will not give, sell, loan, or otherwise transfer such article to any other foreign country or person (1) without the consent of the President, and (2) without agreeing to obtain from such other foreign country an agreement not to give, sell, loan, or otherwise transfer such article without the consent of the President.

SEC. 12 (a) Notwithstanding any provision of law enacted before the date of enactment of this section, no money appropriated for any purpose shall be available for obligation or expenditure—

(1) unless the appropriation thereof has been previously authorized by law; or

(2) in excess of an amount previously prescribed by law.

(b) To the extent that legislation enacted after the making of an appropriation authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

(c) The provisions of this section shall not be superseded except by a provision of law hereafter enacted which specifically repeals or modifies the provisions of this section.

SEC. 13. For purposes of sections 9, 10, and 11—

(1) "defense article" and "excess defense articles" have the same meanings as given them in section 644 (d) and (g), respectively, of the Foreign Assistance Act of 1961; and

(2) "foreign country" includes any department, agency, or independent establishment of the foreign country.

Mr. GRIFFIN. Mr. President, the Chair said "the final committee amendment." Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. Mr. President, is the amendment now pending?

The PRESIDING OFFICER. The amendment is now pending.

The question is on agreeing to the amendment.

Mr. HOLLAND and Mr. HANSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. HOLLAND. Mr. President, I would like to address a question to the Senator now handling the bill. I note that part of the amendment; namely, section 10, beginning at the top of page 7, and extending to the end of that section—indeed, extending to the bottom of page 9, I think—relates in part to what is called "excess defense article" and "excess defense articles."

I ask the handler of the bill if he can supply for the RECORD a statement as to whether that term includes captured materiel, captured by our forces or coming into the possession of our forces, from the raids of the sanctuaries, or otherwise.

Before I conclude my question, I note that on page 9, beginning with line 15, there is a provision which reads: "defense article" and "excess defense articles" have the same meanings as given them in sections 644 (d) and (g), respectively, of the Foreign Assistance Act of 1961"—which act we do not have before us.

I would like the RECORD to show, therefore, what is meant by the terms "excess defense article" and "excess defense articles" in this bill, as to whether or not that term covers captured materiel, arms and other captured material of use to armed forces.

Mr. CHURCH. First, Mr. President, I ask that the pertinent provisions of the law referred to in section 13 of the pending bill—section 644 (d) and (g), respectively, of the Foreign Assistance Act of 1961—appear at this point in the RECORD.

There being no objection, the sections of the statute referred to were ordered to be printed in the RECORD, as follows:

SEC. 644. DEFINITIONS.—As used in this Act—

* * * * *

(d) "Defense article" includes:

(1) any weapon, weapons system, munition, aircraft, vessel, boats, or other implement of war;

(2) any property, installation, commodity, material, equipment, supply, or goods used for the purposes of furnishing military assistance;

(3) any machinery, facility, tool, material, supply, or other item necessary for the manufacture, production, processing repair, servicing, storage, construction, transportation, operation, or use of any article listed in this subsection; or

(4) any component or part of any article listed in this subsection; but

shall not include merchant vessels or, as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011), source material, byproduct material, special nuclear material, or atomic weapons.

* * * * *

(g) "Excess defense articles" mean the quantity of defense articles owned by the United States Government which is in excess of the mobilization reserve at the time such articles are dropped from inventory by the supplying agency for delivery to countries or international organizations as grant assistance under this Act.

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

Mr. CHURCH. One minute, please. I would like to finish my statement.

Mr. HOLLAND. I have another question also.

Mr. CHURCH. I believe that these two provisions of the law should appear in the RECORD, so that they are available for everyone to read.

Mr. HOLLAND. Since they are not available now, will the distinguished Senator state for the RECORD whether the provisions of the pending bill to which I have referred, "excess defense article" and "excess defense articles," include or exclude captured materiel and goods of military usefulness?

Mr. CHURCH. Although the committee did not raise that particular question, the two provisions of the law seem to be sufficiently inclusive to embrace captured weapons.

However, the Senator raises a question for which I am not now prepared to give a precise answer. We shall endeavor to get that answer, and as soon as we have it, I will inform the Senator, and place the answer in the RECORD.

Mr. HOLLAND. Mr. President, if the Senator will yield further, while I am not in a position to make any commitment as to my position on this amendment whatever at this time, I would hope, regardless of what that position may be, that the provision of this amendment is not so broad as to preclude our Armed Forces in the field from supplying to allies or those who are defending themselves in Cambodia or in Laos with guns, ammunition, and material of all kinds which have been captured from the North Vietnamese or the Vietcong.

Mr. CHURCH. I can reassure the Senator on that particular point. As he knows, a certain quantity of AK–47's which were captured from the North Vietnamese and the Vietcong in Vietnam have already been transferred to the new Cambodian Government.

The amendment does not prohibit the transfer of weapons of that kind to Cambodia. It addresses itself, rather, to a prohibition against American military advisers. The committee left out any reference to such weapons because it was not the committee's intention to exclude the transfer of small arms to Cambodia. It was our intention, rather, to prevent us from getting involved in an escalating type of military assistance program that would necessitate our supplying Cambodia with American military advisers and other military personnel.

Mr. HOLLAND. Mr. President, if the Senator will yield, I appreciate his frankness. I call attention, however, to the fact that unless there be limiting words either in the amendment now proposed or in the provisions of the earlier act, military equipment which had been captured might or might not be covered, and it would seem to me that the wise course would be to have included specific language on that point.

I thank the Senator for yielding.

Mr. CHURCH. I appreciate the Senator's having raised this point. We will supply him with an answer. If there is any ambiguity, it will be cleared up.

Mr. HOLLAND. I thank the Senator. May I say, speaking only as one Senator, I would much prefer to have our troops in the field, with proper authority from their field commanders, given the authority to transfer such captured materiel to people fighting for their own lives against the same people who are fighting us, the Communists, rather than simply have it destroyed or brought back to where it would have to be stored.

Mr. COTTON. Mr. President, will the Senator yield me 1 minute?

Mr. CHURCH. I am happy to yield.

Mr. COTTON. Mr. President, I would like the RECORD to show that the Senator from New Hampshire missed this last rollcall because he understood the Appropriations Committee was diligently trying to report the education appropriation bill, and because he reported to that committee and could not get back up here in time to vote. That is the reason, and I would like to have it appear so in the RECORD. This Senator will not make the mistake of being so punctual and faithful in his committee attendance in the future.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield.

Mr. YOUNG of North Dakota. I ask the distinguished Senator from Idaho if there is any intention to modify section 12. As it is now written, it would raise havoc with many appropriations that are related to the subject matter of the bill.

For example, it would exclude any money to operate the overseas schools for the education of the children of military personnel. It would make impossible payments to widows of recently deceased Members of Congress. In the first two appropriation bills that have been passed by the other body, there are at least a dozen items that would be adversely affected by this provision as it is now written.

Mr. CHURCH. Mr. President, the question the Senator raises has nothing to do with the Cooper-Church amendment. Instead, his question refers to the problem that came before the Senate last year when we were considering the foreign aid authorization bill and the Foreign Aid Appropriations Act. The Senator will recall that at that time we were asked to appropriate more money than the Senate and the House of Representatives had authorized in the Foreign Aid Act, and this amendment was intended to change that in such a way that appropriations hereafter will not exceed authorization bills.

The points the Senator raises have been included in the amendment's language which extends beyond foreign aid or the field of foreign military sales. I understand that the distinguished majority leader and the chairman of the committee (Mr. FULBRIGHT) are amicable to restricting this provision so that it will merely apply to foreign aid and to foreign military sales. That would eliminate the problems to which the Senator refers.

Mr. YOUNG of North Dakota. I would have no objection to that. Otherwise, I think the provision raises so many problems I would have to object to it.

Mr. CHURCH. Mr. President, I send to the desk two perfecting amendments to section 12, and ask that they be considered en bloc.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read as follows:

On page 9, line 1, strike out "for any purpose" and insert in lieu thereof "for foreign assistance (including foreign military sales)".

On page 9, line 8, after "appropriation" insert "for foreign assistance (including foreign military sales)".

The PRESIDING OFFICER. The question is on agreeing to the amendments.

Mr. HANSEN. Mr. President, may I ask the Senator a question? I did not follow where the amendments were to be made. Are they to be inserted on page 9?

Mr. CHURCH. Right here; yes.

Mr. HANSEN. Mr. President, a little while ago, I asked for recognition, and the distinguished senior Senator from Idaho had made a unanimous-consent request, and, because there was competition with his voice on the floor, I was unable to hear what the request was. Would the Senator be kind enough to tell me what it was?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The request was that the two amendments be considered en bloc.

Mr. HOLLAND. Mr. President, if the Senator will yield, since his proposed amendments apply to the amendment which we are going to consider tomorrow, since I think there are serious questions in connection with that amendment, which I would not want to see frozen by the adoption of any amendments today, I hope that the vote on the proposed amendment to the amendment may also be put off until tomorrow, so that we can see it as it is printed in the RECORD and find out just what its effect would be.

May I say to my distinguished friend that I also am concerned about another thing. As the Senator knows, the Constitution permits appropriations for the armed services to be made for 2 years, and the proposed amendment, I notice, in one or more places applies to appropriations pursuant to this act or to any other act, which would cover appropriations made last year.

I hope that any proposed changes to this particular lengthy amendment would be deferred until we have a chance to see them. We are asked to vote for them, without even understanding what is in them.

Mr. CHURCH. Mr. President, in view of the objection raised by the distinguished Senator from Florida, I withdraw the amendment, and ask that it be printed. Copies of it will be available for Senators tomorrow.

I also ask unanimous consent that the text of the amendment, as proposed, be printed at this point in the RECORD, so that it will be available to all who read the RECORD tomorrow.

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

The amendment is as follows:

On page 9, line 1, strike out "for any purpose" and insert in lieu thereof "for foreign assistance (including foreign military sales)".

On page 9, line 8, after "appropriation" insert "for foreign assistance (including foreign military sales)".

Mr. HOLLAND. I express my sincere appreciation to the Senator. I am not at all certain that I shall object in any way to the amendment, but I want to know what we are doing. As the Senator knows, if we vote on an amendment to this committee amendment, that part of the committee amendment becomes frozen, and I think that would be unwise; and I am glad he agrees.

Mr. CHURCH. I am happy to oblige the Senator. In so doing, I point out to him that the amendment in question does not relate to the prohibition of assistance to Cambodia which Senator COOPER and I have offered.

Mr. HOLLAND. I thank the Senator for his consideration.

Mr. CHURCH. Mr. President, I ask unanimous consent that the names of

the distinguished Senator from Illinois (Mr. PERCY) and the distinguished Senator from Indiana (Mr. HARTKE) be added as cosponsors of the Cooper-Church amendment. There are now 32 Senators cosponsoring the amendment.

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

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

Mr. CHURCH. I yield.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent, if it has not already been granted, that when the Senate adjourns today, it stand in adjournment until 12 o'clock noon tomorrow.

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

(Later, this order was modified to provide for an adjournment until 11:30 a.m. tomorrow.)

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mrs. SMITH of Maine. Mr. President, will the Senator yield for a brief statement on Cambodia?

Mr. CHURCH. I would be happy to yield the floor at this time to the Senator from Maine.

Mrs. SMITH of Maine. I do not care to have the floor. It will only take me about a minute. I will take the floor, if that is the Senator's wish.

Mr. CHURCH. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mrs. SMITH of Maine. Mr. President, yesterday I received a joint letter from the majority leader and the minority leader to me, in my position as ranking member of the Committee on Armed Services, urging that the committee give highest priority to legislation on Cambodia.

The letter had a tone of extreme urgency with respect to "the highest national interest."

But there seemed to be no particular urgency in the delivery and transmission of the letter because while the letter was dated May 7, 1970, it was not delivered to my office until 6 days later on May 13, 1970.

The Post Office Department cannot be blamed because the letter was placed in the "inside mail" box and did not leave the premises of the Senate in its transmission and delivery.

Apparently we need to reactivate the Pony Express and assign it to service with the U.S. Senate on matters of urgency of "the highest national interest."

Mr. MANSFIELD. Mr. President, I have sent for a copy of the letter which the distinguished senior Senator from Maine wrote to me on yesterday, which was hand delivered by her administrative assistant. I sent her a reply in which I expressed my regrets and apologized. I think I should make the RECORD clear.

That letter was written on the seventh, on a Thursday, and I signed it on the seventh. I do not know who is to blame for it. I do not think the Post Office Department is to blame. I am sorry that it did take that long to be delivered.

I think the Senator from Maine was right in raising the questions she had because of the slowness in receiving a communication from the joint leadership. I am personally sorry that I did not think of using Senate pages to deliver the letter at that time. I apologize to the distinguished Senator for any inconvenience or embarrassment it may have caused.

I also sent the following letter to the other Senators, who were likewise delayed in getting the mail—to the chairman of the Appropriations Committee, the President pro tempore of this body, the senior Senator from Georgia (Mr. RUSSELL); to the distinguished senior Senator from North Dakota (Mr. YOUNG), the ranking Republican member of the Appropriations Committee; to the distinguished Senator from Mississippi (Mr. STENNIS), the chairman of the Armed Services Committee; to the distinguished Senator from Arkansas (Mr. FULBRIGHT), the chairman of the Committee on Foreign Relations; and to the distinguished Senator from Vermont (Mr. AIKEN), the dean of the Republicans in this Chamber, the ranking Republican member of the Committee on Foreign Relations. Those five Senators received this reply. I will read the letter to Senator AIKEN:

> DEAR GEORGE: Please accept my apologies for the letter sent to you by the minority leader and me under date of May 7th which was not delivered until today, May 13.
>
> I am indeed sorry that there was this delay in delivery. I do not think it is the fault of the Senate mail service. We should have used a page to deliver the letter. I am deeply sorry and I hope you will accept my apologies for any inconvenience and embarrassment this may have caused you.
>
> With best personal wishes, I am
>
> Sincerely yours,
>
> MIKE MANSFIELD.

Mrs. SMITH of Maine. Mr. President, may I say to the distinguished majority leader that no apologies are necessary as far as I am concerned. I wondered about the urgency of the matter, first; but, second, I wondered what the value of the inside mail service in the Senate is to us in the Senate if it cannot be depended upon more than that was. I took it to be an extreme urgency, but apparently it was not that urgent.

Mr. MANSFIELD. Mr. President, the Senator is mistaken. It was a matter of some urgency. I had thought it would be delivered that night. I did send the letter in plenty of time. Unfortunately, that was not the case.

I just want to again publicly extend my apologies to the Senator from Maine and to set the record straight so far as the Senator from Maine is concerned.

Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

ORDER FOR ADJOURNMENT TO 11:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, instead of the Senate convening at 12 noon tomorrow, the Senate adjourn, upon the completion of business today, until 11:30 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR COOK TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer and the disposition of the reading of the journal tomorrow, the distinguished Senator from Kentucky (Mr. COOK) be recognized for not to exceed 30 minutes.

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

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. DOLE. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield for questions.

Mr. DOLE. Mr. President, on Tuesday of this week, the junior Senator from Kansas submitted an amendment which I may offer as substitute language for the so-called Church-Cooper amendment. At that time I said, and repeat today, that I applaud the sincere efforts, of the Senator from Idaho, the Senator from Kentucky, and other sponsors of the Church-Cooper amendment; but I also share the concerns of others in this Chamber regarding the right of any President to protect American troops.

I am wondering whether the Senator from Idaho has had on opportunity to study the proposed amendment that I submitted on Tuesday. It reads:

> In line with the expressed intention of the President of the United States, no funds authorized or appropriated pursuant to this Act or any other law shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of the Congress, except to the extent that the introduction of such troops is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam.

This was commonly known in the other body as the Findley amendment. It was adopted by the other body and later dropped from the Military Sales Act.

It occurs to me this language does, in essence, what the authors of the Church-Cooper amendment intends to do or proposes to do. At the same time it does give the President that right, the right which he might have in any event, to protect American troops remaining in South Vietnam.

I take this opportunity to exchange my views with those of the Senator from Idaho, if he has any comment to make.

Mr. CHURCH. I would say, first of all, to the Senator that the substitute he proposes would, in my judgment, render the Cooper-Church effort meaningless. If this language is adopted, the Senate will merely be making an idle gesture.

With all deference to the Senator, the exception he recommends provides a loophole big enough to drive the Pentagon through.

If we are to make a serious effort, within the constitutional powers of Congress, to establish the outer perimeters on American penetration into Cambodia, it will be necessary, then, to adopt the language that the committee approved, or something very close to it.

The proposed substitute offered by the distinguished Senator from Kansas is unacceptable. It would gut the amendment, rendering it meaningless.

Mr. DOLE. Let me say to the Senator from Idaho that that is not the intent of the Senator from Kansas. I am wondering, with reference to the Senator's amendment, would he concede, notwithstanding the language in the amendment, that the President has the constitutional power and the constitutional right and obligation to take any action he felt necessary to protect American troops.

Mr. CHURCH. I would say to the Senator that Senator COOPER and I have drafted our amendment in such a way as not to challenge the rights the President may have, under the Constitution, to act as Commander in Chief. We have also taken great pains to draft the amendment in such fashion as to assert powers that we believe are vested by the Constitution to the U.S. Congress. We have merely provided that the money appropriated by Congress shall not be available for the purpose of retaining American troops in Cambodia, or for the purpose of setting up an escalating military assistance program that could lead to an entangling alliance with the new Cambodian regime. These are the objectives of the amendment. They clearly fall within the power of Congress. They simply hold the President within the limits of his declared policy but, if he should decide later that these limits need to be exceeded, that the United States should extend its occupation of Cambodia, or enter into an obligation to come to the military assistance and defense of the Cambodian Government, then he would have to come back to Congress, present his case, and ask Congress to lift the limitations.

That kind of procedure reasserts the responsibilities the Constitution vests in Congress, powers which Congress should have been asserting down through the years.

With all deference to the distinguished Senator from Kansas, if we were to substitute his amendment in place of this amendment, we would merely be making an empty gesture.

Mr. DOLE. Mr. President, let me say and make it very clear that I share some of the reservations of the distinguished Senator from Idaho, and so stated at the outset publicly, that I hope our efforts in Cambodia were to protect American troops, and to keep the Vietnamization program on schedule, not an effort to shore up the Lon Nol government. Thus, I share the concern of the Senator from Idaho, the Senator from Kentucky, and others who have joined as cosponsors; but the point is that, notwithstanding the language in the Senator's amendment, or consistent with the language in the Senator's amendment, does the Senator from Idaho agree or disagree that the President, as Commander in Chief, notwithstanding the passage of the amendment and the enactment of the amendment as part of the Military Sales Act, would still have the power, under the Constitution, to go back into Cambodia or any country to protect American troops?

Mr. CHURCH. Whatever authority the President has under the Constitution, Congress cannot take from him. That is, however, only one side of the coin. The other side has to do with the authority of Congress, as vested in it by the Constitution. The Cooper-Church amendment is designed to assert that authority in such a way as to keep the present Cambodian operation within the limits declared by the President as his objective. It is idle for us to write language regarding the President's own constitutional authority. That is why we have avoided any reference to the President or to his responsibilities as Commander in Chief. We have confined our amendment to that authority which belongs to Congress—determining how and where public money can be spent.

Further, the Senator mentioned, in connection with his proposed amendment, that the Senate had earlier passed an amendment, which became law, limiting the expenditure of funds in regard to the introduction of American ground combat troops into either Laos or Thailand.

That amendment passed this body on December 15, 1969. It reads as follows:

> 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.

We did not then go on to say—

> . . . except to the extent that the introduction of such troops is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam.

It was not thought necessary, then, to say that. It is not necessary now. Whatever power the President has under the Constitution we cannot take from him. But we can establish limits on the expenditure of public money, so that, if he wants to exceed those limits, he must then come back to Congress, present his case, and ask us to lift the limitations.

Mr. SYMINGTON. Mr. President, will the Senator from Idaho yield?

Mr. DOLE. Mr. President, will the Senator from Idaho yield further?

Mr. CHURCH. I promised to yield to the Senator from Missouri. I shall then be happy to yield further to the Senator from Kansas.

Mr. SYMINGTON. Mr. President, for personal reasons, it was not possible for me to be on the Senate floor on December 15 last. I am interested in an article from the newspapers on that day, which pointed out that the White House endorsed the amendment with respect to Laos and Thailand as being consistent with administration policy in Southeast Asia. The article quoted the minority leader as saying:

> . . . After a White House meeting that President Nixon had told the Congressional Republican leaders that the prohibition, adopted yesterday by the Senate was "definitely in line with Administration policy."
>
> Ronald L. Ziegler, the Presidential secretary, gave added emphasis to the Administration's acceptance of the Senate move by saying the White House regarded the prohibition as an "endorsement" rather than a "curbing" of Administration policy.
>
> The amendment to the defense appropriations bill, adopted yesterday by a 73–17 vote, states: "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."
>
> This wording, it was disclosed today, was approved by the White House in advance of adoption.
>
> In the wake of the Senate action, the amendment, hastily drafted during a secret session on American military involvement in Laos, was being subjected to varying interpretations as to its significance and impact.
>
> Senator Frank Church, Democrat of Idaho, the principal author of the amendment, described it as a "reassertion of Congressional prerogatives" in foreign policy, designed to make clear that the President could not commit combat troops to Laos or Thailand without the specific consent of Congress.

I have been in that part of the world many times, and do not see any major difference between the terrain and problems of any of those various countries; or differences with respect to what is or is not the authority of the President, or of the Congress, with respect to our relationships with said countries.

Does the Senator agree?

Mr. CHURCH. Mr. President, I agree wholeheartedly. As the Senator well knows, there lies within Laos as much of a threat to our forces as lies within Cambodia. In Laos, the Communist supply lines extend down the Ho Chi Minh trail. When we prohibited the use of any funds in the military appropriations bill for fiscal year 1970 for the purpose of introducing American ground combat troops in Laos, there was no outcry from the White House that this was undermining presidential authority or conveying a message to the world that we were trying to tie the President's hands. Yet, the same principles were involved then as are involved now.

All of a sudden, we are told that a series of ominous developments will occur if the Senate rouses itself from its lengthy slumber and begins to assert some of its constitutional authority.

Mr. SYMINGTON. Mr. President, I appreciate what the able Senator says, because this latest venture seems comparable to the point of similarity. It was in October that we found out, whereas the ground war in Vietnam was being deescalated openly, the air war over Laos was being heavily escalated in secret.

I am sure everyone wants to see hostilities out there lessened, and the whole business terminated at earliest opportunity.

Mr. President, I worry about all this sudden apprehension over the amendment now being offered by the able Senator from Idaho because of the parallel aspect of the amendment that everyone

seemed to agree on last December, only a few months ago.

I am especially worried because the people did not know what was going on in Laos until we finally got our hearings out to the public in April, many months after the testimony had been taken.

When it comes to Cambodia, no one in the Congress, to the best of my knowledge—and I am on both of the committees primarily involved—knew anything about it until well after our troops were in combat in Cambodia.

I hope that any apprehension on the part of any Senator with respect to Cambodia—an apprehension that was conspicuously lacking with respect to Laos or Thailand last December—does not mean there will be more wars out there; or that we will have more combat instead of less.

I thank the Senator.

Mr. CHURCH. Mr. President, I thank the distinguished Senator from Missouri. I agree with him that the action we in the Senate took last December came following disclosures made in executive session dealing with the extent to which we had been committed in Laos, without our having even been informed.

Basic constitutional questions are at issue here. Are we going to permit our Government to slide relentlessly toward all power being concentrated in the hands of one Chief Executive?

Are we going to permit our Government to become a Caesardom, or are we going to reassert the authority that the Constitution placed in Congress?

That is the fundamental issue. I find it very hard to understand why objection is being raised, when the limitations we seek to impose are so reasonable, so modest, and so much in conformity with the President's own declared purposes.

And it also raises the same question that the Senator from Missouri posed here earlier. Is there something else the President has in mind? Are we going still further, or returning to Cambodia again and again?

If that is the case, then all the more reason for setting the outer limits and for requiring the President to come here and seek our advice and consent concern any move that would involve us still deeper in the morass of Southeast Asia.

Mr. SYMINGTON. Mr. President, I heard the Vice President of the Government of South Vietnam on the television this morning. The net effect of what he had to say was that he did not have any intentions of stopping at any particular line in Cambodia.

It seems to me this is another illustration of why the limitation on what we supply, as presented in this amendment, is so important. General Ky is going right ahead in Cambodia, based on what it was said he asserted this morning.

I wish that the statement made by our distinguished Ambassador to South Vietnam in executive session before the Foreign Relations Committee only this morning, and in reply to my bringing this interview up could be printed in the RECORD at this point. Of course, it cannot be. But I must say the whole Indochina operation is becoming increasingly disturbing.

I have never taken the floor before to criticize in this way the conduct of this war by this Administration; but I just do not want to see our people again in the position where they think we are doing one thing, only to find out later we were actually doing another.

I am puzzled about current policy of the United States, all over the world. Only a few days ago—I believe earlier this week—I went to a meeting in the House Office Building attended by many distinguished Members of the Congress.

Among those who talked in very strong fashion in support of now supplying badly needed planes to the State of Israel were the distinguished minority leader of the Senate, the Senator from Pennsylvania (Mr. SCOTT), and the distinguished minority leader of the House of Representatives, Representative FORD.

They assured the group gathered at this luncheon of their full support of Israel when it came to selling them the planes in question; good, because this is the only country that could sell them these modern planes, except for France and the Soviet Union.

I heard this morning also that 168 young Americans were killed last week in Southeast Asia. That is many more than have been killed for many weeks, as a result of these new offensives in Cambodia.

In effect for justification for our being in the Far East we are told the wars in Indochina are important to the security of the United States. We must defend this country against Communist satellites in that part of the world.

If it is important for us to defend the United States and all other countries of the free world against Communist satellites in the Far East, why is it not to our own interest, especially when we are the only country willing and able to do so, to sell airplanes to the one country that without any American military, the only country I know of so fighting without our assistance, is fighting Communist satellites in the Middle East?

This is one of those peculiar twists in the foreign policy of the United States that is not entirely clear to me.

Mr. President, let me commend the able Senator from Idaho. I listened for many hours to him and our colleague on the other side of the aisle, the senior Senator from Kentucky, when they drafted this amendment. I am glad to support it especially in that I note the able majority leader and the ranking Republican, not only of the Foreign Relations Committee, but of the Senate, are now also cosponsors.

Whereas I have full respect for the authority under the Constitution of the President of the United States, I have equal pride, under the advise-and-consent clause of the Constitution, for the prerogatives and rights of the Congress of the United States, of which I am a Member.

I thank my able friend.

Mr. CHURCH. Mr. President, I very much thank the Senator for his splendid contribution to the debate.

I remember, apropos of the Senate's action last December in limiting the use of public money for the purpose of introducing American ground combat troops into Laos, that we took that action after we finally learned the facts. Things have come to a sorry pass in this country when neither the American people nor the Congress is even told that our country is being involved overtly in combat in a foreign country.

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

Mr. CHURCH. I shall yield to the Senator in just a moment.

What was true with respect to Laos is also true of Cambodia. We tried to find out what was planned for Cambodia. Twice the Secretary of State came to meet with the Committee on Foreign Relations, once on April 2 and again on April 27. At neither time were we told, nor was it hinted to us, that the President intended to order American troops into Cambodia.

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

Mr. CHURCH. I yield.

Mr. SYMINGTON. Would the Senator have included Cambodia in his resolution last December if he had had the remotest conception that we would be attacking Cambodia at this time?

Mr. CHURCH. If anyone had suggested that Cambodia was on the list, there is no question in my mind that Cambodia would have been added to Laos and Thailand. I am sorry it was not. Perhaps if we had added it then, we would not be faced with this serious crisis now.

Mr. President, I yield to the Senator from Kansas.

Mr. DOLE. I take issue with the word "attack" used by the distinguished Senator from Missouri. I also remind him that another great Missourian, former President Truman, went into Korea without the consent of Congress.

Let me say to the Senator from Idaho that I supported and voted for the resolution on Laos and Thailand. The Senator knows the language of my substitute is almost identical with the language drafted with great care by the Senator from Idaho and others, except it has one additional provision.

Does the Senator believe the President, whoever he may be, has a right, notwithstanding whatever Congress might do, to protect American troops?

Mr. CHURCH. As I said before and will say again, whatever right the President has, is vested in him by the Constitution.

It is not within the legislative power of Congress to deny him that right. That is not what we are trying to do here. We are trying to assert the rights we have under the Constitution.

Mr. DOLE. I concur in that.

Mr. CHURCH. If the Senator would stop where we stopped in December and suggest, in line with what we have already done, that in the case of Cambodia, we adopt a similar amendment which would read:

In line with the expressed intention of the President of the United States, no funds authorized or appropriated shall be used to finance the introduction of American ground

combat troops into Laos, Thailand, or Cambodia without the prior consent of the Congress—

Then I would consider it as a substitute. It is the final language that undoes the limitation.

The final proviso reads, "except to the extent that the introduction of such troops is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam."

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

Mr. CHURCH. I shall yield to the Senator in a moment.

It is our responsibility here to set limits with respect to the spending of public money. We cannot undertake to define the President's power, but we can undertake to set limits on the expenditure of public funds. If the President feels those limits should be exceeded, let him come here and make his case.

Mr. DOLE. I appreciate the Senator's expertise. The Senator is an expert in this area and I wish to ask this question. In the event the Cooper-Church proposal passed, as in the case of the amendment last December, which was by a vote of 73 to 17, as I recall, does the Senator believe that takes away any right of the President or gives him more rights than he had under the Constitution? In the Senator's opinion would it mean that he had a right to protect American troops, if it meant crossing a border into Laos or Thailand? What is the Senator's best judgment?

Mr. CHURCH. My best judgment is that he did not send troops into Laos, which it was recommended that he do, because he recognized that Congress had established limits in the law with respect to Laos and Thailand. In other words, if we assert our authority, we can establish limitations which the President will respect. If he feels the need, he will come here and present his case. That was the role Congress was authorized to fulfill in regard to war and peace until we abdicated our authority, placing most of it in the President's hands. We do very little nowadays except vote the money, while leaving it to the President to decide who, where, and when we shall fight.

We have reached the point, however, where we must reassert our constitutional powers. We must now recognize that Congress must recover its authority in those areas that mean the most to the country, such as war and peace, and ultimately, the life and death of this Republic.

Mr. DOLE. Does the Senator from Idaho agree or disagree that a President, whether it be President Nixon or some other President, has the right under the Constitution to protect American forces? Does the Senator agree that he has this right, or does the Senator believe he does not have this right? Perhaps we can work out some accommodation on the language if we can agree.

Mr. CHURCH. I repeat to the Senator what I have said before, because it is the only way I know to say it. I do not believe the power lies with the Senate or the House of Representatives, or both bodies of Congress, to define the President's authority under the Constitution. That would be an act of futility.

On the other hand, we can move affirmatively within the bounds of our own powers, and that is what this amendment is designed to do. But if you "fudge" it up, then it is an empty gesture, and the Senate becomes nothing more than a fudge factory.

Mr. DOLE. I would like to ask the Senator, What happens if we agree to the amendment and then, the President finds it necessary to move troops across a boundary line? Is he then faced with another confrontation with Congress because we would not make clear what the President's rights might be in that case?

Mr. CHURCH. There is no doubt in my mind that if ever the safety of American troops is involved, then the President can make his case and the Congress will quickly move to do whatever is necessary to support the President in his efforts to safeguard American troops. There is no problem along these lines. That is a decision which should be shared between the President and the Congress, as the Constitution intended. It is not a decision which lies exclusively in the power of one man. The President can always come up here and present his case. If we draw no limits, then it is open to him to act alone, which he has been doing, and which his recent predecessors have been doing. In fact, it is this process which has gotten us stuck so fast in a bottomless bog in Southeast Asia.

Mr. DOLE. In the face of imminent danger to American troops, the Senator says the President must come to Congress and request the authority from Congress to give protection to these American troops?

Mr. CHURCH. I have said, and I do not think it is necessary to say it again——

Mr. DOLE. I feel it is necessary and beyond that vital.

Mr. CHURCH. That if the President should act under his authority, as vested in him by the Constitution of the United States, this authority cannot be diminished or withheld from him by Congress; but we also have authority that we can assert, and that it is the objective of the Church-Cooper amendment.

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

Mr. CHURCH. I yield.

Mr. GORE. I have listened with a great deal of interest to this colloquy, which deals with a fundamental constitutional question. I would like briefly and impromptu to express some views.

The genius of our system is that we have coordinate, coequal branches of government, with checks and balances one upon the others and the others upon the one. The warmaking powers are vested in the legislative and the executive. A war cannot be waged except with the support of both.

By the rationale advanced by my distinguished and able friend the junior Senator from Kansas, the President would have the authority to launch an attack upon China tomorrow, or tonight, or at this moment, without the approval of Congress. China is a sanctuary, indeed the greatest sanctuary of the war, to the enemy in Southeast Asia. It supplies rice, ammunition, the supplies, equipment, and materiel of all sorts. So by that reasoning, by that rationale, without the approval of the elected representatives of the people, the Congress, indeed, even without any consultation with them, the President could say, it is in the interest of saving American lives, the lives of those who are now in Vietnam, to bomb, to attack, to eradicate the sanctuary in Red China.

Would not that be just as logical, just as constitutional, as what we have just heard?

Mr. CHURCH. I must concede that it would. The Senator's argument underscores the fact that the authors of our Constitution never envisioned that a President, on his own decision, would send American troops to a war in a distant, foreign country.

The whole purpose of placing the war power in the hands of Congress was to make certain that such a fateful decision would be formulated by the representatives of all the people, including the President, and not by the Chief Executive alone. Why, the framers of the Constitution would turn in their graves if they knew how the shared responsibility, which they provided in that document, has eroded away.

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

Mr. CHURCH. I am happy to yield.

Mr. GORE. This seems to the senior Senator from Tennessee a strange interpretation for one who is a self-proclaimed strict constructionist. I must say that I was struck by the lack of logic, by the lack of reasoning, by the absence of principle, when the President said to a group of Representatives and Senators, at which conference I was sitting beside the distinguished senior Senator from Idaho, that he would not go farther than 35 kilometers without the approval of Congress. I thought that strange. A President who, without the approval or even consultation with Congress, had ordered an invasion of a sovereign country by thousands of American troops was yet telling representatives of the people that he would not invade farther than 20 miles without the approval of Congress.

What is the difference in principle between 20 miles and 30 miles, or the whole country?

Mr. CHURCH. It escapes me.

Mr. GORE. The tragic mistake was ordering the invasion, the crossing of the boundary of a small neutral country. When the reaction in the country and in the world was adverse then to placate the Congress he promises about 50 of us that he will not invade farther than 20 or 21 miles without the approval of Congress and that all U.S. troops would be withdrawn from Cambodia by June 30, 1970. But now that the Congress wishes by this resolution to take his promise at face value, a lobbying effort is undertaken and the propaganda minions are unloosed to accuse those of us who wish to be strict constructionists of the Constitution where war or peace and the lives of American boys are con-

cerned of being unpatriotic. Deplorable, perfectly deplorable.

Mr. CHURCH. I thank the Senator from Tennessee for his comments.

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

Mr. CHURCH. I yield to the Senator from Rhode Island.

Mr. PELL. Along the line of the previous questions and points, when the patriotism of those of us who support this amendment, who believe our present policies wrong, is questioned by the two largest veterans' organizations, I think it is of interest to note that 82 percent of the sponsors of the amendment under discussion are veterans, as opposed to 71 percent in this body as a whole. I think it is an interesting statistic.

Now I would like to ask the Senator, who, as a lawyer, is more educated in the law than I am, and is also versed in international law, what is the difference between the sanctuaries in Thailand from which our bombers move and the sanctuaries in Cambodia from which the North Vietnamese move.

Mr. CHURCH. The difference is that the Thai sanctuaries are ours and the Cambodian sanctuaries are theirs.

[Laughter in the galleries.]

Mr. BYRD of West Virginia. Mr. President, may we have order in the galleries?

The PRESIDING OFFICER. The galleries will be in order.

Mr. PELL. I thank the Senator for that correct reply.

What would be the difference in international law if, just as we, the big brother of South Vietnam, have moved into Cambodia to extirpate North Vietnam's sanctuaries, let us say China, as big brother of North Vietnam, offered to extirpate our sanctuaries in Thailand. So far North Vietnam has intelligently resisted the blandishments of China, but suppose one day she succumbed. Would there be any difference in international law?

Mr. CHURCH. I say to the Senator that the sequence of possibilities he suggests exposes the weakness of the decision that the President has made to strike against the Cambodian sanctuaries. After all, all of Indochina behind the enemy lines constitutes the enemy's sanctuary, and, as the Senator has observed, we have our sanctuaries, too, in Thailand, in the sea around the Indochina peninsula—dominated entirely by American naval forces—and even, in a sense, in the air above the battleground, which is also dominated by American air forces.

If this war becomes a pursuit of sanctuaries, then, if past experience is any guide, our thrusts will be met by enemy counterthrusts, and the danger, of course, is that this will force a spreading of the war, perhaps beyond our imaginations.

Mr. PELL. I would like to ask another question of the Senator in the field of law, where I need perhaps to be educated a little more.

It has seemed to me that in the last few days that a new dimension has been added to the Cambodian invasion, or involvement, or incursion, or whatever we wish to call it, in that we are now not only involved on the land and in the air, but we are also involved on the sea. We in the Committee on Foreign Relations took some note of that fact, and actually strengthened the amendment of the Senator from Idaho to cover the sea forces on the river. But at that time events were moving so fast that we did not realize that what seems to be a blockade would be extended at sea.

As I understand it, now there is what is called a protective patrol, which, from my memory of service in World War II, means a blockade, around Cambodia and South Vietnam up to the DMZ line.

In other words, we are treating Cambodia more sternly, when it comes to a naval blockade or whatever we call it, than we are Hanoi and Haiphong, which seems odd.

I was wondering if the Senator's recollection is the same as mine, that a blockade usually means war, is considered as an act of war or can be considered as an act leading to war.

Mr. CHURCH. The Senator is correct.

Mr. PELL. And, in order to be legal, does it not have to be effective, in other words total?

Mr. CHURCH. I would not attempt to pass judgment upon the legality of a blockade. The actual effectiveness of a blockade depends upon its totality.

Mr. PELL. All of these questions on which I am being educated bear out the necessity for the passage of the amendment under discussion, and I further affirm my delight and pride in being one of the cosponsors.

Mr. CHURCH. I thank the Senator very much for his generous comment.

Mr. HOLLINGS. Mr. President, will the distinguished Senator yield?

Mr. CHURCH. I am happy to yield.

Mr. HOLLINGS. Would the distinguished Senator pass on the legality as to the effecitve date? Is the intent, since it is an appropriations act, not until July 1? Is that the intent?

Mr. CHURCH. No; the amendment is written in such a way that it would take effect upon its enactment into law; that is, it would take effect immediately after signed into law by the President.

Mr. HOLLINGS. So, then, in that provision, for example, on page 5 at lines 4 and 5, "it is hereby provided that, unless specifically authorized by law herethat we now have in course in Cambodia after enacted, no funds authorized or appropriated pursuant to this Act or any other law," since the moneys presently being expended for the military activity are being expended under "any other law," it would, immediately upon signature, cut off funds for the present military activity in Cambodia at this time, or prior to July 1?

Mr. CHURCH. I would like to clarify that for the distinguished Senator.

Mr. HOLLINGS. Yes.

Mr. CHURCH. The amendment goes into effect upon enactment, but the amendment provides that no funds shall be appropriated, or no appropriated funds shall be used, for certain purposes. So the effect of the amendment has to be considered in the light of those purposes.

The first purpose is against retaining American forces in Cambodia. If it were to happen that this amendment could be affixed to this bill, could go to conference, could survive conference, and then go to the President for his signature before the current operations are finished——

Mr. HOLLINGS. Right.

Mr. CHURCH. The language of the bill would still be such as to permit the President to complete the present operation.

The amendment prohibits American forces from being retained, in Cambodia. The President has said he does not intend to retain American forces in Cambodia. He has assured the country that they will be coming out within the next few weeks, and that he will withdraw all American forces from Cambodia, in any case, on or before July 1 of this year.

So the amendment is drafted to permit him to proceed with the present engagement within the confines of his own declared policy. It would, however, prohibit him from changing that policy and retaining American forces in Cambodia, without first obtaining congressional consent.

Mr. HOLLINGS. But on page 5, that number, which is "retaining," is succeeded by No. (2), which says "paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any U.S. personnel in Cambodia.

Mr. CHURCH. As instructors. This is the second objective of the amendment, which is to prohibit the use of funds for sending American military advisers and instructors into Cambodia in support of Cambodian forces. According to the President, there are none there now.

The President has stated, moreover, that the only military assistance he has thus far approved has been the transfer of small arms to Cambodia. Our purpose is to prevent that modest military assistance program, which involves no American personnel, from escalating into the transfer of sophisticated weapons, requiring American instructors and American advisers. This would move us into Cambodia as we moved into Vietnam, first with a modest military assistance program, then with military instructors, advisers, and personnel, and finally with combat troops.

Mr. HOLLINGS. Obviously, from the Senator's answer, he understands it clearly. But in this use of terminology, where some say we are "withdrawing" and others say we are "invading," we cannot tell which direction we are headed. Would the Senator object to a July 1 effective date, since he says all this is going to end by July 1 and since this is an appropriation act for the next fiscal year, and that is what the Senator intends and the President intends? Would that be all right?

Mr. CHURCH. I certainly would give it serious consideration. I would want to discuss it with other sponsors and cosponsors of the amendment.

This particular point came up in committee hearings. I want to tell the Senator the reasons that we decided not to put the actual date into the amendment so that he will understand why it was that a specific date was not included.

The first reason was that it might be

construed as an approval of the action, which concerned some members of the committee very gravely.

Second, it was felt that a dateline, though it is the President's own declared dateline, might be held up as a manacle to the President which would prevent him necessary latitude of a week or two if developments in the field made that desirable.

We wanted to give him all the flexibility he should reasonably have, while still taking him at his word, that we decided not to insert the date.

However, an argument can be made on the other side of that proposition; and I know the argument, I respect it, and I say to the Senator that any suggestion along that line would be one that we would seriously reflect upon.

Mr. CHURCH. Mr. President, I know that the Senator from Kansas wishes the floor, and I will not detain him much longer.

I do think it is interesting, however, in view of the questions he posed earlier, to remember that in 1846 President Polk sent American forces into disputed territory in Texas which precipitated the clash that began the Mexican War.

Abraham Lincoln was then a Congressman from Illinois, and he took strong exception to the Presidential decision that led to our involvement in the Mexican War. He wrote some memorable words concerning the Constitution and the intended limits on Presidential discretion in the matter of war. I should like to read those words to the Senate. Abraham Lincoln wrote:

> Allow the President to invade a neighboring nation whenever *he* shall deem it necessary to repel an invasion, and you allow him to do do so, *Whenever he may choose to say* he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix *any limit* to his power in this respect, after you have given him so much 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 have 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 frame the Constitution that *no one man* should hold the power of bringing this oppression upon us.

I yield the floor.

Mr. DOLE. Mr. President, I am aware of that quotation by Lincoln, and I am aware that he lost the next election. I am not certain it was because of his position on that issue.

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

Mr. DOLE. I yield.

Mr. CHURCH. I think it was. I think he did, indeed, lose the next election because he stood on a constitutional principle that he felt was more important.

Mr. DOLE. Mr. President, let me remind the Senator from Idaho, as I stated on Tuesday—and again today—that I approve in part, of his efforts. I know of his sincerity and that of the senior Senator from Kentucky.

Everyone, with the exception of some 17 Members, supported the Senator from Idaho's amendment on December 15 of last year with reference to Laos and Thailand. I have quickly reviewed the debate on that amendment, and find no reference at all to protection of American troops. Of course, there was no reference to Cambodia because at that time Sihanouk was still in power, and it is understandable why we did not concern ourselves with that country at that time.

I can also understand why we did not address ourselves at that time to the very vital question—and perhaps the overriding question—in my mind and that of other Senators, and that is the protection of American troops and what right the President may have in respect thereto. We all recognize, and say publicly—that we should not be involved in another Vietnam, whether it be in Laos, Thailand, Cambodia, or wherever. But I remind my colleagues that President Nixon has kept the faith. He has kept his promises with reference to South Vietnam. He has announced troop withdrawals, and he has carried out each troop withdrawal on schedule—in fact, in some cases ahead of schedule.

It appears that in our efforts to circumscribe the powers of the President, we are saying to the President, in this instance, "Even though you say you will disengage from Cambodia on July 1, even though you are reducing the war in Vietnam, even though you have deescalated the bombing, even though you have reduced the number of troops by 115,000 and have announced another reduction of 150,000 since January 20, 1969, you are not to be trusted." So it is incumbent upon us, in the U.S. Senate and in the U.S. House of Representatives, not to literally handcuff the President of the United States.

We can always rely on the Constitution. I trust we always may have that right. It seems, however, that we should have some position on the vital question: Do we or do we not believe that the President of the United States, when American troops are threatened with imminent danger, has the right to move to protect them?

The language of my substitute, which I may offer as a substitute for the so-called Cooper-Church amendment, is identical for the most part to the language drafted by the senior Senator from Idaho last December. It contains just one proviso and one exception:

> Except to the extent that the introduction of such troops is required as determined by the President and reported promptly to Congress to protect the lives of American troops remaining within South Vietnam.

Let me make it very clear that I share the concern expressed by the distinguished Senator from Idaho and do not want to become involved in a war in Cambodia. I would reject being in Cambodia to shore up the Lon Nol government. I do believe, however, we must give this President, or any President, the right to protect American troops who may remain in South Vietnam.

Therefore, the junior Senator from Kansas feels that either through some substitute language or some provision added to the so-called Cooper-Church amendment, it should be made clear that this Congress recognizes that right of the President. I say to my friend from Idaho that it appears that by him not commenting directly on the question, I assume that one may see it either way—either the President has that right or the President does not have that right.

It also appears we are in general agreement as are most Members of this body concerning some of the basic purposes of the Cooper-Church amendment. But there are some—I count myself in that group—who want to make certain that the President of the United States, the Commander in Chief by the Constitution and the Chief Executive Officer by the Constitution, has that right when he determines it is necessary to protect the lives of American troops remaining within South Vietnam.

Extreme arguments can be made that perhaps the largest sanctuary is Red China or that there may be other sanctuaries in Laos or Thailand, and that this language could be used to undo what Congress feels it should do.

But if this issue is seriously considered, then what is really the question and what is being said to the American people is that this Congress lacks faith in the credibility of this President. But I would say again that the President of the United States, since January 20, 1969, has kept faith with the American people with reference to South Vietnam. He has kept his promise on troop withdrawals. The level of troop reduction is now 115,000 below the level when he took office. He has announced an additional troop reduction of 150,000, and that will be carried out on schedule.

The purpose of my exchange with the Senator from Idaho is to determine whether there may be some common ground or some area where not only the President can be accommodated, but also the consensus of Congress.

I recognize the power of Congress under the Constitution to declare war and the power of Congress to appropriate money. I am aware of the 2-year prohibition and know the purpose of that prohibition and agree with it.

Mr. President, the junior Senator from Kansas also recognizes that this issue has been raised ever since the time of George Washington—in almost every administration since then. Thus it seems, and I would hope that in the debate on the pending amendment perhaps some broad agreement can be reached. I would, therefore, again ask the Senator from Idaho, in all sincerity and with great respect, whether he believes, knowing the Constitution as he does, and knowing the rights and powers of the Congress and the President as he does, whether he believes that, in the event of danger to American troops and the need to protect the lives of those troops, does the President have that right?

Would the distinguished Senator from Idaho comment on that?

Mr. CHURCH. I would be very happy to comment. Is the Senator going to continue his remarks?

Mr. DOLE. Yes.

Mr. CHURCH. We are, then, going back again over the old ground——

Mr. DOLE. Let me say ahead of that——

Mr. CHURCH. I can answer the Senator. I will answer the Senator. The President of the United States, acting as Commander in Chief, has, in the past, and will in the future, take action he feels necessary to protect American troops in the field. We could not deny him his powers under the Constitution to do that, if we tried. But, we are not trying to do that with this amendment.

It is wrong to characterize this amendment as handcuffing the President of the United States.

It is wrong to cast it in the light of not trusting the President of the United States.

There was a reason that the Constitution vested certain responsibilities in Congress when it came to war and when it came to control of purse strings. Our Founding Fathers thought that that authority could better be exercised by many men rather than only by one man.

All this amendment attempts to do is to impose certain limits upon the use of public money, which is the prerogative of Congress. The amendment looks to two objectives; namely, one prohibits use of money to retain American forces in Cambodia—which the President says he does not intend to do; and, second, it prohibits the use of money to get us entangled in a new military alliance with the Cambodian regime in Phnom Penh.

Congress has that right. If the President later thinks that these restrictions on the use of public money should be lifted, then he can come here and make his case and we can decide.

But the insistence that, somehow, the exercise of the powers which were vested by the Constitution in Congress is an affront to the President of the United States, seems to me to be the most demeaning of all possible arguments that could be made where the integrity of Congress is concerned.

That is why I say to the Senator—and I have answered him several times over regarding it—that I think it is as plain as it can be, that we intend neither to handcuff the President nor to interfere with his right to act within his responsibilities under the Constitution, nor do we intend to raise questions concerning the sincerity of his purposes.

We simply undertake to impose, on our own responsibility, certain limits as to the use of public money. I think the time has come for us to do that.

If, indeed, the President should decide at a later date to plunge this country even more deeply into Southeast Asia, then I think he should come to Congress and ask for our consent.

That would be, I think, the result of this amendment. And I think it would be a healthy result for the institutions of this Republic.

Mr. DOLE. Mr. President, I thank the senior Senator from Idaho. Again, I believe there can be some area of accommodation here. I am certain that the Senator from Idaho is aware of the broad support that was enjoyed by him, on both sides of the aisle, last December for his amendment with reference to Laos and Thailand.

Therefore, if that language was adequate in December of 1969, it should be adequate in May of 1970.

It also occurs to me, there could be that same broad support simply by restating the Laos and Thailand amendment to read:

> In line with the expressed intention of the President of the United States, no funds which shall hereafter be authorized or appropriated pursuant to this act, or any other law, shall be used to finance the introduction of American ground troops into Cambodia without prior consent of Congress.

Or perhaps some other language, just to make certain we protect the rights of those there at the present time. Because, as stated earlier, I supported the Senate amendment last December. I recognize the rights of Congress and its responsibilities under the Constitution. I would hope that, during the course of this debate, some agreement with reference to the pending amendment, or some substitute language therefor can be reached.

But, I repeat, whatever we may feel in this Chamber, I believe the American people would interpret action by the Senate, if the pending amendment were to be adopted, as a direct slap at the President of the United States for taking the action he deemed was necessary on April 30, to accomplish two things, to protect the lives of American troops and to keep the Vietnamization program on schedule.

Mr. President, it will be some months before we know whether the President's judgment was correct.

It will be several months before we know whether American lives were saved, and whether casualties were, in fact, reduced.

It will be several months before we will know whether, because of the action in Cambodia, the Vietnamization program can be kept on schedule.

Thus, whatever the intention may be—and I question no one's motives—but whatever the intentions may have been at the time, it appears clearly now that this amendment confronts the President of the United States, who has said time and again that on July 1, or before, all American troops will be withdrawn from Cambodia, and appears to question his judgment and his word as Commander in Chief.

I appreciate the response by the senior Senator from Idaho, and would assume from his response that he might agree, in the event of danger to American troops, that the Commander in Chief could use such powers he has under the Constitution, to do what he thinks appropriate to protect the lives of American troops, or other Americans for that matter.

Accordingly, I say to my distinguished colleague from Idaho, perhaps some accommodation can be made, to demonstrate to the American people that Congress wants to share the responsibility, that it has an obligation to share the responsibility, but in doing so, it will not take an indirect slap at the Commander in Chief, whoever he may be.

Mr. CHURCH. Mr. President, I have just one final word this afternoon. I believe that the discussion has made it clear that the central issue involved here has to do with the constitutional powers of the Congress and the President in the matter of a foreign war.

In the May 14 edition of the Washington Post, a very impressive and scholarly article, written by Merlo J. Pusey, is published. It is entitled "Presidential War: The Central Issue."

The article is of such quality that it should be called to the attention of all Senators.

Mr. Pusey writes:

PRESIDENTIAL WAR: THE CENTRAL ISSUE

(By Merlo J. Pusey)

It would be a pity if the serious constitutional issue underlying the current protests against the war should be lost in the cyclone of threats, anti-Nixonisms and obscenities. However clumsy they may be in articulating it, the students do have a legitimate complaint. They face the possibility of being drafted against their will for service in a presidential war.

All the talk about pigs, revolution and smashing the establishment fails to alter the fact that, in one basic particular, the dissenters are the real traditionalists. Madison and Jefferson would have understood the anger on the campuses against the dispatch of young men to war in Southeast Asia at the dictation of one powerful executive. Madison and his colleagues wrote into the Constitution a flat prohibition against such a concentration of power. Yet it now seems to be accepted as standard American practice.

President Nixon reiterated his claim to the war power the other night in his news conference in explaining that none of his advisers was responsible for the invasion of Cambodia, he said:

"Decisions, of course, are not made by vote in the National Security Council or in the Cabinet. They are made by the President with the advice of those, and I made this decision."

The question of going to Congress for the decision or even of discussing the matter with congressional leaders appears not to have been considered. The result of the decision was to extend the war to another country. By any interpretation that may be placed upon it, this was a grave involvement for the nation. Most of our Presidents would have deemed it imperative to go to Congress for authority to take such a step.

Now the administration is resisting the attempt of the Senate Foreign Relations Committee to cut off funds for military operations in Cambodia. The committee has carefully tailored its restriction so as not to interfere with the President's avowed intention of clearing the sanctuaries and then withdrawing the American forces. But this has met with opposition from the State Department on the broad ground that actions of the Commander in Chief should not be subject to statutory restrictions.

There are several interesting phrases in this letter which Assistant Secretary Dabid H. Abshire sent to the Foreign Relations Committee. He contends that Congress should not limit military spending in such a way as to "restrict the fundamental powers of the President for protection of the armed forces of the United States." The implication seems to be that the President has authority to send our armed forces anywhere in the world, for purposes which he thinks appropriate, and then to take whatever additional action he may think necessary to protect those forces. Under this reasoning, it seems, no one can do anything to stop a presidential war.

This view of the war power is not, of course, unique with the Nixon administration. President Truman made even more expansive claims to unlimited presidential power, and LBJ was not far behind. Mr. Nixon's State Department is merely mouth-

ing what has become accepted doctrine in the executive branch. But it is an outrageous doctrine that flies into the face of the letter and spirit of the Constitution and is repugnant to the basic concepts of democracy.

There is no principle about which the founding fathers were more adamant than denial of the war power to a single executive. After extended debate they gave Congress the power to raise and support armies, to control reprisals and to declare war, which, of course, includes the power of authorizing limited war. The President was given authority to repel sudden attacks, but there is nothing in the Constitution which suggests that this can be legitimately stretched to cover military operations in support of other countries in remote corners of the world.

In a literal sense, therefore, it is the students—or at least the nonviolent majority among them—who are asserting traditional, constitutional principles. It is the State Department which is asserting a wild and unsupportable view of presidential power that imperils the future of representative government.

Somehow the country must get back to the principle that its young men will not be drafted and sent into foreign military ventures without specific authority voted by Congress. That is a principle worth struggling for. Congress now seems to be groping its way back to an assertion of its powers, but its actions are hesitant and confused, as if it were afraid to assume the responsibility for policy-making in such vital matters of life and death.

Of course Congress is at a great disadvantage when it tries to use its spending power to cut off a presidential war for which it has recklessly appropriated funds in the past. In these circumstances, the President is always in a position to complain that the result will be to endanger our boys at the fighting fronts. Congress seems to have discovered no sound answer to that warning.

But Congress could stop presidential wars before they begin by writing into the law firm prohibitions against the building of military bases in foreign countries and the dispatch of American troops to other countries without specific congressional approval. If Congress is not willing or able to devise some means of restoring the war power to the representatives of the people, we may have to modify our system of government so that the President would become answerable to Congress for abuses of power. In the light of our Vietnam experience, it seems highly improbable that the country will long continue to tolerate unlimited power in one man to make war.

Mr. President, it is this very objective, the objective of setting the limits to prevent our present incursion into Cambodian territory from becoming an unlimited new front in an expanded war in Southeast Asia that this amendment is offered. We can set limits now if we will only act. We can set these limits in strict accordance with the President's declared policy if we will only act. Then, should the time ever come when the President thinks a further extension of the war is justified, he would be obliged to come back to Congress, as he should have done in the first place, and lay his case before us. That was the kind of sharing of power the Constitution contemplated. It is time we got back to it in this country.

AMENDMENT NO. 628

Mr. GORE. Mr. President, I submit an amendment which I send to the desk and ask that it be printed and lie at the desk.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. GORE. Mr. President, this amendment proposes to strike from lines 5 and 6 page 1 of the pending amendment the words "expedite the withdrawal of American forces from . . ." and insert in lieu thereof the following words: ". . . facilitate a negotiated peace in . . ."

The section presently reads as follows:

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 . . .

As I would amend it, it would 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, it is hereby provided . . .

What I seek to do by this amendment is to draw a clear distinction between a negotiated peace, on the one hand, and the policy of "Vietnamization," so called, which we have had since June of last year and which has not brought an end to the war and during the existence of which this country has suffered more than 50,000 casualties on the other hand.

Mr. THURMOND. Mr. President, adoption of the amendment being debated here today would prevent the President of the United States from taking future actions he might deem necessary to insure the safety of our 400,000 troops remaining in Vietnam.

Furthermore, tying the President's hands in the proper exercise of his role as Commander in Chief of our committed military forces, would certainly hamper the chances for success of the Vietnamization program.

In this connection it could delay the return home of some 150,000 more U.S. troops scheduled to come out of Vietnam by next spring. The President has promised faithfully to carry out this withdrawal but if we restrict him he may be unable to follow through.

Many argue President Nixon had no right to attack the Communist sanctuaries in Cambodia. It is my contention he had an obligation to do so. In taking this action he will undoubtedly reduce our casualties over the next year and also insure continued success of the Vietnamization program.

This limited action in Cambodia is within the range of power of the President as Commander in Chief of our Armed Forces. He was executing a constitutional prerogative, clearly supported by history. His power under article 2 of the Constitution as Commander in Chief is broad and sweeping. Many Presidents have committed American forces to combat in foreign countries without a declaration of war by the Congress. These operations, for the most part, did not involve an act of war by the United States against the country involved but were measures to protect American interests, personnel or troops. Most of these operations met with the approval of the governments whose territory was involved. And further, the vast majority of these operations were limited in nature and scope, as is our present involvement in Cambodia.

Our fighting men have moved into foreign territory many times. In recent history President Truman sent U.S. forces into Korea and we fought there for several years without a declaration of war. President Eisenhower sent American forces into Lebanon and President Johnson sent them into the Dominican Republic and South Vietnam.

Generally accepted rules of international law support the President in the Cambodian operation. As a matter of international law when a neutral country like Cambodia cannot maintain its neutrality, and when the result threatens the lives of U.S. forces nearby, then the right of self-defense is clearly recognized.

The Cambodian operation is a limited military operation and it has been extremely successful. Can anyone in this Chamber deny that this action will, in the long run, reduce American and allied casualties in South Vietnam?

It seems to me the results of the operation to date should amply answer that question. As of today the Pentagon reported the following information:

Enemy killed	5,404
Detainees	1,431
Individual weapons captured	7,540
Crew-served weapons captured	1,071
Rice (tons)	2,499
Rice (man months)	109,956

"Man months" means the number of men who could live on that rice for a month.

Rockets (each) captured	9,405
Mortars (each) captured	13,384
Small arms ammunition captured	8,474,425
Land and personnel mines captured	1,384
Bunkers destroyed	3,318
Vehicles destroyed or captured	178

In the face of these figures, how can critics of the President dispute the fact this operation was needed, was successful, and will save American lives as well as shorten this war?

Mr. President, while the general thrust of this amendment argues for U.S. detachment from Cambodia, its provisions go much further. A brief examination of the amendment clearly supports this fact.

In paragraph 1 the amendment prohibits "the retaining of United States ground forces in Cambodia." This simply would prevent the use of American forces in Cambodia for any purpose at any time. It is unwise to tell the Commander in Chief and the military leaders in the field that the enemy operating from across the street can come over and attack you, but you cannot cross the street to his side in self-defense. There is no clear line defining this border and the present Cambodian Government is opposed to the use of their territory by North Vietnam as a military base to launch attacks against a friendly neighbor. President Nixon has described the Cambodian operation as limited in scope, and he predicts withdrawal of all our forces by July 1.

The President also stated any further operations into Cambodia to destroy the

Communist sanctuaries there will be conducted by the South Vietnamese. However, suppose a South Vietnamese force of several thousand should make a raid into the sanctuary areas of Cambodia and should be trapped and threatened with annihilation. This amendment would tie the hands of the President and the military leaders in such a situation to the extent they would be unable to launch a rescue operation should it be required.

Further, who is to say that the present Cambodian Government will not collapse and thereby open Cambodia to unrestricted use by the North Vietnamese? In such an event should we prevent the President from striking massive buildups of enemy troops who are poised to thrust into South Vietnam and kill American soldiers remaining there? I will not be a party to such a restriction.

In paragraph 2 of the amendment the United States is prohibited from "paying compensation or allowances of, or otherwise supporting, directly or indirectly, any person in Cambodia who, first, furnishes military instruction to Cambodian forces; or second, engages in any combat activity in support of Cambodian forces."

Mr. President, the committee report on the Military Sales Act to which this amendment is affixed, states the purpose of this paragraph is to prohibit involvement of the United States in support of the Cambodians through the use of advisers or military instruction.

The President has already made it clear that such action is not presently necessary or desired. Furthermore, the Cambodian Government has not requested such support. Nevertheless, if the safety of our remaining forces in Vietnam would be enhanced by such action it seems unwise to me for the United States to telegraph to the world it would not undertake any steps in sanctuaries which threaten our fighting men in South Vietnam.

Paragraph 3 of the Cooper-Church amendment prohibits the United States from "entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or persons to engage in any combat activity in support of Cambodian forces."

This paragraph could bring into question the legality of our support to the South Vietnamese Government should they decide their national security would be strengthened by providing military instruction or support to the Cambodians. These two countries are fighting the same enemy, the North Vietnamese, so why should the South Vietnamese be denied the right to work with their allies against a common enemy?

The Foreign Relations Committee report on this paragraph states its purpose is to "prohibit the United States from doing indirectly what cannot be done directly," such as paying for the services of "mercenaries or others who, without this provision, could be brought in to aid the Cambodian forces."

Mr. President, I submit we are supporting the South Vietnamese, and if their security is threatened by North Vietnamese forces in Cambodia, why should we withdraw our aid if they find it necessary to strike the enemy sanctuaries there as is presently being done? Such an action by the South Vietnamese would surely aid the Cambodians, and this paragraph apparently would prevent any forces supported by the United States from aiding the Cambodians.

If the South Vietnamese deem it necessary to their own security to work with the Cambodian forces in defeating a common enemy, why should the United States stand in their way? That is what the whole Vietnamization program is about—allowing the people of these threatened and invaded countries to fight their own wars as best they can.

Finally, paragraph 4 raises another serious question. As stated in the amendment, it would prohibit "supporting any combat activity in the air above Cambodia by U.S. air forces except the interdiction of enemy supplies or personnel using Cambodian territory for attack against or access into South Vietnam."

In connection with this paragraph I raise this question: Who is to say where the North Vietnamese weapons of war are headed and for what use? Are these supply movements against the South Vietnamese or the Cambodians?

Mr. President, if we pass this amendment it will undermine the President in carrying out his constitutional duty to do his utmost to provide for the protection of our fighting men. Its passage would wreck any chance we might have left to obtain a just solution in South Vietnam by peaceful negotiations.

Finally, passage of this amendment would be met by jubilation in Hanoi, Moscow, Peking, and other Communist capitals throughout the world, as it would signal the waving of a white flag to the forces of tyranny and oppression.

Surely the Members of this body must realize that passage of this amendment would tie the hands of the President and Commander in Chief in many crucial areas which might not even be visualized in this debate. Its passage could deny him options which at some later time might be critical to the safety of our remaining forces in South Vietnam.

The Senate might be interested in knowing that during the War Between the States President Lincoln's conduct of the war did not always meet with favor from the Congress. As a result the Congress established a committee in January 1862, known as the Committee on the Conduct of the War.

This committee told President Lincoln how to manage the war, and there was considerable political meddling in military affairs. In his book titled "Lincoln or Lee," Author William Dodd wrote the committee "hounded the President" on the conduct of the war despite the great burdens on the President at that time.

Mr. President, we should avoid any such parallel in these modern times. The people of this country elected President Richard Nixon Commander in Chief in 1968. In 1972 they will have an opportunity to approve or disapprove of his conduct while in office. It would be nothing less than tragic if the legislative branch tries to take upon itself the dictating of military decisions clearly within the purview of the President.

Let us not make the U.S. Senate a war room from which we dictate tactics and strategy to a Commander in Chief who has pledged to Vietnamize this war. He has kept every pledge made concerning Vietnam. Some 150,000 of our troops have been successfully withdrawn and another 150,000 will be out by next spring.

The previous administration kept saying the war would end soon. President Nixon has made no such pledge, but he has pledged to gradually reduce our involvement. He does not desire an expansion of the war. He favors the opposite. It would be a tragic mistake to tie his hands and proclaim to the enemy that which he has been unable to win on the battlefield may now be won in the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "President's War Power Threatened," written by David Lawrence and published in the Washington Evening Star of May 13, 1970.

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

[From the Washington (D.C.) Evening Star, May 13, 1970]

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.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW, AND RECOGNITION OF SENATOR STENNIS AFTER REMARKS OF SENATOR COOK

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, at the conclusion of the remarks of the able Senator from Kentucky (Mr. COOK), there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes; and that immediately following the transaction of routine morning business, the unfinished business be laid before the Senate, and that the able junior Senator from Mississippi (Mr. STENNIS) be then recognized for not to exceed 1 hour.

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

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 856. An act to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes; and

S. 2999 An act to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes.

CONTINUING APPROPRIATIONS, FISCAL YEAR 1970

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate the message from the House of Representatives on House Joint Resolution 1232.

The PRESIDING OFFICER laid before the Senate the joint resolution (H.J. Res. 1232) making further continuing appropriations for the fiscal year 1970, which was read twice by its title.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BYRD of West Virginia. Mr. President, I have been asked by the able Senator from Louisiana (Mr. ELLENDER), who is the acting chairman of the Senate Appropriations Committee, and who is presently presiding over a meeting of the Appropriations Committee, to present this joint resolution to the Senate. It has been cleared with the minority. As I understand it, there is no objection from the minority to the consideration of this matter at this time.

That being the case, I shall proceed with a brief statement which was prepared by Senator ELLENDER, and which he has asked that I read in his stead.

Mr. President, this joint resolution is absolutely necessary in order to avoid payless pay days for Government employees and the interruption of veterans' readjustment benefit payments.

The second supplemental appropriation bill, 1970, passed the House of Representatives on May 7 and it was received and referred in the Senate on Monday, May 11. The President has submitted additional budget estimates to the Senate for consideration in connection with this appropriation bill, and these budget estimates were filed at the desk here in the Senate on May 11. It is obvious that the Committee on Appropriations is going to have to hold additional hearings to give appropriate consideration to this bill. Consequently, the bill cannot be considered on the floor of this body in the very near future. The bill as it passed the House provides funds for pay increases and also for veterans' readjustment benefit payments.

Senators will recall that salaries of Government employees were increased effective July 1, 1969. In addition, there was a 6-percent retroactive pay increase effective generally on December 27, 1969. None of the appropriation bills which were enacted into law for fiscal year 1970 provided funds to finance these pay increases, but the increased payments have been made to personnel throughout the fiscal year, as authorized, for these two pay increases. As a result, practically the entire Federal Government will be out of funds at some time in the near future. The first agency to be affected is the Bureau of Commercial Fisheries in the Department of the Interior, which the committee has been advised will not be able to meet its payroll on May 13. Under the circumstances, it would appear that orderly procedure would require the Senate to consider this continuing resolution at this time.

No new employees can be employed under the resolution, nor can any new contracts or programs be instituted. Likewise, it does not permit the expansion of any continuing program. It is designed merely to avoid disruption of the Federal Government. The resolution does not make any appropriations; it merely authorizes the utilization of funds which are already contained in the second supplemental appropriation bill as it passed the House of Representatives. Further, a provision in the resolution reads: "All expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization" provided by the second supplemental appropriation bill.

Mr. President, I urge the adoption of this joint resolution.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 1232) was read the third time, and passed.

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. GORE. Mr. President, when, last year, the Senate adopted an amendment to prohibit the use of U.S. ground troops in Laos and Thailand, it did not occur to the Senator from Tennessee nor to other Senators with whom I have spoken that it would be advisable to include the small, neutral country of Cambodia in that prohibition.

We now see that it might have been very advisable to do so. Indeed, it now appears that, except for that amendment, Laos might have been invaded.

However that be, we are well advised, now, of the unprecedented interpretation given by President Nixon to the Constitution with respect to the war-making powers. So I offer a substitute amendment to prohibit the use of funds herein authorized for invasion of either Laos or China. I send the amendment to the desk, and ask that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, a motion will be made shortly to adjourn until tomorrow.

On tomorrow, the Senate will convene at 11:30 a.m. Immediately after the disposition of the reading of the Journal,

the able Senator from Kentucky (Mr. COOK) will be recognized for not to exceed 30 minutes, following which there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

Upon completion of the routine morning business, the unfinished business will be laid before the Senate, at which time the able Senator from Mississippi (Mr. STENNIS) will be recognized for not to exceed 1 hour.

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11:30 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 49 minutes p.m.) the Senate adjourned until Friday, May 15, 1970, at 11:30 o'clock a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 14, 1970:

U.S. PATENTS OFFICE

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.

U.S. MARSHAL

Donald D. Hill, of California, to be U.S. marshal for the southern district of California for the term of 4 years.

HOUSE OF REPRESENTATIVES—*Thursday, May 14, 1970*

The House met at 12 o'clock noon.

Dr. Beverly Felty, pastor of Ghent United Methodist Church, Norfolk, Va., offered the following prayer:

Eternal God, we come to Thee because we are misguided without Thy guidance, we are weak without Thy strength, we are unable without Thy competence. Help us to remember that whether we deal with outer space or the inner man, Thy laws govern. Speak Thy word to each one of us now. As we attempt to deal with unrest and dissension within our land help us to keep perspective. Cause us to remember that often better things come through the birth pangs of struggle. Lead us to understand anew that in a world of instability Thou art stable, that even though change is all about us Thy truth abides, that even though the will of men is strong, Thy will will be done.

Grant us Thy peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 856. An act to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes; and

S. 2999. An act to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2208. An act 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;

S. 3011. An act 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; and

S. 3818. An act 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.

REV. BEVERLY FELTY

(Mr. WHITEHURST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITEHURST. Mr. Speaker, it has been a great joy and privilege for me today that the opening prayer was given by my pastor, the Reverend Beverly Felty, of Ghent United Methodist Church, in Norfolk, Va. He has been the minister at Ghent for 4 years, and is the first minister in over 35 years to be asked to stay for a fifth year. Reverend Felty and his fine family, his wife Margaret, his daughter Gwen, and his son Mike, are highly thought of by the congregation, and it is my privilege to claim him as a close personal friend, as well.

I am confident that the message in his prayer today brought the same inspiration to the House that Reverend Felty brings to us at Ghent every Sunday. His goodness and faith strengthen us all.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS—1971

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the Department of Interior and related agencies appropriation bill for fiscal year 1971.

Mr. REIFEL reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

PERMISSION FOR POST OFFICE AND CIVIL SERVICE COMMITTEE TO FILE REPORT ON H.R. 17070—UNTIL MIDNIGHT MONDAY

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that the Post Office and Civil Service Committee has until midnight Monday to file a report, together with supplemental and minority views, on H.R. 17070, the Postal Reorganization and Salary Adjustment Act of 1970.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CONSTITUENT MAIL RUNS 98.7 PERCENT AGAINST THE PRESIDENT'S INVASION OF CAMBODIA

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, there has been a spontaneous outpouring of letters from my constituents expressing their views on the President's invasion of Cambodia. To date, I have received 4,787 letters; 4,728, or 98.7 percent of those letters, oppose the President's decision; 59, or 1.3 percent, support the President's action.

The emotional content of these letters exceeds anything I have received on any subject since taking office 17 months ago. The bitterness, outrage, and despair of my constituents reinforces my remarks made on the floor of this House 2 weeks ago when I said that President Nixon has shown utter contempt for the overwhelming desire of the American people to get our troops out of Southeast Asia.

The letters continue to inundate my office. Every day that passes makes clear that the President, in his press conference of May 8, did not calm their fears nor halt their criticism.

A large number of the letters also strongly protest the killing of the four Kent State students and accuse the President and Vice President of consciously dividing this country for their own political gain. Those condemning the intemperate speeches and actions of the President and Vice President support my contention that there has been a terrible abuse of the awesome power of the Presidency.

I now will urge my constituents to write the President so that he may know that his Pentagon's body counts in Vietnam and his party's telegram counts at the White House are objectionable and unacceptable.

COME AND DEMONSTRATE WHERE THE ACTION IS—LETTER FROM VIETNAM

(Mr. PASSMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PASSMAN. Mr. Speaker, I would like to read into the RECORD a letter that one of my brave young constituents, serving with the Army in Vietnam, wrote to his parents.

Hello: Today is the 6th of May. In six more days I go to Chu Lai for stand down