SENATE—*Tuesday, May 19, 1970*

The Senate met at 10 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:

Eternal God, as we draw nigh to Thee in prayer we are drawn nearer to one another in common supplications and common needs. Thou knowest our innermost longings. Preserve us from discouragement or despair. Deliver us from fears which darken our days and dwarf our powers.

Enshrine Thy spirit in our inmost being. In our weakness Thou art our strength; in our darkness Thou art our light; in our restlessness Thou art our peace; in our sorrows Thou art our consolation; in our bewilderment Thou art our hope. Lead us through the clouds of confusion and uncertainty to the hilltop of faith and hope and love.

Hear our prayer, in Christ's name. Amen.

ORDER OF BUSINESS

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

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

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 18, 1970, be dispensed with.

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, pending arrival of the distinguished Senator from New York (Mr. JAVITS), who is to be recognized at this time, and with the Senate's permission, I should like to make a few unanimous-consent requests.

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

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO ON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer tomorrow, the distinguished Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 30 minutes.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

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 the consideration of executive business.

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

NATIONAL SCIENCE BOARD

The bill clerk proceeded to read sundry nominations to the National Science Board.

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

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

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

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

LEGISLATIVE SESSION

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

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 871, 876, and 877.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and the clerk will state the first measure.

PUBLIC BROADCASTING FINANCING ACT OF 1970

The Senate proceeded to consider the bill (S. 3558), to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting which had been reported from the Committee on Commerce with an amendment on page 2, after line 11, insert a new section, as follows:

SEC. 3. Section 399 of the Communications Act of 1934 is amended by inserting "(a)" after "Sec. 399." and by inserting at the end thereof a new subsection as follows:

"(b) In order to assure compliance with this section and with other provisions of this Act requiring fair treatment of matters in the public interest, the Commission shall prescribe such regulations as may be appropriate to require that broadcast stations which receive assistance under this title (1) keep records, including audio recordings, for a reasonable period of time of each program broadcast which involves an issue of public importance, and (2) furnish such records to the Commission at its request. The Commission shall make such records available to the public at the requesting party's cost under such circumstances and conditions as may be reasonable and appropriate."

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–869), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The Corporation for Public Broadcasting which was created by the Public Broadcasting Act of 1967, is a federally chartered, independent, nonprofit corporation whose mandate is to encourage and facilitate expansion and development of noncommercial broadcasting, and to promote diversity in that medium. During its short life-span, the Corporation has begun to fulfill its purpose.

When the original legislation was enacted, $9 million was authorized to be appropriated to enable the Corporation to come into being. This was intended to be "seed money" pending a long-range financing plan to be submitted by the administration. To date, however, neither the present Administration nor its predecessor has submitted such a plan.

Meanwhile, with the $5 million which was ultimately appropriated in October 1968, and the little over $2 million contributed from private sources, the Corporation became operational.

Since the initial authorization for funding the Corporation was for one year only, it was necessary for the Congress to authorize another appropriation the following fiscal year. That authorization which was for fiscal year 1970 was $20 million and ultimately $15 million of that amount was appropriated.

In an attempt to give the Corporation more stability and better enable it to plan longer-term projects, S. 3558 would authorize annual appropriations for the Corporation of such sums as may be necessary for the fiscal years 1971, 1972, and 1973.

To create an incentive for support of the Corporation from non-Federal sources, part of the authorized appropriation of additional funds in each of those three fiscal years would be used for Federal matching—on a dollar for dollar basis—of non-Federal contributions to the Corporation.

The bill would not extend that provision of the present law which limits grants or contracts to any one station, or for any one

project to $250,000 for fiscal years 1969 and 1970.

Finally, as amended, the bill directs the Federal Communications Commission to prescribe regulations to require that broadcast stations which receive assistance under Title II of the Public Broadcasting Act to (1) keep records including audio recording for a reasonable period of time of each program broadcast which involves an issue of public importance, and (2) furnish such records to the Commission at its request. The Commission would make such records available to the public at the requesting party's cost under such circumstances and conditions as may be reasonable and appropriate.

BACKGROUND

The Corporation for Public Broadcasting embodies the bold and imaginative concept of an independent, nonprofit corporation to assist in developing a vital noncommercial educational broadcasting system.

Created by the Public Broadcasting Act of 1967, it is a federally chartered, independent, nonprofit corporation whose mandate is to encourage and facilitate the expansion and development of noncommercial broadcasting and program diversity in that medium.

The Board of Directors consists of 15 members, appointed by the President, with the advice and consent of the Senate. Not more than eight may be members of the same political party. All are distinguished Americans, from the business, broadcast, artistic, and educational sectors of our society.[1]

Although chartered on November 7, 1967, the Corporation was not incorporated until March 27, 1968, two weeks after the Senate confirmed its Board of Directors.

With limited financing it has moved forward boldly and vigorously to accomplish the purposes for which it was created. In doing so it has concentrated its efforts in four main areas.

The Corporation has as a first priority, sought to strengthen local educational stations by making general support grants to them. In 1969, 120 licensees were given grants of $10,000 each to apply to purposes identified by the stations themselves. This year, 1970, the Corporation has invited educational radio and television stations to apply for a total of $3.5 million in general support funds.

In addition to these grants, a separate program has been established to assist individual stations in the production of broadcast material for use locally and where appropriate, for distribution throughout the system on a national basis.

In recognition of its statutory direction to assist in the establishment and development of one or more systems of interconnection for the distribution of educational broadcast programs, the Corporation has been instrumental in establishing and funding the Public Broadcasting Service.

The Public Broadcasting Service which is a nonprofit organization will manage the national distribution of programs utilizing the system of lines provided by AT&T and supplementing that system where necessary by providing stations with copies of videotapes. Five of its nine-man board of directors have been selected by the stations themselves, thus assuring that the point of view and interests of the stations will be adequately reflected.

While the final form of this interconnection system has not yet been determined, present plants call for a dedicated network of lines connecting 65 points serving 166 stations on a full time basis.

The Corporation has also been devoting considerable effort to augmenting the national inventory of programs available for station use so that these stations may have access to programs of diversity and excellence.

It has supported production of "Sesame Street," a program for preschool children which received a Peabody Award for its imaginative use of television in teaching. This program is being seen by five or six million preschool children from two to five years of age. And the 1970–71 season will see 150 new hour-long segments broadcast over thirty weeks of daily programming beginning October 19.

Encouraged by the success of "Sesame Street," the Children's Television Workshop which produces it has begun a feasibility study looking toward the production of a daily half-hour serial which will focus on the subject of reading for the 7–10 year old age group.

The Corporation has also been a significant supporter of program production by National Educational Television (NET) which produces five hours of programs a week. The "Forsythe Saga" was one program seen through the efforts of NET which obtained the rights to show the series in the United States.

Aid has also been given for national programs produced by individual stations such as "The Advocates," produced jointly by the educational stations in Boston and Los Angeles.

In addition to financing or assisting in the financing of new programs, the Corporation has made grants for the programs on the air. "Misterogers Neighborhood" produced by a local station in Pittsburgh will this fall be available to all stations on a no-charge basis as the result of a Corporation grant.

Support for programs has not been limited to television. The Corporation has outlined a plan of development assistance for the public radio stations serving communities in all parts of the country. One of the most important accomplishments in this effort was the establishment of National Public Radio, the first national program production center for noncommercial radio. NPR will provide informational, educational and cultural programs on a daily basis for use by the nation's public radio stations. In the year to come, this service, along with direct Corporation grants to the stations themselves, should be of great assistance in strengthening the program schedules of most stations.

The fourth main effort of the Corporation is concerned with strengthening the total educational broadcasting system.

Among other things, it has established a program of career fellowships to assist stations in attracting and developing new talent to public broadcasting.

It has also provided funds to program producers to promote their programs in order to build audiences. In this connection it has undertaken studies to ascertain the size, characteristics, and attitudes of its audience.

GENERAL STATEMENT

The American people have been given a glimpse of what a strong viable system of public broadcasting can offer. What has been accomplished in the past two years is due in large measure to the efforts of the Corporation for Public Broadcasting.

Local stations are stronger as a result of grants from the Corporation. More programs of diversity and excellence are available to the stations from national sources and other individual stations. An effective national distribution system is rapidly becoming a reality. And more people are being attracted to the medium as a consequence of it all.

Your committee is impressed with the way in which the Corporation has interpreted its statutory mandate, and the manner in which it has identified the priorities necessary to discharge this mandate. Unquestionably its incisive approach and sound administration of the projects it has undertaken explains to a great extent the Corporation's success, and that of public broadcasting generally.

Recognition must also be given to the men and women who have given tirelessly of their time, effort, and talent. Without such dedication in the past, and an even greater commitment for the future, the potential of public broadcasting can never be realized.

But all of this is not enough if public broadcasting is to excel. The men and women who have devoted their time and efforts to this medium, and indeed all the people of our country must have positive assurance and a strong indication that the Congress is fully and permanently committed to this bold, imaginative, and worthwhile concept. Otherwise the necessary enthusiasm and public support may be seriously undermined.

Such a commitment can best be given, of course, by permanent, long-range financing for the Corporation. From the beginning it was understood that the authorization and appropriation process was only an interim one, until such time as the Administration could submit a permanent financing plan to the Congress. Your Committee has repeatedly urged this Administration and its predecessor to act in this respect. It is hopeful that such a plan will soon be forthcoming.

In the meantime, however, the Corporation must have funds if it is to continue to grow and aid the development of public broadcasting.

Your Committee believes that the provisions of S. 3558 represent an extended commitment by Congress to this worthwhile endeavor, and urges its enactment.

By authorizing the appropriation of such sums as may be necessary for fiscal years 1971, 1972, and 1973, enactment of the legislation would remove the present necessity of authorizing funds each year.

The ability to plan and negotiate projects on more than a yearly basis is vital in broadcasting, especially in the expanding medium of broadcasting. The present necessity of yearly authorizations has, your Committee was told, inhibited the Corporation from making longer-range plans.

S. 3558 would also authorize part of the appropriated funds to match a dollar for dollar basis, grants, donations, bequests or other contributions received by the Corporation from non-Federal sources.

Your Committee feels that this is an excellent manner to generate wider support for the Corporation. It is hoped that many of the commercial broadcasters who have so often attested to the merits of public broadcasting and the Corporation will choose to assist the Corporation under this provision.

Your Committee also wishes to draw attention to the section of the Public Broadcasting Act which provides that interconnection service can be provided by carriers at "free or reduced rates." The availability of an effective distribution system is basic to the expansion and improvement of public broadcasting.

In the negotiations that are currently underway or may go on in the future for establishing an interconnection system, your Committee hopes that the parties will exhibit the same spirit and commitment that is expected of all segments of the society and government if we are truly to have a vital system of public broadcasting.

At this time your committee also wishes to re-emphasize that noncommercial television and radio, even though supported by Federal funds, must be absolutely free from

[1] The present Board of Directors and the expiration dates of their terms of office are: Frank Pace, Jr., Chairman—1974; Roscoe C. Carroll—1970; Saul Haas—1970; Erich Leinsdorf—1970; John D. Rockefeller III—1970; Frank E. Schooley—1970; Joseph A. Beirne—1972; Michael A. Gammino, Jr.—1972; Oveta Culp Hobby—1972; Joseph D. Hughes—1972; Carl E. Sanders—1972; Robert S. Benjamin—1974; Jack J. Valenti—1974; James R. Killian, Jr.—1974; Albert L. Cole—1974.

any federal Government interference over programming. This also means that the Corporation and the individual stations are to be insulated from the threat of political control and special interest influence from any source whatsoever.

HEARINGS

Your committee conducted 2 days of intensive hearings on S. 3558, during which it heard testimony from a representative of the Department of Health, Education and Welfare; the Chairman of the Federal Communications Commission; the Chairman of the Board and President of the Corporation for Public Broadcasting, respectively; the President of the National Association of Educational Broadcasters, and others. All witnesses testified to the outstanding efforts of the Corporation and its contribution to public broadcasting.

While the witnesses recognized the desirability, indeed the necessity of a plan for permanently financing the activities of the Corporation, all urged enactment of S. 3558 pending the adoption of such a plan.

Honorable James Allen, Assistant Secretary of Education, and U.S. Commissioner of Education, testified for the Administration and said that a three-year authorization is essential to allow the Corporation to plan effectively and to commit funds for radio and television projects for the home as well as the school on a more than one-year basis.

The Chairman of the FCC, Dean Burch, supported enactment of S. 3558 as a needed extension of the interim financing for the Corporation. He also stressed the crucial importance of obtaining for the Corporation at the earliest possible time a permanent financial base not dependent upon annual appropriations. Too great a delay in finding the permanent financing solution will, he said, adversely affect the development of the Corporation and thus of the nation's noncommercial educational broadcasting systems.

Mrs. Joan Ganz Cooney, creator of "Sesame Street," and president of the Children's Television Workshop, testified that public television should and clearly can set the benchmark against which all of television is judged.

"Non-commercial broadcasting, she said, has not heretofore had enough money to undertake this vital role in American life. The perennial shortage of funds has made it almost impossible to recruit and retain first-rate talent for a continuing period of time and there is very little incentive to conceive the type of innovative broadcasting that takes 1, 2 or 3 years to develop and bring to fruition.

"I hope that this committee will see fit to heed the President's request for extended financing for the Corporation for Public Broadcasting. Only then, in my opinion, will future Sesame Streets be possible."

Mrs. Ann Kahn, representing the National Congress of Parents and Teachers, told the committee that:

"The hard evidence of achievement we have seen firsthand in the short life of the Corporation—and the even greater promise of its plans for the future—make it clear to us that the funds requested in the legislation before you today will represent an extraordinarily wise and economical investment in improved education and opportunities for enrichment of our Nation's children."

The President of the Corporation for Public Broadcasting, John Macy, summarized the activities of the Corporation and its direction for the future when he told your Committee that:

"The introduction of some new programs has been favorably received by the public and is working to improve the relationship between public broadcasting and audiences. As a byproduct, the public seems to be showing its appreciation by a greater willingness to make contributions.

"The interconnection agency, PBS, is in being and beginning to operate.

"National Public Radio has been organized and is ready to begin producing a full radio service as soon as funding can be provided.

"We are probing the boundaries of present technology in order to assure public broadcasting avails itself of the improvements that can be expected in the future.

"We are studying our audiences so as to determine what programs work well and why for the purpose of continually improving the relevance and the communication value of programs we support.

"We are actively engaged in making public broadcasting a more attractive market so that young people, writers, film makers, artists of all types, will think of public broadcasting as a place for their careers and for their creations.

"We have a coordinated plan for the balanced development of Corporation support in the years immediately ahead.

"The crucial missing ingredient is financing. Authorization for the financing is provided by the bill before you. The Corporation strongly favors the bill and recommends that you act favorably on it."

AMENDMENT

When the Public Broadcast Act was being considered, fears were expressed that the government might influence public broadcasting. As a consequence, the intention that the Corporation and the individual stations be completely free of any outside influence, governmental or otherwise, was expressed in the strongest terms possible by the Congress. The Corporation and the stations are and should be free.

In order to assure that this freedom remains unassailed, your Committee believes that the noncommercial stations should keep adequate records including audio recordings of programs they broadcast that involve public affairs. In that way, if any one seriously questions a station's impartiality or fairness, the record is there and any doubts may be quickly resolved.

Your committee notes that noncommercial stations are presently required by the Corporation for Public Broadcasting to provide a copy of any program to the Corporation which has been specifically underwritten by a grant from the Corporation.

The amendment adopted herein is expressly intended to require noncommercial educational broadcast stations which received assistance under Title II of the Public Broadcasting Act to keep records, including audio recordings, for a reasonable length of time of programs they broadcast involving issues of public importance, and to furnish them to the FCC if requested to do so. The Commission in turn would make them available to the requesting party at his expense under such circumstances and conditions as may be reasonable and appropriate. In other words, where a request is made for an audio recording, the requesting party shall be responsible to the station for the cost for reproducing such recording deemed by the Commission to be reasonable and proper.

It is to be emphasized that the amendment only applies to programs involving issues of public importance such as public affairs and news type programs, and not to programs such as "Sesame Street," "Misterogers Neighborhood," etc.

In order to assure that an onerous burden is not imposed by this amendment, your committee feels that the records kept pursuant to it should be retained for a reasonable length of time, at least three months.

Moreover, where a program is broadcast over many stations such as "The Advocates," it is expected that the Federal Communications Commission will adopt appropriate procedures for determining who will be charged with the responsibility of keeping the required records in individual cases.

The committee wishes to make it clear that any member of the public may make the appropriate request for the audio recordings required to be kept under this amendment.

Your committee also wishes to make it understood that this amendment is in no way intended to infringe on the autonomy of local stations or interfere with program production or content.

CONCLUSION

It cannot be emphasized strongly enough that a nation whose children will have watched 22,000 hours of television by the time they reach 16 years of age, and who itself spends nearly one-quarter of its waking hours watching television, has deeply and irrevocably committed itself to that medium.

The American people have shown that public television has a very special and needed role, as demonstrated by their enthusiastic response and wide acceptance of programs such as "Sesame Street," "The Forsythe Saga," and the many excellent programs produced by local stations.

Public Broadcasting has turned the corner and the time has come for it to receive the wholehearted support it has earned and so richly deserves.

The public interest will be served by the enactment of this legislation.

PROTECTING PRIVACY AND THE RIGHTS OF FEDERAL EMPLOYEES

The Senate proceeded to consider the bill (S. 782) to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy which had been reported from the Committee on the Judiciary with amendments on page 2, line 16, after the word "origin", insert "or citizenship"; in the same line, after the word "employee", insert "or person or of his forebears,"; on page 8, after the word "requests:" insert "*Provided, however,* That a civilian employee of the United States serving in the Central Intelligence Agency or the National Security Agency may be accompanied only by a person of his choice who serves in the agency in which the employee serves, or by counsel who has been approved by the agency for access to the information involved."; on page 18, line 19, after the word "Agency", strike out "or of the Federal Bureau of Investigation"; on page 19, line 4, after the word "designee", strike out "or the Director of the Federal Bureau of Investigation or his designee"; in line 9, after "SEC. 7." insert "No civilian employee of the United States serving in the Central Intelligence Agency or the National Security Agency, and no individual or organization acting in behalf of such employee, shall be permitted to invoke the provisions of sections 4 and 5 without first submitting a written complaint to the agency concerned about the threatened or actual violation of this Act and affording such agency one hundred and twenty days from the date of such complaint to prevent the threatened violation or to redress the actual violation: *Provided, however,* That nothing in this Act shall be construed to affect any existing authority of the Director of Central Intelligence under section 403(c), of title 50, United States Code, and any authorities available to the National Security Agency under section 833 of title 50,

United States Code, to terminate the employment of any employee."

After line 23, insert a new section, as follows:

SEC. 8. Nothing in this Act shall be construed to affect in any way the authority of the Directors of the Central Intelligence Agency or the National Security Agency to protect or withhold information pursuant to statute or executive order. The personal certification by the Director of the agency that disclosure of any information is inconsistent with the provision of any statute or executive order shall be conclusive and no such information shall be admissable in evidence in any interrogation under section 1(k) or in any civil action under section 4 or in any proceeding or civil action under section 5.

On page 20, after line 9, insert a new section, as follows:

SEC. 9. This Act shall not be applicable to the Federal Bureau of Investigation.

In line 12, change the section number from "7" to "10"; and on page 21, line 3, change the section number from "8" to "11"; so as to make the bill read:

S. 782

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

SECTION 1. It shall be unlawful for any officer of any executive department or any executive agency of the United States Government, or for any person acting or purporting to act under his authority, to do any of the following things:

(a) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person seeking employment in the executive branch of the United States Government, to disclose his race, religion, or national origin, or the race, religion, or national origin of any of his forebears: *Provided, however,* That nothing contained in this subsection shall be construed to prohibit inquiry concerning the citizenship of any such employee or person if his citizenship is a statutory condition of his obtaining or retaining his employment: *Provided further,* That nothing contained in this subsection shall be construed to prohibit inquiry concerning the national origin or citizenship of any such employee or person or of his forebears, when such inquiry is deemed necessary or advisable to determine suitability for assignment to activities or undertakings related to the national security within the United States or to activities or undertakings of any nature outside the United States.

(b) To state or intimate, or to attempt to state or intimate, to any civilian employee of the United States serving in the department or agency that any notice will be taken of his attendance or lack of attendance at any assemblage, discussion, or lecture held or called by any officer of the executive branch of the United States Government, or by any person acting or purporting to act under his authority, or by any outside parties or organizations to advise, instruct, or indoctrinate any civilian employee of the United States serving in the department or agency in respect to any matter or subject other than the performance of official duties to which he is or may be assigned in the department or agency, or the development of skills, knowledge, or abilities which qualify him for the performance of such duties: *Provided, however,* That nothing contained in this subsection shall be construed to prohibit taking notice of the participation of a civilian employee in the activities of any professional group or association.

(c) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned in the department or agency, or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

(d) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to make any report concerning any of his activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned in the department or agency, or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties, or unless there is reason to believe that the civilian employee is engaged in outside activities or employment in conflict with his official duties.

(e) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person applying for employment as a civilian employee in the executive branch of the United States Government, to submit to any interrogation or examination or to take any psychological test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters: *Provided, however,* That nothing contained in this subsection shall be construed to prevent a physician from eliciting such information or authorizing such tests in the diagnosis or treatment of any civilian employee or applicant where such physician deems such information necessary to enable him to determine whether or not such individual is suffering from mental illness: *Provided further, however,* That this determination shall be made in individual cases and not pursuant to general practice or regulation governing the examination of employees or applicants according to grade, agency, or duties: *Provided, further, however,* That nothing contained in this subsection shall be construed to prohibit an officer of the department or agency from advising any civilian employee or applicant of a specific charge of sexual misconduct made against that person, and affording him an opportunity to refute the charge.

(f) To require or request, or attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person applying for employment as a civilian employee in the executive branch of the United States Government, to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

(g) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to support by personal endeavor or contribution of money or any other thing of value the nomination or the election of any person or groups of persons to public office in the Government of the United States or of any State, district, Commonwealth, territory, or possession of the United States, or to attend any meeting held to promote or support the activities or undertakings of any political party of the United States or of any State, district, Commonwealth, territory, or possession of the United States.

(h) To coerce or attempt to coerce any civilian employee of the United States serving in the department or agency to invest his earnings in bonds or other obligations or securities issued by the United States or any of its departments or agencies, or to make donations to any institution or cause of any kind: *Provided, however,* That nothing contained in this subsection shall be construed to prohibit any officer of any executive department or any executive agency of the United States Government, or any person acting or purporting to act under his authority, from calling meetings and taking any action appropriate to afford any civilian employee of the United States the opportunity voluntarily to invest his earnings in bonds or other obligations or securities issued by the United States or any of its departments or agencies, or voluntarily to make donations to any institution or cause.

(i) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditures or those of any member of his family or household: *Provided, however,* That this subsection shall not apply to any civilian employee who has authority to make any final determination with respect to the tax or other liability of any person, corporation, or other legal entity to the United States, or claims which require expenditure of moneys of the United States: *Provided further, however,* That nothing contained in this subsection shall prohibit the Department of the Treasury or any other executive department or agency of the United States Government from requiring any civilian employee of the United States to make such reports as may be necessary or appropriate for the determination of his liability for taxes, tariffs, custom duties, or other obligations imposed by law.

(j) To require or request, or to attempt to require or request, any civilian employee of the United States embraced within the terms of the proviso in subsection (i) to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditures or those of any member of his family or household other than specific items tending to indicate a conflict of interest in respect to the performance of any of the official duties to which he is or may be assigned.

(k) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, who is under investigation for misconduct, to submit to interrogation which could lead to disciplinary action without the presence of counsel or other person of his choice, if he so requests: *Provided, however,* That a civilian employee of the United States serving in the Central Intelligence Agency or the National Security Agency may be accompanied only by a person of his choice who serves in the agency in which the employee serves, or by counsel who has been approved by the agency for access to the information involved.

(l) To discharge, discipline, demote, deny promotion to, relocate, reassign, or otherwise discriminate in regard to any term or condition of employment of, any civilian employee of the United States serving in the department or agency, or to threaten to commit any of such acts, by reason of the refusal or failure of such employee to submit to or comply with any requirement, request, or action made unlawful by this Act, or by reason of the exercise by such civilian employee of any right granted or secured by this Act.

SEC. 2. It shall be unlawful for any officer of the United States Civil Service Commission, or for any person acting or purporting to act under his authority, to do any of the following things:

(a) To require or request, or to attempt to require or request, any executive department or any executive agency of the United States Government, or any officer or employee serving in such department or agency, to vio-

late any of the provisions of section 1 of this Act.

(b) To require or request, or to attempt to require or request, any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any civilian employee of the United States serving in any department or agency of the United States Government, to submit to any interrogation or examination or to take any psychological test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters: *Provided, however,* That nothing contained in this subsection shall be construed to prevent a physician from eliciting such information or authorizing such tests in the diagnosis or treatment of any civilian employee or applicant where such physician deems such information necessary to enable him to determine whether or not such individual is suffering from mental illness: *Provided further, however,* That this determination shall be made in individual cases and not pursuant to general practice or regulation governing the examination of employees or applicants according to grade, agency, or duties: *Provided further, however,* That nothing contained in this subsection shall be construed to prohibit an officer of the Civil Service Commission from advising any civilian employee or applicant of a specific charge of sexual misconduct made against that person, and affording him an opportunity to refute the charge.

(c) To require or request, or to attempt to require or request, any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any civilian employee of the United States serving in any department or agency of the United States Government, to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

SEC. 3. It shall be unlawful for any commissioned officer, as defined in section 101 of title 10, United States Code, or any member of the Armed Forces acting or purporting to act under his authority, to require or request, or to attempt to require or request, any civilian employee of the executive branch of the United States Government under his authority or subject to his supervision to perform any of the acts or submit to any of the requirements made unlawful by section 1 of this Act.

SEC. 4. Whenever any officer of any executive department or any executive agency of the United States Government or any person acting or purporting to act under his authority, or any commissioned officer as defined in section 101 of title 10, United States Code, or any member of the Armed Forces acting or purporting to act under his authority, violates or threatens to violate any of the provisions of section 1, 2, or 3 of this Act, any civilian employee of the United States serving in any department or agency of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, affected or aggrieved by the violation or threatened violation, may bring a civil action in his own behalf or in behalf of himself and others similarly situated, against the offending officer or person in the United States district court for the district in which the violation occurs or is threatened, or the district in which the offending officer or person is found, or in the United States District Court for the District of Columbia to prevent the threatened violation or to obtain redress against the consequences of the violation. The Attorney General shall defend all officers or persons sued under this section who acted pursuant to an order, regulation, or directive, or who, in his opinion, did not willfully violate the provisions of this Act. Such United States district court shall have jurisdiction to try and determine such civil action irrespective of the actuality or amount of pecuniary injury done or threatened, and without regard to whether the aggrieved party shall have exhausted any administrative remedies that may be provided by law, and to issue such restraining order, interlocutory injunction, permanent injunction, or mandatory injunction, or enter such other judgment or decree as may be necessary or appropriate to prevent the threatened violation, or to afford the plaintiff and others similarly situated complete relief against the consequences of the violation. With the written consent of any person affected or aggrieved by a violation or threatened violation of section 1, 2, or 3 of this Act, any employee organization may bring such action on behalf of such person, or may intervene in such action. For the purposes of this section, employee organizations shall be construed to include any brotherhood, council, federation, organization, union, or professional association made up in whole or in part of civilian employees of the United States and which has as one of its purposes dealing with departments, agencies, commissions, and independent agencies of the United States concerning the condition and terms of employment of such employees.

SEC. 5. (a) There is hereby established a Board on Employees' Rights (hereinafter referred to as the "Board"). The Board shall be composed of three members, appointed by the President, by and with the advice and consent of the Senate. The President shall designate one member as chairman. No more than two members of the Board may be of the same political party. No member of the Board shall be an officer or employee of the United States Government.

(b) The term of office of each member of the Board shall be five years, except that (1) of those members first appointed, one shall serve for five years, one for three years, and one for one year, respectively, from the date of enactment of this Act, and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) Members of the Board shall be compensated at the rate of $75 a day for each day spent in the work of the Board, and shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from their usual places of residence, as authorized by section 5703 of title 5, United States Code.

(d) Two members shall constitute a quorum for the transaction of business.

(e) The Board may appoint and fix the compensation of such officers, attorneys, and employees, and make such expenditures, as may be necessary to carry out its functions.

(f) The Board shall make such rules and regulations as shall be necessary and proper to carry out its functions.

(g) The Board shall have the authority and duty to receive and investigate written complaints from or on behalf of any person claiming to be affected or aggrieved by any violation or threatened violation of this Act and to conduct a hearing on each such complaint. Within ten days after the receipt of any such complaint, the Board shall furnish notice of the time, place, and nature of the hearing thereon to all interested parties. The Board shall render its final decision with respect to any complaint within thirty days after the conclusion of its hearing thereon.

(h) Officers or representatives of any Federal employee organization in any degree concerned with employment of the category in which any alleged violation of this Act occurred or is threatened shall be given an opportunity to participate in each hearing conducted under this section, through submission of written data, views, or arguments, and in the discretion of the Board, with opportunity for oral presentation. Government employees called upon by any party or by any Federal employee organization to participate in any phase of any administrative or judicial proceeding under this section shall be free to do so without incurring travel cost or suffering loss in leave or pay; and all such employees shall be free from restraint, coercion, interference, intimidation, or reprisal in or because of their participation. Any periods of time spent by Government employees during such participation shall be held and considered to be Federal employment for all purposes.

(i) Insofar as consistent with the purposes of this section, the provisions of subchapter II of chapter 5 of title 5, United States Code, relating to the furnishing of notice and manner of conducting agency hearings, shall be applicable to hearings conducted by the Board under this section.

(j) If the Board shall determine after hearing that a violation of this Act has not occurred or is not threatened, the Board shall state its determination and notify all interested parties of such determination. Each such determination shall constitute a final decision of the Board for purposes of judicial review.

(k) If the Board shall determine that any violation of this Act has been committed or threatened by any civilian officer or employee of the United States, the Board shall immediately (1) issue and cause to be served on such officer or employee an order requiring such officer or employee to cease and desist from the unlawful act or practice which constitutes a violation, (2) endeavor to eliminate any such unlawful act or practice by informal methods of conference, conciliation, and persuasion, and (3) may—

(A) (i) in the case of the first offense by any civilian officer or employee of the United States, other than any officer appointed by the President, by and with the advice and consent of the Senate, issue an official reprimand against such officer or employee or order the suspension without pay of such officer or employee from the position or office held by him for a period of not to exceed fifteen days, and (ii) in the case of a second or subsequent offense by any such officer or employee, order the suspension without pay of such officer or employee from the position or office held by him for a period of not to exceed thirty days or order the removal of such officer or employee from such position or office; and

(B) in the case of any offense by any officer appointed by the President, by and with the advice and consent of the Senate, transmit a report concerning such violation to the President and the Congress.

(l) If the Board shall determine that any violation of this Act has been committed or threatened by any officer of any of the Armed Forces of the United States, or any person purporting to act under authority conferred by such officer, the Board shall (1) submit a report thereon to the President, the Congress, and the Secretary of the military department concerned, (2) endeavor to eliminate any unlawful act or practice which constitutes such a violation by informal

methods of conference, conciliation, and persuasion, and (3) refer its determination and the record in the case to any person authorized to convene general courts-martial under section 822 (article 22) of title 10, United States Code. Thereupon such person shall take immediate steps to dispose of the matter under chapter 47 of title 10, United States Code (Uniform Code of Military Justice).

(m) Any party aggrieved by any final determination or order of the Board may institute, in the district court of the United States for the judicial district wherein the violation or threatened violation of this Act occurred, or in the United States District Court for the District of Columbia, a civil action for the review of such determination or order. In any such action, the court shall have jurisdiction to (1) affirm, modify, or set aside any determination or order made by the Board which is under review, or (2) require the Board to make any determination or order which it is authorized to make under subsection (k), but which it has refused to make. The reviewing court shall set aside any finding, conclusion, determination, or order of the Board as to which complaint is made which is unsupported by substantial evidence on the record considered as a whole.

(n) The Board shall submit, not later than March 31 of each year, to the Senate and House of Representatives, respectively, a report on its activities under this section during the immediately preceding calendar year, including a statement concerning the nature of all complaints filed with it, its determinations and orders resulting from hearings thereon, and the names of all officers or employees of the United States with respect to whom any penalties have been imposed under this section.

(o) There are authorized to be appropriated sums necessary, not in excess of $100,000, to carry out the provisions of this section.

SEC. 6. Nothing contained in this Act shall be construed to prohibit an officer of the Central Intelligence Agency or of the National Security Agency from requesting any civilian employee or applicant to take a polygraph test, or to take a psychological test, designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters, or to provide a personal financial statement, if the Director of the Central Intelligence Agency or his designee or the Director of the National Security Agency or his designee makes a personal finding with regard to each individual to be so tested or examined that such test or information is required to protect the national security.

SEC. 7. No civilian employee of the United States serving in the Central Intelligence Agency or the National Security Agency, and no individual or organization acting in behalf of such employee, shall be permitted to invoke the provisions of sections 4 and 5 without first submitting a written complaint to the agency concerned about the threatened or actual violation of this Act and affording such agency one hundred and twenty days from the date of such complaint to prevent the threatened violation or to redress the actual violation: *Provided, however,* That nothing in this Act shall be construed to affect any existing authority of the Director of Central Intelligence under section 403(c), of title 50, United States Code, and any authorities available to the National Security Agency under section 833 of title 50, United States Code, to terminate the employment of any employee.

SEC. 8. Nothing in this Act shall be construed to affect in any way the authority of the Directors of the Central Intelligence Agency or the National Security Agency to protect or withhold information pursuant to statute or executive order. The personal certification by the Director of the agency that disclosure of any information is inconsistent with the provision of any statute or executive order shall be conclusive and no such information shall be admissible in evidence in any interrogation under section 1(k) or in any civil action under section 4 or in any proceeding or civil action under section 5.

SEC. 9. This Act shall not be applicable to the Federal Bureau of Investigation.

SEC. 10. Nothing contained in sections 4 and 5 shall be construed to prevent establishment of department and agency grievance procedures to enforce this Act, but the existence of such procedures shall not preclude any applicant or employee from pursuing the remedies established by this Act or any other remedies provided by law: *Provided, however,* That if under the procedures established, the employee or applicant has obtained complete protection against threatened violations or complete redress for violations, such action may be pleaded in bar in the United States district court or in proceedings before the Board on Employee Rights: *And provided further,* That if an employee elects to seek a remedy under either section 4 or section 5, he waives his right to proceed by an independent action under the remaining section.

SEC. 11. If any provision of this Act or the application of any provision to any person or circumstance shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected.

The amendments were agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–873), explaining the purposes of the measure.

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

PURPOSE

The purpose of the bill is to prohibit indiscriminate executive branch requirements that employees and, in certain instances, applicants for Government employment disclose their race, religion or national origin; attend Government-sponsored meetings and lectures or participate in outside activities unrelated to their employment; report on their outside activities or undertakings unrelated to their work; submit to questioning about their religion, personal relationships or sexual attitudes through interviews, psychological tests, or polygraphs; support political candidates or attend political meetings. The bill would make it illegal to coerce an employee to buy bonds or make charitable contributions. It prohibits officials from requiring him to disclose his own personal assets, liabilities, or expenditures, or those of any member of his family unless, in the case of certain specified employees, such items would tend to show a conflict of interest. It would provide a right to have a counsel or other person present, if the employee wishes, at an interview which may lead to disciplinary proceedings. It would accord the right to a civil action in a Federal court for violation or threatened violation of the act, and it would establish a Board on Employees' Rights to receive and conduct hearings on complaints of violation of the act and to determine and administer remedies and penalties.

S. 782, 91st Congress—Committee amendments

S. 782, as introduced by Senator Ervin with 54 cosponsors, was identical to S. 1035 of the 90th Congress as passed by the Senate.

The Subcommittee met in executive session on July 22, 1969, to receive testimony from Richard Helms, Director of the Central Intelligence Agency and other agency representatives. On the basis of this testimony and after a number of meetings of subcommittee members with officials of the Central Intelligence Agency, the National Security Agency, and the Federal Bureau of Investigation, the language contained in the committee amendments was drafted and meets with the approval of the Directors of those agencies.

STATEMENT

The subcommittee has found a threefold need for this legislation. The first is the immediate need to establish a statutory basis for the preservation of certain rights and liberties of those who work for government now and those who will work for it in the future. The bill, therefore, not only remedies problems of today but looks to the future, in recognition of the almost certain enlargement of the scope of Federal activity and the continuing rise in the number of Americans employed by their Federal Government or serving it in some capacity.

Second, the bill meets the Federal Government's need to attract the best qualified employees and to retain them. As the former Chairman of the Civil Service Commission, Robert Ramspeck, testified:

Today, the Federal Government affects the lives of every human being in the United States. Therefore, we need better people today, better qualified people, more dedicated people, in Federal service than we ever needed before. And we cannot get them if you are going to deal with them on the basis of suspicion, and delve into their private lives, because if there is anything the average American cherishes, it is his right of freedom of action, and his right to privacy. So I think this bill is hitting at an evil that has grown up, maybe not intended, but which is hurting the ability of the Federal Government to acquire the type of personnel that we must have in the career service.

Third is the growing need for the beneficial influence which such a statute would provide in view of the present impact of Federal policies, regulations and practices on those of State and local government and of private business and industry. An example of the interest demonstrated by governmental and private employers is the following comment by Allan J. Graham, secretary of the Civil Service Commission of the city of New York:

It is my opinion, based on over 25 years of former Government service, including some years in a fairly high managerial capacity, that your bill, if enacted into law, will be a major step to stem the tide of "Big Brotherism," which constitutes a very real threat to our American way of life.

In my present position as secretary of the Civil Service Commission of the city of New York, I have taken steps to propose the inclusion of several of the concepts of your bill into the rules and regulations of the city civil service commission.

Passage of the bill will signify congressional recognition of the threats to individual privacy posed by an advanced technology and by increasingly more complex organizations. Illustrating these trends is the greatly expanded use of computers and governmental and private development of vast systems for the efficient gathering of information and for data storage and retrieval. While Government enjoys the benefit of these developments, there is at the same time an urgent need for defining the areas of individual liberty and privacy which should be exempt from the unwarranted intrusions facilitated by scientific techniques.

As Prof. Charles Reich of Yale Law School has stated, this bill "would be a significant step forward in defining the right of privacy today."

"One of the most important tasks which faces the Congress and State legislatures in

the next decade is the protection of the citizen against invasion of privacy," states Prof. Stanley Anderson of the University of California, Santa Barbara. "No citizens," in his opinion, "are in more immediate danger of incursion into private affairs than Government employees. When enacted the bill will provide a bulwark of protection against such incursions."

The bill is based on several premises which the subcommittee investigation has proved valid for purposes of enacting this legislation. The first is that civil servants do not surrender the basic rights and liberties which are their due as citizens under the Constitution of the United States by their action in accepting Government employment. Chief among these constitutional protections is the first amendment, which protects the employee to privacy in his thoughts, beliefs and attitudes, to silence in his action and participation or his inaction and nonparticipation in community life and civic affairs. This principle is the essence of constitutional liberty in a free society.

The constitutional focus of the bill was emphasized by Senator Ervin in the following terms when he introduced S. 1035 on February 21, 1967:

If this bill is to have any meaning for those it affects, or serve as a precedent for those who seek guidance in these matters, its purpose must be phrased in constitutional terms. Otherwise its goals will be lost.

We must have as our point of reference the constitutional principles which guide every official act of our Federal Government. I believe that the Constitution, as it was drafted and as it has been implemented, embodies a view of the citizen as possessed of an inherent dignity and as enjoying certain basic liberties. Many current practices of Government affecting employees are unconstitutional; they violate not only the letter but the very spirit of the Constitution.

I introduced this bill originally because I believe that, to the extent it has permitted or authorized unwarranted invasion of employee privacy and unreasonable restrictions on their liberty, the Federal Government has neglected its constitutional duty where its own employees are concerned, and it has failed in its role as the model employer for the Nation.

Second, although it is a question of some dispute, I hold that Congress has a duty under the Constitution not only to consider the constitutionality of the laws it enacts, but to assure as far as possible that those in the executive branch responsible for administering the laws adhere to constitutional standards in their programs, policies, and administrative techniques.

The committee believes that it is time for Congress to forsake its reluctance to tell the executive branch how to treat its employees. When so many American citizens are subject to unfair treatment, to being unreasonably coerced or required without warrant to surrender their liberty, their privacy, or their freedom to act or not to act, to reveal or not to reveal information about themselves and their private thoughts and actions, then Congress has a duty to call a statutory halt to such practices. It has a duty to remind the executive branch that even though it might have to expend a little more time and effort to obtain some favored policy goal, the techniques and tools must be reasonable and fair.

Each section of the bill is based on evidence from many hundreds of cases and complaints showing that generally in the Federal service, as in any similar organizational situation, a request from a superior is equivalent to a command. This evidence refutes the argument that an employee's response to a superior's request for information or action is a voluntary response, and that an employee "consents" to an invasion of his privacy or the curtailment of his liberty. Where his employment opportunities are at stake, where there is present the economic coercion to submit to questionable practices which are contrary to our constitutional values, then the presence of consent or voluntarism may be open to serious doubt. For this reason the bill makes it illegal for officials to "request" as well as to "require" an employee to submit to certain inquiries or practices or to take certain actions.

Each section of the bill reflects a balancing of the interests involved: The interest of the Government in attracting the best qualified individuals to its service; and its interest in pursuing laudable goals such as protecting the national security, promoting equal employment opportunities, assuring mental health, or conducting successful bond-selling campaigns. There is, however, also the interest of the individual in protection of his rights and liberties as a private citizen. When he becomes an employee of his Government, he has a right to expect that the policies and practices applicable to him will reflect the best values of his society.

The balance of interests achieved assures him this right. While it places no absolute prohibition on Government inquiries, the bill does assure that restrictions on his rights and liberties as a Government employee are reasonable ones.

As Senator Bible stated:

There is a line between what is Federal business and what is personal business, and Congress must draw that line. The right of privacy must be spelled out.

The weight of evidence, as Senator Fong has said: "points to the fact that the invasions of privacy under threats and coercion and economic intimidation are rampant in our Federal civil service system today. The degree of privacy in the lives of our civil servants is small enough as it is, and it is still shrinking with further advances in technical know-how. That these citizens are being forced by economic coercion to surrender this precious liberty in order to obtain and hold jobs is an invasion of privacy which should disturb every American. I therefore, strongly believe that congressional action to protect our civil servants is long overdue."

The national president of the National Association of Internal Revenue Employees, Vincent Connery, told the subcommittee of this proposal in the 89th Congress:

Senate bill 3779 is soundly conceived and perfectly timed. It appears on the legislative scene during a season of public employee unrest, and a period of rapidly accelerating demand among Federal employees for truly first-class citizenship. For the first time within my memory, at least, a proposed bill holds out the serious hope of attaining such citizenship. S. 3779, therefore, amply deserves the fullest support of all employee organizations, both public and private, federation affiliated, and independent alike.

Similiar statements endorsing the broad purpose of the bill were made by many others, including the following witnesses:

John F. Griner, national president, American Federation of Government Employees.

E. C. Hallbeck, national president, United Federation of Postal Clerks.

Jerome Keating, president, National Association of Letter Carriers.

Kenneth T. Lyons, national president, National Association of Government Employees.

John A. McCart, operations director, Government Employees Council of AFL–CIO.

Hon. Robert Ramspeck, former Chairman, Civil Service Commission.

Vincent Jay, executive vice president, Federal Professional Association.

Francis J. Speh, president, 14th District Department, American Federation of Government Employees.

Lawrence Speiser, director, Washington office, American Civil Liberties Union.

Nathan Wolkomir, national president, National Federation of Federal Employees.

Mr. ERVIN. Mr. President, S. 782 is a bill, unanimously approved with amendments by the Judiciary Committee, to protect the constitutional rights of civilian employees of the executive branch and to prevent unwarranted governmental invasions of their privacy.

This proposal, which I first introduced in 1966, is the result of a study by the Constitutional Rights Subcommittee.

The purpose of the bill is to prohibit indiscriminate or arbitrary executive branch requests or requirements that employees and, in certain instances, applicants for Government employment:

Disclose their race, religion, or national origin;

Attend Government-sponsored meetings and lectures or participate in outside activities unrelated to their employment;

Report on their outside activities or undertakings unrelated to their work;

Submit to questioning about their religious beliefs and practices, personal family relationships or sexual attitudes and conduct through interviews, psychological tests, or polygraphs; and

Support political candidates or attend political meetings.

The bill would make it illegal to coerce an employee to buy bonds or make charitable contributions.

It prohibits officials from requiring him to disclose his own personal assets, liabilities, or expenditures, or those of any member of his family unless, in the case of certain specified employees, such items would tend to show a conflict of interest.

It would provide a right to have counsel or other person present, if the employee wishes, at an interview which may lead to disciplinary proceedings.

It would accord the right to a civil action in a Federal court for violation or threatened violation of the act, and it would establish a Board on Employees' Rights to receive and conduct hearings on complaints of violation of the act and to determine and administer remedies and penalties.

S. 782 is sponsored by 55 Senators. Except for committee amendments providing certain exemptions for the unique problems of the Central Intelligence Agency, the National Security Agency, and the Federal Bureau of Investigation, it is identical to S. 1035, approved by the Senate in 1967.

Mr. President, by approving S. 782, the Senate has recognized the monumental truth that if history teaches us anything, it teaches us that a nation which ignores the lessons of history is doomed to repeat the mistakes of its past. Although the bill is based mostly on unwise and unconstitutional practices and programs undertaken by Federal officials in previous years, many of the injustices continue unabated. Furthermore, the opportunity for depriving the individual rights of employees or of seriously limiting them still exists. It will continue to exist until Congress enacts a law prohibiting such deprivations and limitations.

The extent of the wrongs inflicted on employees will vary with the vigor and

zeal and the political needs of those who control the Federal Government. S. 782 is an attempt to define the constitutional boundaries of their actions as they affect those who work for the Federal Government.

Mr. President, more has been written and spoken in the Congress and in the country on this one issue and about this legislation than any other proposal in my memory. This record is documented in the committee report and particularly in the CONGRESSIONAL RECORD of September 13, 1967, when the Senate passed S. 1035.

We have heard much lately of the complaint that Government does not respond quickly and adequately enough to petitions for redress of grievances.

This bill is a direct outgrowth of thousands of specific complaints to Congress by individual employees and their families, by their organizations and unions, by applicants, and by private citizens concerned with loss of liberties. It is proof that Congress does hear and that it will act. These people took the time and effort to communicate their grievances in considerable detail and with an eloquence which always displayed a deep and abiding faith in the system of government of which they are such a vital part. In these times of stress, their continued faith in the democratic process is essential. Despite the obstacles they frequently face, I believe their adherence to those processes is our surest guarantee that the constitutional principles on which our Government is founded will endure.

The letters which I and others in Congress receive are the products of educated and informed concern about the problems which confront employees as citizens. Their patience despite injustices, their willingness to abide by the constitutional rules and to seek remedies under those rules provide the best illustration our Nation can offer of citizens keeping faith with the founders of our Constitution. Congress does not always heed their pleas. There are frequently long delays and the resulting legislation does not always meet their expectations. But the important thing is that they keep trying, writing letters, telephoning, and expressing concern. During the last election campaign many of them demanded that the issues of privacy and employee rights be faced by individual candidates and by both political parties.

The parties and the candidates responded, and I believe they must continue to respond until S. 782 is enacted into law.

I should like to restate for the record my convictions about this proposal which I expressed at the time of its passage in the last Congress. I believe that with this bill, Congress has a chance to reaffirm the belief of the American people in a value system as old as Western civilization; that is, in the dignity of the individual; in the unfettered enjoyment of his personal thoughts and beliefs free of the control of government; and in the worth of the expression of his personality in the democratic society.

S. 782 affords Congress the opportunity to take a stand on one of the most crucial philosophical and practical problems facing our society—the preservation of individual freedom in an age of scientific technology, computers, and data banks.

Many learned people have analyzed the legal and scientific issues raised by the needs to meet certain goals of government in a country as vast and diverse as ours. But they have balanced the interests back and forth until they have lost track of the basic issues of liberty involved.

The Founding Fathers drafted a constitution that was meant to protect the liberty of Americans of every era, for its principles are enduring ones. One of the fundamental aspects of our liberty as free men is the privacy of our innermost thoughts, attitudes, and beliefs: this includes not only our freedom to express them as we please, but the freedom from any form of governmental coercion to reveal them. Another aspect is the constitutional protection against self-incrimination for civil servants as well as for criminals and others.

In its report on the bill, the committee stated:

> Each section of the bill is based on evidence from many hundreds of cases and complaints showing that generally in the Federal service, as in any similar organizational situation, a request from a superior is equivalent to a command. This evidence refutes the argument that an employee's response to a superior's request for information or action is a voluntary response, and that an employee "consents" to an invasion of his privacy or the curtailment of his liberty. Where his employment opportunities are at stake, where there is present the economic coercion to submit to questionable practices which are contrary to our constitutional values, then the presence of consent or voluntarism may be open to serious doubt. For this reason the bill makes it illegal for officials to "request" as well as to "require" an employee to submit to certain inquiries or practices or to take certain actions.

No one should be deluded that this bill is a panacea for all the ills besetting the Federal service, all of the invasions of privacy, all of the violations of basic due process principles.

There are many areas left untouched, as the subcommittee daily mail will show. Passage of the bill will correct some violations, and provide some recourses against violations. But more importantly, it will establish a precedent in this area of the law and create a climate for decisionmaking in the executive branch.

The zealous men, the unthinking, careless, hurried, impatient, pressured, or misinformed men will still make unreasonable or illegal decisions. We cannot legislate against all manner of fools or their follies. Where their decisions affect the liberties of the citizens, we can only provide the basic standards by which they can be controlled. For the conscientious administrator anxious to do his job well, achieving the maximum benefit for Government and observing individual rights at the same time, the bill provides a uniform guide. He will not need to sit and ponder whether to follow his conscience or an illegal order or whether or not to utilize a questionable scientific method.

The law will state clearly what his own rights and duties are in certain areas. By the same token, it assures the rights of the individual employee and applicant.

I confess that were I legislating alone, I would rather see fewer compromises and exceptions than are now contained in the bill. I see no necessity for any of the practices prohibited in S. 782.

Unfortunately, some people, both in Government and out, have not yet been alerted to the dangers posed by these policies and practices. For them, the symbolic act or the technique—the means—still triumph over purpose, however unrelated the two.

A threefold need for this bill is outlined in the committee report.

The first is the immediate need to establish a statutory basis for the preservation of certain rights and liberties of those citizens who now work for Government and those who will work for it in the future. The bill not only remedies problems of today but looks to the future in recognition of the almost certain enlargement of the scope of Federal activity and the continuing rise in the number of Americans employed by their Federal Government or serving it in some capacity.

Second, the bill meets the Federal Government's need to attract the best qualified employees, and to retain them with the assurance that they will be treated fairly and as people of honesty and integrity.

Third, is the growing need for the beneficial influence which such a statute would provide in view of the present impact of Federal policies, regulations, and practices on those of State and local government and of private business and industry.

The Civil Service Commission has made a good-faith effort to eliminate some of the privacy-invading practices of the Federal Government. Also, as a result of complaints which the subcommittee has sent to the Civil Service Commission, some individual grievances have been remedied.

But while isolated cases of injustice may be corrected by congressional intervention, they do not, as with judicial decisions on the rights of criminals, establish a precedent for protecting rights of all employees. There are vast numbers of Federal agencies with decentralized personnel systems, responsive in different ways to policy directives. In some cases, they lack any control at all by Congress, the President, the Civil Service Commission, or in some instances, even by the head of the department or agency. They are, in effect beyond the reach of the law.

The reply of some in the executive branch has been that Government employment is a privilege, and if the individual does not like his treatment, he can quit.

The Association of the Bar of the City of New York has a reply to this. Their report on the bill states:

> The Ervin bill recognizes the existence of some serious shortcomings in the behavior of the Executive Branch of the Federal Government as an employer. There are today almost three million persons employed by the Federal Government and the number can be expected to grow. It is not possible, therefore,

to deal with the problem within the narrow framework of an employee's option to quit his employment if the conditions are not to his taste.

Employment by the Federal Government should not be regarded as a privilege to be withheld or conditioned as the Government sees fit. Indeed, there is an obligation on the part of the Federal Government to have more than the usual respect for rights of privacy.

It is already a late date for the Federal Government to begin showing respect for the rights of privacy. But the Senate has taken the first step today by passing S. 782.

I ask unanimous consent to insert at this point in the RECORD an excerpt from the Judiciary Committee report on the bill—Senate Report No. 873, pages 7 through 10, and pages 12 through 48. This contains the legislative history of the bill and a section-by-section analysis.

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

SENATE REPORT NO. 873, 91ST CONGRESS, SECOND SESSION; PROTECTING PRIVACY AND THE RIGHTS OF FEDERAL EMPLOYEES

LEGISLATIVE HISTORY

Violations of rights covered by the bill as well as other areas of employee rights have been the subject of intensive hearings and investigation by the subcommittee for the last five Congresses.

In addition to investigation of individual cases, the Subcommittee on Constitutional Rights has conducted annual surveys of agency policies on numerous aspects of Government personnel practices. In 1965, pursuant to Senate Resolution 43, hearings were conducted on due process and improper use of information acquired through psychological testing, psychiatric examinations, and security and personnel interviews.

In a letter to the Chief Executive on August 3, 1966 the subcommittee chairman stated:

"For some time, the Constitutional Rights Subcommittee has received disturbing reports from responsible sources concerning violations of the rights of Federal employees. I have attempted to direct the attention of appropriate officials to these matters, and although replies have been uniformly courteous, the subcommittee has received no satisfaction whatsoever, or even any indication of awareness that any problem exists. The invasions of privacy have reached such alarming proportions and are assuming such varied forms that the matter demands your immediate and personal attention.

"The misuse of privacy-invading personality tests for personnel purposes has already been the subject of hearings by the subcommittee. Other matters, such as improper and insulting questioning during background investigations and due process guarantees in denial of security clearances have also been the subject of study. Other employee complaints, fast becoming too numerous to catalog, concern such diverse matters as psychiatric interviews; lie detectors; race questionnaires; restrictions on communicating with Congress; pressure to support political parties yet restrictions on political activities; coercion to buy savings bonds; extensive limitations on outside activities yet administrative influence to participate in agency-approved functions; rules for writing, speaking and even thinking; and requirements to disclose personal information concerning finances, property and creditors of employees and members of their families."

After describing in detail the operation of two current programs to illustrate the problems, Senator Ervin commented:

"Many of the practices now in extensive use have little or nothing to do with an individual's ability or his qualification to perform a job. The Civil Service Commission has established rules and examinations to determine the qualifications of applicants. Apparently, the Civil Service Commission and the agencies are failing in their assignment to operate a merit system for our Federal civil service.

"It would seem in the interest of the administration to make an immediate review of these practices and questionnaires to determine whether the scope of the programs is not exceeding your original intent and whether the violations of employee rights are not more harmful to your long-range goals than the personnel shortcuts involved."

Following this letter and others addressed to the Chairman of the Civil Service Commission and the Secretaries of other departments, legislation to protect employee rights was introduced in the Senate.

S. 1035 was preceded by S. 3703 and S. 3779 in the second session of the 89th Congress. S. 3703 was introduced by the chairman on August 9, 1966, and referred to the Judiciary Committee. On August 25, 1966, the chairman received unanimous consent to a request to add the names of 33 cosponsors to the bill. On August 26, 1966, he introduced a bill similar to S. 3703, containing an amendment reducing the criminal penalties provided in section 2. This bill, S. 3779, was also referred to the Judiciary Committee, and both S. 3703 and S. 3779 were then referred to the Subcommittee on Constitutional Rights.

Comments on the bill and on problems related to it were made by the chairman in the Senate on July 18, August 9, August 25, August 26, September 29, October 17 and 18, 1966, and on February 21, 1967.[1]

Hearings on S. 3779 were conducted before the subcommittee on September 23, 29, 30, and October 3, 4, and 5, 1966. Reporting to the Senate on these hearings, the subcommittee chairman made the following statement:

"The recent hearings on S. 3779 showed that every major employee organization and union, thousands of individual employees who have written Congress, law professors, the American Civil Liberties Union, and a number of bar associations agree on the need for statutory protections such as those in this measure.

"We often find that as the saying goes 'things are never as bad as we think they are,' but in this case, the hearings show that privacy invasions are worse than we thought they were. Case after case of intimidation, of threats of loss of job or security clearance were bought to our attention in connection with bond sales, and Government charity drives.

"Case after case was cited of privacy invasion and denial of due process in connection with the new financial disclosure requirements. A typical case is the attorney threatened with disciplinary action or loss of his job because he is both unable and unwilling to list all gifts, including Christmas presents from his family, which he had received in the past year. He felt this had nothing to do with his job. There was the supervisory engineer who was told by the personnel officer that he would have to take disciplinary action against the 25 professional employees in his division who resented being forced to disclose the creditors and financial interests of themselves and members of their families. Yet there are no procedures for appealing the decisions of supervisors and personnel officers who are acting under the Commission's directive. These are not isolated instances; rather, they represent a pattern of privacy invasion reported from almost every State.

"The subcommittee was told that supervisors are ordered to supply names of employees who attend PTA meetings and engage in Great Books discussions. Under one department's regulations, employees are requested to participate in specific community activities promoting local and Federal antipoverty, beautification, and equal employment programs; they are told to lobby in local city councils for fair housing ordinances, to go out and make speeches on any number of subjects, to supply flower and grass seed for beautification projects, and to paint other people's houses. When these regulations were brought to the subcommittee's attention several weeks ago, we were told that they were in draft form. Yet, we then discovered they had already been implemented and employees whose official duties had nothing to do with such programs were being informed that failure to participate would indicate an uncooperative attitude and would be reflected in their efficiency records.

"The subcommittee hearings have produced ample evidence of the outright intimidation, arm twisting and more subtle forms of coercion which result when a superior is requested to obtain employee participation in a program. We have seen this in the operation of the bond sale campaign, the drives for charitable contributions, and the use of self-identification minority status questionnaires. We have seen it in the sanctioning of polygraphs, personality tests, and improper questioning of applicants for employment.

"In view of some of the current practices reported by employee organizations and unions, it seems those who endorse these techniques for mind probing and thought control of employees have sworn hostility against the idea that every man has a right to be free of every form of tyranny over his mind; they forget that to be free a man must have the right to think foolish thoughts as well as wise ones. They forget that the first amendment implies the right to remain silent as well as the right to speak freely—the right to do nothing as well as the right to help implement lofty ideals.

"It is not under this administration alone that there has been a failure to respect employee rights in a zeal to obtain certain goals. While some of the problems are new, others have been prevalent for many years with little or no administrative action taken to attempt to ameliorate them. Despite congressional concern, administrative officials have failed to discern patterns of practice in denial of rights. They seem to think that if they can belatedly remedy one case which is brought to the attention of the Congress, the public and the press, that this is enough—that the 'heat' will subside. With glittering generalities, qualified until they mean nothing in substance, they have sought to throw Congress off the track in its pursuit of permanent corrective action. We have seen this in the case of personality testing, in the use of polygraphs, and all the practices which S. 3779 would prohibit.

"The Chairman of the Civil Service Commission informed the subcommittee that there is no need for a law to protect employee rights. He believes the answer is 'to permit executive branch management and executive branch employees as individuals and through their unions, to work together to resolve these issues as part of their normal discourse.'

"It is quite clear from the fearful tenor of the letters and telephone calls received by the subcommittee and Members of Congress that there is no discourse and is not likely to be any discourse on these matters between the Commission and employees. Furthermore, there are many who do not even fall within the Commission's jurisdiction. For them, there is no appeal but to Congress.

"As for the argument that the discourse between the unions and the Commission will remedy the wrongs, the testimony of the union representatives adequately demolishes that dream.

"The typical attitude of those responsible for personnel management is reflected in Mr.

[1] See also, *Cong. Rec.* Comments.

Macy's answer that there may be instances where policy is not adhered to, but 'There is always someone who doesn't get the word.' Corrective administration action, he says, is fully adequate to protect employee rights.

"Administrative action is not sufficient. Furthermore, in the majority of complaints, the wrong actually stems from the stated policy of the agency or the Commission. How can these people be expected to judge objectively the reasonableness and constitutionality of their own policies? This is the role of Congress, and in my opinion, Congress has waited too long as it is to provide the guidance that is desperately needed in these matters."

S. 1035, 90th Congress

On the basis of the subcommittee hearings, agency reports, and the suggestions of many experts, the bill was amended to meet legitimate objections to the scope and language raised by administrative witnesses and to clarify the intent of its cosponsors that it does not apply to the proper exercise of management authority and supervisory discretion, or to matters now governed by statute.

This amended version of S. 3779 was introduced in the Senate by the chairman on February 21, 1967, as S. 1035 with 54 cosponsors. It was considered by the Constitutional Rights Subcommittee and unanimously reported with amendments, by the Judiciary Committee on August 21, 1967. [S. Rept. No. 534, 90th Cong., 1st Sess.] The proposal was considered by the Senate on September 13, 1967, and approved, with floor amendments, by a 79 to 4 vote. After absentee approvals were recorded, the record showed a total of 90 Members supported passage of the bill. The amendments adopted on the Senate floor deleted a complete exemption which the committee bill provided for the Federal Bureau of Investigation; instead, it was provided that the Federal Bureau of Investigation should be accorded the same limited exemptions provided for the Central Intelligence Agency and the National Security Agency. A provision was added to allow the three Directors to delegate the power to make certain personal findings required by section 6 of the bill.

* * * * *

Comparison of S. 1035, 90th Congress, as introduced, and S. 3779, 89th Congress

As introduced, the revised bill, S. 1035, differed from S. 3779 of the 89th Congress in the following respects:

1. The section banning requirements to disclose race, religion, or national origin was amended to permit inquiry on citizenship where it is a statutory condition of employment.

2. The provision against coercion of employees to buy bonds or make charitable donations was amended to make it clear that it does not prohibit calling meetings or taking any action appropriate to afford the employee the opportunity voluntarily to invest or donate.

3. A new section providing for administrative remedies and penalties establishes a Board on Employee Rights to receive and conduct hearings on complaints of violation of the act, and to determine and administer remedies and penalties. There is judicial review of the decision under the Administrative Procedure Act.

4. A specific exemption for the Federal Bureau of Investigation is included.

5. Exceptions to the prohibitions on privacy-invading questions by examinations, interrogations, and psychological tests are provided upon psychiatric determination that the information is necessary in the diagnosis and treatment of mental illness in individual cases, and provided that it is not elicited pursuant to general practice or regulation governing the examination of employees or applicants on the basis of grade job, or agency.

6. The section prohibiting requirements to disclose personal financial information contains technical amendments to assure that only persons with final authority in certain areas may be subject to disclosure requirements.

7. For those employees excluded from the ban on disclosure requirements, a new section (j), provides that they may only be required to disclose items tending to show a conflict of interest.

8. Military supervisors of civilian employees are included within the prohibitions of the bill, and violation of the act is made a punishable offense under the Uniform Code of Military Justice.

9. A new section 2 has been added to assure that the same prohibitions in section 1 on actions of department and agency officials with respect to employees in their departments and agencies apply alike to officers of the Civil Service Commission with respect to the employees and applicants with whom they deal.

10. Section (b) of S. 3779, relating to the calling or holding of meetings or lectures to indoctrinate employees, was deleted.

11. Sections (c), (d), and (e) of S. 3779—sections (b), (c), and (d) of S. 1035—containing prohibitions on requiring attendance at outside meetings, reports on personal activities and participation in outside activities, were amended to make it clear that they do not apply to the performance of official duties or to the development of skill, knowledge, and abilities which qualify the person for his duties or to participation in professional groups or associations.

12. The criminal penalties were reduced from a maximum of $500 and 6 months' imprisonment to $300 and 30 days.

13. Section (h) of S. 3779 prohibiting requirements to support candidates, programs, or policies of any political party was revised to prohibit requirements to support the nomination or election of persons or to attend meetings to promote or support activities or undertakings of any political party.

14. Other amendments of a technical nature.

QUESTIONS ON RACE, RELIGION, AND NATIONAL ORIGIN

Many complaints received by the subcommittee concerned official requests or requirements that employees disclose their race, religion, or ethnic or national origin. This information has been obtained from employees through the systematic use of questionnaires or oral inquiries by supervisors.

Chief concern has focused on a policy inaugurated by the Civil Service Commission in 1966, under which present employees and future employees would be asked to indicate on a questionnaire whether they were "American Indian," "oriental," "Negro," "Spanish-American" or "none of these." Approximately 1.7 million employees were told to complete the forms, while some agencies including some in the Department of Defense continued their former practice of acquiring such information through the "head count" method. Although the Civil Service Commission directive stated that disclosure of such information was voluntary, complaints show that employees and supervisors generally felt it to be mandatory. Administrative efforts to obtain compliance included in some instances harassment, threats, and intimidation. Complaints in different agencies showed that employes who did not comply received airmail letters at their homes with new forms; or their names were placed on administrative lists for "followup" procedures, and supervisors were advised to obtain the information from delinquent employees by a certain date.

In the view of John McCart, representing the Government Employes' Council, AFL–CIO:

"When the Civil Service Commission and the regulations note that participation by the employee will be voluntary, this removes some of the onus of the encroachment on an individual's privacy. But in an organizational operation of the size and complexity of the Federal Government, it is just impossible to guarantee that each individual's right to privacy and condentiality will be observed.

"In addition to that, there have been a large number of complaints from all kinds of Federal employees. In the interest of maintaining the rights of individual workers against the possibility of invading those rights, it would seem to us it would be better to abandon the present approach, because there are other alternatives available for determining whether that program is being carried out."

The hearing record contains numerous examples of disruption of employee-management relations, and of employee dissatisfaction with such official inquiries. Many told the subcommittee that they refused to complete the questionnaires because the matter was none of the Government's business; others, because of their mixed parentage, felt unable to state the information.

Since 1963, the policy of the American Civil Liberties Union on the method of collecting information about race has favored the head count wherever possible. Although the policy is presently under review, the subcommittee finds merit in the statement that:

"The collection and dissemination of information about race creates a conflict among severally equally important civil liberties: the right of free speech and free inquiry, on the one hand, and the rights of privacy and of equality of treatment and of opportunity, on the other. The ACLU approves them all. But at this time in human history, when the principle of equality and nondiscrimination must be vigorously defended, it is necessary that the union oppose collection and dissemination of information regarding race, except only where rigorous justification is shown for such action. Where such collection and dissemination is shown to be justified, the gathering of information should be kept to the most limited form, wherever possible by use of the head count method, and the confidential nature of original records should be protected as far as possible."

Former Civil Service Commission Chairman Robert Ramspeck told the subcommittee:

"To consider race, color, religion, and national origin in making appointments, in promotions and retention of Federal employees is, in my opinion, contrary to the merit system. There should be no discrimination for or against minority persons in Federal Government employment."

As the hearings and complaints have demonstrated, the most telling argument against the use of such a questionnaire, other than the constitutional issue, is the fact that it does not work. This is shown by the admission by many employees that they either did not complete the forms or that they gave inaccurate data.

Mr. Macy informed the subcommittee:

"In the State of Hawaii the entire program was cut out because it had not been done there before, and it was inadvertently included in this one, and the feeling was that because of the racial composition there it would be exceedingly difficult to come up with any kind of identification along the lines of the card that we were distributing."

The Civil Service Commission on May 9 informed the subcommittee that it had "recently approved regulations which will end the use of voluntary self-identification of race as a means of obtaining minority group statistics for the Federal work force." The Commission indicated its decision was based on the failure of the program to produce meaningful statistics. In its place the Commission will rely on supervisory reports based solely on observation, which would not be prohibited by the bill.

As Senator Fong stated:

"It should be noted that the bill would not

bar head counts of employee racial extraction for statistical purposes by supervisors. However, the Congress has authorized the merit system for the Federal service and the race, national origin or religion of the individual or his forebears should have nothing to do with his ability or qualifications to do a job."

Section 1(a) of the bill was included to assure that employees will not again be subjected to such unwarranted invasion of their privacy. It is designed to protect the merit system which Congress has authorized for the Federal service. Its passage will reaffirm the intent of Congress that a person's religion, race, and national or ethnic origin or that of his forebears have nothing to do with his ability or qualification to perform the requisite duties of a Federal position, or to qualify for a promotion.

By eliminating official authority to place the employee in a position in which he feels compelled to disclose this personal data, the bill will help to eliminate the basis for such complaints of invasion of privacy and discrimination as Congress has received for a number of years. It will protect Americans from the dilemma of the grandson of an American Indian who told the subcommittee that he had exercised his option and did not complete the minority status questionnaire. He did not know how to fill it out. Shortly thereafter he received a personal memorandum from his supervisor "requesting" him to complete a new questionnaire and "return it immediately." He wrote: "I personally feel that if I do not comply with this request (order), my job or any promotion which comes up could be in jeopardy."

The prohibitions in section 1(a) against official inquiries about religion, and in section 1(e) concerning religious beliefs and practices together constitute a bulwark to protect the indiivdual's right to silence concerning his religious convictions and to refrain from an indication of his religious beliefs.

Referring to these two sections, Lawrence Speiser, director of the Washington office of the American Civil Liberties Union testified:

"These provisions would help, we hope, eliminate a constantly recurring problem involving those new Government employees who prefer to affirm their allegiance rather than swearing to it. All Government employees must sign an appointment affidavit and take an oath or affirmation of office.

"A problem arises not just when new employees enter Government employment but in all situations where the Government requires an oath, and there is an attempt made on the part of those who prefer to affirm. It is amazing the intransigence that arises on the part of clerks or those who require the filling out of these forms, or the giving of the statement in permitting individuals to affirm.

"The excuses that are made vary tremendously, either that the form can only be signed and they cannot accept a form in which 'so help me God' is struck out, because that is an amendment, and they are bound by their instructions which do not permit any changes to be made on the forms at all.

"Also, in connection with the giving of oaths, I have had one case in which an investigator asked a young man this question: 'For the purposes of administering the oath, do you believe in God?'

"It it to be hoped that the provisions of this bill would bar practices of that kind. The law should be clear at this time. Title I, United States Code, section 1 has a number of rules of construction, one of which says that wherever the word 'oath' appears, that includes 'affirmation,' and wherever the word 'swear' appears, that includes 'affirm.'

"This issue comes up sometimes when clerks will ask, 'Why do you want to affirm? Do you belong to a religious group that requires an affirmation rather than taking an oath?' And unless the individual gives the right answer, the clerks won't let him affirm. It is clear under the *Torasco* case that religious beliefs and lack of religious beliefs are equally entitled to the protection of the first amendment."

The objection has been raised that the prohibition against inquiries into race, religion, or national origin would hinder investigation of discrimination complaints. In effect, however, it is expected to aid rather than hinder in this area of the law, by decreasing the opportunities for discrimination initially. It does not hinder acquisition of the information elsewhere; nor does it prevent a person from volunteering the information if he wishes to supply it in filing a complaint or in the course of an investigation.

CONTROL OF EMPLOYEE OPINIONS, OUTSIDE ACTIVITIES

Reports have come to the subcommittee of infringements and threatened infringements on first amendment freedoms of employees: freedom to think for themselves free of Government indoctrination; freedom to choose their outside civic, social, and political activities as citizens free of official guidance; or even freedom to refuse to participate at all without reporting to supervisors.

Illustrative of the climate of surveillance the subcommittee has found was a 13-year-old Navy Department directive, reportedly similar to those in other agencies, warning employees to guard against "indiscreet remarks" and to seek "wise and mature" counsel within their agencies before joining civic or political associations.

In the view of the United Federation of Postal Clerks:

"Perhaps no other right is so essential to employee morale as the right to personal freedom and the absence of interference by the Government in the private lives and activities of its employees. Attempts to place prohibitions on the private associations of employees; mandatory reporting of social contacts with Members of Congress and the press; attempts to 'orient' or 'indoctrinate' Federal employees on subjects outside their immediate areas of professional interest; attempts to 'encourage' participation in outside activities or discourage patronage of selected business establishments and coercive campaigns for charitable donations are among the most noteworthy abuses of Federal employees' right to personal freedom."

An example of improper on-the-job indoctrination of employees about sociological and political matters was cited in his testimony by John Griner, president of the AFL-CIO affiliated American Federation of Government Employees:

"One instance of disregard of individual rights of employees as well as responsibility to the taxpayers, which has come to my attention, seems to illustrate the objectives of subsections (b), (c), and (d), of section 1 of the Ervin bill. It happened at a large field installation under the Department of Defense.

"The office chief called meetings of different groups of employees throughout the day * * *. A recording was played while employees listened about 30 minutes. It was supposedly a speech made at a university, which went deeply into the importance of integration of the races in this country. There was discussion of the United Nations—what a great thing it was—and how there never could be another world war. The person who reported this incident made this comment: 'Think of the taxpayers' money used that day to hear that record.' I think that speaks for itself."

Other witnesses were in agreement with Mr. Griner's view on the need for protecting employees now and in the future from any form of indoctrination on issues unrelated to their work. The issue was defined at hearings on S. 3779 in the following colloquy between the subcommittee chairman and Mr. Griner:

"If they are permitted to hold sessions such as this on Government time and at Government expense, they might then also hold sessions as to whether or not we should be involved in the Vietnam war or whether we should not be, whether we should pull out or whether we should stay, and I think it could go to any extreme under these conditions.

"Of course, we are concerned with it, yes. But that is not a matter for the daily routine of work.

"Senator ERVIN. Can you think of anything which has more direful implications for a free America than a practice by which a government would attempt to indoctrinate any man with respect to a particular view on any subject other than the proper performance of his work?

"Mr. GRINER. I think if we attempted to do that we would be violating the individual's constitutional rights.

"Senator ERVIN. Is there any reason whatever why a Federal civil service employee should not have the same right to have his freedom of thought on all things under the sun outside of the restricted sphere of the proper performance of his work than any other American enjoys?

"Mr. GRINER. No, sir."

With one complaint of attempted indoctrination of employees at a Federal installation, a civil servant enclosed a memorandum taken from a bulletin board stating the time, place, and date of a lecture by a sociology professor on the subject of the importance of racial integration. Attendance was to be voluntary but the notice stated that a record would be made of those attending or not attending.

Concerning such a practice, one witness commented: "If I had been a Federal employee and I cared anything about my job, I would have been at that lecture."

Employees of an installation in Pennsylvania complained of requirements to attend film lectures on issues of the cold war.

Witnesses agreed that taking notice of attendance at such meetings constituted a form of coercion to attend. Section 1(b) will eliminate such intimidation. It leaves unaffected existing authority to use any appropriate means, including publicity, to provide employees information about meetings concerning matters such as charity drives and bond-selling campaigns.

Section (c) protects a basic constitutional right of the individual employee to be free of official pressure on him to engage in any civic or political activity or undertaking which might involve him as a private citizen, but which has no relation to his Federal employment. It preserves his freedom of thought and expression, including his right to keep silent, or to remain inactive.

This section will place a statutory bar against the recurrence of employee complaints such as the following received by a Member of the Senate:

"Dear Senator——: On ——, 1966, a group of Treasury Department administrators were called to Miami for a conference led by ——, Treasury Personnel Officer, with regard to new revisions in chapter 713 of the Treasury Personnel Manual."

Over the years the Treasury Department has placed special emphasis on the hiring of Negroes under the equal employment opportunity program, and considerable progress in that regard has been made. However, the emphasis of the present conferences was that our efforts in the field of equal employment opportunity have not been sufficient. Under the leadership of President Johnson and based on his strong statement with regard

to the need for direct action to cure the basic causes leading to discrimination, the Treasury Department has now issued specific instructions requiring all supervisors and line managers to become actively and aggressively involved in the total civil rights problem.

The requirements laid down by chapter 713 and its appendix include participation in such groups as the Urban League, NAACP, et cetera (these are named specifically) and involvement in the total community action program, including open housing, integration of schools, et cetera.

The policies laid down in this regulation, as verbally explained by the Treasury representatives at the conference, go far beyond any concept of employee personnel responsibility previously expressed. In essence, this regulation requiring every Treasury manager or supervisor to become a social worker, both during his official hours and on his own time. This was only tangentially referred to in the regulation and its appendages, but was brought out forcefully in verbal statements by Mr. —— and ——. Frankly, this is tremendously disturbing to me and to many of the other persons with whom I have discussed the matter. We do not deny the need for strong action in the field of civil rights, but we do sincerely question the authority of our Government to lay out requirements to be met on our own time which are repugnant to our personal beliefs and desires.

The question was asked as to what disciplinary measures would be taken against individuals declining to participate in these community action programs. The reply was given by the equal employment officer, that such refusal would constitute an undesirable work attitude bordering on insubordination and should at the very least be reflected on the annual efficiency rating of the employee.

The principles expressed in these regulations and in this conference strike me as being of highly dangerous potential. If we, who have no connection with welfare or social programs, can be required to take time from our full-time responsibilities in our particular agencies and from the hours normally reserved for our own refreshment and recreation to work toward integration of white neighborhoods, integration of schools by artificial means, and to train Negroes who have not availed themselves of the public schooling available, then it would seem quite possible that under other leadership, we could be required to perform other actions which would actually be detrimental to the interests of our Nation.

* * * * *

Testifying on the issue of reporting outside activities, the American Civil Liberties Union representative commented:

"To the extent that individuals are apprehensive they are going to have to, at some future time, tell the Government about what organizations they have belonged to or been associated with, that is going to inhibit them in their willingness to explore all kinds of ideas, their willingness to hear speakers, their willingness to do all kinds of things. That has almost as deadening an effect on free speech in a democracy as if the opportunities were actually cut off.

"The feeling of inhibition which these kinds of questions cause is as dangerous, it seems to me, as if the Government were making actual edicts."

Witnesses gave other examples of invasion of employees' private lives which would be halted by passage of the bill.

In the southwest a division chief dispatched a buck slip to his group supervisors demanding: "the names * * * of employees * * * who are participating in any activities including such things as: PTA in integrated schools, sports activities which are inter-social, and such things as Great Books discussion groups which have integrated memberships."

* * * * *

In a Washington office of the Department of Defense, a branch chief by telephone asked supervisors to obtain from employees the names of any organizations they belonged to. The purpose apparently was to obtain invitations for Federal Government officials to speak before such organizations.

* * * * *

Reports have come to the subcommittee that the Federal Maritime Commission, pursuant to civil service regulations, requested employees to participate in community activities to improve the employability of minority groups, and to report to the chairman any outside activities.

* * * * *

In addition to such directives, many other instances involving this type of restriction have come to the attention of the subcommittee over a period of years. For example, some agencies have either prohibited flatly, or required employees to report, all contacts, social or otherwise, with Members of Congress or congressional staff members. In many cases reported to the subcommittee, officials have taken reprisals against employees who communicated with their Congressmen and have issued directives threatening such action.

* * * * *

The Civil Service Commission on its Form 85 for nonsensitive positions requires an individual to list: "Organizations with which affiliated (past and present) other than religious or political organizations or those with religious or political affiliations (if none, so state)."

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PRIVACY INVASIONS IN INTERVIEWS, INTERROGATIONS, AND PERSONALITY TESTS

Although it does not outlaw all of the unwarranted personal prying to which employees and applicants are now subjected, section 1(e) of the reported bill will prohibit the more serious invasions of personal privacy reported. The subcommittee believes it will also result in limitations beyond its specific prohibitions by encouraging administrative adherence to the principles it reflects.

It will halt mass programs in which, as a general rule, agency officials conduct interviews during which they require or request applicants or employees to reveal intimate details about their habits, thoughts, and attitudes on matters unrelated to their qualifications and ability to perform a job.

It will also halt individual interrogations such as that involving an 18-year-old college sophomore applying for a summer job as secretary at a Federal department.

In the course of an interview with a department investigator, she was asked wide-ranging personal questions. For instance, regarding a boy whom she was dating, she was asked questions which denoted assumptions made by the investigator, such as:

Did he abuse you?

Did he do anything unnatural with you? You didn't get pregnant, did you?

There's kissing, petting, and intercourse, and after that, did he force you to do anything to him, or did he do anything to you?

The parent of this student wrote:

"This interview greatly transcended the bounds of normal areas and many probing personal questions were propounded. Most questions were leading and either a negative or positive answer results in an appearance of self-incrimination. During this experience, my husband was on an unaccompanied tour of duty in Korea and I attempted alone, without success, to do battle with the Department.

"I called and was denied any opportunity to review what had been recorded in my daughter's file. Likewise my daughter was denied any review of the file in order to verify or refute any of the record made by the State Department interviewer. This entire matter was handled as if applicants for State Department employment must subject themselves to the personal and intimate questions and abdicate all claims to personal rights and privileges.

"As a result of this improper intrusion into my daughter's privacy which caused all great mental anguish, I had her application for employment withdrawn from the State Department. This loss of income made her college education that much more difficult.

"Upon my husband's return, we discussed this entire situation and felt rather than subjecting her again to the sanctioned methods of Government investigation we would have her work for private industry. This she did in the summer of 1966, with great success and without embarrassing or humiliating Gestapo-type investigation."

Upon subcommittee investigation of this case, the Department indicated that this was not a unique case, because it used a "uniform policy in handling the applications of summer employees as followed with all other applicant categories." It stated that its procedure under Executive Order 10450 is a basic one "used by the Department and other executive agencies concerning the processing of any category of applicants who will be dealing with sensitive, classified material." Its only other comment on the case was to assure that "any information developed during the course of any of our investigations that is of a medical nature, is referred to our Medical Division for proper evaluation and judgment." In response to a request for copies of departmental guidelines governing such investigations and interviews, the subcommittee was told they were classified.

Section 1(e) would protect every employee and every civilian who offers his services to his Government from indiscriminate and unauthorized requests to submit to any test designed to elicit such information as the following:

My sex life is satisfactory.

I have never been in trouble because of my sex behavior.

Everything is turning out just like the prophets of the Bible said it would.

I loved my father.

I am very strongly attracted by members of my own sex.

I go to church almost every week.

I believe in the second coming of Christ.

I believe in a life hereafter.

I have never indulged in any unusual sex practices.

I am worried about sex matters.

I am very religious (more than most people).

I loved my mother.

I believe there is a Devil and a Hell in afterlife.

I believe there is a God.

Once in a while I feel hate toward members of my family whom I usually love.

I wish I were not bothered by thoughts about sex.

The subcommittee hearings in 1965 on "Psychological tests and constitutional rights" and its subsequent investigations support the need for such statutory prohibitions on the use of tests.

In another case, the subcommittee was told, a woman was questioned for 6 hours "about every aspect of her sex life—real, imagined, and gossiped—with an intensity that could only have been the product of inordinate salacious minds."

The specific limitation on the three areas of questioning proscribed in S. 1035 in no way is intended as a grant of authority to continue or initiate the official eliciting of

personal data from individuals on subjects not directly proscribed. It would prohibit investigators, or personnel, security and medical specialists from indiscriminately requiring or requesting the individual to supply, orally or through tests, data on religion, family, or sex. It does not prevent a physician from doing so if he has reason to believe the employee is "suffering from mental illness" and believes the information is necessary to make a diagnosis. Such a standard is stricter than the board "fitness for duty" standard now generally applied by psychiatrists and physicians in the interviews and testing which an employee can be requested and required to undergo.

There is nothing in this section to prohibit an official from advising an individual of a specific charge of sexual misconduct and affording him an opportunity to refute the charge voluntarily.

POLYGRAPHS

Section 1(f) makes it unlawful for any officer of any executive department or agency or any person acting under his authority to require or request or attempt to require or request any civilian employee or any applicant for employment to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs, practices or concerning his attitude or conduct with respect to sexual matters. While this section does not eliminate the use of so-called lie detectors by Government, it assures that where such devices are used for these purposes it will be only in limited areas.

John McCart, representing the Government Employees Council of AFL–CIO, supported this section of the bill, citing a 1965 report by a special subcommittee of the AFL–CIO executive council that:

"The use of lie detectors violates basic considerations of human dignity in that they involve the invasion of privacy, self-incrimination, and the concept of guilt until proven innocent."

Congressional investigation[2] has shown that there is no scientific validation for the effectiveness or accuracy of lie detectors. Yet despite this and the invasion of privacy involved, lie detectors are being used or may be used in various agencies of the Federal Government for purposes of screening applicants or for pursuing investigations.

This section of the bill is based on complaints such as the following received by the subcommittee:

"When I graduated from college in 1965, I applied at NSA. I went to 2 days of testing, which apparently I passed because the interviewer seemed pleased and he told me that they could always find a place for someone with my type of degree.

"About one month later, I reported for a polygraph test at an office on Wisconsin Avenue in the District or just over the District line in Maryland. I talked with the polygraph operator, a young man around 25 years of age. He explained how the machine worked, etc. He ran through some of the questions before he attached the wires to me. Some of the questions I can remember are—

" 'When was the first time you had sexual relations with a woman?

" 'How many times have you had sexual intercourse?

" 'Have you ever engaged in homosexual activities?

" 'Have you ever engaged in sexual activities with an animal?

" 'When was the first time you had intercourse with your wife?

" 'Did you have intercourse with her before you were married? How many times?' "

"He also asked questions about my parents, Communist activities, etc. I remember that I thought this thing was pretty outrageous, but the operator assured me that he asked everybody the same questions and he has heard all the answers before, it just didn't mean a thing to him. I wondered how he could get away with asking a girl those kind of questions.

"When I was finished, I felt as though I had been in a 15 round championship boxing match. I felt exhausted. I made up my mind then and there that I wouldn't take the job even if they wanted me to take it. Also, I concluded that I would never again apply for a job with the Government, especially where they make you take one of these tests."

Commenting on this complaint, the subcommittee chairman observed:

"Certainly such practices should not be tolerated even by agencies charged with security missions. Surely, the financial, scientific, and investigative resources of the Federal Government are sufficient to determine whether a person is a security risk, without strapping an applicant to a machine and subjecting him to salacious questioning. The Federal Bureau of Investigation does not use personality tests or polygraphs on applicants for employment. I fail to see why the National Security Agency finds them so fascinating."

COERCION TO BUY BONDS AND CONTRIBUTE TO CAUSES

The hearing record and subcommittee complaint files amply document the need for statutory protections against all forms of coercion of employees to buy bonds and contribute to causes. Involved here is the freedom of the individual to invest and donate his money as he sees fit, without official coercion. As the subcommittee chairman explained:

"It certainly seems to me that each Federal employee, like any other citizen in the United States, is the best judge of his capacity, in the light of his financial obligations, to participate or decide whether he will participate and the extent of his participation in a bond drive. That is a basic determination which he and he alone should make.

"I think there is an interference with fundamental rights when coercion of a psychological or economic nature is brought on a Federal employee, even to make him do right. I think a man has to have a choice of acting unwisely as well as wisely, if he is going to have any freedom at all."

The subcommittee has received from employees and their organizations numerous reports of intimidation, threats of loss of job, and security clearances and of denial of promotion for employees who do not participate to the extent supervisors wish. The hearing record contains examples of documented cases of reprisals, many of which have been investigated at the subcommittee's request and confirmed by the agency involved. It is apparent that policy statements and administrative rules are not sufficient to protect individuals from such coercion.

The president of the United Federation of Postal Clerks informed the subcommittee:

"Section 1, paragraph (i) of S. 3779 is particularly important to all Federal employees and certainly to our postal clerks. The extreme arm-twisting coercion, and pressure tactics exerted by some postmasters on our members earlier this year during the savings bond drive must not be permitted at any future time in the Government service.

"Our union received complaints from all over the country where low paid postal clerks, most having the almost impossible problem of trying to support a family and exist on substandard wages, were practically being ordered to sign up for purchase of U.S. savings bonds, or else. The patriotism of our postal employees cannot be challenged. I recently was advised that almost 75 percent of postal workers are veterans of the Armed Forces and have proven their loyalty and patriotism to this great country of ours in the battlefield in many wars. Yet, some postmasters questioned this patriotism and loyalty if any employee could not afford to purchase a savings bond during the drive."

The president of the National Association of Government Employees testified:

"We are aware of instances wherein employees were told that if they failed to participate in the bond program they would be frozen in their position without promotional opportunities.

"In another agency the names of individuals who did not participate were posted for all to see. We have been made aware of this situation for some years and we know that Congress has been advised of the many instances and injustices Federal employees faced concerning their refusal or inability to purchase bonds.

"Certainly, the Government, which has thousands of public relations men in its agencies and departments, should be capable of promoting a bond program that does not include the sledge-hammer approach."

Some concern has been expressed by officials of the United Community Funds and Councils of America, the American Heart Association Inc., and other charitable organizations, that the bill would hamper their campaigns in Federal agencies.

For this reason, the bill contains a proviso to express the intent of the sponsors that officials may still schedule meetings and take any appropriate action to publicize campaigns and to afford employees the opportunity to invest or donate their money voluntarily. It is felt that this section leaves a wide scope for reasonable action in promoting bond selling and charity drives.

The bill will prohibit such practices as were reported to the subcommittee in the following complaints:

"We have not yet sold our former home and cannot afford to buy bonds while we have both mortgage payments and rental payments to meet. Yet I have been forced to buy bonds, as I was told the policy at this base is, "Buy bonds or Bye Bye."

"In short, after moving 1,700 miles for the good of the Government, I was told I would be fired if I didn't invest my money as my employer directed. I cannot afford to buy bonds, but I can't afford to be fired even more.

* * * * *

"Not only were we forced to buy bonds, but our superiors stood by the time clock with the blanks for the United Givers Fund, and refused to let us leave until we signed up. I am afraid to sign my name, but I am employed at * * *."

* * * * *

A representative of the 14th District Department of the American Federation of Government Employees, Lodge 421 reported:

"The case of a GS–13 professional employee who has had the misfortune this past year of underwriting the expenses incurred by the last illness and death of both his mother and father just prior to this recent bond drive. This employee had been unofficially informed by his supervisor that he had been selected for a then existing GS–14 vacancy. When it became known that he was declining to increase his participation in the savings bond drive by increasing his payroll deduction for that purpose, he was informed that he might as well, in effect, kiss that grade 14 goodby."

DISCLOSURE OF ASSETS, DEBTS, AND PROPERTY

Sections (i) and (j) meet a need for imposing a reasonable statutory limitation on the extent to which an employee must reveal the details of his or his family's personal finances, debts, or ownership of property.

The subcommittee believes that the conflict-of-interest statutes, and the many other laws governing conduct of employees, to-

[2] Hearings and reports on the use of polygraphs as "lie detectors," by the Federal Government before a Subcommittee of the House Committee on Government Operations, April 1964 through 1966.

gether with appropriate implementing regulations, are sufficient to protect the Government from dishonest employees. More zealous informational activities on the part of management were recommended by witnesses in lieu of the many questionnaires now required.

The employee criticism of such inquiries was summarized as follows:

"There are ample laws on the statute books dealing with fraudulent employment, conflicts of interest, etc. The invasion of privacy of the individual employee is serious enough, but the invasion of the privacy of family, relatives and children of the employee is an outrage against a free society.

"This forced financial disclosure has caused serious moral problems and feelings by employees that the agencies distrust their integrity. We do not doubt that if every employee was required to file an absolutely honest financial disclosure, that a few, though insignificant number of conflict-of-interest cases may result. However, the discovery of the few legal infractions could in no way justify the damaging effects of forced disclosures of a private nature. Further, it is our opinion that those who are intent on engaging in activities which result in a conflict of interest would hardly supply that information on a questionnaire or financial statement. Many employees have indicated that rather than subject their families to any such unwarranted invasion of their right to privacy, that they are seriously considering other employment outside of Government."

The bill will reduce to reasonable proportions such inquiries as the following questionnaire, which many thousands of employees have periodically been required to submit.

(Questionnaire follows:)

CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

(For use by regular Government employees)

Name, (Last, First, Initial)_____
Title of position_____
Date of appointment in present position
Organization location (Operating agency, bureau, division)_____

Part I. Employment and financial interests

List the names of all corporations, companies, firms, or other business enterprises, partnerships; nonprofit organizations, and educational, or other institutions: (a) with which you are connected as an employee, officer, owner, director, member, trustee, partner, adviser, or consultant; or (b) in which you have any continuing financial interests, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or (c) in which you have any financial interest through the ownership of stock, stock options, bonds, securities or other arrangements including trusts. If none, write None.

Name and kind or organization (use Part 1 designations where applicable)_____
Address _____
Position in organization (Use Part 1(a) designations, if applicable)_____
Nature of financial interest, e.g., stocks, prior income (Use Part 1(b) & (c) designations if applicable)_____
_____
_____

Part II. Creditors

List the names of your creditors other than those to whom you may be indebted by reason of a mortgage on property which you occupy as a personal resident or to whom you may be indebted for current and ordinary household and living expenses such as household furnishings, automobile, education, vacation, and similar expenses. If none, write None.

Name and address of creditor_____
_____
Character of indebtedness, e.g., personal loan, note, security_____
_____

Part III. Interests in real property

List your interest in real property or rights in lands, other than property which you occupy as a personal residence. If none, write None.

Nature of interest, e.g., ownership, mortgage, lien, investment trust_____
_____
Type of property, e.g., residence, hotel, apartment, undeveloped land_____
_____
Address (if rural, give RFD or county and State) _____
_____

Part IV. Information requested of other persons

If any information is to be supplied by other persons, e.g., trustee, attorney, accountant, relative, please indicate the name and address of such persons, the date upon which you requested that the information be supplied, and the nature of subject matter involved. If none, write None.

Name and address_____
_____
Date of request_____
_____
Nature of subject matter_____
_____
(This space reserved for additional instructions.)
_____

I certify that the statements I have made are true, complete, and correct to the best of my knowledge and belief.

Date _____
Signature _____

The vagueness of the standards for requiring such a broad surrender of privacy is illustrated by the Civil Service Commission's regulation applying this to any employee whose duties have an "economic impact on a non-Federal enterprise."

Also eliminated will be questionnaires asking employees to list "all assets, or everything you and your immediate family own, including date acquired and cost or fair market value at acquisition. (Cash in banks, cash anywhere else, due from others—loans, et cetera, automobiles, securities, real estate, cash surrender of life insurance; personal effects and household furnishings and other assets.)"

The view of the president of the United Federation of Postal Clerks reflected the testimony of many witnesses endorsing sections 1 (i) and (j) of the bill.

"If the conflict-of-interest questionnaire is of doubtful value in preventing conflict of interest, as we believe, we can only conclude that it does not meet the test of essentiality and that it should be proscribed as an unwarranted invasion of employee privacy. Such value as it may have in focusing employee attention upon the problem of conflict of interest and bringing to light honest oversights that may lead to conflict of interest could surely be achieved by drawing attention to the 26 or more laws pertaining to conflict of interest or by more zealous information activities on the part of management."

The complex problem of preserving the confidential nature of such reports was described by officials of the National Association of Internal Revenue Employees:

"The present abundance of financial questionnaires provides ample material for even more abusive personnel practices. It is almost inevitable that this confidential information cannot remain confidential. Typically, the financial questionnaire is filed with an employee's immediate supervisor. The net worth statements ultimately go into inspection, but they pass through the hands of local personnel administrators. We have received a great number of disturbing reports—as have you—that this information about employees' private affairs is being used for improper purposes, such as enforced retirement and the like."

Inadequacies in agency procedures for obtaining such information from employees and for reviewing and storing it, are discussed in the Subcommittee report for the 89th Congress, 2d Session. Widely disparate attitudes and practices are also revealed in a Subcommittee study contained in the appendix of the printed hearings on S. 3779.

The bill will make such complaints as the following unnecessary in the future conduct of the Federal Government:

"DEAR SENATOR ERVIN: I am writing to applaud the stand you have taken on the new requirement that Federal employees in certain grades and categories disclose their financial holdings to their immediate superior. Having been a civil service employee for 26 years, and advanced from GS-4 to GS-15, and been cleared for top secret during World War II, and because I currently hold a position that involves the disposition of hundreds of thousands of the taxpayers' money, it is my conviction that my morality and trustworthiness are already a matter of record in the files of the Federal Government.

"The requirement that my husband's financial assets be reported, as well as my own assets and those we hold jointly, was particularly offensive, since my husband is the head of our household and is not employed by Government.

"You might also be interested in the face that it required 6 hours of after-hours work on our part to hunt up all the information called for and prepare the report. Since the extent of our assets is our private business, it was necessary that I type the material myself, an added chore since I am not a typist.

"Our assets have been derived, in the main, from laying aside a portion of our earnings. At our ages (64 and 58) we would be far less deserving of respect had we not made the prudent provisions for our retirement which our assets and the income they earn represent. Yet this reporting requirement carries with it the implication that to have "clean hands" it would be best to have no assets or outside, unearned income when you work for the Federal Government.

"For your information I am a GS-15, earning $19,415 * * *

"Thank you for speaking out for the continually maligned civil servant.

"Sincerely yours,

"_____, _____."

DEAR SENATOR ERVIN: I am a GS-12 career employee with over 15 years service.

The highest moral and ethical conduct has been my goal in each of my positions of employment and I have found this to be true of a vast majority of my fellow workers. It may be true a few people do put material gain ahead of their ethics but generally these people are in the higher echelons of office where their influence is much greater.

Our office has recently directed each employee from file clerk to the heads of sections to file a "Statement of Financial Interest." As our office has no programs individuals could have a financial interest in and especially no connections with FHA I feel it is no one's business but my own what real estate I own. I do not have a FHA mortgage or any other real property and have no outside employment, hence have nothing to hide by filing a blank form. Few Government workers can afford much real property. The principal of reporting to "Big Brother" in every phase of your private life

to me is very degrading, highly unethical and very unquestionable as to its effectiveness. If I could and did use my position in some way to make a profit I would be stupid to report it on an agency inquiry form. What makes officials think reporting will do away with graft?

When the directive came out many man-hours of productive work were lost in discussions and griping. Daily since that date at some time during the day someone brings up the subject. The supervisors filed their reports as "good" examples but even they objected to this inquiry.

No single thing was ever asked of Government employees that caused such a decline in their morale. We desperately need a "bill of rights" to protect ourselves from any further invasion of our private lives.

Fifteen years ago I committed myself to Government service because: (a) I felt an obligation to the Government due to my education under the GI bill, (b) I could obtain freedom from pressures of unions, (c) I could obtain freedom from invasion of my private life and (d) I would be given the opportunity to advance based solely on my professional ability and not on personal politics. At this point I certainly regret my decision to make the Government my career.

Sincerely,

———, ———.

DEAR SENATOR: I write to beg your support of a "Bill of Rights" to protect Federal employees from official snooping which was introduced by Senator Ervin of North Carolina.

I am a veteran of two wars and have orders to a third war as a ready reservist. And I know why I serve in these wars: that is to prevent the forces of tyranny from invading America.

Now, as a Federal employee I must fill out a questionnaire giving details of my financial status. This is required if I am to continue working. I know that this information can be made available to every official in Washington, including those who want to regulate specific details of my life.

Now I am no longer a free American. For example, I can no longer buy stock of a foreign company because that country may be in disfavor with officials of the right or left. And I cannot "own part of America" by buying common stocks until an "approved list" is published by my superiors.

I can never borrow money because an agent may decide that debt makes me susceptible to bribery by agents of an enemy power. Nor do I dare own property lest some official may decide I should sell or rent to a person or group not of my choosing.

In short, I am no longer free to plan my own financial program for the future security of my family. In 1 day I was robbed of the freedom for which I fought two wars. This is a sickening feeling, you may be sure.

It seems plain that a deep, moral issue is involved here that concerns every citizen. If this thing is allowed to continue, tomorrow or next year every citizen may come under the Inquisition. The dossier on every citizen will be on file for the use of any person or group having enough overt or covert power to gain access to them.

Sincerely,

———, ———.

In August 1966 Federal employees who were retired from the armed services were told to complete and return within 7 days, with their social security numbers, a 15-page questionnaire, asking, among other things:

"How much did you earn in 1965 in wages, salary, commissions, or tips from all jobs?

"How much did you earn in 1965 in profits or fees from working in your own business, professional practice, partnership, or farm?

"How much did you receive in 1965 from social security, pensions (nonmilitary), rent (minus expenses), interests or dividends, unemployment insurance, welfare payments, or from any other source not already entered?

"How much did other members of your family earn in 1965 in wages, salary, commissions or tips? (Before any deductions.) (For this question, a family consists of two or more persons in the same household who are related to each other by blood, marriage, or adoption.) If the exact amount is not known, give your best estimate.

"How much did other members of your family earn in 1965 in profits or fees from working in their own business, professional practices, partnership, or farm?

"How much did any other member of your family receive in 1965 from social security, pensions, rent (minus expenses), interest or dividends, unemployment insurance, welfare payments; or from any other source not already entered?"

RIGHT TO COUNSEL

Section 1(k) of the bill guarantees to Federal workers the opportunity of asking the presence of legal counsel, of a friend or other person when undergoing an official interrogation or investigation that could lead to the loss of their jobs or to disciplinary action.

The merits of this clause are manifold; not least of which is that uniformity and order it will bring to the present crazy quilt practices of the various agencies concerning the right to counsel for employees facing disciplinary investigations or possible loss of security clearances tantamount to loss of employment. The Civil Service Commission regulations are silent on this critical issue. In the absence of any Commission initiative or standard, therefore, the employing agencies are pursuing widely disparate practices. To judge from the questionnaires and other evidence before the subcommittee, a few agencies appear to afford a legitimate right to counsel, probably many more do not, and still others prescribe a "right" on paper but hedge it in such a fashion as to discourage its exercise. Some apparently do not set any regulatory standard, but handle the problem on an ad hoc basis.

On a matter as critical as this, such a pointless diversity of practice is poor policy. So far as job-protection rights are concerned, all Federal employees should be equal.

A second anomaly in the present state of affairs derives from recent developments in the law of the sixth amendment by the Supreme Court. In view of the decisions of *Miranda* v. *Arizona*, 384 U.S. 436 and *Escobedo* v. *Illinois*, 378 U.S. 478, it is clear that any person (including Federal employees) who is suspected of a crime is absolutely entitled to counsel before being subjected to custodial interrogation. Accordingly, some agencies, such as the Internal Revenue Service, acknowledge an unqualified right to counsel for an employee suspected of crime but decline to do the same for coworkers threatened with the loss of their livelihoods for noncriminal reasons. In the subcommittee's view, this discrimination in favor of the criminal suspect is both bad personnel policy as well as bad law. It would be corrected by this section of the bill.

The ultimate justification for the "right-to-counsel" clause, however, is the Constitution itself. There is no longer any serious doubt that Federal employees are entitled to due process of law as an incident of their employment relation. Once, of course, the courts felt otherwise, holding that absent explicit statutory limitation, the power of the executive to deal with employees was virtually unfettered.

The doctrinal underpinning of this rule was the 19th-century notion that the employment relation is not tangible "property." Both the rule and its underpinning have now been reexamined. The Supreme Court in recent years has emphasized the necessity of providing procedural due process where a man is deprived of his job or livelihood by governmental action.

While the courts have as yet had no occasion to articulate a specific right to counsel in the employment relationship, there can obviously be no doubt that the right to counsel is of such a fundamental character that it is among the essential ingredients of due process. What is at stake for an employee in a discharge proceeding—often including personal humiliation, obloquy and penury—is just as serious as that involved in a criminal trial. This is not to suggest that all the incidents of our civilized standard of a fair trial can or should be imported into Federal discharge proceedings. But if we are to have fair play for Federal employees, the right of counsel is a sine qua non. It is of a piece with the highest traditions, the fairest laws, and the soundest policy that this country has produced. And, in the judgment of this subcommittee, the clear affirmation of this basic right is very long overdue.

The need for such protection was confirmed at the hearings by all representatives of Government employee organizations and unions.

The president of the National Association of Letter Carriers testified:

"It is a practice in the postal inspection service, when an employee is called in for questioning by the inspectors on a strictly postal matter that does not involve a felony, to deny the right of counsel. The inspectors interrogate the employee at length and, at the completion of the interrogation, one of the inspectors writes out a statement and pressures the employee to sign it before he leaves the room. We have frequently asked the postal inspection service to permit these employees to have counsel present at the time of the interrogation. The right for such counsel has been denied in all except a few cases. If the employee is charged with a felony, then, of course, the law takes over and the right for counsel is clearly established but in other investigations and interrogations no counsel is permitted."

Several agencies contend that right to counsel is now granted in formal adverse action proceedings and that appeals procedures make this section unnecessary for informal questioning. Testimony and complaints from employees indicate that this machinery does not effectively secure the opportunity of the employee to defend himself early enough in the investigation to allow a meaningful defense.

The predicament of postal employees as described at the hearings reflects the situation in other agencies as reported in many individual cases sent to the subcommittee. While it is undoubtedly true that in some simple questioning, counsel may not be necessary, in many matters where interrogation will result in disciplinary action, failure to have counsel at the first level reacts against the employee all the way up through the appeal and review. In the case of a postal employee, the subcommittee was told—

"The first level is at the working foreman's level. He is the author of the charges; then the case proceeds to the postmaster, who appointed the foreman and, if the individual is found guilty of the charge at the first level, it is almost inevitable that this position will be supported on the second level. The third level is the regional level, and the policy there is usually that of supporting the local postmaster. A disinterested party is never reached. The fourth level is the Appeals Board, composed of officials appointed by the Postmaster General. In some cases, the region will overrule the postmaster, but certainly the individual does not have what one could style an impartial appeals procedure."

Employees charged with no crime have been subjected to intensive interrogations by Defense Department investigators who

ask intimate questions, make sweeping allegations, and threaten dire consequences unless consent is given to polygraph tests. Employees have been ordered to confess orally or to write and sign statements. Such interviews have been conducted after denial of the employee's request for presence of supervisor, counsel, or friend, and in several instances the interrogations have resulted in revocation of a security clearance, or denial of access to classified information by transfer or reassignment, with the resulting loss of promotion opportunities.

Witnesses testified that employees have no recourse against the consequences of formal charges based on information and statements acquired during a preliminary investigation. This renders meaningless the distinction urged by the Civil Service Commission between formal and informal proceedings.

EXCEPTIONS

The act, under section 9, does not apply to the Federal Bureau of Investigation. Furthermore, section 6 provides that nothing in the act will prohibit an official of the Central Intelligence Agency and the National Security Agency from requesting any employee or applicant to take a polygraph test or a psychological test, or to provide a personal financial statement designed to elicit the personal information protected under subsections 1 (e), (f), (i), and (j). In such cases, the Director of the agency or his designee must make a personal finding with regard to each individual to be tested or examined that such test or information is required to protect the national security.

An exception to the right-to-counsel section has been provided to limit this right for employees in the Central Intelligence Agency and the National Security Agency to a person who serves in the same agency or a counsel cleared by the agency for access to the information involved. Obviously, it is expected that the employee's right to be accompanied by the person of his choice will not be denied unless that person's access to the information for the purpose of the case is clearly inconsistent with the national security. Other committee language in S. 782 recognizes problems unique to these two agencies. For instance, section 7 requires exhaustion of remedies by employees of the Central Intelligence Agency and the National Security Agency and states that the act does not affect whatever existing statutory authority these agencies now possess to terminate employment. Section 8 is designed to assure that nothing in the act is construed to affect negatively any existing statutory or executive authority of the Directors of the Central Intelligence Agency and National Security Agency to protect their information in cases involving their employees. Consequently, procedures commended to the subcommittee by the Director of the Central Intelligence Agency are spelled out for asserting that authority in certain proceedings arising under the act. Other committee amendments to S. 1035, as detailed earlier, were adopted to meet administrative requirements of the Federal security program and the intelligence community as well as the management needs of the executive branch.

ENFORCEMENT

Enforcement of the rights guaranteed in sections 1 and 2 of the bill is lodged in the administrative and civil remedies and sanctions of sections 3, 4, and 5. Crucial to enforcement of the act is the creation of an independent Board of Employee Rights to determine the need for disciplinary action against civilian and military offenders under the act and to provide relief from violations.

Testimony at the hearing as well as investigation of complaints have demonstrated that in the area of employee rights, a right is only as secure as its enforcement. There is overwhelming evidence that employees have heretofore frequently lacked appropriate remedies either in the courts or the Civil Service Commission for pursuing rights which belong to them as citizens.

Under the remedies afforded by sections 3, 4, and 5 of the bill, an employee who believes his rights are violated under the act has several courses of action:

(1) He may pursue a remedy through the agency procedures established to enforce the act, but the fact that he does not choose to avail himself of these does not preclude exercise of his right to seek other remedies.

(2) He may register his complaint with the Board on Employee Rights and obtain a hearing. If he loses there, he may appeal to the district court, which has the power to examine the record as a whole and to affirm, modify, or set aside any determination or order, or to require the Board to take any action it was authorized to take under the act.

(3) He may, instead of going directly to the Board, institute a civil action in Federal district court to prevent the threatened violation, or obtain complete redress against the consequences of the violation.

He does not need to exhaust any administrative remedies but if he elects to pursue his civil remedies in the court under section 4, he may not seek redress through the Board. Similarly, if he initiates action before the Board under section 5, he may not also seek relief from the court under section 4.

The bill does not affect any authority, right or privilege accorded under Executive Order 11491 governing employee-management cooperation in the Federal service. To the extent that there is any overlapping of subject matter, the bill simply provides an additional remedy.

THE BOARD ON EMPLOYEE RIGHTS

As a result of hearings on S. 3779, the section creating a Board on Employee Rights was added to the bill for introduction as S. 1035.

Employees have complained that administrative grievance procedures have often proved ineffective because they are cumbersome, time-consuming, and weighted on the side of management. Not only do those who break the rules go unpunished many times, but the fearful tenor of letters and telephone calls from throughout the country indicate that employees fear reprisals for noncompliance with improper requests or for filing of complaints and grievances. Oral and written directives of warning to this effect have been verified by the subcommittee. Section 1(e) of the bill, therefore, prevents reprisals for exercise of rights granted under the act and in such event accords the individual cause for complaint before the Board or the court.

Concerning the original bill in the 89th Congress, which did not provide for a board, representatives of the 14th department of the American Federation of Government Employees commented that the remedies are the most important aspects of such a bill because "unless due process procedures are explicitly provided, the remaining provisions of the bill may be easily ignored or circumvented by Federal personnel management. As a matter of fact, we believe, the reason employees' rights have been eroded so rapidly and so devastatingly in the last few years is the absence of efficient, expeditious, uniform, and legislatively well defined procedures of due process in the executive departments of the Federal Government."

An independent and nonpartisan Board is assured by congressional participation in its selection and by the fact that no member is to be a government employee. Provision is made for congressional monitoring through detailed reports.

Senator Ervin explained the function of the Board established by section 5 as follows:

"The bill sets up a new independent Federal agency with authority to receive complaints and make rulings on complaints—complaints of individual employees or unions representing employees. This independent agency, which would not be subject in any way to the executive branch of the Government, would be authorized to make rulings on these matters in the first instance. It would make a ruling on action in a particular agency or department that is an alleged violation of the provisions of the bill, with authority either on the part of the agency or the part of the individual or on the part of the union to take an appeal from the ruling of this independent agency to the Federal court for judicial review."

Throughout its study the subcommittee found that a major area of concern is the tendency in the review process in the courts or agencies to do no more than examine the lawfulness of the action or decision about which the employee has complained. For purposes of enforcing the act, sections 3, 4, and 5 assure adequate machinery for processing complaints and for prompt and impartial determination of the fairness and constitutionality of general policies and practices initiated at the highest agency levels or by the Civil Service Commission or by Executive order.

Finding no effective recourse against administrative actions and policies which they believed unfair or in violation of their rights, individual employees and their families turned to Congress for redress. Opening the hearings on invasions of privacy, Senator Ervin stated:

"Never in the history of the Subcommittee on Constitutional Rights have we been so overwhelmed with personal complaints, phone calls, letters, telegrams, and office visits. In all of our investigations I have never seen anything to equal the outrage and indignation from Government employees, their families, and their friends. It is obvious that appropriate remedies are not to be found in the executive branch.

"The complaints of privacy invasions have multiplied so rapidly of late that it is beyond the resources of Congress and its staff to repel effectively each individual official encroachment. Each new program brings a new wave of protest."

Prof. Alan Westin, director of the Science and Law Committee of the Bar Association of the city of New York, testified that these complaints "have been triggered by the fact that we do not yet have the kind of executive branch mechanism by which employees can lodge their sense of discomfort with personnel practices in the Federal Government and feel that they will get a fair hearing, that they will secure what could be called 'employment due process.'"

To meet this problem, Professor Westin proposed an independent board subject to judicial review, and with enforcement power over a broad statutory standard governing all invasion of privacy. Although it is continuing to study this proposal, the subcommittee has temporarily rejected this approach in the interest of achieving immediate enforcement of the act and providing administrative remedies for its violation. For this reason it supports the creation of a limited Board on Employee Rights.

Perhaps one of the most important sections of the bill, if not the most important section, according to the United Federation of Postal Clerks, is the provision establishing the Board. The subcommittee was told—

"It would appear absolutely essential that any final legislation enacted into law must necessarily include such a provision. We can offer no suggestions for improvement of this section. As presently constituted the section is easily understood; and the most excellent and inclusive definition of the proposed "Board on Employees' Rights" which could possibly be enacted into law. It defines the

right of employees to challenge violations of the proposed act; defines the procedures involved, as well as the authority of the Board, penalties for violation of the act, as well as establishing the right of judicial review for an aggrieved party, and finally provides for congressional review, and in effect, an annual audit by the Congress of all complaints, decisions, orders, and other related information resulting from activities and operations of the proposed act."

Sanctions

The need for sanctions against offending officials has been evident throughout the subcommittee's investigation of flagrant disregard of basic rights and unpunished flaunting of administrative guidelines and prohibitions. It was for this reason that S. 3779 of the 89th Congress and S. 1035, as introduced, contained criminal penalties for offenders and afforded broad civil remedies and penalties.

Reporting on the experiences of the American Civil Liberties Union in such employee cases, Lawrence Speiser testified:

"In filing complaints with agencies, including the Civil Service Commission, the Army and the Navy, as I have during the period of time I have worked here in Washington, I have never been informed of any disciplinary action taken against any investigator for asking improper questions, for engaging in improper investigative techniques, for barring counsel when a person had a right to have counsel, or for a violation of any number of things that you have in this bill. Maybe some was taken, but I certainly couldn't get that information out of the agencies, after making the complaints. I would suggest that the bill also encompass provision for disciplinary action that would be taken against Federal employees who violate any of these rights that you have set out in the bill."

Other witnesses also pointed to the need for the disciplinary measures afforded by the powers of an independent Board to determine the need for corrective action and punishment, and felt they would be more effective than criminal penalties.

In view of the difficulty of filing criminal charges and obtaining prosecution and conviction of executive branch officials which might render the criminal enforcement provision meaningless for employees, a subcommittee amendment deleted the criminal penalties in section 4 from the bill as reported.[3]

Although the Civil Service Commission and the executive agencies have advocated placing such administrative remedies within the civil service grievance and appeals system, the subcommittee believes that the key to effective enforcement of the unique rights recognized by this act lies in the employee's recourse to an independent body.

"The theory of our Government," Professor Westin testified, "is that there should be somewhere within the executive branch where this kind of malpractice is corrected and that good administration ought to provide for control of supervision or other practices that are not proper. But the sheer size of the Federal Establishment, the ambiguity of the relationship of the Civil Service Commission to employees, and the many different interests that the Civil Service Commission has to bear in its role in the Federal Government, suggest that it is not an effective instrument for this kind of complaint procedure."

SECTION-BY-SECTION ANALYSIS

SECTION 1

Section 1(a)

Section 1(a) makes it unlawful for a Federal official of any department or agency to require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency or any person seeking employment to disclose his race, religion, or national origin, or the race, religion, or national origin of any of his forebears.

This section does not prohibit inquiry concerning citizenship of such individual if his citizenship is a statutory condition of his obtaining or retaining his employment. Nor does it preclude inquiry of the individual concerning his national origin or citizenship or that of his forebears when such inquiry is thought necessary or advisable in order to determine suitability for assignment to activities or undertakings related to national security within the United States or to activities or undertakings of any nature outside the United States.

This provision is directed at any practice which places the employee or applicant under compulsion to reveal such information as a condition of the employment relation. It is intended to implement the concept underlying the Federal merit system by which a person's race, religion, or national origin have no bearing on his right to be considered for Federal employment or on his right to retain a Federal position. This prohibition does not limit the existing authority or the executive branch to acquire such information by means other than self-disclosure.

Section 1(b)

Section 1(b) makes it unlawful for any officer of any executive department or executive agency of the U.S. Government, or for any person acting or purporting to act under this authority, to state, intimate, or to attempt to state or intimate, to any civilian employee of the United States serving in the department or agency that any notice will be taken of his attendance or lack of attendance at any assemblage, discussion, or lecture held or called by any officer of the executive branch of the U.S. Government, or by any person acting or purporting to act under his authority, or by any outside parties or organizations to advise, instruct, or indoctrinate any civilian employee of the United States serving in the department or agency in respect to any matter or subject other than (1) the performance of official duties to which he is or may be assigned in the department or agency, or (2) the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

Nothing contained in this section is to be construed to prohibit taking notice of the participation of a civilian employee in the activities of any professional group or association.

This provision is designed to protect any employee from compulsion to attend meetings, discussions, and lectures on political, social, and economic subjects unrelated to his duties. It prevents Government officials from using the employment relationship to attempt to influence employee thoughts, attitudes, and actions on subjects which may be of concern to them as private citizens. In particular, this language is directed at practices and policies which in effect require attendance at such functions, including official lists of those attending or not attending; its purpose is to prohibit threats, direct or implied, written or oral, or official retaliation for nonattendance.

This section does not affect existing authority for providing information designed to promote the health and safety of employees. Nor does it affect existing authority to call meetings for the purpose of publicizing and giving notice of activities or service, sponsored by the department or agency, or campaigns such as charitable fund campaigns and savings bond drives.

Section 1(c)

Section 1(c) makes it unlawful for any officer of any executive department or agency or for any person acting or purporting to act under his authority, to require or request or to attempt to require or request any civilian employee serving in the department or agency to participate in any way in any activities or undertakings unless they are related to the performance of official duties to which he is or may be assigned in the department or agency or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

This section is directed against official practices, requests, or orders that an employee take part in any civic function, political program, or community endeavor, or other activity which he might enjoy as a private citizen, but which is unrelated to his employment. It does not affect any existing authority to use appropriate techniques for publicizing existence of community programs such as blood-donation drives, or agency programs, benefits or services, and for affording opportunity for employee participation if he desires.

Section 1(d)

Section 1(d) makes it unlawful for any officer of any executive department or agency, or for any person acting under his authority to require or request or attempt to require or request, any civilian employee serving in the department or agency to make any report of his activities or undertakings unless they are related to the performance of official duties or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties, or (2) unless there is reason to believe that the employee is engaged in outside activities or employment in conflict with his official duties.

This section is a minimum guarantee of the freedom of an employee to participate or not to participate in any endeavor or activity in his private life as a citizen, free of compulsion to report to supervisors his action or his inaction, his involvement or his noninvolvement. This section is to assure that in his private thoughts, actions, and activities he is free of intimidation or inhibition as a result of the employment relation.

The exceptions to the prohibition are not legislative mandates to require such information in those circumstances, but merely provide, an area of executive discretion for reasonable management purposes and for observance and enforcement of existing laws governing employee conduct and conflicts of interest.

Section 1(e)

Section 1(e) makes it unlawful for any officer of any executive department or agency, or any person acting under his authority, to require or request any civilian employee serving in the department or agency, or any person applying for employment as a civilian employee to submit to any interrogation or examination or to take any psychological test designed to elicit from him any information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

In accordance with an amendment made after hearings on S. 3779, a proviso is included to assure that nothing contained in this section shall be construed to prevent a physician from eliciting such information or authorizing such test in the diagnosis or treatment of any civilian employee or applicant where he feels the information is necessary to enable him to determine whether or not the individual is suffering from mental illness. The bill as introduced limited this inquiry to psychiatrists, but an amendment extended it to physicians, since the subcommittee was told that when no psychiatrist is available, it may be necessary for a general physician to obtain this information in determining the presence of mental illness and the need for further treatment.

[3] In the 89th Congress, S. 1035.

This medical determination is to be made in individual cases and not pursuant to general practice or regulation governing the examination of employees or applicants according to grade, agency, or duties.

Under an amendment to the bill, this language is not to be construed to prohibit an official from advising an employee or applicant of a specific charge of sexual misconduct made against that person and affording him an opportunity to refute the charge. While providing no authority to request or demand such information, the section does not prevent an official who has received charges of misconduct which might have a detrimental effect on the person's employment, from obtaining a clarification of the matter if the employee wishes to provide it.

This section would not prohibit all personality tests but merely those questions on the tests which inquire into the three areas in which citizens have a right to keep their thoughts to themselves.

It raises the criterion for requiring such personal information from the general "fitness for duty" test to the need for diagnosing or treating mental illness. The second proviso is designed to prohibit mass-testing programs. The language of this section provides guidelines for the various personnel and medical specialists whose practices and determinations may invade employee personal privacy and thereby affect the individual's employment prospects or opportunities for advancement.

An amendment in section 6 provided an exception to this prohibition in the case of the use of such psychological tests by the Central Intelligence Agency and the National Security Agency, only if the Director of the agency or his designee makes a personal finding that the information is necessary to protect the national security.

Section 1(f)

Section 1(f) makes it unlawful for any officer of any executive department or agency or any person acting under his authority, to require or request or attempt to require or request any civilian employee or any applicant for employment to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices or concerning his attitude or conduct with respect to sexual matters. While this section does not eliminate entirely the use of so-called lie detectors in Government, it assures that where such devices are used, officials may not inquire into matters which are of a personal nature.

As with psychological testing, the Central Intelligence Agency and the National Security Agency, under section 6, are not prohibited from acquiring such information by polygraph, provided certain conditions are met.

Section 1(g)

Section 1(g) makes it illegal for an official to require or request an employee under his management to support the nomination or election of anyone to public office through personal endeavor, financial contribution, or any other thing of value. An employee may not be required or requested to attend any meeting held to promote or support the activities or undertakings of any political party in the United States.

The purpose of this section is to assure that the employee is free from any job-related pressures to conform his thoughts and attitudes and actions in political matters unrelated to his job to those of his supervisors. With respect to his superiors, it protects him in the privacy of his contribution or lack of contribution to the civic affairs and political life of his community, State and Nation. In particular, it protects him from commands or requests of his employer to buy tickets to fundraising functions, or to attend such functions, to compile position papers or research material for political purposes, or make any other contribution which constitutes a political act or which places him in the position of publicly expressing his support or nonsupport of a party or candidate. This section also assures that, although there is no evidence of such activities at present, no Federal agency may in the future improperly involve itself in the undertakings of any political party in the United States, its territories, or possessions.

Section 1(h)

Section 1(h) makes it illegal for an official to coerce or attempt to coerce any civilian employee in the department or agency to invest his earnings in bonds or other government obligations or securities, or to make donations to any institution or cause. This section does not prohibit officials from calling meetings or taking any other appropriate action to afford employees the opportunity voluntarily to invest his earnings in bonds or other obligations or voluntarily to make donations to any institution or cause. Appropriate action, in the committee's view, might include publicity and other forms of persuasions short of job-related pressures, threats, intimidation, reprisals of various types, and "blacklists" circulated through the employee's office or agency to publicize his noncompliance.

Section 1(i)

Section 1(i) makes it illegal for an official to require or request any civilian employee in the department or agency to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditures or those of any member of his family. Exempted from coverage under this provision is any civilian employee who has authority to make any final determination with respect to the tax or other liability to the United States of any person, corporation, or other legal entity, or with respect to claims which require expenditure of Federal moneys. Section 6 provides certain exemptions for two security agencies.

Neither the Department of the Treasury nor any other executive department or agency is prohibited under this section from requiring any civilian employee to make such reports as may be necessary or appropriate for the determination of his liability for taxes, tariffs, custom duties, or other obligations imposed by law. This proviso is to assure that Federal employees may be subject to any reporting or disclosure requirements demanded by any law applicable to all persons in certain circumstances.

Section 1(j)

Section 1(j) makes it illegal to require or request any civilian employee exempted from application of section 3(i) under the first proviso of that section, to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditure or those of any member of his family or household other than specific items tending to indicate a conflict of interest in respect to the performance of any of the official duties to which he is or may be assigned.

This section is designed to abolish and prohibit broad general inquiries which employees have likened to "fishing expeditions" and to confine any disclosure requirements imposed on an employee to reasonable inquiries about job-related financial interests. This does not preclude, therefore, questioning in individual cases where there is reason to believe the employee has a conflict of interest with his official duties.

Section 1(k)

Section 1(k) makes it unlawful for a Federal official of any department or agency to require or request, or attempt to require or request, a civilian employee who is under investigation for misconduct, to submit to interrogation which could lead to disciplinary action without the presence of counsel or other person of his choice, if he wishes.

This section is intended to rectify a long-standing denial of due process by which agency investigators and other officials prohibit or discourage presence of counsel or a friend. This provision is directed at any interrogation which could lead to loss of job, pay, security clearance, or denial of promotion rights.

This right insures to the employee at the inception of the investigation, and the section does not require that the employee be accused formally of any wrongdoing before he may request presence of counsel or friend. The section does not require the agency or department to furnish counsel.

A committee amendment to S. 782 adds a proviso that a civilian employee serving in the Central Intelligence Agency or the National Security Agency may be accompanied only by a person of his choice who serves in the agency in which the employee serves, or by counsel who has been approved by the agency for access to the information involved.

Section 1(l)

Section 1(l) makes it unlawful for a Federal official of any department or agency to discharge, discipline, demote, deny promotion, relocate, reassign, or otherwise impair existing terms or conditions of employment of any employee, or threaten to commit any such acts, because the employee has refused or failed to comply with any action made unlawful by this act or exercised any any right granted by the act.

This section prohibits discrimination against any employee because he refuses to comply with an illegal order as defined by this act or takes advantage of a legal right embodied in the act.

SECTION 2

Section 2(a) makes it unlawful for any officer of the U.S. Civil Service Commission or any person acting or purporting to act under his authority to require or request, or attempt to require or request, any executive department or any executive agency of the U.S. Government, or any officer or employee serving in such department or agency, to violate any of the provisions of section 1 of this act.

Specifically, this section is intended to ensure that the Civil Service Commission, acting as the coordinating policymaking body in the area of Federal civilian employment shall be subject to the same strictures as the individual departments or agencies.

Section 2(b) makes it unlawful for any officer of the U.S. Civil Service Commission, or any person acting or purporting to act under his authority, to require or request, or attempt to require or request, any person seeking to establish civil service status or eligibility for civilian employment, or any person applying for employment, or any civilian employee of the United States serving in any department or agency, to submit to any interrogation or examination or to take any psychological test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

This section is intended to assure that the Civil Service Commission shall be subject to the same prohibitions to which departments and agencies are subject in sections 1 (e) and (f). The provisions contained in section 1(e) are restated here to assure that nothing in this section is to be construed to prohibit a physician from acquiring such data to determine mental illness, or an official from informing an individual of a specific charge of sexual misconduct and affording him an opportunity to refute the charge.

Section 2(c) makes it unlawful for any offi-

cer of the U.S. Civil Service Commission to require or request any person seeking to establish civil service status or eligibility for employment, or any person applying for employment in the executive branch of the U.S. Government, or any civilian employee serving in any department or agency to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

This section applies the provisions of section 1(f) to the Civil Service Commission in instances where it has authority over agency personnel practices or in cases in which its officials request information from the applicant or employee.

SECTION 3

This section applies the act to military supervisors by making violations of the act also violations of the Uniform Code of Military Justice.

SECTION 4

Section 4 provides civil remedies for violation of the act by granting an applicant or employee the right to bring a civil action in the Federal district court for a court order to halt the violation, or to obtain complete redress against the consequences of the violation. The action may be brought in his own behalf or in behalf of himself and others similarly situated, and the action may be filed against the offending officer or person in the Federal district court for the district in which the violation occurs or is threatened, or in the district in which the offending officer or person is found, or in the District Court for the District of Columbia.

The court hearing the case shall have jurisdiction to adjudicate the civil action without regard to the actuality or amount of pecuniary injury done or threatened. Moreover, the suit may be maintained without regard to whether or not the aggrieved party has exhausted available administrative remedies. If the individual complainant has pursued his relief through administrative remedies established for enforcement of the act and has obtained complete protection against threatened violations or complete redress for violations, this relief may be pleaded in bar of the suit. The court is empowered to provide whatever broad equitable and legal relief it may deem necessary to afford full protection to the aggrieved party; such relief may include restraining orders, interlocutory injunctions, permanent injunctions, mandatory injunctions, or such other judgments or decrees as may be necessary under the circumstances.

Another provision of section 4 would permit an aggrieved person to give written consent to any employee organization to bring a civil action on his behalf, or to intervene in such action. "Employee organizations" as used in this section includes any brotherhood, council, federation, organization, union, or professional association made up in whole or in part of Federal civilian employees, and which deals with departments, agencies, commissions, and independent agencies regarding employee matters.

A committee amendment provides that the Attorney General shall defend officers or persons who acted pursuant to an order, regulation, or directive, or who, in his opinion, did not willfully violate the provisions of the act.

SECTION 5

Section 5 establishes an independent Board on Employees' Rights, to provide employees with an alternative means of obtaining administrative relief from violations of the act, short of recourse to the judicial system.

Section 5(a) provides for a Board composed of three members, appointed by the President with the consent of the Senate. No member shall be an employee of the U.S. Government and no more than two members may be of the same political party. The President shall designate one member as Chairman.

Section 5(b) defines the term of office for members of the Board, providing that one member of the initial Board shall serve for 5 years, one for 3 years, one for 1 year from the date of enactment; any member appointed to fill a vacancy in one of these terms shall be appointed for the remainder of the term. Thereafter, each member shall be appointed for 5 years.

Section 5(c) establishes the compensation for Board members at $75 for each day spent working in the work of the Board, plus actual travel expenses and per diem in lieu of subsistence expenses when away from their usual places of residence.

Section 5(d) provides that two members of the Board shall constitute a quorum for the transaction of business.

Section 5(e) provides that the Board may appoint and fix the compensation of necessary employees, and make such expenditures necessary to carry out the functions of the Board.

Section 5(f) authorizes the Board to make necessary rules and regulations to carry out its functions.

Section 5(g) provides that the Board shall have the authority and duty to receive and investigate written complaints from or on behalf of any person claiming to be affected or aggrieved by any violation or threatened violation of this act, and to conduct a hearing on each such complaint. Moreover, within 10 days after the receipt of such a complaint, the Board must furnish notice of time, place, and nature of the hearing to all interested parties, and within 30 days after concluding the hearing, it must render its final decision regarding any complaint.

Section 5(h) provides that officers or representatives of any employee organization in any degree concerned with employment of the category in which the violation or threat occurs, shall be given an opportunity to participate in the hearing through submission of written data, views, or arguments. In the discretion of the Board they are to be afforded an opportunity for oral presentation. This section further provides that Government employees called upon by any party or by any Federal employee organization to participate in any phase of any administrative or judicial proceeding under this section shall be free to do so without incurring travel cost or loss in leave or pay. They shall be free from restraint, coercion, interference, intimidation, or reprisal in or because of their participation. Any periods of time spent by Government employees during such proceedings shall be held to be Federal employment for all purposes.

Section 5(i) applies to the Board hearings the provisions of the Administrative Procedure Act relating to notice and conduct of hearings insofar as consistent with the purpose of this section.

Section 5(j) requires the Board, if it determines after a hearing that this act has not been violated, to state such determination and notify all interested parties of the findings. This determination shall constitute a final decision of the Board for purposes of judicial review.

Section 5(k) specifies the action to be taken by the Board if, after a hearing, it determines that any violation of this act has been committed or threatened. In such case, the Board shall immediately issue and cause to be served on the offending officer or employee an order requiring him to cease and desist from the unlawful practice or act. The Board is to endeavor to eliminate the unlawful act or practice by informal methods of conference, conciliation, and persuasion.

Within its discretion, the Board may, in the case of a first offense, issue an official reprimand against the offending officer or employee, or order the employee suspended from his position without pay for a period not exceeding 15 days. In the case of a second or subsequent offense, the Board may order the offending officer or employee suspended without pay for a period not exceeding 30 days, or may order his removal from office.

Officers appointed by the President, by and with the advice and consent of the Senate, are specifically excluded from the application of these disciplinary measures; but the section provides that, in the case of a violation of this act by such individuals, the Board may transmit a report concerning such violation to the President and the Congress.

Section 5(l) provides for Board action when any officer of the Armed Forces of the United States or any person acting under his authority violates the act. In such event, the Board shall (1) submit a report to the President, the Congress, and to the Secretary of the military department concerned, (2) endeavor to eliminate any unlawful act or practice through informal methods of conference, conciliation, and persuasion, and (3) refer its determination and the record in the case to any person authorized to convene general courts-martial under section 822 (article 22) of title 10, United States Code. When this determination and report is received, the person designated shall immediately dispose of the matter under the provision of chapter 47 of title 10 of the United States Code.

Section 5(m) provides that when any party disagrees with an order or final determination of the Board, he may institute a civil action for judicial review in the Federal district court for the district wherein the violation or threatened violation occurred, or in the District Court for the District of Columbia.

The court has jurisdiction to (1) affirm, modify, or set aside any determination or order made by the Board, or (2) require the Board to make any determination or order which it is authorized to make under section 5(k) but which it has refused to make. In considering the record as a whole, the court is to set aside any finding, conclusion, determination, or order of the Board unsupported by substantial evidence.

The type of review envisioned here is similar to that obtained under the Administrative Procedure Act in such cases but this section affords a somewhat enlarged scope for consideration of the case than is now generally accorded on appeal of employee cases. The court here has more discretion for action on its own initiative. To the extent that they are consistent with this section, the provisions for judicial review in title 5 of the United States Code would apply.

Section 5(n) provides for congressional review by directing the Board to submit to the Senate and to the House of Representatives an annual report which must include a statement concerning the nature of all complaints filed with it, the determinations and orders resulting from hearings, and the names of all officers or employees against whom any penalties have been imposed under this section.

Section 5(o) provides an appropriation of $100,000 for the Board on Employee Rights.

SECTION 6

Section 6 provides that nothing in the act shall be construed to prohibit an officer of the Central Intelligence Agency or of the National Security Agency, under specific conditions, from requesting an applicant or employee to submit a personal financial statement of the type defined in subsections 1 (i) and (j) or to take any polygraph or psychological test designed to elicit the personal information protected under subsection 1(e) or 1(f).

In these agencies, such information may be acquired from the employee or applicant by such methods only if the Director of the agency or his designee makes a personal finding with regard to each individual that such test or information is required to protect the national security.

SECTION 7

Section 7 requires, in effect, that employees of the Central Intelligence Agency and the National Security Agency exhaust their administrative remedies before invoking the provisions of section 4 (the Board on Employee Rights) or section 5 (the Federal court action). An employee, his representative, or any organization acting in his behalf, must first submit a written complaint to the agency and afford it 120 days to prevent the threatened violation or to redress the actual violation. A proviso states that nothing in the act affects any existing legal authority of the Central Intelligence Agency under 50 U.S.C. 403(c) or of the National Security Agency under 50 U.S.C. 833 to terminate employment.

SECTION 8

Section 8 provides that nothing in the act shall be construed to affect in any way authority of the directors of the Central Intelligence Agency or the National Security Agency to protect or withhold information pursuant to statute or executive order. In cases involving his employees, the personal certification by the Director of the agency that disclosure of any information is inconsistent with the provision of any statute or executive order is to be conclusive and no such information shall be admissible in evidence in any civil action under section 4 or in any proceeding or civil action under section 5. Nor may such information be receivable in the record of any interrogation of an employee under section 1(k).

SECTION 9

Section 9 provides that the Federal Bureau of Investigation shall be excluded from the provisions of this act.

SECTION 10

Section 10 provides that nothing contained in sections 4 or 5 shall be construed to prevent the establishment of department and agency grievance procedures to enforce this act. The section makes it clear that the existence of such procedures are not to preclude any applicant or employee from pursuing any other available remedies. However, if under the procedures established by an agency, the complainant has obtained complete protection against threatened violations, or complete redress for violations, such relief may be pleaded in bar in the U.S. district court or in proceedings before the Board on Employee Rights.

Furthermore, an employee may not seek his remedy through both the Board and the court. If he elects to pursue his remedies through the Board under section 5, for instance, he waives his right under section 4 to take his case directly to the district court.

SECTION 11

Section 11 is the standard severability clause.

CONSTRUCTION OR ACQUISITION OF EDUCATIONAL FACILITIES IN SCHOOL DISTRICTS IN CLOSE PROXIMITY TO INDIAN RESERVATIONS

The Senate proceeded to consider the joint resolution (S.J. Res. 144) to provide for the appropriation of funds to assist school districts adjoining or in the proximity of Indian reservations, to construct elementary and secondary schools, and to provide proper housing and educational opportunities for Indian children attending these public schools, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 3, after line 18, strike out:

SEC. 2. For the purpose of carrying out the provisions of this joint resolution, there is authorized to be appropriated, for the fiscal year commencing July 1, 1970, the sum of $7,500,000, and for each of the two next succeeding fiscal years, the sum of $7,500,000, such funds to remain available until expended.

And, in lieu thereof, insert:

SEC. 2. For the purpose of carrying out the provisions of this joint resolution, there is authorized to be appropriated $27,400,000 annually for each of the fiscal years 1971, 1972, and 1973. Such sums shall remain available until expended.

So as to make the joint resolution with the preamble read:

To provide for the appropriation of funds to assist school districts adjoining or in the proximity of Indian reservations, to construct elementary and secondary schools and to provide proper housing and educational opportunity for Indian children attending these public schools.

Whereas it is the responsibility of the Federal Government to provide educational opportunities to Indian children living on Indian reservations or on Indian land in the proximity of reservations; and

Whereas the Secretary of the Interior has found it practicable and advisable to educate Indian children in the public schools;

Whereas sufficient schools have not been constructed by the Federal Government to provide for the education of Indian children in some areas of Indian reservations served by public school districts; and

Whereas these public school districts are bonded to the limit and are unable to provide facilities, which forces many of the Indian children to attend schools in dilapidated barracks and quonset huts, or to leave the reservation to attend Indian boarding schools in other States; and

Whereas the Indians desire that their children attend public schools in their immediate locality; and

Whereas the public school districts are willing to accept the Indian children if funds can be obtained to construct adequate facilities; and

Whereas the Bureau of Indian Affairs has facilities where necessary in connection with new school facilities; and

Whereas the cost to the Govcernment of educating the Indian children in these areas would be decreased if provision is made for them to attend public schools in the area in which they presently reside: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to enter into a contract or contracts with any State or local educational agency for the purpose of assisting such agency in the construction or acquisition of classrooms and other facilities in school districts adjacent or in close proximity to Indian reservations necessary for the education of Indians residing on any such reservation. Any such contract entered into by the Secretary pursuant to this joint resolution shall contain provisions requiring such contracting agency to—

(1) provide Indian students attending such facilities in any school district the same standard of education as provided non-Indian students in such district;

(2) operate such facilities as a part of the public school system and provide a program of instruction meeting the standards required by such State or local educational agency for other public schools under the jurisdiction or control of such agency; and

(3) meet, with respect to such facilities acquired or constructed pursuant to such contract, the requirements of the State and local building codes, and other building standards set by any such State or local educational agency for other public school facilities under its jurisdiction or control.

SEC. 2. For the purpose of carrying out the provisions of this joint resolution, there is authorized to be appropriated $27,400,000 annually for each of the fiscal years 1971, 1972, and 1973. Such sums shall remain available until expended.

Mr. MONTOYA. Mr. President, I wish to express my strong support for the resolution, Senate Joint Resolution 144, now before us to provide additional funds for the construction of schools near Indian reservations.

I am pleased to have joined my distinguished colleague from New Mexico, Senator CLINTON ANDERSON, in cosponsoring this important measure. Basically, Senate Joint Resolution 144 would authorize the appropriation of construction funds to assist local public school districts in the education of Indian children who reside on reservations and Indian lands near reservations in proximity of public school districts.

In the past, assistance to these school districts under Public Law 815 has proven wholly inadequate. Actual appropriations under this law have been negligible, and there is at present a tremendous backlog of applications under Public Law 815. Under no circumstances can we continue to depend on this source for meaningful assistance for school districts with large numbers of Indian children.

Even should Public Law 815 funds be forthcoming for these school districts, these funds relate only to classroom space. The needs of school districts responsible for educating Indian children, whose parents are not taxpaying Federal Government workers or military personnel extend far beyond classroom construction. Funds are also needed for cafeteria, libraries, and recreation facilities.

Enactment of Senate Joint Resolution 144 would go far to meet these needs. It would permit public school districts to provide high quality education for Indian children without removing the children from their homes and sending them to distant boarding schools. If the school districts are to be adequate to the task of educating Indian children attending schools within their boundaries, financial assistance must be afforded them.

I commend the Senate Committee on Interior and Insular Affairs for recognizing the need for this legislation and acting promptly in reporting it to the Senate floor. I am pleased this committee has, appropriately, raised the authorization figure in the resolution to more realistically reflect the true requirement. The resolution provides $27.4 million annually for the next 3 fiscal years. This figure compares to the total need of $82,175,000, estimated by the Bureau of Indian Affairs.

Mr. President, I think this is a small amount to ask for, considering the scope of the problem. These funds would make possible direct assistance from the Bureau of Indian Affairs, and school districts receiving such assistance would be required to provide Indian students with the same educational standards as are

provided non-Indian students. This proposal represents an intelligent and critically needed solution—at least in part—to the crisis we face in Indian education.

I urge my colleagues in the Senate to join me in support of this important legislation.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–874), explaining the purposes of the measure.

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

PURPOSE

The purpose of Senate Joint Resolution 144, introduced by Senator Anderson, for himself, Senator Montoya and several other cosponsors, is to provide for the appropriation of funds to aid public school districts near Indian reservations in the construction of classrooms, housing and other necessary educational facilities for Indian children attending these schools.

NEED

There are today approximately 120,500 Indian children attending public elementary and secondary schools in or near Indian areas and another 52,000 are attending Bureau of Indian Affairs schools. Some 17,000 Indian children are attending mission or parochial schools. In each of these three categories of schools there are unmet construction needs. In the case of Bureau schools, there is an unfunded construction backlog need of some $200 million. The committee has no information on the needs of the mission and the parochial schools but it is well known that such needs do exist and that such schools are generally in increasing financial distress and some are closing thereby increasing the need for additional school facilities in those areas.

At the request of Senator Anderson, the Bureau of Indian Affairs has furnished an estimate of the total construction needs for public schools that serve Indian children in or near Indian areas. The list of the estimates for the various States, which totals some $82.2 million, is as follows:

Estimate of public school construction needs in Indian areas

State:	Amount
Alaska	$1,000,000
Arizona	20,000,000
Colorado	(1)
Idaho	(1)
Iowa	150,000
Kansas	130,000
Minnesota	2,500,000
Montana	5,055,000
Nebraska	2,390,000
Nevada	1,500,000
New Mexico	40,000,000
North Dakota	795,000
Oklahoma	155,000
Oregon	500,000
South Dakota	4,500,000
Washington	1,500,000
Wisconsin	1,500,000
Wyoming	500,000
Total	82,175,000

[1] Not available.

For many years the Congress has been advised that the movement of Indian children away from boarding schools and Bureau of Indian Affairs day schools and into the public system should be accelerated. The Meriam Report of 1928, the survey report of the Bureau of Indian Affairs made in 1954, the report to the Secretary of the Interior by the Task Force on Indian Affairs in 1961, the President's message of March 6, 1968, and most recently the 1959 Report of the Special Subcommittee on Indian Education of the Senate Committee on Labor and Public Welfare have very strongly urged that Indian children receive their education in public schools near the reservations.

Enactment of Senate Joint Resolution 144 is recommended because assistance from other sources, such as Public Law 81–815 funds, has proven to be totally inadequate to meet Indian education needs. Even when money is available under Public Law 815, a local school district may obtain funds only for construction directly related to classroom space. This restriction may be a valid one when taken in reference to facilities in a district having adequate school income and used by non-Indian students whose parents are taxpaying Federal Government workers or military personnel. However, the education of Indian children is a totally different and unrelated Federal obligation. Funds spent on facilities for Indian children should not be considered as expenditures which merely supplement existing school budgets. These funds are necessary for every construction need a given school facility may encounter, including cafeterias, libraries and recreation facilities. A very small tax base as well as chronic poverty conditions exist in many school districts with the responsibility of educating Indian children. The end result is insufficient school income in any form.

The backlog of unfunded Public Law 815 applications is another factor to be considered. Even if Public Law 815 funds could be used for complete school facilities, there appears to be no hope of obtaining needed money from this source. Public Law 815 appropriations have fallen more than 6 years behind estimated requirements. Yet, in most school districts serving Indian children, there has been a rapid increase in the number of students. Present facilities are overcrowded and construction funds are falling further behind each year.

A long and exhaustive review of the impacted area program under Public Law 815 and the supplementary boarding school system has demonstrated that modern, State-operated educational facilities in the proximity of Indian homes are the only reasonable solution to Indian educational needs. In the long run, this approach will allow Indian children to receive a good education and at the same time remain exposed to their own time-honored traditions and social patterns.

AMENDMENT

Senate Joint Resolution 144 would authorize funds which would enable the Secretary of the Interior to enter into contracts with State or local educational agencies to assist in the construction of acquisition of educational facilities in school districts in close proximity to Indian reservations. These contracts would contain requirements that Indian students receive the same standard of education as provided non-Indian students.

As originally introduced, this legislation provided an authorization of $7.5 million for each of the fiscal years 1971, 1972, and 1973 to meet the construction funding needed. Following receipt of information from the Bureau of Indian Affairs and various State education officials, the estimates of construction needs rose to approximately $82.2 million. The committee has adopted amendatory language to reflect the more than $80 million figure.

COMMITTEE COMMENT

The purpose of this bill is to provide a stronger educational program for Indians both on and off the reservations. It is the intention of the committee to guarantee to the Indian students educational quality and opportunities equal to that received by students in public schools.

This committee calls for the Bureau of Indian Affairs to lend its full effort to the full funding of this authorization. The committee further urges that through this program Indian children be removed from boarding schools and placed in public schools near their homes as rapidly as possible. It is the intent and hope of the committee that boarding schools may be eliminated from the Indian education program at the earliest possible date and, further, that the responsibility for the education of Indian children be transferred to the local public school districts, where at all possible.

The Commissioner of Indian Affairs is requested to report to this committee at the end of each year for which funds are authorized by this legislation concerning:

(1) Whether or not the authorization is sufficient to accomplish the goals of Congress in improving Indian education;

(2) The progress made in transferring students from boarding schools to public schools;

(3) The progress in turning over to the States the responsibility for the education of Indian children; and

(4) Any problems that may have been encountered in carrying out the desires of this committee that better education programs be provided for the Indian students.

There may be problems, for instance, in busing children because of lack of roads. The committee would hope such needs would be outlined and recommendations be made for possible solutions. In this and other matters, the committee wishes full information from the Commissioner in his annual report. The committee cannot overemphasize its desire that this program be implemented fully and with dispatch.

COST

The resolution, as amended, would authorize $27,400,000 for each of the fiscal years 1971, 1972 and 1973 to carry out its purposes. It is expected that appropriations for the Bureau of Indian Affairs would be reduced in a like or greater amount as Indian education responsibility is transferred to local school districts.

The amendment was agreed to.

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

The preamble was agreed to.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the Pastore rule not be applicable to the bills passed on the call of the calendar this morning; in other words, that the rule of germaneness will start when the unfinished business is laid before the Senate.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from New York (Mr. JAVITS) is now recognized for 40 minutes.

Mr. JAVITS. Mr. President, I had in mind this morning presenting a series of amendments to the administration's Manpower and Training Act and explaining them to the Senate, as I am the author of the administration's bill and I feel that the situation has developed to require additional amendments and additional opportunities under the bill.

But, Mr. President, before I do that, I wish to comment on a situation which developed this morning and which I think is of the greatest importance to the country.

THE ECONOMY

Mr. JAVITS. Mr. President, I speak now as ranking member on the minority

side of the Joint Economic Committee of both Houses of Congress. It will be noted that the Chairman of the Federal Reserve Board, Arthur Burns, who used to be part of the President's staff, has urged that, in his words:

> There may be useful, albeit very modest, role for an incomes policy to play in shortening the period between suppression of excess demand and restoration of price stability.

Reportedly, in making this statement Dr. Burns who is said to have been urging President Nixon to apply generalized pressure against wage and price boosts, reiterated his long-held view that such efforts cannot work well for a long period.

Mr. President, I note also this morning that, in a speech in New York, the Secretary of Housing and Urban Development, Mr. Romney, has come out quite clearly for one of the recommendations made by the whole minority on the Joint Economic Committee.

I wish to emphasize that there are the recommendations made by the whole minority of the Joint Economic Committee.

I now wish to read them into the RECORD. It comes from the minority report in the President's Economic Report, which is the classic document issued in April of every year.

It reads as follows:

> We recommend that the administration immediately announce the inflationary implications of unusually significant wage and price decisions. The Council of Economic Advisers should calculate and make public how much each price increase adds to the wholesale or consumer price index, and indicate other prices which would be adversely affected by such an increase. It should publish specific arguments why a particular industry feels it necessary to raise its prices, and suggest Government studies of situations where particular bottlenecks or unusual supply and demand conditions exist.
>
> Similarly, on the wage front, the Council should publish the price implications of unusual collection bargaining agreements, including the timing of the wage increases under different assumptions, the productivity experience of workers in the industry, the industry's profit situation and whether industry officials feel the increases will necessitate price increases.
>
> These activities should not be considered the foundation for more detailed intervention by the Government in individual wage and price decisions. However, we see no harm in opening up price and wage decisions which significantly affect the economy to the eyes of the public. Public scrutiny could well have a salutary effect in discouraging price and wage increases that would have inflationary consequences.

Mr. President, that is the proposal of the minority of the Joint Economic Committee, now in essence backed by the Secretary of Housing and Urban Development, Mr. Romney, and indicated—although he dealt only with the principle involved—by the Chairman of the Federal Reserve Board, Mr. Burns. At one and the same time, we note that the Chairman of the Council of Economic Advisers, Dr. McCracken, apparently has rejected the idea and retained his fidelity, which represents that of the administration, to the fiscal and monetary means for dealing with the present very unsatisfactory economic situation.

However, it is worthy of note that press reports indicate that Dr. McCracken has conceded that because of changing economic conditions, management and labor would be more conducive to Government appeals to hold the price and wage line.

Now, Mr. President, I rise this morning to support the position taken by Dr. Burns and by Secretary Romney and to urge the President to adopt this view.

Later in the week, I shall be making an extensive speech on the economy outlining why I believe the economic situation of the country, present and forecast, has been brought to such a point in terms of confidence by the Vietnam war, making that an additional, major reason why we have to expedite our withdrawal from Vietnam.

In the meantime, however, there is no reason why the measures that should be taken and which are a direct result of the fact that the financial implications of the Vietnam war have been swept under the rug for years and have not been faced up to by the country, should not now be faced up to.

We can only hope to ameliorate the situation, even though it cannot be fully corrected until we get out of the Vietnam war. We ought to do everything we can to face up to the fact that we are in war. We have not done this. We have not done it in matters of taxation. We have not done it with respect to a ceiling on expenditures. We have not done it with respect to wage and price guidelines, or with respect to what Dr. Burns properly calls an "incomes policy." It is for this reason that I fully support the position of Dr. Burns and Secretary Romney, and dissent from the apparent position of Dr. McCracken.

I urge the President to pay the most serious attention to the urgent need for an "incomes policy" which will endeavor to establish some restraint upon skyrocketing wages and prices and which takes cognizance, of course, of interest rates and the shortage of money for loans for legitimate purposes in this country.

Mr. President, I hope the President will recognize that while this may not be the whole answer to the very dangerous economic condition which the country now faces, it would provide partial remedy. And right now such a partial, short-term remedy becomes a matter of the highest priority in terms of the economy of America.

I hope the President will pay very strict attention to these two outstandingly important advisers who have given him, in my judgment, exactly the right advice at the right time.

Bear in mind that this advice is backed up by the views of the minority of the Joint Economic Committee which is by no means composed of wild-eyed radicals, but is composed of some of the most solid and deep conservative thinkers on economic problems in the Senate and the House of Representatives. A complete caucus of all Republicans in the Senate also met and discussed these minority views before they were finalized.

Mr. President, I might say that I am very proud to note that the Senator from Iowa (Mr. MILLER), who was in the Chamber a moment ago, is one of the minority members on the Joint Economic Committee and has given this matter considerable thought.

I hope the President will find the time to read the views of the minority on the Joint Economic Committee.

MANPOWER AMENDMENT TO BOOST PUBLIC SECTOR JOBS TO FIGHT HIGH UNEMPLOYMENT

AMENDMENT NO. 634

Mr. JAVITS. Mr. President, I submit today on behalf of myself, our distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Alaska (Mr. STEVENS), an amendment to the administration's proposed new Manpower Training Act (S. 2838) to provide a limited number of training job opportunities in the public sector and to trigger additional funds for such training as well as public service employment in the event that unemployment becomes especially severe.

Mr. President, it certainly appears now that it is becoming especially severe.

The amount of money and the number of jobs that I have in mind are about the basic minimum that we can count on in such a situation.

For fiscal year 1971, I propose a $500 million community service manpower program.

For fiscal year 1972, I propose an authorization of $800 million.

The average cost of a job in this situation is $6,000.

Under the proposal which I have introduced by way of amendment, it would provide approximately 83,300 public service jobs in the first year and an additional 49,700 in the second year, making an aggregate of 133,000 in the second year.

This amendment would insure that the Manpower Training Act specifically includes a basic program of public service employment.

My proposal would not be a make-work program of the WPA type that characterized our efforts throughout the great depression of the thirties. Nor would it be a program proceeding on the concept of Government as the employer of last resort that does not have any limitations.

I propose a program which recognizes the real need of the public sector, the occupational links between that sector and the private sector, and the necessity of providing community service in such a way as to respect the needs of the individuals and to provide for the advancement of the individuals involved.

Under the proposed amendment, a community-service manpower program would be developed on the basis both of an analysis and an organization of tasks and skills into a career hierarchy with

increasing responsibility and pay within the employer agency.

Thus the persons trained under these programs will be, unlike those programs in the past, trained for real jobs and opportunities for career advancement.

The programs would be developed and coordinated with secondary, postsecondary, and higher education programs qualifying persons for advancement, and even with paraprofessional opportunities commensurate with their ability, education, and experience.

Under the State plan, employer agencies granted funds for support of employment would be required to specify in specific terms the type of career opportunities involved.

And all State and local public agencies involved in the formulation and conduct of programs under the act would be required to review their task and skill requirements, including civil service requirements, in accordance with regulations promulgated by the Secretary of Labor. Technical assistance would be provided for this purpose and to train supervisory and adult basic-education personnel to analyze and to develop career opportunities.

Also, the amendment would authorize technical assistance for the organization of local service companies. In some cases this has been done. For example, it has been done in the case of companies providing basic public services. These companies would be owned in substantial part by low-income individuals. They would be established to provide essential services by contract with municipalities. There would be encouragement under this amendment for the utilization of this kind of corporation by governmental entities.

The proposed amendment would provide additional funds for training and employment in the public sector.

I mentioned before that in the event unemployment becomes especially severe in this country, I am providing for increased appropriations on a step-by-step basis, so that if the pressure of unemployment increases, the amount of funds available for training for public service jobs would increase also.

The trigger would be basically the same as the administration's trigger in the Manpower Training Act—that is, if the national unemployment average is 4.5 percent and continues for more than three consecutive months, that would operate the trigger under the act.

Under the administration's proposed act, an additional 10 percent of appropriations would be provided in that event. At current appropriations levels, this would result in approximately $160 million in additiona' funds a year.

The way in which my amendment deals with the matter is to step that up at the rate of another $100 million for every two-tenths of 1 percent increase in the national unemployment level continuing for more than 3 months.

On that basis, with a 5.5 percent national unemployment average, the additional appropriations would be $700 million instead of $200 million. This would be available with respect to community service programs to be utilized for public service job training.

Mr. President, this is a very major improvement, because the real problem which we face in this situation is to keep pace quickly enough and automatically enough with the seriously deteriorating economic situation, instead of having rescue parties in the Congress, which we have seen happen before.

The big problem that should spark us into action is the unevenness of the impact of unemployment because the jobless rate hits hardest among blacks. While there is now an unemployment rate of 4.8 percent, black people have an unemployment rate of 8 percent. It hits hardest in the poverty areas where it is up around 20 percent; and it hits hardest among teenagers, especially among black teenagers living in ghettos, whose rate of unemployment has now gone up to 32 percent. One-third of black teenagers living in ghettos are unemployed. Some 200,000 more young persons were out of work last month than in the previous month, which reflects the most unsettling influence in our slums and ghettos.

These cold statistics reflect shocking social problems.

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

We have the responsibility as Members of this Congress to take action to deal with the unemployment situation which we face. Mr. President, ironically, while we face serious unemployment, we urgently need personnel to implement our new commitment to save our physical environment and to satisfy our unmet obligations to redeem our social environment.

A recent study completed for the Department of Labor and the Department of Health, Education, and Welfare by the National Planning Association concludes that achievement of the national goals determined by the Presidential Commission on National Goals will more than double by 1975, our public service employments needs of 1962.

Our present public service employment opportunities, as identified in a study completed in 1965 for OEO, corroborate this finding. According to the OEO study, 4.3 million new jobs could be filled in public service if Government were to fulfill its obligations in these activities. A 1968 study by the Upjohn Institute projects that in 130 cities with a population of 100,000 or more there are 280,000 such unfilled slots in those cities above.

And yet ironically, we continue to tell more than 20 million poor—approximately 10 percent of our entire population—that the road away from poverty to economic dignity, is traveled by those who work.

Here is work crying to be given if there were those to fill the jobs. As the Upjohn Institute study indicated, in 130 cities with a population of 100,000 or more there are 280,000 unfilled jobs.

With our public-service needs and our unemployment situation in mind, the minority members of the Joint Economic Committee—which includes Senators MILLER, JORDAN, PERCY, and myself—recommended, on March 25, 1970, that the administration consider a limited number of public sector jobs as well as training, to deal with rising unemployment.

This thesis has powerful support in the administration by the Secretary of Housing and Urban Development. I hope very much that the President may see the rightness of this matter and join in it.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point an explanation of the proposed amendment, together with its text, a memorandum detailing our public service needs, and materials issued by the Department of Labor on this subject, one entitled "The Unemployment Situation: April 1970," and the other entitled "The Unemployment Situation in Urban Poverty Neighborhoods: First Quarter 1970."

The ACTING PRESIDENT pro tempore (Mr. METCALF). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD together with the explanation, the memorandum, and the materials referred to.

The amendment (No. 634) was referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

AMENDMENT No. 634

On page 17 between lines 16 and 17, insert the following:

"(7) Provide for community service manpower programs to be carried out in eligible areas of a State."

On page 17, line 17, strike out "(7)" and insert in lieu thereof "(8)".

On page 27, line 10, strike out "programs providing work experience" and insert in lieu thereof "work experience programs and community service manpower programs."

On page 28, between lines 11 and 12, insert the following new section:

"SPECIAL CONDITIONS RELATING TO COMMUNITY SERVICE MANPOWER PROGRAMS

"SEC. 110(a) No financial assistance under Section 611(b) for any community service manpower program shall be provided under this title unless the Secretary determines that—

"(1) Such programs will be carried out in such a manner as to benefit eligible individuals residing in eligible areas;

"(2) Persons employed in any such program are furnished an opportunity for further education, training and necessary supportive services, including pre-training services, rehabilitative and preventive services for persons with problems resulting from the use of narcotics and alcohol, basic maintenance, transportation, health, family, child care, counseling, placement, and other services as may be necessary for them to participate in such programs, to prepare them for entry into training and employment opportunities in the private sector, and generally to contribute to their occupational development and upward job mobility.

"(3) Not more than 25 percentum of the funds allocated for such programs in any State shall be used for State employer operated community manpower programs except that the Secretary shall approve the use of funds in excess of such percentum for such purposes in States of comparatively small size of population where such would better carry out the purposes of this section.

"(4) Such programs will provide, wherever feasible, for the participation of community action agencies established under the Eco-

nomic Opportunity Act of 1964, city demonstration agencies established under the Demonstration Cities and Metropolitan Development Act of 1966, local service companies and other community based organizations in the conduct of such programs.

"(5) Such programs are to be conducted by State and local public agencies and independent public authorities which give assurances to the Secretary that they will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary under Section 306.

"(6) Whenever any such programs involve the establishment of physical improvements, preference is given to improvements which will be substantially used by low-income persons and families in eligible areas.

"(b) For the purpose of this section, the Secretary shall designate eligible areas in which community service manpower programs may be conducted in any State. An urban area shall be eligible if such area contains a high concentration of low-income families and individuals and has severe problems of unemployment and underemployment or a substantial emigration of individuals residing in any such area as a result of the problem of finding employment. The Secretary may designate as an eligible area any city, county, multicity, or multicounty unit, Indian reservation, neighborhood, or other area, without regard to boundaries or political subdivisions, which provides a suitable organizational base and possesses the commonality of interest needed for a community service manpower program. In making a designation under this section, the Secretary shall give due consideration to (1) areas established for the administration of programs under title I of this Act, (2) regional planning and development area boundaries established by State planning agencies or by the chief executive of the State, and (3) boundaries of existing areas established for the purposes of the Economic Opportunity Act of 1964, the Public Works and Economic Development Act of 1965, and Appalachian Regional Development Act of 1965, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant provisions of federal law."

On page 28, line 13, strike out "Sec. 110" and insert in lieu thereof "Sec. 111."

On page 28, line 19, strike out "Sec. 111" and insert in lieu thereof "Sec. 112."

On page 29, line 2, strike out "Sec. 112" and insert in lieu thereof "Sec. 113."

On page 41, strike line 6 and insert in lieu thereof the following: "arrangements, preserve and inservice training for specialized, supportive, and supervisory and other personnel and"

On page 41, line 9, strike the period and insert in lieu thereof a comma and the following: "including training and assistance necessary to assist in the establishment and maintenance of local service companies."

On page 41, between lines 13 and 14, and inser': the following new section:

"REMOVAL OF ARTIFICIAL BARRIERS TO EMPLOYMENT AND ADVANCEMENT

"SEC. 306: (a) The Secretary, in consultation with the Director of the Office of Economic Opportunity, shall conduct a continuing study of the extent to which artificial barriers to employment and occupation advancement, including civil service requirements and practices relating thereto, within all state and local public agencies and independent public authorities responsible for the formulation or conduct of programs under this Act restrict the opportunities for employment and advancement within such agencies.

"(b) The Secretary, in consultation with the Director of the Office of Economic Opportunity, shall develop and promulgate guidelines, based upon such study, setting forth task and skill requirements for specific jobs and recommended job descriptions at all levels of employment, designed to encourage career employment and occupational advancement within such public agencies and authorities.

"(c) The Secretary shall provide such technical assistance to such agencies and authorities as may be necessary to achieve the objectives of this section."

On page 45, strike out lines 5 through 23 and insert in lieu thereof the following:

"SEC. 502(a) For the purpose of providing rapid action in situations involving excessive unemployment, until the Congress shall have an opportunity to act, there is hereby appropriated, out of moneys in the Treasury not otherwise appropriated, and in addition to the sums heretofore appropriated to carry out the provisions of this Act during the current fiscal year, an amount equal to:

"(1) ten percentum of such sums heretofore appropriated, if the Secretary determines that for each of the most recent three consecutive calendar months ending prior to the date on which a determination is made, the rate of national unemployment (seasonally adjusted) had increased to 4½ percentum or higher; and

"(2) one hundred million dollars for each 2/10 of one percentum by which national unemployment exceeds 4½ percentum for each month during the three month period applicable under paragraph (1). Funds appropriated under this title shall be utilized, without regard to the apportionment formula prescribed in section 601, in financing training, community service manpower programs and related activities for unemployed individuals as authorized by title I of this Act which the Secretary determines afford the most effective opportunity to alleviate the situation."

On page 45, line 24, strike out "(c)" and insert in lieu thereof "(b)."

On page 45, line 25, strike out "(b)" and insert in lieu thereof "(a)".

On page 46, line 6, strike out "(d)" and insert in lieu thereof "(c)."

On page 46, line 7, strike out "(b)" and "(c)" and insert in lieu thereof "(a)" and "(b)" respectively.

On page 47, line 2 after the period the following new sentence: "In the case of the use of funds appropriated under Section 502 for financing community service manpower programs the Secretary shall, to the extent possible, give priority to programs in occupational areas which will most likely expand within the private sector whenever a determination is made under Section 502(c) that no further obligation of funds so appropriated may be made; the Secretary shall, by whatever arrangements he deems appropriate, insure that participants in community service manpower programs carried out under this title are provided additional training, employment, and related services.

On page 47, line 8 strike out line 8 and insert in lieu thereof the following: "title II, IV, and V), and one hundred percentum of the funds appropriated under subsection (b) of Section 611 of Title I and available for the purpose shall be"

On page 47, line 21, insert after the period, the following new sentence: "In the case of apportionment of amounts appropriated for community service manpower programs under subsection (b) of Section 611 of this Act, the Secretary shall include, in addition to the criteria set forth in the preceding sentence, such factors as the number of eligible areas in the State and the extent of unemployment and underemployment within such areas, compared with the number of such areas and the extent of unemployment and underemployment in the Nation."

On page 47, line 22 after "statistical area" insert a comma and the following: "eligible area"

On page 53, between lines 11 and 12, insert the following new paragraphs:

"(1) 'community service manpower program' means a program conducted in eligible areas in any State designed primarily to provide public or private work and training opportunities and education and other necessary supportive services to unemployed and low-income persons in the fields of health, public safety, education, recreation, streets, parks, and muncipal maintenance, housing and neighborhood improvement, conservation and rural development, beautification, and other fields of human betterment and community and environmental improvement, including the establishment, operation or strengthening of any such program.

"(2) 'Local Service Company' means a corporation, partnership, or other business entity organized to operate a community service manpower program or component thereof and owned in substantial part by unemployed or low-income residents of their representatives of one or more eligible areas.

"(3) 'Low-income' has the same meaning as provided by section 125 of the Economic Opportunity Act of 1964;"

On page 53, line 12, strike out "(a)" and insert in lieu thereof "(4)"

On page 53, line 12, strike out "(b)" and insert in lieu thereof "(5)"

On page 53, line 17, strike out "(c)" and insert in lieu thereof "(6)"

On page 53, line 19, strike out "(b)" and insert in lieu thereof "(7)"

On page 56, line 12, after the word "sums" insert a comma and the following: "not to exceed $——— in any fiscal year,"

On page 56, between lines 14 and 15 insert the following:

"(b) In addition to the sums authorized to be appropriated under subsection (a) there shall be authorized to be appropriated the sum of $500,000,000 for the fiscal year ending June 30, 1971, and the sum of $800,000,000 for the fiscal year ending June 30, 1972 to carry out Community Service Manpower Programs assisted under Title I."

On page 56, line 15, strike out "(b) and insert in lieu thereof "(c)"

The material, presented by Mr. JAVITS, is as follows:

EXPLANATION OF AMENDMENT PROPOSED BY SENATOR JACOB K. JAVITS TO THE MANPOWER TRAINING ACT OF 1969

The Administration's proposed Manpower Training Act of 1969, S. 2838, is designed to permit the States and the localities to assume greater responsibility for the conduct of manpower training activities on the local level.*

Under the Act, the State must develop a "Comprehensive Manpower Development Plan," in order to guide the expenditure of manpower funds allocated to the State.

*The Act provides for a three-stage decentralization: First, State administration of 25 percent of apportioned funds when it designates a "lead agency" and develops comprehensive manpower planning capability and an approved manpower plan; second, State administration of 66⅔ percent of the funds when it establishes (1) a Comprehensive Manpower Agency to operate the unified programs in accordance with an approved plan, (2) a State manpower planning organization to coordinate all manpower related programs, and (3) arrangements to designate Mayors as area prime sponsors; and third, State control of 100 percent of its apportioned funds when the State meets objective standards of exemplary performance in planning and carrying out its manpower service system.

COMMUNITY SERVICE MANPOWER PROGRAMS

While public service employment activities are among those which a State may choose to fund under the plan, the Act does not emphasize that activities are to be an integral part of local efforts and no special funds are authorized for such programs.

The amendment would authorize additional funds for "community service manpower programs" as an integral part of the State comprehensive manpower development plan.

The proposed basic program of public-service employment would not be a make-work program of the kind that formed the crux of efforts during the depression of the 1930's, nor a program proceeding on the concept of government as "the employer of the last resort."

The proposed program would recognize the real needs of the public sector, the occupational links, between that sector and the private sector, and the necessity of providing community service in such a way as to respect the needs of the individuals and to provide for the advancement of individuals involved.

Under the proposed amendment, a community-service manpower program would be developed on the basis both of an analysis of and an organization of tasks and skills into a career hierarchy with increasing responsibility and pay within the employer agency. Under the amendment community service manpower programs would be developed and coordinated with secondary, post-secondary, and higher-education programs qualifying persons for advancement; and with para-professional opportunities commensurate with their ability, education and experience. Under the State plan, employer agencies granted funds for support of employment would be required to specify in specific terms the type of career opportunities involved. Technical assistance would be provided to train supervisory and adult basic education personnel and to analyze and develop career opportunities.

For fiscal year, 1971, $500 million would be authorized; and for fiscal year 1972, $800 million. At an average cost of $6,000 per job, there would be provision for 83,300 public service jobs in the first year, and an additional 49,700 or an aggregate of 133,000 such jobs in the second year.

Under the amendment, funds would be apportioned among the States on the basis of the extent of unemployment and underemployment and the number of disadvantaged persons. Under each State plan funds would have to be focused on eligible urban and rural areas, which would be designated by the Secretary of Labor. Eligible urban areas would include those containing a high concentration of low-income families and individuals, and having severe problems of unemployment and underemployment. A rural area would be regarded as an eligible area if it contained a high proportion of low-income families and individuals and had severe problems of unemployment and underemployment or substantial emigration of individuals residing in such areas as a result of the problem of finding employment.

In order to qualify for assistance, community service manpower programs would have to be carried out in such a manner as to benefit the residents of urban and rural areas with high concentrations of low-income families. The States would utilize up to 25 percent of the jobs except in smaller States, where the Secretary could approve a greater percentage. The program would also provide for the involvement of community-action agencies, Opportunities Industrialization Centers, and similar groups wherever feasible and for the conduct of programs by corporations, partnerships and other business entities owned in substantial part by unemployed low-income residents of one or more eligible areas. Provisions would be included to ensure the development of standards, fiscal control and evaluation.

Under the State plan, all state and local public agencies involved in the formulation and conduct of programs under the Act would be required to review their task and skill requirements including civil service requirements in accordance with regulations promulgated by the Secretary. Technical assistance would be provided for this purpose and to train supervisory and adult basic-education personnel to analyze and to develop career opportunities.

TRIGGERING OF FUNDS FOR COMMUNITY-SERVICE PROGRAMS AND TRAINING IN THE EVENT OF RISING UNEMPLOYMENT

The Aministration's Manpower Training Act contains in title V, a provision providing for an automatic appropraton of manpower funds in the event that national unemployment exceeds 4.5 percent for more than three consecutive months. Under the proposed Act, an additional 10 percent of appropriations would be provided in that event. At current appropriations levels, this would result in approximately $160 million in additional funds.

Under the Administration's bill, the automatic appropriation is to be used for training and related activities.

Under the amendment, two changes would be proposed in the Administration's provisions:

First, the amount of manpower funds to which the 10 percent would apply would be increased by the amount appropriated for community-service programs. Assuming the fiscal year 1971 a full appropriation of funds authorized for community service and a maintenance of the current manpower effort for this year, the 10 percent would apply to approximately $2 billion, providing an additional appropriation of $200 million.

Second, the amendment would provide for additional automatic appropriations as unemployment rises above the 4.5 percent national unemployment level. For each two-tenths of 1 percent increase in three consecutive months, an additional appropriation of $100 million in manpower and community service funds would be automatically provided.

At 5.5 percent national unemployment, an additional total appropriation of $700 million would become available.

The Secretary would have the discretion to direct the funds into training or community service manpower programs without regard to apportionment in whatever proportions he considered to be most effective in alleviating the situation. In order to protect those who could receive opportunities as a result of additional funding, the amendment requires that, to the extent that the Secretary channels funds into community service manpower unemployment programs, he do so in occupations that will most likely expand within the private sector as unemployment subsidies.

The amendment requires that the Secretary shall spend such additional funds only if they may be effectively used. Funds not used would return to the Treasury.

PUBLIC SERVICE NEEDS

A recent study completed for the Department of Labor and the Department of Health, Education and Welfare by the National Planning Association concludes that achievement of the national goals determined by the Presidential Commission on National Goals will by 1975 more than double our public service employment needs of 1962.

Our present public service employment opportunities as identified in a study completed in 1965 for OEO, corroborate this finding. According to the OEO study, 4.3 million new jobs could be filled in public service if Government were to fulfill its obligations in these activities. A 1968 study by the Upjonn Institute projects that in 130 cities with a population of 100,000 or more there are 280,000 such slots.

In concert, these three studies evidence the magnitude of our public service employment needs. For example:

Health and hospital services—In 1968, the projection of additional public service job possibilities for these 130 cities alone is 34,534. By 1975, our total health service employment needs shall have increased from 1,021,000 in 1962 to 2,374,000, an increase of 133 percent in 13 years.

Education—In 1968, the projection of additional public service job possibilities for these 130 cities alone is 84,598. By 1975 our total educational needs shall have increased 95 percent since 1962. By 1975, our total education service needs shall have increased from 618,000 in 1962 to 1,777,000—an increase of 90 percent.

Urban renewal or rehabilitation and sanitation—In 1968, the projection of additional public service job possibilities for these 130 cities alone is 25,784. By 1975, our total urban development service manpower needs shall have increased 67 percent from 245,000 in 1962 to 408,000.

Welfare—In 1968, the projection of additional public service job possibilities for these 130 cities alone is 26,909. By 1975, our total welfare service needs shall have increased 250 percent from 674,000 in 1962 to 1,423,000.

Recreation, parks and antipollution enforcement—In 1968, the projection of additional public service job possibilities for these 130 cities alone is 20,644. By 1975, our public service employment needs related to natural resources shall have incresed 93 percent from 66,000 in 1962 to 127,000. A 1968 report of the National Park and Recreation Association concludes that their recreation manpower deficit of 1975 will be 199,000, approximately four times the present manpower deficit of 58,000.

Public protection—In 1968, the projection of public service job possibilities for these 130 cities alone is 57,601.

THE EMPLOYMENT SITUATION: APRIL 1970

Unemployment increased for the fourth consecutive month in April, the U.S. Department of Labor's Bureau of Labor Statistics announced today. The overall rate rose sharply from 4.4 to 4.8 percent, the highest point since April 1965. Nearly all of the increase occurred among male full-time workers.

Nonfarm payroll employment, after seasonal adjustment, declined by 90,000 in April, as a result of increased strike activity. In manufacturing, a large decline in employment was accompanied by a decrease in the factory workweek.

UNEMPLOYMENT

The number of unemployed persons, which usually falls significantly in April, declined much less than usual this April. As a result, after seasonal adjustment, unemployment was up by 300,000 to 3.9 million.

Since December, unemployment has risen by 1.1 million. About 450,000 of the increase occurred among persons who had lost their last jobs, 300,000 among reentrants to the labor force, 200,000 among persons who had never worked before, and 125,000 among job leavers.

Thus far this year, the unemployment rate has risen from 3.5 percent in December to 4.8 percent in April. Although both full-time and part-time jobless rates have risen since December, the unemployment increase has been substantially greater among full-time workers. In April, nearly all of the increase occurred among full-time workers, whose rate rose from 4.0 to 4.4 percent.

The unemployment rate for adult men rose from 2.9 to 3.2 percent between March

and April, while that for married men increased from 2.2 to 2.4 percent. Both rates have risen steadily since December and are back to the levels of mid-1965. The jobless rate for adult women was virtually unchanged in April at 4.4 percent; however, it was up nearly a full percentage point since December. The increase in joblessness has not been as great for adult women as for men over this period.

The teenage unemployment rate moved up sharply in April, after changing very little in recent months. Their rate rose from 13.9 to 15.7 percent, also the highest point in 5 years.

The jobless rate for workers covered by State unemployment insurance programs rose from 2.7 to 3.1 percent in April, the highest rate since May 1965. This rate has been rising since last September. A year ago, the rate was 2.1 percent.

The unemployment rate for Negro workers rose much more markedly than for whites in April, climbing from 7.1 to 8.7 percent. The white rate increased from 4.1 to 4.3 percent. After remaining less than double the white rate since last fall, the ratio of Negro-to-white jobless rates returned to the 2-to-1 relationship that has prevailed for many years. The larger over-the-month increase for Negroes occurred not only among adult men and teenagers but also among adult women.

Among occupation groups, unemployment rates rose over the month for clerical and sales workers and for craftsmen and nonfarm laborers. Although jobless rates for professional and technical workers, operatives, and service workers were about unchanged from March, they have all moved up considerably in recent months.

Although the only significant industry jobless rate increases over the month occurred among workers last employed in trade and transportation and public utilities, rates in the other industries remained well above levels of the fall of 1969. Until April, these two industries had experienced only moderate unemployment increases. However, the increases in both trade and transportation in April were partly due to the secondary efforts of the strike in the trucking industry. Jobless rates in manufacturing (4.8 percent) and construction (8.1 percent) were unchanged for the second consecutive month, after rising in February.

Short-term unemployment of less than 5 weeks duration rose by 300,000 in April to 2.3 million, the highest level since this series began in 1949. Unemployment of 15 weeks or over was about unchanged in April at 575,000. As a result, long-term unemployment as a proportion of the labor force remained at its March level of 0.7 percent.

Along with the rise in unemployment in April, there was also an increase of 425,000 in the number of persons who were working part time for economic reasons, such as slack work, material shortages, could find only part-time work, or started or stopped a job during the week. As a result of these developments, the percent of labor force time lost by the unemployed and by persons involuntarily working part time increased from 4.8 percent in March to 5.1 percent in April. (Labor force time lost is a measure of man-hours lost as a percent of potentially available labor force man-hours.) As with the overall unemployment rate, the hours-lost rate was at its highest point since the spring of 1965.

CIVILIAN LABOR FORCE AND TOTAL EMPLOYMENT

The civilian labor force increased in line with seasonal expectations in April. After seasonal adjustments, the labor force was virtually unchanged from the March level of 86.1 million. Although the adult male labor force rose sightly, the adult women and teenage labor forces were unchanged, after increasing sharply in recent months.

Total employment also increased in April, mostly due to the normal upsurge in agriculture. Nonagricultural employment did not show its usual March-to-April gain and, as a result, employment fell by 225,000 after seasonal adjustment.

Since December, the labor force has increased by 1.3 million persons (seasonally adjusted)—625,000 adult men, 400,000 adult women, and 275,000 teenagers. Employment growth, however, has reached a virtual standstill.

INDUSTRY PAYROLL EMPLOYMENT

Employment on nonagricultural payrolls increased slightly less than usual in April and, after seasonal adjustment, was down by 90,000. However, the decline was due entirely to new strike activity in construction, transportation and public utilities, and government. (Workers on strike are not counted as employed in the payroll employment series, whereas they are classified as "employed—with a job but not at work" in the household series.)

As has been true since early fall, over-the-month increases in service-producing industries were about counter-balanced by declines in manufacturing. Employment in manufacturing declined by 145,000 (seasonally adjusted) between March and April with virtually all of the cutbacks occurring within the durable goods sector. The largest decrease occurred in transportation equipment (40,000), primarily due to continued layoffs in the automobile and aircraft industries. Large declines also occurred in the fabricated metal products, primary metal, electrical equipment, and food industries. There were smaller but widespread declines in many other manufacturing industries. Since the early fall of 1969, employment in manufacturing has dropped by 600,000.

Contract construction employment declined by 65,000 in April, after seasonal adjustment, with over two-thirds of the drop due to increased strike activity. The level of employment in construction was about the same as a year ago.

Payroll employment advances were posted in government (90,000), trade (35,000), and in services and finance, insurance, and real estate. The large gain in government reflected mainly the additional hiring of temporary Census workers. Since February, about 175,000 Census workers have been hired by the Federal government.

HOURS OF WORK

The workweek in manufacturing declined by 0.2 hour in April to 40.0 hours, seasonally adjusted, returning to about the February level. Since December, the average workweek for factory workers has fallen by nearly three-fourths of an hour. The over-the-month decline was generally widespread, with the largest drops occurring in primary metals, machinery, chemicals and petroleum.

Factory overtime continued its downward trend of recent months, falling by 0.1 hour in April to 3.0 hours. Since the 1969 high reached in January, factory overtime has dropped by 0.8 hour, to its lowest point in 6 years.

For all rank-and-file workers on private nonfarm payrolls, average weekly hours in April were unchanged for the third consecutive month at 37.4 hours (seasonally adjusted). Since early fall, the workweek was off by 0.4 hour. Among the major industry divisions, an over-the-month increase in the construction workweek was offset by reductions in manufacturing, mining, and finance.

EARNINGS

Average hourly earnings for production and nonsupervisory workers on private payrolls edged up by 1 cent in April to $3.18. Compared with a year ago, hourly earnings were up 20 cents or 6.7 percent.

Average weekly earnings were virtually unchanged over the month. Among the major industries, increases in weekly earnings in construction and trade were countered by declines in manufacturing, mining, and finance, insurance, and real estate.

Over the year ending in March 1970, average weekly earnings rose by 5.6 percent; after adjustment for consumer price changes, however, earnings were—down by 0.4 percent.

THE EMPLOYMENT SITUATION IN URBAN POVERTY NEIGHBORHOODS: FIRST QUARTER 1970

Unemployment rose over the year in the poverty neighborhoods of the Nation's 100 largest metropolitan areas, reflecting the weakening employment situation in the Nation as a whole, the Labor Department's Bureau of Labor Statistics reported today.

The jobless rate in the urban poverty areas was 6.6 percent in the first quarter of 1970, compared with 5.6 percent during the same quarter of 1969. This was the first over-the-year increase in the unemployment rate in urban poverty neighborhoods since the series began in 1967. This increase followed 3 consecutive quarters in which there had been little or no over-the-year improvement in the jobless rate. In the remaining urban neighborhoods of the 100 largest cities, the unemployment rate also increased over the year, rising from 3.1 to 4.0 percent.

The jobless rate increase in the poverty areas affected both whites and blacks; the white jobless rate rose from 4.6 to 5.7 percent, while the Negro rate increased from 7.0 to 8.0 percent. In the other urban neighborhoods, the unemployment rate for whites also rose sharply—from 2.9 to 3.8 percent—while the Negro rate was not significantly changed.

The rise in joblessness among white workers in poverty neighborhoods was concentrated among adult men, whose rate increased markedly—from 3.9 to 5.7 percent. There was virtually no change in the jobless rate for white adult women or white teenagers.

In contrast, the worsening in unemployment among Negroes living in poverty neighborhoods took place chiefly among teenagers, whose rate rose by more than one-half—from 20.9 to 32.7 percent. There was no significant change in the jobless rate for black adult men or women.

The number of unemployed in urban poverty neighborhoods in the first quarter of 1970 was 415,000, up 55,000 over the same quarter a year earlier. The increase occurred largely among white workers, whose unemployment rose by about 25 percent between first quarter 1969 and first quarter 1970, while black unemployment edged up by only 7 percent.

EMPLOYMENT, LABOR FORCE, AND THE POPULATION

Accompanying the over-the-year rise in unemployment in urban poverty neighborhoods has been an even sharper decline in employment. Consequently, civilian labor force in these neighborhoods diminished by nearly 150,000 workers over the year. Both the level of employment and labor force in poverty neighborhoods have been declining in the recent past. By way of contrast, in the other urban neighborhoods, employment and labor force have risen substantially, both for whites and blacks.

Perhaps the chief factor accounting for the decline in employment and labor force in urban poverty neighborhoods has been the movement of workers out of these areas. Between the first quarters of 1969 and 1970, the population of these neighborhoods dropped by nearly one-half million persons.

TABLE 1.—EMPLOYMENT STATUS OF PERSONS 16 YEARS AND OVER, IN URBAN POVERTY AND OTHER URBAN NEIGHBORHOODS [1] BY COLOR

[In thousands]

	Total		White		Negro and other races	
	1st quarter 1970	1st quarter 1969	1st quarter 1970	1st quarter 1969	1st quarter 1970	1st quarter 1969
Total United States:						
Civilian labor force	81,231	78,868	72,270	70,218	8,961	8,605
Unemployment	3,644	2,848	3,004	2,297	64	551
Unemployment rate	4.5	3.6	4.2	3.3	7.1	6.4
Urban Poverty Neighborhoods:						
Civilian labor force	6,273	6,417	3,758	3,734	2,514	2,683
Unemployment	417	361	215	172	202	189
Unemployment rate	6.6	5.6	5.7	4.6	8.0	7.0
Other Urban Neighborhoods:						
Civilian labor force	39,975	38,210	36,558	35,098	3,417	3,122
Unemployment	1,590	1,188	1,401	1,024	189	164
Unemployment rate	4.0	3.1	3.8	2.9	5.5	5.2

[1] Pertains only to Standard Metropolitan Statistical Areas (SMSA's) with populations of 250,000 or more.

TABLE 2.—EMPLOYMENT STATUS OF PERSONS 16 YEARS AND OVER, IN URBAN POVERTY AND OTHER URBAN NEIGHBORHOODS [1] BY COLOR, SEX, AND AGE

[In thousands]

Employment status, sex, and age	Total		White		Negro and other races	
	1st quarter 1970	1st quarter 1969	1st quarter 1970	1st quarter 1969	1st quarter 1970	1st quarter 1969
Males, 20 years and over:						
Urban poverty neighborhoods:						
Civilian labor force	3,476	3,589	2,156	2,185	1,321	1,404
Unemployment	197	163	121	86	75	78
Unemployment rate	5.7	4.5	5.7	3.9	5.7	5.6
Other urban neighborhoods:						
Civilian labor force	23,032	22,432	21,259	20,788	1,773	1,643
Unemployment	659	435	586	384	73	51
Unemployment rate	2.9	1.9	2.8	1.8	4.1	3.1
Females, 20 years and over:						
Urban poverty neighborhoods:						
Civilian labor force	2,283	2,321	1,227	1,265	994	1,056
Unemployment	114	112	63	48	61	64
Unemployment rate	5.0	4.8	4.1	3.8	6.1	6.1
Other urban neighborhoods:						
Civilian labor force	13,821	13,009	12,429	11,732	1,392	1,278
Unemployment	530	436	461	372	69	64
Unemployment rate	3.8	3.4	3.7	3.2	5.0	5.0
Teenagers, 16 to 19 years:						
Urban poverty neighborhoods:						
Civilian labor force	513	507	313	285	200	222
Unemployment	105	85	40	38	65	46
Unemployment rate	20.5	16.7	12.7	13.5	32.7	20.9
Other urban neighborhoods:						
Civilian labor force	3,123	2,769	2,871	2,568	252	201
Unemployment	400	317	353	268	46	48
Unemployment rate	12.8	11.4	12.3	10.5	18.4	23.9

[1] Pertains only to SMSA's with populations of 250,000 or more.

OPPORTUNITIES INDUSTRIALIZATION CENTERS

AMENDMENTS NOS. 635 THROUGH 637

Mr. JAVITS. Mr. President, in respect of other amendments also relating to the Manpower Training Act of 1969 (S. 2838), I call attention to work done by the Opportunities Industrialization Centers, which was started in 1964 by Rev. Leon Sullivan, of Philadelphia.

Mr. President, I submit today on behalf of myself and Senator BOGGS, who first brought the amendments to the attention of the Committee on Labor and Public Welfare, of which I am the ranking member, as well as Senators BAYH and SCHWEIKER, a number of amendments to the administration's proposed Manpower Training Act of 1969 (S. 2838), designed to insure that the great potential of opportunities industrialization centers is tapped as the States and cities assume greater responsibility for manpower programs in the coming years.

The Manpower Training Act of 1969, which I introduced in the Senate on behalf of the administration, is founded on the proposition that those on the local level are in the best position to determine what mix of manpower services can best serve their needs.

One of the most exciting illustrations of that principle has been the development of opportunities industrialization centers.

The centers are based upon the principle of self-help and were created to provide individualized services to low-income persons who are unemployed or underemployed.

One of the most unique characteristics of the OIC program is that it relates to, and is totally involved with the community. OIC's are initiated, regulated, administered, and developed by community leadership; and recruiting is done in the concentrated community by community recruiters, on the sidewalks, in the poolrooms, and all places where the unemployed hang out. Industry is involved in every process of OIC's local development.

Recruits are placed in prelocational or feeder program where they are taught hygiene, poise, speech, and self-pride. Trainees are then fed into OIC skill centers which are established with the assistance of industry, where students receive training in skills for jobs that are known to be available.

There is substantial improvement of the local educational community in these programs.

There are now more than 51 operational and 39 partially operable and developing OIC's throughout the Nation including very successful efforts in the Bedford-Stuyvesant area of Brooklyn and in other areas of New York State.

At the present time the 51 operating centers receive 88 percent of their operating income from Government sources, half of which is from Federal agencies such as the Department of Labor, the Department of Health, Education, and Welfare, and the Office of Economic Opportunity and businesses and foundations provide the remaining 12 percent of funding.

Mr. President, the Senator from Delaware (Mr. BOGGS) has taken the initiative in bringing this exciting concept into the mainstream of our manpower efforts by proposing that the Manpower Training Act specifically list the development of such centers as one of the eligible activities for which funds may be used under the act.

I fully support Senator BOGGS' amendment No. 440 to S. 2838, which has been designated for that purpose.

When Reverend Sullivan recently testified before the Subcommittee on Employment, Manpower, and Poverty, I indicated that as sponsor of the administration's bill and one who has witnessed first hand the great success of these efforts, that I would explore every possible means of insuring that the bill reflects to the greatest extent what Senator BOGGS, myself, and a number of our colleagues believe to be the great potential for this kind of approach.

To that end, I submit today a number of amendments to the Manpower Training Act to insure that full utilization is made of such centers as manpower programs are developed on the local level.

First, Mr. President, I submit an amendment to the "Statement of finding and purpose" section of the act to express a congressional finding that such centers have demonstrated a capacity to contribute substantially to improved opportunities for low-income persons.

Since its beginning in 1964, the Philadelphia OIC prototype has trained and placed on jobs 9,600 men and women with new and useful skills; one-third of those men and women had been on relief rolls and 95 percent of them were classified in poverty categories.

Nationwide, as of February 1970, nearly 50,000 trainees have been helped in opportunities industrialization centers, with 28,000 having been placed into training related jobs; and with additional thousands having received job placements and help directly from the OIC feeder program, which provides self-help motivational assistance to all OIC trainees.

Current enrollment for classes in January 1970 approximates 10,000. From 35,000 to 40,000 people are expected to graduate during 1970 alone.

Most important, the retention rate after 6 months on the job—based on a sample survey of graduates from three centers—came to 79 percent with only a small slippage to 76 percent after 1 year.

Second, Mr. President, I propose an amendment to encourage the utilization of such centers under a number of provisions of the proposed act: The act provides that the Secretary shall grant to a State 66⅔ of funds apportioned to the State if the State has submitted a comprehensive manpower development plan and if the State maintains a State comprehensive manpower agency meeting certain requirements. Section 102(a) provides that in carrying out the purpose of the act the agency shall be required to the fullest extent possible to use services available from Federal, State, and local agencies and that the agency may utilize the services and facilities or private agencies, organizations and businesses. The amendment would provide that the agency shall, wherever feasible utilize centers established in accordance with the basic OIC concept.

Section 103(a) of the act provides that when a State has submitted a plan but has not met the requirement for a State comprehensive manpower agency, the Secretary shall grant to the State only 25 percent of its apportioned funds and that the Secretary of Labor shall utilize the remaining funds apportioned to the State and available for the purpose to carry out the provisions of the State plan "either directly, or through such arrangements with public or private agencies, individuals, or organizations as he finds appropriate." The amendment would direct the Secretary wherever feasible to utilize centers established in accordance with the basic OIC concept.

Section 106(b) provides that in the event that a State has not provided an approved comprehensive manpower development plan, the Secretary may provide manpower services in the State from funds apportioned to the State for that purpose. The proposed amendment would direct the Secretary wherever feasible to utilize centers established in accordance with the OIC concept wherever feasible.

Under section 501 of title V of the proposed act extended appropriations would be provided in the event of national unemployment at levels in excess of 4.5 percent for more than 3 consecutive months. In the event of high unemployment, the centers can provide as essential holding action for the retraining and redirection of individuals into public- and private-type markets, and be a prime factor in concentrated communities toward working positively with the people in a time of national economic stress. The amendment would authorize the Secretary to utilize centers established in accordance with the OIC concept wherever he considered such utilization desirable in order to carry out the purposes of that title.

In light of the previous experience of the Department of Health, Education, and Welfare in funding centers under the opportunities industrialization center concept, the amendment would provide that the concurrence of the Secretary would be required under section 104(b) of the act as to any plan that included programs of that nature.

Third, Mr. President, I submit an amendment to insure that those low-income persons and their representatives who have demonstrated success in implementing the OIC approach participate in providing training and technical assistance to help others establish such programs in new areas.

I propose that a new sentence be added to section 305—which deals only generally with training and technical assistance—to provide that in the case of such centers, the Secretary shall provide training and technical assistance wherever possible through grant contracts or other arrangements with persons and their representatives who have demonstrated a capacity to establish and operate such programs.

Mr. President, the purpose of each of these amendments is to encourage the expansion of the opportunities industrialization center approach to other local areas in such a way as to preserve the vital role of low-income persons in their development and insure that those elements that have made OIC's successful in many areas are present in new programs.

I hope that my colleagues will give them every consideration.

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

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

The amendments (Nos. 635 through 637) were referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

AMENDMENT No. 635

On page 4, between lines 8 and 9 insert the following new paragraph:

"(9) Centers established and operated by low-income persons or their representatives, which provide comprehensive employment related services to such persons who are unemployed and underemployed have demonstrated a capacity to contribute substantially to improved opportunities for such persons."

AMENDMENT No. 636

On page 18, line 7, insert the following after the semicolon: "centers established and operated by low-income persons or their representatives which are designed to provide comprehensive employment and related services for low-income persons who are unemployed or underemployed."

On page 8, line 18, after the period, insert the following new sentence: "In carrying out programs assisted under this Act, the agency shall, wherever feasible, utilize centers established and operated by low-income persons and their representatives which are designed to provide comprehensive employment and related services for low-income persons who are unemployed or underemployed."

On page 11, line 23, after the period insert the following new sentence: "Wherever feasible the Secretary shall utilize centers established and operated by low-income persons and their representatives which are designed to provide comprehensive employment and related services for low-income persons who are unemployed or underemployed."

On page 19, line 12, after the period, insert the following new sentence: "Wherever feasible the Secretary shall utilize centers established and operated by low-income persons and their representatives which are designed to provide comprehensive employment and related services for low-income persons who are unemployed or underemployed."

On page 46, line 18, after the period insert the following new sentence: "Wherever the Secretary determines that it shall effectively contribute to the carrying out of the purposes of this title, the Secretary shall utilize centers established and operated by low-income persons and their representatives which are designed to provide comprehensive employment and related services for low-income persons who are unemployed or underemployed."

AMENDMENT No. 637

On page 41, line 9, after the period, insert the following sentence: "In order to encourage the establishment and operation by low-income persons and their representatives of centers on the local level which are designed to provide comprehensive employment and related services for low-income persons who are unemployed or underemployed, the Secretary shall in consultation with the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity, wherever feasible, provide training and technical assistance by grants, contracts or other arrangements with individuals and organizations who have demonstrated a capacity to establish and operate such programs."

NATIONAL MANPOWER GOALS

AMENDMENTS NOS. 638 AND 639

Mr. JAVITS. Mr. President, on a third front, in respect to the Manpower Training Act of 1969 (S. 2838) which I sponsored in the Senate, I introduce today two additional amendments. These amendments are designed to provide a basis for the establishment of national manpower goals and the development of consistent integrated and coordinated manpower, educational, institutional, and related programs to that end.

First, I propose—amendment No. 638—that the "National Manpower Advisory Committee" which would be established under section 603(a) of the proposed act be strengthened in the following respects:

First. That it be appointed by the President, in consultation with the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity, rather than by the Secretary of Labor in consultation with the Secretary of Health, Education, and Welfare as proposed.

Second. That it be given the specific assignment of establishing the manpower needs and goals of the Nation, assessing the extent to which existing programs meet those needs and goals, and making recommendations for the improvement of the administration and operation of such programs, to the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity. The committee would be required to make an annual report and such other reports as it deems appropriate on its findings, recommendations, and activities to the President and to the Congress. Under the proposed act the committee is directed "from time to time to make recommendations to the Secretary of Labor concerning problems and policy relating to employment, manpower, and to the carrying out of his duties under this act."

Third. Provide for a membership of 17 members composed of persons representative of all efforts in the manpower area, rather than the option of 10 to 15 as under the proposed act.

Fourth. Provide authority for the committee to appoint professional, technical, and clerical personnel necessary to enable it to carry out its functions.

Second, Mr. President, I propose certain changes be made in the Intergovernmental Advisory Council on Manpower that would be established under section 604 of the proposed act.

Under the proposed act, the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, is directed to establish such a council to advise him with regard to matters involving intergovernmental relationships in the development and conduct of programs under the act. Members of the Council would be selected by the Secretary from among Governors, mayors, and other elected State or local public officials.

Under my proposed amendment, the Council would be appointed by the President and in addition to the general matters now listed in the proposed act it would be specifically required to advise the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity on the extent to which various educational, vocation education, institutional training, economic opportunity, manpower, and other programs assisted under this and other acts represent a consistent integrated and coordinated approach to achieving national manpower goals.

Mr. President, the proposed Manpower Training Act would bring together those remedial manpower programs established and conducted in the past under the Manpower Development and Training Act of 1962 and the Economic Opportunity Act of 1964 to the end of meeting the Nation's manpower needs.

But those needs will never be met unless we look upon manpower programs as embracing not only such remedial efforts but those educational, vocational, rehabilitative, institutional, and other programs that have the potential to provide individuals with relevant skills before they enter the labor market.

The amendment which I have proposed is designed to achieve that purpose.

We will be doomed to failure if we continue to perpetuate advisory councils that represent only one faction of those who attempt to address themselves to a problem whose solution cannot be found in education, economic opportunity, or in remedial manpower programs alone.

It is my hope that through these amendments two vital Federal advisory bodies under the administration's bill will play a substantial role in widening the view of our manpower goals and of the efforts that can be made to reach them.

As the bill is considered in committee, I shall explore in every possible way the means of insuring that the programs are formulated on a local basis in such a way to bring together those who are involved in manpower efforts in the larger sense and to reflect such broader goals.

I send these amendments, also, to the desk, for printing under the rule, and ask unanimous consent that they be printed in the RECORD.

The PRESIDING OFFICER (Mr. MUSKIE). The amendments will be received and printed, and will be appropriately referred; and, without objection, the amendments will be printed in the RECORD.

The amendments (Nos. 638 and 639) were referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

AMENDMENT No. 638

On page 50, strike out all material through line 2 page 52, and insert in lieu thereof the following:

"NATIONAL MANPOWER ADVISORY COMMITTEE

"SEC. 603. (a) The President, in consultation with the Secretary of Health, Education and Welfare and the Director of the Office of Economic Opportunity shall appoint a National Manpower Advisory Committee which shall consist of seventeen members and shall be composed of persons representative of labor, management, public and private education, vocational education, vocational rehabilitation, manpower programs and economic opportunity programs. From the members appointed to such Committee, the President shall designate a Chairman. Members shall be appointed for terms of three years except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. Such Committee shall hold not less than two meetings during each calendar year.

"(b) The National Manpower Advisory Committee shall:

"(i) establish the manpower needs and goals of the Nation and assess the extent to which educational institutional training, manpower, economic opportunity and other programs assisted under this and related Acts represent a consistent, integrated and coordinated approach to meeting such needs and achieving such goals."

(ii) review the administration and operation of the programs referred to in (i) and advise the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity and other appropriate officials as to the carrying out of their duties under this Act and related Acts.

(iii) conduct objective evaluations of specific manpower programs and projects in order to ascertain the effectiveness of such programs and projects in achieving the purposes for which they are intended.

(iv) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of such programs including the programs authorized under this and related Acts.

(c) The National Manpower Advisory Committee shall make an annual report, and such other reports as it deems appropriate on its findings, recommendations, and activities to the Congress and to the President. The President is requested to transmit to the Congress as a part of his report under section 605 of this Act such comments and recommendations as he may have with respect to such reports and activities of the National Manpower Advisory Committee.

(d) For the purpose of making expert assistance available to persons formulating and carrying on programs under this title, the Secretary shall, where appropriate, require the organization on a regional basis of labor-management public advisory committees.

(e) Appointed members of the National Manpower Advisory Committee shall be paid compensation at a rate of up to the per diem equivalent of the rate for GS–18 when engaged in the work of the National Manpower Advisory Committee, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(f) The National Manpower Advisory Committee is authorized to appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, or otherwise obtain the services of, such professional, technical, and clerical personnel as may be necessary to enable them to carry out its functions, as prescribed by law.

AMENDMENT No. 639

On page 52, strike out lines 4 through 25 and insert in lieu thereof the following:

SEC. 604. (a) There is hereby established an intergovernmental Advisory Council of Manpower to advise the Secretary of Labor, the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity with regard to matters involving intergovernmental relationships in the development and conduct of programs under this Act, including but not limited to the assignment of manpower responsibilities among Federal, State and local governmental agencies, apportionment of funds designation of program areas, selection of prime sponsors, State and area compliance with the various provisions of this Act and the extent to which educational, institutional training, vocation education, vocational rehabilitation, manpower, economic opportunity, and other programs assisted under this and other Acts represent a consistent, integrated and coordinated approach to meeting manpower needs and achieving national manpower goals.

(b) The Council shall consist of at least five but not more than nine members who shall be appointed by the President. Members shall be selected from among Governors, Mayors and other elected State or local public officials. In selecting members of the Council the President shall assure an equitable

balance in the political affiliation of its members. The members of the Council shall elect a Chairman from among themselves. The members of the Council shall receive no compensation and shall not be a Federal employee for any purpose. They shall be allowed travel expenses and per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code for persons in the governmental service employed intermittently and receiving compensation on a per diem when actually employed basis.

Mr. BOGGS. Mr. President, I support the amendments to expand Federal reliance upon the opportunities industrialization centers under S. 2838, as submitted by the distinguished ranking Republican member of the Committee on Labor and Public Welfare (Mr. JAVITS).

These amendments should prove very effective in meeting the manpower goals of our Nation by giving a greater leadership responsibility to self-help, community-centered programs like the OIC's.

Last year I was honored to introduce S. 1362, a bill to extend Federal financial assistance to the OIC's. Subsequent to the introduction of S. 2838, I also offered, with bipartisan support, amendment 440 to S. 2838. The amendment provided language that would make certain that the OIC's fell within the scope and concept of the Manpower Training Act.

These new amendments, which I am honored to cosponsor, are fully compatible with that earlier amendment. These new amendments effectively broaden the role that the OIC's can and should perform in our Nation.

The OIC's, financed primarily by private groups, have already assisted more than 40,000 Americans to improve their job skills. It is time the Federal Government took a more active role in support of the OIC's. This is not to undercut the OIC approach, which is defined in their slogan: "We Help Ourselves." Rather, it is to assist a more rapid expansion of the OIC program, and to allow a greater number of unemployed and underemployed Americans to benefit from the successful OIC approach.

I commend Senator JAVITS for introducing these proposals. It is my hope that they will be adopted as a part of this important legislation.

THE FORGOTTEN STUDENTS

Mr. JAVITS. Mr. President, all of us have spoken to literally hundreds of students and have received tremendous numbers of letters and other communications. I have 100,000 right now in my office, without their having been opened. While I come from a populous State like New York and this undoubtedly is a maximum number, I am sure every Senator is suffering from the same thing.

I think, as we have received these expressions, we must also remember those students who wish to continue their studies, and I think they perhaps constitute a majority of the students. I hope very much that the college administrators and faculties will take into consideration the needs and desires of those students and will not be quick to close up universities or to eliminate classes, but will put it more on an optional basis so that students who feel they will benefit from political action may engage in that at such a critical time, and that those who wish to continue their studies will not, against their wishes, be denied the academic facilities which are required for that purpose.

The New York Times, in an editorial of May 13, makes an eloquent and timely plea in behalf of such students. It states in part:

To penalize them, in the interest of campus appeasement, would be to offer special privileges to one group while trampling on the rights of others.

I ask unanimous consent to include this editorial as a part of my remarks and invite it to the attention of the Senate.

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

[From the New York Times, May 13, 1970]

THE FORGOTTEN STUDENTS

In the wake of Cambodia and Kent State, many colleges and universities have apparently written off the remaining weeks of the semester—some undoubtedly as much to avoid confrontations as to enable politically concerned students to exert their energies in off-campus lobbying and organizing.

On both moral and educational grounds, it would be wrong to let this permissive response to the demands of one group of students brush aside the rights of others. Many of those who see their idealistic support of the antiwar drive as more important than their academic commitment may be willing to accept passing or incomplete grades for their course work; others are entitled to an opportunity to get the full recognition they have earned for their scholarly achievements.

College administrations and faculties have a responsibility to make extraordinary efforts, inconvenient as these may be, to let students who wish to do so complete their work and take final examinations if this is necessary for full credit.

An unmarred academic record inevitably means most to the least affluent students who rely heavily on educational success for future career opportunities. To penalize them, in the interest of campus appeasement, would be to offer special privileges to one group while trampling on the rights of others.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the order of the Senate, the Senator from Georgia is recognized.

Mr. MANSFIELD. Mr. President, will the Senator from Georgia yield to me without losing any of his time?

Mr. TALMADGE. I yield.

REPORT TO THE PEOPLE OF NEW YORK BY SENATOR JAVITS

Mr. JAVITS. Mr. President, I made a report to the people of my State on the grave situation facing the United States with respect to Cambodia and Vietnam. I ask unanimous consent that the text of that report may be made a part of my remarks.

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

JAVITS REPORTS TO NEW YORKERS ON CAMBODIA AND VIETNAM

I feel it my duty to report to the People of New York on Vietnam—the issue which today is more serious, divisive and damaging to the nation than any issue since the Civil War.

The new heights of emotional intensity and the national sense of urgency regarding this issue were triggered by the President's move into Cambodia and the related National Guard shootings at Kent State University. Unhappily, many in this state and throughout the nation—especially among the young—are expressing massive resentment and suspicion that President Nixon might be reversing the course of de-escalation and withdrawal in Vietnam, rather than accelerating disengagement. The precipitate nature of the decision to move into Cambodia, the failure to consult the Congress on what might have been a broad extension of the war and the rationalizations of President Johnson recalled by President Nixon's nationwide broadcast are the immediate causes of the crisis of confidence now upon us.

As your Senator, and as a member of the Senate Foreign Relations Committee, I must tell you that many in the Senate were as surprised and chagrined as the rest of the nation by the move into Cambodia. This has added such a new dimension to the debate on the Constitutional power of the President to make war in the absence of appropriate Congressional action as to threaten the very foundations of our system of government. The issue of Congressional power and responsibility to exercise a check and balance on the President's power as Commander in Chief—to prevent it from being the power to declare war, which is reserved to Congress under the Constitution—is the question which now preoccupies the attention of the Senate. It is this very issue which has motivated the massive influx of students from across the nation into Washington.

The continuing and inadequately financed Indochina war has seriously eroded confidence in the American economy to the extent that the economic security of our nation is gravely threatened, too. This—much more than the Viet Cong—could pose a direct threat to our national security. The war has lead directly to the inflationary spiral plaquing individual Americans and the nation at large, and it has diverted badly needed resources to non-productive uses. The nation's budget again is moving inexorably into real deficit. Deficits can be disastrous for anti-inflationary policies. The financial markets already have given a no-confidence vote to the President's Cambodia decision to the extent that that most recent Treasury debt re-financing was saved from failure only by massive intervention by the Federal Reserve Board; at the same time the stock market was dropping to seven-year lows. Deteriorating economic conditions may well force this Administration out of Indochina, succeeding where mounting political pressure has failed thus far.

The Senate, as one House of the Congress, is now moving in a purposeful, step-by-step way to assert its Constitutional powers and responsibilities and to hasten the end of the Vietnam war. I am hopeful, although by no means certain, that this can be accomplished without causing a head-on Constitutional confrontation between the Congress and the President—and among the American people.

The first step would be the adoption of the Cooper-Church Amendment, of which I am a co-sponsor, and which is the pending business before the Senate. This Amendment requires the President to remove all U.S. forces from Cambodia by the end of June and prevents our getting mired in a Cambodian war.

The second step would be the termination of the Tonkin Gulf Resolution of August, 1964, which now permits the exercise of broad discretionary action in Southeast Asia by the President as Commander in Chief. I am the sponsor of the measure to termi-

nate the Tonkin Gulf authority and was joined in it by Senator Pell of Rhode Island.

Once the Tonkin Gulf Resolution is off the books, the legal and Constitutional situation will be returned to the status prevailing before the intervention by President Johnson in 1965 with massive U.S. combat forces. No other authority to fight in Vietnam will remain other than the President's authority as Commander in Chief. This authority legitimately encompasses responsibility under the circumstances only for the orderly withdrawal and protection of our forces.

If the Commander in Chief's power is asserted by the President to wage war outside these clear guidelines, there could be a constitutional crisis between the President and the Congress. The Senate Foreign Relations Committee, on my motion, plans to conduct hearings to clarify the respective war powers of Congress and the President—a matter which is now neither clear nor agreed upon.

A great deal of attention, especially among students, has been focused on the Goodell-McGovern-Hatfield Amendment, which seeks to assure an end to U.S. military involvement in the Vietnam war by June 30, 1971, through the cutoff of funds—that is, through the exercise of the ultimate appropriation power of the Congress. I am wholly in support of the objective of this Amendment. But before the other legislative steps I refer to are taken, neither the legislative technique nor timetable of this Amendment can be judged. In this regard, there are two major criteria for a decisive amendment: (1) it must be capable of attracting the support of a majority of the Senate; and (2) it should not directly or indirectly forfeit the non-appropriation war powers of the Congress.

Vietnam is the bone in the throat of our nation. It is choking and inflaming every aspect of our national life. It must be eliminated. The Congress must assert its full authority and responsibility to see that the war is ended as soon as humanly possible.

Only then can our nation get back to the business of tending to its overriding ills—social and environmental—to healing its bitter factions, to restoring its inner confidence and to reestablishing its role as the leader for peace in the world.

SENATOR MANSFIELD IS INTERVIEWED ON "FACE THE NATION"

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a transcript of a CBS Network broadcast in which I participated, "Face the Nation," be incorporated at this point in the RECORD.

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

FACE THE NATION AS BROADCAST OVER THE CBS TELEVISION NETWORK AND THE CBS RADIO NETWORK; SUNDAY, MAY 17, 1970—12:30–1:00 PM EDT; ORIGINATION: WASHINGTON, D.C.; GUEST: SENATOR MIKE MANSFIELD, DEMOCRAT OF MONTANA; REPORTERS: GEORGE HERMAN, CBS NEWS, WARREN WEAVER, THE NEW YORK TIMES, JOHN HART, CBS NEWS; PRODUCERS: PRENTISS CHILDS AND SYLVIA WESTERMAN

Mr. HERMAN. Senator Mansfield, the President has promised to have all American troops out of Cambodia by June 30; the Senate is going ahead with an amendment to prohibit the use of troops there. Should this be taken to mean that the Senate of the United States doesn't trust the President to live up to his promise?

Senator MANSFIELD. Quite the contrary, it is in support of the President.

ANNOUNCER. From CBS/Washington, in color, Face the Nation, a spontaneous and unrehearsed news interview with the Senate Majority Leader, Senator Mike Mansfield, Democrat, of Montana, who is a senior member of the Foreign Relations Committee. Senator Mansfield will be questioned by CBS News Correspondent John Hart, Warren Weaver of the New York Times, and CBS News Correspondent George Herman.

Mr. HERMAN. Senator Mansfield, what is the point of supporting the President if you think he is going to do it, in the first place, and by a means that has some constitutional doubt about it, in the second place?

Senator MANSFIELD. Just to make sure that what he says he is going to do is done and to reassert the congressional, the Senatorial interests in this particular instance, in what he has said should be done in bringing to an end an ill-started venture.

Mr. WEAVER. Well, Senator, as a purely practical matter, with the House of Representatives constituted as it is today, and unlikely to support any of these various moves now under consideration in the Senate, isn't this somewhat of an academic exercise?

Senator MANSFIELD. Not at all. The House will have to face up to its responsibility. In the Senate, we will, as a body and individually. That is the way it should be. If the House doesn't want to act, that is its business; but the Senate must act and will act. We have laid out a schedule of facing up to this issue, first through the Cooper-Church amendment; second, through bringing up the rescinding of the Gulf of Tonkin resolution; third, through a debate on the constitutional powers of the President, as Commander-in-Chief, in war-making, opposed to the congressional powers of war-declaring under the Constitution and, specifically, the advice and consent clause of the Senate. Then, of course, at the end, when the big defense bill comes up, we will have the McGovern-Hatfield amendment, the Muskie amendment, and others, which will be attached to that bill or at least the attempt will be made.

Mr. HART. Senator, you said that this is to make sure the President does what he says he will do. Does a trustworthy President need that kind of insurance from a Senate that trusts him?

Senator MANSFIELD. Oh, yes, we trust the President, but we think this is a protective device which will give him support and strength when he needs it, because there will be other voices undoubtedly at that time trying to bring about a change in the situation.

Mr. HART. What about the U.S. forces that are in combat on June 30, what should they do?

Senator MANSFIELD. Oh, they should be out before June 30, and any combat should be undertaken by the South Vietnamese and not only in Cambodia but along the Cambodian border. After all, there is a one-million-man army there; put them up there and get our boys out and keep them coming out.

Mr. HERMAN. Supposing the Vietnamese, the North Vietnamese rebuild these sanctuaries in Cambodia, stocked them heavily with arms in a matter of five, six, seven months, should the President's arms be tied so that he cannot once again clean them out?

Senator MANSFIELD. No, the President's arms should be loosened, but the responsibility should be placed on Thieu and Key, on the South Vietnamese. We understand the Vietnamization program has been a success. They have all the modern equipment in the world. Put that army up there and let us get out and get out soon.

Mr. HART. What if the President succeeds in all this, what if he gets out in time, what if the North Vietnamese are crippled for six to eight months, doesn't this make it a rather useless exercise?

Senator MANSFIELD. I would think so. You mean going into Cambodia?

Mr. HART. No, I mean your Senate amendments.

Senator MANSFIELD. Not at all, because I think what we are doing is moving in the right direction. I think that even if the Cambodian venture is a success, it will not be a "success," but a failure because it will have extended the war, enlarged the war and created situations which will make it more difficult to bring the war to an end.

Mr. HERMAN. What I was trying to get to with my question, though, is who has the right to put these pressures on the Commander-in-Chief of the army when an ongoing war is in progress? Who has the right to say he shall not go into Cambodia with American troops? Is that strictly the province of the Commander-in-Chief? Is it the province of the Senate, under the power to make war? Whose province is that?

Senator MANSFIELD. I think we have a dual responsibility and the representatives of the people should and will be heard.

Mr. WEAVER. But, Senator, with respect to the McGovern-Hatfield resolution, which lays out a timetable for withdrawal, can't it be argued legitimately that that is an intrusion of the Legislative Branch into the rights of the Executive Branch?

Senator MANSFIELD. I suppose it could be, and I went along with that thesis until Cambodia. But, as far as I was concerned, Cambodia tore it.

Mr. WEAVER. Isn't that the wrong reasoning? If that was true, you cannot prevent things like the President's action in Cambodia through threatening to produce resolutions with timetables in them, can you?

Senator MANSFIELD. No, there is no threat implied. It is just the reassertion of congressional powers, and if he can do it in Cambodia, which is a sanctuary, there are other sanctuaries as well. What about the sanctuary in North Vietnam? What about the sanctuary in Laos? What about the sanctuaries in China? Thev are all sanctuaries?

Mr. WEAVER. But granted—let us assume that the Senate and the House together agree on this kind of compulsory timetable, is this going to have a deterrent effect on this President or future Presidents in making such invasions?

Senator MANSFIELD. We will have spoken, we will have acted, and I am sure that any President will pay attention to what has been done by the Congress.

Mr. HERMAN. Well, what about these other sanctuaries? Should the Congress of the United States take action to make sure that the President cannot go into them ahead of time, now?

Senator MANSFIELD. Yes, indeed.

Mr. HERMAN. Do you plan to start passing resolutions—

Senator MANSFIELD. No; we have already taken care of, to a limited extent, of Laos—

Mr. HERMAN. Yes?

Senator MANSFIELD. —and we will face up to these things as they come along. We are facing the immediate question right now.

Mr. HERMAN. You mentioned North Vietnam.

Senator MANSFIELD. That's right.

Mr. HERMAN. How about a resolution saying that the President shall not invade or use American troops in North Vietnam?

Senator MANSFIELD. That is entirely different, because what we have done is to go into a country which was supposedly neutral and was neutral under Sihanouk. But I would point out that the war has been revived in North Vietnam and there have been air raids in great strength over that area since the incursion into Cambodia.

Mr. HERMAN. Do you approve of them?

Senator MANSFIELD. No.

Mr. HART. Senator, if, as the conventional wisdom goes, the time for declaring war is over, should the Constitution be reworked for this age of insurgency wars and the nuclear age?

Senator MANSFIELD. No, I don't think so. I think the Constitution is probably the greatest document ever wrought by the hand

of man and I think it can fit into the nuclear age as well as it could in the ages preceding. We all understand that if our security is attacked that the President, as Commander-in-Chief and as President, should have the immediate powers of counteraction. But that is not the case in Vietnam and that is not the case in Laos, and that is not the case in Cambodia—that is not the case in Indochina.

Mr. HERMAN. Let me ask you, do you think that the administration can, in fact, get out by June 30 and that there will be a safe and stable situation left in Cambodia?

Senator MANSFIELD. I would hope, in answer to the first part of your question, that they could, and I think the President will attempt to do so. But whether or not there will be a stable situation in Cambodia as a result, I cannot say definitely, but my offhand answer would be no, there would not be.

Mr. HERMAN. Should the United States work to keep a stable pro-democratic or pro-western situation in Cambodia?

Senator MANSFIELD. No.

Mr. HERMAN. We should do nothing, if it goes Communist, for example?

Senator MANSFIELD. We should do nothing. Let the South Vietnamese handle it from their end; let the Thais handle it from the other, and let us not become involved, because all of Southeast Asia is not vital to the security of this Nation. There are two documents that I carry around with me all the time; one is the First Amendment to the Constitution, which is not material in this discussion at the moment; and the other is the casualty lists, and the casualty lists now are in excess of 325,000, as a result of this war in which we are engaged in Southeast Asia. Of that, about 50,000 are dead or would be included in the dead, and of that number, about 42,000 have been killed in combat, and something in excess of 7,000 have been killed in noncombat activities in Southeast Asia.

Mr. HART. The Communists should be able to have all of Southeast Asia, if they want it, including Thailand or——

Senator MANSFIELD. No, it is up to the countries there to defend themselves. We have given them plenty of help—Thailand, Laos, Vietnam. I don't know what more we could do. We have spent over $100 billion in that area. We have shed the blood of 325,000 Americans. Are we going to keep on going and going and going on?

Mr. WEAVER. Senator, can you give us some picture now of when you expect the Senate to act on this series of resolutions and moves in this area?

Senator MANSFIELD. I hope we can act this week on the Cooper-Church amendment. If that is done, then next week on the Gulf of Tonkin rescinding, the following week, all things being considered; I would hope we would have a debate on the constitutionality question and then, when the big defense bill comes, we will have these terminal amendments brought up.

Mr. WEAVER. What practical purpose is served by a week of debate on the constitutional question, when there is no resolution or bill or proposed amendment before the Senate?

Senator MANSFIELD. There is a resolution by Senator Percy, which I think is quite compact and covers the question very briefly. Furthermore, there will be some constitutional questions raised during the course of these other debates, as we go along. It won't take a week. We ought to lay the groundwork and try and understand where the line of delineation is between the Executive and the Legislative Branches.

Mr. HERMAN. Are these other amendments going to be passed, the McGovern amendment, for example?

Senator MANSFIELD. I don't know, but it is going to be offered and it is going to have a great deal of strength. I would point out that of those who have signed up on the McGovern-Hatfield amendment at the present time, approximately 82 or 83 percent of them are ex-servicemen serving in the Senate; many of them are combat veterans.

Mr. WEAVER. Senator, do you feel that this course of action of the Senate in considering all these foreign policy problems over the coming weeks may have some effect on the psychological state of the Nation and the whole broad campus unrest issue?

Senator MANSFIELD. I think so. It appears to me that the Senate is the only area to which the people can appeal. We have to take cognizance of the fact that this blood and treasure which we are losing in Southeast Asia could far better be used facing up to the problems at home, the problems of crime, drug addiction, pornography, the ghettos, pollution, the situations in wnich the ranchers find themselves in my part of the country, and those are just a few of the questions which we have confronting us. What we have to have is a stable country at home. If we don't have it then all the security abroad will be of little use.

Mr. HART. With regard to that stability, Senator, what are the chances in this country of a real civil war or of a genuine revolution?

Senator MANSFIELD. No chance at the present time, but people are uneasy. They are concerned. So am I and so is the Congress and so is the President.

Mr. HART. Do you think a genuine recession or a deep recession would radicalize the middle class and make it more unstable, more difficult?

Senator MANSFIELD. Well, I think we have a recession of sorts at the present time, with unemployment at about 4.8 percent, with the rate of inflation at about 6.8 percent, with no relief in sight, the stock market dropping, the housing industry in bad shape—all of these things are indicative of a malaise which affects the country, and those are only a few of the situations which we have to recognize at this time. It will be quite different if we have a recession or depression from what it was in the thirties, which I remember very, very vividly.

Mr. HART. How different?

Senator MANSFIELD. Because you have an educated class now, you have people who have become affluent. We weren't affluent in those days. They are demanding more, they are asking more, and they will be getting more.

Mr. HERMAN. Senator, why is this recession so extremely different in emotional impact from the recession in 1963, which was about the same? All the figures today say worse since 1963, and yet there wasn't all this hue and cry about it in '63.

Senator MANSFIELD. You didn't have Vietnam and Cambodia then.

Mr. HERMAN. You think that is the whole difference, or is this one hurting more?

Senator MANSFIELD. No, I think that is the fulcrum. I think a lot of our ills emanate from what we have been doing in Southeast Asia.

Mr. WEAVER. Do you regard the recent bad drops in the stock market, Senator, as a species of voter no-confidence in the President?

Senator MANSFIELD. I couldn't say. I don't own any stocks. All I know is what other people write, who are more aware of what the stock market means, and it does indicate that there is some drop in confidence.

Mr. HART. Senator, when you say it would be different, do you mean that the ordinary middle class would take to the streets? Is that what you are indicating?

Senator MANSFIELD. Oh, no. Getting back to what you said about civil war, revolution and the like, I don't believe that will happen, but they will make more demands and the government will have to take more drastic action to take care of the needs of the people of this nation.

Mr. HERMAN. But do you agree with some of the comments that the polarization that is taking place in this country today is not simply war and anti-war, or Black Panther and anti-Black Panther, but is becoming a kind of class polarization?

Senator MANSFIELD. No, I still think it is tied to Southeast Asia, primarily because the money being spent there could be used to face up to these problems at home and to find corrective solutions to them.

Mr. HERMAN. Do clashes like that between the construction workers and the students worry you, with parallels to the Weimar Republic of Germany, before the rise of Hitler?

Senator MANSFIELD. Yes, they do, but so far they are minor. I hope that there will be a recognition of what is developing on the part of people on both sides, and these things will not continue.

Mr. HERMAN. What is needed to implement that recognition? Where does each side have to move?

Senator MANSFIELD. Responsibility on the part of all our people, understanding on the part of government, which includes the administration and the Congress, as to what should be done, what must be done and what will have to be done.

Mr. HART. Senator, how would you judge the President's performance during the last two weeks, three weeks of high stress?

Senator MANSFIELD. Well, I think he is aware of the situation. He has gone out of his way to be conciliatory. He has tried to establish a means of communication with the various groups. He is doing his best. I think he is still sticking to his announced policy, but I hope there will be some give there as well as some take.

Mr. WEAVER. Senator, you spoke before of the necessity of establishing a stable Nation for the purpose of dealing with a great many of the domestic problems which face us. Do you see much of any chance for the present session of the Congress in an election year getting to much significant domestic legislation?

Senator MANSFIELD. I do. As far as I am concerned—and I have so notified the Senate—we are prepared to stay in all year, if need be, to face up to our responsibilities, the election notwithstanding.

Mr. WEAVER. What about the people, including yourself, who have to run for reelection?

Senator MANSFIELD. Well, it is immaterial what happens to me or anybody else. It is the Republic which must be thought of first and foremost. It is the welfare of the people. It is the Nation. As far as political success is concerned, that is immaterial. You win, you lose, you take the consequences and that is the way it should be.

Mr. HERMAN. This may sound like a cynical question, but is it good or bad for the incumbents, politically, if they have to stay in all year?

Senator MANSFIELD. I wouldn't know, but I am prepared to stay in all year.

Mr. HART. What political effects, Senator, do you think the young people will have in this election year, the young people that are now lobbying you on the Hill and who say they are going to work against President Nixon's candidates?

Senator MANSFIELD. I think they are performing a useful function, no matter which side they are on. They could be on the other side, too. But I hope they wouldn't overdo it, because they ought to recognize that the members of Congress have a lot of work and responsibility. They go to committees, they have to study bills, they have to vote, they have to do chores for their constituents, they have to answer the mail, I would hope that it would not be overdone. I don't think the real place to make themselves effective at this point is in the halls of the Congress or in the offices of Senators and Congressmen——

Mr. HART. Where is it effective?

Senator MANSFIELD. But, rather, in the districts and in the states. What they should do is ask questions of their state and national candidates. Many of us are up for election this year, and they ought to ask us and those who are not running, as well.

Mr. HERMAN. Senator Mansfield, it is widely believed in parts of Washington that President Nixon's actions in Cambodia are part of a broad foreign policy aimed at the Soviet Union, that this is a kind of parallel to President Kennedy's actions, first in Vienna and then perhaps in Cuba, that he was trying to impress his credibility, as President Kennedy used to say. Do you think that this is part of a Nixon policy, a President Nixon policy, to show a kind of policy and a kind of voice to both the Soviet Union and also to Hanoi?

Senator MANSFIELD. I haven't the slightest idea. To the best of my knowledge, he has not discussed this with any member of the Senate, and I cannot answer your question.

Mr. HERMAN. Do you think it would be effective, the Cambodian move and the bombing of North Vietnam, in bringing Hanoi to the peace table?

Senator MANSFIELD. I do not.

Mr. HERMAN. Why not?

Senator MANSFIELD. Because I think it will stiffen their backbone, it will make them more intransigent than ever, it will prolong the war and make peace more difficult.

Mr. HERMAN. What is the effect it might have on the situation in the Middle East, which many people think is far more dangerous to the United States now, what with Soviet pilots in Egyptian territory?

Senator MANSFIELD. I couldn't say. It is a question of concern, of course, to this administration, but what the effect will be, I am unable to say.

Mr. HART. Senator, what can you offer those young people who are trying to get on the campuses or who are on the campuses and who are not radicals or violent but who feel now that their very lives are on the line while being in school?

Senator MANSFIELD. I can offer them only what I have stated publicly to you and what I have said in the Senate, as Mr. Weaver will recall: The fact that we are facing up to the situation, as it affects us in Southeast Asia and it affects the constitutionality of the powers between the Congress and the President. I would hope also that, as we go along, we would face up to the problems at home. The important thing now, I think, is to bring an end to the war in Vietnam, to get our forces back within a reasonable length of time, to turn the war over to the South Vietnamese and let them carry on. After all, it is their country, it is their future, and they will have to decide it.

Mr. HART. But what should a student do who feels his life is threatened?

Senator MANSFIELD. Well, what I have said: He ought to work, he ought to get into politics, he ought to run for office, he ought to work on the candidates who are in the districts in which they live, as far as the Senate is concerned, in the states in which he lives. Students ought to become a part of the system, they ought to reinvigorate it and bring in new ideas, and wake up some of us who may have been asleep at the switch for too long and are too much wedded to ideas which may have been fine two or three decades ago but which will not fit into the changing world of today.

Mr. WEAVER. But isn't it true, Senator, that the system is going to have to take a different attitude towards these young people than it has in the past——

Senator MANSFIELD. Of course.

Mr. WEAVER. To accommodate the kind of change that you are talking about?

Senator MANSFIELD. And I think they should take a different attitude toward the system, too. We both have got a great deal to learn, and I think we both have got a great deal to contribute. We both ought to work together because, after all, we are all citizens of the same country.

Mr. HERMAN. Senator, what do you think of Senator Muskie, for one, his suggestion for a Democratic Convention on policy sometime this summer, a mid-term Democratic Convention?

Senator MANSFIELD. No, I would be against it. We have business to do in the Congress.

Mr. HERMAN. You would be against—would you be against a meeting of, say, Democratic leaders, called together by Larry O'Brien, over the Memorial Day weekend, as has been suggested?

Senator MANSFIELD. We still have our responsibilities in the Congress.

Mr. WEAVER. You don't feel that there is any necessity for rewriting the Democratic Party Platform of 1968, which, as you will, of course, recall, took a somewhat different attitude towards Southeast Asia than the majority of the leaders of the party now take?

Senator MANSFIELD. I wasn't at the convention. I disapproved of what they did. I think we ought to face up to our responsibilities in the Senate regardless of any declaration by any political party.

Mr. HERMAN. Senator, you said that you were pleased, I think, or impressed, or generally you cast a favorable vote for President Nixon's conduct during the past week. How about——

Senator MANSFIELD. The past two weeks.

Mr. HERMAN. The past two weeks, very well. How about his statement in the news conference of May 8 in which he referred to America as the peace-keeper in the Asian world and didn't want to lose that role?

Senator MANSFIELD. I would disagree.

Mr. HERMAN. Do you think that is a doctrine which he holds or was this just an accidental reference?

Senator MANSFIELD. I couldn't say.

Mr. HERMAN. You have no feeling on how he and the administration feel about that attitude at the moment?

Senator MANSFIELD. No, I don't think we are the peace-keeper of any part of the world. I think we have enough troubles of our own. We are not the world's policeman. We have difficulties which we will have to face up to and surmount. We have a limited population and a limited amount of resources.

Mr. HERMAN. Well, as you may recall, that particular sentence in his news conference was tied to the idea that if the United States pulled its troops too rapidly out of South Vietnam, there would be, I think he said, millions of casualties and that it was up to us to prevent that.

Senator MANSFIELD. I don't—I would question that statement, that there would be millions of casualties. I would say further that as far as Southeast Asia is concerned, it is not vital to the security of the United States, and never has been.

Mr. HERMAN. Well, do you think it would be moral, let's say, to the United States, after fighting in South Vietnam for so long, to pull out with no provision for those who helped us and to allow them to be killed if there would be a Communist takeover?

Senator MANSFIELD. Oh, we've helped them. They have a government which is supposedly democratic. They have been Vietnamized, according to our standards. Let them go ahead and decide their own future, set up the kind of government they want. It is their responsibility, not ours.

Mr. HART. You are giving up on them?

Senator MANSFIELD. I was never for them, and I have informed two Presidents of that, of my feelings on this matter, even before we got involved in Vietnam——

Mr. HART. Senator, if you——

Senator MANSFIELD. I am not giving up on anybody, but I am upholding the American people, I think we ought to give some consideration to ourselves, for a change.

Mr. HART. If you could set a timetable for withdrawal of all American forces from Vietnam, in your heart when do you want them out, all of them?

Senator MANSFIELD. I intend to become a sponsor of the Muskie and the McGovern-Hatfield amendments to the big defense bill.

Mr. HART. By the end of this year?

Senator MANSFIELD. By the end of this year, but please keep in mind that there are certain qualifications in there which will protect the lives of Americans in Southeast Asia.

Mr. HERMAN. Senator, there has been a great deal of discussion, as you know, about the question of draft, of the Reserve Officers Training Corps, ROTC, as the kids call it, and for an all-volunteer army. How do you think that would work?

Senator MANSFIELD. Well, I am for an all-volunteer army. I think the Gates Commission report ought to be given the most serious consideration, when the extension of the draft is considered. I am against the draft. I voted against it. I don't intend to vote for its extension this time. As far as the ROTC is concerned, I am disturbed about what is happening to that organization on the campuses, and I do not approve of what has been done. ROTC furnishes a civilian input into the armed services of this country. It keeps alive the idea of civilian supremacy, and I think it is worth what it has cost this country and the colleges. May I point out that the ROTC is not forced on any college or university, and that no one is forced to enroll in the courses which it gives. But it does emphasize the civilian element, which I think is important.

Mr. HERMAN. Well, after all of that, how can you be for an all-volunteer army, which eventually becomes professional military men, with all the dangers that other countries have found in such——

Senator MANSFIELD. Because you can keep the ROTCs and get civilian inputs on that basis. They don't have to stay in for a lifetime. They do not usually; they stay in for a certain period. You would still have the civilian leavening in the army.

Mr. HART. You said you don't approve. What don't you approve of in the——

Senator MANSFIELD. Well, the burning down of the ROTC units, things of that sort, because if youngsters want to take ROTC, let them take it. They are not forced to.

Mr. WEAVER. Senator, on one of the major domestic issues that will be shortly before the Senate, do you support the principle of President Nixon's welfare reform program that would guarantee a minimum income to families——

Senator MANSFIELD. I have very grave question about that. I will have to study it very closely, because I don't know enough about it. It has passed the House. It was referred to the Senate Finance Committee, which in turn referred it back to Secretary Finch. I have grave questions. I want to study it. I am sorry I can't give you a definite answer right now.

Mr. HART. Senator Hughes, Mr. Leader, says that President Nixon is using the media as his own privileged sanctuary to talk to the American people about his policies in Cambodia. Is his opposition being denied an adequate response?

Senator MANSFIELD. Oh, I don't think so. I don't blame the administration for using the media as much as the media will allow, because if the Democrats were in, we would be doing the same thing. I think we get our share of publicity, and it will not be as much as the President's. It shouldn't be, after all, we are not in control. I have no complaints.

Mr. HERMAN. Sometimes it is said that the media spends too much time on the opposition, that they are always in favor of the outs.

Senator MANSFIELD. It is up to the media.

Mr. HERMAN. One of the other issues which is before you now and on which you have spoken out is the vote for the 18-year-olds. What is going to happen?

Senator MANSFIELD. It passed by four-to-one in the Senate. I would hope that the House would do the same thing. It is very important, I think, that we give these youngster who are eligible for the draft—many people laugh off that argument but, to me, it is nothing to laugh off—who are eligible to marry at that age, who are treated as adults in the courts, and in other areas. Give them the vote, bring them into the system, make them political-minded, give them a voice in the making of policies which they are called on to carry out now, but without having any say in them.

Mr. HERMAN. I know what you say, but the question is what is going to happen? Is the House going to pass it? Is the Senate going to stand firm?

Senator MANSFIELD. The Senate will stand firm, as far as I am concerned.

Mr. HERMAN. Do you think there will be an extended demand, so to speak, on this, and that this is going to keep Congress in session for quite a long period of time?

Senator MANSFIELD. It could be.

Mr. HERMAN. How long would you think this would be worth arguing?

Senator MANSFIELD. Oh, a long time.

Mr. HERMAN. You are really determined on it?

Senator MANSFIELD. I am very interested in it.

Mr. HART. Extended debate, meaning something that is sort of like a filibuster?

Senator MANSFIELD. No.

Mr. HERMAN. Well, as the time begins to run out, let me put you out on a limb: Is it going to pass, finally?

Senator MANSFIELD. I hope so, because, as I say, the Senate passed it four-to-one. The House is going to face up to it next month. I don't know why they have been stalling in the Rules Committee. And if it is passed and becomes the law, it will go to the courts.

Mr. HERMAN. Well, on that hope, we have run out of time. Thank you very much for being with us on Face the Nation.

ANNOUNCER. Today, on Face the Nation, the Senate Majority Leader, Senator Mike Mansfield, Democrat, of Montana, was interviewed by CBS News Correspondent John Hart, Warren Weaver of The New York Times, and CBS News Correspondent George Herman. Next week, another prominent figure in the news will face the Nation. Face the Nation originated, in color, from CBS/Washington.

ADMINISTRATION'S WELFARE EXPANSION PLAN

Mr. TALMADGE. Mr. President, last Thursday I submitted an amendment to change the name of H.R. 16311, known as the Family Assistance Act of 1970, to the Welfare Expansion Act of 1970. My purpose in introducing this amendment was to set the record straight and make the American public aware of the true nature of this so-called welfare reform legislation.

It is my contention that the President's family assistance plan has been badly oversold and completely misrepresented to the American public. The administration program has been referred to as "workfare" rather than welfare. Recognizing the electorate's interest in changing the inequitable, incentive-killing welfare program we have now, administration spokesmen have branded their plan "welfare reform."

Although the administration was able to mislead the House Ways and Means Committee and the House of Representatives on this score, the Senate Finance Committee was quick to perceive the fact that the administration plan provides for welfare expansion rather than welfare reform.

The outstanding characteristic of H.R. 16311 is the expansion of Federal benefits to 15 million additional Americans. While increasing the welfare rolls from 10 million to 25 million people, the administration has made no effort to provide effective job training and—more important—job opportunities.

If this Congress approves legislation which will provide for the continuous addition of millions of people to the welfare rolls, with no effective means of removing recipients from the rolls, we are inviting a taxpayers' revolt.

Every Member of this body remembers that in 1969 the phrase "taxpayers' revolt" was very much in vogue. Members of this body frequently made dire warnings of the impending "revolt" if Congress failed to enact meaningful tax reform and tax reductions.

Mr. President, my mail indicated that these warnings were justified. People in my State and all over the country were up in arms, voting down bond issues for schools, hospitals, health programs—voting against anything which would increase their taxes.

The tax-writing committees of the Congress responded to this demand for tax reform by taking the initiative in the enactment of the most wide-sweeping tax reform since the income tax became law. We made reforms which increased the tax burden on those individuals who are not paying their fair share and changes to relieve the heavy burden on the hard-pressed middle-class American taxpayer.

When the full impact of the Tax Reform Act is felt in 1973, there will be a substantial reduction in taxes for middle-class Americans. For example, a family of four with an income of $7,500, claiming the standard deduction, would pay $687 in Federal income taxes under present law. When the Tax Reform Act is fully implemented in 1973, this same family would pay $514 income tax, for a 25-percent reduction in taxes. If the same family earned $10,000 and took the standard deduction, it would have a tax liability of $1,114 under present law. Under the fully implemented Tax Reform Act, this family's Federal income tax liability would be $905, for a tax reduction of $209.

While this tax reduction was substantial, middle-income families are still strapped with a heavy burden. As anyone knows, a middle-income family with two children has tremendous expenses in trying to maintain a moderate standard of living. For the $10,000 income family, a Federal tax burden of over $900 is much too high.

When the administration's budget for fiscal year 1971 was announced, much was made of the administration's attempt to cut Federal expenditures and slow the tide of inflation. The proposed budget would supposedly result in a surplus of $1.3 billion for fiscal year 1971.

Mr. President, this will not be the first time that a budget surplus of January fades into a budget deficit in December.

A close analysis of the administration's 1971 budget shows that it is based on assumptions that are questionable at best. For example, the administration had assumed the postponement of Federal pay raises beyond the July date to January of 1971 for a saving of $1.4 billion in the fiscal year of 1971. As we all know, Congress approved and the President signed into law a 6-percent Federal pay raise retroactive to December 27. This one item wipes out the Federal budget surplus of $1.3 billion.

In projecting the budget surplus, the administration played the old game of contemplating program cutbacks that it knows very well that the Congress will not accept. For example, the budget proposes the termination of the special milk program, reduction in Federal aid to impacted areas, and, most unrealistic of all, a $159 million cutback of services and benefits for veterans.

Just last week the Senate unanimously approved a bill to extend the special milk program after this measure had already been approved by the House of Representatives. Moreover, I think it is especially ridiculous to propose a cutback in veterans benefits and services at a time when more and more injured and disabled veterans are returning from the war in Southeast Asia only to find that they cannot get decent dental and medical care.

The administration's revenue estimates are extremely optimistic. For example, it has predicted that personal income will increase to $800 billion in the next fiscal year. This seems highly unlikely when we consider that unemployment has risen from 3.5 to 4.8 percent since December of 1969.

Dr. Laurence N. Woodworth, chief of the Joint Committee on Internal Revenue Taxation, does a yearly analysis of the Federal budget. He predicts that we are likely to have a deficit of at least $3 to $4 billion and possibly twice that much.

A budget deficit of $4 to $8 billion means one of two things—either runaway inflation or more taxes.

In the face of this dilemma, the administration presses forward with a welfare expansion plan which would increase the budget deficit by $4.4 billion a year. The administration has estimated that its family assistance plan would cost $4.4 billion per year more than the present program.

Mr. President, we would have some consolation if there were reason to believe that this $4.4 billion was a realistic figure.

Unfortunately, questions by members of the Senate Finance Committee pointed out gaping holes in the HEW's cost estimates. When the ranking Republican member of the committee, the Senator from Delaware (Mr. WILLIAMS), asked how much the HEW cost figures would be increased by a rise in the unemployment rate, he was amazed to learn that the HEW had no idea. I was as shocked as the senior Senator from Delaware, because the HEW costs figures have been based on an unemployment rate of 3.5 percent. As everyone knows, unemployment has risen to 4.8 percent, thus adding 1.1 million additional people to the unemployment rolls.

At the time this speech is made, the Committee on Finance has not yet received statistics requested by Senator WILLIAMS. We still have no idea how the cost estimates of the administration will be affected by the addition of over a million people to the unemployment rolls.

In addition to being based on the wrong unemployment rate, the administration's cost estimate is defective on another score. The estimate that the family assistance plan will cost an additional $4.4 billion in 1972 was based entirely on 1968 figures. HEW made no attempt to adjust for the great increase in the welfare rolls that has taken place since 1968 and the additional increase in the rolls which will have occurred by 1972, the first year that the welfare expansion plan could be operated.

The Finance Committee is understandably leery about cost estimates which originate in the Department of Health, Education, and Welfare. If the committee's experience with medicare and medicaid is any guide, the first year of cost of the welfare expansion plan will be closer to $8 billion than $4 billion.

Thus, we have the potential of $8 billion being added to a budget deficit which already ranges from $4 to $8 billion.

Mr. President, when Secretary Finch was questioned about the cost of the welfare expansion plan, he indicated that he did not believe that the plan should be financed on borrowed money, that it should not be financed by deficit spending. He indicated that the program should be paid for out of current revenues.

Although I did not accept the fallacious cost estimate of $4.4 billion, I asked the Secretary where we are going to get $4.4 billion in the tight budget that we must have for 1972. The Secretary responded vaguely about some "trade-offs" on other programs and stated that the additional cost was taken into consideration in 1972 budget projections.

In other words, the Secretary said that other Government programs would be cut to provide for the cost of the family assistance program. I am understandably skeptical about these "trade-offs" or program cuts. I believe that my skepticism is justified when we look at the false economies of the 1971 budget to which I have already made reference.

Mr. President, the American taxpayer will have to pay the bill. He is entitled to know what programs he will have to give up in order to pay for welfare expansion. It is easy enough for Cabinet officials to talk about "budget projections" and "trade-offs" which never materialize. It is easy enough for the administration to engage in the kind of budgetary gimmickry that is evident in the 1971 budget. It is not the Cabinet officials, it is not the administration who must pay the bill.

For too many years, Congress has enacted extravagant spending programs with little consideration for the American taxpayer, with little consideration of the ultimate impact of irresponsible spending policies. As a result, we have experienced during the past year inflation of over 6 percent. There is no end in sight.

I hope that this Congress will be more responsible. I hope that we can secure from the administration reliable cost estimates and cost projections for the next decade. I hope that this Congress will, before enacting this measure, write into the act inflexible cost limitations.

I believe that before the Finance Committee can act on H.R. 16311, the administration must provide us with not only reliable cost estimates but also a detailed list of "trade-offs" or items which will be cut from the budget in order to pay the cost of welfare expansion. I have written a letter to Secretary Finch requesting this information. I hope that the other members of the Senate Finance Committee will agree with me that we must have this information before we can proceed realistically with further consideration of H.R. 16311.

Mr. President, I ask unanimous consent that my letter to Secretary Finch be printed in the RECORD at this point in my remarks.

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

U.S. SENATE,
Washington, D.C., May 18, 1970.

HON. ROBERT H. FINCH,
Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: When you testified before the Senate Finance Committee, I asked you where you are going to get the money to finance the Administration's Family Assistance Plan. You have estimated that it is going to cost the government an additional $4.4 billion to finance the first year of operation of this welfare expansion plan. I do not accept this estimate as realistic. You based this estimate on an unemployment rate of 3.5 percent. As you know, unemployment has gone up to 4.8 percent, thus adding 1.1 million Americans to the unemployment rolls.

In addition, your cost estimate is based on 1968 figures. You failed to take into consideration the dramatic increase in the welfare rolls which will have occurred by 1972, the first year that your welfare expansion plan could be operated. Because of this increase in the welfare rolls, there has been a billion dollar increase in the cost of public assistance from 1968 to 1969.

Although I do not believe that your cost estimate of $4.4 billion is realistic, I asked you during the Finance Committee's hearings where we are going to get an additional $4.4 billion. You responded, and I quote, "Well, the Bureau of the Budget has built in these costs and all of their projections obviously were trading off with other programs. We have regarded the social implications of this as important enough to make those trade-offs within our present projections." You also responded that you are not anticipating any new tax authority to meet this new obligation.

Mr. Secretary, you have not yet responded with any of the information requested by the members of the Senate Finance Committee. However, I would like to add one more question to the long list of unanswered questions. I am requesting a detailed list of programs you intend to eliminate or reduce in order to pay for welfare expansion. I would like to know exactly which programs are to be cut back, which programs are to be eliminated and the amount of money that will be saved on each item. Only when this information is made available to the American public will we have any basis for considering H.R. 16311.

With every good wish, I am,
Sincerely,

HERMAN E. TALMADGE.

Mr. TALMADGE. It is entirely appropriate that the same congressional committees which must approve welfare payments are also charged with the responsibility of setting the tax rates. If the administration cannot show to the satisfaction of the tax writing committees that there is room in the 1972 and subsequent budgets for several billion dollars for welfare expansion, if it cannot show that it plans real cuts, rather than budget gimmicks, then we should consider a tax increase in conjunction with H.R. 16311.

Mr. President, yesterday the Chairman of the Federal Reserve Board, Arthur F. Burns, delivered a speech at the American Bankers Association monetary conference in Hot Springs, Va. His speech was reported in yesterday afternoon's Washington Star. The article is captioned "Limit Spending or Raise Tax, Burns Advises." I ask unanimous consent that the article relating to his speech, which appeared in yesterday afternoon's Star, be printed at this point in the RECORD.

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

LIMIT SPENDING OR RAISE TAX, BURNS ADVISES

(By Lee M. Cohn)

Federal Reserve Chairman Arthur F. Burns today called on Congress to clamp a tight ceiling on federal spending, or raise taxes to cover any significant expenditure increase.

A legal limit on outlays would be "the single most constructive step that could be taken" now to combat inflation and restore confidence in financial markets, Burns said in a speech prepared for an American Bankers Association monetary conference in Hot Springs, Va.

He also recommended consideration by the Nixon administration of a temporary "incomes policy"—short of direct controls—to restrain wage and price increases.

MODERATE OPTIMISM

On the general economic outlook, Burns was moderately optimistic about prospects for gradually curbing inflation without a recession.

Congress should enact an expenditure ceiling "tight enough to give reasonable assurance that federal expenditures for fiscal 1971 do not rise appreciably above the level projected in the budget last January" Burns said.

President Nixon's budget estimated spending in fiscal 1971, the year starting July 1, at $200.8 billion, up from $197.9 billion in fiscal 1970.

With revenues projected at $202.1 billion, the budget forecast a surplus of $1.3 billion, down from $1.5 billion in fiscal 1970.

Revised estimates scheduled for release this week are expected to show rising expenditures and declining revenues, producing moderate deficits in both years.

APPEARS TO DIFFER

In calling for a tight expenditure ceiling, Burns appeared to be differing with the administration, which has complained about the rigidity of such legislative limits.

As an alternative to a spending ceiling, Burns suggested, "if expenditures threaten to rise significantly above that level ($200.8 billion), taxes should be provided to cover the excess."

Indications that spending is on the upswing have caused "dramatic" reactions in financial markets, Burns said, observing: "The business and financial public is deeply concerned that the federal budgetary process

may have gotten out of hand in recent years. There is some basis for this concern."

In addition to a spending ceiling, he called for budgetary reforms to weed out expenditures on outmoded programs.

FOREIGN EXPERIENCE CITED

Noting that progress against inflation has been slow, Burns said the government is receiving suggestions for direct intervention to curb wage and price increases.

Specific "incomes policies" have achieved little success in the United States or abroad, he said.

"Nevertheless," he said, "we should not close our minds to the possibility that an incomes policy, provided it stopped well short of direct price and wage controls and was used merely as a supplement to over-all fiscal and monetary measures, might speed us through this transitional period of cost-push inflation."

He emphasized that an incomes policy pursued for a long period would be "completely impractical," and acknowledged that even a temporary policy of this nature would play only a "very modest" role in speeding the conquest of inflation.

Burns appeared to be talking about what is known as "jawboning"—more or less direct efforts to persuade labor and business to restrain wage and price increases.

The administration so far has opposed jawboning as ineffective.

"We have made much more progress than is generally realized in getting the inflationary forces of recent years under control," Burns said—while admitting that excessive price increases continue.

By slowing the economy, he said, anti-inflationary monetary and fiscal policies have taken "a risk that the decline in industrial output would intensify and spread across the economy, with the business slowdown taking on the characteristics of a recession."

"Thus far, the pervasive and cumulative characteristics of a recession have not developed," he said, adding: "It seems highly probable, moreover, that the business slowdown will not extend much further.

Mr. TALMADGE. There is adequate precedent for this procedure. The social security program has maintained its fiscal integrity because of the fact that sufficient social security revenues must be assured whenever we consider an increase in social security benefits. Because the social security trust fund stands alone, the relation between benefits and revenues is quite apparent.

Therefore, the Finance Committee became aware this year that unless medicare and medicaid costs were brought into line, or unless social security taxes were increased, the medicare program would go bankrupt.

Mr. President, I submit that we should apply the same kind of safeguard to this welfare expansion legislation. We do not necessarily need a welfare trust fund, but we do need to insure that there is a clear relationship between tax revenues and welfare benefits. If it is necessary to enact a tax increase for welfare benefits, we could call it the "Welfare Surtax of 1970."

I am tired of seeing the American taxpayer deluded. If the administration does not come up with satisfactory figures, I *shall do everything* I can, as one member of the Senate Finance Committee, to assure that a tax increase is considered in conjunction with H.R. 16311.

I predict that if Congress plays fast and loose with the American taxpayer, that if Congress enacts a program which will require the return of the 10-percent surtax, we will see a real taxpayers' revolt. This revolt will not be quelled by the enactment of another tax reform bill.

One of the great injustices of our time is the fact that any Member of Congress who opposes unlimited Federal giveaway programs is branded as harsh and insensitive to the needs of the poor.

On the contrary, the exact opposite is often the case.

I am sure that the advocates of H.R. 16311 will overlook the fact that in this session of Congress, I have attempted to do a great deal for the poor of this Nation. No Member of this body is more concerned with helping the very young, the elderly, the blind, and the disabled than am I. It is for this reason that I introduced the first major food stamp bill of 1969. I might add that this bill S. 1864, served as a pattern for the administration bill which was subsequently introduced. As every Member of the Senate knows, this body passed the food stamp reform bill last year. Unfortunately, this bill has not yet been approved by the House of Representatives. When enacted into law, the food stamp legislation will go a very long way in insuring that every American has an adequate diet.

The first major antihunger legislation to develop the current national concern about hunger was the school lunch bill which was approved by Congress and signed into law by the President last week. H.R. 515 was introduced by Representative PERKINS and approved by the House of Representatives in 1969. Also, in 1969, I introduced S. 2548, my own school lunch bill, and this bill was subsequently reported by the Senate Agriculture Committee. After some amendments were added on the floor, S. 2548 was passed unanimously by the Senate, and its language was substituted for the language of H.R. 515. The enactment of this legislation will insure that every needy schoolchild in America will receive a free or reduced price lunch.

Although I am quite concerned about providing for the needs of those who are unable to provide for themselves, I never allow myself to forget that I represent all the people and all the taxpayers. Therefore, I will not be a party to saddling the American taxpayer with an open-ended spending program which will increase the tax burden every year.

The American taxpayer should no longer be limited to a choice between runaway inflation and higher taxes.

The American public is tired of the policy of "spend now and pay later." As a matter of fact, the American taxpayer is now paying for the unwise and extravagant spending of the past.

The American taxpayer is entitled to know the true facts—the true cost of welfare expansion. If a tax increase will be required, then this tax increase should be considered now—in conjunction with the welfare expansion plan. If a tax increase is necessary, the administration should have the candor and the courage to call for such an increase now.

ORDER OF BUSINESS

Mr. TALMADGE. Mr. President, under the previous order, the distinguished Senator from Missouri (Mr. SYMINGTON) is to speak at this time. Is the Senator prepared to proceed?

Mr. SYMINGTON. I prefer to yield my 10 minutes to the Senator. I believe he has 10 more minutes.

Mr. TALMADGE. I have completed my remarks.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SYMINGTON. Mr. President, I ask unanimous consent that another quorum call be requested, and that, in accordance with the rules, I be allowed to have the floor after that quorum call.

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

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

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

Under the previous order, the Senator from Missouri (Mr. SYMINGTON) is now recognized for 1 hour.

CAMBODIA—WHERE IS THE PROFIT IN THE KILLING?

Mr. SYMINGTON. Mr. President, in the debate on the Senate floor last week the distinguished Senator from Mississippi, the chairman of the Senate Armed Services Committee made the following observation:

I am not an expert on military matters and how to fight a war, but I have been close to the subject for some time.

Those words are applicable to my own experience, in that during most of the adult years of my life I have been working for a strong and secure America, so that we could maintain a free America; and it is from that background I present these few remarks.

As the Senate now considers the Cooper-Church amendment, we should ask ourselves, what is true security?

During the debate on this amendment, opponents of the legislation—specifically the chairman of the Armed Services Committee—stated that passage of this proposal would be "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."

The distinguished chairman went even further when he said:

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.

It was not the Members of the Senate, however, or even the authors of this amendment, who first set down the guidelines which have been described as "sending such glad tidings to our adversaries."

On May 9, at his nationally televised press conference, President Nixon laid out the time schedule that now is being criticized as "stopping a procedure of battle that has every evidence of being highly profitable."

The President declared, both to this Nation and to our enemies:

All Americans of all kinds, including advisors, will be out of Cambodia by the end of June.

It was the President who, in meetings with congressional leaders on May 5, assured that U.S. forces would not penetrate Cambodia beyond 21.7 miles without congressional approval.

It was the Secretary of State who, at his press conference on May 13, said U.S. troops would not become "militarily involved" with the Cambodian Government after completion of the present operation.

Do the opponents of the Cooper-Church amendment believe that Hanoi became joyful when these statements were made to the American people? Or does joy only begin when the Senate endorses the announced policies of the President and his top officials?

Rather than at this time getting into the constitutional problem posed by an American President I would comment on the words "highly profitable" with respect to various aspects of this tragic business.

We are told that many additional Americans have already been killed in Cambodia, each and every one of whom no doubt was looking to the future. I heard on the radio Saturday morning that 138 Americans were killed in Cambodia.

Where is the profit in these additional killings?

On May 4, during a protest against the expansion of the war, the killing spread to the United States. Four students were killed by National Guardsmen; and then six more were killed; and then two more.

Where was the profit in those killings?

A responsible reporter writes from Cambodia that he saw disillusioned GI's going into action from their helicopters with such signs on their helmets as:

We are the unwilling, led by the unqualified, doing the unnecessary, for the ungrateful.

No doubt the GI's in question now realize that the announced plan of Vietnamization nails down the fact there will be no favorable military decision. They know that, and also that among them are the ones who will be killed tomorrow and in the long days to come.

They know also that for over 4 years the North Vietnamese and Vietcong have had full use of Cambodia as a sanctuary for their troops. This was true long before the policy of Vietnamization was decided upon by this administration; and therefore they know that the U.S. invasion of Cambodia was a military reaction to a political development—not a military development—the overthrow of Prince Sihanouk.

In any case, where is the profit in the fact that such thinking is spreading around among members of our Armed Forces?

Where is the profit in a statement made to me recently by one of the finest of all generals? "The better younger officers are completely disillusioned. Many have already resigned, and many more plan to resign."

Again, what is a true definition of security?

The American people have been both shocked and saddened by the televised evidence of the unnecessary killing of South Vietnamese civilians. For many months some of our youth in the Army have been under indictment for murder in connection with civilian killings, and now we are told that four marines have also been indicted for similar alleged murders.

Where is the profit in charges of murder against American servicemen, or in the killings upon which these charges are based?

One of the great educators of our country, who has had unusual success in preventing unrest on his campus, told me recently that, whereas 3 years ago returning veterans were leaders in his efforts to preserve order, today they were the leaders in creating disorder.

And again, in any case, regardless of any short term tactical military profit achieved through the capture of a quantity of supplies 10,000 miles away from our own land, as the world watches the United States start putting the torch to the hamlets of another little country, where is the long-term profit?

From the standpoint of our diplomatic relations with other countries, the invasion of Cambodia has been sheer disaster. Even a casual look at subsequent statements made by the heads of other nations shows the degree of that disaster.

Mr. CHURCH. Mr. President, would the Senator yield, or would he prefer to finish his speech? I would be happy to do it either way.

Mr. SYMINGTON. Mr. President, could I finish my remarks? I am on limited time.

Mr. CHURCH. Mr. President, I commend the Senator on the excellent speech he is making, and I shall wait for him to complete his prepared remarks.

Mr. SYMINGTON. Mr. President, where is the profit in this further erosion of our world prestige?

From an economic standpoint, the invasion of Cambodia has already resulted in heavy financial reverses for millions of Americans. To this should be added the fact that the war in Southeast Asia has been the primary cause for us having, simultaneously for the first time in our history, the three dangerous economic components of first, unprecedentedly high interest rates, second increasing inflation, and third, growing unemployment.

No one could say there is any profit in this series of developments, because it is all too clear there has been heavy loss.

Let us now look at the testimony before the Senate of one of the most respected and admired leaders of American business, Louis B. Lundborg, chairman of the board of the Bank of America, the largest bank in the world Mr. Lundborg testified in part as follows:

In my judgment, the war in Vietnam is a tragic national mistake.

* * * * *

The fact is that collectively, as a nation, we have made a mistake, a colossal one. In any other context of life, when a mistake has been made—whether by a person, by a company, or by a nation—there is only one thing to do; face up to it. No amount of cover-up—rationalizing, alibiing, or ducking the facts—will avoid the inevitable day of reckoning; it only compounds the cost.

* * * * *

In my judgment, it is time the shareholders of America—the people—begin to call for an end to the squandering of American blood, morale and resources on what is in essence an Asian war of nationalism.

I believe, Mr. President, that I have been to Vietnam as often as any other Member of Congress. And if there is one thing I am sure of, it is the accuracy of that remark with regard to nationalism.

Mr. Lundborg continues:

Certainly the disillusionment of the young over our whole Vietnam experience has weakened their willingness to follow adult leadership in anything.

I shudder to think of our being confronted by a real military threat—a direct and immediate one—to our own national security while our youth are in this mood.

The overriding question is this one—"Does the United States from either a practical or moral viewpoint have either the right or the might to set itself up as the unilateral policeman for the world?" My answer to that question is that such a position is morally indefensible and practically unstainable.

* * * * *

This has been an issue that has left our people confused and bewildered, with no clear sense of direction, no clear sense of national purpose, no confidence in the morality of such national directions as are apparent.

* * * * *

We must remind ourselves that, big and powerful as we are, we are only one nation among many.

This in essence is our mistake in Vietnam. We have somehow lost the vision to see that economics—not ideologies and not military operations—is the key to favorable world development in the latter third of the 20th century. There is only one way out of our current dilemma and that is the elimination of war in Vietnam.

Should we not listen also to the words of John W. Gardner, one of the great public servants of our time, when he says:

While each of us pursues his selfish interest and comforts himself by blaming others, the nation disintegrates. I use the phrase soberly. The nation disintegrates . . .

Nothing we are doing to help or harm our friends in Southeast Asia can compare to what we are doing to ourselves as a nation. The erosion of spirit that we have experienced is beyond calculation. Weighed against that erosion, any geopolitical advantages in the war must seem as pitfully small. I hasten to add my own view that judged in the strictest national security terms, our involvement in Southeast Asia is hopelessly counter to our best interests.

Mr. Gardner later observed:

We are not going to solve our domestic problems until this war is over. It is just as simple as that.

One of the domestic problems which now confronts us, a direct result of the Vietnam war, is the need to care for those brave men who have returned to this country, but who will never be the same again. In this connection, I ask unanimous consent that an article by Charles Childs entitled, "It's Like You've Been Put in Jail or Been Punished for Something," in the issue of Life magazine of May 22, having to do with the experience in a veterans' hospital of a wounded marine, as well as another article from the same issue entitled "From Vietnam to a V.A. Hospital: Assignment to Neglect," be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. SYMINGTON. Mr. President, I had planned to read a part of that short article this morning on the floor of the Senate but it is so sad, so terribly sad and tragic in all its actualities and implications that I have decided not to do so this morning. I would only ask, How can anything like this be going on in America, the richest country in history, the land of the free and the home of the brave?

Far from any profit, the tremendous losses resulting from this war in Indochina, both at home and abroad, are now becoming ever more clear; and the youth of the country continue to protest, because they are unwilling to die for a cause in which they, and so many other Americans, do not believe.

This latest Cambodian expansion of the war is defended on the grounds it supports our military; but I say, with great respect, that the best way to support them would be to bring them home, under a phased and orderly withdrawal plan.

This, in itself, would be the greatest single step toward stopping the killing of Americans, the killing of South Vietnamese, the killing of North Vietnamese, the killing of Laotians, the killing of Cambodians, the killing of all men, women, and children; and it would also help to restore much of the lost faith in Government which today characterizes the thinking of so many of our citizens.

These military, diplomatic, and economic sacrifices might be justified if the war we continue to fight week after week, month after month, and year after year in Southeast Asia was contributing anything to our national security. But I have been directly connected with the military planning incident to the security of the United States for some 30 years; and am sure in my own mind that Vietnam and all it entails is now reducing instead of increasing the true security of the United States.

EXHIBIT 1

IT'S LIKE YOU'VE BEEN PUT IN JAIL OR BEEN PUNISHED FOR SOMETHING

(By Charles Childs)

The siege at Khesanh had been lifted and Marine Marke Dumpert had gone back to Quangtri not feeling much other than the choking sensation of knowing he had been incredibly lucky. He had been in one of the toughest battles of the war and he had survived it. Hardened and immunized by the experience, Dumpert, then a private, volunteered to accompany a corporal and a lance corporal on a routine check of the front lines. He had been in Vietnam for three months. That was the day he was hit.

"As we headed out from the camp," Marke remembers, "I was seated up front by the door, the lance corporal beside me and the corporal driving. I heard a crack, a sound I'd heard a lot at Khesanh. You start to sweat when that happens because you get so you can tell how close a shell is. I could tell it was one of those six-foot Russian-made rockets because they sound like a freight train crashing. Just when I took a breath . . . it happened."

Blasted off the road, Dumpert was thrown into coiled barbed wire. After him came the truck, rolling over him and grinding him into the barbed wire. The pain was terrible. He felt a sensation of white heat, like a light bulb exploding in his eyes. His neck was already broken but in some miraculous way he remained conscious.

Luckily the truck was not far from the camp when it was hit, so help soon arrived. Dragged out and freed from the tangle of barbed wire, Dumpert was rushed to a nearby field hospital and immobilized with sandbags on each side of his head. A Medevac helicopter removed him to a hospital ship that was cruising in the South China Sea. The whole episode, from injury to hospital ship, had taken only 75 minutes. Four days later, Medevac surgeons operated to fuse Dumpert's broken neck back in place. Then they told him: he would survive but he would be paralyzed for the rest of his life from the neck downwards.

After surgery on the medical ship, Marke was flown to the Philadelphia Naval Hospital. There they helped him to learn how to breathe all over again, and he began physical therapy. "They did a great job," Marke says. "The volunteers and the USO people were terrific. Even among the in-service corpsmen there's discipline. If you don't get attended to by one of these corpsmen, a complaint might just mean somebody's weekend pass."

In September of 1968, the time came for transfer to a Veterans Administration hospital. For Dumpert, as for other wounded, it meant that his condition had been improved and stabilized to the point where extended care could begin. But, as it turned out, the Bronx VA Hospital was nothing to look forward to.

"The day they moved me into that gloomy 3–C ward, I knew I was back at the battlefield," Dumpert says. "It was the misery of Khesanh all over again. I spent over a month and a half in an 8x21-foot bunker in Khesanh. I remember the smell of four other guys plus myself, when we had to use water to drink, not to wash with, when we lived with garbage rather than dump it and get hit by a sniper. But at least in Khesanh, you could joke and be lighthearted. Death was around you but there was still the possibility of getting out. Here in this ward, living with the misery of six neglected guys who can't wash themselves, can't even get a glass of water for themselves, who are left unattended for hours . . . it's sickening.

"Nobody should have to live in these conditions," Dumpert insists. "We're all hooked up to urine bags, and without enough attendants to empty them, they spill over the floor. It smells and cakes something awful. The aides don't commit themselves wholeheartedly, but with what they earn a year why should they? I've laid in bed on one side from 6 a.m. to 4 p.m., without getting moved or washed. When and if you do get a shower, you come back and you're put into a bed on the same sweaty sheets you started with. It's like you've been put in jail, or you've been punished for something."

The rats were worst. "I had been sleeping on my stomach," Dumpert recalls. "It wasn't 11 o'clock, but I had closed by eyes. I suddenly awoke to find a rat on my hand. I can't move my hand, so I tried to jerk my shoulders. I screamed and the rat jumped slowly off my bed. When the aide arrived, I told him. He said, 'Aw, you must be drunk.' Nobody has done anything to this day, so some of the amputees who are not totally disabled have taken to setting traps, to protect us. If you're a nervous-system injury you can't feel anything, and you couldl get bitten in the night and not know it."

Escape from his predicament seems altogether impossible. Dumpert hopes to finish high school and has a dream of becoming a lawyer, despite his disability. But his will to struggle has been seriously impaired by neglect and frustration.

"I feel that the way we Vietnam veterans are being treated," he says, "is abnormal. I regret having to say this, but now I have nothing but disgust for my country. I used to hate the guys who ran off to Canada to avoid the draft. Now I don't hate them. I don't like them, but I respect them for what they did. If I had known what I know now, I would never have enlisted. I don't mean just my injury, but the insensitivity and lack of care. They would have had to drag me into the service kicking. It makes me wonder about Vietnam—about whether the people I saw die, and people like me who are half dead, fought for nothing."

FROM VIETNAM TO A VA HOSPITAL ASSIGNMENT TO NEGLECT

Besides the dead, there are the wounded: 275,000 of them to date. A man hit in Vietnam has twice as good a chance of surviving as he did in Korea and World War II—helicopter teams evacuate the wounded faster, often within minutes, support hospitals perform miraculous repairs on injuries that tend to be more devastating than ever before. But having been saved by the best field medicine in history and given initial treatment in first-rate military facilities, one out of every seven U.S. servicemen wounded in Vietnam is fated to pass into the bleak backwaters of our Veterans Administration hospitals.

With 166 separate institutions, the VA hospital system is the biggest in the world. The 800,000 patients it treats in a year, mainly men wounded in earlier wars, range from cardiac to psychiatric cases. It is disgracefully understaffed, with standards far below those of an average community hospital. Many wards remain closed for want of personnel and the rest are strained with overcrowding. Facilities for long-term treatment and rehabilitation, indispensable for the kind of paralytic injuries especially common in this war of land mines and booby traps, are generally inferior. At Miami's VA hospital, while sophisticated new equipment sits idle for lack of trained personnel, patients may wait hours for needed blood transfusions. At the VA's showplace hospital in Washington, D.C. a single registered nurse may minister to as many as 80 patients at a time. At the Wadsworth VA Hospital in Los Angeles, doctors who work there describe ward conditions as "medieval" and "filthy."

Veterans Administration Director Donald E. Johnson insists publicly that veterans receive "care second to none." The evidence is overwhelmingly against him. A five-month inquiry by a Senate subcommittee chaired by California's Alan Cranston has documented gross inadequacies and laid the main blame directly on a series of cutbacks in the VA medical budget. This sum presently amounts to roughly $1.6 billion a year, somewhat less than the cost of one month's fighting in Vietnam. Additional appropriations of $122 million for next year await probable congressional approval and could help ease

the immediate crisis. But within the next 12 months 16,000 more men from Vietnam are expected to come under the Veterans Administration's care.

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

Mr. SYMINGTON. I had said I would yield to the Senator from Idaho. Then, I would be happy to yield to the Senator from New York.

Mr. CHURCH. Mr. President, I commend the distinguished Senator from Missouri for the very thoughtful and hard-hitting address he has made this morning. I must say that he has taken all of the arguments and reduced them to a succinct statement of his position.

What it comes down to, as he has emphasized, is that it is this war that hurts the United States, hurts us abroad and hurts us at home; and the crisis that has come to this country is the result of our interminable involvement in this war which offers no conclusive results, and tears apart the fabric or our own society.

There are limits to what a democratic country can do when it comes to war; it cannot persist indefinitely in a war that can neither be stopped nor won; it cannot keep forcing young people to fight when so many of them believe the war to be wrongful, without sowing the seeds of sedition in our own land.

That is what is happening to us now and it has a far greater bearing on the future of the Republic than anything that is now or ever has been at stake for us in Indochina.

I think of all the arguments that have been voiced against the pending amendment, the most incredible was that taken to the press galleries a few days ago, when the two commanders of the largest veterans organizations of the country condemned the sponsors of this amendment in terms that impugned their patriotism and alleged that the amendment would be greeted with joy and jubilation in Moscow and Peking. The facts are just the opposite. It is the Cambodian operation itself, not this amendment, that has brought joy to Peking.

A distinguished commentator, Mr. Stanley Karnow, wrote in the Washington Post of Monday, May 11, 1970, that the Chinese Government greeted with enthusiasm the decision of the President to enter Cambodia. The political repercussions pose a far larger danger to the United States in the long run, a much greater potential threat to American security, than anything that is involved in the present war in Vietnam.

For example, there is evidence that China and Russia are laying their quarrel aside, a quarrel that had split the Communist world into two warring camps. What a price to pay. Next, there is evidence that the Chinese, for the first time in years, are reestablishing their leadership over the Communist movement in Asia. Of course, as the Senator knows, the Chinese leadership has been by far the more aggressive in the competition between Peking and Moscow.

I say to the Senator that he has brought back into balance the question which faces us. It would be in line with his remarks if the article by Mr. Karnow, to which I referred, entitled "Nixon's Expansion of the War Seems To Delight Chinese," might appear here in the RECORD.

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

NIXON'S EXPANSION OF THE WAR SEEMS TO DELIGHT CHINESE

(By Stanley Karnow)

HONG KONG, CHINA.—Experts here have finally figured out Mao Tse-tung's whereabouts during his recent long absence from public view. He was secretly ensconced in the White House, advising President Nixon to send American troops into Cambodia.

The circumstantial evidence to support that intelligence is reflected in the fact that nobody has been displaying greater delight at the widening war in Indochina than the Chinese Communists.

Mao and his associates are not crazy. On the contrary, they are tough, shrewd and, despite their apparent adherence to rigid doctrines, extraordinarily flexible.

Most of all, they are patient enough to have played a cautious waiting game in the hope that Mr. Nixon would accommodate them by stumbling into Camobdia.

For the conflict now spreading throughout the Indochinese peninsula serves their cause in several ways. And, barring the unlikely prospect of its spilling over into China itself, this welcome development is costing them next to nothing.

In terms of their own strategic ambitions, the Chinese have three inter-related objectives in Southeast Asia.

First and foremost, they want to oust American military power, partly because they are concerned with their security and partly because a U.S. presence thwarts their other aims in the area.

Second, they want to curb the influence in the region of the Soviet Union, which they also see as a potential military threat as well as an ideological rival.

Third, they want a future Southeast Asia composed of frail states that pose no challenge to Chinese hegemony but, as in centuries past, pay tribute to the rule of the "Middle Kingdom" in Peking.

The American involvement in Vietnam, they perceive with obvious pleasure, has bogged down the United States in a situation it cannot win and refuses to lose. Therefore, they calculate, an extension of the conflict will only drain U.S. resources further.

Besides stirring dissent in the United States and thus fulfilling their dogma that the "masses" inevitably rise against their "fascist masters" the Indochina mess also appears to the Chinese to be an opportunity to "isolate" America internationally.

By no coincidence, consequently, they have invited a French cabinet minister to visit China this summer for the first time since France recognized Peking in 1954. Moreover, they are improving their ties with Britain and Yugoslavia, and progressing toward diplomatic relations with Canada and Italy.

In the meantime, just as Mao wished, the specter of a bigger Indochina war is weakening the Soviet position in the area as the Russians waver between trying to promote the moderation they really prefer and backing Communist escalation in order to assert their revolutionary credentials.

One sign of Soviet confusion has been apparent in the Kremlin's delay in recognizing Prince Sihanouk's Peking sponsored government-in-exile. As a result, Moscow has clearly lost ground to the Chinese in Hanoi.

Meanwhile, with no indication from Washington that they can expect to gain anything from 25 years of struggle, the Vietnamese Communists are settling down to "protracted war."

Again, this suits Peking's long-range dreams, since it augurs an exhausted Vietnam that the Chinese are convinced they can eventually dominate.

In an unusually candid talk with an American some time ago, a Hanoi official stress this point. "You think you are blocking China by fighting us," he said, "but in fact, you are destroying a barrier to Chinese expansion in Southeast Asia if you destroy us."

Mao himself emphasized a similar point when, a few years back, a Japanese visitor to Peking apologized to him for Japan's aggression against China in the 1930s.

"The Japanese invasion inspired the Chinese people to rise and fight," Mao reportedly told his visitor. "Our army grew by a million men, and our support grew to include one hundred million people.

"So, instead of your apologizing to me, perhaps I should thank you."

It would be tragic if Mao repeated those same lines to an American visitor in Peking years hence. The way things are going, that possibility is not inconceivable.

Mr. SYMINGTON. I thank my colleague for his kind and generous remarks with respect to the thoughts I have expressed this morning. In effect, I am following his leadership in this matter, along with that of my distinguished colleague, the Senator from Kentucky (Mr. COOPER) and also, as coendorsers of the amendment, the able majority leader, and the ranking Republican of the Senate who also is the ranking minority member of the Committee on Foreign Relations.

I could go into more military detail as a member of the Committee on Armed Services, or more diplomatic detail as a member of the Committee on Foreign Relations, or more economic detail as a member of the Joint Economic Committee with respect to just what this war is doing to the United States of America.

My talk this morning, however, was to present in the main what I believe this war is doing to the faith of America in itself, and to the moral fiber of its people.

I am glad to yield to the able Senator from New York, with whom I am privileged to serve on the Foreign Relations Committee.

Mr. JAVITS. Mr. President, like the Senator from Missouri, I am also a cosponsor of the Church-Cooper amendment. I was especially taken by a particular phrase the Senator used in the speech, the phrase, "the best way to support them would be to bring them home, under a phased and orderly withdrawal plan."

I would like to ask the Senator whether this is not his feeling in response to the thought uttered by so many that all advocates of withdrawal mean that in some precipitate, disgraceful, and heedless manner, without any regard for security, about which the Senator knows a great deal. We send ships up to the piers, put the men aboard, and take them out. In the first place, this just could not be done.

Therefore, I ask the Senator whether he does not feel that by using that phrase, "a phased and orderly withdrawal," he is really asking the President to go back to the one stance he took which did give some small measure of reassurance to many in the country and resulted in a kind of uneasy truce between those who wanted to get out of Vietnam and those who did not. That truce has now, in a sense, been shattered, with a tremendous strain upon the

social structure of our country by those whose suspicion has been aroused that there is not going to be any phased and orderly withdrawal, even on the President's timetable. And, one of the greatest things the President could do is decisively to terminate the Cambodia operation and to give the country, by deeds and words, reassurance that, at least, he was going back to his original plan of phased and orderly withdrawal. The President's earlier speeches in this vein had reduced the national tensions over Vietnam—before the latest Cambodia speech.

Mr. SYMINGTON. I thank the able Senator. Of course he is right.

I changed my position publicly on this war as the record will show, in the fall of 1967—October, to be exact—after one more trip to Vietnam. I became convinced that the price we were being asked to pay was not worth the candle. Therefore, I was glad when the President announced a policy of orderly deescalation and withdrawal.

I was glad that he felt, during the campaign, it would be possible to solve, within a reasonable time, this cancer on the world's future which could be summed up in the word "Vietnam."

What worries me today about this latest situation is the secrecy involved, also that it looked like, at least to the uninformed, of which I am one, a change in direction. I have been a member of the Senate Armed Service Committee since the first day I came to the Congress, and for a decade have been a member of the Central Intelligence Agency Subcommittee, and for close to a decade of the Foreign Relations Committee. And I say to the Senate, without reservation, that I knew nothing about the attack on Cambodia until our troops were in that land.

Yesterday the able and distinguished Secretary of Defense testified before the Foreign Relations Committee, and he stated that details had been given him by the Central Intelligence Agency months ago as a reason for this adventure, invasion—whatever the word would be—with respect to Cambodia.

I have great respect for the Secretary as a public servant and a former Member of the Congress, but will say that none of that information ever came to the committees on which I sit, including the committee supposed to supervise the Central Intelligence Agency. I do believe the growing tendency toward secrecy in government—incidentally I am writing an article about that now—is perhaps the greatest danger of all to the survival of the Nation.

Mr. JAVITS. I am very grateful to the Senator for his statement.

Mr. SYMINGTON. I thank the Senator for his kind remarks.

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

Mr. SYMINGTON. I am glad to yield to the distinguished senior Senator from Wisconsin.

Mr. PROXMIRE. I join in the general commendation of the Senator from Missouri in this excellent, thoughtful, and convincing statement. I am particularly impressed because the Senator from Missouri (Mr. SYMINGTON), who is a former Secretary of the Air Force—the first Secretary of the Air Force—has been an 18-year member of the Armed Services Committee. I note on page 3 of his statement:

> Where is the profit in a statement made to me recently by one of the finest of all Generals, "The better younger officers are completely disillusioned? Many have already resigned, and many more plan to resign.

That is the first time that kind of situation has been called so authoritatively and forcefully to my attention. This is impressive, and depressing. These young officers have been identified in the public mind as those who have been "gung ho" and all out in favor of military action in Southeast Asia and as those who have felt that the action was militarily sound. I think the Senator from Missouri raises a most interesting and significant question in that regard. It follows the statement that he makes that the Cambodian action was a political action, very largely or at least based upon a political development, and not based strictly on military considerations. So I want to thank the Senator from Missouri for that information.

I would like to ask him a question in connection with his observation on the economic effects. He points out that this is the first time in our history when we have had record high interest rates, growing unemployment, and rising inflation simultaneously, and he says this is the result of the Vietnam war, the implication being that any prolongation or extension of the Vietnam war is going to aggravate our economic situation. Is that the Senator's conviction?

Mr. SYMINGTON. First, Mr. President, I would thank my able colleague from Wisconsin. As a member of the committee he has chaired, the Joint Economic Committee, I do not believe anybody in this country has done more to help the load of the American taxpayers, through his wise and courageous handling of that committee. Much of what I feel about the economic problems now facing this Nation is a result of having worked with him, and for him on that committee.

I quoted someone who knows probably as much as he does, and far more than I do, about the economic situation when I quoted Louis Lundborg, head of the world's largest bank. It was he who brought up the figures to show how serious this situation was getting from the standpoint of our economic survival, let alone our economic prosperity.

In this connection he made two broad presentations, the first as president of the bank, the second as an individual citizen. The basis of the first one presented showed among other things the fallacy in the Marxian prediction about capitalism needing war to maintain profits. Exactly the opposite has been going on with respect to the economy of the United States today.

In further development of his thinking, I remember one figure he gave which was quite startling. In the 4 years prior to the escalation of the war in 1965, the profits of the corporations of the United States increased 71 percent. In the 4 years since the escalation of the war, profits have increased but 9 percent. I might add that, while I do not know what the figure is going to be this year—the Senator from Wisconsin would know that better than I—based on earnings statements I have seen thus far, that figure may be considerably lower, if not eliminated.

I do thank my colleagues.

Mr. PROXMIRE. If the Senator will yield for just one further question, on page 4 the Senator asks the question about the United States having a practical or moral right to set itself up as the unilateral policeman for the world.

I think this is a question we ought to ask and consider in depth because, on so many of these issues, we find that on both sides of the issue everyone agrees. We all want to get out of Vietnam; we all want to get out as rapidly as we can; it is a matter of tactical judgment, and so forth.

It is true, however, that the President of the United States indicated that, if we got out of Vietnam too precipitously, we would be through as a peacekeeper in Asia.

The Senator from Missouri hits this point raised by the President directly and explicitly when he says:

> My answer to that question is that such a position is morally indefensible and practically unsustainable.

In other words, we cannot be the policeman for the world. It is not our moral obligation, we will fail if we try to do it, and it is an intolerably expensive project in terms of life and treasure. Is this the conclusion of the Senator from Missouri?

Mr. SYMINGTON. Mr. President, the able Senator from Wisconsin gives me credit for a statement that I would have made, and perhaps have made in almost comparable language; but it was actually made by the president of the Bank of America.

I do believe he is right. What worries me as much about Vietnam as anything else is not only the nature of our commitment there, but the degree, because I am not happy about the situation in the Middle East and perhaps most worried about possible future developments in Europe.

I know how much, in Europe as well as in Korea, American troops mean to the people of those countries; and the gigantic cost of these military efforts beyond the cost of Vietnam.

We are spending more than $100 million a day in our various current foreign military operations. We have 384 major bases abroad, and over 3,000 minor installations. We have commitments that are almost incredible in size and scope. I heard the other day that, in a country in which I did not know we had more than 10 Americans, we actually have more than 3,000.

So I would say that the people of the world as well as this Nation are beginning to question just what the able Senator from Wisconsin points out was on the mind of the president of the Bank of America: Do we have, from either a practical or a normal viewpoint, the right to be the policeman for the world?

Mr. President, as the Senate knows, I am chairman of a subcommittee that, starting a year ago last February has been looking into these commitments;

and would be the first to say that most, if not all, of the commitments were made prior to this administration. What amazes me, especially because of my other committee assignments, is the secrecy under which these arrangements, agreements, actually commitments were made.

I think it is only fair to point out that at the same time we were deescalating in the open a war in Vietnam, we were escalating secretly a war in Laos. Now we go into a third country, and we have also started, at least periodically, again to bomb North Vietnam.

What we are really doing today, in effect, is fighting not in one country, but in all the four countries which originally constituted the French colonial province of Indochina. Whether or not it is morally right is for each of us to decide for himself.

I worry when I see pictures like one on television, a fine looking young American GI with a child apparently dead, who said, "I have seen worse, but I don't like to see the kids get it."

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

Mr. SYMINGTON. I am glad to yield to my able friend from Iowa.

Mr. MILLER. Mr. President, the distinguished Senator from Missouri referred to some inscriptions that some TV cameramen had picked up on the helmets of some of our troops going into Cambodia.

Does he know how many troops were involved in that?

Mr. SYMINGTON. How many were involved in what?

Mr. MILLER. How many troops were involved in the helmet incident.

Mr. SYMINGTON. First, it was not on television, rather reported under a byline by a reporter who stated there were many others like it and gave this one particular quotation, which I thought particularly unfortunate.

Mr. MILLER. Surely the Senator from Missouri had heard that same phrase before. That is not a new phrase. That is a phrase that was kicking around during World War II. The Senator from Iowa saw that phrase written in various places, both in the United States and outside of the United States, during World War II.

But the question I am really trying to get at is, how many——

Mr. SYMINGTON. It is an interesting phrase. No doubt, that is why the young man remembered it. I do not remember the phrase before.

Mr. MILLER. The point I am trying to make is that in a military establishment—and I am sure no one knows this better than the former Secretary of the Air Force—you are always going to find a certain number of people with certain viewpoints, and I think it would be doing a disservice to the several thousands of our own ground forces who went into the Cambodian sanctuary operation to suggest that, because a few men had these inscriptions on their helmets, they were representative, at all, of the attitude of the great majority of the thousands who went into the Cambodian operation. I would hope that the Senator would not suggest that this was a representative viewpoint, any more than the typical GI gripe that we all heard about in World War II was representative of the true feelings of most of the men who participated in those wars.

Mr. SYMINGTON. Well, Mr. President, I fully respect the position taken by the distinguished Senator from Iowa. I too have had some experience in several wars that involved this country; and was in Great Britain during the blitz and the Battle of Britain.

Based on trips to Vietnam—and I have been all over Vietnam, Mr. President, including an armed chopper to the Cambodian border, at such Green Beret special force camps as Duc Co and Plei Me, and I think I know the feeling of soldiers in these campaigns. I have had major generals in Saigon tell me that they would not continue in a war conducted in this way; and then prove it by resigning from the services and giving up their careers.

I have had people on carriers protest bitterly about the fact the rules of this war were being handled by the State Department and not by the military services.

Let me point out to my friend from Iowa that when I talked about a great general—and there never was a greater—that was not my quotation. What was said about morale in the military services is what he said, and there is no man with a finer battle record in the history of the United States.

Mr. MILLER. Mr. President, the Senator recounted a number of places that he visited in South Vietnam, and he knows that I visited the same places, and possibly talked to many of the same people.

Mr. SYMINGTON. I am glad that the Senator did.

Mr. MILLER. Well, I did, and that goes back to January 1966. I think the Senator was over there earlier than that.

Nevertheless, I, too, have talked with those people. When the Senator talks about the morale of our fighting troops, I have picked up the same morale reaction in talking with some people that he probably talked with, including those on aircraft carriers.

Mr. SYMINGTON. Let me assure my able colleague that I think the morale and the fighting capacity and the quality of American troops in Vietnam is as fine as it has ever been in our history.

I was talking about what a general was saying in Washington. I have heard protests about the way the war is being conducted. I have heard a great many people say, "If we're going to fight this war, why don't we fight it to win?"

I do not want to get into a discussion with the Senator from Iowa about whether or not the Americans have high morale, because the American fighting man is the finest in the world today; and I think it is unfortunate he is being called upon by his superiors to do things which in his heart and mind he thinks wrong. That is what they have said to me. I can give illustration after illustration.

Mr. MILLER. The Senator from Iowa appreciates that, and he certainly was not intimating that the Senator from Missouri would have any other idea than that.

The one point I must emphasize is that I do think that while it is sensational from a press standpoint for somebody to get out there and see an inscription on the helmets of a few men who say something to the effect that they think that going into Cambodia to clean out the sanctuaries is not good and that they do not support it, and that the people leading them are misled, we ought to take into account that most of the thousands who do this do not go around with that attitude. That attitude can be found anywhere in the Armed Forces today. I am mainly interested in the viewpoint of the thousands doing their job, who are not going around slurring the leadership. That is the point I wanted to bring out.

The Senator spoke about younger officers and how some of them are leaving. The Senator from Iowa has talked with a great many younger officers who have that attitude, but I think it is important to tell the Senate why they feel this way. The Senator has already alluded to one reason—he knows, because he has talked with—which is the way the war was conducted for over 4 years, tying one hand behind the backs of our men.

I have said on the floor of the Senate many times that if we were going to send men over there and because of certain factors we were going to tie one hand behind their backs, they should not have been sent over there in the first place. I think that this underlies one of the great reasons for the drop in morale among the junior officers. They see the military demeaned. They read about certain things relating to the military, some of which are said on the floor of the Senate, and they begin to think they are second-rate citizens. It is not a case of their not having a high regard for our country. It is not a case of their wanting to back out of Vietnam. But it is a case of their bearing a great amount of unfair attack because they are carrying out their orders to the best of their ability.

I should like to make one final point to my colleague the Senator from Missouri. Perhaps I ought to precede that by a question. The Senator referred to the escalation in Laos. I should like to ask him whether he could tell us why he referred to it as an escalation in Laos. What does he mean by that? The reason I ask this is that, like most of us here, I have followed the Laotian situation for a long time. I know that certain statements were made on the floor of the Senate about Laos. But I do not understand this use of the term "escalation of the war in Laos," because, to my knowledge, what we have been doing in Laos has been going on for a long, long time. I am wondering what basis the Senator has for referring to it as an escalation.

Mr. SYMINGTON. Mr. President, as the Senator knows, our subcommittee held extensive hearings on Laos for many weeks. We completed those hearings in October. Then we had a running discussion with the State Department as to what should or should not be made a part of the public record. Finally, in April, we reached an agreement as to what should be published. There was

considerable discussion—it is fair to say "resistance"—as to what should be published, on the part of the State Department. But we finally arrived at agreement.

One example of escalation: In 1969, as against 1968, in some months in 1969 we increased the air strikes against northern Laos 100 percent. That had nothing to do with the Ho Chi Minh trails. This was northern Laos, closer to Red China than to said trials. In other months in 1969, as against 1968, we increased those strikes 200 percent.

That is why I felt justified in presenting there was an escalation of the secret war going on in Laos.

Mr. MILLER. I appreciate the Senator's response. Of course, I do not know what the 100 percent or 200 percent is, and I am not asking the Senator to reveal the numbers.

Mr. SYMINGTON. I wanted to reveal them, but the State Department would not agree to more than percentages. It was plenty.

Mr. MILLER. The Senator knows that when some people hear talk about escalation in Laos they are thinking of something else.

Mr. SYMINGTON. I was not thinking of anything else.

Mr. MILLER. I am happy that this has been brought out. We are talking about bombing attacks over Laos, which have been going on for a long time. The shift of some of these attacks into the northern part of Laos is the basis for his term "escalation in Laos."

Mr. SYMINGTON. I was in Laos in 1966 and in 1967. We were attacking, secretly, in northern Laos during those years. To the best of my knowledge, none of us here knew that. Nobody was told on the Armed Services Committee or on any other committee of which I am a member. I cannot pursue this further because of classification.

Mr. MILLER. The Senator means air attacks.

Mr. SYMINGTON. Not entirely.

Mr. MILLER. Well, may I say, to wind up this part of the discussion, that so far as I know, it has been pretty generally known that air attacks over Laos have been going on for years and years and years. They vary in intensity; they vary in area in Laos. I must say that some of the air attacks in northern Laos are not unrelated to the flow of supplies and men to the south.

Mr. SYMINGTON. Mr. President, let us get it straight. I went to Laos, stayed in Laos with friends operating an American operation out of Vientiane, went again later and stayed with the Ambassador. At no time was I ever told that American pilots, with their identifications, were attacking northern Laos. I only found that out as a result of the hearings we later held in this country.

I would rather not pursue this on the floor of the Senate, but would be glad to go over, in detail, testimony given us under oath in the subcommittee. I believe we may be getting on dangerous ground if we continue discussion as to just where it was, and under what conditions, the United States was operating in Laos.

Mr. MILLER. Mr. President, I agree.

I might say that I could repeat the story that the Senator just stated. I was not referring to that type of air attack. I was referring to the particular air attacks by our Vietnamese and aircraft carrier planes which, I think it is common knowledge, were being used to fly bombing sorties over all of Laos, northern and southern.

Mr. SYMINGTON. I felt the able Senator from Iowa was referring to the air attacks to which I was referring.

Mr. MILLER. I should like to make one final point. The Senator talked about the invasion of Cambodia. I must say, with all due respect to the Senator from Missouri, that I think the use of the term "invasion of Cambodia" is most unfortunate.

To me, the privileged sanctuaries which have been occupied by the North Vietnamese troops for 5 years were really no more part of a neutral country than the North Pole. They were taken over, controlled, dominated, and occupied lock stock and barrel by North Vietnamese troops.

The PRESIDING OFFICER (Mr. HOLLINGS). The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, even though 2 hours have expired, I ask unanimous consent that the unfinished business still be laid aside temporarily, and that at the conclusion of the remarks of the distinguished Senator from Missouri (Mr. SYMINGTON), there be a period for the transaction of routine morning business, with statements limited to 3 minutes therein; and that at an appropriate time after that, the unfinished business be laid before the Senate.

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

Mr. GRIFFIN. Mr. President, before the Senator from Missouri responds to the Senator from Iowa, will he yield to me briefly?

Mr. SYMINGTON. I will be glad, as always, to yield to the able assistant minority leader.

Mr. GRIFFIN. Perhaps the Senator from Iowa has not finished.

Mr. MILLER. I had not quite finished my question, if my colleague would mind my continuing.

Mr. GRIFFIN. If possible, I would like to have the Senator from Missouri yield to me before he responds, because I have something I wish to add to the point being made by the Senator from Iowa.

Mr. MILLER. My point was that to equate that type of operation to what I would hope everyone would agree would be an invasion activity of North Vietnamese troops in going in and trying to take over all of Cambodia, would be unfortunate. I do not want to get into semantics about it, but it seems to me there is a great deal of difference between the two situations.

Mr. SYMINGTON. With great respect to the Senator from Iowa, let me say this: It was in 1961 when I first went to South Vietnam. The next time was in 1965. When I saw the buildup developing in Cambodia, I recommended we attack Cambodia at that time, because, at that time, based on limited information I felt we could get the war over at a cost that would be acceptable. But I was misled, frankly, as to—just what was the situation and what we were really doing. As you well know, the sanctuaries in Cambodia remained.

Later on, when I began to realize that the whole operation was diplomatically, militarily, and economically a disaster to the American people, I changed my thinking; and it was for that reason I fully supported President Nixon when he announced he was going to establish an orderly withdrawal. I felt, when he went into another country as part of that orderly withdrawal, along with escalating the war in Laos as part of that orderly withdrawal, it was an invasion. But, I do not want to get into semantics about it.

If the able Senator from Iowa believes that crossing the border of another country is not an invasion, perhaps, an intrusion, or a tactical military operation, that is his privilege. I certainly do not object.

Mr. GRIFFIN. Before the Senator leaves that subject, let me say that a phrase which the Senator from Missouri has used in his speech bothers me. Although he differs with the senior Senator from Missouri on this amendment, the junior Senator from Michigan has respect for the experience and views of the senior Senator from Missouri. What the Senator from Missouri says is oftentimes reported, so the words he uses are important.

Mr. SYMINGTON. May I say, Mr. President, that I have equal respect for my colleague from Michigan.

Mr. GRIFFIN. I thank the Senator from Missouri. I do not know whether he intended to use the phrase or not, but at one point in his speech the senior Senator from Missouri talked about the "attack on Cambodia." I wonder whether he really meant to say "attack on Cambodia," referring to the recent operation there. Surely, that is not the intention of the Senator from Missouri.

Mr. SYMINGTON. It is difficult for me to see how, if one crosses the border of another country, with a gun in his hands and shoots people on the other side of the border of that country, he is not attacking that country. However, I do not object to any semantic interpretations my able friend from Michigan may put on what we did. I did not come to the floor of the Senate today to talk about whether it was an invasion, or an intrusion, or what; rather to present considered opinion about the whole operation. The results of actually now fighting in all of Indochina; and what this is doing to the overall security and prosperity of this country.

Mr. GRIFFIN. I am willing to concede that there are legitimate and sincere differences of opinion and they should be expressed. But the country should not be misled or sidetracked by the use of words which carry the wrong meaning. I know the Senator from Missouri realizes and agrees that the United States is in no sense challenging the Government of Cambodia; we are not "attacking" the forces of Cambodia, and the operation underway is not an "attack" on Cambo-

dia. Accordingly, I do not understand his use of those words.

The PRESIDING OFFICER (Mr. EAGLETON). The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may have an additional 30 minutes, because I know there are some of us who have been waiting patiently here and would like to participate in this debate as well.

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

Mr. SYMINGTON. Before I yield to the Senator from West Virginia (Mr. RANDOLPH), let me make this point to my good friend from Michigan, again for whom I have the greatest respect—as he knows. To the best of my knowledge this is the first time I have taken the floor of the U.S. Senate to criticize in this way whatever is currently going on in Southeast Asia. I said I did not believe the policy of Vietnamization would work, and the reason for that thinking is simple. Actually, at the peak of the past administration's efforts, there were not 545,000 Americans working over there on Vietnam, but close to 800,000; if we count those in the fleet, those in Thailand, those in Japan, in the Philippines, in Okinawa, and on Guam who were devoted exclusively to achieving whatever it was we were trying to achieve in that part of the world.

The only reason I am talking today is because we have an amendment now before the Senate which I honestly believe is an effort to limit what would appear to be a change in what I felt the administration planned to do.

Now I am glad to yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the knowledgeable senior Senator from Missouri (Mr. SYMINGTON) has placed the incursion into Cambodia in its proper perspective, and I join in asking the penetrating question which he has asked: Where is the profit in the killing?

My colleague has strengthened the view I expressed in this forum on May 6, when I said that the sending of U.S. troops into Cambodia presents a real danger—one that could lead, in my opinion, to our active involvement in a conflict expanded beyond Vietnam and possibly into an Indochina war, with severe human and economic consequences.

I said, too, on May 6, that it is my fear the main result of the Cambodian action actually will cost more lost lives and will cause more casualties.

But, Mr. President, even as some measure of tactical and strategic advantages accrue from the sending of our forces into Cambodia along with troops of the South Vietnamese Government—and I do not doubt that there will be some such advantages—I share the views so capably and vigorously expressed by Senator SYMINGTON that the overall risks and the negative aspects will outweigh the short-range gains. This has been my view since the Cambodian action was announced initially. And the reactions at home and abroad have been such as to increase my doubts that the military values will prove in the long run to have been worth the divisiveness created between our own people and the disrespect of our country's foreign policy being manifested by more and more nations of the world.

I think we are, I say to my colleague, endangering the prospects of negotiating a peaceful settlement and increasing the likelihood that human death and property destruction will be extended over a broader front and over a longer period of time, even if we do withdraw more of our manpower on the schedule announced from the White House.

I have, of course, no right to quote directly the former negotiator at the Paris peace talks—Cyrus Vance. But he was in West Virginia on Sunday. And I was with him on the occasion of his commencement address at my alma mater, Salem College.

I was grateful not only to hear his address—which I shall have printed in the RECORD at a later time—but was also pleased to have had the opportunity to talk with this eminent negotiator who, with Averill Harriman, represented our Nation at the Paris peace talks.

I think it is of importance to point out that Mr. Vance believes this thrust into Cambodia will have the result, which the President certainly does not intend, of widening the war. He feels that it will do just that.

Mr. President, I think it is important that we recognize that the Senator from Missouri is the only Member of the Senate who is a member of both the Armed Services Committee and the Foreign Relations Committee. And as he has talked here today with the Senator from Iowa (Mr. MILLER) and the Senator from Michigan (Mr. GRIFFIN), it has been noted by him that he has experienced a change of views relating to events in Indochina. He points out that it is a result not only of his visits to South Vietnam but also the results of his analysis of the problem, indeed, his perceptive and penetrating analysis as we have heard him express it here today.

Mr. President, I had the privilege of reading the remarks of the Senator from Missouri before I came to the Senate floor. I have gone over them again and again. And I am strengthened in my thinking by his arguments and the inclusion, very frankly, of the testimony of Louis B. Lundborg, the chairman of the board of the Bank of America.

I found this to be very helpful.

I congratulate my colleague. It is important sometimes that the record show that we not only sit together but that we also stand together in the Senate. He has spoken intelligently, and he has made an important contribution to the discussion of the vital subject which is the pending business.

Mr. SYMINGTON. Mr. President, I thank my able colleague, the Senator from West Virginia. He and I have been friends for a number of years. I first knew him as an expert on air power, one of the great experts in this country.

As we all know, he is one of the more able Members of the Senate.

I am sure doubts have grown in the minds of all Americans, hearing week after week over the years such figures as 25 Americans had been killed, 75 South Vietnamese had been killed, and 2,481 North Vietnamese and Vietcong had been killed. For years, this was the way the score was reported you might say, inning by inning of this war. Without getting into the spiritual aspect at this time, I worry about all these people who have been killed, whether Americans or not, I want to be certain in my own mind that it was and is good for the United States, necessary to the security and well-being of our Nation.

I was glad when the policy of Vietnamization was announced, because I felt that under that policy there would be less killing. However, I find now to my regret that, although it is spoken of as an additional effort to get out of this country on the best basis possible, the killing of Americans has increased heavily and the number of wounded has also increased heavily.

Mr. President, there is a young man who was badly wounded at Khesanh and has been sent back to this country.

His record, which I first said today I would not read, concerns the way he has been treated over here. It is a pretty terrible business. He is still an American and a human being, even though he is paralyzed from the neck down.

Inasmuch as it is now a matter of public record, I would like to read briefly from this article as to how this young Marine, wounded at Khesanh and sent back to this country, is now living.

The article states:

"Nobody should have to live in these conditions," Dumpert insists. "We're all hooked up to urine bags, and without enough attendants to empty them, they spill over the floor. It smells and cakes something awful. The aides don't commit themselves wholeheartedly, but with what they earn a year why should they? I've laid in bed on one side from 6 a.m. to 4 p.m., without getting moved or washed. When and if you do get a shower, you come back and you're put into bed on the same sweaty sheets you started with. It's like you've been put in jail, or you've been punished for something."

The rats were worst. "I had been sleeping on my stomach," Dumpert recalls. "It wasn't 11 o'clock, but I had closed my eyes. I suddenly awoke to find a rat on my hand. I can't move my hand, so I tried to jerk my shoulders. I screamed and the rat jumped slowly off my bed. When the aide arrived, I told him. He said, 'Aw, you must be drunk.' Nobody has done anything to this day, so some of the amputees who are not totally disabled have taken to setting traps, to protect us. If you're a nervous-system injury you can't feel anything, and you could get bitten in the night and not know it."

Escape from his predicament seems altogether impossible. Dumpert hopes to finish high school and has a dream of becoming a lawyer, despite his disability. But his will to struggle has been seriously impaired by neglect and frustration.

"I feel that the way we Vietnam veterans are being treated," he says, "is abnormal. I regret having to say this, but now I have nothing but disgust for my country. I used to hate the guys who ran off to Canada to avoid the draft. Now I don't hate them. I don't like them, but I respect them for what they did. If I had known what I know now, I would never have enlisted. I don't mean just my injury, but the insensitivity and lack of care. They would have had to drag me into the service kicking. It makes me wonder about Vietnam—about whether the people I saw die, and people like me who are half dead, fought for nothing."

There are, therefore other sadnesses incident to Vietnam that just do not have to do with the killing of people. I hope that this article, published this

week in Life magazine, will be investigated promptly by the proper committee of the Senate.

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

Mr. SYMINGTON. I yield.

Mr. CRANSTON. Mr. President, I commend the Senator from Missouri for the way in which in his prepared and extemporaneous remarks he summarized so succinctly the problems we face in connection with this war in Vietnam and in so many other aspects.

The neglect of our veterans who have been wounded in Vietnam is a matter that I have been investigating through the Veterans' Affairs Subcommittee of the Committee on Labor and Public Welfare for the last 6 months.

It is indeed a shocking situation. We will shortly be seeking large amounts of additional funds to deal with the problem. I know that the Senator from Missouri and others will do all they can to support that effort.

Our failure to do what we should for those veterans who have been wounded in Vietnam matches, I think, our failure to support properly and guide those who are fighting the war in Vietnam and in Southeast Asia itself.

This is the failure not of the military but the failure of the civilian rulers of our democratic structure.

The Senator from Missouri spoke eloquently in a way that shocked many who are aware of his remarks in regard to the disenchantment of some of the better officers with whom the Senator spoke.

The war in Southeast Asia is the saddest and most tragic we have ever found ourselves engaged in.

There have been colossal blunders and errors committed by our fighting men, from those in the military who command them down to those who, although they do not wish to be there, go into battle and do whatever must be done. They have done their part.

Mr. SYMINGTON. They certainly have.

Mr. CRANSTON. The failure, I believe, has been a failure, not by the military. Their advice has not always been the soundest—no one can always give the soundest advice. But the failure has been the failure of military chiefs, ranging from Presidents to Secretaries of Defense, to Members of the Senate and Members of the House of Representatives, to handle the approach to this war in the sound way it should be handled.

I think there has been a failure to handle it in this body with Presidents, and that is the sum and substance of what we are now seeking to deal with, to reestablish responsibility and action in this body in accordance with our constitutional responsibilities. Is that not the view of the Senator from Missouri?

Mr. SYMINGTON. It is. I say to the able Senator from California that I am delighted he is looking into the problems incident to the way our veterans are being handled. I have deep feelings about this matter. These are wonderful young Americans, brave and courageous in their sacrifice. It worries me and is something that grows within me. I cannot help it. We live here in comfort. They go out in those jungles. I accept it only if it is sure to be right for my country.

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

Mr. SYMINGTON. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I have been listening with great interest to practically all the debate, and I have read the speech of the Senator several times over.

I have been struck by his constant reference to the questions. What does it profit us to become involved in Cambodia? What does it profit us if the nation loses its being, its reason for existence, its right to live, and the chance to hold its head high?

I have been reading the newspapers, and I read in this morning's press that American advisers had advanced into Laos with South Vietnamese troops. I understand this is not the first time; I understand it may well happen again. To me, that seems to be a violation of the Cooper-Church amendment of last year which forbade the use of U.S. ground combat troops in Laos and Thailand. I suppose one can get around it by the use of the word "advisers." Semanticism is becoming quite an art in this Government, and while the advisers probably carry rifles, sidearms, ammunition, bayonets, daggers, stilettoes, semantics can still prove that they are not really U.S. combat troops. I think that is something we should pay close attention to.

Then, I read in the newspapers this morning where, outside the CIA and, I believe, the State Department, this Government is spending $2.9 billion in intelligence activities and that there are employed in these intelligence-gathering activities something on the order of 136,000 people. I wonder what the departments are coming up with to justify such enormous expenditures and such a tremendous number of personnel.

As the Senator indicated, he is on the CIA Subcommittee, and so am I. We are on the Committee on Foreign Relations, and we have access to certain CIA information. Incidentally, Mr. Helms is an able administrator. In addition, the Senator is on the Committee on Armed Services, which likewise has an interest in intelligence operations.

I cannot see what information we are getting which calls for the employment of 136,000 people and the expenditure of $2.9 billion a year, exclusive of the CIA which spends in the hundreds of millions of dollars, and exclusive of similar activities in the State Department.

I cannot reconcile myself to the fact that an invasion of Cambodia is not an invasion of Cambodia. As the Senator pointed out, when you cross lines and send in arms and troops, and back them up with logistical air and all other kinds of support, and go into a country, into which we had not been asked, that is an invasion no matter how you spell it.

We have not reached an era of double think or double talk of 1984 and I think we can still understand the English language in simple form.

I was interested in what the Senator had to say. I was thinking along the same lines. Although not as eloquently as the Senator, I want to say for the record I am delighted that up to this time, and I hope it will continue, the debate on the Cooper-Church amendment has been nonpolitical. That is the way it should be because it is not a political question.

We Democrats have plenty to answer for, and we cannot avoid part of the blame. So let us look at it on an impartial basis. Let us look at it from the viewpoint of the Senate, regardless of party, of the Senate as an institution with certain rights under the Constitution, rights which all of us, regardless of party, ought to be the first to defend, because this is a Government of checks and balances. Once that is lost, once you give too much power downtown to the Executive, then it is time to begin thinking about the dissolution of the Senate as an established part of this Government.

May I say that all of us over the past five decades have been, in large part, involved in the transfer of power to the Executive. We have willingly allowed the Executive—under Democratic and Republican administrations—to assume those powers. We cannot blame the President. What Mr. Nixon is doing is in the footsteps of his predecessors. What he is doing is based on the fact that we have allowed it to be done.

In Cooper-Church we have a really nonpartisan amendment to a very important bill. This is something which should bring about an accommodation between both sides of the aisle. Together we can recognize the President's power on the one hand, but on the other see that our constitutional obligations are met. If we have transferred that power we must try to pull it back a little because while the executive branch is important, just as important is the legislative branch. In many respects, the legislative branch is fundamental because we are closest to the people. That is something which we should never forget.

I express the hope that this will not become a partisan issue. There is no basis for it to become a partisan issue; there is no justification. I wish that with the administration we can arrive at some sort of accommodation which will uphold our responsibilities and our authority, and at the same time recognize that the President's rights under the Constitution, rights which should not be impinged on, but rights to which he is entitled.

I beg this body to consider this matter as being not political but as one of high constitutional principle. Hopefully, we can work together and bring about some sort of understanding which will uphold the right of the President and uphold equally the right of the Senate and the Congress. Hopefully we can do so without becoming personal or political. If we operate in that manner, in my opinion the Republic will be the beneficiary.

I thank the Senator for letting me take so much of his time.

Mr. SYMINGTON. Mr. President, first I thank the majority leader, one of the great experts on the Far East, for his kind and gracious remarks; also for the wisdom of what he has said about this matter being nonpartisan.

In this connection, I would suggest to the Senate that I understand an amend-

ment may be offered, which I would vote for so as to take partisanship out as much as possible, a date in the amendment which is the date by which the President said the troops would be out. There has been some discussion that this amendment might in some way dispute the credibility of the President. That would be the last thing I would want to do. I would hope, as we measure the words of the distinguished majority leader, that we would consider the possibility of accepting that amendment.

One of the thoughtful books written by former Secretary of State Dean Acheson stated that the greatest single development in the Government of the United States during the present century has been the further delegation of power by the legislative branch to the executive branch; and it seems to me regardless of party, that is what we are talking about this morning.

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

Mr. SYMINGTON. I yield to the distinguished Senator from Ohio.

Mr. SAXBE. I have listened with a great deal of interest to the remarks of the Senator from Missouri and also to those of the majority leader. As a newcomer, listening to those who have been here for some years, I am struck by the fact that the whole concept of our position in the world has changed—the concept of brinkmanship of Dulles, later of Rusk; the feeling that we have the burden of the world peacemaking on our back; really the rehabilitation after World War II, the billions of dollars we spent throughout the world, not only for the now prosperous nations of Europe, but also for the more remote nations, to the degree that that was achieved. Certainly there was great success in the Western countries, and a great deal lesser success for our friends to the South and to the East.

I wonder how much of what we have today is the residual effect of our not being able to respond to the change that has come about—the change in Europe, the change in the outlook of the distinguished Senator from Arkansas, the change in the outlook of the distinguished Senator from Montana.

These things I approve of, because there were many who were willing to follow, as I was, but had great admiration for the Senator's views, and the feeling that we had to take our position in this world and that we could turn around these trends that we felt led to brutality and led to loss of respect of the individual in Southeast Asia. But now we have, it seems to me, a bureaucracy in our defense system, in our State Department, that is a self-generating thing and continues long after the original movement.

What we are talking about today is reasserting our presence as a legislative body, and I am thoroughly in accord with that—reasserting this presence not so much with the President and the executive and the few people he brings into Government, but this vast body of people whom the Senator from Missouri has seen and the Senator from Montana has seen all over the world, and the great machinery that clanks along in the Pentagon, and all of this that we see operating almost under its own power, and we talk about this thing almost futilely here. In fact, there are people who say what we are doing today is an exercise in futility, because it goes to the House and disappears like last winter's snow.

This seems to me to be most important with respect to what the Senator from Missouri is saying here, because if we do not do this now, it is going to keep itself self-generating, going on in further deployment, further expansion, further jobs, further numbers of people in our far-flung diplomatic ventures and embassies—all of this without a real connection with what is being done or said by the representatives of the people.

We have had a great influx of people in our offices recently, most of them not of the shaggy, unwashed kind that we have deplored——

The PRESIDING OFFICER. The additional 30 minutes of the Senator have expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator may continue for 10 minutes, under the same circumstances.

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

Mr. SAXBE. Not the young people we have deplored, but people who have taken the trouble to make themselves presentable, not to themselves, but to us. I think we can recognize and appreciate that. They have been effective. They have been effective to me. I think they have been effective to everybody. But this group of young people cannot understand the sluggishness in response, and we are hard put to explain it to them. I know that I am, and I know that the Senator is, in trying to explain how we as Senators in a great deliberative body have so little power and effect on what we think and what we can do. I know that the House Members have very much the same reaction.

If we meet as we are today and say the things that have been said today, not just about Vietnam, but about our dabbling in affairs all over the world, and about our domestic problems, I think we can demonstrate at least to them our great concern and show them that there is reaction, that there is response, that there is interest, and each can and will respond and work to do something about it.

So I take this opportunity to commend the Senator from Missouri for his statement and his support of those who are willing to review and examine the commitments that we have all over the world.

Mr. SYMINGTON. I thank the able Senator from Ohio for his wise remarks, also for his kind words. I believe he has put his finger on the nub of this problem: Do we, the Congress, have an equal position with respect to the division of powers in our Government? And if we do, can we express it effectively, on a strictly bipartisan basis?

It has been my experience before to have listened to the Senator from Ohio, and I have been impressed by the position he has taken on important issues before us.

Mr. MANSFIELD. Mr. President, will the Senator from Missouri yield to me briefly, before he yields to the chairman of the Foreign Relations Committee, only because of what the Senator from Ohio has said?

Mr. SYMINGTON. I yield to the able majority leader.

Mr. MANSFIELD. I think the Senator from Ohio has put his finger on the most important factor in this Government. It is not the appointees of an administration, but it is the continuing bureaucracy in all these departments—not just Defense, not just State. Presidents come and go, as do Senators and Members of Congress. But the permanent bureaucracy is continuous. All too often it determines policy. They prevail upon a President, on a Secretary, or head of department. They influence us down here. They are there all the time. They get their oars in and get their ideas embedded and then a President or the Congress is faced with a fiat accompli.

I am glad the Senator emphasized the continuing, permanent bureaucracy, because that is where much damage can be done, especially in the two Departments mentioned.

I thank the Senator.

Mr. SYMINGTON. The majority leader is so right, as is the Senator from Ohio. I am on Foreign Relations, Armed Services, and the subcommittee of the Committee on Appropriations that has to do with the military. The majority leader just told the Senate what he also told me earlier that we are spending $2.9 billion for intelligence. That is a lot of money. But as I understand it, no member of this body can stand up and say he knew anything about this recent development, despite the fact we apparently passed on appropriations of almost $3 billion to obtain intelligence in order to make proper judgment.

I yield now to the able chairman of the Foreign Relations Committee.

Mr. FULBRIGHT. Mr. President, first I want to commend the distinguished Senator from Missouri for his statement which reflects, I think, in a very succinct and lucid manner much of the testimony we received in the Foreign Relations Committee, and also, I am sure, what he has learned from his experience on the Armed Services Committee and the other committees on which he serves.

There is no other man in this body, I think, who has had quite the opportunity to get all points of view from various branches of the Government, and from witnesses, that he has had. So I think it is a very fine statement, and I agree with his conclusions.

I also wish to express my agreement with what the Senator from Ohio and the majority leader have just said, because this is ongoing Government, with these great bureaucracies, and it is quite interesting how many of the important members of the great bureaucracies continue on. Some of the most important ones in the State Department, as well as in Department of Defense, have become identified with policies that had their origin many years ago, under quite different circumstances; and I think are quite unable to adjust to the change in circumstances. Not being elected, and not having to associate with the people,

I do not think they are well acquainted with the mood of the country, either. That, of course was not their particular responsibility.

The Senator from Missouri has done a great service in condensing his views for this body and for the public.

On this matter of partisanship: Certainly the immediate problem is one for the Senate as an institution. It should not be, and I hope will not be, a partisan issue. In that connection, I think it is appropriate that the Senator allow me to read two paragraphs of a statement President Nixon made to this body. Many people have forgotten President Nixon's statement of last November 3 in the Senate. It bears directly on this question, and ought to disabuse anyone of the idea that a move of the greatest importance to establish the role of the Senate in policy-making is a partisan matter.

I repeat, this is a quotation from President Nixon. He says:

> I find, looking back over this period of time, that this administration has been subjected to some sharp criticism by some Members of this body, both from the Democratic side and from the Republican side. I want the Members of this body to know that I understand it. I recognize this as being one of the strengths of our system, rather than one of its weaknesses, and I know that, in the end, out of this kind of criticism and debate will come better policies and stronger policies than would have been the case had we simply had an abject Senate—or House of Representatives, for that matter—simply approving whatever ideas came from the executive branch of the Government.
>
> This does not mean that we do not feel very strongly about our proposals when we send them here. It does mean that I, as a former Member of this body, one who served in it and who presided over it for 8 years, recognize this great tradition of independence, and recognize it as one of the great strengths of our Republic.
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> * * * * *
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> This administration wants to develop a relationship in which we will have that consultation, and in which we will have the advice, not just the consent.

I do not know how, in the face of that statement, anyone could say we are partisan in discussing the subject. Of course, Senators may have differing points of view as to the wisdom or merits of the proposal. If Senators really think it is in the interest of the country to pursue the war in Vietnam and to widen it into Cambodia, that is another matter, but it is not a partisan matter. Senators on either side can have legitimate differences as to that view.

We do not question motives. I recognize that those who believe the war is in the interest of the country are just as patriotic as those who do not so believe. This is a clear difference of view as to the role we should play and what we should do.

But as to the role of the Senate in our kind of government, I do not know how any Member of this body could quarrel with the idea that the Senate has a legitimate right, duty, and responsibility to express itself when we get into these extremely difficult matters.

May I conclude with one other thing that bears directly on what the Senator said in his main speech? We had two witnesses before the committee this morning, one representing the housing industry, the other the National Educational Association. I wish to say only that they confirm all the way what the Senator said about the impact of the war and the expenditures in war, the diversion of our resources into military activities, the impact of that upon the housing industry, which is in a very critical situation, and, of course, on the education of our young people, and the deplorable condition which the schools face now. School districts cannot sell bonds, they cannot build new schools, they cannot get equipment, because no one will buy the bonds, and the votes for the bond issues have fallen down to where they cannot pass bonding bills any more.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SYMINGTON. I ask unanimous consent to continue for 5 minutes.

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

Mr. FULBRIGHT. I shall conclude in a moment. I do not want to delay the Senator, but I think he has done a great service, especially in view of his own experience, and I hope everyone will take it in good faith, and will agree that this should not in any respect be considered a partisan matter.

Mr. SYMINGTON. Mr. President, I thank the able and distinguished chairman of the Committee on Foreign Relations, the Senator from Arkansas. In my opinion, he is one of the great Members of this body. I do not always agree with him, but agree with him a lot more these days than I once did in the past. It is an inspiration to have the opportunity to work with him on the Committee on Foreign Relations; because, if it is proper and right for the Senate of the United States to have some authority in the big decisions that are made in this country, there is no one on this floor who will deny that the person who has done more toward achieving that end than any other Member of this body is the Senator from Arkansas.

I note that my colleague, the distinguished junior Senator from Missouri (Mr. EAGLETON) is in the chair. He gave me a figure hard to believe. I used it the other day, and repeat it now to confirm the thoughts—re construction—that were in the mind of the Senator from Arkansas, based on the testimony of the witness he heard this morning: namely, in the city of St. Louis, with 665,000 people, where, because of what is going on, the housing industry is dead, last year, in our city, there were built 14 single unit homes—14, for 665,000 people.

I mention that because at the same time I noticed on the ticker that there was a plan to build 10,000 homes for the families of the military in South Vietnam.

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

Mr. SYMINGTON. I am glad to yield to my friend from Alaska.

Mr. STEVENS. I have listened with interest to the comments of the Senator and those of the majority leader.

As a newcomer to the Senate, I, too, hope this does not become a partisan debate, but I have a few questions for my friend from Missouri.

I do not know that ever before in our history, in order to express the will of the U.S. Senate, there has been an amendment passed which would deny payment of compensation to those in the military who follow the orders of the Commander in Chief, in order to bring about a change in the policy of the United States.

As I interpret this section—and I am just a country lawyer, looking at some words that have been written by a committee here in the Senate on which I do not serve—it would deny the right of the executive branch to pay compensation to the dependents of those people who happen to be prisoners of war in Cambodia as a result of this action. It would also lead to the situation where, while the President of the United States has said that the forces will be out of Cambodia by June 30, in order to create a question of credibility we are going to be asked to vote upon this matter before June 30.

I wonder, if it is not really a political matter, if it is not a partisan matter, why do we not put off this decision until the President has had a chance to live up to his commitment to the country, and to live up to the commitment he has made to the Senate, that the forces would be out of Cambodia by June 30?

The Senator has mentioned the willingness to put in the date of July 1. Why do we not agree we will vote on it on July 1? Why is it that there is such a propensity for voting on this measure in May this year? As I recall, we voted on a similar appropriations measure in December or January for the present fiscal year.

I keep hearing that it is not partisan. I keep hearing that this is not a partisan debate and that there is no intention here to embarrass President Nixon and that we believe President Nixon, yet we have to act before the time comes for his commitment to act. I wonder whether a matter such as this should not be used to reunite the Senate. We talk all the time about the country being divided; but since I have been in the Senate, I have found greater division in the Senate than I have found in the country.

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

Mr. STEVENS. I ask unanimous consent that the Senator from Missouri may be allowed 5 additional minutes.

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

Mr. STEVENS. Whether we say it is partisan or nonpartisan, it is a debate that really is going to divide us on a partisan basis, whether we like it or not. I happen to have helped elect President Nixon, and I would like to see the American people know that when he says the forces will be out by June 30, they will come out, because he says they are going to come out, and not because the U.S. Senate says he must live up to what he said he would do and bring them out by June 30.

I think there is a great deal of partisanship under the surface. Whether it is on the surface or not, it is there. While I would join the Senator to restrict the powers of a President—I think this is something that many of us have

been talking about for years—I do not want to restrict the powers of the President at a time when it looks as though I am slapping Dick Nixon in the face because he has not had the time to do what he said he would do.

In view of the Senator's comment about July 1, I wonder whether he would join us in having a vote on this matter on July 1 and give the President the time to do what he said he would do.

Mr. SYMINGTON. Mr. President, in answer to the distinguished Senator from Alaska, in the amendment, the matter of the payment of people only refers to the military advisers in Cambodia. It does not refer to the troops.

I do not believe the Senator was in the Chamber when I suggested that we put a date of July 1 in the amendment so there would be no question of attacking the credibility of the President, something the Senator from Alaska referred to a few minutes ago.

I am sorry the Senator feels the discussion is partisan, especially after statements made on both sides of the aisle this morning. Does the Senator believe that two cosponsors of this proposed amendment, the distinguished senior Senator from Kentucky and the distinguished senior Senator from Vermont, are interested in a partisan debate on this matter, or does he think they are doing it sincerely, in the best interests of the country?

Mr. STEVENS. I have been in this Chamber listening to this debate and I am certain that all Members who sponsor this amendment are doing it in their own conscience in the best interests of the country. But I think some of us fear that the impact of what they are doing is a discredit to the President of the United States at a time when he has given his word to the country that something will occur.

My basic question is this: Why should we create a credibility gap so far as the President of the United States is concerned? He has said what the forces will do. He has given his commitment to the country. Why do we not give him a chance to carry it out? Then I am sure that many of us would join with the Senator from Missouri in taking action to restrict the power of any President so far as any future actions are concerned.

I do not question personally the motives of people who sponsor this amendment. What I am saying is that many of us are backing the President because we want him to have a chance to prove his credibility. I think many Senators have witnessed many times in the past—and I am not being partisan about this; I am sure it goes back to President Eisenhower's administration as well as anyone else—when Presidents have said they are going to do something, and it was not done. I think part of that is reflected in this amendment.

I believe that we should not act in a manner which would appear to say to the President of the United States, "You have said you are going to get them out by June 30, but we do not believe you, and therefore we are going to tell you that you are going to have them out, because none of your troops can get paid if they are still there."

Incidentally, I am still inclined to disagree with the interpretation as to the payment of those who are still there who have dependents and who are there by action of the enemy and not by action of the President.

The PRESIDING OFFICER. The additional 5 minutes of the Senator have expired.

The Senator from Missouri has yielded the floor.

Mr. SYMINGTON. Mr. President, does the Senator from Alaska have any further questions?

The PRESIDING OFFICER. The previous 5 minutes have expired.

Mr. SYMINGTON. I ask unanimous consent to continue for 2 minutes.

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

Mr. SYMINGTON. Is there a further question the Senator from Alaska would like to ask? If there is, I would yield for a question.

Mr. STEVENS. I asked the Senator from Missouri if he would join us in having a vote on this matter after the President has had an opportunity to carry out his commitment to the country.

Mr. SYMINGTON. Mr. President, with respect to this point, I think that what was advanced is that the adoption of this amendment might cripple the President's credibility. It is difficult to understand how an amendment which does only what the President says he intends to do will impair the President's credibility.

Congress has credibility problems, too. I have heard no complaints to the effect that the President, by waging an undeclared war, if he has—some say he has, and some say he has not—has destroyed the credibility of Congress. Congress has watched its powers erode and accrete to the President for such a long time, as I mentioned earlier in the debate, that a move to perform the functions intended by the Founding Fathers apparently brings an automatic charge that it is stepping into the President's territory.

The President's credibility can be no greater than he creates by performance, and that is exactly true of Congress. If he fulfills his promise to the American people about limiting our involvement in Cambodia, I will vote—as I said earlier—for an amendment to eliminate the problem of credibility, an amendment which provides that it will only apply after the first of July and after Congress has adopted the amendment, and the credibility of both the President and Congress will be enhanced.

That would be my answer to that question.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri has yielded the floor.

Mr. DOLE obtained the floor.

Mr. DOLE. Mr. President, I regret that the senior Senator from Missouri does not wish to respond to additional questions. But I note that on page 2 of his prepared statement he says that for the first time in history, an American President has ordered forces to invade a country on his own, without seeking congressional approval.

Mr. SYMINGTON. I did not say that.

Mr. DOLE. The Senator did not say that?

Mr. SYMINGTON. No.

Mr. DOLE. I would ask the Senator from Missouri whether he recalls the situation in 1948 that confronted President Truman with reference to South Korea. Did not President Truman order troops to South Korea without obtaining congressional approval or support?

Mr. SYMINGTON. President Truman obtained congressional approval and support immediately. At the time, I was a member of his administration. He also obtained the support of the United Nations.

But I eliminated that phrase from the speech as delivered, because I felt it might be objected to.

Mr. DOLE. I do not want to object but would hope the Senator from Missouri would be consistent.

Mr. SYMINGTON. May I say that the reason I have yielded the floor is I have kept the distinguished senior Senator from Tennessee (Mr. GORE) waiting for an hour. He has a speech to deliver.

I do not want the Senator to think I was being discourteous.

Mr. DOLE. Let me read from a Harvard Law Review article, volume 81, No. 8, June 1968:

> The most striking illustration of the shift in the power to commit forces to combat is the Korean episode. Faced with the invasion of South Korea, President Truman after brief consultation with advisors, committed the nation's troops to repel the invaders. At no time was congressional authorization sought for the full-scale conflict which resulted. Although there is considerable evidence that without immediate action Korea would have been overrun, there is also evidence that the sequence of events left time to seek congressional approval and that failure to do so reflected as deliberate assertion of presidential prerogative.

So, Mr. President, I would reply to the Senator from Missouri, as to what may have happened in Cambodia. He was a part of the Truman administration, he was a member of the Truman administration at that time, so as the Senator from Alaska has pointed out, we cannot dismiss what may appear to be partisan politics with respect to this——

Mr. SYMINGTON. Let me say, on a personal basis, that I am very, very proud to have been a member of the Truman administration. President Truman was a great President——

Mr. DOLE. Did the Senator object at that time to going into Korea?

Mr. SYMINGTON. Mr. President, I think that, to compare what he did, when we went into Korea, when he sent in troops of the United States to help that country defend itself against an attack, to compare that with this invasion of Cambodia is not an accurate comparison. I have stated my position today on this floor. I will say, with great respect, that it is past the time, it seems to me, to be partisan about this situation. My hope is we will look at the pending amendment on a strictly nonpartisan basis.

Mr. YOUNG of Ohio. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. Mr. President, I ask unanimous consent to proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it so ordered.

Mr. DOLE. I will be happy to yield to the Senator from Ohio in one moment, but I first want now to express to the senior Senator from Missouri that it apparently is all right to be partisan on that side of the aisle but not on this side. I just want to keep the record straight——

Mr. YOUNG of Ohio. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I believe that when we talk about what happened in Cambodia, the Senator from Missouri talked about an attack the other day, and today it is an "invasion," it is well to remind those who may be looking for a precedent, who may be looking into history, on who may be looking at the record made by the Senate, that this has happened before.

Let me say that I supported President Truman, as the Senator from Missouri did.

Mr. YOUNG of Ohio. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I am happy to yield to the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, the senior Senator from Ohio was a Member of Congress at the time of the Korean conflict. I remember it distinctly. I associate myself with every statement that the distinguished senior Senator from Missouri has just made.

The facts are that on June 25, 1950, when the North Korean armed forces swept down into South Korea without warning and were about to take over and were crushing all efforts to stop them, President Harry S. Truman immediately consulted with Senate leaders and with the heads of states of the free nations of the world and forthwith sent into South Korea our soldiers. They were followed by soldiers of other nations and he and other heads of states joined to repel the North Korean invasion under the auspices of the United Nations, carrying the flag of the United Nations. We had allies then. Those countries that were our allies then, as members of the United Nations, are our enemies now.

Mr. President (Mr. MCCLELLAN), President Truman took action in Korea following consultation with Members of Congress. History will so record. But here, today, in this administration, President Nixon, without consulting Congress at all, invaded Cambodia, a neutral nation whose neutrality we had guaranteed. That was based, no doubt, upon the same horrible, inaccurate information of the military intelligence and of the CIA.

Late in 1950, General MacArthur followed the Army and CIA intelligence that the Chinese would not cross the Yalu River; thus, he disregarded orders from the President of the United States and led American troops up the Yalu River to the border of China. They came over, 1 million strong, and we suffered a defeat and slaughter at that time.

Mr. President, Harry S. Truman will be remembered by future historians as having been one of the very greatest Presidents of the United States. It has been given to few men in history to serve his Nation and mankind as has Harry Truman throughout a lifetime. He was a great U.S. Senator and a very great President. Not only is he loved by his countrymen but he is greatly honored and respected by freedom-loving people throughout the world.

I recall a great speech that he made in 1948. He said:

> Peace is the goal of my life. I'd rather have lasting peace in the world than be President. I wish for peace. I work for peace and I pray for peace continually.

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

Mr. DOLE. Mr. President, I ask unanimous consent to proceed for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered, and the Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I appreciate the comments of my good friend from Ohio. Let me say that we intend to explore the Korean invasion rather fully. We will have adequate time to debate this resolution and it may take considerable time to review all the precedents, starting in George Washington's time up to the latest announcements, wherever that may take us, but let me remind my good friends from Ohio, and Missouri, that I share some of the reservations and fears they have.

As a Member of the House of Representatives for 8 years and about 2 years in the Senate, I recognize that Congress has some responsibilities. I do not want to deed those responsibilities to the Executive. But it does strike me as peculiar that some changed position on the Vietnam war on January 20, 1969, or thereafter.

I would remind Senators again that President Nixon has reduced the troop level by 115,500 men. He has kept his word as to troop withdrawals. He has announced another reduction of 150,000 men. So when we discuss the Cambodian operation, we should keep it in perspective. We should give the President some credit for deescalating the war in South Vietnam by reducing our troop levels.

I would say further to my friends on the other side of the aisle, and on this side, too, that I subscribe to most of the provisions of the Church-Cooper resolution. I am hopeful some accommodation can be had and some compromise can be reached; but if it takes some discussion to reach that compromise and to determine just what the sponsors of the resolution have in mind, we have that time. We have the right to know. The President also has the right to know.

I am not here blindly to follow any Chief Executive but sometimes wonder about those who suddenly find it so wrong, who suddenly question this President because he may be a Republican. I would say again that President Nixon is extricating us from South Vietnam. He is the first President to do so. History will judge whether the Cambodian operation was a success. I hope, as every Senator does, that history will demonstrate the Cambodian operation was a success, that it did shorten the war, and that it did permit us to speed up the Vietnamization program.

Mr. President, I will not however stand idly by in the Senate when people attack the credibility of President Nixon, or attack his judgment, or his motives, even if we must remain here at some length, to discuss this amendment.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT OF THE NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91–339)

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

To the Congress of the United States:

Pursuant to Public Law 89–794 I have the honor to transmit herewith the third annual report of the National Advisory Council on Economic Opportunity.

RICHARD NIXON.

THE WHITE HOUSE, *May 19, 1970.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 380. An act to repeal section 7 of the act of August 9, 1946 (60 Stat. 968);

H.R. 3328. An act to authorize the Secretary of the Interior to approve an agreement entered into by the Soboda Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboda Indian Reservation; and to authorize long-term leases of land on the reservation;

H.R. 5981. An act to amend title 28, United States Code, to provide that Madison County, Fla., shall be included in the northern judicial district of Florida;

H.R. 14306. An act to amend the tobacco marketing provisions of the Agricultural Adjustment Act of 1938, as amended; and

H.R. 15961. An act to amend section 351 of the Public Health Service Act so as to clarify the intent to include vaccines, blood, blood components, and allergenic products among the biological products which must meet the licensing requirements of this section.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 380. An act to repeal section 7 of the act of August 9, 1946 (60 Stat. 968); and

H.R. 3328. An act to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation; and to authorize long-term leases of land on the reservation; to the Committee on Interior and Insular Affairs.

H.R. 5981. An act to amend title 28, United States Code, to provide that Madison County, Fla., shall be included in the northern judicial district of Florida; to the Committee on the Judiciary.

H.R. 14306. An act to amend the tobacco marketing provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture and Forestry.

H.R. 15961. An act to amend section 351 of the Public Health Service Act so as to clarify the intent to include vaccines, blood, blood components, and allergenic products among the biological products which must meet the licensing requirements of this section; to the Committee on Labor and Public Welfare.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON FINAL CONCLUSION OF JUDICIAL PROCEEDINGS RELATING TO CERTAIN AMERICAN INDIAN TRIBAL CLAIMS

A letter from the Chairman, Indian Claims Commission, Washington, D.C., reporting, pursuant to law, the final conclusion of judicial proceedings regarding docket No. 158, the Sac and Fox Tribe of Indians of Oklahoma, et al., docket No. 209, the Iowa Tribe of the Iowa Reservation in Kansas and Nebraska, et al., docket No. 231, the Sac and Fox Tribe of Indians of Oklahoma, et al., consolidated, plaintiffs, against the United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

PROPOSED TRANSFER OF CERTAIN NAVAL EQUIPMENT

A letter from the Assistant Secretary of the Navy (Installations and Logistics) informing the Senate, pursuant to law, that the Department of the Navy proposes to transfer the submarine *Cavalla* to the U.S. Submarine Veterans, World War II—Texas, Inc.; to the Committee on Armed Services.

A letter from the Assistant Secretary of the Navy (Installations and Logistics), informing the Senate, pursuant to law, that the Department of the Navy proposed to transfer the submarine *Cobia* to the Manitowoc Submarine Memorial Association, Inc., Manitowoc, Wis.; to the Committee on Armed Services.

AMENDMENT OF TITLE 10, UNITED STATES CODE

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to increase below-zone selection authorization of commissioned officers of the Navy and Marine Corps, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

PROPOSED ENVIRONMENTAL CONTROL TAX ON LEAD CONTENT OF ADDITIVES USED IN MOTOR FUELS

A letter from the Secretary of the Treasury, requesting proposed legislation relating to an environmental control tax on lead content of additives used in motor fuels; to the Committee on Finance.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on action being taken by the Department of Defense to achieve closer adherence to established policy for providing household furniture in the United States, dated May 14, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit of the Export-Import Bank of the United States, fiscal year 1969 (with an accompanying report); to the Committee on Government Operations.

PROPOSED EXTENSION OF CONCESSION CONTRACTS IN GRAND CANYON, ZION, BRYCE CANYON NATIONAL PARKS, AND CEDAR BREAKS NATIONAL MONUMENT

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed extension of two concession contracts under which Utah Parks Co. will be authorized to continue to provide concession facilities and services for the public in Grand Canyon (North Rim), Zion and Bryce Canyon National Parks, and Cedar Breaks National Monument (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED INCLUSION OF CERTAIN OFFICERS AND EMPLOYEES OF THE GENERAL SERVICES ADMINISTRATION WITHIN THE PROVISIONS OF THE UNITED STATES CODE RELATING TO ASSAULTS UPON AND HOMICIDES OF, CERTAIN OFFICERS AND EMPLOYEES OF THE UNITED STATES AS CONSTITUTING A CRIME

A letter from the Assistant Administrator of General Services Administration, Washington, D.C., transmitting a draft of proposed legislation to include certain officers and employees of the General Services Administration within the provisions of the United States Code relating to assaults upon, and homicides of, certain officers and employees of the United States as constituting a crime (with an accompanying paper); to the Committee on the Judiciary.

REPORT ON APPROVAL OF THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATION TO CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, transmitting, pursuant to law, reports concerning visa petitions that have been approved according certain aliens third preference and sixth preference classification (with accompanying reports); to the Committee on the Judiciary.

PETITIONS AND A MEMORIAL

Petitions and a memorial were laid before the Senate and referred as indicated:

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

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

"ASSEMBLY JOINT RESOLUTION NO. 15—RELATIVE TO THE HIDDEN DAM ON THE FRESNO RIVER AND THE BUCHANAN DAM ON THE CHOWCHILLA RIVER

"Whereas, The Congress of the United States has in previous years authorized the construction of Hidden Dam on the Fresno River and Buchanan Dam on the Chowchilla River as flood control and water conservation projects; and

"Whereas, These two projects have been studied together, authorized together under the same legislation, and designed together; and

"Whereas, The flood control problems on the Chowchilla River and the Fresno River are of equal seriousness and the water conservation needs of both watersheds are similar; and

"Whereas, Both projects would provide a high degree of flood protection to vital areas which are regularly subject to uncontrollable and highly damaging floods; and

"Whereas, Recurring flood threats along the Fresno and Chowchilla Rivers, as evidenced by the devastating floods of December 1964, and the winter of 1968, make the earliest possible completion of these projects a matter of great urgency; and

"Whereas, No construction funds have been provided for Buchanan Dam and Hidden Dam in the new federal budget because of economy considerations despite the urgent need for both projects; and

"Whereas, Unnecessary delays in the construction of these projects would be a tragic mistake resulting in increased costs to taxpayers due to inflation and in the continued threat of devastating flood damage; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorialize the President and the Congress of the United States to release for the construction of Buchanan Dam on the Chowchilla River and Hidden Dam on the Fresno River all funds appropriated for such purpose for the 1970 fiscal year, and to appropriate $1,200,000 for construction of Buchanan Dam and $1,800,000 for construction of Hidden Dam during the 1971 fiscal year; and be it further

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

A joint resolution of the Legislature of the State of California; to the Committee on Public Works:

"ASSEMBLY JOINT RESOLUTION NO. 10—RELATIVE TO FEDERAL PARTICIPATION IN FEASIBILITY LEVEL STUDIES FOR THE SALTON SEA.

"Whereas, The Salton Sea located in Riverside and Imperial Counties of California is a unique and valuable recreational and fishery resource; and

"Whereas, The Legislature of the State of California has recognized the interest of the people of the State of California and the nation in the Salton Sea by creating the Salton Sea Advisory Committee and by authorizing state participation in feasibility studies of the Salton Sea problems; and

"Whereas, The valuable fishery resource of the Salton Sea may be lost within this present decade unless rising salinity levels are controlled; and

"Whereas, A recently completed joint federal-state reconnaissance level investigation found that salinity can be controlled by construction of a 50-square-mile evaporation basin, and that such a project has a very favorable cost benefit ratio; and

"Whereas, Federal participation in such a project is justified because of the nationwide significance of the resource, and the proprietary interest of the federal government in the project area; and

"Whereas, The next step in saving the Salton Sea is the initiation of a feasibility level study, as recommended by the joint reconnaissance study, upon which decisions will be made with respect to a project; and

"Whereas, The State of California has already authorized the budgeted funds for such a study, contingent upon federal participation; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the

Legislature of the State of California respectfully memorializes the President and Congress of the United States to expedite the introduction and passage of authorization and funding for feasibility level studies for the Salton Sea to prevent further delays which would jeopardize the fishery resource of the sea; and be it further

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

A resolution of the House of Delegates of the State of Maryland; to the Committee on Armed Services:

"HOUSE RESOLUTION No. 101

"(By Delegates Arnick, D'Anna, Minnick, Bonvegna, Bullock, Dypski, Krysiak, Silk, and Walters.)

"House Resolution urging the Vice President of the United States and the Maryland Congressional Delegation to intercede to stop the proposed closing of the Fort Holabird installation

"Fort Holabird has been in use as a military installation in the city of Baltimore since 1917 and has become an essential part of that community's composition. Today there are over 2,700 persons employed at that installation, with over 1,500 of them civilians. The installation, thus, has deep ties with the community around it, and in turn, the community has substantial interests, associations, and dependency on the installation.

"It has come to the attention of concerned citizens of the State of Maryland that a proposal has been made by the Department of Defense to discontinue the operations at Fort Holabird in favor of a new location at Fort Huachuca, Arizona. This proposal has many drawbacks, not only to the immediate community, but to all the taxpayers of this nation.

"Over the past few years, more than one million dollars has been spent on modifications, renovations, and modernization at Fort Holabird. In addition, the estimated cost of closure and reduction of Fort Holabird is at least 12.4 million dollars. Furthermore, the Department of Defense has estimated that at least 1.5 million dollars will have to be spent at Fort Huachuca to make room for the Fort Holabird personnel. This means that at least 15 million dollars of the taxpayer's money will have to be spent to move an established intelligence operation strategically located near the nerve center of our nation's intelligence system to an unprepared site 2,500 miles away; a location where it seems everything will have to be added on to, rebuilt, or originally built—from recreation facilities, to public utilities, to schools, to administration facilities, to houses, and so on ad nauseum—yet all of these things already exist in Baltimore.

"But beyond the logistical side of the picture, there is the human element and the economic impact on the area in which Fort Holabird is now located. Countless numbers of people who would be unable or unwilling to move 2,500 miles would lose their jobs. These include persons with countless numbers of years of loyal government service. Moreover, with the loss of over 1,500 civilian positions, the entire Baltimore community would be hit with increased unemployment insurance costs, the costs of caring for older workers who no longer have the ability to secure jobs in the open market, and retraining costs for the workers who are familiar with government, but not private industrial work. These are just a few examples of the economic impact closing Fort Holabird would have on the Baltimore area.

"The ultimate issue then is why must this move be made? Why should an established operation be transferred for no apparent reason to a location where practically everything will have to be built anew, all at a tremendous cost to the taxpayer? The answer, we believe, is that this should not be; now, therefore, be it

"Resolved by the House of Delegates of Maryland, That the Vice President of the United States, Spiro T. Agnew, and all the members of the Maryland Congressional Delegation are most strongly urged to intercede to stop the proposed closing of Fort Holabird; and be it further

"Resolved, That copies of this resolution be sent to Vice President Spiro T. Agnew, and to each of the members of the Maryland Congressional Delegation

"By the House of Delegates, March 24, 1970"

Resolutions of the Commonwealth of Massachusetts; to the Committee on Armed Services:

"RESOLUTIONS MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF DEFENSE AND THE CONGRESS OF THE UNITED STATES TO SUSPEND CURRENT PLANS FOR THE EXPANSION OF THE ANTIBALLISTIC MISSILE SYSTEM

"Whereas, President Richard M. Nixon recently announced plans to proceed with construction and expansion of the Safeguard antiballistic missile system; and

"Whereas, In 1969, the members of the Massachusetts General Court, in resolutions to the President, the Secretary of Defense and the Congress, expressed their opposition to the construction of Sentinel antiballistic missile sites in the commonwealth of Massachusetts; and

"Whereas, Scientists, scholars, military strategists and national political leaders hold the same grave doubts as to the effectiveness and desirability of the Safeguard system as they previously held with regard to the Sentinel system; and

"Whereas, The Safeguard system may prove to be obsolete even before it is completed because decoys and penetration aids—which would enable incoming missiles to elude Safeguard missiles—could be developed by an enemy power before the Safeguard system is operational; and

"Whereas, The radar and computer systems necessary to target and fire the Safeguard missiles are extremely complex and so sensitive to explosion that they may not be operative under the conditions of nuclear attack; and

"Whereas, These radar and computer systems cannot be tested under peace-time conditions; and

"Whereas, There is grave danger that the expansion of the Safeguard antiballistic missile system will have an adverse effect upon both current and future disarmament talks between the United States and the Soviet Union or other foreign powers; and

"Whereas, The money necessary for completion and expansion of the Safeguard antiballistic missile system is vitally needed to solve domestic problems in the United States; now, therefore, be it

"Resolved, That the Massachusetts Senate respectfully urges President Richard M. Nixon, Secretary of Defense Melvin Laird and the Congress of the United States to suspend current construction of antiballistic missile sites and more specifically to prevent future construction in Massachusetts; and be it further

"Resolved, That no further appropriation of moneys be made for the purpose of expanding the Safeguard antiballistic system until such time as intensive study of the desirability, feasibility and effectiveness of the entire system can be made; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the Secretary of Defense, the presiding officers of each branch of Congress and to the members thereof from this Commonwealth.

"Senate, adopted, April 30, 1970."

A resolution of the Legislature of Saipan; to the Committee on Foreign Relations:

"A RESOLUTION RELATIVE TO RESPECTFULLY REQUESTING AND MEMORIALIZING THE UNITED NATIONS TRUSTEESHIP COUNCIL DELEGATION TO GIVE THE RIGHT OF THE INHABITANTS OF THE MARIANAS DISTRICT TO REINTEGRATE WITH THE UNITED STATES TERRITORY OF GUAM

"Be It Resolved by the Twenty-Second Saipan Legislature, that:

"Whereas, reintegration with United States Territory of Guam is the offspring of the basic legal fundamental concept contained in the Charter of the United Nations and the Trusteeship Agreement; and

"Whereas, reference is made to Article 87 of the Charter of the United Nations which provides as follows:

"ARTICLE 87

" 'The General Assembly and, under its authority, the Trusteeship Council, in carrying out their function, may:

" 'a. consider reports submitted by the administering authority;

" 'b. accept petitions and examine them in consultation with the administering authority;

" 'c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and

" 'd. take these and other actions in conformity with the terms of the trusteeship agreement;' and

"Whereas, reference is made and should be noted under Subsection (b) of the aforesaid article upon which rests the inhabitants of the Marianas District their rights to petition, same having been exercised through a referendum media held on November 9, 1969, the result of which was overwhelmingly in favor of reintegration with Guam; and

"Whereas, Article 73 of the Charter of the United Nations provides as follows:

"ARTICLE 73

" 'Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and to this end:

" 'a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

" 'b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

" 'c. to further international peace and security;

" 'd. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scentific purposes set forth in this Article; and

" 'e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, educational

conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.' and

"Whereas, Subsection (b) is the principal source of the additional rights of the inhabitants of the Marianas District that they were prompted to vigorously assert their rights thereinunder and the mandate of the people no doubt is clear and well established which the United States of America, the administering authority and the United Nations which give due merit, respect and consideration of the people's desire as manifested in the past unofficial and official referendum on the question of reintegration; and

"Whereas, it is highly essential to refer to Article 76 of the Charter of the United Nations which provides as follows:

" 'The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations set down in Article 1 of the present Charter, shall be:

" 'a. to further international peace and security;

" 'b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;

" 'c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and

" 'd. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objective and subject to the provisions of Article 80.'

"Whereas, Subsection (a) and (b), if noted properly, must be given special recognition by the administering authority, as well as the United Nations. This should be treated as the united philosophy well funded in the collective belief of the United Nations and the administering authority, meaning the United States, and should be taken in the light of international peace and security and the choice of the inhabitants for more autonomous rights, patterned after the desire of the majority of the inhabitants of the Marianas District; and

"Whereas, if we refer to the official report of the other five political districts of the Trust Territory, it is safe to assume that the military is unwelcome in their respective districts, claiming that the inhabitants would eventually become landless and their natural culture would disappear; and

"Whereas, with the metamorphosis of international events now transpiring in our midst where the news media often quoted the following phrase: 'Yankees go home' and the gradual phasing out of the U.S. air bases and military installation in Okinawa, Japan, Laos, Cambodia, Subic Bay (Philippines), and other areas in foreign soil, the United States of America, is sovereign per se. Sovereignty resting in the administering authority possesses the right of eminent domain and can acquire any part of the Trust Territory of the Pacific Islands in the exercise of this doctrine; and

"Whereas, Article 5 of the Trusteeship Agreement provides as follows:

" 'ARTICLE 5

" 'In discharging its obligations under Article 76(a) and Article 84, of the Charter, the administering authority shall ensure that the Trust Territory shall play its part, in accordance with the Charter of the United Nations, in the maintenance of international peace and security. To this end the administering authority shall be entitled:

" '1. To establish naval, military and air bases and to erect fortifications in the trust territory;

" '2. to station and employ armed forces in the territory; and

" '3. to make use of volunteer forces, facilities and assistance from the trust territory in carrying out the obligations toward the Security Council undertaken in this regard by the administering authority, as well as for the local defense and the maintenance of law and other within the trust territory,' and

"Whereas, whether the inhabitants of the Trust Territory outside of the Marianas group do not seem that the acquisition of their lands can be legally effected not withstanding their opposition, they are without any legal recourse at law except to demand for a just and fair compensation of their land; and

"Whereas, for the information of those that is not acquainted with the Trusteeship Agreement, reference is made to Article 15 which reads as follows:

" 'ARTICLE 15

" 'The terms of the present agreement shall not be altered, amended or terminated without the consent of the administering authority.' and

"Whereas, the next question is: What effect, if any will the negative result of the Guam referendum have with integration? After perusing carefully the authorities hereinabove cited, the final responsibility on the matter of reintegration rests with the United States and the United Nations. Therefore, reintegration will continue to be a burning issue for the United States in the light of international peace and security; and

"Whereas, permit us to take the opportunity of discussing the desire of the inhabitants of the five other districts of the Trust Territory in which they indicated that four of them want independence with free association with the United States and Ponape desires association with Japan; and

"Whereas, today, they are parts of the United States although enjoying less rights than a full-fledged American citizen. Hypothetically, if independence is granted, knowing fully that they enjoy free association with the United States, this recommendation is tantamount to obtaining a divorce and desiring to live together after it was granted. Politically speaking, the argument advanced in support of this recommendation is incongruous and preposterous to human governmental philosophy. The real significance is in itself eternal paternalism with the United States. America defies this type of governmental pattern; now, therefore,

"Be it resolved by the Twenty-Second Saipan Legislature that the United States Trusteeship Council Delegation is hereby respectfully memorialized and requested to give the right of the inhabitants of the Marianas District to reintegrate with the United States Territory of Guam; and be it further

"Resolved that the Speaker certify to and the Legislative Clerk attest the adoption hereof and that copies of the same be thereafter transmitted to the United Nations Trusteeship Council Delegation, Chairman, United Nations Security Council, the President, United States of America, President, United States Senate, Speaker, United States House of Representatives, Chairman, Interior and Insular Affairs, United States Senate, Chairman Interior and Insular Affairs, House of Representatives, Secretary of the Interior, Secretary of State, and to the High Commissioner, Trust Territory of the Pacific Islands."

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

"CONCURRENT RESOLUTION NO. 20 PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO PRESERVE THE RECIPROCAL IMMUNITIES OF TAX EXEMPTION

"Whereas, taxes by the United States Government on the interest on evidences of indebtedness of States, their political subdivisions, and the agencies and instrumentalities thereof, impose a burden on the sovereign power of the States, and their political subdivisions, agencies and instrumentalities to borrow money for essential State and local purposes; and

"Whereas, the constantly recurring attempts of Congress and the Treasury Department of the United States to tax the interest on such evidences of indebtedness has severely damaged the ability of the States and their political subdivisions, agencies and instrumentalities to borrow money, and has substantially increased the cost of such borrowings to the detriment of the taxpayers of the States and their political subdivisions, agencies and instrumentalities; and

"Whereas, such recurring attempts to tax the interest on such evidences of indebtedness flaunt the Constitutional principle of reciprocal inter-governmental tax immunity first enunciated by the Supreme Court of the United States in *McCulloch* v. *Maryland* (4 Wheat 316) in the year 1819 and more specifically applied by that Court in *Pollack* v. *Farmers' Loan & Trust Co.* (157 U.S. 429) and later cases; and

"Whereas, it is advisable and in the best interest of the States to prevent future attempts to tax the interest on such evidences of indebtedness by amending the Constitution of the United States to unequivocally state the principle of reciprocal inter-governmental tax immunity in respect of taxes on the interest on such evidences of indebtedness and thereby restore investor confidence to the market for such evidences of indebtedness and consequently, reduce the cost of borrowing by the States and their political subdivisions, agencies and instrumentalities; now, therefore

"Be It Resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the House of Representatives concurring, that application is hereby made to the Congress of the United States to submit to the legislatures of the States an amendment to the Constitution of the United States in the following form, which amendment is hereby ratified as an amendment to the Constitution of the United States on behalf of the State of Hawaii by this Concurrent Resolution, to wit:

" 'Without the consent of a State, Congress shall have no power to lay and collect any tax, direct or indirect, upon the income derived from interest paid on evidences of indebtedness of such State, or of any political subdivision, agency or instrumentality thereof, nor shall any State have power, without the consent of Congress, to lay and collect any tax, direct or indirect, upon the income derived from interest paid on obligations of the United States or of any agency or instrumentality thereof'; and

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

"Be It Further Resolved that this Concurrent Resolution shall continue in full force and effect until December 31, 1975.

"The Senate of the State of Hawaii May 4, 1970, Honolulu, Hawaii.

"We hereby certify that the foregoing Con-

current Resolution was adopted by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970 on April 20, 1970.

"DAVID C. MCCLUNG,
"President of the Senate.
"SEICHI HIRAI,
"Clerk of the Senate.

"The House of Representatives of the State of Hawaii, May 4, 1970, Honolulu, Hawaii.

"We hereby certify that the foregoing Concurrent Resolution was adopted by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970 on April 23, 1970.

"TADAO BEPPU,
"Speaker, House of Representatives.
"GEORGE M. JAKANE,
"Assistant Clerk, House of Representatives.

Resolution adopted by the Connecticut Society of the Sons of the American Revolution, of Greenwich, Connecticut, remonstrating against criticism of the recent actions of the President in Asia; to the Committee on Foreign Relations.

Resolutions adopted by the Choctaw Tribe of Oklahoma, praying for the enactment of certain legislation relating to aid to Indians; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Labor and Public Welfare, with amendments:

S. 3215. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965 to provide for a permanent authorization for programs under such act (Rept. No. 91-879).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

H.R. 3920. An act for the relief of Beverly Medlock and Ruth Lee Medlock (Rept. No. 91-880);

H.R. 5419. An act to provide relief for Comdr. Edwin J. Sabec, U.S. Navy (Rept. No. 91-881);

H.R. 6402. An act for the relief of the Sanborn Lumber Co., Inc. (Rept. No. 91-882);

H.R. 8694. An act for the relief of Capt. John T. Lawler (retired) (Rept. No. 91-883); and

H.R. 9910. An act for the relief of Hannibal B. Taylor (Rept. No. 91-884).

By Mr. BURDICK, from the Committee on the Judiciary, with an amendment:

H.R. 11060. An act for the relief of Victor L. Ashley (Rept. No. 91-885).

By Mr. EAGLETON, from the Committee on the District of Columbia, with an amendment:

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 (Rept. No. 91-886).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Hugh F. Owens, of Oklahoma, to be a member of the Securities and Exchange Commission.

By Mr. LONG, from the Committee on Finance:

Howard A. Dawson, Jr., of Arkansas, Bruce M. Forrester, of Missouri, Leo H. Irwin, of North Carolina, and Samuel B. Sterrett, of Maryland, to be judges of the U.S. Tax Court.

BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. MILLER:

S. 3850. A bill to amend Public Law 90-484 to extend the indemnity therein provided to manufacturers of dairy products, and for other purposes; to the Committee on Agriculture and Forestry.

S. 3851. A bill to amend the Internal Revenue Code of 1954 to allow a deduction, in computing the minimum tax on tax preferences, for unused tax preferences in years in which a taxpayer is not liable for the minimum tax; to the Committee on Finance.

S. 3852. A bill to amend the Labor Management Relations Act, 1947, to provide for the settlement of emergency labor disputes affecting commerce which imperil the health and safety of a major region of the Nations; to the Committee on Labor and Public Welfare.

(The remarks of Mr. MILLER when he introduced S. 3852 appear earlier in the RECORD under the appropriate heading.)

By Mr. EASTLAND:

S. 3853. A bill for the relief of Mrs. Pang Tai Tai; to the Committee on the Judiciary.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 3854. A bill for the relief of the estate of Martha W. Brice; to the Committee on Finance.

By Mr. MONDALE:

S. 3855. A bill for the relief of Dr. Oscar A. Garcia; and

S. 3856. A bill for the relief of Rica Machles Freier; to the Committee on the Judiciary.

S. 3857. A bill to provide for the reauthorization of the project on the Red River of the North at East Grand Forks, Minn., in the interest of flood control and allied purposes; to the Committee on Public Works.

S. 3858. A bill for the relief of Bruce M. Smith; to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself, Mr. PROXMIRE, and Mr. TOWER):

S.J. Res. 201. Joint Resolution to extend the reporting date of the National Commission on Consumer Finance; to the Committee on Banking and Currency.

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

S. 3852—INTRODUCTION OF A BILL TO AMEND THE LABOR-MANAGEMENT RELATIONS ACT, 1947

Mr. MILLER. Mr. President, I introduce, for printing and appropriate reference, a bill to amend the Labor-Management Relations Act, 1947, to provide for the settlement of emergency labor disputes affecting commerce which imperil the health and safety of a major region of the Nation.

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

The bill (S. 3852) to amend the Labor-Management Relations Act, 1947, to provide for the settlement of emergency labor disputes affecting commerce which imperil the health and safety of a major region of the Nation, introduced by Mr. MILLER, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. MILLER. Mr. President, under the Taft-Hartley Act, the President is given the authority to seek, and the courts to issue, a strike injunction where a strike or lockout affects all or a substantial part of an industry engaged in interstate or foreign commerce if the strike or lockout will imperil the national health and safety. Thus, if the President and the courts find that there is a national emergency, the 80-day strike injunction may be issued. The effectiveness of this provision has been demonstrated several times.

The bill I am introducing today would broaden this authority to make it applicable where there is a strike or lockout creating not a national emergency, but one affecting a major region of the United States. The tieup in the motor transportation industry in Chicago today and a few years ago demonstrates the necessity for this change in the law. The President has been unable to act under the Taft-Hartley emergency provisions simply because no national emergency can be declared, although there certainly is an emergency situation in the Midwest.

A great many businesses in Iowa and throughout the Midwest have had to either close down or lay off workers because they were not able to obtain supplies, materials, or equipment necessary to operate at full strength or to ship their finished products.

Mr. MILLER. Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an article published in the Wall Street Journal on May 18, 1970, entitled "Truckdriver Strikes Sharply Hurt Results for an Increasing Number of Companies."

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

(See exhibit 1.)

Mr. MILLER. Mr. President, the bill I am introducing would change the Taft-Hartley Act to authorize the same procedures in the case of regional emergencies caused by strikes or lockouts as in the case of national emergencies. I hope the Senate Labor and Public Welfare Committee will give this measure their earliest and favorable consideration.

EXHIBIT 1

[From the Wall Street Journal, May 18, 1970]

TRUCKDRIVER STRIKES SHARPLY HURT RESULTS FOR AN INCREASING NUMBER OF COMPANIES

A growing number of companies, large and small alike, expect to report sharply lower earnings for the second quarter because their operations over the past month have been severely disrupted by truck driver strikes.

Warner & Swasey Co., for example, expects its second quarter earnings to be below the $2.5 million, or 66 cents a share, it earned in the first quarter of this year. This would put profit for the period dramatically below the $1.05 a share, that the machine tool maker earned in the second quarter of 1969.

J. T. Bailey, president, who made the assessment, said the driver strikes closed its Cleveland Turning-Machine division plant for several days and forced it to operate at less than 50% efficiency for a much longer period. The plant accounts for about a third of the company's sales.

All told, he said, the strikes halted shipments of machines from its Cleveland plant to the point that full quarter shipments will be off by about 20% from the year-ago period.

The driver strikes stem primarily from disgruntlement over the wage increases won for them by the Teamsters Union. The terms provide increases of $1.10 an hour over a 39-

month span of a new contract. Drivers, notably those in the midwest, say the increase isn't large enough and have struck to emphasize their contention. The union is currently polling members on whether to accept the terms.

SKIL CORP. LAYOFFS

Skil Corp., a maker of consumer and industrial tools, disclosed that it had laid off some production workers because of heavy inventories and effects of the truck strike. After posting sales and earnings gains in 1969, the company's earnings dropped to $78,071, or four cents a share, in the first of 1970 from $590,681, or 34 cents a share, a year earlier. Although the company expects a sales and earnings improvement later in the year, it doesn't foresee it taking shape in this quarter, John W. Sullivan, president, says.

Reliance Electric Co., a maker of automation systems and industrial equipment, says the strikes have depressed the entire fiscal first half as well as the fiscal quarter, although it thinks it can recover some of the losses in the remaining two periods.

For the six months ended April 30, Reliance earned $5.4 million, or 43 cents a share, down from $7.9 million, or 81 cents a share, a year earlier. Sales were $157.8 million, above the $147.5 million of a year ago. Figures for 1969 were restated to reflect an acquisition.

Reliance didn't report separate results for the fiscal second quarter but indicated net for the period was $2.2 million, or 13 cents, down from $4.5 million, or 49 cents, a year earlier.

The trucker walkouts affected shipments to customers and delivery of raw materials so severely that Reliance was forced to close eight plants for a four-day period in April. The company's order backlog increased $7.4 million, to $137.1 million during the second quarter.

RELIANCE ELECTRIC OPTIMISTIC

Reliance, however, is optimistic about the full year. According to Hugh D. Luke, president, incoming orders so far this year are at record levels. He estimated sales for the year in the area of $330 million to $340 million. In fiscal 1969, ended Oct. 31, Reliance had sales of $301.9 million and earnings of $17.4 million, or $1.97 a share.

Some other companies may find it more difficult to overcome setbacks of the second quarter. In Chicago, where the driver strikes have been compounded by a management lockout, a spokesman for Zenith Radio Corp. notes that the company closed down all production and warehouse facilities in the area a month ago. Three weeks ago it also was forced to close its Rauland division tube plant in Chicago. It also closed down its color television plant in Springfield, Mo. According to the spokesman the company plans to resume production at all plants over the next five workdays in anticipation of a possible settlement.

"We have to have the product ready to ship," the spokesman says. But if there isn't a settlement by June 1, the company will again close down the same facilities, he adds.

Freight shipments are still the target of Teamster pickets in the San Francisco area, but services deemed essential have been restored. The walkout on Thursday had closed down Yellow Cabs in San Francisco, the AC Transit Service, which serves the East Bay, and Greyhound Bus services, and forced San Francisco's two daily papers, the Chronicle and Examiner, to suspend publication because they couldn't deliver papers.

These services were restored Saturday after San Francisco's Mayor Alioto and Los Angeles' Mayor Yorty pledged to work in a mediation effort. The Teamster action in San Francisco is to prevent freight shipments into Los Angeles and also to force the rehiring of Teamster members fired in Los Angeles in a prolonged strike. Both the Chronicle and Examiner published abbreviated editions Saturday. Yesterday's combined Sunday paper was normal.

Teamster officials have indicated that all perishables, transportation and anything else involved in the public interest except freight will be permitted.

SENATE JOINT RESOLUTION 201—INTRODUCTION OF JOINT RESOLUTION RELATING TO EXTENSION OF THE REPORTING DATE FOR THE NATIONAL COMMISSION ON CONSUMER FINANCE

Mr. SPARKMAN. Mr. President, I introduce a joint resolution to extend the reporting date of the National Commission on Consumer Finance from January 1, 1971, to July 1, 1972. The Commission was established by title 4 of the Consumer Credit Protection Act. Its mission is to review the entire structure of the consumer credit industry and to make appropriate recommendations to the Congress and to the executive branch.

The Commission consists of nine members—three House Members appointed by the Speaker of the House, three Senators appointed by the President of the Senate, and three public members appointed by the President. The Consumer Credit Protection Act, otherwise known as the Truth in Lending Act, was signed into law on May 29, 1968. At that time it was anticipated that the Commission would have approximately 2½ years to complete its work. Unfortunately, the three public members of the Commission were not appointed until November 17, 1969, and funds for the operation of the Commission were not obtained until December 26, 1969, more than 18 months after the effective date of the legislation. Accordingly, the resolution would extend the date by which the Commission must file its final report by 18 months. This extension is necessary due to the lateness in getting the Commission established.

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

The joint resolution (S.J. Res. 201) to extend the reporting date of the National Commission on Consumer Finance, introduced by Mr. SPARKMAN (for himself, Mr. PROXMIRE, and Mr. TOWER), was received, read twice by its title, and referred to the Committee on Banking and Currency.

ADDITIONAL COSPONSORS OF BILLS

S. 3410

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Indiana (Mr. BAYH) be added as a cosponsor of S. 3410, the National Environmental Laboratory Act.

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

S. 3546

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at the next printing, the names of the following Senators be added as cosponsors of S. 3546, the National Air Quality Standards Act of 1970, which would accelerate the designation of air quality control regions required by the Air Quality Act of 1967 and would provide for citizen suits to enforce air quality standards: Senators CANNON, PASTORE, YOUNG of Ohio, MCGEE, MCINTYRE, HART, PELL, BROOKE, CASE, METCALF, MONDALE, NELSON, PROXMIRE, WILLIAMS of New Jersey, TYDINGS, GRAVEL, CRANSTON, PACKWOOD, and HARTKE.

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

S. 3552

Mr. MCINTYRE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Washington (Mr. MAGNUSON), the Senator from Rhode Island (Mr. PELL), the Senator from Minnesota (Mr. MONDALE), the Senator from Oregon (Mr. PACKWOOD), the Senator from Maryland (Mr. TYDINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Missouri (Mr. EAGLETON), and the Senator from Illinois (Mr. PERCY) be added as cosponsors of S. 3552, to provide certain privileges against disclosure of confidential information obtained by newsmen.

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

S. 3677

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at the next printing, the names of the following Senators be added as cosponsors of S. 3677 which would set up an independent agency to develop and enforce Federal environmental quality standards, support research, and provide technical aid to various Government agencies: Senators CANNON, PASTORE, YOUNG of Ohio, MCGEE, MCINTYRE, HART, BROOKE, METCALF, MONDALE, NELSON, WILLIAMS of New Jersey, TYDINGS, GRAVEL, INOUYE, PACKWOOD, and HARTKE.

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

S. 3687

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at the next printing, the names of the following Senators be added as cosponsors of S. 3687, the National Water Quality Standards Act of 1970, which would increase the Federal grant authorization for waste treatment facilities to $2.5 billion a year for 5 fiscal years and extend the standards program to all navigable waters: Senators CANNON, PASTORE, YOUNG of Ohio, MCGEE, MCINTYRE, HART, PELL, BROOKE, CASE, METCALF, MONDALE, NELSON, WILLIAMS of New Jersey, TYDINGS, CRANSTON, PACKWOOD, and HARTKE.

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

S. 3734

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Alaska (Mr. STEVENS), I ask unanimous consent that, at the next printing, the name of the Senator from Alaska (Mr. GRAVEL) be added as a cosponsor of S. 3734, relating to the appointment of U.S. marshals.

The PRESIDING OFFICER (Mr.

BELLMON). Without objection, it is so ordered.

S. 3735

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Alaska (Mr. STEVENS), I ask unanimous consent that, at the next printing, the name of the Senator from Alaska (Mr. GRAVEL) be added as a cosponsor of S. 3735, providing for the minimum classification of U.S. deputy marshals under chapter 51 of title 5, United States Code.

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

ADDITIONAL COSPONSORS OF A RESOLUTION

S. RES. 405

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Alaska (Mr. GRAVEL) be added as cosponsors of S. Res. 405, declaring a policy for peace in Indochina.

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

MANPOWER TRAINING ACT OF 1969—AMENDMENTS

AMENDMENT NO. 634

Mr. JAVITS (for himself, Mr. BROOKE, Mr. SCHWEIKER, Mr. SCOTT, Mr. STEVENS, Mr. CASE, and Mr. PERCY) submitted amendments, intended to be proposed by them, jointly, to the bill (S. 2838) to establish a comprehensive manpower development program to assist persons in overcoming obstacles to suitable employment, and for other purposes, which was referred to the Committee on Labor and Public Welfare, and ordered to be printed.

AMENDMENTS NOS. 635 THROUGH 637

Mr. JAVITS (for himself, Mr. BAYH, Mr. BOGGS, and Mr. SCHWEIKER) submitted three amendments, intended to be proposed by them, jointly, to Senate bill 2838, supra, which were referred to the Committee on Labor and Public Welfare, and ordered to be printed.

AMENDMENTS NOS. 638 AND 639

Mr. JAVITS submitted two amendments, intended to be proposed by him, to Senate bill 2838, supra, which were referred to the Committee on Labor and Public Welfare, and ordered to be printed.

(The remarks of Mr. JAVITS when he submitted the amendments appear earlier in the RECORD under the appropriate heading.)

AMENDMENT NO. 643

Mr. MURPHY. Mr. President, I rise to submit, for myself and the Senator from New York (Mr. JAVITS) an amendment to S. 2838, the Manpower Training Act of 1970. This amendment will authorize the expenditure of funds for programs and activities to provide language training to individuals for whom language constitutes a significant barrier to employment. As my colleagues are aware, I long have been concerned with the barrier language has caused to achievement by our schoolchildren to whose families English is a second language. I cosponsored the Bilingual Education Act that was added to the Elementary and Secondary Education Act of 1967, and have worked for full funding of the program since that time. For fiscal year 1970, $21,300,000 was made available to this program and for fiscal year 1971, the Senate Appropriations Committee has recommended $25,000,000. The Bilingual Education Act has become one of the most exciting developments in the educational field and one that should measurably aid the children of this and future generations to find meaningful jobs and, indeed, a meaningful role in our society.

The hearings on S. 2838 before the Subcommittee on Employment, Manpower and Poverty, of which I am the ranking minority member, make it clear that first, language is an impediment to many in getting and holding a worthwhile job; and second, Federal assistance must be provided in this area if manpower training programs are to be effective.

There are over 5 million Mexican Americans in the United States, located primarily in the Southwestern States. My State is proud of the fact that more Mexican Americans, 1.5 million as a matter of fact, live in California, than any other State. The Mexican Americans, the Nation's second largest minority group, face the same problems of poverty and discrimination as other minority groups; but in addition, they have a language handicap.

The same problems are faced by our Chinese-American population. I am proud to say that San Francisco has the largest Chinese-American population of any city in the United States, currently in the neighborhood of 75,000 people. Since most of the Chinese immigration into the United States of about 10,000 people per year occurs through San Francisco, the numbers of this group are increasing rapidly. The subcommittee heard testimony that as many as 25,000 to 30,000 Chinese-Americans in San Francisco do not speak English. Naturally, some of our other minority groups such as the American Indians, Japanese-Americans and Puerto Ricans face similar problems.

I believe we have the obligation to assist these people so that they may hold meaningful jobs. If it means that parts of the manpower programs should be taught in Spanish or Chinese, then this should be done. If it means that one of the job skills required to hold the job is a knowledge of English, then English must be taught just as are the mechanics of operating a key punch machine or a welding torch or a computer.

Mr. President, my amendment is that simple, but it covers a serious deficiency in many of our present manpower programs.

In urging the full funding of the Bilingual Education Act, before the Senate Appropriations Committee last year, I stated: "no communication—no learning. It is as simple as that." That statement could well be rephrased, "no communication—no earning." It is truly as simple as that.

I also ask that the amendment be printed in full in the RECORD at the end of this statement.

The PRESIDING OFFICER (Mr. SPONG). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 643) was referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 643

On page 4, line 15, delete Sec. 101(1) and insert the following new subsection (1):

"(1) basic education, literacy and communication skills, including instruction courses in English language skills and, where appropriate, training programs conducted in languages other than English, which will assist individuals to become more employable or more suitable for participation in occupational training."

On page 17, between lines 16 and 17, insert the following: "(7) provide as an essential part of manpower training and related activities, courses in English language skills, and, where appropriate, training programs conducted in languages other than English, to fully assist individuals for whom language constitutes a significant barrier to employment."

On page 17, line 17, strike out "(7)" and insert in lieu thereof "(8)".

Mr. JAVITS. Mr. President, I am pleased to join with my distinguished colleague from California (Mr. MURPHY), who is ranking minority member of the Subcommittee on Employment, Manpower, and Poverty, in this crucial amendment to the Manpower Training Act of 1969, of which I am the principal sponsor in the Senate.

This amendment would direct the States and the cities, as they assume greater responsibility for manpower programs, to pay particular attention to the needs of those whose ability to engage in employment is impaired by a so-called language barrier. In my own city of New York, a 1967 study indicated that more than 10 percent of students in grades 1 to 12 were classified by the school system as "non-English-speaking."

I think that these statistics—which are repeated throughout the Nation—indicate the great need for a special sensitivity to such needs as manpower programs are developed on the local level.

I commend the Senator from California (Mr. MURPHY) for taking the initiative on this matter, as he has in the field of education so often in the past.

AUTHORIZATION FOR THE COMMISSIONER OF EDUCATION TO AWARD CERTAIN FELLOWSHIPS—AMENDMENT

AMENDMENT NO. 640

Mr. GOODELL. Mr. President, the Senator from Wisconsin (Mr. NELSON) has introduced the Environmental Career Fellowships Act, S. 3809, to authorize the Commissioner of Education to award fellowships to persons preparing for careers which will focus upon the preservation and enhancement of the Nation's environment and the control of environmental pollution.

I believe that that bill is directed toward a quite real need for funds that

exists upon our Nation's campuses, and I will cosponsor it.

While the thrust of the bill is commendable, the scope is too circumscribed. In section 2, the awarding of fellowships under S. 3809 is limited to those who plan to pursue environmental careers only in such fields as ecology, hydrology, chemistry, biology, and engineering. A great many other fields crucial to environmental education, notably the social sciences, are excluded from this rubric.

There is a definite need for the study of economic incentives not to pollute, for instance, and of the efficacy of various types of effluent charges. There is a clear need for study of the political and psychological requisites of national environmental programs, and for identification of the medical and the public health effects of various pollutants. There is a crying need for the training of public administrators, business executives, and lawyers in the goals and the tactical options related to the preservation of our environment.

It is not enough, moreover, to provide fellowships for the training of graduate and professional students. Perhaps the most crucial need of all, reflective of the widest gap in the field of environmental education, is for trained teachers who can go into the classroom and spread the gospel of environmental education on all levels of schooling, from kindergarten to graduate school. Nowhere in Federal legislation is there a provision for aid specifically directed toward the training of teachers in environmental education.

A survey conducted last year by the Environmental Policy Division of the Legislative Reference Service for the Subcommittee on Science, Research, and Development of the House Committee on Science and Astronautics has identified the disciplines upon which environmental education must focus. It is those disciplines especially in which we must build up a corps of dedicated environmentalists, in which we must train teachers and technical and professional personnel.

My amendment will, in lieu of the circumscribed set of disciplines covered by section 2 of the Nelson bill, substitute a complete listing of those disciplines identified as crucial to environmental education in that study made for the House Subcommittee on Science, Research, and Development. Under my amendment, all graduate and professional students in each of those disciplines will be eligible for fellowships under S. 3809. Moreover, my amendment will make eligible for fellowships under the bill those undergraduates who are pursuing a course of study which will lead to a career of teaching focused upon the preservation and enhancement of the Nation's environment and the control of environmental pollution.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the RECORD.

The PRESIDING OFFICER (Mr. MCCLELLAN). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 640) was referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 640

On page 1, strike out lines 9 through 11 and insert in lieu thereof the following: "to pursue careers focused upon the preservation and enhancement of the nation's environment and the control of environmental pollution, in such fields as the aeronautical and space sciences, the agricultural sciences, agronomy, and forestry, the physical and biological sciences, chemistry, the marine sciences and oceanography, the computer sciences and mathematics, ecology, economics, the engineering sciences, the geosciences including meteorology, medicine, epidemiology and public health, architecture and urban planning, and the social sciences, including psychology, political science, public administration, business administration, and law, and for undergraduate study for persons who plan to pursue careers of teaching focused upon the preservation and enhancement of the nation's environment and the control of environmetal pollution."

OFFICE OF EDUCATION APPROPRIATION BILL, 1971—AMENDMENT

AMENDMENT NO. 641

Mr. MONDALE. Mr. President, I submit, for myself and the Senator from California (Mr. MURPHY), an amendment intended to be proposed by us, jointly, to the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes. This amendment will increase funds for the dropout prevention program by $5 million. I ask unanimous consent that the text of the amendment be printed in the RECORD.

The PRESIDING OFFICER (Mr. BELLMON). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 641) is as follows:

AMENDMENT NO. 641

On page 3, lines 2 and 3, strike out "$1,873,168,000" and insert in lieu thereof "$1,878,168,000".

AMENDMENT NO. 642

Mr. EAGLETON (for himself, Mr. CASE, Mr. JAVITS, Mr. MONDALE, Mr. WILLIAMS of New Jersey, and Mr. YARBOROUGH) submitted amendments, intended to be proposed by them, jointly, to House bill 16916, supra, which were ordered to lie on the table and to be printed.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I be permitted to speak for 8 minutes.

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

INCOMES POLICY LONG OVERDUE—WELCOME SUPPORT FROM CHAIRMAN BURNS AND SECRETARY ROMNEY

Mr. PROXMIRE. Mr. President, both this year and last year and on numerous times before that, the Joint Economic Committee has proposed that a price and incomes policy be instituted.

In the 1969 report, the majority of the committee said:

> This committee, as it has for a number of years, strongly advocates the development of an effective, realistic, and definite set of wage-price guidelines.

And, in the 1970 report, the majority of the committee recommended that:

> The Council of Economic Advisers should at once initiate consultations with labor and business regarding appropriate price and incomes behavior. Following such consultations the Council should publish promptly a set of specific quantitative standards for price and income changes. The standards should be such that voluntary compliance by business and labor will contribute to the restoration of greater price stability.

But the administration has stubbornly refused to initiate wage-price guidelines or an incomes policy.

Yesterday, however, there were two significant statements by administration supporters urging such a policy.

Arthur F. Burns, now Chairman of the Federal Reserve Board but who until his appointment to that position was President Nixon's Chief Economic Adviser without portfolio, yesterday reversed his previous position and urged the administration to institute an incomes policy.

Meantime, George Romney, the Secretary of Housing and Urban Development, proposed a Presidential commission to bring to the attention of the public those instances where wage and price increases are clearly inflationary.

Both of those statements are as welcome as they are long overdue. While we should have acted earlier, as our committee has repeatedly urged, it is not too late to act.

No one claims or should claim that wage-price guidelines—or an incomes policy—is the sole or even major weapon against inflation. At best it can play only a moderating role. But the economic conditions which now exist appear to be precisely those in which such a policy can function most effectively. Those conditions are ones in which demand inflation has largely run its course—as everyone now agrees—and where cost-push inflation is the key villian.

The best work on this subject to my knowledge is a book by John Sheahan titled "The Wage Price Guideposts" which the Brookings Institution published in 1967. In reviewing the effectiveness of wage-price guidelines in several countries, Mr. Sheahan writes:

> If one were to characterize the American results with guideposts by the arbitrary statement that they have accomplished about 10 percent of the job intended, then by comparison most other countries would be strung out from about 2 to 10 percent. No country has scored any great success, if success is measured by maintenance of price stability for long periods at very low levels of unemployment.

That, Mr. President, is a fair statement of the relative importance and success of wage-price guidelines over long periods of time. But Mr. Sheahan goes on to describe where they have been successful and in what circumstances. And the point is that these fit

our present circumstances like a glove. He says:

Restraints on prices and wages have served at times to provide helpful breathing spells for short periods, and to break upward spirals that had continued from conditions of excess demand into a situation in which market forces should have stopped them but did not.

Mr. President, that is precisely what we need now. We need a breathing spell from the continued increase in wages and prices. We need to break the upward spirals that have continued after a condition of excessive demand has ended. This is a period when market forces should have stopped the upward spiral but have not.

This is precisely the time when an incomes policy can be most effective.

We should welcome Dr. Burns' statement and Secretary Romney's proposal. Action is long overdue. The administration should move now.

Further support for a change in policy comes from today's lead editorial in the New York Times. As the Times points out:

Although the Nixon Administration still holds to the line that the economy will soon turn up and unemployment decline before the end of the year, it has become too risky to persist with the economic's "game plan" that the White House has been following. It is clear that the economy is not responding well to the Administration's medicine.

And further on in the editorial, the Times points out that—

There have been many mistakes in economic policy in the past year. The Administration's green light to business and labor to raise prices or increase wage demands as they saw fit was one such blunder.

Mr. President, the time to institute wage-price guidelines is here. The Joint Economic Committee has been urging this action for a very long time. A number of distinguished private economists, including Walter Heller and Arthur Okun, has consistently done so. But now one of the President's Cabinet members, Secretary Romney, who in private life had great experience in management, has proposed action. And most important of all, Dr. Arthur Burns, whose economic credentials, public experience, and soundness of judgment in economic matters are unsurpassed by any other public official, has now urged an income policy.

It is time to act.

I ask unanimous consent that the New York Times editorial, "Strengthening the Economy—I" be printed at this point in the RECORD.

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

STRENGTHENING THE ECONOMY—I

The United States economy today presents a "bleak picture," as Dr. Arthur F. Burns, chairman of the Federal Reserve Board, conceded to the Joint Economic Committee last week. The real Gross National Product has dropped, and the odds have increased that the economy is in a genuine recession.

Although the Nixon Administration still holds to the line that the economy will soon turn up and unemployment decline before the end of the year, it has become too risky to persist with the economic "game plan" that the White House has been following. It is clear that the economy is simply not responding well to the Administration's medicine.

Capital markets are badly strained: it has been necessary for the Federal Reserve to rescue a Treasury bond issue. Henry Kaufman, investment economist, estimates that the Treasury will have to raise upward of $13 billion in the second half of this year, adding to the economic strain.

Interest rates have gone sky high. A month ago, Dr. Burns expressed his confidence that interest rates "have already passed their peak." But the rates have since climbed higher. If it were not for fear of political resistance and criticism, the nation's banks, which cut their prime rate to 7½ per cent under Administration pressure, would be going back to the peak rate of 8 per cent.

Aggravating the nation's financial problem is the slippage of the Federal budget into deficit. Whether its alarm was warranted or not, the stock market reacted strongly—and adversely—to the effect it thought the President's precipitate decision to send American troops into Cambodia might have upon the budget deficit.

Escalating interest rates have produced a depression in housing while social needs for housing go unmet. The shortage of tax revenues has choked off crucial expenditures for human and environmental needs. Although tax reduction has been looked upon by some citizens as a means of stopping the Vietnam war, what the lack of fiscal resources in fact has done is to limit social programs and worsen inflation, without checking the war.

There have been many mistakes in economic policy in the past year. The Administration's green light to business and labor to raise prices or increase wage demands as they saw fit was one such blunder. But the most important mistake of economic policy lies in the "mix" of fiscal and monetary policy. Fiscal policy—the relation between Government spending and tax revenues—has been too loose; and monetary policy—the rate at which money and credit have been fed to the economy—has been too tight.

The present unbalanced state of the economy results from the basic failure to achieve a proper balance of fiscal and monetary policy.

ADDITIONAL STATEMENTS OF SENATORS

POET, LOOK TO THINE OWN COUNTRY

Mr. SAXBE. Mr. President, the Soviet Union is wheeling out its biggest propaganda guns in an effort to smear the United States in the eyes of the world. This is no surprise, really, since all of us have been used to this kind of attack from Russia ever since we rescued her from the Nazi fury.

The latest Soviet propaganda gambit is a poem by Yevgeny Yevtushenko, a propagandist and pamphleteer for the Soviet ruling apparatus. The poem decries the sad affair at Kent State University.

We agree that the affair is sad. We agree that it is a national disgrace. We have been searching our innermost souls ever since it happened to try to determine what it was that went wrong. In the face of the fact that four students lie dead at Kent and two more at Jackson, we must discover how we, as a Nation, could have brought about this stain upon our history. But we do not need help from any foreign nation, particularly one whose government has the bloody history of the Soviet Union, to tell us where our duty lies. We know our duty, to the living as well as the dead, and we shall carry it out.

The irony in this newest propaganda attack on the United States is that it comes from the same government that in times past has undertaken the purges of the anti-Stalinists, the slaughter of the peasants in the Ukraine, the Katyn Forest massacre, the slaughter of the students and citizens of Budapest, the Berlin Wall, the rape of the Baltic States, the crushing of Prague, and most recently has been fishing in the troubled waters of both the Middle East and Indochina with the intent of destroying the peace of the world.

It is indeed ironic that the Soviets should be wringing their gore-covered hands over any incident, no matter how tragic, that occurs anywhere else in the world.

Fifty years of slaughter of his own countrymen, it would seem, might suggest to Yevtushenko the appropriateness of an epic poem in their memory. Of course, he would not dare.

DEATH OF JOHN GRAVES

Mr. PELL. Mr. President, I was deeply saddened to learn of the recent death of John Graves, who was formerly the assistant secretary to the majority. John was a trusted and helpful friend to whom one turned in complete confidence. John's assistance and advice on the Senate floor was invaluable, and who among us cannot but chuckle when we think of his calls requesting that we occupy the chair "just for a short time, Senator."

His death at such an early age is a terrible loss, and I extend my condolences to his wife, Karen, and his children, Cody and Caroline.

ANXIETY IN THE NATION

Mr. SCOTT. Mr. President, an editorial published recently in the West Chester, Pa., Daily Local News discusses the anxiety in our Nation today and the need for cool and calm rhetoric. I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the West Chester (Pa.) Daily Local News, May 12, 1970]

RHETORIC THAT BREEDS DISTRUST

When governors cancel a long scheduled conference because they are fearful of protests and violence in their respective states, it is obvious that things are far more serious than many people have imagined.

When the American Psychiatric Association which opened its sessions in San Francisco yesterday, drops its "business as usual" agenda because of national problems, turmoil and violence, it must be clear to most people that affairs have reached a critical point in our country.

When the President of the United States summons the Nation's governors to Washington to discuss ways of improving communication with college and university campuses in an effort to relate more effectively with students and others, it is obvious that grave concern is felt in high places over recent disturbances and tragedies.

Everywhere there is anxiety as to what is not only happening today, but what may happen tomorrow in our country founded on

the principle of freedom, the kind of freedom that permits an individual to speak his mind and, in so doing, dissent from others. It is the exercise of this constitutionally-given freedom that is giving concern to many of our leaders. Among them is Pennsylvania's senator, Hugh Scott.

Expressing his feelings in regard to what is happening in America today, Senator Scott said: "There has been an intolerable level of intemperance and misunderstanding on all sides, which has created a volatile atmosphere. It is wrong. It is leading us to disdain and to distrust each other as Americans. It has come from no less than the leaders of this nation. It has come from a great many Americans of varied and strong feelings. This rhetoric has inflamed and created a heavy turbulence of hate, suspicion and mutual disrespect.

"Rhetoric," Mr. Scott continued, "whether hurled from the pinnacles of power, or volatile or obscene when launched from the stance of the frustrated, the weak or the radicals, will tear us further apart.

"Today," he pleaded, "I beg those of all feelings, of all parties, of all ages to allow the polarization of our Nation to cool down. It is time to mend and to coalesce as Americans and not to divide as enemies."

That is the kind of counseling our country needs at this moment. We need as President Nixon stated in his inaugural address, to "lower our voices" that we may be heard. If we don't, there will be greater division—the kind that breeds disdain and distrust which, unless we are careful, could take us down the road to ruin. The wedge of division is already threatening our country.

SET A DATE IN VIETNAM, STICK TO IT—GET OUT

Mr. MUSKIE. Mr. President, in the current issue of Life magazine, former Secretary of Defense Clark Clifford has presented a cogent argument against the recent U.S. escalation of military activity in Southeast Asia. Mr. Clifford speaks as one who has been closely involved with the war in Vietnam, as one who believes that the commitment which we once owed South Vietnam to help protect its sovereignty has been more than paid off.

In analyzing certain circumstances of our involvement in this war, Mr. Clifford has emphasized a point which I have tried to make again and again—that our goal in Vietnam cannot be a military victory, but rather must be the establishment of a climate conducive to self-determination by the peoples of Southeast Asia. President Nixon, by his insistence on a military solution, has shown an alarming lack of awareness of the political issues involved in this conflict and its impact on both our allies and adversaries around the world.

As an alternative to present policy, Mr. Clifford has outlined a three-point plan which would remove all U.S. military personnel from Indochina by the end of 1971 and provide an impetus to negotiations by diminishing hostilities to a cease-fire level. I have offered similar points in my resolution, Senate Resolution 405, a proposal designed to set out a broad policy for U.S. disengagement from the conflict in Indochina. I feel very strongly that, as Mr. Clifford has stated:

The time has come for us to grasp the initiative in making the necessary and vital decisions. * * * American national interests require American disengagement from South Vietnam.

Mr. President, I ask unanimous consent that Mr. Clifford's statement be printed in the RECORD.

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

SET A DATE IN VIETNAM, STICK TO IT, GET OUT

(By Clark Clifford)

On the evening of April 30, I heard President Nixon inform the American people that in order to "avoid a wider war" and "keep the casualties of our brave men in Vietnam at an absolute minimum," he had ordered American troops to invade Cambodia.

My mind went back to a day in April 1961 when I received a telephone call from President Kennedy. He asked me to come to the White House to discuss the Bay of Pigs disaster which had just occurred. He was agitated and deadly serious. I shall never forget his words: "I have made a tragic mistake. Not only were our facts in error, but our policy was wrong because the premises on which it was built were wrong." These words of President Kennedy apply with startling accuracy to President Nixon's decision to invade Cambodia. Unfortunately, it is clear that President Nixon's action is an infinitely greater mistake than President Kennedy's, because more than 400,000 American boys remain involved in Vietnam, and far graver damage had already been done to our nation, both at home and abroad.

Like most Americans, I welcomed President Nixon's promises to end the Vietman war and bring our boys home. Like most Americans, I applauded the President's action in withdrawing 115,000 of our troops so far, and have noted his intention, with some qualifications, to withdraw 150,000 more in the next 12 months. Like most Americans, my sincere inclination is to support our President in times of crisis. However, I cannot remain silent in the face of his reckless decision to send troops to Cambodia, continuing a course of action which I believe to be dangerous to the welfare of our nation. It is my opinion that President Nixon is taking our nation down a road that is leading us more deeply into Vietnam rather than taking us out.

George Santayana once said: "Those who cannot remember the past are condemned to repeat it." In my personal experience with the war in Vietnam, I have learned certain basic and important lessons. It has been my hope that the present administration would study the past and determine not to repeat certain actions previously taken. However, I must express the deepest concern that it is now apparent that President Nixon has not grasped these vital lessons which seem so blazingly clear as we look back at the last five years of our substantial participation in the Vietnam conflict.

I have learned three fundamental lessons from my personal experience with Vietnam and I shall present them in this article. I shall then discuss how these lessons apply to the Cambodian situation. Finally, I will suggest a specific plan for our extrication from Vietnam.

The national security of the United States is not involved in Vietnam, nor does our national interest in the area warrant our continued military presence there.

The basis of our original participation in the conflict in Vietnam was the general acceptance of the so-called "domino theory." If South Vietnam were permitted to fall, then other nations of Southeast Asia, and possibly even in the Asian subcontinent, might topple, one after the other. If this occurred, it was alleged, the national security of the United States would be adversely affected. At one time, I accepted the reasonableness of this theory, but my own personal experience has led me to the conclusion that it is now unsound.

One of the major reasons for the change in my own thinking has been the attitude, evidenced over the last five years, of the nations in Asia that would be most seriously affected if the domino theory were applicable. These nations are infinitely better acquainted with the political, military and diplomatic facts of life in that part of the world, for they have lived with them for hundreds of years. As one looks at the map of the area, it is interesting to fan out from South Vietnam and ascertain the number of troops that these countries have sent to help South Vietnam because, in the final analysis, that is the most accurate test of the degree of their concern.

Burma, Laos and Cambodia, to the west, have sent no troops to South Vietnam. Singapore and Malaysia have sent no troops, while Thailand has sent only token forces.

The Philippines have sent no combat troops. The personnel of the engineering units and hospital corps it did send have been largely withdrawn. Indonesia, India and Pakistan have sent no troops.

These are the closest dominoes, and should be the first to fall.

As far as Laos and Cambodia are concerned, their behavior hardly justifies any sacrifice of American lives or treasure on their behalf. The situation existing in these countries is incredibly sleazy, and should be known and understood by all Americans.

Most of the men and materiel of war used to fight against American forces in South Vietnam come down the Ho Chi Minh Trail through Laos. Is Laos prepared to make any sacrifice to prevent the use of the trail? Certainly not! In fact, the exact opposite is the case. On March 6, 1970, Souvanna Phouma, prime minister of Laos, had a press conference and said:

"I told the ambassador from North Vietnam last year that we will accept the *use of the trail by North Vietnamese troops* with the condition that those troops withdraw from the important regions of Laos."

While American pilots, on a sharply escalated basis, are fighting and dying in support of Laotian forces engaged with Communist troops, the ruler of Laos suggests a deal that would permit the North Vietnamese free use of the trail through Laos to transport troops, guns and ammunition to kill Americans in South Vietnam.

In Cambodia, for years, enemy supplies have come into the port of Sihanoukville and have been transported across Cambodia into South Vietnam, to be used against American forces.

Laos and Cambodia have not been prepared to jeopardize their own interests to prevent North Vietnam from conquering the South. In fact, at least until Sihanouk's recent fall, both countries have been helping the North Vietnamese, and maneuvering to make their own deals. The United States has become involved in the age-old intrigue and chicanery that are traditional in the area.

I feel strongly that we have met, many times over, any obligation or commitment that we had in that part of the world, and I believe that the developments of the last five years should persuade us that the time has come to disengage in Southeast Asia and bring our men home.

I believe most Americans agree, but from what he says and does, President Nixon continues grossly to exaggerate Vietnam's importance to our national security.

In giving thought and study to this enigma, I have reached the conclusion that President Nixon has a curious obsession about Vietnam and Southeast Asia. Back in 1954, in a speech to the American Society of Newspaper Editors in the East Room of the White House, then Vice President Nixon said: "If in order to avoid further Communist expansion in Asia and particularly in Indochina, if in order to avoid it we must take the risk now of putting American boys in . . . I personally would support such a decision." This is particularly startling because Mr. Nixon was recommending that we

send American troops into Indochina to help the French who were engaged in war there to retain their colonial territories.

In 1965, President Nixon, then a private citizen, wrote a letter to the New York *Times*. In that letter, he declared that "victory for the Vietcong . . . would mean ultimately the destruction of freedom of speech for all men for all time, not only in Asia but in the United States as well.' In his speech of Nov. 3, 1969 he referred to the "great stakes involved in Vietnam," and asserted that they were no less than the maintenance of the peace "in the Middle East, in Berlin, eventually even in the Western Hemisphere."

I want very much for the President of the United States to be wise, mature and to exercise good judgment, but a statement of this kind shakes my confidence to its very core. I cannot remain silent when President Nixon acts as though be believes that a certain political result in a small underdeveloped country of 18 million persons in Southeast Asia is somehow crucial to "the future of peace and freedom in America and in the world."

I have learned these past years that the war in Vietnam is a local war arising out of the particular political conditions existing in Southeast Asia. I consider it a delusion to suggest that the war in Vietnam is part of a worldwide program of Communist aggression.

President Nixon continually argues that we must fight in Vietnam now to avoid "a bigger war or surrender later." But it is clear to me that the only real danger of a "bigger war" would come from the continued escalation of the rapidly widening conflict in Indochina.

We cannot win a military victory in South Vietnam, and we must, therefore, cease trying to do so.

The goal of winning a military victory in South Vietnam has proved to be a will-o'-the-wisp that has led us from one military adventure to another. I have reached the clear conclusion that we are not winning such a victory, nor can we win it in the future.

Certain restraints have been placed upon our military activity by the political realities that exist. We have been unwilling to invade North Vietnam, or to engage in indiscriminate bombing or mining of its harbors. As a result, we have been occupied in the most difficult type of guerrilla war and probably what is the most difficult terrain in which to fight. Our enormous firepower and our airpower are seriously limited and restricted by the fact that most of the fighting takes place in the deepest jungles in Southeast Asia.

In warfare, a nation has three major goals. The first is to keep as many of the enemy as possible on the field of battle. The second is to destroy the enemy's war-making potential, and the third is to seize and hold enemy territory. In the present conflict, a substantial number of the enemy have been killed but the troops from the North continue to come down in an uninterrupted flow. The enemy is well armed, well equipped and well trained, and is expert in guerrilla warfare. And Hanoi has made clear beyond any reasonable doubt its willingness and ability to accept substantial casualties for as long as necessary.

As for the second goal, we have been unsuccessful because we are wholly unable to destroy the enemy's war-making potential. The factories turning out guns, rockets, mortars and the materiel of war are not located in North Vietnam, but in Red China and the Soviet Union. We cannot destroy the factories in those countries. We attempted instead to impede the flow of weapons into South Vietnam by a bombing campaign in the North. In my opinion, the results did not warrant the enormous cost to us.

We have been no more successful in pursuing the third goal of seizing and holding territory. The enemy does not operate along a battle line; his objective is not to hold territory. When we attack, the enemy yields, but he returns when we move out.

In the pursuit of these goals, we have lost the lives of close to 45,000 Americans, had more than 275,000 wounded, spent over $125 billion, lost close to 7,000 planes, and we have dropped more tonnage of bombs in this conflict than we did in World War II and the Korean War combined.

Our problem in Vietnam is due not only to our inability to attain the military goals, despite our great effort, but to the fact that the struggle is basically a political one. The enemy continues to symbolize the forces of nationalism. The regime which we support is a narrowly based military dictatorship.

President Nixon has repeatedly asserted that the only alternative to his Vietnamization program is the "defeat and humiliation" of the United States. He has announced his determination not to accept this "first defeat" in our nation's history. The President's view constitutes, in my opinion, a complete misreading of the nature of the conflict in South Vietnam, of our role and purpose there and of the American national interest. The alternatives in Vietnam are not military victory on the one hand, or defeat and humiliation on the other. We did not intervene to conquer North Vietnam, but solely to extend a shield for South Vietnam. We did not intervene to impose any particular government on South Vietnam. The interests of the South Vietnamese people will be served and our objectives will be achieved by a realistic political settlement. A program for orderly disengagement will create the conditions in which productive negotiations become possible. Such a program is the only way to peace, and peace in Southeast Asia is the only victory that we should seek.

One of the deepest concerns I have about our present policy in Vietnam is that President Nixon, while he proclaims his dedication to a political settlement, by his actions still seeks to gain the military victory that cannot be won.

We cannot continue to fight the war in Vietnam without doing serious and irreparable injury to our own country.

The effect of the war on the young people in the United States is a virulent one. They feel especially affected by the war because they are the ones who have to fight it. Many of them do not believe in it and they are at a loss to understand why they must fight and die in a remote corner of Southeast Asia when they know their country is in no peril whatsoever. One of the poisonous effects of the conflict is the disunity and bitterness, and in some instances violence, it has brought about in our country.

The war has confused many Americans and has caused a continuing loss of confidence because the institutions of our government have not dealt with the pressing problem of national priorities. Every domestic problem we have, including poverty, inadequate housing, crime, educational deficiencies, hunger and pollution is affected adversely by our participation in the Vietnam war, and I do not believe these problems will be brought under control until we have disengaged from that conflict.

The war is a major contributor to the inflation that is hurting every citizen in our nation. We are also in the midst of a serious setback as far as business is concerned. The effect of the war on our economy is dramatic. Almost immediately after our foolhardy entry into Cambodia, the Dow-Jones industrial average decline over 19 points.

What troubles me is that President Nixon continues to give priority to policy in Indochina and to ignore its consequences at home. His actions are dividing the nation when we need desperately to be united and to devote our energies to our critical domestic problems.

The Cambodian invasion ignores these three lessons. The President ordered up to 20,000 American troops into Cambodia, and has now promised to have them out by July 1. I know already, in my own mind, that the operation will achieve little. The enemy will fade into the jungles of Cambodia, which are just as impassable and impenetrable as those in Vietnam. Any military gains will be temporary and inconsequential.

This is not an idle prognostication upon my part but is an opinion derived from past experience. Time and again in South Vietnam, the recommendation was made that a sweep be conducted through the Ashau Valley on the grounds that a vital blow could be struck against enemy forces. Time and again, thousands of American troops would sweep through the valley and find practically no enemy soldiers. The same will happen in Cambodia.

Also, there is a curious psychology I cannot understand that attaches importance to capturing territory even though it is held for a temporary period. A perfect illustration is Hamburger Hill. We drove the enemy off Hamburger Hill at great loss of life to our troops, and then later on withdrew. As soon as we pulled out, the enemy reoccupied Hamburger Hill and we went back and repeated the process. I do not know who holds the hill today. I am sure it doesn't matter.

After the adventure is concluded and our troops have been pulled back to South Vietnam, I predict the enemy will quickly reoccupy the areas that we have cleared. Even if the decision were made to remain in Cambodia, then I predict the enemy will develop new bases and staging areas just outside the perimeter of the area we occupy in Cambodia. In either event, the military effect is negligible and not worth the effort.

President Nixon, in his address to the nation of April 30, informed the American people that the invasion of Cambodia is indispensable to the withdrawal of our troops from South Vietnam, that it will serve the purpose of ending the war in Vietnam, that it will keep our casualties at a minimum, and that it will win a just peace.

These contentions violate every lesson that we have learned in the last five years in Vietnam. The bitter experience of those years demonstrates clearly to me that our incursion into Cambodia will delay the withdrawal of our troops from South Vietnam because it spreads the war and intensifies it. This decision will not end the war, but will lengthen it because of the reactions of the enemy to this new development. It will not keep our casualties down but will increase them, not only because of the men killed in Cambodia but because of the increased level of combat which I predict will be the other side's response in Vietnam. It will not achieve peace but will postpone it or destroy entirely the chances of obtaining it. Even though we pull out, the damage has been done, and the bankruptcy of our present Vietnamization program has been exposed.

The thrust of President Nixon's position in his speech of April 30 was that if we escalated our efforts into Cambodia, it would aid our program of Vietnamization.

How unfortunate it is that President Nixon did not heed the congressional testimony of Secretary of State William P. Rogers when he testified on April 23, just one week before the President spoke. Secretary Rogers said:

"We have no incentive to escalate. Our whole incentive is to de-escalate. We recognize that if we escalate and get involved in Cambodia with our ground troops, that our whole program [Vietnamization] is defeated."

I anticipate that in the period of the next few weeks glowing reports will flow back from Vietnam regarding the outstanding

success of the drive into Cambodia. Figures will be proudly presented showing the number of tons of rice captured, bunkers and staging areas destroyed, substantial numbers of weapons and quantities of ammunition found. A determined effort will be made to portray the entire adventure as a success, even though no major engagements will have taken place and the number of enemy casualties will be woefully small. This has happened time and time again, and our hopes have been raised only to be dashed by new enemy offensives. The capture of supplies and equipment, in the past, has been met by an increase in the supply of such equipment by the Soviet Union and China, with resulting increased flow down the pipeline from North Vietnam.

A further worry I have is that this ill-advised move into Cambodia could create a whole new set of problems. The open violation of Cambodian neutrality on the part of our troops could well constitute an open invitation to the North Vietnamese to expand their efforts further over Indochina on the pretext of defending independence. Our march into Cambodia now jeopardizes the ancient capitals of Phnom Penh and Vientiane. I do not have the prescience to visualize what may take place in this regard, but I know that we have greatly expanded the danger of the conflict spreading throughout Cambodia and Laos, and even further.

Although I consider the attack on Cambodia to be fraught with the most serious military consequences, I attach even greater danger to the diplomatic results that will flow from it.

Many of our friends around the world are shocked at this imprudent expansion of the conflict. They had hoped that they would see a contraction of the area of conflict and instead they learn, with deep apprehension, that it is being widened. The Cambodian adventure ignored the request of Foreign Minister Malik of Indonesia that no action be taken to extend arms support to Cambodia pending a regional conference to find ways of preserving that country's neutrality.

The decision appears to have been made so precipitately that the proper consideration was not given to the effect of the action on Communist China. The action was taken right after the recent conference of Communist representatives from China, Cambodia, Laos and North Vietnam. This conference ended with an agreement of mutual support and cooperation in combating American and other enemy forces in Indochina.

The predictable Soviet reaction was also apparently discounted. Premier Kosygin, on May 4, called a special news conference to warn of the worsening in Soviet-American relations. Mr. Kosygin stated that the Cambodian move raised serious doubts about President Nixon's sincerity in seeking an "era of negotiation." Mr. Kosygin went so far as to suggest that President Nixon's statements could not be trusted. This does not mean that either China or Russia will intervene directly, but it does mean that they will give North Vietnam all the aid it needs to neutralize our action.

Another unfortunate result of our action is to imperil the success of the strategic arms talks now being held in Vienna. Mr. Kosygin stated that our actions put the Soviet Union on guard and decrease their confidence, without which it is difficult to conduct negotiations.

Domestically, the re-escalation of the war has gravely increased the disaffection of young Americans, and the disruption of our society.

The active invasion dramatizes another facet of President Nixon's statements on the war which has caused me the deepest concern. In his speech of April 30, President Nixon again warned the North Vietnamese that, if they accelerated the fighting, he would take stern action in response. He has done this on at least four or five occasions and, in each instance, the enemy has responded by some type of military action. I suggest that this is the road to utter chaos. While announcing the withdrawal of a limited number of troops on the one hand, the President keeps threatening the enemy by assuring him that we are perfectly willing to raise the level of combat. This is not the path to peace. It is the path that will lead to more and more fighting and more and more dying.

It is time now to end our participation in the war. We must begin the rapid, orderly, complete and scheduled withdrawal of United States forces from Indochina.

President Nixon has described his program of Vietnamization as a plan for peace. I believe, however, that it can never bring peace in Southeast Asia, and that it is, in fact, a formula for perpetual war.

This war can only be ended by a political settlement. Nothing that the Administration is now doing holds any promise of bringing one about. And our present program for indefinite military presence in Vietnam makes such political settlement impossible. So long as our withdrawals are conditioned on the ability of the South Vietnamese to assume the combat burden, Hanoi cannot be expected to believe that we are genuinely interested in, or would even accept, the kind of political compromise that a peaceful settlement would require. The present Saigon government on the other hand, will never make the necessary accommodations so long as it is secure in the belief that American forces will remain in sufficient numbers to keep it in power.

It seems clear that the Administration believes it has proposed in Paris a genuine basis for compromise. In my opinion, however, these proposals are not realistic, nor will they lead to any progress.

Accordingly, what we need is a program that will Vietnamize the peace rather than prolong the war. In July 1969, in an article in the magazine *Foreign Affairs*, I recommended the definite, scheduled withdrawal of our ground combat forces from Vietnam by the end of 1970. I now propose to go further, and set a final date for our complete disengagement. Such final date might even be advanced if certain agreements are reached. The following is my specific three-point plan:

1. Announce publicly that all U.S. forces are to be removed from any combat role anywhere in Southeast Asia no later than December 31, 1970, and that all U.S. military personnel will be out of Indochina by the end of 1971, at the latest, provided only that arrangements have been made for the release of all U.S. prisoners of war.

2. Move promptly to end B–52 attacks, all search-and-destroy missions, and all other offensive operations, except as necessary to protect the security of U.S. forces, as disengagement proceeds.

3. Inform Hanoi and Saigon that *we are prepared to negotiate an even more rapid withdrawal* if the safety of our forces is assured by a cease-fire or other arrangements in South Vietnam, and if there is an understanding regarding the cessation of military pressures in Laos and Cambodia.

President Nixon has maintained that, were he to announce a withdrawal schedule, Hanoi would lose all incentive to negotiate a settlement. It is abundantly clear, however, that Hanoi feels no incentive to negotiate at the present time. The President has also asserted that North Vietnam would then simply wait until our troops have been reduced in number and launch attacks. But this potential exists whether a withdrawal program is announced in advance, or simply in instalments. A third objection has been that the South Vietnamese forces may not be ready to to assume the full combat burden and that a military conquest and bloodbath may ensue. But our objective should be to establish the conditions that will lead, not to the continued necessity for combat capability, but rather to a political compromise that will bring peace and stability to that troubled land.

On a number of occasions, President Nixon, in arguing that it would be improper for us to leave Vietnam now, has used the so-called "bloodbath" arguments. He has suggested that the massacre of many South Vietnamese, including a million and a half Catholics who fled from the North, would occur when our forces withdrew.

I find this position difficult to understand. In the first place, the figure of one million and a half Catholics who fled to the South, referred to by President Nixon in his speech of Nov. 3, 1969, is incorrect. A study of this subject, published in 1956, by the South Vietnam Department of Education and the National Commission for UNESCO, discloses that the number is not 1.5 million but 754,-710. This is significant because the President overlooked the fact that there are still living in *North* Vietnam today approximately 800,000 Catholics. There are also Catholics among the leadership of the National Liberation Front in South Vietnam.

The President bases his claim of "bloodbath" on his charge that when the Communists took over North Vietnam in 1954, they slaughtered thousands upon thousands of North Vietnamese. In fact, the records of the International Control Commission disclose that, in the two years following the armistice of 1954, only 19 complaints were filed covering political reprisals in all of North Vietnam. Later, in 1955 and 1956, a peasant revolt was harshly repressed, and the best estimate are that 10,000 to 15,000 may have died.

It is my firm belief that, when it becomes apparent that the Americans are in fact leaving, all parties seeking power in South Vietnam will have a strong incentive to negotiate a compromise settlement. All will recognize that compromise is their one assurance of a share in political power. The contending factions must now be aware that, in the absence of compromise, they can look forward only to continued conflict and disruption. The need for peace must now be apparent to all but the very few whose power and profit depend on war. We should not forget that, in South Vietnam's election of 1967, and under circumstances that could hardly be described as favorable, a candidate advocating accommodation for the purpose of peace secured 17% of the votes counted, while the winning military ticket fell far short of a majority.

The North Vietnamese negotiators have indicated their willingness to talk seriously if the United States declares the total and unconditional withdrawal of its troops from South Vietnam. Their suggestion of a six-month period for such withdrawal need not be accepted, but their acceptance of the principle not be ignored.

The obvious advantage of the three-point plan proposed herein is that it will specifically and unequivocally have all U.S. forces out of Indochina by the end of 1971 at the latest. It also frees the President from military pressure to slow or stop the withdrawal process. The plan takes account of the plight of the Americans now held captive and gives them and their families the hope of early release. No such hope can exist while the war continues and even intensifies. It offers also an immediate reduction in the level of violence throughout Vietnam. The ending of B-52 raids and search-and-destroy missions, so long as the other side does not act to jeopardize the security of our troops, will lower casualties and create a climate far more hospitable to the process of political settlement. This approach could serve to get negotiations started again, and as they progress, this diminution in hostilities can develop into a complete cease-fire.

The time has come for us to grasp the initiative in making the necessary and vital de-

cisions. President Nixon's policy of making our withdrawal dependent on his three criteria is a grievous error. These criteria are: 1) the level of enemy activity; 2) progress at the peace talks in Paris, and 3) the speed with which the South Vietnamese take over the fighting. Even a cursory study discloses that items one and two are controlled by Hanoi, while item three is controlled by Saigon.

We should no longer allow our own perception of our own interests to be distorted or deflected by our apprehensions as to what may occur politically in Saigon. American national interests require American disengagement from South Vietnam. I am convinced that, as presently enunciated, the Nixon program will not bring this about.

We should, instead, decide now to get out of Vietnam on a scheduled and orderly basis no later than the end of 1971. We should, at the same time, make known our readiness to negotiate a much earlier withdrawal and we should move now to scale down the level of violence. Only in this way can we achieve the peace that all Americans want, and that American military might can never win.

The present policy must be changed. The only effective method to accomplish this is sustained pressure from the public. The enormous upswing in antiwar sentiment, following the Cambodian transgression, must be maintained and strengthened and continuously brought to the attention of our country's leaders.

The solution is within our hands—if we will but use it.

PROPOSED CURB POSES DANGERS

Mr. GRIFFIN. Mr. President, in a most perceptive column in today's Washington Star, Crosby S. Noyes discusses in some detail the issue now before the Senate.

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

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

CONGRESS CURBS ON WAR POSE DANGER TO ALL

(By Crosby S. Noyes)

The present congressional assault on the war-making powers of the President—embodied in a variety of "end-the-war" proposals in both houses—is being presented under a number of different guises.

For some, it is simply a matter of being against the war in Vietnam. For others, it is a complex constitutional argument over the prerogatives of the Congress as opposed to the Executive. For still others, it is a matter of returning to the principles and the intentions of the Founding Fathers.

But it really is far more than any of these things. What the argument is all about is, in fact, the role that the United States should play in the world today. What we are witnessing could turn out to be the greatest resurgence of classic isolationism that has been seen in this country for nearly half a century.

The arguments are being closely tied to events in Vietnam and Cambodia. The time has come, it is being said, for the Congress to assert its constitutional powers in order to prevent a widening of the war in Asia.

But the issues go far beyond the war and far beyond Asia. The underlying thesis, subscribed to by virtually all the leaders of the congressional revolt, is that the Executive is inherently given to the over-commitment of American power overseas. The clear implication is that if the Congress succeeds in interposing its collective wisdom between the President and the conduct of American foreign policy, a new spirit of caution and restraint will result.

This assumption deserves a couple of observations.

As we have noted, the present trend in the Congress and perhaps in the country is strongly in the direction of isolationism. Very decidedly, if the leaders of the revolt get their way, American commitments will be severely curtailed, not only in Asia but everywhere else as well.

But this would not always necessarily be the case. Times change. It must be remembered that some of the same men who argue for global retrenchment today were most instrumental in turning the United States away from an isolationist course in the 1930s and 1940s.

It is significant that Chairman J. William Fulbright of the Senate Foreign Relations Committee has said Congress probably would have declared war on North Vietnam if it had been asked to at the time of the Tonkin Gulf incident.

Curtailing the warmaking powers of the President, furthermore, is an uncommonly tricky business. In an age of split-second nuclear warfare, almost everyone agrees that the President must have the power to act without congressional sanction to protect the safey of the nation and its armed forces.

There is little agreement, however, on what kind of an emergency justifies such presidential action. One can only wonder what might have happened if Congress had been asked to make up its mind what to do at the time of the Cuban missile crisis.

Altogether, it is hard to generate enormous reverence for the collective wisdom of the Congress, especially at a time when the revolt against the Executive is being accompanied by some of the silliest oratory ever produced on Capitol Hill.

Today, it is held to be the epitome of wisdom to forget everything that history has ever taught us about the behavior of peoples and nations. The new Youth Cult has reached the point where United States senators are solemnly assuring us that it is only the young people, motivated by an overwhelming desire to be left alone to do their thing, who hold the key to a responsible American foreign policy.

Of course, at this point, the significance of the various congressional proposals to curb the powers of the Executive is being interpreted in the narrowest context by their proponents. They are designed, we are assured, simply to hasten the end of the war in Cambodia and Vietnam.

But make no mistake about it. These proposals are no more than the nose of the camel. The trend is toward the outright abdication of the United States as a major world power. If is prevails, the world is going to be a very dangerous place to live in, not only for Americans, but for everyone else as well.

IS CANCER IN RETREAT?

Mr. YARBOROUGH. Mr. President, on February 16, 1970, I discussed in the Chamber an article I had read which indicated the possibility of a cancer vaccine by 1973. At this time I would like to bring to the attention of Senators some recent progress in our continuing war on cancer.

In an article published in the February 6, 1970, issue of Medical World News, Dr. Joseph Burchenal, professor of medicine at Cornell Medical College and vice president of Sloan-Kettering Institute for Cancer Research, states that "a lot of work being done in cancer research is almost ready to pay off." In fact, Dr. Burchenal thinks that a number of developments suggest that leukemia and lymphoma are curable.

Before 1947, acute leukemia was considered hopeless. In 1953, however, remissions were produced for the first time. And by 1967, the case records of at least 159 patients indicated long-term remissions. On the basis of these records, Dr. Burchenal predicts that at least half of all patients with acute leukemia who survive 5 years after diagnosis will survive indefinitely. With the addition of L-asparaginase to other forms of therapy the percentage of cures may well improve even further.

Dr. Burchenal's continued optimism is dependent on enough money being available to keep up the present pace of research. He feels that recent cuts in Federal appropriations for research seriously threaten to slow the rate of progress. To his way of thinking, "it is absolutely stupid to cut back on this research at a time when things are really popping in cancer." I share his sentiments.

Mr. President, I know that we are all vitally interested in the battle against cancer. I ask unanimous consent that the article entitled, "Is Cancer in Retreat?" be printed in the RECORD.

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

IS CANCER IN RETREAT?

"A lot of the work being done in cancer research is almost ready to pay off," says Dr. Joseph Burchenal. But he adds that cutbacks in research funds threaten to delay that payoff needlessly. A number of developments, he thinks, suggest that leukemia and lymphoma are curable.

As support for this conclusion he cites:

The curability of such other types of disseminated neoplastic disease as trophoblastic tumors and Wilms' tumor;

Evidence in man of host resistance to such tumors as Burkitt lymphoma and localized melanoma;

Suggestive evidence of the possible value of immunotherapy in acute leukemia;

The previous significant, though small, five-year survival rate in acute leukemia and Burkitt tumor; and

Evidence of a much higher rate of long-term remissions following new and more intensive combination therapy in these two conditions.

Dr. Burchenal, who is professor of medicine at Cornell Medical College and vice president of Sloan-Kettering Institute for Cancer Research, noted that as many as 95% of choriocarcinomas of the uterus can be brought into complete remission with disappearance of all evidence of disease, including the return of chorionic gonadotropin to normal. Three out of four can be brought into long-term remission—more than a year—which in this condition amounts to cure, since fewer than 1% relapse after a year's remission.

He attributed the curability of choriocarcinoma largely to the tumor's great sensitivity to chemotherapy and to the availability of an extremely precise technique for measuring chorionic gonadotropin in the urine, to detect minute amounts of residual tumor.

Similar factors seem to account for the curability of half the patients with metastatic Wilms' tumor: the sensitivity of the neoplasm to dactinomycin and the accessibility of the metastases, which are usually pulmonary, to visualization by radiography. Dr. Burchenal pointed out that in both conditions therapy can be continued until all disease is eliminated, thanks to precise techniques for detecting residual tumor cells. He also thinks it probable that there are host defenses against both these types of neoplasm.

Another method that promises to aid in locating tumor foci in Hodgkin's disease and other lymphomas is lymphography,

which has been made much more precise by recent advances in technique. "Lymphography will still show only fairly large involvement of the retroperitoneal nodes and the like," says Dr. Burchenal, "but I'm sure it can be made better. It is very useful, and it converts a lot of cases that were thought to be Stage I and II disease into Stage III. Obviously that's extremely important, because if you think it's Stage I or II and treat it with just radiation therapy to the localized areas, and don't touch the abdominal nodes, you're not going to cure anybody."

The low cure rate in testicular tumors suggests that host defenses may be comparatively ineffective in spontaneous autochthonous tumors because the antigenic differences between the host's normal cells and these tumors are less pronounced than the differences between normal tissue and tumors of fetal origin, such as choriocarcinoma. But even in testicular tumors some long-term remissions are achieved. At New York's Memorial Hospital, of 154 patients treated with triple chemotherapy (methotrexate, dactinomycin, and an alkylating agent) or with dactinomycin alone, 15% had complete remissions, of which about half appear to be cures.

"In leukemias and lymphomas the two brightest areas are Burkitt tumor and acute leukemia," Dr. Burchenal believes. "The progress that has been made in the past ten years is fantastic." Some Burkitt tumor patients treated with methotrexate in 1960 by Denis Burkitt were still alive nearly a decade later, and a 1967 study showed that 15% of a group of 245 patients had achieved complete regressions of more than a year. Recent results are even more promising; Dr. Paul P. Carbone treated 12 cases as the National Cancer Institute with massive doses of cyclophosphamide, and six were surviving 12 to 24 months after treatment.

Dr. Burchenal noted that in one series of 56 cases, 100% of Stage I and II patients had initial complete responses, while 74% of Stage III patients had similar responses, as did 28% of Stage IV patents. He pointed out that patients in the early stages usually have a smaller actual volume of disease than those in Stage III, and that since the malignancy is limited to the jaw it can be observed much better than can the intra-abdominal disease of Stage III.

Also, patients with advanced disease are more likely to be immunologically deficient. Studies have shown that patients with Burkitt tumor have an antibody against the tumor cells, and that those who later achieved complete remission had higher titers of the antibody than those who did not. Other studies indicate that immunologic competence is a factor in the success of treatment for Hodgkin's disease and melanoma.

Acute leukemia was considered hopeless before 1947; there was no specific therapy. In 1953, remissions were produced for the first time with folic acid antagonists. By 1967 Dr. Burchenal was able to collect case records of 159 patients in whom long-term remissions had been achieved, and to predict from experience with them that at least half of all patients with acute leukemia who survive five years after diagnosis will survive indefinitely. With the addition of L-asparaginase to other forms of therapy the percentage of cures may well improve even further.

Immunotherapy with BCG vaccine, pooled irradiated allogenic leukemic cells, or both, has been shown effective for patients with acute leukemia in remission. Dr. Georges Mathé of the Institut Gustave Roussy near Paris reported that seven of a group of 20 patients were still in remission from one to more than four years after undergoing immunotherapy (MWN, Aug. 29, '69).

"The best we can hope for in immunotherapy is a relatively small effect," Dr. Burchenal predicts. "It may be an extremely important effect, but we can't hope to get rid of pounds of tissue with immunotherapy. We can use chemotherapy and other treatments to get rid of large amounts of tissue. Unfortunately, in most cases they don't get rid of every last tumor cell, but maybe that's when immunotherapy can do the final mopping up. After all, that's what happens with infectious disease. Many of our antibiotics don't really kill off the last microorganism, but they kill off a large number, and then the patient's host defense mops the rest up and he's cured."

These optimistic predictions hold true only if enough money is available to keep up the present pace of research, and recent cuts in federal appropriations for research seriously threaten to slow the rate of progress. "We don't have as much money as we need, and we have to stop types of research that might be very useful," Dr. Burchenal says. "I think it's absolutely stupid to cut back on this research at a time when things are really popping in cancer. The amount of money that's needed for cancer research, compared with the national budget, is just peanuts, and yet it would make all the difference in the world.

"And you can't just cut funds off this year and restore them next year," he warns. "If you cut the money for research or training, people who have been in clinical research get out and go into practice. They get used to eating, and their children get used to wearing shoes. It takes a lot of dedication to go into this kind of work, and I've very, very rarely seen anyone who has gone out of research into practice who has ever come back again."

AN OPEN LETTER TO U.S. SENATORS

Mr. GOLDWATER. Mr. President, during most of last week while initial debate on the Cooper-Church amendment took place, it was my pleasure to have traveled rather extensively throughout the western part of the United States. It was refreshing; it was like a breath of clean air to see campuses not torn apart and to visit with young people whose objections to what is taking place in our country and the world were countered by intelligent and thoughtful alternatives.

I cannot believe the majority of American youth are represented by the ugly, shouting radicals of the left who seem to have suddenly dominated a few of the campuses of the eastern seaboard. My belief in this was strengthened this morning when I was visited by a group of young people representing the National Youth Committee for Peace with Freedom who presented me with an open letter to U.S. Senators. I know that other Senators, probably all, have received this and I want the country at large to know about these young people and their concern and their objection to the Cooper-Church amendment and the McGovern-Hatfield amendment. I ask unanimous consent that this letter be printed in the RECORD.

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

AN OPEN LETTER TO U.S. SENATORS

GENTLEMEN: Over the coming days the Senate of the United States will be passing on two legislative amendments which may be fateful for the future of our county, for the wider cause of freedom, and for the peace of the world.

We take the liberty of addressing this letter to you because, as students and young citizens, we are profoundly concerned over the crisis through which our country is passing. It is a crisis which has an internal component and an external component, and the two are clearly interrelated.

Like the students who have come to visit your offices, by the hundreds and by the thousands, over the past two weeks, we fear that we may lose our country if we fail to pay adequate attention to certain pressing national priorities. But we do not share their well-intentioned isolationism, their apparent belief that they can build a beautiful America even if the rest of the world crumbles around them.

Unlike them, we fear that we can also lose our country—and lose the peace of the world in the process—if we fail in our obligations as the free world's greatest power. Indeed, so strained and delicate is the balance in the field of world affairs that a single blunder by our country may be enough to open the way to catastrophe.

We believe that the Senate's passage of the Church-Cooper Amendment and/or of the Hatfield-McGovern Amendment would constitute precisely such a blunder.

The protesters who have come to Washington have argued that the Senate must pass the Church-Cooper Amendment and the Hatfield-McGovern Amendment because the great majority of our students and the majority of the American people support them. We think that the premise on which this contention is based is false.

A Gallup Poll taken immediately after the President's speech showed that two-thirds of those who took a stand supported the President's action in Cambodia. That the President's action is not without important support is also evidenced from the fact that AFL–CIO President George Meany and other leading trade-unionists have also backed the President.

As for the many campus demonstrations and the large number of students who have come to Washington, we note (1) that some 2000 out of 2400 colleges have not taken part in the current protest movement, (2) that strike votes were defeated in a number of colleges and carried only by slender majorities in other colleges, and (3) that substantially more than half of our young people do not go to college and have not been affected by the campus ferment.

But even if the protesters were ten times as numerous and ten times as passionate in the advocacy of their cause, this by itself would not constitute a guarantee that they were right. Public opinion can be wrong. Indeed, there have been many occasions in the history of our country and in the history of other countries when courageous leaders have had to stand up against what appeared to be an overwhelming tide of public opinion.

The supreme example of such courage in the history of our own country was provided by President Abraham Lincoln in the latter part of the Civil War. By the middle of 1863 there was growing agitation against the war. . . . The people were weary and tired of the inconclusive bloodshed. . . . There were violent anti-draft riots in New York, in which scores were shot down. . . . Increasingly vicious attacks on the President began to appear in the press. . . . Salmon P. Chase resigned from the Lincoln cabinet and struck up an anti-Lincoln alliance which included congressmen, businessmen, officers and the distinguished editor of the New York Tribune, Horace Greeley In August 1864, the Democratic National Convention adopted a resolution which read: "After four years of failure to restore the

Union by the experiment of war. . . . justice, humanity, liberty and the public welfare demand that immediate efforts be made for a cessation of hostilities." . . . Lincoln himself was certain that his administration would not be re-elected. But he persevered in his course because he was convinced of its correctness.

In modern times, Winston Churchill provided us with a sublime example of the kind of courage that is willing to swim full against the tide of public opinion. Despite the rise of Hitler, public opinion was predominantly pacifist and, at a later stage, pro-appeasement. The spirit of the British campus was reflected in the so-called "Oxford peace pledge," under which the members of the Oxford Union, by an overwhelming majority, voted to never again bear arms for king and country. As Churchill commented:

"In Germany, in Russia, in Italy and Japan, the idea of a decadent Britain took deep root and swayed many calculations. Little did the foolish boys who passed the resolution dream that they were destined quite soon to conquer or fall gloriously in the ensuing war, and prove themselves the finest generation ever bred in Britain. Less excuse can be found for their elders, who had no chance of self-repudiation in action."

When Chamberlain returned from Munich with the shameful agreement he had signed with Hitler, there was no question that he had the support of the overwhelming majority of the British people. But the verdict of history is now in, on the conflict between the Churchillian handful and the tide of British public opinion in the period preceding World War II.

In Profiles in Courage, our martyred President, John F. Kennedy told the stories of a number of American Senators and American Presidents who displayed exemplary fortitude in standing up against misled majorities in Congress or against a misled public opinion. John F. Kennedy had this kind of courage himself, and he had it in abundance.

About the situation and the commitment which the Senate will be discussing over the coming days, President Kennedy had this to say in July of 1963: ". . . To withdraw from that effort (the defense of South Vietnam) would mean a collapse not only in South Vietnam, but Southeast Asia, so we are going to stay there."

This was not an isolated statement, but one in a series of many similar statements, remarkable for their consistency and continuity, going back to 1956.

If President Kennedy were alive today, there can be little question about where he would stand on the Church-Cooper Resolution, or on the Hatfield-McGovern Resolution.

Gentlemen of the Senate! We are young people, but we know enough about the history of appeasement and about the nature of Nazi and Communist totalitarianism, to be convinced that these two amendments, if they were ever approved by the United States Congress, would spell disaster both at home and abroad—not in decades to come, but in the next few years—perhaps in the immediate future.

For these two amendments are not a formula for peace; they are—we will mince no words about it—a formula for betrayal and capitulation, and for a neo-isolationism so rigid and so blind that it makes the "Fortress America" isolationism of the thirties look like the most radical internationalism in comparison.

The Church-Cooper Amendment not only demands that we get out of Cambodia 80 days after enactment. Its rigid prohibitions on air support and on the provision of advisers or payment of mercenaries are enough to make it impossible for the Cambodian government to defend itself against the North Vietnamese Communist aggression. In the eyes of the world it will be interpreted as saying that, so far as the United States Senate is concerned, the Communists can take over wherever they wish in Asia, and we will not lift a finger to assist their victims.

The McGovern-Hatfield Amendment would compound the mischief done by the Cooper-Church Amendment. By calling for the termination of all military activity in Vietnam by the end of 1970 and the withdrawal of all American military personnel by the end of June 30, 1971, it sets up a timetable whose excessive tempo and absolute rigidity constitute a virtual guarantee of a Communist takeover—not merely in Vietnam but throughout Southeast Asia.

In less than a year's time, the President has withdrawn 115,000 combat forces; and he has pledged the withdrawal of another 150,000 American soldiers over the next 12-month period.

While ambitious, the President's timetable gives the South Vietnamese government the time it needs to take over the burden of defense in an organized manner; and it gives Southeast Asia a precious breathing space in which to organize its defenses againt the further encroachment of Communist imperialism. It is a timetable which, if Congress does not undercut it, can bring peace with freedam for Southeast Asia and peace with honor for the United States.

The debate to date in the Senate has distressed us and made us apprehensive. We know that Senators are weary of war, as the American people are, and that they would like to see it terminated as soon as possible. But we cannot help wondering whether those Senators who support these two amendments out of a sincere desire for peace realize that the manner in which we withdraw from Vietnam is all important—that, if we withdraw with honor, we withdraw with credibility; whereas if we withdraw in humiliation and defeat there will be nothing left of our credibility. As the London "Economist" warned:

It is arguable that the cost of victory in terms of bloodshed is proving to be too great; but the cost of betrayal could be even greater . . . It is an illusion to imagine that the United States can agree to a compromise peace that would amount to a sell-out and retain any credibility in Asia. Nor in Asia alone; for in this shrunken world credibility is indivisable.

More than one authority has made the point that it is American credibility that preserves the peace of the world. For if a time ever arrives when our allies and friends feel that they can no longer trust us, and when our enemies have come to regard us as a paralyzed giant or a paper tiger, World War III would become a serious possibility. Perhaps the first point of testing would be the Middle East, where the Soviets might react to an American defeat in Southeast Asia by intervening openly to crush Israel and to impose its empire throughout the Arab lands, all the way from the Indian Ocean to Gibraltar.

We also wonder whether the Senators who support the amendment truly believe that a withdrawal in defeat from Vietnam would usher in a new era of domestic tranquility. We wonder whether they are not at least worried that the President might be right when he warned that such a humiliation would produce a far more dangerous polarization in our society than the one we confront today.

Perhaps it would be better if the President had acted in greater consultation with Congress. Perhaps it would be better if there were a clearer delineation of the powers of the President and the role of Congress in the field of foreign affairs. But are the Senators who sponsor the pending amendment not at least concerned that their proposal seriously undercuts the President's authority as Commander-in-chief at a critical juncture; that it creates a spectacle of division that can only delight and embolden our enemies; that if they push their contest with the President to its logical conclusion, they will stand responsible before history for the shattering defeat which is bound to result and for all the tragic consequences that will flow from it?

We appeal to those Senators who have supported the President's program for withdrawal from Vietnam to stand fast against the pressures, yes, and against the outright intimidation that will be brought to bear against them.

We appeal to those Senators who have supported the pending amendments to reassess the relative risks of the President's course as against the course of surrender and humiliation.

We cannot at this point begin to match the massive and lavishly financed lobby which has been visiting Senate offices on a non-stop basis. But groups of the undersigned and of other concerned young people from many parts of the country will be visiting your offices over the coming days to express their point of view and to solicit your support. We hope you will give them the same respectful hearing that has thus far been accorded to those who have preceded us with a different purpose.

STEERING COMMITTEE

Charles Stephens, Neil Salonen, Allen Wood, Barbara Mikesell, Dennis Cormier, Gary Jarmin, Daniel Fefferman, William Wyche, Douglas Aller, Rebecca Boyd, Barry Serrins, Hal McKenzie.

THE 10TH MOUNTAIN DIVISION ASSOCIATION MEETING

Mr. DOLE. Mr. President, during World War II, I had the honor of serving with an extraordinary group of men in a unit which compiled a singular record for determination and gallantry.

After the war, the men of the 10th Mountain Division went their separate ways in civilian life, but we have remained in touch through the association we established to keep posted on one another's activities and whereabouts.

On May 23, the association will meet to commemorate the 25th anniversary of the end of the Second World War and to hold a reunion for members from across the country. Special wreath-laying ceremonies at the Tomb of the Unknowns in Arlington National Cemetery will precede a dinner at Fort Myer.

It seems difficult to imagine that a quarter-century has passed since our unit returned to the United States, but the bonds of friendship and shared experiences have remained strong over the years. This is a great group of men, and I commend their activities to the attention of Senators.

I ask unanimous consent that a press release describing the 10th Mountain Division Association's meeting on May 23 be printed in the RECORD.

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

TENTH MOUNTAIN DIVISION ASSOCIATION, ALEXANDRIA, VA., MAY 8, 1970

Veterans of the U.S. Army's 10th Mountain Infantry Division will meet in Washington on May 23rd to mark the 25th anniversary of the war's end and the Division's routing of the German Army in the rugged Appenine Mountains of Northern Italy in World War II.

Highlights of the May 23rd meeting will be a special wreath-laying ceremony at the Tomb of the Unknowns in Arlington Na-

tional Cemetery at 5:30 P.M. and a reunion dinner at 6:45 P.M. in Patton Hall, Ft. Myer, Virginia.

The Nucleus of the division was the 87th Mountain Infantry Regiment, America's first ski troops. The 87th served in Kiska in the Aleutians in 1942 and then returned to Camp Hale, Colorado, where it became the keystone of the 10th Mountain Division. In the Fall of 1944, the Division was shipped to Italy where the American 5th Army had bogged down in the bitterly cold and nearly impassable northern Appenines. In early Spring on 1945, the 10th kicked off the 5th Army's spring offensive breaking wide open the, until then, impregnable German Genghis Khan Line and spearheading the drive into the Po Valley which doomed the entire German Army in Italy. General Mark W. Clark, commander of the operation in Italy, was to call the division "a great fighting outfit."

For further information: Frank O'Connell, District 7-7407.

STRETCH JETS AT NATIONAL AIRPORT

Mr. SPONG. Mr. President, since April 27, I have been endeavoring to develop information with regard to the introduction of 727-200 stretch jets into National Airport. This morning the Committee on the District of Columbia, continuing oversight hearings concerning future operations of National, Dulles, and Friendship airports, which it initiated in March 1969, held a hearing on the use of larger jets at National.

I ask unanimous consent that on opening statement that I made at that hearing be printed in the RECORD.

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

MAY 19, 1970.

STRETCH JETS AT NATIONAL AIRPORT

Mr. Chairman, I had intended to make a different opening statement this morning, but I have put that aside in order to bring to the attention of this committee a document which bears on the subject before us.

The document in question is an analysis of the cost and benefits of introducing Boeing 727-200's into service at National Airport. The study was done by the Bureau of the National Capital Airports of the Federal Aviation Administration and is dated January 12, 1970.

I obtained a copy of this study from the General Accounting Office which collected this and other documents in the course of an investigation into the continuing problem of the underutilization of Dulles International Airport.

At this time, Mr. Chairman, I do not have all the facts as to the precise history of this study, however, I have been informed by the GAO that a study, presumably this one, was prepared by several senior officials of the Bureau of National Capital Airports and forwarded by the director of the Bureau to the FAA Administrator for his consideration. I hope to have more facts on this at a later time but perhaps our witness this morning can enlighten us.

Given the decision which was ultimately made in this matter—the decision to bring stretch jets into National Airport—it is one of the most shocking documents I have seen in my years of government service. For a bold and frank statement of the implications of this decision, it probably represents a high in bureaucratic memoranda.

I do not intend this morning to do more than read certain excerpts from the report although I intend to make full public disclosure of it after all members have had an opportunity to read and evaluate it.

Basically, the study is an attempt to set out the implications of lifting the long-standing ban against larger aircraft at National and, on the assumption that the decision was already made at the time the study was done, to suggest ways of selling the decision to Congress, the public, the press, and certain airlines whose interest would be adversely affected.

The study begins by estimating the potential profit this decision would bring to certain airlines and I quote from the report: "The order of magnitude clearly spells Bonanza to some of the airlines . . ."

"It is roughly estimated that this decision offers a potential increase of around $120 million in gross revenues to the airlines involved. Although it is difficult to pinpoint without an exhaustive study it appears that at least 50% of this potential would be pure profit since the marginal revenues to be realized from the use of the stretch 727 far exceeds the marginal costs of using the aircraft to replace existing equipment."

The study goes on to note that:

"Based on the best estimate it is possible to produce under the circumstances, it therefore appears that admitting the stretch 727 to DCA (National) is worth at least $36 million to the air carriers involved with a potential worth of $120 million. The potential for profit, which is much harder to estimate on the basis of available information, would seem to range from a minimum of $18 million to a potential of $60 million."

After estimating that the introduction of these large jets would mean 900,000 additional passengers at National Airport annually (assuming a 50% load factor), the report goes on to observe:

"If the decision to admit the stretch 727 to DCA (National) has already been made and is irrevocable the price we extract from the benefiting air carriers in return for this decision must be based in our judgment, not only on the substantial financial gain they can realize from that decision, *but also on the substantial loss the government and its stockholders (the taxpayers) stand to suffer as a result of the decision.* (Emphasis supplied.)

"As we see it that loss is immeasurable because the decision will change the entire pattern of growth of aeronautical activity in the Washington Metropolitan area seriously compromising the Bureau's and the FAA's ability to carry out responsibility for fostering the growth of Dulles International Airport and damaging the future of Friendship Airport to an extent that will certainly jeopardize if not foreclose the prospect for a regional airport system."

Mr. Chairman, the report goes on to say:

"The hard cold facts are that the stretch 727 cannot be employed profitably at DCA (National) without substantially altering the prospects of growth for Dulles and Friendship.

"Under present circumstances the critical point in the growth of Dulles will occur when restrictions at DCA (National) force transfer of significant service particularly Chicago service from DCA (National) to IDA (Dulles). In our judgment, that day is not far off now. But the decision to admit the stretch 727 to DCA (National) (setting the precedent for the even larger air buses) will postpone that day indefinitely. The Bureau and FAA have a responsibility to foster the operation of Dulles as a successful airport servicing the public interest. The taxpayers have a right to expect it will fulfill that role. . ."

In a blunt warning, the study notes that to approve the use of stretch jets at National would "put us generally on the side of those who have ignored our exhortations to use Dulles against those who have genuinely tried to promote growth of that airport."

Finally, the authors of the report conclude:

"All of this adds up to a compelling argument for not making the decision if it has not been made or revoking it if it is not irrevocable. We earnestly urge such action. However, in the "good soldier" spirit we have attempted to develop various possibilities for negotiation on the theory that the die is cast. It is our unanimous opinion, however, that it will be impossible to negotiate concessions from all of our air carrier clients that are even remotely commensurate with the bonanza that the stretch 727 decision offers to about half of them."

Now, in order to accommodate the added congestion which the 727-200 would bring to the already overburdened National Airport, the report recommends phasing in the stretch jets "in numbers which would assure that peak passenger loads would not exceed the existing capacity of roadways and keep operations of the aircraft at that level until the Kling modernization of the roadways is completed."

Mr. Chairman, notwithstanding what you and I have both been told, there would appear to be a very definite relationship between this decision and the Kling Report. I will pursue that matter in some detail a little later.

I go on to quote from the report:

"There does not appear to be any practical way in which the stretch 727 decision can be conditioned to avoid compromising the growth of Dulles and Friendship."

Even more strongly, the report states:

"Indeed, there seems to be no practical way of preventing this decision from making significant inroads into the current volume of business at Dulles and Friendship. A guarantee to maintain operations at current levels is meaningless as witnessed by the carriers response to a limitation of this kind imposed by General McKee when jets were allowed into DCA (National). A more specific stipulation that service to designated points must be continued at present levels would also have little meaning if the load factors for such flights deteriorate as a result of the greater attraction of service from DCA (National) using the stretch 727."

Mr. Chairman, the report goes on to lay out a detailed plan for selling this decision to the public, but at this time I want only to read one passage which seems to say something revealing about the relationship between the regulatory agency FAA and the industry it is supposed to regulate:

"The air carriers should be prepared to work closely with Bureau officials in defending the decision and answering complaints, to bring all possible political influence to bear on the Congress and other public bodies and to accept any limitations that may be necessary to get public acceptance of the decision."

Mr. Chairman, I am deeply shocked at a decision which could be made in the face of such an uncompromising recommendation against it by senior officials of the bureau which is charged with operating the airport in question. I believe this matter should be brought to the immediate attention of all the interested Committees of Congress and the whole matter thoroughly aired.

A BAY IS DYING

Mr. GRIFFIN. Mr. President, a distinguished son of Michigan has written in cogent and compelling fashion an article on the pollution threatening Green Bay.

The article was written by Michael D. O'Hara, former justice of the Michigan Supreme Court, who is now associated with a Detroit law firm.

Justice O'Hara's boyhood years were spent in the Menominee, Mich., region, and, as he recalls, much of the joy of those years came from enjoying the cool, clear waters of the big bay. The bay today is not as he remembers it as a boy.

Mr. President, I ask unanimous consent that his article, published on Earth Day, April 22, 1970, in the Menominee Herald-Leader, be printed in the RECORD.

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

OUR BEAUTIFUL BAY IS DYING

(By Michael D. O'Hara)

I am older than Victory Park.

Victory Park got its name from the Armistice that was declared at eleven a.m. November 11, 1918. I was eight years old then. I remember hearing the saw mill whistles shrilling and the church bells clanging at that unaccustomed hour. They sounded funny, like someone playing a popular tune on the choir organ in the middle of the week.

But the Bay was there in the same place it is now, lapping against the shore of Victory Park. To the south, right beyond the lighthouse, a gusset of brown river water split the blue-green water of the Bay. It was a clear brown, the brown of sandy river bottom that ran all the way up to Koss.

I never knew why the river was brown and the bay blue-green. I swam in both. If the wind was off-shore and the bay water was cold, we swam in the river down by the Sugar Beet Island bridge. It was always warm there, and light brown and clear. I wasn't supposed to swim in the river. My mother used to say, "The river takes someone every year." I did, anyway—of course.

If the wind was out of the east or south, the bay was warm and we swam in it. The water was clear blue-green.

I had a couple of chums, Pete and Dave Seidl. I don't remember their father's real name, he was always called "Fin." He owned some fish tugs; two, maybe three. We used to get to go out on the morning run to lift the nets. They got white fish, trout, perch, herring, a few wall-eyes and bass and even now and then a sturgeon. The bay was alive with fish. The tugs had no water tanks and didn't carry any "city" water. Off shore you could drink water right out of the bay. We often did.

I grew up to the symphony of the bay—crashing cymbals, noisy and loud when the wind was hard out of the east or northeast; soft and sibilant when it was easy out of the south; and just the whish of a little shore swell when it was out of the west. Wherever the wind, the bay was always clear blue-green.

It is 1970 now, fifty-two years later. I'm pushing sixty. I look at the bay where the river runs in by the same lighthouse. The river water is greasy cloudy stinking gray-black. You can't even eat the few fish you catch down-river from the dam. The blue-green of the bay is mottled downtown around the Marina. It's no longer clear and clean. Try drinking it now—if you dare. The fish are gone. The weeds push their slimy snaky heads above the surface. In Fish Creek, and Sturgeon Bay, the water is weed-clogged and dirty. The bay is dying.

I did my part to wound it. I threw refuse from my boat. I pumped the head out at moorings on both shores. Industry wounded it. The lake freighters wounded it. Our Town wounded it. It lies there now, stabbed by those who loved and used it most.

How sick do we have to be not to see what a few more years will do? Will our Bay be the cesspool that once was Lake Erie? Will our river be the open sewer that is the Detroit River?

It is for every one of us to nurse the beautiful bay and river back to health. Not one beer can, not one box of trash, not one open-flush head. Not one gallon of untreated industrial waste.

There are none so blind as those who will not see. I see now. Do you?

REPRESENTATIVE WILLIAM ST. ONGE

Mr. RIBICOFF. Mr. President, William L. St. Onge, the U.S. Representative from the Second Congressional District of Connecticut, died on Friday, May 1.

Bill St. Onge was my friend, and I feel his loss deeply.

He was stricken by a heart attack as he drove to a submarine launching in the New London-Groton area of his district. He was 55 years old.

Bill St. Onge was a responsible and effective Congressman.

He served with distinction on two key House committees, Judiciary and Merchant Marine and Fisheries.

His unassuming and modest manner won him many friends in the Congress.

Bill St. Onge's colleagues knew and respected him as a man of integrity, warmth, and dedication.

Yet, Bill was a fighter for a principle or a cause he believed in.

He represented his constituents with uncommon determination, and he was ever faithful to his commitment to a liberal philosophy based on justice and fair play for all.

I had the privilege and pleasure of working on many projects with Bill St. Onge over the years, and I never ceased to be impressed by his dedication to the welfare of the people he represented.

My legislation to create a Connecticut River National Recreation Area—a Federal parkland in Connecticut, Massachusetts, Vermont, and Rhode Island—won enthusiastic support from Bill, and he was the principal sponsor of the bill in the House.

In fact, Bill was to have joined the tour of the proposed parkland which Senator BIBLE's Parks and Recreation Subcommittee and other Federal and State officials will make this Friday and Saturday.

On another important conservation issue in Connecticut, Long Island Sound, Bill St. Onge was, typically, in the forefront.

The pollution that plagues Long Island Sound was a great concern to Bill, and he was instrumental in focusing attention on this serious problem long before the ecological crusade became fashionable.

Again, Bill St. Onge and I worked together. He was to have testified in New London on June 22 at hearing of my Executive Reorganization Subcommittee as we examined legislation to create a commission to study the problems of the Sound and make recommendations for solving them.

In short, Bill St. Onge could be counted on for his valuable support on important issues of all kinds, from conservation to education to welfare to national security.

One effort particularly meaningful to him was the economic growth and orderly development of his district. It was a subject he and I worked together on in the past, and all of us in the Connecticut delegation will miss his guidance, judgment, and leadership on this matter in the future.

It is not surprising, then, that Bill St. Onge enjoyed the support of Democrats and Republicans and Independents as well. They knew he was working for them all the time and that political considerations were secondary.

Suffering from a recurrent heart ailment in recent years, Bill could have used the excuse of his health to slow down a step or two.

But he was not the sort of man who looked for excuses. Nor was he much for slowing down.

All 411,000 people of the Second Congressional District had sent him to Washington to represent him, he told friends, and they would be represented with every ounce of energy and experience and knowledge he could command.

True to his word, Bill St. Onge went right ahead with his congressional duties with vigor and enthusiasm, concerned more for the needs of the people of the Second District than for his own health.

Bill St. Onge came to the House of Representatives in 1963 with vast experience in public service that included a courageous combat record in World War II and distinguished achievements as mayor of his hometown of Putnam and as a State representative.

Mrs. Ribicoff and I have known Bill St. Onge for many years and will miss him very much. To his wife, Dorothy, and their five children, William, Mary, Suzanne, Constance, and Anne, we extend our deepest sympathies.

DEATH OF CLIFFORD R. HOPE, DISTINGUISHED LEADER IN AGRICULTURE

Mr. PEARSON. Mr. President, Clifford R. Hope, a distinguished national and international leader in the field of agriculture, has died at the age of 76 and will be buried today near his home community of Garden City, Kans.

Cliff Hope served in the House of Representatives for 30 years, from 1927 to 1957. During his career there he became the leading Republican spokesman on agricultural legislation and was, during the 80th and 83d Congresses, chairman of the House Committee on Agriculture.

He was a member of that committee during his entire service in the House. He was dedicated to a national policy that would make American agriculture the most productive in the world, and this dedication brought him a role as architect of several historic pieces of farm legislation. Among these were the Research and Marketing Act of 1946, the original Soil Conservation and Domestic Allotment Act of 1935, the Hope-Aiken Act of 1953 setting up the watershed program and the Farm Credit Act of 1953. His expert knowledge and ability to lead allowed him to make, through his legislative efforts, the most significant contribution to national agricultural policy ever made by a Representative from Kansas.

Having come to Congress from a wheat-producing State, where he served three terms in the State house of representatives, including two as its speaker, Mr. Hope also played a variety of major roles in the worldwide development of wheat production and marketing. Perhaps the best known of these was his participation as a member of the U.S. delegation to meetings of the Food and Agriculture Organization in Quebec in 1945, Copenhagen in 1946, Washington in 1949, and Rome in 1951 and 1955.

After retirement from Congress in 1956, he helped to organize Great Plains Wheat, Inc., an organization to promote the use of wheat throughout the world, and served as its president until 1966. From Garden City, where he and his son Cliff Hope, Jr., carried on their law practice, he wrote a regular column on agricultural policy for the Salina, Kans., Journal.

This high-plains legislator received numerous awards, among them the American Farm Bureau Award for distinguished service to American agriculture in 1946, and more recently, in 1970, the U.S. Soil Conservation Service Award. He was admired for his accomplishments by members of both major political parties, and his advice and counsel on agricultural matters were sought by leaders from all over the world. As a man who understood profoundly the relationship between agricultural development and Government policy, he led the movement to place American agriculture on a sure footing in a rapidly expanding industrial economy.

This man from Kansas wheat country has left a record of accomplishment of which the Nation, our State, and his own family can be extremely justly proud.

In his parting, I salute the accomplishments of my friend, Clifford R. Hope.

NEWSPAPERS PAY TRIBUTE TO NELSON EARTH DAY CONCEPT

Mr. PROXMIRE. Mr. President, the Earth Day activities of last April 22 were an outpouring of national concern that showed that millions of people in this Nation are vitally concerned about the environmental crisis facing all living things.

My colleague from Wisconsin (Mr. NELSON) traveled extensively around the country talking about Earth Day, the idea he conceived.

To show the widespread acceptance of his idea, I ask unanimous consent that excerpts from editorials published in several parts of the country, and an editorial about Senator NELSON's speaking tour, published in the Milwaukee Journal, be printed in the RECORD.

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

EDITORIALS REVIEW EARTH DAY ACTIVITIES

In Des Moines, Iowa, the Register looked at Earth Day and observed:

". . . Granted that ideas and institutions long established are not easily changed; yet today is the first day of the rest of our life on this planet. We will begin anew."

All across the nation—from the deep South to the far North, to the West Coast and up and down the Eastern seaboard to the Midwest—the media covered Earth Day. It was front page news and prime time on radio and television. Most of the networks took advantage of the Earth Week observations to run pollution specials, and newspapers editorialized their support and called for the environmental concern to continue.

The San Jose, Calif., Mercury warned that earth's resources are finite:

"When they are finally depleted, they cannot be regenerated. . . . To be aware of the earth, its resources and man's relation to them is, or should be, the one that engages the interest and the activity of everyone, not just the professional environmentalists. They can't do it alone; the job is simply too big."

The Stevens Point Daily Journal advised that "what we need to do is to resolve to understand all we can about the problems of pollution and to do whatever we reasonably can to help to eliminate it."

The Dallas Morning News advised that ". . . good motives won't accomplish much unless they are accompanied by effective methods."

The Capital Times in Madison said Earth Day was creating a sense of urgency and called for the need for dollars, "billions of dollars—dollars that are now going down the drain in the war in Vietnam and up to the moon. We can't save our earth at bargain rates."

The reaction of the careful Christian Science Monitor was that ". . . pollution is the biggest material challenge confronting mankind today. We are beginning to learn its massive dimensions, its costs, its urgency. On with the learning—and the remedying!"

[From the Milwaukee Journal, Apr. 28, 1970]

MISSILE GONE JERSERK?

Tuesday: Atlantic City at 9 a.m. Boston at 2:15 p.m. Madison at 7:15. Milwaukee at 10.

Wednesday: Bloomington at 9:30 a.m. Denver at 2. Berkeley at 8:15. On to Los Angeles. Back to Washington.

A missile gone berserk? No, it's our Sen. Nelson, crisscrossing the country as he evangelizes for the environment. "We feel we're mission control," says his secretary.

If anyone knows about widespread pollution, Nelson should. This week, he has seen it.

SOIL STEWARDSHIP WEEK

Mr. FONG. Mr. President, Americans everywhere are awakening to the problems of environmental deterioration. Citizens are realizing that all resources are part of a vast, complex ecological pattern. It is particularly timely that the week just passed was designated as Soil Stewardship Week, with the theme "Resources and Renewal."

Following the national observance of Soil Stewardship Week, all citizens should be especially mindful of their obligation as stewards of the soil, water, and other natural resources.

Hawaii's districts joined 3,000 companion districts throughout the country to provide local sponsorship of this observance for the 16th consecutive year. The districts—along with their State and national associations—deserve praise and gratitude for their history of concern for the quality of our environment.

In Hawaii, our Nation's only island State, our people are keenly aware of the limitations of their land and other natural resources. For nearly three decades, two groups have made significant contributions to conservation of our land and water resources. I am speaking of Hawaii's 15 soil and water conservation districts, charged by State law to conserve and protect land and water resources in the State. I am speaking also of the U.S. Department of Agriculture's Soil Conservation Service, which provides technical help through these districts to the people of my State.

Hawaii is the only State in the Union with a completed soil survey, a cooperative survey accomplished under the leadership of the Soil Conservation Service. Soil surveys, of course, are the foundation of good land-use planning. The State is well known in planning circles for its progressive land-use laws. Its statewide zoning boundaries are strongly influenced by the SCS soil survey and interpretations.

The Soil Conservation Service is providing valuable technical planning help to sponsors of the Tri-Isle resource conservation and development project. The sponsors of Hawaii's first such project are the county of Maui and the five soil and water conservation districts in the county. Local people expect the project will lead to improvement of all aspects of the quality of life in the three-island project area.

Two projects under provisions of Public Law 566, the Small Watershed Protection and Flood Prevention Act, have been completed as of January 1, 1970. They are: First, Naalehu watershed project and, second, Puukapu watershed project, both on the island of Hawaii. These were among the 11 applications for planning assistance which have been submitted to SCS from Hawaii. The other projects are in various stages of planning and construction.

Selected plants tested at the SCS Plant Materials Center on Maui Island beautify the countryside, stop soil erosion, and improve the quality of agriculture in Hawaii as well as in other areas of the Pacific Basin.

The success of this Federal assistance is due immeasurably to the efforts and leadership of the State's soil and water conservation districts. Landowners who cooperate with districts for years have been effectively acting on the ecological concern today so widespread. Preserving the good qualities of life—one of the great challenges facing our Nation—is a continuing consideration in active district programs.

The districts include practically all landowners in the State and 96 percent of the land. In fact, about 80 percent of the entire State is under cooperative agreement with districts, reflecting landowners' intentions to apply needed conservation measures. Since the Soil Conservation Service's first study of conservation problems in Hawaii in 1938, landowners themselves have invested more than $80 million in conservation practices.

Hawaii's citizens are proud of the work accomplished through the district movement with the assistance of the Soil Conservation Service and other agencies, and are indebted to district leaders for their

efforts to keep the public informed about vital reserve conservation and development needs.

In connection with sponsorship of Soil Stewardship Week, districts fill requests from churches of all faiths for published materials created particularly for the current observance. The materials are prepared by the National Association of Conservation Districts in consultation with an advisory committee composed of leading churchmen. I commend to the attention of Senators a portion of this material—a strong plea for conservation of our natural resources—which follows:

CONSIDER THESE RESOURCES

Soil and water, air and forests, fish and wildlife—

They are as vast as the world, but they are not limitless.

They represent the purity of nature, but they are being polluted.

They are the gifts of God, for your use, but they are being misused.

They are foundations of your past, realities of your present, and essentials of your future.

They are the excitement of the seashores, the composure of the midlands, and the spectacle of the Rockies.

They have been called renewable, but the decision is yours.

How do you value a breath of clean, fresh air—the sight and taste of pure, sparkling water—or the inspiration of fertile fields and soaring forests?

In dollars?

Where's your soul?

These resources are indispensable.

They demand your attention and thrive on your care.

They help mold your life; condition what it is—and will be.

Everyday they serve you, surround you, sustain you.

Consider these resources. Consider them well.

WALTER REUTHER

Mr. EAGLETON. Mr. President whether one agreed or disagreed with Walter Reuther—and there were many of both types—one had to marvel at his energy, his inventiveness, his dedication, and his zeal.

He made an enormous contribution to our Nation; and in these times of turmoil and peril he could have, had he lived, contributed even more.

To say that Walter Reuther's death is a great loss to our country is a gross understatement.

Mr. President, I ask unanimous consent that an editorial published in the St. Louis Post-Dispatch of May 12, 1970, be printed in the RECORD.

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

WALTER REUTHER'S LEGACY

Seven years ago this week Walter Reuther, president of the United Auto Workers and at that time vice president of the AFL-CIO, addressed the Advertising Club of St. Louis, delivering a speech notable less for its content than its effect on the audience, at least one of whom left the auditorium murmuring, "Reuther for President!"

Mr. Reuther never had a chance to be President, but he had the capacity; and if he had chosen to enter politics rather than the labor movement he might well have reached the top. President Eisenhower's assistant, Sherman Adams, once accused Mr. Reuther of hoping to be "the Socialist President of the United States." The charge was untrue, but it reflected the misgivings conservatives always had about Mr. Reuther.

Part of this stemmed from his activity in behalf of liberal causes and candidates, and in part perhaps from his formidable ingenuity. He was constantly devising solutions for political and economic problems that tended to afflict the comfortable. Little worthwhile escaped his interest or his urge to find the right answer. What set him apart from many theoreticians, however, was his ability to translate ideas into practical action.

Mr. Reuther was born into the labor movement and in his youth fought with his fists as well as with logic. He spoke eloquently because he thought clearly. He knew as much as anyone about union strategy and tactics, having learned his lessons in the rough and tumble 1930s. He was tough physically and mentally, but he never lost a disarming boyish charm. He survived two assassination attempts, and his brother Victor, a life-long colleague in the UAW, also survived an attack.

Mr. Reuther took over the leadership of the UAW, the world's largest industrial union, with 1,600,000 members, 24 years ago. He wanted to assume direction of the AFL–CIO, but George Meany blocked this ambition. His differences with Mr. Meany were ideological—the young, imaginative, driving idealist attuned to the social problems of the day and the conservative craft-unionist wedded to the cliches of the past. Two years ago Mr. Reuther pulled out of the AFL–CIO, which he was instrumental in forming in 1955.

Mr. Reuther was beyond much doubt the liveliest, most far-sighted and most significant labor leader of his generation. He never forgot that his power base was the UAW and he held the loyalty of the union members because he produced for them. But he was more than a labor leader and more than a "labor statesman," as he was sometimes called. He spoke out on national and international issues, and he made sense in the same way that Adlai Stevenson, whom he supported, made sense.

The top officers of the UAW, after the airplane crash that took Mr. Reuther's life, issued a statement describing him as the UAW's "conscience, its heartbeat and its soul," which is the way it was. But the loss is the nation's as well as the union's. Mr. Reuther was a product of the machine age who understood the machine and tried to find a way for men to live with it. Industrial workers—and management, too—have much to thank him for.

WASHINGTON POST APOLOGIZES TO WIVES OF AMERICAN PRISONERS OF WAR

Mr. MILLER. Mr. President, a few days ago the Washington Post published an article by one of their columnists that was extremely offensive to the wives of American soldiers now being held prisoner by the North Vietnamese.

This morning, the Post carried a reply by the wives and also published an editorial in which its editors, while justifying the columnist's right to his point of view, had the good sense and sensitivity to apologize for it.

Mr. President, I ask unanimous consent that these two pieces be printed in the RECORD:

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

F.Y.I.

We have given over a good deal of space on this page today to a letter on behalf of the relatives of the estimated 1,500 American prisoners-of-war now being held by the North Vietnamese. Not the least of our reasons for doing so is that we agree with much of what the letter-writer has to say about a column by Mr. Nicholas von Hoffman which appeared in The Washington Post last week. Specifically, we share the view of the League of Families of American Prisoners in Southeast Asia that the POW issue is not "political." We could hardly agree more with the view of the league that this is "a humanitarian issue that transcends whatever an individual feels personally about the war." We support in their totality the wholly reasonable, not to say modest, objectives of the League which begin with nothing more than a list of those being held.

That being the case, you may well ask why The Washington Post printed the column in the first place. In fact, some of you have asked in the past few days, and we would like to offer an answer, *For Your Information*, because this is one of those questions that have to do directly with what our business is all about. The answer begins with a general principle that newspapers print a lot of things with which they don't always agree—columns, cartoons, commentary, critique, even comic strips. For that matter, we also report things we don't like to read or don't agree with; there are many unpleasant things going on in the world that people need to know about and many discordant voices which nonetheless have to be heard. And so we try to keep our own opinions in these columns, report the news as it is, and label analyses and commentary as just that.

Mr. von Hoffman's "commentary," was suspect, is an authentic reflection of something which is of large consequence in our lives, a force that matters in today's society and today's politics. If this doesn't exactly suit everybody's taste or ideology or philosophy, that's understandable. But the fact remains that we need to comprehend the new young, far-out, with-it world; we may not like the language it uses; or understand the way it dresses or its predilection for drugs; or feel its despair or admire its destructiveness. We may not *think* the same way, which is fair enough. It is not, however, a very good argument for shutting yourself off from what has to be, like it or not, a critical fact of contemporary life—or for shutting off Mr. von Hoffman, either, even though we know he is going to be operating out on the edge of outrage, and even though we know that every so often he is going to go over the edge. Or that some people will think he did. In the case of last week's column about the POW's we confess that we think he did. And that is why we turned over a good deal of space today to a representative of the relatives of the POW's.

LETTER TO THE EDITOR: POW WIVES REPLY TO VON HOFFMAN

Nicholas von Hoffman with his vitriolic venom splattered the prisoner-of-war issue all over the pages of this newspaper last week. The League of Families of American Prisoners in Southeast Asia was stunned. They had long been seeking Washington Post publicity, hoping to arouse public opinion to the plight of their men. But not this way.

"How cruel!" one wife cried. "How could he use this issue to get across his personal point of view on the war? It's not fair."

Mr. von Hoffman's treatment of this issue was not fair. What's worse, it was not even accurate.

The League does not consider the prisoner-of-war issue political. It is a humanitarian issue that transcends whatever an individual feels personally about the war. The League is a loose-knit organization of all kinds of different people from different parts of the country with but one agonizing common bond—a relative missing in action or held prisoner in Southeast Asia. The League members themselves do not agree on the war. But

there can be no disagreement on the POW issue.

Contrary to Mr. von Hoffman's insinuation that our government says North Vietnam has "kidnapped thousands of our servicemen" and holds them as "hostages," we have made no such accusations. We do not even ask for the release of these men, although we continue to pray it will be possible soon. All the League asks is: 1) a complete list of those held prisoner; 2) adequate food and medical care for prisoners; 3) release of the sick and wounded; 4) impartial inspection of prison camps; and 5) free exchange of mail between the prisoners and their families.

Nobody has ever said that "there are thousands upon thousands of our men incarcerated in North Vietnamese camps." The facts are public knowledge. There are 1,500 men missing in action in Southeast Asia—about 800 in the North, 500 in the South, and about 200 in Laos. The 800 downed in North Vietnam are all fliers, none of them draftees as von Hoffman implied.

About 400 of the 1,500 are known to be prisoners, but these names were *not* provided by the Committee of Liaison With Families of Servicemen Detained in North Vietnam, as von Hoffman states. This simply is not true.

The Committee of Liaison was formed at the request of the government of Hanoi, and its members are among the most militant of the peace groups. Although 75 per cent more mail has been sent from prison camps in the past year than in all the previous five years, only 16 new names have come out since last Thanksgiving. The Liaison Committee has said that every prisoner may write. But fewer than 200 have been heard from. The North Vietnamese say some men do not wish to write their families. It is impossible to believe that any American man imprisoned for years would deny his family the opportunity of knowing he is alive.

Mr. von Hoffman's comments about mail were misleading. POW next-of-kin have always been permitted to write letters. A six-line letter restricted to remarks about health and family members is permitted each month, although wives and parents have no way of knowing if they are received. Many have written letters for years but have never received a reply.

Packages for prisoners, however, were not accepted until Christmas of 1968. The following July, families were permitted to send a second package. It wasn't until February 1970 that families were told they could send a package every other month.

There have been American men imprisoned in Southeast Asia since March of 1964. Can you imagine the despair of a young mother who for six years has not been able to get a simple answer to her heartbreaking question: "Am I a wife or a widow?"

Perhaps Mr. von Hoffman should meet some of these families. It would give him much needed insight into a problem that cries out for editorial comment, demanding humane treatment for all prisoners-of-war, in accordance with the Geneva convention.

Let Mr. von Hoffman talk with these young wives who are living in a hellish limbo where they cannot buy or sell property; cannot borrow money for a son's college education. Let him talk to the children—the four-year-old boy who has never seen his father; or the seven-year-old girl who can't remember hers.

He should talk to one of the prisoners—one of nine released from North Vietnam in six years. Let him hear about the solitary confinement—of sitting on a bare board bunk with nothing to read, nothing to do, for hours, days, months on end. Let him hear about losing 50 pounds on the twice-a-day diet of pig fat and pumpkin soup; of never being allowed to communicate with another human being, much less his family or the outside world.

And he really should talk to H. Ross Perot, the Texas billionaire he accused of publicity seeking. Here is a man who did meet the families, was appalled by their problem, and tried to do something about it. Because he has money, he has accomplished more than the rest of us, but his motives are mistrusted. Mr. Perot has given the prisoners' families reason to hope. Von Hoffman's acid-dipped pen tried to tear that slim hope down.

The League of Families is not asking for any special privileges. All they ask is that the minimum standards of human decency be extended to those who are imprisoned, at the mercy of their captors. All they ask for themselves is the barest solace of knowing whether their husband, father, son, brothers, is alive or dead.

Why do the North Vietnamese refuse even this small concession to human decency? Even the peace groups are embarrassed by North Vietnam's continuing refusal to release the names of the prisoners they hold. No one knows why they persist in inflicting this unnecessary anguish on innocent families.

Why should wives have to travel around the world seeking the answer to that question that haunts them day and night: "Am I a wife of a widow?" Wives have appeared before the North Vietnamese delegation to the Paris peace talks, who looked them right in the eye and promised they would hear. They have not heard.

Why should wives have to deal through a Liaison Committee established by the enemy? Most of them are so desperate they would accept information from any source, but why should they be reduced to this? In no other armed conflict in history have the wives and families of military men been exploited in this cruel manner.

For years these families suffered silently. The world knew nothing of their plight. By their silence, they hoped to protect their men from harsh treatment, torture, perhaps even death at the hands of their captors. But after five years, they wearied of the lack of progress on the prisoner-of-war question. They worried about the state of their loved ones—mentally and physically. They began to speak out.

Families and friends of the 1,500 men missing in action in Southeast Asia have written thousands of letters—to newspapers, congressmen and senators, to the presidents of the United States and North Vietnam, to the United Nations and the Red Cross, to foreign governments, to everybody they could think of who might add a voice to theirs in their search for information and their demands for humane treatment for prisoners.

They have spent a year of dedicated—and courageous—effort to make this issue known to the public and to urge support for their simple humanitarian aims. Articles like von Hoffman's completely undermine their efforts. It is articles like von Hoffman's that the North Vietnamese take delight in reading to their prisoners.

Only world opinion will persuade Hanoi to change its policy on prisoners. It is known that the North Vietnamese cannot believe that the American public really cares about "just 1500 men." The words von Hoffman used are the words Hanoi uses—just 1500 men." To the League of Families these are not "just 1500 men." The plight of these men is a personal daily hell that each family member endures as best he or she can.

The only thing the families would like to ask Mr. von Hoffman is: "What would you be writing if it were your son, your brother, who was among the missing? What would you do after years of not knowing if he were alive or dead? Just what would you do?"

BARBARA P. ONDRASIK,
Member League of Families of American Prisoners in Southeast Asia.
ROCKVILLE.

DR. RICHARD GARDNER POINTS UP THE COST OF OUR FAILURE TO ACT ON THE GENOCIDE CONVENTION AND OTHER HUMAN RIGHTS TREATIES

Mr. PROXMIRE. Mr. President, the problem of moral leadership in the field of human rights is one which this country faces now and will continue to face in the future. The recent hearings held on the Genocide Convention by a special subcommittee of the Foreign Relations Committee clearly brought out the serious effects of our paradoxical inaction in this important area of international cooperation. Witness after witness testified that the consistent U.S. failure to ratify human rights has been a source of much embarrassment to our country and to its representatives.

Dr. Richard Gardner, a distinguished professor of law and international organization at Columbia University, was one of the many witnesses to present testimony in support of U.S. ratification of the Genocide Convention. Testifying on behalf of the Ad Hoc Committee for the Human Rights and Genocide Treaties, Dr. Gardner spoke directly and eloquently to this point. He emphasized that—

> Our failure to join in the historic effort to build an edifice of treaty law on behalf of human rights has hurt us . . . Our twenty-year old failure to ratify the Genocide Convention is probably our most dramatic omission in the area of human rights treaty law—and the one that is most incomprehensible to our own people and to people in other countries. It is a costly anachronism that should be eliminated without delay.

Mr. President, I agree with Dr. Gardner's analysis of this situation. This is certainly a compelling reason for us to cast off the shackles of inaction that have bound us for the past 20 years and to exert our moral leadership in this area. Human rights is a matter of concern to all nations—the United States not excepted—and it is incumbent upon us to direct our efforts toward securing international protection of these basic freedoms for all mankind.

Mr. President, I ask unanimous consent that a portion of Mr. Gardner's testimony be printed in the RECORD.

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

STATEMENT OF RICHARD N. GARDNER

Mr. Chairman, I am Richard N. Gardner, Henery L. Moses Professor of Law and International Organization at Columbia University. From 1961 to 1965 I was Deputy Assistant Secretary of State for International Organization Affairs. In 1965 and 1966 I served as a Senior Advisor to the U.S. Delegation to the U.N. General Assembly. In June 1969 I replaced Ambassador Charles W. Yost as the U.S. member of the Board of Trustees of the United Nations Institute for Training and Research (UNITAR).

I appear today as a private citizen on behalf of the Ad Hoc Committee on Human Rights and Genocide Treaties. This coalition of national organizations formed in 1964 represents 52 labor, religious, civic and nationality groups. The total membership of the groups comprising the Ad Hoc Committe runs to millions and reflects the widespread public interest of encouraging the

U.S. Government to commit itself more vigorously to the strengthening of international law in the field of human rights through ratification of various United Nations conventions including the Genocide Convention. A list of organizations comprising the Ad Hoc Committee is contained at the end of this testimony.

The United States belongs to a dwindling company of states which have failed to ratify the Genocide Convention. 75 countries have ratified it. With the recent accession of the United Kingdom, the U.S. is now the only major U.N. member not a party. The result of our inaction has been diplomatic embarrassment. Our friends cannot understand it. Our adversaries exploit it.

Of course, our position in the U.N. on human rights questions has not been wholly negative. We have demonstrated our concern with the promotion of human rights in other ways than by adherence to human rights conventions. We have spoken out clearly against specific violations of human rights in different parts of the world. And, most important of all, we have earned widespread respect from the members of the United Nations for the dedicated manner in which we have tried to eradicate discrimination and injustice in our own society. Nevertheless, our failure to join in the historic effort to build an edifice of treaty law on behalf of human rights has hurt us. So far, we have ratified only two Conventions—the Slavery Convention and the Protocol on Refugees. Our twenty-year-old failure to ratify the Genocide Convention is probably our most dramatic omission in the area of human rights treaty law—and the one that is most incomprehensible to our own people and to people in other countries. It is a costly anachronism that should be eliminated without delay.

It is, of course, generally recognized that the treaty power only extends to matters of "international concern." While not expressed in our Constitution, this has been deemed to be implied in the pattern of Federalism and the separation of powers established by our Constitution. The Supreme Court has said, for example, that "it is not perceived that there is any limit to the questions that can be adjusted touching any matter which is properly the subject of negotiation with a foreign country." *Geofroy* v. *Riggs*, 133 U.S. 258, 267 (1890). Charles Evans Hughes, in his famous address to the American Society of International Law, said that the treaty power "is not a power intended to be exercised, it may be assumed, with respect to matters that have no relation to international concerns."

Genocide, is obviously a matter of international concern. In our shrinking planet the massive destruction of human life in one country affects people in other countries. Genocide, as defined in the Convention, is often associated with threats to or breaches of international peace and security. Nazi Germany should have taught everyone the lesson that genocide and internal repression may often be the handmaiden of external aggression. We see today major international disputes rooted in ethnic, racial and religious hatreds. An international convention outlawing genocide clearly deals with an international matter and is therefore a proper subject for the exercise of the treaty-making power.

It has already been made clear by a previous sub-committee of the Senate Foreign Relations Committee that the Genocide Convention is not a matter which would affect the Federal-state balance of powers. The Constitutional provision covering the power of Congress to define offenses against the law of nations (Article I, section 8, clause 10)—as noted by the sub-committee years ago—provides ample authority for the assertion of Federal jurisdiction on the subject covered by this treaty. If this was clear in 1950, it is even clearer today after the passage of the Civil Rights Acts of 1957 and 1964 and the Voting Rights Act of 1965.

The reasons for U.S. leadership in the international promotion of human rights are clear and compelling. They spring from our most basic national traditions and our most fundamental national interests. Throughout our history, and still today, the United States has aspired to be not merely a storehouse of commodities but a society committed to the dignity of man.

American leadership in extending the rule of law through human rights treaties was manifested in the deliberations of the UN General Assembly concerning the first post-war human rights treaty—the Convention on the Prevention and Punishment of the Crime of Genocide. Assistant Secretary of State Ernest Gross, told the General Assembly in December, 1948:

"It seems to the United States delegation that in a world beset by many problems and great difficulties we should proceed with this Convention before the memory of recent horrifying genocidal acts has faded from the minds and conscience of man. Positive action must be taken now. My Government is eager to see a Genocide Convention adopted at this session of the Assembly and signed by all Member States before we quit with our labors here."

When President Truman transmitted the Genocide Convention to the Senate on June 16, 1949, he lauded it as "one of the important achievements of the General Assembly's first session." The role of the United States as a great moral force in bolstering the rule of law by support of the Genocide Convention was underscored in testimony to a subcommittee of the Senate Foreign Relations Committee early in 1950. Dean Rusk at that time said that ratification of the Genocide Treaty was essential to "demonstrate to the world that the United States is determined to maintain its moral leadership in international affairs and to participate in the development of international law on the basis of human justice."

What American leadership contributed through active participation in the drafting and the promotion of the Genocide Convention at the first session of the General Assembly has now won widespread international acceptance. Ratification by 75 countries eloquently testifies to the broad impact this treaty has had in the field of international law. We should hesitate no longer to adhere to a convention which we so vigorously espoused. This was precisely the point made by former Chief Justice Warren in his memorable address to the National Conference on Continuing Action for Human Rights on December 4 1968.

NATIONAL SMALL BUSINESS WEEK

Mr. McINTYRE. Mr. President, the President of the United States has proclaimed the week of May 17, 1970, as National Small Business Week. In his proclamation, the President said:

Small business is not and never has been a small matter in our national life.

This is very true, not only with respect to the size of our small business population but also in relation to the contribution which small business has made to the quality and character of American life.

Too often mention of American business brings forth a picture of the well advertised giants and not the unsung small businessman who is a real center of the strength in our economy. Small Business Week gives us an opportunity to recognize the many owners and operators of our almost 5 million small businesses. They feed, clothe, and house our Nation; they supply vital products for our national defense, and they have even used their imagination and expertise to help make our space program the spectacular success that it is.

Respect for the worth of the individual and the opportunity for a person to utilize his abilities to their fullest extent have been the underlying strength of our small business. His ability to create and to build have enabled the small businessman to withstand the vicissitudes of the economic life of our Nation.

To repeat the President's phrase, "small business has never been a small matter in our Nation," and I am confident that in the years to come small business will grow more and more in strength and purpose.

As chairman of the Small Business Subcommittee of the Banking and Currency Committee, I salute the small businessmen in this country in their special week.

A TRIBUTE TO THE LATE C. DUDLEY PRATT

Mr. FONG. Mr. President, it is with a sad heart that I note the passing of C. Dudley Pratt, of Honolulu, and eulogize his memory.

Dudley Pratt lived a full and successful life before he died on April 17. He had reached the age of 70 when he was stricken with a fatal heart attack.

Born in Honolulu March 24, 1900, of a "kamaaina"—oldtime—family, Mr. Pratt was a great grandson of Dr. Gerritt P. Judd, who arrived in Hawaii as a missionary in 1828.

Mr. Pratt was a 1918 graduate of Punahou School, which his great grandfather helped establish. He had served as a Punahou trustee since 1934 and chairman of its board of trustees since 1964.

He received his undergraduate education at Yale University and his law degree there in 1924. Thereafter, in his lifetime practice of law, he rose to become senior partner in the law firm of Pratt, Moore, Bortz & Case. In 1967, he was elected president of the Bar Association of Hawaii.

The Boy Scout movement was a major interest among numerous community services in which Mr. Pratt deeply involved himself. He assumed many Boy Scout posts at the local, regional, and national levels. In 1959, he received the Silver Buffalo Award, and last year a newly authorized honor, the Distinguished Eagle Award.

A swimming star in his days at Yale, Mr. Pratt became actively interested in local swimming safety programs. He was a founder of the Red Cross safety program and was much honored by the national organization.

He was also active in the Honolulu Academy of Arts and Palama Settlement. In 1958, he was named Father of the Year by the Honolulu Chamber of Commerce.

He also served as president of the Honolulu Rotary Club and as a district governor of Rotary International.

He is survived by his widow, Mrs. Dora B. Pratt; two sons, Charles D. Pratt, Jr., and David W. Pratt; two daughters, Joan C. Pratt and Mrs. Barbara Pratt Vaughn; three brothers J. Scott B. Pratt, Jr., J. Dickson Pratt, and Kenneth Pratt; four sisters, Mrs. George Hester Richardson; Mrs. Harry Catharine Field, Mrs. Francis Laura Bowers, and Mrs. Arthur Margaret Wriston; and six grandchildren.

To Mrs. Pratt and the family, Mrs. Fong and I extend our heartfelt condolences and sorrowful aloha in their bereavement.

The high esteem in which Mr. Pratt was held in his community has been voiced by his hometown newspapers. On April 18, the Honolulu Star-Bulletin published the following editorial:

The death yesterday of C. Dudley Pratt, 70, removed from the community a particularly illustrious grandson of the early missionaries. His record of community service—so long that an obituary can only highlight it in the briefest fashion—involved arts, education, scouting, civic affairs. Through it and through his career as a lawyer the areas he touched were left better than he found them.

I ask unanimous consent that an editorial published in the Honolulu Advertiser, on April 18, paying tribute to Mr. Pratt, be printed in the RECORD.

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

[From the Honolulu Advertiser, Apr. 18, 1970]

CHARLES DUDLEY PRATT

Charles Dudley Pratt was a quiet, able man whose strong sense of community was reflected in a wide variety of service over many years.

He was a moving force in the Boy Scout movement all the time since 1910 and last year was awarded a newly authorized honor, the Distinguished Eagle Award.

A swimming star during his Yale days, he maintained a keen interest in aquatic activities and became known as the "father" of Hawaii's Red Cross water safety program.

Looming especially large in his life was his longtime affiliation with Punahou, where he was graduated in the Class of 1918. A grandson of Dr. Gerrit Parmele Judd, one of the founders of the school 130 years ago, Mr. Pratt served for more than 35 years as a Punahou trustee and at his death was chairman of the board.

He helped start the Living Endowment Association at the school to provide for an expansion of not only teaching staff but scholarship awards.

A highly respected attorney, he was president of the Hawaii Bar Association in 1967 and officially welcomed the American Bar Association convention which brought thousands to the Islands.

He was a dedicated member and officer of Central Union Church; he regarded brotherhood as a creed that should infuse everyday life, in one's personal and professional contacts with his fellows.

Dudley Pratt, in sum, was a good and successful man in all the ways that really count.

VOTING REPRESENTATION IN CONGRESS FOR DISTRICT OF COLUMBIA

Mr. FULBRIGHT. Mr. President, recently a delegation of Arkansas members of the League of Women Voters presented to me petitions bearing the names of nearly 4,000 Arkansas citizens calling for full voting representation in Congress for the citizens of the District of Columbia.

These petitions were circulated by members of the League of Women Voters and come from every section of the State. I would like to acknowledge receipt of the petitions and commend the league for their continuing interest in our Government and national affairs.

The petition read:

We citizens of the United States, believing that all citizens should elect their representatives to the body which makes their laws, petition the Congress to propose a Constitutional Amendment to provide full voting representation in Congress for the citizens of the District of Columbia.

THE BLOODBATH THEORY OF WITHDRAWAL FROM SOUTH VIETNAM

Mr. HATFIELD. Mr. President, one of the most often repeated arguments against our military withdrawal from South Vietnam is the so-called bloodbath theory. The New York Times of May 12, 1970, contains an editorial by Tom Wicker who discusses this position, firmly and decisively discounting it.

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

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

[From the New York Times, May 12, 1970]

IN THE NATION: MR. NIXON'S SCARY DREAMS

(By Tom Wicker)

WASHINGTON, May 11.—In his televised address on the war last Nov. 3, President Nixon declared that a "precipitate" American withdrawal from South Vietnam "would inevitably allow the Communists to repeat the massacres which followed their takeover in the north fifteen years before. They then murdered more than 50,000 people and hundreds of thousands more died in slave labor camps."

In his speech of April 30, when he announced the invasion of Cambodia, Mr. Nixon again adduced the bloodbath story to support his action. Part of what he called "the easy political path," he said, would be "to desert 18 million South Vietnamese people, who have put their trust in us, and to expose them to the slaughter and savagery which the leaders of North Vietnam inflicted on hundreds of thousands of North Vietnamese who chose freedom when the Communists took over North Vietnam in 1954."

Then, under fire at his news conference on May 8, Mr. Nixon escalated. It was a "moot question" whether the war had been worthwhile, he said, but "now that America is there, if . . . we withdraw from Vietnam and allow the enemy to come into Vietnam and massacre the civilians there by the millions, as they would, if we do that, let me say that America is finished insofar as the peacekeeper in the Asian world is concerned."

Let us pass mercifully over the highly revealing remark about "the peacekeeper in the Asian world" to the question of the bloodbath. On each of Mr. Nixon's two earlier assertions of this historical hobgoblin, I wrote that the record disclosed no evidence that such an atrocity had occurred. Prof. George McT. Kaahin, Director of Cornell University's Southeast Asia program, used this space on Dec. 6, 1969, to refute the President's Nov. 3 statement. Several magazine articles have gone into the matter in detail, as have numerous books each concluding there was no bloodbath in North Vietnam in 1954.

THE I.C.C. RECORDS

In fact, quite the opposite; the records of the International Control Commission disclose only nineteen complaints of political reprisals and only one involving murder in North Vietnam in the two years following the armistice; nor did the I.C.C. allege that its inquiries were in any way hampered by the Communist Government. But in South Vietnam, 214 complaints were lodged in the same period against the Diem Government, and when Ngo Dinh Diem in 1957 summarily barred the I.C.C. from any further investigations, 1047 complaints were still pending against him. Moreover, the Diem Government itself reported 48,200 arrests of Communists from 1954 to 1960.

So the only events resembling mass political reprisal after the 1954 armistice occurred in the South, not the North. What did happen in North Vietnam was a harshly repressed peasant revolt in 1955 and 1956 against a severe land reform program. It had nothing to do with Ho Chi Minh's takeover. Mr. Kahin thinks perhaps 10,000 to 15,000 may have died.

As evidence for the likelihood of a bloodbath, Mr. Nixon also mentioned on Nov. 3 that the troops who captured the city of Hué during the 1968 Tet offensive may have "eliminated" as many as 3,000 South Vietnamese. But D. G. Porter and L. E. Ackland, writing in *The Christian Century* of Nov. 5, 1969, have reported their findings, after careful research, that most of these wicked executions took place in the heat of battle and as "the revenge of an army in retreat" and were not the deliberate policy of Hanoi.

So there are at least three things to be said about the bloodbath Mr. Nixon insists will take place if the Communists take over South Vietnam. To the extent Americans are led to believe in this specter, the President makes it harder to justify any end to the war that would appear to give North Vietnam opportunity for such a massacre; that is, almost *any* compromise settlement.

DUBIOUS JUSTIFICATION

The second is that, since there is no historical evidence to justify the bloodbath prediction, this is an emotional argument to match or exceed any of the "emotionalism" or "sentimentality" or "lack of realism" so often charged to war critics.

Finally, since Mr. Nixon's staff is perfectly capable of pointing out an untruth no President should wish to assert, his insistence on the bloodbath seems to stem from something stronger than evidence. It is as though he *wills* it to be true, even though it isn't, both to justify the war and his policy, and to confirm the anti-Communism on which rests so much of his public life. Believing, perhaps, has made it so.

WALTER REUTHER SPOKE OUT ON THE CAMBODIAN CRISIS AND THE TRAGEDY AT KENT STATE

Mr. YARBOROUGH. Mr. President, shortly before his death, United Auto Workers' President Walter Reuther sent a statement to the President on the invasion of Cambodia by U.S. ground forces and the tragic killing of four students at Kent State University in Ohio.

Mr. Reuther's statement was forceful and to the point. It is a cogent expression of the concern felt by many loyal and patriotic Americans over the recent sequence of events in this Nation which have reopened old wounds and divisions we had hoped were beginning to be healed.

This statement is one more example of the great loss America and American labor have suffered as a result of the death of Walter Reuther, one of labor's most

compassionate, forceful, and eloquent leaders.

Mr. President, I ask unanimous consent that the UAW statement on Cambodia and Kent State University deaths, dated May 7, 1970, which was sent to President Nixon, and signed by Walter P. Reuther, president, UAW, be printed in the RECORD.

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

FOLLOWING STATEMENT BY UAW ON CAMBODIA AND KENT STATE UNIVERSITY DEATHS SENT TO PRESIDENT NIXON

"On behalf of the UAW I wish to convey to you our deep concern and distress over your action authorizing the use of United States forces and materiel in a broadening of the war in Indo China. Your decision to invade the territory of Cambodia can only increase the enormity of the tragedy in which our nation is already deeply and unfortunately involved in that region. Your action must stand as a repudiation of your oft repeated pledge to bring this tragic war to an end and not to escalate it. Widening the war at this point in time once again merely reenforces the bankruptcy of our policy of force and violence in Vietnam.

Your action taken without the consultation or authorization by the Congress has created a serious constitutional crisis at a time when there is growing division in our nation. Many senators are understandably aroused. Senator Cooper has clearly pointed out that your action represents a turnabout in your policy and Senator Aiken has warned that your escalation of the war means the end of the Vietnamization policy.

However this dangerous adventure turns out militarily, America has already suffered a moral defeat beyond measure among the people of the world.

You pledged to bring America together. Yet by your action you have driven the wedge of division deeper and you have dangerously alienated millions of young Americans. The bitter fruits of this growing alienation and frustration among America's youth have been harvested on the campus of Kent State University where the lives of four students involved only in an emotional protest against the war were ended by the needless and inexcusable use of military force.

At no time in the history of our free society have so many troops been sent to so many campuses to suppress the voice of protest by so many young Americans.

With the exception of a small minority, the American people, including our young people, reject violence in all its forms as morally repugnant and counter-productive. The problem, Mr. President, is that we cannot successfully preach nonviolence at home while we escalate mass violence abroad.

It is your responsibility to lead us out of the Southeast Asian war—to peace at home and abroad. We must mobilize for peace rather than for wider theaters of war in order to turn our resources and the hearts, hands and minds of our people to the fulfillment of America's unfinished agenda at home."

WALTER P. REUTHER,
President, U.A.W.

EQUAL RIGHTS AMENDMENT

Mr. TOWER. Mr. President, on May 2, 1970, the annual Kentucky Derby was distinguished by its first woman jockey, Diane Crump. Diane Crump is a symbol of the women's rights movement which has gained momentum in the past few years. There is, I feel, a factual basis for the movement.

The U.S. Constitution was ratified by the several States with the condition that an American "Bill of Rights" would receive priority in the first Congress. James Madison proposed the first 10 amendments on June 8, 1769. A main thrust of these amendments is the protection of individual freedoms and rights. It cannot be challenged that there were certain segments of the population that were not included in this constitutional protection of rights. Our history contains a record of the efforts of different groups to fully realize their constitutional freedoms. Women only received the right to vote with passage of the 19th amendment on August 18, 1920, after a 50-year campaign—a tacit indication that women did not have the equality envisioned in the Constitution from the date of its drafting.

Many women's liberation groups agree today that there are constitutional and legal protections for their rights, such as the 5th and 14th amendments, the Civil Rights Act of 1964, the Equal Pay Act of 1963, and various rulings of the Equal Employment Opportunity Commission. Nevertheless, a brief review of employment statistics, job opportunities, rules governing jury service, university admission practices, and property laws provides examples of discrimination on the sole basis of sex—discrimination which is unjustifiable in our modern age.

Title VII of the 1964 Civil Rights Act protects women against discrimination in employment. Six years later we find little indication of the effectiveness of this title. Although contemporary women have received more and better education and have more free time due to the application of technology to household tasks than their predecessors, women have not yet achieved equality in working opportunities or wages. An article in U.S. News & World Report of April 13, 1970, indicates that women are not given the same job opportunities even when they have identical training backgrounds as men competing for the same jobs. In the May 11, 1970 issue of Time magazine the following data is presented:

In 1957, fully employed women earned a median wage of $3,008 a year and men, $4,173. By 1968, men's income had risen 65%, to about $7,800, while women's had gone up 51%, to $4,550.

In view of this data, as well as that relating to other areas in which discrimination has occurred, women should no longer be denied a specific recourse for protection and relief in the highest court and highest law of our land. I ask that the Subcommittee on Constitutional Amendments, which held hearings on Senate Joint Resolution 61 last week, consider favorable action on this issue soon, so that the entire Senate can act to correct a situation which has lasted too long.

CAMBODIA—PETITIONS IN OPPOSITION TO PRESIDENT NIXON'S ACTION

Mr. FULBRIGHT. Mr. President, last week I reported to the Senate on the large number of petitions, letters, and telegrams I have received in recent days. I have heard from more than 170,000 people in the last 2 weeks and the communications continue to arrive.

On May 13 I listed a number of the petitions I had received from across the country opposing the widening and continuation of the war. Since that time I have received a great many additional petitions, bringing the total number of names on petitions of support to 73,000.

Once again I have summarized the petitions and I ask unanimous consent that this list of additional petitions I have received be printed in the RECORD.

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

PETITIONS

A petition signed by 190 veterans, many of them now students or faculty members at the University of Massachusetts. The petition, which was personally delivered to my office, states:

"We the undersigned, undergraduates, graduate students and faculty at the University of Massachusetts, registered voters of the Commonwealth of Massachusetts and veterans, support any legislation to withdraw troops from Cambodia and Laos."

A petition signed by 15 citizens of Great Neck, N.Y., stating:

"We deplore the loss of lives for a fruitless cause. We deplore the credence our government has given to corrupt regimes in South Vietnam year after year. We deplore the fact that our elected representatives in the House and Senate have been ignored and autocratically "tuned out". We deplore the way the Executive has turned away from the voice of the people. We deplore the systematic vilification of any form of dissent."

A petition with 143 names from the New York area deploring the extended escalation of the war and calling for withdrawal of U.S. troops from Southeast Asia.

313 signatures on petitions from Stamford, Norwalk and other Connecticut cities urging "support for the McGovern-Hatfield-Goodell-Hughes amendment to the Military Authorization Bill."

A petition from 75 students and faculty of the Anthropology department of Sacramento State College, California, which said:

"We are not 'bums', 'effete intellectual snobs,' 'punks,' or 'communist dupes.' We firmly believe in the Constitution and its system of checks and balances and we are opposed to the unilateral decision of our President to wage war. We protest the encouragement of violence from either the extreme left or extreme right through reckless rhetoric and the impulsive use of armed forces as a reaction to student dissent."

A petition from 640 member of the Swarthmore College (Pa.) community opposing the extension of the war.

181 signatures on a petition from administrators, faculty, students and staff of the University of Southern California Law Center protesting "the increased militarism of United States governmental policy."

A resolution opposing the extended war adopted by the California College of Arts and Crafts Faculty, Oakland, and a petition signed by 207 students and faculty members.

A petition from 22 residents of Alameda, California, stating that the President's actions are contrary to the principles of "strict constructionism" and calling for a withdrawal of troops from Southeast Asia and concentration on urgent social and environmental problems here.

A petition with 24 names from the Shoesmith School faculty and staff.

988 additional names for a petition from the Queens College Community, New York, 79 additional names for a petition from San Francisco, 94 more signatures from the New Democratic Coalition, New York.

A petition from 75 faculty members and 202 students at Cabrillo College, Aptos, Cali-

fornia, protesting the government's actions in Indochina and expressing the belief "that domestic problems are being neglected in order that our military commitments be maintained or expanded."

A petition from 105 faculty, staff and students of the School of Social and Community Service of the University of Missouri opposing the President's policies in Cambodia and "the continued slaughter of American youth in foreign nations" and attempts "to suppress dissent . . . by naked force."

248 signatures on petitions from residents of Westchester County, New York, opposed to our military involvement in Cambodia and supporting the Senate Foreign Relations Committee.

Letters from 49 persons in Lynn and Beverly, Massachusetts, stating:

"We abhor and decry the continued escalation of faraway wars and other defense commitments of questionable validity. We are concerned about the continuing neglect of problems in this country . . . We support you in any action you take to stop our military involvement."

Petitions with 559 signatures gathered in Montefiore Hospital, Bronx, N.Y., and the surrounding community. The petitions read:

"We, the undersigned health workers of Montefiore Hospital and Medical Center, support your opposition to this brutal, unconstitutional war. We urge you to lead the Senate into immediate steps to stop the Cambodian escalation, end the war, and bring all our troops home now . . . and use the billions of dollars devoured by our military machine to care for the health, housing and education needs of our people."

1,050 signatures on petitions from San Francisco calling for cessation of the invasion of Cambodia and our withdrawal from Indochina.

511 signatures on petitions from groups in the New York area strongly disapproving the extension of the war.

Letters from 67 additional citizens of Chicopee, Massachusetts, expressing disapproval of our involvement in Cambodia.

A petition from 17 residents of Oak Park and Southfield, Michigan, saying "Stop this war and bring our boys back home."

A petition with 81 names from the Boston Young Women's Christian Association and a letter stating:

"We support your efforts in the Senate to bring this immoral and illegal war to an end. We can no longer afford the luxury of policing the world. Our youth, our best resource for the future, are too precious—we cannot lose them on the battlefield or risk their complete alienation, and even their deaths on American campuses."

A petition from 97 New York area residents "supporting every effort for the withdrawal of American troops from Indochina."

Sixty-one signatures on petitions from Greenville High School, Greenville, Michigan indicating "our support of whatever you can do to keep from expanding the Vietnam war into Cambodia."

Petitions containing 1,009 signatures gathered by students and health professionals from the Downstate Medical Center, State University of New York, "fully supporting the Senate Foreign Relations Committee's position against military involvement in Cambodia."

A petition from 64 teachers at P.S. 155, Bronx, New York, urging the use of "all constitutional means necessary to end the current illegal and immoral war," and another from 28 teachers at P.S. 140, New York, saying "Bring our boys home now."

A petition from 88 Boston area residents endorsing the McGovern-Hatfield amendment.

A petition from 35 students, faculty and staff members at Lexington Theological Seminary opposed to the extension of the war.

Signatures from 25 citizens of San Mateo, California, pleading for "responsible and immediate action in withdrawing our troops," and from 57 persons at Santa Monica, California, opposing U.S. involvement in Southeast Asia.

A petition from 80 students of Case Western Reserve University, Cleveland, expressing opposition to further involvement in Southeast Asia.

Petitions with 181 names from Gettysburg College, Pennsylvania, deploring the escalation of the war.

A petition from 69 persons in the Chicago area, stating:

"The President has ignored the lessons of history and has set a dangerous precedent in making a decision of this magnitude without consulting our representatives in Congress. . . . (Our) signatures testify to a strong opposition to our country's economic and military involvement in Southeast Asia."

Fourteen signatures from Sigma Chi Alpha Fraternity, Berkeley, California, calling for "immediate termination to our involvement in the Indochinese War."

A petition from 36 staff members from the Cooper Community Based Center, New York, stating (in part):

Dedicated as we are to the prevention and treatment of drug addiction, we firmly believe that the brutalization and dehumanization which are concomitant to the war are causing a continuing abhorrent deterioration in the quality of American life, and we believe this appalling factor relates in a very crucial way to the ever-spreading drug problem. . . .

A petition from 28 faculty and graduate students in the School Psychology Program at Teachers College, Columbia University.

Signatures from 61 Asian Studies students and faculty members at Yale University on a letter that read (in part):

"The invasion of Cambodian territory can only widen the centuries-old divisions that had been barely muted during Sihanouk's regime. Our alliance with the Vietnamese, traditionally hostile to Cambodians, will contribute to the ultimate dismemberment of a small and hitherto peaceful country. It will also bog us down interminably in yet another Asian civil war."

"It is simply not true that the preservation of the present Thieu-Ky government is necessary to avoid American defeat. The complete withdrawal of American troops and the end of military assistance must be our policy now."

A petition from 31 persons in the Foreign Language Department at San Jose State College, California, deploring "the invasion of Cambodia."

A petition from 86 students and others at the University of Arkansas, Fayetteville, who stated:

"We are not troublemakers, malcontents, rioters, freaks, hippies, yippies, crazies, Communists, nihilists or revolutionaries. We are not even effete snobs. Most of us are very straight and inconspicuous people. We are loyal citizens of the United States who love this country more than Richard Nixon does. We would like to see the country become a healthy society to live in . . . We . . . believe that President Nixon's invasion of Cambodia without the advice and consent of the Senate clearly exceeds the Constitutional authority granted to the President."

A petition signed by 28 faculty members of the Yale Political Science Department urging opposition to the Administration's policies "by asserting Congress's prerogatives regarding war powers under the Constitution."

A petition from 730 members of the faculty and student body of Herbert H. Lehman College, City University of New York, calling the Cambodian intervention "contrary to the spirit of the American Constitution, contrary to the true interests of the United States and contrary to the interests of world peace."

A petition from Sacred Heart Academy, Louisville, Kentucky, with 91 signatures, asking for legislation to prohibit the future use of United States forces without the consent of two-thirds of the Senate membership or a majority of both Houses of Congress.

A petition from 27 persons in Virginia Beach, Virginia, favoring immediate withdrawal of troops from Cambodia and Vietnam.

A petition signed by 50 faculty members and history students in the Graduate School of Arts and Sciences of the University of Virginia stating:

"We urge our representatives in the Congress . . . to take sufficient measures to guarantee a speedy end to the military involvement abroad and a return to the Constitutional rights that ensure peace and justice in the United States."

I also received more than 500 separate telegrams from persons at the University of Virginia voicing disapproval of the war in Indochina, a letter from seven students, and a petition from 68 members of the University of Virginia medical community.

Signatures of 252 persons from San Francisco State College "distressed by the President's total defiance of Congressional channels and Constitutional guidelines, as well as the frightening potential this action implies."

A petition from 101 members of the Edgewood United Church, East Lansing, Mich., opposing American military action in Cambodia.

A letter signed by seven Arkansas students at Randolph-Macon Women's College, Lynchburg, Virginia, urging support for the Hatfield-McGovern amendment to limit funds for military operations in Cambodia, Laos and Vietnam and to provide for a phased withdrawal.

A resolution signed by 121 students and faculty of the Cornell University Graduate School of Medical Sciences which concluded:

"Responsible Americans must insist that our elected representatives reconsider their priorities. Let us stand with our young people who sincerely seek to reaffirm those ideals of justice and equality that we all share as the keystone of our democracy. No conceivable gain in Indochina is worth the loss to society of a generation capable of restoring America's moral leadership."

A letter from the 185 members of the Detroit Business Executive Move for Vietnam Peace stating:

"The invasion of neutral Cambodia, in disregard of our Constitution and the Charter of the United Nations . . . has widened rather than decreased the war. This action can only result in more losses of American lives as well as the people of that country and further waste of their resources as well as our own."

A petition from 53 persons in Monterrey, Calif., backing a cut in funds for the war in Southeast Asia.

A petition from 1750 faculty, students and citizens in the Amherst Area Four College Community (Amherst College, Mt. Holyoke College, Smith College and the University of Massachusetts) stating:

"We . . . support your declaration that the President's committal of American troops to the soil of Cambodia is unconstitutional. We support your statement that the President has acted without the consent or knowledge of Congress, and usurped the constitutional and traditional war-making powers of Congress. We urge that your committee continue unrelentingly to make the President recognize the dangerous proportions of his action, and honor the Senate's Constitutional prerogatives. We urge the Senate Foreign Relations Committee to demand an immediate and total withdrawal of all American troops from Southeast Asia."

A petition signed by 450 physicians attending the meetings of the American Federation for Clinical Research, the American Society for Clinical Investigation and the Association of American Physicians in Atlantic City, May 3–6. Signed by doctors from across the nation, the petition condemns increased U.S. military involvement in Indochina and calls for a reversal of that policy.

A statement signed by 288 staff members of the Sloan-Kettering Institute for Cancer Research which concludes:

"The future of the country is in jeopardy; we cannot see a way to restore our traditional ideals and heritage without demanding an immediate end to our involvement in the war in Southeast Asia."

A telegram signed by 24 students and faculty members from the University of Arkansas Graduate School of Social Work, Little Rock reading:

"We are asking you to vote against the extension of war appropriations for Indochina other than monies needed for evacuation of troops. We also ask that the national priorities be reordered."

A statement from the Representative Council of Agnes Scott College in Georgia "opposing the legally questionable invasion of Cambodia and offering "unyielding support for the elimination of continued funds . . ."

A petition from 17 medical social workers in St. Louis supporting "legislation limiting military spending in Southeast Asia . . ."

A petition from 30 persons in Collingdale, Pa., calling for the withdrawal of American troops from Cambodia.

A telegram from 24 members of the cast of "Promises Promises" calling on the Senate to "revoke the Gulf of Tonkin Resolution and to restrict . . . funds for the Department of Defense."

Petitions from 430 persons in the New York area which read:

"We . . . applaud your staunch stand against U.S. involvement in Southeast Asia and the escalation of the war . . . We want an end to this insane killing and our boys brought home so that all efforts may be spent in correcting the problems within our own country."

A petition from 12 Americans studying in Rome "convinced that there is no justification of continued United States involvement" in Southeast Asia and deploring the President's "blatant disregard of America's desire for peace."

Petitions with 1036 signatures from the New York area "supporting the Foreign Relations Committee's position against any military involvement in Cambodia."

A petition from 11 students and faculty in the Department of Chemical Engineering at the University of California, Berkeley, urging termination of U.S. involvement in Cambodia and Vietnam and concentration of our abundant energies and ingenuity on "the crucially important problems of our society."

A petition from 66 staff members of the Whitney Museum of American Art expressing "profound opposition to the expansion of the war in Indochina."

229 signatures from Mill Valley, California, on petitions calling for cessation of the invasion of Cambodia and that the President "take no further military action without the advice and consent of the Congress."

Petitions from 466 Boston area residents urging the Congress to take "strong action to reverse this latest tragedy in United States foreign policy" and reaffirm its Constitutional responsibility.

Some 100 additional letters from Crawfordsville, Indiana, stating:

"We cannot support these acts of escalation in the Southeast Asian conflict and we call upon Congress to act in response to the recent policies of the President."

A petition from 307 students at American International College and others in Springfield, Mass., urging immediate repeal of the Tonkin Gulf Resolution.

A letter signed by 120 members of the faculty of Cornell University calling upon Congress to reassert its authority.

Petitions with 400 signatures from the Rye Neck area of Westchester County, New York, supporting the Foreign Relations Committee.

A petition with 14 names from Pound Ridge, N.Y. calling for withdrawal of American troops from Cambodia and Vietnam.

A letter signed by 127 students and faculty in the Department of Electrical Engineering at Columbia University stating:

"We feel that the people and Congress can no longer stand idly by while our Asian misadventure in the name of freedom and democracy destroys the foundations for these principles both here and abroad."

A letter from the Baltimore Section, National Council of Jewish Women, deploring "President Nixon's unilateral decision to send American troops into Cambodia."

Petitions from 23 persons in Syosset, N.Y., and 17 in Englewood, N.J., opposing the extended war.

A petition from 54 persons in Mount Kisco, N.Y., with a copy of a letter to the President stating:

"There is dissent in America precisely because you have now committed us to continue and extend violence against the Indochinese peoples. Dissenters deplore your violence and demand that in the name of the American people it stop."

A petition from 10 school teachers in Corpus Christi, Texas, opposing the action in Cambodia.

Petitions circulated by high school students in the Champaign-Urbana, Illinois, area, containing 1,184 signatures opposed to the U.S. involvement in Cambodia.

112 signatures on petitions from Key West, Florida, supporting the "Amendment to End the War."

Letters from 48 persons in Mankato, Minn., stating:

"As a person concerned with the rehabilitation of disabled persons I feel compelled to express my grave concern over the re-escalation of the war . . . The toll in human misery, injury and death from this war demands the involvement of all people in the finding of a way to end it."

Signatures from 123 faculty members and students at Union College, Cranford, N.J., strongly opposing the war.

A petition from 250 persons at Blackburn College, Illinois, deploring U.S. military involvement in Cambodia.

Petitions opposing the President's recent actions from 575 persons gathered by faculty groups and students in the Worcester, Mass., area.

Petitions bearing 1,307 names gathered in the Wall Street area of New York by students at New York University. The petitions urge withdrawal of American troops from Southeast Asia.

Petitions containing 1,484 signatures collected by the Benjamin Franklin Reform Democratic Club in New York. The petitions read:

"We . . . fully support the Senate Foreign Relations Committee's position against any military involvement in Cambodia. We urge you and other members of your committee to take all necessary steps to bring before the full Senate and the American public all the facts behind this further expansion of the war. The tragic experience of Vietnam must not be repeated in Cambodia."

A petition from 56 members of Lodge 890 of the Brotherhood of Railway Clerks, San Francisco, stating that "the tragedy in Southeast Asia must be stopped and our priorities restructured."

A petition from 325 citizens of Viola, Salem, Mammoth Spring and other Arkansas communities opposed to the war.

Petitions from Southern State College, Magnolia, Arkansas, containing 190 signatures of persons protesting against the intervention in Cambodia.

INDIAN DROPOUTS

Mr. MONDALE. Mr. President, for years we have heard about the high dropout rates among Indian students, but we have heard surprisingly little about programs which try to encourage Indian youth to continue in school and seek advanced education.

Today I would like to call attention to two efforts being made in Minnesota to assist Indian students. One is the State department of education's Indian scholarship program, which this year is providing $60,000 in scholarship moneys to Minneosta Indian youth. When this program started 12 years ago, the legislature appropriation was only $7,500. Next year $75,000 will be appropriated.

One of the main reasons for this substantial increase in State scholarship moneys is the strong support given this cause by Minnesota Labor's Committee for Minnesota Indian Youth. Under the cosponsorship of Minnesota State AFL–CIO unions, Minneapolis Teamsters Joint Council No. 32 and its affiliates, and the Jewish Labor Committee, an Indian student project has been founded which each year brings a number of Indian high school seniors to Minneapolis-St. Paul for 4 days of orientation activities. The students tour colleges, vocational schools, hospitals with nurses training programs, and other sources of education and employment.

The Indian student project has had a fantastic record in regard to the number of its participants who have graduated from high school. Over the 12 years the program has been in operation, 433 Indian students have participated in the program. Of that number, 417, or 97 percent, graduated from high school. Eighty-one percent of the total went on for advanced education.

The Minnesota Department of Education, together with Mr. Lou Lerman, executive director of Labor's Committee for Minnesota Indian Youth, has prepared a summation of the committee's activities, both in regard to the orientation tours and the State scholarship program. I ask unanimous consent that the summary be printed in the RECORD.

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

SUMMATION OF ACTIVITIES 1958–69—LABOR'S COMMITTEE FOR MINNESOTA INDIAN YOUTH

We received a communication from Senator Walter F. Mondale enclosing two volumes of a survey titled "Indian Education, A National Tragedy," a 1969 report of a special subcommittee on Indian Education. Senator Mondale is a member of the committee.

It was gratifying to note that the percentage of the 9th grade enrollment of students who graduate from high schools in Minnesota is 92 per cent, the highest in the nation. The national average is 77.8 per cent with Georgia having the poorest state average with 64.9 of students entering high school who graduate.

At about the same time we received a report from Erwin F. Mittelholtz, Indian Guidance Consultant of the State of Minnesota, Department of Education, which was a sum-

mary of the annual 4-day Indian High School Seniors' Orientation Trip to the Twin Cities from 1958–1969, a period of 12 years. The summary shows that of the 433 Indian High School Seniors who have made the tour in the 12 year period, 417 students graduated, or 97 per cent, which helped boost the state's average to 92 per cent.

Even more gratifying is the knowledge that the Orientation Tours over the 12 years inspired 382, or 81 per cent, of the high school graduates to go on to *advanced education*.

Of 51 Indian high school seniors who did not go on to higher education after high school graduation, 11 of the girls married, 2 students went into missionary work, 14 entered military service and 8 entered employment. A total of 16 students did not complete their senior year and hence did not graduate from high school.

The Indian Student Orientation Tour was one of 4 projects initiated as a result of a survey made by the Minnesota C.I.O. in 1955 by a committee composed of Rodney Jacobson, Sec'y-Treas. of Minnesota C.I.O. and Lou Lerman, Regional Director of Jewish Labor Committee, who was consultant and secretary of the C.I.O. Civil Rights Committee. The Committee surveyed conditions of discrimination, employment, education, housing and the health needs of the Minnesota Indians.

The Indian Student Project is under the co-sponsorship of Labor's Committee For Minnesota Indian Youth composed of Minnesota State AFL–CIO Unions, Minneapolis Teamsters Joint Council No. 32 and its affiliates and the Jewish Labor Committee. John Curtis of the Joint Board of Hotel, Restaurant, Waitresses and Bartenders Union and Carl Winn, Regional Director of AFL–CIO, were its original co-chairmen. Former State Senator Frank Adams is Treasurer and Lou Lerman, Regional Director of Jewish Labor Committee, is the Executive Director.

Each year with the co-operation of Erwin F. Mittelholtz, Indian Guidance Consultant of the State Department of Education, high school seniors of Indian ancestry from about 26 high schools in close proximity to the 7 Indian Reservations, selected by the high school principals are brought to the Twin Cities for 4 days of orientation and observation. They tour the colleges, vocational schools, hospitals with nurses training programs and potential sources of employment. All expenses, including transportation, housing, meals and entertainment are paid by the sponsors.

It is interesting to observe that in 1945 there were only 8 Indian students who graduated from Minnesota high schools. In 1958, the year the Indian Student Program was launched, there were 74 Indian students graduating from high schools. The sponsors brought 19 high school seniors to the Twin Cities for the 4-day tour that year. In 1969, there were 255 graduates from high school. A report from the State Department of Education dated August 8, 1969, states that of the 51 Indian Students who made the 4-day Orientation Tour in October, 1968, all 51, upon graduating, went on to higher education. Not one dropped out of school. Of the 51 who made the tour that year, nineteen went on to college and 32 went to vocational schools. Of the students who made the tour during the period 1958–1969, 107 entered colleges and universities. Forty-five girls entered nurses' training and 230 students entered vocational training.

Mr. Erwin Mittelholtz, in one of his reports under interesting sidelights, states that Indian high school seniors compete to be among those selected by the schools for the tour. Principals of the schools report that the students return to their classes and tell of their experiences on the tour in oral reports. This not only stimulates interest for the tour for the next year but also encourages the students to continue their schooling until graduation so that they can participate in the tour as seniors.

The students find it easier to make their vocational choice upon high school graduation and after having experienced the orientation tour. They learn more about specific job opportunities in certain fields after visiting the various vocational schools. Many of the Indian students are now holding skilled jobs. The benefits to them go beyond themselves because they have taken back to their families and friends on the reservations the message that education is the key to successful and rewarding lives.

Erwin Mittelholtz, Indian Guidance Consultant, in his report 1958–1969, inclusive, states that this fine record is due to the scholarship program along with Labor's Committee for Minnesota Indian Youth's orientation program. We believe it is proper also to dwell on the Committee's part in the scholarship program.

The Annual Report for 1969, prepared by Consultant Mittelholtz and Will Antell, Director of Indian Education, shows the appropriations for Indian student scholarships from 1958, when Labor's Committee for Minnesota Indian Youth was organized, until 1970. In 1958, the State Legislature appropriated $7,500.00 and the Bureau of Indian Affairs appropriated $5,000.00. The appropriation by the State was increased to $10,000.00 in 1959. A Sub-Committee of Labor's Committee for Minnesota Indian Youth met with a committee from the State Legislature asking that the appropriation be increased to $15,000.00. The Labor Committee met strenuous opposition from the Legislative Committee. However, it pointed out that it was short-sighted for the Legislature to appropriate almost 3-million dollars annually for relief and welfare for Indians and not increase the allocation for scholarships. The suggestion was made that it should be $100,000.00 annually so that relief and welfare could be materially cut down in the future.

It was also pointed out that the 3-million dollars did not include the cost of the Indian in our penal and reform institutions. As a result of our meeting with the committee, the Legislature reduced the allocation back to $7,500.00 for 1960 and 1961.

Mainly through the efforts of former Senator and later Vice President Humphrey the appropriations have been increased to $60,000.00 in 1970 by the State Legislature with $75,000.00 appropriated in 1971. The Federal appropriation was increased from $5,000.00 in 1958 to $83,700.00 for 1970. Former Governor Orville Freeman, Elmer C. Anderson, Karl Rolvaag, Senator Walter Mondale, and Congressman Donald Fraser assisted in this accomplishment.

As a result of the original survey by the C.I.O. in 1955, which included the medical and health needs of the Minnesota Indian, Governor Orville Freeman appointed a committee from the Governor's Human Rights Commission to further investigate the medical and hospital requirements of the Indian. Dr. Henry Allen of the University of Minnesota and Louis E. Lerman were appointed to a committee which included the heads of the Department of Health and Welfare. The committee found Indian children undernourished and suffering from malnutrition. Indians could not obtain medical attention unless certified by the County Welfare Department as paupers. The survey brought to light instances where our first Americans were found dead in their tar papered shacks, too proud to beg for relief. As a result of the survey, the State of Minnesota entered into an agreement with the United States Public Health Service called the "Minnesota Plan," under which Indians may receive public health aid without regard to their status as on or off the reservation.

Jobs for Minnesota Indians was launched in 1956 under the auspices of the Jewish Labor Committee. About 200 jobs were obtained for Indians. With the support of Andrew Jones, then president of Honeywell Teamsters Union, over 60 Indians were placed in Honeywell, Inc.

In 1962, Operation Vegetable Gardens was started on the Red Lake Reservation, also sponsored by the Jewish Labor Committee. Northrup King Seed Company donated the seed and Midland Co-op Wholesale donated the fertilizer. Prizes were offered to Indian families as an incentive to plant vegetables to supplement their sparse diets. The Jewish community of Minnesota donated 20 Presto Pressure Cookers and the Episcopal community taught the Indian women how to can and preserve vegetables. After three years, with 157 families participating, the County Agricultural Agent, Floyd Jorgensen, was placed on the Bureau of Indian Affairs payroll to continue the project at Red Lake. The project was then moved to the Fond du Lac Reservation where it was continued. According to the health authorities the Indians now have a better balanced diet year round which is contributing toward the improvement of their health and has increased their longevity.

A fourth project, "Operation Book Start" functioned previous to "Operation Head Start" at the Fond du Lac Reservation with an outstanding nursery teacher, Mrs. Arnold Lindquist, in charge. With the exception of a small amount paid for board and lodging for the teacher, all expenses were paid by the Jewish community of Minnesota. Office space and clerical help for all of these projects has been furnished gratis by the Jewish Community Relations Council of Minnesota.

The Executive Director of the Jewish Labor Committee gave his services to direct the four projects gratuitously as an ex-curricular activity on his part.

POLISH CONSTITUTION DAY

Mr. TOWER. Mr. President, May 3 is a significant day for the Polish people and Americans of Polish descent. On that date in 1791, 179 years ago, Poland adopted her constitution which, like our own adopted by the Constitutional Convention in 1797, recognized that a government derives its powers from the people. Unlike our own, however, the Polish constitution was not allowed to thrive and serve the Polish people. In 1795 her powerful and aggressive neighbors, Russia, Austria, and Prussia carved up the Polish nation among them. This tragic situation obtained from that time until after World War I, when an independent Poland was reestablished by the Versailles settlement.

Independence was again shortlived. The German-Soviet nonaggression pact in 1939 resulted once again in Poland's falling prey to more powerful neighbors. Soviet troops occupied eastern Poland and commenced a policy of rounding up and imprisoning Polish officers and intellectuals. Some 15,000 of these, the natural leadership of Poland, were never heard from again. The Soviet Government repeatedly sidestepped inquiries from the Polish Government-in-exile in London as to the well-being of the officers. In 1943, in an area formerly occupied by the Soviets known as the Katyn Forest, the Germans announced that they had uncovered mass graves containing the bodies of more than 4,000 Poles. This was the population of one of the three camps that the Soviets had established to house the captive Polish officers and intellectuals. It is supposed

that the residents of the other two camps met a similar fate.

The German-Soviet nonaggression pact and the concomitant Katyn massacre struck a devastating blow to Polish independence from which the nation has never recovered. After the war, Russia refused to deal with the London Poles and established a Communist puppet government instead.

In the tempestuous and beleaguered history of Poland, the May 3d Constitution stands as a beacon of hope, a bright reminder of what might have been and what might yet be. Polish-Americans are rightly proud of the democratic example set by their forebears in the Constitution of May 3, 1971. The third of May is an occasion for all Americans to mark and to consider our kinship with the spirit of democracy which bloomed so early in Poland and was so early snipped.

BIG THICKET SUPPORTERS RALLY FOR A NATIONAL PARK

Mr. YARBOROUGH. Mr. President, the need to preserve the beautiful and unique Big Thicket of southeast Texas has been recognized by conservationists for many years. Since 1966 I have introduced legislation to accomplish this long-sought goal—to preserve the Big Thicket as a national park.

My bill, S. 4, to establish a 100,000-acre Big Thicket National Park, has received the support and endorsement of a great number of concerned groups and individuals.

The distinguished senior Senator from Nevada (Mr. BIBLE) has scheduled hearings on my bill before his Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs. The hearings will be held in Beaumont, Tex., on June 12, 1970, and a tour of the Thicket will be made on June 13, 1970.

An indication of the great interest in my bill and the tremendous support for the proposed 100,000-acre Big Thicket National Park is an article published recently in the Dallas Times Herald.

Mr. President, I ask unanimous consent that the article, written by Mr. Bert Holmes, associate editor, and published on page 16–A of the May 12, 1970, Dallas Times Herald, be printed in the RECORD.

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

[From the Dallas Times Herald, May 12, 1970]

BIG THICKET'S FANS PUSHING PARK PLANS

(By Bert Holmes)

Every year as vacation time rolls around, many Texans probably do as I do. We read again about the many interesting attractions scattered throughout this sprawling state and resolve to include some of them on the year's itinerary.

Once, several years ago, I drove through an area considerably more famous now than then, the Big Thicket. Located north of Beaumont, the Big Thicket has become the rallying point of conservationists and nature lovers, who hope to see a national or state park established there.

You can't see much of the Big Thicket beauty from the highway, I discovered. Deep, dark forests line the road, but you have to leave the main highway, by foot or special vehicle, to see the thicket's breathtaking loveliness.

Orrin H. Bonney, who is heading a Big Thicket Coordinating Committee, reports that on foot you can see ferns growing from the moss of gnarled tree trunks, the unbelievable green solitude of duckweed-matted bayous, tree-encircled meadows resplendent with wildflowers, magnificent magnolia groves, azaleas exploding with color, luminous beech forests and eerie cypress swamps.

Those who have been postponing a visit to the Big Thicket will have to hurry, Bonney says. Unless a U.S. park is established soon, the vast area known as the biological crossroads of North America may disappear.

Bonney and friends are hoping that a U.S. Senate subcommittee hearing to be held in Beaumont on June 12–13 will help convince the national government of the merits of the proposal. The subcommittee, headed by Sen. Alan Bible, will be taking testimony on Sen. Ralph Yaborough's bill providing for acquisition and preservation of a large part of the Big Thicket.

There is some fear that the Big Thicket plan may not be received too enthusiastically since a lot of federal money has been spent in recent years in acquiring Padre Island seashore areas and the Guadalupe park. Whether Sen. Yarborough's defeat in the Democratic primary will have further effect is not yet known.

LARGE ATTENDANCE BEING SOUGHT

The Big Thicket Coordinating Committee, composed of the Lone Star Chapter of the Sierra Club and several other conservation groups, believes that only a large attendance at the June hearings will impress the Senate group.

Speakers will urge that 100,000 to 200,000 acres be acquired, only a small part of what was once a sweeping expanse of 3.5 million luxuriantly forested acres. The entire remaining acreage, some 300,000 acres, is under steady attack, Bonney reports.

It is all privately owned, most of it by five lumber companies. Lumbermen, pipeline companies and real estate promoters are racing to carve up Big Thicket at the dismaying rate of 50 acres a day, Booney says, and prompt action is needed to preserve this unique area for Texans and the rest of the nation.

The Big Thicket committee has recommended a variety of acquisitions in its plan. It provides the following:

1. Unique specimen areas, the "pearls," preserved in their natural and untouched state, and under the jurisdiction of the National Park Service.

2. Wildlife areas for restoration, habitat and protection. These include the floodplains of the Neches River and the Saratoga-Kountze-South Lake triangle.

CONSERVATION ZONE RECOMMENDED

3. Environmental conservation zone, an overall area in the locality to encourage maximum environmental conservation. Timber harvest, grazing, hunting will continue within zoning and conservation concepts.

4. Rivers and streams with a wide corridor on both sides preserved in their natural beauty, accessible to canoeists and motorless boats with primitive camping.

5. Highways bordered with a deep corridor of natural forest, providing access and sightseeing to Texas' "greatest tourist attractions, so long unnoticed."

6. Recreational facilities outside the environmental zone and unique areas.

Why all the excitement about the Big Thicket? Because it is unparalleled in the richness and diversity of its plant life, Bonney reports. Its 60-inch annual rainfall and gulf climate make it a lappng-over point of subtropical and temperate vegetation, found nowhere else in the United States.

Giant trees thrive; wild orchids and ferns abound. At least 300 species of birds make the thicket their home.

If the Big Thicket is to be preserved, a lot of people are going to have to join the battle. Soon it will be too late.

PERSPECTIVE: FREDERICK DOUGLASS, PIONEER BLACK LEADER

Mr. HART. Mr. President, Frederick Douglass was, by any account, one of the Nation's greatest and most courageous men. This statement must be modified, unfortunately, by pointing out that this outstanding 19th century black leader has been overlooked by historians until very recently.

Douglass, an escaped slave, was a leader, both before and after the Civil War, for black men's freedom, dignity, and equality.

He wrote,

Time and events have summoned me to stand forth both as a witness and an advocate for a people long dumb, not allowed to speak for themselves, yet much misunderstood and deeply wronged.

In 1962, Congress authorized the Frederick Douglass Home to become a national memorial in the Capital of the Nation he served so well by his great work and example. Last year Representative CHARLES DIGGS and I obtained an increased authorization sufficient to properly restore and refurbish the Douglass Home, which stands on a hill in Anacostia overlooking the Capitol.

Recently I asked the Senate subcommittee in Department of the Interior appropriations for funding in the fiscal 1971 bill to proceed with this long-delayed project. My request included funds required for urgently-needed building restoration and development of grounds and exhibits to serve the visiting public. I have not asked for funds to initiate the construction of a visitor center building proposed by the National Park Service. A number of community groups seriously question the real need or desirability for such a facility in this particular case, in part due to the destruction of open space which would result. I am sensitive to this concern and hope visitor center plans will be suspended until this matter can be adequately discussed with all concerned.

Mr. President, the man we memorialize in this way lived a fascinating life, motivated by a magnificent personal and political philosophy. His greatness lies not just in historical context, but also in his relevance to our present problems and our present times. I am especially pleased, therefore, to see Frederick Douglass being more widely rediscovered now.

The *April* issue of the American Way, the high caliber in-flight magazine published by American Airlines, contains an excellent feature article on Frederick Douglass which I commend to the attention of Senators and ask to have printed in the RECORD. I congratulate American Airlines on making available to a wider public such a stimulating and thought-provoking article. This is public service at its best.

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

PERSPECTIVE: FREDERICK DOUGLASS, PIONEER BLACK LEADER

(By Nina Kramer)

(NOTE.—Rebellion against slavery in America occurred more commonly than most historians, until recent years, believed. Increasing attention to the history of the black man has undercut the common image of the slave as a docile, passive victim of his fate. One leading rebel was Frederick Douglass, an ex-slave who now is generally conceded a significant forebear of today's civil rights advocates.)

Frederick Douglass was an elected delegate to the 1866 National Loyalist's Convention, and his presence there was to be an innovation. But on the train to Philadelphia, a group of fellow delegates approached him. One man began a rambling discussion of Douglass' distinguished career and finally wound around to the point: Douglass would be an embarrassment to other delegates at the convention. For the benefit of the party, would he return home?

Douglass turned to the group and answered firmly: ". . . I am bound to go into that convention, not to do so would contradict the principle and practice of my life." Later, in the parade from Independence Hall to National Hall, where the convention would take place, only one delegate dared accompany Douglass in the procession. "I think I never appreciated an act of courage and generous sentiment more highly," Douglass said later.

Douglass was an aggressive leader who worked persistently for the development and rights of his race. Because he is acceptable to persent-day Negro activists, he is sometimes called "father" of the modern black protest movement. However, he long received relative little attention, and he ranks among the forgotten heroes of American history—not just black American history, but American history. Only a handful of books, besides his three autobiographies, have been devoted to him, and of those only one is thorough, objective and well-documented.

Born into slavery, Douglass recalled his life as a slave in his first book. He learned early that "he was whipped oftener who was whipped easiest." At seventeen, Douglass would be beaten no more. He fought back and overpowered an overseer with a whip and freed himself permanently from beatings. "You have seen," Douglass wrote, "how a slave was made a man."

Douglass was born sometime in 1817 in Talbot County, Maryland. Most of his early years were spent on a modest plantation, in comparative ease, under the care of his grandmother. In Baltimore, working as a houseboy for relatives of his master, he was permitted to learn how to read. By the age of twenty-one, he had learned the art of ship-calking. He met a number of "colored freemen" and with their help escaped to New England. He married Anna Murray, a Baltimore freewoman who had financed his escape, settled in New Bedford, Massachusetts, and changed his name from Frederick Augustus Washington Bailey to Frederick Douglass.

He worked at menial labor in New Bedford for three years and regularly attended abolition meetings. Once he was asked to describe his experience as a slave. He stood, delivering such an impassioned account that his audience was visibly moved. At the end of the meeting, he was asked to join the Massachusetts Anti-Slavery Society as a salaried lecturer.

His lecture appearances were impressive. "He stood there like an African prince," one abolitionist leader said later, "conscious of his dignity and power, grand in his proportions, majestic in his wrath, as with keen wit, satire and indignation he portrayed the bitterness of slavery."

"Time and events have summoned me," Douglass would say, "to stand forth both as a witness and an advocate for a people long dumb, not allowed to speak for themselves, yet much misunderstood and deeply wronged." But recalling his early days on the platform, Douglass was bitter. "(I was) generally introduced as a 'chattel'—a piece of southern property—the chairman assuring the audience that *it* could speak. Fugitive slaves were rare then, and as a fugitive slave lecturer, I had the advantage of being a 'bran new fact'—the first one out." He became the abolition society's "prize exhibit."

Five years after becoming a lecturer, he also became a free man. Publication of his first autobiography exposed his identity in the South, and he fled to England to avoid being sent back to Maryland. There he made friends who raised $700 and purchased his freedom from his former master. Back in the United States, he started his own weekly newspaper, *The North Star,* later changed to *Frederick Douglass' Paper,* and a magazine called *Frederick Douglass' Monthly.*

With his publications, Douglass changed his milieu. From the white world of abolitionists, where he represented the black race, he moved into the black world, to lead it. "Until his death in 1895," Benjamin Quarles writes, "the Negro people regarded him as their chief spokesman." Douglass was a pioneer leader. He was a reformer who agitated for new and significant rights for his people, he was an innovator of sorts in interracial relationships, and he was an imaginative builder of Negro self-esteem.

He was, moreover, a "professional reformer; agitation was his stock in trade," according to Quarles. Furthermore, he wanted changes and an end to discrimination *"now."* He always refused to sit in "Jim Crow," or all-black, railroad cars. Officials of the railroad running between Boston and Portland finally struck his station from its list of stops to avoid confrontations with Douglass.

Douglass often risked physical injury. Once his right hand was broken when he was attacked while lecturing in Pendleton, Indiana, and he was knocked unconscious. He exposed himself to arrest repeatedly by using his home in Rochester, where he had moved, as a way station on the "underground railroad."

Douglass agitated for the enrollment of black troops in the Union Army and enlisted a large part of the Fifty-fourth and Fifty-fifth Massachusetts Regiments himself. He complained personally to President Lincoln that Negro soldiers received neither commissions nor equal pay. While Lincoln agreed with the merit of the complaint, he told Douglass that the country was not quite ready for racial equality in the Army. Douglass himself was never commissioned as an officer.

It was not Douglass' only meeting with Lincoln. After the President's second inaugural ceremonies, Douglass came to the then unheard-of conclusion that it wasn't too much "for a colored man to offer his congratulations to the President." Douglass could persuade no Negro man to accompany him to the White House. He finally found a Negro woman.

At the White House door, he was seized by two policemen who ordered him to stand back. The policemen said they had been ordered to admit no Negroes. "I told the officers I was quite sure there must be some mistake, for no such order could have emanated from President Lincoln," Douglass recalled.

Douglass insisted on seeing the President and finally got his way. "We walked into the spacious East Room . . . Like a mountain pine high above all others, Mr. Lincoln stood, in his grand simplicity, and homely beauty. Recognizing me, even before I reached him, he explained, so that all around could hear him, 'Here comes my friend Douglass.'"

After the war, Douglass was offered, but declined for political reasons, the presidency of the Freedman's Bureau, a Federal agency formed to protect and assist newly freed slaves. He waited long for a Federal appointment he could accept. In 1871, he was named by President Grant as secretary of an exploratory commission to Santo Domingo. Later he became Marshal of the District of Columbia, recorder of deeds for the district, and—in his most prestigious job—minister-resident and consul-general to the black Republic of Haiti, in 1889.

While Douglass was in England he met Miss Julia Griffiths, one of two white women to whom he was very close. She later came to Rochester to work for him on *The North Star.* Rumors circulated on the nature of their relationship—Douglass was still married to Anna Murray—and in Boston a woodcut appeared showing Julia Griffiths and her sister, who was visiting America competing for the caresses of "Nigger Douglass."

But their friendship caused far less shock than Douglass' marriage in 1884 to Helen Pitts, the second white woman in his life. Anna Murray had died in 1882. Miss Pitts, forty-six years old, was from a prominent New York City family. She was eligible for membership, had she chosen to pursue it, in the Daughters of the American Revolution. Negroes and whites alike disapproved of the marriage. Douglass responded, "Would it not be ridiculous if, after having denounced from the housetops all those who discriminate because of the accident of skin color, I myself should practice the same folly?"

Negroes often criticized Douglass for other daring acts. "I have found in my experience," he wrote, "that the way to break down an unreasonable custom is to contradict it in practice. To be sure, in pursuing this course I have had to contend not merely with the white race, but with the black. The one has condemned me for my presumption in daring to associate with it, and the other for pushing myself where it takes for granted I am not wanted." Douglass detested Uncle Tomism. "With a colored man on a sleeping-car as its conductor, the last to have his bed made up at night, and the last to have his boots blacked in the morning, and the last to be served in any way is the colored passenger."

Laboring to raise the self-esteem of black men, Douglass espoused self-help programs, raised funds for a school for manual laborers, and attempted to organize an all-black industrial fair. "Neither institutions nor friends," he contended, "can make a race to stand unless it has strength in its own legs . . . races, like individuals, must stand or fall by their own merits. . . ."

Douglass' life easily lends itself to myth-making, as dramatic as it was in his course from abject slavery to statesmanship. Yet Douglass was handicapped by personal limitations. He tended to be narrow-minded, often seeing complex issues solely in terms of civil rights. He interpreted the Civil War as one fought, or one that should be fought, purely to end slavery. He once dismissed the notion of the indivisibility of the Union as a mere "metaphysical and somewhat theological question." His narrowness prevented him from making common cause with political groups devoted only incidentally to civil rights. He was a teetotaler, and somewhat prissy about it. As sometimes happens with ambitious fathers, his children never excelled, and they depended on Douglass for financial support for most of their adult lives.

Douglass died quietly in his home on February 20, 1895. At his funeral, mourners cried, "The King is dead; long live the King!"

TRIBUTE TO WALTER REUTHER

Mr. MONDALE. Mr. President, I feel a very deep and a very personal sorrow at the passing of this great man who was my friend just as he was the friend of thousands and thousands of workers and citizens from all walks of life.

We respected him enormously as one of the truly great champions of social and economic justice.

We loved him as a man with a unique ability to relate to each of us personally and pass on his enthusiasm and commitment to the causes we shared.

He devoted his entire life to these causes and, from the time he marched as a young labor organizer and was bludgeoned at the now famous "Battle of the Overpass," we knew that he had the courage and the will to put his ideals into action.

The United Auto Workers, as well as workers everywhere—organized and yet unorganized—owe him so much for leading the fight to improve the conditions and the dignity of the working man.

Yet his rank and file was even larger than the working man. The poor and the oppressed and the powerless people that he served and fought for will always remember his unselfish dedication to the recognition of their humanity.

In these days when we must all be concerned about the responsiveness of leadership to the people, when students are challenging the integrity of the political process, and when we are facing a constitutional crisis in Washington, it is the leadership quality of statesmanship that will save the day. I knew Walter Reuther as one of this Nation's great statesmen.

While stressing the importance of participation of workers in the political process, Walter Reuther's commitment went beyond a politics to an almost idealistic, yet statesmanlike position to advocating racial justice and world peace way before many leaders shared the responsibility of taking such a strong position.

Walter Reuther was a tireless crusader in behalf of social and economic justice for all Americans. He knew the importance of the race problem, but rather than contribute only rhetoric, he put his body on the line, personally leading the march on Washington in 1964, and personally in the front lines of the fateful Memphis sanitation workers' strike in 1968 when Martin Luther King was assassinated. And it was Walter Reuther, and his family, who put forth great effort to bring an end to the awful war in Southeast Asia.

He was a great crusader, a great fighter, and a great organizer, championing the cause of the working man often in the face of personal danger. Several assassination attempts, one that partially paralyzed his right arm, did not stop him. He pioneered some of the most advanced benefits of any union for the union he served, and through new alliances with unorganized workers, sought to spread similar benefits worldwide.

An example of his vision and his commitment to the principal that not until all men are free can any of us be free, is his role in the organization of farmworkers. Realizing from the very beginning that it was through union and community organization that farmworkers were seeking their fair share of political and economic power, Walter Reuther and the UAW supplied the money, the clothes, and the food that help insure that a strike by desperately poor people will even have a chance. And, on many occasions, funds were pledged, and pledges were kept to this fledgling effort of the Nation's poorest workers to obtain justice and dignity through their self-action. And, Walter Reuther put himself on the line, of marching side-by-side with the farmworkers. Indicative of the mutual respect between UAW and farmworkers is the recent dedication of the UFWOC Service Center to Roy Reuther, Walter's brother.

I will always remember Walter Reuther as a great humanitarian, seeking always his vision of a more just society through union and community organization.

It is not enough to say that he will be sorely missed. His visions must stay with us, and his dedication must remain a model for carrying out his work in behalf of those for whom his life was devoted.

STUDENTS WITHIN THE SYSTEM

Mr. MONDALE. Mr. President, amid the fear and despair of the widened war in Indochina, the tragic deaths at Kent State, and the inflammatory rhetoric uttered by a few extremists on all sides, something wonderfully encouraging is happening here in Washington.

Young people by the thousands are pouring into Washington and up on Capitol Hill, seeking not to destroy but to rebuild; not to polarize but to unify; not to attack but to work within the political system.

There, truly, is a new hope. People of all ages, but especially students, are saying:

> We believe in the Congress of the United States. But only you can bring an end to the tragic and now widened war in Indochina.

They are not lashing out, even though their despair is real and their commitment is deep. They are determined to bring peace in Asia and an end to the killing, but they are just as determined to work through the established democratic procedures.

They are instilling a spirit of hope and uplift to me and, I think, to all Senators and offices who will hear their message.

For the most part, these are students who have not been all that involved in past peace movements. They come from colleges and universities all over the country, many of them are here at great sacrifice.

But all of them, I am convinced, are receiving an extraordinary education in the political process. They come to me asking how to draft resolutions, how to approach other Senators, why we chose to adopt certain key bills to focus on in the Senate, what arguments are most persuasive in favor of these bills, and how they can work for peace candidates in the 1970 elections.

I do not have all the answers. Many they must discover for themselves as they comb congressional offices, meeting with Congressmen, staffs, and other students engaged in similar campaigns.

Surely this is the very essence of democracy at work.

Surely this is the very essence of learning by doing.

And surely this is the road to a restoration of peace in Indochina and unity and pride at home.

EMERGENCY ASSISTANCE TO WEST TEXAS

Mr. TOWER. Mr. President, the senior Senator from Texas (Mr. YARBOROUGH) yesterday introduced S. 3848, a bill to provide additional emergency relief assistance in connection with the devastating tornadoes which hit West Texas on the nights of April 17–18 and May 11.

I am sorry that an out-of-town commitment prevented my being on the Senate floor at the time it was introduced. I am already listed as a cosponsor of S. 3848, but since this is my earliest opportunity I wish to address myself to it at this time.

Mr. President, the city which suffered the most extensive damage as a result of these tornadoes was Lubbock. That city was struck with little warning the evening of May 11. The next day, I toured the city, and I was shocked and profoundly moved by the disaster scene. Many homes were destroyed and many more suffered major structural damage. Businesses were similarly demolished and the city's tallest structure, the new 21-story Great Plains Life Building, was so severely damaged and weakened that local officials kept its surrounding area cleared for fear of collapse.

I had not seen such destruction wrought to a single city since I was among the occupation forces in Japan at the end of World War II and had an opportunity to see the results of numerous conventional bombing runs over cities and industrial centers there.

Senators have had an opportunity to hear and read the remarks made yesterday by the senior Senator from Texas in introducing his bill and to read the news reports of the damage which he has placed in the RECORD. So I do not need to further elaborate on the damage now.

Mr. President, the central provision of S. 3848 is to enlarge the forgiveness clause of present legislation regarding Federal disaster assistance loans. Current law provides that in the repayment of longterm, low-interest, disaster assistance loans to assist reconstruction of damaged property, the borrower must repay the first $500 of his loan; that the Federal Government may waive payment of the next $1,800, and the borrower must repay the remainder. S. 3848 would change the amount of payment which Federal agencies may waive to $5,000. This provision will be of major significance to those whose property has been damaged. It will help particularly those low-income families whose homes have suffered major structural damage and which will require extensive repair to place their homes in their predisaster conditions.

S. 3848 would also provide special temporary housing for up to 12 months while permanent homes are being reconstructed; allow Federal assistance upon request to local governments in the amount of tax or bond obligations outstanding at the time the disaster struck;

enable the Small Business Administration to make refinancing loans for persons facing lease foreclosure on their homes due to financial crisis as a result of the disaster; provide unemployment assistance for persons but not in excess of unemployment assistance provided by the State of Texas, and provide assistance for debris clearance of lakes presenting a health hazard as a result of the disaster.

Mr. President, the $1,800 waiver provision incorporated in the present disaster assistant law was first provided as a result of Hurricane Betsy in Louisiana in 1965. In the 5 years since then, the cost of living has risen significantly. We are working, and the administration is working, to stem the rising cost of living but we have not yet succeeded. We cannot penalize those who have been unfortunate enough to have suffered from recent disaster, simply because we hope that the rising cost of living can be controlled in the future. The Omnibus Disaster Assistance Act, S. 3619, which is pending in the Senate Public Works Committee, would provide a waiver over $500 of 50 percent of the remainder of the loan or $5,000, whichever is less. The administration's disaster assistance proposal, S. 3745, of which I am a cosponsor, would provide a waiver over the first $500 of up to $2,500.

Both of these proposals recognize the requirement for increasing the waiver amount over the current $1,800. Senator YARBOROUGH'S bill similarly recognizes this need and I plead with the Senate to approve a significant increase in the waiver provision.

Mr. President, I would also like to express my congratulations for all the governmental and private disaster assistance which has already been rendered in areas affected by the Texas tornado disasters of April 17–18 and May 11. Within the limitations of the law, governmental agencies have responded rapidly.

The Small Business Administration, which can react most rapidly under the law, declared disasters for the stricken areas within a matter of hours and that agency immediately began establishing loan application offices in the emergency areas. Their work is still going on at a rapid and efficient pace. I congratulate the SBA.

The President was able to declare all these affected areas as a major disaster within 36 hours after the worst damage was wrought in Lubbock the evening of May 11. And additional Federal agencies immediately began to provide the assistance in which each agency was assigned. I congratulate particularly the Office of Emergency Preparedness, the Farmers Home Administration, the Department of Housing and Urban Development, the Department of Health, Education, and Welfare, the Corps of Engineers, and the other Government agencies which rendered rapid assistance and are continuing to do so.

The American Red Cross swung into immediate action as is consistent with the outstanding history of that organization. Many other smaller organizations performed meritoriously to meet the crisis. These included many churches and civic minded groups. Even a Mexican-American oriented charitable organization headquartered in Jefferson County named "Sybelo," some 600 miles from the disaster scene, gathered emergency supplies to be ferried into the Mexican-American area of Lubbock which suffered particular havoc from the tornado.

Only 5 days after the Lubbock tornado struck, the Corps of Engineers awarded a $41,700 contract to a Midland contractor for debris clearance in a 240-block area of central Lubbock. Additional contracts for similar work will be issued and the Corps anticipates completion by May 27. Considering the devastation wrought, I believe this action constitutes yeoman work.

Other efforts of Government which swung into rapid action immediately after the Presidential declaration included the following:

The Department of Agriculture donated food to 3,000 persons at two community shelters in the disaster area through a coordinated effort of the USDA and the American Red Cross.

The General Services Administration quickly located space for a disaster field office for the OEP and other agencies.

Two teams from the Office of Education were dispatched to survey damage to schools.

The Department of Housing and Urban Development immediately began relocating displaced victims into available Federal housing.

The Fourth Army provided helicopter and other equipment to assist in emergency operations.

Mr. President, this is only a partial story of the assistance being rendered by the Federal Government. I have been impressed and encouraged by the quick reaction of governmental agencies at all levels and that of private organizations to deal with the disasters in my home State.

I do believe the Federal disaster assistance laws should be broadened to allow even greater public assistance. I ask support for S. 3848, as well as S. 3745, so that broadened assistance can be provided.

THE HABIT OF UNITY

Mr. RIBICOFF. Mr. President, these are difficult and troubling times that affect all segments of our society. In response to these problems, many members of the business community have begun to speak out in support of social justice and the need for national unity.

A strong voice in this regard has been Joseph C. Wilson, chairman of the Xerox Corp., who recently delivered an address entitled "The Habit of Unity" to the National Microfilm Association at San Francisco, Calif. His speech is of great relevance to all of us.

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

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

THE HABIT OF UNITY

I am very much honored to be here today; and much impressed by the growth of The National Microfilm Association into an organization of such stature.

As you know, we at Xerox are heavily involved with microfilm through University Microfilms, which is part of our Xerox Education Group, and through various activities of our Business Products Group.

The foundation of our involvement lies in the fact that the information processing industry, while realizing some substantial improvements in recent years through new technology, is still falling far behind the proliferation of new knowledge and information. We are all aware, I think, of the seriousness of that problem; and there are literally hundreds of companies, associations and universities seeking solutions to it.

In the search for what we at Xerox call a better architecture of information, microfilm can and should play a role whose dimensions go beyond those of a dead storage medium. And we believe that its future is as bright as those who believe in its value wish to make it.

But it is not toward defining that specific future that I wish to address my remarks today. There are many people here who are far more expert in that than I, and whose views already constitute a provocative and substantial body of opinion.

Rather, I should like to talk with you from a much different frame of reference; not as a businessman, but simply as an individual whose primary credential is citizenship and who looks at the coming decade of the 1970's with apprehension, even alarm.

Whatever else we may expect of the 1970's, they will not be years in which men will be able to stand outside their times. They will not be years in which public duty can be sacrificed for private gain. We have already learned in this past decade that there are no American enclaves in which men and women can stand aloof from the headlong course of our Republic. For sure now—"No man is an island"—as Donne put it so well.

So if I reach this afternoon toward matters beyond the day-to-day concerns of business, I do so because I feel strongly that the turns of this decade should be occasion for deep introspection; occasion for all of us to reflect upon some very unsettling years.

To place this past ten years into the larger framework of our history, one turns almost instinctively, I think, to the guidance of de Tocqueville, in whose writing can always be found a prophetic view of the American experience:

"What sustains them", he wrote of us to a friend in Paris, "is their extraordinary capacity to overcome basic divisions among themselves in order to act in concert against hostile conditions that may afflict all. . . . They seem to have understood from the outset that *national unity is not so much a goal as a habit*, and, understanding that, they set to work with the most extraordinary confidence in the inevitability of their success."

De Tocqueville's perspective is a cogent one for those of us who would seek common threads in our past. For on one important level, the history of the American Republic is indeed a chronicle of what he called the "habit" of national unity.

It began, of course, in the search for a constitutional skeleton for legal and political unity: men of reason joining together not merely to compose their own differences, but to establish procedures for composing the *future* differences of the Republic as well. It continued into the early 19th century as we sought to absorb a vast territory and to integrate the new economy springing from the richness of our land and the industry of our people.

In the name of unity, we fought a bloody and terrible civil war, in whose shadow we still live some hundred years later.

By the turn of the 20th century, we had faced and met still another challenge to national unity: the immigration of millions of Europeans to whom America was as strange as it was promising. Twice in this century we were called upon to gather our energies

for war on the continent of our origins. So, too, the Great Depression of the 1930's tested America's capacity to bring forth from diversity an ordered and unified response to crisis.

And now, once again, the twin issues of war and race are forcing us to confront not simply the demands of minorities among us, *but to confront as well the deeper problem of how we must act as a nation, as a whole people, together.*

Yet, sadly, I for one cannot seem to find in the record of these past few years adequtae testimony to the "habit of unity."

Instead, over the past decade we seem to have developed an increasing habit of polarization. Our politics have become more centrifugal, and we have witnessed fragmentation, disorder, bitter public dialogue, the alienation of many of our young, the death, *by assassination,* of some of our finest leaders.

Thus I believe we enter the 1970's bearing a heavy and dangerous disproportion of fear to reason. And what these signs suggest could be far more than our failure to meet some specific responsibilties to groups within our nation. They suggest that we may also be forfeiting some of that "habit of unity", long-accumulated, without which we could never have met and survived past crises.

In looking back on the recent past, it is this deeper problem which most troubles me.

Everyone, virtually everyone, realizes that the problems of our cities, of our minorities and of our poor *must* be solved. All of us now know, I think, that we cannot fully deal with our domestic problems while our energies and resources are absorbed by war. All of us sense, daily, that the quality of our environment is deteriorating; that we are losing much of nature's great gifts to America: its land, its physical beauty, its water, its air. We all know that it is unacceptable for men and women and children to suffer from malnutrition, undereducation and hardship while we fly in space and produce consumer goods in almost gluttonous array.

We know that none of our agonies can be ignored; and none of us really *wants* to ignore them.

Yet these terrible problems remain unsolved, many of them growing worse, while we are generating so much bitter debate about our failure to deal with them that *concerned and patriotic Americans are now reacting primarily to one another instead of acting in concert against the conditions that afflict us all.*

How many discussions of the war in Vietnam have ended up with factions denouncing one another? Dissenters and protestors are called traitors or Communists. Those who support our policies are dupes or Fascists. Yet which would you say really wants the war to continue: the so-called traitor or the so-called dupe? Which—the student marcher or the helmeted policeman—would not endorse peace and the end of our involvement?

I ask you this afternoon to consider the possibility that we are today a nation without clear goals; but that in the course of name-calling and cheap labelling—of shoddy slogans and false demons—those goals tend to disintegrate, the issues disappear, internal divisions grow, and what is worse, we are that much less able to move together on *any* problem.

And I suggest that a cry like "America—Love It or Leave It" is as totally mindless as its polar opposite, "Turn In, Turn On, Drop Out." It is a sickly irony that each shares the low common denominator of denying the very characteristics to which de Tocqueville correctly attributed so much of our success, our strength and our freedom.

Thus we must ask ourselves how it is that we have misplaced that firm habit of unified action which has stood us so well in the past?

It is *not* because the problems are any more divisive than the Civil War, the Great Depression, the sudden immigration of so many different peoples. The draft riots of 1860 were far more serious than any seen in this generation, and the street gangs of New York at the turn of the century far more violent. Surely no problems we face today can be said to be *more* divisive.

Is it possible, perhaps, that we are somehow less public-minded, more selfish or hedonistic than we once were? Quite the contrary, I should say. Our sense of civil duty and public responsibility seems to me to have grown immeasurably over the past several decades.

Is it really that we don't know how to solve the problems which divide us? That question has no answer; yet the endless flow of reports—from private and public institutions alike—contain more ideas for imaginative planning, action and progress than we have ever seen in our history.

Why is it, then, that the nation has seemed so divided in the 1960's, so preoccupied with the differences among us? In the first place, I feel, the problems we face and the failure to act against them more effectively are *more* visible than *ever* before. Very few issues escape the eyes of our mass media; and very few of our citizens can operate under the illusion that America is content and at peace with herself.

At the same time, it is not possible to pretend that our problems are presently beyond solution. How do you tell a nation which in ten years and on schedule has sent men to the moon that it cannot feed its hungry or clean its air?

I believe that in the 1960's, we came for the first time to see our problems clearly, *all of them.* Further, we also came to believe, and rightly, that we have it in us to solve them. But they are not being adequately solved; and we are, through our incredible communications, all of us witnesses and in a sense participants, daily and intimately, in the failures.

Suddenly what is at stake, therefore, is our will and our determination. What is at stake is our self-confidence: the very quality that has so long been associated with the American character.

This threat to self-confidence has affected all Americans. That is important to understand. It affects the blue collar worker, increasingly and justifiably anxious about his hard-earned rewards, even as it affects the young ghetto black to whom any reward at all seems remote. (Sadly, each often accuses the other of obstruction when, in fact, each is held back in different ways by the same conditions.) It affects the well-to-do families of the suburbs, who wonder why material success seems not to have made life sufficiently rich and rewarding. It affects the young who so often feel that revolution is the only answer. It affects the rural poor of Appalachia and the Mississippi Delta. And it affects, equally, those who oppose and those who support our policies in Southeast Asia.

Most dangerously, however, it turns good men upon one another. For if problems which can be met are *not* being met, how terribly easy it is (and what political fodder it makes) to assume that someone must be standing in the way: the white in the way of the black, the hawk in the way of the dove, the rich in the way of the poor, the old in the way of the young. *And suddenly, again, we identify our problems with those among us with whom we differ rather than with the conditions which afflict us all.*

The unity of a nation and its self-confidence are inseparable; and it is precisely when that bond is shattered that the very stability of the social order is jeopardized, whether in Germany after World War One or in the France of the 3rd Republic. It is, in fact, that very bond which worries me most as I look to the potential of the United States in the 1970's.

It follows, I think, from what I have said that this nation badly needs to see some problems solved, not merely to *have* them solved, but to *see* them *being* solved. What is needed as we begin the 1970's is a restoration of self-confidence which can be won not simply with spectacle or rhetoric (how many nations have sought unsuccessfully to nourish self-confidence with spectaculars?), but only with systematic, scheduled, measurable, rapid and unified progress on long-standing social ills.

We must understand that it is not alone for the problems of others that we must work. It is for ourselves.

There is, as I have tried to suggest here today, a special urgency about the tasks we face in the 1970's, made all the more urgent by the accelerating pace of history itself. *It may be true that in absolute terms the black ghetto youth is far better off than he was ten years ago; but in relative terms—in the terms that demand a higher and higher degree of education and individual adjustment to cope with ever-new conditions—we are leaving him, as well as millions of our marginal poor and many of our blue collar workers, further behind than ever.*

I deeply fear that as a consequence we are sowing the seeds for a harvest more grim, a decade more divisive, an era more destructive to our national self-confidence, than the one through which we have just passed.

It is, therefore, time now to commit ourselves far more deeply. As a nation, we have always pitted bold action against hard realities; and whether we realize it or not, we have always been dedicated to rapid and sometimes dizzying change.

Think only of the astonishing fact that when Lord Bertrand Russell, who died earlier this year, was already a world-famous mathematician, the United States had not yet fought its last Indian battle. How far we have come in the span of a long life.

It is time for our business institutions to effect some changes in the way they define themselves. For as Peter Drucker points out, business is now more than a way of generating dividends on an investment or of providing goods. It has become a culture and a system of values; and as such occupies a very different position in our society, and indeed in world society.

Perhaps business must begin to dedicate more of its human resources to our problems; to assign talented people for specific periods to social service.

It is time also, I think, for some of our unions to examine their self-definition and to alter some of the protections which once served them well, but which today are inimical to national problems with which their children must struggle.

It is certainly time for government itself to examine its functions, and to put an end to the mountainous bureaucracy through which so little meaningful action seems able to bore.

For if our goals are clear, the decade of the 1960's surely taught us that the machinery to realize them is anything but effective.

It is failing; and I do not believe that we can even begin the massive task of rebuilding our cities and recapturing the best of our environment if we must act within the framework of present municipal, state and federal jurisdictions. I do not believe we can provide adequate housing in a jungle of building codes and regulations that change from mile to mile.

Yet there is no real doubt, no debate, no reservation that we must do these things. I simply suggest to you that we must do them now!

We must begin *now* to see these problems being solved, and the place to begin is with new institutions and a new sense of future

which looks on the past more as a preparation than as an immutable precedent.

Finally, all I have said so far I have spoken as a citizen, not as a businessman. I stress this point neither from fear of misinterpretation, nor false humility. I stress it because it is from the perspective of powerful citizenship that each of us must think about our activities over the course of the next decade.

At stake is our feeling about ourselves, that fleeting but critical sense that any nation must have about its past and its ability to guide the course of its future. I believe that if our self-confidence and our "habit of unity" are less certain than they have been at other times, then we should remember too that it is not the first time. We have come forth from many such episodes of self-doubt to overcome enormous challenges.

There's a charming little anecdote about a chimpanzee who was taught to read. One day he escaped from the zoo, and, after a search, was found huddled behind the public library with a copy of the Bible under one arm and a copy of Darwin under the other. He was, I'm told, just sitting there quietly gazing out into space with glazed eyes and saying over and over again, "Am I my brother's keeper or am I my keeper's brother?" The answer, to both questions, of course, is "yes."

We cannot forget that. For if we can meet together *now* without anger, if we can discard the rancor of our recent past and find agreement in urgent action against our common afflictions, then I believe we can look toward this new decade as one in which the "habit of unity"—the quality of which de Tocqueville wrote fifteen decades ago—will again prevail over discord and division. Let us speak and let us hear.

CORNELL SOUTHEAST ASIA SPECIALIST ANALYZES CAMBODIA INVASION

Mr. HATFIELD. Mr. President, Senators GEORGE MCGOVERN, CHARLES GOODELL, ALAN CRANSTON, HAROLD HUGHES and I asked a leading expert in Southeast Asian affairs—George McT. Kahin, professor of government and director of the Southeast Asia program at Cornell University—to analyze the political and diplomatic consequences within Southeast Asia of the Cambodian invasion.

In his excellent piece entitled, "Consequences of the Invasion in Cambodia," Professor Kahin calls attention to a number of highly adverse results of the invasion, some of which have so far received little public discussion.

He demonstrates that the invasion provides no significant military benefits; widens the war and undermines Vietnamization; upsets the political balance within Cambodia; weakens the American position in the whole of Southeast Asia; and damages the prospects of a negotiated settlement.

Mr. President, since April 20, the President has appeared three successive times on all three national television networks to explain his Indochina policy. We who question this policy had to purchase time on one of the networks to present our own views and urge public support of the amendment to end the war.

This direct and immediate form of access is not the only avenue open to the President.

The administration sent to newspaper editors across the country one day after the President's Cambodia speech a package of questions and answers for use "either for background or general publication."

This form of argument is still harder to challenge because it does not occur in public debate.

We therefore requested Professor Kahin to prepare a more detailed analysis—replying to those of the administration's packaged questions and answers that bear most centrally on its position.

Professor Kahin's replies have been sent to newspapers throughout the Nation, so that they can be provided another viewpoint on the Cambodian invasion.

Mr. President, I ask unanimous consent that the text of Professor Kahin's two analyses be printed in the RECORD.

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

CONSEQUENCES OF THE INVASION OF CAMBODIA

With the invasion of Cambodia, the United States is expanding the battleground into an area as large as all South Vietnam. President Nixon has promised that all American forces will be pulled out of Cambodia by the end of June—but has yet refrained from saying that they will not be sent back again in July or succeeding months. Our ally, General Thieu, however, has made explicit that for at least the next six months—through the American elections of November as he so candidly put it—the South Vietnamese army will have the responsibility of sustaining the government of General Lon Nol, training his army, and providing it with military support in at least the eastern half of Cambodia.

EXTENSION OF BATTLEGROUND INTO CAMBODIA PROVIDES NO SIGNIFICANT MILITARY BENEFITS

Our attacks on the Communist border bases in Cambodia can have no lasting effect on the security of South Vietnam's western frontier. Substantial amounts of rice, arms and other military equipment have been captured or destroyed in these operations; but search and destroy missions against major enemy bases outside of South Vietnam can achieve no more than those previously undertaken within that country. It is not clear whether an "authoritative" administration source was correct in reporting on April 2 that COSVN (enemy headquarters) had been moved from Cambodia to South Vietnam in late March. [See New York Times, April 3, 1970.] However, it is clear that the President's expectation that "American and South Vietnamese units will attack the headquarters for the entire communist operations in South Vietnam" has not been realized.

As in previous major sweeps in South Vietnam itself (such as Operation Junction City in 1967) the headquarters of the communists has eluded the most powerful force the United States could assemble. Enemy force levels have not been significantly affected, and in fact few enemy forces have as yet been committed to combat. Nothing prevents the enemy from returning to the border base areas once American and South Vietnamese troops have departed. The small and inexperienced Cambodian army lacked the capacity to control these frontier enclaves before and will clearly be unable to do so in the future, especially given the enormity of its new problems elsewhere in Cambodia. Enemy troops have simply moved back from border districts deep into central Cambodia, placing Phnom Penh and General Lon Nol's government in greater jeopardy and making it even more dependent on outside assistance.

INVASION WIDENS SCOPE OF WAR AND UNDERMINES VIETNAMIZATION POLICY

If it is true, as both Saigon and Washington now assert, that Vietnamization cannot succeed without denial of eastern Cambodian districts to the enemy, then the Administration has no alternative except to occupy these areas with South Vietnamese and/or American troops, and to make a major and continuing commitment to shore up the Lon Nol government. This means that the scope of the war has been greatly expanded without any significant change in the balance of forces.

The South Vietnamese army, whose capacity to defend even South Vietnam is still critically dependent upon American military forces, is now called upon to spread its resources ever more thinly in long-term ground operations over half of Cambodia. It is clear that the number of Vietnamese soldiers available to relieve American manpower in Vietnam is now drastically reduced. To extend assignment of Saigon's forces to wide areas of Cambodia makes a travesty of whatever prospects for success Vietnamization might have enjoyed, had the role of Saigon's troops been confined to Vietnam. Since Vietnamization means substitution of Vietnamese soldiers for Americans, it is clear that the process set in motion by the Cambodian invasion works directly against prospects for achievement of that policy and bringing American soldiers home.

EFFECT ON THE INTERNAL SITUATION IN CAMBODIA

President Nixon's invasion of Cambodia has had its impact not merely on the border base areas, but has served to upset the whole political balance within that country. Cambodia as a state no longer provides the United States with a neutralist flank, flawed only by communist border sanctuaries. Today a whole nation is torn apart by a civil war—where areas of fighting alternate with areas of political and military vacuum. What was once a state whose presence helped contain the war in Vietnam is now a political and military battlefield dominated not by Cambodians, but by American, South Vietnamese, Vietcong and North Vietnamese forces.

The overthrow of Prince Sihanouk and the American-Vietnamese invasion has irremediably shattered the precarious internal peace and balance of political forces in Cambodia. Washington's and Saigon's support for General Lon Nol has forced Sihanouk to seek an alliance with the Cambodian left and the NLF and North Vietnamese. The narrow elite base of the Lon Nol government means it lacks the legitimacy among Cambodians to exercise effective authority on its own. One of the initial steps taken to defend it involves the dispatch to Phnom Penh of American-trained and financed Cambodian mercenaries serving with the South Vietnamese Special Forces, a first contingent of 4,000 arriving a few days after American forces crossed the Cambodian frontier. Subsequently, President Thieu has made clear that one of the major missions of the South Vietnamese army is to sustain the Lon Nol government; and this, of course, means to fight those substantial elements loyal to Sihanouk. (By May 11, South Vietnamese units were already engaged well to the west of the Mekong River.)

A government which has no better way of establishing nationalist credentials than by perpetrating massacres of defenseless Vietnamese civilians is not likely to endure. Sihanouk's powerful nationalist appeal is now united with those radical appeals of the Cambodian communist insurgents which relate to the widespread social and economic grievances of the Cambodian peasantry. President Nixon has contributed to the creation of a formidable anti-American alliance in Cambodia, making a long civil war in that country inevitable.

PRESIDENT NIXON'S DOMINOS

By proxy, then, through its client, South Vietnam, the United States has moved into Cambodia politically as well as militarily to

support a narrowly based regime that could never be viable on its own. And if the unrepresentative regime in Saigon were to collapse, this would certainly bring about the collapse of a second and equally unrepresentative regime in Phnom Penh.

INVASION WEAKENS AMERICAN POSITION IN ADJACENT STATES

The escalatory response to the American invasion of Cambodia has already extended beyond developments in that country. It threatens American sanctuaries in Laos. There, North Vietnamese forces have undertaken to compensate for loss of their Cambodian bases by expanding their control in southern Laos, taking the town ot Attopeu, and now threatening Saravene—both major strategic centers. This alters the geographical and military balance in southern Laos (an area fronting on both Cambodia and South Vietnam), quite as dramatically as did the powerful North Vietnamese response a few months ago to the Administration's initiative in upsetting the previous precarious balance in central Laos by attempting to seize the Plain of Jars.

The North Vietnamese actions at that time also exposed the fragility of the Administration's Vietnamization policy; for if Hanoi could so rapidly augment its military power in Laos and drive U.S.-supported Laotian troops back far beyond the point from which they launched their attack, it clearly retains the capacity for an equivalent augmentation of its forces in South Vietnam (or in Cambodia) whenever the time seems most propitious.

In addition, U.S. intervention against the NLF sanctuaries in Cambodia, in conjunction with the developing power vacuum there, invites NLF and North Vietnamese movement against American sanctuaries in eastern Thailand and the Mekong River valley areas of western Laos. As U.S. and South Vietnamese forces penetrate further into Cambodia, the communists can no longer be expected to confine their operations in that country to areas along the Vietnamese border. They will feel no constraints against establishing bases anywhere in Cambodia, including districts opposite the Thai frontier. Consequently, the Thai government is likely to find its own security increasingly threatened. Its defense forces, largely committed in recent years to the defense of its northeastern frontiers, will now have to be extended to cover Thailand's open southeastern flank, whose security had hitherto been taken for granted because of the existence of an effective neutralist government in Phnom Penh. In effect, Thailand will now have to guard both its Laotian and its Cambodian frontiers, and its security will have appreciably diminished.

DAMAGE TO PROSPECTS FOR A NEGOTIATED SETTLEMENT

It is already evident that the invasion of Cambodia has made President Thieu even more outspoken in his refusal to accept a negotiated settlement, and in his insistence upon a solution by military means. If, as the Administration has repeatedly stated, the Vietnamization program was designed to reduce American commitments in Southeast Asia and to facilitate the achievement of a negotiated settlement of the war, the Cambodian adventure is impossible to justify. By enlarging the area of conflict and the scope of American commitments and by increasing the number of disputing parties, it adds enormously to the length and complexity of any agenda for negotiations. With the U.S. and the Vietnamese now enmeshed in a Cambodian civil war, a virtually insoluble Cambodian problem is added to the already intractable Vietnamese problem. It is no longer enough to settle the war in Vietnam and Laos; we are assuming a responsibility for settling a Cambodian war as well.

President Nixon's precipitate invasion of Cambodia has not only further polarized internal political forces in Cambodia; but by aligning Sihanouk (who for so long had managed to remain unaligned and genuinely neutral) with Moscow and Peking, it has increased polarization within the concerned international community. The President's action has seriously reduced the confidence of Japan and our most important European allies in America's foreign policy; and it has drastically undercut the possibilities for any Soviet good offices in getting a negotiated solution of the Vietnam war underway. Thus, the long-term consequences of President Nixon's short-sighted military escalation further diminish the already faint prospects for that negotiated settlement of the war to which the Administration has repeatedly committed itself.

"CAMBODIA: THE ADMINISTRATION'S VERSION AND THE HISTORICAL RECORD"

(Prepared by George McT. Kahin, professor of government and director of the Southeast Asia program, Cornell University, May 15, 1970)

This paper contains replies to prepared question and answer materials distributed by the Administration on May 1 in regard to the Cambodian invasion—as well as to certain statements made by the President in his April 30 speech.

1. *The Administration's Claim of U.S. Respect for Cambodia's Neutrality.*—Central to President Nixon's argument is the following statement in the introductory part of his April 30 speech. Going back to the Geneva Agreements of 1954 he stated: "American policy since then has been to scrupulously respect the neutrality of the Cambodian people." In the White House's subsequently released (May 1) "Background Information on Cambodia" among the various hypothetical questions raised was one which reads: "Why do we have to support the Lon Nol government? Wasn't Sihanouk the legal ruler and wasn't he pushed out by a coup?" The answer provided by the White House states: "The question of who rules in Cambodia is a matter for the Cambodians to decide. We had absolutely nothing to do with the change."

The Historical Record.—It is to be hoped that the U.S. was not party to the overthrow of Sihanouk, but it is understandable why the many years of American clandestine activity in Cambodia makes Sihanouk think otherwise and may raise some doubt in the minds of anyone familiar with the pertinent, historical record. There is a great deal in that record that departs radically from the President's assertion that it has been American policy to "scrupulously respect the neutrality of the Cambodian people."

In fact for the most of the last 15 years the United States has opposed Cambodian neutrality and applied various kinds of pressure to get it to assume an anti-Communist stance in alignment with American policy objectives. Following Cambodia's refusal to accept the security mantle incorporated in the SEATO Protocol, American aid was halted. The Saigon and Bangkok governments imposed an economic blockade, and border violations were visited upon Cambodia from two of the United States' SEATO allies, Thailand and South Vietnam. (It was just after this that the Cambodians responded by opening diplomatic relations with the Soviet Union and agreed to accept aid from China.)

Greater pressure was mounted against Sihanouk's government beginning in mid-1958 with a South Vietnamese invasion of Stung Treng province in which the United States refused to act effectively on Cambodia's urgent request that it restrain Saigon. (A week later Cambodia began discussions with China for establishment of diplomatic relations.) Upon being recalled to Washington, the American Ambassador to Phnom Penh then discovered that plans were being made to remove Sihanouk from power. The United States did not immediately take such steps, but soon thereafter the anti-Sihanouk Khmer Serei (Free Cambodian Movement) was organized which received encouragement and support from the CIA as well as backing from Thailand and South Vietnam. At the beginning of 1959 the abortive "Bangkok Plot" was exposed, one aimed at overthrowing Sihanouk and involving military operations by the Khmer Serei from bases in Thailand. Several foreign ambassadors in Phnom Penh warned Sihanouk at the time to take preventive action, and investigations satisfied the Cambodian government (and a good many others) that the American CIA was directly involved and that Marshall Sarit of Thailand and the Saigon government also backed the effort.

By 1966 a campaign supported by CIA to pressure Sihanouk through support of the opposition Khmer Serei tied down a substantial part of the Cambodian army. Khmer Krom (members of South Vietnam's Cambodian minority) were recruited at high rates of pay and provided with extensive U.S. Special Forces training to carry out attacks into Cambodia from bases in both South Vietnam and Southeast Thailand. Border incursions by these forces in 1967 reached at least 12 miles into Cambodia.

2. *The Administration's Claim of Non-Violation of Cambodian Territory.*—Referring to Vietnamese communist sanctuaries in Cambodia, President Nixon stated on April 30: "For five years neither the U.S. nor South Vietnam moved against those enemy sanctuaries because we did not wish to violate the territory of a neutral nation."

The Historical Record.—In July 1965 the International Control Commission (I.C.C.) reported on evidence of border crossings into Cambodia by South Vietnamese forces, stating that there were 375 such incidents in 1964 and 385 in the first five months of 1965 alone. The commission unanimously concluded that "None of those incidents were provoked by the Royal Government of Cambodia." From that time on there were repeated reports of border incursions and air attacks against border areas inside Cambodia chiefly by South Vietnamese but also by American forces. A few examples follow:

On May 3, 1965, five days after South Vietnamese planes bombed a village two miles inside Cambodia, Sihanouk, lodging responsibility with the United States, broke off diplomatic relations with Washington. (NYT May 4, 1965)

On October 13, 1965, *New York Times* Southeast Asia correspondent Seymour Topping reported that: "South Vietnamese patrols probe the border and reconnoitering aircraft frequently fly over the frontier, sometimes bombing suspected Vietcong targets on Cambodian territory. Cambodians say that more than 30 of their villagers have been killed in these attacks over the last two years." (NYT October 17, 1965)

On September 21, 1965, American helicopters launched rocket attack against a Cambodian military post. (NYT, September 22, 24; October 15, 1966)

On January 22, 1968, the U.S. acknowledged that a U.S.-South Vietnamese patrol had made a limited intrusion into Cambodia following fire from Vietnamese communist units on the Cambodian side. (NYT January 23, 1968)

In April 1969, U.S. air and artillery attacks were launched against communist bases inside Cambodia (NYT April 26, 1969)

On May 8, 1969, U.S. B–52 bombers raided communist supply dumps and camps within Cambodia. (NYT May 9, 1969)

October–December, 1969, Sihanouk protested continuing U.S. bombing of Cambodian border areas.

3. *The Administration's Question*—Will this action (the American intervention in Cambodia) affect pacification and Vietnamization adversely by pulling ARVN and U.S. forces out of South Vietnam?

The Administration's Answer—One cannot assume that the enemy will be able to take advantage of the situation in this fashion since we have some indications that they are also giving priority attention to protecting base areas in Cambodia.

We believe that in any case we will gain, because in the long run damage to the bases will be greater and hurt the Communist effort in South Vietnam more than whatever limited gains in South Vietnam they might be able to make during this action.

This is the unanimous judgment of our responsible military leaders.

Another Answer—If it is true, as both Saigon and Washington now assert, that Vietnamization cannot succeed without denial of eastern Cambodian districts to the enemy, then the Administration has no alternative except to occupy these areas with South Vietnamese and/or American troops, and to make a major and continuing commitment to shore up the Lon Nol government. This means that the scope of the war has been greatly expanded without any significant change in the balance of forces.

The South Vietnamese army, whose capacity to defend even South Vietnam is still critically dependent upon American military forces, is now called upon to spread its resources ever more thinly in long-term ground operations over half of Cambodia. It is clear that the number of Vietnamese soldiers available to relieve American manpower in Vietnam is now drastically reduced. To extend assignment of Saigon's forces to wide areas of Cambodia makes a travesty of whatever prospects for success Vietnamization might have enjoyed had the role of Saigon's troops been confined to Vietnam. Since Vietnamization means substitution of Vietnamese soldiers for Americans, it is clear that the process set in motion by the Cambodian invasion works directly against prospects for achievement of that policy and bringing American soldiers home.

4. *The Administration's Question*—What has made you suddenly decide that these bases and sanctuaries represent such a serious threat that we have to invade a neutral nation? After all, the President on April 20 did not allude to the situation in terms which would have suggested such a serious concern.

The Administration's Answer—On April 20 the President did not allude to the Cambodian situation. He said the North Vietnamese would be taking "grave risks" if they jeopardized the security of our forces in Vietnam by increased actions in Vietnam, Cambodia, or Laos.

The actions which Hanoi has taken over the last ten days have shown that Hanoi is taking new actions in Cambodia, which will jeopardize our remaining forces in South Vietnam. It is securing and expanding the Cambodian bases and trying to establish a hegemony in Cambodia which would give North Vietnam and Viet Cong forces full freedom to operate in South Vietnam and resupply themselves.

Let me cite some of these recent actions, though I am sure you can get a fuller record from DOD or from reading the press. For example, on April 20 Communist forces attacked two provincial capitals, Snoul and Takeo, one north and one south of Phnom Penh. They also attacked and held Saang, just south of Phnom Penh. On April 23, they attacked Mimot—another provincial capital, as well as an important bridge linking the provincial capitals of Snoul and Kratie on Route 13. The next day, they attacked the port city of Kep. Two days later, they attacked some ships on the Mekong. They also occupied the town of Angtassem, a few miles north of Takeo. They have in the past two weeks fired on foreign vessels in the Mekong River and have cut virtually every major road leading north, south and east out of Phnom Penh. These actions clearly go beyond securing former base areas. They are aggressive expansion of Communist control over large parts of the country, to blackmail and threaten the government, and to try to gain much greater control of Cambodia than they have had to date.

Another Answer—The Recent Record—This question here asked is a pertinent one, but it is not answered accurately. The record suggests the U.S.-Saigon invasion was in considerable measure prompted by a desire to save the military regime in Phnom Penh from the consequences of its own actions.

New Communist actions in Cambodia have clearly been primarily responses to new pressures from the Cambodians and the allied forces of the United States and South Vietnam; they can hardly be explained as "aggressive expansion of Communist control" for the sake of gaining "greater control of Cambodia." Communist actions cited above have thus far been of a primarily defensive nature and relate to major shift among Cambodian political forces and the South Vietnamese army's invasion of Cambodia (later followed by the U.S. invasion). From the Communist perspective the South Vietnamese and American invasion was provocative and invited an escalatory response. This has already begun, as evidenced by their recent moves against Attapeu and Saravane in Southern Laos.

New actions by Hanoi and the NLF in Cambodia are primarily a *response* to the new and hostile Lon Nol coup group in Cambodia and are no indication of being an aggressive move against South Vietnam. North Vietnamese and NLF forces in Cambodia have taken new action in Cambodia, but these have been to a significant degree in response to the decision of Lon Nol's regime to terminate previous arrangements for securing food and military supplies. In its background paper attached to these questions the Administration itself admits that this move has "induced the Communists to drive Cambodian authorities entirely out of large sections of the country so that the Communists can then draw directly on the civilian population for their food supplies."

As regards the beginning of fighting, the chronology is instructive. The attacks on Snoul and Takeo occurred nearly one month after Lon Nol's figurehead Chief of State, Cheng-Heng, pledged to oust Communist troops from Cambodia's borders. After a period of talks with U.S. and South Vietnamese officers, the Cambodian army attacked North Vietnamese and NLF forces on March 22. This attack was followed by the first allied offensive on border bases on March 27, 1970. On April 11, the first large massacre of Vietnamese civilians conducted by the Cambodian army was reported. Two days later, April 13, the NLF took the town of Prasot. On April 18, the Cambodian army was involved in the massacre of 100 Vietnamese civilians in Takeo. The V.C. moved on Takeo and Saang two days later.

5. *The Administration's Question*—What is the real significance of recent enemy actions in the base areas along the Cambodian border?

The Administration's Answer—Enemy forces have long operated from these base areas against U.S. and allied forces in South Vietnam. Their aggressive strikes from these sanctuaries were limited by marginal supply levels and irregular access to the Port of Sihanoukville. We now know the Sihanouk Government regulated use of this key port with rules ranging from acquiescence to loosely and erratically enforced controls.

From the outset, it has been obvious that the new Cambodian Government would close the Port of Sihanoukville to communist traffic, thus forcing Viet Cong and North Vietnamese troops to move from their remote base areas in search of supplies. When they spread into the countryside, it became clear that they intended to seize de facto control of the life lines to the sea. Should they succeed we would be exposed to an enemy with far greater resources. We have no choice but to act in a manner to protect the lives of American and allied forces in Vietnam.

Another Answer—Even if the Viet Cong and North Vietnamese were able to open a corridor to the sea east of Sihanoukville, it could not become a significant supply route. Any attempt to unload oceangoing ships by lighters or launches to take supplies ashore would be every bit as vulnerable to American and South Vietnamese air activity as similar blockade operations along the Vietnam coast, such as the United States has carried out for years. Sihanoukville is the only Cambodian port which can be utilized by seagoing ships. There are no possible life lines to the sea except through Sihanoukville, and that is in the hands of Lon Nol who is even more disposed to deny it to the communists than was Sihanouk.

Should the port of Sihanoukville with its international shipping fall to the communists, is the United States prepared to run the same risks as would be the case if it were to bomb Haiphong—with its concentration of Soviet, British and other shipping?

6. *The Administration's Question.*—The President has always wanted to keep U.S. casualties low, and has made a point of his ability to do so. Will these operations not raise U.S. casualties substantially?

The Administration's Answer.—These operations will reduce a threat to our forces, and will thus over time lead to fewer total casualties.

Our Answer.—These operations *increase* the threat to our forces because the invasion of Cambodia extends the area of conflict and prolongs the war. Nothing prevents the NLF and North Vietnamese forces from reoccupying their border bases unless the South Vietnamese or American forces occupy them permanently. Withdrawal from the border areas by the allies means the Communists will reoccupy and resupply them during the rainy season. Since their force levels have not been substantially reduced by contact with allied forces during the invasion, the threat posed by them will not be significantly reduced. If the South Vietnamese choose to remain in Cambodia east of the Mekong, as President Thieu has indicated they will, this means the outer boundary of conflict has shifted far westward. Thus enemy bases will be closer to American sanctuaries in Thailand and Laos. and South Vietnamese resources will be stretched over an area which is *much* larger than the pre-April 30 battlefield. Thus Vietnamization will be retarded and schedules for American troop withdrawals drastically slowed unless South Vietnam itself is denuded of minimal protection against attack. Widening the war means slowing down Vietnamization and keeping American advisors and troops in the field longer. It is difficult to understand how expanding and prolonging this war will save American lives.

7. *The Administration's Question.*—Do we really know what we are getting into in widening the war to Cambodia? Is this not another Vietnam, which we all know this Administration wants to avoid?

The Administration's Answer.—The question of "what we are getting into" goes to the heart of what is happening now in Cambodia. We should be absolutely clear here on matters of sequence and consequence. Communist aggression, blatant and determined, is not only threatening the overthrow of a neutral government, but also posing a significantly growing danger to the security of our forces in South Vietnam.

The events in Cambodia, therefore, are cer-

tainly part of a larger pattern of aggression as conceived in Hanoi.

There is just no question that increased Communist activities in Cambodia threaten U.S. forces in South Vietnam and could have a significant effect on the course of the war. Our considerations here run from psychological to purely military. Our judgment has been that—far from widening or lengthening the war—firm and decisive action now in Cambodian base areas was necessary to demonstrate to the enemy that we will now [sic! *not* presumably] allow the war to be carried beyond its present bounds, nor allow the enemy to use Cambodia with impunity in attacking Vietnamization.

I therefore find it paradoxical to call this a "new war". In the most realistic sense, this is an effort to contain the "old war" and bring it to a speedy end.

Another Answer—Part of this question has been answered in the previous answers. [Moreover, one should note that the chronology provided by the White House (which accompanied its release of questions and answers) is seriously imbalanced and lacks mention of some of the most essential events directly pertinent to any understanding of these developments.]

In addition, the following points are directly relevant to the account provided by the Administration's answer.

With the invasion of Cambodia, the United States is expanding the battleground into an area as large as all South Vietnam. President Nixon has promised that all American forces will be pulled out of Cambodia by the end of June—but has yet refrained from saying that they will not be sent back again in July or succeeding months. Our ally, General Thieu, however, has made explicit that for at least the next six months—through the American elections of November as he so candidly put it—the South Vietnamese army will have the responsibility of sustaining the government of General Lon Nol, training his army, and providing it with military support in at least the eastern half of Cambodia.

President Nixon's invasion of Cambodia has had its impact not merely on the border base areas, but has served to upset the whole political balance within that country. Cambodia as a state no longer provides the United States with a neutralist flank, flawed only by communist border sanctuaries. Today a whole nation is torn apart by a civil war—where areas of fighting alternate with areas of political and military vacuum. What was once a state whose presence helped contain the war in Vietnam is now a political and military battlefield dominated not by Cambodians, but by American, South Vietnamese, Vietcong and North Vietnamese forces.

The overthrow of Prince Sihanouk and the American-Vietnamese invasion have irremediably shattered the precarious internal peace and balance of political forces in Cambodia. Washington's and Saigon's support for General Lon Nol has forced Sihanouk to seek an alliance with the Cambodian left and the NLF and North Vietnamese. The narrow elite base of the Lon Nol government means it lacks the legitimacy among Cambodians to exercise effective authority on its own. One of the initial steps taken to defend it involves the dispatch to Phnom Penh of American-trained and financed Cambodian mercenaries serving with the South Vietnamese Special Forces, a first contingent of 4,000 arriving a few days after American forces crossed the Cambodian frontier. Subsequently, President Thieu has made clear that one of the major missions of the South Vietnamese army is to sustain the Lon Nol government; and this, of course, means to fight those substantial elements loyal to Sihanouk. (By May 11, South Vietnamese forces were already engaged well to the west of the Mekong River.)

A government which has no better way of establishing nationalist credentials than by perpetrating massacres of defenseless Vietnamese civilians is not likely to endure. Sihanouk's powerful nationalist appeal is now united with those radical appeals of the Cambodian communist insurgents which relate to the widespread social and economic grievances of the Cambodian peasantry. President Nixon has contributed to the creation of a formidable anti-American alliance in Cambodia, making a long civil war in that country inevitable.

By proxy, then, through its client, South Vietnam, the United States has moved into Cambodia politically as well as militarily to support a narrowly based regime that could never be viable on its own. And if the unrepresentative regime in Saigon were to collapse, this would certainly bring about the collapse of a second and equally unrepresentative regime in Phnom Penh.

The escalatory response to the American invasion of Cambodia has already extended beyond developments in that country. It threatens American sanctuaries in Laos. There, North Vietnamese forces have undertaken to compensate for loss of their Cambodian bases by expanding their control in southern Laos, taking the town of Attopeu, and now threatening Saravene—both major strategic centers. This alters the geographical and military balance in southern Laos (an area fronting on both Cambodia and South Vietnam), quite as dramatically as did the powerful North Vietnamese response a few months ago to the Administration's initiative in upsetting the previous precarious balance in central Laos by attempting to seize the Plain of Jars.

The North Vietnamese actions at that time also exposed the fragility of the Administration's Vietnamization policy; for if Hanoi could so rapidly augment its military power in Laos and drive U.S.-supported Laotian troops back far beyond the point from which they launched their attack, it clearly retains the capacity for an equivalent augmentation of its forces in South Vietnam (or in Cambodia) whenever the time seems most propitious.

In addition, U.S. intervention against the NLF sanctuaries in Cambodia, in conjunction with the developing power vacuum there, invites NLF and North Vietnamese movement against American sanctuaries in eastern Thailand and the Mekong River valley areas of western Laos. As U.S. and South Vietnamese forces penetrate further into Cambodia, the communists can no longer be expected to confine their operations in that country to areas along the Vietnamese border. They will feel no constraints against establishing bases anywhere in Cambodia, including districts opposite the Thai frontier. Consequently, the Thai government is likely to find its own security increasingly threatened. Its defense forces, largely committed in recent years to the defense of its northeastern frontiers, will now have to be extended to cover Thailand's open southeastern flank, whose security had hitherto been taken for granted because of the existence of an effective neutralist government in Phnom Penh. In effect, Thailand will now have to guard both its Laotian and its Cambodian frontiers, and its security will have appreciably diminished.

8. *The Administration's Question*—The operation which is now beginning [the Cambodian intervention] is a very large operation. What do we hope to accomplish?

The Administration's Answer—Our basic objective is materially to reduce the new threat which the sanctuaries pose to our forces in South Vietnam. We expect to accomplish this.

We have the following specific goals:

To disrupt enemy plans for operations against South Vietnam, thus supporting our Vietnamization program and helping to shorten the length of the war;

To force the enemy to pull forces out of South Vietnam to protect the sanctuaries;

To find and destroy arms caches and headquarters areas;

To impede the enlargement of areas under Communist control in Cambodia.

Another Answer.—Our attacks on the Communist border bases in Cambodia can have no lasting effect on the security of South Vietnam's western frontier. Substantial amounts of rice, arms and other military equipment have been captured or destroyed in these operations; but search and destroy missions against major enemy bases outside of South Vietnam can achieve no more than those previously undertaken within that country. It is not clear whether an "authoritative" administration source was correct in reporting on April 2 that COSVN (enemy headquarters) had been moved from Cambodia to South Vietnam in late March. [See *New York Times*, April 3, 1970.] However, it is clear that the President's expectation that "American and South Vietnamese units will attack the headquarters for the entire communist operations in South Vietnam" has not been realized.

As in previous major sweeps in South Vietnam itself (such as operation Junction City in 1967) the headquarters of the communists has eluded the most powerful force the United States could assemble. Enemy force levels have not been significantly affected, and in fact few enemy forces have as yet been committed to combat. Nothing prevents the enemy from returning to the border base areas once American and South Vietnamese troops have departed. The small and inexperienced Cambodian army lacked the capacity to control these frontier enclaves before and will clearly be unable to do so in the future, especially given the enormity of its new problems elsewhere in Cambodia. Enemy troops have simply moved back from the border districts deep into central Cambodia, placing Phnom Penh and General Lon Nol's government in greater jeopardy and making it even more dependent on outside assistance. [See also answers to previous questions relating to Vietnamization.]

9. *The Administration's Question*.—If Lon Nol cannot beat the communists, why does he not negotiate with them or compromise with them as Sihanouk did?

The Administration's Answer.—We understand that he has made several offers to open negotiations.

We also understand that talks were held immediately after the new government came into power and that the North Vietnamese broke off those talks when they pulled almost all their staff out of Phnom Penh.

Since that time, the North Vietnamese have refused to deal with Lon Nol and have called for the overthrow of his government. He has made several efforts to deal with them, we understand, but they have refused. It seems clear from their tactics that they either want to gain control of Cambodia or to intimidate the government to let them have free use of large portions of the country.

Another Answer—It is incredible that in the above answer no mention is made of the fact that *before* Lon Nol's alleged indication of a desire to open up negotiations, he and the Cambodian army had organized the sacking of the North Vietnamese and NLF embassies (March 11, 1970). As a consequence of these army-supported mob actions as well as other more serious violence taken against Vietnamese living in Cambodia, one can appreciate that Lon Nol was hardly setting the stage for negotiations. Moreover, the attacks of his army units in cooperation with South Vietnamese and American forces against NLF and Hanoi base areas did not increase prospects for negotiations. (See also answers to previous questions.)

10. *The Administration's Question*—Do we not think that operations by U.S. forces inside Cambodia will jeopardize the prospects for negotiations?

The Administration's Answer—Recent North Vietnamese actions and statements give no indications that they are ready to negotiate. In fact, they may be postponing any serious negotiations which they might have contemplated until they can see what happens in Cambodia.

I think we should not continually act on the assumption that a deescalation by our side will promote negotiations whereas any new action which we might undertake will jeopardize them. Over the past year we have deescalated in a variety of ways and Hanoi has steadfastly refused to talk seriously. Under those circumstances, I do not believe that what we are doing now will jeopardize any prospects for peace which might have existed.

Another Answer—It is already evident that the invasion of Cambodia has made President Thieu even more outspoken in his refusal to accept a negotiated settlement, and in his insistence upon a solution by military means. If, as the Administration has repeatedly stated, the Vietnamization program was designed to reduce American commitments in Southeast Asia and to facilitate the achievement of a negotiated settlement of the war, the Cambodian adventure is impossible to justify. By enlarging the area of conflict and the scope of American commitments and by increasing the number of disputing parties, it adds enormously to the length and complexity of any agenda for negotiations. With the U.S. and the Vietnamese now enmeshed in a Cambodian civil war a virtually insoluble Cambodian problem is added to the already intractable Vietnamese problem. It is no longer enough to settle the war in Vietnam and Laos; we are assuming a responsibility for settling a Cambodian war as well.

President Nixon's precipitate invasion of Cambodia has not only further polarized internal political forces in Cambodia; but by aligning Sihanouk (who for so long had managed to remain unaligned and genuinely neutral) with Moscow and Peking, it has increased polarization within the concerned international community. The President's action has seriously reduced the confidence of Japan and our most important European allies in America's foreign policy; and it has drastically undercut the possibilities for any Soviet offices in getting a negotiated solution of the Vietnam war underway. Thus, the long-term consequences of President Nixon's shortsighted military escalation further diminish the already faint prospects for that negotiated settlement of the war to which the Administration has repeatedly committed itself.

11. *The Administration's Question.*—Are we accompanying these operations with any new diplomatic initiatives?

The Administration's Answer.—Obviously we may make some new diplomatic initiatives at some point. But we see no sense in ignoring the fact that the other side has steadfastly refused to negotiate seriously. It will be up to them to decide whether or not they are ready to negotiate a settlement or spill more blood.

Another Answer.—President Thieu's most recent response to this question was given in a May 11, 1970 interview with *Newsweek* editor Osborn Elliot. Thieu made clear that he has no intention of negotiating a peace settlement with the Communists and that Vietnamization is a policy which permits continued fighting toward the goal of winning a military victory.

With respect to prospects for "new diplomatic initiatives at some point", one simply cannot overlook Thieu's intransigence on the question of diplomatic initiatives which is well-known and of long standing. Further the invasion of Cambodia and allied involvement in the Cambodian civil war make diplomatic solutions to the Vietnamese conflict infinitely more difficult. Clearly the responsibility for initiating negotiations does not fall entirely on the enemy. The responsibility for shedding more blood also lies with the United States and its allies, particularly our intransigent dependent, President Thieu. Indeed, if there is any one aspect of the Administration's strategy upon which there is widespread agreement, it is that negotiations have been definitely downgraded. This has been evidenced by the President's refusal for some time to name a man of political stature to replace Ambassador Lodge in Paris. Instead, the President appointed a foreign service officer who served as an assistant to earlier negotiators and who never even occupied the post of Ambassador.

12. *The Administration's Question*—What was the legal basis for the President's actions?

The Administration's Answer—The President was acting under his Constitutional authority as Commander in Chief of the Armed Forces to assure the security of the troops under his command, and also under his Constitutional authority as Chief Executive for the conduct of foreign affairs.

Another Answer—It is appalling for the Administration to define the legitimacy of President Nixon's act strictly in terms of American law and precedent.

Cambodia is a sovereign state. Since the United States acted without consulting its government, our invasion is a violation of international law.

It must be noted that Cambodia renounced the SEATO protocol providing protection for the former Indochina states. In In point of fact, Sihanouk formally requested the SEATO powers in May 1965, to amend Article IV to *exclude* Cambodia from SEATO's perimeter of intervention. His request was ignored but he was advised that the language of the treaty provided that intervention would not be undertaken without the request and consent of the Cambodian government.

If it is argued that the President made his decision in the context of American constitutional practice, it must be noted that his invasion of what he has referred to as a "neutral" country, has been taken in the absence of a declaration of war without the advice and consent of the Congress.

THE FEDERAL HIGHWAY PROGRAM—A LEGAL STRAITJACKET

Mr. PROXMIRE. Mr. President, the Subcommittee on Economy in Government, of the Joint Economic Committee, has recently held several days of hearings concerning the principles of economic analysis which should underlie decisions on Federal transportation investment. Since the great bulk of our transportation expenditure, some $4 to $5 billion per year, is consumed by the Federal aid highway program, we devoted particular attention to the social costs and benefits of highway investment. We were disturbed to learn from our witnesses that not only do we fail to apply rational investment criteria to our highway program but that numerous provisions of Federal law discourage or prevent any economically rational approach to highway building.

The way in which Congress has locked gasoline tax revenues into the highway trust fund and stipulated that this major source of revenue can be used for nothing but the building of more highways, regardless of the social value of such construction, is familiar to us. It is possible, however, that we need to be reminded of some of the other stumbling blocks which Federal law places in the way of a rational transportation policy.

Thirty-six years ago, a restriction was placed in Federal law requiring the States, as a condition of Federal aid, to earmark their own revenues from gasoline and motor vehicle taxes to highway construction. Today, the States continue to be obligated to devote at least that portion of these taxes which was in effect in 1934 exclusively to highway use.

One of our witnesses told us of a study he had done of one proposed rapid transit investment indicating that 35 percent of the benefits would redound to highway users rather than transit patrons. This particular study related to an addition to the London subway, and the investment was subsequently made. In the United States we continue to straddle the States with an archaic law based on the premise that highway users can be benefited only through the building of ever more highways. One wonders how many opportunities to improve the flow of traffic in our urban areas have gone unrealized due to the restrictive financing provisions of our Federal laws.

It was also brought out in our hearings that Federal law may discourage the States and localities from developing economically sound road user charges. Our witnesses all emphasized that much could be done to reduce rush-hour congestion on our highways and to encourage increased use of public transportation if rush-hour drivers were made to pay the full cost of their road use. Technically there are feasible ways of accomplishing this: through parking charges, license fees, tolls, and metered charges. Yet, little use has been made of these devices in the United States. One reason may be that the prohibition in Federal law against tolls of any kind on federally aided highways restricts the freedom of city governments to choose the types of road user charges best suited to local conditions. I submit that our Federal laws should encourage national pricing of road use, not interfere with it.

Mr. President, the problems that I have mentioned are only a few of the many disturbing aspects of our current approach to Federal highway investment. Congress will have the opportunity this year, in the course of its consideration of legislation relating to the highway trust fund, to reexamine fully the Federal highway policy. I hope we will make full use of this opportunity.

I ask unanimous consent that portions of the recent testimony before the Subcommittee on Economy in Government relative to the costs and benefits of highway investment be printed in the RECORD.

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

HOW TO IMPROVE URBAN TRANSPORTATION AT PRACTICALLY NO COST

(By John F. Kain)

INTRODUCTION

Urban transportation planning in the United States is seriously deficient. Its principal shortcoming is a failure to analyze and manage the urban transport system as a complex and highly interrelated system consisting of a large number of competing and complementary modes. In spite of "comprehensive" metropolitan transportation studies in nearly every urban area, much talk of

"systems analysis", and frequent references to "balanced" transport systems, there is little evidence of any meaningful overall systems analysis of urban transport problems. Systems analysis and planning in urban transport has meant the design of "rail rapid transit systems", "highway systems", and, even more frequently, "freeway systems".

Even a casual examination of urban travel makes it clear that these "systems" are only components or limited subsystems of the urban transport system. Yet these partial "systems" are invariably planned, designed, and operated as though they were independent. Different and frequently inconsistent criteria have been used. "Balanced transport planning" has become the planning of redundant investment in each of these subsystems, rather than a serious effort to determine the "appropriate" mix of each in terms of overall system optimization. The result has been great waste and gross inefficiency.

To a substantial degree these partial views of the urban transportation problem are due to existing institutional arrangements which badly fragment the responsibility for providing urban transportation services. State highway departments, city traffic engineers, and local and regional transit authorities all have major responsibilities for the design, construction, or operation of segments of the urban transportation system in metropolitan areas. Typically, these agencies view themselves as competitors. At best they ignore one another. The unfortunate result is that many opportunities for making substantial improvements in the quality of urban transportation at negligible cost are overlooked or ignored. The most important of these opportunities is the use of existing urban expressways for rapid transit. Freeway rapid transit has the potential of making major improvements in the quality of urban transportation in nearly every U.S. urban area at virtually zero cost.

Before considering this freeway rapid transit concept, the paper examines a number of general shortcomings of the urban transit planning process. These fall under three major categories. The premature imposition of constraints, the long-range planning syndrome, and the choice of appropriate criteria.

PREMATURE IMPOSITION OF CONSTRAINTS

What might be termed the "premature imposition of constraints" is the most serious shortcoming of the transport planning process. It arises from a misconception about the respective roles of the technician and policy maker. More than any other factor it is responsible for the failure of transport planners to consider alternatives that might yield large benefits.

"Premature imposition of constraints" assumes a number of different forms. The most common is that engineers, planners, and other technicians fail to consider promising alternatives because they decide, without analysis, that a particular alternative would not be acceptable to the public or to policy makers. Judgments of this kind imply that there are certain absolutes. Yet my experience suggests that communities can be educated, that public opinion can be changed, and that politicians are willing to undertake politically difficult actions if they become persuaded the net benefits are large enough. These judgments also imply that technicians are more capable of determining political feasibility or public acceptability than elected officials and other policy makers. This I regard as both improbable and inappropriate. Only the public and its elected representatives have the right to decide what is and what is not politically feasible or publicly acceptable. It has been my experience that technicians are notoriously bad at making these judgments. Technocrats have the responsibility of providing information on the costs and benefits of alternative actions, not of deciding which alternatives are acceptable. Frequently in complex systems the implications of particular alternative actions are not at all apparent. Thus it is often impossible to estimate, even crudely, the possible benefits and costs of particular actions until they have been carefully examined and the detailed arithmetic has been done. The arithmetic is difficult to carry out in many instances and can only be roughly approximated in others, but this is no excuse for the "premature imposition of constraints".

The worst aspect of "premature imposition of constraints" is that it frequently leads to a situation in which certain alternatives are no longer considered at all. Constraints acquire the status of "immutable laws." More often than not, the original rationale for the "constraints" no longer exists or has been forgotten. Then it becomes all the more necessary to observe them. Conditions may have changed markedly, but the policy remains in force.

It is not difficult to find examples of the "premature imposition of constraints." Peak-hour tolls is one of the most obvious. In nearly every city, state, and country I have visited, I have made a point of asking transport planners about the possibility of imposing peak-hour tolls on particular facilities as a means of managing the level and composition of traffic, obtaining indications about desirable levels of investment (particularly of expensive peak-hour capacity), guiding the location decisions of households, influencing the choice of peak-hour travel modes, and affecting the pattern of metropolitan development. With slight variations, the answer was the same everywhere. "The public would not stand for it." "Tolls are politically impossible." "It is a matter of government policy." "We used to have a toll on that bridge, and the public forced us to take it off."

Further discussion on the subject invariably revealed the following facts. No one had really considered the possibility of using peak-hour tolls as a device to manage the use of the road system. No one could begin to suggest the effect of these tolls on the use of road facilities or on the demand for private and public transport. No assessment has been made, or even contemplated, of the costs and benefits of peak-hour tolls under any circumstances. Considerable confusion existed in the minds of the technicians, politicians, and public about the purpose and function of peak-hour tolls.

Typically tolls are regarded as a means of raising revenue to pay for the construction of a particular facility. Consequently they are only imposed on newly constructed facilities and are removed when the facility is paid for. There are substantial objections to using tolls in this way; and technicians, policy makers, and the public are right to reject them. There are far less expensive ways of raising revenue. But more important, the time profile of such tolls is exactly wrong. New facilities almost always have excess capacity. Since the increased use of such under-utilized facilities costs no more, it is undesirable and inefficient to impose tolls which limit their use. The irony of this traditional use of tolls is that invariably they are reduced, or removed altogether, at the very time they would begin to be beneficial. Tolls are desirable only when there is excess demand for capacity and increments to capacity are expensive.

As a general rule, tolls should be imposed on old rather than new facilities. Also, tolls should be imposed only during peak periods when the facility would tend to become congested.

Another aspect of peak-hour tolls should be mentioned. Highway systems in metropolitan areas are highly ubiquitous. This ubiquity makes it both difficult and expensive to devise operational pricing schemes. The costs of capacity are highly variable, even within a fairly small area, and the large number of intersecting streets makes it impractical to collect tolls by traditional methods. A variety of sophisticated electronic metering systems that would permit the use of extremely detailed pricing systems have been proposed.

These systems would presumably allow highway-user charges to vary from one block to another and from one street to another and throughout the day. Although there has been considerable enthusiasm for such schemes, I remain unpersuaded of their practicality. It appears to me that in most applications their costs would exceed their benefits. In addition, I suspect that more primitive controls would provide almost all of the benefits of highly sophisticated road pricing systems and at a fraction of their cost.

Rivers and other barriers reduce the ubiquity of highway networks by channeling traffic. Thus they increase the possibility of achieving a closer matching between the resource costs of transport facilities and the charges on users. It follows that peak-hour tolls on key bridges should be regarded as a charge for the use of the entire road system (or at least the portions that are the most expensive and difficult to provide) rather than as a charge for the use of that particular bridge or facility. Bridges and other convenient barriers should be considered pressure points that can assist in managing road use in order to obtain that level and composition of traffic that provides the greatest benefit to the community.

Development of rational parking policies, that is, decisions on the number of spaces to be provided in a certain area and their price, is another unexploited possibility for increasing the efficiency of urban transportation systems at virtually zero cost. However, reasoned discussion of this alternative is virtually as difficult to achieve as it is for peak-hour tolls.

Parking policy should be viewed as another possible means of obtaining a closer matching between the payments by road users for urban highways and the cost of capacity. This would mean that parking charges in central areas would usually have two alternative pricing bases. The first is the cost of providing highway capacity into central areas and should apply to the all-day parker, who generally uses the city streets during peak hours. The second is the cost of providing parking spaces. This should apply to the short-term parker, who generally does not use the streets during peak periods. The distinction is that there is usually more than ample capacity during the off-peak periods and that therefore the cost of highway capacity during these periods should be regarded as zero.

Parking policy in most cities is unbelievably bad. Rates for the all-day (peak-hour) parker are frequently lower than for the short-term (off-peak) parker. Parking is provided on many streets at no cost or at rates that do not begin to cover the costs of new roads or increments to existing ones. In addition, curb-side parking usually reduces the capacity of the street system and seriously affects the performance and cost of transit vehicles. Even when curb-side street parking does not reduce street capacity or hamper the performance of transit vehicles, it may be greatly underpriced, thereby encouraging peak-hour users to make too much use of the street system.

Admittedly there are formidable problems in analyzing and developing appropriate peak-hour tolls and parking policies. Even simple changes may have complex and far-reaching effects. Therefore, careful and detailed analyses of these possibilities should be undertaken before any new policy is adopted. Careful analysis of all of the alternatives might reveal that the existing set of policies are the right ones. However, it is crucial that these conclusions are reached after the alternatives are fully evaluated and

not on the basis of the "premature imposition of constraints".

In many instances introduction of these policies might markedly affect the phasing and even the need for major elements of existing highway plans. For example, the existing freeway plan in Hobart, Tasmania (Australia) is predicated heavily on the construction of a second span of the Tasman Bridge over the Derwent River and the vehicle volumes from that span. Introducing a peak-hour toll that reflects the great cost of bridging the Derwent might delay for a decade, or possibly forever, the need for a second crossing. Recognition of these possibilities might lead to a vastly different design for the Hobard freeway system. Undoubtedly, the Hobard example has many parallels in U.S. metropolitan areas.

THE LONG-RANGE PLANNING SYNDROME

Most current metropolitan transport planning (at least in those instances where there is even a pretense of "comprehensive" urban transport planning) is concerned with conditions and problems 20 or 30 years in the future. While I regard glimpses of the future as useful in decision making, they are only a small part of comprehensive metropolitan transport planning. In fact, it is present and near-term conditions that largely determine choices in the near future. Most existing transportation studies attempt to optimize future rather than current or existing systems and pay little or no attention to the problems of transition from current conditions to future "optimal" conditions.

This orientation has several implications. It builds a pronounced construction or investment bias into the studies. There is a tendency to concentrate on the preliminary design and feasibility of major capital facilities. For highways this leads to an emphasis on the design and justification of elaborate freeway systems, with very little consideration of how they should be used. For public transit this focuses the planners' attention on the construction of major rapid transit facilities, typically fixed rail.

This emphasis on systems in the distant future implies that the existing use of facilities is optimal, that there are no choices about their use in the interim, and that these choices have no effect on a future optimum. All of these propositions are false. For several reasons, not the least of which is the discount rate, the greatest potential benefits are those that might be obtained from current decisions about the use of existing facilities or those to be built in the near future.

Still there is no denying the transport planners' distaste for partial systems. They give great emphasis to the consistency, narrow technical efficiency, and symmetry of the final, complete system. The fact that from the vantage point of current decisions most of the benefits will accrue from partial and uncompleted systems is overlooked entirely. In many instances systems will not be completed, and often this will be the best outcome. Greater benefits may be obtained by several partial systems, although, in terms of engineering "efficiency", they may operate well below the potential of a complete system.

While our knowledge about existing conditions and those of the near future is imperfect, it is still far more detailed and accurate than our knowledge of the mid 1990s and beyond. It follows that the most detailed and sophisticated analyses and planning should be concerned with making better use of existing urban transport capacity and improving near-term investment decisions. Transport planning, as it is currently practiced in most metropolitan areas, turns the process completely around. It produces detailed analyses of projected conditions 20 or 30 years in the future, while it virtually ignores the much more certain developments of the immediate future.

The most difficult problems arise in the operation and management of the existing transport complex. Yet current decisions are typically based on primitive data and crude analysis. Systematic quantitative analysis of these management problems is almost unknown. . . .

EXCERPTS FROM STATEMENT OF C. D. FOSTER, VISITING PROFESSOR OF ECONOMICS, MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Given the present interests of your Sub-Committee it seems to me that a sharp distinction is helpful between the interurban and urban problem. They raise rather different issues. . . .

URBAN HIGHWAYS

The urban situation is much more complicated because (i) there is a case for more variable pricing than the gasoline tax allows; (ii) social costs and benefits are far more important; and (iii) there is much greater need to make economically efficient comparisons between highway construction and public transport improvement.[1]

(i) *Pricing policy.*—In my own country there has been great interest in new methods of urban road pricing since the report of the Smeed Committee in 1964 (of which I was a member).[2] Since then there have been two committees considering the matter further, especially the administrative problems. The Road Research Laboratory has been doing various technical studies. To the best of my understanding, there have been no important policy statements on the matter since I left Britain last September; and there must therefore be limits on my ability to report what has not been published.

The basic case for a more flexible pricing system is that urban roads are a very variable commodity—much more so than non-urban roads for pricing purposes. Roads towards the center of the city, of given capacity, normally cost far more in land, construction and operating costs than those towards the city's edge. More important than that is congestion. Every additional vehicle coming onto a road finds its costs are greater than the one before because with congestion it uses more gasoline, brakes more frequently, wears out its clutch and brake linings more quickly; and so forth. However, those costs it bears itself. Much more significant, every additional vehicle slows down every other vehicle also and imposes more costs on them. Where there is scarcity private enterprise—and Government—usually uses the price mechanism to ration the commodity, rather than allowing people to form lines and jostle it out. On urban roads we let people form lines. It would be a much more efficient solution if an economic price (equal to short-run marginal costs) were set on highways so as to keep speeds and efficiency up by pricing some vehicles off the roads. Those priced off would use other means of transport, double up in automobiles and travel at some other time of the day than the height of the peak.

But there is another mischief because of the absence of efficient urban road pricing: most of the financial troubles and administrative tangles of public transport come from it. Although now most public transport agencies in cities are caught up in a web of (usually rather irrational) subsidies, they were usually expected to be profitable or at least cover their costs; while urban road-users have not been meant to. This distortion of pricing has biased people uneconomically towards using the road; and has led to more highway investment (relative to investment in public transport, especially subways and surface suburban railways) than would have been the case *if the pricing principles had been nearer correct.*

In the absence of proper urban road pricing, it is the economically efficient solution for subways and surface railways in cities to be subsidised (though only to a determinate extent). Let me explain. In 1963 Professor Beesley and I did a study in London of the possibility of building a new subway.[3] Approval for its construction had been refused for many years because it was agreed by everyone that it would make a financial loss. Our studies showed that nevertheless London would be better off with it, subsidised. This was because it was predictable that it would draw people off the roads, increase speeds and reduce costs there. It would also of course make it possible to economize on roadbuilding. Thirty-five percent of the benefits, measured in money terms, were anticipated to accrue to road-users, that is, to people who would not use the subway but would benefit from diversion to it. The subway was approved and is now in operation as the Victoria Line. Although the method has been developed, what is essentially the same method is now a routine element in the justification of all such projects in England. From some work I have done in Boston it is my belief that the line of argument is also central to the debate between highways and public transport there.

But what is essentially an investment appraisal method which corrects for the absence of proper road pricing is only a second-best substitute for efficient pricing. The more I have thought about the problems of American and British cities, the more essential road pricing seems to me to be, if there is not to be serious misallocation of resources. It is often argued as if road pricing were a substitute for investment. This is not so. It will indicate where highway (and public transport) investment would be desirable; but without it there will always be an excessive tendency for congestion to recur after road improvements have been made and for there to be overinvestment in urban roads (until the political process rebels against it). (Basically this must be so because successive additions to a city's road system cost more, especially when social costs are considered so that (short-run) marginal cost will be above average cost.) Though it is harder to prove, I would suggest that North American cities must be more decentralized than they would have been, and the difficulties of the central cities somewhat greater, than if there had been an efficient system of urban road pricing (or failing that, an efficient method of subsidising and investing in urban mass transit).

I also believe that the poor may have suffered most since richer people have tended to gain most from the underpricing of urban roads. (This is a separate argument from any that the poor may have lost most from undercompensation for landtakings and environmental deterioration. This refers to the poor as users.)

While I believe the tendencies have been such as I have described, determining the magnitudes of the effects of these distortions and inefficiencies requires more study (in the United States), I think, than they have been given.

(ii) *Importance of social costs and benefits in cities.* I have mentioned congestion. But there are others. The usual method of dealing with pollution, noise (and safety) is through regulation; but to my mind there is a danger that the costs of regulation may

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[1] Investment criteria are also far more difficult to make operational in cities. I believe we are just beginning to make sense of them.

[2] Ministry of Transport. *Road Pricing: Economic and Technical Possibilities.* H.M.S.O. 1964.

[3] C.D. Foster and M.E. Beesley, "Estimating the Social Benefit of Constructing an Underground Railway in London," *Journal of the Royal Statistical Society,* Series A, Vol. 126, 1963. Reprinted in Arrow and Scitovsky, *Readings in Welfare Economics,* American Economics Association, 1969.

in some cases be greater than the benefits. Very commonly one feels the most efficient package of, say, safety regulations is not chosen. And in the case of noise (and what is called visual intrusion) the most economic solution may not be regulation of vehicles but in altering the standards of construction so as to reduce the spattering of noise over the neighborhood around the freeway; and also the obtrusive ugliness of the structure. It usually does make much sense to price motorists more because they are ugly or pollute, because it does not make much difference to the quantities of noise and pollution.

(iii) I believe I have discussed most of what is relevant to comparison between highways and public transport.

In conclusion, I believe that better pricing policies and the use of more relevant investment criteria can greatly improve the efficiency of transport expenditures.

FEDERAL TRANSPORTATION POLICY—HIGHWAYS: WHO PAYS AND WHO BENEFITS?

(By Peter S. Craig)

THE HIGHWAY TRUST

My thesis today is that it is overdue, in the public interest, to abolish the ear-marking of Federal tax revenues for predetermined highway investment. I think it is overdue that the Federal Aid Highway Trust Fund be abolished. Indeed, it is one of the most pernicious "trusts" that has ever existed on the American scene.

Unlike most of the "trusts" of yesteryear, this Highway Trust operates in the most legal manner—it is underwritten by the laws passed by the Congress. Let us see, first of all, how it operates:

First of all, all Federal tax revenues related to use of motor vehicles are assigned to the Federal Aid-Highway Trust Fund. These include all of the taxes that I and other citizens pay for purchasing an automobile, or tires, or gasoline with which to operate the vehicle. Whatever may be our personal wishes, such taxes are not available to support anything but expenditures for new highway investment. By law they *must* be spent on either planning for more highways or 90% or 50% Federal reimbursement of State planning or construction of highways. They are not available for any "software" solutions for transportation problems, be they traffic police or transit subsidiaries or regulatory or pricing restraints on excessive auto travel. Neither are they available for any other "hardware" solutions, be they rapid transit construction or anything else. Such taxes, by law, *must* be spent on promoting the pouring of more concrete or asphalt for new or improved highways, whether we taxpayers like it or not.

This makes about as much sense as earmarking all Federal income taxes to use for income-earners only, or all Federal estate taxes for use for the deceased only. It is totally artificial and arbitrary and, I submit, contrary to the wishes of the taxpayers from whom these revenues are taken.

Not satisfied with the earmarking of these Federal taxes for highway construction only, the Congress reached into each of our states 36 years ago and directed (as a condition for receiving Federal highway aid) that each state have a corresponding earmarking of its own tax revenues. (23 U.S.C. 126) All state tax revenues "from State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle operators of all kinds" *must* be spent "for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith."

This automatic earmarking of Federal and State highway-related taxes to new highway investment has had—and will continue to have—the inevitable result of inducing or coercing more and more people to use more and more automobiles for longer and longer trips, without any discernible benefit for them and to the detriment of the public at large—through the deterioration or ultimate demise of alternative forms of transportation, through the uncontrolled suburban sprawl and decline of our central cities, through increased physical danger to the human species resulting from added air pollution, increased noise pollution and ever-mounting loss of life and property damage from automobile accidents.

Absent a quick ending to this Highway Trust, the only alternative (and an alternative that may only hold the present imbalance from becoming worse) is equally massive State and Federal subsidies to the alternative—creation of competing "trust funds" to promote public transit, center city housing, etc.

There are three basic fallacies advanced by the benefactors of the Highway Trust in defense of this legislative earmarking of highway-related taxes: (1) they are "user charges" and hence it is appropriate to require their allocation to pay for the facilities used; (2) they represent the implied desires of persons buying automobiles, tires, gasoline, a driver's permit or license tags; and (3) future "needs" for the pouring of more asphalt and concrete are so great that it would be inequitable if highway users did not pay for most of such needs.

THE "USER CHARGE" FALLACY

Federal and State taxes for the purchase of automobiles, tires, gasoline or licenses are in no sense "user charges." They bear no relationship to the facilities actually used and, in fact, generally cannot be spent for such facilities. Tax collected by the Federal-Aid Highway Trust Fund *must* go for planning or construction of new highways; they cannot generally be spent for maintenance of existing highways that the taxpayer uses. They cannot, for example, pay for resurfacing or filling of potholes, for traffic lights or streetlights, for cleaning of refuse from the highway, for tending grass or landscaping, for traffic police. Generally, they *must* be spent on a highway that the highway user does not use. . . .

THE "IMPLIED CONSENT" FALLACY

The argument is still advanced that when citizens pay taxes on automobiles, tires or gasoline, they are "voting with their pocketbooks" for more new highway construction.

Nonsense.

Some taxpayers may want more highways; some may not. But the ratio for or against a specific project is not determined by taxes we *all* must pay.

In city after city, the persons who fill the Federal and state highway trust funds have indicated that they don't want the new highways that would be constructed with such money. . . .

The City of San Francisco rejected over 200 million of Federal 90% aid, preferring to forfeit their share of the taxes rather than build the freeways this money would subsidize. Citizens in New Orleans have finally succeeded in killing off an expressway that would have destroyed the French Quarter riverfront. Citizens of San Antonio have finally succeeded in persuading the Department of Transportation to withhold Federal matching aid for the controversial North Expressway that would gut the city's park system.

If the defenders of the Highway Trust nurse any illusion that the taxpayers want the projects that would be financed by such trusts, they should be quite willing to make any new Federal-aid highway project dependent upon prior approval in a referendum. I feel certain, however, that you will never see the Bureau of Public Roads or a State Highway Department urge such a democratic course.

THE "HIGHWAY NEEDS" FALLACY

The last defense of the Highway Lobby for the Highway Trust Fund is that their allegedly "expert" studies "prove" new highways will be needed.

The most charitable thing that can be said about such "needs" studies, from the biennial "Highway Needs Report" of the Bureau of Public Roads to similar studies sponsored by State and local highway departments, is they provide employment for a large number of persons. If the studies receive the credibility they deserve (which is nothing), no one will be hurt except for the waste of the taxpayers' money.

Asking the Bureau of Public Roads or a State Highway Department to determine "highway needs" is about as fruitful as asking a defendant in a criminal trial to determine his own guilt or innocence. Their bureaucratic lives depend on showing ever-growing "highway needs." . . .

I had thought, in my parochialism, that this problem was unique to Washington, which has had no home rule. In my two years at the Department of Transportation, I found that Washington's experience was typical of other cities. If I may generalize, based on my exposure to similar freeway battles in such cities as New Orleans, San Antonio, Memphis, Nashville, Boston and New York, just to name a few:

(1) The claims of the Bureau of Public Roads, state highway departments and local highway construction agencies of "needs" were all based on after-the-fact studies made after the administrative decision to solicit the Federal aid;

(2) Most of such studies came in two waves: the first in the immediate post-World War II period when the Congress first authorized a 40,000 Interstate System; the second, commencing in the mid-1950's when Congress increased Federal aid for Interstate freeways to 90%;

(3) The Federal, State and local highway construction agencies made no subsequent attempts to verify the soundness of the "needs" studies on which they relied. Independent review generally showed them to be quite arbitrary, highly inaccurate and based on inadequate study. In particular, alternatives to new highway investment were not studied.

(4) In most instances, the promise of increased Federal grants-in-aid for expenditure in the city was enough to win avid support from local business interests such as the Chamber of Commerce or Board of Trade. Generally, transportation decisions in such an organization were initiated by businessmen directly involved in highway transportation, such as highway construction, automobile sales, or trucking operations.

(5) In most instances, the governing local decisions are not made by any body that is politically responsible to the citizens of such community, but rather by a state highway commission, which is isolated both geographically and politically from the persons who will be directly affected by their decision. Generally, the members of such commissions are not elected but hold their jobs as patronage appointments by the Governor. (As a condition to receiving Federal aid, 23 U.S.C. 302 requires state decisions on highways to be made by a state agency with highway construction responsibility. Thus, the bias for favoring highway construction "solutions" to presumed or actual transportation needs is built into the system.)

(6) Attempts, through Federal legislation, to build in planning safeguards, through the requirement of public hearings, the establishment of continuous, comprehensive and cooperative transportation planning, or the preservation of parklands, historic sites, etc., receive only token attention since they are implemented by state organizations interested in highway construction only.

WHAT ARE THE ALTERNATIVES

I suggest that the present system of determining Federal and State transportation investment decisions through the Trust Fund device has proved to be a massive fail-

ure. Objective reappraisal by the Congress is long overdue.

In reviewing where we stand in 1970 and where we should go from here, it may be instructive to look back over the past 170 years of Federal, State and local financial involvement in transportation.

Throughout the nineteenth century, we pursued essentially a "user charge" philosophy in public transportation investment. Transportation facilities were generally privately-owned (although given the power of eminent domain by the states) and expected to pay their own way. Government financial involvement was active, but it was generally limited to entrepreneurial action through the purchase of stock or bonds in private enterprises, and then largely at a state or municipal level. The users were expected to pay for the capital investment, operation and interest charges through tolls, rates, fares and charges. . . . With the advent of the motor vehicle early in this century, it was probably feasible to revert to a user charge mechanism for highway users. Instead, however, the momentum has been away from user charges.

This hostility toward highway user charges is now a part of the Federal-aid highway laws. 23 U.S.C. 301 provides that, with limited exceptions, all highways built with Federal-aid "shall be free from tolls of all kinds." The exceptions, in 23 U.S.C. 129, are quite limited. Tolls may be charged only to cover bonded indebtedness for Federal-aid highways and, once such bonds have been retired, that facility must also be operated without tolls.

It may generally be said, therefore, that State and local governments today are effectively prevented from assessing user charges for the highways they administer. They build and maintain our highways free of any user charge that would cover either the costs of the service rendered or the value of the service received by the users. No one is now free to price highway use in any rational way.

The precedent of toll-free government investment in our highways has, in this century, been extended to our waterways and airways where, again, the facilities are offered toll-free.[1]

With this subsidized, toll-free public investment in highways, waterways and airways, what has happened to that part of our national transportation system that successfully operated on a user charge basis half a century ago?

The wealthy and once-feared "railroad magnates" and "traction magnates" are now gone. The railroads or urban transit systems they created for profit have languished, starved for new investment. Throughout the country, transit systems have disappeared entirely. Many of those that remain have been taken over by public agencies for operation. But still the notion persists that such urban transit systems should be self-sustaining, through user charges.

The result makes no sense today. As one civil rights leader commented to the American Institute of Planners a few years ago, our Federal transportation policy for our cities has become one of "socialism" for the rich and "rugged individualism" for the poor; if you own an automobile (and/or a yacht or an airplane) and are interested in private transportation, the Federal government has substantial new investment earmarked for your benefit, to be used without tolls. But, if you use public transportation, through preference or necessity, you are expected to pay your own way. Private transportation is publicly-subsidized by billions of dollars each year. Public transportation, *i.e.*, common carried service for passengers, receives little or no public assistance; indeed, it suffers serious economic loss each year by the flow of public funds to aid competing private transport.

This pattern is fast wrecking our cities. I believe it must be changed, and changed promptly.

One solution, advocated by many, is to place use of highways in metropolitan areas on a similar "user charge" basis presently applicable to public transit. This course is worth pursuing, but I think it has its drawbacks. It is exceedingly difficult to measure the total "costs" for use of highways and both difficult and expensive to collect the necessary tolls to cover such costs. The investment costs (for planning and engineering, right-of-way acquisition, construction), operating costs and interest costs are rather easily ascertained, but other costs are not. I speak particularly of the social costs in air pollution, noise pollution, auto accidents, as well as the community costs through displacement of homes and business and parks. Even if dollar amounts can be attached to such costs, how are the user charges to be directed to the individuals, families, businesses or environment adversely affected?

If we can't "vote with our pocketbooks" through an equitable system of user charges assessed against all alternative forms of transportation we might use, then it is essential that we, the people, be given the freedom to implement our own judgments as to how Federal transportation grants-in-aid are spent in some other way. The restraints must at least come off the marketplace of ideas. Toward this end, of permitting local discretion to solve our own local problems. I would recommend, as a minimum, the following reforms:

(1) The Federal-Aid Highway Trust Fund should be abolished, ending all earmarking of highway-related taxes to new highway construction. This money should be available for non-highway transportation investment (*e.g.*, rail transit or bus transit), for software as well as hardware solutions (*e.g.*, subsidizing improved transit service rather than building more highways), and even for non-transportation solutions—a good argument could be made that the District of Columbia would be far closer to solving its present transportation problems if, in lieu of 90% Federal aid for Interstate freeways, there had been 90% grants-in-aid for attractive high density housing in the central city and if, in lieu of 50% Federal aid for ABC highways, there had been 50% Federal aid for improving single-family homes.

(2) The requirement in 23 U.S.C. 126 that states have similar highway trust funds earmarking highway-related taxes to highway construction should be repealed and the states should be encouraged to abolish such ear-marking of tax revenues under their own laws.

(3) The present requirement in 23 U.S.C. 302 that proposals for Federal-aid must come from state highway commissions authorized to construct highways should be abolished. Instead, each state, in order to qualify for Federal aid, should be required to establish a State Transportation Department (following the lead of the Federal government and such states as New York, New Jersey and Maryland), with authority for urban areas to initiate their own proposals, without concurrence of the State Capitol.

(4) All Federal prejudgment of how transportation grants-in-aid must be spent should be abolished. Today, cities may get aid for building new highways. They cannot get Federal aid to tear them down, as San Francisco discovered after it had built the elevated Embarcadero Freeway and as Washington discovered after it had built the elevated Whitehurst Freeway. Cities should be as free to remove yesterday's mistakes as they are to undertake new endeavors.

(5) The present ban in 23 U.S.C. 301 against highway user charges should be repealed and cities permitted to levy local tolls and taxes on transportation users as regulatory tools to achieve local planning goals. It is generally conceded, for example, that New York City would benefit materially by a rush-hour toll on all automobiles entering Manhattan. Federal law now blocks this option.

(6) Above all, local democracy must be restored in making local transportation planning decisions, by making the end-use of Federal grants subject to local decisions, by the public's elected representatives and/or by popular referendum. The Federal interest in urban transportation expenditures should begin and end with a determination that the decisions on local use of Federal grants-in-aid have been arrived at fairly, objectively and democratically.

Thank you very much.

[1] This is not true, however, for airports which are operated on a user charge basis.

FACTS NOT FANCY

Mr. DOLE. Mr. President, on May 12, one of the apologists for North Vietnam, Mr. Tom Wicker, of the New York Times—which, if you will remember also had its apologist for Fidel Castro—described the massacre at Hue as happening in the heat of battle and as the revenge of an army in retreat. He claims boldly that this is not the deliberate policy of Hanoi.

It may be that Mr. Wicker has access to the policies of Hanoi. But I, like his newspaper, must disagree with his conclusions that the North Vietnamese Communists are pretty nice fellows. I ask unanimous consent that the Times editorial of May 8, 1968, be printed at this point in the RECORD.

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

COMMUNIST TERROR IN VIETNAM: AFTER THE CEASE-FIRE

The new wave of Communist assaults on Vietnamese cities, accompanied by the indiscriminate slaughter of innocent bystanders, is a timely reminder of the callous contempt for human life characterizing this war even beyond many others.

This calculating cruelty was exposed most forcefully in a recent detailed American report on massive executions by the Communists in Hue during the Tet offensive. The murder of more than 1,000 Government workers, priests and women, some of whom apparently were buried alive, followed a pattern of wholesale political assassination that the Communists have practiced throughout South Vietnam—and in North Vietnam—for years.

Strong guarantees against such bloody reprisals on either side after a cease-fire must be part of any peace settlement.

Mr. DOLE. Mr. President, I also invite the attention of Senators to a transcript of a Hanoi radio broadcast to South Vietnam of April 27, 1969, which said:

In order to cover up their cruel acts, the puppet administration in Hue recently played the farce of setting up a so-called committee for the search for burial of the hooligan lackeys who had owed blood debts to the Tri-Thien-Hue compatriots and who were annihilated by the southern armed forces and people in early Mau Than spring.

Mr. President, Hanoi radio has bluntly confessed to a deliberate massacre without reference to the heat of battle.

In addition, I have a number of commentaries and editorials from Hanoi, all of which emphasize revenge, bloodbaths, and annihilation of South Vietnamese. I call them to the attention of Senators

and also to Mr. Wicker and of the New York Times.

Finally, Mr. President, I have here official statistics of those assassinated and kidnaped in South Vietnam by the Vietcong and the North Vietnamese since 1957.

Included are the figures of the Hue massacre. I must say that 10,000 killed in the heat of battle is a lot of heat.

Mr. President, I believe these figures show one thing very clearly.

And that is the United States cannot afford to leave some of its troops unprotected while it withdraws others from South Vietnam.

Those who would tie the President's hands in Vietnam may well find they have blood on their own—the blood, not only of South Vietnamese, but also of American soldiers.

It is something for them to think about.

I ask unanimous consent that these items be printed in the RECORD.

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

HANOI ADMITS HUE MASSACRES

Hanoi Radio in Vietnamese to South Vietnam—April 27, 1969: 1:00 GMT:

"According to LPA, in order to cover up their cruel acts, the puppet administration in Hue recently played the farce of setting up a so-called committee for the search for burial of the holligan lackeys who had owed blood debts to the Tri-Thien-Hue compatriots and who were annihilated by the southern armed forces and people in early Mau Than spring.

"The local puppet administration sent its lackeys to carry out searching activities in city wards and to force compatriots to pay for ritual presents. The compatriots in the Dong Ba city ward, especially the small merchants, were forced to collect the greatest sum of money. Profoundly indignant, the Hue compatriots cursed and violently opposed the puppet administration agents. Faced with this, on 19, 20, and 21 April, the Hue puppet administration was forced to broadcast a communique, denying this act by its lackeys and cast the blame on others for pocketing money in the name of the above-mentioned committee. Well aware of the Thieu-Ky-Huong clique's cheating and crafty tricks, the Hue compatriots told one another to resolutely boycott its searching and memorial-service farce."

COMMUNISTS DEMAND DEATH—BLOOD DEBTS—OF THEIR OPPONENTS IN SOUTH VIETNAM

Nhan Dan Editorial; Hanoi; June 24, 1965:

"In conclusion, the paper warns that the U.S. imperialists and their henchmen who have incurred blood debts must repay them in blood. Just as the patriot Tran Van Dang said before his death, the Vietnamese people will fight more fiercely against them and will certainly annihilate them. By recklessly attacking the people, they will be kicked into their graves by the people just like the Ngo Dinh Diem brothers and any other despots in the world."

Quan Doi Nhan Dan Commentary: Hanoi; December 15, 1968:

"On 25 November 1968 the PLAF Command ordered all PLAF units to sweep away the stubborn villains in their bases, completely disperse the rural pacification teams, crush the mopping-up and occupation plot of the enemy, annihilate the Phoenix teams and other espionage organizations of the enemy, and protect and develop the liberated areas."

"The campaign for annihilating the stubborn villains in the puppet administration is developing strongly throughout the south. The southern troops and people have deeply thrust strong attacks against the enemy's lairs in strategic hamlets and concentration camps and punished the secret agents, policemen, Phoenix commandos, and pacification teams. Thousands of stubborn villains, who have incurred blood debts toward the people, have paid for their crimes. Hundreds of pacification teams have been crushed."

Radio Hanoi to South Vietnam; April 11, 1968:

"The days of the puppet government corpse are numbered. Together with the unavoidable defeat of the U.S. imperialists, the traitorous clique will certainly have to atone for its crimes one day. The present shameful and woeful situation of the Thieu-Ky clique fail to be a very good lessons for all those who still remain in the puppet army and administration to ponder."

Quan Doi Nhan Dan Commentary; April 4, 1969; Broadcast to South Vietnam, April 5, 1969:

"Our armed forces, together with the people throughout the country nurture this hatred and are determined to compel the U.S. aggressors and their lackeys to pay for their blood debts."

Liberation Radio; April 17, 1969:

"In northern Quang Nam, almost all newly liberated areas have now established revolutionary administrations, and newly set up people's liberation committees have been presented to the people. In a number of areas in (words indistinct) in Quang Nam Province, after destroying strategic hamlets, local people have set up special courts to try cruel, diehard agents who owe blood debts to the people. Revolutionary administrations in the Mekong Delta have also vigorously developed their role. In the suburbs of Ben Tre provincial capital and in Nhi Binh, Tam Hiep, and Binh Chuong villages in Kien Phong Province, revolutionary administrations have also established courts to try those cruel, diehard puppet administrative agents and spies who owed blood debts but refused to obey our compatriots' teachings."

Liberation Radio; April 19, 1969:

"Developing our achievements, let us combine our military offensive spearheads better and better and step up the movement to annihilate villains, smash bondage, and punish hooligans, informers, intelligence agents, and so forth, who have incurred many blood debts to the people, thus increasingly decaying the puppet administration machinery and creating conditions for widening the battlefields and annihilating the enemy right in his last dens. Let us appropriately punish pacification teams, tumble basic puppet administration organizations, smash the U.S. puppets' accelerated pacification plan and village and hamlet election farce, tighten the liberation encircling belts around the enemy dens, and create springboards for directing military spearheads at cities and provincial and district capitals."

Liberation Radio; May 2, 1969:

"The liberation armed security teams also punished 303 evildoers who had incurred blood debts against the compatriots, including 88 rangers and informers, 106 policemen, 11 psywar agents, 17 pollsters, and 36 village and hamlet puppet agents."

Liberation Radio; May 4, 1969:

"The braggard Thieu-Ky-Huong clique cannot avoid the thunderous blows which our people are focussing on its head in order to swiftly end the life of the traitors who have incurred many debts toward our people."

Liberation Radio; May 14, 1969:

"In coordination with the PLAF's activities, compatriots in all three areas—city, city fringes, and the rural rear—are determined to rise up and, together with the guerrillas, exterminate puppets and spies, to hunt down lackeys who owe blood debts to our people, to crush the puppet machinery at basic echelons, to disintegrate all forms of enemy control in rural areas, and to smash his accelerated pacification scheme."

Liberation Radio; May 22, 1969:

"A public trial of hoodlums was held by the people of Tan Bihn, a town in Tay Ninh Province. With active cooperation from the armed forces the people of this town, on May 3, held a public trial of a bunch of flunkeys and hoodlums drenched with bloody crimes against the people. The people fiercely exposed and denounced their activities of collaboration with the U.S. aggressor bandits and of acting as their flunkeys to stubbornly oppose the revolution and commit innumerable crimes against the people."

Liberation Radio; May 25, 1969:

"Let us look at those so-called parties which have agreed to join Thieu's ranks. What are they? If we do not term them profiteering politicians, as Saigon papers have usually done, we can say that they are social dregs, a clique which has long served as lackeys for the imperialists, incurring many blood debts to our people."

Liberation Radio; June 5, 1969:

"People's revolutionary committees have been setting up courts to try diehard lackeys who owe blood debt to the people. Many spies and puppets have reported to local people's revolutionary committees to turn in firearms and confess their crimes."

Liberation Radio; June 30, 1969:

"The blood of thousands of our incarcerated compatriots who have been killed by the U.S. puppets scream for revenge. Pouring deep hatred into the muzzles of weapons, our southern armed forces and people are determined to advance, to strike more vigorously, painfully, and unremittingly, to force the U.S. puppets to pay their blood debts, to defeat U.S. aggression completely, to overthrow the country-selling lackeys, and to regain independence and freedom for the country and nation.

"He who sows the wind shall reap the whirlwind. This is the inevitable fate of the U.S. aggressors and Thieu-Ky-Huong lackey clique."

STATISTICS ON COMMUNIST TERROR

Since 1957, Communist forces in South Vietnam have been assassinating and kidnaping civil servants, schoolteachers, village council members, agricultural technicians, health workers, and police in a systematic effort to destroy the morale of the South Vietnamese people and to reduce ability of the Republic of Vietnam to function in the countryside. Following the entry into the South of North Vietnam's regular army units in late 1964 and the spring of 1965, terror and subversion increased. The statistics on terror are tabulated below:

Year	Assassinated	Kidnaped
1957–63	6,100	(1)
1963	2,073	7,362
1964	1,795	9,554
1965	1,900	8,315
1966	1,732	3,810
1967	3,706	5,369
1968 (exclusive of Tet)	5,389	8,759
1969	6,202	15,642

[1] Not available.

TET 1968—HUE

During the Tet attacks of 1968 an estimated 10,000 civilians were killed by Communist action. These include an estimated 3,500 citizens of Hue who were executed by the North Vietnamese and Viet Cong terror squads during three weeks of occupation. Vietnamese civilians were brought before the Communists' kangaroo courts and then were shot, strangled or buried alive. Thus far approximately 3,000 bodies have been discovered in a series of mass graves. Those executed included nationalist politicians, Buddhist intellectuals, editors, school teachers, police, soldiers, civil servants and members of these individuals' families. Also, several American, French and German civilians were murdered.

[From the New York Times, May 12, 1970]

IN THE NATION: MR. NIXON'S SCARY DREAMS

(By Tom Wicker)

WASHINGTON, May 11.—In his televised address on the war last Nov. 3, President Nixon declared that a "precipitate" American withdrawal from South Vietnam "would inevitably allow the Communists to repeat the massacres which followed their takeover in the north fifteen years before. They then murdered more than 50,000 people and hundreds of thousands more died in slave labor camps."

In his speech of April 30, when he announced the invasion of Cambodia, Mr. Nixon again adduced the bloodbath story to support his action. Part of what he called "the easy political path," he said, would be "to desert 18 million South Vietnamese people, who have put their trust in us, and to expose them to the slaughter and savagery which the leaders of North Vietnam inflicted on hundreds of thousands of North Vietnamese who chose freedom when the Communists took over North Vietnam in 1954."

Then, under fire at his news conference on May 8, Mr. Nixon escalated. It was a "moot question" whether the war had been worthwhile, he said, but, "now that America is there, if . . . we withdraw from Vietnam and allow the enemy to come into Vietnam and massacre the civilians there by the millions, as they would, if we do that, let me say that America is finished insofar as the peacekeeper in the Asian world is concerned."

Let us pass mercifully over the highly revealing remark about "the peacekeeper in the Asian world" to the question of the bloodbath. On each of Mr. Nixon's two earlier assertions of this historical hobgoblin, I wrote that the record disclosed no evidence that such an atrocity had occurred. Prof. George McT. Kahin, Director of Cornell University's Southeast Asia program, used this space on Dec. 6, 1969, to refute the President's Nov. 3 statement. Several magazine articles have gone into the matter in detail, as have numerous books each concluding there was no bloodbath in North Vietnam in 1954.

THE ICC RECORDS

In fact, quite the opposite; the records of the International Control Commission disclose only nineteen complaints of political reprisals and only one involving murder in North Vietnam in the two years following the armistice; nor did the I.C.C. allege that its inquiries were in any way hampered by the Communist Government. But in South Vietnam, 214 complaints were lodged in the same period against the Diem Government, and when Ngo Dinh Diem in 1957 summarily barred the I.C.C. from any further investigations, 1,047 complaints were still pending against him. Moreover, the Diem Government itself reported 48,200 arrests of Communists from 1954 to 1960.

So the only events resembling mass political reprisal after the 1954 armistice occurred in the South, not the North. What did happen in North Vietnam was a harshly repressed peasant revolt in 1955 and 1956 against a severe land reform program. It had nothing to do with Ho Chi Minh's takeover. Mr. Kahin thinks perhaps 10,000 to 15,000 may have died.

As evidence for the likelihood of a bloodbath, Mr. Nixon also mentioned on Nov. 3 that the troops who captured the city of Hué during the 1968 Tet offensive may have "eliminated" as many as 3,000 South Vietnamese. But D. G. Porter and L. E. Ackland, writing in *The Christian Century* of Nov. 5, 1969, have reported their findings, after careful research, that most of these wicked executions took place in the heat of battle and as "the revenge of an army in retreat" and were not the deliberate policy of Hanoi.

So there are at least three things to be said about the bloodbath Mr. Nixon insists will take place if the Communists take over South Vietnam. To the extent Americans are led to believe in this specter, the President makes it harder to justify any end to the war that would appear to give North Vietnam opportunity for such a massacre; that is, almost *any* compromise settlement.

DUBIOUS JUSTIFICATION

The second is that, since there is no historical evidence to justify the bloodbath prediction, this is an emotional argument to match or exceed any of the "emotionalism" or "sentimentality" or "lack of realism" so often charged to war critics.

Finally, Mr. Nixon's staff is perfectly capable of pointing out an untruth no President should wish to assert, his insistence on the bloodbath seems to stem from something stronger than evidence. It is as though he *wills* it to be true, even though it isn't, both to justify the war and his policy, and to confirm the anti-Communism on which rests so much of his public life. Believing, perhaps, has made it so.

"THE ADVOCATES" DEBATE CAMBODIA

Mr. GOODELL. Mr. President, on Sunday, May 10, "The Advocates" conducted a national television debate on the Cambodian crisis.

"The Advocates" is a national public television network presentation, made possible by grants from the Corporation for Public Broadcasting and the Ford Foundation. It conducts debates on major national issues—presented to the public in courtroom style, with each side of an issue represented by a lawyer-advocate and two witnesses.

On May 10 the issue was Cambodia, and the question presented was the following: "Should Congress resolve that the President immediately withdraw all troops, aid, and advisers from Cambodia and commit no further forces outside Vietnam?"

Appearing for the affirmative were advocate Howard Miller, a leading Los Angeles attorney and frequent participant in the program; Dr. Daniel Ellsberg, senior research associate of the Center for International Studies, Massachusetts Institute of Technology; and myself.

Appearing for the negative were advocate William T. King, a distinguished Los Angeles attorney; Senator ROBERT DOLE, of Kansas; and William H. Sullivan, Deputy Assistant Secretary of State for East Asian and Pacific Affairs and former U.S. Ambassador to Laos.

Mr. Victor Palmieri served as moderator for the program.

The producers of "The Advocates" deserve to be congratulated for a most stimulating program on the vital issue now facing the Nation.

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

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

(Broadcast on "The Advocates," May 10, 1970)

SHOULD CONGRESS RESOLVE THAT THE PRESIDENT IMMEDIATELY WITHDRAW ALL TROOPS, AID AND ADVISERS FROM CAMBODIA AND COMMIT NO FURTHER FORCES OUTSIDE VIETNAM?

(NOTE.—This unofficial public service transcript was prepared while the live program was in progress. "The Advocates" is not responsible for errors of omission or commission.)

Participants: Advocate Howard Miller (pro); Senator CHARLES GOODELL (R–NY); Daniel Ellsberg, Ph. D., Center for International Studies, Massachusetts Institute of Technology; former advisor to the State and Defense Departments.

Advocate William T. King (con); Senator ROBERT DOLE (R–Kans.); William H. Sullivan, Deputy Assistant Secretary of State, East Asian and Pacific Affairs; former U.S. Ambassador to Laos.

Moderator: Victor Palmieri.

Origination: Live from the National Press Club, Washington.

ANNOUNCER. Tonight, live and in color from Washington, D.C., "The Advocates," Howard Miller, Guest Advocate William King, and the moderator, Victor Palmieri.

VICTOR PALMIERI. Good evening.

Tonight "The Advocates" comes to you from the National Press Club in Washington, D.C., with the broadcast focusing on the President's recent action in committing U.S. Forces in Cambodia.

Our question is this, "Should Congress resolve that the President immediately withdraw all troops, aid and advisors from Cambodia, and that he commit no further forces outside of South Vietnam."

Advocate Howard Miller says yes.

HOWARD MILLER. When a President of the United States can invade a neutral country without Constitutional authority and claim that he is doing so to save lives and bring about a peace, then the challenge is not only to our policy, but to our sanity.

There is no conceivable benefit out of the Cambodian adventure that would justify the vastly increased risk of escalation abroad or the deep divisions that have occurred at home, yet the President's announced policies do not rule out that there would not be, simply, other Cambodias.

With me tonight are Daniel Ellsberg of MIT, formerly a consultant on Presidential decision-making to the State Department, Defense Department and White House, and Senator Charles Goodell, of New York.

They join with me in saying that the time has come for Congress to create a structure that prevents other Cambodias, to mandate withdrawal from Cambodia and to mandate withdrawal from Southeast Asia.

PALMIERI. Advocate William King disagrees. He says, "No, the President is right."

WILLIAM KING. The real question this evening is whether the President was right in sending American troops into the Cambodian sanctuaries to protect the continued withdrawal of American troops from South Vietnam, and whether Congress should take away the President's power to act in this situation.

This is not an imaginary situation. The President could not say, "We should never have been there." We are there. When the President took office, he found 575,000 troops there.

The President's position is right! We have been de-escalating in South Vietnam while the enemy forces, the North Vietnamese and the Viet Cong, have been moving into the Cambodian sanctuaries with troops and supplies.

This has left our western flank exposed to the dangers of attack from those sanctuaries.

With us tonight to explain the President's position are Ambassador William Sullivan, former Ambassador to Laos, presently Deputy Assistant Secretary of State for East Asian and Pacific Affairs, and United States Senator Robert Dole, from Kansas.

PALMIERI. Well, tonight's issue is addressed to the Congress, but the outcome depends on you, the voter.

Tonight our Advocates will present their arguments directly to you and we will try to raise the questions that the American public

is asking right now about our involvement in Cambodia.

Let's begin. Mr. Miller, the floor is yours.

MILLER. If the President is militarily right, and he, in fact, had to invade Cambodia for temporary military advantage, then that raises the gravest question about his decision-making, because presumably every time that rationale arose in the future, whether it were in Cambodia, Laos or North Vietnam, he also would claim the authority to invade, and he certainly cannot be permitted to do so.

In fact, however, the President was probably militarily wrong in invading Cambodia, We, in fact, have been there before. Search and destroy was our policy inside Vietnam, and this is another search and destroy mission, and that search and destroy policy failed.

In fact, we have had larger successes in gathering supplies than we have had in the Cambodian adventure. In Operation Junction City inside South Vietnam, substantially larger supplies were obtained and yet Tet followed—the Tet offensive followed six to seven months later.

There is no way simply by incidental search and destroy missions that the United States can affect the capacity of the North Vietnamese to wage the war. The intelligence always is that the North Vietnamese have an operational capacity far in excess of any arms and ammunitions they store. Thus, the incidental search and destroy always fails.

The lesson from all this, since that is the lesson from South Vietnam, is the bitter and regrettable one that history teaches us, that history teaches us nothing.

And yet the President, by his own admission, chose to enormously divide the country and create a grave Constitutional crisis in search of a military phantom. The risk is that he may do so again. He has set down conditions for military response and North Vietnamese action, agreement of the Government of Thieu and Ky, that may lead to conditions where he may feel he has to act militarily again.

That is why Congress must act. Not simply to withdraw from Cambodia now—and let no one think the President's announcement there will be withdrawal in three to seven weeks—in any way diminishes the crisis; conditions have been set for further escalation.

Congress must say, "Withdraw now." In saying so, it is not invading the President's prerogatives and telling him how to wage war. It is telling him to end the war.

To talk to us about conditions in Southeast Asia and about the necessity for that Congressional mandate, we have asked to join us tonight, Mr. Daniel Ellsberg.

PALMIERI. Mr. Ellsberg, welcome to "The Advocates." (Applause.)

MILLER. Mr. Ellsberg is now at MIT and for the past several years has been engaged in a study about the Presidential decision-making in a crisis, especially as it relates to Vietnam. He is a former company commander of the Marine Corps, and also has a Ph. D. from Harvard. Three years ago, he was in Vietnam observing military operations there.

Within the past two years, he has been a consultant to the State Department, Defense Department and White House on Presidential decision-making. And tonight, he is here to tell us why Congress must mandate withdrawal from Cambodia and Southeast Asia.

Mr. Ellsberg, the President says that the operation into Cambodia was necessary to save American lives. Is it worthwhile for that purpose?

Dr. DANIEL ELLSBERG. This operation is likely, tragically, far more likely to cost many American lives, Vietnamese lives, and Cambodian lives. I believe this operation in terms of the arms and rice that have been captured so far that has led the military to define as "success" is not worth the 64 American lives it already cost, 68 with Kent State.

MILLER. You say it's not worth the lives; is there any justification for it?

ELLSBERG. I think the reasons against it now are pretty much the same as they have been for the last five years, the same low margin of benefits, the same risks, the same costs that have led two Presidents, including this one, to reject the proposal to enter those sanctuaries, the Laotian sanctuaries with U.S. troops every time that proposal has been raised in the last five years.

MILLER. You talk about the lack of benefits, Mr. Ellsberg. What is the risk?

ELLSBERG. The risks are very serious. First, of escalation by the other side to match ours. That has been the pattern of each exchange of initiatives in the last ten years, one could say. Each time that we have tried to win the war quickly, to bring military victory closer to us, or simply to avoid defeat, the other side has seen fit to take the effort, take the casualties, take the cost to do whatever is necessary to stalemate and reduce that response.

In this particular case, I think there are serious likelihoods that the Communists will now be led to change what the Administration has led us to believe—and I think correctly—has been their military strategy for some time up till now, a protracted war, a wait-and-see attitude along with the American public to see if he, the President, does mean in fact to carry out this total withdrawal that he is hinting at but not committed himself to.

If I may go on for a moment——

PALMIERI. Just one more minute, then I want to get into cross-examination.

MILLER. Let me ask just one more question. Are there risks in the Presidential decision-making here that may require in fact that Congress mandate withdrawal from all of Southeast Asia?

ELLSBERG. The risks of escalation by Presidential action are the same here as in the past, the risk of addiction to continued endless war, open-ended war, a return not to the Vietnamization policy that we believe was taken irreversibly east toward home, but to a policy that seems to be taking us west into Cambodia and possibly yet north into Laos and North Vietnam.

MILLER. Thank you, Mr. Ellsberg.

PALMIERI. Mr. King, let's hear from you on cross-examination.

KING. Mr. Ellsberg, you are no longer with the United States Government; is that correct?

ELLSBERG. That is correct.

KING. Have you been briefed on the build-up in the Cambodian sanctuary area?

ELLSBERG. No, sir; but of course no argument we have been told by our President or any other representative of the government leads me to believe that any evidence is available, arguments are available, different from what we have heard for the last five days.

KING. In other words, you do not believe that there has been a build-up of supplies and men in the Cambodian sanctuary area in the last few weeks?

ELLSBERG. We have heard assertions to that effect; we have seen no scrap of evidence, even in the form of the estimates so often proved wrong in the past, of the nature of that build-up. I do not believe, Mr. King, that there has been any such build-up in those sanctuaries or that any evidence exists.

KING. You do not believe the President when he says that there was such a build-up?

ELLSBERG. I can imagine the President believes that. I have, Mr. King, participated in many military briefings, in preparing them in the last ten years, in giving them. I read many of them. I can believe he believes that, but I would not advise him to have a great deal of confidence in it.

KING. You mean you feel that the President of the United States has been brainwashed?

ELLSBERG. Presidential candidates have admitted to that in the past. I believe, as a matter of fact, sir, that five Presidents have brainwashed themselves, brainwashed their own staffs, and brainwashed the American public for a number of Administrations.

KING. You don't like the——

ELLSBERG. We had a generation of that.

KING. You don't like the government in South Vietnam, do you?

ELLSBERG. That seems to be a strange question, Mr. King. I am not——

PALMIERI. I don't think he meant it as a point of personal affection, asking you whether in fact you are antipathetic to the Government of South Vietnam.

ELLSBERG. I believe the Government of South Vietnam is a narrow, unrepresentative, corrupt, military dictatorship. [Laughter and applause.]

If I may add, what is more relevant to its association with the United States?

PALMIERI. I suspected that he had an answer to that question.

ELLSBERG. I believe it consists of a narrow group in South Vietnam, that alone, perhaps with some Communists, prefers to see this war continue indefinitely than to see it end with American withdrawal.

KING. Well, let me ask you how you feel about the Government of North Vietnam?

ELLSBERG. The Government of North Vietnam is in many respects not any better than the Government of South Vietnam.

KING. In other words, you don't care which government wins; is that right?

ELLSBERG. The notion that it is for an American, whether it is me or you or the President of the United States, to determine the Government of South Vietnam, is a tragic mistake that has led to tragedy for both countries.

KING. Well, how do you feel about the people of South Vietnam?

ELLSBERG. I feel a great deal for the people of South Vietnam. That is what led me to go there. I think that a communist victory, which may well happen with the policy that I would like to see take place, would punish and subject to exile, death, imprisonment, some of my closest friends in the world precisely because they are nationalist rivals to communist leadership; patriots, men of integrity of the sort now imprisoned by the present Saigon Government.

PALMIERI. Let me interrupt you a second.

ELLSBERG. Let me speak specifically of my friend, Chun Yup Chou, unconstitutionally imprisoned by this governemnt recently with the tacit approval of our present ambassador, Ellsworth Bunker.

PALMIERI. Mr. Ellsberg, let me ask you this: Granting your strong feelings about the government and the basis for your opinion, isn't the question that we have here whether we are going to substitute the judgment of Congress for the judgment of the Commander-in-Chief? Isn't it that simple?

ELLSBERG. It would be very regrettable if it were the case, that one has to substitute. I would like to see Congress share that responsibility, as the Constitution suggests it should. I believe it has shirked its responsibilities in the past to do that.

PALMIERI. Aren't we talking about command responsibility here? This was a question of protecting men in the field, was it not? Is it meant that the Constitution should have that responsibility shared with Congress?

ELLSBERG. The argument that this protects men in the field—if we had time to answer it—I think on quite technical grounds and grounds of experience, is almost a ludicrous argument. It cannot stand up under analysis and examination. There may well be other secret, clever motives of the sort that have led us to so many terrible, terribly mistaken policies in the past that led the President this way.

I would like to add, if I may, I think the record of our last five Presidents of both parties does not encourage us to give the benefit of the doubt to the President in Indochina. A President who wants the confidence of the people of his country, through his decisions would do well not to leave so many doubts and uncertainties as the President has done in this case.

PALMIERI. But presumably legislative matters such as the Gulf of Tonkin resolution would not give you similar confidence or any greater confidence in Congress?

Mr. King, why don't you continue with Mr. Ellsberg. You have one more question?

KING. Do you feel that if we withdraw today from South Vietnam that the North Vietnamese would not overrun South Vietnam?

ELLSBERG. I believe they would not. I have more confidence than your question suggests in the military capability of the million men that we have armed in South Vietnam to protect themselves and to protect the cities of South Vietnam.

KING. In other words, you feel that we have done a good job in developing the South Vietnamese army?

ELLSBERG. No, I believe they have attained that capability in spite of our involvement.

KING. Thank you very much.

PALMIERI. Thank you very much, Mr. Ellsberg. (Applause.)

MILLER. We are constantly told by question or inference that the President may have secret information, or that he knows about buildups that perhaps we don't know about, and therefore should be believed.

But, when a President, on April 20th, announces a withdrawal of 150,000 men over a year period, and then by April 30th, with no consultation with Congress, and so far as may be known not broadly based consultation inside his own Administration, decides that he must act because of new developments within that ten-day period, he has the obligation to divulge that information to the American people.

When he does not do so, the Congress may legitimately act.

PALMIERI. Mr. Miller, we will be back to you for rebuttal.

Now let's go to Mr. King and hear the case against the proposal.

KING. This evening, you, the American public, are being asked to put yourself in the position of the President as the Commander-In-Chief.

The Presidnt has announced to the American public and to the North Vietnamese that he has planned and is withdrawing troops from South Vietnam on a continuing basis. He has withdrawn 115,000 troops. He was pledged to withdraw 150,000 troops between now and next spring. That will leave approximately 240,000 troops remaining in Vietnam as of next spring.

He has, at the same time, repeatedly warned the North Vietnamese that if they continue to escalate their violence while he is continuing to de-escalate and disengage our troops from South Vietnam, that he will have to meet their increased force with force of our own.

As a point of fact, the North Vietnamese have continued to escalate their activities. They have continued to bring supplies and forces into the Cambodian sanctuaries. This left us in an extremely exposed position for the continued withdrawal of our own forces and the buildup of the South Vietnamese Army.

The President has taken the position that he must move into the Cambodian sanctuaries and destroy those supplies.

With us this evening, to explain how the president felt and what he did, is Ambassador William Sullivan, former Ambassador to Laos.

PALMIERI. Ambassador Sullivan, welcome to "The Advocates." (Applause.)

KING. Ambassador, you are presently Deputy Assistant Secretary of the Department of State for Far Eastern and Pacific Affairs, is that correct?

SULLIVAN. That is correct.

KING. Can you tell us what the situation was that the President faced in the Cambodian enclaves?

SULLIVAN. Well, Mr. King, I think in order to explain the situation that the President faced there, in order to explain the decision that he took to go into Cambodia, we need to understand what has taken place in South Vietnam, militarily, in the last couple of years.

With the two communist offensives, in Tet of 1968 and 1969, there have been two very significant developments in South Vietnam.

First of all, the offensive shocked the South Vietnamese into total mobilization and made Vietnamization possible.

Secondly, they cost tremendously in losses to the North Vietnamese and the Viet Cong. Both the main force units and the couriers, the guides, the people who guarded the weapons caches—what General Jopp calls the spring-boards.

Now, in the summer of last year, in order to cope with this, the North Vietnamese decided to do two things. One, they pulled their main force units out of combat, back into these sanctuaries in Cambodia. And two, they started a campaign of organization to try to rebuild that spring-board inside the country.

The idea was that when our forces withdrew adequately from South Vietnam, their main forces were rebuilt—the spring-board was redeveloped—then they would come across that spring-board and attack the cities in the way they attempted to do in 1968.

Now, we discovered that the South Vietnamese—the North Vietnamese were bringing in, through Sihanoukville, the supplies for those caches and for the base areas here. They were getting their rice by truck from Phnom Penh and Stung Treng under arrangements with Prince Sihanouk.

All this changed very suddenly on March 18 of this year, and when it changed we felt that these forces in that area were in a bad position. We suspected that they might either have to withdraw northward to hitch up with the Ho Chi Minh Trail, or else that they would negotiate.

There were a great number of negotiating proposals in the air, as you may remember. The Cambodians wanted to negotiate. The French had a proposition. Jacob Malik made some statements. So did the Indonesians.

When the President spoke on April 20th, he put our negotiating position forward, I think, in the most generous terms in which it has ever been phrased. Now, they did not choose to negotiate. They did not choose to withdraw. In fact, by April 27th, the intelligence we had made it clear that they had made a bold and reckless and aggressive decision to move outward, westward, to try to establish a long corridor all the way along the South Vietnamese frontier to have access to the sea, to link up all of these base areas here into one massive enclave against South Vietnam.

Moreover, their second phase was to bring Sihanouk back as their puppet and try to take over all of Cambodia. This increase would have threatened our forces and made it very difficult to withdraw.

KING. What was the President's objective, then, in taking the action that he took?

SULLIVAN. The objective was quite simply to try to clean out the rice, the food, the ammunition, the supplies, in these base areas so that these forces could not carry out their intentions, but would have to move back up. The diplomatic intention was to hope that they would be forced to negotiate with us. Thank you.

PALMIERI. Mr. Miller, for cross-examination.

MILLER. Ambassador Sullivan, do you agree with Secretary of State Rogers' testimony before the House Appropriations Committee that if we had to move United States troops into Cambodia it would indicate the failure of Vietnamization?

SULLIVAN. It would certainly have made a great—the threat to Vietnamization that existed from this certainly made it very difficult for us at that time.

MILLER. But the Secretary's testimony was that if United States troops had to move into Cambodia, that would indicate the failure of Vietnamization. Do you agree with that?

SULLIVAN. I think that he has later said that having moved into Cambodia, we are going to be able to change the pattern so that our Vietnamization program can progress more rapidly.

MILLER. But you rest your opinon on what he later said.

Tell me, Ambassador Sullivan, when you were Ambassador to Laos, you publicly took the position, I believe, that the United States should not invade the Laotian sanctuaries on the ground, because it would violate the Geneva accords?

Aren't we in exactly the same position in Cambodia?

SULLIVAN. No, because in Laos we did have an obligation not to send our forces into the territory of Laos. The Laos Government did not wish us to have our forces in there. Now, in Cambodia, under the regime of Prince Sihanouk, the Prince did not wish forces to come in despite the fact that he had lost sovereign control over these areas here.

What has happened here, is that these forces have constituted a threat to our forces here in South Vietnam in such a way that we have felt under article 51 of the United Nations Charter that we should have to move and the Cambodian Government has not protested our move.

MILLER. Has not protested—and are we there, in fact, to support the Cambodian Government, the government of Lon Nol?

SULLIVAN. No, we are not. We are there to protect the forces here in South Vietnam.

MILLER. Then why, in fact, is there the South Vietnam flotilla of boats going up the Mekong with American support to Phnom Penh?

SULLIVAN. The Americans are not going to Phnom Penh.

MILLER. No, but they are American boats.

SULLIVAN. That flotilla is going up the Mekong to a point about here, where we will turn back with the forces that have landed through that base area. Now, later these same boats or different boats—South Vietnamese boats without Americans—may go further up in order to take some of the South Vietnamese citizens in that area back down again. It is a humanitarian mission. That is not the function of the current mission.

MILLER. But certainly, as we have heard many times before, that is the limit of our commitment.

Let me ask you, Ambassador Sullivan, what happened in those sanctuaries in the eight days between April 20th when the President spoke, and April 28th when he apparently decided to move in? What happened in those eight days to change the situation so materially.

SULLIVAN. The people in these sanctuaries and in here started moving out, taking over roads, taking over a network to try to connect an entire sanctuary into a corridor.

MILLER. Moving west?

SULLIVAN. Moving westward. And those people were using the supplies in these base areas in what they felt was the confident assumption that the United States would not bother those supplies.

MILLER. Well, why is the one long sanctuary more dangerous to us than the pocket sanctuaries there? What difference does it make that they were moving west in terms of our South Vietnamese position?

SULLIVAN. These sanctuaries here that have existed in the past by a supply route that is run up from Sihanoukville, by rice that

has come out of Phnom Penh and Stung Treng. There would have been no rice coming out of Sihanoukville. There would have been no rice coming out of these two areas, but if they had this corridor from here to the sea, they could bring supplies down the Ho Chi Minh Trail this way, supplies over the sea this way—they would have vastly increased the threat to our forces.

MILLER. Now, Ambassador Sullivan, we were told by the President in his speech that we were going into one of those sanctuaries to find the North Vietnamese headquarters, the elusive COSVN. Where is it now?

SULLIVAN. The COSVN is a committee. It is a committee of North Vietnamese officers, military and political, who direct the war in South Vietnam—or in this portion of South Vietnam.

MILLER. We don't know where it is now, do we?

SULLIVAN. They are probably somewhere in the Cambodian territory.

MILLER. Now these sanctuaries are what—just unfound yet. We were once doing this on the east side of the border. We are now doing it in the sanctuaries. If those sanctuaries now move past the 30 kilometer mark, 40 to 50 kilometers inside Cambodia, under the President's rationale, won't we be justified in hunting the elusive COSVN there, too?

SULLIVAN. No. We are not hunting COSVN. We are trying to get supplies and caches that are in here and we have already had tremendous hauls of supplies.

MILLER. What is left, though. Not what has been taken. How do you know what is left? The evidence is, in fact, that the North Vietnamese supplies are widely dispersed, so if we find these tons—or as you now prefer to report them, pounds or grains of rice—in one spot, it is likely that there are enormously greater quantities elsewhere, isn't that correct?

SULLIVAN. It is not our evidence that they are widely dispersed. It is our evidence that they are pretty well concentrated in the caches along the frontier.

MILLER. Why wouldn't the sanctuaries move further back into Cambodia and be as great a threat to what you call our flank in South Vietnam as where they now are?

SULLIVAN. The individuals, the troops, may move on back, but they can't carry with them, and haven't carried with them, the tons of supplies that they have left behind and which our people have captured.

MILLER. Well, I don't understand, then, why our sanctuary operations inside South Vietnam, in Cedar Falls, in the Iron Triangle, in Junction City, didn't have exactly the same effect.

SULLIVAN. They had a disrupting effect, and it is why—it is because of them that they had to develop these supply lines through Cambodia.

MILLER. It was so disrupting that they had to wait until the spring to bring their Tet offensive, is that it?

SULLIVAN. They had to wait another year between one of these, yes.

MILLER. But it certainly didn't prevent that. Do we have any feeling at all, any certainty, that this limited operation will prevent that six months from now?

SULLIVAN. Of course there is no certainty. But the hope is that these forces here, having been deprived of their supplies and scattered, will move back up and leave this area in a much more secure arrangement.

MILLER. Let me ask you, Ambassador Sullivan——

PALMIERI. I am going to have to interrupt at this point and thank the Ambassador for being with us.

Mr. King, will you continue with your case?

Thank you, sir. (Applause.)

KING. My second witness this evening, who is here to discuss the President as Commander-in-Chief and the Congress and its relation to the President in that role, is United States Senator Robert Dole from Kansas. (Applause.)

PALMIERI. Senator, welcome to "The Advocates." We are glad to have you.

Senator ROBERT DOLE. Thank you.

KING. Senator, did the President have the right to do what he did?

DOLE. I believe that the President very clearly had the right in accordance with Article II of the Constitution as Commander-in-Chief; in addition thereto, as the Chief of the Executive Branch, with an obligation to carry out the laws and to protect the peace and to protect Americans.

KING. What would happen if the President's role as Commander-in-Chief were turned over to the Congress of the United States?

DOLE. Well, I would hate to have it turned over to the Senate of the United States but I wouldn't mind having it turned over to the Congress of the United States. I think this is a division we must make. You know, the peace-making and the treaty-making powers reside with the Senate; the war-making powers reside with the Congress; the appropriation powers reside with Congress. That's both Houses, not the Senate Foreign Relations Committee or just the Senate. So there is a vast difference when we talk about the powers of Congress. I think far too often the American people, because they see the Chairman of the Senate Foreign Relations Committee nightly on television, or some of the other Senate members, feel the House has no authority at all.

With reference to appropriations and with reference to declaring war, that's the right—the Constitutional right—vested in both Houses. It takes both Houses to act.

KING. But I am talking about the role of the President as Commander-in-Chief in safeguarding our troops in South Vietnam. What if that role were turned over to the United States Senate? What if it were turned over to 100 Senators? What do you think would happen?

DOLE. Well, I think it might depend—this is nothing new. It started back in George Washington's time. As I recall, he issued a proclamation of neutrality between Great Britain and France. The Senate immediately said that he exceeded his powers. That argument has gone on I think with nearly every President; Jefferson had the same problem, the Bay of Tripoli; President Polk had the same problem; President Kennedy had the same problem; President Truman went into Korea without any authority; and I think perhaps the reason they must do this from time to time is to protect Americans and we can't always wait for the Senate to act, we can't wait for a hundred Senators to decide what we might do at a very critical time and I certainly think this was the case in Cambodia.

KING. In other words, you don't feel that in this particular situation there was time for the Senate of the United States in its deliberative sense to make this determination to protect our troops in South Vietnam by going in the Cambodia sanctuaries.

DOLE. No, I don't believe there was time, and as I said initially the President certainly had the right, he had the right, he had the responsibility. He had the responsibility to protect American troops.

PALMIERI. Senator, do you think he should have consulted, you think he might have consulted on such a sensitive issue when he could have expected such an intense reaction?

DOLE. I think he may have consulted, he is not required to do this. He prior to making his announcement had a little preview or briefing with certain Administration leaders, certain Democrat leaders, and members of the Cabinet.

PALMIERI. They didn't include the Secretary of State, however, is that correct?

DOLE. No, I think the Secretary of State was there.

PALMIERI. Are you finished, Mr. King?

KING. No, I have one more question, if I may.

PALMIERI. One more question.

KING. You are familiar with the resolutions that have been introduced in the United States Senate as a result of the action in Cambodia. Are they varied in scope, do you support any of them, or are they in conflict with one another? What do they accomplish?

DOLE. Well, there is one, I might support the so-called Church-Cooper Resolution if it contains an amendment which gave the President the right, if necessary, to take any action he thought was necessary to protect American troops. Otherwise I think perhaps they may be more political than real and I don't support any of the others.

KING. On the vital cutting issue of the President's right to protect American troops in South Vietnam, he should have that right, absolutely, to exercise?

DOLE. He should have that right without any deadline being set and without—and I also believe that Congress has some authority and that's why it might support the Church-Cooper resolution if it had the amendment that was discussed on the House side which gave the President the right to move if necessary to protect American troops.

Thank you.

PALMIERI. Mr. King, thank you.

Mr. Miller, your turn.

MILLER. Senator Dole, do you think the President's decision and benefits were worth the divisions that has resulted in the country because of it?

DOLE. Well, I am not certain the division is any greater now than it was. I find——

MILLER. You were out of Washington yesterday.

DOLE. No, I was in Washington. It was a very boring demonstration and there were very fine young people involved. But I am quoting now young people who were here said it was a very boring process.

MILLER. Well, let me ask you, Senator Dole, I want to ask a question now. Do you think the President's decision was worth the division that has resulted?

DOLE. Well, I feel certain having confidence the President's decision was for the same reasons they were demonstrating yesterday: End the war in South Vietnam. I said to the young people who visited with me, "Whatever you may think of President Nixon, let's give him credit for progress in Vietnam, for extricating us from the situation he inherited January 20, 1969. He had reduced the troop level by 115,000. He has announced another 150,000. He is trying to end the war. He is trying to hold down casualties. He has reduced the bombing. So he has made progress.

MILLER. Except for the events as they may arise out of this Cambodian adventure which we always must add.

Do you think the President had the right to go into Cambodia without consulting the Congress? Does he also have the right to go into Laos without consulting the Congress, into North Vietnam without consulting the Congress?

DOLE. I think he might have the right to go into North Vietnam. I think he probably at least indicated a sense of the Senate resolution in reference to Laos. I think the President made it very clear the very limited objectives. It is not extension or expansion of the war. It is not neutral territory taken over by the enemy, I think he has the right. I would hope he would exercise that right when necessary to protect the lives of Americans.

MILLER. Well, let's see.

DOLE. If he didn't exercise that right where would the Senate be? Who would be on his back then?

MILLER. Explain to me, Senator Dole, with

the monsoon coming up in the period of three to four weeks, to your understanding, because I think many Americans are confused regardless of what Ambassador Sullivan said, what happened in that short period that required the President to move without consultation? Was there any indication the enemy would attack if the President chose to consult the Senate?

DOLE. You mean the period of time from April 20 to April 30?

MILLER. Yes.

DOLE. I don't know precisely. I had briefings and I have tried to make my own assessment, my own judgment. Apparently there was a build-up. There was also some danger to our troops and this is a question, of course, I've asked myself: Was the danger great enough to require us to cross the border?

But I think perhaps if we equate an imaginary line with American lives, the decision is very easy. I would guess any President—whether it was President Kennedy who sent 18,000 troops to Vietnam, whether it was Johnson who escalated to 540,000 or whether it's President Nixon, who is bringing them home, I trust any President to make a decision that he believes to be in the best interest of our country.

MILLER. The imaginary line you're talking about is the boundary line of another country.

DOLE. The imaginary line, right.

MILLER. In crossing that boundary, the President has the same right to do that as he has to cross any other imaginary line.

DOLE. When the lives of American troops are involved, I say he not only has that right but he has that obligation. There has been no neutrality observed for five years on the part of the enemy. We observed it. We didn't even have diplomatic relations in Cambodia for almost five years, so we observed the neutrality, we followed Sihanouk's orders and directives, but the North Vietnamese and the Viet Cong did not.

MILLER. Tell me, Senator, why do you feel that you might support the Church-Cooper amendment?

DOLE. Because I think the Congress does have some right. I don't say that the President has a Carte Blanche authority to do everything he wants to do.

PALMIERI. Senator, let me ask if Mr. Miller will tell our viewing audience quickly what the Church-Cooper amendment covers.

MILLER. The Church-Cooper amendment calls for withdrawal without fund cut-off. It does call for withdrawal from Southeast Asia, is that correct?

DOLE. That's essentially right.

MILLER. And you say the Congress should act on that. Now our resolution tonight is that it be resolved that the Congress call for immediate withdrawal from Cambodia and resolved that the President commit no further forces outside South Vietnam. You don't disagree with that.

DOLE. I think this may be a moot question. I have confidence in the President. He said that the troops would be back, would be out of Cambodia by July 1 and I think perhaps before. I think there may be other things the President hasn't been able to divulge that he will at the appropriate time. So it's a moot question.

MILLER. But the President has said——

PALMIERI. I think that ends the cross examination. I'm sorry to interrupt you.

Senator, thank you very much for your appearance here.

(Applause.)

Mr. King?

KING. The President told us on Friday night, in his press conference, and as we have heard this evening, we are engaged in a limited thrust into the Cambodian sanctuaries to destroy supplies and munitions. This thrust is being successful. It will continue for a short period of time. We will begin to pull our troops back the middle of this week and we will have them back by the middle of June. In short, five weeks away.

We will have saved thousands of American lives and we will have enabled the President to speed his withdrawal of troops from South Vietnam.

As we have also heard this evening, the President has to have the right, the power, to act decisively in this kind of situation to protect American troops. Can you imagine what would happen if we turned this kind of decision over to 100 Senators and 435 Congressmen?

We have two very fine Senators here this evening, one of whom we have heard from, one of whom we will hear from. They cannot agree. How long would it take to get an agreement in the event of an enemy attack in South Vietnam where we had to go in to a sanctuary area and destroy supplies and go after their troops? We would find that foreign power, not only lobbying our Congress at home for a resolution which would prevent our soldiers from taking such action, but we would also find that the enemy was having a real field day with our troops in South Vietnam.

PALMIERI. Thank you, Mr. King.

Mr. Miller, Mr. King has presented the case for the President as Commander-In-Chief. Now is your opportunity for rebuttal.

MILLER. The problem is, we have heard it all before and it wasn't true then and it is not true now. There are qualities about our processes and the way we approach these decisions that need to be talked about. There are fundamental truths.

The way to bring troops home from Vietnam is to bring them east, not to send them west. The way to end the war is not to invade a neutral country, but to get them out from where they are. The way to reduce American casualties is to reduce the fighting.

There simply is no credible evidence that there were major attacks to be planned across the Cambodia border. In fact, with the monsoon season coming in three to four weeks, with no evidence of an attack being planned, there was no immediate threat to American troops.

In fact, the limited search and destroy mission, by its very means, by its very definition, cannot accomplish what it has set out to accomplish.

The President said it might trap troops and find the enemy headquarters. It has not done so. Now we are told that yet smaller aims justify it. And the question cannot be considered without regard to the division at home. They are not simply foreign policy decisions. They are decisions which affect all America. And this decision has divided this country, perhaps unlike any other decision in this century.

It has brought into the streets and with great and deep reaction, millions of Americans and what they are saying to the President is, if he wishes to take another step into a neutral country, that he must consult the Congress, that he must consult them, that he must present credible evidence and above all, that our entire decision-making process—what I think the college students are really saying—that our entire decision-making process must relate itself to the lives that are affected.

No one mentions the innocent Cambodian villagers that were killed in what is said to be an attempt to save the American troops lives. No one mentions the thousands of other lives including students here in the United States that were affected. Those, fundamentally, must be taken into account.

In fact, the President's decision has acted backwards to every one of his goals. It has not strengthened his bargaining position. It has weakened it. If there is one thing that North Vietnam knows as a result of this decision, it is that the President can take no comparable military step without risking a near revolution in the United States, and knowing that, North Vietnam knows he is unlikely to do anything comparable.

In fact, the decision has hurt him; it has hurt the country, and it threatens to do so even more unless Congress acts. No one is ordering the President not to make maneuvers on the battlefield. Congress is asking the President to end the war.

One of the leading exponents of Congress asking the President to end the war is with us tonight. He is Senator Charles Goodell of New York. (Applause.)

PALMIERI. Senator, welcome to "The Advocates."

Senator CHARLES E. GOODELL. Thank you.

MILLER. Senator Goodell, last September, introduced an amendment into the United States Congress calling for a fund cut-off and requiring a time-table withdrawal from South Vietnam. It is fair to say that if that amendment had been adopted when he introduced it, we would not be in Cambodia today.

Senator Goodell, why should Congress say "no" to the President on this?

GOODELL. Well, the first reason Congress ought to say no is that we have been subjected for the last seven years to Presidents engaging in limited successful thrusts to save American lives that cost us American lives. We have been told over and over again that bombing Hanoi and search and destroy missions of one kind or another in South Vietnam, in Laos and in North Vietnam, would save lives and end the war.

Now, we have the same thing in Cambodia. The difference being, we have crossed a border of a neutral country without the request of that country, and somehow or other we have decided that doesn't make any difference.

Congress is the only one that can save us from an extension, an expansion, of this war and further loss of American lives.

MILLER. Is there a constitutional basis for Congressional action here?

GOODELL. Well, I would say to some of my friends that argued very strongly for strict construction in some of our recent debates in the Senate that they ought to be for strict construction of the United States Constitution when it comes to the war-making power. (Applause.)

The President of the United States has no power to make war. Only Congress has the power to declare war and I think Congress ought to share the responsibility of undeclaring this war.

PALMIERI. One more question.

MILLER. You have introduced, along with other Senators, an amendment which calls for a fund cutoff or troops to Southeast Asia. Is that kind of action justified by the Congress?

GOODELL. Well, it is the only way Congress can enforce its power for war and peace. The United States Constitution provides, also, that there should be no appropriations for military purposes beyond two years, and when we read the Federalist papers and other reports that were given at that time, the basis for this was that they did not want to reside in the President of the United States unlimited power to make war.

Yes, he is Commander-in-Chief. When we declare war—when we are involved in a war, he has the power to run the troops and to make the policy decisions of that war. But Congress is the one that makes the essential decision as to whether we should be in war or not. And we have expanded that war once again without Congress being involved.

PALMIERI. Senator, let's see what Mr. King has to ask you.

KING. Senator, you have had a bill, have you not, before the Congress for some time or before the United States Senate to withdraw from South Vietnam?

GOODELL. Yes.

KING. Has that bill been adopted?

GOODELL. No.

KING. How long has it been before the United States Senate?

GOODELL. Well, I was the first one to introduce a bill which provided that Congress would provide no money for American military personnel in Southeast Asia and South Vietnam beyond a specific date. The date I suggested was December 1, 1970.

KING. But the question, Senator, is how long have you had your bill before Congress?

GOODELL. I did it in September. At that time I——

KING. Of 1969?

GOODELL. September of 1969. At that time I had trouble getting two cosponsors. We now have 20 cosponsors in the United States Senate for the same kind of approach.

KING. I understand you have another Bill on Cambodia; is that correct?

GOODELL. That is correct.

KING. What is the nature of that Bill?

GOODELL. The nature of my Bill on Cambodia is very comparable to the Church-Cooper Amendment that has been mentioned. The Church-Cooper Amendment is limited to Cambodia. It would provide that no American troops—combat troops—can be fighting in Cambodia, that no military advisors and no aid will go to Cambodia, thirty days after date of enactment, which would essentially put into law what the President said he was going to do in Cambodia.

KING. When, Senator, did you introduce that Bill?

GOODELL. I introduced that Bill two weeks ago.

KING. In other words, you have two bills, one that was introduced last fall, one that was introduced two weeks ago, neither of which have been acted upon by the United States Senate, and yet you say that the President's power as Commander-In-Chief to protect our forces in South Vietnam, in this kind of a decision, should be turned over to the United States Senate.

How many bills are there in the United States Senate today to withdraw from South Vietnam or from Cambodia?

GOODELL. Well, you know, Congress might decide—it is possible Congress might decide to support the President. I don't know why you are so defensive about that. I think the Congress ought to vote one way or the other. This is a matter of war and peace. Let Congress vote—maybe they won't pass my bill, but I happen to think that Congress ought to vote on this question, and represent the American people and say we either want to stay in that war and we will support it or we want to get out.

KING. But this was a decision, Senator, under discussion this evening to go into Cambodian sanctuaries to protect the withdrawal of our troops. The President had to act decisively.

Now, that kind of a decision cannot be turned over to 100 Senators and 435 Congressmen, can it?

GOODELL. I think this one could have been turned over very easily to the Congress of the United States.

KING. And they would have acted as quickly as it did on your bills.

GOODELL. It wouldn't have acted as quickly. I think it was wrong to go into Cambodia and I don't think Congress ever would have approved going into Cambodia. [Applause.]

KING. If that is the case, Senator, then why has Congress not, to this point, after this length of time since we have gone in, acted on any of these resolutions?

GOODELL. Well, the great problem of course, is that once the President makes the decision to go in, then nobody wants to cut off money to the troops who are fighting there, and that is what I proposed for the first time as an alternative that we wouldn't stop money for the troops that were fighting. Congress would responsibly exercise this authority and say "We will go on providing the money for the safety of the troops." And that is what is involved in the amendment to end the war. We will go on providing money for the troops that are there, but by a fixed date, we must get out, and that, Congress has an authority to do and if we passed it, the Commander-In-Chief, then, would have to get our troops out and he could do it with safety to all our men.

PALMIERI. Senator, let me interrupt for just a moment. There is a saying that hard cases make bad law. Isn't it true that the particular circumstances of Cambodian entry here are making it appealing to a great many Americans to have Congress intervene in the military and foreign policy process?

Doesn't that set a precedent which is very, very dangerous of having that responbility shared in a command sense?

GOODELL. I don't think that is a bad precedent at all. I think it is about time the Congress of the United States stood up independently with its constitutional responsibility to decide when we go to war. I don't think the President ought to have that option. When the President wants to go into Venezuela, when he wants to go into Cuba, when he wants to go into Nigeria, I think that is a decision that resides with Congress and it ought to be approved by Congress if the President thinks we should send American combat troops in.

PALMIERI. Thank you, sir. One more question.

KING. One more question. Senator, I understand that you are in favor of sending arms to Israel, is that correct?

GOODELL. That is correct.

KING. And yet you are in favor of withdrawing from Southeast Asia, is that correct?

GOODELL. That is absolutely correct. In Southeast Asia—

KING. How can you reconcile these two differences of position of moving into the Middle East and moving out of Southeast Asia?

GOODELL. In the Middle East you have a democracy—a tiny democracy—fighting against the intrusion of the Soviet Union, fighting all alone. The Soviet Union has put in massive arms to the Arab world, and once the Arab world has a preponderance of arms, you will have war. There is no request of Israel for us to send American troops. All they have asked from us is for us to sell arms to them so they can preserve themselves.

In Southeast Asia we sent American troops into a civil war within South Vietnam. Now there is a tremendous difference.

KING. Well, aren't the South Vietnamese people as important as the Israeli people?

GOODELL. If there were a civil war in Israel, I wouldn't be in favor of sending American troops into that civil war anymore than I was in favor of sending them into South Vietnam in a civil war.

KING. But whether this is a civil war is a debatable point, is it not?

GOODELL. I don't think it is debatable at all. You know, I remember back in 1963 when Secretary McNamara told us that we would have all our troops out by the end of 1965. At that time we had 16,000 American troops there and we were escalating then, but we are de-escalating now.

PALMIERI. Mr. King, we are out of time.

Senator, I want to tell you something that will strike you as unfavorable, but it wasn't intentional. When you came on there was a slide that our viewing public saw that said Charles Goodell, Senator from New York, "Democrat." (Laughter.)

I want to make it clear that Charles Goodell, a Senator from New York, is a very distinguished Republican, and thank you. (Applause.)

All right, we are ready for our summaries.

Mr. Miller, you have a minute and a half to summarize your case.

MILLER. I understand why the opponents of withdrawal prefer to talk about Israel rather than South Vietnam, but I do not understand how, even at this date, any opponent to withdrawal can claim that we are de-escalating following a new occurrence and an invasion into Cambodia involving significantly greater military action.

That is the kind of problem we face here. The President tells us he is going in to save lives with a new invasion. We are told that because of the invasion there is a de-escalation. We are told that through the invasion we will bring about a peace. In fact, we are almost told consistent double things.

We need to see what is really happening. What is really happening is the risk of a major escalation. No one can think that the North Vietnamese will not respond as they have responded to every other American escalation. No one can think that the North Vietnamese will not themselves choose to escalate, especially since they know that the President's reaction, his almost announced reaction if they act in ways that strike him as unfavorable, will be to re-escalate and cause yet further divisions in this country. And yet we are told that we must do this and we must go into Cambodia and we must do this out of some sense of heroism, protecting lives, in fact so we will not be humiliated so we will not be defeated.

What we need, I think, it a new sense of reality of the world. A new kind of heroism. Not the heroism or reality that says we will not be humiliated, but the heroism and sense of reality that gives us the courage to say and to see that we may have made errors in the past and the fastest way to rectify those errors is to admit them. That the way to get our troops out is to end the war and that new escalation serves no purpose, carry the greatest risk, carry those risk abroad, and most especially, here at home.

PALMIERI. Thank you, Mr. Miller.

Mr. King, your final summary.

KING. I am going to take a couple of seconds to explain to Mr. Miller what de-escalation is and how it differs from escalation.

De-escalation is the withdrawal of troops in this situation. The President is de-escalating in South Vietnam. Nothing could be clearer. When the President came into office there were 575,000 troops in South Vietnam. He has already withdrawn 115,000 of those troops. He is going to withdraw another 150,000 by next spring. That is de-escalation.

The reason why the President went into the Cambodian sanctuaries was to protect and to speed up that de-escalation process. The buildup of supplies, material, manpower and munitions in those sanctuaries on the western flank of our position in South Vietnam was endangering our own withdrawal efforts. Those withdrawal efforts will now continue and perhaps we can all hope will be speeded up as a result of the action the President has taken decisively in moving in the Cambodian sanctuaries.

It is not a feasible solution to this problem of protecting American lives, in the withdrawal stages in South Vietnam, to turn that kind of decision-making over to the Congress of the United States. The President acted decisively. He had the resources to do so and he will be *successful*.

PALMIERI. Thank you, Mr. King. I am grateful to you for that summary.

DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, I wish to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to have printed in the RECORD a list of crimes committed within the District yesterday as reported by the Washington Post. Whether this list grows longer or shorter depends on Congress.

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

DISTRICT OF COLUMBIA MAN BEATEN, ROBBED DOWNTOWN

A Northwest Washington man was pistol-whipped and robbed Sunday morning by a man who approached him at 12th Street and New York Avenue NW, police reported.

Shannon Noe told police that the man led him into an alley off 12th Street, then pulled out a revolver. Noe said the gunman struck him over the head repeatedly with the weapon and said, "I am going to take your money."

After removing the bills from Noe's pockets, the gunman fled on foot, according to reports.

Noe was taken to Rogers Memorial Hospital where he received nine stiches to close his head wounds.

In other serious crimes reported by area police up to 6 p.m. yesterday:

ROBBED

John Sapsara, of Pittsburgh, was held up about 12:30 p.m. Sunday by a man who approached him while he was standing at 14th and I Streets NW. The man slipped a rope-like cord around Sapsara's neck, removed $475 from his pockets and fled on foot.

Jonathan A. Kaufman, of Washington, was beaten and robbed about 2 a.m. Sunday by a man who attacked him in the 1300 block of New Jersey Avenue NW. The man knocked Kaufman to the ground, kicked him in the head and escaped with his money.

Joseph L. Curtis, of Washington, a driver for the Capitol Cab Co., was held up by a youth who hailed his taxi about 5:25 a.m. Sunday and directed the hacker to take him to 53d and Clay Streets NE. There, the passenger drew a revolver and told Curtis, "Give it here." Taking his wallet, the gunman removed the cash, returned the billfold and ran along the 5300 block of Clay Street.

Eugene Salis Judge, of Washington, was held up about 12:15 a.m. by two youths who approached him from behind while he was walking at Benning Road and A Street SE. One of the youths pulled out a pistol and told Judge, "This is a holdup. Give me all your money." Judge handed them his cash and they ran toward A Street.

Thomas Halley, of Washington, was held up by three men, one, carrying a gun in his pocket, who surrounded him at 7th Street and Pennsylvania Avenue SE. "Come go with us," the trio ordered and led Halley to 7th and D Streets NW. One of them removed the wallet from his pocket, took his wrist watch and fled with his companions.

Earnest Grant, of Washington, was held up about 2:45 p.m. Sunday by a man who placed an unseen object at his back while he was standing at 14th Street and Park Road NW. After demanding his money, the man searched Grant's pockets and removed the bills and change.

Salvio Valente, of Washington, was treated for head injuries at D.C. General Hospital. Valente was held up at about 10:10 p.m. Sunday by two youths who approached him at the bus stop at 19th and East Capitol Streets NE. One of them held a pistol at his head while the other youth struck him several times with an iron pipe. "Where is the money," asked the gunman and Valente handed him the wallet from his pocket.

Jay Lounsbury and Sariann Cayton, both of Washington, were held up Sunday as they were walking east in the 500 block of East Capitol Street. Three youths, one wielding a revolver, told them. "This is a holdup. Hand me your money. Grabbing the bills from both victims, the trio fled on foot.

Francis Madison, of Washington, a driver for Mazzeo and Sons, was held up about 1 p.m. Thursday by four youths who approached him at 6th and S Streets NW. One of them brandished two pistols and said to Madison, "Give me your money." After taking his wallet and watch, the youths removed the portable radio from his truck and fled east in the 600 block of S Street.

Walter Thorne, of 326 Kentucky Ave. SE, was held up shortly after midnight by three men who forced their way into his home. While one of them held a sawed-off shotgun on Thorne, the others took his watch and tried to knock a hole through the wall to the adjacent apartment. When they could not bore the hole, the trio fled from the building.

Mark John Fry, of 1701 16th St. NW, was held up about 2:15 a.m. Sunday by two young men who approached him in his apartment building. One of them drew an automatic, forced Fry to hand over the money from his wallet and ran from the building.

Carlton A. Washington, of Washington, was robbed and briefly abducted by two men who confronted him about 2:20 a.m. in the 2000 block of Georgia Avenue NW. The two pushed Washington into a van truck driven by a third man and took him to a vacant lot at Georgia Ave. and V Street NW. Taking the cash from his pocket and his watch, the trio forced Washington from the truck and fled.

Edward Carter, of Washington, a resident manager for the H. L. Rust realty company, was held up about 6:30 a.m. by two youths who stopped him at 13th and Randolph Streets NW. "This is it. If you want to keep living, keep looking down Randolph Street," threatened one of the youths brandishing a sawed-off shotgun. Forcing Carter to give them a paper bag containing $487, the pair entered a car driven by a third youth and drove north on 13th Street.

Joseph Harris Rosen, of Washington, was held up by two youths who approached the car about 1 a.m. as he was stopped at the intersection of Massachusetts and Nebraska Avenues NW. One of them drew a handgun and told Rosen, "This is a holdup. Get out of the car." After Rosen had climbed from the auto, the youths took the bills and gas credit card from his wallet and forced him into the rear seat of his car. The gunman and his companion then drove Rosen in his car to 1st Street and Michigan Avenue NW where they ordered him to get out of the car. The bandits took the car and fled south on 1st Street.

Bivens Little, of Washington, was treated at Washington Hospital Center for head and facial injuries that he suffered during a robbery. Two men attacked Little from the rear in the 5800 block of Georgia Avenue NW and knocked him to the ground. After taking his wallet, the pair fled on foot around the side of the building.

Mayman Midani, and Nina Dougherty, both of Washington, were held up about 10:40 p.m. Sunday by three men who confronted them as they were walking in the 800 block of 25th Street NW. "Give me your money," demanded one of the men, displaying a handgun. After taking the cash, the trio ran south on 25th Street.

Waverly Holloway, of Washington, was beaten and robbed about 3:10 p.m. Sunday by a man who approached him at 6th Street and Florida Avenue NE. The man asked Holloway if he wanted to buy a pair of trousers, and he declined. The man then began struggling with Holloway, took his wallet from his pocket and fled on foot.

Clarence Williams, of Washington, was held up about 10 p.m. Sunday by two men who confronted him at 15th and Irving Streets NW. One of them drew a knife and demanded, "Give us all you got." While the armed man held Williams at bay, his companion removed the money from his pockets and the pair fled.

Tourist Home, 932 French St. NW, was held up about 1 a.m. Sunday by two young men who entered the lobby and asked the night clerk about a room. One of them then drew a gun from his pocket and said, "This is a holdup. Give us your money." When the clerk replied he had none, the gunman demanded the keys to the vending machines in the hallway. The clerk handed the men the keys and they removed the money from the machines. The pair then told the employee to lie on the floor and cover himself with sheets that were lying on the counter.

George Settles, of 72 S St. NE, was beaten and robbed about 1 a.m. Saturday by three men, one of them wielding an unknown object. The trio approached him in his home, cut him on the ear and arm and escaped with his money.

Robert E. Thompson, of Washington, was held up about 2:30 a.m. Sunday while he was walking in the 2100 block of N Street NW. Two men confronted him, held a gun at his head and forced him into an alley where they robbed him.

James W. Roberts, of Arlington, was held up about 4:30 a.m. Sunday as he was driving at 14th and W Streets NW. A young man armed with a gun approached Roberts and demanded his money. Taking the cash, the gunman fled north on 14th Street.

William S. Overton, of Alexandria, Helen Pasterchalk and Quelett Rolende, both of Washington, were held up about 12:20 a.m. Sunday as they were entering their car in an alley at the rear of the 3500 block of Connecticut Avenue NW. Two men, one brandishing a revolver, approached them saying "This is a holdup and get your hands up. Give me your money." When Overton said, "There is no money in my wallet. It's in my pocket," one of the men reached into his pocket and removed the bills. The gunman then grabbed Miss Pasterchalk's purse containing money, keys and glasses and a change purse from Miss Rolende.

Charlotte Brown, of Washington, was held up near her home at 24th Street and Alabama Avenue SE about 1:50 p.m. Sunday. A youth concealing a gun in his pocket threatened to shoot her unless she gave him her grocery bag, and fled with the food heading south on Alabama Avenue.

ASSAULTED

Geo. Oden, of 1220 10th St. NW, was admitted to George Washington University Hospital with head wounds he suffered during an attempted robbery about 10:30 p.m. Sunday. Seven youths attacked Oden in front of his home, knocked him to the ground and struck him over the head with an iron pipe. Trying unsuccessfully to remove the bills from his pockets, the youths fled in different directions.

John Green, of 2226 13th St., NW, was treated at Washington Hospital Center for facial wounds he suffered about 12:05 p.m. Sunday during a fight in his home with a young man wielding an unidentified object who struck him in the face while they struggled.

John Warre, of 1217 10th St. NW. was treated at George Washington University Hospital for head injuries he received about 1:35 p.m. Thursday. A man entered his room, hit him in the forehead with a wine bottle and fled.

Martha Jeanette Williams, of Washington, was treated at Cafritz Memorial Hospital for facial injuries she suffered during a fight with a man in an apartment in the 2400 block of Alabama Avenue SE at about 3:30 a.m. She was cut over the eye when her assailant punched her.

STABBED

Cherlyn Rose, of 3369 18th St. NW. was admitted to George Washington University Hospital with a stab wound in the side that she suffered about 12:30 a.m. Sunday during a fight in her apartment with a man armed with a butcher knife.

FIRES SET

A fire classified by investigators as arson was started about 4:45 a.m. in a basement apartment at 1925 Minnesota Ave. SE, a building owned by the William C. Smith real estate company, of Washington.

A fire causing major damage was reported about 9:30 a.m. Friday in the apartment of Eleanor Johnson, 3033 16th St. N.W.

STOLEN

A television set, a clock-radio, a stereo set, three pairs of slacks, three pairs of shoes and assorted meats, with a total value of $946, were stolen from the apartment of Jerome Felder, 2701 14th St. NW, sometime between 1 and 10:50 a.m. Sunday.

An outboard motor with a fiberglass cover valued at $600 was stolen between 5 a.m. and 5 p.m. Sunday from Owen H. Harrison when the garage at his apartment building at 1260 21st St. NW was burglarized.

A television set, a record player, four suits, 14 pairs of slacks, 30 to 40 shirts and several pairs of shoes were stolen between 7 a.m. and 8:15 p.m. Saturday from the apartment of James Edward Hart Jr., 719 Rhode Island Ave. NW.

Ten cases of milk were stolen between 4 p.m. Friday and 7:30 a.m. yesterday from Smothers Elementary School, 44th and Brooks Streets NE.

Quantities of food were stolen between 3:30 p.m. Friday and 7:30 a.m. yesterday from the kitchen at Lucy Ellen Moten Elementary School, Morris and Elvans Roads, SE.

A duplicating machine was stolen between midnight and 6:20 a.m. yesterday from Bruce Evans Junior High School, 56th and East Capitol Streets.

A sound projector, a guitar, two record players and a typewriter were stolen between 3:30 p.m. Friday and 6 a.m. yesterday from Carver Elementary School, 45th and Lee Streets NE.

PLEADED

Eduardo Vasquez, 24, Humberto Martinez, 20, and Jose Luis Zayas Jr., 35, all of Miami, pleaded innocent in Alexandria Federal Court yesterday to charges of conspiring to sell and transport cocaine. Trial was set for Aug. 11.

Johnathan H. Rohr, 21, formerly of Falls Church, pleaded innocent in Alexandria Federal Court yesterday to charges of draft evasion. Trial has been set for June 17.

John D. Jones, 27, of 334 35th St. NE, pleaded guilty in Alexandria Federal Court yesterday to a charge of check fraud. Judge Oren R. Lewis deferred sentencing.

SENATOR KENNEDY CRITICIZES SECRETARY OF DEFENSE FOR BLOCKING FORD TRUCK NEGOTIATIONS WITH SOVIET UNION

Mr. KENNEDY. Mr. President, over the past week, press reports indicate that the Ford Motor Co. has been forced to reject a Soviet offer to build Ford trucks in Russia. Last Thursday, according to the reports, Henry Ford 2d, chairman of the company, announced that Ford was rejecting the offer even before it could be seriously considered, largely because of the outspoken public criticism of the project by Secretary of Defense Melvin Laird.

I am appalled by the premature, heavy-handed, and unwarranted action of the Secretary of Defense in blocking Ford's project.

The opposition was premature, because it is clear that Ford itself had only just begun to give serious consideration to the proposal. At the end of March, the company announced that Henry Ford and other officials had been invited to the Soviet Union for a series of discussions. At the time, it was thought that the purpose of the invitation was to solicit Ford's help in building an automobile plant in Russia. During Mr. Ford's visit to Moscow in April, it became clear that the Soviet proposal was for Ford to build a large truck manufacturing complex. In light of these events, it seems clear that the project could not have been given more than the most cursory consideration by the Secretary of Defense before he launched his opposition.

The Secretary's opposition was heavy handed, because it appears to have been made through the press and other media, rather than through direct contacts with the Ford Co. Indeed, from the statements of Mr. Ford, it is clear that from the outset, the administration not only was informed of his invitation to visit the Soviet Union, but also encouraged him to make the visit as a useful means to improve East-West trade relations. Yet, 2 weeks after Mr. Ford returned from his trip, Secretary Laird suddenly launched his public opposition.

Finally—and most important—the Secretary's opposition was unwarranted. It may well be that for strategic or other reasons of America's national security, the Soviet proposal to Ford should not be accepted, but nothing in the press reports or public statements of the Defense Secretary indicates that his opposition was based on any comprehensible grounds.

In fact, the sole explanation given by Secretary Laird for opposing the project is that Soviet trucks built by Ford might wind up in Hanoi. As Mr. Laird put it in a recent magazine interview:

> Before giving away the technology to construct trucks in the Soviet Union, and establishing plants for them, there should be some indication on the part of the Soviet Union that they're not going to continue sending the trucks to North Vietnam by shiploads for use on the Ho Chi Minh trail.

Subsequently, Secretary Laird crudely warned the company that it cost 10 or 12 times as much to destroy a Soviet truck on the Ho Chi Minh trail as it cost the Soviet Union to get the truck into Haiphong Harbor and onto the trail.

Surely, Secretary Laird realizes that even if Ford were to begin construction of the proposed truck complex in the Soviet Union today, May 1970, a substantial period of time—measured in years—would elapse before any Ford trucks would come off a Soviet production line. Indeed, the original Soviet announcement of the project said the plant was scheduled to be completed in 1974. If the long delays in the current construction of the Italian Fiat auto plant in the Soviet Union are any guide, the Ford truck plant would not be completed until even later than 1974.

Can Secretary Laird or anyone else in the administration seriously believe that the United States may still be fighting in Vietnam in 1974? If that is the case, then the Orwellian nightmare of 1984 will have come true with a vengeance, and the United States will be hopelessly mired in perpetual war in Asia. Or, is the Secretary's denunciation of the Ford project simply a cold war relic, a reflex response to the prospect of any trade whatever with the Soviet Union? If that is the case, then he is at odds with the administration's own expressed policy of encouraging nonstrategic trade with the Soviet Union and other Eastern European nations.

In light of the serious questions that are being raised, I hope that Secretary Laird will take the earliest opportunity to clarify his opposition to the Ford project. I believe that he owes the American people in general—and American business in particular—a better answer.

PETITIONS FOR WITHDRAWAL OF U.S. TROOPS FROM SOUTHEAST ASIA

Mr. HATFIELD. Mr. President, our Nation confronts not only the implications of the Cambodian intervention but also the entire future of our policy in Indochina. Recently, Senators McGOVERN, HUGHES, GOODELL, and CRANSTON and I submitted an amendment to end the war, curbing appropriations for Southeast Asia in a year's time, through a responsible plan of disengagement, unless there is a congressional declaration of war. We believe that Congress must assert its rightful constitutional responsibility through this measure.

Since that time, I have been deluged with petitions and responses in favor of the amendment to end the war. These petitions have come not only from the young and those on our college campuses, but also from those who would have been expected to support our past policies. I wish to call my colleagues' attention to the fact that Americans, young and old, favor the amendment to end the war and a halt to our presence in Southeast Asia. It is time we recognize that those who are disenchanted are not merely from the youth movement, but include those of moderate and conservative persuasions. Among the groups that have voiced their support for an immediate and unconditional withdrawal of all U.S. troops from Southeast Asia in the past couple of days are:

The Presbytery of Washington City.

The House of Delegates of the Connecticut State Medical Society.

The Executive Council of the Association of American Medical Colleges.

Yale Medical School Student Body.

Faculty of Yale University School of Medicine.

Tufts University School of Dental Medicine.

Tufts Medical Center Community.

Mr. President, I ask unanimous consent that the comments of each of these organizations be printed in the RECORD.

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

YALE MEDICAL SCHOOL STUDENT BODY

Resolved: We the students of the Yale University School of Medicine, in response

to the call for a National Academic Strike, suspend our normal academic activities in order to work intensively for the realization of the following resolutions:

1. That attempts to suppress legitimate dissent in our country end; that we find repulsive the deliberate use of dehumanizing stereotypes by our government to discredit its critics.

2. That oppression of Black Americans and all other minority group members cease.

3. That the United States government stop its escalation of the Vietnam War into Cambodia and Laos; that it unilaterally and immediately withdraw all forces from Southeast Asia.

4. That the universities end their involvement with the United States military by an immediate end to war research, ROTC and counterinsurgency research.

We recognize that our involvement in the delivery of health care differentiates our situation from that of other students. We, therefore, urge the suspension of all nonessential activities in a non-coercive manner which does not compromise the health care of patients. At the same time, we realize that many of the clinical services rendered by medical students are not essential to the well-being of patients. Therefore, we feel that the interests of medicine in this country and the world would be served better by our active involvement in ending the Indo-China War, changing our national priorities, reallocating our resources, and solving the problems which underlie so much of the illness which we are called upon to treat.

This action is in no way a strike against the University, but rather is a means of redressing that which prevents us from carrying out our primary task of providing for the health and well-being of our fellow men. Our action is intended to allow students, faculty and non-faculty employees time to act directly by such means as massive public education, university seminars, canvassing, letter writing, mobilization of public opinion and direct persuasion of legislators.

We ask the faculty and administration to act in concert with us in opposing violence of any kind and in working to implement the above course of action. We also ask that a joint student-faculty group develop a plan of academic options to insure that our professional competence is not impaired by this program.

Vote:

Yes	246
No	23
Abstain	5

JAMES MISSETT,
President, Yale Medical School Student Council.

JODY ROBINSON,
Chairman, Yale Graduate and Professional Student Senate.

PRESBYTERY OF WASHINGTON CITY

Whereas, the country has been engaged for eight years in an undeclared war;

Whereas, the President has extended the war to the territory of yet another sovereign nation without the consent of Congress;

Whereas, the Nation is deeply and dangerously divided over the war;

The Presbytery of Washington City recommends to the Congress:

1. That the Congress of the United States exercise its constitutional responsibility to declare its position favoring either prosecution or cessation of hostilities in Southeast Asia (Cambodia, Laos, Vietnam);

2. That the Congress implement its decision by granting or withholding military appropriations.

The Presbytery further recommends that all pastors, elders, and members within its bounds send letters to the President and to Congressmen urging Congress to use its constitutional powers to share with the President the responsibility for terminating the war and reconciling he Nation.

The Presbytery recommends that copies of this resolution be sent to the President, all members of the Senate and the House of Representatives, all pastors and Clerks of Session of the Presbytery.

MIDDLESEX COUNTY MEDICAL ASSOCIATION: MEETINGS OF THE CSMS HOUSE OF DELEGATES

A thorough discussion of this subject was heard from the interested members and delegates who attended the Reference Committee hearing. It was the consensus of opinion that more time was needed for CSMS meetings. The Reference Committee recommends that there be a full day devoted to the semiannual meeting and a full day devoted to the annual meeting. It was further recommended that any additional meetings be left to the discretion of the Staff and recommendation of the Council depending on the urgency of the business to be brought before the House of Delegates. The resolution was accepted.

The Reference Committee moved the adoption of this section of the Report.

RESOLUTION BROUGHT BEFORE THE HOUSE BY DR. BURNHAM: LIMITATION OF AMA ACTIVITIES

A very lengthly discussion was held by the delegates and guests on this resolution. Many members brought out many succinct points. It seemed to the Committee that there were more speakers against this resolution than in favor of it. It was clearly demonstrated that other actions taken by the AMA are in the process at the present time of undertaking actions in the socio-economic aspect of medical affairs. These are undertaken at all levels—the AMA has the Himler Report; the CSMS has been engaged in this area for a number of years and the county associations are involved because they have no choice. The Committee felt that this Resolution *should not be adopted*, and I move that this motion, "Not to adopt" be adopted by the House.

The Reference Committee moved the adoption of this section of the Report.

RESOLUTION INTRODUCED BY DR. FRANK ABBOT AND DR. HOWARD SPIRO: APPROVAL OF YALE MEDICAL SCHOOL STUDENTS' ACTION

As was expected, the hearing on this resolution generated a great deal of interest among delegates, guests and representatives of the press. Yale Medical School students were present and expressed their opinions and answered questions. Members of the University of Connecticut School of Medicine, who supported the Yale students, also were present. The discussion was orderly and covered a large segment of the area of interest to students, and needless to say, of interest to the delegates. After a full hearing, your Reference Committee went into Executive Session and took considerable time to digest the opinions expressed and the substitute resolutions presented. After thorough discussion of the resolution presented by the students and the opinions of all those who spoke, your Reference Committee offers an alternate resolution as follows:

Whereas, the House of Delegates of the Connecticut State Medical Society commend the students of the University of Connecticut School of Medicine and the Yale University School of Medicine for their determination to work constructively for the common good of the United States and all its citizens, therefore be it

Resolved that the House of Delegates deplores actions *not only* which suppress legitimate dissent but also actions such as those advocating perpetration of violence on persons and institutions, those depriving others the right to speak and be heard, and those misusing our constitutional guarantees of freedoms so as to create civil disorder and cause senseless destruction of public and private property; and be it further

Resolved that the House of Delegates of the CSMS encourages members to communicate their views on foreign and domestic issues to their duly elected representatives.

The Reference Committee moved the adoption of the Report as a whole.

Respectfully submitted.

DR. FREDERICK C. WEBER, JR.,
Chairman.
LOUIS BACKHUS.
SIDNEY L. CRAMER.
EDWARD A. PALOMBA.
CYRIL CEULMAN.

EXECUTIVE COUNCIL OF ASSOCIATION OF AMERICAN MEDICAL COLLEGES

I went to Washington on Wednesday, 6 May and next day discussed the views of the Dartmouth Medical School Community, as expressed in the meeting of 5 May, with the governing body of the Association of American Medical Schools. Before this discussion was completed, I received an appointment with Senator Norris Cotton and went immediately to see him. I should like to report on these two activities separately.

But first, a word or two about the climate in Washington as it developed yesterday. Secretary Hickel's letter and the resignation of the President's youth advisor unquestionably took many government officials by surprise and, judging from TV editorials, press comment and personal contacts, the reaction to the letter and the resignation was favorable. But most impressive is the fact that Washington is a city of vast apprehension; and that apprehension focusses on two impending events. One is the President's press conference set for ten o'clock tonight. The other is the march scheduled for Saturday, 9 May. There was no very prominent evidence of preparations for the march but there were definitely more police on duty, than is usually the case, at key government office buildings. But most of the talk had to do with what the President will say tonight.

Members of the AAMC's governing body, mostly deans, devoted their attention as well as they could to regular business of which there was a great deal; but they heard me out with regard to our own action with great interest. Several had already sent telegrams of their own to the President and the discussion dealt mainly with developing a motion that would now permit the organization to utilize its contacts with the Congress and the Executive Branch but that, at the same time, would not threaten the organization's tax-exempt status. The following action was accepted without dissenting vote:

The Executive Council of the Association of American Medical Colleges, dedicated to the betterment of health and medical education, profoundly deplores this nation's extension of the war into Cambodia and the grave polarization of the nation that has resulted from it. We implore you to take immediate and unequivocal action to demonstrate your determination to end the war quickly, to stop the infliction of misery on military and civilian populations, and to initiate the restoration of unity in the United States.

Robert B. Howard, John A. D. Cooper, Thomas D. Kesing, Ralph Jerry Cazed, Jonathan E. Roads, Sherman M. Millinkoff, R. R. Crispells, Russell A. Nelson, Marie Kaslaub, Clifford S. Strump, Charles C. Sprague, P. M. Felix, L. S. Limerick, C. Stewart Hamilton, William G. Aulyan and Richard B. Chapman.

YALE UNIVERSITY SCHOOL OF MEDICINE

1. *Resolved*: We, the faculty of the Yale University School of Medicine, praise our students who are assuming the responsibility of free men and women by laying aside their personal interests to work actively for the common good. We support the voluntary suspension of non-essential activities. Let

those of us who share our students' concerns also lay aside our personal interests and join with them actively in this task. In response to the request of the students, we will immediately nominate faculty to join students in a committee to develop a plan of academic options to permit the students the freedom of action they need. In concert with the resolution of the students of May 6, 1970 we oppose violence, and pledge to work with the students to help them implement their course of action in striving for justice and peace.

Vote:
Yes ---------- 250
No ---------- 21

2. *Resolved*: We, as individuals of the faculty of the Yale University School of Medicine, support the following aims:

1. That attempts to suppress legitimate dissent in our country end; that we find repulsive the deliberate use of dehumanizing stereotypes by our government to discredit its critics.

2. That oppression of Black Americans and all other minority group members cease.

3. That the United States government stop its escalation of the Vietnam War into Cambodia and Laos; that it unilaterally and immediately withdraw all forces from Southeast Asia.

4. That the involvement of universities with war research end immediately.

The tragic killings at Kent State University this week speak of the perilous division of the nation by these issues. We join with our own students in calling upon Americans of every persuasion to oppose violence of any kind in their words and acts.

Vote:
Yes ---------- 195
No ---------- 51

TUSDM STATEMENT

We, the undersigned, members of the Tufts University School of Dental Medicine Community have made the serious decision to support the Student Mobilization National Strike. We feel that as responsible members of the American Dental Association and health profession, it is our moral obligation to oppose policies which perpetrate the destruction of human lives and endanger the future of the Democratic process of our society.

As students, our ability to affect change in Foreign and Domestic policy is severely limited. As a concerned body of future professional health care, we implore the American Dental Association to join actively in opposition to present national and international policy and to utilize all resources available toward this critical effort.

Stuart Wisotsky, Robert M. Black, Sheldon Mauley, John P. Ficarelli, Joseph A. Woods, Ronald W. Randazzo, Harvey Weller, Bruce S. Wyman, Robert Gaber, Stuart G. Merle, David G. Angus, Sam Eisenstein, Robert Roy, Billy Rover, Richard S. Brown.

David S. Fox, William H. Myers, Michael Joshua Shiro, Jeffrey Stevens, Jeffrey Janoff, Max Zanderer, Mark C. Beal, Lawrence G. Golden, Ronald P. Burok, Kenneth D. Morris, Brian E. Fitzgerald, Paul David Gaston, Marc Rosenberg, Andrew M. Alpert, Harvey J. Cohen, Mark Levy, and Leonard S. Ostriff.

Gary Ries, Robert L. Billagg, M. Dark, Richard Smith, Todd J. Wrenis, Gary W. Stern, Mark P. Feldman, Morris B. Cohen, Steve Skapse, David Klarman, Robert N. Harelich, Richard Varnerin, Steven Joel Lunech, Leonard P. Rodin, Peter Hart, and Barry Matz.

Gregory M. Shipak, Allan S. Deutsch, Walter Dobleski, Louis Robert Wolf, Michael Stein, Allyn E. Segelman, Mark J. Burbach, Irving Horowitz, Jan Friedman, Peter Pence, Jeffrey W. Schlotman, Robert M. Arnold, Calvin W. Wollingford, Jr., Edward C. Lortin, Robert A. Werner, Stephen L. Jones, Richard A. Greene, and Peter Dell Colb.

Stuart Bayes, Howard Seplowitz, Ira L. Eisenstein, Tomas Frankel, Leonard E. Schiffman, Joseph D. Gleecher, John Johansson Dow, Paul Fitzgerald, Michael Awnoff, Elliot Packman, Marc S. Lemohn, Stuart Ross, Stephen J. Davidson, Richard N. Norris, Bettina Laidley, and Jeny Cohen.

Colin Michael Sparks, Richard Holsten, Kenneth Goldberg, James A. Cottone, Jeffrey S. Foyer, Helen Bumanski, H. L. Schare, Cornelia P. Anderson, Dale Styman, Andrew M. Horn, Harold Shapin, Matthew Wenbray, Richard M. Bloom, Kenneth J. Backman, Steven R. Lazar, David H. Piza, Robert A. Coleman, Leonard C. Smith, Michael S. Wolfman, Arnold K. Kaplan, Fred W. Salvatorello, and Steven H. Schurtz.

Stephen Finn, Paul Cavaby, Elliott Donhoff, D. E. Prundiullo, D. S. Bronell, Bruce Berkouk, Robert Farber, Herbert Feubey, Peter A. Figoll, Bruce Feld, Henry Talbert, David Moloff, Lewis F. Colella, Dennis R. Scharer, and Frederick A. Curro.

Nan S. Clease, Harold Nulff, George R. Kepner, William Pfaffmann, William Pollach, Howard Adams, Harold P. Sherman, David Baskin, Steven Elman, Ralph R. Trinque, Richard A. Doff, Mitchell Winston, William Lobel, Michael Koffer, Robert E. Zayre, Lawrence Lipston, Wayne Johnston, and Daniel G. Davidson.

Steven Salmon, Stean Albin, David Reltz, Jerome Donnelly, S. J. Foster, Michael Weissman, Frederick A. Mele, Peter H. Ruguskin, Robert J. Urbon, Elliot Green, Alan R. Levy, B. J. Bowen, W. Lei, Andrew R. Rusmin, and Judy Thisttle.

James Allcore, Martin H. Zase, Charles Adams, Miss Parley, Donald H. Sandol, Peter D. Cream, Joseph J. Creun, Michael J. Glick, R. Craig Carrol, Lawrence B. Cutler, Robert J. Duoff, John D. Bush, Evelyn Geller, Donald P. Johnson.

Lesbe Muldorf, Peter G. Rider, Robert A. Muranda, Lawrence Rubin, Theodoa Gummer, Barry M. Zide, Barry Soyoloff, Bruce Carrick, James H. Chalmers, Jr., Morton Cohen, and Leonard Brown.

TUFTS-NEW ENGLAND MEDICAL CENTER COMMUNITY

We, the undersigned members of the Tufts-New England Medical Center Community, have voted in support of the National University Strike. We have chosen not to carry on business as usual, but rather to redirect our energy to constructive political action in order to bring about the following goals:

1. The immediate and unconditional withdrawal of all U.S. troops from Southeast Asia.

2. The immediate and unconditional cessation of the use of troops to suppress political dissent.

3. The redirection of military funds to improve the ailing condition of American life.

We join millions of students and working people across the nation in a concerted effort to end the war in Southeast Asia and to halt the unprecedented and unconstitutional repression of political dissent at home.

There will be no interruption in patient care!

(There were 482 signers—signatures illegible.)

TIME OF CRISIS FOR THE NATIONAL AIR AND SPACE MUSEUM

Mr. GOLDWATER. Mr. President, it has been reported that the Smithsonian Board of Regents will be holding a semiannual policy meeting tomorrow. The last one took place in January, I believe.

Since these sessions are so important in setting the goals and boundaries for the Institution's activities, I would express my hope that the regents will be able to address a part of their attention to a long delayed but urgently needed Smithsonian project.

Mr. President, I am referring to the construction of a permanent building for the National Air and Space Museum, which without question is, or should be, one of the major components of the world-famous Smithsonian complex of museums and galleries. The concept for this building can truly be said to date back nearly 25 years, to August of 1946, when Congress first established the National Air Museum as a bureau of the Smithsonian Institution.

As a part of the 1946 law, Congress expressly included provisions for selecting a site for an air museum building to be located here in the Nation's Capital.

Subsequently, in 1958, Congress authorized a Mall site for the museum and allowed funds to be spent on detailed plans for the proposed building. During fiscal years 1964 and 1965, a little under $2 million was appropriated so that the architectural design and layout of the museum could be completed.

Finally, in 1966 Congress concluded this series of authorizations by giving the Smithsonian a firm statutory basis for proceeding with the construction of the museum building. Part I of this legislation also changed the name of the "National Air Museum" to the "National Air and Space Museum."

So the concept for the projected building has a history starting in 1944. The architectural work is finished and the construction plans are in hand. The site has been designated by Congress and approved by the necessary planning and art commissions. And Congress has approved the actual construction of the building.

Yet, as of today, not 1 dollar has been funded for construction of the museum. The proposed building is at an absolute standstill. In fact, according to S. Paul Johnston, former Director of the Air and Space Museum, the project "may never get off the ground."

Why is this so? What is the true status of the building project? What is the real justification and need for the establishment of a national museum devoted to aeronautical and astronautical developments?

These are the kinds of questions that I have been reviewing since resuming my service in the Senate. And I hope that they represent the type of analysis which the Smithsonian regents and top brass might be willing to make concerning this important facility.

Mr. President, if the Board of Regents and the administrators of the Smithsonian wish to undertake an examination of the difficulties which the Air and Space Museum is encountering, they would do

well to start by reading the challenging address given before the Washington Aero Club on April 22 of last year by S. Paul Johnston, who was then still director of the Air and Space Museum.

Mr. Johnston had some very interesting remarks to make on that occasion. For example, after noting the original aura of excitement which he had held when he first looked over the prospect of creating a new museum facility, he summed up his feelings prior to his impending retirement by saying:

> Now, five years later, I make my valedictory address in an atmosphere of frustration and personal disappointment. The bright outlook of 1965 has receded farther upstream each year. At the moment, the prospects for a new facility are at least as far in the future as they were then.

This is a shocking statement of concern. But the reasons Mr. Johnston gave for his conclusion are even more disturbing.

While he noted that the museum's enabling legislation of 1966 carries with it a commitment to postpone requests for construction money pending a reduction in the Vietnam conflict, he made clear his recognition that "some day such restrictions will disappear."

Mr. President, I am of the hope that this consideration will disappear even sooner than Mr. Johnston thought possible, and I would like to develop this point more fully later in my statement.

But, for now I want to focus on what Mr. Johnston calls the real problems confronting the museum. In his words, these "real problems relate not to things, but to people—that is, attitudes with respect to the Air and Space Museum, both in government—and, more specifically, in the Smithsonian itself."

Mr. Johnston followed this remark by reminding his audience—a public audience mind you—that he had come on board 5 years ago full of enthusiasm and "under an impression that the expansion of the Air and Space Museum activities was high on the Smithsonian's list of 'Things to be Done.' "

Then he added:

> It was not until we were well into FY–67 that I began to suspect that we were not as high up on the Smithsonian Totem Pole as I had hopefully imagined.

Here it comes. Mr. Johnston is ready to put the finger on what he feels is the real source of the museum's problems.

His speech continues:

> It comes down to a question of *priorities*—and when (as at present) *money* and *manpower* are being rationed, the question is—where do money and man-power go *first?*
>
> Answer:—Not to the Air and Space Museum.

Now, I am still quoting:

> Unfortunately, from our point of view, the current art and "ology"—oriented management of the Smithsonian appears to favor sculpture gardens, folk art (both performing and static), and elaborate housing for the scholarly, over the more practical, hardware-oriented technologies of flight.

At this point, Mr. Johnston sought to document his charge. He said:

> At present, several millions of dollars are being spent to re-furbish the original Smithsonian Building in the pre-Civil War manner of the First Secretary, Joseph Henry—simply to provide a properly elegant atmosphere for Visiting Scholars. At the same time, essential operating dollars for the Air and Space Museum have almost dried up completely. Out of the more than $30 million Federally appropriated Smithsonian budget, the Air and Space Museum's share is approximately 2 percent. We are in almost the same class with respect to personnel, about 2 percent of the total Smithsonian complement.

To make matters even bleaker, Mr. Johnston revealed that the museum was "threatened with expulsion from the Mall—to take up quarters and to try to operate a museum activity in the ancient and dilapidated Pension Building on downtown Court House Square."

Incidentally, I might note at this juncture, that the museum was able to fend off being separated from the main complex on the Mall, which some old maps describe accurately as the "Smithsonian Park." However, if this move was ever seriously considered within the Smithsonian structure, I must register my sympathy with Mr. Johnston over what would be an affront to a major museum.

Unfortunately, some other units of the Smithsonian did get shunted over there where I understand they are experiencing some crime and security problems.

But let me return to Mr. Johnston's remarks. For he is not through yet.

On top of everything else, the former Air and Space director noted that under the organization pattern then in effect, the Air and Space Museum reported to the Assistant Secretary for History and Art. The incumbent, according to Mr. Johnston, "takes some pride in the fact that he has never come within miles of the Pentagon—physically or spiritually. He has little personal interest in aerospace matters, and yet he is representing us in the Upper Councils of the Smithsonian on our programs and priorities."

Well, this is pretty strong stuff and should have been thoroughly explored last year when it was first aired in public. The Evening Star reported the criticism under a three-column head so it was certainly open for the world to see.

Without commenting on the personality angle here, I would like to express my amazement at the fact that the aeronautical and astronautical sciences were in fact placed under the same section of the Smithsonian that is devoted to the humanities and arts.

Aeronautics and space exploration derive from, and indeed incorporate, many of the sciences, including mathematics, physics, fuel chemistry, metallurgy, physiology, psychology, biology, astronomy, astrophysics, geology, and geophysics. How in creation flight ever got mixed up with the "arts" at the Institution is beyond me.

This fact alone would raise doubts in my mind about the degree of interest and attention which the Smithsonian was devoting to its flight museum. I am happy to report that after great pressures were exerted, the Air and Space Museum was shifted last fall to the section for science, where it undoubtedly belongs.

Mr. President, in order that many interested persons may be able to examine for themselves the point of view given by a recent Director of the Air and Space Museum itself, I will ask at the conclusion of my remarks that the text of Mr. Johnston's speech be printed in the RECORD.

Having raised these complaints, I should not leave them lying open on the table, as it were, without seeking to explore the question of whether or not there is, in fact, a sound foundation for them.

In this connection, Mr. President, I will merely attempt to open the record so far as it is accessible to me and let the chips fall where they may. I will not attempt to make any determinations as to the attitudes or proclivities of the Smithsonian administration.

They can review the record for themselves. The Board of Regents can study the facts and make their own conclusions. And the appropriate committees of Congress having legislative jurisdiction over Smithsonian matters will, I hope, be ready to delve more fully into the subject in the event my remarks leave any important questions unanswered insofar as their interests are involved.

In fact, if nothing else comes of this speech except a drawing of attention to and interest in the true needs and role of the Air and Space Museum, I will consider my effort as having been worthwhile.

Let us examine one of the issues presented by Mr. Johnston. Does the Air and Space Museum get a miniscule portion of the Smithsonian budget as compared with its actual importance?

To answer this, I believe one should consider exactly what the overall objectives and functions of the museum really are. Here we can turn to the presentation material offered to Congress by the Smithsonian in justification of its annual budget requests.

At page 819 of the House hearings on the Institution's appropriation requests for fiscal 1971, Dr. S. Dillon Ripley, Secretary of the Smithsonian offers the following explanation:

> The National Air and Space Museum is the nation's center for exhibition, education, and research in the history and principles of air and space flight. It maintains the world's greatest collection of objects related to flight and is a unique resource for research in aviation and aerospace history, in flight science and technology, in the impact of man-flight on the cultural life and economy of America, and in the pioneering efforts of early aviators and astronauts. This growing collection now consists of more than 200 technically and historically important aircraft, more than 300 engines, 1,000 air and spacecraft models, and a vast array of related equipment. Supplementing the physical specimens are extensive holdings of records resulting from air and space research, development and operations, films, art work, and memorabilia that available to students, historians, biographers, technicians, and engineers. Drawing upon these resources, the Museum produces exhibits portraying the past, present, and future of aeronautics in America.

In other words, the Smithsonian leadership is saying that the Air and Space Museum should be the center in the

United States for the exhibition of the historical mainstream of flight—flight both in the atmosphere and into space.

Not only that, but the museum is also expected to be the Nation's center for public education or awareness of the significance and scope of aeronautical and astronautical developments. By visiting the museum, the public should become aware of the significant events which have taken place in the development of flight.

Even more, the museum is supposed to provide reference services for technical historians, patent researchers, airplane building hobbyists, and other specialists who need access to the original sources, including both research materials and actual artifacts.

With this bit of sketchy, but revealing, background, we can take a look at the budget and personnel figures and find out whether or not the museum's share is equal to its needs.

When Mr. Johnston took over the reins at the Air and Space Museum in 1965, there were 34 authorized permanent positions for that museum. This is the number that was allowed under the 1966 fiscal year appropriations.

Yet today there are not even that many hands on board. The actual number of personnel at the National Air and Space Museum of the United States is 30 people, counting the administrative side, support crew, and secretaries. This number also includes the 14 employees working at the preservation and restoration division at Silver Hill.

Several years ago the technical support team had 15 positions, now it is down to 14.

The curator's professional staff has decreased 50 percent in the Aero Section—from 4 to 2.

The Historical Research Center, which supports the museum in documenting the significance of acquisitions, answers 6,000 public inquiries annually, and runs a reference library, has the grand total of three employees.

The museum itself has no Director. Even though the former head gave 1 year's advance notice of his resignation, the position has not been filled 19 months later.

In terms of the overall Smithsonian picture, the Air and Space Museum has 1.6 percent of the actual total employment. At the April hearings, Assistant Secretary Bradley stated that the actual employment was 1,889 positions, so I am comparing 30 against 1,889.

The result is similar if I take the full number of authorized positions for fiscal 1970, which is 2,077, and compare it with the 41 positions which the Air and Space Museum is entitled to on paper, but does not, in fact, enjoy. On the basis of this comparison, the museum still has less than 2 percent of the overall slots.

In fairness, I will add that the Smithsonian has filed a request for an increase in the number of authorized positions reserved for the Air and Space Museum.

But, I must pose the question of what good this will do them if the positions are not released? There has been a rise in the number of positions authorized, but it has been purely on paper.

The story is the same when we delve into the budget figures. It is true that there has been an increase in funds appropriated for the Air and Space Museum since the 1966 fiscal year. However, when we examine the money appropriated to the museum—$564,000—in light of the total money appropriated for Smithsonian salaries and expenses—$29,565,000—in the current fiscal year, we come up with almost the same low percentage as resulted in the case of employment.

The Air and Space share of the budget is 1.7 percent and its share of personnel is 1.6 percent.

Some people may wish to contrast these figures with the demonstrated capacity of the Air and Space Museum to draw visitors to the Smithsonian complex. Out of a total number of 12,438,909 visitors to the Smithsonian Park in calendar year 1969, more than 4 million visitors went through air and space exhibits.

This is more people than went to see the Lincoln Memorial in 1969, which is the country's most popular historical shrine. It also represents nearly one-third of the overall Smithsonian audience and I think this fact deserves greater attention by those people who are setting policies for the museum—and I am addressing myself both to individuals at the Institution and in Congress.

For instance, I noted that Secretary Ripley referred to 2 million persons in his testimony to the House Appropriations Subcommittee. This is at page 894 of the hearings.

But in truth, there were more than 4 million visitors to the air and space displays during the last calendar year. Approximately 2.3 million of these persons came to see the impressive air and space objects located in the exhibit halls of the Arts and Industries building.

The original Wright Brothers flyer is on display here as well as the Spirit of St. Louis, and Mercury spacecraft Friendship–7. Also, the lunar rock sample is exhibited in this building, and as a result the current rate of visitors has risen to an average of 2.5 million on an annual basis.

There are nearly another 2 million persons who looked through the fascinating exhibits at the tin shed, the World War I hangar that houses many other Air and Space Museum displays. This structure is an entirely separate building from the Arts and Industries building. One popular item here is a command module simulator which a family can actually pilot.

It is pertinent to remember, when looking at the combined figure of 4.1 million visitors, that the exhibit areas were closed in both of these buildings every Monday in January, February, and March of 1969. Furthermore, they were closed at 4:30 p.m. all through the year, unlike the history and technology exhibits which stayed open until 9 p.m. for 5 months in the year.

Nor are the flight exhibit halls air conditioned in the Arts and Industries building. So all in all, I think the Air and Space Museum has placed a remarkable role in drawing visitors to the Smithsonian complex.

To me, this is a significant indication of its unique capacity to be a source of public understanding about the world of flight and an inspiration to youth.

It certainly gives a clear picture of the view held by millions of taxpayers who come to Washington to see their dollars at work. To approximately one-third of the individual Americans who comprise the Smithsonian's audience, the air and space exhibits are a live, vital part of the Institution. If they were to be told that the stature of the National Air and Space Museum within the Smithsonian organization is only 1.6 or 1.7 percent in terms of actual employees and money provided for its operations, I imagine there would be many raised eyebrows and much downright astonishment.

Another allegation opened up by Mr. Johnston's speech is that there is an art- and elegance-oriented direction to the Smithsonian's activities.

Again, I must turn to the documented record and allow the facts to speak for themselves.

One item Mr. Johnston may have had in mind when he was speaking of elaborate housing is the Belmont Conference Center. If memory serves me correctly, this structure was about to be released from the Smithsonian organization when I was completing my prior term in the Senate. Upon returning to this body after my 4-year sabbatical, I discover that it has been remodeled and now serves as a little-used conference center which is nearer to Baltimore than to Washington.

Or perhaps Mr. Johnston was thinking about the Renwick Gallery of Art on Pennsylvania Avenue. Since the 1967 fiscal year $2,070,000 has been appropriated by Congress for restoration and renovation of this building, which is to be used for decorative arts. The Smithsonian management is asking for another $300,000 to try to complete this program.

In somewhat the same category is another new component of the Smithsonian, the Cooper-Hewitt Museum of Decorative Arts and Design. One difference is that this building happens to be situated in New York City. Formerly it was known as the Carnegie Mansion.

The Smithsonian's presentation materials to Congress do not mention this building, so I could not determine what commitments have been made to revamp and refurbish it. Perhaps the funds for this project are carried in the private side of the Smithsonian's support structure. In any event, the acquisition of one more arts component might indicate a proclivity in that area.

One facility about which Mr. Johnston could not have known is the acquisition of the Archives of American Art. This happened just recently. What the full meaning will be of placing the Archives under the Smithsonian umbrella has yet to be explained, but I notice that its branch offices in Detroit and New York will be maintained.

Nor could he have foreseen the ambitious embarking by the Smithsonian management on a lavish national magazine. The periodical, which is called Smithsonian, actually contains articles about many non-Smithsonian activities and may or may not be able to compete with other scholarly reviews on such a

basis. Again, the venture is merely one more item to be noted and taken into account when considering where priorities for the Smithsonian's energies and interests are being aimed.

There is no question that Mr. Johnston, as well as the entire American public, had heard about the next Smithsonian project which I will mention. The Joseph H. Hirshhorn Museum and Sculpture Garden has gained its share of notoriety.

The latest bit of news about this project is that it has cost overruns of about $1 million above the $15 million that Congress authorized for it. Almost $9 million is being sought in the 1971 budget for construction work on this structure and its associated garden.

Similarly, Mr. Johnston was undoubtedly aware of the creation of the Division of Performing Arts inside the Smithsonian organization. This unit puts on an annual Folklife Festival on the Mall and spends in the neighborhood of $200,000 annually.

Next, Mr. Johnston was likely aware that almost $7 million was appropriated by Congress for repairs and restoration work to turn the former Patent Office in Washington into a center for the National Collection of Fine Arts and the National Portrait Gallery. Congress allowed $5,465,000 for this project in 1964, which is when the present Secretary came to the Smithsonian. Another $400,000 was provided prior to that for planning, and $1 million was appropriated afterward to complete the work.

One more example which Mr. Johnston zeroed in on is the refurbishing of the original SI building in a pre-Civil War manner. By December of 1970, the whole building is to be revamped with curtains, rugs, furnishings, and gas light fixtures in keeping with the way it looked in 1855. Apparently the $2.6 million appropriated for this work will provide comfortable offices for the Smithsonian secretary and his assistant secretaries, as well as a VIP dining room for the Smithsonian management.

There is a followup project to this one which would likely have aroused Mr. Johnston's interest if he were still at the Smithsonian. An appropriation of $500,000 is currently being sought for the renovation of the 90-year-old Arts and Industries building. The Smithsonian management is seeking to construct several second floor decks in the building to obtain added space for administrative and public service purposes.

And, while we are in the area of construction, it seems appropriate to refer to two new requests which the Smithsonian management has laid before Congress. One of these is in the form of legislation seeking authority to spend $6 million for the construction of two bicentennial pavilions.

The theme of these pavilions seems to have a heavy sociological bent, with emphasis being put on ways to describe "the whole panorama of our cultures." In the words of Secretary Ripley:

> Young people representing Negroes, Indians, Spanish, Chinese, Japanese and other subcultures are not given the evidence that they are part of the stream of history of the United States.

Now, it may be proper for the Institution to play this kind of role in the Nation's bicentennial, but once more I must pose the question of where its priorities should be given. With the gigantic public interest in air and space, and with the tremendous pioneering role and contributions of the United States in the mainstream of aviation, rocketry, and space history, I believe it is fair to ask why the Smithsonian and the Congress should not be planning to unveil the permanent National Air and Space Museum in time for the national celebrations in 1976, instead of brainstorming major new sociocultural exhibits?

Another bill which was introduced recently at the request of the Smithsonian is one to reserve a site for the creation of a National Museum of Man. Although anthropology and studies in the science of man have traditionally been included within the Museum of Natural History, the Smithsonian administrators want to lay the foundation for an entirely separate, major new museum as a Smithsonian component.

Do these requests fit in with the pattern of activities which might fall under the heading of what Mr. Johnston has referred to as "art and 'ology' "-oriented attitudes?

We are dealing with subjective elements here. We must always keep in front of us the realization that the Smithsonian is a many-faceted institution. Any organization devoted to the "increase and diffusion of knowledge among men" has to display many sides and promote varied interests.

So it is not so much a question of whether or not the Smithsonian should expand its art activities, or develop elegant structures, or foster showy projects, as it is to ask where the limit of its resources is and which programs among the lot deserve priority attention and interest out of the money and manpower available.

This is why I have studied the Smithsonian organization across the board to see whether any obvious patterns might develop. This way the interested observer might be able to trace where the priorities have been given and where a decline or lack of strong support is visible.

Consequently, in addition to the projects which I have described above—all of which relate to the validity or error in the observations which Mr. Johnston has made—I would like to discuss a few other matters which may be useful in rounding out the picture.

Looked at over the period of the last 7 or 8 fiscal years, there appears to be a definite ballooning of positions and appropriations for certain units of the Smithsonian. On the other hand, the possible decline in attention to the National Air and Space Museum is seen not to be an isolated situation.

The overall number of permanent employees at the Institution is a case in point. In calendar year 1964 the total number of permanent positions authorized by Congress for the Smithsonian was 1,348. In addition, there was a full-time equivalent of 18 other employees represented by temporary workers.

By calendar year 1970 the number of authorized permanent employees had jumped to 2,077, with a request in for 2,448 for fiscal 1971. While the number of full-time equivalent employees is no longer shown in the presentation materials before Congress, the last time I saw it revealed it had shot up to 100 or more. Also, I believe there are in excess of 1,100 other employees who are paid from private funds.

Where are all these people located? Which bureaus and offices of the Smithsonian enjoy the added support of part-time helpers and privately paid employees?

While I cannot provide the complete answer, I can say one thing for sure. They are not at the Air and Space Museum, which, as I have said, has only 30 employees in all.

Where has the jump in employment occurred? Well, one place to look is right at the top. In early 1964, the Smithsonian management listed 23 positions. In 1970, the comparable figure has risen to 62.

Now, I know the presentation sheets do not show this. The Institution's table claims 29 slots for Office of Secretary and 33 positions for Management Support. I would remind my colleagues, however, that at the 1968 fiscal year hearings the Secretary disclosed that he had split up the Office of Secretary.

At page 981 of the House hearings, Mrs. HANSEN is reported to have asked:

> Was management support set up so the Office of the Secretary would not look so expensive?

Upon this inquiry, Dr. Ripley answered:

> We have divided functions previously budgeted under the Office of the Secretary that have been separately described in our 1968 justifications as management support.

Thus, if we are to find an accurate basis for viewing the growth of the Office of Secretary, we should take management support into account. It is on this basis that I say management has jumped from 23 to 62 positions.

Going to appropriations, it is interesting to note that the budget for management has increased 63 percent from fiscal year 1966 to 1969. The funds appropriated were $561,000 in fiscal 1966 and $916,000 in fiscal 1969. Again, this is calculated by combining the figures for Office of the Secretary and Management Support.

During the same period appropriations for the National Air and Space Museum increased by 31 percent—less than half of the management increase.

General or central administration has seen a similar sizable increase over the past few years. From 165 permanent positions in fiscal 1966, it has gone to 243 positions in fiscal 1970. Using the same border years, administrative appropriations have gone up from $2,450,000 to $4,103,000.

Another office which has enjoyed a healthy expansion is Academic Programs. This unit was founded in fiscal 1967 with 10 positions and $200,000. By the 1969 fiscal year this new office was receiving more funds than the entire National Air and Space Museum. Aca-

demic Programs now has 18 employees and over a half million dollar budget.

Perhaps one reason for its remarkable progess is the Secretary's open interest in education. According to Frank Waldrop, writing in the May issue of the Washingtonian, Dr. Ripley right off "wanted to know why the Capital of the United States did not have a university up there with Yale, Princeton, Oxford, Cambridge, or even Harvard. Congress would put up the money, his friends at the old schools would lend the professors, and the Smithsonian would do the housekeeping."

Elsewhere in this article, entitled "The Elegant Birdman of the Smithsonian"—Dr. Ripley is an ornithologist—his idea is described as one of using "the museum as the living heart of culture and education."

Such a view is consistent with the statement which Dr. Ripley made in his first budget appearance before Congress. On March 4, 1964, he said:

> The Smithsonian can and should be a tremendous force for education in the world today.

At the 1967 fiscal year hearings, Dr. Ripley referred to the scientists and curators of the Institution as "a faculty as indeed I call them, of 300 qualified scholars working in the Smithsonian."

The Office of Academic Programs is a logical outgrowth of this philosophy since it offers several fellowship appointments and stipends, accompanied by formal educational activities.

The establishment of an educational radio service, "Radio Smithsonian," is further evidence of the direction in which the Institution is headed. Even the Smithsonian magazine is being heralded as one of the educational channels from the Smithsonian to people in their homes.

Once again I must clarify my purpose. It is not to criticize the development of new Smithsonian activities. It is not to say that the Institution should not broaden its interests in the fields of arts, humanities, and public awareness. As one who has sponsored two measures to extend the life of the National Foundation on the Arts and Humanities and as the author of two amendments to strengthen that organization, I believe my credentials are in order in that field.

Rather my aim is to identify those areas where the greatest attention has been given, to illustrate the kind of major advances which are possible within the Smithsonian organization when the top brass is solidly in back of a project, to refresh my friends in Congress as to how we have been willing to fund many imposing new programs, and to ask whether the same current of enthusiasm, attention, and importance should not be given to the basic and practical sciences—which most certainly includes the National Air and Space Museum.

A little earlier I set forth my discovery that the flight museum had company in the apparent suspension of priority treatment. On the basis of having reviewed several recent Smithsonian budget statements I cannot help but feel that the Museum of Natural History is in the same boat with the Air and Space Museum.

In the tables for the 1966 fiscal year the Museum of Natural History is shown to have 258 authorized positions. Yet in the 1970 fiscal year their base is down to 253. So, the past 5 fiscal years have not shown much progress for this important Smithsonian component.

True, the appropriations for natural history have risen a little, from $3,002,000 in the 1966 fiscal year to $3,674,000 in the 1970 fiscal year. But, put in the context of raises in other categories of the Smithsonian, such as general administration, this rise is minor.

The 1966 figure for general administration was $2,450,000 or over a half million dollars below the Natural History Museum. The outlook for general administration in 1970 is a total appropriation of $4,103,000. The budget for these units is now larger than natural history by $429,000, nearly the reverse of the situation which existed in 1966.

Occasionally there is some notice taken of the special needs of the research scientists working at the museum, but I cannot say that there has been sufficient followthrough on them.

For example, at the hearings on funds for the 1967 fiscal year, Secretary Ripley alerted Congress to the fact that:

> We have about 111 scientists working in natural history. We have about 90 technicians. All the surveys made by scientific organizations throughout the Government and in the Nation say at the very minimum two technical aids should be assigned to each scientist.

Well, if this is so, what has been done about it? Very little, I must conclude, if my current head count is right. For I believe the number of bench scientists has dropped to 103 and the number of technicians has fallen to 87.

Mr. President, this is the wrong kind of progress. If we do not watch out, in a very short while there will be two scientists for every laboratory technican instead of the other way around.

It is true that some recognition has again been given to the unfortunate developments at the museum. On page 757 of the April hearings on the House side, the Smithsonian statement includes the following admission:

> [S]cientific research and curatorial activities in some museums may not be faring as well now as they were in 1968. A good example would be the National Museum of Natural History.

This is fine, but it is a little reminiscent of the 1967 hearings. The real question is what remedy is being pushed to change things.

While we are examining the situation at natural history, I should mention one more dimension of the problem which certain important visitors to the museum have brought to my attention. These persons, who know what they are talking about when it comes to judging significant animal specimens, tell me that the condition of exhibit animals on display in the Hall of Mammals is downright deplorable.

We should remember that a great many of these animals were donated to the Smithsonian. Often money was provided to the Institution for the actual mounting of the specimens. Also, I would remind my colleagues that several of these animals were derived from Teddy Roosevelt's famed African safari.

With this important historical tie, and with the thought that the exhibit halls represent such an important role as the visible side of the Smithsonian in the eyes of taxpayers, I feel this matter is also worthy of being explored deeply by the proper authorities. Again, I suppose, the answer lies in a shortage of personnel. There simply is not anybody, or any unit, given to the museum who can do the job of maintaining these public specimens in good order. If the Museum of Natural History is not on the list of priorities at the Institution, then the deterioration of exhibit animals at that museum would seem to follow.

There once was a taxidermic unit under natural history that could handle this kind of preservation work, as well as serve a useful technical support role, but it was first moved out of the museum and then abolished. So this problem is logically connected with the broader need for adequate technical help at the museum.

Mr. President, this review of the Smithsonian scene should be enough to assist anyone interested in these matters to get off the ground. Hopefully, my comments will stir up some fresh thinking and activity by those persons who have responsibilities for the progress of all aspects of the Smithsonian.

In the event that there is some truth to the complaint about proclivities and attitudes within the Smithsonian organization, whether unintentional or not, I would wish that by airing the idea we will alert responsible, fair, and intelligent people to the difficulties caused by such moods.

In short, all I am seeking is a balance. If any redressing is in order, then let it be done by putting things in their proper perspective. I am asking for no special favors for the Air and Space endeavor. An equal standing for it within the priorities of the Smithsonian program is as far as my plea goes.

For once it is clear that the flight project has a priority status inside the Smithsonian structure, and once it is demonstrated that the National Air and Space Museum has achieved a stature in that organization commensurate with its true national stature, I am confident Congress can be persuaded to press forward with funding for the permanent building.

There are no restrictions in the 1966 enabling law. Nothing of this kind is spelled out in the law itself. No conditions were proposed by the House committee or on the floor of the House.

The reason for deferring the project is found on page 4 of the report by the Senate Committee on Rules and Administration. The language reads as follows:

> The Committee expressly recommends . . . that appropriations should not be requested pursuant to H.R. 6125 unless and until there is a substantial reduction in our military expenditures in Vietnam.

So there it is. This is the only legislative holdup on the program. It was recommended in June of 1966, before the first manned lunar landing had taken place.

Now that this landmark in the history

of mankind has occurred and public excitement about space achievements has catapulted, I believe the time has arrived when the American people want to have a decent home for the national center where the world's greatest collection of aircraft and space objects can be shown.

Americans want to have a center where they can enjoy the incomparable inspirational feeling which their heritage in flight and space can offer. In these troubled times, the people want to have some resource where they can gain a feeling of pride in human accomplishment.

This is what the National Air and Space Museum is all about. It will tell the story of progress during the past, but it will guide visitors' thoughts to the challenges, hopes, and opportunities of the future as well.

In closing, I will say that I do not know of any better investment for the Nation's celebration of its 200th anniversary than the establishment of a permanent building for the National Air and Space Museum. Aviation and astronautics are America's triumph. Let us recognize it.

Mr. President, I ask unanimous consent that the address by Mr. S. Paul Johnston and other materials relative to my remarks about the Smithsonian be printed in the RECORD.

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

[From A.A.H.S. Journal, Summer 1969]

ADDRESS TO THE WASHINGTON AERO CLUB, BY S. PAUL JOHNSTON, DIRECTOR, NATIONAL AIR AND SPACE MUSEUM, SMITHSONIAN INSTITUTION

I greatly appreciate this opportunity to come before this oldest of our local aerospace associations to discuss briefly the current outlook for the establishment of a proper museum facility to bring before the American public some concept of where we have been, why we are here—and where we are going in this business in which we are all engaged.

Incidentally, at this point in time, I have come full-cycle in my short career as a "museologist." My first public appearance after taking on this job about five years ago was before this club. Now—this will probably be my last appearance on behalf of the National Air and Space Museum. I shall retire from the Federal Service on the First of September of this year.

At the time of my matriculation speech—which must have been sometime in the winter of 1964-65—I was really "bright-eyed and bushy-tailed" over the prospect of creating here in Washington a great new facility on behalf of the government, and the aerospace industry. This seemed a fantastically interesting and worthwhile thing to do. It seemed then, just around the corner.

Now, five years later, I make my valedictory address in an atmosphere of frustration and personal disappointment. The bright outlook of 1965 has receded farther upstream each year. At the moment, the prospects for a new facility are at least as far in the future as they were then. We can't yet see around that corner.

Disappointing as all this may be, we are all aware of the underlying reasons. This country's dollar commitments at home and abroad for urgent domestic and military programs are currently the overriding considerations. This is not exactly the time to go to the Congress for some $50 million for a museum building in Washington. In fact, during the hearings on our enabling legislation (H.R. 6125 passed and signed by President Johnson in July of 1966), the Smithsonian was specifically enjoined from coming to the congress for construction funding until after the settlement of the Vietnamese War.

Someday such restrictions will disappear. No one knows when this may be. But it is not too early to give the matter some serious thought. In every post-war period there are urgent needs for large public works projects to take up the economic slack, to help tide over the period of adjustment when the swing is away from war-time production back to neglected domestic needs.

In the projected Air and Space Museum we have an ideal project of this kind—on the shelf and ready to go. Consider the following:

(a) The project has been approved and construction authorized by Congress;

(b) The site has been approved by the several National Capitol Planning and Art Commissions, and dedicated for the purpose by the Congress.

(c) Congress has appropriated (1963–64) over $2 million for planning and design of a building. The architectural work is completed and the construction drawings are in hand.

All that remains is Congressional appropriation for construction.

But there are other problems—and I want to touch on a few of them—particularly to point out where you, as the Aero Club of Washington can lend a much needed hand.

You have already indicated your interest in doing something for us. Your immediate reaction to a recent article in an aviation publication alleging a "dreadful" state of affairs at Silver Hill was most gratifying. I do not intend to discuss that bit of doubtful journalism here. Gene Norris and his committee have looked into the situation in detail and I am perfectly willing to leave the case in their hands.

Also, a few weeks ago, in the course of inspecting progress on the NC–4 (which is now down on the Mall), the Deputy Chief of Naval Operations for Air, VADM Thomas Connolly, looked over the entire facility at Silver Hill and made the following comment (in part):

"As a member of your Advisory Board, I was glad of the opportunity to inspect the Silver Hill facility, apart from the NC–4 project and I was much impressed by what I saw. Your shops are in excellent shape, even by Navy standards. The fact that so much progress has been made in the last few years in getting new warehouse buildings for the protection of our country's historically important aircraft, engines, and spacecraft is most laudable. Your inventory records were most impressive and these are important. Soon we must drive hard for the permanent Museum. America badly needs it now in my opinion."

The magazine article had other effects, both bad and good. It is no news to any of you Washington hands that letters from Congressmen create consternation—if not downright panic—in any government bureau. Everything else comes to a grinding halt until some sort of reply is dispatched—usually by carrier pigeon. I can't even guess how many man-hours have been absorbed around my office lately in fending off "crank" letters to Congressmen generated by that article.

On the other hand, we have had many *positive* results. You might be surprised at the number of young people who have offered to volunteer their services to help in any way. For example, I had a telephone call from a pair of 16–17 year old high school seniors from Long Island, Bob Oddo and Ralph Muscente—they offered to come to Washington during their Easter holiday to see what they might do for us during the summer. I thought this was great. We had them come down, put them up overnight and gave them the run of the museum, including Silver Hill and our model shops at 24th Street. They really had a ball—and I think that they went home with quite a different impression of a museum and its problems than the one they brought with them. We hope they will be back.

Now, as to what your organization can do.

First, you must isolate the real problems confronting the museum. I think that Gene Norris and his committee recognized (and hopefully reported to your Board) that the basic problem does not lie in the area of assisting the museum to salvage a lot of old aircraft which are alledgedly rotting away on a Maryland hill-top. Actually, of the 200-odd airframes and 300–400 engines, etc., at Silver Hill—only a relatively small fraction are of sufficient historical value to even be considered for public display. Our physical problems have long since been recognized, and are being dealt with as rapidly as our capabilities (money and manpower) allow.

Our real problems relate not to things, but to people—i.e., attitudes with respect to the Air and Space Museum, both in government—and, more specifically, in the Smithsonian itself. The latter controls the former. It is in such areas that your organization can be of the greatest help.

As I said earlier—I came here five years ago "full of beans" and enthusiasm—under an impression that the expansion of the Air and Space Museum activities was high on the Smithsonian's list of "Things to be Done." In spite of the slowing down of our legislative programs and the progressive imposition of dollar and manpower restrictions, I failed to read the obvious signs correctly. Perhaps this resulted from lack of proper communication with the "front office." It was not until we were well into FY–67 that I began to suspect that we were not as high up on the Smithsonian Totem Pole as I had hopefully imagined.

Most of us who have been in this aviation business for many years develop a certain amount of self delusion. In our enthusiasm for our own activities, we think that everybody is impressed by—and vitally interested in our mechanical birds and their accomplishments. It is sometimes a shock to find that this "just ain't necessarily so." Especially around a place like the Smithsonian, there are any number of "ologies" and sociologically-oriented disciplines whose practitioners consider aircraft only as a means of getting out to the remote boondocks to study baboon behavior, or to look into the private life of the green spotted frog of the upper Amazon—and spacecraft are important only as vehicles to carry biological or astrophysical experiments.

Now these things are all well worth doing—but it comes down to a question of priorities—and when (as at present) money and man-power are being rationed, the question is—where do money and man-power go first?

Answer:—Not to the Air and Space Museum.

Unfortunately, from our point of view, the current art and "ology"—oriented management of the Smithsonian appears to favor sculpture gardens, folk art (both performing and static), and elaborate housing for the scholarly, over the more practical, hardware-oriented technologies of flight.

At present, several millions of dollars are being spent to re-furbish the original Smithsonian Building in the pre-Civil War manner of the First Secretary, Joseph Henry—simply to provide a properly elegant atmospheric for Visiting Scholars. At the same time, essential operating dollars for the Air and Space Museum have almost dried up completely. Out of the more than $30 million Federally appropriated Smithsonian budget, the Air and Space Museum's share is approximately 2 percent. We are in almost

the same class with respect to personnel, about 2 percent of the total Smithsonian complement. And yet—statistically, more people come in to see air and space exhibits than visit any other S.I. component—except possibly the Zoo!

Furthermore, we are now threatened with expulsion from the Mall—to take up quarters and to try to operate a museum activity in the ancient and dilapidated Pension Building on downtown Court House Square. This we are strenuously resisting, for there may be reason to believe that once we are separated from the main complex on the Mall—we may never get back.

But, there is nothing really astonishing in all this if one considers the pedigrees and proclivities of the Smithsonian Secretariat—the top-side group which determines the Institution's policies and priorities. Most of them hail from the Groves of Academe—holders of advanced degrees in philosophy, biology, sociology, history and art.

Under the present organization pattern, the Air and Space Museum reports to the Assistant Secretary for History and Art. The incumbent is a nice guy, a PhD—a specialist in the political history of England in the 18th Century. He takes some pride in the fact that he has never come within miles of the Pentagon—physically or spiritually. He has little personal interest in the aerospace matters, and yet he is representing us in the Upper Council of the Smithsonian on our programs and priorities.

I protested this arrangement when it was first announced about a year ago on the grounds that we were substantially more akin to science and technology than to history and art—but to no avail.

Now here is where I think that you can help us most.

The Secretary of the Smithsonian is a highly intelligent man of great scholarly attainments. He is a biologist by trade, an ornithologist by profession and a humanitarian by instinct. His personal interests are naturally in such areas. But, as head of an institution which derives the greater part of its support (both directly and indirectly) from the Federal Government, he must be reasonably responsive to Congressional wishes.

He must also be responsible to the Board of Regents, the governing body of the Institution. By law, the 14 Regents include (1) the Chief Justice of the United States as Chancellor; (2) the Vice President of the United States as Vice Chancellor; (3) Six Congressional members, three from the House; and six "citizen" members. The names of the individuals are, of course, a matter of public record. Unfortunately, at present only one "Citizen Regent" has any direct interest in air and space activities—William A. M. Burden of New York. Bill has been most helpful, but his is only one voice. In past years, Dr. Jerome C. Hunsaker was a Regent, and had a great deal to do with keeping the air and space interests alive, but Jerry had to drop many of his former activities and resigned last year. As far as I know, no replacement has been announced for his chair.

By law, the Air and Space Museum has its own Advisory Board, charged with advising the Secretary on matters relating to the Museum. Its membership consists of Chiefs of Staff (or their designees) of the several Armed Services, and the Heads (or designees) of two civilian agencies, NASA, FAA, plus three citizen members. At present the latter three positions are vacant, awaiting Presidential appointments under the new administration. This board meets at the will of the Secretary. It has been convened only three times in the past two years.

I am not about to suggest how you go about it. That is up to you. But it does seem possible that through your many business and professional associations you do have channels of communication with the Hill—the Bureau of the Budget, and even into the Smithsonian administration. Any way that can be found to call attention to the situation of the Air and Space Museum and to create some favorable reactions when museum dollars and personnel allotments are under consideration will be all to the good.

You may also wish to undertake to make it clear to the Congress and to the Smithsonian Secretariat that the industries and the professional societies you represent take a dim view of anything that tends to diminish the status and stature of aerospace science and technology in the Smithsonian scheme of things.

The National Air and Space Museum is an invaluable asset for the education of the American people as to the past achievements, the current importance and the future potentials of the great industries we represent. But, there is presently a real danger that, unless you people in the industry and in the scientific and technical societies take a real interest in its future and take positive action to insure that future, it may never get off the ground.

[From the Evening Star, Apr. 23, 1969]

AIR MUSEUM NEGLECT CLAIMED

The Smithsonian Institution has been criticized by the director of its National Air and Space Museum for neglecting that program while spending millions on projects he considers less vital to the public interest.

S. Paul Johnston, 69, who is retiring from federal service in September, told the Aero Club of Washington yesterday he is giving his "valedictory address in an atmosphere of frustration and personal disappointment."

Johnston expressed concern whether a new $50 million museum, for which Congress appropriated $2 million planning money five years ago, would ever "get off the ground" under the present set of circumstances.

While it was understood the building must wait until after the Vietnam war, there is now doubt whether it will ever be built unless a real interest is taken by "you people in the industry and in the scientific and technical societies," Johnston said.

Blaming lack of interest and apathy at the Smithsonian itself, Johnston said the air and space museum receives about 2 percent of a $50 million budget, although more people visit the air-oriented exhibits than any other Smithsonian component except the Zoo.

"There is really nothing astonishing about all this if one considers the pedigrees and proclivities of the Smithsonian secretariat—the top-side group which determines the institution's policies and priorities," Johnston said.

"Almost to a man they hail from the Groves of Academe—holders of advanced degrees in philosophy, biology, sociology, history and art.

"Under the present organizational pattern, the Air and Space Museum reports to the Assistant Secretary for History and Art. The incumbent is a Ph.D., a nice guy—a specialist in the political history of England in the 18th Century.

"He takes some pride in the fact that he has never come within miles of the Pentagon—physically or spiritually. He has little personal interest in aerospace matters, and yet he is representing us in the Upper Council of the Smithsonian on our programs and priorities," Johnston said.

The secretary for history and art is Charles Blitzer.

Johnston said the "art and 'ology" oriented Smithsonian management appeared to favor sculpture gardens, folk art and elaborate housing for the scholarly "over the more practical, hardware-oriented technologies of flight."

He said several millions of dollars were being spent to restore the original Smithsonian building to its pre-Civil War styling "to provide a properly elegant atmosphere for visiting scholars."

[From the Washington Post, Dec. 6, 1969]

SMITHSONIAN SEEKS CASH FOR PAVILIONS

The Smithsonian Institution has asked Congress for permission to undertake its first major expansion in almost six years.

It is seeking $6 million to construct two 25,000-square foot pavilions adjacent to its National Museum of History and Technology on Constitution Avenue between 12th and 14th Streets NW.

They would be called Bicentennial Pavilions and would be in operation by 1976 as a major part of the institution's observance of the 200th anniversary of the American Declaration of Independence.

The institution's second request is that Congress set aside federally owned land on the Mall bounded by Third Street, Maryland Avenue, Fourth Street and Jefferson Drive, for the institution's use at a later date.

It is hoped in the future to construct there a 350,000-square-foot museum to be called the National Museum of Man.

Sen. J. W. Fulbright (D-Ark.), on behalf of the institution's board of regents, of which he is a member, has introduced two bills in the Senate that would authorize this expansion.

Smithsonian spokesmen have said that increasing numbers of visitors—over 6 million last year—and diminishing space available for exhibits make the expansion necessary.

The pavilions would be named "A Nation from the Nations" and "A Nation to the Nations." They would serve as a showplace, respectively, for the contributions made to the nation by the various peoples who settled it, and the influence of America on the world.

The Museum of Man would permit removal of the sciences of man from the Museum of Natural History.

It would consolidate the Smithsonian's office of anthropology there and the center for the study of man.

[From the Washington Evening Star, Jan. 28, 1970]

POOL SMITHSONIAN FUNDS?

The regents of the Smithsonian Institution met today to consider a proposal by Secretary S. Dillon Ripley that the several separate endowments of the institution be pooled, handled as one large fund in their investment and management.

The secretary has correctly pointed out that this is the custom at Harvard and Yale as well as the Museum of Modern Art in New York. The idea makes a certain amount of immediate sense to anyone who reflects that big money has an investment advantage over small money.

The situation, however, is more complicated than that. Despite the present secretary's efforts, the Smithsonian is not a university. It is the nation's original "multiversity." And in nothing more so than in the numerous endowments, especially the $13 million endowment of the Freer Gallery of Art, seemingly the principal target of the pooling proposal.

Like many donors of the Smithsonian funds, Charles Freer did not leave his superb collection of Oriental art, the money to erect a handsome building to house it and the $13 million to the Smithsonian Institution. Rather, he gave his most generous gift to the United States of America. This political entity turned the bequest, as it had many others, over to the Smithsonian for administrative purposes.

There is no question but that Freer's intent was to have his bequest support his interest in Oriental art and not to have it support the diverse interests of any Smithsonian secretary of the future. The proposal to pool the $13 million is basically the action of a housekeeper seeking to take over the function of the master of the house.

In the name of the nation's agreement with Freer, honorably entered into, the proposal must be resisted by the regents.

HIRSHHORN MUSEUM BID EYED

(By David Vienna)

The federal government is investigating an attempt by a construction company to increase by $759,279 a low bid it submitted to build a new museum for the Smithsonian Institution.

The company—Piracci Construction Co. of Baltimore—tried to change the bid the day after its original bid was found to be the lowest of three submitted, the General Services Administration said.

The founder and former president of Piracci Construction is Dominic Piracci Sr., who was convicted last year of paying off a labor official to insure labor peace on a construction project.

The Piracci firm, whose former chief is also the father-in-law of Baltimore Mayor Thomas J. D'Alesandro III, originally submitted a bid of $12,204,763 to build the Smithsonian's Joseph H. Hirshhorn Museum and Sculpture Gardens.

BID WAS LOWEST

When the bids were opened at the General Services Administration on Dec. 18, 1969, Piracci's bid was $2,558,514.40 lower than Norair Engineering Co.'s offer of $14,763,277.40.

Another company, Blake Construction Co., Inc., bid $14,817,811 on the project.

"The day after the bids were opened, Piracci advised the (GSA) contracting officer that it had made a mistake in its bid," according to a GSA memorandum on the matter.

"Piracci alleged that it erroneously omitted from its bid the amount of $754,375 for architectural concrete and the amount of $4,904.43 for a consequent increase in the costs of performance and payment bonds," the GSA document said. "Piracci requested correction of its bid by . . . $759,279.43," the memo said.

If the corrected bid is allowed, the Piracci bid would come to $12,964,042.43—still less than the Norair offer.

Early this month, Norair "protested to the comptroller general of the United States any award to Piracci Construction Co. in the amount other than the amount of Piracci's original bid," the GSA memo said.

OTHER ERRORS

GSA must report to the comptroller general on the matter and will be bound by the comptroller's decision. The comptroller general is in charge of the investigation.

A spokesman for Piracci declined to comment yesterday on the investigation. He said it would be "improper for us to discuss the matter at this time."

GSA officials said sometimes errors are made in bids and bidders were allowed to amend their offers.

GSA said that roughly 3 per cent of the bids submitted to the agency on construction projects contain bidder's errors.

Norair itself made a mistake in a previous round of bidding on the same project. Last spring the museum and garden project, which will be situated in the Mall area between 7th and 9th Streets was opened to bids.

Norair was the low bidder then with an offer of $15,198,000, but withdrew its bid, claiming that an arithmetical error made its bid $1 million too low, a GSA official said. Piracci submitted a bid of $16.3 million in the spring.

All the bids submitted in the spring were higher than the $13 million alloted for the project by Congress. GSA subsequently reduced the size of the project and solicited another round of bids late last year.

Dominic Piracci Sr. resigned as president and relinquished all his interest in the construction company that bears his name in June, 1969, a company lawyer here said yesterday.

In June Piracci began serving a six-month sentence for paying a union official $10,000 to guarantee "labor peace" during the construction by the Piracci firm of the national Social Security Administration headquarters in Baltimore, Piracci was also fined $5,000.

Guido Iozzi Jr., president of the Baltimore Construction Trades Council (AFL–CIO) was convicted of receiving the Piracci payoff. Iozzi was given a 15-year prison sentence in February, 1969, for extortion .

The Piracci firm also built the $3.2 million post office in Riverdale, Prince George's County, the newest and largest post office in the suburbs.

[From the Washington Star, Jan. 30, 1970]

RIPLEY PROJECTS BACKED BY SMITHSONIAN REGENTS

(By Herman Schaden)

Smithsonian Secretary S. Dillon Ripley has been given a full vote of confidence by the Board of Regents in his program to broaden the scope of the institution's activities.

In a statement released today the regents, the organization's policy-making group:

1. Approved the Smithsonian Magazine, a national monthly scheduled to begin publication in April.

2. Endorsed a study of the secretary's recommendation to pool various private endowment funds for investment purposes, while maintaining the individual character of each fund.

3. Expressed satisfaction with plans for improved operating procedures and for internal auditing of financial affairs.

With Chief Justice Warren E. Burger presiding for the first time as chancellor, the regents' actions were regarded by institution spokesmen as a clear-cut repudiation of recent sniping at Ripley by sources outside the Smithsonian.

Although the semiannual regents' meeting was held Wednesday, their carefully drafted statement was not issued until Burger and others approved it word by word.

A staff under the direction of Edward K. Thompson, former editor of Life, has been preparing for the magazine publication for more than a year. Subscriptions and advertising have been solicited nationally.

A suggestion by one source that some regents opposed the magazine was not borne out at the meeting. Two regents were said to have favored the magazine, but expressed uncertainty because of unfamiliarity with publication plans.

SUBSCRIBERS BECOME MEMBERS

The regents said the magazine "will be supported by a basic subscription of $10 a year, advertising revenue, and other private sources outside presently existing Smithsonian funds . . . Subscribers will automatically become members of the Smithsonian Associates and will become eligible for other benefits."

After hearing a detailed explanation of the fund-pooling proposal the regents "accepted the secretary's recommendation to study the advisability of establishing a unified investment program for the institution's private endowments designed to achieve higher investment rates and lower administration costs without affecting the integrity of the individual funds such as the Walcott Fund, Sprague Fund, the Freer Fund, the Ramsey Fund and many others.

"This program, if ultimately adopted, would not involve any transfer of collections, capital funds or income from any one of the existing endowment funds to any other.

REQUEST TERMS UNCHANGED

"None of these steps would depart from the terms of the original bequests, including the Freer gift and bequest of his unique collection of Oriental and American works of art."

Proponents of the plan have said the Smithsonian has fallen behind the times in not having adopted it sooner. They have insisted that the procedure would in no way jeopardize separate maintenance of Freer and other funds earmarked by donors for specific uses.

The regents said they also discussed a preliminary draft report in which the General Accounting Office took exception with the way building construction funds for the Natural History Museum had been utilized for the purchase of furnishings. Smithsonian officials maintain the expenditures were justified by intent of Congress, and they will so argue in a rebuttal to GAO.

"No action was taken by the board with respect to the GAO report in view of its preliminary nature," the regents said.

"The board expressed satisfaction with the institution's plans for improvement of various operating procedures and of the internal auditing of the financial affairs of the institution."

The Smithsonian's fiscal department is in the process of being modernized under the direction of its treasurer, T. Amos Wheeler.

The meeting was held at Mrs. Marjorie Merriweather Post's estate, Hillwood, which will be maintained as a Smithsonain Institution after her death.

Attending were Sens. Clinton P. Anderson and J. William Fulbright, Reps. George H. Mahon and Frank T. Bow, and citizen members John Nicholas Brown, William A. M. Burden, Crawford H. Greenewalt, Caryl P. Haskins and, a new regent, Thomas J. Watson, Jr., chairman of the International Business Machines Corp.

[From the Washington Post, Mar. 21, 1970]

HIRSHHORN MUSEUM COST RISES AGAIN—

BY $1 MILLION

(By David Vienna)

Smithsonian Institution officials anticipate the cost of the Joseph H. Hirshhorn Museum and Sculpture Garden will exceed by about $1 million the $15 million congressional authorization for the project.

House Appropriations Committee sources said they were advised of this late in January by Smithsonian officials.

This is the second time since December that cost estimates have been increased for the museum, on which construction will begin Monday.

The Piracci Construction Co. of Baltimore increased its low bid of $12,204,763 to build the structure by almost $760,000 the day after Piracci was awarded the contract.

Piracci claimed it had made an error in its original bid. The revised bid was allowed, following an investigation by the General Accounting Office.

The bulk of the $1 million overrun is attributable to "inflationary increases" in the construction industry, congressional sources said they were told by Smithsonian officials.

The construction costs now are expected to rise to $13.8 million, $800,000 higher than Piracci's previously revised bid, sources say.

The $13.8 million cost of construction is just one of several expeditures necessary to complete the $16 million project. Other items include planning, design, contingencies and other costs.

Asked how the Smithsonian was going to come up with the additional $1 million, a congressional source said, "it was understood that there would be a contribution from Hirshhorn." Hirshhorn and his representatives were not available for comment yesterday.

Details on the contribution are being worked out, the source said. Part or all of the money may come from Hirshhorn's previous pledge of $1 million to the Smithsonian to purchase art works.

The museum, which will be built in the Mall area between 7th and 9th Streets, will house Hirshhorn's art collection, valued at some $40-million, which he is giving to the government.

[From the Washington Post, Apr. 11, 1970]

MALL MEMORIAL TO HIRSHHORN PROBED

(By Jack Anderson)

Both Congress and the White House are quietly investigating how the Hirshhorn Museum, a doughnut-shaped edifice intended to immortalize a stock manipulator and convicted money smuggler, happened to be accorded an honored spot on Washington's historic mall.

Now under construction, the Hirshhorn Doughnut will soon take its place beside the Washington Monument and Lincoln Memorial.

Rep. Frank Thompson (D-N.J.), chairman of the House Library and Memorials subcommittee, is checking into the curious background of Joseph E. Hirshhorn, now 70, who demanded and got a memorial to himself in the same neighborhood as those honoring George Washington and Abraham Lincoln.

At the same time, presidential troubleshooter Clark Mollenhoff is conducting a separate investigation into the tax aspects of Hirshhorn's $25 million art collection, which is supposed to be deposited in the Hirshhorn Doughnut.

The bantamweight, Latvian-born Hirshhorn immigrated to Brooklyn's turn-of-the-century ghetto and launched into a shady financial career before he was whiskered.

SLEAZY DEALING

He made several fortunes on the curb market before the Securities and Exchange Commission hampered this sort of dealing. Then he branched into stock juggling across the Canadian border.

In Canada, he got in trouble with Canadian Securities Commissioner J. M. Godfrey who charged in a written report that Hirshhorn had pulled off a million-dollar "manipulation." No criminal charges could be brought because it was a "loner" deal not a conspiracy.

Instead, the fast-talking young American was ordered deported—an order he fought and won. Later, in 1945, he was fined $8,500 in an illegal securities sale case and for trying to smuggle $15,000 out of Canada.

In 1951, Hirshhorn's stock finagling came under fire in the Saskatchewan legislature where Liberal Alex Cameron called him a "racketeer." But Hirshhorn staged a fantastic uranium coup and amassed millions.

DANGEROUS CURIOSITY

He also bought truckloads of contemporary paintings which, by 1955, were valued at $1.5 million. How the "value" figure reached more than $25 million is a question that has aroused Mollenhoff's curiosity.

There is a letter in the Smithsonian Institution's confidential files, for instance, from Hirshhorn's curator, Abram Lerner, insisting that the artists' own dealers should assess the value of the paintings. This is like asking a producer to evaluate his own movie and it was questioned by the Smithsonian officials.

A memo between the officials cautions: "Before the Smithsonian accepts the proposal, we must be absolutely sure that the valuation will be satisfactory to the Internal Revenue Service." Insiders concede that the collection cost far less than the $25 million evaluation.

Other Smithsonian documents, marked "Administratively Confidential," show that the institution had to do some jockeying to get the collection. One tells how the vain Hirshhorn "would like some renewed attention from Mrs. (Lyndon) Johnson—a phone call or some such."

As it happened, Lady Bird and Lynda Bird quietly dropped in on the Hirshhorn collection in Greenwich, Conn., to "Oh" and "Ah."

This column has a copy of another crucial letter, which Hirshhorn wrote President Johnson on May 17, 1965. It instructs LBJ: "I would, of course, want binding assurances that the museum would bear my name in perpetuity."

ADVICE AND DISSENT

Some advisers were apprehensive about the conditions. Sherman Lee, director of Cleveland's Museum of Art, urged Mrs. Johnson to forego Hirshhorn's name lest it discourage other donors to the museum. He also warned Lady Bird of the "quixotic nature" of the collection.

The Chicago Art Institute's renowned Charles Cunningham at a meeting of art museum directors, according to the confidential minutes, snorted: "The United States government is being asked to furnish $10 to $12 million in appropriated funds to establish a memorial to Joseph Hirshhorn."

But LBJ was egged on by Supreme Court Justice Abe Fortas, a friend of Hirshhorn's. The President finally agreed that the taxpayers would build and maintain the Hirshhorn gallery and a huge ditch crossing the mall that would contain a pool and sculpture garden.

By contrast, Andrew Mellon donated the National Gallery of Art, paid for the building and endowed its upkeep. He also modestly ordered his name left off.

But LBJ let himself be hornswoggled into immortalizing Hirshhorn on the same mall with Washington and Lincoln. At the groundbreaking, Mr. Johnson solemnly intoned: "The flight of Apollo 8 and the birth of the Hirshhorn Museum tells us something about this country and its people."

And upon the same occasion, curator Lerner added: "Mr. Hirshhorn has the spirit shown by mountain climbers, explorers and burglars."

[From the Washington Post, April 1970]

SMITHSONIAN PROBE ASKED

(By Maxine Cheshire)

Rep. Frank Thompson, chairman of the House Library and Memorials subcommittee, has asked the Rules Committee to subpoena power to launch an investigation into the Smithsonian Institution's financial affairs.

John d'Amecourt, chief counsel for the subcommittee, said yesterday afternoon that Thompson intends to "conduct hearings into the entire Smithsonian—from basement to attic."

There has been no such review, he said, since the museum was founded.

"It's time," he added, "in view of all the criticism recently, to air the whole thing and get everything out in the open . . . there have been so many allegations made that must be proven or disproven once and for all."

D'Amecourt said the subcommittee will ask to see financial records, "individual records, expense accounts and a complete auditing of both private and federal funds."

Without a subpoena, Congress does not ordinarily have a right to delve into the Smithsonian's private endowments if officials choose to resist pressure to open the books.

The General Accounting Office, after a preliminary study of the Smithsonian's financial management activities, recommended in January that Congress instigate "increased auditing attention" of federal appropriations.

In a formal statement, after the GAO recommendation, the Board of Regents expressed "satisfaction with the Institution's plans for improvement of various operating procedures and of the internal auditing of the financial affairs of the Institution."

D'Amecourt's investigation is already under way. The subpoena resolution before the Rules Committee is expected to be acted upon "pro forma" within a few days.

A date for hearings to begin has not been set.

[From the Washington Star, Apr. 26, 1970]

REVIEW OF SMITHSONIAN SET

(By Herman Schaden)

A congressional investigation of Smithsonian Institution operations, first in the sprawling complex's 124-year-history, will be undertaken soon by a House Administration subcommittee.

As outlined by Chairman Frank Thompson, D-N.J., it will be an open-minded review intended to clear the air of nagging rumors and allegations which recently have come to the attention of the Library and Memorials subcommittee.

Thompson is a trustee of the Kennedy Center, a Smithsonian subsidiary, and has a record of sponsorship of cultural projects perhaps unrivaled in Congress.

"The Smithsonian as everyone knows is a fine organization with a long record of notable achievements as a museum and in advancing knowledge in the arts and sciences," Thompson said. "The purpose of a hearing is to get to the bottom of recent allegations, and not to make headlines."

REVIEW PLANNED EARLY

John d'Amecourt, subcommittee staff director, said a review of Smithsonian affairs was planned before a series of events critical of the institution began last winter.

"The subcommittee and other members of Congress have heard allegations of mismanagement, the expeditious use of funds and that the Smithsonian perhaps was overextending itself on some projects," d'Amecourt said.

The subcommittee has asked the Rules Committee for subpoena power which will assure access to any and all Smithsonian financial records applying to both the private and public sources of revenue and disbursement. It also will give the investigators power to call any witness it wants to hear.

A combination of news stories and complaints by private citizens prompted the Thompson subcommittee to broaden its original plans so that the review may now reach into many facets of the Smithsonian's far-flung operations.

The hearing is expected to inquire into the usage of the $29 million in endowments in addition to the $31.3-million federal appropriation.

CONSOLIDATION OF FUNDS

Some sources are known to be concerned lest private funds and endowments, earmarked for specific purposes, are transferred to other uses. The most frequently mentioned funds is the $18 million endowment for the Freer Art Gallery. Smithsonian officials have denied the fund has been tapped for uses other than the Freer.

Last winter the Smithsonian administration asked its Board of Regents to approve a plan whereby all funds, including the Freer, could be consolidated for investment purposes. The proponents said the Freer, as well as other bequests, would retain their individual character.

About the same time the General Accounting Office sent a preliminary draft report to the Smithsonian criticizing use of construction funds at the Museum of Natural History for the purchase of supplies. The Smithsonian claims it always has had congressional authorization for such procedures, and says it can prove it.

Still another bone of contention is the new Smithsonian Magazine. Some say the publication was begun altogether with private funds, others hint that money was borrowed from other Smithsonian sources with the expectation that eventually the magazine would be self-supporting.

Recently other charges have been heard, some of a petty nature. One complainant, employed for a time on a contractual basis at the Smithsonian, has practically spent full time sniping at the institution.

All this apparently has raised doubts in minds of legislators, so much so that not long ago a resolution to increase the regents' membership by two barely got a two-thirds majority needed under suspension of the House rules. It still has not passed the Senate.

The Thompson subcommittee handles bills for new Smithsonian projects.

Such items as $2 million planning money for a giant radio-radar telescope, a $10 million, 10-year program for improving the Suitland-Silver Hill storage facility, and a Bi-centennial Park at Ft. Foote and Jones Point, may not receive much encouragement until the hearing has paved the way.

[From the Washington Post, May 1970]

ARCHIVES FOR ART

(By Paul Richard)

The Smithsonian Institution announced last night that it has acquired the Archives of American Art, a vast collection of historical material that will help transform the Smithsonian—and the city of Washington—into a major center for the scholarly study of the history of American art.

The archives include some five million frames of microfilm (culled, with permission, from the files of the nation's finest libraries and museums) and an additional three million items of "primary source material."

These include sketchbooks, catalogues, auction records, photographs, the private papers of such artists are Franz Kline and David Smith, and thousands of hours of "oral history"—tape-recorded conversations with Ben Shahn, Claes Oldenburg, Edward Hopper, Barnett Newman and others who have helped to shape the history of American art.

The acquisition of the Archives collection brings Washington another research facility to add to its scholarly resources in the art fields.

The National Gallery of Art is organizing an institute for advanced study in the visual arts. The Smithsonian has put scholars specializing in American art in charge of the National Collection of Fine Arts and the National Portrait Gallery. With these developments, with the construction of the new Joseph H. Hirshhorn museum, and now with the acquisition of the Archives, it is widely believed that the arrival of droves of scholars can not be far behind.

The scholarly study of American art is a relatively young field. Until recently art historians—and American artists—focused their studies on the art history of Europe. When the Abstract Expressionists demonstrated that this country was more than a provinicial colony of Europe, our scholars began to realize that the history of indigenous American art was almost entirely unexplored.

A decade ago the number of scholars getting doctorates in the history of American art could be counted on the fingers of one hand.

In Detroit in 1954, with interest in American painting and prices skyrocketing, E. P. Richardson, the art historian, began to organize the Archives of American Art. A branch office was later opened in New York, and the Archives administrative headquarters were transferred to that city.

Though the Archives is now beneath the Smithsonian's umbrella, its Detroit and New York offices, its board of trustees and its administration will be maintained.

[From Business Week, Feb. 21, 1970]

A SKIRMISH AT THE SMITHSONIAN

When a number of powerful members of Smithsonian Institution's board of regents took aim at ornithologist S. Dillon Ripley last month, he seemed headed the way of the passenger pigeon or some other species of vanishing wildlife. But after a boardroom struggle in the finest traditions of the U.S. establishment, Ripley, the institution's secretary, appears to have emerged a winner, at least temporarily.

The General Accounting Office opened fire at Ripley, 56, with a report finding fault with the way he had spent $380,000 in construction funds.

Then the regents challenged his project for a lavish monthly magazine, the *Smithsonian*, and countermanded his plans for moving endowment funds from bonds and blue chips into a pool of growth stock investments.

A decisive board meeting was called at the end of January by Chief Justice Warren E. Burger, whose Supreme Court post makes him chancellor of the Smithsonian. The regents include Senators Clinton P. Anderson (D-N. M.), and J. W. Fulbright (D-Ark.) Representatives George Mahon (D-Tex.) and Frank T. Bow (R-Ohio), financiers John Nicholas Brown and William A. M. Burden, Dr. Caryl P. Haskins, head of the Carnegie Institution, Thomas J. Watson, Jr., chairman of International Business Machines Corp., and Crawford H. Greenewalt, former Du Pont president and chairman.

After the meeting, Burger imposed a ban on any disclosure of the subjects discussed. "It was money, that's all it was—money," mutters one of the regents. The board appears to have reached an agreement about money matters. But most observers believe that Ripley's troubles are rooted in more than money. Indeed, the life-style of the Smithsonian may be at stake.

HISTORY

When Congress set up the Smithsonian in 1846, as a result of a $500,000 bequest from Englishman James Smithson, its purpose was fairly simple. It was to collect and display every kind of scientific, cultural, and historical achievement. And it did that job superbly. It grew into a conglomerate of information centers without parallel anywhere. Then, as the decades rolled by, it began to creak with age.

When Ripley took charge in 1964, he set out to breathe new life and a sense of participation into an institution that, with its collection of more than 59-million objects, had come to be known derisively as the "nation's attic." Encouraging the Smithsonian's scientists to become more than mere custodians, Ripley urged them into new fields of research and exploration. A full four years before "the environment" became a political password, Ripley began moving the Smithsonian into broad-scale studies of human and animal ecology. He brought in more than 50 scientists to do degree work at Smithsonian installations.

Festivals, kite contests, society balls, and a ghetto museum-branch were launched to bring the Smithsonian into the main stream of Washington's daily life. The institution's July 4 folk festival has drawn crowds of more than 100,000. Within Ripley's tenure, two new museums have been added to the stable of institution art galleries and museums, which are mostly in Washington and already are visited by 20-million people a year. And two more museums are scheduled to be added this year and next. So far, Ripley has doubled the Smithsonian's building space. And since he took charge, the number of permanent employees has jumped from 1,300 to 2,100.

PRO AND CON

In general, the average visitor to the Smithsonian is pleased by the changes. So are many scientists. But there has been alarm and dismay in some quarters. Some traditionalists feel that the Smithsonian is renouncing its very special place in American culture. And there are those who are frankly worried by the cost of all the innovations. In his six-year fight to bring the Smithsonian and its five museums, two art galleries, and 175-acre zoo into closer contact with the popular and scientific communities, Ripley was clearly running short of money.

So far, he has managed to operate the Smithsonian on a budget of less than $50-million. Nearly 60% of that came from Congressional appropriations. But though the operating costs continue to rise, Congress is getting steadily more reluctant to increase its contribution. The institution also receives grants and contracts for work thrown its way by government agencies, but income from this source is decreasing, too. It fell to only $12-million last year.

Most of the rest of operating revenue is income from the Smithsonian's $26.5-million in private endowment. About half this income comes from a single source: the Freer Fund, established by Charles Freer, a Dtroit industrialist who died in 1919.

SOURCE

Freer, with the help of artist James McNeill Whistler, became a collector of Oriental art at a time when most Americans totally ignored Asian culture. He shared his enthusiasm with Mrs. Agnes Meyer, wife of the Washington financier-publisher Eugene Meyer. At Freer's death, she was named as one of the few people authorized to contribute to the Freer Collection. Today, eightyish, a widow, Mrs. Meyer lives in Washington where her daughter Mrs. Katharine Graham is president of the Washington Post Co.

With regard to Ripley's present course of action, Mrs. Meyer and her powerful Washington friends feel the deepest concern. They particularly fear dissipation of the Freer Fund through the type of stock-pooling arrangements that Ripley has proposed. And, as the Smithsonian's interests have moved into new areas, away from American and Oriental art, they have noted unhappily that funds for additions to the Freer Collection were becoming harder to get. They believe that, to alleviate this, the Smithsonian and the government could contribute more to the Freer's maintenance and personnel expenses, so that more of the endowment income would be available for acquisitions.

THE BOARD

Whatever the grievances against Ripley, the forces supporting him seem to have held firm when the board of regents met under Justice Burger at "Hillwood," an urban Washington estate that will someday belong to the Smithsonian. At present, it is the residence of Mrs. Marjorie Merriweather Post, socialite and cereal heiress.

Crawford Greenewalt, whose frozen-action photographs of hummingbirds have made his name well-known to ornithologists, backed Ripley's proposal for a magazine for "Smithsonian Associates." Not all the regents felt as warmly about the idea but, eventually, approved the proposal. The first issue of the *Smithsonian*, now due in April, will be a professional job put together by a staff of editorial veterans who have worked for *Time*, *Life*, *National Geographic*, and *Horizon*.

The board also went on record as disagreeing with the GAO's criticism of Ripley's handling of federal funds. It expressed "satisfaction with the institution's plans for improvement of various operating procedures and of the internal auditing of the finanical affairs of the institution." And it agreed to study Ripley's plan for pooling Smithsonian trust funds, though it insisted that he assure past and potential donors that the integrity of the funds will be maintained.

Once agreement on these points had been reached, Burger clamped down his ban on any further discussion. Ripley withdrew to Georgia to recover from a bout of flu. And his supporters apparently felt that they had won on all fronts. But his critics are already looking forward to the next board meeting, set for May 28. In Tucson, at the Arizona Inn where she is spending the month of February, Mrs. Meyer has not disarmed. "We will continue to protect the Freer," she says.

THE TRAIL THAT NEVER WAS

Mr. HANSEN. Mr. President, the Bureau of Outdoor Recreation currently is involved in a study of the feasibility of creating the Continental Divide National Trail as a part of the national scenic trails system.

Some Senators may recall that when the legislation was passed authorizing and designating the proposed trials to be included in this system, the Continental Trail proposal was removed from the list of authorized trails, and placed in a study category. It was my suggestion that this be done, because I felt at the time there were some very pertinent questions to be answered. I still feel that way.

Mr. President, I shall oppose the establishment of the proposed trail along the Continental Divide from Canada to Mexico.

Such a trail has no historic significance. There never was such a trail, and, as one official of the Bureau of Outdoor Recreation said, while it would be a novelty, it would also cut through some of the most beautiful country in our Nation.

The very environmental qualities we sought to protect with the establishment of wilderness areas in the mountain fastness of Wyoming would be defiled by the type of development that would characterize this trail.

Estimates are that it might cost as much as $10,000 per mile. The need for shelters, sanitary facilities, and other trappings necessary to human comfort and convenience which would have to be established along the way would most certainly violate the wilderness concept.

These great portions of Wyoming will be exciting vacation areas for more and more Americans in the years to come. But a part of the thrill of visiting a wilderness area is the excitement of discovery, and there really is not much to be discovered when one walks along a cut-out trail that is cluttered with signs denoting restrooms and other accommodations along its course.

I support the idea of the reestablishment of some of our historic trails. It is proper, I believe, to dedicate these routes, where we can, to posterity, in order that they might offer knowledge of the hardships our forefathers experienced in building this great country.

But I also support the wilderness concept, and I refuse to promote a proposal which would defile the magnificent areas through which the Continental Divide passes, such as Yellowstone National Park, the Wind River Mountains, and others of our choicest wilderness areas.

It is not worth the cost for the benefit of the few hardy souls who might come out to tramp along a trail that never existed.

Mr. President, Cal Queal, writing in the May 17 issue of the Denver Post, expressed his views on the Continental Divide Trail proposal. He said much with which I agree. I ask unanimous consent that his column be printed in the RECORD.

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

A DIVIDE HIKING TRAIL? NONSENSE

(By Cal Queal)

Among several current and unaccountable proposals by the federal government is one to build a hiking trail along the Continental Divide from Canada to Mexico. Because even the government seems to be concerned about money these days, we can speculate the idea will eventually meet an unfunded death. If only we could be sure.

A study of the route was authorizeo under the National Trails System Act of 1968 and a report is expected from the Bureau of Outdoor Recreation (BOR) by July 1.

Starting at the Canada border, the trail would cut southward across Montana, part of Idaho, Wyoming, and enter Colorado north of Steamboat Springs. It would wind through some of Colorado's prime wilderness country split into two parts in New Mexico and rejoin into a single trail before dropping into Chihuahua, Mexico.

The trail would cover just over 3,000 miles, and cost about $25 million. So rugged is the terrain, that some portions of it may cost $10,000 per mile to build. The first construction would be in Colorado, where BOR officials feel the potential use is great. They have grown quite fond of the trail idea, and can be expected to lobby for it in their quiet way.

One of their main supporting arguments is that the trail will draw thousands of people who otherwise would never get to see the Divide country. For reasons of propriety, we must call that utter nonsense instead of the stronger term that comes to mind.

The Divide in Colorado is crossed by five major highways and dozens of lesser roads—all providing excellent views and virtually unlimited access to various sections of the Divide.

Along every stream there's a trail of some sort leading upward to the Divide. Countless Divide crossings are made by hikers and mountain climbers in summer and skiers and snowshoers in winter.

The point is that we don't need a new multimillion-dollar trail to make the Divide more accessible. If we pursued that kind of reasoning to its logical end, we'd blast off the top of the Divide and blacktop it.

QUITE A NOVELTY

Well, now wait a minute, says a BOR official. The trail would be quite a novelty—you could walk along the backbone of North America, right down across Colorado. Sure you could. The question is, should we spend millions for the sake of a gimmick, and in the process ruin some of our finest remaining natural land?

To suggest a Continental Divide hike has novelty value is crushingly pointless. The value of the high country is in seeing the spectacular masses of rock and pretty meadows, breathing the clean air, and taking it all in with a sense of being part of it. It needs a gimmick like it needs neon trail markers.

In recent months the whole nation has been alerted to the hazards of indiscriminate development of our last remaining natural resources. From our highest executives right down to the grade school children there is a new concern for preserving the environment.

How is it that the essence of that concern apparently hasn't sunk in with some of our government officials? Building a Continental Divide trail would destroy a considerable amount of land which is now in its natural state. Mind you, this is land which conservationists have fought for decades to protect.

Look anywhere along our part of the Divide and you'll see the last of the best of the Rockies being threatened from a number of angles. People want to mine the High Country, cut timber from it and graze livestock on it. Others want to chop it up with highways, jeep trails, tunnels and water works.

On top of all that, should we now let the Divide country be excavated, at a cost of millions in public funds, by people who want to turn a spectacular, natural, continental feature into a novelty?

I'll take my Continental Divide just as it is. I think most people like it quite well enough that way.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. MCCLELLAN). Is there further morning business? If not, morning business is concluded.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 19. An act to reimburse certain persons for amounts contributed to the Department of the Interior; and

S. 1934. An act for the relief of Michel M. Goutmann.

The message also announced that the House had passed the bill (S. 2624) to improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that Mr. BELL of California had been appointed as a manager on the part of the House at the conference to be held on the disagreeing votes of the two Houses on 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, vice Mr. ROUDEBUSH, excused.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 952) to provide for the appointment of additional district judges, and for other purposes.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 15638) to amend the Foreign Military Sales Act.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

Mr. GORE. Mr. President, a compromise peace in Southeast Asia is our wisest course. This does not mean that I doubt the desire of any American for peace. Not at all; I am confident that all Americans want peace. It is, rather, that I am convinced the policies now pursued have prolonged the war and will prolong

the war rather than end it. Vietnamization has been our policy now for almost a year. It has failed to bring peace. We have suffered more than 50,000 casualties from Vietnamization. Vietnamization is a policy to prolong, not to end, the war.

Duty commands that I warn of the danger of yet a wider war, just as I did on the 16th day of last month in an address to the Senate. On that day, I said:

> In view of the deterioration in Laos and instability in Cambodia, our situation is now more precarious in Southeast Asia than in 1968.

Moreover, I warned that the North Vietnamese have increased their infiltration into South Vietnam and have moved 67,000 troops into Laos and other thousands into Cambodia, both countries flanking South Vietnam. Though I profess no military expertise, I submit my concern that a policy of unilateral decrease in U.S. strength in South Vietnam, without a settlement, concurrent with a massive troop buildup by North Vietnam within North Vietnam, in South Vietnam, in Laos, and in Cambodia presents a foreboding outlook. In the meantime, the enemy strategy appears to be one of scaled-down but protracted warfare aimed at a buildup of strength in and on the flank of South Vietnam, and at obstructing the "pacification" program while gleefully watching and impatiently awaiting the withdrawal of American combat forces. To count the departing troops would surely appear preferable to suffering the consequences of attempting to decimate them in combat. So the enemy flexes his muscles and waits.

How long can one combatant in a conflict safely reduce its strength while the other side builds up? That question is a fatal flaw in Vietnamization. As the record will show, the North Vietnamese have not withdrawn anything. Indeed, the largest number of North Vietnamese troops in South Vietnam in the history of the war are there now. Likewise, according to intelligence information the number of troops in Laos is now larger than at any time throughout the war. How many are in Cambodia now? I have not had any intelligence reports. It was reported that in excess of 40,000 were there before the invasion, incursion, excursion, or however one wishes to describe the movement of United States and South Vietnamese troops into Cambodia. Not many of these troops have been contacted. Where they are, I do not know.

The point I am trying to make is that the enemy has not withdrawn. The enemy has continued to build up. Vietnamization is a unilateral withdrawal.

The central issue of the war is, and has been, the nature of the Government in South Vietnam. As long as the United States remains committed to the survival in power of the Thieu-Ky regime, or one closely resembling it—this Vietnamization—there is nothing for the Vietcong and the North Vietnamese to negotiate except the terms of their own surrender. Vietnamization, then, contradicts negotiation for a compromise political settlement which would doubtless involve a restructuring of the Saigon government.

The North Vietnamese and the Vietcong have been intransigent, offering us nothing really but humiliating withdrawal. I denounce their acts of cruelty in the war and their inhumane treatment of prisoners of war, as well as their rudeness at the conference table.

In his lengthy report to the Congress of February 18, President Nixon said that the North Vietnamese Government "has insisted that we must unconditionally and totally accept its demands for unilateral U.S. withdrawal and for the removal of the leaders of the Government of South Vietnam. It has demanded these things as conditions for just beginning negotiations."

Whether the Communists would be willing to make concessions, for a compromise peace, or whether President Nixon is accurate in his insistence on their inflexibility, I do not know. In the interest of peace we should challenge them on this. They can be tested, I believe, by a concerted effort on our part to negotiate a compromise peace, which is to say, some form of coalition regime for South Vietnam. That in turn raises the question of the Saigon government's attitude toward such a compromise.

The two Senate staff investigators who recently visited South Vietnam reported as follows:

> Except for vague references by opposition politicians in Saigon to the idea of negotiation, without any reference to the particulars of the settlement such a negotiation might achieve, the subject of negotiations almost never arose during our visit to Vietnam. It was not mentioned in briefings or alluded to by American civilian or military officials.

Mr. Thieu has been explicit on the subject of compromise and coalition. Returning to Saigon from his meeting with President Nixon at Midway last June, Mr. Thieu said:

> I solemnly declare that there will be no coalition government, no peace cabinet, no transitional government, not even a reconciliatory government.

Speaking on the subject again on television September 19, 1969, Thieu dismissed the idea of a standstill cease-fire as "unrealistic"; pledged never to cede "so much as a hamlet" to the Vietcong; further declared that he would make no concessions in the Paris peace talks; and finally, lest any doubts about his uncompromising stand survive, Mr. Thieu said that his regime would never accept the existence "in any way" of a Communist party in South Vietnam.

As to the possibility of broadening the base of his government as a preliminary to peace negotiations, Mr. Thieu has denounced and attacked advocates of a negotiated peace such as Tran Van Don and Duong Van Minh. If such men "are not Communists," says Thieu, "they work for the Communists and they are pro-Communists."

This, Mr. President, is the opinion of men who in South Vietnam have advocated a peace by negotiation.

Whatever General Thieu's position may lack in wisdom or concern for the Vietnamese people, is more than made up for in clarity and forthrightness. Even now he openly speaks of designs with respect to Cambodia as our men die to keep him in power in South Vietnam.

Where does Thieu get the power to stay in office? From the minority of the South Vietnamese people who support his rule? No. From the dispirited Army of the Republic of Vietnam with its military strategy of "search and avoid?" Obviously not. Where, then, does this small-time dictator get the power to dominate events, while America's vast resources crumble like clay in the hands of its statesmen? U.S. forces keep Thieu in power. In this answer lies an astonishing subservience of the U.S. Government to the Saigon generals. Wedded to the idea that Thieu's survival is essential to American interests, our leaders have, in effect, given him a veto over U.S. policy. It is as if we had traded resources, our strength for his weakness, so that the organ grinder dances to the monkey's tune.

The crucial question is: How long are we going to let the Saigon generals dominate American policy in Vietnam? To answer that we must go back to the very question which President Nixon says is no longer worth discussing: the question of why we went into Vietnam in the first place. If, as President Nixon professes to believe, our reasons were valid—if we really have been holding back a global Communist tide, inspiring confidence in the United States and upholding freedom and self-determination—then the present policy is surely inadequate.

If, on the other hand—as I have tried to show, and as most informed observers now believe—this war is not now and never has been in America's interests, then it is time to loosen the grip of our unsavory allies over our policy and action, and to devise a Vietnam policy which is truly in our interest rather than theirs.

We do not have to impose a coalition or anything else on the South Vietnamese. We have only to define our own terms—a compromise based on a coalition regime—and to give the Saigon government a simple choice; to join us in negotiating peace on those terms or to continue the war on their own, for as long as they like or for as long as they are able. In the latter event, we would be free in all honor to make our own peace, on terms reflecting the national security requirements of the United States. The association of these requirements with the political ambitions of the Saigon generals is and always has been mistaken. We have only to recognize that mistake to free ourselves for peace.

Peace is urgent. I am confident President Nixon earnestly desires peace.

I have never entertained any doubt whatsoever about this, but a desire is not sufficient. Instead of peace, we have a wider war.

Present policies have not brought peace. This undeniable. I have to demonstrate over and over that present policies are not likely to bring an early peaceful settlement. They promise neither to win nor to end the war but to prolong it for as long as necessary at whatever cost in men and money necessary to prop up an unpopular, corrupt, repressive military dictatorship. This is utterly unacceptable.

Mr. MILLER. Mr. President, does the Senator wish to complete his speech, or would he object to a question?

Mr. GORE. I am happy to yield.

Mr. MILLER. Much of what my colleague from Tennessee has been saying is, I think, very correct, and something I can agree with; but when he gets down to talking about a "wider war," apparently in the context of the Cambodian operation, I must object.

If one wants to talk about geography, I suppose that going 21 miles from South Vietnam can be said to mean we have widened the war by 21 miles, but I do not think that is a fair interpretation of the phrase "wider war." The same enemy on that side is on this side; the only difference is that they used to come over the border and chew up our men on the other side in South Vietnam. We are just going over there and cleaning them out of their sanctuaries, taking millions of rounds of ammunition that would otherwise be chewing up our men—something that will take 8 to 12 months to restore, if indeed they ever have the desire to do it.

It seems to me when this operation is not only intended to, but, according to the latest reports, is carrying out the effect of certainly reducing our future casualties, and also shortening the war in Vietnam, it is a most unfortunate thing to talk about a "wider war."

I will say this: that if by at least when the Cambodian sanctuary operation is over, the Senator from Tennessee will look at the results and then can look me in the eye and say that "I think this is going to prolong the war and cause more casualties," instead of saying, "I think the results of this mean it will be a shorter war with fewer casualties," then I will be very happy to apologize to him right here on the floor of the Senate. But I am not going to lose any sleep over the prospect that I will have to do so.

I know that the Senator is in good faith on this, but I think the main problem, as with so many of our colleagues here—and there are some on both sides of the aisle who are quite jumpy about this—is that they do not have the patience to wait to let the President's word come out. They have to get involved prematurely. I have very seldom seen the Senate take action prematurely that we did not live to regret.

My point is that I wish the Senator had not, perhaps I would say "undercut," the effectiveness of what is a quite scholarly speech by talking about a "wider war," because I just do not think the facts bear him out, and I am quite confident that the facts as they will develop in the next few weeks will not bear him out.

Mr. GORE. Mr. President, I appreciate the suggestion of the able Senator. However, I invite him to suggest a synonym for "wider" or some other adjective that would describe the invasion, or incursion, or extension, or advance, or expansion of both United States and South Vietnamese forces into Cambodia. I am not wedded to the word "wider" any more than I am wedded to the word "invasion."

Mr. MILLER. May I suggest to the Senator from Tennessee that if I had written this speech, I would have said, "Peace is urgent. I am confident that President Nixon earnestly desires peace. I am pleased to note that while we do not have peace today, we are getting closer to it than we have been. I am very pleased to note that 110,000 or 115,000 fewer U.S. ground combat forces are in Vietnam today than there were a year ago, and I am pleased to note that the President has announced another 150,000 ground combat troops will be out by next spring, which makes about 90 percent of our ground combat troops in Vietnam, and I am pleased to note that with these results to date and with the announced schedule for the other 150,000, it is quite clear that Vietnamization is moving ahead in the right direction."

Mr. GORE. Mr. President, I would not have been able to make the speech if the able Senator had written it for me, because I do not believe that our situation is improved in Indochina now over several weeks ago, or even over 1968.

It was not very long ago that President Nixon did assure the American people, with confidence, I believe he said, that peace was in sight. But 10 nights later, over the same television networks, he made a very grim statement, picturing our situation in South Vietnam as being so precarious that he had ordered an invasion, an incursion, or excursion, or projection into, perhaps not a wider, but a more extensive, war in Indochina. I could not add all of those conditions up and say that the situation was improved.

On the contrary, I would have to say that the President advised the American people that Vietnamization was threatened by the counterflanking development which Vietnamization had, may I suggest, invited, along with the Nixon doctrine.

So this was, it seems to me, a recognition that Vietnamizaion had failed. I think it was doomed to failure from the beginning because, as I have already stated, it had the fatal flaw of unilateral reduction.

How long can one combatant in a war safely reduce his forces, while the other augments his forces, and spreads them into a flanking position virtually surrounding, except for the sea, the forces that are being reduced?

This, as I say, is a fatal flaw. It could not but lead to a counterattack, and to a reescalation on our part, if the North Vietnamese and the Vietcong did not wish to cooperate with it.

Of course, the President warned that if the enemy took advantage of U.S. withdrawal, he reserved the right—I do not remember his exact words, but reserved the right to deal with it forcefully.

Can anyone imagine an enemy not taking military advantage of what the opponent did? How unreasonable can one become? Can anyone now assume that North Vietnam and the Vietcong will not take such advantages as they can? It would be a strange enemy who did not seek to exploit such advantages as might be available to it.

So I simply could not have made the speech, though it had been prepared with the deepest erudition and the greatest correctness of grammar and logic, only to end with a conclusion which I believe erroneous.

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

Mr. GORE. I yield.

Mr. MILLER. Mr. President, the Senator talked about the enemy not taking advantage of a situation—I mean, he maintains that the enemy would take advantge of the situation.

But I am sure the Senator understands that an enemy can miscalculate, and the results to date are actually the results—the figures I have here are as of May 14; the actual figures would probably be at least twice as high now—7,500 individual weapons captured; 1,000 large crew-type weapons; 9,400 rockets; 13,000 mortar rounds; almost 8.5 million small arms rounds of ammunition; 2,500 tons of rice. By the time this is over, these figures are going to be greatly increased beyond that, and I have an idea that the enemy miscalculated. They did not think that the President meant what he said, so now they have got all that out the window.

What that means, may I say to my colleague from Tennessee, is 8 to 12 months of war materiel, time, effort, and transportation gone down the drain. And if that does not shorten the war rather than prolong it, I do not know what other result it could have.

This does not mean that Vietnamization is not succeeding. Indeed, if Vietnamization had been a failure, we would not be able to have 115,000 fewer troops there today. I am sure that the President has not come out and said another 150,000 would be out by next spring because he thinks Vietnamization has been a failure.

Mr. GORE. Will the Senator yield at that point?

Mr. MILLER. Surely.

Mr. GORE. If I understood the President's utterances, he was saying explicitly to the American people that if Vietnamization was threatened, the position of American forces would be intolerable without a reescalation of the war.

If the Senator can read into that success, it is comparable to saying that the movement into Cambodia was not an invasion—that, indeed, it did not bring about a wider war. It is a strange process we have of using the English language to try to paint pictures that do not exist.

I yield.

Mr. MILLER. Mr. President, if I may so suggest, I do not think the President said—certainly his explanation in subsequent statements indicates he did not say—that the reason for the Cambodian operation was because it threatened Vietnamization. What he did say, and what he did elaborate upon, was that it threatened to delay the timetable for Vietnamization, as indeed it surely did.

I am certain the Senator can well understand that all this quantity of war materiel was not sitting up there in the sanctuaries to celebrate the Fourth of July. It was calculated to be used against our forces and the South Vietnamese forces, and that would slow down any Vietnamization program.

Mr. GORE. I say to the Senator that

I have warned for months that this would be an inevitable consequence of the process of unilateral withdrawal of U.S. forces, without any agreement, without any peace, without any settlement. The fact that the forces have captured rifles, cartridges, machineguns, et cetera, is to be expected. I hope they destroy them all.

But the great sanctuary, the great reservoir of weapons—China and the Soviet Union—will not find the quantities of small arms the Senator has mentioned a very difficult item to replace. As war goes, these are not stupendous items.

I, of course, recognize that they have been storing these munitions of war there for a long time. Indeed, the sanctuaries have prevailed for 4 or 5 years. I do not think the situation has particularly changed with respect to the geography of sanctuaries.

It is true, I believe, that, perhaps as a counter to Vietnamization, larger North Vietnamese forces have been moved into Cambodia, into Laos, and into South Vietnam. Indeed, as I said earlier, I warned of this fact and this threat to our forces only a few days before the President ordered the invasion.

But I do not think that the complicated situation in Indochina, the fact that there are four little countries in that narrow peninsula, argues for a widening of the war. Instead, it is a part—but only a part—of the unique character of this war which argues for a negotiated settlement—not Vietnamization; not reescalation; not a wider war; not a deeper involvement; not a further bogging down into the morass in Southeastern Asia.

I yield.

Mr. MILLER. Mr. President, the Senator says that this would argue for negotiations, and he certainly is going to find me joining with him on that—and the President of the United States, also. It is hoped that Vietnamization will not have to be completed. I hope it does not have to be. I hope that it will help lead to negotiations.

It is quite apparent that the North Vietnamese, the Red Chinese, and the Soviets are worried about Vietnamization. I have some extracts from international broadcasts from Moscow, Peking, and Hanoi. I have others in my offices. Almost every day there are statements from these sources to the effect that Vietnamization is a failure. These, of course, are beamed to other countries throughout the world—beamed to South Vietnam.

It is quite apparent from their propaganda that they do not like Vietnamization. I wonder why they do not like Vietnamization. One of the main reasons why they do not like Vietnamization is that it is moving ahead and succeeding. They know that the further it goes, the fewer American casualties there will be.

I deplore any casualties, but I would far rather pick up the newspaper and find 100 American casualties than 300. The number will go down with the other 150,000 coming out by next spring, with roughly 90 percent of our ground combat troops out of there, which is where most of our casualties are coming from.

The people behind the Bamboo Curtain and the Iron Curtain recognize that the American casualties are going to go down. They are very unhappy about that thought, because they know that is one of the major concerns—and properly so—of the American people.

Mr. GORE. Mr. President, let me point out to the Senator a fact to which I have already alluded. We have had Vietnamization now for almost a year, since June 8 of last year. It has not brought an end to the war. Who can say, then, that it is a success? It has not brought peace. Who can claim that it ever will? We have suffered more than 50,000 casualties in this program of Vietnamization, and now the President tells us that our situation has become so precarious as a result of this policy, partly, that he has had to order thousands of American troops to cross the border of a small nation which asked to be neutral.

I yield.

Mr. MILLER. Mr. President, I think that the proof of the Vietnamization program's success shows up in the tragic figures of casualties.

Mr. GORE. 50,000.

Mr. MILLER. No; the 50,000 the Senator is talking about goes back over the last 7, 8, or 9 years.

Mr. GORE. Oh, no. I am sorry. We have suffered 50,000 casualties—more than 50,000 casualties—since June 8, 1969.

Mr. MILLER. Oh, the Senator is referring to both killed and wounded?

Mr. GORE. I am referring to casualties of American military personnel.

Mr. MILLER. In that frame of reference, I would suggest that if he will compare the killed and wounded of the American forces with the killed and wounded of South Vietnamese forces, comparable months, to the year before, when Vietnamization was not on, he will find a dramatic difference. The difference will be favorable—granted that it is all tragic.

Mr. GORE. The smaller the casualties, the better I like it. But that does not mean that the war is coming to an end. The war has been prolonged.

Mr. MILLER. The President of the United States certainly has not said that 1 year after Vietnamization starts, the war is going to come to an end. He never has said that, and I certainly would not expect anybody to say that. What I am interested in, really——

Mr. GORE. Can the Senator give us any timetable whatever when Vietnamization is supposed to end the war? The least estimate I have ever heard of U.S. troops remaining in South Vietnam in the summer of next year is a quarter of a million American boys. That is not ending the war. That is not bringing peace. That is not shortening the war. That is prolonging the war in order to keep Thieu and Ky in power.

Mr. MILLER. Mr. President, may we have order?

The PRESIDING OFFICER. The Chair admonishes the gallery that order must be maintained. There will be no demonstrations.

The Senator may proceed.

Mr. MILLER. I do not want to get into a discussion about the last part of the Senator's statement. We will have plenty of time to do that. The important thing right now is to achieve peace, as soon as we can. I am talking about an honorable peace, and I am sure that every Member of the Senate would like to have that happen tomorrow. But I think that in our desire for a peace as quickly as we can get it, we tend to overlook progress toward peace.

I assure the Senator from Tennessee that he and I will have far fewer tragic letters to write to bereaved parents and wives a year from now than we have now. We have fewer now than we had a year ago. Fewer men are over there today, by 115,000, than a year ago.

Mr. GORE. Yes, but there are 3,000 more than a month ago.

Mr. MILLER. The Senator well knows that in the deployment of troops, there may be some fluctuations from month to month.

Mr. GORE. Oh, yes. Men were retained there because of the planned invasion of Cambodia, I suppose, and there may be plans to keep them longer. I do not know why the President ceased to announce a reduction on a quarterly basis and raced ahead 1 year from now. But even a year from now, even if there is a reduction of 150,000, this still will leave a quarter of a million American boys in Vietnam. It means that thousands and thousands more young men, boys now in their middle teens, will have to go to Vietnam. The casualties are terrible.

I wish the Senator had heard—although it was disagreeable to contemplate—the statement which the senior Senator from Missouri read, the article he read, about a legless soldier whose arms are paralyzed, unable to turn himself in bed and fight rats from his being.

I have been through hospitals, as the Senator has. Those who are left dead over there are not the only losses we suffer. Hundreds of thousands have left parts of their bodies there, have lost their minds there, have lost their eyes there, have lost all their limbs there, have lost many of their vital organs there. It is a horrible catastrophe. Moreover, that is not the only sacrifice. Two million men have been sent there, and the statistics indicate that many of them are returning with dope addiction, with psychiatric troubles, and I have not even referred to the serious malaise in our own country. Thus, this is a tragic cost we are paying. This war has gained us nothing. There is nothing to be gained from it. American security is not involved in what happens in Cambodia or does not happen in Cambodia or in Laos. Except for the amendment the Senate passed last year, there may have been an invasion or an incursion into Laos. What does it matter to us whether a Laotian by the name of Souphanouvong or a Laotian by the name of Souvanna Phouma is Premier of Laos? Our security is not involved in what happens in those little countries. Our national interest is not involved. Our national interest is involved in bringing an end to the war, not in prolonging it.

Mr. MILLER. I must say that the Senator makes a very emotional speech about our tragic, wounded soldiers——

Mr. GORE. I do get emotional about it because this war has been going on for years now. It is also tearing our country apart.

Mr. MILLER. I can get just as emotional as the Senator from Tennessee—possibly a little more, because I have been over there. There is nothing like visiting wounded men in the intensive care wards in the hospitals in Vietnam, especially when they know they will not make it next morning.

Mr. GORE. I have been there, too.

Mr. MILLER. Well, I say that the Senator from Iowa can get just as emotional about it as the Senator from Tennessee, but that will not get us off the ground. What is important, I think, is that if we really believe in peace and getting our troops out of there as soon as we reasonably can, and on a decent and honorable basis, we should recognize the progress we are making and have been making for the past year compared to going in the other direction the previous 4 years.

At least, give President Nixon and his administration some credit for going in the right direction. We went in the wrong direction for 4 or 5 years before. I am not here complaining, except I did say that President Johnson should have adopted the policy of not tying the hands of our men when he sent them out of this country. If he was not willing to send them out of this country and untie their hands, he should never have sent them out there in the first place. I have warned against the prolongation of the war and what it would bring.

Mr. GORE. By that argument, then, we should have invaded North Vietnam a long time ago as a sanctuary.

Mr. MILLER. I never advocated that.

Mr. GORE. As a sanctuary, Cambodia is third or fourth rate. The real sanctuary is not in Cambodia, it is North Vietnam and Red China. Every argument I have heard in support of the invasion of Cambodia can, with equal or greater force, lie to an invasion of North Vietnam or Red China, except that—and it is a very great exception—in the latter event, it would be likely to bring Red China into the war. And who knows——

Mr. MILLER. That is a big exception.

Mr. GORE. That is a big exception, yes. And who knows but that the invasions and incursions into Laos bordering onto Red China may eventually bring about such a catastrophe.

Mr. President, this wider war has many dangers.

I warn, once again, as I did on the 16th day of last month, before Cambodia was invaded, that an ominous threat of a still wider war hangs over not only this country but also the world.

Mr. MILLER. No one knows what will happen tomorrow, 6 months from now, or a year from now. I do want to say this, that the Senator from Iowa never advocated an invasion of North Vietnam, for the reason that the Senator from Tennessee himself suggested. But, that is somewhat beside the point——

Mr. GORE. That is not beside the point at all. That is the point.

Mr. MILLER. Well, it is the point in answer to the Senator's statement, that the same reasons for invading Cambodia could be given so far as North Vietnam is concerned. The Senator answered his own statement by saying except for the fact it might bring Red China into the war, and on that I thoroughly agree with him.

Mr. GORE. I do not think this war will be won or lost by what happens in Cambodia.

Mr. MILLER. The Senator from Iowa has never said such a thing either. I have said that it will mean a shorter war and fewer casualties. This is all the President of the United States is saying.

Mr. GORE. Well, Mr. President, this shorter casualty list is disturbing to me. I should like to recall that the news stories emanating from the military operations in Cambodia and Vietnam during the first week of the invasion were quite interesting. The first report, after about 2 days of operations, was that 3 Americans had been killed. Then, it later got up to 17. But, when the official casualty list came out, 168 had been killed and many times that number wounded.

That is a strange way to save lives, to increase the casualty list, just as invading a country and destroying the villages and maiming and killing thousands of civilians is a strange way to protect their freedom.

Mr. MILLER. The Senator talks about the increase in casualties in 1 week, something like from 100 to —what did the Senator say, 184?

Mr. GORE. It is 168.

Mr. MILLER. Yes, 168. The casualty list has been running about 100. I deplore the increase from 100 to 168 in 1 week, but how many casualties does the Senator from Tennessee think would have occurred if 7,500 individual weapons, 1,000 large-caliber-type weapons, 9,400 rockets, 13,300 mortar rounds, and 8.4 million rounds of small arms ammunition had been brought down across the border from the sanctuaries and used against our troops? Does he think that would have just been for free, for fun, celebrating the Fourth of July, or does he think that that means a lessening of the number of casualties to U.S. forces and those of our allies?

Mr. GORE. Well, Mr. President, the pursuit of sanctuaries can be discussed in many ways. Both sides have sanctuaries. Our side has more than the other side. Our sanctuaries are more secure because of our mobility and our power. I am glad that they are more secure. But, pursuit of sanctuaries and counterpursuit of sanctuaries is a formula for widening the war, for escalating it, not for negotiating a settlement of it. That is what I plead for.

A few moments ago, the Senator referred to the differences in direction. I say, in all candor, that I prefer the deescalation in the Nixon administration to the escalation during the Johnson administration; but what we need to achieve is a peaceful settlement because the deescalation under the name of Vietnamization has been unilateral and while we have reduced our forces, I have tried to say, the other side has greatly augmented its forces, not only in numbers but also in deployment. There are more men north of the demilitarized military zone now, I am told, than at any time in the history of the war.

North Vietnam has a large army. There are more North Vietnamese in South Vietnam than at any time in the history of the war. There are more North Vietnamese in Laos than heretofore in the history of the war.

As I have said, I do not know now how many North Vietnamese troops are in Cambodia, but before the invasion or incursion or excursion or intrusion, it was said that there were 40,000 men there.

Mr. MILLER. Mr. President, there is one clear fact that the Senator has overlooked—I am sure not intentionally. And that is the increase in the combat effectiveness and the numbers of South Vietnamese troops. That is what Vietnamization is all about. U.S. forces can leave because South Vietnamese forces can take their place.

I would like to see a negotiated settlement of this war far more than waiting and waiting and waiting.

I suggest to my friend, the Senator from Tennessee, that as Vietnamization goes on, the number of casualties go on.

Mr. GORE. On and on and on. It has been going on for nearly a year. And the situation is worse today than when it started.

Mr. MILLER. Mr. President, if the Senator looks at the facts, he will find that there are 115,000 fewer Americans in Vietnam today than a year ago. I find it hard to say that the situation is worse. It is a lot better as far as those 115,000 men are concerned.

Mr. GORE. I said the situation, not the men. Our situation is so precarious, according to President Nixon, that he ordered the invasion of Cambodia. And he said that the situation of the men remaining there would be intolerable without that invasion.

How that can be interpreted as an improvement of our situation is a little difficult for me to realize, unless it be that an invasion is not an invasion, unless it means that a wider war is not a wider war.

I do not quite get that formula of saying that things are not what they are but are what one would like them to seem to be.

Mr. MILLER. The Senator does not get it because he does not want to get it.

Mr. GORE. Mr. President, the Senator does not really wish to say that.

Mr. MILLER. The Senator knows the situation.

Mr. GORE. Does the Senator really wish to say that?

Mr. MILLER. The Senator knows the situation as well as anyone else in the Senate.

Mr. GORE. I appreciate the comment. The Senator made a statement that I want him to retract. I do not think he really means to say that about his friend and colleague.

I tried to base my argument on logic and facts and supported by facts. It is the Senator from Iowa who said that it is not an invasion of Cambodia. It is the Senator from Iowa who said that this has not made it a wider war.

I do not know what wider means unless it is a greater expansion. I do not know what invasion means unless it is crossing the border of a country with troops.

Does the Senator really wish to insist upon that statement?

Mr. MILLER. Mr. President, the Senator said that the Senator from Iowa said

it is not an invasion. I did not start this discussion. The Senator from Tennessee started out by calling it an invasion of Cambodia. And the Senator from Iowa came back and said that it is not an invasion of Cambodia. So, the Senator from Tennessee is the one who initiated it.

Mr. GORE. Mr. President, will the Senator from Iowa advise me whether I am pointing up or down?

Mr. MILLER. The Senator from Iowa was not looking. The Senator might have been pointing both ways.

Mr. GORE. But I was not. I was pointing as perpendicularly up as I know how. Yet, the Senator looks and says that I am pointing in both directions.

Mr. BYRD of West Virginia. Mr. President, may we have order in the gallery?

The PRESIDING OFFICER. There will be order in the galleries.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. BYRD of West Virginia. Mr. President, I express the hope that no Senator will question the faith of any other Senator on this or any very controversial matter.

I say this with all due respect to both Senators who are now speaking. Let us not say that any Senator does not really want to see a situation in another way.

I do not think the Senator from Iowa intends to say that. He has spoken in good humor. This is not to say that I share or that I do not share the views of the Senator from Tennessee.

I only hope we will not get to the stage of saying that any Senator just does not want to see another viewpoint.

Mr. GORE. Mr. President, I thank the Senator from West Virginia.

I yield to the Senator from Iowa.

Mr. MILLER. Mr. President, the Senator from Tennessee knows that we are good friends and that we not only enjoy the discussion but also hope to shed some light on the matter and possibly persuade one Senator to the other's view.

I am concerned about the use of the phrase invasion of Cambodia by U.S. troops, when I realize that a Cambodian sanctuary is no more a piece of Cambodia from the standpoint of neutral territory managed, run, and controlled by Cambodia than is the North Pole.

It is a piece of territory along the border of South Vietnam that for 5 years has been occupied, dominated, and controlled by North Vietnamese troops. And I think anyone would say that was an invasion by North Vietnamese troops of the sacred territory of Cambodia. However, now that the American troops have come along and tried to clean out those sanctuaries, some people say that is an invasion. They put it in the same frame of reference as the activities of the North Vietnamese troops in going in and occupying that territory for 5 years and the activities of the North Vietnamese troops today in going into the whole country of Cambodia and trying to take over the country.

I think it is rather demeaning to American troops to say that the American troops have invaded Cambodia in the same sense that the North Vietnamese invaded Cambodia and took over those sanctuaries and kept them for 5 years and are now trying to take over that country.

Mr. GORE. Mr. President, I ask unanimous consent that the definition of the word "invasion" given in Webster's Seventh New Collegiate Dictionary be printed at this point in the RECORD.

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

in-va-sion /in-'vā-zhan/*n* [ME *invasioune*, fr. MF *invasion*, fr. LL *invasion-*, *invasio*, fr. L *invasus*, pp. of *invadere*] 1 : an act of invading; *esp* : incursion of an army for conquest or plunder 2 : the incoming or spread of something usu. hurtful

Mr. GORE. Mr. President, the real issue today is between this "Vietnamization" policy and a genuine effort to negotiate a decent and dignified compromise through either the Paris peace talks or perhaps another conference of Geneva powers or even some other manner of diplomacy.

It takes fortitude to admit a mistake but, as the Confucian maxim goes, the man who makes a mistake and fails to correct it has made a second mistake. Some weeks ago, in testimony before the Senate Veterans' Affairs Subcommittee, a former Air Cavalry captain who lost both legs and his right arm when he picked up a live grenade at Kje Sanh, came close to summing up our entire country's dilemma in these words:

To the devastating psychological effect of getting maimed, paralyzed, or in some way unable to re-enter American life as you left it, is the added psychological weight that it may not have been worth it: that the war may have been a cruel hoax, an American tragedy that left a small minority of young American males holding the bag.

There is much to be proud of in the debate we have held among ourselves in the Senate and in the debate the American people have engaged in between themselves. It is a mark of the strength and resiliency of American democracy that we do not fear to air our differences in the open. The leaders of the Soviet Union would never dare to permit a public debate like the Vietnam debate in America; they lack the necessary confidence in themselves and in their society. I believe, with Justice Holmes—

That the ultimate good desired is better reached by free trade in ideas—that the best test of truth in the power of the thought is to get itself accepted in the competition of the market.

True, a Senator's words uttered here in this Chamber may be quoted in Hanoi, but shall this prevent us from speaking the truth to our own people and among ourselves? Shall we permit the possibility of being quoted to subvert our system? Shall we forsake our system of popular government in order that we will not be quoted in our efforts to speak the truth and engage in free debate?

The case for the war in Vietnam was vigorously advanced in the competition of our free market of ideas for 5 years. It was packaged and repackaged, hard sold and soft sold. It was promoted by every dazzling technique known to Madison Avenue—with an advertising budget of Pentagon dimensions.

They even have coined such phrases as "Vietnamization," "protective reaction," "ground combat troops," which seems to have a meaning different from that which I would understand. But Vietnam showed itself to be an "Edsel." With everything going for it but merit the frenetic effort to "sell" Vietnam to America has finally gone on the rocks—a casualty of the decency, the judgment and the commonsense of the American people.

Mr. President, for the first time since I have been a Member of this body, my office staff is utterly swamped and unable to answer the mail that is arriving by the hour.

The post office in the Senate Office Building, as of yesterday, was 1 whole week behind in the delivery of mail to Senate offices within the same building. My staff tells me mail is stacked out in the halls as if trailer trucks had been unloaded in the hallways of the Senate Office Building. When I left the office an hour or so ago, before coming to the floor of the Senate, there were bundles of mail yet untied.

The American people are aroused. They have been led to believe that somehow, though in a drawn-out fashion, the war was being ended. Now, in order to shorten the war, it is said, in order to save lives, we broaden the war, widen the war, increase the casualties.

Mr. President, this invasion of a small country has taken a tragic toll of America's moral position in the world. This country of ours has been able to muster a majority in the United States when it was put to the test. It has been able to do so in large part because of its history of respect for the sovereignty of small nations. Just as we have in our own society the principle of one man, one vote, we have advocated in the United Nations one mission, one vote. We stood as protector of the weak and the small.

Imagine my chagrin to sit in the White House and hear an analogy drawn by the President of the United States between our invasion of Cambodia and Russia's invasion of Czechoslovakia. In order that it be not misunderstood, I wish to relate what happened. One of my colleagues inquired of the President if in his opinion the incursion, the invasion, or the episode, whatever it is that sent thousands of American soldiers into Cambodia, would have an adverse effect upon the Strategic Arms Limitation Conference now underway in Geneva. The President expressed himself negatively. I did not take down all of his answer because I am not a stenographer, but I took down one sentence verbatim because it struck me so forcefully. In the course of his answer he said, "We expect the Soviets to protest this just as we protested their invasion of Czechoslovakia."

Mr. President, I do not want to see my country equated with the Russian invasion of Czechoslovakia. This has shocked our friends around the world and the unpredictability and the instability of the leadership which this demonstrates has shocked business leaders and professional leaders within our own country. We do not have to go beyond the marketplace to see the effect

of this. I think this was a serious mistake in judgment.

President Nixon was elected President of the United States as the peace candidate because he said he had a plan to end the war. His plan was kept secret, but at least he said he had a plan; he promised to end the war and the people elected him President.

Mr. President, how do American people remain the masters of their fate? How does their democratic system operate? Perhaps what I am about to say may be indelicate politically, but I want to point it out because it is the background of the frustration and bitterness that is dividing this country.

Who was the peace candidate for President in 1964? I will not characterize the position of my distinguished colleague, the Senator from Arizona (Mr. GOLDWATER). History records that. I do know that it was Lyndon Baines Johnson who promised the American people emphatically that he would not send American boys into a land war in Asia to do for Asians what Asians should do for themselves. He was elected by the largest majority in the history of our Republic.

Who was the peace candidate in 1968? As I have said, it was Richard Milhous Nixon.

The people elected the President on the promise to end the war. They elected President Johnson on the promise to keep us out of war. How does our system work?

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

Mr. GORE. In just a moment I will. It must work, and the Senate must bear a part in making it work. I say this because a considerable number of Americans are now saying that the system has broken down, that the system is failing.

I do not share that doubt, but I ask you to share with me a determination to make it work, to implement the people's will. Every time the American people have had a chance to express themselves about the Vietnam war, it has been on the side of peace. I referred to the expression "nationwide."

I yield to the Senator from Michigan.

Mr. GRIFFIN. The distinguished Senator from Tennessee was trying to make some comparison between the incumbent in the White House and his precedessor. I do not know that this serves any particular purpose, but as long as he has tried to make the comparison, I cannot very well let the occasion go by without making the statement that under the predecessor of the President who now serves, we sent more and more boys until we had over 500,000 boys in Vietnam, and I seem to be aware of the fact that under this President we now have 115,000 fewer American troops, and he has announced that another 150,000 will come home in next 11 months, if we will give him an opportunity to do so.

I wonder if that is a very valid comparison that the Senator from Tennessee was trying to draw.

Mr. GORE. I was not attempting to draw a comparison between the Presidents or with respect to their administrations. The point I was seeking to make was that the people elected President Lyndon Baines Johnson on a promise to keep us out of war, and it was President Johnson who sent combat forces into the war soon after that election; and it was the American people who elected President Richard M. Nixon on a promise to end the war, and yet in May 1970 the war has widened, the casualties increase, and even if by next summer there are 150,000 fewer troops than there are now in Vietnam, it will still leave on the order of 250,000 Americans there, with no promise that the war will end then.

This war has been going on a long, long time; and if it continues until the summer of 1971, it means that an estimated 300,000 American boys, who have not as yet been sent to Vietnam, will be sent to Vietnam by that time. Why, mothers of 10-year-old boys are now nervous that their sons will have to go to Vietnam.

This is the longest war in our history, and our national security is not involved, in my opinion. What have we gained and what is there to gain?

Mr. President, these are some of the reasons why the American people are so wrought up on this issue.

After the election of 1968, President Nixon waited until May 14, 1969, to make his first policy statement to the American people on the Vietnam war. I do not criticize that. I state it as a fact. When he did make the speech on May 14, 1969, I took great encouragement from it. I applauded this speech and took heart from it not only because the President "ruled out" a "purely military solution on the battlefield"—which seemed to me to leave a peaceful settlement or compromise as the only viable alternative—but also because in his plans for a settlement he advanced a number of steps which I had long advocated: first, creation of an international body agreeable to both sides to supervise troop withdrawals and cease fires; second, "all parties would agree to observe the Geneva Accords of 1954 regarding South Vietnam and Cambodia, and the Laos Accords of 1962"; third, "mutual withdrawal"—note that, "mutual withdrawal"—"of non-South Vietnamese forces from South Vietnam and free choice for the people of South Vietnam."

In support of this latter point the President condemned in three different places in his speech, "a one-sided withdrawal"—a fact of considerable importance which I shall refer to later. And he went on to say: "Almost without exception the leaders of non-Communist Asia have told me that they would consider a one-sided American withdrawal from Vietnam to be a threat to the security of their own nations."

He did not rule out a coalition government. It had been my view for a long while that a compromise government and neutrality status for the former French colonies was the most feasible form of settlement and in accordance with the terms of the Geneva Accords. In fact, the President said, "We have no objection to a reunification,"—that is, of North and South—"if that turns out to be what the people of North Vietnam and the people of South Vietnam want; we ask only that the decision reflect the free choice of the people concerned."

Mr. President, I read that speech of the President, and reread it and reread it. I was encouraged by it.

It was my view of the speech that the President had decided to use the mandate of his election, as former President Eisenhower had done with the Korean war, to extricate the United States from Vietnam as quickly as he could, as best he could, and as honorably as he could. For this decision and for his speech, I congratulated him and wished him the greatest good fortune in a carefully prepared speech on the floor of the Senate. So did the distinguished senior Senator from Idaho, Senator FRANK CHURCH.

Yet, in a meeting with President Thieu at Midway less than a month later, President Nixon apparently found himself stymied—boxed in by political pressures at home, by a wily "ally" abroad, and by insistent military advice, according to reports, from both places. President Nixon quietly shifted gears and proceeded full-speed—where? Into reverse. Without formally announcing the abandonment of his May 14 peace plan, President Nixon simply chartered a different course—phased withdrawal, together with a commitment to the Thieu-Ky regime. The psychological sop he offered the American people was proclamation of the gradual "unilateral withdrawal"—denounced thrice in his speech of only a month before—of 25,000 American troops, with withdrawal of others planned. President Nixon launched his plan with the Madison Avenue title: "Vietnamization." For the home market this proved to be an attractive package, at least temporarily, but the contents had yet to be appraised and tested. It has now been tested in the crucible of tragedy. It has failed to end the war. Despite assurances about "turning the corner," "seeing light at the end of the tunnel," and peace being "in sight," our situation became so precarious in Indochina that President Nixon ordered the invasion of Cambodia, thus getting us in deeper and deeper into this horrible morass.

Notice, Mr. President, I used the word "deeper." I did not say "wider." Maybe I should have used "deeper" earlier today. But whether it is wider, deeper, farther, or bigger, it is certainly bloodier.

My position is that this war is not now and never has been in the interests of the American people. That is why I wish to end it now—by a negotiated compromise.

As I have stated, President Nixon has ruled out settling it on the battlefield. The Vice President, on television a few days ago, indicated that a land war in Asia could not be won.

If you rule out winning a war, what is there left but to settle it, or to continue it endlessly?

I think this war should be settled, Mr. President.

I am not a pacifist, nor have I ever been. I have not and I do not oppose any and all wars regardless of their character and causes. Given Pearl Harbor and all the mad machinations of Hitler, I had no doubt of the justice of American involvement in World War II. But this war in Vietnam is neither just nor necessary nor in our national interest.

Despite his professed intention of ending the war, President Nixon, like former

President Johnson, has now escalated and widened the war. He has offered three basic arguments—the same as President Lyndon Johnson—for continuing American involvement in Vietnam. All three, in my view, are defective.

The supposition that the war in Vietnam is part of an overall Communist plan for world conquest is without basis in fact, a scare fantasy of the radical right repudiated by every serious observer of Asian and Communist affairs—at least by most observers. It survives, nonetheless, because people in high office, who should know better, still invoke it when they are casting about for justifications for American military involvement in Vietnam.

President Nixon's professed policy of slow disengagement from Vietnam would be gross irresponsibility if the Vietnamese war were really part of a centrally directed Communist design for world military conquest, with America its early target. Nonetheless, in his speech of last November 3, Mr. Nixon predicted that American withdrawal from Vietnam "would spark violence wherever our commitments help maintain the peace, in the Middle East, in Berlin, eventually even in the Western Hemisphere." President Nixon did not explain why he believes these disasters would follow an end to the American intervention in Vietnam, or why, despite these grave alleged risks, he still proposes to withdraw from the war anyway, albeit gradually.

This war in that tortured land is and always has been essentially civil war, and a war against foreign domination. As the former Under Secretary of the Air Force and long-time Pentagon official, Mr. Townsend Hoopes, has pointed out:

> North Vietnam was fighting primarily to achieve an unfulfilled national purpose. While it was, to be sure, fully aware of the implications for the wider application of the Mao-Ho-Giap insurgency doctrine, it was fighting not an abstractly ideological war, but a very particular war—in a particular place, characterized by a particular kind of terrain and weather, peopled by a particular breed of men and, above all, conditioned by a particular history. What really drove Ho's sacrificial legions was not the dream of world conquest, nor even the notion of generating a new momentum for Communist advance and triumph throughout Asia. What motivated Hanoi and enabled its leadership to hold 19 million primitive people to endless struggle and sacrifice against odds that were statistically ludicrous was the goal of national independence.

The second major argument used to justify American military interest in Vietnam is that it inspires confidence throughout the world in America's determination to honor her commitments. I wonder what commitment he has honored in invading Cambodia. In his speech of last November 3, President Nixon said that putting an end to our interest in Vietnam "would result in a collapse of confidence in American leadership not only in Asia but throughout the world."

Confidence in American leadership has now suffered a heavy blow both at home and in many parts of the world, not because we are thought to have held back in Vietnam but because we have plunged deeper into an Asian land war, plunged recklessly and on so vast a scale, because once again a U.S. President has become mesmerized with the mirage of Vietnam.

The third and most patently specious of the arguments for our interest in Vietnam is that it has something to do with the defense of freedom and self-determination. Even our policymakers are beginning to seem embarrassed when they talk about freedom and democracy in South Vietnam, because most Americans by now know something about the Saigon regime. They know that it is a corrupt military dictatorship which jails its political opponents, censors its press, and rules with no reliable popular support except that the South Vietnamese generals, big businessmen and top bureaucrats backed by the U.S. military. The leading opponent of General Thieu in the presidential election of 1967, Mr. Dzu, is held in jail on vague charges, with no present prospect of release of which anyone in this country has heard. The head of the opposition in the National Assembly, Tran Ngoc Chau, who began last year to advocate a cease-fire, direct negotiations with the National Liberation Front, and neutrality has been sentenced to 10 years in a trial that mocked our concept of justice and probity.

As to Mr. Thieu himself, one recent observer wrote that—

> A silent majority unquestionably exists among the 17 million South Vietnamese, and although this majority opposes the Communists, only a relatively small portion of it is really behind Thieu.

An American survey completed in January 1970 in Iong An province south of Saigon, reported in Newsweek, February 9, 1970, showed that, if an election were held now, 35 percent of the voters would support Thieu, 20 percent would vote for the Vietcong, and the remaining 45 percent would support any candidate who opposed both the United States and the Vietcong. I do not vouch for the accuracy of the polls—this one or any other. I only cite this as a matter of possible interest.

So much for the Thieu version of freedom and self-determination—the third of the three pillars of American policy in Vietnam. Now that it is abundantly clear that we are not deterring worldwide Communist aggression, not inspiring confidence in America's loyalty to its commitments, and certainly not doing anything for freedom and self-determination in South Vietnam, the question remains: Why are we there? The answer, I think, is simply this: We are in Vietnam because our leaders once believed, and perhaps still believe and still think a great many of our people still believe, that the three reasons given are valid; and, now that both fact and logic show them not to be, our leaders cannot bring themselves to acceptance of this to acknowledge our own mistake. This, I realize, Mr. President, is pointed and I intend for it so to be, though I mean no offense. It is just that so many have been so wrong for so long and so many American boys have needlessly died, so many are still dying needlessly, and the longer this was continues, the greater the needless sacrifice of lives and values.

Wars have a momentum of their own. Once begun, their original causes are soon forgotten, and the very fact of war, the fact that the country is fighting, becomes the real reason it continues fighting. No one seems to know how to stop short of victory, yet victory has been officially ruled out by President Nixon. No one much cared about Serbia and Sarajavo once the First World War had been going for a few months, although the assassination of the Austrian archduke was supposed to have started it. And who now seriously cares about that half-imaginary skirmish in the Gulf of Tonkin 5½ years ago—except for the fact that it was used to hoodwink Congress into writing the President a blank check?

I cannot see how the President can really accept as valid the standard arguments he advances for our involvement in Vietnam and the reasons he gives for his policies. This is not to say that he is not entitled to his views. I say I cannot find logic in them.

Yet he either believes them or is unwilling to repudiate the errors of the past and to correct our mistakes. Whatever the reasons, the result is contradiction. Espousing the case for the war, he still purports to end it—not, however, a genuine end by either compromise or victory but by the policy called Vietnamization, now proven wanting.

I have heard Vietnamization described as a semantic cover for continuing the war and also as a semantic cover for forestalling the collapse of the Saigon government—at least long enough to permit the United States to disassociate itself from the disaster. In either case, the scenario goes, it will spare the American people from truth and the Nixon administration from blame, while condemning untold thousands of our sons as casualties in Vietnam.

I question the policy of Vietnamization because it has been our policy since June 8, 1969, and it has failed to bring peace—has failed to end the war—and because, even if it should work—which it has not—it would be an unnecessarily costly and drawn-out way of extricating the United States from this mistaken war. I doubt Vietnamization, too, because there is a faster way out—a more honest and a more honorable way out—through a negotiated compromise peace.

I hope that the pending amendment will be altered so that even in an indirect way the policy of Vietnamization, through which we have lost more than 50,000 casualties and failed to end the war, will not be endorsed.

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

Mr. GORE. I yield.

Mr. CHURCH. As one who fully shares the Senator's skepticism concerning the policy of Vietnamization, I want to assure the Senator that no words are intended in the amendment to constitute an endorsement of that policy. I would hope, too, that any shadow of a doubt can be removed by the time the Senate votes on the final version of the amendment. So that the Senator's concern in this particular matter can be fully put to rest.

Mr. GORE. I thank the Senator. This is reassuring.

President Thieu recently said that the

withdrawal of American ground combat forces by the end of 1970 is an "impossible goal" and that, instead, "it will take many years" to remove these forces. Do the American people want this war to continue for many more years?

These are the words of Mr. Thieu. The Vietnamese, so far as I know, have been given no deadlines and no timetable for total American withdrawal. Surely, the Senate has been given no timetable.

That may account for the Vietnamese striking lack of urgency and for the apparent confidence of the Saigon generals that their powerful protectors will not soon abandon them to their fate. Perhaps they regard Vietnamization as no more than an irritating necessity of American domestic politics, the assumed need to humor the great majority of Americans who, it appears, are thoroughly fed up with the Vietnam war.

We have seen what happens when Vietnamization comes face-up to failure. President Nixon tells us he ordered the reescalation of the war in order to buy time for Vietnamization. Will not these or similar threats recur? Will we again reescalate the war in the name of peace, or again buy time? The administration has had two answers to this question heretofore, and they are completely contradictory. On the one hand, administration officials have said repeatedly that the process of American troop withdrawal is irreversible. Yet, on the other hand, President Nixon has said on three separate occasions—November 3, December 15, and again on February 18—that he "will not hesitate to take strong and effective measures if the enemy takes military advantage of American withdrawals." As I asked earlier today in debate, could we really expect the enemy not to take advantage of unilateral withdrawal by us? In the absence of a settlement, could we reasonably expect the enemy not to take such advantages as they could of whatever policy we may pursue?

So, as we have seen, the policy was irreversible and reversible. I have repeatedly warned that an enemy buildup into a flanking threat was a likely, if not inevitable, consequence of Vietnamization.

Mr. President, I have warned in speeches on the floor of the Senate that there was something contradictory, something incompatible between Vietnamization in South Vietnam and the Nixon hands-off doctrine as we originally understood it to mean in the other little countries in Indochina. But, let me hasten to say, this argued to me that a negotiated settlement should be sought, rather for a widening of the war. Of course, the threat to Vietnamization appeared intolerable. Indeed, Vietnamization was doomed to failure without reescalation of the war.

This, it seems to me, is what President Nixon told us, among other things. But instead of supporting the wisdom of widening the war, this demonstrates the fallacy of Vietnamization.

The fatal weakness of Vietnamization has not been cured by the invasion of Cambodia. The prospects for Vietnamization turn on three main elements—a better armed but still dispirited South Vietnamese Army; a more entrenched but still dictatorial, unpopular and corrupt government in Saigon; and a weakened but still formidable and growing enemy. These are the foundations on which President Nixon proposes to build the "just and lasting peace" which is his professed goal. Is there expectation of success? I have not thought that Vietnamization was a very promising formula. It has now been tested in the crucible of tragedy and found wanting. This is not to say that the President's goal is not laudatory, nor is it a question of his desire. It is to question the wisdom of the policy being pursued. Is the real hope of Vietnamization the more realistic one of keeping the conflict going indefinitely, with a reduced number of Americans fighting in and providing air cover and logistic support for a semipermanent war of counterinsurgency? Or, failing this, will the administration settle for the even more modest goal of postponing disaster long enough to separate themselves from its political consequences? If so, the Nixon policy will have turned out to be exactly that which both President Nixon and his predecessor said they would never accept—a disguised American defeat. And at what an awful price in lives and values.

In his speech of last November 3, President Nixon said that we really have only two choices for ending the war—an immediate precipitate withdrawal or, failing the acceptance of our terms in the Paris peace talks, Vietnamization. I believe the President omitted—from his speech and from his policy—a third and superior possibility: serious negotiations for an authentic compromise peace.

The issue on which the war is being fought—and the only issue on which a compromise peace can be negotiated, in my opinion, is the nature of the government which rules South Vietnam. The more specific issue is the survival in power of the present Saigon regime. That is what the war is about. If Thieu and Ky remain firmly in power, they will have won. We may not call that victory, but the National Liberation Front and North Vietnam would surely call it total defeat. If the Vietcong displace them and form a Communist government in Saigon, they will have won. Another possibility is a sharing of power by the Vietnamese themselves, which is to say, a compromise arrangemnt or a coalition government in which the various forces, elements, and diverse groupings can have a part. This would not be new. It would be the pattern of self-government. It might be permanent or it might be provisional, organized only for purposes of conducting elections, calling a constituent assembly, or negotiating the composition of a permanent regime. One way or the other, compromise means coalition. One can evade, obfuscate, or protest, but the fact is inescapable: either some form of compromise or coalition government is formed to rule South Vietnam, the war goes on until one side or the other wins, or the present meatgrinder operation continues indefinitely without real hope of either peace or victory for either side.

I think it is time we acknowledge that the Thieu-Ky regime does not represent democracy in any acceptable sense of the term. Like the so-called guided democracies of the Soviet empire, the Saigon junta makes a mockery of the right to free speech and freedom of the press. It jails political and religious leaders who advocate either neutrality or a coalition of all the people of South Vietnam.

If a so-called senator in Saigon advocated negotiations—neutrality—or a coalition government or peace negotiations, imagine the fate he would suffer. And yet it is said that somehow we are fighting for freedom in South Vietnam.

The leadership in South Vietnam jails political and religious leaders—not only political leaders, but even religious leaders—who advocate negotiations for peace. That subverts the very principles of genuine self-determination and democratic free government for which our men are fighting. They fight gallantly, show great valor, and make great sacrifices. For them I have the highest words of praise and appreciation.

Mr. President, in our differences over Vietnam, we have let ourselves become hypnotized into self-delusion. We have gradually accepted the unholy, autistic reality that war creates. We have let Vietnam become a matter of domestic politics; and frequently we have devalued our moral currency to compound political nostrums and cater to prejudices, resorting to crude face-saving devices which counterfeit our highest traditional values and violate our rightful pride in being the world's greatest democracy. We must demesmerize ourselves about the Vietnam war, break through the shell of public relation formulas and jingoist slogans, and dispassionately analyze the kernel of our national interest. What we must really be concerned about is saving the soul of our country, our honor, and our conscience.

The use of the power of the purse to stop a war, even a war that is contrary to our national interest, is an action which should be used with the greatest of caution. And I am approaching the decisions with the greatest care and caution. It would be far, far preferable to persuade the President to reverse his priority, to give negotation for peace the topmost priority. Once again, I thus earnestly plea for peace.

Mr. MURPHY. Mr. President, I have listened with great attention to my distinguished colleague speak on a matter that has worried us, puzzled us, confused us, and cost us so much in lives and materiel.

And once again I find myself wondering about the great divergence of opinion that can exist in this body even among experienced colleagues, men who have been here longer than I, who have studied these matters, whose honor certainly is above reproach, and whose determination to find the right answers and the best answers cannot be questioned in any way.

I listened with great concern, to the statement just made, that President Johnson said he would not send American boys to Asia.

Mr. President, I can remember in my lifetime when the same statement was made by another President in World War II. And before that, practically the same promise was made in World War I.

The other day in discussing these matters with a very important man connected with the media in San Francisco, I said, "I have been opposed to the manner and method in which this unfortunate conflict has been carried on. I have been outspoken against it for 5 years. The military had plans that quite possibly would have brought it to an end 2, 3, or 4 years ago and would have saved billions of dollars and thousands of lives."

This man, certainly not from thoughtlessness, but from pure confusion and emotion, said, "My God. You wouldn't turn it over to the military!"

I suggest that he should read history and he would find that in World War I our military brought the war to an end. Then the peace was lost at the conference table, not by the military or the civilian soldiers who would much rather have been at home, but by diplomats, trained diplomats.

I was told that some of our top representatives never even got to speak at Versailles. It was a new game. They did not understand the rules.

Then we got into World War II. And here again we had a civilian army trained quickly, and they brought it to a successful end. There is not any question about that.

And once again the diplomats got together at Yalta, Teheran, Potsdam and all of the other places. And the peace was lost. Not only was the peace lost, but conditions were set up there that have led us into more and more problems.

The other night I started to read a volume that had just been published by the Senate Judiciary Committee which has to do with the printing, at long last, of the famous Amerasia paper.

I would suggest to all of my colleagues that if they have not already done so, they should at least read the first 50 pages of the first volume.

It delineates clearly and distinctly exactly the basis for our present problem. It shows that the suggestions of a certain few men, sometimes in complete opposition to the stated policy of the government, sometimes completely opposed to the orders of their immediate superiors, cost us—and by us, I mean the free world—the mainland of China.

Think of what this means. Had the mainland of China not been lost behind the Iron Curtain, the chances are very good that there never would have been a war in Korea.

Had there never been the loss of mainland China and no war in Korea, there probably would have been no war in South Vietnam.

This is not imagery. This is not something that I dreamed up on the way to the office. These are facts. This is history, exact history, which is there for all who will take the time to read it.

Then I listen and I hear about this corrupt government in South Vietnam.

I was in Vietnam at the request of President Johnson when officials of that government were elected. I witnessed the elections. I went on one condition. That condition was that I could travel wherever I chose, talk with whomever I selected, and that I could report in any way when I came back. President Johnson said that was exactly what he desired.

I saw the elections carefully conducted. I might say I have seen more dishonesty in several of our large municipalities in the United States in the 40 years I have been active in politics than I saw in Vietnam. I know about 80 percent of the people who qualified took the trouble to go to the polls to vote and they selected their present government. It is true some members of the opposition were jailed. As my distinguished colleague indicated by implication, religious matters were involved. I have gone into that carefully on the evidence of a very well known and highly respected Chinese scholar. There are some things about some of the greatly publicized religious leaders that we did not know in America.

There was one man, for instance, who received a great deal of publicity. His picture was on the pages of many of our most widely read publications. It was an attractive face, reminding one of the famous motion picture actor Yul Brynner. He was a Buddhist monk.

I found that this particular Buddhist monk was the leader of the smallest sect of Buddhist monks, and that he had been involved several times with the attempted overthrow of government. He had a track record. His two brothers at that time were leading Communists in Hanoi, possibly advisers to the top Communists. We did not know that here in America; we were not told that. Then, this particular Buddhist monk took refuge in the American embassy and apparently was used as an adviser. Knowing this background it is not surprising to me that we made mistakes and we got into trouble.

I have taken the trouble to look at the record of the Diem government. We were told that that was a very inefficient government filled with thievry and dishonesty. The record does not bear that out. My correspondence with missionaries who served in the country for many years shows that is not the fact.

Then, there was supposed to be the question of religion involved with the Diem government. He was a Catholic. But he selected as his prime minister a Buddhist. Most of his cabinet members were Buddhists. There was not really any great religious conflict according to my information.

Then, I hear about the coalition government. What is a coalition? Coalition in this case is very simple. It means you take the kind of government that the people in Vietnam want for themselves and then, with that, you mix the government that has been imposed in North Vietnam, which is a Communist government.

In all cases that I can find in history where we have had this so-called peaceful-sounding "coalition," it amounts to a short route to direct communism. That has been the end result. I agree with the people of South Vietnam that they should be wary of this unless they want to live in communism.

We hear that this government is a corrupt dictatorship. I seem to recall almost the exact attack taken years ago on the Government of the Republic of China. Chiang Kai-shek was said to have a corrupt government and one that was inefficient. It was said he had done nothing for the people, and that there was no progress and no reforms. I respectfully submit that is not the case. These conclusions were based on reports that came from some of our representatives whose characters subsequently have come under suspicion.

Again I suggest that Senators read the story of the Amerasia papers, which has been published in two volumes by the Committee on the Judiciary of the Senate. I do not know why we waited so long.

I remember what was taking place back in 1945 and 1946. Many of us in Hollywood had to know about these things because we found we were an early target for people who wanted to control the motion picture industry as a means of directing their propaganda against America and eventually the rest of the world. We were told this government of Chiang Kai-shek was a bad government. Now, suddenly, we find on the island of Taiwan they have built a government which I am told is the model of the Far East. They do not need any more help from America. They are getting along extremely well and they are on their own.

I was told last week by the son of Chiang Kai-shek that on the mainland of China they have propaganda now that, "On Taiwan and the island of Formosa the people only have banana peels to eat." But the Chinese said, "Is that so? Who gets to eat the bananas?" So they are not fooled.

Then, I keep hearing, "Why are we in Vietnam?" How long must we keep hearing this question and answering it? There is no mystery as to why we are there. We are there properly because we promised that if a small nation was in trouble, a small nation that was about to have its freedom taken away, and the great Communist juggernaut was about to impose its type government against the wishes of one of these small nations, we would come forward and help them and protect them.

This was done by treaty and arrangement. The decision was taken by President Eisenhower in the matter of training, arms, and advice. He refused to send troops. He turned that down. Later President John F. Kennedy reconsidered the problem and decided to send troops. Then, later, Lyndon Johnson sent more troops.

In the meantime, as we reconstruct this picture—and I think it is extremely important to know why we are in the problem we are in today—just as in Korea, there seems to be a new theory of international exchange. This is the theory that says there should be no victory; no one wins, no one loses. Therefore, no one is embarrassed. No one gains. It got a short title. It became known as the "no win" policy in Korea.

Mr. President, I objected to it then. I said it was wrong, it was immoral, it was dishonest, it was unfair to send Ameri-

can troops, to fight in a foreign country in a war that they were not permitted to win and yet, at the same time, which they dared not lose.

This was done. There can be no question of it. The record is clear.

My great and good friend, General O'Donnell, head of the Air Force at that time, begged, I can remember, just as our military leaders begged 2 and 3 and 4 years ago, to be permitted to cut off the enemy supply lines. The first principle of warfare is to cut the enemy's supply lines, and therefore make it impossible for him to continue to fight. No mass destruction. No indiscriminate bombing. Never any thought of the use of nuclear weapons. No—this was all whispered from the wings. There was not any substance to it. Many of those who repeated it should have known better. If they did not know the facts, they should have stood mute and stopped their public utterances, which only added to the confusion.

My good friend General O'Donnell begged to be able to take out the bridges over the Yalu River. That is where the supplies came from. When he complained that he was not permitted to do so, he was reprimanded. Worse than that, he was taken from his command.

I saw General O'Donnell the day we finally took out those bridges, over a year later. By that time the casualties were tremendous. O'Donnell told me he could have done it with 10 aircraft and no casualties.

Now, we say, why is this? Who made these decisions? Who are the people responsible? I do not know the answer. I have not been here that long. I tried to find out, but it is very difficult. The answers you get sometimes are ambiguous.

I had a general in my office 3 weeks ago who was in command at Da Nang. I spent 2 days with him when I was there. He is a wonderful man. He was respected by all of his troops. He was a real general. He told me, "When I came home and I read the newspaper reports about the war, I did not know it was the same war that I had been involved in."

Why is this? I tried to find out. It is not the fault of the press. I found out that there are restrictions placed by the people within our Government. Sometimes it is the State Department. Sometimes it is other areas of government. But I do not condone this. I am opposed to it. I think in this free society of ours our people have the right to know. I think a free flow of information and a free press and a press that understands its obligations and the need for integrity in order to keep this Nation strong serve the lifeblood of a democracy. I sincerely hope they will always have the freedom.

I heard a complaint by my colleague about the phased withdrawal. Does he want to surrender? Does he want everybody to leave as quickly as we can get out and thereby possibly bring about the greatest massacre that has happened in history?

We must remember, my distinguished colleagues, that when the choice was given to those who wanted to live under communism and those who choose not to live under communism, 1½ million Vietnamese walked—they walked—from North Vietnam to South Vietnam. That was their choice. How long do you think they would last if we should walk away and leave them there unprotected?

In the last year there were, I believe, over 23,000 cases of atrocities to scare the people and to frighten them into accepting the will of the Vietcong and the NLF, which is the hard core Communist group. And I hope we understand that.

The week before the elections over 1,000 people were killed in horrible ways, unbelievable ways, to frighten the people from going to the polls to vote. Everything was done. And yet all we hear is that, somehow or other, the present government is the only government at fault. I have also heard long discourses about what our Government is doing and the responsibility that President Nixon inherited and President Johnson inherited and President Kennedy inherited, all from people who would continue to find fault with what they have done.

What about raising some voices against those who caused the war in the first place? Why do we not make our objections against Hanoi and Peiping and Moscow?

[Applause in the galleries.]

Mr. BYRD of West Virginia. Mr. President, may we have order in the galleries?

The PRESIDING OFFICER (Mr. BELLMON). Visitors in the galleries are reminded that they are guests of the Senate and that they should show neither pleasure nor displeasure by any sign.

The Senator from California may proceed.

Mr. MURPHY. Why do we not say, loudly and continuously, and with one voice, that the day that Moscow, and the puppets of Moscow, decide that this war should end, it will end? There is no mystery to it. I do not think one of my colleagues doubts that statement. Never in history has a nation or a people who were the leaders of a nation done as much as we over as long a period of time continuously to try to find a way and a means to end this terrible struggle.

Yet this is the longest war in history. Why? Because, once again, our military experts were not permitted to conduct the war as they wished. They were stopped and impeded by civilians, some of whom, I submit, have no expertise in these matters, and some of whom, on their record, I would submit, would be the last that I would go to for advice in this sort of problem.

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

Mr. MURPHY. I am glad to yield.

Mr. DOLE. The Senator mentioned earlier a point that I think perhaps has not been sufficiently stressed, and that is the Communist terror that has been going on, not only in the past year, but since 1957.

Mr. MURPHY. If the Senator will forgive me, it started before that.

Mr. DOLE. It probably did.

Mr. MURPHY. This entire problem was brought to fruition at the Plain of Jars, and that was, I think, in 1954, when, one morning, the troops awakened to find that most of their fellows had been assassinated during the night.

Mr. DOLE. The Senator from California is correct. It was brought to my attention by a news story in the New York Times by Mr. Tom Wicker, who from time to time seems to know what policies the government in Hanoi has, and who says there is no possibility of any blood bath in the event we leave or pull out in any precipitate manner.

I would point out, as the Senator from California probably knows in any event, that since 1957 Communist forces in South Vietnam have been assassinating and kidnapping civil servants, school teachers, social workers, laboratory technicians, and health workers in an obvious and sustained effort to destroy the morale of the South Vietnamese people.

The figures I have, which I assume are not completely accurate, but are fairly accurate and reflect the facts as we have them, are that between 1957 and 1963, 6,100 South Vietnamese were assassinated; in 1963, the figure was 2,073; in 1964, the figure was 1,795; in 1965, it was 1,900; in 1966, it was 1,732; in 1967, it was 3,706; in 1968, exclusive of the Tet offensive, it was 5,389; and in 1969, the number assassinated reached 6,202. During the Tet offensive, in 1968, there were some 10,000 civilians killed by Communist action, and these included the 3,500 who were massacred at Hue and some 6,500 others.

When we talk about the fact that we can leave there without any fear to the South Vietnamese people, I, at least, feel we should study the facts and figures on the number who have been assassinated and kidnaped. If we total up quickly, we find 27,000 or 28,000 assassinated, and some 50,000 or more who have been kidnaped by the Communists in South Vietnam

Mr. MURPHY. I thank my distinguished colleague. I quoted a figure from memory, earlier in my discourse, of around 23,000. I find I was low in my estimate.

These are facts that somehow seem to get lost. They seem somehow to slip on to the back page, and we forget them. It is like the famous massacre in the Katyn Forest in World War II.

I knew about that massacre 3 days after it happened, because I had as a guest in my house the man who was one of the chief advisers to President Franklin Delano Roosevelt. They had the information.

I asked, "Then why is this not announced to the American people? Why are not the members of the press given this story?"

The answer was that in the judgment of the advisers of the President, it should not be made public at that time.

I have been against this sort of what one might call duplicity all of my life. I still oppose it. I submit, Mr. President, that at this moment there are still some parts of the treaties that were made at the end of World II, and since then, that are not a matter of public record. We do not know what commitments were made in the name of the American people. I started back in 1940 saying publicly that this was wrong, and that people have a right to know, and the press should have the facts.

Now, there is not any question about who is at fault here. Let us not have

any confusion about who are the good guys and the bad guys. There is no problem about who has on the white hat and the black hat, or whatever other manner of designation one might use.

Ninety percent of the troubles that have evolved in this world on the international scene over the last 40 years have all come from the same source, and I submit that while we are concerning ourselves in this discussion and dialog with the problems in the Far East, there is even a greater problem, one of possibly greater magnitude and importance, taking place right now in the Middle East.

The other day I was permitted to learn the deployment of the Soviet naval potential around the world. I do not know why it should be so secret. I wish it could be made public. I wish that our newspapers could print it, and show exactly what the conditions are.

Then I listened as one of my colleagues asked, not too long ago:

> What difference does it make to the South Vietnamese what kind of a government they have? What difference does it make if they are under some dictatorship in Moscow or Peking, or somewhere else?

I do not think he understands these people. I do not think he understands the true feeling and the regard they have for individuality. Oh, they have it to a great degree. They have gotten used to living without the advantages that we enjoy, but that is not by choice. It was not always that way.

I went through the palaces in Hue one afternoon. Absolutely empty. They had been ravaged three times by the North Vietnamese as they swept through Hue.

That afternoon there were only three little boys playing down in a little pool of water down in one of the great moats—moats as wide as this Chamber, Mr. President, and as deep as this Chamber.

Magnificent palaces. They were not built by savages or undeveloped people. They were built by people of quality and culture who had an understanding of the values of life, an appreciation for the arts and beauties and all the things that we hold dear in a free society.

No; I cannot understand, Mr. President, how all the objections can be so misdirected. Just imagine what a wonderful thing it would be if all the people—and I mean all the people in the world—could voice their objections to those responsible for a period of 1 week. I am sure that those in charge in Moscow, or wherever else the control rests, would be affected; and maybe, rather than looking forward to the disintegration of our society, our Nation, and our Government, they would put a rein on their own, and say, at long last, "Maybe we are doing the wrong thing. Perhaps we ought to listen to the voice of the people who want to stop killing, stop war, and reinstate freedom around the world."

Now, Mr. President, I shall add a few of my thoughts to those of some of my colleagues who have been trying to present a logical disagreement with some of my other colleagues on the vexing question of what should be done about the present situation in Vietnam. By that I mean the immediate question, the proposed amendments that have been mentioned and discussed.

We are faced with the presentation of not one but several amendments that somehow imply that if we in the Congress can control the powers and the actions of the executive branch it might be in the best interests of the American people. We have heard a great deal of this. It has been widely publicized. Many of us do not agree with this viewpoint and feel that the exact opposite might be the case. Therefore, we are concerned that under the present circumstances and at the present time, this is the worst and most unproductive point of view which might be put forward.

Our President has designed and is actively pursuing a plan which might be called the permanent pursuit of peace or the pursuit of permanent peace. He is actively concerned with a plan of reestablishing the entire fabric of our foreign relations—which were in great disarray when he come into the White House—as they will affect this Nation in the immediate future as the present. He is presently pursuing a plan that would reestablish respect for America and the high regard with which our country was held by foreign nations up until a few years ago.

But today we concern ourselves particularly with the matter of Southeast Asia, particularly the area known as Indochina, and more particularly the two specific areas designated as Vietnam and Cambodia. The question which we face turns on the discussion of whether or not this is the time to limit the powers of the President or to question publicly the practice of these powers as he has employed them in the immediate past, and then to decide whether or not it would be proper for Congress to assert its complete control of all matters, international and military, by threatening to take away the moneys needed to carry out military actions which are already in being and presently going forward.

I realize that there are those who suggest that there has been some confusion in the past with regard to the definition and delineation of the exact responsibility and power of the President as laid down by the Constitution, and I think that there may be a proper time and place for a protracted, productive discussion of these rules and regulations as they should apply to the conduct of this Nation in the future.

I am absolutely certain, however, that yesterday, today, and tomorrow—or at any time while this Nation is engaged in a war with the Communist enemy, whether that war be declared or undeclared—this is not the time nor the circumstance for this discussion. The atmosphere is wrong. The time is wrong. The conditions are wrong.

First of all, whether the resolutions of my colleagues pass or do not pass, the mere matter of the debate would, in my opinion, greatly undermine the strength and the reputation of our President at the negotiating table. Whether the resolutions pass or do not pass, the manner in which they might be—I say might be—handled by the media or some segments thereof could increase tenfold the already excessive confusion which has encompassed our Nation during the past 2 years.

Whether these resolutions pass or do not pass, the propaganda machines of the enemy which are always hard at work—and, may I say, working most effectively—would build meanings into the discussions which I am quite certain my colleagues of the opposite opinion would not intend, would not wish, and would not subscribe to. It would be pointed out that the integrity of the President of the United States was on trial. I do not think my opponents wish that at this time. It would be shouted across the Communist-controlled radio that our country was questioning the judgment of our President and had no confidence in him. It would indicate weakness. It would result in the worst possible conditions under which we might continue at the conference table.

And our President, I am certain, would be depicted by the enemy as one who had lost the confidence and backing of the American people. This, of course, is not the case. I point out facts which have been put in the RECORD which indicate that a recent poll taken by, I believe, Newsweek, showed that 65 percent of the people were satisfied or very satisfied with the manner in which the President is handling his job as President. Eighteen percent were not too satisfied, and 13 percent were not satisfied. I do not know of any time, lately, when a President of the United States has enjoyed that much confidence from the people. I do not think anyone would accuse Newsweek magazine of being too proadministration.

Mr. DOLE. Mr. President, will the Senator from California yield?

Mr. MURPHY. I yield.

Mr. DOLE. As a matter of clarification, let me say that the poll was conducted by the Gallup poll organization for Newsweek magazine.

Mr. MURPHY. I thank my distinguished colleague from Kansas for that correction.

Mr. President, what else might we achieve by the consideration of these proposed restrictive resolutions at the present time? Well, I am told that should they become law, the moneys necessary to pay our troops already in certain areas of the world would be denied and we would find our Government in the unbelievable position of having sent military personnel into foreign lands to represent us, and then having denied them the funds for their salaries. There are also some questions concerning the family benefits of those military personnel who might be wounded or killed in an action which was taken honestly, legitimately, and purposefully but which, at a later date, was disavowed, in effect, by a decision made here in the Congress.

My interest in government, Mr. President, did not start the day I was elected to the U.S. Senate. I have been concerned over many of the actions and activities in the international field over a period of some 30 years. I have not been an expert on these matters certainly, but I have attempted to keep myself informed and to be fairly knowledgeable.

There have been times when I would have agreed enthusiastically that some sort of controls, rules, restrictions, or regulations should have been laid down as a set of guidelines so that we could better understand the balance of power between the executive and the legislative branches, and completely clarify the relationships between the two.

Now, Mr. President, there have been many times when I have not been completely happy and would have been inclined to join in an examination of these conditions. As I said earlier, I recall my personal objections to some of the treaties which were made, which many of us felt would create problems, and which, in truth, did create problems rather than solve them.

As a matter of fact, Mr. President, I go back in my memory to the time when our Government made the decision to recognize the revolutionary government of Soviet Russia, after this recognition had been denied for years. I seem to recall that President Roosevelt, who made that momentous decision, laid down certain conditions, very simple, very reasonable, very direct, and very understandable, which would be met as a condition of that recognition. I also seem to remember that almost immediately the Soviet Government, which we had dignified by our recognition, ignored the agreements, disregarded the pledges, forgot the promises, and created so many problems that finally Ambassador Joseph Davies was sent by President Roosevelt on his famous and highly publicized mission—the mission to Moscow—which was merely to find out why this newly recognized foreign government refused to keep its word or live up to its promises, and why it would not join the family of nations on a proper basis.

But that is ancient history and should serve only as a background for the problems that face us today.

Mr. President, as I recount these things, I know that some will say, "Oh, you are not going to bring that up again." I say, "Yes, I am," because I think, in order to know where we are going, it is extremely important to know where we are and it is also important to know where we have been. Otherwise, we might not be certain of our direction.

Today, we are talking about the actual responsibility, authority, and power of the President of the United States. We are considering whether Congress should control and diminish these powers at a time when the Nation is at war, by threatening to cut off the finances needed to carry out the Nation's proposed programs.

In our consideration, we find there are those who would hold that the Constitution places these decisions properly within the power of the Congress, and there are others who would argue that not only the Constitution but also constant precedent over the years give these rights unquestionably to the President of the United States.

Mr. President, I listened most attentively yesterday to a learned and excellent exposition by my highly esteemed colleague from North Carolina, Senator SAM ERVIN, who expounded on these matters and did so, may I say, with the authority of one of the finest constitutional minds in this entire body. I do not believe there is any man in the Senate who is better equipped to deal with this important question from a constitutional basis than the distinguished Senator from North Carolina (Mr. ERVIN). I should like to say that I am inclined to support his thesis and I associate myself with his findings.

Mr. President, there is another consideration which attracts my attention and that has to do with those directly involved in the matter of divisiveness within the country.

This Nation of ours did not become divided because President Nixon elected to send a temporary expedition into Cambodia in order to clean up some sanctuaries. That is nonsense. Anyone who tries to make us believe that is perpetrating a great fraud.

I submit that this Nation of ours has been in the process of being divided, carefully, systematically, and evilly, by a group of highly trained troublemakers who have been at work within our house for over 30 years, to my knowledge. They have approached it with great skill and care. I watched them first in days gone by, when they began the frightful process of destruction through the use of the motion picture media and then, later on, through the use of the printed word; and finally, through a combination of the two.

I was conscious of the carefully placed implications which were designed to destroy our respect for authority and those in power, the ones referred to now as being the establishment.

The establishment, Mr. President, in my lexicon, has had three separate meanings.

In the old days in New York, the establishment meant organized crime. Anyone who lived around Broadway or in Hell's Kitchen, as I did, would know that. Later, the establishment became known as a political body, a group that was concentrated in the northeastern part of the country.

Now, the establishment is something that all students are supposed to be against.

I am not certain what the meaning of the establishment will be in the next month or two. As I was saying, though, the purpose was to destroy the establishment with carefully placed implications that were designed to destroy respect for authority and to tear down our regard for those laws, regulations, and rules which we know are necessary to control our society.

One of the recent points of contact, as we have seen, is the attack in our courtrooms. We have lately witnessed the tragedy which took place in Chicago which was a shocking performance.

At long last, one of the chief actors admitted that the purpose was, hopefully, to give the judge a heart attack. I do not know whether they intended the heart attack to be fatal and whether they wanted this to be the end of the judge. But they certainly wanted to put the courtroom and that particular trial in such a condition that it could not go forward.

Then, what did they do? These seven highly publicized characters went abroad in the land, making speeches and rousing up certain elements on our college campuses to the extent that buildings have been burned and young people have been killed. This is all because of the emotional confusion that has been created by these rascals.

Mr. President, may I say as one who has had the privilege of living under this system for well over half a century that I am conscious of all of its faults, its inequities, and its inefficiencies. I am conscious that there is much that should have been done to cure these inequities in years past.

However, I am also conscious of the fact that with all the imperfections, we have achieved a higher degree of understanding and progress and productivity and freedom and respect for the individual and the rights of the individual than any community that ever existed in history before this great Nation.

I would recommend that we attempt to preserve what is good and keep it viable and strong and healthy and, at the same time correct the inequities that still exist.

As my record will show, I have joined and will continue to work with those who are striving to improve these conditions and to do the things that need doing today, some of which should have been done in years past.

Mr. President, I must definitely object to and oppose those who, under the guise of bringing about productive change would actually destroy the very basis from which our progress sprang in the first instance.

Mr. President, it has occurred to me lately that our great Nation has unfortunately fallen into new conditions in which we slip from one state of crisis into another until now it seems that a state of crisis is almost a continuous way of life. It is involving our thinking and our planning and our decisionmaking. And it is not good. It is a pressure that should not exist in working out our problems, our plans, and our thoughts. That should be done in an atmosphere of thoughtful calmness, at a time when all the facts can be considered and all the characteristics can be viewed.

I find that we are reacting too often to sometimes real, sometimes imagined, and sometimes synthetic pressures rather than acting from reasonable knowledge, existing facts, and positive principles of justice.

Mr. President, during years past we watched those who would divide our Nation on the basis of religion. And thanks to the excellent work of many volunteer organizations and good volunteer citizens—of which we have more in America again than in any other nation—the work of the bigots who would destroy us on that basis has been reduced to a minimum.

I hope, of course, that we can now deal with this situation in such a manner that this type of bigotry and problem would disappear completely.

Mr. President, we have watched those who would divide us on the basis of race and color. And many would create ide-

ological differences which, according to their way of thinking, could not exist within the framework of such a nation.

I reject this. I have lived in this great country, all parts of it. And I think I know the character of the people. I think I know their feelings, their wishes, and their desires. And I think that there is plenty of room for this great freedom we enjoy.

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

Mr. MURPHY. I am glad to yield to the distinguished Senator from Wyoming.

Mr. HANSEN. Mr. President, I know that the senior Senator from California is well known throughout America. He has spoken on a great many college and university campuses. He has been called upon, throughout the years, to lend his talents and his understanding and his great compassion in the support of many worthwhile causes.

He has been honored by all groups of people reflecting every major religious belief that I know of in this country. And I am greatly heartened by the excellent remarks he is making this afternoon, because when he expresses his conviction and his belief that there are those who reject violence, who reject the burning and the destruction that all too often has characterized dissent in America, particularly dissent on college and university campuses, I am encouraged to believe that he knows what he is talking about.

Just in the last week or so, I have noted a very marked change among students in America. It seems to me that, departing from tactics which I deplore and which have been deplored by the distinguished Senator from California, many students now are trying to work within the system.

I discern this because I have had the personal experience of playing host to students, some of whom come from my State of Wyoming and who are attending eastern schools, who want to bring about change just as many, many people of good will in this country hope change can be brought about. And these students have rejected the tactics of tearing down, destroying, intimidating that we must all reject if we believe in America and the form of government we have. We cannot accept these methods as legitimate ways to express our desires, demands, and dissents.

It has been my pleasure, and it has been a very thrilling experience, to talk quietly and dispassionately with students who have some specific changes in mind they think ought to be achieved. They are willing to talk about these differences of opinion, and they are willing occasionally to listen. This is a great change as we reflect upon the very vocal,vociferous, and violent minority who have appeared too many times on television screens and whose antics have caught the headlines of the newspapers of America.

Mr. MURPHY. Mr. President, will the Senator yield at that point?

Mr. HANSEN. I yield.

Mr. MURPHY. I had an experience last Saturday night. I was asked to address a group of about 300 educators at the University of Southern California. These were mostly ladies and gentlemen who had achieved their doctorates and who had studied and been guided by a very highly thought of and well-loved educator.

Right in the middle of my address the curtains parted and a young man jumped through the curtains. He had on a sort of vest, or at least the upper part of his body was covered with some sort of vest. He was dressed from the waist up like an Indian of the Far West in the old western movies. From the waist down he had on a pair of trousers and a wide belt as would have been worn by those swashbuckling pirates of the olden days.

His hair was grown in such profusion that I assure the Senator that in the deserts of California we would not permit that amount of hair on the head of a human being during the dry season. We would have forced him to cut a fire break through it so the fire department could get in, if necessary.

He jumped through the curtain and he screamed out an obscenity. It is not a new word; it is a very old word. I knew it when I was about 7 or 8 years old, I guess. I remember that some kids in the neighborhood wrote it on the sidewalk, and then were ashamed of it and they scrubbed it out with their feet.

I remember at one time I was in a play in New York. The music was written by the immortal Cole Porter. The name of the play was "Anything Goes." Cole Porter had a lyric in the song which went something like this:

> Good authors, too, who once knew better words, now only use 4-letter words writing songs—Anything Goes.

We thought that was a joke. We did not consider it a prophecy, but look what has happened. Apparently there is some sort of vicarious excitement from shouting it.

This person shouted it at me, and he pointed his finger at me and said, "I will dance on your grave." Then he jumped back through the curtain and was gone like an apparition. If he is going to dance on my grave, as an old soft-shoe man, I would like to test him out to see if he has the proper rhythm. He did not give me that opportunity.

Then, you make a speech and some guard or attendant comes up and hands you a note saying that there is a bomb set under the platform to go off at 2 o'clock. I have had that happen on several occasions. These are strange times. We have confusion and dishonesty. This is what we are dealing with today. My concern today is to make certain we understand all of these conditions, that we do not act hastily or from emotions, that we realize what we are doing and the effect of what we do, and that we make certain we choose the right course.

I thank the Senator for permitting me to interrupt.

Mr. HANSEN. I thank the Senator and I apologize for interrupting him. There might not be a discernible difference in the objectives young people have now and what may have motivated them a year ago or 2 years ago, but there is certainly a very definite change in the approach they are taking to achieve these objectives. For that I commend them heartily.

I am one Senator who agrees with my good friend from California that there are many things that could be done better in this country. There is injustice, poverty, and inhumanity to man. There is prejudice and there are many other things that we could list if we try to tally up all the things we find wrong in our country.

Indeed, the form of government we have, as Winston Churchill once said, is the poorest kind of government possible until one compares it with any other.

So it is my feeling that what these responsible young people are trying to say to us today is that they are idealists, that they do want to improve this country, that they are shocked with some of the things they see, and that they are impatient. And they yearn for change. But I think that they wisely have concluded that the system, "bad" though it may be, should not be junked. I believe they are rejecting the advice of those who say that this establishment, this society of ours, has gotten so bad that the only way to change it and reform it is to destroy it, tear it down, burn it up, get rid of it, and, as I think someone said, to destroy higher education in this country within 5 years, that the only way to bring about the kinds of changes we must have is to speaking at an eastern university, and a then start all over again.

I remember not long ago someone was speaking at an eastern university, and a young man said he thought the whole system should be done away with. When he was asked why he thought the whole system should be done away with, he said, "Well, anything would be better than what we have."

I do not think his attitude is typical of the attitude of the average young person.

Mr. MURPHY. No; and when he says that "anything would be better than what we have," until he knows what "anything" might be, he cannot make a fair judgment. This is what we are pleading for. We are pleading for logic and for facts in dealing wtih existing conditions. This is why I have gone into such detail. This is the longest dissertation I have made on the floor of the Senate in 6 years. I think the matter before us is that important.

I may rise again later to plead and make certain we do not rush hastily to a judgment and find, as someone once said, that when we get there, have overlooked some of the important facets and conditions that will bear on the case.

Mr. HANSEN. I hope very much the Senator will do precisely that because I think as he describes his experience, with his keen understanding of human nature, he, indeed, has much to offer our country—much, too, offered in the way of advice and knowledge that has been hammered out on the anvil of experience and that has been tested in battle. Because of that, when he makes the plea he makes this afternoon, I hope people will listen.

I was speaking of young men and

women on college campuses. I have found this also: While their yearning for peace is no less intense than it was a year or 2 or 3 years ago, more and more students, in my judgment, are beginning to realize and to admit the possibility of right in others. By that I mean that while initially there may have been a number of demonstrations throughout America that seemed to go completely at cross purposes with what the President did as he ordered our troops into Cambodia, I have had reason to believe, from letters I have received and from personal contacts that I have made in the last week, that there is a change afoot in America today, and more and more people, not of any one party, not from any one section of the country, are beginning to realize that what President Nixon did when he ordered troops into Cambodia just could be an intelligent move and that it could, indeed, shorten the war, that it could hasten the Vietnamization of that involvement over there insofar as America is concerned, and that the objectives we all hoped might sooner be achieved.

It has been contended that this sets the whole purpose, the whole goal, of America back; that it is all a negative thing. But I do not believe that. For a long time I have felt that the most tragic thing of all is that it was not done several years ago. I say that as one who has consistently supported the President of the United States, whether it was President Kennedy, President Johnson, or President Nixon.

Mr. MURPHY. I can assure my colleague that there was no intent on the part of President Nixon to expand the war; that the action which he has taken was taken after careful consideration, long talks with his advisers, consideration of all the intelligence. After all, he is the only one who gets it all, as far as I can find out. It was not with the intent to expand. It was taken, on the contrary, in the hope that it would bring about a quicker end and make it possible to bring home the American troops over there not only as fast as he has promised, but faster.

Hopefully, this may be achieved, but we must remember that he does not control all the conditions. The enemy, unfortunately, has to be considered in these matters, and the enemy will certainly do everything that they can conceive of and everything they can physically do to make certain that there is a failure in our efforts to reduce our American forces and bring about peace, as President Nixon has been trying to do. There is no question about that.

One of the ways they will go about it through the means of international propaganda. They are not youngsters at this; they are experts. We must remember that they took the process of the "Big Lie" which worked so effectively in Germany for the Nazis, adopted it, and improved it. They have been busily at work on it. I have been engaged in a study of this subject, have gained knowledge of it, have talked about it, and have planned in relation to it for 20 years. I have watched it in all sorts of areas—cultural exchange areas, motion picture festivals, music festivals, all sorts of areas where, quietly, slowly, but consistently, there is always the attempt to create the impression that anything America does is bad, and everything a Communist nation does is good.

That is not the case. The facts belie it.

I thank my distinguished colleague for his kind remarks and observations. I am more than pleased that he agrees. I had meetings just this last weekend with groups of students. I am very heartened by them. As a matter of fact, I made a commitment to a group of graduate students at the University of California at Los Angeles that, if I am reelected, I shall make myself available to them one afternoon out of each month. I made them a further promise—that I am going to approach my colleagues in the Senate, on both sides of the aisle, in the hope that they will do the same thing.

These are thoughtful students. They are students who are far wiser than I will ever be. They have studied and they know the problems. They have been brushed off. Nobody listened to them. They had a feeling that they must agree with those in charge of the academy or they would be penalized.

I do not agree with that. I think they have a right to be heard. I think they have a right to have their suggestions, when they are good, adopted. When their suggestions are bad, they have a right to have the reasons why they are not adopted explained to them carefully.

I think my colleague has stated the reason for this great hopefulness.

To get at the matter at hand, as I have said, we have watched those who would divide our Nation on the basis of race, color, and religion for some time. What was the result of all this? We have had riots and crises in our cities. We have had racial crises across the country, and troubles on the campuses.

By their very nature, such crises tend to excite the emotions and incite strong disagreement and controversy. Of course, on some occasions this is good and healthy, as long as those participating in the conflict present their cases peacefully, logically, and constructively, and within the broad guidelines of our democratic processes.

When reasonable men respond to common problems, even when their initial approaches are widely divergent, there is an excellent chance that their efforts will merge into positive final action which will be directed toward solutions rather than toward aggravations of the situation.

Recently, however, we have seen outside forces, destructive forces, attempting to drive our reasonable men apart. These forces brand some of us in this Chamber as hawks and others as doves. I know of no one in this Chamber who prefers war—and that is the implication of hawk—and I do not know of anyone in this Chamber who prefers a dishonorable peace—and that sometimes has been the implied meaning of the word "dove."

No; this is polarization at its very worst. They talk about the so-called antiwar protestors as though, in doing so, every one who does not agree becomes automatically prowar.

This is not fair, and it is not honest. These troublemakers—few, thank God—hurl their verbal obscenities at every individual who attempts to protect our system, our law-abiding citizens and those who are charged with keeping the peace of the community.

It is unnecessary to argue whether some of them are either themselves the enemy or dupes of the enemy. Actually, I do not think it makes much difference. What does matter to me, and what I believe is vitally important to the very survival of this Nation, is that many of them, without realizing it, are doing the work of those who would destroy us; and unfortunately, they are doing it in an extremely effective way for they have indeed polarized this great Nation.

However, I do not think it is too late. I have never been a pessimist. I have lived with many of these problems even longer than some of my colleagues here. I can assure you, Mr. President, that our struggles to fight back from this illness which has gripped our Nation are not going to be unnoticed by those who sit in the chairs of power even in Moscow or Hanoi. As the Los Angeles Times pointed out editorially just yesterday—

> It is not "cold war rhetoric" to worry about what Moscow may think; it is still a matter of life or death.

We must, Mr. President, therefore attempt to read the enemy's mind, to know his design and his plan, to know what he is thinking of, and hopefully be able to anticipate his strategy.

To do so, we must work from the same facts he has—all the facts, not just the few that suit our purpose, but all the conditions as they exist.

Like all of us here in this Chamber, the enemy has read the headlines about the recent protests against the President's action in Cambodia, and I am sure that he has equated the enormous volume of news coverage given to our dissenters with what he thinks is the percentage of our people who are in opposition to the President's program.

Well, as it turns out, the poll which was taken by Dr. Gallup and lately released does not bear out that conclusion.

The enemy has also followed the resolutions and amendments which have been offered, and others which may be introduced, in this Chamber. Once again, I know that he must feel that our United States are becoming hopelessly and perhaps fatally disunited. That would please him. He would have accomplished his purpose.

It was known as long ago as three years that the enemy understood he could not win militarily in Vietnam and that his whole plan was to do what is apparently now being done—to try to divide opinion at home by any means, fair, foul, honest or dishonest, but somehow to divide American opinion, destroy America's will, and destroy the determination to carry out the promises that we have made through Presidents Eisenhower, Kennedy, Johnson, and now Nixon.

Frankly, if I were guiding the destinies of the North Vietnamese, all I would do would be sit back and wait, under the present conditions.

There will be no need, if we continue down this path of divisiveness, for them to bury us. We will bury ourselves. And first we will tear ourselves apart, piece by piece.

At this point, regrettably, it is easy to understand why our foes would make such an evaluation. But, to use the language of politics so familiar to all of us, I believe they are acting on nothing more than the early returns. What the final returns will show will be up to the wisdom and the judgment of those charged with making these decisions. We here in this Chamber will help decide those final returns when we vote on the measures which will be offered here to restrict the President's power in the war in Indochina.

With those measures in mind, let me discuss a few of the more important considerations to which we should give our attention in the days ahead.

These are:

First, the protection and safety of American troops in Vietnam.

Second, the progress of our peace negotiations.

Third, the credibility of our Government and our President, and those charged with aiding in the matter of legislation.

Fourth, the constitutionality of the action which has been taken in Cambodia.

If I may, Mr. President, I shall touch on these points one at a time.

First, I shall acknowledge the fact that there are a small group of people who loudly insist that the President is either a fool or a madman, and is not to be trusted.

There are a few who—I think for unfortunate purposes—seem to be anxious to do anything possible to embarrass him in his program, and to make certain that his efforts are not successful. I shall not dignify their invective by commenting on it; but I do submit that, once we eliminate their rash diagnoses of the President's personal makeup, unfair as they may be, we must then come to the inescapable conclusion that the President has made his Cambodian decision on the basis of the effect it will have on his No. 1 priority goal, and that goal is the protection and saving of American lives in his pursuit of a permanent peace.

That fact is fundamental, and there can be no argument about it. There can be no misunderstanding. The question, then, is whether or not the operation in Cambodia will, in fact, help reduce our casualty list, permit our continued withdrawal of forces from Vietnam, and give us the much-needed time for the continuation of the training of the ARVN troops to carry out the Vietnamization program.

I am pleased to say that to date it is a success. It is working, and it is ahead of schedule.

In fact, I have figures here which I shall insert in the RECORD.

Remember, Mr. President, that for 5 long, confused, bloody years the forces of North Vietnam and the Vietcong have played their deadly game of hit and run, using the Cambodia sanctuaries as their safetyline. They are doing it no longer and I am pleased to say that the use of the Vietcong forces is way down. They are diminishing, and the use of North Vietnamese forces is rising, which indicates that the help that the Communist invaders from the North have had in the past is not going to be there much longer and that they might soon be ready, hopefully, to come to the peacetable and negotiate a proper peace.

Even if they regroup, rebuild, and reestablish their pattern of once again using Cambodia as a sanctuary, they will find that they will have lost that irreplaceable ingredient, time—time for the South Vietnamese to prepare to take over their own problem. During that time, the process of Vietnamization and its concurrent freeing of American troops for redeployment back home to the United States will have proceeded for 4, 6, 7, or 12 months.

Is this not what we all really want? Is this not what we desire? Is this not what the President wants? Is this not our common goal—to get our servicemen home as quickly as possible and achieve an honorable, permanent peace?

I think there is no disagreement on this in this Chamber or in the White House or any place I know, except among the few hard-core troublemakers who would hate to see this happen. They would rather not see this be successful. But they will not prevail—they cannot prevail—because the will and the determination of the American people will not permit it.

I do not want to appear to be ignoring the fact that there is sincere disagreement about the timetable for leaving Vietnam. We hear very often mention of a time, a certain date. But I desire to point out that within the framework of the withdrawal program which has been announced—which, according to the public polls, has the support of the majority of the American people—the Cambodian action will hasten the attainment of that goal, the achievement of that timetable, rather than hinder it.

I cannot understand how anyone logically can say, "Well, you spoiled the whole timetable by making this action." No experts I have heard of agree with that. To the contrary, they think it is going to be productive.

Mr. President, in judging the effects of our Cambodian operations on the various negotiations in which we are engaged throughout the world in an effort to obtain a just and lasting peace, I can only turn to history and to the inescapable conclusion that those nations with which we are in contention are traditionally the same ones which scorn the weakness but give a grudging kind of respect to the strength of others. This we can prove from experience.

Too long we have said: "Keep kicking us in the teeth and we will go home."

This attitude has prolonged the war, and it has cost lives.

It has given our negotiators arms of flabby flesh instead of muscle.

Did the enemy think, perhaps, that Mr. Nixon was bluffing when he said that he would take appropriate action to protect American lives, and did the enemy think, perhaps, that in the light of his announced withdrawal of troops, they could call his bluff with impunity?

I sincerely hope that they know now that he was not fooling. He made that statement after great thought and consideration. That is his duty. They know now, too, that within the velvet gloves at the bargaining table, they can expect to find a hand of determination, if they insist on tearing away the sincerely offered accouterments of peace.

Before proceeding to my next point, I should like to remind my colleagues that while we work and pray for a serene world, we cannot ignore the possibility that there may, in time, be other bargaining tables involving other issues and that the principles to which we adhere in this year of 1970 will most assuredly be the silent but strong partners of our negotiators of the future.

I now come to the issue of credibility.

This, as we all know, was a matter of major concern during several past administrations.

Rightly or wrongly, the specter of a so-called credibility gap grew to such monstrous proportions that—maybe unfairly—it helped force the man who was then President into retirement.

I shall not disinter that specter, nor labor the point.

Instead, I shall simply admonish that it has no place in our assessment of the situation we face today.

A person can disagree with the President's philosophy.

A person can find fault with the President's actions and his decisions. I find it difficult, however, to see how anyone could fault Mr. Nixon for evasion, duplicity, or deceitfulness. He has made certain promises to the American people. He has done his utmost to keep those promises. He has accomplished more, may I say, than I thought could be accomplished, considering the confusion which existed when he took office. So far, he has done exactly what he said he would do.

He has said that the Cambodian operation will be terminated by the end of June. I believe him. I have known him as long as any Member of this body has, and I see no reason for not believing him. I hope, most sincerely, that his courageous and sincere judgment in the matter of Cambodia will turn out to be as successful as he hoped when he made that decision. With God's help, we all hope that it will be even more successful than we thought so that we can bring about the end of this unfortunate situation.

Ironically, I am sure that the enemy believes him, too, and thus the President's honest and forthright announcements about the limited scope and objectives of the campaign in Cambodia have inadvertently given our foes the advantage of being able to plan accordingly.

The President has called this shot, so to speak, and he is going to make it.

We need not add the unnecessary action of the Senate to what is practically, even at this time, a fait accompli.

Just as importantly, we must not at this time, in my opinion, put an official lock on the box of options which constitute the strength of the Presidency for the future.

It sounds ludicrous, of course, but would the Los Angeles Rams tell the Minne-

sota Vikings at halftime that they would not throw any forward passes during the third quarter of the game, or would Mario Andretti announce that he would hold the speed of his car to 90 miles an hour for half of the race in which he was participating? Would Jack Nicklaus promise not to sink any putts over 10 feet?

Of course not.

No, Mr. President, one does not give away his signals and does not impair his own capabilities or reveal his timetable to the other side.

As one of my colleagues said a few weeks ago, "You never tackle your own quarterback in a huddle if you have any sense."

And what is important, I believe, to my colleagues within the Senate, we should not pass legislation which, in effect, would make it impossible for the Chief Executive to operate in the most effective manner.

Finally, I come to the question of the constitutionality of the President's action in Cambodia.

In addressing itself to this question, the Los Angeles Times commented:

> The Constitution is typically ambiguous enough on the subject of checks and balances in foreign relations so that each side can claim authority for its case.

I agree that there is probably authority on both sides. And as I have said earlier, there may be a proper time to debate this authority and, where it is ambiguous, to draw clear lines and distinctions.

Having studied this question most carefully, particularly in recent days, I am inclined to feel that the President's decisions in Indochina have been thoroughly constitutional, but I shall not debate the issue at this time because the very point of these observations is that this is definitely not the time to engage in such a reevaluation of the relationship between the President and the Congress.

Some day, maybe, we should spell out the powers and limitations of the President insofar as his duties as Commander in Chief and in foreign affairs are concerned. Some day when this Nation is at peace and we can bend our full efforts to these particular tasks, I will be pleased to join in that effort. I would enthusiastically endorse the idea. But not now, Mr. President, not now in the middle of a long, unfortunate, protracted war. Let us not change the rules in the middle of the game. We surely must not tie the hands of the chief of our armed services when he might have to reach out those hands with the supplies and materiel which our fighting men need to survive.

Some day, as I noted, we might find it advisable to place restraints on the activities of our Presidents in the field of foreign affairs.

However, as recently as 1961, Senator J. WILLIAM FULBRIGHT himself wrote in the Cornell Law Review:

> I wonder whether the time has not arrived, or indeed already passed, when we must give to the executive a measure of power in the conduct of our foreign affairs that we have hitherto jealously withheld.
>
> The source of an effective foreign policy under our system is presidential power.
>
> This proposition, valid in our own time, is certain to become more, rather than less compelling in the decades ahead.

I would hope that in his consideration of Presidential powers, the distinguished chairman of the Senate Foreign Relations Committee would accord President Nixon the same understanding that he extended to the then President Kennedy.

The principles which are involved are the same, of course, even if the political affiliations of the Chief Executives are not.

In conclusion, Mr. President, I would like to sum up my position against any action which would restrict the power of the President in dealing with the present situation in Indochina by pointing out that Mr. Nixon desperately needs his options and all the help we can give him.

We must provide time:

To protect American lives and permit the continued withdrawal of our servicemen from Vietnam.

To preserve our strength in our various negotiations for peace.

To conduct our withdrawal program on our terms and according to our timetable without tipping our hands or binding our capabilities by giving valuable information to the enemy.

To provide us with time within which to carry out the Vietnamization program, which is of such great importance and which must be preserved and given a chance to work. I believe that it will work and that it will achieve the success that all of us hope for.

To show the faith and the confidence of the American people in the President as he goes about the lonely and difficult job of resolving an unfortunate and complex inherited situation.

Mr. President, President Nixon's program in Indochina is morally correct. I believe it is correct in a practical manner. I believe it is legally and constitutionally correct. And I am convinced—and have found no experts who disagree—that it is correct militarily and correct for the purposes which President Nixon spoke clearly and plainly to the American people.

Speaking of the military aspects of our Cambodian campaign, I would like to point out that this action, I believe, is the most successful operation conducted to date in our entire effort in Indochina. And to indicate the effectiveness of the action, I would like to have printed at this point in the RECORD a list which I have just received today of the results of our efforts.

Mr. President, it is most interesting. With respect to small arms ammunition, 11,502,740 rounds of ammunition designed to kill American and South Vietnamese troops have been captured.

Bunkers, from which the enemy was conducting its communications, captured and destroyed, 4,651. I think this is important. Rice captured, it is shown, has amounted to 3,305 tons, which is enough rice in terms of man months for 145,420 enemy soldiers. These are only part of the figures.

Mr. President, I ask unanimous consent that the table may be printed in the RECORD.

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

Military update of Cambodian operations

Latest cumulative data:

Enemy killed	6,495
Detainees	1,576
Individual weapons captured	9,109
Crew-served weapons captured	1,233
Rice (tons)	3,305
Rice (man-months)	145,420
Rocket rounds captured	15,763
Mortar rounds captured	38,879
Small-arms ammunition captured	11,502,740
Land mines captured	1,865
Bunkers destroyed	4,651
Vehicles destroyed or captured	211

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

Mr. MURPHY. Mr. President, one thing I know is certain. The President, Congress, and all Americans, all true Americans, want to end this war quickly, honorably, justly, and permanently. The present campaign is designed to do just that, and it is accomplishing its purpose. So I ask the Senate and my distinguished colleagues in this body to grant the President the time he needs.

I am well aware of the fact that we have heard pleas for patience in the past. Remember, though, that in those days we were sending more and more men to Vietnam. Now, however, we are bringing them home; 115,000 men already have been brought home, and it is planned to bring another 150,000 home.

If we must debate the extent to which the President's powers in military and foreign affairs should extend, let us do so after we have resolved the war in Indochina, when the rhetoric and emotions surrounding the current situation have been calmed and when we can make a thorough study of the entire affair in Indochina and its relationship with our overall foreign policy in a less hurried, less combustible, less bitter atmosphere.

Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Charles L. Gould, publisher of the San Francisco Examiner, which was published in the Examiner on May 1 under the heading "Courage of the President."

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

THE COURAGE OF THE PRESIDENT

(By Charles L. Gould)

President Nixon did not take the fighting to Cambodia.

The Viet Cong and the North Vietnamese did.

In both world wars hundreds of thousands of American troops fought across Europe.

They were not concerned with invisible national boundaries. They were concerned with meeting the enemy and destroying him.

In 1917 and again in 1941 our nation made open declarations of war. War-time rules were imposed at home. Dissent was stifled. Battle goals were established. And power at our command was used to achieve them.

Had we fought Hitler as we have fought Hanoi, our troop would still be mired down in the battlefields of Europe. Or—we would be saluting the swastika.

For six long years our men have fought in Vietnam under a weird, one-sided code of Marquis of Queensbury rules.

Our men were not permitted to fight to

achieve victory. Our fighting men and their allies were not permitted to pursue the enemy into North Vietnam. They were not permitted to pursue the enemy into Laos and Cambodia.

Thus the enemy was given the right of initiative. He could pick the time and place and method of his attacks. He could strike and run.

Our men could lose but they could not win.

The danger of the fighting escalating into a worldwide conflagration was our alibi for not defining the enemy's defeat as our goal.

The danger that the war would erupt on a global scale was present the moment we committed our first fighting man to the conflict.

The same danger is implicit in each of the pacts we have with fifteen nations of Europe and with numerous other nations in Asia and the Middle East.

These pacts were established to protect weak friends and allies from the repeatedly declared aggressive aims of the Communists.

All should recognize that the danger of a third world war is ever-present. This danger was born the moment following World War II that the Communists again restated their goals of global domination.

If World War III comes it will come when the Communists believe the time is right.

They may believe the time is right if our country is so hopelessly divided that we—as a people—fail to support our President in supporting our fighting men as he did last night.

Let it be clear that President Nixon has not established victory as a goal in Vietnam. Months ago he mapped plans for honorably extricating our troops from the conflict and turning the defense of South Vietnam over to the forces of that nation. He has not changed those goals.

However, if the Viet Cong and the North Vietnamese were permitted to expand and perpetuate their sanctuary in Cambodia, President Nixon saw grave danger that his carefully planned timetable of de-escalation would be destroyed.

He saw a stepped-up threat to the safety of our fighting men. He saw the danger of expanded war through failure to act.

He acted with courage and statesmanship. He merits our support.

Mr. GRIFFIN. Mr. President, will the Senator yield to me for a brief comment?

Mr. MURPHY. I am glad to yield to the Senator.

Mr. GRIFFIN. Mr. President, I wish to commend the Senator from California for a very excellent contribution to this historic debate, and particularly for his discussion and analysis of the constitutional powers of the President in this situation.

While the Constitution does give Congress the power to declare war if it chooses to do so, it also makes clear that the President is Commander in Chief, with the obligation and responsibility to protect the lives of our servicemen abroad. If the Congress were to adopt an amendment tying the President's hands, I wonder who would then assume that responsibility.

Mr. MURPHY. I may say this to my distinguished colleague. At the beginning of the Cambodian expedition there was important use of surprise. It was extremely effective and it operated and resulted in the saving of many lives. The South Vietnamese troops, the ARVN troops, who had the responsibility for that first direct thrust met with such success that many of them already have returned across the borders. There was some talk about the fact that the President should have discussed this plan for Cambodia with Congress with the proper committees but unfortunately, in our days of instant communication there was a great possibility that this entire element of surprise might be destroyed. This might have been publicized quickly. Certainly agents who have the duty to gather such information for the enemy would have been at work and when the ARVN troops moved in the enemy would have been prepared.

I remember back before I had the honor of joining this distinguished body, after the Gulf of Tonkin incident, the first attack was made by our aircraft. There was a warning that the attack was coming. From a military standpoint, this was unfortunate. I am sure it was not designed or desired, but it did take place. Therefore, sometimes it is absolutely necessary that the President be able to make the decision quickly and effectively. Protracted debate might destroy any advantage, and it might in fact destroy the entire opportunity to arrive at a successful conclusion. I think this is the reason why at the outset the Founding Fathers realized this was possible. Certainly, with worldwide communications, when a message can be sent clear around the world in less time than I have occupied the floor today, it becomes more important.

I thank the Senator from Michigan for pointing this out.

Mr. CHURCH. Mr. President, I have received a letter from Mr. Nicholas deB. Katzenbach, former Attorney General and former Under Secretary of State, in support of the Cambodian amendment that is being sponsored by Senator COOPER and myself. In view of the exceptional experience that Mr. Katzenbach has had with the constitutional question relating to the roles of the Congress and the Presidency in respect to military policy and also his experience on the diplomatic front, I bring this letter to the attention of the Senate.

Mr. Katzenbach writes in part:

DEAR SENATOR CHURCH: I am writing in support of the amendment sponsored by Senator Cooper and yourself. I regard it as a matter of great national importance that it be adopted.

I have come to this position with some reluctance—as, indeed, I believe have its supporters in the Senate. What appear to be confrontations between the Congress and Executive, especially in matters of foreign policy, should be avoided wherever possible. But I do not believe that is either possible or desirable in this present crisis. Nor do I believe it needs to be regarded as a direct confrontation.

Let me give you my reasons for this conclusion.

First and foremost is the obvious fact of division in this country that is real and deep. Until we withdraw from Vietnam that division will persist, and deepen, and become even more strident. Our governmental processes, our constitutional guarantees, our economic progress, our international image of a responsible and decent people, and our sense of common identity and purpose are all being risked for little possible gain. This war has already cost this Nation much, much more than any conceivable outcome could justify.

In his concluding paragraph he writes:

I raise these larger issues because I would hope that the Congress would view your amendment as only a first step. President Nixon needs help and support if we are to get out of Vietnam as we should and must. By asserting the congressional role through your amendment, Congress should be telling the President that it is not only asserting a clearly constitutional power (on that point there really is no valid argument), but that it also is prepared to share with him the burden of an excruciatingly difficult political decision.

I think this is an uncommonly intelligent letter, written by a man who has had an exceptional opportunity to view the issues that are involved in this debate from pinnacles of great importance, as Attorney General and as Under Secretary of State.

For that reason, Mr. President, I ask unanimous consent that the entire text of the letter be printed at this point in the RECORD.

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

ARMONK, N.Y.,
May 18, 1970.

HON. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: I am writing in support of the amendment sponsored by Senator Cooper and yourself. I regard it as a matter of great national importance that it be adopted.

I have come to this position with some reluctance—as, indeed, I believe have its supporters in the Senate. What appear to be confrontations between the Congress and Executive, especially in matters of foreign policy, should be avoided wherever possible. But I do not believe that is either possible or desirable in this present crisis. Nor do I believe it needs to be regarded as a direct confrontation.

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Much of the opposition to the war comes from young people. They claim—with some justification—a special voice since it is they who bear the burden of fighting and they who have the greatest stake in the future. Often they give bad reasons for their views, and some, in frustration and immaturity, have adopted self-defeating and disruptive tactics. But the fact is that thousands upon thousands do feel deeply and conscientiously about the war. And the sometimes shrillness of their voices should not put their elders off nor hide the fact that they are fundamentally right in their objective if not their rhetoric.

But this is not really a question of old against young, although it may sometime seem so because so much media attention is focused upon campus turmoil and demonstrations. It is a view strongly though less audibly held by many businessmen, by many professionals, and by much of the general public. And I think this fact is becoming daily more obvious.

Adoption of your amendment would recognize this fact. And it would do more than any other immediate action to restore the confidence of the young—and even many of the older generation—in the integrity and

capacity of a democratic society to respond through its elected representatives to the passionately held views of many, many people.

Because of my former positions in the Kennedy and Johnson Administrations, I feel a particular responsibility on this issue. I struggled with the Vietnam war issue for over two years and, as my colleagues in government know, the views I am expressing in this letter are not lately arrived at. I wanted then—as I would like to see now—a negotiated peace which would do away with the tragic killing. But the only alternative to Hanoi's intransigence has long since been a unilateral, orderly U.S. withdrawal. The tortoise of progress in Vietnam will never catch the hare of dissent at home. And we must have the vision and courage to accept that political fact without equivocation or delay.

Our failure to achieve all that we wanted in Vietnam does not make what we sought to do wrong in any but a pragmatic sense. Our purpose was always to give the people of Vietnam a temporary shield of U.S. military power so that they could work out their political problems in a free and democratic fashion. In retrospect we may have been foolish to have thought so ambitious an objective could have been accomplished at little cost. But that was the optimistic view which prevailed and, astoundingly, continues to prevail among some even today.

What has happened—and I could see it happening in 1967 and 1968—is that this objective has been converted by circumstance (perhaps predictable, but not intentional) into a war to preserve an incompetent, undemocratic, and sometimes corrupt government in Vietnam. Failure to achieve our objectives is not the fault of our military forces but the failure of the Thieu government to achieve that measure of political support in Vietnam which is essential to peace. The failure is his, not ours.

We cannot win this war because nothing our troops can do will solve the Thieu government's political inadequacies. Nor can we lose it—we have yet to lose a battle—in any meaningful sense for the same reason. The U.S. Army cannot be defeated or dislodged—though we may fail in our political purposes.

I believe peace will come when we make clear we are withdrawing all our troops on a specified timetable. In point of fact, I believe that only this action will lead the Vietnamese people to find the political solution which will bring this war to an end.

From the point of view of the U.S. that political solution will not be very palatable. But neither will it be in any real sense disastrous or even more than at most marginally detrimental to our security. But there will be those who will say that we quit when we were on the verge of "victory", that we have "sold out" our friends in Southeast Asia, and so forth. This solution, too, has its risks for our society. And it puts the President in a very tough position.

At the heart of our difficulties—these forces of divisiveness in our society—is the illusion on the part of much of the public of some kind of national omnipotence and its lack of awareness of the inevitability of trade-offs in costs and objectives in foreign policy. This is played on by those who affect the Presidency and complain of what may be realistic costs in terms of dollars or dangers. And it is played on by the President who, for short term advantage, overplays the anticipated success of the policy he espouses.

I suppose all this is natural enough if we look at our own national character traits. As a nation we have been characterized by optimism and a sense that anything is possible. Our success has infused a supreme confidence in our abilities. We have no real experience in living with and accepting failures. We feel that our traditions, character, and good fortune make us generous and almost naive in our friendliness, but we expect gratitude and good will in return. We are often moralistic and self-righteous in our dealings with others. We have a real streak of idealism running through our history. We are impatient; our time span for achievement is short, we have a weak sense of history, we are future oriented, and we believe in progress.

Above all, we as a nation seem as yet unable to face the reality that every policy has its costs, that alternative costs are always in terms of trade-offs between which the public must choose. One cost can't generally be reduced to please the public without increasing another. The cost of our war-weariness after World War II and the desire to save American lives from Yalta to 1948 was acceptance of Soviet control of Eastern Europe and acceptance of whatever the outcome of the power struggle in China might be. We had chosen a policy which accepted limited losses and territorial allegiance to avoid the cost in lives and dollars fighting Japan alone or dislodging Russia from Eastern Europe. This was a rational, although perhaps debatable, choice. But the public was prepared to respond to the charges of a sellout (the Joe McCarthy era) and to demands that we adopt the policy of no further losses. Korea was dictated by these new policy demands. To prevent territorial losses we had to be prepared to accept either costs in lives and dollars or costs in risk of an unlimited war. Plainly the public was prepared for neither; for it was vulnerable to attacks on "Truman's war" and suggested we could have a no-loss policy without offsetting costs.

The Eisenhower Administration learned the public's lesson in that neither further territorial losses nor the excessive costs of limited war in lives and dollars was acceptable. It shaped the policy that accepted the nuclear risks of massive deterrent as the price for giving the public the no-loss and no-costs-of-limited-war strategy that it seemed to demand. But it too had costs that couldn't remain hidden.

Sputnik with its suggestions that we might suffer an inferior position in terms of nuclear defense coupled with Khrushchev's saber-rattling, convinced the public, aided by Democratic leadership, that the risks of an all-or-nothing strategy were excessive. But nothing was said of the inevitable offsetting costs of reducing nuclear risks and adopting the McNamara concept of deterring any territorial losses through the use of balanced forces. This necessarily involved a willingness to once again accept the costs of limited war in lives and dollars. Again, it was hoped that this bill would never be presented for payment. But it was.

The war in Vietnam has shown us once again that the costs of limited wars are more than we like to pay. But there is, as yet, no real sign that I can perceive that we have learned of the inextricable tie between the objectives of no-loss, no costs of limited war, and no excessive risks of nuclear war. These are complicated matters and until somehow we learn to recognize the new cost that lurks behind every political promise to eliminate an older type of cost, our political processes will continue to involve successful attacks on the trust the President enjoys based on raising public expectations to the point where even the unavoidable costs seem the unacceptable result of incompetence and untrustworthiness.

We will get a sensible foreign policy—President Nixon has already taken useful steps—and one acceptable to the public only if we can be educated to the point of accepting some losses, some defeats. Vietnam could help us to this end. We cannot afford the luxury of the strategic thinking of the last fifteen years which, it seems to me, has been based to a significant degree on a powerful domestic political constraint of no territorial losses rather than on the reality of minimal danger in very marginal shifts in some balance of power.

I raise these larger issues because I would hope that the Congress would view your amendment as only a first step. President Nixon needs help and support if we are to get out of Vietnam as we should and must. By asserting the Congressional role through your amendment. Congress should be telling the President that it is not only asserting a clearly constitutional power (on that point there really is no valid argument), but that it also is prepared to share with him the burden of an excruciatingly difficult political decision.

I apologize for having written at such length. I hope you will feel free to use this letter, or any part of it, in any way you see fit. The opinions are, of course, my personal ones.

Sincerely,

NICHOLAS DEB. KATZENBACH.

Mr. MONDALE. Mr. President, nothing can describe the despair and disappointment I felt at the President's decision to move U.S. troops into Cambodia and by the incredible—if only temporary—renewed bombing of North Vietnam.

Never have I had such a reaction from my own constituents—an overwhelming vote of fear and reaction against this escalation of the war.

All the wounds which have been inflicted upon our society—not to mention our young men—by a decade of war in Vietnam have been torn even wider by the start of the Indochina war. Already young men and young women have died in disturbances reflecting the shock and dismay which young and old alike have felt since our move into Cambodia.

On the evening following the President's announcement, I set forth my own views on Cambodia and on the war in Vietnam in an address to the national convention of the ADA. I ask unanimous consent that this speech be reprinted at this point in the CONGRESSIONAL RECORD.

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

ADDRESS BY SENATOR WALTER F. MONDALE

I had been trying to decide what my topic—our keynote—should be. The President's speech last night settled the question for all of us.

There is only one. The war which *was* in Vietnam and which *was*—if slowly—being wound down, is now in Indochina and is now being massively escalated.

The war which has cost:

Some 50,000 American lives;

Almost 275,000 American wounded;

Unknown millions of Vietnamese casualties;

Some 100 billion dollars worth of our resources; and

A decade of agony and strife at home . . . has now become an even deeper and wider war.

"Vietnamization" has now been fully revealed for a tragic hoax.

Many of us feared that Vietnamization was largely a device to buy time and pre-exempt dissent while propping up the corrupt regime of Thieu and Ky. But many of us also felt that the President, if for no other reason than politics, was committed to "winding down" the war in Vietnam.

It is now clear that the President has not abandoned the disastrous objective of the last tragic decade. It is *military victory* that he seeks—the perpetuation of whatever anti-communist government can be found—however corrupt, unpopular, or undemocratic, and however little they will fight to defend themselves, by whatever military means are necessary. It is a policy which seeks to pre-

serve an American bridgehead on the Mainland of Southeast Asia.

This is the *old* policy. It is a policy which has been shown to be unattainable, irrational, unpopular at home and abroad, and contrary to American interests.

The invasion of the Cambodian sanctuaries is in direct contradiction of the President's own Guam Doctrine, in which he said that we must cease acting as policeman and cannon fodder for the Asian nations. It is in direct contradiction of the interpretation of "Vietnamization" which the President has given to the American people. It is, in fact, absolute proof of the total failure of the "Vietnamization" doctrine.

We cannot have it both ways. We cannot have both disengagement and escalation. We cannot hold to a goal of peace, disengagement, and a "political solution" while expanding the war and seeking the total destruction of the enemy.

The rationale is the same one we heard 10 years and 50,000 lives ago: "A little more effort and the tide will be turned." We have heard it often since—a few thousand more troops, a little more bombing and the war will be over.

Now we are told that a six to eight week foray into Cambodia will wipe out the major communist sanctuaries and staging areas which they have held for at least the last five years.

Btu why weren't we told 6 months ago that "Vietnamization" would require the invasion of these territories which have been held by the communists for so many years?

Why weren't we told a week ago when the President reported sufficient success to announce the pull out of 150,000 more troops in the year ahead?

What do we expect the Vietcong, the North Vietnamese—and the Chinese and the Soviets, for that matter—to do while we destroy their major supply and staging areas?

What will we do in 2 months when, if all goes exactly as planned, we will have pushed them out of the Parrot's Beak, the Fish Hook, and the other areas? Do we stay there . . . indefinitely . . . or do we return to South Vietnam and expect *them* to stay wherever we may have been lucky enough to have pushed them?

How about the next line of communist sanctuaries—just beyond the reach of American forces? All of Asia behind the enemy line is a "sanctuary." When and where do we stop? And when do they decide to attack our own sanctuaries—at Thailand, for example?

The President's reason for this escalation must be rejected. There is no way to make a "defensive maneuver" out of a full scale offensive into a neutral nation, with the advice and consent neither of that nation nor of Congress.

There is no way to make this escalation into a means of "hastening our withdrawal" or "furthering a political settlement."

The oldest myth of them all again rears its destructive head: the notion of a monolithic world-wide communist conspiracy unalterably committed to the conquest of the world—a conspiracy which must be stopped at whatever cost—"so that the sons and brothers of our soldiers fighting now can live in peace and security!"

One of the tragic ironies of the war, of course, is that the Administration still clings at the same time to the *hope* that we can achieve our ends without a total military commitment . . . that we can ultimately gain from a conference table what we failed to gain on the battlefield.

But this recent action has virtually guaranteed the death of the Paris peace talks—which have been in a coma anyway for nearly a year due, in part, to our failure to even appoint a top-level negotiator.

We are now back where we were two years ago—hoping that somehow the other side will cave in and let us off the hook.

I supported and will continue to support the President's objective of withdrawal, even though I thought it should have been much faster, and even though I never trusted his disavowal of a military solution.

But I now see a longer war and a wider war. I see many more deaths. I think we should know by this time the patience, resolve, and manpower of the Vietcong and the North Vietnamese. And I see us now sinking further and further into a wider, more disastrous, more unwinable, and even more unjustifiable war.

And what of the Soviets and the Chinese? They, too, have a vital stake in the eventual outcome of the Indochina war. They, too, have pride. And they, too, have a resolve that their course is right and that there can be no surrender.

I assure you that there are many—I hope a majority—in the Senate who are terribly distressed by this new development.

Once again, the President has *ignored the Congress*, breaking his promise to seek our advice before such a major change in policy.

He has gone against the clear will of the Senate Foreign Relations Committee.

He has surely violated the *spirit of the Congressional Amendment* which passed the Senate last December by a vote of 73–17 prohibiting the use of American troops in Laos. I am sorry that Cambodia was not in that amendment. It would surely have been simple to have added Cambodia to that safeguard, but the chances of our Administration pursuing a ground war in Cambodia were so remote, so bizarre, that no one thought to put Cambodia into the legislation.

And the President is, I am completely convinced, going against the clear will of the American people. My own telegrams Friday morning—sent out only hours after the President's speech—ran 85–1 *against* the President.

In fact, there seems to be much indication that the President went against the advice of many of his own top civilian advisors.

I feel so strongly and so deeply . . . as do you and so many others throughout the country . . . that we must do everything we can to reverse the policy. Our only hope is to reassert the Constitutional Authority of Congress—answerable to the American people—over our foreign policy and the waging of war.

I am fully convinced that the Congress of the United States has the *obligation* and the *authority* to stop this disaster. And I hope and pray we have the *will* and the *votes*. I hope the Senate and the Congress will amend both this year's military sales bill and the military authorization bill to prohibit the use of these funds for the support of American ground or air action in Cambodia and to prohibit the sale, loan, or gift of American aid, directly or indirectly, bound for Cambodia. If we can avert a disaster on the Supreme Court, we can and must avert an even greater one in Indochina.

We must go beyond that and demand the same for Laos and a much prompter total withdrawal from Vietnam.

Then, let us look at our *real* international interests:

The Middle East is reaching a state of intolerable tension. Europe is once again restive, seeking to end the cold war stand-off of NATO versus the Warsaw Pact. Most important, negotiations have finally begun on ways to halt the insane arms race before the American and Soviet generals plunge the world again into a new state of instability and nuclear terror—a race so costly that talk of social reform will be the merest hypocrisy.

Here is where our *true international interests lie*. Here is where we can advance the causes of peace and freedom which we espouse. But each of these issues will be seriously—perhaps disastrously—jeopardized by an escalation of the Vietnam conflict and Great Power antagonisms which this is bound to produce.

The President has called the Indochina war a challenge to our manhood, our pride. Time and again his message alluded to this concept.

"We will not be humiliated" he said. "We will not be defeated." He warned us not to act "like a pitiful helpless giant . . ." He warned us against our first defeat in our proud 190 years.

But I would like to ask the President how he defines manhood. What is the mature expression of manly pride?

I believe our present policy is an expression of the pride of the weak, based on arrogance and self deceit. I want our country to demonstrate the pride of the strong, based on humility and candor. It may be true we have not suffered a defeat in our proud 190 years, but does that raise doubts about our country or about this awful war?

Does that observation prove that our Nation lacks the capacity to persevere when necessary or does it underline the immorality and indefensibility of a slaughter which kills our young and numbs our conscience on behalf of a cause which can't be explained?

I am deeply disturbed at the thought of a generation which may lose all confidence in the ability of a democracy to respond with justice, reason, and humanity. But what can we expect of a generation which is asked to kill and be killed in a war which cannot be explained? Can a fractured, disheartened and demoralized America possibly be a price worth paying for a few more years of an Americanized government in Saigon, and in Phnom Penh.

Perhaps the greatest crime of this war is that we have forced young men and women to choose between these two instincts. The great majority of the young will never feel a bullet or a piece of shrapnel. But nearly all will be called upon to disavow either their conscience, or their country.

The President said "we will not be humiliated." But we already are.

I believe the highest and noblest expression of civilized manhood is to admit error when one is wrong. The same must be true of Nations.

If we did, it would indeed be "our finest hour."—It would be the President's final hour.

We could deal with our *real* problems: in the Middle East, in Vienna, in the Ghettos, on Indian Reservations, in migrant camps, in our schools and hospitals and churches. We could save our oceans, lakes and streams and our air. We could reclaim our streets and assault crime without sacrificing justice. We might reclaim our young, increasing numbers of whom have tragically rejected the institutions and the processes of freedom. This Nation might even reclaim its soul.

We could, Mr. President, be proud men, proud women, and proud Americans again.

Mr. CRANSTON. Mr. President, the Senate debate and public discussion of the Church-Cooper amendment have been replete with references to an alleged interference with the President's powers as Commander in Chief. In terms of the manner of action it proposes, this legislative vehicle is, of course, identical to amendment No. 609 to the military procurement authorization bill, the "amendment to end war," and we should not doubt that the same questions will be repeated when that measure is the pending business.

The assertion is that if we deny him the wherewithal he needs to conduct his

war policy, the Congress will interfere with the constitutional prerogatives of the President.

It is simply not true, Mr. President, and those who raise such arguments are avoiding—through inadvertence or design—the core of the issue raised by these measures. What we propose is that the Congress fulfill its long-neglected constitutional obligation to decide whether this war shall continue.

In this connection, I would like to call to the attention of the Senate a "Legal Memorandum on the Amendment To End the War" which has been prepared by students of the Harvard Law School under the direction of members of the Harvard Law Review. I understand that it will be released in the near future with the endorsement of a number of prominent legal scholars and members of the legal profession.

On the power of the Commander in Chief, the memorandum points out that the Constitutional Convention had two objectives in mind:

First, the Convention desired to concentrate in a single civilian leader the tactical control of armies engaged in battle.

Second, the framers sought to transfer to the President a check on an overly martial legislature so as to insure further against any precipitate commitment of our forces.

Neither purpose presumes a plenary grant of power to conduct wars over the opposition of Congress. On the contrary, again quoting from the memorandum:

The debates in the Constitutional Convention clearly indicate one thing: Congress was to be given ultimate control over the war-making power, with a variety of means at its command to enforce its views. At the minimum the framers would have viewed an appropriation restricted in use to disbanding an army and bringing it home as a proper exercise of Congressional power.

* * * * *

Congress will have abdicated its own powers over war policy, however, if it remains inactive once the question of troop commitment is formally raised.

Let us, therefore, debate the wisdom of continuing the conflict in Vietnam. Let us consider as well the implications in terms of the role of Congress if we allow the war to go on without a positive grant of specific, understandable authority.

But let us avoid the grave error of pitching the debate on issues that do not exist. These amendments have nothing to do with the powers of the President as Commander in Chief; rather, they ask each Member of the Congress to exercise his affirmative duty to approve or disapprove American participation past next June in the Vietnam conflict.

Mr. President, I commend the authors of this "Legal Memorandum on the Amendment to End the War," and I ask unanimous consent that it be printed at this point in the RECORD.

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

LEGAL MEMORANDUM ON THE AMENDMENT TO END THE WAR

(This memorandum was prepared under the general direction of several members of the "Harvard Law Review."

(Faculty Advisers: Abram Chayes, Professor of Law; Frank Michelman, Professor of Law.

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"* * * the doctrine of the separation of powers was adopted by the convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy."—*Meyers v. United States*, 272 U.S. 252, 293 (1926) (Brandeis, J., dissenting).

"* * * Congress can alone raise armies; and may put them down, whenever they choose."—2 J. Story, Commentaries on the Constitution of the United States, section 1187 (4th ed. 1873).

A. INTRODUCTION

This memorandum examines the constitutional basis for the Amendment to End the War. Most constitutional debate heretofore has focused on the President's authority to engage American troops in hostilities abroad without congressional approval.[1] We do not address this question. Rather, we address the question of congressional power. Regardless of the President's power, Congress may exercise its independent judgment on the use of American forces abroad, indeed, it has an obligation to do so.

There is no doubt that Congress has the competence and responsibility, though not exclusive of presidential competence and responsibility, to make decisions regarding the commitment of U.S. military forces in foreign hostilities. By Article I, section 8, Congress is given the power "To declare War," "To make Rules for the Government and Regulation of the land and naval Forces," and "To provide and maintain a Navy." Nor is there any doubt as to the power of Congress to use the appropriations process to carry out congressional policy on matters within the congressional competence and responsibility. Under Article I, section 8 of the Constitution, Congress is empowered "to lay and collect taxes, . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."; and it is provided by Article I, section 9 that "no money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . ." Moreover, the link between congressional responsibility to oversee our military commitments and congressional power over appropriations is explicitly forged by the provision in Article I, section 8 that Congress shall have power "to raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two years."

It cannot, then, be contended that in conditioning appropriations upon the orderly withdrawal of American forces from a foreign field, Congress would be acting beyond the scope of its powers under the Constitution. The objection, if there be one, must rather be that for Congress by this means to deny the President resources required for the support of troops in the field would be to encroach upon his prerogatives under Article II, section 2, as "Commander in Chief of the Army and Navy of the United States." The Constitution seems to endow both branches with some relevant competence and responsibility; the question is whether legislative appropriations powers may prevail over executive powers of military command when the policies of the two branches are in conflict.

It is possible to define, if somewhat crudely, the respective spheres of supremacy of Congress and the Presidency in "substantive" terms—in terms, that is, of the issues to be decided. The band of division appears to lie between, on the "congressional" side, decisions as to whether a war is a justified and desirable means of pursuing some United States objective (or of how much and what sort of war is to be waged in pursuit of what objectives); and, on the "presidential" side, decisions as to how those resources committed by Congress to warmaking ought to be managed so as to achieve the contemplated objectives. In light of this analysis an explicit congressional decision that no interests of the United States justify continued American military activities in Indochina, and that accordingly we should withdraw, ought to prevail over a contrary presidential judgment.

A perspective limited to the doctrine of separation of powers, however, yields an incomplete analysis of presidential and congressional prerogative and responsibility. The Constitution, while it sought to provide a harmonious framework for interaction, also aimed at a system of checks and balances among the three branches of government. Underlying this doctrine of checks and balances is the notion that each branch of the government has sufficient power to check the actions of the other branches that it deems unwise. The idea is starkly simple, and is the purest rendition of the constitutional text: only the President may deploy and command the troops, while only Congress may appropriate the wherewithal for their subsistence, equipage, and transport. What the President chooses not to command, Congress cannot well buy; what Congress chooses not to buy, the President cannot well command.

The interplay of these two contending powers illustrates the wisdom of the framers. The commitment of men and treasure to extended foreign war is the gravest exaction a government can make of its people. The constitutional allocation of powers insures that only when both branches—executive and legislative—concur can such an exaction be maintained.

B. THE CONSTITUTIONAL UNDERSTANDING

Congressional power to enact the Amendment to End the War must ultimately derive from the powers granted the legislative branch by the Constitution. The conflict over the constitutionality of the bill arises because the Constitution divides authority over military affairs between Congress and the President. Article II, section 2 denominates the President as "Commander in Chief of the Army and Navy." Article I, section 8, however, grants Congress the powers to "provide for the common Defence," To declare War," "To raise and support Armies," and "To make rules for the Government and Regulation of the land and naval Forces." The phrases on their face establish both a shared and divided power with exclusive Presidential control over troops in the field, and the larger areas of war policy decision-making falling within the domain of Congress.

The original constitutional undertaking did not occur in an historical vacuum, but against the backdrop of the 17th century English struggles between King and Parliament. These struggles were in large part over the power to conduct foreign relations, most especially the power to maintain and use a standing army. Detailed knowledge of this history was part of the common intellectual heritage of the framers.

At the beginning of the 17th century political men accepted almost without question the doctrine that the conduct of foreign affairs, and above all, the making of peace and war, were mysteries of state, the exclusive business of the crown. By the end of the century—a century of the Stuarts, the Commonwealth, the Restoration, and the Glorious Revolution—all this had changed. Parliament had assumed an important role in the policy-making process.

The device Parliament developed for as-

serting its control was the power to vote revenue.

Before 1624 Parliament had, in time of war, granted the King subsidies without restriction as to how they could be spent. In the Subsidy Act of 1624 [2] the Commons for the first time conditioned the grant. The money was to be spent only for defending England and Ireland, financing the Navy, and aiding the Dutch. Such restrictions were not yet ripe for success; the Lords protested.[3] But Parliament did wring from King James the promise to make no treaty without its "advice and consent." [4] Charles I, successor to James I, tried to wage war without Parliament's help. When nothing was voted for war in 1626 he sought to finance his policy through forced loans. But the impossibility of continuing the war without a parliamentary grant forced him to yield to the Petition of Right (1628), which declared illegal the collection of taxes without Parliamentary consent. The issue was again contested over Ship Money, a tax on towns in lieu of building ships for the navy. This attempt ultimately failed,[5] however, and in 1641 Parliament emphatically reasserted its right to a measure of control over the raising and deploying of armies by outlawing Ship Money.[6] Charles I was beheaded shortly thereafter.

The early years of the Restoration monarchy were notorious for Charles II's secret pacts with foreign powers. Parliament once again used the money power to invade this closed policy-making process.[7] In 1666 Parliament revived the technique of placing conditions on its grants of revenue by making a grant of £380,000 and specifying that if the treasurer of the Navy diverted the grant to anything but wages of seamen he should forfeit treble the value of the money.[8] By 1678 the technique of imposing restrictions on the grants of revenue was standard practice. In that year Charles II sought freedom to maintain or disband his army in Flanders as he saw fit. Parliament insisted on retaining general control over basic military policy.[9] It responded with the Supply Act of 1678 [10] which granted a sum of about £206,000 and specified that this sum must be applied to disbanding the Flanders forces and to no other purposes. The Act even specified the date of disbandment, a date less than three months from the date of the act. It was, indeed, Parliament's Amendment to End the War.

The Founding Fathers were well aware of this exercise of parliamentary power over military decisionmaking. They were also aware that Parliament's role in foreign affairs had deteriorated just prior to the American Resolution. Alexander Hamilton reported in Federalist No. 26 that Americans derived their ideas about the control of the military "from the nation from whom the inhabitants of these states have in general sprung." [11] Men like Hamilton, a strong advocate of executive power, and James Otis were determined that the American Congress would maintain the authority over warmaking that Parliament had once achieved but was then in danger of losing.[12]

The aims of the Constitutional Convention in making the President the Commander in Chief were two: First, the Convention desired to concentrate in a single civilian leader the tactical control of armies engaged in battle. But this was no plenary grant of power to maintain troops in a particular theater of war once Congress had decided to disengage.[13] As Hamilton interpreted the power, it "amounted to nothing more than the supreme command and direction of the military forces, as first General and Admiral of the Confederacy. . . ." [14] This clause places the civilian President at the top of the military command. It contains no grant of power to define the purposes for which the President may exercise his command over the troops.

Second, the framers sought to transfer to the President a check on an overly martial legislature so as to insure further against any precipitate commitment of our forces. They remembered all too well the very broad delegation of responsibility for warmaking conferred by the Articles of Confederation on Congress [15] Mason, arguing for the proposition that someone, either the President or a council of revision, should be given the power to veto legislative action, stated that "The purse and sword must not be in the same hands; if this is true, and the Legislature are able to raise revenues and make and direct a war, I shall agree to a restraining power of the Legislature either in the Executive or a council or revision." [16] The President's check, of course, was by no means intended to grant the executive any exclusive and unrestrainable power over the disposition of the army and navy.

The debates in the Constitutional Convention clearly indicate one thing: Congress was to be given ultimate control over the warmaking power with a variety of means at its command to enforce its views. At a minimum the framers would have viewed an appropriation restricted in use to disbanding an army and bringing it home as a proper exercise of Congressional power. Parliament had exercised this much power in 1678 and the conscious design of the Constitution was to give Congress more power over foreign affairs and warmaking than Parliament had possessed. The Constitution, read in light of the historical context and the framers' fear of a military establishment, thus establishes that the President could command the tactical operations of an army while engaged, but that Congress had the power through appropriations to provide an army, to disband it, or to disengage it from a particular theater of operations.

The reading is confirmed by the discussion of the relevant constitutional provisions in the Federalist papers. The colonists had seen how easy it was for a king, with a standing army at his disposal, to engage his subjects in foreign conflicts.[17] Thus many objected to this Constitution drafted at Philadelphia because it failed to prohibit a standing army.[18] Hamilton argued that such a prohibition was unnecessary because the Constitution gave the legislature the power to check the President in his capacity as Commander-in-Chief through the control over appropriations attendant on the power to raise and support armies. The requirement, unique in the Constitution, that "no Appropriation of Money to that Use Shall be for a Longer Term than Two Years" was designed to insure review by each new Congress of presidential exercise of command over the armed forces. In the Federalist No. 26, Hamilton said:

"The legislature of the United States will be *obliged*, by this provision [two-year appropriation], once at least in every two years, to deliberate upon the propriety of keeping a military force on foot; to come to a new resolution on the point; and to declare their sense of the matter, by a formal vote in the face of their constituents. They are not *at liberty* to vest in the executive department permanent funds for the support of an army. . . ." [19]

A definitive practical gloss on the intentions of the constitutional framers is provided by the early relationships between Presidents and Congresses in times of crisis. President Adams sought Congressional authority to repond to French attacks on American ships even though he did not seek to declare war. President Jefferson, too, felt compelled to call on Congress to make a judgment on our response to attacks on our vessels by Tripolitan ships. He indicated this in his first annual message to Congress, in recounting the capture of a Tripolitan cruiser:

"Unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defence, the vessel being disabled from committing further hostilities, was liberated with its crew. The Legislature will doubtless consider whether, by authorizing measures of offense also, they will place our force on an equal footing with that of its adversaries. I communicate all material information on this subject, that in the exercise of this important function confided by the Constitution to the Legislature exclusively their judgment may form itself in a knowledge and consideration of every circumstance of weight." [20]

Again, in deciding how to respond to the potential Spanish threat in Florida, Jefferson asked Congress to take certain steps, acknowledging that "the course to be pursued will require command of means which it belongs to Congress exclusively to yield or to deny."

Jefferson's successors—Madison, Monroe and even Jackson—all acknowledged executive deference to the legislature on questions of troop deployment and armed hostilities. Indeed, the nineteenth century in general is replete with acknowledgments of congressional preeminence. Lincoln, for example, when he was a member of Congress, stated:

"The provision of the Constitution giving the war making power to Congress, was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to go frame the Constitution that no one man should hold the power of bringing oppression upon us." [21]

Moreover, Congress was quick to protect its war powers whenever these were challenged. After President Polk dispatched an army to Mexico in "hot pursuit" of an invading Mexican force, but without Congressional approval, the House passed a resolution stating that the war had been "unnecessarily and unconstitutionally begun by the President . . ." [22]

The twentieth century, particularly during the crisis moments of the Cold War, saw increasing congressional acquiescence to broad presidential assertions of power. The high-water mark of this trend came when President Truman committed troops to Korea without prior or subsequent approval by Congress.[23] Thereafter Eisenhower in 1955 (Formosa) [24] and 1957 (Lebanon), [25] Kennedy in 1962 (Cuba) [26] and Johnson 1964 (Tonkin), [27] all sought approval of military action by congressional resolution. Some members of Congress have felt the legislative role in these cases was simply to rubber-stamp executive action. Senator Morse, for example, viewed the Tonkin Gulf Resolution as a carte blanche for presidential discertion.[28] But no one has argued that this sort of resolution exhausted congressional power.

Even when there is need for rapid response (*e.g.*, the Cuban missile crisis), an accommodation between the President and Congress can be reached. Congress' responsibility is to evaluate the costs and priorities of military abroad. Congress can exercise this most serious decisionmaking function *after* the initial executive commitment has been made as well as before. Indeed only then can Congress get possession of all the data relevant to the commitment involved and make a considered evaluation of it. To allow the President to persist in military action abroad because he deems it essential to the national security even after Congress, on the basis of a full evaluation of the threat and the costs of meeting it, has concluded otherwise, is to extend the President's "defensive" power beyond limitation. The decision to terminate a war is different from one to decare a war, it is nonetheless within congressional power. It gives the legislature a

Footnotes at end of article.

needed negative check against unbridled executive action.

In sum, the present legislation attempting to establish broad timetables of U.S. withdrawal is an appropriate way for Congress to enforce its policy regarding national priorities and the removal of U.S. military presence from Southeast Asia. It is a mandate of national will which the President as Commander in Chief must follow. Congressional action will not usurp the President's power: he may still decide what is tactically the safest and most effective way to withdraw consistent with spirit of the congressional mandate. Congress will have abdicated its own powers over the war policy, however, if it remains inactive once the question of troop commitment is formally raised.

C. APPROPRIATIONS POWER

The means most readily available to Congress to assert congressional power is its authority over appropriations. This power provides a particularly apt negative check on the executive. Historically, there has never been any doubt that Congress has the power to limit executive action through control of the purse. The Constitution explicitly states that "no money shall be drawn from the treasury but in consequence of appropriation made by law," and both branches of Congress have on occasion used this power to exercise detailed control over the minutiae of executive action.

Richard H. Fenno, Jr., states: [29]

"To criticize Congress for interventing in a specific and detailed fashion is to attack it for doing the only thing it can do to effectively assert its influence. Specifics and details are the indispensable handles which Congressmen use to work inductively toward broader kinds of oversight judgments . . . Congressional control is or is not appropriate in the context of the realities of legislative and executive decisionmaking. The legislator ought not to be criticized for using those controls which are available to him and which his experience tells him bring the greatest influence over executive activity."

Supreme Court Justice Robert Jackson, formerly Attorney General to Franklin Roosevelt, reaffirmed plenary Congressional power over appropriations, with particular reference to control of the armed forces. He wrote: [30]

"Congress alone controls the raising of revenues and their appropriations and may determine in what manner and by what means they shall be spent for military and naval procurement . . . While Congress cannot deprive the President of the command of the army or navy, only Congress can give him an army or a navy to command."

The general power of Congress over appropriations is reinforced by the specific reference to the appropriations power in the Article I, section 8 grant of power to Congress to "raise and support Armies."

There are numerous precedents of carefully placed Congressional restrictions on military appropriations sanctioning the use of appropriation as a vehicle for achieving substantive policy. In 1909, President Theodore Roosevelt sought by executive order to restrict the use of the Marine Corps to onshore bases, apparently in an effort to raise the morale of the Navy. Congress disagreed and sought to force the retention of the Marine Corps on board battleships and cruisers. The House of Representatives' version of the Naval Appropriations Bill of 1909, H.R. 26394, 60th Cong., 2nd Sess. (1909), included the following proviso:

"*Provided*, That hereafter officers and enlisted men of the Marine Corps shall serve as heretofore on board all battleships . . . in detachments of not less than eight per centum of the strength of the enlisted men of the navy on said vessels."

The proviso was written as a directive, with no clear penalty for executive noncompliance.

The Senate Committee on Naval Affairs amended the above proviso so as to make the entire Marine Corps appropriation contingent upon fulfillment of the condition. Senate debate focused on the division between legislative and executive warmaking powers. Senators Lodge, Cummins, and Borah all opposed the particular conditional appropriation.[31] However, under questioning it became clear that the stand these critics took against Congress' power was a very limited one. Senator Bacon asked them whether Congress could order the President to remove troops from the District of Columbia after the President had placed them there. Senator Cummins and Senator Borah both acknowledged that Congress had the constitutional power to do so; [32] Senator Lodge also admitted that his objections were on policy grounds, not on whether Congress had the requisite power to so restrict the use of appropriations.[33]

Some Senators went considerably further in defining Congress' power. Senator Fulton said:

"[N]o doubt . . . Congress has the power to say that money should not be expended on payment of a particular corps of the army if it should be stationed in a particular place.

"And the simple fact that the President in advance had sent the army there would not preclude Congress from still exercising its constitutional function of ordering it removed from there." [34]

In an effort to draw the hazy line between Congressional and Presidential power, Senator Fulton continued:

"I concede that Congress cannot absolutely control and fetter the President, but that is simply when and while he acts as commander in the field and has charge of the movements of military forces and matters of that character that pertain distinctly and peculiarly to the duties of a Commander in Chief. In those matters he is supreme, but after all he is subordinate in all cases to such rules and regulations as Congress shall make. . . . [H]e is nothing more than any other commander in point of power, except that he is the supreme commander. . . . Is the proposed amendment anything more than a regulation? It is a regulation of the navy and provision as to in what manner the Marine Corps shall serve the Nation, where it shall be placed, how long it shall remain at sea, or whether it shall go at all or not." [35]

Following this debate, the amendment containing the conditional appropriation passed both houses of Congress and was part of the bill signed into law by President Roosevelt. If the matter had gone no further, we would have only Congress' side of the power struggle. However, the Secretary of the Navy took the proviso to the Attorney General, George Wickersham, for a ruling on its constitutionality. The Attorney General held the conditional appropriation constitutional, saying: [36]

"If, therefore, in the discharge of his powers and duties as Commander in Chief, the President desires to direct the Marine Corps to perform any function which shall involve the application of the appropriation made by the Act . . . he must direct [that the corps] shall serve as heretofore on board all battleships. . . .

"Inasmuch as Congress has power to create or not to create, as it shall deem expedient, a marine corps, it has power to create a marine corps, make appropriations for its pay, but provide that such appropriation shall not be available unless the marine corps be employed in some designated way, and I therefore am of the opinion that the provision of the statute to which you direct my attention is constitutional."

The parallel here to the Amendment to End the War is obvious. Congress would be exercising its control over expenditures to enforce its policy decisions as to where troops should and should not be without detailing their use by the Commander in Chief while there engaged. Congress would be exercising its historic and constitutional mission as a check on the executive's power to engage American forces in major conflict. It would in no way be interfering with the President's tactical control over the troops during the disengagement process.

A more recent example of Congressional efforts to use the appropriations power to control military policy is provided by the RS–70 manned bomber conflict. The House Armed Services Committee wanted to insure that the Secretary of Defense instituted development of a supersonic manned bomber instead of relying exclusively on guided missiles. The Committee unanimously asserted the power for Congress to use appropriations restrictions to require affirmative policy decisions by the executive.[37] Certainly the power to require affirmative executive action is even greater than the negative power implied in an appropriation which merely reverses prior Presidential action.[38]

A final, and most relevant, example of Congress' conditioning appropriations in order to affect military action is the Defense Appropriations Act of 1970.[39] The Act provides:

"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."

Thus Congress has already used its appropriations power with the acquiescence of President Nixon, who signed the bill without constitutional objection, to restrict presidential use of military appropriations in a way that expresses Congressional policy regarding the conduct of U.S. military involvement in Southeast Asia.

D. CONCLUSION

Members of Congress face the solemn duty of deciding whether to allocate further national resources to the war in Southeast Asia. We do not argue here on the merits of that question—that is for Congress to decide. What we do argue is that Congress has the power—indeed, the duty—expressly to make that decision. The Constitution was drafted to allocate governmental power. Once allocated, that power remains, even though lying occasionally dormant, within the branches originally receiving it. The President received power as Commander in Chief to direct all American troops. His actions in employing those troops may or may not have been excessive in recent times; that question is irrelevant to this study. What is relevant is that Congress, too, received warmaking power, the power to determine when and where the United States will commit its armies and its resources to a major conflict.

The Constitution also allocated duties. The President has the duty of protecting American troops during an engagement. He must therefore be accorded by Congress a certain leeway in controlling tactical decisions affecting the safety of American soldiers. The President, however, also has the duty of making sure that the laws are faithfully executed. He must therefore accord to Congress the lawmaking power that is constitutionally theirs to exercise, and he must respect any congressional mandate on the allocation of American resources.

The applicability of these conclusions and of the research and analysis upon which they are based, to the various amendments now before Congress can be succinctly put as follows:

First, it is entirely appropriate under the Constitution for Congress to define the scope and objectives of commitment of military forces to combat abroad. It has acted accordingly in the past two decades. The 1969 National Commitments Resolution asserts the

Footnotes at end of article.

sense of the Senate that no such commitment shall be made without explicit congressional approval.[40]

Second, Congress may constitutionally effect its policy determination by appropriations acts that condition the appropriation upon a specific use of the money granted.

Third, Congress under the Constitution should accord the President enough leeway as Commander in Chief to safeguard the withdrawal of American forces—leeway which the Amendment to End the War carefully preserves. But it is for Congress to decide how restrictively to exercise the appropriations power.

Finally, it is incumbent upon each member of Congress to fulfill his constitutional role by exercising the congressional power to determine the military policy of the United States.

In the twentieth century strong Presidents have exercised their powers to the fullest, while Congresses all too often have quietly acquiesced. That such power has sometimes lain dormant does not mean that it has been abandoned, for in the constiutional scheme of things Congress cannot abandon it. The power must always rest in Congress to decide when the nation has had all the war that it can afford to endure.

If Congress does indeed wish to restore the historic balance between Congress as arbiter of American military policy and the President as Commander in Chief, it must now seek to implement its decisions by use of the key tool it was given for this purpose: the power to allocate money for national endeavors.

FOOTNOTES

[1] *See, e.g.*, Note, *Congress, the President, and the Power to Commit Forces to Combat*, 81 Harv. L. Rev. 1771 (1968).

[2] 21 Jac. I, c. 33 (1624).

[3] *See* J. P. Kenyon, "The Stuart Constitution" 58 (1966).

[4] *See* E. R. Turner, *Parliament and Foreign Affairs, 1603–1760*, 34 Eng. Hist. Rev. 172, 174 (1919).

[5] *See* F. C. Dietz, "English Public Finance 1558–1641," ch. 10 (2d ed., 1964).

[6] 17 Car. I, c. 14 (1641).

[7] *See* E. R. Turner, *Parliament and Foreign Affairs, 1603–1760*, 34 Eng. Hist. Rev. 172, 17–80 (1919).

[8] 18 & 19 Car. II, c. 13 (1666).

[9] *Cf.* W. Abbott, *The Long Parliament of Charles II*, 21 Eng. Hist. Rev. 254, 277 (1906).

[10] 30 Car. II, c. 1 (1678).

[11] "The Federalist No. 26," at 154 (H. Lodge ed. 1888).

[12] *See* B. Bailyn, "1 Pamphlets of the American Revolution" 41 *et. seq.* (1965).

[13] *See*, Note, *Congress, the President, and the Power to Commit Forces to Combat*, 81 Harv. L. Rev. 1771, 1775–77 (1968).

[14] The Federalist No. 69, at 430 (H. Lodge ed. 1888). For judicial endorsement of this view, see Fleming v. Page, 50 U.S. (9 How.) 603, 615 (1850) (Taney, C. J.).

[15] Art. 9 of the Articles of Confederation gave to "The United States in Congress assembled . . . the sole and exclusive right and power of determining on peace and war," as well as the power of "directing [military] operations."

[16] 1 M. Farrand, "The Records of the Federal Convention of 1787," at 144 (1937).

[17] *See* B. Bailyn, "1 Pamphlets of the American Revolution" 41 *et. seq.* (1965).

[18] *See* 2 M. Farrand, "The Records of the Federal Convention of 1787," at 326–30 (1937).

[19] "The Federalist No. 26," at 156 (H. Lodge ed. 1888).

[20] "Messages and Papers of the Presidents" 314 (J. Richardson ed. 1896).

[21] "The Collected Works of Abraham Lincoln" 451–52 (R. Basler et al. ed. 1953).

[22] 13 Cong. Globe 95, 30th Cong., 1st Sess. (1848).

[23] *See* D. Acheson, "Present at the Creation: My Years in the State Department," 414–15 (1969).

[24] *See* T. Bailey, "A Diplomatic History of the American People," 834–35 (6th ed. 1958).

[25] *See* T. Bailey, "A Diplomatic History of the American People," 844–45 (6th ed. 1958).

[26] Presidential Proclamation No. 3504, 27 Fed. Reg. 10,401 (1962).

[27] *See* Tonkin Gulf Resolution, 112 Cong. Reg. 1841 (1964).

[28] 110 Cong. Reg. 18,426–27 (1964).

[29] *Review*, 58 Amer. Pol. Sci. Rev. 674 (1964). A judicial statement on the relative authority of Congress in this area is contained in Spaulding v. Douglas Aircraft Co., 60 F. Supp. 985, 988 (S.D. Cal. 1945), *aff'd* 154 F.2d 419 (9th Cir. 1946). The court said:

"Congress in making appropriations has the power and the authority not only to designate the purpose of the appropriation, but also the terms and conditions under which the executive department of the government may expend such appropriations."

Former Attorney General Herbert Brownell wrote in 60 Dick. L. Rev. 1, 3 (1955):

"It is recognized that Congress may grant or withold appropriations as it chooses, and when making an appropriation may direct the purposes to which the appropriation shall be devoted. It may also impose conditions with respect to the use of the appropriation, provided that the conditions do not require operation of the Government in a way forbidden by the Constitution."

See also Saloma, *The Responsible Use of Power*, in "Congress and the Federal Budget" 131 (1965) ("Highly specific appropriations . . . [are] a traditional weapon of [congressional] control.").

[30] Youngstown Sheet and Tube Co. v. Sawyer, 343 U.S. 579, 643–44 (1952) (concurring opinion).

[31] *See* 43 Cong. Rec. 2445 (Lodge), 2446 (Cummins), 2447 (Borah) (1909).

[32] *See* 43 Cong. Rec. 2451 (Cummins), 2452 (Borah) (1909). Senator Bacon went on to assert that Congress "has power . . . to direct that an army shall be at a certain place or shall not," and Senator Cummins agreed. 43 Cong. Rec. 2452 (1909).

[33] *See* 43 Cong. Rec. 2447 (1909).

[34] 43 Cong. Rec. 2452 (1909).

[35] 43 Cong. Rec. 2451 (1909).

[36] 27 Op. Att'y Gen. 259 (1909).

[37] *See* H. Rep. No. 1406, 87th Cong., 2d Sess. (1962). ("the Secretary of the Air Force is directed to use authorization in an amount not less than $491,000,000 . . . to proceed with production, planning and long leadtime procurement for an RS–70 weapon system." *See also* 108 Cong. Rec. 4690 (1962) (remarks of Rep. Colmer).

The constitutional challenge to the executive's power was averted and a compromise solution reached when Secretary McNamara agreed to give the RS–70 additional consideration.

[38] For an article arguing that Congress has broad power to require affirmative defense expenditures, see Davis, *Congressional Power to Require Defense Expenditures*, 38 Ford. L. Rev. 39 (1964).

[39] Pub. L. No. 91–171, 83 Stat. 469 § 643. Cambodia appears to have been omitted from the Act because at the time there was no military action or U.S. advisors in that nation.

[40] S. Res. 85, 91st Cong., 1st Sess. (1969).

MISSION TO MISSISSIPPI

Mr. MUSKIE. Mr. President, on May 4, 1970, four students were shot to death at Kent State University. More were wounded. This tragedy began with a student demonstration. The National Guard was called in. Rocks and bricks were thrown at the security forces. The National Guard engaged the demonstrators. They shot into the crowd. They shot claiming self-defense. Slain were two young men and two young women.

Within 2 weeks, on May 15, 1970, two more young people were shot to death at Jackson State College in Mississippi under circumstances similar to the shootings at Kent State. But this time by police officers, not the National Guard. It was a police force called to quell a demonstration. No tear gas was used to disperse the demonstrators, and in response to what was thought to have been sniper fire, the police riddled the Jackson State dormitory with bullets.

In between these appalling killings of young people, was the tragedy in Augusta, Ga., where on May 11–12, six blacks were killed.

Within less than 2 weeks, 12 people have been killed. It is vital that the facts be uncovered fully and objectively in each instance. But that is the beginning, and it is not enough. Nor will it be enough to determine that better security tactics are needed to keep the peace in today's turbulent society. Our effort must be to understand why students feel alienated from society, why we must listen with greater sensitivity to the changes taking place in society.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial on the Jackson State incident which appeared in the Washington Post of Monday, May 18, 1970.

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

[From the Washington Post, May 18, 1970]

JACKSON STATE

Almost nothing about Jackson State College would remind you, ordinarily, of Kent State University, the one being primarily black and in Mississippi, the other being largely white and Middle American. By race and history, as well as geography, they are miles, not to say worlds, apart and yet "today it is the similarities between them that are striking," according to a report in this newspaper yesterday by Haynes Johnson, who visited both campuses in the aftermath of tragedy. That's what is so particularly appalling about the killing of two Jackson State students, and the wounding of another nine, by police officers—that it could have happened in a way so strikingly similar to the shootings at Kent State, within two weeks.

The two tragedies began the same way, with student demonstrations. They evolved the same way, with the calling in of police and National Guard units, with an outbreak of violence, with the throwing of rocks and bricks at the security forces. And they ended the same way. At Jackson State the Guard was held back and the local and state police moved in; at Kent State, the Guard engaged the demonstrators. Otherwise it was horribly the same, in the essential details. The security forces were armed with live ammunition; they shot, not to warn or to disperse, but right into the crowd. They shot to kill. According to the authorities, they shot, in both cases, without order, spontaneously, claiming self-defense. You have only to look at the windows of the women's dormitory at Jackson State to see how it was done—in a great indiscriminate fusillade against the wall of the building.

So it was very much the same at Jackson State, except for one thing—we had just had Kent State. We had just had the example of sending tired, tense, ill-trained Guardsmen with loaded weapons up against

a group of student demonstrators for whom they apparently had a resentment, if not a contempt. Not the least of the lessons, already learned on other campuses and in other cities, was that tear gas in ample quantities works better than guns; at Kent State the Guard ran out of tear gas.

At Jackson State this lesson was applied by not using tear gas at all. There was no first effort to disperse the demonstrators before they could become a menace to the security forces. At Jackson State, white policemen went for their guns against black students—theirs was a different kind of contempt.

We are being told, as we were told at Kent State, that snipers started the shooting, that the security force had to fire back to save themselves. And we are also being told by eyewitnesses, as at Kent State, that this isn't so. The inevitable investigation is underway and if it establishes that the police at Jackson State were under fire, then this would go some way toward explaining why they might have been under extreme pressure to fire back out of fear for their lives. But this would not explain the ruthless, aimless cannonading that pockmarked the wall of the women's dorm; there was a report of a sniper on the fourth floor but nobody has claimed there were snipers in very window. It would not explain why tear gas was not even tried. It would not explain why the crowd was not warned and ordered to disperse before the police went for their guns. And nothing can explain away the hardest fact of all about the Mississippi tragedy: it is not just that it was senseless and needless but that only two weeks before Jackson State there had been Kent State.

Mr. MUSKIE. The time has come, for this Nation once again to go on record and reaffirm the commitments we made to all Americans in the Declaration of Independence and in the Constitution of the United States. The sacredness of human life, the worth, dignity, and liberty of every human being are what this Nation is all about.

Yet, we have witnessed sudden and tragic death at Kent State in Ohio, at Augusta, Ga., and at Jackson State in Mississippi. We know all too well that violence, hate, and divisiveness must be brought to an end. If we are asked to remember our commitments abroad, we must never forget our commitments right here at home. Our basic commitment is to "one nation indivisible, with liberty and justice for all." It is not liberty and justice for some. It is not to a nation divided—black from white, young from old.

We must seek every chance for unity, every chance to enhance the value of human life. We must not allow ourselves to be divided by words or deeds of men in whatever position. It is never too late to start afresh, to move the country and its people together through compassion and mutual respect.

This morning, Mr. President, I received the following telegram from Mayor Charles Evers, of Fayette, Miss., in which he said:

Would be honored if you and other national leaders could join us Friday in Jackson for funeral of slain students.

As a symbol of our concern, I have arranged for a charter aircraft to carry a group of citizens—black and white, young and old—from Washington to Jackson, Miss., for the funeral on Friday of one of the two young students who were killed there.

Abraham Lincoln said that "a house divided against itself cannot stand." To reunite our people, we must reaffirm our fundamental values, we must reaffirm them with a continuing commitment to make them real for all Americans. If we together exercise compassion and love, if we now determine that our responsibility is to heal, the tragedies of the past 2 weeks need never be repeated.

Mr. MURPHY. Mr. President, I am pleased that my distinguished colleague from Maine has made those remarks. This has been a terrible tragedy. I would recommend that if we ever needed proof of the ineffectiveness and destructiveness of this kind of approach, we certainly have it now.

There has to be a better way. There must be a better way. Those who would continue to use this particular method which ends in riots, bloodshed, and shootings should be dissuaded from their course.

Mr. President, I am sure that I have worn out the patience of my colleagues on all of these matters since way back, when this whole trouble began in Watts, my hometown. I watched the whole community damned unfairly. It is a bad neighborhood, but it is not a bad community. It is a good community with good, hard-working and honest people living there. But, there were some troublemakers on the streets that night. But, that was not my community of Watts. I have said that on this floor many times.

Mr. President, with reference to the unfortunate tragedy that took place at Kent State University, I notice that recently the chairman of the Democratic National Committee, Larry O'Brien, shocked me and I think possibly shocked the Nation with an exhibition that I thought was in appallingly bad taste to the degree that my friend, the Senator from Kansas (Mr. DOLE), felt compelled to take him to task for it.

In one of the most sickening and demagogic utterances in this history of American politics, Mr. O'Brien attempted to play politics with the tragedy at Kent State University by trying to line that sad event with what he called the "Nixon-Agnew-Mitchell inflammatory rhetoric."

I sincerely hope that Mr. O'Brien did not mean that. I hope that some speechwriter in the enthusiasm of the moment put those words on paper and that he read it quickly without even having thought it through.

The Senator from Kansas suggested in his remarks that Mr. O'Brien apologize to the President and the Vice President and the Attorney General. I agree, of course, but I feel that it is just as important for Mr. O'Brien to apologize to the political party he obviously was trying by innuendo to embarrass, as well as to the responsible and sensitive good members of his own political party who I am sure were just as offended by his remarks as I was.

Parenthetically, I would like to observe that I feel I can speak for certain Democrats in this matter, too, not only because many voted for me in the State of California—I must have had well over 700,000 of their votes—but more importantly because the principles of good taste know no party lines.

I cannot help but think that although many members of my party disagreed at times with the late President John F. Kennedy over certain policies and decisions, almost all agreed—in fact, I know of no one who ever disagreed—that he at all times tried to observe the dictates of good taste and good manners. Therefore, it is particularly disturbing to me when a man like Mr. O'Brien, who was so closely associated with the late, greatly respected, and loved President Kennedy, defiles the example so well established.

I ask unanimous consent that at this point in the RECORD a copy of the news release relating to Senator DOLE's action be made a part of the RECORD.

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

SENATOR BOB DOLE'S ACTION

NEWCASTLE, N.H., May 11.—U.S. Senator Bob Dole (R-Kans.) today blasted National Democrat Chairman Larry O'Brien for his statement that "Nixon-Agnew-Mitchell inflammatory rhetoric" may have contributed to the deaths of four Kent State University students. He suggested that O'Brien publicly apologize, "or be prepared to accept responsibility for Vietnam and all its consequences."

Dole spoke before the New Hampshire Federation of Republican Women.

The Kansas Senator said, in part:

"The war in Vietnam is a tragic conflict. It has not been in the past and should never become a partisan matter, but regrettably many leading Democrats are intent on making it so. Frankly, I was shocked to read that the National Democrat Chairman, Lawrence J. O'Brien, stated in a meeting in Milwaukee, Wisconsin, Saturday evening, 'I can only speculate in sorrow whether these young people (at Kent) would have been killed were it not for the Nixon-Agnew-Mitchell inflammatory rhetoric . . .'

"I recognize that a chairman of a political party must speak out for his party, but it is incredible that a responsible spokesman for any party would utter such nonsense.

"I believe Mr. O'Brien should publicly apologize to President Nixon, Vice President Agnew and Attorney General Mitchell and to the parents of these young people at Kent State.

"Frankly, I am becoming a little tired of and frustrated at the protestations of O'Brien and other leading Democrats in and out of Congress, who daily seek to divide and frustrate not only America's youth, but all Americans.

"By employing such 'speculation' used by Chairman O'Brien, he should, on behalf of his party, announce that if President Kennedy had not moved combat troops into South Vietnam in 1963 and that if President Johnson had not escalated the war which sent some 540,000 young Americans to South Vietnam that some 42,000 Americans might be alive today and that nearly 300,000 would not have been wounded, prisoners, or missing in action.

"So, Mr. O'Brien, first let me caution you to not make tragedy in America or in Vietnam a partisan political issue—but if you insist and persist, you shall not have it both ways. Admit your indiscretion, apologize to President Nixon, Vice President Agnew and Attorney General Mitchell—or be prepared to accept responsibility for Vietnam and all its consequences.

"While I share the view that we must lower our voices, this does not mean standing idly

by while Democrat peddlers of doom and gloom trample at will on our President or his Administration or the rights, feelings and hopes of a great majority of Americans."

IMPROVEMENT OF JUDICIAL MACHINERY IN CUSTOMS COURTS

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2624.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2624) to improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes which were on page 1, line 6, strike out "1969" and insert "1970".

On page 2, line 3, strike out "to" and insert "of".

On page 6, line 24, strike out "cause of" and insert "civil".

On page 7, line 2, strike out "cause of" and insert "civil".

On page 7, line 8, strike out "cause of" and insert "civil".

On page 7, line 24, strike out "permit" and insert "do not prohibit".

On page 15, line 24, strike out "up on" and insert "upon".

On page 16, line 4, strike out "2542" and insert "2642".

On page 16, line 11, strike out "July" and insert "October".

On page 17, line 4, strike out all after "Customs" down through and including "such" in line 6, and insert "before the effective date of enactment of this Act, which is disallowed before that date, and as to which trial has not commenced by such".

On page 18, line 16, strike out "1969" and insert "1970".

On page 19, line 11, strike out "July" and insert "October".

On page 19, line 14, strike out "July" and insert "October".

On page 19, line 16, strike out "July" and insert "October".

On page 19, line 18, strike out "July" and insert "October".

On page 21, line 22, strike out "DUITABLE" and insert "DUTIABLE".

On page 23, strike out lines 22 and 23, and insert:

"(b) PROTESTS.—

"(1) IN GENERAL.—A protest of a decision under".

On page 24, line 7, strike out "separate protests" and insert "a separate protest".

On page 24, line 8, strike out all after "category." down through and including "Act." in line 14, and insert "In addition, separate protests filed by different authorized persons with respect to any one category of merchandise that is the subject of a protest are deemed to be part of a single protest. A protest may be amended, under regulations prescribed by the Secretary, to set forth objections as to a decision or decisions described in subsection (a) which were not the subject of the original protest, in the form and manner prescribed for a protest, any time prior to the expiration of the time in which such protest could have been filed under this section. New grounds in support of objections raised by a valid protest or amendment thereto may be presented for consideration in connection with the review of such protest pursuant to section 515 of this Act at any time prior to the disposition of the protest in accordance with that section."

On page 26 line, 2, strike out "the" where it appears the second time, and insert "this".

On page 44, line 13, strike out "the collector" and insert "collector".

On page 46, line 1, strike out all after "or" " down through and including "an"." in line 3, and insert "and by striking the words "the collector or other" and the words "a collector or other" and inserting in lieu thereof in each instance the word "an".

Mr. BYRD of West Virginia. Mr. President, the House of Representatives has passed with amendments, S. 2624, a bill to modernize the judicial procedures in the Customs Court and the related administrative processes in the Bureau of Customs. This bill was originally passed by the Senate on December 9, 1969. The amendments adopted by the other House are all of a corrective nature. They either amend typographical or clerical errors, change the effective date from July 1, 1970, to October 1, 1970—because of the delay in acting on the bill—or remove ambiguities in language. None of these changes materially affect the content of the bill. Because the amendments are purely clerical, and not substantive, there is no need for a conference between the two Houses. Accordingly, I move that the Senate adopt S. 2624, as amended and passed by the House.

The amendments are as follows:

1. On page 1, line 6, and on page 18, line 16, strike out "1969" and insert in lieu thereof "1970".

2. On page 2, line 3, strike out "to" and insert in lieu thereof "of".

3. On page 5, line 4, strike out the semicolon and insert in lieu thereof a period.

4. On page 6, line 24, and on page 7, lines 2 and 8, strike out "cause of" and insert in lieu thereof "civil".

5. On page 7, line 24, strike out "permit" and insert in lieu thereof "do not prohibit".

6. On page 15, line 24, strike out "up on" and insert in lieu thereof "upon".

7. On page 16, line 4, strike out "2542" and insert in lieu thereof "2642".

8. On page 16, line 11, strike out "July" and insert in lieu thereof "October".

9. On page 17, strike out lines 5 and 6 and insert in lieu thereof: "before the effective date of enactment of this Act, which is disallowed before that date, and as to which trial has not commenced by such."

10. On page 19, lines 11, 14, 16, and 18, strike out "July" and insert in lieu thereof "October".

11. On page 21, line 22, strike out "Duitable" and insert in lieu thereof "Dutiable".

12. On page 23, strike out lines 22 and 23 and insert in lieu thereof:

"(b) PROTESTS.

"(1) IN GENERAL.—A protest of a decision under".

13. On page 24, line 7, strike out "separate protests" and insert in lieu thereof "a separate protest".

14. On page 24, delete the sentence beginning on line 8 and the sentence ending on line 14 and insert in lieu thereof:

"In addition, separate protests filed by different authorized persons with respect to any one category of merchandise that is the subject of a protest are deemed to be part of a single protest. A protest may be amended, under regulations prescribed by the Secretary, to set forth objections as to a decision or decisions described in subsection (a) which were not the subject of the original protest, in the form and manner prescribed for a protest, any time prior to the expiration of the time in which such protest could have been filed under this section. New grounds in support of objections raised by a valid protest or amendment thereto may be presented for consideration in connection with the review of such protest pursuant to section 515 of this Act at any time prior to disposition of the protest in accordance with that section."

15. On page 26, line 2, delete "the subsec-" and insert in lieu thereof "this subsec-".

16. On page 44, line 13, strike out "the collector" and insert in lieu thereof "collector".

17. On page 46, strike out lines 2 and ? and insert in lieu thereof the following: and by striking the words "the collector or other" and the words "a collector or other" and inserting in lieu thereof in each instance the word "an".

An explanation of these amendments is as follows:

Amendment No. 1 conforms the short titles of the legislation to the year of enactment.

Amendments Nos. 2, 3, 4, 6, 7, 11, and 12 correct typographical errors.

Amendments Nos. 13, 15, 16, and 17 correct clerical errors.

Amendments Nos. 8 and 10 change the effective date of the legislation from July 1, 1970, to October 1, 1970, in order to allow sufficient time after the passage of the bill for the adoption of necessary implementing rules and administrative procedures.

Amendment No. 5 clarifies section 109, pertaining to evidentiary hearings in foreign countries, by making such hearings possible in foreign countries whose laws do not prohibit such a hearing, rather than requiring positive law permitting such a hearing.

Amendment No. 9 eliminates an ambiguity and makes clear that if a protest is not disallowed administratively until after the effective date, the new procedures for initiating a civil action in Customs Court under title I will be applicable. This corresponds to the provision in section 203 making applicable the new administrative procedures in title II to protests that have not been dissallowed administratively before the effective date. The combined result of the effective dates provided by titles I and II is that protests which have not yet left the Bureau of Customs jurisdiction on the effetcive date will become subject to the new law both administratively and judicially. If the protest has already passed into the court's jurisdiction on that date, the importer will not be required to file a summons under the new court procedure. The committee has been advised by the Bureau of Customs that it will take final action prior to October 1, 1970 on all protests filed on or before September 15, 1970.

Amendment No. 14 clarifies the meaning of section 207 of S. 2624 as passed by the Senate by incorporating directly within the statutory language the interpretation set forth in the report of the Senate Committee on the Judiciary (S. Rept. 91–576, 91st Cong., 1st sess., at p. 27).

Mr. BYRD of West Virginia. Mr. President, it is my understanding that this matter has been cleared with the minority, that there is no objection to our proceeding with the consideration thereof. I also understand that the amendments which have been made by the House are technical amendments. I am about to move that the Senate concur in the House amendments.

The PRESIDING OFFICER. Does the Senator so move?

Mr. BYRD of West Virginia. Mr. President, at the request of the chairman of the Senate Committee on the

Judiciary (Mr. EASTLAND) and the able Senator from Maryland (Mr. TYDINGS), I so move.

The amendments of the House of Representatives were concurred in.

ORDER OF BUSINESS

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. BYRD of West Virginia. Mr. President, it is my understanding that the previous order provides for the Senate to convene in the morning at 11 o'clock and that, upon disposition of the reading of the Journal, the able Senator from Ohio (Mr. YOUNG) will be recognized for a period of not to exceed 30 minutes.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the statement of the Senator from Ohio (Mr. YOUNG) there be a period for the transaction of routine morning business, with a limitation of 3 minutes on speeches made during that period.

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

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the conclusion of routine morning business on tomorrow, the unfinished business be laid before the Senate.

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

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 34 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, May 20, 1970, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate on May 19, 1970:

NATIONAL SCIENCE BOARD

The following-named persons to be members of the National Science Board, National Science Foundation, for the terms indicated:

For the remainder of the term expiring May 10, 1972:

Horton Guyford Stever, of Pennsylvania.

For a term expiring May 10, 1976:

Herbert E. Carter, of Illinois.
Robert Alan Charpie, of Massachusetts.
Lloyd Miller Cooke, of Illinois.
Robert Henry Dicke, of New Jersey.
David Murray Gates, of Missouri.
Roger W. Heyns, of California.
Frank Press, of Massachusetts.
Frederick P. Thieme, of Colorado.

HOUSE OF REPRESENTATIVES—*Tuesday, May 19, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The peace of God, which passes all understanding, will keep your hearts and your minds.—Philippians 4: 7.

O God and Father of us all, Thou hast made us to live in faith with Thee and in love with one another, yet our world is worried by war, our Nation divided, and our own lives troubled. We confess our faults, our lack of faith, and our failure to love. Forgive us, we pray, and help us from this day forward to be more responsive to Thee and more ready to react affirmatively to the needs of our fellow men.

Bless our Nation, our President, our National and State leaders. Particularly do we pray for the Members of this House of Representatives, our Speaker, and all who work with them. May they take time to listen to Thee and, in so doing, be given insight to see clearly the way to take, courage to walk in that way, and patience to persist in pursuing peace at home and abroad. May they be channels through which justice and freedom and good will can come to greater life in our Nation and in our world.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On May 13, 1970:

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

On May 14, 1970:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3479. An act 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.

RESIGNATION OF AND APPOINTMENT OF CONFEREE ON H.R. 16516, NASA AUTHORIZATION BILL

The SPEAKER laid before the House the following letter of resignation of a conferee:

MAY 19, 1970.

Hon. JOHN MCCORMACK,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Due to the fact that I shall be absent on official business within my district, it will be impossible for me to serve as a Conferee on the NASA Authorization Bill, H.R. 16516.

I, therefore, tender my resignation as one of the Conferees.

With warm regards, I remain,

Sincerely,

RICHARD L. ROUDEBUSH.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

The SPEAKER. The Chair appoints to the committee of conference the gentleman from California (Mr. BELL).

The Clerk will notify the Senate of the appointment by the Speaker.

THE FUTURE OF OUR PRISONERS OF WAR

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, we are all acutely aware of the great divisions which today rend our Nation. But I would hope that there is one issue upon which there is no division and upon which we could gain wholehearted support from all Members of this body as well as the general public—and that is the matter of the future of the American prisoners now held in camps of the North Vietnamese and the Vietcong.

Recently, our President announced the proposed withdrawal of an additional 150,000 American troops from Vietnam. We are all encouraged that our strength is such that he can propose such a withdrawal.

But, if we are going to put any pressure on the leaders of Hanoi, we should advise them that it is the intention of the American people that American prisoners will not be abandoned.

I am introducing today a resolution which would make necessary some agreement from the North Vietnamese for the exchange of prisoners before we withdraw any further American troops. I would suggest that if we do not make the withdrawal of troops contingent upon the release of our prisoners, we will find ourselves abandoning many fine young Americans who followed in the finest tradition of the American military in a time of combat.

Mr. Speaker, I urge my fellow Congressmen to join me in cosponsorship of this resolution.