

emergency medical care; to the Committee on Education and Labor.

By Mr. GOLDWATER:

H.R. 17726. A bill to provide for the arrest and punishment of violators of certain laws and regulations relating to the public lands; to the Committee on Interior and Insular Affairs.

By Mrs. HECKLER of Massachusetts:
H.R. 17727. A bill to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property of public museums; to the Committee on Government Operations.

By Mr. MAHON:

H.R. 17728. A bill to provide additional assistance to the State of Texas for the reconstruction of areas damaged by tornadoes occurring on April 17 and 18, and May 11, 1970; to the Committee on Public Works.

By Mr. PATMAN:

H.R. 17729. A bill to provide Federal share insurance for credit unions, and for other purposes; to the Committee on Banking and Currency.

By Mr. REID of New York:

H.R. 17730. A bill to provide that the United States shall reimburse the States and their political subdivisions for real property taxes not collected on real property owned by a foreign government and therefore exempt from taxation; to the Committee on Foreign Affairs.

By Mr. ROTH (for himself, Mr. PODELL, Mr. LUKENS, Mr. BUTTON, Mr. HALPERN, Mr. HOSMER, Mr. FISHER, Mr. DELLENBACK, Mr. ESCH, Mr. LUTJAN, Mr. HORTON, Mr. McCLOSKEY, Mr. HANSEN of Idaho, and Mr. DONOHUE):

H.R. 17731. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITEHURST:

H.R. 17732. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the uniformed services to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

By Mr. GALIFIANAKIS:

H.J. Res. 1239. Joint resolution to hasten the safe withdrawal of American military personnel from Southeast Asia, and for other purposes; to the Committee on Rules.

By Mr. PEPPER (for himself and Mr. PUCINSKI):

H.J. Res. 1240. Joint resolution proposing an amendment to the Constitution of the United States relating to the power of the President to make treaties; to the Committee on the Judiciary.

By Mr. ANDERSON of California:

H. Con. Res. 629. Concurrent resolution to provide for a joint meeting of Congress to hear the views of five students on the Indochina war and the cause of peace; to the Committee on Rules.

By Mr. DEVINE:

H. Con. Res. 630. Concurrent resolution expressing the sense of Congress that the question of the maintenance of the neutrality and territorial integrity of Cambodia and the human rights of the Cambodian people be referred to the Security Council of the United Nations; to the Committee on Foreign Affairs.

By Mr. HARRINGTON:

H. Con. Res. 631. Concurrent resolution providing for a joint meeting of Congress on Friday, May 22, 1970; to the Committee on Rules.

By Mr. MACGREGOR:

H. Con. Res. 632. Concurrent resolution expressing the sense of the Congress with respect to the establishment of a United Nations international supervisory force for the purpose of establishing a ceasefire in Indochina to aid efforts toward a political solution of current hostilities; to the Committee on Foreign Affairs.

By Mr. POLLOCK:

H. Con. Res. 633. Concurrent resolution expressing the sense of Congress regarding the conflict in Southeast Asia and the exercise of constitutional authority in matters affecting grave national decisions of war and peace; to the Committee on Rules.

By Mr. RARICK:

H. Con. Res. 634. Concurrent resolution expressing the sense of the Congress that the President, acting through the U.S. Ambassador to the United Nations Organization, take such steps as may be necessary to pace the question of denial of the right to self-determination, and other human rights in Cuba on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

By Mr. ROYBAL:

H. Con. Res. 635. Concurrent resolution providing for a joint session of Congress; to the Committee on Rules.

By Mr. STANTON (for himself, Mr. FRIEDEL, Mr. McEWEN, Mr. McKNEALLY, and Mr. WHALEN):

H. Con. Res. 636. Concurrent resolution expressing the sense of the Congress that the President should establish a commission to examine the recent events at Kent State and other college campuses; to the Committee on Education and Labor.

By Mr. CAREY:

H. Res. 1038. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. POWELL:

H. Res. 1039. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. ROYBAL:

H. Res. 1040. Resolution creating a select committee to conduct an investigation and study of the care of the aged in the United States and the effects of Federal laws and programs on the availability and quality of care; to the Committee on Rules.

By Mr. CHARLES H. WILSON:

H. Res. 1041. Resolution: 1970 U.S. census of population; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BELL of California:

H.R. 17733. A bill for the relief of Mr. Ting Wah Shen and his family; to the Committee on the Judiciary.

By Mr. BURLISON of Missouri:

H.R. 17734. A bill for the relief of Sherman Webb and others; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.R. 17735. A bill for the relief of Gloria R. Tallnao; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 17736. A bill for the relief of Earl R. Rawson; to the Committee on the Judiciary.

By Mr. REES:

H.R. 17737. A bill for the relief of Philip Tang; to the Committee on the Judiciary.

By Mr. ROBERTS:

H.R. 17738. A bill for the relief of Barbara A. Marlow; to the Committee on the Judiciary.

By Mr. ROBISON:

H.R. 17739. A bill for the relief of Kim Ai Ni; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 17740. A bill for the relief of Vladimir Rodriguez LaHera; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

390. The SPEAKER presented a memorial of the House of Representatives of the State of Missouri, relative to relocating the battleship U.S.S. Missouri in the State of Missouri, which was referred to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

488. By the SPEAKER: Petition of Leslie Kosloff, New York, N.Y., et al., relative to trading with the enemy; to the Committee on Foreign Affairs.

489. Also, petition of the Episcopal Diocese of Washington, D.C., relative to the war in Indochina; to the Committee on Foreign Affairs.

490. Also, petition of the Reserve Officers Association of the United States, Department of Minnesota, relative to the elimination of the Selected Reserve in the Coast Guard; to the Committee on Merchant Marine and Fisheries.

SENATE—Wednesday, May 20, 1970

The Senate met at 11 o'clock a.m. and was called to order by Hon. FRED R. HARRIS, a Senator from the State of Oklahoma.

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

Our Father God, from the clash and clamor of the world without and from the tumult of our times, we quiet our

spirits and open our hearts to Thy presence. Help us to be still and know that Thou art God—and to hear again Thy still small voice. Forgive our failures and our sins. Be to us the Silent Sentinel, monitoring our thoughts, illuminating our pathway, guiding us through this day.

Endow Thy servants here with light and wisdom from beyond themselves that in the stewardship of their high

office they may serve the Nation's welfare and advance Thy kingdom.

In these dangerous and turbulent times help us, O Lord, to cherish all that is holiest in heritage, to welcome all that is healthiest in change, and to be unafraid of the future. Help us to live by the higher truth that "whosoever shall lose his life for My sake shall find it again."

In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate. The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 20, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. FRED R. HARRIS, a Senator from the State of Oklahoma, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I ask unanimous consent to insert a statement of mine at this point in the RECORD, pertaining to the Public Broadcasting Act.

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

PUBLIC BROADCASTING ACT

Mr. SCOTT. Mr. President, I welcome the Senate's action in passing S. 3558, legislation which I was pleased to co-sponsor to extend the Public Broadcasting Act for another 3 years.

As approved, this bill would authorize Federal assistance for educational broadcasting in amounts up to \$9 million for the remainder of this fiscal year, and \$20 million each for fiscal years 1971 through 1973. In addition, this bill provides a unique incentive feature that will enable the Federal Government to further Federal assistance to the Public Broadcasting Corporation by matching on a dollar-per-dollar basis private grants, donations, and contributions received by the Corporation.

As the ranking Republican member of the Senate Commerce Committee's Communications Subcommittee, I followed with close interest our hearings earlier this year on S. 3558. I was impressed especially with the progress in educational broadcasting that already has been made in the little more than 12 months during which the Public Broadcasting Corporation has been in actual operation. With funds of less than \$10 million—from both private and Federal sources—the Corporation has made program grants, without restricting content, to almost all public television stations and more than 75 public radio stations. The Corporation has also been successful in negotiating a temporary tariff with the American Telephone & Telegraph Co. that has made possible a network that today ties together 185 public television stations.

Several developments in my own Commonwealth of Pennsylvania are worth noting. One of the most successful programs to come out of public broadcasting, a show called simply "The Show," is designed especially for the teenage audience which most commercial broadcasters find hardest to reach. This program is produced each week using the

editorial facilities and supervision of educational channel 33, WITF-TV, in Hershey, Pa.

In the area of children's programs, Pennsylvania has recorded a similar success. "Misterogers's Neighborhood," produced at Pittsburgh's educational channel 13, WQED-TV, has become a nationally known favorite because its star, Fred Rogers, refuses to talk down to his small viewers in discussing realistically problems of special concern to the young.

Equally popular in my Commonwealth is "Sesame Street," a daily series which uses all the techniques of modern television to entertain preschool children while teaching them letters, numbers, and basic concepts. "Sesame Street" has been called the beginning of a new era in television as a teaching tool, and its effectiveness has drawn the admiration and support of educators prominent in both National and State circles. Hopefully, it will be possible for the Public Broadcasting Corporation to build on the concepts and success of "Sesame Street" to provide equally effective programs for other age groups as well.

Last summer, grants from the Public Broadcasting Corporation made it possible for national audiences to see and hear each Sunday the best music and folk festivals from every part of the country. Surveys indicated that the greatest percentage of the national audience had not seen these excellent performances before. This series was called "Sound of Summer," and featured all kinds of American music, represented by artists ranging from Erich Leinsdorf and the Boston Symphony to Arlo Guthrie. Corporation grants have also brought into American homes, for the first time, series such as "The Forsyth Saga," 26 widely acclaimed plays based on the novels of John Galsworthy.

Earlier this year, it appeared that Pennsylvania's public television network might have to go off the air because of a lack of State funds. Aroused Pennsylvanians delivered more than 20,000 petitions to the State capitol in Harrisburg, and State legislation granting needed funds was passed. Much of the credit for this effort, I might add, goes to Mrs. Mary Lou Murray, a housewife in Mechanicsburg, Pa., who almost single-handedly organized more than 200 women working statewide under seven regional chairmen.

Mr. President, the action by the Senate in passing S. 3558 represents a logical extension of the support for public broadcasting which already has been forthcoming from the Federal Government, States, and from private sources, including a number of private foundations. We have already seen what public radio and television broadcasting can do. This is the kind of innovation to which the President referred in his message on education. It must be further explored if we are to allow the use of this magic medium of mass communication to enlighten and inspire as well as to entertain. It is my sincere hope, Mr. President, that the House of Representatives will now make this possible by moving quickly on the bill which we in the Senate have passed.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 19, 1970, be dispensed with.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS, WITH STATEMENTS THEREIN LIMITED TO 3 MINUTES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Ohio (Mr. YOUNG), there be a morning hour for the transaction of routine morning business, with a time limitation of 3 minutes in relation thereto.

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

ORDER OF BUSINESS

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

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Ohio yield to me briefly, without losing his right to the floor or any of his time, in order that I may make a few unanimous-consent requests and a few remarks?

Mr. YOUNG of Ohio. I am happy to yield to the Senator from Montana 10 minutes or more, whatever he may need.

Mr. MANSFIELD. I thank the Senator. The ACTING PRESIDENT pro tempore. The Senator from Ohio has yielded to the Senator from Montana, with no time to be taken away from the Senator from Ohio.

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.

SECURITIES AND EXCHANGE COMMISSION

The assistant legislative clerk read the nomination of Hugh F. Owens, of Oklahoma, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1975.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. HARRIS subsequently said: Mr. President, earlier today the Senate confirmed the nomination of Hugh F. Owens for reappointment as a member of the Securities and Exchange Commission.

Hugh F. Owens is an outstanding Oklahoman who has distinguished himself in government service.

While I was a member of the Oklahoma State Senate, we recodified and updated State laws regulating securities in 1959, creating a new Oklahoma Securities Commission. Mr. Owens, a prominent Oklahoma City attorney, was appointed first administrator of the new commission and attracted national recognition for his leadership in organizing and supervising this agency.

In 1964, he was appointed to the Securities and Exchange Commission, and his dedicated and effective work earned him reappointment a year later to a full 5-year term.

Mr. Owens is an expert in this field. He is a man of unquestioned integrity and of tremendous ability, and is certainly deserving of another term.

U.S. TAX COURT

The assistant legislative clerk proceeded to read sundry nominations to the U.S. Tax Court.

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.

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.

AMENDMENT OF THE WAR CLAIMS ACT

Mr. MANSFIELD. Mr. President, without impinging upon the Pastore rule of germaneness, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 880, H.R. 4204.

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

The ASSISTANT LEGISLATIVE CLERK. H.R. 4204, to amend section 6 of the War Claims Act of 1948, to include prisoners of war captured during the Vietnam conflict.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments: on page 2, line 23, after the word "of",

strike out "\$1" and insert "\$2"; on page 3, line 21, after the word "of", strike out "\$1.50" and insert "\$3"; and on page 4, line 4, after the word "of", strike out "\$1.50" and insert "\$3".

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

The ACTING PRESIDENT pro tempore. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment.

Mr. MANSFIELD. Mr. President, before the pending bill is passed, I should like to give expression to my deep concern about the plight of our prisoners of war in North Vietnam, Laos and, perhaps, in Cambodia now.

It is my understanding that there are something on the order of 1,500 U.S. prisoners of war. It is my further understanding that North Vietnam has adhered to the so-called Geneva conventions. It would, therefore, be my hope that they would live up to their pledged word and they would allow messages and parcels to reach the prisoners.

Mr. President, it would also be my hope that we would continue, in both the Senate and the House, and in the administration, as well as in our private capacities, such as H. Ross Perot, of Texas, is doing, to bring about the release of our prisoners and their safe return to their loved ones.

First and foremost, I should like to find out which ones are alive and under what conditions they are being incarcerated.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield at that point?

Mr. MANSFIELD. I am delighted to yield to the distinguished minority leader.

Mr. SCOTT. Mr. President, I join in the comments of the distinguished majority leader. I should like the families of our prisoners of war to know that the concern of Members of the Senate is very great and very deep for them. We are all anxious to have them return safely to America and to their loved ones. That anxiety continues undiminished.

We are very much interested in securing the lists of prisoners. The governments of other nations have urgently been solicited to keep pressing North Vietnam for this information.

Some very fine work with respect to our prisoners of war has been done over a considerable period of time by the distinguished Senator from Kansas (Mr. DOLE).

Mr. President, let me add that, today, so far as I am aware, there are no U.S. prisoners of war in Cambodia. If I learn of any, I shall be glad to make that information immediately available.

Mr. MANSFIELD. I appreciate what the distinguished minority leader has said.

I am happy that the distinguished Senator from Kansas (Mr. DOLE) is now in the Chamber. He has been a leader in the fight to bring about the relief, alleviation, and release of U.S. prisoners of war held in Indochina.

Mr. DOLE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. DOLE. Mr. President, I applaud the statements just made by the Sena-

tor from Montana and the Senator from Pennsylvania.

There are, as the Senator from Montana pointed out, some 1,529 Americans who are missing in action or prisoners of war in Southeast Asia.

On May 1 of this year, Constitution Hall was filled with mothers, wives, fathers, children, relatives, and friends of prisoners of war and men missing in action in Southeast Asia. An effective tribute was paid to these dedicated Americans. Thus, I wish to join in the statements made by the distinguished majority and minority leaders and to express the hope that the enemy, the North Vietnamese and the Vietcong, will live up to the Geneva accords and will furnish information, will repatriate the wounded, and will permit the prisoners to communicate with their families.

Mr. President, as of now, of the 1,529 Americans who are prisoners of war or missing in action, only about 440 are known to be prisoners.

I thank the distinguished Senator from Montana for yielding.

Mr. MANSFIELD. I thank the Senator from Kansas for his remarks and for his continued and undeviating efforts in regard to this most significant and important question.

The ACTING PRESIDENT pro tempore. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

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

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-878), explaining the purposes of the measure.

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

PRINCIPAL PURPOSE OF THE BILL

The bill would authorize payments under the War Claims Act of 1948 to members of the Armed Forces captured and held prisoner by the forces of North Vietnam, and to persons captured by North Korea while assigned to duty on board the U.S.S. *Pueblo*, for the period of their captivity at the same rates and under the same conditions as applied with respect to the members of Armed Forces held prisoner during the Korean conflict. In general, benefits are paid at the rate of \$2.50 for each day of captivity. In addition, the bill provides for payments to civilian American citizens held by the forces of North Vietnam at the rate of \$60 per month, in the same manner as was provided for civilians interned by the forces of North Korea.

HEARINGS; AGENCY REPORTS; COST

Hearings were held on this legislation on March 5, 1969. Testimony in support of the bill was received from the Foreign Claims Settlement Commission and the American Legion. No testimony adverse to the bill was received.

In their reports on the bill, the Foreign Claims Settlement Commission recommended enactment of H.R. 4204 with amendments, and the report of the Department of Defense recommended similar amendments, but also suggested that consideration of the bill be deferred. The report of the Depart-

ment of Justice defers to the views of the Commission.

Subsequently, the Bureau of the Budget submitted a report stating that, subject to the committee's consideration of the points raised in the reports of the Commission and the Department of Defense, the Bureau of the Budget would not object to enactment of the bill.

The committee has considered the recommendations of the Commission, and has amended the bill appropriately; and has also considered the recommendation of the Department of Defense that enactment be deferred. The committee feels it is appropriate for this legislation to be enacted at this time.

The United States has received considerable information through escaped prisoners and through prisoners released by the North Vietnamese forces, concerning the treatment of persons held prisoner by the North Vietnamese. Although North Vietnam has subscribed to the Geneva Convention of 1949, the consistent showing by escaped and released former prisoners has been one of inhumane treatment and treatment of prisoners in flagrant violation of the Geneva Convention. Under the circumstances, the committee sees no justification for delay in payment of the token sums prescribed in this legislation to those prisoners who have been released. With respect to members of the crew of the *Pueblo*, it is also clear that the forces of North Korea followed a similar pattern of mistreatment of those members of the Armed Forces.

It is impossible to determine the exact cost of the legislation at this time; however, based upon experience with the similar program established for members of the Armed Forces held prisoner in Korea, it appears likely that the cost of the bill will not exceed \$500,000. The costs of the bill are discussed in more detail hereafter in this report.

BACKGROUND

At the conclusion of World War II, the Congress provided through the War Claims Act of 1948 for payment out of the proceeds of vested German and Japanese assets in the United States of a number of categories of war claims. A major category of claims provided for under this legislation was claims of members of the Armed Forces in the amount of \$1 per day for each day on which the member was furnished an inadequate quantity or quality of food during the period of his imprisonment. Subsequent amendments in 1952 provided for payment of an additional \$1.50 per day to members for each day with respect to which they established that they were required to engage in forced labor or received inhumane treatment, defined generally as treatment in violation of specified articles of the Geneva Convention of 1929 relating to treatment of prisoners of war. Payments under these two programs to 179,578 World War II prisoners of war totaled \$123,397,604.

In 1954 the Congress amended the War Claims Act of 1948 to provide for the establishment of a similar program providing compensation to members of the Armed Forces held as prisoners of war by the forces of North Korea. The amounts and conditions for payment were the same as had been provided earlier for persons held prisoner during World War II, except that payments were to be made out of appropriated funds, since there were virtually no assets of North Korea in the United States available for this purpose. In addition, the 1954 amendments provided that no payment would be made to any individual who "voluntarily, knowingly, and without duress, gave aid to, collaborated with, or in any manner served" the forces of North Korea during his imprisonment. Payments were made under this program to 9,460 prisoners, or their survivors, totaling \$8,886,743.

With respect to civilian internees, the

World War II claims legislation provided for the continuation of the pay and allowances of contractors' employees during the period of their captivity, authorized medical care for these employees for physical disabilities incurred as a result of their captivity and provided for payment of detention benefits in addition at the rate of \$60 per month for adults and \$25 a month for children for the period of their captivity. 11,652 internees were paid a total of \$18,092,461 in detention benefits under this program.

Subsequent amendment to the Missing Persons Act and the War Hazards Act authorized continuation of pay, and provided other benefits, for employees of the United States, and for employees of contractors with the United States captured after World War II in zones of military hazard. Therefore, the 1954 amendments to the War Claims Act provided only for payment of detention benefits to civilians who were captured in Korea of whom seven received payments under the 1954 act totaling \$16,774.

PROVISIONS OF THE BILL

The reported bill would provide for payment to members of the Armed Forces held prisoner by the forces of North Vietnam at the rate of \$1 per day for each day on which the member received an inadequate quantity or quality of food during his captivity and \$1.50 per day for each day on which he was required to perform forced labor, or was subjected to inhumane treatment (defined generally as treatment in violation of the Geneva Convention of August 12, 1949, to which North Vietnam is a signatory). The bill also provides for payment to all civilian American citizens who are held captive by the North Vietnam forces at the rate of \$60 per month, which is in addition to any payments they may receive under the Missing Persons, Defense Base, or War Hazards Acts.

The committee recognizes that the amounts provided by the bill for members of the Armed Forces and for civilian American citizens held captive are inadequate compensation for the hardships they have suffered; however, since in general no monetary payment can actually be adequate compensation, the committee feels that the payments provided in the bill serve as a symbolic gesture on the part of the United States expressing recognition of the hardships suffered by the beneficiaries in keeping with the procedure established under the World War II and Korean conflict claims program.

In addition, the bill provides for payment, at the same rates and under the same conditions as applied under the Korean conflict claims program, to all persons captured while serving on board the U.S.S. *Pueblo*. The committee feels that the circumstances under which these individuals were captured and held are essentially the same as apply to members of the Armed Forces captured and held by the forces of North Vietnam, and by the forces of North Korea during the Korean conflict, so as to justify treatment of these persons in the same fashion as applies to persons captured while serving in other zones of hostilities.

PROCEDURES OF THE COMMISSION

The 1954 Korean conflict claims legislation dealt with the deeply troublesome problem of collaboration by some members of the Armed Forces with their captors during the periods of their captivity in Korea. As a result, the 1954 legislation provided that no payments would be made to members of the Armed Forces, or civilians, who "voluntarily, knowingly, and without duress, gave aid to, collaborated with, or in any manner served" the interests of North Korea during their captivity. The reported bill applies the same test with respect to members of the Armed Forces and civilians held prisoner by the forces of North Vietnam and to persons serving on board the U.S.S. *Pueblo*.

The test obviously excludes persons who

voluntarily defect to the enemy, but does not exclude persons who surrender when faced with overwhelming odds. In addition, the legislation recognizes that through torture, whether physical or mental, and through deprivation of food, the will to resist of many, if not most, men can be broken. Therefore, the legislation provides that, in order for benefits to be denied, the aid, collaboration, or service of the interests of the captors of the individual must have been performed by the affected person voluntarily, knowingly, and without duress.

A procedural problem arose during the consideration of the Korean claims program which made the work of the Foreign Claims Settlement Commission particularly difficult. The Commission was required to grant a hearing to each person who requested such a hearing upon denial of benefits. The Commission was furnished a substantial amount of information by the Department of Defense bearing upon the question of collaboration of individual members of the Armed Forces while held prisoner. Although this information in the hands of the Department of Defense was well known to the forces of North Korea, and presumably the remainder of the Communist world and, if accurate, was also well known to the individual claimants, the information was generally classified as "Top Secret." The Commission was therefore placed in the dilemma of having to deny benefits to individuals on the basis of top-secret information which could not then be disclosed to the individual about whom the information related, except in general summary form which of necessity was so vague as to make it virtually impossible for the person charged with collaboration to rebut precise charges made against him.

During the hearings, this procedural problem was discussed with the Chairman of the Foreign Claims Settlement Commission. The committee expects that in the adjudication of individual cases arising under this legislation where benefits are proposed to be denied to an individual on the basis of information that he gave aid to, collaborated with, or served the interests of North Vietnam or North Korea, as the case may be, the Commission's procedures will provide that the individual will be furnished a precise statement of facts indicating such activity. If the information is classified, and therefore cannot be disclosed to the claimant or his counsel, the committee expects that the Commission will seek to obtain declassification of this information. Where the information is already known by the North Vietnamese or North Koreans, as the case may be, and is also presumably known by the claimant, it would seem rather useless to the committee to retain a security classification on such information. If the Commission is unable to obtain declassification of such information, the committee expects that this information will be disregarded by the Commission in its adjudication of the individual case, and the Commission's decision will be based entirely on the record made at the hearing.

Mr. HARRIS subsequently said: Mr. President, I am happy that the Senate today has passed H.R. 4204, a bill which amends the War Claims Act to provide compensation for members of the Armed Forces captured and held prisoner by the forces of North Vietnam and to persons captured by North Korea while assigned to duty aboard the U.S.S. *Pueblo*.

Mr. President, after World War II it seemed appropriate to compensate members of the Armed Forces or civilians who had been held prisoner because of hardships and indignities they suffered at the hands of the enemy. Again, during

the Korean conflict we recognized our responsibility to provide some compensation to prisoners of war for the hardships and indignities which they suffered during those years. The bill which the Senate has passed today extends this policy and provides that prisoners of war in Vietnam and the crew of the *Pueblo* which was, as you know, captured by North Korea, be compensated at the rate of \$5 per day for each day they were interned. The House version of this bill provided that the prisoners of war be compensated at the rate of \$2.50 per day; however, I feel that the Senate bill is much more realistic, and I am hopeful that the House will accept the Senate's amendment thereto.

Further, Mr. President, the legislation provides that civilians who are captured and held prisoners by North Vietnam shall be compensated at the rate of \$60 per month for each month they spend in prison. This is once again the same as the amount paid during the Korean conflict.

We, of course, all realize that these small amounts authorized in this legislation for compensation to these prisoners of war are grossly inadequate; however, it is hoped that they will help in some small way to offset the hardship which these individuals are suffering at the hands of the North Vietnamese. I certainly applaud the Senate's action in adopting this legislation and I congratulate the committee for its farsightedness in increasing the amounts of that provided by the House of Representatives.

Mr. President, once again I join with other Senators and all right-thinking people everywhere in calling upon North Vietnam to release the names of all those it holds as prisoners, to accept mail and medical and other supplies for them, to provide humane treatment and to agree to a prisoner exchange. I hope that the President and all concerned will continue to do all in their power to bring this about and to continue to mount the full pressure of world opinion on Hanoi so to act.

FORUM ON ENVIRONMENTAL QUALITY

Mr. MANSFIELD. Mr. President, the people of Montana are especially sensitive and concerned about the environmental issues which are receiving so much attention today. This is due in large part to our vast natural resources which we have come to accept and are determined to protect.

We also have several isolated and very serious environmental problems centered around air and water pollution. The people of Montana are not only concerned but they are active in the conservation and environmental quality movement. Several of the Nation's conservation groups are headed by Montanans. Late in April, one of our young leaders returned to the University of Montana to deliver an address on the environment.

James M. Smith, now Director of Conservation Services, is a graduate of Montana school systems and the University of Montana. He has been in the Washington area for a number of years. At one time Jim Smith was a member of

Senator METCALF's staff and then went to the Department of the Interior and was associated with the Nation's beautification program before joining the staff of Conservation Services. Jim Smith delivered an excellent address at this Missoula, Mont., meeting and I ask unanimous consent to have it printed in the Record.

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

FORUM ON ENVIRONMENTAL QUALITY PROGRESS AND PROSPECTS

(By James N. Smith, Director of Conservation Services, the Conservation Foundation)

(NOTE.—The views expressed herein are the author's, and do not necessarily reflect the position of the Conservation Foundation.)

I have been asked to address my remarks this morning to the central theme of your meeting—the progress and the prospects of environmental quality in Montana.

As a native son, but one who has long since expatriated, this is both an enticing and intimidating assignment. Enticing, because it is always a great temptation to come back home and tell everyone what their problems are. And there are a lot of things I would like to say to you about the quality of Montana's natural environment and some of the disappointing things that seem to have happened.

But none of this would come as news to you. You know your problems far better than I, and you would be right in reminding me that even though I grew up in Montana and graduated from this University, I have not lived here for a very long time and am, in a very real sense, an outsider.

This does not mean that I care less for the state or that I do not have my own ideas as to what the state should be. But what I would like Montana to be and what a great many other interested outsiders might expect of it, may not bear much relevance to those of you who make your homes here and your living.

If I had my way, I think I should like to return to Montana and find it much as it was some 20 to 25 years ago when I was growing up here. I would like to find much of the National Forest still primitive—unpenetrated by roads and unscarred by cutting. I would like to find again some of the colorful quaintnesses that I remember—Indians in braids and blankets, and teepees on the reservation.

Not living here, I take no particular pleasure in knowing that the state now has its share of Interstate juggernauts ripping through the terrain. Nor am I enamored with the prospects of new mineral discoveries in the Lincoln Country or the potential for exploiting the lignite resources of eastern Montana—or even the idea of a multi-million dollar resort development in the Galletin. These changes and prospects for change offend my romantic sense of the state.

This is all very fine, of course, providing you don't happen to live here anymore and depend on the area and its economy for your livelihood—or if you don't happen to be an Indian and live in one of those teepees—or if you are lucky enough to be among that growing group of affluent Americans who have the means and mobility to seek their emotional and spiritual sustenance in the "wilds" of Montana and then return to the urban environment to restore their financial and professional assets. This is selfish and unrealistic.

Montana is not a static condition. It cannot stand still either to indulge the sentimentality of youthful remembrances or the dreams of pristine retreats from the pressures of urban living for those who can af-

ford to "get away from it all." It has to be, first, a viable and respectable environment for those who live here and this, of course, implies a progressive economy and a decent standard of living.

But there are many, myself among them, who begrudge every cultural and economic change which makes an in-road into the kind of environment, either real or fancied, that we would like for Montana.

Ours, however, is not the only misconception of what Montana should be. Even more damaging is that peculiar syndrome which might be characterized as the "frontier ethic." It believes, essentially, that Montana is still on the vanguard of the frontier and that it is every man's inalienable right to plague, plunder and pollute, so long as a few bucks are gained in the process. It is the kind of intellect which believes that nature's resources are a conquest to be exploited in the most expedient and profitable way, and damn the environmental consequences—whatever that might be. There are always plenty more resources just over the mountain.

The harsh fact, of course, is that we are running out of mountains. By and large, the American public is waking up to this reality. This realization is what the new environmental awareness or new conservation movement is all about. People see the limits of their resources and the consequences of their profligacies of the past, and are ready to come to terms with the environment in which they must live and treat it with some sympathy and respect.

But not the latter-day frontiersman. He is still Daniel Boone in the wilderness—out to stalk the resources of the land and exploit them for whatever they are worth. Ironically, he shows up most often in some very unfrontiersman-like places—the local chamber of commerce, the board rooms of business and industry, and even in the state legislature. His ethic is expressed in such shibboleths as: The conservationists are taking away our jobs; Planning and land-use controls are a socialist conspiracy; What's good for Montana industry is good for the state; and so on, ad nauseam.

This is nonsense, of course, but the "frontier ethic" has been a persuasive influence on the state and continues to take its toll. It is the exact antithesis of those who would keep Montana unchanged, and herein is the cause of what may be a growing impasse between two dominant influences in the state.

Montana cannot afford a polarization between those who would keep it exactly like it is and those who would desecrate the entire state for a few new jobs and some short-run financial returns.

Regardless of the influence from either group, the state will grow and it will develop. There are already signs of its impending change in the indication of potential new mineral and coal exploitation, and the prospects of a major new recreational industry.

Missoula will certainly never be a Chicago or probably even a Denver, but I doubt if many people here want it to be. It will grow, though, in spite of itself, and the challenge to the citizens and the government of Montana, and especially to you here today, is to make sure that the growth that does come to the state is planned and developed in a way that protects the natural qualities of the environment.

This is no small challenge, but it is essential to the future of this state and the well-being of those who live here. The thing to remember is that development can take place which does not lay waste to the land and pollute the atmosphere. There are control devices that can be built into the physical plant to collect and reduce the wastes before they are released into the air or the water. There are methods for harvesting and reforesting the timber resources of the state

which would protect the forest resource and assure a continued sustained timber industry to the future economy of the state. There are ways to plan and design for the location and construction of new homes, plants, roads and other public facilities to avoid their having a destructive influence on the environment.

Unfortunately, things have not been accomplished in this way in the past in Montana or, for that matter, in most places in the United States. Much of what has been constructed and developed in the state in the last couple of decades seems to have been done with a view to the maximum exploitation of the resources and the minimum regard for the environmental effects. I don't want to go into a long litany of abuses, but there are a few outstanding examples that I can't resist.

The shocking condition of the air quality here in Missoula is one. During certain atmospheric conditions, pollution can reach levels here that even Chicago and New York City seldom achieve. Suspended particulates in the air over Missoula average almost 162 micrograms per cubic meter. The National Air Pollution Control Administration has suggested that levels in excess of 85 micrograms per cubic meter are injurious to human health and welfare, and the state's own requirement is 75.

But Missoula has had this problem for a long time and, although no one likes it, very little seems to be done about it. Given its adverse health effects, if the local Chamber of Commerce wanted to perform a real service, it might erect signs at the airport, reading, "Welcome to Missoula! While you visit us, for your own health and safety, please wear a gas mask at all times."

A particularly enterprising scientist here at the University has detected fluoride emissions from the Anaconda Company's aluminum refining plant at Columbia Falls by associating it with the effects of plant and tree damage surrounding the refinery, and reaching even into parts of Glacier National Park. This appears to be a classic example of a project that was developed to stimulate one element of the Montana economy, and may very well end up by diminishing one of the state's proudest and most valued resources Glacier National Park.

The exploitation of the timber resources in western Montana left its mark on the land—great swatches of forest stripped bare, giving a strange and unpleasant pie-bald effect to the mountain scenery. I have seen something of the debate that is raging here over the efficacy of open-cutting and forestry management, and I don't want to enter into it. I am no forester. But one doesn't have to be an expert in silviculture to observe that a great deal more energy and resources go into the cutting of timber than go into the managing and reforesting of the resource. Or, to put it quite simply, the Forest Service and the lumber industry would rather cut than plant.

Montana has some new Interstate highways. It also has a Stream Preservation Law which has been on the books since back in 1963. Its intent is to protect the state's streams and rivers from encroachment and damage to the fish and wildlife habitat by highway construction. It is an exemplary piece of legislation. Other states, as well as the Federal government, have looked to it as a guide and a model. If the section of Interstate between here and Garrison is any example, however, there is good reason to believe that it's a model law—and nothing more. In my experience, I have hardly seen a worse example of how a highway can alter, damage and, in some areas, obliterate a stream bed. Clearly, something went wrong in the implementation of the Act.

If the progress has been faltering, what are the prospects for environmental quality in the state in the years ahead. This, of course,

is hard to determine. It will depend so much on the will and wisdom of the citizens of Montana. It will depend on what values they place on their resources and how cheaply they give them up. It will depend on the leadership of the state and whether that leadership will work toward the kind of protective controls that are needed if the state is going to achieve a balance between growth and environmental quality.

It will depend, too, on groups such as the Montana Conservation Council, and the kind of pressure and influence it is able to exert on the decision-making processes within the state.

I don't know what the prognosis will be, but if I had to guess, I would say that things don't look too bad.

There are a couple of reasons for guarded optimism. One of these is the Montana press, or at least parts of it. I am amazed and delighted to see the kind of critical and probing news coverage and editorial policy that is appearing on the Montana journalism scene. For one who grew up here under a tradition of company-controlled news on a statewide basis, this is indeed a refreshing and promising development. The public and their elected officials can only make intelligent judgments on issues when they are well informed. The focus which several of the dailies have given to the state's environmental issues and the critical judgments that they display can only serve to illuminate the issues and inform the public on the environmental impacts of private and public decisions.

Another is a state administration which does not seem to regard the concept of planning as anathema, and is willing to approach the issues of growth and development with a cautious regard for environmental considerations.

Youth is another encouraging sign. The new involvement of young people (especially college students) in the environmental issue here, as elsewhere in the United States, can only be a positive influence on the environment. The Conservation Foundation has been one of the original incorporators of the Environmental Teach-In, which has culminated in Earth Day activities at thousands of campuses all over the U.S. We helped to set up the national office and get the program going. From this experience, I can personally testify that this phenomenon of youth involvement promises to be one of the healthiest things to happen to the environmental movement since Teddy Roosevelt.

I am most encouraged, though, by the demonstration that Montana citizens do really value their environment and want to protect and preserve its quality. The caution and skepticism with which the announcement of potential mineral development in Lincoln County seem to have been received are a healthy indicator of an informed and interested citizenry. Twenty years ago, this news would have been greeted with about the same forethought and restraint as the California Gold Rush!

I suppose what I am suggesting is that maybe there are some good indications on the horizon that the "frontier ethic" has seen its last days: That Montana is in a process of social and cultural maturing which rejects the old saw that new is better, that bigger is best, that more is good; That perceives, like John Kenneth Galbraith, that "... The penultimate Western man, stalled in the ultimate traffic jam and slowly succumbing to carbon monoxide, will not be cheered to hear from the last survivor that the gross national product went up by a record amount."

ECONOMIC ASPECTS OF THE WAR IN VIETNAM

Mr. MANSFIELD. Mr. President, two of the Nation's outstanding businessmen

have had comments of great significance to make relative to business and the impact of the war in Southeast Asia.

One of them happens to be Louis B. Lundborg, chairman of the board of the Bank of America, in testimony before the Committee on Foreign Relations, on April 15, 1970.

Incidentally, Mr. Lundborg is an Montanan and we are very proud of his exceptional achievements in commerce.

The speech of the other businessman, entitled "The Impact on the American Economy of the Vietnamization Program," delivered before the business council meeting at Hot Springs, Va., on May 8, 1970, is by John T. Connor, chairman of the board of Allied Chemical Corp., and former Secretary of Commerce under the previous administration.

He is a former marine with an outstanding combat record.

In their speeches, Mr. Lundborg and Mr. Connor display a wide range of knowledge and comprehension of the war in Vietnam and its implications for the Nation. They speak as distinguished businessmen. They also speak with the great breadth and the profound concern of thoughtful Americans who can place their immediate pursuits in the perspective of the Nation's well-being.

Mr. President, I ask unanimous consent that the views of these two outstanding businessmen, one from the east coast and one from the west coast, be printed in the RECORD.

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

TESTIMONY BY LOUIS B. LUNDBORG

My name is Louis B. Lundborg. I am Chairman of the Board of BankAmerica Corporation and of the Bank of America N. T. & S. A. I am pleased to respond to your request that I testify here today.

My testimony this morning will be on some of the economic aspects of the war in Vietnam. In preparing this testimony I have had the benefit of the best thinking of the staff of the bank's Economics Department, as well as that of many other officers of our bank on the economic impact of the war.

In this testimony I will confine my remarks to the economic impact of the war. While I have strongly held personal feelings on other aspects of the war, I do not feel it is appropriate or proper to express these views as Chairman of the Board of Bank of America.

The thrust of my testimony will be that the war in Vietnam distorts the American economy. The war is a major contributor to inflation—our most crucial domestic economic problem. It draws off resources that could be put to work towards solving imperative problems facing this nation at home. And despite the protestations of the new left to the contrary, the fact is that an end to the war would be good, not bad, for American business.

There is, I think a pernicious, but widely-held belief that war generally has been an agent for economic growth, and therefore good for business. My plan this morning is to spend a few minutes discussing that belief and then to move on to the specifics of Vietnam where it is possible to speak, not only in general terms, but to back up our conclusions with specific economic statistics and indicators.

First, therefore, let's look at the general proposition that war has been an engine for rapid economic growth. While it is difficult, if not impossible, to prove conclusively that

on balance war has not been an agent for rapid economic growth, there are a number of carefully reasoned investigations into this subject supporting the position that peace is far better for economic development. Although these careful analyses tend to reject the assumption that war is a boon to the economy, the public is generally unaware of this and continues to believe that war contributes positively to economic development. It is time to set this record straight. Mr. John U. Nef's book, *War and Human Progress*, systematically examines the interrelations of war and economic growth from 1494 down to 1950. His analysis indicates that the industrial revolutions of both the Elizabethan and Napoleonic periods were developed not in warring Europe, but in peaceful England; that the invention of gun powder and of many other weapons of war was a by-product, not of military need but of peaceful industry, and that, certainly, pure and possibly even applied science has flourished most in peace and least in war.

Dr. John J. Clark, Dean of the College of Business Administration at St. John's University in New York, in his book, *The New Economics of National Defense*, reviews the impact of war on economic development.

In summary, he states, "The preponderance of evidence supports the judgment that war, on balance, does not correlate positively with economic progress. Settlement by arms not only causes a great net waste of resources; it also retards industrial development and the division of labor."

Other authorities have shown (1) that rising expenditures for research and development may actually be reducing the rate of economic growth in the United States, and (2) that the process of transferring scientific and technological advances in space and military R and D is becoming increasingly difficult. To the extent that it can be shown that war in general is not good for economic progress, then it should be equally obvious that war is not good for business.

I could go on citing other expert testimony that war in general is not an engine of economic progress—but let me move on to the real issue—the war in Vietnam.

As you probably know, Mr. A. W. Clausen, the President of the Bank of America, specifically rejected the charge that we as an institution support and profit from the war in Vietnam. He further stated, "this bank has consistently pointed out that an end to the war in Vietnam would be good, not bad, for American business." I would like to elaborate on this point.

There have been reckless and often deliberately malicious charges that the U.S. business community has supported the Vietnam war in an effort to reap huge profits. Let's look at the record. In a very narrow sense, it is certainly true that individual firms which supply material and services to the military have made profits. In our market economy, the federal government purchases most of the goods and services it requires from private firms, and those firms must be profitable in order to survive. This is true whether the firm is contracted to build a highway, produce a postal delivery truck, construct a school, improve a slum or produce a military aircraft. But as Mr. Hudson B. Drake pointed out in the January-February 1970 *Harvard Business Review*, the Government has established elaborate procedures to assure that profits on government contracts are not excessive, and in general these procedures have been effective.

I recognize that it is statistically impossible with the data available to calculate what portion of various firms' profits are generated by demands for goods and services needed to prosecute the Vietnam War. In an effort to get some rough approximation of the profitability of corporations doing substantial business with the Government, I did some checking on the corporations re-

ceiving the largest amounts of funds from Government contracts. Actually, I took the list from a publication of a "peace group" who proclaimed these firms to be war profiteers. The top ten firms for which we had data had a pattern of profits after taxes per dollar of sales quite similar to the national average. This means that the firms did better in the 1962-1965 period than in the post-escalation years. It is also interesting to note that except for 1962 the average profits after taxes per dollar of sales for the ten firms was below the comparable national average for all manufacturing industries or durable goods industries. When I checked the twenty-five largest firms their profit after taxes per dollar of sales figure was also below the national average.

I realize, as I said before, that these figures are inadequate to prove any case conclusively. They do, however, cast serious doubt on the extravagant claims we have heard about war profiteering.

We do have more than adequate data to demonstrate that the escalation of the war in Vietnam has seriously distorted the American economy, has inflamed inflationary pressures, has drained resources that are desperately needed to overcome serious domestic problems confronting our country, and has dampened the rate of growth in profits on both a *before* and *after* tax basis. In the middle of 1964 when the Vietnam escalation began, the economy was in quite good shape. We had at that time an uninterrupted economic advance of 52 months—a peacetime record—unemployment averaged 4½ percent, the consumer price index had increased only 1.2 percent during the first 6 months of 1965, and the average operating rate of industrial capacity was at 90 percent. There had been considerable success in maintaining Federal expenditures for goods and services below 11 percent of GNP from 1960 through mid-1965. In fact, the Government had even been able to change the composition of its spending by deliberately shifting emphasis from defense to non-defense spending.

The expenditures related to the Vietnam war, added to the near full employment economy that existed in mid-1965, generated severe inflationary pressures. Consumer prices began increasing rapidly as the federal deficit grew. While there is room for a wide range of opinion covering proper tax policies during this period, especially over the timing and magnitude of tax increases, and the proper role of monetary policy, the basic cause of the inflationary forces was a sharp increase in federal spending associated with the escalation of the conflict in Vietnam.

The inflation, the growth in inflationary psychology, and the very stringent anti-inflationary monetary policies have combined to produce serious distortions in the United States financial markets and resulting distortion in the economy. These distortions include the sharp drop in residential construction and the sharp growth in investment spending.

The facts clearly show that the Vietnam war has not been good for business profits. During the four years prior to the escalation of the conflict in Vietnam, corporate profits after taxes rose 71.0 percent. From 1966 through 1969 corporate profits after taxes rose only 9.2 percent. To avoid any thought that the recent tax increase may have fudged the figures, I also have similar corporate profit figures on a before tax and inventory adjustment basis. These figures show corporate profits rose 51.3 percent from 1962 through 1965 but the gains in profits were dampened to a 16.6 percent increase during the post-escalation 1966-1969 period. It should be clear from these figures that what is good for the economy is good for business.

Most of the concern about the upward pressures on prices and costs originating in

expenditures associated with the Vietnam war arise from recognition of the damaging effects of inflation on the domestic economy. This should not lead us to neglect the important impact on our position in international markets and the balance of payments. This is not to lay the blame for our balance of payments problems on the recent period of inflation or on the Vietnam war. Inflation and the war associated expenditures, however, have made the problem more intractable and solutions more difficult. These difficulties with our balance of payments have postponed indefinitely any relaxation of the restraints and controls under which international business has been forced to operate for the past several years in particular.

It is important, therefore, to comment briefly on what has happened to the U.S. balance of payments in the past few years, specifically with reference to the impact of the Vietnam war. Perhaps the first point that should be made is that the official measures of the balance of payments deficit have been misleading. The view, for example, that the balance of payments in 1968 was satisfactory because there was a surplus of \$168 million and that the balance of payments in 1969 was very unsatisfactory because the deficit exceeded \$7 billion is unacceptable. In fact, the greatest deterioration in the payments position in recent years occurred in 1968. The difference between the two years may be accounted for largely by massive flows of foreign funds in opposite directions which had very little to do with the basic balance of payments position.

The best measure of what happened to the long run position is the balance on current account, that is goods and services plus private remittances and payments of U.S. Government pensions. This balance declined from a surplus of \$7.8 billion in 1964 to about \$4 billion in 1967 and \$1.4 billion in 1968 and less than \$1 billion in 1969.

A good part of the progressive deterioration in this position over the years since 1964, the year before the major acceleration of the Vietnam war, may be accounted for by the large increase in foreign exchange outflows associated with military expenditures. These rose from less than \$3 billion in 1964 to nearly \$5 billion in 1969. This, however is not the only measure of the impact of the war and the subsequent inflation on the balance of payments. The more important impact and the one which is likely to have the most long lasting effects is on our competitive position in international and domestic markets, reflected in the rapid rise in the rate of importing of goods and services. In 1964 merchandise exports exceeded merchandise imports by nearly \$7 billion. By 1968 this excess of exports over imports had declined to less than half a billion dollars. With moderation in the rate of inflation and inflation induced expenditures our trade balance may be expected to improve this year and in subsequent years.

It is too early to tell, however, what permanent damage to our international competitive position the recent period of inflation has induced. It generally takes several years, perhaps four or five, before the full effects of excessive increases in price and costs show up in the competitive position and the effects are not confined to world markets where our products compete with that of other nations, but also in the United States where foreign products compete directly with U.S. products.

So much for balance of payments considerations. Let me return to the domestic scene.

I do not think there is any doubt that the resources used towards the Vietnam war effort could have been put to work towards solving imperative problems facing this nation at home. In the five-year period prior to the Vietnam escalation, defense spending in the United States averaged \$50 billion per year. If we assume that this level would have

been maintained over the most recent five-year period in the absence of escalation, the increase in actual spending totaled \$118 billion. During the past four years, total spending for residential construction in the United States totaled only \$112 billion.

When we survey the very real needs in our economy in the areas of housing, urban transit, environmental pollution, etc. It is clearly evident that we do not need to create war-related demand for resources in order to maintain full employment. Our problem now is one of establishing meaningful priorities to meet the quality of life demands of our citizenry. We obviously cannot do everything at once, we need to start strategic planning and action now if we hope to resolve these demands.

There is another point that at first blush might not appear to be an economic issue. But it is in real fact a very basic one: The war has divided, confused and bewildered Americans. Some Americans are strongly in favor of the continued prosecution of the war. Others are strongly opposed. But for many, the war and the issues surrounding the war are a source of confusion and bewilderment. As a result of this confusion and bewilderment, many people are losing trust in the institutions, public and private, through which we govern ourselves and run our economy. Such loss of trust is destructive of the cohesion necessary for an economy's ability to function at maximum effectiveness. To the degree banks, industrial firms, corporations, state and local governments, Federal Government agencies and universities are under attack or suspicion for their alleged part in the war in Vietnam, they lose some of their effectiveness as institutions that can provide for the common good. In the case of Vietnam it is my belief that the sum total of such loss of effectiveness is very great indeed and, while unmeasurable by any known economic indicator, this loss of effectiveness produces a very real drag on the economy.

Gentlemen, I deeply regret that the frustrations and misunderstandings arising from this conflict, make it necessary to testify that overall war is not a stimulant of economic development nor is the war in Vietnam good for U.S. business. I find it repugnant, even if necessary to have to add that I would not support our role in the war in Vietnam even if it could somehow be made profitable for American firms.

The thought that war would be initiated or sustained for a single day because it might stimulate the economy should be abhorrent to any decent human being. And yet there are those who say that American business is helping to do just that.

We do know that aggressive war has been waged, all through history, to gain territory. Certainly that was war for economic gain.

But even that kind of war, that purpose for war, has been so outmoded by the experience of this century that I would like to be able to say to potential aggressors all over the world, "If you want to profit, if you want to own the world, don't dissipate your energies in wasteful warfare—follow the example of Japan and Germany since World War II and be economically aggressive."

War is, as we would say in business, a low yield operation.

I think from all this it is obvious that Vietnam is a negative influence on our economy. Let me conclude by restating my initial premise. The war in Vietnam distorts the American economy. It is a major contributor to inflation—our most crucial domestic economic problem. It draws off resources that could be put to work towards solving imperative problems facing this nation at home. And despite the protestations of the new left to the contrary, the fact is that an end to the war would be good, not bad, for American business.

[From the Washington Post, Apr. 12, 1970]
BUSINESS CAN'T IGNORE PROTESTS

(By Hobart Rowen)

"Because the war (in Vietnam) distorts the economy and contributes substantially toward the inflation . . . an end to the war in Vietnam would be good, not bad, for American business."

This statement by Louis B. Lundborg, head of the nation's biggest bank, the Bank of America, articulates a theme that will be heard increasingly at annual meetings of major U.S. corporations this year.

It will be pushed by an activist minority who label themselves "Business Executives Move for Vietnam Peace." Coupled, at the same time, with an assault by consumer groups and students pushing for everything from Pollution control to solution of ghetto problems, the growing antiwar sentiment will make donnybrooks out of some corporate get-togethers.

Business disaffection with the war has been growing since President Johnson's massive escalation of the fighting produced no victory on Vietnamese battlefields but inflation at home.

Beginning some time in early 1968, the corporate power structure that had been dazzled by LBJ in 1964 began to lose confidence in him, and a new coolness in the business community probably played a subtle role in the President's decision not to be a candidate in 1968.

The prototype of the U.S. businessman, especially as seen by student rebels, is that of the greedy imperialist who feeds on war and arms production. That there is a munitions industry in this country that benefits from war cannot be denied.

But it should also be clear that the biggest profits, for the overwhelming number of businessmen as well as consumers, lie in a long stretch of peaceful years when a highly developed capitalistic society, attuned to social needs, can reach peak, meaningful production and distribution of wealth.

Lundborg's comment was in answer to the Business Executives' query for a statement on Bank of America's involvement in Vietnam. Lundborg replied that the bank had to leave to Washington officials the responsibility for extricating the United States from the war.

But then he emphasized the economic impact theme, one that will be taken up in a broad-scaled study to be launched soon by Sen. J. William Fulbright (D-Ark.). Fulbright's Foreign Relations Committee will also probe the impact of the war on the structure of American society.

"We feel it is completely proper and within our sphere of competence," Lundborg wrote A. R. Appleby of the antiwar business group, "to point out the economic consequences of the war. We have been doing this for at least three years."

"The war distorts the American economy; it is a major contributor to inflation; it draws off resources that could be put to work toward solving imperative problems facing this nation at home."

Is that radical or leftist thinking? If so, it makes a revolutionary out of none other than former chairman of the Federal Reserve Board, William McC. Martin Jr., who holds precisely the same view.

The Business Executives Move for Vietnam Peace carries no name with "establishment" clout. It is chaired by Henry E. Niles, chairman of the board of the Baltimore Life Insurance Co. Among its military sponsors is war critic Gen. David Shoup, retired Marine Corps Commandant, Roger Hillsman, former State Department official, and Edwin O. Reischauer, former U.S. ambassador to Japan, are among the diplomatic sponsors.

But what the group lacks in big names it

makes up in drive and energy, and protests in the role of stockholders at annual meetings will bring it more attention than ever before. With consumer groups, employing the same tactic, many a corporate management will find its patience and good sense tested.

Harold Willens, a small Los Angeles businessman who has devoted almost full time the past few years to the B.E.M. group, says that "the iron curtain that used to separate the economy from society has melted. The question will no longer be how the company profits and what its dividends were, but also how it did in sustaining life."

The Securities and Exchange Commission gave this kind of corporate scrutiny a big boost forward when it instructed General Motors to include two Ralph Nader-sponsored proposals in its proxy statement for the May 2 annual meeting.

There will be other confrontations before the GM test. The Cleveland meeting of American Telephone and Telegraph Co. on April 15 will be the target of a Student Mobilization Committee antiwar protest.

But the use of proxies to contest company policies will get a better workout, apparently, at Minneapolis-Honeywell in Minneapolis and Gulf Oil in Pittsburgh on April 28; and Commonwealth Edison in Chicago on April 27.

The Nader team proposals for GM call for election of three public representatives on the board of directors, plus establishment of a shareholder committee "for corporate responsibility." This implies that there should be other motives than just profit in a company of GM's giant size.

Response to the SEC determination has been dramatic. New York Mayor John Lindsay has told the city's pension funds to vote their GM shares in favor of the proposals; the University of Pennsylvania has announced it will vote all its shares pro-consumer; and a campaign is under way to get other universities that have substantial ownership of GM shares to do the same. It would seem hardly likely that the GM management, which opposes the proposals, can be beaten on these issues. But General Motors—as well as other major enterprises—clearly have a new force to reckon with. These are not pesky gadflies engaged in a career of petty harassment of management.

These are serious people who want to come away with something better than a headline and a box lunch. As such protests grow in strength, the corporate hierarchy will have to make accommodations. So long as the arguments are made peacefully and rationally, they represent a healthy development in the power of freely expressed public opinion—which is, after all, a source of strength and security for this nation.

If Big Business is really sophisticated, it will not turn a deaf ear to its stockholder-protestors. If it does, it will be a misreading of the shifting mood in the country, making things easier for the dialecticians of the extreme left.

THE IMPACT ON THE AMERICAN ECONOMY OF THE VIETNAMIZATION PROGRAM

John Harper took quite a chance when he asked me to predict the impact on the American economy of President Nixon's Vietnamization program of bringing our troops home and turning over military responsibilities to the South Vietnamese. Certainly it's a topic on which we need as much information as we can get. Some industries and areas are already feeling the program's effects, and all of us should prepare for an intensification of the process in the months ahead. That is, of course, we should prepare for an intensification if in fact the Vietnamization program is still relevant. Our recent military actions in Cambodia raise serious doubts about the future of the program, and I ques-

tion whether my discussion of its economic effects is worth your while. Putting aside the Cambodian complications for the moment, I will go ahead and make some assumptions and predictions about the Vietnamization program and its economic effects. In so doing, however, I want to remind you that my track record on predictions is not very impressive.

The embarrassing fact is that my past predictions about what would happen in Vietnam, or what would happen in the United States and elsewhere in the world because of Vietnam, have been rather wide of the mark. Many of you will recall that Sidney Weinberg and I, among others, were instrumental in persuading some of you to take a public stand in support of the Johnson-Humphrey ticket in 1964. Our most persuasive argument was that some of Senator Barry Goldwater's statements were alarming because they indicated that, if elected President, he would lead us into a ground war in Asia. Many of us were gravely concerned about the domestic and foreign consequences of that kind of escalation in Vietnam, and we decided to support President Lyndon B. Johnson on the ground that his actions and words clearly indicated that he wouldn't involve us in any Asian ground war. We know now that President Johnson maintained that position only until the 1964 election was firmly hung on the wall.

The cheers of victory were still ringing when he authorized a sharp escalation of our troop commitments in Vietnam, although the facts of the escalation and its scope were kept secret from the American people and the Congress for some time. I don't have to spell out the tragic consequences of that decision, nor of President Johnson's subsequent decisions to escalate again and again, always said to be justified by the desire to end the war quickly and bring the boys home. Thousands and thousands of lives have been lost or ruined, our foreign relations have been jeopardized, serious social problems have been caused, our young people have become bitter, reckless and disillusioned, and disastrous inflation rages in the national economy, affecting all of us.

Without making any predictions, I shall assume that with a slight interruption we will soon be back on the track of deescalation in Vietnam, and that the President will again emphasize the Vietnamization program in the manner that won the confidence of so many of us in his speech last November 3rd.

Making that hopeful assumption, I can proceed to discuss Vietnamization, first, in the general context of the social and economic environment of the day.

Then I want to indicate the economic impact of Vietnamization under three headings: (1) the aggregate impact; (2) the impact on specific industries; and (3) the impact on regions and communities.

Finally, I want to discuss some of the policy implications for business and government stemming from Vietnamization.

As for the general social and economic environment, I don't see how we can escape the conclusion that some kind of momentous re-ordering of priorities is taking place in our country.

We aren't sure of its meaning, or where it's leading us, but apparently its effects will be vast and far reaching. The many changes wrought by the social revolution of the 1930's come to mind as a comparison of what may be taking place today. Its manifestations include a sharpened aversion to war, a deep concern for the environment, a desire for equality of opportunity for all, and a general longing to do something about the urban and population crises. Perhaps the phrase we hear so much, "a new concern for the quality of American life," sums up about as well as anything else the great tidal wave of

change in national mood and outlook that is taking place.

Our most sensitive barometer of changes in national aims is, of course, our political institutions. And President Nixon's Budget Message for fiscal year 1971 reflected the current change when he said, "For the first time in two full decades, the Federal Government will spend more money on human resource programs than on national defense."

I think we have all concluded, from the President on down, that we cannot win victories abroad on the foundation of defeats at home. Certainly we must maintain a defense establishment second to none in this dangerous age of nuclear weapons. But we must also demonstrate that our system can build a better life for our own people, if we hope to help lead the world in the ways of peaceful progress.

Now let's turn to the economic impact of the Vietnamization program.

Recognizing the many uncertainties, we'll assume that the disengagement can be accomplished on schedule. We do not know, however, how much or what kind of support the South Vietnamese army will require after our ground combat forces are withdrawn. We do not know the quantity of supplies they will need if the fighting continues, nor the number of supporting American troops that may remain.

In addition, any measurement of the impact of Vietnamization is complicated by the fact that some defense cuts have been made that may have little relation to the war in Southeast Asia. Some older and ineffective weapons systems are being retired, some bases are being closed, other military activities are being consolidated or reduced. While these cuts can often be separated from those resulting from Vietnamization, our national economy does not differentiate between their effects. Nor do we always segregate the substantial reductions being made in the space program, which uses many of the same resources as defense.

On the other hand, there are counterbalancing expenditures planned for new weapons systems for both our strategic and general purpose forces. The proposed 1971 budget provides for several such programs that had been deferred for several years as the Vietnam outlays rose.

With these caveats in mind, let's zero in as best we can on the impact of Vietnamization. First, the aggregate impact.

As you probably know, the Defense Department has published no specific cost breakdown for the war, but fairly accurate estimates can be arrived at.

In a new Brookings Institution study he cited in testifying before the Senate Foreign Relations Committee last week, former Budget Director Charles Schultz estimated that the outlays for Vietnam were at an annual rate of \$23 billion at the end of fiscal 1969, almost a year ago. He expects the figure to be about \$17 billion by the end of the current fiscal year next month. And in the fiscal year ending June 30, 1971, the annual rate will be down to about \$11 billion.

This figures out to a total cutback of about \$12 billion for Vietnam over a two-year period. But the cut in budget outlays for all national defense from fiscal 1969 to 1971 is not that meaningful. The 1971 defense budget calls for outlays of \$73.6 billion, down \$5.8 billion from 1970 and \$7.6 billion below 1969.

Another measurement of the possible aggregate impact of Vietnamization can be seen in manpower figures.

The total involved is comprised of three categories: military personnel, civilian personnel in the Defense Department, and defense related employment in the private sector. Sharp reductions are already scheduled for each of these three categories.

The budgeted cut in military personnel is about 550,000 over the two-year period fiscal

1970-71. The troop withdrawals from Vietnam over this period equal about half this number. Including the President's most recent announcement, these withdrawals will total about 265,000. That will leave some 285,000 American troops in Vietnam a year from now.

The cut in civilian personnel on the Defense Department payroll will amount to more than 130,000 in the two-year period. That brings the total Defense personnel reductions, including the military, to about 680,000 by June 30, 1971.

In addition, the Defense Department estimates that total program cuts in fiscal years 1970-71 will cause a dislocation of about 650,000 in contractor personnel. Half of these workers will have been let out by the end of next month, with most of the remaining cuts to take place by the end of June, 1971.

The total of these reductions—in military and Defense Department civilian personnel, plus contractor personnel—will be more than 1.3 million, about 1.6 percent of the total labor force.

In addition, we must include the workers engaged in producing the consumer goods and services required by contractor and Defense personnel. This calculation involves the multiplier effect of defense spending, which is felt directly in many localities by merchants, barbers and beauticians, as well as by manufacturers of consumer goods. A University of Michigan study has shown that each dollar of war outlay generates about 85 cents of additional output of consumer goods. So during this present adjustment, the producers of consumer goods and services, as well as defense contractors, are likely to feel the increasing effects of defense cutbacks, at least until the defense workers and servicemen find other employment.

As a recent Labor Department study pointed out, even a total withdrawal from Vietnam would not mean that 1.3 million jobs would be lost. Deferred non-Vietnam requirements will probably keep overall defense employment at a high level, and in some industries increased civilian demand would take up the slack. There is no question, however, that the movement of resources from defense to domestic uses, such as is now taking place, can cause adverse economic impacts. The Defense Department Comptroller, Mr. Robert Moot, pointed to this fact last month in comparing today's cutbacks with those after the Korean War.

Following the conclusion of hostilities in Korea, military spending, which reached its peak in 1953, dropped sharply in 1954. The reduction in defense purchases was \$11 billion, or 15 percent, and represented 3 percent of the GNP (gross national product). It contributed significantly to the onset of a recession, during which unemployment increased from 2.9 percent to 5.5 percent and real GNP declined by 1.4 percent.

In the Vietnam War period from 1969 to 1971 defense purchases are slated to be reduced by \$7.6 billion in current dollars, or slightly in excess of 9 percent. In relation to GNP, the decrease would be less than 1 percent, suggesting a markedly smaller aggregate impact on the economy than in the post-Korean years. In constant dollars the cutback in military spending over the two-year period will be significantly greater, but not great enough to alter the conclusion with respect to its overall impact on the economy. The present mild contraction in general business activity and the recent rise in unemployment from 3.5 percent to 4.4 percent are mainly a result of the restrictive monetary and fiscal policies and the eroding effect of inflation on the purchasing power of consumers, with declining defense outlays being only a contributing factor. The economic effects can be more serious, of course, if all the adverse factors accumulate before there is the recovery and upswing in the national economy now predicted for the second half of 1970.

Now let's turn to some of the specific industries that will feel the impact of Vietnamization the most.

The Labor study is our best guide here. It pinpoints the industries most affected by the Vietnam buildup and which presumably are most likely to be affected by withdrawal.

Aircraft, ordnance, and transportation are at the top of the list. Together they accounted for almost 40 percent of the increase in defense employment due to Vietnam.

In aircraft, more than 230,000 jobs were in Vietnam-related production at the height in 1968. They accounted for 27 percent of the industry's total employment.

In ordnance, the number was 140,000 jobs—42 percent of the industry's total. Most were in ammunition production, which will be cut back severely. The study pointed out that increased missile expenditures will probably help to counter the overall decline in employment in the ordnance industry, but this would not affect ammunition workers.

In transportation, there were 165,000 Vietnam-related jobs, but this number represents only 6 percent of the industry's total. Many were in Pacific shipping and airlines, and West Coast warehousing.

Other industries with 10 percent or more of their employment due to Vietnam were communications equipment, electronics, textiles, and machine shop products. Still further down the list were shipbuilding, 7 percent; primary nonferrous metal manufacturing, 6 percent; electrical equipment, 6 percent; and scientific instruments, 5 percent.

All these industries, and many of their suppliers, will feel the Vietnam cutbacks unless other military orders or demand from the civilian sector take their place.

Now let's consider the geographical impact of Vietnamization.

During the Cold War period, the arms build-up was largely concentrated in highly sophisticated strategic weapons. These were manufactured largely in the southern and western areas of the country which were more suitable for testing the new weapons.

Vietnam required a shift to conventional weapons associated with limited warfare—ammunition, vehicles, textile and clothing products, and other supplies of an ordinary kind. The older manufacturing regions—the Midwest, the South Central and the New England regions—already had established suppliers of these needs, and therefore received relatively greater increases in defense orders during the Vietnam build-up.

While the cutbacks will be greatest there, these older regions also have relatively higher concentrations of production in civilian goods. They therefore will be able to absorb the impact of the cutbacks better than the newer manufacturing areas along the Pacific Coast and in the Mountain States, which are more heavily dependent on defense expenditures.

But while a whole region or even a large metropolitan area with a diversified economy can take such reductions without too much difficulty, small communities cannot. There, a shutdown of a manufacturing facility or closing of a military base can result in serious local unemployment, declines in retail sales and construction, and depressed property values. Older and low-skilled workers are particularly vulnerable.

Beyond this summary of the cutbacks is what they mean to the economy and what measures government can take to ease the adjustments during the demobilization period. Certainly we want to avoid a downturn similar to that following the Korean War.

To that end our government today is providing expanded manpower training for workers and increased educational assistance for veterans. For communities hit by cutbacks, other Federal resources are being channeled

in, or facilities in abandoned bases are being developed to attract industry.

In the planning efforts of recent years, much attention has been focused on how to maintain aggregate demand to compensate for the reduction in defense expenditures. Measures suggested included tax cuts, a speed-up of government spending on existing projects, a launching of new programs and easier monetary policies. But the current inflation adds a new factor to the equation. In fact, the Vietnam cutbacks have been considered in some quarters as a welcome assist to the fight on inflation. Our major preoccupation today is not the stimulation of the economy, but how to moderate the strong forces that have been working for expansion. At least, this was the view in March of Mr. Murray L. Weidenbaum, Assistant Secretary of the Treasury for Economic Policy and a long-time student of the economic consequences of a Vietnam pullout. He pointed out that Vietnamization would reduce the demand for military goods and services and, as servicemen are returned to civilian life, they would increase the labor force available to produce goods and services for nonmilitary purposes.

The Administration's policy has become somewhat less restrictive since March, but I think it's proper to characterize it still as one of "responsible restraint." The course that the government officials must set for the future, however, is not easy to chart. The measures to be taken must be timely and appropriate if we are to avoid even more serious inflation than we now have, on the one hand, or a severe cumulative contraction, on the other.

Two weeks ago we could have said that there was little question but that the cloud of Vietnam was finally lifting. President Nixon's commendable program to disengage seemed to be working and to be more or less on course. His plans had the backing and support of a large majority of the American people and the members of Congress, and he had our confidence. It is true that his more recent commitment about bringing home troops was more long range in its timing, extending over a full year, rather than a more specific short range commitment, but yet he seemed to indicate a firm resolve to continue on course.

Now we seem to have made a 180 degree change in direction. The President's decision to support the Vietnamese border crossing into Cambodia with American troops and other means set us off on a new course of action that shakes the confidence of many Americans in his judgment and intentions. In his speech justifying the decision the President attempts to reassure us by saying:

"This is not an invasion of Cambodia. The areas in which these attacks will be launched are completely occupied and controlled by North Vietnamese forces.

"Our purpose is not to occupy the areas. Once enemy forces are driven out of these sanctuaries and once their military supplies are destroyed we will withdraw.

"These actions are in no way directed to security interests of any nation. Any government that chooses to use these actions as a pretext for harming relations with the United States will be doing so on its own responsibility and on its own initiative and we will draw the appropriate conclusions."

Despite those soothing words the troop movements into Cambodia, followed by the renewed aerial bombing of North Vietnam, shocked and stunned many of us because they certainly do amount to an escalation of the recent level of military activities. What happens from now on will depend to a great extent on the reactions of the North Vietnamese, the Chinese Communists and the Russians, and we already have the disquieting initial reactions from them. The earlier escalation moves directed by President Johnson invariably met with reactions

from our enemies that finally resulted in an unsatisfactory military stalemate and caused intense and widespread human suffering, as well as a tremendous waste of assets that could have been used much more productively to satisfy human needs.

Certainly the Cambodian decision has precipitated a constitutional crisis of the most serious nature. The Congress is now moving to reassert its constitutional responsibilities to the American people and make it clear to the world that the President does not have unlimited power to wage war on his own initiative. Within the populace at large it is already clear that the Cambodian move will result in more widespread dissension in this country, involving many other loyal citizens besides most of the young, the intellectuals and the blacks. This time many of the silent majority will cease to be silent and will speak out against the continuation and expansion of this senseless warfare.

We hope that the President is right in his evaluation and that these new moves will in fact save lives and shorten the war. But we can't forget that too often in this war other escalating moves were made to achieve the same objectives. Their results were invariably disappointing, and we found ourselves bogged down time and time again in jungle warfare for which we are ill prepared and for which we have no heart. My personal view is that we should pull back and terminate these new offensive measures, and continue our disengagement program quickly, before it is too late. Any loss of face and any real or imagined blow to our national pride involved in a pull-back weighs lightly in the balance against the dreadful consequences of further escalation into an all-out war in Southeast Asia and perhaps elsewhere.

Despite the immediate economic and other problems and dislocations, I think many of us can agree that for the long term a Vietnam disengagement would gain us many benefits of a social, humanitarian, economic and political nature in this country and around the world. Any continuation, much less an intensification, of the Vietnam war is bad for American business, every bit as much as it's harmful for the people of the United States generally.

There is every indication that in these final three decades of the 20th century our technological revolution will accelerate even faster than it has in recent years. This will require enormous investments in new plants and equipment, in skilled manpower, more scientists, more engineers, more technicians and more experienced and skilled managers.

Certainly there will be no lack of demand. Our mushrooming population may well reach 300 million by the year 2000. The markets for housing, pollution control, better transportation, education, health and recreational facilities will dwarf anything we've seen in the past.

We shall need all the resources we can get—human and material—to satisfy the demand. And then some! For the benefits of the long term, therefore, it is clear that we should put the immediate problems in proper perspective and continue to support the Vietnamization program of disengagement and withdrawal. Only in that way can we have the opportunities to enable us to solve our nation's urgent problems.

CAMBODIA

Mr. MANSFIELD. Mr. President, President Nixon has stated that all American troops will be removed from Cambodian territory by July 1, 1970, and that Americans will not reenter Cambodia in the future. The Cooper-Church amendment is consistent with the President's pledge on Cambodia. By adopting the Cooper-Church amendment, the

Senate will be acting in concert—and let me emphasize those words “in concert”—with his intent, even as it exercises its separate constitutional responsibility in matters of war and peace. The Cooper-Church amendment will reinforce President Nixon's announced expectation that the troops will be removed from Cambodia and that they will not be ordered—without congressional sanction—back into that nation.

It has been urged on the floor of the Senate that this action is an attempt for the first time in history to define the limits of a battlefield in a war. I think it is more appropriate to describe the amendment as an effort to limit U.S. involvement, U.S. casualties, and U.S. costs in a tragic war. It is an effort to confine the war to a country before it spreads over a continent.

To speak of the Cooper-Church amendment as an affront to the President as Commander in Chief is to affront the Senate. Each branch has its own constitutional functions. The President has his duties. We have ours. The Senate—the Congress—have fundamental constitutional responsibilities with respect to the Nation's foreign relations and war-making. How can the assertion of this constitutional obligation by the Senate be an affront to the President?

It seems to me that the constitutional distortion which treats this amendment as an affront to the President is the consequence of years of erosion, decades of erosion, of congressional responsibility in these matters. For too long, the Senate has been all too ready to accept this situation. It is time, now, for the Senate to stop going along for the ride. We have reached the end of the line in Cambodia. It is time to confront our own constitutional responsibilities in matters of war and peace, to accept them and to act on them.

It is absurd to assert that the passage of the amendment will cut off funds from Americans who are fighting in Cambodia and, thus, put them in jeopardy. Not a single life will be lost because of this amendment, but many will have been lost because it was not on the statute books before the offensives were launched inside Cambodia. If anything, this amendment will curb the accumulation of new casualties in Cambodia by assuring the return of American forces from the jeopardy in which they have been placed in Cambodia without the advice or the consent of the Senate.

The amendment is not a rash and reckless step. It is the surest way of protecting the safety of the U.S. forces in Cambodia because it will require their withdrawal in accordance with the President's own timetable. Yet, to take the President at his word is now called a repudiation of the President. That is the same kind of reverse logic which sees expanding the violence throughout Indochina and, hence, rising American casualties and costs, as the safest and shortest path out of Vietnam.

Thomas Jefferson said that the Constitution was intended to shackle the President in the exercise of his power. It is doubtful that Alexander Hamilton agreed and the executive branch, for

several administrations, clearly has not agreed. Nevertheless, I do know that foreign relations and war making are among the most serious problems of Government which come within the purview of the Constitution. I do know that both branches of the Government are involved in them—expressly and implicitly—by the Constitution. That the Congress neglected to assert a sufficient responsibility at the outset of Vietnam—as we did neglect to do under the previous administration—is no excuse for not facing up to it now.

If a reassertion of a constitutional obligation by the Senate prevents expedient decisions by the executive branch in the future that is precisely its intent. Expediency is not the highest virtue in a constitutional democracy. Indeed, I am not sure it is a durable virtue in any society. In any event, I believe that the cross-checks and safeguards of the constitutional processes in matters of war and peace must be accepted by the Senate if we are to retain free constitutional government in this Nation.

The Cooper-Church amendment, Mr. President, is a valid step in this process. It can act in concert and again I emphasize the words “in concert”—with the President's intent, to close out this venture into Cambodia and to shrink our involvement in Indochina where no vital interests of this Nation are at stake, where our casualties now number over 325,000, including almost 50,000 dead, and are still rising, where our costs are well in excess of \$100 billion and where we have immersed ourselves in a bottomless well of war—in a tragic conflict without a visible end.

Mr. SCOTT. Mr. President, would the distinguished majority leader yield, with the understanding that the distinguished Senator from Ohio (Mr. Young) does not have this time taken from his time?

Mr. MANSFIELD. Mr. President, I yield with that understanding.

Mr. SCOTT. Mr. President, I have listened with interest and deep and genuine understanding to what the distinguished majority leader has said. I was reading a novel this week by Charles Collingwood, the correspondent, in which he has his principal character speaking with a distinguished activist for peace.

He says to him:

We are both for peace. The difference is that you are obsessed with the principles involved and I am obsessed with the techniques.

To a great degree that is the dilemma facing the Senate, in trying to find and bring together the essential principles of ending the war in Cambodia and ending our involvement in Vietnam, accelerating at the greatest practical rate the withdrawal of our forces from Vietnam consistent with their security and consistent with the obligations we have as well, and at the same time developing the techniques whereby these things are to be accomplished.

I am delighted that the distinguished majority leader has referred to the fact that the Cooper-Church amendment is designed to operate in concert with the declared intent or declared objectives of

the President. I assume there would be no objection to our continuing to make that clear as we debate the Cooper-Church amendment.

Mr. MANSFIELD. Mr. President, quite the contrary, I would hope that we would emphasize it at every available opportunity. I understand the distinguished minority leader's thoughts and thinking on these problems. And I know that he and the others on the other side of the matter are just as much concerned as those who are in favor of the proposal.

Mr. SCOTT. Mr. President, as the distinguished majority leader knows, I have never at any time taken a position that I personally am automatically against any amendments to the military sales bill. Indeed, there will be several of them that I will support.

I am most hopeful that we can work out a consensus rather than a confrontation as we proceed with these amendments.

Therefore, I am also very grateful that the distinguished majority leader has referred to the date here of the 1st of July.

I said a few moments ago to the press that I have made a completely unauthorized statement. I have discussed this with no one with regard to this statement. But it is my personal opinion that we will be out of Cambodia before the 1st of July—I did not know how long before, whether it is an hour, a day, a week, 2 weeks, or 3 weeks. But I believe that we will be out of Cambodia before that date.

I believe the operation is a tactical success. However, it has become a matter of political concern to Americans of all opinions.

Therefore, I believe we can get somewhere if we make it clear as we debate the Cooper-Church amendment that everybody agrees that the effectiveness of the amendment does not fall in or lock in until the date when the President has given the country his solemn pledge we will be out of Cambodia. I believe it; I act on it; and I think the country expects it. I am satisfied with the promise and I support the President's assurance that it is for the purpose of shortening the war.

I myself look not so much at the map as I look at the calendar because what we are concerned with is the operation of the calendar, the passage of time, and the shortening of time, which means the less time we are in Vietnam the less casualties we incur.

Therefore, subject to what I regard as not insuperable operables as to the rest of the language, I hope the Senate will find itself to be of such a mind that virtually all Senators may be moved to support the intent of the Senate to make it clear that we do not wish to go to the aid of the Government of Cambodia.

Therefore, I think we made some important progress here today in the discussion with the distinguished majority leader.

I will say to the distinguished Senator from Idaho, who has entered the Chamber, that I was referring to a statement by the distinguished majority leader that, indeed, what the Senate is doing is in concert with the President's declared intention; and that I speak with

honesty of the importance of making clear that we do not distrust the President, that we accept his word, and that perhaps we can say somewhere in the amendment the 1st of July or before.

Mr. MANSFIELD. May I say that the question of a date is something on which I am sure an agreement could be reached.

As far as the President's word is concerned I have never doubted it. As far as the majority leader, the Senator from the State of Montana, is concerned, there is nothing personal in this amendment and the Senate may rest assured, again as far as I am concerned, that there will be nothing political or partisan in it. It is a question of acting in concert with the executive branch because there is a delineation of powers, a line of demarcation, and each branch must make it the objective, in concert, to see that their separate responsibilities under the Constitution are retained.

Mr. SCOTT. I conclude by saying the majority leader's patriotism and complete devotion to his responsibilities are unquestioned in this Chamber, as he knows.

Mr. MANSFIELD. I can say the same for the distinguished minority leader.

Mr. CHURCH and Mr. GRIFFIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Ohio has the floor.

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

Mr. YOUNG of Ohio. Mr. President, I yield to the Senator from Idaho without losing my right to the floor.

Mr. CHURCH. Mr. President, I am happy first to defer to the Senator from Michigan.

The ACTING PRESIDENT pro tempore. The Senator from Idaho would have to ask unanimous consent since there is no pending business and the Senator from Ohio has the floor. The Senator would have to ask for unanimous consent.

Mr. CHURCH. Mr. President, I ask unanimous consent that I may respond to the distinguished minority leader, but I am happy to defer first to the assistant minority leader.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, I certainly do not take issue with anything that the distinguished minority leader has said; I am in full accord with his remarks. Yet, I cannot let some of the statements made by the distinguished majority leader—and we know he speaks with deep sincerity and great conviction—stand completely unchallenged.

This is an historic debate going on in the Senate. Among Senators there are some basic and fundamental differences in points of view which cannot be clouded over and should not be dismissed. As I said on the floor the other day, if any Senator wants to offer a resolution to declare war against the Government of North Vietnam, he would certainly be within his constitutional right to do so. The Constitution makes it very clear that Congress has that responsibility. Perhaps at some earlier date, Congress

should have debated such a resolution and should have taken action, one way or the other.

The fact is that when this President assumed office, we were already in a war against North Vietnam.

I feel very strongly that the Church-Cooper resolution as now worded—I do not know what changes may develop, but as it is now worded—cuts off options and ties the hands of the Commander in Chief, in areas where he has the responsibility to make what are essentially battlefield decisions.

In World War II, we did not confine ourselves to fighting the enemy in Germany. We fought the enemy where we found him.

Mr. MANSFIELD. Based on a declaration of war.

Mr. GRIFFIN. That goes back to the point I have already made in this colloquy with the distinguished majority leader. It is within the power of Congress to declare war. But that is a very broad policy decision. The Church-Cooper proposal goes far beyond such a broad policy declaration. It seeks to make what, in effect, are battlefield decisions; it would tie the hands of the President as Commander in Chief in his ability to protect the lives of American forces.

I know it is not the intention of the sponsors to aid the enemy; of course, it is not. But the amendment, if it were adopted in its present form, would have the effect of aiding the enemy by tying the hands of the Commander in Chief in a way that would prevent him from making decisions that need to be made.

I know the distinguished majority leader makes his argument with deep sincerity and he is entitled to his convictions. I hope whatever compromise can be reached here will not tie the hands of the Commander in Chief in this very, very important hour in our history. At a time when he is not sending more and more troops to Southeast Asia but he is bringing more and more troops home, the President is entitled to good-faith support and confidence in Congress.

Mr. MANSFIELD. Mr. President, allow me to reply to the extent that I saw on the ticker yesterday where the number of troops in Southeast Asia has been increased by 1,200. It is only momentary.

The President himself tied his own hands because he is the one who said U.S. forces would not go beyond 21 miles; and he is the one who said we would be out not later than July 1, 1970.

What we are trying to do, in concert, is to add strength to the President's sinews to give him support he is entitled to and deserves. In withdrawing from Cambodia, and to make certain what he has said will be upheld by law throughout the Government.

Mr. GRIFFIN. Will the Senator agree that there are other substantive limitations in the Church-Cooper resolution which go beyond what the President said?

Mr. MANSFIELD. No; only to the extent that there will not be a reentry in Cambodia after July 1, 1970. And I am sure in my mind that the President does not contemplate that. I think the Sen-

ate should exercise some of its advice-and-consent functions with respect to the President, rather than to leave them to those who are around the President all the time and are not aware of what the people whom we represent in the Nation are thinking.

Mr. CHURCH. Mr. President, I wish to say, first of all, that I heard the President himself say he had no plan to return to Cambodia after the present operation; that if any necessity were to arise in the future for again reaching into Cambodia to strike at these sanctuaries, he said that would be undertaken by the South Vietnamese. So I think there is nothing in the present amendment that contradicts the policy as delineated by the President.

However, I hope the talk of compromise would stop. What we are trying to reach, really, is an accommodation; not a compromise. The purpose of the amendment is neither to undercut the President, nor to question his powers under the Constitution to discharge his responsibilities as Commander in Chief. Indeed, even if we wanted to do it, we could not reduce or diminish his constitutional power anyway.

Rather, this amendment seeks to assert a congressional responsibility to share with the President the burden of defining the outer limits of this operation in Cambodia.

We have drawn those limits exactly where the President fixed them. If some change in language seems to be desirable in order to make the intention perfectly clear, without in any way affecting the substantive thrust of the amendment, then certainly as one sponsor, I would be most amenable. Remember, this is a bipartisan effort. Some of the most distinguished Republican Members of this body have joined in it, and no aisle severs this debate as between Democrats and Republicans.

Mr. SCOTT. Mr. President, if the Senator will permit, I would be very anxious to see made clear in the debate—perhaps the language makes clear—that in the process of withdrawal from Cambodia, the President does have the presidential power to protect those troops as they are going out. We all want that. That is one of the other things that I see is perfectly feasible. I am sure we can work it out.

Mr. MANSFIELD. There is no argument about that.

Mr. SCOTT. I do not see why.

Mr. CHURCH. The President is Commander in Chief. We do not question it. But Congress has powers, too, and it is time for Congress to exercise them. If we are going to come out of this war, there is only one way to do it, and that is for Congress and the President, standing together, to assume a joint responsibility for a plan which will bring us out. This amendment is drawn in that spirit and with that intention. However it may be construed in the course of the debate, that is the spirit and intention of the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Ohio (Mr. Young) is recognized for 30 minutes under the previous order.

SOUTHEAST ASIA AND DIVISION IN THE COUNTRY

Mr. YOUNG of Ohio. Mr. President, at the outset, may I express my admiration for the fine statement made this morning by the distinguished majority leader (Mr. MANSFIELD) and the statement made by the distinguished Senator from Idaho (Mr. CHURCH), and also the statement made by the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), and the other Senators who spoke here.

Mr. President, very definitely it is my intention to vote in favor of the Cooper-Church amendment.

Mr. President, when President Eisenhower left the White House on January 20, 1961, we Americans had 685 military advisers in Vietnam. On that sad day in 1963 when President John F. Kennedy was assassinated, we had more than 16,000 military advisers in Vietnam. Then, under President Johnson, that number of 16,000 military advisers under President Kennedy, and 685 on the day that President Eisenhower left the White House, had grown into an armed force of more than 500,000 in South Vietnam.

From that time on we have had military advisers in all of Southeast Asia and probably as many as 3 million combat troops fighting in Vietnam during that period.

They talk about Vietnamization. From 1961 we have been trying Vietnamization.

For more than 10 years we in the United States have been paying, in blood and in billions of dollars, for Vietnamization of Vietnam; and the United States has no mandate from Almighty God to police the entire world.

Mr. President, within the next few days we shall have an opportunity to take the first step toward restoring the constitutional authority of Congress in foreign policy and waging war.

At the same time the Senate can move to introduce an element of sanity to U.S. policy in Indochina. This dual opportunity is presented to us in the pending amendment sponsored by the distinguished senior Senator from Kentucky (Mr. COOPER) and the distinguished senior Senator from Idaho (Mr. CHURCH), who spoke just this morning in this Chamber and who has all along been taking a solid, sound position in support of sanity in our policy in Southeast Asia.

The Cooper-Church amendment is the first of several which will at long last give Senators and Congressmen, as representatives of the American people, the chance to declare whether they favor continuation, extension, and expansion of the Indochina war, or whether they wish to bring an end to our involvement in an immoral, undeclared war in Southeast Asia within the next 13 months. Because I favor the latter course, I shall vote for the Cooper-Church amendment.

This is not only an immoral and undeclared war, but it is the most unpopular war and longest war the United States has ever fought. It has cost a tremendous toll of killed in action and wounded.

Many lives of the wounded have been saved, but a tremendous number of the wounded have been maimed for life. An Ohio youngster I know had one leg off

below the knee and the other leg off above the knee and lost both arms in combat. I served for 37 months in World War II, most of that time in combat overseas and I know that in World War II, or in any previous war, that would have been a mortal wound and he would have died within a matter of minutes. Now helicopters evacuate the wounded from the battlefield and, with the great advance in surgery, such lives are saved. We are going to have problems for years and years with those who have been pitifully maimed for life.

Mr. President, the Cooper-Church amendment simply binds President Nixon to his promise. We believe he intends to keep his promise, but we in the Senate have the right to speak out on this issue. It binds him to withdraw all American troops from Cambodia by next June 30. Furthermore, it would assure that those troops will not be sent back into combat in Cambodia without the approval of Congress.

Mr. President, it has been stated that President Nixon rejected the advice of his Secretary of Defense and Secretary of State in ordering the invasion into Cambodia by men of our Armed Forces. I do not know about that. I am not privy to what goes on in the White House. But I do know that the President yielded to the CIA, the leaders of the military-industrial complex and the generals—including the Attorney General from Wall Street. The result is that thousands of American ground combat troops have been sent into battle in another distant Southeast Asian land. That decision was a tragic mistake involving grave risks.

The folly and failure of this latest adventure into Indochina are becoming increasingly evident. I note in an article before me that when President Nixon ordered American forces into Cambodia on May 1, he told the American people the mission was to destroy the central office for South Vietnam—COSUN—that is the Communist's jungle pentagon. President Nixon, in his demagogic television address to the American people announcing that the invasion of Cambodia had taken place said U.S. troops were wiping out the Cambodian sanctuaries and that the main objective was to destroy the "headquarters for the entire Communist military operation in South Vietnam located in Cambodia" and that our troops would penetrate not to exceed 21 miles into Cambodia and that this entry into Cambodia and the operation would be completed by July 1.

That headquarters, known as COSVN, has not, in fact, been attacked by American or South Vietnamese forces, though that was the purpose, it was said, of this adventure across the border of a nation, Cambodia, whose neutrality we had guaranteed.

But it appears now, that this headquarters has not been found and destroyed, and that American military intelligence and the CIA are guilty of the most serious blunder since the time they assured General MacArthur that if he invaded North Korea the Chinese would not cross the Yalu and enter the Korean conflict. General MacArthur disregarded his instructions from President Truman, advanced into North Korea close to its

northerly border and the Chinese Army crossed the Yalu and hurled our forces back into South Korea with great slaughter. This was an equally horrendous blunder. Our CIA and military intelligence were again proven wrong. Now the public relations men at the Pentagon—and they have 300 or more personnel doing nothing but that—and Defense Secretary Laird glibly say that COSVN or the military headquarters directing the Vietcong and North Vietnamese forces is mobile and has been moved somewhere in Cambodia.

We did not hear about this mobile headquarters until we suddenly invaded, and then it eluded our forces.

As a result of our invasion of Cambodia there has been a strengthened resolve on the part of North Vietnam and an increased willingness to help on the part of China and the Soviet Union. Now they are finally getting together; and no doubt these great superpowers will be more than happy to replace every weapon and every round of ammunition captured by the United States in the Cambodian sanctuaries. If we force the North Vietnamese to seek closer alliance with the Chinese and to become dependent upon the Chinese, we will have created a situation which could doom all of Southeast Asia to another 20 years of war.

The most serious consequence of the decision to invade Cambodia has been the terrible division within our own country. Students on our college campuses and thoughtful citizens of all ages felt that they had been betrayed by their leaders. They feel that way now. Four young students at Kent State University in my home State of Ohio, who were on the Common, where they had every right to be, were killed. Two of those four were girls. One was a spectator, and the other had just come out of a dormitory from a class, with school books under her arm.

There had been demonstrations over Cambodia on the previous Saturday and Sunday nights on the streets of Kent. There had been denunciations of the invasion of Cambodia. The fear expressed by the students of Kent State on that Saturday night and Sunday night over the invasion of Cambodia was that we had opened another front in Southeast Asia, and the war had been expanded and extended on another front, and there was no end of hostilities in sight.

There had been some rioting downtown. But on that beautiful Monday afternoon of May 4, there had been no violence on the campus and at about 12:20 many students were attending their classes. No student was closer to the National Guard than 75 feet, and most of them were more than 100 feet distant.

Suddenly there was a volley from guardsmen who seemed to be trigger happy. They had run out of tear gas and as Vice President AGNEW very properly and wisely stated, they reacted to the crowd on the campus. They killed four students, not one of whom had resorted to any violence whatever.

Mr. President, this can be attributed to the tremendous feeling in our country against entering into Cambodia and into Laos.

Two other students were murdered by

policemen following similar demonstrations at Jackson State College in Mississippi. No possible military gains in Cambodia could be worth the tearing apart of the very fabric of our society.

The fact that should now be evident above all else is that wars, especially wars of the Vietnamese and Cambodian variety, are too important to be left to the generals.

Mr. President, on this floor we frequently hear from Senators who are regarded as war hawks, who favor all-out invasion, even to the extent, perhaps, of involving some of our allies, and sinking the British freighters which come from Hong Kong into Haiphong Harbor. We have heard them speak out, time and again, saying that while we should never have been in Vietnam in the first place, now that we are there, we must see it through.

Mr. President, 2,500 years ago Confucius said that a man who makes a mistake and does not correct it makes another mistake. Mr. President, that goes for the U.S. Government also. Now we have compounded our mistake by extending combat in Cambodia and in Laos.

In 1965 and 1966, Pentagon officials released optimistic reports on an early end to the Vietnam war. They persuaded President Johnson to begin the escalation which has led to the death of more than 50,000 young Americans and maiming and wounding more than 281,000 other Americans, and the waste of hundreds of billions of dollars. In addition, many of our soldiers and military advisers overseas from 1961 to the present have been afflicted with malaria fever, bubonic plague, and other tropical and jungle diseases. Some of them have died from those diseases, and thousands and thousands of others will suffer malaria fever and other diseases as long as they live. The generals of our Armed Forces win wholesale promotions, so we have a flock of major generals, lieutenant generals, and brigadier generals. They attain wholesale promotions, but the bombing of North Vietnam and other military escalation and expansion of our involvement in a civil war in Vietnam proved it is impossible to bomb a determined people into submission.

That is a civil war in Vietnam. I was in Vietnam in 1965 and again in 1968. On my visit in 1968, General Westmoreland told me that the bulk of the Vietcong fighting us in the Mekong Delta were born and reared in the Mekong Delta. General Stilwell, then the deputy commander, told me that it was 80 percent. I mentioned that, therefore, it was a civil war. He did not like that. He said it might be considered an insurrection.

The CIA and the generals of the Joint Chiefs of Staff have been unable to understand that political considerations and human values must often override military strategy. The tragedy of our intrusion into Cambodia is the revelation that President Nixon has accepted the simplistic rhetoric of the same generals and admirals who have led us into the Southeast Asian abyss under the guise of victory.

By ordering the invasion of Cambodia, President Nixon has expanded the war. By refusing and failing to consult Con-

gress on that decision, he has made it what could be termed "Nixon's war." I am not using that term, but it could be applied the same as "Johnson's war" was applied during the latter's administration.

The Cooper-Church amendment before us should be sustained. It is a declaration of the Senate that this unwinnable war must be ended. Adoption of the Cooper-Church amendment is our declaration of the will and determination that civilian authority in the United States is supreme, just as the Founding Fathers proclaimed when they wrote our Constitution. Let us try to return to that.

The truth is that, after nearly a year and a half in office, Mr. Nixon, as his predecessor, President Johnson, has become hypnotized by the alluring but foreboding idea of complete military victory in Southeast Asia. Those members of the National Liberation Front, or Vietcong, in Vietnam, and those who are fighting in Laos, are fighting for national liberation of their country. In some areas they have been fighting ever since the French tried to restore the lush Indochinese empire, following the end of World War II; and in their opinion, and in the opinion of the heads of states in many Asiatic countries, the United States has now taken over the aggression of the French colonial leaders who sought to restore their empire, which kept the Vietnamese and other Indochinese in suppression for many, many years. Mr. Nixon has fallen victim to the advice of Pentagon persuaders. He has broadened our commitment, deepened our involvement, and is fast causing the United States to become mired in the mud of Indochina.

Given the traditional ethnic hostilities between the Vietnamese and Cambodians together with the fragile grip of Gen. Lon Nol over Cambodians, a concerted Communist attack on their combined forces after the administration's proposed current withdrawal would put the South Vietnamese-Cambodian force in grave jeopardy that might require in the eyes of Pentagon generals an American rescue operation. Therefore, it seems to me that it is very important that the Cooper-Church amendment be adopted by the Senate.

Throughout the entire world, in the capitals in Asia and in Europe, there has been a revulsion of feelings of outrage and dismay over this violation of the neutrality of Cambodia which we had guaranteed. There have been riots outside American embassies, damage to embassy buildings in Asia and in Europe, and injuries inflicted upon some of our nationals, due to this expansion and escalation of the war by invading Cambodia and also by taking action in Laos. I recall distinctly in 1965, when I was in every area of Laos, that, having guaranteed the neutrality of Laos, our warplanes were disguised as they bombed Laos. But in 1968, when I was again taken by helicopter throughout all areas of Laos, I saw our American planes going back and forth without any disguise whatever on their bombing missions.

Beyond all this is the bitterness toward us that this ill-timed Nixon adventure has engendered in the Soviet Union. Soviet leaders have denounced this policy

recently and seem to be greatly concerned. Let us hope that the success of the SALT talks, which have been proceeding in Vienna, will not be gravely endangered by this.

Mr. President, the fear that the SALT talks might be endangered is another argument in favor of adoption of the Cooper-Church amendment.

Mr. President (Mr. CRANSTON), this Cambodian adventure is tearing us apart. More and more Americans are coming to accept the very dangerous philosophy that superiority in physical strength or weapons can be equated with moral superiority.

Some students have burned ROTC buildings, which they consider to be a protest against the military and against our fighting in Vietnam. I deplore this very much. I have friends who could not have made it in college had it not been for the ROTC.

I denounce any student who destroys or damages ROTC buildings. As a former chief prosecuting attorney, I believe that acts of violence of that kind, like a shadow, should be followed by arrest and certain punishment.

More recently, that excuse has been given on college campuses as a protest against our aggression and invasion of Cambodia. There is no rhyme nor reason for destructive tactics such as that.

Students who break and enter ROTC buildings and destroy property should not only be expelled from college but should also be prosecuted for violations of the law. I feel strongly on this subject.

Unfortunately, in Ohio some students of Kent State University on Saturday night, May 2, indulged in violence in the city of Kent. Preceding the violence they destroyed the ROTC building. Later some hundreds of students enjoying themselves in downtown Kent were joined by a hundred or so who seemed to be bent on violence. Rioting extending over the period of some hours throughout Saturday night resulted in broken windows and bruised bodies of students rioting and also of policemen and deputy sheriffs attempting to restore order.

Those students guilty of unlawful acts should be punished and no doubt some will. A number were arrested at the time and then later released on bail. The mayor declared a 6 a.m. curfew and, unfortunately, quite a substantial number of girls and boys who had not participated in any misdeeds whatever nor aided in the destruction of any property were taken to jail.

Local authorities refused to permit these girls and boys to use the telephone to call their parents. They were kept in jail throughout the night and then released only upon payment of a fine, usually \$50.

The PRESIDING OFFICER (Mr. CRANSTON). The time of the Senator from Ohio has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent to proceed for 10 additional minutes.

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

Mr. YOUNG of Ohio. Mr. President, National Guardsmen called to the scene by order of the Governor had just com-

pleted riot duty in Cleveland where some hundreds of Teamsters engaged in a wildcat strike. Violence resulted between the strikers and nonstriking Teamsters. Trucks were burned, drivers shot at, and the guardsmen were given a bad time during the short period they were on duty in Cleveland and vicinity. Then the guardsmen were called immediately from that violence to Kent and on Sunday to the campus of Kent State University. Those militiamen were in a thoroughly bad mood.

Now, let me make it clear that I do not wish to speak ill of the National Guardsmen of my State. Many years ago, I was proud to be a member of the Ohio National Guard. But times have changed. We in the Senate, through an oversight, no doubt, made provision in the selective service laws that permitted young men 18, 19, and 20, who had been high school dropouts, or could not enter college, to join the National Guard. They were exempted from the draft in all the States. I do not know anything about the situation in other States, but I have made it a point to inquire, to take statements, and to talk with people, and I do know that a great many of the new members of the National Guard joined only to escape the draft and avoid being sent to Vietnam, and that therefore the caliber of the National Guardsmen, in my State at least, has deteriorated because of that.

Mr. President, Monday, May 4, was a beautiful, sunny day. Kent State University was in full operation. Classes were proceeding. Boys and girls came out on the common—as it is called—walking to and from their classes. Some who had no classes were simply out mingling with their friends.

Members of the State highway patrol, who had also been called out by the Governor, were present on the campus. They had seven helicopters flying over the college buildings that morning. No one in the helicopters witnessed—I have it in writing from some of them, and some statements—any sniper fire, or any sniper on any of the buildings or on the rooftops.

These highway patrolmen are experienced civil service employees of the State of Ohio. They had a pacifying influence at Kent State University. However, the National Guard situation was different.

On this beautiful day, the students were loitering around, and suddenly two fully armed National Guard units, the 1st Battalion, 145th Infantry Division, and the 2d Squadron, 107th Armored Cavalry Regiment, appeared and moved toward the crowd on the campus. The Guard officers bellowed through their bullhorns for the crowd to move on, to disperse, and to leave.

The crowd did not do it quickly enough to suit them, so, immediately, the unit of the 107th Armored Cavalry Regiment, with bayonets unsheathed, advanced on the students, with the officers ordering them, via their bullhorns, to disperse, and at the same time hurling tear gas canisters at them.

The distance between the students and the National Guard units was probably 75 to 100 feet. The canisters would spew forth the tear gas as they rolled along the

ground, and some boy would pick one of them up and hurl it back at the guardsmen.

By about 12:20 p.m., the guardsmen had thrown all their tear gas canisters at the students and some canisters had been hurled back. No one was injured that morning, although some of the guardsmen had been injured on Saturday night and perhaps Sunday night. No doubt some of the students threw some stones. Some students have denied it. But I have some statements to the effect that perhaps 12 to 15 stones were thrown by students toward the guardsmen. But the distance was so great that no guardsman was injured from the stones.

The guardsmen ran out of tear gas canisters, and they immediately ran up a little hill in some disorder.

Suddenly the front line of guardsmen kneeled, according to some signed statements I have. Not all of the students saw this, but I have some statements, and I shall be glad to turn them over to the distinguished majority leader if there is a Senate investigation. And if the U.S. attorney in Ohio calls a grand jury, I shall turn over all statements.

One Saturday morning we had 40 students from Kent State University in my Senate office. We tried to take statements from them. Some students came to my home and I took their statements there. My Washington address is hard to find. I have also taken some statements of guardsmen. Those statements will be turned over by me at a later time to the proper authorities.

The FBI called on me, and I was affable in dealing with them. I said to them, "You are doing your job. And I am trying to do my job. I will not give you the statements I have taken from students."

At the time of this occurrence at Kent State University, a lieutenant put his hand up and one girl heard the word "fire," as his arm went down. A volley of shots rang out. Fortunately, many of the guardsmen fired in the air as is shown by the marks on bricks on a building. But, unfortunately, two girls were killed.

One of them standing there with her schoolbooks was one of those killed. Another girl who was just a spectator was also killed. And there were two fine young men killed.

Mr. President, these young people were not bums. They were not rioting. But their young lives were snuffed out. And 10 more were hospitalized.

Mr. President, of the National Guard platoon that perpetrated this, one fainted and one had a heart attack. There was no first-aid treatment for anyone.

This all came about as a result of our expanding the war in Southeast Asia. Those students are familiar with political affairs. They know that back in 1968, Richard Nixon, when campaigning for the office of President, said that he had a secret plan to end the war in Vietnam. They had expected the war to be ended. Many of them were subject to the draft if the war were not ended. They had hoped for an end to the war.

Then, instead of having that hope real-

ized, the war was suddenly expanded and extended by our invasion of Cambodia.

Mr. President, William L. Shirer, a distinguished historian and author, has commented on our invasion of Cambodia in a letter to the editor of the Washington Post. Mr. Shirer's book, "The Rise and Fall of the Third Reich," is a monumental work in its field. Mr. Shirer detects a number of similarities between the war policy of the Third Reich and that of the present administration in the United States.

The observations of Mr. Shirer deserve thoughtful consideration by all in this country who share the responsibility for the making of foreign policy. Mr. President, I ask unanimous consent that the letter of William L. Shirer published in the May 14 edition of the Washington Post be printed at this point in the RECORD.

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

WILLIAM L. SHIRER ON CAMBODIA

I hesitate to draw parallels between what one saw in Nazi Germany and what we now see here. The Third Reich, after all, was a totalitarian dictatorship. We are a democracy. Nevertheless . . .

When Hitler invaded Poland on Sept. 1, 1939, the official communique of the German High Command called it a "counter-attack." The official communique of the American High Command in Saigon called our moves into Cambodia "counter-attacks."

When Hitler invaded Denmark and Norway on April 9, 1940, the official German communique said this was "to protect their freedom and independence." We have been hearing similar language from Washington to justify sending our armed forces into Cambodia.

Press dispatches from Washington indicate that the President is gambling on "victory," and that if the gamble succeeds he believes the American people will forget everything else. "What really matters as far as the people are concerned," the President said at the Pentagon, "is that it comes out all right. If it comes out all right, that is what really counts." Senator Aiken seemed to sense this when he said: "If his strategy is successful . . . then we will have to call him a hero."

This somehow reminds me of the secret speech Hitler made to his generals on the eve of the German aggression against Poland.

"I shall give a propagandist reason for starting the war—never mind whether it is plausible or not. The victor will not be asked afterward whether he told the truth or not. In starting and waging a war it is not right that matters but victory."

I do not for one moment compare President Nixon with Hitler. But the shabby propaganda out of Washington since our going into Cambodia is bound to remind one of the Nazi propaganda used to justify the Germans going into Poland, Denmark and Norway.

WILLIAM L. SHIRER.

LENEX, MASS.

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

Mr. YOUNG of Ohio. I yield.

Mr. CHURCH. Mr. President, I commend the distinguished Senator from Ohio for his address today. His long opposition to the war is well known. And what he says today is consistent with what he was saying last year, the year before, and the year before that.

Mr. President, had the words of the distinguished Senator from Ohio been heeded when he first began to speak out against the war, we would not be in the deep trouble in which we find ourselves today.

I commend the Senator. He is one of the early dissenters who foresaw that the course we were following in Southeast Asia would lead inexorably to a crisis at home so serious that, tragically, young college students of his own State have fallen victims to it. In a sense, they, too, are casualties of this war.

I commend the Senator for his exceptionally fine address.

Mr. YOUNG of Ohio. Mr. President, I thank the distinguished Senator from Idaho for his kindness and for the statements he has just made.

I hold the Senator from Idaho in the highest admiration. He is a great leader of this Nation and a great statesman. I know that during the past years he has been outspoken time and time again not only in his own State but also in the Senate and elsewhere in the United States. He has expressed strong opposition to our involvement in Vietnam.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, is the Senate now transacting routine morning business?

The PRESIDING OFFICER. The Senate is now in the morning hour.

Mr. BYRD of West Virginia. With statements therein limited to 3 minutes?

The PRESIDING OFFICER. The Senator is correct.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

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

On May 14, 1970:

S. 2452. An act to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services; and

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

On May 18, 1970:

S.J. Res. 193. Joint resolution to provide for the appointment of James Edwin Webb as Citizen Regent of the Board of Regents of Smithsonian Institution.

OIL POLLUTION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-340)

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

To the Congress of the United States:

The oil that fuels our industrial civilization can also foul our natural environment.

The threat of oil pollution from ships—both at sea and in our harbors—represents a growing danger to our marine environment. With the expansion of world trade over the past three decades, seaborne oil transport has multiplied tenfold and presently constitutes more than 60 percent of the world's ocean commerce.

This increase in shipping has increased the oil pollution hazard. Within the past ten years, there have been over 550 tanker collisions, four-fifths of which have involved ships entering or leaving ports. The routine discharge by tankers and other ships of oil and oily wastes as a part of their regular operation is also a major contributor to the oil pollution problem.

The development of world commerce and industry and its growing dependence on oil need not result in these added dangers. The growing threat from oil spills can be contained—not by stopping industrial progress—but through a careful combination of international cooperation and national initiatives.

This message outlines a number of actions which the Congress should take to reduce the risks of oil pollution. It also announces additional executive measures which will promote this same end and calls for the cooperation of industry and the American public to aid in this important effort.

1. INTERNATIONAL CONVENTIONS

The problem of oil spills is a major international environmental problem and any remedy must deal effectively with its global implications. Last year in Brussels, working under the auspices of the Intergovernmental Maritime Consultative Organization, an arm of the United Nations, the United States joined with other nations in reaching important agreements in this area. We signed two new conventions which would allow us to take actions within an international framework to prevent oil spill damages and to assure compensation when spills occur.

Today, I am transmitting these conventions to the Senate for its advice and consent. The ratification of the first of these conventions will empower us, by international agreement, to take preventive action against vessels on the high seas which threaten imminent pollution danger to our coasts. Had this treaty been in force at the time of the Torrey Canyon disaster in 1967, effective action could have been initiated without delay to prevent or limit the damaging effects. The second convention imposes strict civil liability upon the owner of vessels responsible for pollution damage to coastal areas, regardless of the location

of the vessel. The Congress should consider the differences between existing domestic legislation and this convention and, if necessary, enact conforming legislation. In ratifying these conventions, we will demonstrate our firm belief that the danger of oil pollution is an urgent matter for international regulation, and that innocent victims of oil spills should not go uncompensated.

Another major international action to curb oil pollution was the adoption last year of amendments to the 1954 Convention for the Prevention of Pollution of the Sea by Oil. These amendments deal principally with the intentional discharge of oil or oily wastes on the high seas and establish new rules prohibiting the discharge of oil within 50 miles of our coast. These amendments are also being submitted to the Senate for its advice and consent, and legislation will be submitted to provide for the effective enforcement of these new international requirements.

The amendments to the 1954 Convention may not go into effect for some time, since they require ratification by other nations. This process could take several years. Therefore, I am instructing appropriate United States authorities to bring the provisions of these amendments into effect with respect to American vessels as soon as the implementing legislation is adopted. I hope that other nations will take similar action to implement these changes for their own vessels before the treaty amendments go into effect.

The Government of the United States is eager to participate in any international forum considering the problems of marine pollution. We particularly support the efforts of NATO's Committee on the Challenges of Modern Society which will sponsor a conference this fall in Brussels to exchange information and make recommendations for further international action concerning oil spills.

2. INTERNATIONAL STANDARDS FOR SHIP CONSTRUCTION AND OPERATION

The best way to protect our ocean resources and coastal areas from oil damage is to prevent the occurrence of oil spills. The establishment of more effective international standards for both the construction and the operation of tanker vessels will materially reduce the potential hazard.

The Secretary of State is being instructed to seek effective multilateral action to prescribe international standards for the construction and operation of tankers. The Secretary of Commerce, with the assistance of the Secretary of Transportation, will develop the specific technical standards or criteria which could form the basis for multilateral action.

3. PORTS AND WATERWAYS SAFETY ACT

I am asking the Congress to enact the Ports and Waterways Safety Act of 1970, a law which would give the Coast Guard additional authority to protect against oil spills in several important ways. It would allow the Coast Guard to control vessel traffic in the inland waters and the territorial seas of the United States, to regulate the handling and storage of dangerous cargoes on the waterfront, to establish safety requirements for water-

front equipment and facilities, and to set up safety zones or other controlled access areas in and near U.S. ports and harbors. This legislation could significantly enhance our drive to prevent oil pollution and I hope the Congress will give it early and favorable attention.

4. INCREASED SURVEILLANCE

A large number of oil spills occur in waters close to our shores. Many of these spills result from willful violations of laws which limit the discharging of oil. Such spills can be reduced by more stringent surveillance procedures. All Government agencies are being directed to instruct their vessel and aircraft commanders and other personnel to immediately report all oil spills to the Coast Guard. Every citizen who observes a spill of oil should do likewise. The Commandant of the Coast Guard will increase all-shore air patrols in the areas of highest spill potential and will enforce vigorously all of our anti-pollution laws.

5. HARBOR ADVISORY RADAR SYSTEMS

Just as air traffic controllers are necessary to the safe operation of airplanes, so an improved traffic control system is needed in our Nation's most active harbors. A system which is known as the Harbor Advisory Radar System has been developed and is now operating successfully in the San Francisco area. The Secretary of Transportation will establish more such systems in ports that have a heavy traffic of oil-bearing vessels. These radar systems, operated by the Coast Guard, will enable tankers and other vessels to move through congested areas with much less risk of collision and will make ports such as New York, New Orleans and Houston safer than they are at present. Pilots who use these ports will receive harbor surveillance data and traffic information by radio from a control center that will be manned 24 hours a day throughout the year.

6. RESEARCH AND DEVELOPMENT: EMERGENCY OIL TRANSFER AND STORAGE SYSTEMS

In addition to specific legislation and regulations that can contribute significantly to the reduction of oil spill hazards, a broad program of research and development concerning oil pollution must also be pursued. These efforts must be sufficiently diverse to treat all aspects of spill prevention, cleanup and the mitigation of ecological damage. Many such programs are now underway in government agencies and university laboratories. These research and development efforts will continue to receive emphasis until satisfactory solutions are found.

One notable result of our research is the test which was conducted last week of an ingenious system for collecting and removing oil from damaged vessels. Using this system, up to 20,000 tons of oil a day could be pumped from stranded or leaking tankers into oil-tight plastic bags. These bags could be delivered by air to the scene of the accident and could be towed away safely. The Secretary of Transportation will examine the results of the current tests and will make such a system available for use on both the east and west coasts of this country as soon as practicable.

7. COOPERATION OF PRIVATE INDUSTRY AND PORT AUTHORITIES

If we are to stop or even reduce the discharge of waste oil at sea, then we must provide alternate means of disposing of it. Port areas should be equipped with facilities, stationary or mobile, to receive oily discharges from vessels upon their arrival in port. If the amendments to the 1954 Oil Pollution Convention I have referred to are adopted and permissible oil discharges at sea are further reduced, then such facilities will be indispensable. Therefore, I am calling upon private industry and port authorities to develop additional facilities for the reception of oily wastes. The Secretary of Commerce with the assistance of the Secretaries of Interior and Transportation will coordinate this effort.

8. RADIOTELEPHONES

Vessels in the United States navigable waters are presently required only to use whistle signals to communicate with other vessels. Direct radio communications between vessels would supplement and clarify the information they are able to exchange as they maneuver in close proximity to one another. Legislation to require the use of bridge-to-bridge radiotelephones is now pending in the Congress and I urge its prompt enactment.

9. THE LICENSING OF TOWBOAT OPERATORS

Legislation is also pending in the Congress that would require uninspected towing vessels to be under the direction and control of a licensed operator. I endorse that concept and call for its consideration by the Congress. We must do everything we can to increase the margin of safety for maritime traffic.

10. FINANCING CLEANUP OPERATIONS

When oil spills occur, considerable resources are required to finance the cleanup operation. The provisions of the Water Quality Improvement Act of 1970 call for the establishment of a revolving fund which will assure that money is immediately available to initiate and conduct such efforts. The law provides that the fund shall be reimbursed by those who are responsible for the spill.

Today, I am announcing the formal establishment of that fund and am delegating responsibility for its administration to the Secretary of Transportation. As soon as regulations governing the operations of this fund are completed and approved, I will forward to the Congress a request for \$35 million to finance its operations.

This Administration is committed to protect the national environment without retarding social and economic progress. The program outlined in this message involves significant national and international actions which will help us to meet this commitment. By working to reduce and prevent oil spills and by responding more effectively to those spills which do occur, these measures will help to improve the quality of life in our nation and in all parts of our world.

RICHARD NIXON.

THE WHITE HOUSE, May 20, 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, without amendment, the bill (S. 3818) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

- H.R. 4983. An act for the relief of James M. Buster;
- H.R. 6854. An act to provide for the free entry of a peal of eight bells and fittings for use of Smith College, Northampton, Mass.;
- H.R. 8512. An act to suspend for a temporary period the import duty on L-Dopa;
- H.R. 12621. An act for the relief of Lt. Robert J. Scanlon;
- H.R. 12959. An act for the relief of Gloria Jara Haase;
- H.R. 14449. An act for the relief of Eugene M. Sims, Sr.;
- H.R. 14619. An act for the relief of S. Sgt. Lawrence F. Payne, U.S. Army (retired);
- H.R. 14720. An act to continue until the close of June 30, 1973, the existing suspension of duties on manganese ore (including ferruginous ore) and related products;
- H.R. 16199. An act to establish a working capital fund for the Department of the Treasury;
- H.R. 16940. An act to extend until December 31, 1972, the suspension of duty on electrodes for use in producing aluminum;
- H.R. 16997. An act for the relief of Colie Lance Johnson, Jr.; and
- H.R. 17241. An act to continue until the close of June 30, 1972, the existing suspension of duties on certain forms of copper.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

- H.R. 4983. An act for the relief of James M. Buster;
- H.R. 12621. An act for the relief of Lt. Robert J. Scanlon;
- H.R. 12959. An act for the relief of Gloria Jara Haase;
- H.R. 14449. An act for the relief of Eugene M. Sims, Sr.;
- H.R. 14619. An act for the relief of S. Sgt. Lawrence F. Payne, U.S. Army (retired); and
- H.R. 16997. An act for the relief of Colie Lance Johnson, Jr.; to the Committee on the Judiciary.
- H.R. 6854. An act to provide for the free entry of a peal of eight bells and fittings for use of Smith College, Northampton, Mass.;
- H.R. 8512. An act to suspend for a temporary period the import duty on L-Dopa;
- H.R. 14720. An act to continue until the close of June 30, 1973, the existing suspension of duties on manganese ore (including ferruginous ore) and related products;
- H.R. 16199. An act to establish a working capital fund for the Department of the Treasury;
- H.R. 16940. An act to extend until December 31, 1972, the suspension of duty on electrodes for use in producing aluminum; and
- H.R. 17241. An act to continue until the close of June 30, 1972, the existing suspension of duties on certain forms of copper; to the Committee on Finance.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON CONTRACTS FOR EXPERIMENTAL, DEVELOPMENTAL, TEST OR RESEARCH WORK

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on contracts for experimental, developmental, test or research work, for the period July-December 1969 (with an accompanying report); to the Committee on Armed Services.

PROPOSED PORTS AND WATERWAYS SAFETY ACT OF 1970

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States (with an accompanying paper); to the Committee on Commerce.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 3176. A bill to authorize a program for the development of a tuna fishery in the Central and Western Pacific Ocean (Rept. No. 91-887).

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

H.R. 4813. An act to extend the provisions of the U.S. Fishing Fleet Improvement Act, as amended, and for other purposes (Rept. No. 91-888).

By Mr. YOUNG of Ohio, from the Committee on Public Works, without amendment:

S. 528. A bill to provide that the reservoir formed by the lock and dam referred to as the "Millers Ferry lock and dam" on the Alabama River, Ala., shall hereafter be known as the William "Bill" Dannelly Reservoir (Rept. No. 91-889).

EXECUTIVE REPORT OF A COMMITTEE

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

By Mr. JAVITS, from the Committee on Labor and Public Welfare:

Edward B. Miller, of Illinois, to be a member of the National Labor Relations Board.

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. HARRIS:

S. 3859. A bill for the relief of Burl Hays, Jr.; to the Committee on the Judiciary.

By Mr. SCOTT:

S. 3860. A bill to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes; to the Committee on Commerce.

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

By Mr. HARRIS:

S. 3861. A bill to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Oklahoma for potential additions to the national wild and scenic

rivers system; to the Committee on Interior and Insular Affairs.

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

By Mr. FONG:

S. 3862. A bill for the relief of Elena Schwarze-Chamler; and

S. 3863. A bill for the relief of the estate of Edith Kiaer; to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 3864. A bill to authorize the naming of the reservoir to be created by the Little Goose lock and dam, Snake River, Wash., in honor of the late Dr. Enoch A. Bryan; to the Committee on Public Works.

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

By Mr. TYDINGS:

S. 3865. A bill to amend the Internal Revenue Code of 1954 by imposing a tax on the transfer of explosives to persons who may lawfully possess them and to prohibit possession of explosives by certain persons; to the Committee on Finance.

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

By Mr. HART:

S. 3866. A bill to amend the Hazardous Substances Act to provide for more effective protection against the hazards caused by economic poisons; to the Committee on Commerce.

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

By Mr. NELSON (for himself, Mr. BAYH, Mr. CRANSTON, Mr. HART, Mr. HUGHES, Mr. MONDALE, Mr. RANDOLPH, and Mr. YARBOROUGH):

S. 3867. A bill to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. SPARKMAN:

S.J. Res. 202. Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934; to the Committee on Banking and Currency.

S. 3860—INTRODUCTION OF A BILL TO BENEFIT THE NATION'S SPORTSMEN, HUNTERS, FISHERMEN, AND OUTDOORSMEN

Mr. SCOTT. Mr. President, I introduce a bill to amend and strengthen the Federal Aid in Wildlife and the Federal Aid in Fish Restoration Acts in order to benefit the Nation's many millions of sportsmen, hunters, fishermen, and outdoorsmen.

My bill would provide a new source of money for the wildlife restoration funds, would greatly increase Federal-State assistance for hunters' safety training, and would promote long-range planning for the preservation of natural wildlife habitats and the conservation of wildlife and fish.

We are all acutely aware, Mr. President, of the concern over environmental quality in this country. For the past 8 or 9 months, the entire Nation has been absorbed with questions about the environmental quality of life. We have concluded that natural areas must be pre-

served and that access to a natural environment must be provided for the well-being of our people. Proposals now under consideration in Congress, including the administration's package of seven environmental bills, of which I am the primary Senate sponsor, would make further changes to improve the Federal Government's ability to respond to our national environmental problems.

Much of this has come about as a result of a rather recent and quite sudden realization by our population that all of us have a stake in natural things and natural surroundings.

One group of citizens, however, has been interested and involved, for many years, in the preservation of natural environments and the conservation of wildlife in these environments. I refer to the sportsmen—hunters and fishermen—who have made annual contributions in cash for the preservation of natural environments and the conservation of wildlife through the payment of hunting and fishing license fees.

In 1937, the Congress acted to assist these citizens by passing legislation establishing the wildlife restoration fund. This legislation insured that the license fees paid by hunters would be used for the conservation efforts of State fish and game departments by making this a condition to receiving Federal assistance for approved wildlife restoration purposes.

But here again, the hunter was called upon to pay the bill for the preservation of nature. The source of the funds for this financial assistance was a manufacturer's excise tax on sporting firearms, shells, and cartridges which had been levied by the Revenue Act of 1932. This was not a new tax, but rather the application of the proceeds of an earlier tax to purposes closely allied to the interests of the people who ultimately paid the tax. So we had the sportsmen contributing to the preservation and restoration of natural environments and wildlife not only through the annual license fees which they paid for the support of their State fish and game departments, but also through the taxes that they paid on some of the equipment and materials which they used in pursuing the sports of hunting and target shooting.

I might also point out that since 1934, the hunter has been supporting the conservation of migratory birds, a program of the Federal Government, through the annual purchase of migratory bird hunting stamps.

For more than 30 years now, State fish and game and conservation departments have been the most active and potent force individually and collectively in the preservation of natural environments. They have cooperated fully and consistently with Federal agencies involved in this effort such as the Forest Service, the Bureau of Sport Fisheries and Wildlife, and the Bureau of Land Management. Nearly all of the accomplishments of State game agencies have been made possible by funds that came directly from the pocket of the often maligned sportsman-hunter through taxes paid willingly on sporting arms and ammunition and license fees. Without question,

sportsmen were 30 years ahead of many in their appreciation for natural surroundings and environmental quality.

Mr. President, the bill I am introducing today would bring to the wildlife restoration fund, for the first time, the proceeds from the Federal 10-percent excise tax which for many years has been levied on the purchase of pistols and revolvers. This Federal excise tax now goes to general revenues. What I am proposing is, again, not a new tax, but the proper application of an existing tax to programs which will benefit directly the often-maligned sportsmen, hunters and target shooters who are the very ones who pay this tax.

For the benefit and safety of this singular group of taxpayers, my bill proposes also a new program of Federal assistance for firearms safety training, including the construction, operation, and maintenance of target ranges for this purpose. Hunter training programs already being conducted by State game departments and the National Rifle Association have shown encouraging results. They deserve the estimated \$3 million in new, annual Federal-State assistance which my bill would make possible. This provision of my bill should help not only to reduce accidents among the Nation's 15 million hunters, but also to encourage each year a recruitment of an additional 1 million new hunters, each of whom should be properly trained. I am pleased to note that this objective of my bill is supported by many prominent national sportsmen's and conservation organizations, including their affiliated groups in my Commonwealth of Pennsylvania, and also by State wildlife agencies throughout the country.

Finally, Mr. President, my bill proposes to make possible long-range planning for the preservation of wildlife and fish and their natural environments. The Federal aid in wildlife and fish restoration programs have made available some \$387 million to State fish and game departments for wildlife restoration projects through fiscal year 1970. They have enabled fish and game departments to control and manage over 1,800 wildlife management areas, comprising 50 million acres of land and water. The annual national public benefit resulting from wildlife restoration projects has been calculated in terms equivalent to 50 million man-days of hunting and another 33 million man-days associated with recreation, including fishing, camping and hiking.

In view of the projected demand on open spaces for future urban programs, transportation corridors, forest products, and outdoor recreational uses not related to fish and wildlife, it is imperative that State fish and game departments, through the amendments I am proposing today, be encouraged and enabled to enter into the planning process at every level of government. These State agencies employ some of the best trained ecologists in the world. Not only is their expertise needed to protect fish and wildlife habitat, it is needed by the Nation to guarantee maintenance of environmental quality suitable for continued human existence. The potential for further destruction of the natural environ-

ment makes it imperative that agencies responsible for these resources plan adequately to protect the public interests.

Fish and wildlife are our most reliable barometer of environmental distress. Dead and dying fish and birds usually are the first indicator of environmental contamination. They warn of dangers that ultimately can afflict man, if uncorrected. Those who may be inclined to dispute this very fundamental truth should read Rachael Carson's "Silent Spring," the one perceptive book that started this Nation along the path of its present concern about the environment. Miss Carson was a biologist, one of that small group of professionally trained fish and wildlife personnel who long have been concerned about our total surroundings. Miss Carson was also, I am proud to note, a native Pennsylvanian.

The Federal aid in wildlife and fish restoration programs are already a proven success. My bill, by providing three important further amendments, will help reach the full realization of their potential, not only for this, but for future generations.

Mr. President, I ask unanimous consent that the full text of my bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3860) to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes, introduced by Mr. SCOTT, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3860

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

TITLE I—FEDERAL AID IN WILDLIFE RESTORATION

SEC. 101. The first sentence of section 3 of the Federal Aid in Wildlife Restoration Act of September 2, 1937 (16 U.S.C. 669b), is amended to read as follows: "An amount equal to all revenues accruing each fiscal year (beginning with the fiscal year 1971) from any tax imposed on specified articles by section 4181 of the Internal Revenue Code of 1954 (26 U.S.C. 4181) shall, subject to the exemptions in section 4182 of such Code, be covered into the Federal aid to wildlife restoration fund in the Treasury (hereinafter referred to as the 'fund') and is authorized to be appropriated and made available until expended to carry out the purposes of this Act."

SEC. 102. Sections 4, 5, 6, 7, 8, and 8(a) of the Federal Aid in Wildlife Restoration Act of September 2, 1937 (16 U.S.C. 669c-669g-1), are amended to read as follows:

"SEC. 4. (a) So much, not to exceed 8 per centum, of the revenues covered into said fund in each fiscal year as the Secretary of the Interior may estimate to be necessary for his expenses in the administration and execution of this Act and the Migratory Bird Conservation Act shall be deducted for that purpose, and such sum is authorized to be made available therefor until the expiration of the next succeeding fiscal year, and within sixty days after the close of such fiscal year the Secretary of the Interior shall apportion such part thereof as remains unexpended by him, if any, and make certificate thereof to

the Secretary of the Treasury and to the State fish and game departments on the same basis and in the same manner as is provided as to other amounts authorized by this Act to be apportioned among the States for such current fiscal year. The Secretary of the Interior, after making the aforesaid deduction, shall apportion, except as provided in subsection (b) of this section, the remainder of the revenue in said fund for each fiscal year among the several States in the following manner: One-half in the ratio which the area of each State bears to the total area of all the States, and one-half in the ratio which the number of paid hunting-license holders of each State in the second fiscal year preceding the fiscal year for which such apportionment is made, as certified to said Secretary by the State fish and game departments, bears to the total number of paid hunting-license holders of all the States. Such apportionments shall be adjusted equitably so that no State shall receive less than one-half of 1 per centum nor more than 5 per centum of the total amount apportioned. The term fiscal year as used in this Act shall be a period of twelve consecutive months from July 1 through the succeeding June 30, except that the period for enumeration of paid hunting-license holders shall be a State's fiscal or license year.

"(b) One-half of the revenues accruing to the fund under this Act each fiscal year (beginning with the fiscal year 1972) from any tax imposed on pistols and revolvers shall be apportioned among the States in proportion to the ratio that the population of each State bears to the population of all the States: *Provided*, That each State shall be apportioned not more than 5 per centum and not less than 1 per centum of such revenues. For the purpose of this subsection, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce.

"SEC. 5. Within sixty days after the approval of the Federal Aid in Wildlife Restoration Act Amendments of 1970, the Secretary of the Interior shall certify to the Secretary of the Treasury and to each State fish and game department the sum which he has estimated to be deducted for administering and executing this Act and the Migratory Bird Conservation Act and the sum which he has apportioned to each State for the fiscal year ending June 30, 1970, and, shall make like certificates for each fiscal year thereafter. Any State desiring to avail itself of the benefits of this Act shall notify the Secretary of the Interior to this effect within sixty days after it has received the certification referred to in this section. The sum apportioned to any State which fails to notify the Secretary of the Interior as herein provided is authorized to be made available for expenditure by the Secretary of the Interior in carrying out the provisions of the Migratory Bird Conservation Act.

"SEC. 6. Any State desiring to avail itself of the benefits of this Act shall, by its State fish and game department, submit programs or projects for wildlife restoration in either of the following two ways:

"(1) The State shall prepare and submit to the Secretary of the Interior a comprehensive fish and wildlife resource management plan which shall insure the perpetuation of these resources for the economic, scientific, and recreation enrichment of the people. Such plan shall be for a period of not less than five years and be based on projections of desires and needs of the people for a period of not less than fifteen years. It shall include provisions for updating at intervals of not more than three years and be provided in a format as may be required by the Secretary of the Interior. If the Secretary of the Interior finds that such plans conform to standards established by him and approves such plans, he may finance up

to 75 per centum of the cost of implementing segments of those plans meeting the purposes of this Act from funds apportioned under this Act upon his approval of an annual agreement submitted to him.

"(2) A State may elect to avail itself of the benefits of this Act by its State fish and game department submitting to the Secretary of the Interior full and detailed statements of any wildlife-restoration project proposed for that State. If the Secretary of the Interior finds that such projects meet with the standards set by him and approves said projects, the State fish and game department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require. If the Secretary of the Interior approves the plans, specifications, and estimates for the project, he shall notify the State fish and game department and immediately set aside so much of said fund as represents the share of the United States payable under this Act on account of such project, which sum so set aside shall not exceed 75 per centum of the total estimated cost thereof. The Secretary of the Interior shall approve only such comprehensive plans or projects as may be substantial in character and design and the expenditure of funds hereby authorized shall be applied only to such approved comprehensive wildlife plans or projects and if otherwise applied they shall be replaced by the State before it may participate in any further apportionment under this Act. No payment of any money apportioned under this Act shall be made on any comprehensive wildlife plan or project until an agreement to participate therein shall have been submitted to and approved by the Secretary of the Interior.

"(b) If the State elects to avail itself of the benefits of this Act by preparing a comprehensive fish and wildlife plan under option (1) of subsection (a), then the term 'project' may be defined for the purposes of this Act as a wildlife program, all other definitions notwithstanding.

"Sec. 7. (a) When the Secretary of the Interior shall find that any project approved by him has been completed or, if involving research relating to wildlife, is being conducted, in compliance with said plans and specifications, he shall cause to be paid to the proper authority of said State the amount set aside for said project. The Secretary of the Interior may, in his discretion, from time to time, make payments on said project as the same progresses; but these payments, including previous payments, if any, shall not be more than the United States' pro rata share of the project in conformity with said plans and specifications. If a State has elected to avail itself of the benefits of this Act by preparing a comprehensive fish and wildlife plan as provided for under option (1) of subsection (a), and this plan has been approved by the Secretary of the Interior, then the Secretary may, in his discretion, and under such rules and regulations as he may prescribe, advance funds to the State for financing the United States pro rata share agreed upon between the State fish and game department and the Secretary.

"(b) Any construction work and labor in each State shall be performed in accordance with its laws and under the direct supervision of the State fish and game department, subject to the inspection and approval of the Secretary of the Interior and in accordance with rules and regulations made pursuant to this Act. The Secretary of the Interior and the State fish and game department of each State may jointly determine at what times and in what amounts payments shall be made under this Act. Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of the Interior against the said fund to such official or officials, or depository, as may be designated by the State fish and game department and authorized under the laws

of the State to receive public funds of the State.

"Sec. 8. (a) Maintenance of wildlife-restoration projects established under the provisions of this Act shall be the duty of the States in accordance with their respective laws. Beginning July 1, 1945, the term 'wildlife-restoration project', as defined in section 2 of this Act, shall include maintenance of completed projects. Notwithstanding any other provisions of this Act, funds apportioned to a State under this Act may be expended by the State for management (exclusive of law enforcement and public relations) of wildlife areas and resources.

"(b) Each State may use the funds apportioned to it under section 4(b) of this Act to pay up to 75 per centum of the costs of a hunter safety program and the construction, operation, and maintenance of public outdoor target ranges, as a part of such program. The non-Federal share of such costs may be derived from license fees paid by hunters, but not from other Federal grant programs. The Secretary shall issue such regulations as he deems advisable relative to the criteria for the establishment of hunter safety programs and public outdoor target ranges under this section at least sixty days prior to July 1, 1971.

"Sec. 8A. The Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture of Puerto Rico, the Governor of Guam, and the Governor of the Virgin Islands, in the conduct of wildlife-restoration projects, as defined in section 2 of this Act, upon such terms and conditions as he shall deem fair, just, and equitable, and is authorized to apportion to Puerto Rico, Guam, and the Virgin Islands, out of the money available for apportionment under this Act, such sums as he shall determine, not exceeding for Puerto Rico one-half of 1 per centum, for Guam one-sixth of 1 per centum, and for the Virgin Islands one-sixth of 1 per centum of the total amount apportioned, in any one year, but the Secretary shall in no event require any of said cooperating agencies to pay an amount which will exceed 25 per centum of the cost of any project. Any unexpended or unobligated balance of any apportionment made pursuant to this section shall be available for expenditure in Puerto Rico, Guam, or the Virgin Islands, as the case may be, in the succeeding year, on any approved project, and if unexpended or unobligated at the end of such year is authorized to be made available for expenditure by the Secretary of the Interior in carrying out the provisions of the Migratory Bird Conservation Act."

Sec. 103. This title may be cited as the "Federal Aid in Wildlife Restoration Act Amendments of 1969".

TITLE II—FEDERAL AID IN SPORT FISH RESTORATION

Sec. 201. Section 4 of the Federal Aid in Fish Restoration Act of 1950 (16 U.S.C. 777c) is amended to read as follows:

"Sec. 4. So much, not to exceed 8 per centum, of each annual appropriation made in pursuance of the provisions of section 3 of this Act as the Secretary of the Interior may estimate to be necessary for his expenses in the conduct of necessary investigations, administration, and the execution of this Act and for aiding in the formulation, adoption, or administration of any compact between two or more States for the conservation and management of migratory fishes in marine or fresh waters shall be deducted for that purpose, and that such sum is authorized to be made available therefor until the expiration of the next succeeding fiscal year. The Secretary of the Interior, after making the aforesaid deduction, shall apportion the remainder of the appropriation for each fiscal year among the several States in the following manner: 40 per centum in the ratio which the area of each State including coastal and Great Lakes waters (as deter-

mined by the Secretary of the Interior) bears to the total area of all the States, and 60 per centum in the ratio which the number of persons holding paid licenses to fish for sport or recreation in the State in the second fiscal year preceding the fiscal year for which such apportionment is made, as certified to said Secretary by the State fish and game department, bears to the number of such persons in all the States. Such apportionments shall be adjusted equitably so that no States shall receive less than 1 per centum nor more than 5 per centum of the total amount apportioned. Where the apportionment to any State under this section is less than \$4,500 annually, the Secretary of the Interior may allocate not more than \$4,500 of said appropriation to said State to carry out the purposes of this Act when said State certifies to the Secretary of the Interior that it has set aside not less than \$1,500 from its fish-and-game funds or has made, through its legislature, an appropriation in this amount for said purposes. So much of any sum not allocated under the provisions of this section for any fiscal year is hereby authorized to be made available for expenditure to carry out the purposes of this Act until the close of the succeeding fiscal year, and if unexpended or unobligated at the end of such year, such sum is hereby authorized to be made available for expenditure by the Secretary of the Interior in carrying out the research program of the Fish and Wildlife Service in respect to fish of material value for sport or recreation. The term fiscal year as used in this section shall be a period of twelve consecutive months from July 1 through the succeeding June 30, except that the period for enumeration of persons holding licenses to fish shall be a State's fiscal or license year."

Sec. 202. Sections 6, 7, and 8 of the Federal Aid in Fish Restoration Act of 1950 (16 U.S.C. 777e-777g) are amended to read as follows:

"Sec. 6. (a) Any State desiring to avail itself of the benefits of this Act shall, by its State fish and game department, submit programs or projects for fish restoration in either of the following two ways:

"(1) The State shall prepare and submit to the Secretary of the Interior a comprehensive fish and wildlife resource management plan which shall insure the perpetuation of these resources for the economic, scientific, and recreational enrichment of the people. Such plan shall be for a period of not less than five years and be based on projections of desires and needs of the people for a period of not less than fifteen years. It shall include provisions for updating at intervals of not more than three years and be provided in a format as may be required by the Secretary of the Interior. If the Secretary of the Interior finds that such plans conform to standards established by him and approves such plans, he may finance up to 75 per centum of the cost of implementing segments of those plans meeting the purposes of this Act upon his approval of an annual agreement submitted to him.

"(2) A State may elect to avail itself of the benefits of this Act by its State fish and game department submitting to the Secretary of the Interior full and detailed statements of any fish restoration and management project proposed for that State. If the Secretary of the Interior finds that such projects meet with the standards set by him and approves said projects, the State fish and game department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require. If the Secretary of the Interior approves the plans, specifications, and estimates for any project, he shall notify the State fish and game department and immediately set aside so much of said appropriations as represents the share of the United States payable under this Act on account of

such project, which sum so set aside shall not exceed 75 per centum of the total estimated cost thereof. The Secretary of the Interior shall approve only such comprehensive plans or projects as may be substantial in character and design and the expenditure of funds hereby authorized shall be applied only to such approved comprehensive fishery plan or projects and if otherwise applied they shall be replaced by the State before it may participate in any further apportionment under this Act. No payment of any money apportioned under this Act shall be made on any comprehensive fishery plan or project until an agreement to participate therein shall have been submitted to and approved by the Secretary of the Interior.

"(b) If the State elects to avail itself of the benefits of this Act by preparing a comprehensive fish and wildlife plan under option (1) of subsection (a), then the term 'project' may be defined for the purposes of this Act as a fishery program, all other definitions notwithstanding.

"Sec. 7. (a) When the Secretary of the Interior shall find that any project approved by him has been completed or, if involving research relating to fish, is being conducted, in compliance with said plans and specifications, he shall cause to be paid to the proper authority of said State the amount set aside for said project. The Secretary of the Interior may, in his discretion, from time to time, make payments on said project as the same progresses; but these payments, including previous payments, if any, shall not be more than the United States' pro rata share of the project in conformity with said plans and specifications. If a State has elected to avail itself of the benefits of this Act by preparing a comprehensive fish and wildlife plan as provided for under option (1) of subsection (a), and this plan has been approved by the Secretary of the Interior, then the Secretary may, in his discretion, and under such rules and regulations as he may prescribe, advance funds to the State for financing the United States' pro rata share agreed upon between the State fish and game department and the Secretary.

"(b) Any construction work and labor in each State shall be performed in accordance with its laws and under the direct supervision of the State fish and game department, subject to the inspection and approval of the Secretary of the Interior in accordance with the rules and regulations made pursuant to this Act. The Secretary of the Interior and the State fish and game department of each State may jointly determine at what times and in what amounts payments shall be made under this Act. Such payments shall be made against the said appropriation to such official or officials, or depository, as may be designated by the State fish and game department and authorized under the laws of the State to receive public funds of the State.

"Sec. 8. To maintain fish-restoration and management projects established under the provisions of this Act shall be the duty of the States according to their respective laws. Beginning July 1, 1953, maintenance of projects heretofore completed under the provisions of this Act may be considered as projects under this Act. Title to any real or personal property acquired by any State, and to improvements placed on State-owned lands through the use of funds paid to the State under the provisions of this Act, shall be vested in such State."

Sec. 203. Section 12 of the Federal Aid in Fish Restoration Act of 1950 (16 U.S.C. 777k) is amended to read as follows:

"Sec. 12. The Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture of Puerto Rico, the Governor of Guam, and the Governor of the Virgin Islands, in the conduct of fish restoration and management projects, as defined in section 2 of this Act, upon such terms and con-

ditions as he shall deem fair, just, and equitable, and is authorized to apportion to Puerto Rico, Guam, and the Virgin Islands, out of money available for apportionment under this Act, such sums as he shall determine, not exceeding for Puerto Rico 1 per centum, for Guam one-third of 1 per centum, and for the Virgin Islands one-third of 1 per centum of the total amount apportioned in any one year, but the Secretary shall in no event require any of said cooperating agencies to pay an amount which will exceed 25 per centum of the cost of any project. Any unexpended or unobligated balance of any apportionment made pursuant to this section shall be made available for expenditure in Puerto Rico, Guam, or the Virgin Islands, as the case may be, in the succeeding year, or any approved project, and if unexpended or unobligated at the end of such year is authorized to be made available for expenditure by the Secretary of the Interior in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport recreation."

Sec. 204. This title may be cited as the "Federal Aid in Fish Restoration Act Amendments of 1970".

S. 3861—INTRODUCTION OF A BILL TO AMEND THE WILD AND SCENIC RIVERS ACT

Mr. HARRIS. Mr. President, I introduce for appropriate reference, a bill to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Oklahoma for potential additions to the national wild and scenic rivers system.

Mr. President, the northeastern part of Oklahoma is one of the most scenic sections of the entire southwestern part of the United States. This section of my State, which has been given the name of "Green Country" by its residents is traversed by numerous mountain streams and rivers which are visited and enjoyed by thousands of tourists each year. People come to this area to view it in its natural beauty, unmarred by manmade structures. They fish its streams, float its rivers, and hike its mountain trails. It is a good place to commune with nature, and enjoy the fauna and flora of the hills.

Congress has rightly passed legislation authorizing the establishment of "wilderness areas" to be protected from manmade developments and the designation of wild and scenic rivers to be maintained in their natural, free-flowing state.

Northeastern Oklahoma is fortunate to have three such streams which should be protected as wild and scenic rivers for the enjoyment of future generations. The legislation which I have sent to the desk would designate a portion of the Illinois River, Flint Creek, and Barren Fork Creek for addition to the national wild and scenic rivers system.

I have had the distinct pleasure of floating on and fishing in the Illinois River, and I can personally attest to its great scenic beauty. I feel it should be protected for others to enjoy as I have. Its waters abound with fish, and its shores are lined with beautiful foliage, high cliffs, and sandy beaches. The water is crystal clear and, fortunately, has not yet been polluted by man. Flint Creek and Barren Fork Creek are much the

same, Mr. President, and, because of their natural beauty, the Oklahoma State Legislature this year passed legislation designating these three streams as scenic river areas to protect them from unnecessary development. I feel that the Illinois River, Flint Creek, and Barren Fork Creek would certainly be new additions to the national system of scenic and wild rivers, and I, therefore, hope the Congress will take speedy action on this bill, so the Secretary of the Interior may proceed immediately with the study of these rivers and streams for designation as wild and scenic rivers and their addition to the national system.

I might add further, Mr. President, that, since these streams cross a large section of what was originally the Cherokee Indian Nation, it is my hope they will be considered together and, when added to the national wild and scenic rivers system, will be referred to as the "Cherokee National Scenic Riverways."

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

The bill (S. 3861) to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Oklahoma for potential additions to the national wild and scenic rivers system, introduced by Mr. HARRIS, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3864—INTRODUCTION OF A BILL TO PROVIDE FOR THE NAMING OF THE RESERVOIR TO BE CREATED BY THE LITTLE GOOSE LOCK AND DAM, SNAKE RIVER, WASH., IN HONOR OF THE LATE DR. ENOCH A. BRYAN

Mr. JACKSON. Mr. President, I introduce for myself and Senator MAGNUSON, for appropriate reference, a bill which would provide for the naming of the reservoir to be created by the Little Goose Lock and Dam, Snake River, Wash., in honor of the late Dr. Enoch A. Bryan.

Born in 1855 in Bloomington, Ind., Dr. Bryan, from an early age, distinguished himself as an educator. At the age of only 27 he became president of Vincennes University and held that position for 11 years.

In 1893, Dr. Bryan followed the advice of Horace Greeley to "Go West, young man," and accepted an invitation to become president of a small, struggling, land-grant college in Pullman, Wash., known then as the Washington Agricultural College and School of Science. Dr. Bryan went on to build one of our Nation's great land-grant institutions, now known as Washington State University.

From 1917 to 1923, Dr. Bryan held the post of Commissioner of Education for the State of Idaho. He then returned to the then State College of Washington to serve as president emeritus, and continue his active involvement in education and writing until his death, November 6, 1941.

Not only was Dr. Bryan a great educator, but he was a visionary before his time. Always interested in conservation and the wise use of natural resources, in

1909 Dr. Bryan formed a colony known as the Riveria on the south bank of the Snake River.

For a time, the future of the colony looked bright, but a chronic shortage of water for irrigation and an exodus of participants to World War I shipyard opportunities caused a total collapse of Dr. Bryan's dream.

Ironically, in 1965 when the U.S. Army Corps of Engineers was doing exploratory drilling for the Snake River's Little Goose Dam, they struck artesian wells at the site of the former colony.

It would be appropriate, that the reservoir which will inundate the colony site be named in honor of Dr. Bryan, educator and visionary.

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

The bill (S. 3864) to authorize the naming of the reservoir to be created by the Little Goose Lock and Dam, Snake River, Wash., in honor of the late Dr. Enoch A. Bryan, introduced by Mr. JACKSON (for himself and Mr. MAGNUSON), was received, read twice by its title, and referred to the Committee on Public Works.

S. 3865—INTRODUCTION OF A BILL RELATING TO POSSESSION OF EXPLOSIVES BY CERTAIN PERSONS

Mr. TYDINGS. Mr. President, several weeks ago in Bel Air, Md., a car suddenly exploded killing both occupants. The next night, another bomb demolished a section of the courthouse in Cambridge, Md.

These senseless and destructive occurrences in my own State of Maryland are part of the disturbing rash of bombings which in recent months have resulted in terror, destruction, and death throughout the Nation. A police station dynamited and a policeman killed in San Francisco. The bombings of the Mobil Oil, IBM, and General Telephone and Electric Buildings in New York. The total destruction of a police station-court building in Shaker Heights, Ohio. The firebombing of the Bank of America branch near Santa Barbara, Calif. The University of Wisconsin's Army ROTC building attacked with bombs. Thirty-two separate bombings in the city of Seattle just last year.

All the evidence suggests that these bombings have been perpetrated by political fanatics of the first magnitude, self-styled revolutionaries whose maniacal efforts will surely bring no less destruction upon themselves than upon the persons and property of others. They are in the same mold as the extremists of the right who engaged in over 500 bombing attacks during the height of the civil rights movement. Indeed, the work attributed to the Weathermen today is hard to distinguish from the work of the Ku Klux Klan and the Minutemen not long ago.

Regardless of whether the bombings come from the extreme right or the left, such conduct is commonly despicable, singularly criminal, and must be dealt with firmly. It must be recognized for what it is—the work of the worst sort of criminal, one who chances indiscriminate

death and destruction—and it must be treated by our law enforcement authorities accordingly. Indeed, as the New York Times has recognized:

The actual and threatened bombings . . . must not be glossed over as the action of idealistic if misguided revolutionaries; they are criminal acts of potential murderers.

No doubt, we must apprehend the bombers and bring them to justice. And we must quickly impose upon them penalties that are equal to the seriousness of their offense.

However, we cannot afford to stop there. We cannot afford to be long on penalties but short on prevention. We must couple our law enforcement efforts with a program that is designed to help prevent the bombings in the first place. In short, we must move to keep explosives out of the hands of those who should not have them.

Recently I discovered that in many States of our Nation it was as easy to buy a stick of dynamite as a stick of candy. In many States there is absolutely nothing to prevent a convicted felon, a fugitive from justice, or a person who is mentally deranged from buying huge quantities of explosives. Indeed, there is virtually no control over the sale of explosives in 22 States. And the absence of explosive controls in these States undermines the existence of controls in others. Criminals can easily avoid regulations in their home State by buying explosives in neighboring nonregulating States.

For instance, in Maryland the law provides that one must have a license, which must be renewed annually, to manufacture, deal in, or possess explosives. The license is not issued to those who are not sufficiently experienced in the handling and use of explosives, unless used for agricultural purposes or infrequently on their own land. A license is also not issued to those who have been convicted of a crime involving moral turpitude or are disloyal to the United States.

The problem is that Maryland's controls can be easily avoided by purchasing the explosives in Delaware, Pennsylvania, or the District of Columbia where similar control does not exist and bringing the explosives back to Maryland. It is clear that so long as some States have no controls over explosives, explosives and bombs in the hands of men intent upon violence will be a problem in all States.

Mr. President, today I am introducing legislation that is designed to remedy this problem. My bill will support and strengthen existing explosive legislation, such as exists in the State of Maryland, by establishing control over the purchase, sale, and transfer of explosives throughout the Nation. The bill requires the registration of importers, manufacturers, and dealers of explosives. The key section provides that a person wishing to purchase or otherwise obtain explosives may not do so unless he has registered or an application for the sale or transfer of explosives to him has been approved. A person who would be ineligible to receive explosives is one who: First, is under indictment or has been convicted of a crime punishable by more than 1

year imprisonment; second, is a fugitive from justice; third, has been adjudicated as a mental defective; or fourth, is not a citizen. The bill calls for stiff penalties to enforce these controls.

I believe that control over the sale and transfer of explosives stands as an essential part of an effective law enforcement effort in this field.

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

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3865) to amend the Internal Revenue Code of 1954 by imposing a tax on the transfer of explosives to persons who may lawfully possess them and to prohibit possession of explosives by certain persons, introduced by Mr. TYDINGS, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 3865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subtitle E of the Internal Revenue Code of 1954 (relating to alcohol, tobacco and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 54—EXPLOSIVES

"SEC. 5901. TRANSFER TAX.

"(a) IMPOSITION OF TAX.—There is hereby imposed on the transfer of any explosive from a person registered under section 5902 to either a transferee registered under section 5903 or a person to whom such transfer is approved under section 5904 a tax equivalent to 1 percent of the fair market value of the explosive at the time of transfer. The tax imposed by this section shall be paid by the transferor.

"(b) EXPLOSIVE.—For purposes of this chapter, the term 'explosive' includes dynamite, gunpowder, blasting caps, and nitroglycerin.

"(c) PAYMENT.—The tax imposed by subsection (a) of this section shall be payable by the appropriate stamps prescribed for payment by the Secretary or his delegate.

"SEC. 5902. REGISTRATION OF IMPORTERS, MANUFACTURERS, AND DEALERS.

"On first engaging in business and thereafter on or before the first day of July of each year, each importer, manufacturer, and dealer in explosives shall register with the Secretary or his delegate in each internal revenue district in which such business is to be carried on, his name, including any trade name, and the address of each location in the district where he will conduct such business. Where there is a change during the taxable year in the location of, or the trade name used in, such business, the importer, manufacturer, or dealer shall file an application with the Secretary or his delegate to amend his registration. Explosives operations of an importer, manufacturer, or dealer may not be commenced at the new location or under a new trade name prior to approval by the Secretary or his delegate of the application.

"SEC. 5903. REGISTRATION OF TRANSFEREES.

"Upon application to the Secretary or his delegate any person (other than a person described in section 5905) shall be approved as a registered transferee of explosives if the Secretary or his delegate is satisfied that—

"(1) such person regularly uses explosives (A) in his trade or business or (B) for scientific or educational purposes, and

"(2) that such use is lawful in the jurisdiction in which such use occurs.

"SEC. 5904. TRANSFERS TO UNREGISTERED TRANSFEREES.

"(a) APPLICATION.—No explosive may be transferred to a transferee who is not registered under section 5903 unless (1) the transferor of the explosive has filed with the Secretary or his delegate a written application, in duplicate, for the transfer of the explosive to the transferee on the application form prescribed by the Secretary or his delegate; (2) any tax payable on the transfer is paid as evidenced by the proper stamp affixed to the original applicable form; (3) the transferee is identified in the application form in such manner as the Secretary or his delegate may by regulations prescribe, except that, if such person is an individual, the identification must include his fingerprints and his photograph; (4) the transferor of the explosive is identified in the application form in such manner as the Secretary or his delegate may by regulations prescribe; (5) the type and quantity of the explosive, and the purpose for which it is to be used is specified in the application form in such manner as the Secretary or his delegate may by regulations prescribe; and (6) the application form shows that the Secretary or his delegate has approved the transfer of the explosive to the transferee. Applications shall be denied if the transferee is a person described in section 5905 or if the transfer, receipt, or possession of the explosive would place the transferee in violation of law.

"(b) TRANSFER OF POSSESSION.—The transferee of an explosive shall not take possession of the explosive unless the Secretary or his delegate has approved the transfer of the explosive to the transferee as required by subsection (a) of this section.

"SEC. 5905. INELIGIBLE TRANSFEREES.

"No individual who—

"(1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

"(2) is a fugitive from justice;

"(3) has been adjudicated as a mental defective or has been committed to any mental institution; or

"(4) is not a citizen of the United States, may receive or possess any explosive. For purposes of paragraph (1), the term 'crime punishable by imprisonment for a term exceeding one year' shall not include (A) any Federal or State offenses pertaining to anti-trust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate, or (B) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

"SEC. 5906. RECORDS AND RETURNS.

"Importers, manufacturers, and dealers shall keep such records of, and render such returns in relation to, the importation, manufacture, making, receipt, and sale, or other disposition, of explosives as the Secretary or his delegate may by regulations prescribe.

"SEC. 5907. OTHER LAWS APPLICABLE.

"All provisions of law relating to special taxes imposed by chapter 51 and to engraving, issuance, sale, accountability, cancellation, and distribution of stamps for tax payment shall, insofar as not inconsistent with the provisions of this chapter, be applicable with respect to the tax imposed by section 5901.

"SUBCHAPTER B—PROHIBITED ACTS

"SEC. 5911. PROHIBITED ACTS.

"It shall be unlawful for any person—

"(1) to engage in business as a manufacturer or importer of, or dealer in, explosives without having registered as required by section 5902; or

"(2) to receive or possess explosives transferred to him in violation of the provisions of this chapter; or

"(3) to transfer explosives in violation of the provisions of this chapter; or

"(4) to make, or cause the making of, a false entry or any application, return, or record required by this chapter, knowing such entry to be false.

"SUBCHAPTER C—PENALTIES AND FORFEITURES

"Sec. 921. Penalties.

"Sec. 5922. Forfeitures.

"SEC. 5921. PENALTIES.

"Any person who violates or fails to comply with any provision of this chapter shall, upon conviction, be fined not more than \$10,000 or be imprisoned not more than ten years, or both, and shall become eligible for parole as the Board of Parole shall determine.

"SEC. 5922. FORFEITURES.

"(a) LAWS APPLICABLE.—Any explosive involved in any violation of the provisions of this chapter shall be subject to seizure and forfeiture, and (except as provided in subsection (b)) all the provisions of internal revenue laws relating to searches, seizures, and forfeitures of unstamped articles are extended to and made to apply to the articles taxed under this chapter, and the persons to whom this chapter applies.

"(b) DISPOSAL.—In case of the forfeiture of any explosive by reason of violation of this chapter, no notice of public sale shall be required; no such explosive shall be sold at the public sale; if such explosive is forfeited for a violation of this chapter and there is no remission to mitigation of forfeiture thereof, it shall be delivered by the Secretary or his delegate to the Administrator of General Services, General Services Administration, who may order such explosive destroyed or may sell it to any State, or possession, or political subdivision thereof, or at the request of the Secretary or his delegate, may authorize its retention for official use of the Treasury Department, or may transfer it without charge to any executive department or independent establishment of the Government for use by it."

S. 3866—INTRODUCTION OF A BILL TO PROVIDE FOR MORE EFFECTIVE PROTECTION AGAINST HAZARDS CAUSED BY ECONOMIC POISONS

Mr. HART. Mr. President, the battle to regulate pesticides properly is one of the most important in man's efforts to maintain a decent and habitable place in which to live. The authority to permit the use of a pesticide is an awesome power indeed. The tremendous good or harm that an individual pesticide may inflict upon the environment dictates that the utmost care be taken in deciding which pesticides will or will not be approved for use.

Recent events have shown the regulation of pesticides in this country to be woefully inadequate. The simple fact that so many hard pesticides have been in use for so long points to a continuing absence of proper concern for the environmental damage these chemicals may cause. Contamination of food with pesticide residues has become so prevalent in recent years that today it is nearly impossible to eat any food without ingesting some quantity of DDT.

Testimony in recent hearings of the Subcommittee on Energy, Natural Resources, and the Environment of the Senate Commerce Committee has revealed

that 2,4,5-T, a compound in use for over two decades, causes birth defects. On May 8, the subcommittee learned that currently used mercury fungicides release a significant amount of toxic contaminants into the environment. The list goes on and on. Clearly, enough attention has not been paid to the human health and environmental damage certain pesticides may cause.

In response to these problems I am today introducing a bill which would amend the Federal Hazardous Substances Act to include pesticides among the substances regulated by that law. Under the bill's provisions, the Secretary of Health, Education, and Welfare would be authorized to prevent the movement in commerce of any pesticide whenever protection of the public health and safety requires such action. The Secretary would also be required to review all labels prior to the registration of any pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act and to approve only those labels which most effectively protect the public health. Finally, the bill would make criminal the misuse of a pesticide in violation of any approved label.

When the Federal Insecticide, Fungicide, and Rodenticide Act became law, primary concern was with the efficiency, rather than the safety, of pesticide use. Under such conditions, the vesting of control over pesticides in the Department of Agriculture did not seem unreasonable. Our increased awareness of the environmental dangers caused by pesticides, however, now necessitates a change in the orientation of pesticide regulation. Given the acknowledged significance of safety factors in decisions regarding pesticides, it seems only fitting to expand the role of the Federal agency whose primary function is the protection of public health.

The proposed legislation, if passed, will not strip the Department of Agriculture of its existing powers under the Federal Insecticide, Fungicide, and Rodenticide Act. It will, however, subject the exercise of those powers to an independent check by an agency with a different orientation, different makeup, and to some extent different objectives. The current state of our environment argues strongly for this change in our regulatory scheme.

I introduce the bill, for appropriate reference, and ask unanimous consent that it be printed in full in the RECORD.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3866) to amend the Hazardous Substances Act to provide for more protection against the hazards caused by economic poisons introduced by Mr. HART, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(f) (2) is amended by striking out

the word "The" and inserting in lieu thereof "Except as otherwise provided, the".

(b) Section 2(q)(1) of such Act is amended by striking out "or (B)" and inserting in lieu thereof the following: "(B) any economic poison which the Secretary by regulation classifies as a 'banned hazardous substance' on the basis of a finding that the degree or nature of the hazards involved in the presence or use of such poison as currently labelled is such that the objective of the protection of the public health and safety can be adequately served only by keeping such poison out of the channels of interstate commerce, or (C)".

(c) Section 2(q)(2) of such Act is amended by inserting "or clause (C)" immediately after the words "clause (B)", and by inserting after the words "Provided, That" the following: "(1) if the Secretary finds that the use of any economic poison presents an imminent hazard to the public health, he may by order published in the Federal Register give notice of such finding and thereupon such poison shall be deemed to be a 'banned hazardous substance' pending the completion of proceedings relating to the issuance of such regulation, and (ii)".

(d) Section 2 of such Act is further amended by inserting at the end thereof the following:

"(r) The term 'economic poison' has the same meaning as prescribed under section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act."

Sec. 2. Section 4 of the Hazardous Substances Act is amended by adding at the end thereof the following new subsection:

"(1) The use by any person of an economic poison in a manner that is prohibited by the express terms on the label of such poison".

Sec. 3. (a) The heading of section 10 of the Hazardous Substances Act is amended to read as follows:

"ADMINISTRATION"

(b) Section 10 of such Act is amended by adding at the end thereof the following new subsection:

"(c) In order to assure that the safe use of any economic poison is, to the extent practicable, stated on the label, the Secretary of Health, Education, and Welfare shall consult with the Secretary of Agriculture on the labeling of economic poisons prior to the registration of any such economic poison pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act. No economic poison shall after the date of enactment of this Act be registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act without the prior approval of the Secretary of the proposed label. The Secretary shall not approve any such label without first finding that the label as proposed constitutes better protection of the public health and safety than any other reasonable alternative".

Sec. 4. Section 17 of the Hazardous Substances Act is amended by inserting a comma and "except as otherwise provided" before "of the Federal Insecticide, Fungicide, and Rodenticide Act".

S. 3867—INTRODUCTION OF THE EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970

Mr. NELSON. Mr. President, I introduce for proper referral the Employment and Training Opportunities Act of 1970.

The purpose of this legislation is to make a reasonable beginning toward a truly effective national manpower policy including a public service employment program.

Back in 1946 the Congress declared it the national purpose to "use all practicable means to promote maximum employment."

It has been evident for some years that a federally funded program of public employment has been a necessary and a "practicable" means to that end, yet we have hesitated to take that step. Now it is time to begin.

There has been a fear in some quarters that work of a public nature for the unemployed would be "makework." Others have felt that the private economy could be counted on to provide work for all Americans willing and able to work if only the persistent sluggishness of the economy in the late 1950's and early 1960's could be overcome.

It is my belief that both of these objections to a public service employment program have now been shown to be invalid.

First, as to the need for work to be performed. In 1965 Greenleigh Associates did a careful national survey of needed public service employment jobs that could be filled by unskilled workers. They found 4.3 million jobs in 12 different categories. In 1966 the National Commission on Technology, Automation, and Economic Progress found 5.3 million public service jobs in six categories.

The noted economist, Harold L. Shepard, working for the Urban Coalition, reported a survey of cities of 100,000 or more population in January 1969. His conclusion: 280,000 jobs, in these 130 cities alone, in 13 municipal public service functions, of which at least 140,000 could be filled quickly by inner city residents.

This committee has conducted hearings on manpower proposals over the last 7 months, including field hearings in Los Angeles, Corpus Christi, Tex., Milwaukee, Cleveland, and San Francisco, asking mayors and county executives—among other questions—what potential they saw for public service employment in their communities.

The response has been unanimous. Often the first reason in pleading for Federal funds for public service employment has not been the need to create jobs—as acute as that need is—but rather the desperate need the cities feel for personnel, especially people from the community, to maintain needed public services in education, health, recreation, police, fire, conservation, and sanitation.

In Los Angeles, county officials testified that there are some 2,000 jobs that desperately need doing, could be performed largely by low-skilled people, but cannot be budgeted for lack of tax revenue. The city of Los Angeles found 1,675 positions that could be immediately filled in day care, neighborhood improvement, sanitation, and social services.

In Cleveland the city reported a similar total number of jobs available, and the private welfare organizations named over 4,000.

Back in 1964, when I introduced the Human Resources and Conservation Act of 1964 to establish a \$1 billion national program of conservation work for the disadvantaged, we wrote to Federal, State, and local officials with conservation and land management responsibilities. At that time the Department of the Interior alone estimated that there was 57,000 man-years of work to be done on conservation projects through the Na-

tional Park Service, the Bureau of Sport Fisheries and Wildlife, and other agencies of the Department. The State of Wisconsin reported over 14,000 man-years of work on State-owned land. There was not then and is not now any national inventory of conservation work to be done. But all experts agree there is ample real work to occupy all Americans able to work.

The legislative fruit of that Human Resources Conservation Act was the Nelson amendment to the Economic Opportunity Act of 1964, now known as Operation Mainstream. It has been largely used to provide part-time work for older, rural workers. Even now, 6 years later the program provides barely enough jobs for the Nation—only 10,700 annually—to fill the State of Wisconsin's annual needs.

The New Careers program—run at about half the modest level of Operation Mainstream—\$18.6 million and 4,400 jobs in 1969—has effectively demonstrated that it is perfectly feasible to train and hire the hard core unemployed for public service jobs. These new Government employees—as we learned in testimony in a number of cities—are especially effective in programs that involve personal service in their own communities. They can help with long delayed reforms in civil service regulations that often stand as arbitrary roadblocks to advancement rather than the assurance of fair consideration of job related merit that such regulations ought to be.

The New Careers program has suffered not only from its very modest size, but also from the fact that Federal funds for salary support end after the second year. In a number of programs New Career trainees have found themselves trained for jobs that local governmental units cannot budget for lack of tax revenues. Considerably longer term Federal salary support for people hired to expand public services is desperately needed if public employment is not to be simply another token manpower program leading only to a cruel disappointment.

The Operation Mainstream program proved that a public service employment program—and one often largely involved with conservation—is enormously popular with local officials and citizens.

This popularity should come as no surprise. Public opinion polls over the last 30 years have consistently shown the American people favorable to the concept of federally subsidized work for those unemployed by the private economy. For instance, in 1967, 66 percent of the whites and 91 percent of the blacks questioned favored a large scale Federal employment program.

At a time when the Nation is starved for adequate public services in schools, hospitals, sanitation, conservation, recreation, police and fire and child care work, is it any wonder that such programs are particularly attractive?

There is now general agreement that there is ample real work to be done, and that pilot projects under the Labor Department and the Office of Economic Opportunity in Operation Mainstream and New Careers, the paraprofessional programs in health, education, and day

care have shown us how to run effective programs.

And now as the Nation heads back down the slope of recession—with unemployment now at 5.4 percent of the work force, measured by the 1965 yardstick—we must be honest enough to admit that even at the height of the economic boom in 1967 unemployment and underemployment in the Nation's ghettos and rural backwaters remained explosively high.

As Willard Wirtz—then the Secretary of Labor—said in January 1967 to President Johnson in a confidential memo outlining his proposal for what became the concentrated employment and job opportunities in the business sector programs:

If a third of the people in the nation couldn't make a living, there would be a revolution. This is the situation—and the present prospect, unless action is taken—in the nation within a nation, our ghettos and slums.

The failure of the JOBS program to come anywhere near reaching its goals testifies to the limits of the private economy in meeting the whole problem alone.

For fiscal 1970 the Labor Department's table of manpower training opportunities listed 140,000 training opportunities in the JOBS program.

What have been the results?

Jobs pledged by business.....	99,846
Persons hired.....	84,703
Terminations.....	50,225
Presently in program.....	34,478

These are figures supplied by the Secretary of Labor. They are not 1-year figures but the cumulative data from the beginning of the program in 1968 through January 1970.

I do not mean to criticize the enormous effort made by businessmen in the JOBS program and privately by quoting the figures. The point is that private enterprise cannot be responsible for solving the manpower problems of the Nation by itself.

As George C. McGhee, testifying for the Urban Coalition told our committee:

It would not be reasonable, however, to expect the private sector to do the whole job. The jobs are just not there.

Meanwhile, the terrifying unemployment and underemployment statistics continue to mount.

In 1965 unemployment in Watts was at the 24,000 level. In 1967, after heroic effort by local business it was down to 12,000. But when our committee was in Los Angeles in January, local witnesses testified that the level was back at 24,000 and conditions were not measurably better than 5 years before.

Mr. President, the fact of the matter is that there simply are not now enough jobs in America for all her citizens, jobs where the people live—or near enough to be within reach—jobs at the skill level people have—or can be trained for in short space of times—jobs that pay enough to support a man and his family at even the poverty level—and offer hope of advancement.

At the same time the Nation is in an

extraordinary crisis, a crisis brought on in part by the wholesale neglect of our clear duty to our common life, a starvation of the public services that alone can make a modern industrial society a livable habitat for man.

The answer to these twin dilemmas has been clear for some time: a substantial public service employment program.

Today I introduce a bill to make a start in that direction—to create in the first year 150,000 to 200,000 in the public sector at the cost of \$1 billion.

The time for rhetoric is long, long past. If we are ever to reorder our priorities the time is now. Let us not lose the opportunity.

Mr. President, I ask unanimous consent to place in the RECORD at the conclusion of my remarks a summary of the bill I am introducing and I ask that the text of the bill also be printed in the RECORD.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be received and appropriately referred; and, without objection, the bill and summary will be printed in the RECORD.

The bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes, introduced by Mr. NELSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the "Employment and Training Opportunities Act of 1970":

- Sec. 1. Short Title.
- Sec. 2. Authorized Appropriations.
- Sec. 3. Advance Funding.
- Sec. 4. Legal Authority.
- Sec. 5. Special Limitation.
- Sec. 6. Labor Standards.
- Sec. 7. Definitions.

TITLE I—PUBLIC SERVICE EMPLOYMENT

- Sec. 101. Financial Assistance.
- Sec. 102. Authorization.
- Sec. 103. Eligible Applicants.
- Sec. 104. Public Service Employment Councils.
- Sec. 105. Applications.
- Sec. 106. Allocation of Funds.
- Sec. 107. Special Conditions.
- Sec. 108. Emergency Employment Assistance.

TITLE II—COMPREHENSIVE MANPOWER SERVICES

- Sec. 201. Secretary's Responsibilities.
- Sec. 202. Use of Funds.
- Sec. 203. Eligible Applicants.
- Sec. 204. Prime Sponsors.
- Sec. 205. Applications.
- Sec. 206. Health, Education, and Welfare.
- Sec. 207. Allocation of Funds.
- Sec. 208. Special Conditions.
- Sec. 209. Allowances and Compensation.

TITLE III—SPECIAL WORK TRAINING AND CAREER DEVELOPMENT PROGRAMS

PART A—General Provisions

- Sec. 301. Equitable Distribution of Assistance.
- Sec. 302. Limitations on Federal Assistance.
- Sec. 303. Administrative Regulations.

PART B—NEW CAREERS

- Sec. 311. Program Authorized.
- Sec. 312. Assistance Authorized.
- Sec. 313. Special Conditions.
- Sec. 314. Program Participants.

PART C—UPGRADING PROGRAMS

- Sec. 321. Program Authorized.
- Sec. 322. Requirements.

PART D—OPPORTUNITIES INDUSTRIALIZATION CENTERS

- Sec. 331. Program Authorized.

TITLE IV—SPECIAL YOUTH WORK AND TRAINING PROGRAMS

PART A—JOB CORPS

- Sec. 401. Statement of Purpose.
- Sec. 402. Individuals Eligible for Job Corps.
- Sec. 403. Screening and Selection of Applicants.
- Sec. 404. Special Limitations.
- Sec. 405. Enrollment and Assignment.
- Sec. 406. Job Corps Centers.
- Sec. 407. Program Activities.
- Sec. 408. Allowance and Support.
- Sec. 409. Standards of Conduct.
- Sec. 410. Community Participation.
- Sec. 411. Counseling and Job Placement.
- Sec. 412. Evaluation; Experimental and Demonstration Projects.
- Sec. 413. Advisory Committees and Boards.
- Sec. 414. Participation of the States.
- Sec. 415. Application of Provisions and Federal Law.
- Sec. 416. Special Limitations.
- Sec. 417. Political Discrimination and Political Activity.

PART B—NEIGHBORHOOD YOUTH PROGRAMS

- Sec. 451. Programs Authorized.
- Sec. 452. Special Conditions.
- Sec. 453. Program Participants.
- Sec. 454. Administrative Regulations.
- Sec. 491. Existing Laws.

TITLE V—ENVIRONMENT IMPROVEMENT PROJECTS

PART A—GENERAL PROVISIONS

- Sec. 501. Equitable Distribution of Assistance.
- Sec. 502. Limitations on Federal Assistance.
- Sec. 503. Administrative Regulations.
- Sec. 504. Special Conditions.

PART B—MAINSTREAM PROGRAM

- Sec. 511. Program Authorized.
- Sec. 512. Program Participants.

PART C—COMMUNITY ENVIRONMENT SERVICES

- Sec. 521. Program Authorized.

TITLE VI—INDIAN MANPOWER SERVICES

- Sec. 601. Statement of Findings and Purpose.
- Sec. 602. Establishment of Office of Indian Manpower Services.
- Sec. 603. Eligible Applicants.
- Sec. 604. National Indian Manpower Advisory Committee.

AUTHORIZED APPROPRIATIONS

SEC. 2. (a) There are authorized to be appropriated such amounts as may be necessary to carry out this Act for the fiscal year ending June 30, 1971, and for each fiscal year thereafter.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds appropriated to carry out this Act which are not obligated and expended prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during the succeeding fiscal year.

ADVANCE FUNDING

SEC. 3. (a) For the purpose of affording adequate notice of funding available under this Act appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the

fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

LEGAL AUTHORITY

SEC. 4. Rules, regulations, guidelines, and other published interpretations or orders issued by the Department of Labor, or any official thereof, in connection with or affecting the administration of any authority under this Act shall contain, immediately following each substantive provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based.

SPECIAL LIMITATION

SEC. 5. No authority conferred by this Act shall be used to assist in relocating establishments from one area to another or to enter into arrangements for, or otherwise establish, any training programs in the lower wage industries where prior skill or training is typically not a pre-requisite to hiring and where labor turnover is high. Such limitation on relocation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operation of the existing business entity in the area of its original location or in any other area where it conducts such operations.

LABOR STANDARDS

SEC. 6. All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

DEFINITIONS

SEC. 7. For the purposes of this Act, the term—

(1) "Secretary" means the Secretary of Labor;

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

TITLE I—PUBLIC SERVICE EMPLOYMENT FINANCIAL ASSISTANCE

SEC. 101. The Secretary of Labor shall enter into arrangements with eligible applicants in accordance with the provisions of this title for the purpose of providing financial assistance to public and private nonprofit agencies and institutions for the creation of jobs providing employment for unemployed or underemployed persons in carrying out needed public services.

AUTHORIZATION

SEC. 102. (a) For each of the two fiscal years ending prior to July 1, 1972, not less than one-third and for each fiscal year thereafter, not less than one-half, of the amounts available for the purpose of carrying out this Act shall be used for the purpose of carrying out this title.

(b) In addition to the amounts available for the purpose of carrying out this title pursuant to subsection (a), there are authorized to be appropriated for the purpose of carrying out this title \$1,000,000,000 for the fiscal year ending June 30, 1971, and for each fiscal year thereafter.

ELIGIBLE APPLICANTS

SEC. 103. For the purpose of entering into arrangements with the Secretary under this title, eligible applicants shall be—

(1) States, counties, cities, and other units of local general government which have established Public Service Employment Councils pursuant to plans approved by the Secretary under section 104 in order to carry out comprehensive public service employment programs; and

(2) other public and private nonprofit agencies and institutions (including community action programs and public service agencies and institutions of the Federal Government) which desire to provide public service employment opportunities.

PUBLIC SERVICE EMPLOYMENT COUNCILS

SEC. 104. (a) Any State, county, city, or other unit of local general government which desires to be an eligible applicant in order to enter into arrangements with the Secretary under this title for the purpose of carrying out a comprehensive public service employment program shall submit to the Secretary a plan for the establishment of a Public Service Employment Council which shall—

(1) provide that the chief executive officer or officers of the unit or units of government establishing such Council shall appoint the members of the Council and shall designate one member to be chairman.

(2) provide that the Council shall include members who are representative of community action programs, the public employment service, education and training institutions, and business and labor, and shall include members who are representative of child care, education, environmental quality, health, recreation, and other social service agencies;

(3) provide that the chairman of the Council shall, with the approval of the Council, appoint a staff director who shall supervise professional, technical, and clerical staff serving the Council;

(4) provide that applications from eligible applicants to which this section is applicable shall be prepared and submitted for such applicant by the Council;

(5) set forth the Council's plans for conducting on a continuing basis surveys and analyses of needs for public services in the area served by the Council to be used in the development of applications for assistance under this title;

(6) set forth arrangements assuring that community action programs will be involved in the development of applications for financial assistance under this title;

(7) set forth the Council's plans for evaluating the effectiveness of programs for which it receives financial assistance under this title; and

(8) describe the area to be served by the Council.

(b) The Secretary shall approve plans submitted by units of government under subsection (a) which are consistent with the purposes of this title and meet the requirements of subsection (a). A plan submitted by a unit of government shall not be dis-

proved without an opportunity for a hearing upon which an appeal to the Secretary may be based.

(c) The Secretary shall make available not less than 1 percent of the sums appropriated to carry out this Act for the purpose of paying such amounts as may be reasonably necessary to cover the staff and other administrative expenses of the Councils established pursuant to subsection (a). The amount made available for the purposes of this subsection shall be allocated in the same manner as set forth in section 106.

APPLICATIONS

SEC. 105. (a) Financial assistance under this title may be provided by the Secretary only pursuant to an application from an eligible applicant approved by the Secretary in accordance with the provisions of this title. Such application shall set forth a public service employment program designed to create jobs providing employment for unemployed and underemployed persons in carrying out needed public services in such fields as health; public safety; education; recreation; streets, parks, and municipal maintenance; solid waste removal; pollution control; housing and neighborhood improvement; rural development; conservation; beautification; and other fields of human betterment and community improvement.

(b) An application for financial assistance for a public service employment program under this title shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such activities or services under such supervision;

(2) a description of the area to be assisted by such programs, including data indicating the number of potential eligible participants and their income and employment status;

(3) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(4) a description of unmet public service needs and a statement of priorities among such needs;

(5) description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(6) the wages or salaries to be paid participants and a comparison with the prevailing wages in the area for similar work;

(7) the education, training, and supportive services (including counseling and medical care) which complement the work performed;

(8) the planning for and training of supervisory personnel in working with participants;

(9) a description of career opportunities and job advancement potentialities for participants;

(10) an indication of the full participation and maximum cooperation among local public officials, area residents, and representatives of private organizations in the development of the program and a description of their respective roles in the conduct and administration of the program.

(c) An application, or modification or amendment thereof, for financial assistance under this title, may be approved only if the Secretary determines that—

(1) the application is consistent with the provisions of this title;

(2) the application meets the requirements set forth in subsections (a) and (b);

(3) an opportunity has been provided to

the appropriate community action programs in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) the application has been reviewed by a panel of experts to which the application is referred in accordance with procedures established by regulation and is accompanied by the recommendation of the panel on the amount of requested funds which it finds to be approvable; and

(5) the approvable request for funds does not exceed 90 percent of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances warrant the waiver of this requirement.

ALLOCATION OF FUNDS

SEC. 106. If the funds available for carrying out this title are not sufficient to satisfy fully all approvable requests for funds under section 105 of this title, then not less than 80 percent of the total funds available for comprehensive public service employment programs to be carried out by eligible applicants under section 104 shall be allocated among such applicants in the same proportions as the total number of unemployed persons, of persons heading low-income families, and of unrelated low-income persons, in the area served by such applicants, bears to the total number of such persons in the Nation as a whole. To the extent that any of such funds are not required to satisfy approvable requests for funds, then such remaining funds may be allocated in such manner as the Secretary deems appropriate.

SPECIAL CONDITIONS

SEC. 107. (a) The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he may prescribe, that—

(1) no participant will be employed on projects involving political activities, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(2) the program will result in an increase in employment opportunities over those which would otherwise be available and will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of non-overtime work or wages or employment benefits), and will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(3) wages paid to a participant shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938 if section 6 of such Act applied to the participant and he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rate of wages in the area for similar work;

(4) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

(5) all participants will be assured of workman's compensation, retirement, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees, and to working conditions no less favorable than such other employees enjoy;

(6) the place of work provides employees with safe and healthful working conditions; and

(7) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment;

(8) if such employees are, under State law, exempted from the operation of the State workmen's compensation or unemployment compensation laws, generally applicable to employees, unless the employer shall undertake to provide either through insurance by a recognized carrier, or by self-insurance, as allowed by State law, that such employees shall enjoy workmen's compensation and unemployment compensation coverage equal to that provided by law for covered employment.

(b) Programs approved under this title shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged.

(c) Where a labor organization represents employees who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is submitted under this title, such organization shall be notified by the Secretary prior to the approval of such application.

(e) The Secretary shall prescribe regulations to assure that programs under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

EMERGENCY EMPLOYMENT ASSISTANCE

SEC. 108. (a) In addition to financial assistance otherwise available under this Act, the Secretary shall extend financial assistance to eligible applicants which have approved applications under section 105 to provide employment for unemployed persons in public service employment programs in local areas of high unemployment which are eligible for the allocation of funds under this section. Local areas (as defined in regulations by the Secretary in accordance with the purposes of this section) shall be deemed to be local areas of high unemployment when, and programs serving such local areas shall be eligible for assistance under this section in proportion to the extent that, the rate of unemployment exceeds 4.5 percent in such area.

(b) For the purpose of making funds available to carry out this section on a timely basis, the Secretary shall transfer funds otherwise available under this Act. Without delay when needed, the Secretary shall submit to the President, and the President shall submit to the Congress, the estimated funds which it would be necessary to appropriate to satisfy fully all approvable requests under this section, which are hereby authorized to be appropriated.

TITLE II—COMPREHENSIVE MANPOWER SERVICES

SECRETARY'S RESPONSIBILITIES

SEC. 201. The Secretary of Labor (hereinafter referred to as the Secretary) shall develop and carry out a program of comprehensive manpower services under this title that will—

(1) provide for the prompt referral of all those persons who are qualified and are seeking work to suitable employment opportunities;

(2) guarantee training and related manpower services to all other persons who are unemployed, in danger of becoming unemployed, employed in public service jobs, or employed in low-paying jobs who could through further training qualify for job opportunities that would provide an adequate standard of living for themselves and their families;

(3) provide appropriate training and related manpower services for persons in correctional institutions to assist them in obtaining suitable employment upon release;

(4) provide appropriate training and re-

lated manpower services for persons who have recently been or will shortly be separated from military service;

(5) develop an early warning system and standby capability that will assure a timely and adequate response to major economic dislocations arising from changing markets, rapid technological change, plant shut-downs, or business failure;

(6) promote and encourage the adoption of employment practices by public agencies, nonprofit agencies, labor organizations, and private firms that will remove unreasonable barriers to employment, without reducing productivity, and expand opportunities for upward mobility;

(7) reduce the level of youth unemployment by improving the linkages between educational institutions and job markets; and

(8) support and encourage the development of broad and diversified training programs by public, nonprofit, and private employers designed to improve the skills and thereby the promotion and employment opportunities of employed workers.

USE OF FUNDS

SEC. 202. The services for which funds under this title may be expended shall include but not be limited to the following:

(1) basic education, including literacy and communications skills which will assist individuals to become more employable or more suitable for participation in occupational training;

(2) outreach, counseling, testing, work evaluation and adjustment, work sampling, recruitment, placement, and followup services;

(3) orientation to work discipline and acclimation to the work situation;

(4) institutional and on-the-job occupational training, including training of employed workers for the purpose of upgrading their skills and improving the utilization of available manpower;

(5) supportive services, including health services, physical examinations, the furnishing of prosthetic devices, child care, bonding, and other special services, including residential support, deemed necessary for enhancing the employability of participants in programs assisted under this title;

(6) work experience for unemployed and disadvantaged individuals, including the performance of socially useful work in public and private agencies or organizations in the fields of health, public safety, education, recreation, streets, parks, and municipal maintenance, housing and neighborhood improvement, conservation and rural development, beautification, and other fields of human betterment and community improvement, including the establishment, operation, or strengthening of any such program;

(7) part-time work for students in ninth through twelfth grades (and youths of equivalent ages) to assist them in remaining in or returning to school; and with such employment opportunities developed in consultation with educational authorities to enhance, to the extent feasible, the educational growth of such students;

(8) relocation assistance, including grants, loans and the furnishing of such services as will aid an involuntarily unemployed individual to relocate in an area where he may obtain suitable employment;

(9) the development of job opportunities including activities designed to promote job restructuring and redesign for the purpose of providing more effective utilization of manpower;

(10) incentives to public or private employers including reimbursements for a limited period when an employee newly hired or being upgraded might not be fully productive;

(11) training for specialized or other personnel and technical assistance which is needed in connection with the programs established under this title or which other-

wise pertains to the purposes of this title; and

(12) such other services as the Secretary deems necessary to carry out the purposes of this Act.

ELIGIBLE APPLICANTS

SEC. 203. (a) To the extent consistent with the purposes of this title, the Secretary is authorized to enter into arrangements with any eligible applicant in accordance with the provisions of this title for the purpose of carrying out manpower services which the Secretary determines can be most effectively implemented by such applicant.

(b) For the purpose of entering into arrangements with the Secretary under this title, eligible applicants shall be—

(1) States, counties, cities, and other units of local general government which have been approved as prime sponsors pursuant to plans approved by the Secretary under section 204;

(2) other public and private agencies, institutions, and organizations, including community action programs.

PRIME SPONSORS

SEC. 204. (a) Any State, county, city, or other unit of local general government which desires to be a prime sponsor in order to enter into arrangements with the Secretary under this title for the purpose of carrying out a comprehensive manpower services program shall submit to the Secretary a plan for the establishment of a Manpower Services Council which shall—

(1) provide that the chief executive officer or officers of the unit or units of government establishing such Council shall appoint the members of the Council and shall designate one member to be chairman;

(2) provide that the Council shall include members who are representative of community action programs; the public employment service; public educational agencies; community postsecondary educational and training institutions; social service programs, including child care, health, vocational rehabilitation, and welfare agencies; industrial development organizations; apprenticeship programs; business; and labor;

(3) provide that the chairman of the Council shall, with the approval of the Council, appoint a staff director who shall supervise professional, technical, and clerical staff serving the Council;

(4) provide that applications from eligible applicants to which this section is applicable shall be prepared and submitted for such applicant by the Council;

(5) set forth the Council's plans for conducting on a continuing basis surveys and analyses of needs for manpower services in the area served by the Council to be used in the development of applications for assistance under this title;

(6) set forth arrangements assuring that community action programs will be involved in the development of applications for financial assistance and in the implementation of programs assisted under this title;

(7) set forth the Council's plans for evaluating the effectiveness of programs for which it receives financial assistance under this title; and

(8) describe the area to be served by the Council.

(b) The Secretary shall approve plans submitted by units of government under subsection (a) which are consistent with the purposes of this title and meet the requirements of subsection (a). A plan submitted by a unit of government shall not be disapproved without an opportunity for a hearing upon which an appeal to the Secretary may be based.

(c) In the event that a unit of government does not submit a plan approvable under this section, including adequate arrangements with community action programs in accordance with clause (6) of subsection (a), the Secretary may designate a com-

munity action agency as prime sponsor for a specific area.

(d) The Secretary shall make available not less than 1 percent of the sums appropriated to carry out this Act for the purpose of paying such amounts as may be reasonably necessary to cover the staff and other administrative expenses of the Councils established pursuant to subsection (a). The amount made available for the purposes of this subsection shall be allocated in the same manner as set forth in section 207.

APPLICATIONS

SEC. 205. (a) Financial assistance under this title may be provided by the Secretary only pursuant to an application from an eligible applicant approved by the Secretary in accordance with the provisions of this title. Such application shall set forth—

(1) a description of the services for which such financial assistance will be used;

(2) assurances that the services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such services under such supervision;

(3) any arrangements made for services to be performed, on a reimbursable basis or otherwise, with the public employment service or any other public or private agency, institution, or organization;

(4) a description of the area to be assisted by such programs, including data indicating the number of potential eligible participants and their income and employment status.

(b) An application, or modification or amendment thereof, for financial assistance under this title, may be approved only if the Secretary determines that—

(1) the application is consistent with the purposes of this title;

(2) the application meets the requirements set forth in subsection (a);

(3) an opportunity has been provided to appropriate community action programs in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) in the case of an application from an eligible applicant other than the State, an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary;

(5) in the case of an application from a State, an opportunity has been provided to officials of the appropriate local units of general government to submit comments with respect to the application to the State and to the Secretary;

(6) the approvable request for funds does not exceed 90 percent of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances warrant the waiver of this requirement.

HEALTH, EDUCATION, AND WELFARE

SEC. 206. In the case of any application which sets forth services of a health, education, and welfare character, the Secretary of Labor shall not approve such application without the concurrence of the Secretary of Health, Education, and Welfare. Such services include basic education; institutional training; health, child care, and other supportive services; and new careers and job restructuring in the health, education, and welfare professions.

ALLOCATION OF FUNDS

SEC. 207. If the funds available for carrying out this title are not sufficient to satisfy fully all approvable requests for funds under section 205 of this title, then not less than 80 percent of the total funds available for prime sponsors under section 204 shall be allocated among such prime sponsors in the same proportions as the total number of persons in the labor force, of unemployed persons, of persons heading low-income

families, and of unrelated low-income persons, in the area served by such prime sponsor, bears to the total number of such persons in the Nation as a whole. To the extent that any of such funds are not required to satisfy approvable requests for funds, then such remaining funds may be allocated in such manner as the Secretary deems appropriate.

SPECIAL CONDITIONS

SEC. 208. The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he may prescribe, that—

(1) conditions of employment or training will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant;

(2) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on any project are established and will be maintained;

(3) appropriate workmen's compensation protection will be provided to all participants;

(4) no discrimination will be exercised, threatened, or promised by any person with responsibilities in the operation of any program, against or in favor of any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, membership or lack of membership in any organization, political affiliation, or beliefs;

(5) the program does not involve political activities nor will any participant be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(6) the program will not result in the displacement of employed workers or impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(7) funds will be used to supplement, to the extent practicable, the level of funds that would otherwise be made available from non-Federal sources for the purpose of planning and administration of programs within the scope of this title and not to supplant such other funds;

(8) the applicant will make such reports, in such form and containing such information as the Secretary may from time to time require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure that funds are being expended in accordance with the provisions of this title.

ALLOWANCES AND COMPENSATION

SEC. 209. (a) The Secretary shall where appropriate provide for the payment of weekly allowances to individuals receiving services under this title. Such allowances shall be at a rate prescribed by the Secretary which, when added to amounts received by the trainee, in the form of public assistance or unemployment compensation payments, shall approximate the minimum wage for a workweek of forty hours under section 6(a)(1) of the Fair Labor Standards Act of 1938 or, if higher, under the applicable State minimum wage law, or where the trainee is being trained for particular employment, at a rate equal to 80 percent of the weekly wage for such employment, whichever is greater. In prescribing allowances, the Secretary may allow additional sums for special circumstances such as exceptional expenses incurred by trainees including but not limited to meal and travel allowances or he may reduce such allowances by an amount reflecting the fair value of meals, lodging, or other necessities furnished to the trainee. The Secretary shall take such action as may be necessary to insure that

such persons receive no allowances with respect to periods during which they are failing to participate in such programs, training, or instruction as prescribed herein without good cause. Notwithstanding the preceding provisions of this subsection, the Secretary may, in the case of programs carried on outside the continental United States, make appropriate adjustments in allowances which would otherwise be payable under this Act to reflect the special economic circumstances which exist in the area in which the program is to be carried on. Allowances shall not be paid for any course of training having a duration in excess of one hundred and four weeks.

(b) For purposes of subchapter I of chapter 81 of title 5, United States Code, persons receiving services under this title shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply, except that in computing compensation benefits for disability or death, the monthly pay of such a person shall be deemed to be allowance for a month, if he is receiving one, but in no event shall the monthly pay be deemed to be less than the minimum wage for four workweeks of forty hours each under section 6(a)(1) of the Fair Labor Standards Act of 1938, or, if higher, under the applicable State minimum wage law.

TITLE III—SPECIAL WORK TRAINING AND CAREER DEVELOPMENT PROGRAMS

PART A—GENERAL PROVISIONS

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 301. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance among the States under each of the parts of this title. In developing such criteria as are appropriate for each part, he shall consider, among other relevant factors, the ratios of population, unemployment, and family income levels. Of the sums available for any fiscal year for programs authorized under each such part not more than 15 percent shall be used within any one State.

LIMITATIONS ON FEDERAL ASSISTANCE

SEC. 302. Federal financial assistance to any program or activity carried out pursuant to this title shall not exceed 90 percent of the cost of such program or activity, including costs of administration. The Secretary may, however, approve assistance in excess of that percentage if he determines, pursuant to regulations establishing objective criteria for such determinations, that this is necessary in furtherance of the purposes of this part. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services.

ADMINISTRATIVE REGULATIONS

SEC. 303. The Secretary shall prescribe regulations to assure that programs assisted under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

PART B—NEW CAREERS

PROGRAM AUTHORIZED

SEC. 311. The Secretary shall carry out a special program to be known as "New Careers" which will provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields of public service, including without limitation health, education, welfare, recreation, day care, neighborhood redevelopment, and public safety, which provide maximum

prospects for on-the-job training, promotion, and advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

ASSISTANCE AUTHORIZED

SEC. 312. In carrying out this part, the Secretary is authorized to—

(1) provide financial assistance to public or private nonprofit agencies to stimulate and support efforts to provide the unemployed with jobs and the low-income worker with greater career opportunity;

(2) provide financial and other assistance to insure the provision of supportive and follow-up services to supplement programs under this part including health services, counseling, day care for children, transportation assistance, and other special services necessary to assist individuals to achieve success in these programs and in employment.

SPECIAL CONDITIONS

SEC. 313. (a) The Secretary shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

(1) no participant will be employed on projects involving political activities, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

(4) the program will, to the maximum extent feasible, contribute to the occupational development and upward mobility of individual participants.

(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(c) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement.

(d) Projects under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

PROGRAM PARTICIPANTS

SEC. 314. Participants in programs under this part must be unemployed or low-income persons. The Secretary, in consultation with the Commissioner of Social Security, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors. Any individual shall be deemed to be from a low-income family if the family receives cash welfare payments.

PART C—UPGRADING PROGRAMS

PROGRAM AUTHORIZED

SEC. 321. The Secretary shall enter into arrangements with public or private employers under the terms of which the employer undertakes to provide the necessary education and skill training to prepare em-

ployees for positions of greater skill, responsibility and remuneration in the employ of such employer.

REQUIREMENTS

SEC. 322. Financial assistance under this part may be provided by the Secretary only pursuant to an application setting forth arrangements satisfactory to the Secretary, including assurances that—

(1) the position for which employees will be trained are positions that cannot with reasonable effort be filled by the employer with unemployed or underemployed workers already possessing such skills and willing to accept such employment;

(2) the selection of trainees shall be based upon merit, ability, and length of service, and that no person shall be selected as a trainee until such person has been in the employ of the employer for a period of not less than six months;

(3) the training content of the program is adequate, involves reasonable progression, and will result in the qualification of trainees for suitable employment in a recognized skill or occupation in the service of that employer and of other employers in the same industry;

(4) the training period is reasonable and consistent with periods customarily required for comparable training;

(5) adequate and safe facilities, and adequate personnel and records of attendance and progress are provided;

(6) successful completion of the employee's training program can reasonably be expected to result in an offer of employment in the employer's own enterprise in the occupation for which he will be trained at wage rates not less than those prevailing for the same or similar occupations in that industry;

(7) the training and placement of such employees is part of a program that can reasonably be expected to lead directly to the employment of an equivalent number of new employees in entry level employment; and

(8) the trainees are compensated by the employer at such rates, including periodic increases; as may be deemed reasonable under regulations issued by the Secretary, considering such factors as industry practice and trainee proficiency, and that in no event shall the wages or employment benefits of any trainee be less than those received by him immediately before his starting such training program.

PART D—OPPORTUNITIES INDUSTRIALIZATION CENTERS

PROGRAM AUTHORIZED

SEC. 331. The Secretary shall make financial assistance available under this part for the establishment and operation of "Opportunities Industrialization Centers" designed to provide comprehensive employment services and job opportunities for low-income persons who are unemployed or underemployed. Such services shall include recruitment, counseling, remediation, vocational training, job development, job placement, and other appropriate services. No funds shall be made available for any program under this part unless the Secretary determines that adequate provisions are made to assure that (A) the residents of the area to be served by such program are involved in the planning and operation of such center, and (B) the business community in the area to be served by such program is consulted in its development and operation. The Secretary shall give priority to any program authorized under this part serving residents of an inner-city area with substantial unemployment or underemployment.

TITLE IV—SPECIAL YOUTH WORK AND TRAINING PROGRAMS

PART A—JOB CORPS

STATEMENT OF PURPOSE

SEC. 401. This part establishes a Job Corps for low-income, disadvantaged young men

and women, sets forth standards and procedures for selecting individuals as enrollees in the Job Corps, authorizes the establishment of residential and/or nonresidential centers in which enrollees will participate in intensive programs of education, vocational training, work experience, counseling, and other activities, and prescribes various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps. Its purpose is to assist young persons who need and can benefit from an unusually intensive program, operated in a group setting, to become more responsible, employable, and productive citizens; and to do so in a way that contributes, where feasible, to the development of national, State, and community resources, and to the development and dissemination of techniques for working with the disadvantaged that can be widely utilized by public and private institutions and agencies.

INDIVIDUALS ELIGIBLE FOR THE JOB CORPS

SEC. 402. To become an enrollee in the Job Corps, a young man or woman must be a person who—

(1) is a permanent resident of the United States who has attained age fourteen but not attained age twenty-two at the time of enrollment;

(2) is a low-income individual or member of a low-income family who requires additional education, training, or intensive counseling and related assistance in order to secure and hold meaningful employment, participate successfully in regular schoolwork, qualify for other training programs suitable to his needs, or satisfy Armed Forces requirements;

(3) is currently living in an environment so characterized by cultural deprivation, a disruptive homelife, or other disorienting conditions as to substantially impair his prospects for successful participation in any other program providing needed training, education, or assistance;

(4) is determined, after careful screening as provided for in sections 403 and 404, to have the present capabilities and aspirations needed to complete and secure the full benefit of the program authorized in this part, and to be free of medical and behavioral problems so serious that he could not or would not be able to adjust to the standards of conduct and discipline or pattern of work and training which that program involves; and

(5) meets such other standards for enrollment as the Secretary may prescribe (including special standards for the enrollment on a residential basis of 14 and 15 year olds) and agrees to comply with all applicable Job Corps rules and regulations.

SCREENING AND SELECTION OF APPLICANTS

SEC. 403. (a) The Secretary shall prescribe necessary rules for the screening and selection of applicants for enrollment in the Job Corps. To the extent practicable, these rules shall be implemented through arrangements which make use of agencies and organizations such as community action agencies, public employment offices, professional groups, and labor organizations. The rules shall establish specific standards and procedures for conducting screening and selection activities; shall encourage recruitment through agencies and individuals having contact with youths over substantial periods of time and able, accordingly, to offer reliable information as to their needs and problems; and shall provide for necessary consultation with other individuals and organizations, including court, probation, parole, law enforcement, education, welfare, and medical authorities and advisers. They shall also provide for—

(1) the interviewing of each applicant for the purpose of—

(A) determining whether his educational

and vocational needs can best be met through the Job Corps or any alternative program in his home community;

(B) obtaining from the applicant pertinent data relating to his background, needs, and interests for evaluation in determining his eligibility and potential assignment; and

(C) giving the applicant a full understanding of the Job Corps program and making clear what will be expected of him as an enrollee in the event of his acceptance.

(2) The conduct of a careful and systematic inquiry concerning the applicant's background for the effective development and, as appropriate, clarification of information concerning his age, citizenship, school and draft status, health, employability, past behavior, family income, environment, and other matters related to a determination of his eligibility.

(b) The Secretary shall make no payments to any individual or organization solely as compensation for the service of referring the names of candidates for enrollment in the Job Corps.

(c) The Secretary shall take all necessary steps to assure that the enrollment of the Job Corps includes an appropriate number of candidates selected from rural areas, taking into account the proportion of eligible youth who reside in rural areas and the need to provide residential facilities for such youth in order to meet problems of wide geographic dispersion.

SPECIAL LIMITATIONS

SEC. 404. (a) No individual shall be selected as an enrollee unless it is determined that there is reasonable expectation that he can participate successfully in group situations and activities with other enrollees, that he is not likely to engage in actions or behavior that would prevent other enrollees from receiving the benefit of the program or be incompatible with the maintenance of sound discipline and satisfactory relationships between any center to which he might be assigned and surrounding communities, and that he manifests a basic understanding of both the rules to which he will be subject and of the consequences of failure to observe those rules. Before selecting an individual who has a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other major behavioral aberrations, the Secretary shall obtain a finding from a professionally qualified person who knows such potential enrollee's individual situation that there is reasonable expectation that his conduct will not be inimical to the goals and success of the Job Corps and that the opportunity provided by the Job Corps will help him to overcome his problem.

(b) An individual who otherwise qualifies for enrollment may be selected even though he is on probation or parole, but only if his release from the immediate supervision of the cognizant probation or parole officials is mutually satisfactory to those officials and the Secretary and does not violate applicable laws or regulations, and if the Secretary has arranged to provide all supervision of the individual and all reports to State or other authorities that may be necessary to comply with applicable probation or parole requirements.

ENROLLMENT AND ASSIGNMENT

SEC. 405. (a) No individual may be enrolled in the Job Corps for more than two years, except as the Secretary may authorize in special cases.

(b) Enrollment in the Job Corps shall not relieve any individual of obligations under the Universal Military Training and Service Act (50 U.S.C. App. 451 et seq.).

(c) Each enrollee (other than a native and citizen of Cuba who arrived in the United States from Cuba as a nonimmigrant or as

a parolee subsequent to January 1, 1959, under the provisions of section 214(a) or 212(d)(5), respectively, or any person admitted as a conditional entrant under section 203(a)(7), of the Immigration and Nationality Act, or a permanent resident of the Trust Territory of the Pacific Islands) must take and subscribe to an oath or affirmation in the following form: "I do solemnly swear (or affirm) that I bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies foreign and domestic." The provisions of section 1001 of title 18, United States Code, shall be applicable to this oath or affirmation.

(d) After the Secretary has determined whether an enrollee is to be assigned to a men's training center, a conservation center, or a women's training center, the center to which he shall be assigned shall be that center of the appropriate type in which a vacancy exists which is closest to the enrollee's home, except that the Secretary, on an individual basis, may waive this requirement when overriding considerations justify such action. Assignments to centers in areas more remote from the enrollee's home shall be carefully limited to situations in which such action is necessary in order to insure an equitable opportunity for disadvantaged youth from various sections of the country to participate in the program, to prevent undue delays in the assignment of individual enrollees, to provide an assignment which adequately meets the educational or other needs of the enrollee or is necessary for efficiency and economy in the operation of the program.

(e) Assignments of male enrollees shall be made so that, at any one time, at least 40 per centum of those enrollees are assigned to conservation centers as described in section 406, or to other centers or projects where their work activity is primarily directed to the conservation, development, or management of public natural resources or recreational areas and is performed under the direction of personnel of agencies regularly responsible for those functions.

JOB CORPS CENTERS

SEC. 406. The Secretary may make agreements with Federal, State, or local agencies, or private organizations for the establishment and operation of Job Corps centers. These centers may be residential and/or non-residential in character and shall be designed and operated so as to provide enrollees, in a well-supervised setting, with education, vocational training, work experience (either in direct program activities or through arrangements with employers), counseling, and other services appropriate to their needs. The centers shall include conservation centers, to be known as Civilian Conservation Centers, to be located primarily in rural areas and to provide, in addition to other training and assistance, programs of work experience focused upon activities to conserve, develop, or manage public natural resources or public recreational areas or to assist to developing community projects in the public interest. They shall also include men's and women's training centers to be located in either urban or rural areas and to provide activities which shall include training and other services appropriate for enrollees who can be expected to participate successfully in training for specific types of skilled or semiskilled employment.

PROGRAM ACTIVITIES

SEC. 407. (a) Each Job Corps center shall be operated so as to provide enrollees with an intensive, well-organized and fully supervised program of education, vocational training, work experience, planned avocational and recreational activities, physical rehabilitation and development, and counseling. To the fullest extent feasible, the required pro-

gram for each enrollee shall include activities designed to assist him in choosing realistic career goals, coping with problems he may encounter in his home community or in adjusting to a new community, and planning and managing his daily affairs in a manner that will best contribute to long-term upward mobility. Center programs shall include required participation in center maintenance support and related work activity as appropriate to assist enrollees in increasing their sense of contribution, responsibility, and discipline.

(b) To the extent practicable, the Secretary may arrange for enrollee education and vocational training through local public or private educational agencies, vocational educational institutions, or technical institutes where these institutions or institutes can provide training comparable in cost and substantially equivalent in quality to that which he could provide through other means.

(c) Arrangements for education shall, to the extent feasible, provide opportunities for qualified enrollees to obtain the equivalent of a certificate of graduation from high school; and the Secretary of Labor with the concurrence of the Secretary of Health, Education, and Welfare, shall develop certificates to be issued to enrollees who have satisfactorily completed their services in the Job Corps and which will reflect the enrollee's level of educational attainment.

(d) The Secretary shall prescribe regulations to assure that Job Corps work-experience programs or activities do not displace presently employed workers or impair existing contracts for service and will be coordinated with other work-experience programs in the community.

ALLOWANCE AND SUPPORT

SEC. 408. (a) The Secretary may provide enrollees with such personal, travel, and leave allowances, and such quarters, subsistence, transportation, equipment, clothing, recreational services, and other expenses as he may deem necessary or appropriate to their needs. Personal allowances shall be established at a rate not to exceed \$35 per month during the first six months of an enrollee's participation in the program and not to exceed \$50 per month thereafter, except that allowances in excess of \$35 per month, but not exceeding \$50 per month, may be provided from the beginning of an enrollee's participation if it is expected to be of less than six months' duration and the Secretary is authorized to pay personal allowances in excess of the rates specified herein in unusual circumstances as determined by him. Such allowances shall be graduated up to the maximum so as to encourage continued participation in the program, achievement and the best use by the enrollee of the funds so provided and shall be subject to reduction in appropriate cases as a disciplinary measure. To the degree reasonable, enrollees shall be required to meet or contribute to costs associated with their individual comfort and enjoyment from their personal allowances.

(b) The Secretary shall prescribe specific rules governing the accrual of leave by enrollees. Except in the case of emergency, he shall in no event assume transportation costs connected with leave of any enrollee who has not completed at least six months service in the Job Corps.

(c) The Secretary may provide each former enrollee, upon termination, a readjustment allowance at a rate not to exceed \$50 for each month of satisfactory participation in the Job Corps. No enrollee shall be entitled to a readjustment allowance, however, unless he has remained in the program at least ninety days, except in unusual circumstances as determined by the Secretary. The Secretary may, from time to time, advance to or on behalf of an enrollee such portions of his readjustment allowance as the Secretary deems necessary to meet ex-

traordinary financial obligations incurred by that enrollee; and he may also pursuant to rules or regulations, reduce the amount of an enrollee's readjustment allowance as a penalty for misconduct during participation in the Job Corps. In the event of an enrollee's death during his period of service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582 of title 5, United States Code.

(d) Under such circumstances as the Secretary may determine, a portion of the readjustment allowance of an enrollee not exceeding \$25 for each month of satisfactory service may be paid during the period of service of the enrollee directly to a spouse or child of an enrollee or to any other relative who draws substantial support from the enrollee, and any sum so paid shall be supplemented by the payment of an equal amount by the Secretary.

STANDARDS OF CONDUCT

SEC. 409. (a) Within Job Corps centers, standards of conduct and deportment shall be provided and stringently enforced. In the case of violations committed by enrollees, dismissals from the Corps or transfers to other locations shall be made in every instance where it is determined that retention in the Corps, or in the particular Job Corps center, will jeopardize the enforcement of such standards of conduct and deportment or diminish the opportunity of other enrollees.

(b) In order to promote the proper moral and disciplinary conditions in the Job Corps, the individual directors of Job Corps centers shall be given full authority to take appropriate disciplinary measures against enrollees including, but not limited to, dismissal from the Job Corps, subject to expeditious appeal procedures to higher authority, as provided under regulations set by the Secretary.

COMMUNITY PARTICIPATION

SEC. 410. The Secretary shall encourage and shall cooperate in activities designed to establish a mutually beneficial relationship between Job Corps centers and surrounding or nearby communities. These activities shall include the establishment of community advisory council to provide a mechanism for joint discussion of common problems and for planning programs of mutual interest. Whenever possible, such advisory councils shall be formed by and coordinated under the local community action agency. Youth participation in advisory council affairs shall be encouraged and where feasible separate youth councils may be established, to be composed of representative enrollees and representative young people from the communities. The Secretary shall establish necessary rules and take necessary action to assure that each center is operated in a manner consistent with this section with a view to achieving, so far as possible, objectives which shall include: (1) giving community officials appropriate advance notice of changes in center rules, procedures, or activities that may affect or be of interest to the community; (2) affording the community a meaningful voice in center affairs of direct concern to it, including policies governing the issue and terms of passes to enrollees; (3) providing center officials with full and rapid access to relevant community groups and agencies, including law enforcement agencies and agencies which work with young people in the community; (4) encouraging the fullest practicable participation of enrollees in programs or projects for community improvement or betterment, with adequate advance consultation with business, labor, professional, and other interested community groups and organizations; (5) arranging recreational, athletic, or similar events in which enrollees and local residents may participate together; (6) providing community residents with opportuni-

ties to work with enrollees directly, as part-time instructors, tutors, or advisers, either in the center or in the community; (7) developing, where feasible, job or career opportunities for enrollees in the community; and (8) promoting interchanges of information and techniques among, and cooperative projects involving, the center and community schools, educational institutions, and agencies serving young people.

COUNSELING AND JOB PLACEMENT

SEC. 411. (a) The Secretary shall provide for the counseling and testing of each enrollee at regular intervals to follow his progress in educational and vocational programs.

(b) The Secretary shall counsel and test each enrollee prior to his scheduled termination to determine his capabilities and shall seek to place him in a job in the vocation for which he is trained and in which he is likely to succeed, or shall assist him in attaining further training or education. In placing enrollees in jobs, the Secretary shall utilize the United States Employment Service to the fullest extent possible.

(c) The Secretary shall make arrangements to determine the status and progress of trainees and to assure that their needs for further education, training, and counseling may be met.

(d) Upon termination of an enrollee's training, a copy of his pertinent records, including data derived from his counseling and testing, other than confidential information, shall be made available immediately to the Department of Labor.

(e) The Secretary shall arrange for the readjustment allowance provided for in section 408(c) of this Act, less any sums already paid pursuant to 408(d), to be paid to former enrollees (who have not already found employment) at the public employment service office nearest the home of any such former enrollee, if he is returning to his home, or at the nearest such office to the community in which the former enrollee has indicated an intent to reside. The Secretary of Labor shall make arrangements by which public employment service officers will maintain records regarding former enrollees who are thus paid at such offices including information as to—

(1) the number of former enrollees who have declined the officers' help in finding a job;

(2) the number who were successfully placed in jobs without further education or training;

(3) the number who were found to require further training before being placed in jobs and the types of training programs in which they participated; and

(4) the number who were found to require further remedial or basic education in order to qualify for training programs, together with information as to the types of programs for which such former enrollees were found unqualified for enrollment.

If the Secretary deems it advisable to utilize the services of any other public or private organization or agency in lieu of the public employment office, he shall arrange for that organization or agency to make the payment of the readjustment allowance and maintain the same types of records regarding former enrollees as are herein specified for maintenance by public employment service offices, and shall furnish copies of such records to the Secretary. In the case of enrollees who are placed in jobs by the Secretary prior to the termination of their participation in the Job Corps, the Secretary shall maintain records providing pertinent placement and follow-up information.

EVALUATION; EXPERIMENTAL AND DEVELOPMENTAL PROJECTS

SEC. 412. (a) The Secretary shall provide for the careful and systematic evaluation of the Job Corps program, directly or by con-

tracting for independent evaluations, with a view to measuring specific benefits, so far as practicable, and providing information needed to assess the effectiveness of program procedures, policies, and methods of operation. In particular, this evaluation shall seek to determine the costs and benefits resulting from the use of residential as opposed to nonresidential facilities, from the use of facilities combining residential and nonresidential components from the use of centers with large as opposed to small enrollments, and from the use of different types of program sponsors, including public agencies, institutions of higher education, boards of education, and private corporations. The evaluation shall also include comparisons with proper control groups composed of persons who have not participated in the program. In carrying out such evaluations, the Secretary shall arrange for obtaining the opinions of participants about the strengths and weaknesses of the program and shall consult with other agencies and officials in order to compare the relative effectiveness of Job Corps techniques with those used in other programs, and shall endeavor to secure, through employers, schools, or other Government and private agencies specific information concerning the residence of former enrollees, their employment status, compensation, and success in adjusting to community life. He shall also secure, to the extent feasible, similar information directly from enrollees at appropriate intervals following their completion of the Job Corps program.

(b) The Secretary may undertake or make grants or contracts for experimental, research, or demonstration projects directed to developing or testing ways of securing the better use of facilities, of encouraging a more rapid adjustment of enrollees to community life that will permit a reduction in the period of their enrollment, of reducing transportation and support costs, or of otherwise promoting greater efficiency and effectiveness in the program authorized under this part. These projects shall include one or more projects providing youths with education, training, and other supportive services on a combined residential and nonresidential basis. The Secretary may, if he deems it advisable, undertake one or more pilot projects designed to involve youth who have a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other behavioral aberrations. Projects under this subsection shall be developed after appropriate consultation with other Federal or State agencies conducting similar or related programs or projects and with the prime sponsors, as described in title II of this Act, in the communities where the projects will be carried out. They may be undertaken jointly with other Federal or federally assisted programs, and funds otherwise available for activities under those programs shall, with the consent of the head of any agency concerned, be available to projects under this section to the extent they include the same or substantially similar activities. The Director may waive any provision of this title which he finds would prevent the carrying out of elements of projects under this subsection essential to a determination of their feasibility and usefulness. He shall report to the Congress concerning the actions taken under this section, including a full description of progress made in connection with combined residential and nonresidential projects.

ADVISORY COMMITTEES AND BOARDS

Sec. 413. The Secretary shall make use of advisory committees or boards in connection with the operation of the Job Corps, and the operation of Job Corps centers, whenever he determines that the availability of outside advance and counsel on a regular basis would be of substantial benefit in identify-

ing and overcoming problems, in planning program or center development, or in strengthening relationships between the Job Corps and agencies, institutions, or groups engaged in related activities.

PARTICIPATION OF THE STATES

Sec. 414. (a) The Secretary shall take necessary action to facilitate the effective participation of States in the Job Corps program, including, but not limited to, consultation with appropriate State agencies on matters pertaining to the enforcement of applicable State laws, standards of enrollee conduct and discipline, the development of meaningful work experience and other activities for enrollees, and coordination with State-operated programs.

(b) The Secretary may enter into agreements with States to assist in the operation or administration of State-operated programs which carry out the purpose of this part. The Secretary may, pursuant to regulations, pay part or all of the operative or administrative costs of such programs.

(c) No Job Corps center or other similar facility designed to carry out the purpose of this Act shall be established within a State unless a plan setting forth such proposed establishment has been submitted to the Governor, and such plan has not been disapproved by him within 30 days of such submission.

APPLICATION OF PROVISIONS OF FEDERAL LAW

Sec. 415. (a) Except as otherwise specifically provided in the following paragraphs of this subsection, enrollees in the Job Corps shall not be considered Federal employees and shall not be subject to the provisions of law relating to Federal employment including those regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits:

(1) For purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), enrollees shall be deemed employees of the United States and any service performed by an individual as an enrollee shall be deemed to be performed in the employ of the United States.

(2) For purposes of subchapter I of chapter 81 of title 5 of the United States Code (relating to compensation to Federal employees for work injuries), enrollees shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply except as follows:

(A) The term "performance of duty" shall not include any act of an enrollee while absent from his or her assigned post of duty, except while participating in an activity (including an activity while on pass or during travel to or from such post of duty) authorized by or under the direction and supervision of the Job Corps;

(B) In computing compensation benefits for disability or death, the monthly pay of an enrollee shall be deemed that received under the entrance salary for a grade GS-2 employee, and sections 8113 (a) and (b) of title 5, United States Code, shall apply to enrollees; and

(C) Compensation for disability shall not begin to accrue until the day following the date on which the injured enrollee is terminated.

(3) For purposes of the Federal tort claims provisions in title 28, United States Code, enrollees shall be considered employees of the Government.

(b) When the Secretary finds a claim for damage to persons or property resulting from the operation of the Job Corps to be a proper charge against the United States, and it is not cognizable under section 2672 of title 28, United States Code, he may adjust and settle it in an amount not exceeding \$500.

(c) Personnel of the uniformed services

who are detailed or assigned to duty in the performance of agreements made by the Secretary for the support of the Corps shall not be counted in computing strength under any law limiting the strength of such services or in computing the percentage authorized by law for any grade therein.

SPECIAL LIMITATIONS

Sec. 416. (a) The Secretary shall take necessary action to assure that for any fiscal year the direct operating costs of Job Corps centers which have been in operation for more than nine months do not exceed \$6,900 per enrollee.

(b) The Secretary shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds in the course of the operation of any conservation or training center shall become the property of the United States.

POLITICAL DISCRIMINATION AND POLITICAL ACTIVITY

Sec. 417. (a) No officer or employee of the executive branch of the Federal Government shall make any inquiry concerning the political affiliation or beliefs of any enrollee or applicant for enrollment in the Corps. All disclosures concerning such matters shall be ignored, except as to such membership in political parties or organizations as constitutes by law a disqualification for Government employment. No discrimination shall be exercised, threatened, or promised by any person in the executive branch of the Federal Government against or in favor of any enrollee in the Corps, or any applicant for enrollment in the Corps because of his political affiliation or beliefs, except as may be specifically authorized or required by law.

(b) No officer, employee, or enrollee of the Corps shall take any active part in political management or in political campaigns, except as may be provided by or pursuant to statute, and no such officer, employee, or enrollee shall use his official position or influence for the purpose of interfering with an election or affecting the result thereof. All such persons shall retain the right to vote as they may choose and to express, in their private capacities, their opinions on all political subjects and candidates. Any officer, employee, enrollee, or Federal employee who solicits funds for political purposes from members of the Corps shall be in violation of the Federal Corrupt Practices Act, 1925.

(c) Whenever the United States Civil Service Commission finds that any person has violated the foregoing provisions, it shall, after giving due notice and opportunity for explanation to the officer or employee or enrollee concerned, certify the facts to the Secretary with specific instructions as to discipline or dismissal or other corrective actions.

PART B—NEIGHBORHOOD YOUTH PROGRAMS PROGRAMS AUTHORIZED

Sec. 451. The Secretary shall provide financial assistance to public and private agencies serving urban and rural areas to carry out—

(1) programs to provide part-time employment, on-the-job training, and useful work experience for students from low-income families who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of the earnings to permit them to resume or maintain attendance in school;

(2) programs to provide unemployed, underemployed, or low-income persons (aged sixteen and over) with useful work and training (which must include sufficient basic education and institutional or on-the-job training) designed to assist those persons to develop their maximum occupational potential and to obtain regular competitive employment;

(3) programs to provide job and recreation opportunities for youth during the summer months.

SPECIAL CONDITIONS

SEC. 452. (a) The Secretary shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

(1) no participant will be employed on projects involving political activities, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

(4) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants.

(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(c) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement.

(d) Projects under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

(e) In the case of a program under section 451(a)(1), the Secretary shall not limit the number or percentage of participants in the program who are fourteen or fifteen years of age and in the case of a program under section 451(a)(2), the Secretary shall not limit the number or percentage of participants in any age group under twenty-two years of age.

PROGRAM PARTICIPANTS

SEC. 453. Participants in programs under this part must be unemployed or low-income persons. The Director, in consultation with the Social Security Administrator, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors.

ADMINISTRATIVE REGULATIONS

SEC. 454. The Secretary shall prescribe regulations to assure that programs under this part have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

EXISTING LAWS

SEC. 491. (a) Effective with respect to fiscal years after June 30, 1971, title I of the Economic Opportunity Act of 1964 is amended by—

(1) amending the heading thereof to read as follows:

"TITLE I—COMMUNITY ECONOMIC DEVELOPMENT";

(2) repealing all of the matter that appears in title I except the heading thereof

as amended by the preceding clause and except sections 150 through 155, the section numbers of which are redesignated as sections 101 through 106, respectively; and

(3) all references in law or regulation to part A or B (or sections thereof) of title I of the Economic Opportunity Act of 1964 shall be deemed to be references to part A or B, as the case may be, of this title.

(b) Effective with respect to fiscal years after June 30, 1971, the Manpower Development and Training Act of 1962 is repealed. Unexpended appropriations for carrying out such Act may be made available to carry out this Act during the fiscal year ending June 30, 1971, as directed by the President.

(c) The repeal of provisions of title I of the Economic Opportunity Act of 1964 and the repeal of the Manpower Development and Training Act of 1962 provided for in subsections (a) and (b) shall not affect any grant or contract entered into pursuant to such statutes prior to the effective date of this Act.

TITLE V—ENVIRONMENT IMPROVEMENT PROJECTS

PART A—GENERAL PROVISIONS

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 501. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance among the States under each of the parts of this title. In developing such criteria as are appropriate for each part, he shall consider, among other relevant factors, the ratios of population, unemployment, and family income levels. Of the sums available for any fiscal year for programs authorized under each such part not more than 15 percent shall be used within any one State.

LIMITATIONS ON FEDERAL ASSISTANCE

SEC. 502. Federal financial assistance to any program or activity carried out pursuant to this title shall not exceed 90 percent of the cost of such program or activity, including costs of administration. The Secretary may, however, approve assistance in excess of that percentage if he determines, pursuant to regulations establishing objective criteria for such determinations, that this is necessary in furtherance of the purposes of this part. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services.

ADMINISTRATIVE REGULATIONS

SEC. 503. The Secretary shall prescribe regulations to assure that programs assisted under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

SPECIAL CONDITIONS

SEC. 504. (a) The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he may prescribe, that—

(1) no participant will be employed on projects involving political activities, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with work that would otherwise be performed; and

(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors

as the type of work, geographical region, and proficiency of the participant.

(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in rural or urban areas having high concentrations or proportions of low-income persons and families.

(c) Projects under this title shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

PART B—MAINSTREAM PROGRAM

PROGRAM AUTHORIZED

SEC. 511. The Secretary shall carry out a special program to be known as "Mainstream" by providing financial assistance to public or private nonprofit agencies for the support of projects which involve work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable (because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise) to secure appropriate employment or training assistance under other programs. Such projects, in addition to other services provided, shall enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including but not limited to activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands; the rehabilitation of housing; the improvement of public facilities; and the improvement and expansion of health, education, day care, and recreation services.

PROGRAM PARTICIPANTS

SEC. 512. Participants in programs under this part must be unemployed or low-income persons. The Secretary, in consultation with the Commissioner of Social Security, shall establish criteria for low income, taking into consideration family size, rural-urban and farm-nonfarm differences, and other relevant factors. Any individual shall be deemed to be from a low-income family if the family receives cash welfare payments.

PART C—COMMUNITY ENVIRONMENT SERVICE

PROGRAM AUTHORIZED

SEC. 521. The Secretary shall carry out a special program to be known as the Community Environment Service by providing financial assistance to public and private nonprofit agencies, especially community environment service programs sponsored by State, county, and city governments. Such programs may provide employment on a full-time or part-time basis for persons to help restore the environment in urban and rural areas, including restoration of housing and neighborhoods; and the planning, development, and maintenance of parks and recreation areas and facilities in inner cities as well as roadside recreation projects; and sanitation and clean-up projects, including solid waste removal. Support may also be provided for the employment of environmental health aides in community health facilities and water and air pollution control programs. Community environment service programs shall be encouraged to involve volunteers from the community in environmental planning and action campaigns.

TITLE VI—INDIAN MANPOWER SERVICES

STATEMENT OF FINDINGS AND PURPOSE

SEC. 601. The Congress finds and declares that—(1) almost half the Indian working age population is chronically unemployed; (2) much of the labor force on Indian reservations is untrained and unaccustomed to

the requirements of steady employment; (3) there is a compelling need for the establishment of comprehensive manpower training and employment programs on Indian reservations; (4) because of the special relationship between Indian tribes and the Federal Government, such programs can best be administered at the national level.

ESTABLISHMENT OF OFFICE OF INDIAN MANPOWER SERVICES

SEC. 602. There is hereby established in the Department of Labor an Office of Indian Manpower Services which, under the direction of the Secretary of Labor, shall have responsibility for administering the Indian manpower services program authorized by this title.

ELIGIBLE ACTIVITIES

SEC. 603. The programs and activities for which funds under this title may be expended shall include but not be limited to the programs and activities authorized under other titles of this Act, and such other programs and activities as the Secretary deems necessary to carry out the purposes of this title.

NATIONAL INDIAN MANPOWER ADVISORY COMMITTEE

SEC. 604. The Secretary shall appoint a National Indian Manpower Advisory Committee which shall consist of at least 5 but not more than 10 members, and shall be composed of men and women representing Indian tribes and groups, and other persons interested in the problems of manpower training and employment on Indian reservations and among Indian groups. From the members appointed to such Committee, the Secretary shall designate a chairman. Such Committee or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary concerning problems and policy relating to employment and manpower and to the carrying out of his duties under this title. Such Committee shall hold not less than two meetings during each calendar year. The appointed members of the National Indian Manpower Advisory Committee shall be paid compensation at a rate of up to the per diem equivalent of GS-18 while engaged in the work of the National Indian Manpower Advisory Committee, including travel time 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.

The summary, presented by Mr. NELSON, is as follows:

SUMMARY OF THE EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970

PUBLIC SERVICE EMPLOYMENT

The bill authorizes appropriations of \$1 billion annually for a public service employment program. It requires that in any event at least 1/3 of total manpower appropriations be devoted to this purpose. States, cities and counties, in fact any unit of general government would be an eligible applicant. In order to be eligible applicants, these local governments would first set up Public Service Employment Councils, made up of representatives of local agencies, to assess the public service needs of the community and then apply to the Secretary of Labor for funds. In addition, the bill authorizes additional funds for specific local areas where unemployment exceeds 4.5%.

COMPREHENSIVE MANPOWER SERVICES

In hearings carried out by the Subcommittee on Employment, Manpower and Poverty since last November in cities small and large all across this nation, no question about proposed manpower legislation has aroused more concern than suggested new arrange-

ments between the Department of Labor, the States and the cities. All recognize that the present system, which sees the Department contracting with some 10,000 individual program sponsors is unworkable. Yet plans to turn over chief responsibility for manpower programs to the states and state employment services have run into considerable opposition. The Administration favors a state plan approach. Mayors favor city control. Community Action groups wish a guaranteed role. Vocational educators fear being submerged in an overall State manpower bureaucracy. Experts on manpower programs point out that the actual situations in specific cities and states vary so widely that no single format can be said to be workable for all. In attempting to steer a middle course amid these various concerns, we have drafted a bill designed to give as much flexibility as possible to the Secretary of Labor, while allowing a fair role for all parties to the system.

PRIME SPONSOR

The prime sponsor—as the concept is used in manpower terminology—is that agency charged with the responsibility of planning and conducting overall manpower programs for a specified geographic area. It is understood that the prime sponsor—like a prime contractor—will subcontract with other agencies for much of the actual performance of the program elements.

Under our legislation States, cities and county governments would be eligible to apply to the Secretary of Labor to be prime sponsors in their areas. It is the intent of the legislation that the Secretary not designate the State government as prime sponsor for all manpower operations in a State. Rather it is our intent that cities and counties serving substantial populations be prime sponsors for their localities, where they can demonstrate a desire and a capacity to do the job. The presumption of the legislation in favor of local prime sponsors in such cases is indicated by the fact that the legislation provides for a hearing before a local unit of government's application for prime sponsorship may be disapproved by the Secretary. It is our expectation that in large cities local governments will become manpower prime sponsors. The States would then assume the role of prime sponsors for smaller towns and rural areas. Any subdivision of a state applying for prime sponsorship would be required to submit their application and plan to the Governor for comments. In the event a State is not designated as a prime sponsor, the Secretary of Labor would have the authority to carry on with manpower programs as is done now, so that no area would be without manpower services.

The Administration proposed that each State set up a manpower agency built around the employment service. We believe that such a design is too rigid and would conflict in a number of States with existing bureaucratic arrangements. We also believe that local prime sponsors must be free to choose what subcontractors seem most able to carry out the program in their specific locality. Specifically we do not believe that there is justification for mandatory requirements that prime sponsors contract with state employment services for the carrying out of manpower programs. The local employment service offices have a key role to play in any manpower program, but it would be excessively rigid to require a dominant role for such an agency. The manpower picture varies in quality widely from state to state and area to area.

MANPOWER SERVICES COUNCILS

Rather than requiring a State comprehensive manpower agency, our legislation requires that those seeking to be prime sponsors, States, cities and counties alike, set up Manpower Services Councils, includ-

ing representatives of Community Action programs, the public employment service, public educational agencies, community colleges, and social service agencies. The chairman and members of the Council would be appointed by the Governor or the Mayor.

Federal funds would be available for staff and the expenses of such Councils. It would be the Council's responsibility to prepare a comprehensive manpower plan for the area.

ROLE OF COMMUNITY ACTION AGENCIES

Local community action agencies would be represented on the Manpower Services Council. Any application for Federal funds sent to the Department of Labor must be accompanied by the comments of the local Community Action Agency. In addition, Community Action Agencies would be eligible as subcontractors for parts of the manpower program, and could apply directly to the Secretary of Labor for special programs.

NEW PROGRAMS

The bill also adds the following new national emphasis programs:

A Community Environment Services Program to authorize inner city programs of environmental improvement by local residents, with Federal support for wages. It also includes provision for volunteer community environmental planning for the action programs to be funded under the provision.

In the bill, we include the existing Operation Mainstream along with the Community Environment Service Program in a Title V—Environmental Improvement Projects. Operation Mainstream has been given a rural and older persons emphasis by the Department of Labor.

NATIONAL EMPHASIS PROGRAMS

While desiring that States and local communities have all the flexibility possible in designing manpower programs to meet local needs, we believe that a number of national emphasis programs should be set forth in the legislation, apart from the comprehensive manpower programs. These programs include New Careers, and Opportunities Industrialization Centers (O.I.C.).

In addition, the bill establishes an *Indian Manpower Services Program* to aid in the development of adequate manpower programs on reservations; and an *Upgrading Program*, to enable Department of Labor funds to be used in programs to increase the upward mobility of working in private industry and public employment. Upgrading features are also included in the Public Service Employment and New Careers legislation.

ADDITIONAL COSPONSORS OF BILLS

S. 939

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 939, to amend the Higher Education Act of 1965 in order to provide for a U.S. Foreign Service Corps.

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

S. 3267

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 3267, to amend title III of the Higher Education Act of 1965, relating to developing institutions, in order to promote the availability of higher education to Indians.

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

S. 3268

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 3268, to amend title V of the Higher Education Act of 1965 in order to improve educational opportunities for Indians.

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

S. 3785

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Nebraska (Mr. HRUSKA) be added as a cosponsor of S. 3785, to amend title 38, United States Code, to authorize educational assistance and home loan benefits to wives of members of the Armed Forces who are missing in action or prisoners of war.

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

S. 3795

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Nebraska (Mr. HRUSKA) be added as a cosponsor of S. 3795, to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war.

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

SENATE CONCURRENT RESOLUTION 68—SUBMISSION OF A CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS THAT THE PRESIDENT SHOULD ESTABLISH A COMMISSION TO EXAMINE THE RECENT EVENTS AT KENT STATE AND OTHER COLLEGE CAMPUSES

Mr. SAXBE. Mr. President, the tragic deaths at Kent State University and events which followed have centered the national spotlight on America's college campuses.

Since then, a persistent question has been echoed across our land: Why?

The answers will be as complex as the question itself, but we must find them. One way I hope this can be done is to commence a thorough investigation into the Kent State tragedy, as well as the violence on some of our other campuses. Hopefully, we can learn what positive and constructive steps are in order as a nation so that such a horrible incident may be avoided in the future.

I am submitting a concurrent resolution expressing the sense of the Senate that the President of the United States should establish a commission to examine the recent events at Kent State and other college campuses. The purpose of my resolution is to give the Members

of the Senate an opportunity to express their desire to see Presidential action on this matter of national concern.

It would be my hope that the commission would be representative of the entire spectrum of forces at work on our campuses—students themselves, of course; faculty, university administrators, government officials, and the National Guard.

A similar resolution was to be submitted in the House today by Representative J. WILLIAM STANTON, of Ohio. Congressman STANTON assures me that the resolution has the full support of the president of Kent State.

I welcome the support of my colleagues for this resolution.

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

The concurrent resolution (S. Con. Res. 68) expressing the sense of the Congress that the President should establish a commission to examine the recent event at Kent State and other college campuses, which reads as follows, was referred to the Committee on Labor and Public Welfare:

S. CON. RES. 68

Whereas the nation has been deeply saddened and troubled by the deaths of four students at Kent State University; and

Whereas voices of genuine concern have questioned the role of the student body, the community, outsiders, and State and Federal governments as they relate to the events which led to this horrible violence; and

Whereas our methods for preserving law and order are being questioned; and

Whereas the echoing "Why?" has reverberated from the commons at Kent State to the heart and mind of every American; and

Whereas the basic and fundamental issues apply to every college campus; and

Whereas this is a time for reasoned recovery, not the reactions of emotion and rhetoric: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should act to establish a commission to examine the events at Kent State and the events on other college campuses and to report its findings to the Nation together with its recommendations.

SENATE RESOLUTION 411—SUBMISSION OF A RESOLUTION TO REFER SENATE BILL 3862 TO THE U.S. COURT OF CLAIMS FOR A REPORT THEREON

Mr. FONG submitted the following resolution (S. Res. 411); which was referred to the Committee on the Judiciary:

S. RES. 411

Resolved, That the bill (S. 3862) entitled "A bill for the relief of Elena Schwarze-Chamler", now pending in the Senate, together with all the accompanying papers, is referred to the chief commissioner of the United States Court of Claims; and the chief commissioner shall proceed with the same in accordance with the provisions of section 1492 and 2509 of title 28, United States Code, and report thereon to the Senate at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Con-

gress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

SENATE RESOLUTION 412—SUBMISSION OF A RESOLUTION TO REFER SENATE BILL 3863 TO THE U.S. COURT OF CLAIMS FOR A REPORT THEREON

Mr. FONG submitted the following resolution (S. Res. 412); which was referred to the Committee on the Judiciary:

S. RES. 412

Resolved, That the bill (S. 3863) entitled "A bill for the relief of Edith Klaer", now pending in the Senate, together with all the accompanying papers, is referred to the chief commissioner of the United States Court of Claims; and the chief commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, May 20, 1970, he presented to the President of the United States the following enrolled bills:

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.

FOREIGN MILITARY SALES ACT—PERFECTING AMENDMENT TO AMENDMENT NO. 620

AMENDMENT NO. 644

Mr. ERVIN. Mr. President, the Cooper-Church amendment to the Foreign Military Sales Act would, in effect, prohibit the Commander in Chief of the American forces from sending American forces into the sanctuaries of the North Vietnamese and the Vietcong in Cambodia after the Foreign Military Sales Act becomes effective.

I expect to offer a perfecting amendment to the Cooper-Church amendment at the appropriate time which would add an additional paragraph to that amendment reading as follows:

On page 5, after line 18, add the following:

; the prohibitions set forth in this section shall become inoperative if the military forces of North Vietnam and the Vietcong reoccupy their former sanctuaries in Cambodia and use them as bases for operations against the military forces of the United States and its allies in South Vietnam and the President acting as Commander-in-Chief finds that such action imperils the safety of military forces of the United States operating in South Vietnam.

Mr. President, I think this amendment to the Cooper-Church amendment is necessary if we are going to protect the safety of American boys who have been

sent to South Vietnam by the President with the consent of Congress.

I have placed a copy of the amendment at the desk. I ask unanimous consent that the proposed perfecting amendment to the Cooper-Church amendment be printed and lie at the desk until the Foreign Military Sales Act becomes the pending business, and I call up the proposed perfecting amendment.

The PRESIDING OFFICER (Mr. CRANSTON). The amendment will be received and printed, and will lie on the table.

The amendment (No. 644) was received, and ordered to lie on the table.

AMENDMENT NO. 646

Mr. MILLER submitted an amendment, intended to be proposed by him, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to lie on the table and to be printed.

OFFICE OF EDUCATION APPROPRIATION BILL 1971—AMENDMENTS

AMENDMENT NO. 645

Mr. KENNEDY (for himself and Mr. MONDALE) submitted amendments, intended to be proposed by them, 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, which were ordered to lie on the table and to be printed.

AMENDMENT TO MANPOWER TRAINING ACT TO INSURE THAT PROGRAMS BENEFIT ELDERLY

AMENDMENT NO. 647

Mr. JAVITS. Mr. President, I submit today an amendment to the Manpower Training Act of 1969, of which I am the principal sponsor in the Senate, designed to insure that manpower programs are responsive to the elderly unemployed as well as to younger persons who lack skills to enter the labor market.

Under my amendment, the needs of such persons for manpower services would be recognized in the following ways.

First, the "Statement of Findings and Purpose" section of the act would be amended to acknowledge the needs of older persons who desire to enter or reenter the labor force for adequate academic and vocational skills which will allow them to work at the level of their full potential.

Second, that "part-time" and full-time work and manpower services for such persons would specifically be listed as one of the activities eligible for funding under the act.

Third, that the research and development conducted by the Secretary of Labor under the act would include efforts contributing to the provision of opportunities and services for older persons who desire to enter or reenter the labor force.

Fourth, that evaluations conducted by the Secretary of Labor under section 304 of the act would include an assessment of the extent to which manpower programs meet the needs of persons of various age groups.

Mr. President, more than 7 million men and women age 65 or over live at or below the poverty level.

In 1966, three out of every 10 elderly persons were poor or about twice the national rate for all ages. Like their younger counterparts they need assistance ranging through counseling, training, and placement in part-time or full-time employment in order to join or rejoin the labor force.

We must overcome the myths that justify age discrimination in employment and realize that there are many jobs where the elderly are just as productive or more so than their juniors and that studies show that the attendance records of the elderly are as good as other age groups.

There are estimates that between 1 and 2 million men and women 65 years of age or over are capable of accepting part-time employment if training and employment were available to them.

Where there have been categorical manpower programs and efforts for the aged, such as those initiated by my colleagues, the Senator from Wisconsin (Mr. NELSON) and the Senator from Massachusetts (Mr. KENNEDY), it has been shown that the needs of the elderly and their capacity to contribute to meaningful efforts within our society differ not at all from their younger counterparts.

I would not want our concern with the employment problems of youth and the so-called hard-core to overshadow what must be considered as an equal concern for the employment problems of older persons.

I, therefore, consider it crucial that this legislation specifically acknowledge the needs and potential of older persons, so that the States and the cities, as they

assume greater responsibility for manpower programs, will not bypass those to whom we owe so much of the productivity of our Nation.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD the text of my amendment, together with a chart prepared by the Department of Labor which indicates the extent to which older persons are now enrolled under federally assisted work and training programs.

The PRESIDING OFFICER (Mr. SCHWEIKER). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment and chart will be printed in the RECORD.

The amendment (No. 647) was referred to the Committee on Labor and Public Welfare, as follows:

On page 5 between lines 24 and 25 insert the following new paragraph:

"(8) part-time and full-time work and manpower services for older persons who desire to enter or reenter the labor force;

On page 5, line 25, strike out "(8)" and insert in lieu thereof "(9)"

On page 6, line 4, strike out "(9)" and insert in lieu thereof "(10)"

On page 6, line 8, strike out "(10)" and insert in lieu thereof "(11)"

On page 6, line 12, strike out "(11)" and insert in lieu thereof "(12)"

On page 6, line 16, strike out "(12)" and insert in lieu thereof "(13)"

On page 37, line 23, insert after the semicolon:

"opportunities and services for older persons who desire to enter or re-enter the labor forces."

On page 40, line 20, insert after the comma, "the extent to which they meet the needs of persons of various ages."

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

TABLE 3.—CHARACTERISTICS OF ENROLLEES IN FEDERALLY ASSISTED WORK AND TRAINING PROGRAMS, FISCAL YEAR 1969

Program	Percent of all enrollees						
	Women	Negro ¹	Age		Years of school completed		On public assistance ²
			Under 22 years	45 years and over	8 or less	9 to 11	
Manpower Development and Training Act:							
Institutional training.....	44	40	38	10	19	39	13
On-the-job training.....	35	35	36	10	17	35	5
Neighborhood Youth Corps:							
In school.....	47	47	100	-----	20	79	30
Out of school.....	54	48	97	-----	27	69	32
Operation Mainstream.....	18	21	2	58	60	24	17
New Careers.....	70	61	8	12	10	40	35
Concentrated employment program.....	42	65	37	11	26	44	13
Job opportunities in the business sector ³	29	78	48	4	14	53	10
Work incentive program.....	60	40	16	10	31	41	100
Job Corps ⁴	28	58	100	-----	38	50	27

¹ Substantially all the remaining enrollees were white, except in Operation Mainstream, JOBS, and Job Corps. In these programs, 10 to 12 percent were American Indians, Eskimos, or Orientals.

² The definition of public "assistance" used in these figures varies somewhat among programs (e.g., it may or may not include receipt of food stamps and "in kind" benefits). In the NYC program, it may relate to enrollees' families, as well as enrollees themselves.

³ Includes only those enrollees in the JOBS program who were hired by employers under contracts with the Department of Labor.

⁴ Data relate to calendar year 1968.

ADDITIONAL COSPONSOR OF AN AMENDMENT

NO. 609

Mr. HATFIELD. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Montana (Mr. MANSFIELD) be added as a cosponsor of Amendment No. 609 to H.R. 17123, to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels,

and tracked combat vehicles, and other weapons, and research, development test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

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

NOTICE OF HEARING ON NOMINATION FOR DIRECTOR OF THE BUREAU OF MINES, DEPARTMENT OF INTERIOR

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the Senator from Washington (Mr. JACKSON), together with a biographical sketch which the Senator from Washington asks to have printed in the RECORD.

There being no objection, the statement by Senator JACKSON and biographical sketch were ordered to be printed in the RECORD, as follows:

Mr. JACKSON. Mr. President, on behalf of the Committee on Interior and Insular Affairs I announce that an open hearing will be held by the Committee at 2 p.m. on Monday afternoon, May 25th, on the nomination by President Nixon of Dr. J. Richard Lucas to be Director of the Bureau of Mines, Department of the Interior.

Dr. Lucas presently is chief of the Division of Mining Engineering at the University of Virginia in Charlottesville. Over and above his academic background, he has had intensive practical field experience in mines and mining, having worked with several private mining organizations and associations. He has held, and holds, office in an impressive number of professional societies.

The directorship of the Bureau of Mines is an extremely important post in the executive branch. The mine health and safety laws impose upon him grave responsibilities for the welfare of a great number of human beings. In addition, he has direct responsibilities for assuring that our country has an adequate supply of minerals and mineral fuels.

The hearing on Dr. Lucas' nomination will be held in the Interior Committee Room, 3110 New Senate Office Building, and will commence at 2:00 o'clock on the afternoon of May 25. Any member of the Congress is of course welcome to testify on this highly important appointment. It is requested that the Committee staff be notified as far in advance as possible.

RÉSUMÉ

Name: J. Richard Lucas.
Residence: 408 Hemlock Drive, Blacksburg, Va., 24060.

Birth: May 3, 1929, Scottsdale, Pa.
Marital Status: Married—Two children ages 5 and 14.

Education: 1947-48, Pennsylvania State University; 1948-51, B.S., Waynesburg College, Mathematics and Physics; 1951-52, B.S., West Virginia University, Mining Engineering; 1952-54, M.S., University of Pittsburgh, Mining Engineering; 1963-65, Ph. D., Columbia University, Mining Engineering.

Experience: Virginia Polytechnic Institute, Blacksburg, Virginia, Head, Mining Engineering; duties include teaching, administrative, and research, 1961-.

Mining Consultant and Engineer, 1956-present; specializing in evaluation and analysis of mining properties, beneficiation processes, and mining operation. Have served as consultant to mining firms, industrial firms, and governmental agencies.

The Ohio State University, Columbus, Ohio, 1954-61; Head, Mining Engineering, 1956-61; duties included teaching, administration and research.

Joy Manufacturing Company, Franklin, Pennsylvania, 1952-64; worked in mines across the U.S. including coal, potash, gypsum, bauxite as a field engineer in the application, development, and research for the improvement of mining equipment.

Crucible Steel Company, Crucible, Pennsylvania, 1948-52; worked for five years

underground in a wide variety of assignments, including timbering, track, drilling, ventilation, haulage, and general utility in the face area. Further, received the "First Grade Mine Foreman" certificate from Pennsylvania. Was a member of the United Mine Workers of America during this period.

Research: Director, U.S. Office of Coal Research Project at VPI to study computer applications in coal mining; six-year study—\$480,000, 1962-69.

Director, Research Project, Union Carbide Ore Co., VPI, "Closed Circuit Ball Mill Grindability Studies of Manganese Ores." 1961-62.

Director of important mining research projects in rock mechanics, coal preparation, and beneficiation, mining ventilation, and acid mine drainage from coal mines.

Performed contract research for basic work in bulk solids sponsored by Bituminous Coal Research, Inc., the official research organization of the bituminous coal industry, 1956-59.

Was a member of an interdisciplinary research group at the Ohio State University performing contract research on acid mine drainage for the Ohio River Sanitary Commission and the State of Ohio, 1957-61.

Developed an experimental coal mine in Southeastern Ohio for basic studies in mine acid formation and pollution, 1957-61.

Member, Research Committee, Institute of Natural Resources, The Ohio State University, 1956-61.

Licenses: Virginia—Licensed Mining Engineer; Ohio—Licensed Mining Engineer; West Virginia—Licensed Mining Engineer; Pennsylvania—Certified First Grade Mine Foreman.

Societies: AIME—American Institute for Mining, Metallurgical and Petroleum Engineers.

Coal Mining Institute of America.
Virginia Academy of Science.
American Society for Engineering Education.

American Association of University Professors.

Tau Beta Pi.
Sigma Gamma Epsilon.

Sigma Xi.—National Society for Professional Engineers.

University Club.—Virginia Society for Professional Engineers.

American Association for the Advancement of Science; West Virginia Mining Institute. Positions in Societies and Committees: Chairman, Coal Division, AIME—SME, 1969-70.

Chairman-Elect, Coal Division, AIME—SME, 1967-68.

Chairman, General Editorial Committee, AIME—SME, 1965-66.

Board of Directors, Society of Mining Engineers, AIME, 1965-68.

Vice Chairman, Program Committee, Society of Mining Engineers, AIME, 1964-65.

Member, 1962, Program Committee, American Mining Congress, Coal Convention.

Chairman, 1963-64, Associate Chairman, 1962-63, Virginia Safety Association, Mining Section.

Chairman, 1963-64, Publication Committee, Coal Division, Society of Mining Engineers, AIME, Associate Chairman, 1962-63.

Chairman, Annual Meeting Program, Coal Division, Society of Mining Engineers, AIME, 1962-63.

Member, Ohio Governors' Conference on Natural Resources, Mineral Resources Committee, 1958.

Chairman, United Engineering Center Campaign, Engineers Joint Council, New York, Ohio Valley Section, 1958-60.

Associate Chairman, Mining Committee, Coal Division, Society of Mining Engineers, AIME, 1960.

Chairman, Mining Committee, Coal Division, Society of Mining Engineers, AIME, 1961.

Secretary-Treasurer, Ohio Valley Section, AIME, 1957-58.

Executive Committee, Ohio Valley Section, AIME, 1955-59.

Publications and Papers: "Open Pit Mining in the Ohio Valley Section," *Mining Engineering*, February, 1957.

"Acid Mine Drainage Problem in Ohio," *Bulletin 166*, Engineering Experiment Station, The Ohio State University, 1957, (Contributed one chapter).

"Fundamental Studies in Bulk Solids," W. J. Verner and J. Richard Lucas, *Reprint No. 58SF2*, 1958, Coal Division, AIME, New York, New York.

"A Field Study in Acid Mine Drainage," *Reprint No. 60F35*, 1959, Coal Division, AIME, New York, New York.

Fundamental Studies of the Acid Mine Drainage Problem, F. W. Moulton, C. I. Randles, and J. Richard Lucas, Report Project No. EES 149, Water Resources Center, The Ohio State University, 1960.

"Internal Vertical Stress Distribution in Confined Bulk Solids," W. J. Verner, and J. Richard Lucas, *Mining Transactions*, 1960, AIME.

A Plan for Organized Research of the Acid Mine Drainage Problem, G. P. Hanna, Jr., C. I. Randles, R. A. Brant, E. E. Smith, and J. Richard Lucas, ORSANCO, Cincinnati, Ohio, 1961.

"Progress Report: A Field Study in Acid Mine Drainage," R. L. Frantz and J. Richard Lucas, *AIME Transactions*, (Mining) 1962, Vol. 223, page 31-71.

"The Largest Undeveloped Sulfide Ore-Body in the Eastern United States: A Beneficiation Progress Report," R. M. Coiner and J. Richard Lucas, *Mineral Industries Journal*, December, 1961, School of Engineering and Architecture, VPI, Blacksburg, Virginia.

"Digital Computers in the Coal Industry," R. J. Freund and J. Richard Lucas, *Proceedings*, West Virginia Coal Mining Institute, 1962.

"Close Circuit Ball Mill Grindability Studies of Manganese Ores," R. M. Coiner and J. Richard Lucas, *Final Report*, Virginia Engineering Experiment Station, Project 390, May, 1962.

"Coal Technology in 1962," J. Richard Lucas, *Mining Engineering*, AIME, February, 1963, pp. 87-92.

"Acid Mine Drainage Research Potentials," J. Richard Lucas, and others, *Journal of Water Pollution*, March, 1963.

"Computers in Coal Mining," R. J. Freund and J. Richard Lucas, *Mining Congress Journal*, December, 1962.

"Evaluation of Elastic Rock Properties by High Frequency Wave Energy," *AIME Transactions*, Vol. 223, pp. 319-324, 1962.

"Time and Dimension Parameters in Face-Mining Systems and Their Effect on Production," *Proceedings of the Coal Mining Institute of America*, 1963, Pittsburgh, Pennsylvania, 77th Annual Report, 1963, pp. 41-54, J. Richard Lucas, L. J. Prelaz, E. P. Bucklen, and P. T. Sironko.

Optimization of Underground Mining, Technical Documentation Center, U.S. Bureau of Standards, Springfield, Virginia, Report No. PB166291-1-2-3, Volumes 1, 2, and 3. 20 p, 325 p, and 154 p. J. Richard Lucas, L. J. Prelaz, E. P. Bucklen, and P. T. Sironko, 1964.

"A New Cost Reduction Tool for the Coal Industry," *Mining Engineering*, March, 1965, pp. 54-58.

"Outlook for the Future Mining Engineers," L. Adler and J. Richard Lucas, *Mining Congress Journal*, September 1965.

"Mining Engineering Education at Virginia Polytechnic Institute," Staff, *Mining Congress Journal*, December 1965.

"The Coal Industry," *Mining Engineering*, AIME, February, 1966.

"The Competitive Position of Coal," *Proceedings*, Council of Economics, AIME, 1967.

"Plant Waste Contaminants," J. Richard Lucas and W. E. Foreman, Chapter 19, *Coal Preparation*, AIME, 1968.

"Bituminous Coal and the Electric Utility Market," Chapter, *Fossil Hydrocarbon and Mineral Processing*, Editor, L. B. Lyon, AICHE, 1968.

Computer Applications in Underground Mining, Seven Volumes:

Vol. 1—Summary Report 37 pp.; Vol. 2—COST-SCHED Program, 96 pp.; Vol. 3—RAILSIM Program, 45 pp.; Vol. 4—BELT-SIM Program, 27 pp.; Vol. 5—VENTSIM Program, 47 pp.; Vol. 6—POWERSIM Program, 35 pp.; Vol. 7—PUMPSIM Program, 34 pp.; Bucklen, E. P., L. J. Prelaz, S. C. Suboleski, J. Richard Lucas, Office of Coal Research, U.S. Department of the Interior, Research & Development Report No. 37, 1969.

"Simulation of Face Mining Systems," S. C. Suboleski and J. Richard Lucas, *Proceedings*, International Computer Application Symposium, AIME, 1969.

"Underground Coal Production Technology and the Impact of Recent Developments," J. Richard Lucas and C. Haycocks, *Mining Congress Journal*, American Mining Congress, Feb. 1970.

THE NATIONAL BASIC INCOME AND INCENTIVE ACT

Mr. HARRIS. Mr. President, on February 10, 1970, I introduced the National Basic Income and Incentive Act, S. 3433, a bill designed to completely federalize the welfare system through a simple, unitary plan of administration and benefits. Further, the bill proposes a comprehensive but simple Federal plan of basic cash payments, moving toward the poverty level over a period of years, plus work incentive supplements equally applicable to all who need them.

In hearings before the Senate Finance Committee, of which I am a member, we learned that certain basic defects existed in the administration's family assistance program. First, it was revealed that, because of the various categories provided for in the family assistance program and because of the varying treatment accorded to people falling in the various categories, there would actually be disincentives to work under the proposed program. Second, it was learned that the family assistance program did not provide sufficient financial relief to the States so that they could devote more of their own funds to compelling and mounting local needs.

The unitary plan provided for in the National Basic Income and Incentive Act, which over a transitional period provides for complete Federal financing, eliminates the most objectionable features of the administration's family assistance program. Support has been growing for the unitary concept of S. 3433, and recently both houses of the Hawaii State Legislature passed House Concurrent Resolution 110 in support of S. 3433.

I ask unanimous consent that a letter I received from Peter S. Iha, representative, 21st district, of the House of Representatives of the Hawaii State Legislature, and a copy of House Concurrent Resolution 110 passed by the Hawaii State Legislature, be printed at this point in the RECORD.

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

HOUSE OF REPRESENTATIVES, THE FIFTH LEGISLATURE,

Honolulu, Hawaii, April 24, 1970.

HON. FRED R. HARRIS,
U.S. Senator,
Washington, D.C.

DEAR SENATOR HARRIS: Thank you very much for sending me a copy of Congressional Record Volume 116, dated February 10, 1970, regarding S. 3433—Introduction of the National Basic Income and Incentive Act.

I was very pleased and very much impressed with the provisions of the bill and also with the comments that you made on the floor of the United States Senate. May I say that I wholeheartedly endorse and support the concept of your bill and hope that Congress may be able to enact this measure into law.

As recognized by your colleagues, the present program in dealing with the poor, the underprivileged, is archaic and your bill will certainly provide tremendous financial relief to all of the states throughout the nation.

I have introduced House Concurrent Resolution 110 in the Hawaii State Legislature in support of your proposal. The Resolution was adopted unanimously by both Houses, copies of which are enclosed for your record. Aloha, and may I wish you my best in achieving the goals you are seeking.

Sincerely,

PETER S. IHA,
Representative, 12th District.

HOUSE CONCURRENT RESOLUTION No. 110
House concurrent resolution endorsing the concept of the National Basic Income and Incentive Act

Whereas, Congress now has under consideration S. 3433, the National Basic Income and Incentive Act, introduced by Senator Harris for himself and other Senators, including Senator Inouye; and

Whereas, the Act is intended to: (1) federalize over a three-year, phase-in period the present archaic, unworkable, and inhumane welfare system; (2) replace it with a Federal income maintenance system; (3) grant immediate financial relief to the States by permitting them to keep more of their own money; (4) provide every child in the Nation with a minimum standard of life that would give him a chance to break out of poverty and to become whatever his abilities and ambitions permit; and (5) help hold families together; and

Whereas, under the Act, the officially determined poverty level would become the effective floor below which the income of no American family or individual would be permitted to fall, at a cost reliably estimated as about two per cent of the gross national product; and

Whereas, welfare and public assistance are matters of national responsibility and for purposes of fairness and effectiveness should be a national responsibility, as recognized by United States Supreme Court decisions, the 1969 National Governors' Conference, and numerous public and private national and state welfare organizations; and

Whereas, the proposed National Basic Income and Incentive Act, as demonstrated by research and experimental programs, will create incentive in contrast to the present welfare system which destroys incentive and initiative along with its degrading and dehumanizing tendencies; and

Whereas, the incentive features of the Act include provisions for earned income exemptions above the basic poverty level, initially by disregarding in the calculation of a person's resources all of the first \$75 monthly earnings, half of the next \$150, and one-fourth of the remainder; and

Whereas, the National Basic Income and Incentive Act would assist the State by providing relief to its increasingly growing fi-

nanial burdens since the Federal Government would meet the full cost of undergirding the income of all persons and at the same time prevent poverty by allowing every baby a chance to be born wanted; every child a chance to be raised in good health and educated to full capacity; every person a chance to be accepted upon individual merit and welcomed to a range of job choices according to capacity and interest; and to be paid a good wage, be insured at adequate levels against the economic hazards of the industrial economy, be assured a comfortable house in a supportive neighborhood and opportunities for cultural enrichment and participation in decisions affecting his own life; and every mature person a chance for survival into a respected and secure old age; now, therefore,

Be it resolved by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the Senate concurring, that the concepts incorporated in S. 3433, the National Basic Income and Incentive Act, be endorsed as of great potential benefit to this State and other states and in the interests of the general health and welfare of the people of this State and other states; and

Be it further resolved that Senator Harris and his colleagues be commended for their work in producing S. 3433 and be encouraged to continue their efforts toward enactment of such a measure for the good of the Nation; and

Be it further resolved that copies of this Concurrent Resolution be sent to Senator Harris and to each member of the Hawaii Congressional delegation.

HONOLULU, HAWAII, April 20, 1970.

HON. TADAO BEPPU,
Speaker, House of Representatives,
Fifth Legislature,
State of Hawaii.

SIR: Your Committee on Public Institutions and Social Services to which was referred H.C.R. No. 110 entitled: "House Concurrent Resolution Endorsing the Concept of the National Basic Income and Incentive Act," begs leave to report as follows:

The purpose of H.C.R. No. 110 is to endorse the concepts contained in S. 3433, the National Basic Income and Incentive Act, which is under consideration in the Congress of the United States.

The National Basic Income and Incentive Act proposes sweeping revisions of welfare assistance throughout the United States. The Act is intended to: (1) federalize over a 3-year period the present archaic, unworkable, and inhumane welfare system; (2) replace it with a Federal income maintenance system; (3) grant immediate financial relief to the States by permitting them to keep more of their own money; (4) provide every child in the Nation with a minimum standard of life to give them a chance to break out of poverty and become whatever his abilities and ambitions permit; and (5) help hold families together. Your Committee finds that the proposed Act will create incentives in contrast to the present welfare system, which destroys incentive and initiative and has degrading and dehumanizing tendencies.

This Concurrent Resolution supports the motivation concepts contained in the proposed Act, and commends its introducer, Senator Harris of Oklahoma, and his colleagues for their work in producing the bill. It further encourages Senator Harris and the members of the Hawaii Congressional Delegation to continue their efforts toward enactment of S. 3433 or a measure similar to it.

Your Committee is in accord with the

intent and purpose of H.C.R. No. 110 and recommends its adoption.

Respectfully submitted,
Emilio S. Alcon, Chairman, Kenneth K. L. Lee, Vice Chairman, Anthony C. Baptiste, Jr., Harold L. Dupont, Peter S. Iha, Minoru Inaba, Hiroshi Kato, Richard S. H. Wong, Peter A. Aduja, Ralph K. Ajifu, Dorothy L. Devereux.

HONOLULU, HAWAII, April 22, 1970.

Re H.C.R. No. 110.
Hon. DAVID C. McCLUNG,
President of the Senate,
Fifth Legislature,
State of Hawaii.

Sr: Your Committee on Public Health, Welfare and Housing to which was referred H.C.R. No. 110 entitled: "House Concurrent Resolution Endorsing the Concept of the National Basic Income and Incentive Act," begs leave to report as follows:

The purpose of H.C.R. No. 110 is to endorse the concepts contained in S. 3433, the National Basic Income and Incentive Act, which is under consideration in the Congress of the United States.

The National Basic Income and Incentive Act proposes sweeping revisions of welfare assistance throughout the United States. The Act is intended to: (1) federalize over a 3-year period the present archaic, unworkable, and inhumane welfare system; (2) replace it with a Federal income maintenance system; (3) grant immediate financial relief to the States by permitting them to keep more of their own money; (4) provide every child in the Nation with a minimum standard of life to give them a chance to break out of poverty and become whatever his abilities and ambitions permit; and (5) help hold families together. Your Committee finds that the proposed Act will create incentives and reward initiative, in contrast to the present welfare system which destroys incentive and initiative and has degrading and dehumanizing tendencies.

This Concurrent Resolution supports the motivating concepts contained in the proposed Act, and commends its introducer, Senator Harris of Oklahoma, and his colleagues for their work in producing the bill. It further encourages Senator Harris and the members of the Hawaii Congressional Delegation to continue their efforts toward enactment of S. 3433 or a measure similar to it.

Your Committee on Public Health, Welfare and Housing is in accord with the intent and purpose of H.C.R. No. 110 and recommends its adoption.

Respectfully submitted,

VINCENT H. YANO,
Chairman.
DONALD D. H. CHING,
Vice Chairman.
MAMORU YAMASAKI,
Member.
PERCY K. MIRIKITANI,
Member.
WADSWORTH YEE,
Member.

PROPOSED ESTABLISHMENT OF A NATIONAL ECONOMIC EQUITY BOARD

Mr. HARRIS. Mr. President, with the continuing deterioration of our economy, it was not too surprising that a Cabinet member, Secretary of Housing and Urban Development, George Romney, and the Federal Reserve Chairman, Arthur F. Burns, would break with the administration's policies and suggest that something other than is presently being done is needed to gain some degree of economic stability.

Earlier this year I proposed the estab-

lishment of a National Economic Equity Board which, if created, could set up voluntary guidelines on prices and wages and could act to insure that the public's interest would be stated and hopefully would influence the decisions reached by all segments of our economy on key matters.

Such a Board could also advise the administration and Congress on what it considered to be a proper mix of fiscal and monetary policy, which has been so lacking in our economy. An article appearing in the May 19 recent edition of the New York Times, entitled "Strengthening the Economy," touches on this problem and contains some rather interesting observations about the economic difficulties we are experiencing. I ask unanimous consent that the article be printed in the RECORD.

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

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 Dr. Burns still holds to the Nixon Administration 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.

INTENTION TO OPPOSE CONFERENCE REPORT ON H.R. 14705, THE EMPLOYMENT SECURITY AMENDMENTS OF 1970

Mr. HARRIS. Mr. President, the distinguished senior Senator from New York (Mr. JAVITS), the distinguished junior Senator from Minnesota (Mr. MONDALE) and I have previously notified the Senate of our intentions to oppose the conference report on H.R. 14705, the Employment Security Amendments of 1970.

Our opposition to H.R. 14705 is not founded on a disagreement with the basic provisions that are contained in the bill, but because of the fact that the action of the Senate, extending coverage of unemployment compensation to farm employers who have eight or more employees in each of 26 different weeks during the year and to agricultural crew leaders and their employees, was reversed in conference.

A question and answer explanation of unemployment insurance coverage of farm employees provided for in H.R. 14705, as passed by the Senate, has been prepared by the Subcommittee on Migratory Labor. Before the Senate considers the conference report, I think the explanation will be helpful to Senators, and I ask unanimous consent that the explanation be printed at this point in the RECORD.

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

A QUESTION AND ANSWER EXPLANATION OF UNEMPLOYMENT INSURANCE COVERAGE OF FARM EMPLOYEES PROVIDED IN H.R. 14705, AS PASSED BY THE SENATE

BACKGROUND

President Nixon, in his July 8, 1969 Message to the Congress on the Unemployment Insurance Program, recommended that the Federal Unemployment Tax Act be amended to provide unemployment insurance coverage to agricultural workers who are employed by an agricultural employer who during the calendar year or preceding calendar year had 4 or more agricultural workers in his employ during each of at least 20 weeks.

H.R. 14705, the unemployment insurance bill passed by the House of Representatives on November 13, 1969, did not extend coverage to any farm workers.

The Senate added limited farm coverage to H.R. 14705 on April 7, 1970. The Senate provision (Section 103(b)) provides that farm employers who employ eight or more workers in any 26 weeks of the current or preceding calendar year are covered by the Federal Unemployment Tax Act. However, nonimmigrant alien workers admitted temporarily for temporary agricultural work, who are employed by such employers, would not be covered by unemployment insurance.

Question.—How many farm employers would be brought under the Federal Unemployment Tax Act?

Answer.—23,000 or about 2 percent of all farm employers.

Question.—How many farm jobs would be brought under unemployment insurance protection?

Answer.—250,000 or about 22 percent of all farm jobs. Another 25,000 farm jobs would

also be covered, but they are already covered under State laws.

Question.—How big are the farms that would be covered in terms of jobs?

Answer.—Clearly the great preponderance of them will be large commercial farming operations or agri-businesses, most of which have annual sales of farm products of over \$100,000. There were 20,000 farming operations that had annual sales of that magnitude in 1964.

Question.—How big are the farms that would be covered in terms of payrolls?

Answer.—A precise answer is not possible. However, in 1964, the 45,000 largest farm operators had average payrolls of \$33,000. They constituted only 3 percent of all farm operators, but they paid 53 percent of total farm wages. Clearly, the preponderance of the farm employers who would be covered by the Federal Unemployment Tax Act would be in this group of farm operators.

Question.—Would farm crew leaders be included in this coverage?

Answer.—Yes, a crew leader who was, under common law rules, the employer of at least 8 farm workers in 26 weeks would be a covered employer. By a roll call vote, the Senate deleted a Finance Committee recommendation to exclude crew leaders as defined under the Social Security law.

Question.—How many crew leaders would be covered?

Answer.—It is estimated that there are about 1,000 crew leaders who have 8 or more employees for 26 weeks. This is probably less than one-tenth of the crew leaders in the United States.

Question.—What information do we have about these crew leaders?

Answer.—All of the 1,000 who would be covered are required to pay Social Security taxes for their workers. In fact, about 2,500 crew leaders report covered wages for Social Security purposes each year. In other words, UI coverage would apply to those crew leaders who are apt to be the most business-like in their operations. Furthermore, virtually all of the 1,000 come under the requirements of the Farm Labor Contractor Registration Act, and hence, most now register annually with the U.S. Department of Labor. This registration involves furnishing a permanent address, evidence of adequate liability insurance, etc. Most important with respect to UI coverage, the Registration Act requires crew leaders who pay migrant workers engaged in interstate agricultural employment, to keep records which show for each worker total earnings in each payroll period, all withholdings from wages, and net earnings. The crew leader must also provide to each worker a statement of all sums paid to him (including sums received on behalf of the worker) on account of the labor of the migrant worker. A directory of all registered farm labor contractors is compiled quarterly by each regional office of the Manpower Administration of the U.S. Department of Labor.

Question.—If a crew leader employs his workers in three different States during a year, where does he pay his unemployment insurance taxes?

Answer.—An interstate crew leader has the same two reporting possibilities as presently covered interstate employers such as construction, sales crews, and traveling circuses and carnivals. In the absence of special arrangements, the crew leader would report and pay taxes to each State in which he operated, based on the wages paid for services in that State.

However, to provide continuity of coverage for individuals working successively in different States for the same employer, 46 States have adopted legislation which enables them to enter into reciprocal arrangements with

other States, under which such employment in different States is covered in a single State if the employer so chooses and if the States involved agree. Under such reciprocal coverage arrangements, States and employers willing, the crew leader would report all of the wages of his employees to his home State, regardless of the fact that they performed much of the work in other States.

Question.—Wouldn't there be serious administrative difficulties if crew leaders paid taxes in more than one State or even if they paid taxes in their home State for employment performed in other States?

Answer.—There has been very extensive experience with coverage of employers whose employees work in different States during the year. This is a frequent situation in construction, entertainment, sales, and other industries. Circus workers, for example, work in many more States during a year than do most employees of crew leaders. Since coverage of the 1,000 crew leaders would not be effective until 1972, there will be ample time to prepare for covering them, including informing them of their responsibilities. Also, the coverage of just 1,000 crew leaders will give a basis for research into the feasibility of covering other crew leaders.

Question.—What new administrative arrangements would have to be developed in order to pay interstate claims for benefits filed by migrant workers?

Answer.—No new arrangements would need to be developed. Workers with wages in more than one State present no new problems for the unemployment insurance program and the Federal-State employment security system. The United States labor force has a high degree of mobility. Millions of workers move from one State to another every year.

In 1969, a year of low unemployment, 584,172 initial interstate claims were paid. Approximately 30,000 involved combining wages that were earned in more than one State.

Existing voluntary arrangements provide for interstate benefits to workers in any of 3 different situations. Concern over the rights of mobile workers, aside from farm workers, was great enough to lead to provisions in both House and Senate versions of H.R. 14705 which require interstate arrangements to be universal and mandatory.

The Interstate Benefit Payment Plan, operative since 1938 and applicable in every State, permits a worker who qualifies for benefits in any one State to file his claim against that State from any other State. The Basic Wage Combining Plan, operative since 1945 and now participated in by all but 2 States, permits a worker who has had covered employment in several States but does not qualify in any to have his base period wages in all participating States combined as if they had all been paid in the State in which he files his claim. The Expanded Interstate Plan for Combining Wages, which began in 1956 and in which all but 5 States now participate, applies to a worker who qualifies in one State for less than maximum benefits, and who has base period wages in another participating State or States. Such a worker can have his benefits in the State where he qualifies increased by combining with those wages any base period wages in other participating States in which he does not qualify.

Interstate migratory farm workers, whether they have been employed by crew leaders or farm operators, will be able to file for benefits under these arrangements.

Question.—In simple terms, how is an interstate claim which involves combining wages earned in more than one State processed? (Such a worker would have been employed in more than one State during the base period.)

Answer.—The claimant goes to the State employment security agency office where he is residing. The claims taker interviews him to learn the States where he worked during a base period and to determine which State the claim will be filed against.

If the claimant qualifies for benefits in another State (i.e., he earned enough or worked long enough during that State's base period to qualify), the claim is sent to that State. That State then contacts the other States where he worked to learn how much he earned in covered employment while working in them. That State then pays the claimant a benefit based on his total wages and bills the other States for any charges against their funds.

If the claimant does not qualify for benefits in any single State, the State where he makes his claim contacts the other States where he worked during its base period, combines the wages, pays a benefit based on the total wages, and bills the other States for any charges against their funds.

This process was followed in \$30,000 claims in 1969. As noted earlier, H.R. 14705 provides for a greatly improved system of processing and paying interstate claims that involve wage combining.

Question.—What is the effect of the exclusion from unemployment insurance coverage of alien agricultural workers who are admitted to the United States on nonimmigrant visas pursuant to Sections 214(c) and 101(a) (15) (H) (ii) of the Immigration and Nationality Act?

Answer.—A temporary nonimmigrant alien worker is admitted to the United States to do work of a temporary nature. As soon as his employment is terminated, he must leave the United States. A claimant must be in the United States or Canada to receive benefits. Hence, with the exception of Canadians, these workers are not eligible to receive benefits anyway. Canada is a participant in the Interstate Benefit Payment Plan, and all but four States do pay claims to Canadian workers on a reciprocal basis. (H.R. 14705 will require all States to do so.) Canadian agricultural workers now enter the United States for apple and potato harvesting. Both seasons are short (6-8 weeks), and it is doubtful that more than a few of the workers would be employed by farm employers which have 8 workers for 26 weeks. However, since Canadian workers are eligible for benefits on a reciprocal basis, and H.R. 14705 strengthens that eligibility, it may be desirable to exempt Canada from the non-immigrant alien worker exemption, for purposes of consistency.

Question.—Will all workers who work for covered farm employers be eligible for UI benefits; that is, will persons who engage in farm work for a short time such as students draw benefits?

Answer.—The fact that a worker has been employed by a farm employer who is covered by UI does not mean that he is eligible for benefits. He must still meet the State qualifying requirements which are generally pegged to number of weeks worked, total wages received, or a combination of these. Furthermore, the claimant must meet all State eligibility requirements each week to receive benefits, including being available for, and actively seeking work. In determining whether any claimant is eligible for benefits for a particular week, the agency looks not only at the individual's statement that he is available for work, but at his actions to determine whether he is acting as a reasonable individual who wanted work would act.

Eligibility for benefits would be no different for persons who worked on farms than for persons who worked in other industries. For example, hundreds of thousands of stu-

dents work in every segment of the U.S. economy during the summer, but with rare exceptions they are ineligible for unemployment insurance benefits when they return to school. Usually they do not work long enough to qualify. Even those who do work enough in the summer to meet the monetary qualifying requirement are not ordinarily considered available for work when they return to school.

JOHN GRAVES—A CREDIT TO THE SENATE

Mr. CHURCH. Mr. President, I was deeply saddened to learn of the tragic and untimely death of John Graves. I first knew John when he began work as an elevator operator with the Office of the Sergeant at Arms in 1958. A talented and hardworking young man, he soon rose to the position of assistant secretary to the Senate majority.

In his job as assistant to the secretary, he brought distinction both to himself and the Senate. There were many times when I sought out John's assistance and on all occasions he was well-informed, courteous and helpful. His death at the age of 32 is a tragic loss.

At a time such as this, little can be said to lessen the sorrow which those who knew and loved John must feel, but he was one of those individuals of whom it can be truly said—he was a good man.

Mrs. Church and the members of my staff join me in extending our deepest sympathies to his wife and family.

IMPLICATIONS OF THE SENATE'S DECISIONS

Mr. DOLE. Mr. President, as the Senate continues deliberations on its role in foreign policy, it is appropriate to look closely into the objectives and achievements of the Cambodian operations, as well as the broader implications of senatorial assertions of power in this delicate area.

The Washington Evening Star of May 19 published three articles concerning these issues. Crosby S. Noyes, Charles Bartlett and Orr Kelly authored these observations and analyses. They raised several points which Senators might find persuasive in reaching their decisions. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were 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 orders 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 overcommitment 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 safety 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 it prevails, the world is going to be a very dangerous place to live in, not only for Americans, but for everyone else as well.

DOVES COULD DIM GENEVA HOPES

(By Charles Bartlett)

One negative consequence, if Congress ties President Nixon's hands in Cambodia, may well be a diminution of the chances for convening a Geneva conference, the best hope of bringing real neutrality to the country.

The enemy's response to the intrusion upon its sanctuaries is taking the shape of an effort to establish a new base in northeast Cambodia, a sparsely-populated highland between the Mekong River and the border. Communist troops seem bent on taking the river towns, a move which will open their new staging area to supplies brought down the Khong River from southern Laos.

This is a reluctant compromise of the happier arrangement they contemplated before they were flushed out of their sanctuaries. They may never have intended to take Phnom Penh; that would have promised all kinds of problems. But they clearly meant to seize a corridor that would keep open the supply lines between Sihanoukville and the sanctuaries.

The enemy's plan was predicated on a strong assumption, which endured even after Prince Sihanouk's ouster, that the United States would make no move in Cambodia. In scheming how to regain their sanctuaries and their access to the sea, they now must consider the nagging question of where and whether they will find the advantages they enjoyed before.

The President gave them significant reassurance with his self-imposed restraint of a 21.7-mile penetration. But if Congress enacts the Church-Cooper amendment, with its proposal to halt all American activities in Cambodia after June 30, most of the troubling uncertainties in the Communist calculations will have been eliminated.

Except for a need to keep a wary eye on the South Vietnamese, they will be back in business with license to harass the Lon Noi government. More important, they will have no real cause to give second thoughts to the option they have rejected, possibly against the advice of Moscow and Peking. They will not be uncertain or uncomfortable enough to feel the need for a conference on Cambodia.

The Cambodian crisis sinks deeper into the grip of the cold war. All the familiar clichés are being used by and against Sihanouk, who once found phrases that warded off the big-power issues. A personality squabble in the Phnom Penh government has been magnified by events and rhetoric into something far more awesome and tangled.

The Lon Noi coup was a bad mistake and, as Sen. Church (D-Idaho) points out, the Americans have made no promises and incurred no obligations to rescue the beleaguered government. Within the Nixon Cabinet some key men say they couldn't care less about what happens in Cambodia as long as it does not interfere with the pace of withdrawal from Vietnam.

Many bureaucrats are busy protecting themselves against an expectation that the new government will eventually fall. Some are bold enough to say that chaos in Cambodia will be a certain detriment to withdrawal in Vietnam. A few are optimistic that a solid neutral government may emerge from the turmoil.

Three factors inspire this optimism. The Communist troops can survive, but they will find it increasingly hard to fight in Cambodia with shattered supply lines. The Cambodian army, bolstered by mercenaries and weapons, can only improve. Finally the neighbors, especially the Thais and South Vietnamese, are expected to perform constructively.

This is not a solid base for confidence. But it may be enough to make the Communists feel insecure enough to join the call for a conference on Cambodia. If Mr. Nixon can add to this insecurity by masking his intentions, he should be permitted to do so.

BUM RAP ON CAMBODIA OBJECTIVES

(By Orr Kelly)

Along with all its other troubles, the Nixon administration is taking a bum rap for the failure of American soldiers to find anything in the jungles of Cambodia that can be clearly labeled as enemy headquarters.

What has evolved is an almost classic case of a credibility gap created by the press, with only modest help from the government.

In effect, the argument goes like this: President Nixon and his advisers said American troops were going into Cambodia to find and destroy the enemy headquarters, known as COSVN, an acronym for Central Office for South Vietnam. COSVN has not been found. Therefore, the Cambodian operation has been a military failure.

Somehow, the impression was created that the enemy had something as solid and visible as the Pentagon stashed away in the jungle with the letters COSVN chiseled in granite over the front door.

It is instructive to go back to what the President and his advisers actually said they were seeking in the Cambodian operation. In his speech the night of April 30, Nixon said:

"Tonight, American and South Vietnamese units will attack the headquarters for the entire Communist military operation in South Vietnam. This key control center has been occupied by the North Vietnamese and Viet Cong for five years in blatant violation of Cambodia's neutrality. . . .

"Our purpose is not to occupy the areas. Once enemy forces are driven out of these sanctuaries and once their military supplies are destroyed, we will withdraw."

In the hour preceding the President's televised speech, a top White House official, who cannot be identified by name or quoted directly, talked over the purposes of the operation. In answer to a question, he said the targets in the Fishhook area were those often described as COSVN I and II.

But he emphasized that the operation was directed against the base areas from which military activities are being conducted into South Vietnam and that American forces would remain only long enough to destroy supplies in those areas.

The area contains major supply dumps and the communications network for the headquarters, he said. The personnel in the headquarters rotate around in the area, on both sides of the border.

The purpose of the operation was not the personnel, but the supply depots and communications equipment.

This was the goal of the operation, stated before it had been publicly announced.

Two days after it began, in a Pentagon briefing, Col. F. H. Thrush, an operations briefer for the Pentagon joint staff, described the purpose this way:

"These allied operations in the Fishhook and the Parrot's Beak areas will have a long-lasting effect on the enemy's aggressive operation in South Vietnam. Hopefully, it will destroy his political and military command posts, his supplies, base camps, training areas, and disrupt his lines of communications. . . ."

A week after the operation began, Defense Secretary Melvin R. Laird said the "primary mission is to destroy facilities so that they can't be used for six to eight months."

The attention focused on the failure, at least in the early phase of the operation, has obscured the degree to which the operation has succeeded in achieving the goal of

disrupting enemy activities for at least six months.

Actually, some of the best-informed officials in the Pentagon believe that the time gained by the operation has been generally understated. Instead of the 6 to 10 months commonly mentioned, they think the attacks across the border may well have provided a breathing spell of at least 12 months, and perhaps as much as 18 months, for the South Vietnamese to take over their own defense.

The price paid for this breathing spell has been fearful—in the cost of dissent at home, in the cost of relations between the President and the Senate, and in the cost of relations with other countries.

But, in assessing the long-term effects of the operation, the failure to find something clearly identifiable as COSVN should not lead to the conclusion that the operation itself was a failure. All the evidence, in fact, suggests that, from a strictly military point of view, it has been even more successful than might have been hoped.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

APPOINTMENT OF ADDITIONAL DISTRICT JUDGES—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Mississippi (Mr. EASTLAND), chairman of the Committee on the Judiciary, and at his request, I submit a 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. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of May 14, 1970, pages 15571-15573, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BYRD of West Virginia. Mr. President, I am authorized by the Senator from Mississippi (Mr. EASTLAND) to make the following statement of explanation of the effect of the action agreed upon by the conference and the recommendations of the accompanying conference report.

The first section of the Senate bill authorized 67 new permanent district judges and the first section of the Senate bill as amended by the House authorized 54 new permanent district judges. The

conference substitute authorizes 58 new permanent district judges, four more than were authorized in the bill as amended by the House. The four new judges not in the House version are as follows:

Middle district of Florida: The Senate bill authorized two new judges and the House amendment authorized no new judges. The conference substitute authorizes one new judge.

District of Maryland: The Senate bill authorized two judges and the House amendment authorized one new judge. The conference substitute authorizes two new judges.

District of Nebraska: The Senate bill authorized one new judge and the House amendment authorized no new judges. The conference substitute authorizes one new judge.

Southern district of West Virginia: The Senate bill authorized one new judge and the House amendment authorized no new judges. The conference substitute authorizes one new judge.

The House amendment contains a provision not in the Senate bill which moves Panola and Shelby Counties in Texas from the Tyler division of the eastern district of Texas to the Marshall division of that district. The conference substitute conforms to the Senate bill.

Mr. HRUSKA. Mr. President, I join with my colleagues in urging the Senate to accept the conference report on S. 952.

The judges authorized by the conference report are urgently needed for our district courts to handle the present and increasing number of civil and criminal cases which are being filed.

I personally would have preferred an even greater increase in our judge power and urged the House conferees to accept each of the judgeships which the Senate had recommended. The conference report does not contain all that I would like, but it is the most that we can obtain at the present time. The House conferees have assured us, moreover, that they would be willing this next year to take another look at those judgeship requests that are not included in the conference report.

Mr. President, the additional judges authorized by this bill will not solve all the problems that confront our judiciary. Improvements in administration, court proceedings, and the law are also necessary. We will be considering these matters in the near future and recommending appropriate changes. It is evident, however, that regardless of the improvements made, the additional judges authorized by this bill are an absolute necessity if the citizens of this country are to receive a prompt and satisfactory disposition of the civil and criminal cases filed in the Federal courts.

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

Mr. HRUSKA. I yield.

Mr. EASTLAND. The Senator realizes, of course, that a number of additional judges are urgently needed, such as in the western district of the State of Missouri. Even though we could not get all that I think is necessary, I think the Senator will agree that this is the best we could do. We obtained the greatest

number that the House would agree to. Does the Senator agree with that statement?

Mr. HRUSKA. I certainly do. There was an additional session of the conferees for the purpose of making a last-stand effort to get the job done, but we were unsuccessful.

Mr. EASTLAND. In the case of Missouri, we did everything we could to get the western district of Missouri included.

Mr. HRUSKA. That is correct.

Mr. EASTLAND. That is true of other districts. There is going to be another bill next year, and I certainly hope that we can include the districts urgently needed, but that will depend upon what the position of the House conferees may be at that time.

Mr. HRUSKA. The Senator from Nebraska is certainly willing at this moment to strive in every possible way to get that extra judge for the western district of Missouri. The statistics and the weighted case load demonstrate that an additional is very badly needed and should have been allowed at this time.

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

Mr. SYMINGTON. I do not have the floor. The Senator from Mississippi has the floor, but I would appreciate commenting on the remarks made by the able Senator from Mississippi.

Mr. SCOTT. That is what I have in mind. If the Senator from Mississippi has no objection, I would simply add that, as a conferee, as the Senate conferee generally, I strongly supported the addition of the district court judgeship in Missouri as very much needed. I had been advised by a member of our own circuit, one of our own judges, that he had experience with the Missouri situation and felt it was necessary. We did our level best. There were three conferences. As the distinguished chairman of the committee has noted, there will be another bill, in time. I hope we will be successful then. I am very sorry we were not at this time.

Mr. EASTLAND. But we did everything we could. The need is there in Missouri, as it is in other States. The distinguished senior Senator from Missouri requested us to make a fight for Missouri, and we certainly did. For some reason that I do not know, the House would not include the western district of Missouri.

Mr. SYMINGTON. Mr. President, I appreciate the great efforts made by the Senate conferees and would like to thank the able chairman of the Senate Judiciary Committee, the senior Senator from Mississippi (Mr. EASTLAND), and also the distinguished minority leader for their assistance and remarks.

I requested yesterday that Senate consideration of the conference report on legislation to provide for additional Federal district judges be delayed until today in order to stress the superiority of the Senate bill to the compromise that had to be reached with the House.

At a time when it is abundantly clear that the courts are overcrowded, that the speeding up of our system of administration of justice is a needed ingredient in the effort to curb crime, it is difficult

to understand why the full needs for additional judges throughout the country have not been met.

The bill originally passed by the Senate was superior to the compromise not only from the standpoint that the Senate made adequate provision for the additional judgeships that are needed but also with respect to Senate amendments recommended by Senator TYDINGS to provide new administrative tools to improve the efficiency of the judiciary system.

We are gratified that the conference report does provide for an additional Federal district judge in the eastern district of Missouri. We deeply regret that provision was not made for nine other judgeships, including one for the western district of Missouri. It is unfortunate too that the Senate administrative provisions were not retained. I regret that the House did not agree with the Senate on this matter, but I know that the House conferees were strongly opposed and therefore it would be futile to seek rejection of this conference report in effort to obtain restoration of the western Missouri district judgeship.

The Senate conferees did their very best to hold these provisions in conference and again I thank them for their efforts and the improvements over the House bill that they were able to achieve.

The evidence presented to the Judiciary Committees by Chief Judge Becker as well as the widespread support from lawyers, potential litigants, and concerned citizens throughout Missouri demonstrated fully the need to provide an additional judge for the western district.

May I say I am deeply grateful to the distinguished minority leader and also to the chairman of the Judiciary Committee for stating that this matter would come up again, perhaps before the end of the year? Am I correct in that?

Mr. EASTLAND. I cannot state whether it will come up before the end of the year. There will certainly be another bill next year. As I understand the provisions, bills will be introduced that will be considered by the House this year, and I think there is a reasonable chance to add additional judges to meet the Senator's situation in Missouri before the end of the year.

Mr. SYMINGTON. I am very grateful to the distinguished chairman.

Mr. President, I ask unanimous consent that page 194 of the Senate report incident to the legislation providing for additional district judges, relating to the western district of Missouri, and information incident thereto be included at this point in the RECORD.

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

WESTERN DISTRICT OF MISSOURI

The western district of Missouri now has three authorized judgeships. There are also two roving judgeships for the eastern and western districts of Missouri, but since 1942 one of these roving judges has spent all of his time in the eastern district and the other spends all of his time in the western district. The Judicial Council of the Eighth Circuit

recommended one additional judgeship for the western district of Missouri, but this recommendation was not made in time for consideration by the Judicial Conference. The committee recommends the creation of one additional judgeship for the western district of Missouri.

The number of civil case filings of this district has decreased since 1964 but the criminal docket has shown an increase of approximately 15 percent over the same period. The weighted caseload per judgeship in the western district of Missouri was 232 in 1968, which placed it in 57th rank order position among the districts.

In testimony before the Subcommittee on Improvements in Judicial Machinery, Chief Judge William H. Becker explained the need of his court for an additional judge and described the failure of the present weighted caseload formula to reflect adequately the case burden in this district. Judge Becker testified:

"The primary reasons for the failure of the existing weighted caseload measures to reflect the unusually heavy judicial burden in this district are as follows:

"1. The weights given the many unique, difficult Federal prisoner petitions, filed by prisoners in the U.S. Medical Center at Springfield, Mo., are grossly inadequate to measure the heavy judicial burden of these petitions, and the resulting hearings and other proceedings.

"2. The weights given the many difficult State prisoner petitions, filed by prisoners in State prisons in the district, are grossly inadequate to measure the judicial burden of those petitions and the resulting hearings and other proceedings.

"3. The weights given the civil and criminal cases of the out-of-State divisions which require periodic travel from Kansas City and return, are inadequate to measure the extra judicial burden of those cases in the out-of-State divisions."

Judge Becker emphasized the particular burdens on this court of the petitions filed by Federal prisoners at the Springfield, Mo., Medical Center, which holds almost all of the Federal prisoners with mental problems outside the District of Columbia. In proceedings filed by these prisoners, the court travels to Springfield to hold court, and thereby eliminates the security problems which could result from transporting the prisoners to Kansas City. In these proceedings the court may be required to hold evidentiary hearings or take other pre-trial actions which are not now reflected in the weighted caseload.

Attached hereto and made a part hereof is statistical information for the western district of Missouri provided by the Administrative Office of the U.S. Courts.

TABLE 1—U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI

Authorized judgeships, 4:
Resident judges:
William H. Becker, Chief Judge
John W. Oliver
William R. Collinson
Elmo B. Hunter
Places of holding court:
Kansas City
Jefferson City
Joplin
St. Joseph
Springfield
District population 1960¹, 1,967,339.

Year ¹	State population	Percent increase over 1960
1960	4,319,813	-----
1967	4,603,000	6.6
1970	4,636,000	7.3
1975	4,870,000	12.7

¹ 1960 actual. Years 1967, 1970, and 1975 are estimates published by the Bureau of the Census.

TABLE 2.—U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI

CIVIL AND CRIMINAL CASES, COMMENCED, TERMINATED AND PENDING

Fiscal year	Total civil cases ¹			Total criminal cases		
	Com-menced	Termi-nated	Pending	Com-menced	Termi-nated	Pending
1959	792	997	691	380	364	48
1960	653	741	603	296	289	55
1961	757	738	622	392	407	40
1962	842	717	747	402	391	51

Fiscal year	Total civil cases			Total criminal cases		
	Com-menced	Termi-nated	Pending	Com-menced	Termi-nated	Pending
1963	826	877	696	358	344	65
1964	880	857	719	298	285	78
1965	796	789	726	335	332	82
1966	798	910	614	381	383	80
1967	734	783	565	327	285	122
1968	708	577	696	343	335	130

DISTRIBUTION OF CIVIL CASES

Fiscal year	Private civil			U.S. civil		
	Com-menced	Termi-nated	Pending	Com-menced	Termi-nated	Pending
1959	480	667	462	312	330	229
1960	396	466	392	257	275	211
1961	485	470	407	272	268	213
1962	476	516	499	350	361	203
1963	476	516	499	350	361	197
1964	557	511	545	323	346	174
1965	480	479	546	316	310	180
1966	438	576	408	360	334	205
1967	388	436	360	346	347	205
1968	376	314	422	332	263	274

¹ Private civil and U.S. civil cases shown below.

TABLE 3.—U.S. DISTRICT COURT OF THE WESTERN DISTRICT OF MISSOURI

CIVIL CASES COMMENCED DURING THE FISCAL YEARS 1959 THROUGH 1968, AND CIVIL CASES PENDING ON JUNE 30, 1958, JUNE 30, 1967, AND JUNE 30, 1968, BY NATURE OF SUIT

Nature of suit	Civil cases pending June 30, 1958	Civil cases filed, by fiscal year										Civil cases pending June 30, 1967	Civil cases filed 1968	Civil cases pending June 30, 1968
		1959	1960	1961	1962	1963	1964	1965	1966	1967				
Total	896	792	653	757	842	826	880	796	798	734	565	708	696	
U.S. plaintiff, total	196	206	159	134	199	203	181	172	188	125	100	139	148	
Land condemnation	87	46	14	13	13	11	12	15	18	20	54	70	119	
Note cases and overpayments	61	90	89	68	106	112	101	85	86	39	16	27	8	
Antitrust	1	2	1	1	1	1	1	1	1	1	1	1	1	
Labor cases	6	7	8	7	7	12	6	8	12	9	3	7	4	
Tax	2	1	1	1	1	2	1	2	2	1	1	3	2	
Other	40	61	45	45	72	65	60	61	70	57	26	31	14	
U.S. defendant, total	51	106	98	138	165	147	142	144	172	221	105	193	126	
Tort Claims Act	12	7	7	10	14	13	19	16	31	16	18	14	18	
Prisoner petitions	5	78	57	77	115	101	73	84	113	149	30	133	38	
Tax refund	28	9	11	30	21	16	33	20	13	26	35	24	43	
Social Security	(0)	(0)	(0)	14	8	7	6	9	5	13	5	10	10	
Other	6	12	23	7	7	10	11	15	10	17	17	12	17	
Federal question, total	78	71	60	70	152	120	137	111	153	158	142	164	181	
Marine contracts				1	2									
Jones Act			3		3		1	3						
Federal Employer's Liability Act	4	1		2	2		5	3				1	1	
Miller Act	3	3	4	7	28	22	10	6	12	10	16	3	14	
State habeas corpus	1	21	13	12	23	43	50	53	55	85	36	76	50	
Labor cases	7	6	12	12	11	16	26	16	19	12	13	29	22	
Antitrust	36	18	8	21	65	9	8	6	32	12	38	6	40	
Patent	9	6	4	4	1	7	5	2	5	3	8	6	11	
Copyright and trademark	9	2	5	5	5	3	4	2	7	11	8	9	10	
Civil rights	1		2		1	2	3	1	8	4	3	10	6	
Other	8	14	9	6	11	18	25	19	15	21	20	24	27	
Diversity of citizenship, total	571	409	336	415	326	356	420	369	285	230	218	212	241	
Contract actions	190	91	83	97	72	107	125	110	101	87	103	75	108	
Stockholders' suits						1	5							
Real property	13	6	4	5	4	5	12	4	6	4	3	8	6	
Personal injury, motor vehicle	238	247	183	247	196	188	207	185	125	101	74	88	85	
Other personal injury	116	57	50	43	49	53	60	60	48	31	29	39	34	
Other	12	8	16	23	5	2	8	10	5	7	9	2	8	

¹ Not available.

TABLE 4.—U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI
CRIMINAL CASES¹ COMMENCED AND PENDING ON JUNE 30, 1967 AND JUNE 30, 1968, BY NATURE OF OFFENSE

Offense	Criminal cases				Pending June 30, 1967	Com-menced 1968	Pending June 30, 1968	Criminal cases				Pending June 30, 1967	Com-menced 1968	Pending June 30, 1968
	1964	1965	1966	1967				1964	1965	1966	1967			
Criminal cases, total	276	308	351	306	122	304	130							
General offenses:														
Homicide			1	2	1	2	2							
Robbery	4	7	8	11	6	10	2							
Assault		2	1	1		1								
Burglary	4	5	2	5	4	6	3							
Larceny and theft	28	28	42	31	11	34	10							
Embezzlement	12	12	15	14	4	21	4							
Fraud	31	17	24	17	9	11	12							
Auto theft	94	126	125	70	20	74	23							
Special offenses:														
Forgery and counterfeiting	39	50	62	44	15	25	8							
Sex offenses	1					2	2							
Narcotic laws	5	3		4	2	11	5							
Miscellaneous general offenses	10	16	24	30	13	33	15							
Immigration laws	3		1		1		1							
Liquor, Internal Revenue	10	6	3	2	1	4								
Selective Service Act	3	6	16	22	4	47	30							
Other Federal statutes	32	30	27	53	31	23	13							

¹ Excludes transfers.

TABLE 5.—U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI
TIME INTERVAL FROM ISSUE TO TRIAL OF CIVIL CASES¹ IN WHICH A TRIAL WAS COMPLETED

Fiscal year	Number of trials	Median time interval (in months)	National median time interval (in months)	Fiscal year	Number of trials	Median time interval (in months)	National median time interval (in months)
1961	59	7	11	1966	65	10	11
1962	49	8	10	1967	39	8	12
1963	79	10	10	1968	59	5	12
1964	70	9	11	1969			
1965	65	9	11	1970			

TABLE 6.—U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI
AGE OF CIVIL CASES¹ PENDING AT THE END OF FISCAL YEARS

Fiscal year	Total	Less than 1 year	1 to 2 years	2 to 3 years	Over 3 years		Fiscal year	Total	Less than 1 year	1 to 2 years	2 to 3 years	Over 3 years	
					Number	Percent						Number	Percent
1961	547	404	97	27	19	3.5	1966	566	378	103	37	48	8.5
1962	692	457	172	40	23	3.3	1967	510	330	93	41	46	9.0
1963	666	423	160	54	29	4.4	1968	577	331	135	55	56	9.7
1964	694	456	118	74	46	6.6	1969						
1965	692	424	139	47	82	11.8	1970						

¹ For both tables 5 and 6 excludes land condemnation cases. For table 5 also excludes habeas corpus cases, deportation reviews, and motions to vacate sentence.

TABLE 7.—WEIGHTED CASELOAD PER JUDGESHIP¹ FOR ALL UNITED STATES DISTRICT COURTS AND FOR THE WESTERN DISTRICT OF MISSOURI²

Fiscal year	Number of district courts in the United States	Number of judgeships		Weighted caseload per judgeship ¹						Rank ²
		United States	Missouri, Western	Civil		Criminal		Total		
				United States	Missouri, Western	United States	Missouri, Western	United States	Missouri, Western	
1962	87	289	4	185	182	57	53	242	235	42
1963	88	289	4	195	194	56	43	251	237	46
1964	88	289	4	207	232	57	41	264	273	36
1965	88	288	4	214	203	60	38	274	241	50
1966	87	318	4	200	197	55	53	255	281	26
1967	89	322	4	198	174	54	44	252	218	58
1968	89	323	4	207	184	58	48	265	232	57

¹ Based on civil and original criminal cases filed. The weighted caseload reflects the amount of court time used for types of civil or criminal cases divided by the proportions of total terminations. A description of the method used appears on pp. 156-161 in the Annual Report of the Director of the Administrative Office of the United States Courts, 1964. The weighted caseload per judgeship refers only to the overall average per judgeship for each district as provided by 28 U.S.C. 133.

Therefore, the number of judgeships does not include the services of senior judges or services of visiting judges. In computing the weighted caseload for the United States, the District of Columbia and territories are excluded.

² Refers to the rank of the district court compared to all of the district courts for the year indicated. The lower the ranking the higher the average weighted caseload.

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

Mr. HRUSKA. I yield.

Mr. JAVITS. I merely wish to express my appreciation for the work of the conferees in giving New York some very badly needed district judges. I understand cuts were made at the self-sacrificial recommendation of the dean of the New York delegation, Representative CELLER. Nevertheless, the help is material, and we deeply appreciate it.

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

Mr. HRUSKA. I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, the omnibus judgeship bill has had a long road, and I think by and large, with the exception of some areas where we unfortunately were unable to persuade the other body to agree with us, it is a very good bill. It will do a great deal to reduce the backlog of cases and to meet the rising tide of crime in this country. It is a very much needed bill, and I am delighted that it is now progressing through Congress.

I am especially pleased, of course, that it contains provisions for nine additional judges in my Commonwealth of Pennsylvania, and that these provisions have survived unimpaired through the legislative process.

The Judicial Conference recommended all of these judgeships. They are extremely necessary. In the eastern district of Pennsylvania there is one of the largest backlogs of any judicial district in America, and so I am most pleased that this has been done, and also that permission has been given for the Federal court for the eastern district of Pennsylvania to meet, now, in addition to other places, in the cities of Reading and Allentown.

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

Mr. HRUSKA. I yield to the Senator from Florida.

Mr. HOLLAND. I thank the Senator. I simply want to express my appreciation and the appreciation of the citizens of my State to the distinguished chairman of our committee, the Senator from Mississippi (Mr. EASTLAND), and the distinguished Senator from Nebraska, the ranking minority member (Mr. HRUSKA), for having obtained, in the conference with the House of Representatives, the results that they did obtain—not all that we would have liked, but nevertheless they did a great deal for us, and I feel that I would be derelict if I did not state that we appreciate greatly the two new judges in the southern district and the one in the middle district of Florida.

We are grateful to the conferees, and

particularly to the two leaders whom I have mentioned, for their strenuous efforts in conference to overcome the attitude of the other body.

Mr. HRUSKA. Mr. President, there is one other aspect of the bill as passed by this body which deserves a little comment, those portions which dealt with the creation of court executives.

It was the recommendation, after very thorough hearings on this side under the chairmanship of the chairman of the Subcommittee on Improvements in Judicial Machinery, the senior Senator from Maryland (Mr. TYDINGS), that such a system of court executives be included. That provision would have provided a court executive for each of the circuits, and permitted court executives for district courts with six or more judges if, in the judgment of the judicial council in which district courts were located, such a court executive would be advisable.

The other body, however, felt that any measure along these lines should not be included in a bill creating additional judgeships. We were assured that a draft of a bill including provisions relative to court executives is in the process of preparation, that it will soon be introduced in the other body, that hearings will be held promptly, and that the matter will be expedited.

It was upon those assurances that the chairman of the committee and members of the conference committee agreed to delete those provisions. Our interest in court executives, however, has not diminished, and we hope that progress will be made soon in that direction.

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

Mr. HRUSKA. I am happy to yield to the chairman of the committee.

Mr. EASTLAND. Mr. President, I think that we all owe a debt of gratitude to the Senator from Maryland (Mr. TYDINGS) for the very fine job that his subcommittee did on this bill. I have never known a man to work harder; and he brought us to the Senate floor with a good bill. I think he is to be congratulated on the very fine work which he did on this measure.

Mr. HRUSKA. Mr. President, I associate myself with those remarks. It is not an easy task to produce a bill of this kind. It requires the detailed analysis of individual cases. The senior Senator from Maryland performed that task most admirably; and in those cases where he had to say no, he was able to justify each one of those negative decisions on the basis of the record before him.

I join in the congratulations and commendations to the Senator from Maryland just enunciated by the Senator from Mississippi.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield.

Mr. HRUSKA. I am happy to yield.

Mr. BYRD of West Virginia. Mr. President, I share in the sentiments expressed with respect to the able senior Senator from Maryland (Mr. TYDINGS). This is very tedious work; it requires many long hours of painstaking effort, and I congratulate him on an excellent job well done. I express my appreciation to both Senator TYDINGS and the able and distinguished chairman of the committee, as well as the able ranking minority member of the committee, and all those who were conferees.

I want further to express my appreciation, on behalf of my State of West Virginia, and on behalf of my senior colleague (Mr. RANDOLPH) for the consideration that was given by the inclusion in the conference report of the additional judgeship for the southern district of West Virginia. As a member of the Committee on the Judiciary, I had sought to have this additional judgeship added to the bill that went to conference. I was not a conferee, but I did work with our Senate conferees, and I know of their efforts in behalf of this judgeship, and express my deepest thanks to them for the assistance which they have given in this respect.

This additional judgeship for West Virginia was sorely needed. The workload for our three current Federal district judges has been increasing greatly, and the court dockets in our State have become overcrowded.

Mr. EASTLAND. Mr. President, I should like for the record to show that for each judgeship that was put in by the distinguished Senator from Maryland (Mr. TYDINGS) there was a reason. There was no politics involved. If he had

to say no, he had the facts and the reasons, and he made it stick in every instance.

Mr. HRUSKA. Mr. President, I yield the floor.

Mr. COOPER. Mr. President, I am very happy that the Senate has before it today the conference report on S. 952, the omnibus district judgeship bill. This bill has made slow but sure progress over a period of several years. It is of particular importance to my State of Kentucky.

It was during the 90th Congress that I introduced for myself, and on behalf of Senator MORROW, S. 656, which would have provided for the appointment of one additional district judge for the eastern district of Kentucky. In my remarks of January 25, 1967, I pointed out the need for this additional Federal judgeship in eastern Kentucky if the work of that court is to be dispatched with promptness and efficiency.

In late September of 1968, the Judicial Conference of the United States met and filed its report of October 22, 1968, in which, based on the conference's findings, it recommended the establishment of an additional judgeship for the western district of Kentucky as well as for the eastern district. These recommendations are based on carefully accumulated statistics and an analysis of the dockets of the courts in both districts.

On January 22, 1969, for myself and for Senator COOK, I introduced S. 567 to provide for the establishment of additional district judgeships for the eastern and western districts of Kentucky.

Because of the widespread interest that the Kentucky State Bar Association and county and city bar associations throughout Kentucky have taken in this matter and because of the many comments I have received from judges and attorneys, in the State, I was pleased to bring these views to the attention of the Senate and House judiciary committees in statements I filed with both committees. The Senate bill incorporated this provision for two additional judgeships and this provision was retained by the House.

I support the conference report and urge its adoption.

Mr. BYRD of West Virginia. Mr. President, if there are no further statements to be made in connection with the conference report, I move the report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report on S. 952.

The report was agreed to.

THE BAR WAS MISINFORMED

Mr. WILLIAMS of Delaware. Mr. President, Senators are very fortunate today in that a group of several hundred lawyers from New York have taken time out of their busy schedules to come down to share with the Members of the Senate a portion of their wisdom as to how we can best get ourselves extricated from our problems both in Cambodia and in Vietnam. As one Senator, I appreciate their concern and went out of my way to arrange an appointment with some of these men, and I appreciate the conferences we had.

I was surprised, however, to find that they were under a slight misunderstanding. While they recognize that the enactment of the so-called Cooper-Church amendment would stop the pay and compensation of the men in Cambodia until such time as they get out, they felt that this was not a pertinent point because, as they pointed out, their understanding was that, this Cooper-Church amendment would not be effective until July 1, and therefore they said that the troops would all be out before it became effective.

I pointed out to them that the bill was effective on the date of enactment. Much to my surprise they took exception to that and tried to prove their point by quoting from an article from the New York Times, one of our great eastern newspapers which had insisted that the amendment was effective June 30.

I then asked if any of them had ever read the bill. They acknowledged that they had never read the amendment or the bill. I showed them a copy and that it was to become effective on the date of enactment, and they were surprised and admitted it would change their position somewhat.

I recognize that many of our constituents can get confused as to the effective date of a bill such as this and would not realize that it is effective on enactment. I appreciate that. I also appreciate the fact that misunderstandings can develop on the part of the reporters. I am not criticizing that. But I was somewhat amazed and shocked to learn that nearly a thousand members of the legal profession would take their time, after discussing this issue for several days as they said they had, to come to Washington to share their wisdom on this measure with the U.S. Senate and, at least in the group that came to see me, not one of them had ever read the bill itself.

I only express the hope that in preparing cases for their clients they will take this word of advice as coming from one of the nonlawyer friends: That they not prepare their cases based entirely on what the newspapers say about the cases but that they at least read their documents and study their cases thoroughly in order to prepare themselves for argument.

At the same time, if they come back to lobby they are always welcome to stop in my office. I appreciate their advice and will always listen to them with an open mind. But I would respect their position a little more if they would accompany the statement of their position with the preface that they had at least read the bill, and understood the subject about which they were talking.

CONVENTIONS RELATING TO INTERVENTION ON THE HIGH SEAS IN CASES OF OIL POLLUTION—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive G, 91st Congress, second session, two conventions done in Brussels at the International

Legal Conference on Marine Pollution Damage, 1969, relating to intervention on the high seas in cases of oil pollution casualties and civil liability for oil pollution damage, and certain amendments to the International Convention for Prevention of Pollution of the Sea by Oil, transmitted to the Senate today by the President of the United States, and that the conventions and amendments, together with the accompanying papers, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith two Conventions done in Brussels at the International Legal Conference on Marine Pollution Damage, 1969: the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, and the International Convention on Civil Liability for Oil Pollution Damage. The United States, along with eighteen other nations, signed each Convention on November 29, 1969, subject to ratification. I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the Conventions.

I transmit also, with a view to receiving your advice and consent to acceptance, certain amendments to the International Convention for the Prevention of Pollution of the Sea by Oil. These were recommended by the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization and were adopted by the Assembly of that Organization on October 21, 1969.

The two Brussels Conventions are vital in coping with the dangers to our environment posed by the increased carriage of oil by sea. The Convention Relating to Intervention on the High Seas authorizes governments to take action against tankers on the high seas, while at the same time protecting the vessel owner from unreasonable action by coastal authorities. The Convention on Civil Liability establishes a system of liability to meet both the present dangers and those posed by larger tankers planned for the future. Furthermore, the limits of liability set forth in the Convention are at present insurable in the world market.

The amendments to the 1954 Oil Pollution Convention establish more rigid control measures for oil tankers and other ships which should reduce materially the discharge of persistent oils into the sea. There should be resulting benefits to beaches and other coastal areas and in the preservation of wildlife and marine resources.

I recommend that the Senate give early and favorable consideration to the Conventions and the amendments submitted herewith and give advice and con-

sent to ratification of the Conventions and acceptance of the amendments.

RICHARD NIXON.

THE WHITE HOUSE, May 20, 1970.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ADDITIONAL STATEMENTS OF SENATORS

PROTECTION OF PRIVACY AND RIGHTS OF GOVERNMENT EMPLOYEES

Mr. HRUSKA. Mr. President, yesterday S. 782 passed the Senate. The bill is an important step toward protecting Government employees as to personnel practices. I cosponsored the bill, and it has my wholehearted support. It was considered before by this body in 1967. Although the Senate approved it, no action was taken by the House.

Many long hours of study have gone into the bill by the members of the Subcommittee on Constitutional Rights. The hearings have uncovered many instances of the flagrant violation of the employee's basic rights. The Congress must draw the line and decide whether the employee must surrender his dignity to keep his job.

Often quoted is the adage that "The king can do no wrong." I would go further, Mr. President, and say that "The king should not do any wrong."

This Government was the first to proclaim in a Constitution the first amendment freedoms, the fifth amendment freedoms, the concepts of due process and equal protection of the laws. Our courts vigorously defend these constitutional restrictions. Government agencies espouse the principles.

However well intentioned the Civil Service Commission, however voluntary the study, however beneficial the goal of surveys and fund drives, the fact remains that too often the individual has been coerced into revealing personal information, forced to account for his off-duty hours, and compelled to donate his time and money to projects and drives. His integrity has been questioned without reason, and, in extreme cases, he has been stripped of his dignity. All of this has been done in the name of high ideals.

We all recognize that procedures are required to insure that capable employees perform governmental duties. We recognize that, in some cases, the security of the Nation depends on the integrity and stability of these employees. This bill does not restrict control over the qualifications of Federal employees.

Mr. President, certain exemptions are provided in the law. The exemptions pro-

vided for the Central Intelligence Agency and the National Security Agency are based on existing statutory or executive authority of the directors of these agencies to protect their information in cases involving employees and on the well-established procedures concerning information affecting the national security.

The Federal Bureau of Investigation is exempted as well. The bulk of the FBI's work is outside the field of national security; hence, exemptions based on the protection of national security information would provide no protection with respect to its responsibilities in the criminal, civil, and applicant fields.

Yet, the very lives of some persons, such as informants within the organized underworld, depend on the protection of information concerning them. And the potential for blackmail or other grave misuse of information in FBI files not covered by the protection given to national security information is so great that special precautions must be taken to keep it inviolate. A complete exemption for the FBI from the provisions of this legislation is warranted and essential.

It is hoped that the House of Representatives will act with dispatch on this very necessary legislation.

ANALYSIS OF CONSTITUTIONAL ISSUES INVOLVED IN SOUTHEAST ASIA AMENDMENTS

Mr. MANSFIELD. Mr. President, 1 week ago the distinguished Senator from South Dakota (Mr. MCGOVERN) placed in the RECORD a legal memorandum analyzing the constitutional issues raised by all of the amendments dealing with the war in Southeast Asia. I believe that that memorandum was most helpful. A sequel to it has been prepared, and I ask unanimous consent that it be printed in the RECORD.

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

INDOCHINA: THE CONSTITUTION CRISIS—
PART II

I. THE CONGRESSIONAL AND EXECUTIVE ROLES IN WAR-MAKING: AN ANALYTICAL FRAMEWORK

In a famous concurring opinion in *Youngstown Sheet & Tube Co. v. Sawyer*,¹ [the Truman steel seizure case], Justice Jackson developed a theory of the power relationship between Congress and the President which is useful in analyzing the current constitutional crisis over the Indochina War. Justice Jackson posited that a large measure of power to make national policy is fixed in neither the Presidency nor the Congress, but rather fluctuates with the initiatives and actions of each branch. According to Jackson's theory: (1) There is a zone of constitutional power which is exclusively executive—an area in which the President is authorized to act even against the express will of Congress. (2) Similarly, there is a power zone which is exclusively legislative. (3) In between these two exclusive areas, there is "a zone of twilight in which he [the President] and Congress may have concurrent authority, or in which its distribution is uncertain."² In that twilight area, either branch can act in the absence of initiative by the other.

Justice Jackson did not explicitly state

Footnotes at end of article.

what would happen if both the President and Congress attempted to operate in the twilight zone in ways that brought their wills into conflict. In such a situation, the conflict would best be resolved through the spirit of cooperation which has been the underlying strength of American constitutional government. If cooperation proved impossible, however, deadlock could result. Congress could legislate, but the President might refuse to execute its laws; the President could issue orders, but Congress might deny funds necessary to carry them out.

Of course, under the constitutional scheme of "checks and balances," either branch can almost always block action by the other. Thus, all federal power is in a sense subject to the same limits as power located in the twilight zone. Congress can, for example, refuse to appropriate funds to execute a presidential order made within his zone of exclusive power. Similarly, the President can refuse to execute a law passed over his veto pursuant to an exclusive grant of congressional power. The difference, at least under Jackson's theory, is that (1) while either branch can constitutionally block the other from attempting to exercise power exclusively vested in itself,³ (2) each branch is under a constitutional obligation not to block exercises of the exclusive power granted to the other branch.⁴

Furthermore, under Jackson's analysis, Congress has no constitutional obligation to refrain from blocking the President when he attempts to exercise twilight zone power.⁵ The President, however, is prohibited from blocking congressional exercise of such power. He can, of course, veto legislation within the twilight zone, for that is his constitutional prerogative as a participant in the legislative process. But if two-thirds of Congress overrides his veto, then the legislative will must prevail: For, under the Constitution, there is a bias toward Congress as the ultimate repository of national power.

Congress is closer to the electorate and represents a greater diversity of views than the President. Therefore, in terms of traditional democratic theory, the power of Congress is more "basic" than that of the President. Indeed, it might be argued that, in terms of democratic theory, the only justification for granting the President any power which is concurrent with that of Congress is that there may be situations in which the national interest requires speedy action. But if Congress has acted in a given case, then that justification disappears. Finally, the text of the Constitution itself indicates that in cases of conflict within the twilight zone, the congressional will should prevail. Whenever the Constitution explicitly divides the responsibility for a particular action between the two branches, it provides no method by which the President can effect his will over the opposition of Congress.⁶ On the other hand, whenever Congress has power to legislate, it can legally obligate the President to effect its will: For a bill passed over a presidential veto is as much the law of the land as one which he signs; and the President is charged with the duty of faithfully executing the laws. His only legal excuse for failing to execute a law is that Congress lacked power to pass it. But, in the twilight zone, Congress has power by definition.

Furthermore, the lesson of the steel seizure case itself is that the legislative will must prevail when there is conflict within the twilight zone. Although there is language in the Court's opinion to the effect that the power to order the seizure of the steel mills was exclusively legislative, such a conclusion was neither necessary to the result reached nor supported by a majority of the Justices.⁷ A better analysis is that power to order seizure of the mills was in the twilight zone, that

in a wartime emergency the President could have ordered the seizure in the absence of a contrary expression or congressional will, but that there was in fact such a contrary expression.⁸

In summary, the implications of Justice Jackson's analysis are that: (1) In the zone of exclusive executive power, any legislation attempting to restrict presidential action is void and can be ignored by the President, even if it is "passed" over his veto. (2) In the zone of exclusive congressional power, any presidential action is illegal and can be prevented or ended by action of Congress. (3) In the twilight zone of concurrent power, either the President or Congress can act in the absence of initiative by the other. If both attempt to act in ways that bring their wills into conflict, the deadlock must be resolved in favor of congressional action through valid legislation passed over a presidential veto.

Justice Jackson's theory is in one respect difficult to reconcile with the traditional conceptions of constitutional "separation of powers" and "checks and balances." As they are normally conceived, those principles describe a system in which complementary but distinct powers are granted to different branches of government. In Jackson's twilight zone, however, identical powers are granted concurrently to the President and Congress. With regard to foreign and military affairs, however, a twilight zone must exist: For in those areas there is a residuum of power over and above those specifically enumerated in the constitution.

"The broad statement that the federal government can exercise no powers except those specifically enumerated in the Constitution, and such implied powers as are necessary and proper to carry into effect the enumerated powers, is categorically true only in respect of our internal affairs. In that field, the primary purpose of the Constitution was to carve from the general mass of legislative powers then possessed by the states such portions as it was thought desirable to vest in the federal government, leaving those not included in the enumeration still in the states. . . . And since the states severally never possessed international powers, such powers could not have been carved from the mass of state powers but obviously were transmitted to the United States from some other source."⁹

The federal government, in short, possesses all the "necessary concomitants of nationality"¹⁰—all those powers necessary to enable the United States to act in the international arena on an equal footing with other nations.

It is doubtful whether the powers which are necessary concomitants of nationality could be enumerated in any constitution: they are too much dependent on an evolving historical context, and too little susceptible of definition. In any case, our constitution did not attempt to enumerate them. The sum of the war and foreign policy powers specifically granted to the legislative and executive branches is less than the totality of power inherent in the concept of sovereignty. And it is precisely because there exists an amorphous residuum of national power above and beyond the sum of enumerated powers that Jackson's twilight zone must exist, despite its apparent incongruity with traditional separation of powers and checks and balances notions. Those powers must vest somewhere, and there is *nothing*—nothing in the Constitution,¹¹ nothing in history,¹² nothing in the case law,¹³ and nothing in common sense—to suggest that the entire residuum vests exclusively in one or the other branch.

It is of course possible that part of the residual power vest exclusively in either or both branches. But it would be futile to attempt to define which parts, if any, do. As noted above, the totality of residual power is not susceptible to precise division and def-

inition. Further, the enumerated powers would be of only slight help in specifically allocating exclusive portions of residual power, for they themselves have never been precisely defined. In short, it would be unwise to attempt to derive, from either enumerated or residual powers, rigid rules as to which branch has authority to decide whether the nation should take certain specified acts vis a vis other nations. Rather, the best approach is to attempt to reach a general understanding of the nature of the power appropriate to each branch, based on (1) the special competences of each, and (2) the probable internal consequences of external actions.

The special competence of the office of the Presidency is its capacity for fast, efficient, and decisive action. Power in the executive branch is hierarchical; in Congress it is diffuse. Decisions in the legislative branch are made according to complex procedural rules in two separate institutions; in the White House they can be made by one man. The essence of the legislative process is deliberation and compromise; in the executive process, at least in theory, it is command.

Speed and efficiency, however, are not the proper ends of government. If they were, the framers would have created a dictatorship. The main theme underlying the Constitution is, of course, the desire to temper the decisiveness of a President with the prudence inherent in a large body which acts through deliberation, compromise, and consensus. And it is that prudence, coupled with the fact that Congress is closer to the People and reflects the diversity of their views, that gives rise to its special competence, a unique legitimacy to commit the resources and will of the nation.¹⁴

The foregoing considerations support two conclusions: (1) When a decision in foreign or military affairs demands speed and decisiveness, there is a presumption that it is within the exclusive power of the President. (2) All other decisions are within the power of Congress. Some of that congressional power is in the twilight zone and held concurrently with the President. But when the decision entails a significant commitment of the nation's human, physical, and moral resources, there is a presumption of congressional exclusivity. The presumption can be rebutted: The President can unilaterally commit a significant amount of the nation's human, physical, and moral resources; but he can do so *only if* there is a clear need for speed and decisiveness.

There are, of course, no clear lines of division. It is impossible to define "a significant amount" of resources; and certainly the President has twilight zone power to commit less than "a significant amount" to foreign and military actions (but only in the absence of a prior expression of conflicting congressional will). The basic consideration is simply that *there is a point at which decisions become so momentous—in human, physical, and moral terms—that power passes from the twilight zone into the exclusively legislative zone.*

II. THE INDOCHINA WAR IN CONTEXT: INSTITUTIONAL RESPONSIBILITY

A. A Note on Precedent

Since the basic questions of legislative/executive power relationships are largely non-justifiable,¹⁵ the boundaries of constitutional power are in practice determined by the actions of both branches. However, not every case in which either branch has acted unilaterally constitutes a "precedent" indicating that it alone had authority to act. Certainly a unilateral action by the President, acquiesced in by the silence of Congress, is an indication that both branches thought that the President had power to act—that the action was not within the exclusively legislative zone. But it does not indicate that the power was exclusively presi-

Footnotes at end of article.

dential, precisely because there is a large zone of overlap in which both have authority to act.¹⁸ Although the historical trend of the last one hundred years has been one of presidential initiative within the twilight zone, the fact of presidential initiative in that zone does not deny the Congress its concurrent—and, in the last analysis, paramount—power to act.

Furthermore, the large number of presidential initiatives should not be allowed to obscure the fact that congressional twilight zone power has not gone unexercised. The following are a few examples:

In 1871, Senator Sumner introduced a resolution condemning President Grant for sending warships to Santa Domingo. It was tabled, but may have been influential in persuading Grant to abandon his attempts to annex the island.

On April 20, 1898, five days before declaring war on Spain, Congress passed a joint resolution demanding that Spain withdraw all forces from Cuba.¹⁷ The resolution stated that "the people of the Island of Cuba are, and of right ought to be, free and independent" [thus, in effect, recognizing a foreign government] and that "the President of the United States be, and hereby is, directed and empowered to use the entire land and naval forces . . . to such extent as may be necessary" [thus directing the President to exercise force in the absence of a declaration of war].

In June, 1917, Congress passed a statute which provided in part: "During a war in which the United States is a neutral nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war . . . with any intent or under any agreement or contract . . . that such vessel shall be delivered to a belligerent nation . . ."¹⁸

In August, 1935, Congress passed over the strenuous objection of the State Department an act which required the President to embargo the sale of arms and munitions to belligerents "upon the outbreak of war between two or more foreign states."¹⁹

Because the neutrality legislation did not apply to civil wars, Congress in 1937 passed a joint resolution forbidding the export of arms to either side in the Spanish Civil War.

In an advisory opinion to President Roosevelt, Attorney General (later Justice) Jackson advised that the famous destroyer for bases deal with Great Britain would not violate either the 1917 or the 1935 neutrality legislation, since the destroyers were of ancient vintage and not built, armed, or equipped with intent to deliver to a belligerent, and since it was technically a trade rather than a sale. But Jackson did advise that the 1917 law prohibited the proposed transfer to the British of "mosquito boats" then under construction. *Congress had taken the initiative in the twilight zone, and the President was bound:* "If these boats were released to the British Government, it would be legally impossible for that Government to take them out of this country after their completion, since to the extent of such completion at least they would have been built, armed, or equipped with the intent . . . that they would enter the service of a belligerent . . ."²⁰

In the Selective Service Act of 1940, Congress provided that "Persons inducted into the land forces of the United States under this Act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States . . ."²¹

And, of course, there is Section 643 of the Defense Appropriations Act for the current fiscal year, which provides that "none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos and Thailand."²²

B. Indochina and institutional responsibility

The thrust of Justice Jackson's analysis and the thrust of history support strongly one basic conclusion: *Within the twilight zone of shared power, if members of Congress have views on the conduct of foreign and military affairs which differ from those of the President, there is no reason—in the Constitution, in theory, or in precedent—why they should hesitate to write their policy preferences into law.* The framers of the Constitution, in creating concurrent power, did not intend that Congress would limit its expressions of disagreement with the President to speech-making. *The possession of power creates a responsibility to ensure that it is exercised when needed.*

The basic decisions concerning the war in Indochina are within the power of Congress—held either concurrently or exclusively. That is, as distinguished from those command-type tactical decisions which must be made quickly and decisively in order to protect American personnel and which are exclusively presidential, the policy and strategy decisions concerning Indochina are within the power of Congress to make. And because they have the power, Congressmen have the duty to consider the issues, to consult their constituencies, to deliberate, and then to decide whether the course which the President is pursuing is one which should be continued. If they decide that the President's course is the wrong one, they would be acting well within the letter and spirit of the Constitution if they changed it.

Of course, it may be that a majority of Congressmen will decide that the nation is on the right course and that they have "confidence in the President" to continue. There is one matter, however, in which Congress can not place its "confidence in the President." *Whether Congressmen are for or against the war, whether they favor escalation or withdrawal, they have a responsibility as members of one of the three branches of the federal government to preserve the integrity and power of that branch.* As noted above, since the great questions involved are largely non-justiciable, the boundaries of constitutional power are fixed by the actions of the two branches themselves. The legislature can have "confidence in the President" to take the initiative in exercising twilight zone power, because the historical precedent thereby set is not a negation of concurrent congressional authority.²³ *But Congressmen cannot, they must not, allow the President to take the initiative in the zone which is exclusively legislative.*

In our opinion, the major questions concerning peace and war in Indochina approach the zone of authority which belongs exclusively to the Congress. Thousands of our young men are killing and being killed; billions of dollars of resources are being expended; and the moral strength of the nation is being undermined. Indochina does go further toward the legislative pole than any President has gone unilaterally in the past. Never before has a President committed so much of our human and material resources, so much of our moral fibre, for so long a time, when there was so little urgency.²⁴

Congress must ask itself whether the Gulf of Tonkin Resolution—passed in haste, at a time when there was no indication that large numbers of ground troops would be committed to Southeast Asia, and when Congress was without all the facts²⁵—can fairly be read to delegate to the Presidency authority to do what has been done. And, even if the Resolution can be so read, Congress must consider whether that is an authority which any President—any one human being—should be allowed to exercise.

The issue of institutional responsibility cannot be circumvented by placing confidence in the person of the President to do the right thing; For in the exclusively legis-

lative power zone, it is essential not only that the right thing be done, but also that the legislature authorize it. Whenever Congress acquiesces in the actions of a President, it admits that the power to act was not exclusively legislative—that the President had at least concurrent authority. In short, *Congress as an institution must realize that its action or inaction in the current situation will define for the future the boundary between the twilight and exclusively legislative zones.* Even if Congressmen believe that the man who is now President would wisely wield legislative power, they cannot make that judgment of the man who will be President ten, twenty, or thirty years from now.

If Congress decides it must act, it will not precipitate a constitutional crisis: For we are in a constitutional crisis. And it is a crisis in which Congress cannot avoid a response—in this situation, *inaction is a response.* Inaction, just as surely as will action, will define the boundaries of constitutional power for years to come.

FOOTNOTES

¹ 343 U.S. 579 (1952). The Supreme Court held that the President was without power—in either the Constitution or statute—to order the seizure of the nation's steel mills during the Korean emergency.

² 343 U.S. 579, 637.

³ For example, Congress could constitutionally provide that no funds can be used to collect a tax which the President had purported to lay, since that is a power vested by the Constitution exclusively in Congress.

⁴ For example, assuming *arguendo* that it is within the President's exclusive power to order the armed forces to repel a foreign attack on American territory, Congress could not constitutionally legislate that appropriated funds can not be used for that purpose. They could pass such a law; but it would be illegitimate and void, even though the question of its constitutionality would probably not be justiciable.

⁵ For example, assuming *arguendo* that a decision to blockade Haiphong harbor would fall within the middle power zone, Congress could constitutionally provide that no appropriated funds might be used for that purpose, since it would have as much constitutional authority to act on that matter as the President. Note in this connection that the thrust of the argument in part VI of the first Yale paper [*Congressional Record*, May 13, 1970, p. 15409] that Congress can restrict the President's conduct of the war through limits in appropriations is that Congress could constitutionally do so—that it would be exercising either twilight zone power or its own exclusive power.

⁶ He can negotiate treaties, but only if two-thirds of the Senate consents do they become the law of the land. He can nominate ambassadors, but they can head American missions abroad only if the Senate approves.

⁷ The Opinion of the Court was signed by one Justice. Two Justices concurred in the opinion and the judgment, three in the judgment only, and three dissented.

⁸ "When the Taft-Hartley Act was under consideration in 1947, Congress rejected an amendment which would have authorized such governmental seizures in cases of emergency. Apparently it was thought that the technique of seizure, like that of compulsory arbitration, would interfere with the process of collective bargaining." 343 U.S. 579, 586.

⁹ *United States v. Curtis-Wright Export Corp.*, 299 U.S. 304, 315-16. Emphasis is the Court's.

¹⁰ *Id.*, 318.

¹¹ The fact that the enumerated powers in foreign and military affairs are divided between the President and Congress is an indication that the residual power should not vest exclusively in either. That some of the residual power must vest in Congress is indicated in Article I, Section 8. Congress is given

power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof. [emphasis added]

¹² Indeed, the lesson of history is that the President and Congress have shared the residual power. See the first Yale paper and Part II, *infra*.

¹³ The statement in *United States v. Curtiss-Wright*, 299 U.S. 304, 320, that the President is "the sole organ of the federal government in the field of international relations" is not to the contrary. It asserts that the President is the sole executor of American international policy, but does not deal with the question of which branch is to make that policy.

¹⁴ The competence of Congress to commit the resources and will of the nation is reflected in the allocation of enumerated constitutional powers. It can commit the human and material resources of the nation by laying taxes, borrowing money, and raising an army. It can commit the will of the nation by declaring war. And, perhaps most significantly, it can change the very character of the nation by establishing standards for naturalization. All these things, furthermore, Congress can do over the President's veto.

¹⁵ See *Mora v. McNamara*, 389 U.S. 934 (1967), Justice Stewart dissenting.

¹⁶ The first Yale paper outlined three theories under which unilateral Presidential action has been justified: 1) The Sudden Attack Theory—which justifies unilateral presidential response to defend the sovereignty and integrity of the nation in an emergency; 2) The Neutrality Theory—which justifies unilateral presidential action to protect American lives and property so long as the use of force is neutral with respect to external conflicts; and 3) The Collective Security Theory—which justifies Presidential action under one of the collective defense treaties. Of these three theories, only the first is an argument for presidential exclusivity—and then only if it is clear that the time for response is short.

¹⁷ 30 Stats. at Large 738-39.

¹⁸ 40 Stat. 217, 222.

¹⁹ 49 Stat. 1081.

²⁰ 39 Opinions of the Attorney General, 484, 496 (1940).

²¹ 54 Stat. 885.

²² 83 Stat. 469.

²³ See *supra*, p. 9.

²⁴ In the Korean emergency of June, 1950, for example, the suddenness of the aggression necessitated a speedy response.

²⁵ See "The Gulf of Tonkin, the 1964 Incidents," U.S. Senate, 90th Cong., 2d Sess., Committee on Foreign Relations, Hearings, February 20, 1968.

WALTER REUTHER

Mr. FULBRIGHT. Mr. President, shortly before his untimely death, the president of the UAW, Mr. Walter Reuther, issued a statement regarding Cambodia and the Kent State University tragedy. It was, I believe, the last official statement signed by Mr. Reuther. It is characteristic of his deep understanding of the tragic situation which faces our country today. I ask unanimous consent that the statement 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 re-enforces 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."

STRENGTHENING THE ECONOMY—II: NEW YORK TIMES EDITORIAL

Mr. PROXMIER. Mr. President, yesterday I placed in the RECORD the New York Times editorial entitled "Strengthening the Economy—I," which called for the institution of an income policy, and other fiscal and monetary action, to ease both inflation and unemployment.

Today the New York Times has published "Strengthening the Economy—II." As usual, it has a number of exceptional insights and suggestions which both the administration and Congress should consider most seriously.

The editorial points out what some of us have been saying; namely, that the administration appears to be underestimating the size of the coming deficits. That was my position in a major speech I gave in the Senate on Monday and I am especially gratified to see support for my view that the administration's estimates may well be based on "... an unrealistically high forecast of corporate profits and unrealistically low estimate of defense expenditures."

I think that is a very real danger and that the administration ignores these

points at their and the Nation's fiscal peril. The editorial also calls for a reduction in defense spending and reluctant continuation of the 5-percent surtax as the major means of setting matters right. But as the Times rightly points out, raising taxes is unlikely in an election year. In my own view, it is also not desirable when such vast waste, overruns, and questionable expenditures exist at the Pentagon. The time has come to cut military spending, and to cut it hard.

There is a great deal of factual information and good sense in the Times editorial. I commend it to the Senate and the public. I ask unanimous consent that it be printed in the RECORD.

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

STRENGTHENING THE ECONOMY: II

The Administration has at last issued the new figures showing that its projected thin surpluses for fiscal 1970 and 1971 have indeed become deficits. However, it still appears to be underestimating the size of the coming deficits—by holding to an unrealistically high forecast of corporate profits and unrealistically low estimate of defense expenditures. From the time it took office Mr. Nixon's Administration talked a great deal about the need for balancing the budget to check inflation and permit an easier monetary policy. Yet the President and his aides were indecisive in their support of a continuation of the 10 per cent surtax which Congress had adopted in the summer of 1968 as a mainstay of the Johnson Administration's effort to keep inflation under control.

By the time Mr. Nixon decided that he might want the surtax extended, Congress had already started down the road toward the ill-fated Tax Reform of 1969 which was to turn into a tax-cutting act. In the competition between Republicans and Democrats over who will gain the credit for tax reduction, the nation lost revenues desperately needed both to meet public needs and to restrain inflation.

The so-called Tax Reform Act will cost the Federal Treasury \$8 billion a year by fiscal 1975, not counting the cost of the lapsed surcharge. The cut in the surtax to 5 per cent last Jan. 1 will result in a loss of \$6 billion. The remainder of the surtax is slated to expire at the end of next month. That will cost more than \$6 billion, since inflation has raised the dollar amount of Gross National Product although real G.N.P. has stagnated.

Meanwhile, the President's planned level of expenditures has been broken by the strike of postal workers and by extra Federal support for construction, mostly highways. Additional pressures for spending are coming from both the military and the civilian sides. The evolving social crisis at home makes it virtually impossible for the President to substitute one expenditure item for another—such as Model Cities for anti-segregation educational programs—without boosting the aggregate level of expenditures.

If crucial social problems are to be met and stability restored to the economy, basic fiscal and monetary policies must be changed. On the fiscal side there are two options: one is to reduce military spending; the other is to increase tax revenues.

Implementation of the President's Guam decision not to commit troops against the contingency of a land war in Asia could save \$10 billion a year. And a scaling down of strategic nuclear programs—especially the ill-advised ABM and MIRV—could save another \$4 billion. It seems highly unlikely, however, that all those savings could be achieved in the fiscal year ahead.

That means any immediate strengthening of fiscal policy requires action on the tax

front. This too is unlikely in an election year. Yet even the President recognized the realities yesterday by admitting that he might have to ask for new taxes in January. Despite the negative attitude expressed yesterday by Mr. Nixon, the process could be expedited relatively simply by a Congressional decision to forgo elimination of the final 5 per cent of the surtax, which is now slated to expire June 30. Such action would preserve more than \$6 billion in tax revenues in the coming year.

Bolstering fiscal policy both by defense cuts and by retaining half the surtax would at the same time necessitate an easing of monetary policy in order to avoid putting an excessive burden on the flagging economy. Such a course would restore balance to the nation's over-restrained capital markets and help to revive the depressed housing market as well.

TOWN MEETING ON SOUTHEAST ASIA

Mr. AIKEN, Mr. President, on Sunday, May 17, the junior Senator from New Hampshire (Mr. McINTYRE) addressed a "Town Meeting" on Southeast Asia.

In the tradition of New England, Senator McINTYRE went home to his people and gave them his views on the current situation in Southeast Asia as he saw it.

I am sure that not everyone agreed with Senator McINTYRE's views. The point is that he expressed them for all to ponder.

I ask unanimous consent that the remarks of my New England neighbor be printed in the RECORD.

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

WE MUST HELP THE PRESIDENT

I am a Middle American.

I say that with neither pride nor apology. It is simply a fact.

I am a small-town boy from Laconia, New Hampshire, and I have all the values and principles, the blind spots, and the instincts of a small-town boy from Laconia, New Hampshire.

I stop at "Stop" signs. I walk around grass that is marked "Keep Off." I still practice the faith I was reared in. And the sight of Old Glory to this day thrills my heart.

So it should come as no surprise that like most Middle Americans I am disgusted by Jerry Rubin or Abbie Hoffman. I am outraged by the waving of the VC flag, the burning of ROTC buildings, the so-called "liberation" of college administration offices, the obscene abuse of authority, and violence and disorder.

So it is as a Middle American that I have come home tonight—as I did last October—to express my conviction that we must withdraw from Vietnam with all due speed.

In my considered judgment, we are now in the midst of the gravest domestic crisis since the Civil War.

And if we are to survive this crisis, no American can substitute stereotyped attitudes and prejudices for the kind of hard, painful, analytical evaluations and judgments the situation demands of all of us.

So we must force ourselves to look beyond the Rubins and the Hoffmans, beyond the burned ROTC buildings, beyond the abuse and the rock throwing, the beads and the bare feet, the love beads, and the four-letter words.

And when we do, what do we see? We see a third of a nation alienated, polarized, and well on the way, my friends, well on the way to becoming de-Americanized, if I can use that word.

Their disenchantment with institutions and political leaders is profound. Their cynicism is deep and bitter. Their feelings of helplessness are growing by the day.

There is no longer any question but the radicalizing process is accelerating everywhere. Moderate students are becoming activists. Activists are becoming militants. Militants are becoming revolutionaries.

We simply can't afford to lose a third of our people through repression or alienation—not when the leadership of tomorrow is in that third. For like it or not, on campus after campus, the truth is that many of the best and the brightest of the young people are among those most alienated from the mainstream of society.

I've met with many New Hampshire students in the past few days who have come to Washington to make their views known to the President and to the Congress. Their family names reflect the breadth and variety of our State—McLane of Manchester, Harrigan of Colebrook, LaRoche of Franklin. They are convinced that the war is morally indefensible, that the basic questions about it have been ducked, glossed over, or ruled out of debate, and that we must get out of Southeast Asia if we are to solve the problems of race, poverty and pollution control at home.

And now they are outraged over the Cambodian incursion.

Most of them firmly believe we never should have gone into Vietnam.

As one expressed it: "Our role in Vietnam contradicts everything we've been taught all our life. We've been taught to love our neighbors, to respect others, not to impose our will on weaker people—and here our Nation, the moral leader of the world, is violating every one of those precepts."

When I asked him how we could walk out on our commitment to South Vietnam without losing face, he said:

"The immorality of our presence there already has cost us face. To be a good moral leader, and a realistic leader, a country must be strong enough to admit its mistakes."

I report these comments to give you some idea of the fervor of the peace movement among the young. It is moralistic, idealistic. Indeed, it is quasi-religious.

The strength of the movement has survived the most disastrous, most distasteful, in some instances the most disgusting false leadership ever wished on any group. This alone should give pause to any who wishfully think it will simply disintegrate and disappear. It wasn't the Rubins and Dellingers lobbying this week. It was the representatives of the real peace movement—people whose desire for peace in Vietnam leads them to deplore all violence—including campus violence—at home.

As I noted last Fall, let us not delude ourselves that the movement is confined to the young. The typical American who, like myself, supported our intervention step-by-step, saw optimistic report after optimistic report turn to dust, and continued to hope for the best, has wrestled with himself over the rightness, the wrongness, and the effectiveness of our presence there, and has now concluded that we must withdraw. This desire for peace cuts across party lines, generation gaps and all the old labels including "Hawk" and "Dove." Indeed, in a Nation which is polarized in so many ways, the deep desire for peace in Southeast Asia is probably the most broadly American feeling in our land today.

The Middle American has come to this conclusion partly because he has borne more than anyone else the terrible cost of this war.

The 113 billion dollars which the war has cost us over the last five years has come out of the average taxpayer's pocket. Every two and one half days we spend for Vietnam the equivalent of New Hampshire's annual

budget, and we all know that the average New Hampshire taxpayer considers that a goodly sum.

All of this outlay has led us into a disastrous inflationary spiral. And who does it hurt most?—the fireman and teacher whose salaries don't rise as fast as the cost of living; the retired couple whose savings in effect shrink; the average worker whose real wages have dropped more than a dollar even though he earns \$18 more a week than he did in 1966.

Money has become tighter and tighter. With interest rates higher than any since the Civil War days, the small businessman can't get the loan he needs to expand, and the young family has to wait to buy a home.

So it is the average guy who has felt the pinch of inflation brought on us by the war.

But there have been even higher costs than these, of course—immeasurable costs—the cost in anguish, in bitterness, in grief.

277,000 Americans—wounded. 41,000 American boys—killed. 191 New Hampshire men—killed.

Understandably one of the most anguished steps for the average American has been to face up to the contradiction between what we have wanted our Nation to be and what this war has led us to do. And he now realizes that this contradiction is one of the dearest costs of the war.

We have waged this war in the name of freedom, yet we have propped up one repressive oligarchy after another, each of which has jailed its political opponents, restricted a free press, and refused to democratize its government.

We have waged this war in behalf of the Vietnamese people. Yet we have dropped almost 5 million tons of bombs on Vietnam.

That's tons! Not individual bombs. Or pounds of bombs. That's tons of bombs!

That amounts to more than double the tonnage of bombs we dropped on Europe and Asia in the entire course of World War II!

And much of what hasn't been bombed has been defoliated by 100 million pounds of chemicals with ecological and human consequences which no one really knows.

A plot of Vietnamese ground as large as Massachusetts has been denuded and may prove unsuitable for farming.

And even if it were suitable, how well could it be tilled by a generation of Vietnamese farmers who come to the task without arms, without legs or without eyes—or with spirits crippled by the brutal loss of loved ones. I doubt that many of these villagers—many relocated from bombed-out villages to refugee camps—can distinguish which side's bombs left them homeless.

We've always aspired to the highest standards of national conduct, even in war. And we've gone through war after war with a proud self-image of GI Joe's passing out Hershey bars to the kiddies and K rations to hungry mothers and fathers. And then came My Lai.

All of a sudden we were reading about an anguished mother from Middle America saying, "The war made my son a murderer."

And then it came home to us that this war was doing things to our young men that chilled the blood and sickened the heart.

Of course, the Communists have employed murder and massacre as a matter of policy. We all know it. And the entire civilized world deplores it. But the civilized world, including the average American, also deplores My Lai.

Finally, it is the average American who sees his Nation being torn apart under the ordeal of Vietnam. He senses the depth of polarization around him. He knows that the blind rage, the willingness to hate our countrymen, which this war has incited, is alive on all sides of him. At times he feels it in himself.

A student calls a policeman or guardsman his own age, "pig"; and rocks—tear gas—

night sticks—follow. Both sides feel degraded, angry, and in a sense radicalized. The next time it is easier to go one step further.

God knows what one more incident like the Kent State University tragedy might provoke.

One man wrote me this week suggesting that the Congressional Medal of Honor be given to the National Guardsmen who killed the four Kent students. He said he only regretted that many more had not been shot down.

But this kind of vindictive, callous thinking is itself a product of the war.

So are the frightening contradictions which beset and bewilder the average American. He hears calls for repression in the name of constitutionalism and in the name of a so-called liberating revolution. He sees illegal violence used in the name of peace, and in the name of law and order.

Somehow we all know deep in our hearts that these furies in our land have been bred by this war.

The average American realizes that it is now time to save our own Nation lest our nationhood itself be the ultimate victim of the war.

But how do we get out?

First, we must not be diverted from our pursuit of peace into a partisan and divisive search for scapegoats.

We got into this war together. And we can only get out of it together.

Four Administrations, both parties, and the Congress of the United States share the responsibility for our involvement there. And the responsibility for the difficult and agonizing decisions necessary to get us out of there must be above party and branch of government.

The goal must be peace not politics.

We must all remember, especially we Democrats, that this was not Mr. Nixon's war; he inherited it from us.

I promise to speak out against any Democrat who is tempted to take partisan advantage of the President's dilemma.

Accordingly, I call on my colleagues to approach this problem in a spirit of cooperative bipartisanship. I will continue to support the President in his efforts for peace.

And, in my opinion, we must also do more. We must help the President make the difficult decisions which alone will bring us the peace we so badly want.

The Constitution makes clear that in matters of war and peace there is a shared responsibility between the Congress, which is given the power to declare war and to raise and support armies, and the President as Commander-in-Chief.

The existence of this shared responsibility is deeply enshrined in our long history. Its importance to our domestic tranquility has had articulate spokesmen from our own state—Webster, Tobey, and Bridges among them.

Thirty-one years ago one of these gentlemen—Senator Styles Bridges, whose Senate seat I now hold and a man who knew the face of Middle America well—told the nation in a radio address:

"Our manifest destiny is to keep unspooled the best example in our civilization of a democracy that works . . . The decision of war or peace is too great to leave in the hands of any one man."

It is in this spirit that I have turned my attention to our strike into Cambodia and the protests and proposals for action which it has spawned.

I do not question the President's motives when he moved into Cambodia. I am confident that his decision was made in the sincere belief that it would expedite our withdrawal from Vietnam under the only conditions he now deems acceptable.

But along with my senior colleague, Senator Norris Cotton, and along with my neigh-

bors, Senator Aiken and Brooke, I must register my disagreement with the President's decision.

Whatever its short-run tactical advantages, it has involved great risks of broadening and deepening the war. It has raised serious constitutional questions, because we invaded another country uninvited and without Congressional approval. And it has set us back in the building of public confidence in our resolve to withdraw from Vietnam with all due speed.

The President has assured the nation that United States ground forces will not be retained in Cambodia after June 30th and that they will not be sent back again in the future. I support legislation designed to implement the President's intent and to enable Congress to share with him responsibility for this decision.

But Cambodia itself is really not the issue. The real issue is Vietnam. It was to insure the success of his Vietnamization policies that President Nixon decided to enter Cambodia in the first place and it is against that policy that millions of Americans, silent for many months, have raised their voices in protest once again.

Secretary Laird told a meeting of the Armed Services Committee last week that Vietnamization is proceeding so well that we will be able to withdraw all United States ground troops from Vietnam by July, 1971. He asked us to support this system of orderly withdrawal.

I do support it, but it itself is not enough. Vietnamization will not insure peace there or at home.

It would leave us with at least 250,000 support troops in Vietnam over a year from now. It would require sending to Vietnam, annually, about 125,000 more boys each year in rotation. And thousands of these would not come back.

The devastation to Vietnam would continue. The bombs would continue to fall and Vietnamese casualties to mount. And as they did, our Nation would remain divided.

And how long would this continue? The Administration does not try to predict. I myself cannot say with certainty, but on the basis of our last five years experience in Vietnam, we have no assurance that it would not continue to last for another five years or more into the future.

And even then, Vietnamization might not work.

Ten days after telling us that Vietnamization was proceeding so well that troop withdrawals could continue, the President found it necessary to enter Cambodia.

Who is to say what else he may find necessary, when these withdrawals are completed, if the South Vietnamese are unable to bear alone the brunt of the combat role? What will be needed then to protect the lives of the Americans left behind?

In my opinion we must recognize now that we have no objectives in Southeast Asia of sufficient importance to warrant the continuation of this conflict indefinitely and under such uncertain terms.

We must recognize now that withdrawal in the foreseeable future is an objective, the realization of which means more to the peace, stability, even security of this country than any objectives we could achieve by staying longer, even if they were realized. This is a difficult decision to make. But it must be made.

I, as a Middle American, have made it, and I intend, as a United States Senator to help the President make it also.

There are presently pending before the Senate a number of proposals directed to this end. And I assure you tonight that as your Senator I intend to seek an effective legislative means of acting on my conviction.

For now is the time for bloodshed to end.

Now is the time for the Congress of the United States, through legislative action, to

help the President to insure our orderly withdrawal from Vietnam.

And now it is time, as I have said before, to concentrate all of the American grievance about this war into a single eloquent, powerful voice that says to Mr. Nixon:

"Mr. President—Do what has to be done to get us out of Vietnam. You will have the Nation's support and help in doing it. You will have the Nation's gratitude—and history's blessing—for having done it."

For now it is time, in Lincoln's words: ". . . to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves, and with all nations."

NATIONAL SMALL BUSINESS WEEK

Mr. BIBLE. Mr. President, in marking Small Business Week for 1970, I could say, in my capacity as chairman of the Small Business Committee, that small enterprise is the heart of our economy, that it contributes about 40 percent of the Nation's jobs and national product, and that we should have the utmost effort on the Federal, State, and local levels to keep open the channels of economic opportunity so that the dynamism of individual enterprise can contribute as much to America's future as its past.

However, these are not ordinary times. As Abraham Lincoln once observed:

The occasion is piled high with difficulties, and we must rise to the occasion.

Small business is not only a major contributor to the American system, but it is equally a beneficiary of it. Small business cannot prosper apart from the destiny of our entire economy and the welfare of our whole Nation.

Extraordinary events in the foreign field this year, and the responses of the President, have called into question many of our most basic assumptions.

Not only has Government spending, borrowing, taxing, and monetary policies, and their consequent impact upon the economy been placed in question for the duration; but so has our vision of the United States, what role it should undertake in world affairs, what efforts are really vital to our national interests, and what priorities we intend to give to the whole range of our domestic concerns, including economic opportunity for all our people.

That is the context in which I view the position of small business this year.

Therefore, during this 1970 Small Business Week, I feel that an appropriate motto would be: "What is good for the country is good for the small businessman."

In the past we have stated that our 5½ million small businessmen should be granted appropriate recognition by Government policy and should receive the aid, counsel, and protection which they deserve. We believe this just as strongly today.

But along with this, and in the larger context, we also believe the time is at hand when our small business community should join with big industry and commerce, our labor force of working men and women, our farmers, our student-teacher academic world, and all other segments of American society in a

sincere self-examination of what can be done to promote upright decisions and policies on the part of Government. Our turbulent times certainly suggest the appropriateness of a reexamination of our country's national goals, our sense of national values, our national purpose—and what together we can do for the future good of our Nation.

LAST LETTER OF A GI

Mr. HART. Mr. President, we do not often discover how the casualties of war feel about the conflict in which they died.

We suspect they would be petitioners for peace, but we must term them silent petitioners.

But one of the American dead in Vietnam, a young medical corpsman, does speak to us. He wrote his views about the conflict in a letter to be opened only in event of death.

A story in the Washington Post today describes that letter. It is a letter which he would have wanted read by every American. I ask unanimous consent that the article be printed in the RECORD.

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

LAST LETTER OF DEAD GI HITS WAR

SALAMANCA, N.Y., May 18.—"If you are reading this letter, you will never see me again . . . if you are reading this, I have died."

Army Spec. 4 Keith K. Franklin wrote those words Feb. 27, just before he left for Vietnam and a war he believed should never have begun. He wrote them in a letter left with his parents to be opened only in the event of his death.

Franklin, 19, a medical corpsman, died last Tuesday in Cambodia.

His parents opened the letter Saturday, a short time after they were notified of their son's death.

When he had handed the sealed envelope to them, the parents told him, "You'll be back. You'll read it then and have a good laugh about it."

But in the letter they found a premonition of death and bitterness against war and the "war-mongering hypocrites in Washington."

"If you are reading this letter, you will never see me again, the reason being that if you are reading this I have died," Franklin wrote. "The question is whether or not my death has been in vain. My answer is yes."

"The war that has taken my life and many thousands before me is immoral, unlawful and an atrocity unlike any misfit of good sense and judgment known to man. I had no choice as to my fate. It was predetermined by the war-mongering hypocrites in Washington," the letter said.

"As I lie dead," Franklin wrote, "please grant my last request. Help me inform the American people, the silent majority who have not yet voiced their opinions."

Franklin entered the Army in March, 1969. He is survived by his parents, two sisters and a brother.

By his own request he will have a civilian burial.

A QUESTION FOR US ALL

Mr. HATFIELD. Mr. President, one aspect of the war in Southeast Asia that has received little attention within our country, except for those in our racial minorities, is racism. Historically western civilization has looked down upon those

of other civilizations as somehow inferior, subhuman, ignorant, and in need of enlightenment. Such is the case in our war in Indochina exemplified by body counts, "gooks," and the idea that we can somehow bring those embattled people what we call freedom—while we are decimating their population and ecology.

The national reaction to our last 6 years' involvement in Southeast Asia is symptomatic of a sickness from which we have suffered since our country's founding. A few days ago I participated in a memorial service for the four students slain at Kent State. During the service that evening in Washington, D.C., the fact was alluded to that the four students we were memorializing were not the first to die by unjustified gunfire from officials' weapons on a U.S. college campus. The only difference between the killings at Kent State and those previous is that the four students killed at Kent State were white, the other students black. "The massacre at Kent State" was covered nationally for several days by the media: Television, radio, newspapers, and magazines. Marches, vigils, rallies, and memorial services were held to mourn the four deaths. But what of the campus killings committed earlier and those subsequent?

In the New York Times of May 19, 1970, Tom Wicker has taken a hard look at this question, one which we should all ponder.

I ask unanimous consent that it 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 19, 1970]
IN THE NATION: FOR WHITE READERS ONLY
(By Tom Wicker)

WASHINGTON, May 18.—Suppose you were black. What would you think if you had read these items in your newspaper in the last ten days?

From Augusta, Ga.: Six black men are dead, all shot in the back by police rifles or shotguns. At least four may have been no more than bystanders at rioting last week that followed the death of a black youth in a jail where conditions are known to be so terrible for blacks that community protests have been regularly made for years. One of these protests was a letter to Attorney General John Mitchell. He never answered.

From Jackson, Miss.: At Jackson State College, two black students are dead and nine are wounded, including several girls. All fell before a thirty-second barrage of gunfire from state highway police who for unexplained reasons took over the task of quelling a student disturbance, although town police and National Guardsmen also were at hand. The highway police justified the shooting by contending that they were receiving sniper fire from a dormitory roof. No evidence or witnesses have been found to substantiate the sniper story, although there are dozens who refute it, and there is no explanation at all of why trained police officers, upon receiving what they thought was sniper fire from a rooftop, fired more than 140 bullets into a crowd of unarmed students standing on the ground in front of a girls' dormitory. At the moment, no national protest rally is being planned for the Ellipse in Washington.

THE CHICAGO SHOOT-OUT

From Chicago: Months after Fred Hampton, a Black Panther leader, was killed by

Chicago police in what they described as a blazing gun battle with a band of armed Panthers, a grand jury has discovered that only one bullet was fired at the police raiders. It was the police who poured a massive fire into the apartment where Fred Hampton and others had been sleeping; it was the Federal Bureau of Investigation that provided the preliminary information, and it was police and city officials who later covered up the truth and concocted the story of the shoot-out. Some Chicago newspapers as well helped carry out the distortion.

From Washington: The Justice Department has filed a brief in support of the proposition that Southern parents should get a tax deduction for making contributions to private academies set up as an alternative to desegregated public schools. As recently as January, Robert Finch, the Secretary of H.E.W., pledged to fight any such move, because he knows well that these academies can survive only through tax-exempt status; and that if they receive it, they will spring up throughout the South, thus effectively re-establishing a tax-supported dual school system.

SOMEONE TO TURN TO

Well, since I am white, I don't know for sure what I would think if I were black and read those news stories. But even the effort to put oneself in the other fellow's skin, under these circumstances, is frightening. It is bad enough to be, say, the victim of a crime, or to be in fear of crime and disorder, when you have recourse only to an ineffective police force and to a court system heavily overburdened. But at the least, in that case the law is on your side, or you believe it to be; there is someone to whom you can turn.

But suppose you feel that the armed policeman is not there to protect your life and rights but to do away with them? Suppose even the Federal Government is no longer trying to assert your rights in court and its highest law enforcement arm seems more interested in helping the police exterminate black militants than in impartially observing and enforcing the law? Suppose that, by all evidence available to you, the law does not even seem to be on your side—is at best indifferent and at worst hostile?

No wonder Dr. Aaron Shirley, up to now a moderate black leader in Jackson, said the other day that "if black folks have to die, they ought not to die so peacefully." White men who read that as a threat instead of a desperate plea for rudimentary justice and humanity can make no answer that will not ultimately echo the Mississippi patrolman who said after the Jackson slaughter: "You better send some ambulances, we killed some niggers."

DR. RICHARD GARDNER DISCUSSES THE EMOTIONAL BARRIERS TO RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the opponents of the Genocide Convention have raised many objections to Senate ratification of this treaty. A large part of their attack has centered on what they see as the disastrous effects of certain provisions of the treaty on the American people. Frequently mentioned in this respect are the clauses of the convention dealing with "mental harm," "the international penal tribunal," and "extradition."

I submit that these and similar objections are entirely without merit.

The recent hearings on this treaty held by a special Foreign Relations subcommittee dealt primarily with the legal and

constitutional aspects of the Genocide Convention. However, these emotional objections were also discussed, and were conclusively dismissed by the many expert witnesses testifying in support of Senate ratification. They emphasized the irrational nature of many of these arguments, and pointed out that a thorough examination of the treaty leads to prompt rejection of these objections.

One of the witnesses supporting the treaty at these hearings was Dr. Richard Gardner, an eminent professor of law and international organization at Columbia University. Dr. Gardner specifically directed his testimony at several of these emotional arguments. His knowledgeable comments are well worth noting.

I ask unanimous consent that a portion of Dr. Gardner's testimony be printed in the RECORD.

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

DR. RICHARD GARDNER'S TESTIMONY

Various objections, to be sure, have been raised against ratification. These have been carefully examined and rejected by all the relevant divisions of the American Bar Association—including the Section of Individual Rights and Responsibilities, the Standing Committee on World Order Through Law, and the Section on International and Comparative Law.

It should be emphasized that the Genocide Convention is not self-executing. Any implementing legislation would be in accordance with our domestic procedure, and would, therefore, be subject to all the safeguards provided in the Constitution, including the substantive guarantees in the First Amendment and the procedural guarantees in the Fourth, Fifth, Sixth, Seventh and Eighth Amendments. Needless to say, acts of Genocide are already punishable under Federal as well as State law, and therefore implementing legislation would not create criminal liability where it does not now exist.

The American people regard genocide as abhorrent. It is inconceivable that any act of genocide would be tolerated or defended by them.

The Convention has been carefully and strictly drawn to require specific intent to commit genocide; therefore, it does not apply, as some have suggested, to racial discrimination, to segregation, or to American military operations in Viet Nam. Other specified operations were dealt with by the Report of the ABA's Section of Individual Rights and Responsibilities which deemed them "not meritorious."

It should be clearly understood that Americans abroad, in Viet Nam or anywhere else, are normally subject to local criminal law. If a foreign sovereign includes genocide among the crimes which it condemns, then Americans can be accused of committing it there, even if neither the United States nor the other country is a party to the Convention. Our ratification would not make Americans any more subject to foreign prosecution for genocide than they already are.

American citizens could not be extradited to Viet Nam to be tried for genocide or any other crime. Our law forbids extradition in the absence of an extradition agreement between the foreign government and ourselves. We have no such agreement with any part of Viet Nam. Article VII of the Convention requires extradition for genocide only in accordance with "laws and treaties in force".

Our ratification of this Convention will dissipate the embarrassing contradiction between our failure to act and our traditional

leadership in support of basic human rights. Ratification will put the United States in a better legal and moral position to protest acts of genocide in other parts of the world. Ratification will also increase United States influence in the continuing U.N. process of defining and implementing legal norms in the field of human rights. This is surely a cause that expresses the highest ideals of the American people and advances our national interest. At a time when our commitment to human dignity is being questioned by some of our own people as well as by some overseas, it is particularly important that we ratify a treaty so fundamental in importance and so thoroughly consistent with our national purpose.

FRANCIS BELLAMY

Mr. SAXBE. Mr. President, Monday, May 18, was the birthday of an important but relatively obscure American, Francis Bellamy, clergyman and editor. He led a full and varied life of 76 years: a Baptist minister for 12 years, serving successively as pastor of three churches; staff member and contributor to the *Youth's Companion* and to various other publications for another 12 years; advertising editor with *Everybody's Magazine* for 11 years; and advertising account executive for a final 6 years before his retirement. This was a life of service and achievement, marked by concern for social welfare, for the education of youth, and for political responsibility. Francis Bellamy's talent for concise statement, and his heartfelt passion for his native land, fused once in that noble and powerful statement for which his name is remembered today, the Pledge of Allegiance to the flag. This statement, as Bellamy composed it for the national public schools celebration of Columbus Day in 1892, sponsored by *Youth's Companion* read:

I pledge allegiance to my flag—and to the Republic for which it stands—one Nation indivisible—with liberty and justice for all.

Today we have altered the phrase "my flag" to "the flag of the United States of America," and we have added the words "under God." Otherwise, the pledge remains as Bellamy wrote it, and this pledge, and the spirit of loyalty which it inspires and expresses, stands today as a lasting memorial to the great soul and penetrating mind of Francis Bellamy. It is fitting that this Nation, to which he wrote so fine a tribute, should rejoice upon the anniversary of his birth May 18, 1855.

Having brought this to the attention of the Senate, I hope that Senators will concur in making May 18 a special day in the hearts of all Americans.

JOHN GRAVES

Mr. HOLLINGS. Mr. President, I know that I speak for all Senators in expressing sorrow over the untimely death of John L. Graves, who formerly served with distinction as assistant secretary for the majority in the Senate.

John's assistance to the Senators and staff during his service was extremely helpful and sound. He always discharged his duties in a courteous and responsible manner and was a valued and trusted

friend. His retirement from the Senate due to illness afforded John an opportunity to embark on a new career where his knowledge of the legislative process could continue to be of assistance. His absence will be missed by all.

We extend to his wife, Karen, and his children, Cody and Caroline, our deepest and heartfelt sympathy.

U.S. POLICY IN GREECE

Mr. HART. Mr. President, it has been more than 3 years since a military junta overthrew Greece's parliamentary government and seized power.

Since that time it has appeared to many of our European allies and to Greeks of all political persuasions that the United States has been the primary supporter of the junta, despite the partial, unspecified U.S. arms embargo. One of the most telling criticisms has been that we have been preoccupied with short-term tactical military considerations at the expense of our best moral, political, and strategic interests.

One of the leading students of the Greek political situation and U.S. policy is Dr. George Anastaplo, chairman of the political science department at Rosary College, River Forest, Ill. His perceptive article in the spring 1970, issue of the *Southwest Review* is worthy of our closest attention.

I ask unanimous consent that excerpts from the article be printed in the RECORD.

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

SWAN SONG OF AN EAGLE: AMERICA IN GREECE (By George Anastaplo)

I

A conspiracy of Greek colonels, in an army trained and equipped for a generation by the United States, began in the early hours of April 21, 1967, to put American foreign policy to a decisive test. A challenge was, in effect, issued that morning to the purpose and good faith of what we Americans have been doing the past quarter-century not only in Greece but all over the world. The remarkable failure of the United States to rise to this occasion in Greece has been irresponsible, revealing, and disquieting. Our failure to appreciate where our true interests lie and what our strength consists in suggests that we may not possess the prudence required if so great a power as ours is to be used responsibly.

Those who argue that the United States, dedicated to imperialism, is determined to ally itself with "reactionary" governments all over the world (whether from ideological sympathy or from considerations of military strategy) really offer us more comfort than the circumstances permit. For they at least infer a sense of purpose from what our government has been doing. It might even be some comfort, for instance, if we could be assured that the colonels who struck down the troubled constitutional government of Greece in April, 1967, acted in the direction, or at least with the connivance, of the United States. Instead, we seem to have been caught by surprise on that occasion, unable to respond prudently to what these men were or to what could be expected of them.

One can see in our confused and vacillating policy toward Greece since the colonels seized power critical features of the approach in handling foreign affairs which led to our debacle in Vietnam. On one side of the world, our approach led to unbecoming paralysis; on the other side, to wasteful adventure. We

have exhibited in both places an inability to influence the armed minority whom we have furnished the weapons and respectability which they require to maintain themselves in power against the wishes and welfare of most of their countrymen and against the long-run interests of the United States. Critical in both Greece and Vietnam have been our remarkable inability to find out what is going on and our willingness to accept appraisals that permitted us to continue doing what we had been doing—in one case, nothing, in the other case, too much. Such reluctance to learn and thereafter to change course threatens our ultimate undoing as a great people.

It is no longer necessary to argue that our policy in Vietnam has been disastrous both abroad and at home, so much so that even the American politician who wanted in 1954 to take us into Indochina in support of the French is now constrained as President to attempt to withdraw us from there as unobtrusively as possible. In Vietnam we overstepped ourselves and did serious damage not only to others but to ourselves as well, so much so that we have (in excessive reaction to that misstep) refused to act where we can and should do so effectively. This, we have been told, is in conformity with the determination that the United States now expose abroad a "low profile." Thus, we are now moving to redeem our failure in Vietnam and to insure that we have "no more Vietnams."

But in Greece, we have since April, 1967, so conducted ourselves as to repudiate a success, and indeed perhaps the greatest success of our foreign policy since the Second World War. There the American eagle can be said to have soared, to have displayed itself in its majesty and sense of purpose. For it was in Greece, we have been reminded again and again, that the United States did help a beleaguered people save itself (virtually at the last minute) from being taken behind the Iron Curtain. It was in Greece that a seriously trouble constitutional government was saved from imminent collapse and the economic and social conditions for its revival and maintenance were furnished. Indeed, we are told, it was what we did in Greece that provided the model and the inspiration for what we were to do immediately thereafter on a grand scale in Western Europe through the Marshall Plan. It was what we did in Greece that earned for us the gratitude and respect of virtually every major political leader of that country, so much so that we enjoyed there for a generation (with general approval of the Greek people) remarkable privileges for the military facilities and operations that we consider vital for the defense of the Eastern Mediterranean and of Europe.

It was what we did not do in Greece in April, 1967, when the colonels dared to rise that compelled some Greeks to begin question the judgment of the United States in Greece. It was what we did not do during 1967 and 1968, as an oppressive, self-righteous, and incompetent regime (cynically invoking the American alliance) systematically purged from their posts most of the military, political, and financial leaders who had been closest to the United States, that led Greeks to question the good faith of the United States in Greece. It was what we did not do when opposition to the regime was expressed in its most authoritative form on September 30, 1969, that required Greeks to question the seriousness of the professed American concern for the restoration of constitutional government in their country. In short, it was what we have not done in Greece since April, 1967, that has raised far-reaching questions about the reliability of the United States as an ally in the cause of freedom under the rule of law, unless that freedom is so fortunate as to seem to be threatened from the extreme left.

II

The army which was exploited by a handful of junior officers on the evening of April 20, 1967, had been trained in large part by the United States here and in Greece. Promotions and assignments of officers were usually made with American consultation. The relations between the Greek and American commands were intimate and warm: Greek officers regarded the Americans as saviors of their country, a bulwark against the inundation of Greece by "Slavic Communism" from across her northern borders. American officers admired in Greece an army which had fought well in 1940-41 (despite overwhelming odds) against both Italian and German invaders, which had been further tested in the Civil War of 1944-49, and which had contributed gallantry thereafter to the United Nations effort in Korea.

When the long-planned conspiracy struck in April, 1967, proclaiming that it was saving Greece from communism, it brought to power officers who had never distinguished themselves in any of the three campaigns which had shaped the contemporary Greek army: these officers had just barely received their commissions in 1940; they had, for the most part, sat out (and, in a few instances, may even have collaborated with) the Occupation of Greece by the Germans; and they had done far less in the anticommunist Civil War and in the Korean War than many of their colleagues whom they proceeded to arrest, dismiss, and exile in order to secure the power they had unlawfully seized.

American military experts had consistently assured Washington before April, 1967, that the equipment, training, and advice we had so generously provided the Greek army had helped shape it into one of the best in Europe, man for man. Since the seizure of power in 1967, extensive purges have stripped the army of most of the senior officers who had distinguished themselves in battle and who had thereafter served in important NATO assignments. The better younger officers have been assigned to posts where they can be least dangerous to the usurpers.

Thus, the military apparatus that we helped put together has been dismantled. Nevertheless, one finds upon talking to our military experts both in Athens and at the Pentagon that their assessment is that the Greek army remains as good as it was. When were they wrong, now or then? Greek officers with whom one can talk confidentially insist that the American judgment is based on superficial considerations, on what is readily apparent to the visiting reviewing officer, rather than on the spirit of the army and on the quality of the officers who are now in the ascendancy. I was told on more than one occasion during my most recent visit to Greece (in September-October, 1969), that the army officers least respected by their colleagues have been the ones who have gone along with the colonels and who have been put in key positions: such officers are the only ones who can bear to associate themselves with the kind of men who have seized power on this occasion; such officers are the only ones whom the present rulers of Greece dare trust. The conspirators who now rule Greece remain obsessively alert to threats of conspiracy, so much so that the common good is readily sacrificed in their efforts to preserve themselves in power.

This is the evaluation one hears again and again of what has been happening as well in the towns and villages throughout the country: the elements in the community which had been held in contempt by the bulk of the residents—irrespective of their political sympathies—are the ones who are now collaborating with the colonels' tyranny. Often, they are the very men who collaborated with the Germans during the Occupation a generation ago: they are now able to reassert themselves, just as are the practi-

tioners of torture who had been without "serious" employment since the Civil War. These collaborators take care to parade themselves as acting with the suzerainty, perhaps even at the instigation, of the United States: these are the people we have permitted ourselves to remain associated with in Greece, in order (as the Preamble to the North Atlantic Treaty of April 4, 1949, proclaims) "to safeguard the freedom, common heritage and civilization of [our] peoples, founded on the principles of democracy, individual liberty and the rule of law."

One might have hoped that our sense of self-respect, to say nothing of our long-term interest in the Mediterranean, would keep us from continuing to be thus identified with the worst elements in an allied country, with the very elements which have now been charged with attempting to export military subversion of parliamentary institutions to Italy as well.

III

When the colonels took over, we found ourselves confronted in Greece (for the first time since the Second World War) by a government we did not know. We *did* know that our sincere friends in Greece—royalists, liberals, conservatives—were immediately arrested by these colonels. We also knew that the communist threat of which so much was made by the colonels (and by the Greek-Americans whom they tricked) was unfounded, so much so that we are not surprised to find less and less made of that justification as the regime becomes more and more secure. But the American government hoped that the colonels were sincere in the assurances they offered that they would return the country to constitutional government as soon as possible.

American officials not only hoped that this was so, but also somehow believed it—and, even worse, they acted on that belief. What they have said both publicly and privately, in both Athens and Washington, exposed them as believing that the colonels had extensive popular support and that their intentions were honorable. (One could see, upon discussing Greek affairs with American officials in 1967 and 1968, how the Vietnam debacle was permitted to happen.) It is indeed curious that our officials would not understand what was being revealed for all the world to see about the real intentions and the standing in their country of the colonels by the many court-martials of dissenting citizens, by the widespread and deliberate use of torture on suspected opponents, by the extensive purges of all the principal institutions of the country, by the incessant propaganda campaigns (reinforced by repeated raids on the treasury) disparaging the old way and extolling the new, and by the staging in September, 1968, of a "constitutional referendum" in which no effective opposition to the program espoused by the government was permitted.

Our friends in Greece—friends of all parties and of no party—pleaded with American officials to do something, at least to disassociate themselves from the regime, to counter the impressions deliberately given by the colonels to the Greek army that the takeover had been executed or was being maintained at the instigation of Americans. We have made halfhearted efforts from time to time to disassociate ourselves from the regime, but none that were really serious, and certainly none having the decisiveness and effect which would have characterized our actions for everyone in Greece to see if we had detected an incipient communist dictatorship in that country. We have insisted that we should not interfere with the domestic affairs of another country—a rather unfortunate time and place, considering our interference theretofore in Greek affairs, suddenly to become so principled in this respect. It should be noticed, moreover, that the

principal "interference" call for by our friends in Greece has been that we make it absolutely clear to the Greek people that we are not supporting the colonels.

The most charitable explanation of why we did not act in 1967 and 1968 is that we allowed ourselves to be deceived. We allowed ourselves to believe, against the evidence that was there for all to see, that the colonels meant well and that, maybe, they would soon go away. We refused to exercise our judgment and thereby began to fritter away our influence. It did not seem to matter to us that the colonels, who had started by being apprehensive of what we might do to them, have come to regard us with contempt and that the Greek people, who had looked to us with hope, have come to regard us with increasing disappointment and hostility. Indeed, it is only a matter of time before the colonels also will be able to become openly hostile to the United States if only to win thereby some genuine support from a people who feel betrayed by us.

Our political analysts now have only one argument to fall back upon in justifying our continued acquiescence with the colonels, the assurances given them by the American military that the Greek army is still in excellent condition, that our military bases in Greece are still essential to the security of the United States, and that the colonels are able to guarantee those bases to us. Our loss of bases in Libya and the marked coolness toward us in Turkey merely intensify the admiration of the Pentagon for our Greek ally, an admiration that disregards the political component of any realistic military assessment. But it is likely that the people who now counsel us about being "pragmatic" with respect to Greece are of the same mentality (they may even be the same individuals) as those who counseled us ten, or even five, years ago to be pragmatic (and consequently self-destructive) with respect to Turkey and Libya.

Do we really believe the colonels will stay forever? We act as if we do believe that. When the colonels do leave—after five years or a decade or even a generation of domestic strife and bitterness—what kind of regime do we anticipate will follow in Greece?

Do we care?

IV

The American government did begin in 1969 to have second thoughts about Greece. It had finally become apparent, at least to our political experts, that things were not going well in Greece and that the colonels had not the slightest intention either of withdrawing from power or of restoring constitutional government. Indeed, the Greek government had even begun to be an embarrassment to its faithful American ally. Although we have taken half-hearted measures against the colonels from time to time, we have always refused to resort to those actions (culminating in an announced repudiation of our military association with Greece) which would probably have aroused the Greek army to bring down its usurpers.

We have never been more than half-hearted in disassociating ourselves from the colonels because we felt (after awhile) that we had finally come to know who they were. That is, we have had to find out what the colonels are like, unpalatable and unpromising as they have turned out to be, and so they have become familiar and hence "acceptable" to us as allies. In this attitude, consistent with our desire for a "low profile," we have been "pragmatic": we have insisted, that is, that it is better to "bear those ills we have than fly to others that we know not of." Even so, our insistence, since 1967, that we did not know whose government would follow if the colonels were obliged to decamp required a deliberate act of self-deception on our part; for it did not require much talent

to figure out in 1967 or in 1968 or in 1969 who would have succeeded to power in Greece upon the departure of the colonels.

The United States has faced three problems with respect to any potential successor to the colonels: would he be friendly to the United States? would he be wanted by the Greek people? and would he serve if the opportunity offered itself? The potential successor one has heard most about in the three years since the colonels took over was Constantine Karamanlis, living since 1963 in self-imposed exile in Paris. The United States had to admit, with respect to Mr. Karamanlis, that there was no difficulty on the first count: Mr. Karamanlis, who had served successfully for almost eight years (between 1955 and 1963) as a conservative prime minister of Greece, was indeed a proven friend of the United States. So our officials had to fall back upon the insistence that nobody in Greece really wanted Mr. Karamanlis any more, or that, even if he was wanted, he would not be willing or able to return to Greece to take up anew the burdens of office.

Of course, all this was unconvincing rationalization for an unimaginative, sadly irresponsible, and ultimately inexplicable do-nothing policy. Consequently, no serious effort was made by our government to find out either what the Greek people and the politicians wanted or what Mr. Karamanlis thought. I recall having to insist at length to our official experts both in Washington and in Athens, in 1967, in 1968, and in early 1969, that there could be no question that Mr. Karamanlis was the overwhelming favorite of the Greek people to replace the colonels immediately, that even the minority of sincere supporters of the colonels preferred him to them, and that he himself would be willing and able to return to Greece in the appropriate circumstances. What I knew, our officials could have known, simply by talking to people in Athens and in the towns of Greece, in the villages, and in the countryside, as well as by talking to the most eminent Greeks living abroad.

But it was easier for our government, burdened with its troubles on the other side of the world and concerned about the instability of the Middle East, to rely upon the colonels' pronouncements and assurances, even going so far as to argue that if the Greeks really did not like the colonels' regime they would have expressed themselves in more acts of violence than had yet become evident. "Why should we resist in this way, and thereby risk our lives and liberty and jobs," Greeks have responded to such an argument from Americans, "when it is evident to us that the junta is ruling only because your government wants or at least permits it to do so?" Or, put in the American vernacular, "Why fight city hall?" No doubt, some criticisms can be made of the Greek people, and particularly of all their political leaders, of the past decade. But this is not the occasion, nor is it my role, to do so: there are Greeks enough to do this in due time. My legitimate concern and duty are with respect to the conduct of my government in Washington—and that conduct has been incredibly foolish both in its disregard of moral principle and in its strategic shortsightedness in going along with a regime far worse than the one which was overthrown.

And so there were two and a half years of self-deception, of false hopes, of repeated postponements of the decisions that should have been made by the United States. But then there came Mr. Karamanlis's Paris statement of September 30, 1969. The statement made absolutely clear what had been apparent to everyone who had talked seriously with Mr. Karamanlis since the summer of 1967, that he thought the colonels a disaster for Greece both domestically and in-

ternationally and that he was willing to accept a political role in Greece upon their removal from office. The enthusiastic response to his statement in Greece, from people and politicians of all political persuasions, made absolutely clear what should have been long apparent to anyone who claims any ability to gauge the sentiment of a suppressed people—that the Greek people and their legitimate leaders are sick and tired of the colonels and eager to have Mr. Karamanlis contribute to the restoration of "democracy, individual liberty and the rule of law" to his troubled country.

VIII

Those of us who have been predicting serious damage to both the United States and Greece if we continue to support the colonels' regime and thereby help perpetuate it in power will, I am afraid, have an opportunity to test our prediction. It now seems likely that even the halfhearted rebukes the United States has leveled now and then at the colonels are going to be suspended (and that the military aid we have partially suspended is now going to be fully restored). Indeed, the United States further identified itself with the colonels' regime by making unsuccessful efforts in December, 1969, to dissuade member governments of the Council of Europe from "push[ing Greece] out of the family of free nations."

We can expect the dramatic Karamanlis intervention of September, 1969, soon to begin to lose momentum—and with it the hope of a peaceful solution to the continuing Greek crisis. We can expect to find serious-minded Greeks becoming even more bitter than they already are about the role of the United States in their country. This should be accompanied, among informed Greeks, by a sense of helplessness even deeper than before the issuance of the Karamanlis statement on which so many hopes had ridden. We can expect to find, thereafter, a sense of resignation among moderate Greeks and (for the first time) even some cooperation with the regime by some educated men who will come to feel that they must "get on with the business of living." Thus, within a couple of years we can expect to find that even Mr. Karamanlis will have become *passé*, as Greeks discern he has been exposed to be as helpless as they are to influence the Americans or to displace the colonels.

When the regime has thus found its position better secured—with Mr. Karamanlis (and other political figures) out of contention from abroad and with its thorough purges of domestic institutions completed—the colonels can then begin to try to repair the damage they will have done in their campaign to remain in power at all costs. Thus, for example, they can then consider devaluing the drachma, which has been much abused and artificially maintained by them in order to bolster their prestige among economic illiterates and Greek-Americans. Whether a recession develops in 1971 may depend on how lucky Greece and the colonels are, on what happens elsewhere in Europe and in the Middle East. Certainly, the colonels have recklessly created conditions for serious economic and social difficulties in Greece—if not for themselves, at least for their successors.

There is no prospect in Greece of a return to genuine parliamentary government so long as the colonels stay. They themselves must realize that they could not long survive, should martial law be lifted and should freedom of speech and of the press be restored, the public ridicule which the liberated Greek people would be capable of and which the colonels already invite. A public debate is something that none of them has experience in or is capable of: without their guns and tanks they would be laughingstocks

that no one would take seriously, except perhaps as objects of revenge. The prospect then is of a military tyranny which, in its vulnerability, could fall overnight due to the sudden pressure of chance events (related, for example, to Cyprus), but which is more likely to retain its conspiratorial grip for a generation.

Whether civil war, as distinguished from an escalation of bombings and sabotage and underground activity, will erupt in Greece, will depend on circumstances that are difficult to predict. But what can be predicted with some assurance (if the United States continues as it has) is that the political governments which follow the colonels five, ten, or twenty years from now will find it virtually necessary (if they are to survive popular attack and if they are to prevent a decisive move of Greek politics to the extreme left) to revise radically their alliance with the America which has been so successfully deceived and exploited by the colonels and to which the Greeks will (not without some justice) attribute their humiliating oppression.

Thus, the American policy makes political and military sense only if it should be assumed that Greece's friendship and strategic position are of use to us only for a few more years. Or, put another way, the United States must make the Gaullist NATO-policy of Andreas Papandreu look better and better to the suppressed Greek people every time we permit an American general to be photographed in comradeship with the colonels.

IX

Even more serious for America than the deterioration of a valuable alliance between the United States and Greece is what our behavior with respect to Greece may reveal about how we conduct our affairs all over the world.

If our political leaders, including our State Department experts, had a better idea of what they were doing, and were to insist upon their professional and constitutional prerogatives, our military people would be more likely to do their jobs properly. To some extent, the usurpation of political functions and judgments by military men may represent a sincere attempt on their part to take up the slack left by the incompetence, diffidence, or negligence of civilians. But our military are ill-equipped to make political judgments: in this they share the disabilities of the Greek colonels, who can seize and hold power but who do not really know what to do with it. Our military (if permitted to behave elsewhere as they have behaved, or as they seem to have behaved, in Greece) can succeed only in undermining our traditional respect for them, that public trust and accompanying honor which most fittingly reward and sustain men who devote their lives to the defense of their country.

Thus, we cannot be fair either to our military or to ourselves if we permit or require them to assume duties and make judgments for which they are not equipped. We are not realistic about the enduring sources of our influence and self-confidence as a republican people if we "pragmatically" exclude from our calculations in our relations abroad considerations of either political integrity or human dignity.

In continuing to associate as allies with the petty tyrants of Greece, we may be hopeful that we will be able to raise them to our level. Instead, we are much more likely to lower ourselves to theirs, at least in the eyes of decent men who know what is really going on in that long-suffering country.

Is this what our "low profile" is to mean abroad—that the American eagle must be ignominiously grounded?

AN ELOQUENT PLEA FOR PEACE

Mr. TYDINGS. Mr. President, today millions of Americans across our Nation are besieging their representatives in Washington, D.C., to end our tragic military involvement in Southeast Asia. After 15 years of U.S. involvement, the loss of 44,000 American lives, the wounds inflicted upon over a quarter of a million servicemen, the expenditure of more than \$100 billion in desperately needed resources, the rapid decline in America's moral leadership around the world, the divisiveness, turmoil, and violence at home, the damage wrought upon our economy, Americans are saying that for whatever real or imaginary interest we might have had in Southeast Asia, we have given in blood and treasures much more than our share.

Among the most cogent and eloquent of these pleas for peace is that of James W. and Elizabeth Rouse, of Columbia, Md. In an open letter to the President, reprinted at their own expense in the Washington Post on May 3, 1970, Mr. and Mrs. Rouse call upon the President to extricate our Nation rapidly from the widening military quagmire in Indochina and to "wage peace, Mr. President, as it has never been waged before."

To their beautifully written and persuasive message, one thought should be added. Congress must live up to its own constitutional responsibilities over the issue of peace and war. It can no longer sit back falsely claiming that the war is the sole prerogative of the President. Since Congress has the constitutional power to stop the war, Congress must share with the President the culpability for continuing the war or the credit for bringing it to an end. Thus, I would add, "Let the Congress and the President move forward and wage peace together."

Mr. and Mrs. Rouse stand among Maryland's finest and most civic-minded citizens. Their expression for peace is further evidence that they live among the angels. I ask unanimous consent that their poetic and important message be printed in the RECORD.

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

RICHARD M. NIXON,
The White House.

DEAR MR. PRESIDENT: We know it is your purpose to lead our country to peace. We write to help; to plead the case for a course of action that can bring peace—and hope and new unity to our country.

Mr. President, it is not the Viet Cong nor the people of Vietnam nor of China who threaten our country. It is war itself.

You can "win" this war. That is, you can annihilate the people we are fighting, their land, and their homes—and you can do it quickly, but at the price of using weapons so dreadful and spreading destruction so appalling that neither your conscience nor that of our nation will permit it. To so "win" the war would be to lose the soul of our nation and our people.

So we wage war within the narrow outer limits of our national conscience, destroying over time the nation we seek to save and eating away the fabric of our own society here at home.

Responsible, adult Americans are sickened

by this war. They are horrified by the worldwide image of America as a brutal bully among little nations a long way from our shore. They are deeply worried about the widespread erosion of faith in our nation among the fine young people in our schools and colleges. They are worried about the ability of our country to survive the disillusionment and division that is making violence and counter violence commonplace in American life.

And what if we should "win," Mr. President—within the limits of destruction to which our national conscience so far has been stretched? What if the Viet Cong and the North Vietnamese give up and go back north? What then? Do we bring our boys home and wait—wait for the next Communist excursion in Southeast Asia? And do we then move in again to protect South Vietnam or Cambodia or Laos? And what about Europe—and the Middle East—and Africa? Do we really mean to police the world with American resources and American lives? Can we defend the freedom of the world by war—without destroying the very freedom and dignity and morality we mean to uphold?

Mr. President, isn't war itself our proven enemy—isn't war itself obsolete—isn't war an unreliable system for the protection of freedom and democracy? Isn't it, in fact, the greatest danger that confronts our people and our way of life?

Mr. President, you can use the enormous investment in Indo-China to mark victory for mankind. Let this be where a great nation discovered the futility of war and had the courage and wisdom to proclaim that discovery to the world.

Be the giant of this century, Mr. President, by letting the world know that war itself is man's greatest enemy. Pledge this nation to building—beginning now—a system of order throughout the world to replace war as an instrument for settling differences among nations.

Go before the nation, before Congress, before the U.N.; instruct your embassies throughout the world that the U.S. means business in ending war.

Begin by announcing the earliest possible withdrawal of all American troops from Southeast Asia and schedule the withdrawal, in the shortest possible time, of all American troops from foreign lands everywhere. Lead the country to committing a big share of the billions of dollars thus saved for the improvement of environment and for the advancement of health and education throughout the world.

Enlist the resources of business, of youth, of the universities, of our vast technology in a massive effort to build a system to maintain peace without the threat of war. Commission a group of our most resourceful leaders to design the techniques for waging peace.

Wage peace, Mr. President, as it has never been waged before.

Some will point to the risk of waging peace—and there is risk. But let it be measured against the risk of waging war—the risk of financial, social, and moral exhaustion such as our country now faces. Let's start taking risks, Mr. President, on the side of peace—of morality—of justice. Let's align our people and our nation with love and hope instead of hate and fear.

And there are those who point in despair to the inevitability of war. Let them note that institutions change. Slavery, child labor, and second-class citizenship for women have largely disappeared in modern times. Mankind surges forward, in our day, in its claim for freedom and dignity, wiping out colonialism—building civil rights into the structure of law. The time has come to destroy the most oppressive, extravagant, archaic, and irrelevant institution of all—War!

In this campaign, Mr. President, you will bring inspired new purpose to our nation. You will give force and meaning to freedom and democracy throughout the world. You will light up the young with hope. You will restore the revolutionary flame that has made America great.

Mr. President, you are the one who can do it.

God will bless you in the task.

Sincerely,

JAMES W. and ELIZABETH W. ROUSE.

A NEW CONSERVATIVE FOREIGN POLICY FOR THE SEVENTIES

Mr. TYDINGS. Mr. President, the overriding objective of U.S. foreign and military policies today is American security; a world in which we can conduct our affairs free from the fear of foreign invasion or interference. Indeed, this has been the purpose of our international policies since the American Declaration of Independence from England 194 years ago.

However, while the objective remains the same, the policies for preserving our security must continually change to meet the constantly shifting realities of international politics. Policies that succeeded yesterday are not necessarily suited to the exigencies of today.

After World War II, recognizing the cataclysmic changes that war had wrought, the United States undertook a fundamental reassessment of its foreign and military policies. It was clear that the new realities of the postwar era would not permit a return to the isolationism of the 1920's and 1930's.

Now the time has come for another major reinterpretation of America's role in the world; we must decide anew what policies will best promote both United States security and world peace in the decade ahead.

I raise this point with you tonight because our present foreign and military policies are falling dangerously out of date.

Our view of the world and the Military Establishment we have built on that view remain post-World War II vintage.

The international threats and opportunities that currently confront us are dramatically different from those that emerged from the ashes of the Second World War.

V-E Day presented America with the spectacle of a prostrate Europe, too war weary and weak to defend itself from threatened Soviet aggression. With the final collapse of the British and French Empires in 1945, much of Africa and Asia were in a state of chaos and ripe for foreign domination. And in Moscow, we were confronted by a paranoid who personally directed a united Communist movement which sought to seize power in every vulnerable nation on the globe.

But much has changed in the past quarter of a century.

Europe today is booming and possesses the wealth and manpower to provide for its own nonnuclear defense needs. Japan has become the leading economic power in the Far East. New nations have emerged in Africa and Asia which are determined to manage their internal af-

fairs free from the domination of the great powers. And most importantly, the old united Communist movement directed from the Kremlin has been deeply divided, with each Communist nation and party striving to pursue its own interests based on its own nationalistic desires.

No longer are the costly interventionist foreign and military policies formulated in the late forties necessary to preserve U.S. security in the seventies.

On the contrary, the continuation of these policies represents a growing menace to America's security in a nuclear age.

Past is the time when we need to play both Santa Claus and policeman for the rest of the world. Increasingly, our allies around the globe boast the economic capacity and military manpower to shoulder the burden of their own defense.

Given our growing inventory of pressing domestic problems—a deteriorating environment, decaying cities, a rising crime rate, the lingering of poverty amid affluence—we can no longer afford the staggering cost of our present foreign and military programs. Estimates put the price tag on current U.S. overseas commitments at between \$43 and \$50 billion a year—more than the entire Federal budget for 1950.

Today, the American taxpayer supports 1.2 million U.S. military personnel stationed abroad on 2,270 overseas bases in 33 foreign countries. In addition, we are footing the bill for 26,000 U.S. civilians and 350,000 U.S. dependents stationed abroad.

What is worse, we are currently underwriting with U.S. tax dollars more than a quarter of a million foreign nationals in defense jobs overseas while unemployment grows in this country and military bases are being closed in Maryland.

Such a policy is scandalous.

Nor is this the whole cost story. Since 1945, U.S. economic and military foreign aid has totaled more than \$135 billion.

Our economic assistance, with the exception of the Marshall plan to help rebuild Europe after the war and our food-for-peace programs, has been a dismal failure.

More tragic still is the story of the \$39 billion in military foreign assistance we have dispensed. Rather than deterring armed conflicts, this assistance has tended to create them. In the wars between India and Pakistan and Honduras and El Salvador, for example, the United States trained and armed both sides. The time has come for change.

No longer is U.S. security and the cause of international peace best served by the interventionist policies the United States has pursued over the past quarter of a century. Today's conditions dictate the formulation of a more prudent and conservative U.S. foreign and military policy neither interventionist nor isolationist; a policy that relies more heavily on our allies' ability to provide for their own defense, and on a strengthened peacekeeping role for the United Nations.

Let me reemphasize that by a conservative policy I do not mean neoisolation-

ism. America has an active and important role to play in world development. Our economy, technology and the basic human values for which we have traditionally stood insure a continuing position of international leadership for this country.

By a conservative foreign policy, I mean a policy which reduces the risks of accidental and unnecessary wars, relies less on sheer military might as a means of preserving U.S. security, and conserves our limited resources for the solution of urgent problems here at home.

Reshaping our foreign and military policies along more prudent, conservative lines will not be easy. Abandoning old slogans for new realities never is.

But I believe we must begin now.

While I do not pretend to have all of the answers, I believe a fundamental reassessment of U.S. foreign and military policies for the seventies should include the following elements.

First, Congress must initiate a comprehensive review of all U.S. commitments and treaty obligations to determine which remain essential to the preservation of American security. To the best of my knowledge a review of this scope has not been attempted in more than 20 years.

Second, we should begin withdrawing all U.S. military personnel and their dependents stationed abroad who are not needed for immediate defense or deterrence purposes.

There is broad agreement among defense experts that many of our troops in Asia and Europe could be pulled out this year without significantly diminishing our security or that of our allies.

Third, we must begin negotiating firm timetables with our treaty partners for the replacement of U.S. troops abroad with indigenous forces. Our ultimate objective must be the return to U.S. soil of all American ground forces currently scattered around the globe.

This does not mean that we are abandoning our allies and returning to a fortress America posture. Our Navy and Air Force must be kept strong and prepared. We must continue to provide nations threatened by external aggression with a nuclear shield and with military and economic assistance when necessary. But the day is past when American boys can be called on to die in foreign conflicts that do not directly threaten the security of the United States. This point must be made absolutely clear.

Fourth, we must insist that the administration develop a plan for liquidating our most costly foreign involvement today—the war in Vietnam.

Vietnamization is a program for de-escalating U.S. participation in that spreading Southeast Asian conflict. But it is not a policy for total U.S. military extrication from Vietnam.

Secretary of Defense Laird has made it clear in testimony before the Congress that the administration contemplates keeping 100,000 to 200,000 American military personnel in Vietnam indefinitely in advisory and support capacities. For all we know, 1980 will find 200,000 U.S. troops at a cost of \$15 billion a year and

continuing American casualties still stationed in and around Saigon. This is a costly and unacceptable foreign policy.

In 1968, the American people voted to end U.S. involvement in the war in Vietnam. It is long past time for this administration to tell us how they intend to do it.

Fifth, Congress must take a hard look at our economic and military foreign assistance programs. Billions are currently being wasted in foreign aid which serve neither our interests nor the welfare of the peoples in the recipient nations.

Sixth, and perhaps most important, if we are to establish a more conservative and less costly foreign policy, the United Nations must be given the resources and power to settle international conflicts. If a need remains for a global policeman or mediator, that role should be filled by the United Nations, not by the United States.

Six years ago in a speech prior to my election to the Senate, I stated that "funds to support a strong, permanent U.N. peacekeeping force is the best foreign investment America could make." That statement still holds true today.

A great statesman once wrote that:

The man or nation that makes the greatest mistake is one that hesitates to attempt changes for fear of making mistakes.

The hard facts of the world of the seventies all point to the need for change. Establishing a new conservative foreign policy in this country for the coming decade is imperative.

U.S. national security and world peace depend upon such a policy.

Our pressing domestic needs demand such a policy. And the hardpressed American taxpayer deserves such a policy.

JAVITS PRAISES NEW YORK EIGHTH GRADER FOR MATURE UNDERSTANDING OF POVERTY AND HUNGER

Mr. JAVITS. Mr. President, I am certain that every Senator regards responding to his mail as one of his most important functions—one way of his sensing the pulse beat of his constituents regarding the crucial issues of the day.

As the ranking Republican member of the Select Committee on Nutrition and Human Needs and of the Committee on Labor and Public Welfare, I receive many letters regarding the problems of hunger, malnutrition, and poverty. However, I have not received a letter which has touched me more than the one I received a few weeks ago from an eighth grade student of the St. James Institute in Albany, N.Y.

Theresa expressed feelings and views on hunger and poverty with a sophistication and understanding which one would expect from a well informed adult. She expressed the belief, which too few adults express, that hunger and poverty know no color or racial boundary and went even further to point out, and rightfully so, that hunger and poverty often cause people to "rob from others."

Our country is deeply troubled on many fronts, at home and abroad. During such tension filled times, it is reas-

suring to know that there are young people, such as Theresa, who understand the basic principle that men must be brothers and help one another. I am proud of Theresa's letter and, therefore, wish to share it with my colleagues by asking unanimous consent that it be printed in the RECORD together with my response. It is a good example of the goodwill, understanding, and faith possessed by so many of our young people.

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

ALBANY, N.Y.

DEAR SENATOR JACOB JAVITS: I am an eighth grade student of Saint James Institute. This week we are not eating lunch to see how it feels to be really hungry like the poor people. We have a very small breakfast and supper. In school it is very hard to concentrate on school work while we are hungry. This gives us a better understanding of why the poor people are not learning anything in school. Being hungry sometimes is the reason why people steal and rob from others who are more fortunate. I am really thankful for what I have and want to help others who are not so fortunate as I am.

A lot of people think that poor people are always colored and that colored people are always poor. This is not so. Some white people are poor and rich. Some colored people are poor and rich. The color has nothing to do with it. When most people think of colored people they think slums and ghettos. There should be programs to show people how it really is. Thank you.

Yours truly,

TERESA FARRELL.

U.S. SENATE,

Washington, D.C., May 1, 1970.

Miss TERESA FARRELL,
Albany, N.Y.

DEAR TERESA: Thank you very much for your wonderful letter.

I am proud of you because you have said what many grown-ups should be saying and understand what many grown-ups do not understand. As you said, hunger and poverty is a problem that affects all races of people and not just one group or color, and that hunger and poverty often cause people to commit serious crimes—"to rob from others."

There are millions of children in our country who go without lunch everyday—not because they choose to as you and your classmates did—but because their families cannot afford the price of lunches for their children.

As a Senator member of the Senate Select Committee on Nutrition and Human Needs, I have traveled around the country and have seen and heard much on the problems of hunger and malnutrition. However, I have not heard anyone express the problem of poverty and hunger any clearer or more accurately than you did in your letter. I am sure that your family and the faculty at Saint James Institute are all very proud of you.

America today is troubled with many problems and poverty is one of our biggest. If we are to solve such problems, it will take people like you who express concern and understanding for your fellow human beings. We grown-ups have not solved these problems. Therefore, it will be young people such as yourself who will have to speed up the solution. I have faith in our young people and your letter reaffirmed my faith.

Because I want to share your letter with my colleagues, in the Senate, I am having it reprinted in the Congressional Record, together with my response.

Please feel free to write me again if I can be of any further assistance.

Sincerely,

JACOB K. JAVITS.

TRANSPORTATION NEEDS AS SEEN BY THE ELDERLY

Mr. CHURCH. Mr. President, the distinguished Senator from New Jersey (Mr. WILLIAMS) is necessarily absent from the Chamber at this time.

I ask unanimous consent that there be printed in the RECORD a statement which he had prepared on the transportation needs of the elderly and a copy of the questionnaire which prompted the remarks.

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

TRANSPORTATION NEEDS AS SEEN BY THE ELDERLY

(Remarks by Hon. HARRISON A. WILLIAMS, New Jersey)

Mr. President, older Americans are among the most hard-hit victims of inadequacies in transportation systems in many parts of the nation. They are confronted by high fares, poor scheduling, inaccessible destinations including clinics and physicians' offices, and fear of crime during night hours.

The U.S. Senate Special Committee on Aging has received much evidence about the need for better public transit in rural and urban regions of the nation. We have been told often about individuals who could not reach churches, friends, relatives, shopping areas, and medical care because of the high costs or sheer inconvenience.

The United States Administration on Aging is conducting some research on the subject, and we are getting hard facts from several cities around the nation. There is, however, a clear need for more data to help us understand the dimensions of the problem and to offer constructive suggestions for change. Some idea of the magnitude of the research task can be obtained from a study recently conducted in Paterson, N.J.

There, the City Council on Aging prepared a questionnaire on transportation for Senior Citizens and sent it to 3,000 older citizens. Responses were returned by 417 individuals, and the results were computerized by the local business machine school.

Mr. President, I would like to summarize several of the major findings because I believe that they are significant and indicative of similar conditions in other urban centers.

Respondents wish to go downtown for business or shopping.....	329
Respondents wish to go to doctors' offices.....	311
Respondents wish to go to clinics.....	86
Respondents wish to go to hospitals.....	157
Respondents wish to go to church.....	163
Respondents wish to visit friends.....	274
Respondents wish to travel to various other areas.....	65
Respondents wish to travel before 10 a.m.....	11
Respondents wish to travel between 10 a.m. and 3 p.m.....	350
Respondents wish to travel in the evening.....	8
Respondents are afraid to go out at night.....	298

There was also a strong desire expressed for reduced fares during daylight hours.

I believe that the Paterson study is a useful model for similar action elsewhere, and I ask permission to reprint in the RECORD a copy of the questionnaire.

QUESTIONNAIRE ON TRANSPORTATION FOR SENIOR CITIZENS

In order to secure accurate information on your transportation needs, we must have your cooperation in answering the following questions:

1. Where do you wish to travel? (Please check)

(1) Down town for shopping or business.

- (2) To the doctor's office.
 (3) To a clinic.
 (4) To the hospital.
 (5) To church.
 (6) To visit friends.
 (7) Other. Specify.
2. What hours of travel are best for you? (Please check)
 (1) Before 10 a.m.
 (2) Between 10 a.m. and 3 p.m.
 (3) Between 3 p.m. and 6 p.m.
 (4) Evening. What hours?
3. If convenient transportation were available during the evening hours, would you use it? Yes. No. If your answer is yes, would your travel be: (Please check)
 (1) For recreation events such as—
 Movies.
 Sports events.
 Lectures.
 Educational classes.
 Shopping.
 Visiting friends.
 If your answer is no, is it because: (Please check)
 (1) You would rather stay at home.
 (2) You are afraid to go out at night.
 Other. Specify.
4. Would your day time travel be to: (Please check)
 (1) Your place of employment.
 (2) Volunteer work.
5. What do you feel would be a fair price to pay for travel? (Please state amount)
 (1) One way.
 (2) Round trip.
6. Is the present transportation system adequate to meet your needs? Yes. No.
 Name.
 Address.
 Please fill out this questionnaire.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

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

The PRESIDING OFFICER. The bill will be stated by title, for the information of the Senate.

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

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

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

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

A REASSESSMENT OF AMERICAN INVOLVEMENT IN SOUTHEAST ASIA

Mr. BENNETT. Mr. President, in today's world of instantaneous communication, it is perfectly logical for us to in-

terpret the problem in Vietnam in terms of each day's headlines instead of considering the overall, long-term, worldwide issues involved.

Therefore, before I present my point of view on the present Cambodian situation, I want to go back and review the background of events leading up to it so that—at least for myself—I can put it into perspective.

In preparing to do this, I have found a speech I made in October 1967, to be very useful and I want to repeat excerpts from it here today.

I began by saying the need to get at the true meaning of the war in South Vietnam grows more imperative with every passing day. I think that is still true. There are those who claim it is based solely on American cupidity—or stupidity. Others, hoping for the end of the war, seek in vain for signs that North Vietnamese Communists are really willing to negotiate. Still others believe that only by driving through with our overwhelming military superiority can we ever hope for an early and acceptable end to the conflict.

I think most of the confusion grows out of amateur attempts to second-guess the President, the generals, and the diplomats with respect to the daily conduct of the war. I am not going to do that. Instead, for what it may be worth, I shall present my conception of how this conflict fits into the framework of 20th-century history.

I begin with a word that has already been worked to death, the word "escalation." Ordinarily, it is used to describe the calculated steady increase in our commitment of men and materiel in South Vietnam. But there are those who use it to express their fear that the present experience in Cambodia is an open ended one that will eventually lead to world war III.

The usual inference is that it will be a natural extension of the present conflict that will eventually expand across the Chinese border, first bringing China and then Russia in against us. They see the United States facing the massed power of more than a billion people and risking a fearful nuclear holocaust.

Because our own west coast fronts on the Pacific, the United States must always have a deep concern about the fate of the nations of Asia. This concern has been put into words many times, as President Johnson did when he said,

No single nation can or should be permitted to dominate the Pacific region.

In World War II, Japan made the attempt to do just this and failed. Now it is China and Russia whose mastery of Asia we fear and must prevent. However, I should also point out that in taking this position, I am not in any way advocating American domination of Asia; nor do I think that our present participation in South Vietnam can be interpreted as part of such a process.

I believe our past history and record in Asia supports my position.

There is a fundamental reason why this war is different from World Wars I and II both in its inception and its pattern. The other wars began when the would-be imperialists thought they had

strength enough to conquer Europe and the world. They were defeated, but the holocaust left all of Europe and much of Asia almost completely destitute, both of productive capacity and military might.

This created a near vacuum into which the Communists could start the new type of war they had long planned. The weakness of their own postwar exhaustion would not permit them to undertake any massive attack against any free nation or any combination of which the United States was a part. They felt, however, that they could move immediately against countries whose impoverished economies appeared to be fertile soil for Communist ideology. Instead of open warfare, they proceeded to foster internal revolutions in these nations, begun with subversion and pursued through the use of native Communist guerrilla forces.

This time the world was not to be swallowed whole but, chewed up in little bites. This time they hoped to consume many key areas without arousing the sleeping giant which is the United States. This time they even hoped not only to conceal the relationship of these wars to their worldwide objectives, but also to give them a noble purpose by calling them, deceptively, "wars of national liberation."

But, like would-be conquerors, they talked too much and eventually gave the whole evil plan away. In December 1965, Premier Kosygin told James Reston of the New York Times:

We believe that national-liberation wars are just wars, and they will continue as long as there is national oppression by imperialist powers.

Translated, that means as long as the United States has an interest in trying to help its friends.

In September, 1965, the Red Chinese Minister of Defense, in a long policy statement, announced that Mao expected to use "wars of liberation" to expand communism to Latin America, Africa, and Asia.

A statement along this line by General Giap, the Commander in Chief of the North Vietnamese forces, is of greatest significance. He said:

South Vietnam is the model of the national-liberation movement of our time. If the special warfare that the United States imperialists are testing in South Vietnam is overcome, then it can be defeated anywhere in the world.

The list of countries against which the Communists have already used subversive warfare and direct attacks is longer than most Americans realize. All in all, we can count 19: Yugoslavia, Greece, Malaya, Philippines, Cuba, Laos, Thailand, Vietnam, Cambodia, Korea, Guatemala, Venezuela, Colombia, Dominican Republic, Bolivia, Nicaragua, Burma, and India.

The method succeeded in Yugoslavia, in China, in Cuba, and in North Vietnam. It is currently underway in embryonic form in South America—in Bolivia, Venezuela, Colombia, Guatemala, and Nicaragua. And in Southeast Asia—in Thailand, Cambodia, and the

rest of Laos, as well as in South Vietnam itself.

But sometimes it has failed, particularly when the United States has moved in to provide help to the legitimate government. The first major failure was in Greece, immediately after World War II. Other Communist failures in the Philippines, in Burma, Indonesia, in Guatemala, and in Malaya are encouraging. But the biggest test of all is still facing us in South Vietnam.

Looking at this conflict as another in a series of local wars, which although widely separated in time and place are related to each other, we can easily see how the Communists hope to succeed by exploiting weakness, where the Germans and Japanese failed by exerted strength. In that framework, I shall ask and try to answer four questions:

First, in what way does this Communist pattern produce a type of warfare which differs from or resembles that which took place in the earlier World Wars?

Second, why are we in this war?

Third, has our intervention been good or bad for South Vietnam and the world?

Fourth, what is the best way to end the conflict?

Turning to the first question, it is easy to see why South Vietnam was selected by the Communists as a promising battleground in their wars to exploit weakness. Their capacity to govern themselves had almost been eroded away by more than a century of French colonial rule, which seems to have been particularly repressive and marked by calculated corruption.

It is no wonder that the Vietnamese people rebelled. But, in light of what is happening now, 13 years later, it is unfortunate that the hero of that fight for freedom, Ho Chi Minh, was a Communist, and that even today his communism is more important to his followers than the freedom for which he fought the French.

The fact that the South once followed his leadership made it possible for him to organize the Vietcong and leave them in the South, like time bombs, to explode after the treaty of 1954. Between then and now, they have literally dug themselves in—both into the earth itself and into the village life. From these two points of strength, they have carried on a grisly program of subversion and murder for the purpose of wiping out all free local government by destroying its leaders.

Mr. President (Mr. GRAVEL), I think that one of the great successes of our efforts in South Vietnam has been the extent to which we have been able to root out the Vietcong and its installations, particularly in the delta area, until today its strength is much weaker than it was 3 years ago when I discussed this same subject.

I think the fact that the love of freedom has survived is eloquent testimony to the dedication and determination of the South Vietnamese. The fact that they twice turned out to vote in unexpectedly large numbers underscores the depth of that feeling. I am sure they

know that voting is a privilege that Ho and his successors did not allow his subjects north of the 17th parallel.

Another political liability from which they suffer—and we might as well face it—is that they do not have full faith in their leaders. Some of them are still corrupt and, after 13 years, their government is still weak from the constant pressure of the Vietcong.

I can only note, in passing, that this is rather common in Asia and that it is not completely unknown in the United States. Therefore, I do not believe we can take a holier than thou position in this particular instance.

But even though the majority of the people in South Vietnam, including the illiterate peasants, prefer it to the communism of the North, they are obviously still willing to fight for it.

When we look at the military aspects of this war, it is easy to see how different it is from the other wars we have fought in Asia—far different from the island-hopping of World War II, and even from the mass-movements combat in Korea. This war is confined to an area that, while small, includes a topography that varies from rice swamps to densely wooded mountains. The actual fighting is usually between small units, involved in hit-and-run engagements of very short duration. The ability of the South Vietnamese people to fight may have been worn away by the 20 years of continuing warfare that has raged back and forth across their land and taken its toll of their young manhood, and their resources.

Mr. President, I think it is significant that today they are actually able to increase their military capacity, both in terms of numbers, equipment, and training, so that we can begin to think of our own withdrawal with some assurance that, when they do, we will leave behind us a military force capable of defending its own country.

The war's most significant feature is the enemy's use of the pattern of guerrilla combat. That this has been the basic pattern for what the Communists call "wars of national liberation" had already been demonstrated earlier in other countries. Looking back, we see that this was the pattern used by Tito's Partisans in Yugoslavia. It was used again in the attempt to take over in Greece. It has been tried and has failed in Malaya and the Philippines, it was tried in the Dominican Republic, and is still continuing in Thailand, and now in Cambodia. Of course, for us the most vivid and embarrassing example was Castro's takeover of Cuba with a handful of men.

By now, it is obvious that we have made steady progress against the guerrilla warfare in Vietnam.

Not only have we reduced its intensity in Vietnam, but we have also pushed the guerrillas back into their illegal Cambodian sanctuaries. This having happened, the logical next step was to destroy, or at least weaken, those sanctuaries. I believe that President Nixon was farsighted in seeing this necessity, and in moving to take advantage of it. He possessed the courage to move, in order to take advantage of it.

At this point, I will leave the question of the current Cambodian policy and return to it later, moving on instead to my second question, which is: Why are we in this war?

It is clear to me that in all these little wars, the United States has been reacting in accordance with its traditional policies. Contrary to belief of some, we have not been improvising our foreign policy in Vietnam. We have been pursuing there the same objectives that we held in Europe when we opposed the Kaiser, Hitler, and Stalin, and in Asia when we opposed Japan. It has been our policy not to allow one nation, either directly or through proxies like North Vietnam, to dominate whole regions of the globe.

Today, the task is harder because the current threat used the cutting edge of communism, and for a while at least that has an appeal to people who have been impoverished and held down previously under a colonialist's thumb. But the principles for which we stand and our objectives are the same. Any changes we detect in our attitude then and now are simply those made necessary by differences in time, circumstances, and tactics.

At least four American principles stand out, and in every war of this century we have sacrificed much blood and treasure rather than give them up. Let me list them:

First. Devotion to the principle of personal freedom as a fundamental concept of government.

Second. Our belief that all other peoples who desire to live with these same freedoms should have the right to do so, and that when we protect their freedom, we are also protecting our own.

Third. A willingness to help other peoples improve their economic conditions, even to the extent of opening our own markets and sharing our own wealth with them if necessary.

Fourth. A determination never to be an aggressor or to embark on a policy of colonialism.

In listing these, it should go without saying that we believe such a policy will always be in our own national self-interest, and result in long term benefits to ourselves as well as to our friends. I am sure that in this present contest with communism in South Vietnam, there is no essential conflict between our own goals and the hopes of those we seek to help.

Of course, the application of these four principles has varied with the changing circumstances of our expanding history. Its first major expression was for the protection of the infant Latin American Republics when early in the 19th century they began to try to throw off the yoke of European colonialism. Because this principle was laid down during the Presidency of James Monroe, the principle has been known since as the Monroe Doctrine. Our commitment to this principle led us into our war with Spain in the Philippines at the end of the 19th century, and this in turn brought us for the first time into Southeast Asia more than 70 years ago. That experience, now two-thirds of a century

behind us, set the precedent for our more recent intervention in Japan, Korea, Taiwan, the South Seas, and now South Vietnam.

Since this has been the latest of many confrontations between our foreign policy and that of the Communists, perhaps we should pause to look at Vietnam in terms of these principles. When we do, it is obvious: First that there has been a challenge to a people seeking to establish freedom as the basis for their own self-government; second, that we have come to the aid of a nation so challenged, and, third, that we have been generous with our economic aid.

I want to dwell a little longer on my analysis of the fourth aspect of our foreign policy, that we have never been the aggressor nor succumbed to the temptation of neocolonialism.

If there is one case in which this might not have been true, it is the Philippines. But over the years, certainly we have made up for any partial failure of our devotion to that principle in the service we have given to those people.

If ever a nation was in a perfect position to take advantage of a world situation, that nation was the United States after World War II. During the troubled years since, we could easily have become the world's greatest neocolonial power, a label which now very obviously fits the great Communist nations. We could easily have turned our economic aid programs into international mortgages and foreclosed them to gain territorial control in many parts of the world.

When World War II ended, all of Europe was broken and prostrate and Japan was helpless. If the Communists had been in our place, all these countries would have been dragged behind the Iron Curtain. But our devotion to the moral values in self-government has been stronger among us than the urge to dominate other people.

We could have conquered and held Japan; instead we chose to rebuild it as an independent democracy. And so well did we succeed that today it challenges us for our place in the world economy. Our success in Japan holds promise for what we can do for the people in Vietnam. The successful growth of free government in Japan is proof that Buddhism is not incompatible with the essential concepts from which democracy must grow.

The same spirit shines through our record in Taiwan. By supplying military protection and foreign aid, we have helped make that once-backward nation economically independent, and its example stands as a beacon of hope to the other nations of Southeast Asia. We have provided them with foreign aid so effectively that they have reached a point that we have determined that they no longer need it.

As I have tried to demonstrate, our presence in Vietnam is in keeping with our long time foreign policies. We are there to protect ourselves and our own interests by protecting the existence and interest of still another small nation. We are doing this: First, because our own security requires that Red China or Russia not be allowed to become the dominant nation in Asia; second, because

we cherish freedom, and third, because we believe such help rather than territorial acquisition or colonial control is better for us and the whole world.

Having indicated my belief that we are in this war as a logical expression of our long-established foreign policy based essentially on self-interest, I am led naturally to reask my third question: Has our intervention already created benefits for Vietnam and for those other countries in Southeast Asia who love freedom? I think the answer is a resounding "Yes."

Had we not been there, Vietnam at least would have been behind the Iron Curtain, with a real chance that her neighbors would have long since joined her.

I think there is great value in the fact that South Vietnam is still a free country, free enough at least to adopt a new constitution and elect the new officers it provided for, both by popular vote. But of greater worldwide significance is the indirect effect of our intervention in preserving the freedom of other countries in Southeast Asia. Before we put our military power in South Vietnam, several had already been set up for Communist takeover, and all would probably have been lost by now.

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

Mr. BENNETT. I yield.

Mr. HANSEN. Mr. President, first of all, I express my gratitude to the distinguished Senator from Utah and express my appreciation for the scholarly presentation he is making.

It occurs to me that his observations are timely and that they reflect an in-depth study that certainly attaches more than usual significance to what he is saying.

In that context, I should like to ask if it is not true that the President sent some observers over to observe the elections in South Vietnam not too many months ago.

I ask my distinguished colleague if that did not happen.

Mr. BENNETT. We had a great deal of interest. We had another President at that time and it is true that while these observers were not to interfere in any way with the operation of the election process, they were there to give some assurance to us in the United States that the process had been carried out properly.

Mr. HANSEN. Do I recall correctly that it was the observation and perhaps a consensus of those who were there that by and large the election process, as they witnessed it in South Vietnam, was one that would reflect considerable credit upon that government and that there was an opportunity for people there to freely express their deep convictions?

Mr. BENNETT. That was my memory at the time. I am sure there were some comments made about individual incidents, but by and large, considering the fact that these people have no background in the democratic process and many of them are illiterate, I think it was a remarkable demonstration of their ability to take this first step toward self-government.

Mr. HANSEN. I share that feeling, Mr. President. Despite our sophistication in

this country, the fact that most of our citizens here can read and write, percentage-wise we have a very low rate of illiteracy in the United States.

I hope it is not too long before all of those who are educable in this country have an education and I am sure that is the President's desire in taking the steps he has taken in offering further to shore up education and trying to spend money particularly where it may most be needed. While we do have a great many advantages that probably are not reflected completely in Vietnam, it occurs to me that by comparison they had a pretty good election over there. With respect to those who seek now to discredit the government, I think the government we find in South Vietnam today comes as nearly as is humanly possible through the elective process to place people in power who can best serve that nation.

Does the Senator agree with that statement?

Mr. BENNETT. I certainly do. I thank the Senator for his comments.

The fact that the Communists have stepped up their military activity against the supposedly neutral nations of Laos and Cambodia is eloquent testimony of our success in South Vietnam, which has produced so much pressure that Communist leaders are turning to face what they consider to be easier opposition, and the fact that the free nations of this part of the world have just concluded their first regional conference is a clear evidence that they intend to take advantage of our presence and the time we have gained for them by planning for mutual military actions to replace our strength as we withdraw.

I realize that there were no definite statements to that effect in the reports on the conference, but you do not take the ultimate step; you have to take the first step in the beginning, and I think this was an important first step.

Actually, this meeting in Jakarta is only the latest in a significant series which began in 1966 when nine free Asian nations formed the Asian and Pacific Council; when five Southeast Asian nations formed the Association of Southeast Asian Nations; and when in 1967 the Asian Development Bank was established.

That bank is now 3 years old and is beginning to operate very successfully. I returned a month ago from its third annual meeting which was held in Korea.

Now, let us move on to our final question, which leads naturally from the previous one. What would happen now if the United States withdrew immediately under the present pressure?

Most experts recognize the Vietnam confrontation as crucial. It has been building up for nearly 15 years now, and if we should allow the Communists to prevail, storm warnings would immediately rise around the world. Our premature withdrawal would demonstrate that the Communists have at last found the key to victory in a war. If we allow this to happen, all free nations, particularly the small ones, would be justified in believing that we are unworthy to be trusted as the leader of the free world.

Those other countries to which we have given promises of support would properly doubt whether our help would be forthcoming when they needed it, especially when the going got tough. In other words, our friends would lose faith in us, and we would deserve it.

If we ever lost the right to lead the free world, Communist power would be unchallenged, and communism could eventually become the wave of the future. One by one, the smaller free countries would have to bow under its yoke, and the day conceivably could come when we stood isolated and alone. Obviously, we must not risk that great tragedy by trying to isolate ourselves from freedom's problems now.

Our capitulation would put all the free nations now along the Pacific coast of Asia into great and immediate jeopardy, including the giant Japan—which under the terms of peace we dictated has no military establishment except an internal defense force—the now stable Formosa, the still struggling Korea, Thailand and the remarkable Indonesia.

Because we know that communism hates Christianity, we might soon expect religion to disappear in Asia as the Philippines, then Australia and New Zealand were outflanked and overrun.

Am I seeing nightmares? The Japanese almost did all this less than 30 years ago from a much weaker power base. But do not take my word for this risk. Listen to what the leaders of these threatened countries have to say.

The statement of the Prime Minister of Malaysia, Prince Abdul Rahman, very effectively destroyed the civil war concept when he said:

The power vacuum left over from the retreat of Western colonial rule . . . has not been filled by the growth and consolidation of indigenous power. On the contrary, taking advantage of the situation, a giant outside power, the People's Republic of China, seems bent on a long-range program of expanding its power and influence through its proxies in Southeast Asia. It is not South Vietnam which seeks to annex North Vietnam, but vice versa. This has been officially admitted by Hanoi, and Peking is giving Hanoi every encouragement. Peking's and Hanoi's involvement in the Communist offensive in Laos is also well known.

And since early last year.

This was said in early 1967 so the reference is to 1966:

. . . Peking has repeatedly threatened Thailand, Malaysia and Singapore with so-called people's wars to be launched by local Communist movements against these three countries.

I have other quotations:

One from the Thai Government clearly underscores the source of the danger:

Decent nations the world over already know that aggression in Southeast Asia, either against the Kingdom of Laos, the Republic of Viet Nam, or Thailand, was started many years ago by none other than the Communist regime of North Viet Nam in collaboration with certain Communist countries.

Another statement is by the Prime Minister of Australia, who in the same year explained what American involvement means to his country:

No region today contains greater dangers for world peace and security than Asia. Southeast Asia has been singled out by the Communists as a critical area of challenge.

They believe that if their technique of so-called wars of national liberation can succeed in South Viet Nam, it can be employed with similar success in many other countries.

A third from Singapore's Prime Minister, Lee Kuan Yew:

I feel the fate of Asia—South and Southeast Asia—will be decided in the next few years by what happens in Viet Nam. If the Americans decide to pack it up because the position is untenable in South Viet Nam, then what happens to the 500 armed Communists wandering around the borders of Thailand and Malaysia is very pertinent. And if Malaysia cannot be held—

And this next phrase is very interesting and significant—then Singapore must make adjustments accordingly.

In other words, if Malaysia cannot be held, "We in Singapore must be prepared to be swallowed by the Communists."

But the prospect for peace and freedom in all of Southeast Asia will be very bright indeed if we stay until the situation is truly stabilized. And I think we are beginning to approach that time.

Japan, which has developed firmly rooted traditions of freedom since World War II, would undoubtedly emerge as the great economic leader of the people of Asia.

On my trip out there last month, I saw many evidences that this process is already well along the way.

Our Anglo-Saxon counterparts in Australia and New Zealand would be able to carry out their stupendous programs for the development of their heretofore undeveloped natural resources. There would be hope that in time the tides of freedom, which are being sustained in Vietnam and which already have begun to flow north from Indonesia, could flow into and across China, thus weakening and eventually removing this potentially dangerous threat.

We come at last to the final question—the one on everybody's mind: How can we end this—when can we get out?

I have taken all this time to get to the point because I believe we can only find the right answer if we understand how and why we got in.

Why cannot we just stop fighting one day and wait to settle our problems with the Communists at the negotiating table? There are several reasons why this is impossible.

The first grows out of the difference in attitudes that each side has toward the process of negotiations. To us, it is a process by which decisions are reached through mutual concessions. To the Communists it is merely an extension of the conflict on a different level, on which they continue to fight to hold their own position. Rather than compromise, they will "negotiate" interminably, as witness the negotiations still going on in Korea after nearly 17 years and the many years of general peace conferences in Geneva and Paris.

It was my privilege, a little over a month ago, to stand at Panmunjom and be a witness to the charade that takes place there every day because we could not settle that conflict with a peace treaty. Every day at noon, an American officer representing the United Nations marches into a room and sits at a table. Across from him sits a North Korean of-

ficer. Each is flanked by an agreed-to number of attendants. Each is supposed to hand the other a paper listing whatever complaints may have developed in the preceding 24 hours. We always have a paper to hand across. The North Koreans practically never do. Once a month there is a different conference, at a higher level, with a colonel instead of a lieutenant colonel, and the problems discussed there, if the other side is willing to discuss them, are of a little broader nature. When a crisis arises, we have an officer of general rank prepare to meet a general from their side to discuss a serious problem.

This goes on day after day, week after week, month after month. One may say this is an effective solution to the war, but the day we went as observers to that event, the South Koreans discovered, and after a fire fight, killed three North Korean infiltrators who had used the protection of a river to cross over the border during the night.

Not very long ago four American soldiers stationed at that point as guards decided, for some reason, that they would not go back to the base camp using the protected vehicles. It must have been a nice moonlit night and they decided to walk back. They walked about a block, and they were all killed by North Korean snipers.

Our negotiation with the Communists is a fruitless charade unless they come to the table prepared to settle; and if they can keep it going in Korea for 17 years, heaven knows how long they can keep it going in Paris.

When our spirit of compromise meets their intransigent attitude, who usually loses? The answer is obvious and has been written into history many times from Yalta on.

Because we believe in compromise, we give. They seldom, if ever, do.

Of course, this has been demonstrated by the almost complete failure of the Paris negotiations in spite of the tremendous American concessions such as a bombing halt, and large troop withdrawals.

The second reason is equally fundamental. The outcome of any conference is determined mainly by the relative power, strength, and influence which the two opponents bring to the bargaining table at the end of any war or whenever a conference is set up. This obviously reflects the relative military strength of the two.

There is still a third reason, and it is the most important of all. Have we accomplished what we went in to do? Can we be sure that, after any negotiation undertaken without a military decision, the people and Government of South Vietnam can be assured of freedom from the continuing Communist pressures of subversion and terror as well as from actual military invasion? Until we can, have such an assurance, any precipitate withdrawal on lesser terms will mean tragedy for the South Vietnamese—a faith-destroying defeat for us, and a great encouragement for the Communists to make the next local war a much bigger one.

In concluding my review of the past situation as I see it, I state again the four basic questions:

First. How is this war different? Every war is both different and similar as controlled by the conditions under which it is fought, and this one was planned by the Communists to make our power ineffective. Fortunately, we have learned how to adjust our use of power to offset enemy guerrilla tactics, and I am sure by now have regained the military superiority.

Second. Why are we in this war? We are in it for the same reason we went into the earlier wars, because in the interest of U.S. security, we cannot allow a hostile power to gain control of any dominant region of the world. The present region, of course, is Asia. We have always been willing to fight to maintain the freedom of our friends, whether they are the British, the French, or the Greeks.

I question if we can allow communism to slowly peck away at the institutions of freedom around the world and still preserve freedom for our own posterity.

Third. Up to this time, has our intervention been bad or good for Vietnam and the rest of Southeast Asia? Definitely and dramatically good. Behind the shield of our power, the Vietnamese people have begun to construct a viable government and have gone a long way to regain control of their own territory. The most dramatic change has been in the Mekong Delta country, which a few years ago the Vietcong completely controlled, but from which they have largely had to withdraw into Cambodian sanctuaries. Today the delta region is controlled and defended almost entirely by South Vietnamese troops.

Fourth. Finally, when and how can we bring this tragedy to an end? This can only be done when the South Vietnamese people can be assured of a future free from internal terror and external force.

To have withdrawn or to quit precipitously sooner, would not only have rewarded Communist aggression, and confirmed the effectiveness of their so-called "wars of liberation," as I have stated, but would inevitably have encouraged further Communist military adventures elsewhere—just at a time when, in fact I believe their power in Vietnam is going downhill.

Having explained my understanding of the reasons why we are in Vietnam, I am sure it must be clear why I support and have supported the President of the United States in his decision to move against the Cambodian sanctuaries used by Communist forces against allied personnel and positions in South Vietnam.

I am sure it is obvious that it is for the same reasons that I am opposed to the various amendments now pending before the Senate designed to limit the President's authority in Vietnam and Cambodia. This does not mean that I believe the President should have unlimited authority to expand the war. It means that I think such amendments as those before us are unnecessary and ill-timed particularly under the circumstances. It is interesting to note that the sponsors of the pending amendments have fastened upon the power of the Congress to appropriate money as a means of stopping the President. It is my feeling that this attempt to use the power

of the purse usurps the responsibility clearly vested in the President to issue orders for the protection of our Armed Forces. The President has determined that the limited actions he has ordered within Cambodia are necessary for the protection of our forces in South Vietnam. The proposed amendments would try to substitute the judgment of the Congress on that question for the judgment of the President. Knowing a little and the American public that the President, having been a Member of Congress for 18 years, and knowing my own weakness in this respect, I am choosing the Commander in Chief in this instance.

Actually, Mr. President, the amendment before us is unnecessary because President Nixon is in the process now of reducing American participation in the war, and because I believe he has established a record which I think Americans have faith in. I would remind the Senate and the American public that the President's timetable for troop withdrawals has been met and exceeded.

For these reasons, I believe President Nixon when he says he will withdraw American forces from Cambodia by June 30, 1970. President Nixon has actually eliminated the credibility gap which grew up between 1965 and 1968 simply because his actions have coincided with his words, and I commend him highly.

The Senate now finds itself participating in a debate over Presidential powers and their relationship to the powers of Congress. In a sense, this shows that the American Government—in spite of some weaknesses—has a great deal of vitality. This ongoing debate goes back to the beginning of our history. It began in earnest in the Constitutional Convention. Even then among the great men who forged the Constitution, it was not resolved; for Madison and Hamilton and the other men present in Philadelphia either could not or did not see fit to specify in great detail the powers of the President and the powers of the Congress in the field of foreign policy, with its underlying issue of war powers. I suppose this debate has been one of the longest in American political history and, as we are obviously learning again this week, the issue has not been resolved.

While fascinating to political scientists and legal scholars, it has been frustrating to the Congress and perhaps confusing to the American public.

The Sunday Star of May 17, 1970, contained a timely editorial reflecting on the longstanding and unresolved debate. I should like to quote a few paragraphs which bear directly on the issue.

The Star reminds us:

Paragraph 11, Section 8, Article I of the Constitution clearly allocates to the Congress the right to "declare war." The problem is that the five post-World War II Presidents of both parties—Truman, Eisenhower, Kennedy, Johnson, and Nixon—not to speak of earlier practitioners of the fine art of gunboat diplomacy, have neatly finessed the issue by committing or keeping American troops in combat situations abroad when they felt it was in the national interest, without seeking the assent of Congress or asking for a declaration of war.

Further the Star tells us:

What some Members of the Senate and House are trying to do now is to reassert an

atrophied Congressional prerogative, which understandably is dear to members of Congress, at the expense of the implied powers of the President as Commander-in-Chief, which equally understandably is a popular thesis with occupants of the White House. The Supreme Court has been commendably wary of trying to delineate the line between the Executive and Legislative powers.

The trouble is that the world has changed since the founding fathers wrote the Constitution. In illustration, the same paragraph which authorizes Congress to declare war grants it the right to issue "letters of marque and reprisal," which authorized private entrepreneurs to engage in naval warfare for their own profit. Very few letters of marque have been granted in recent years.

In effect, in an era of instant mass communications and push-button warfare, the Senators are resting their constitutional case on a document forged to deal with contingencies in the age of sail. The founding fathers were wise men, but they were not prophets. Only a lunatic in the 18th Century could have predicted the world in which we live today. The problem, then, is to interpret the Constitution to deal with the world as it is, not as it was or as we might wish it to be. It happens to be an extremely dangerous world.

Those are quotations from the Sunday Star which I feel go to the very heart of this matter.

In addition, Mr. President, I think all of us in the Senate would be less than honest if we did not admit that politics has always played a significant role in this debate down through the years. While men of conviction have argued on both sides, one cannot deny that political considerations generally have been present. I think this remains true at this hour. I feel that although these amendments have long-range constitutional ramifications, the pending 1970 congressional election is certainly lurking in the background. I cannot and will not say that the prospect of winning or losing a congressional election should be eliminated as a consideration. I merely make the point that political advantage is a key consideration in this foreign policy issue. I can make that statement safely because I shall not have to stand for election this year.

Although this Presidential power debate has been going on since 1787 or even longer, I question its relevancy in its present context. My main reason for doubting the relevancy of this debate is that President Nixon is moving against Communist sanctuaries in Cambodia, has done little more than make a tactical military decision. Is it wrong to try and stop the enemy's main source of supplies and arms which are being used to kill American boys?

Also on this subject, the distinguished Senator from Colorado (Mr. ALLOTT) pointed out a few days ago:

It is no more sensible to say the attacks on the sanctuaries "extend" the war in Cambodia than it is to say the Normandy invasion "extended" World War II to France.

At that time, of course, a foreign power, Germany, occupied the country of France.

The authority of the President in both instances has been established by congressional action and by his inherent and constitutional authority as Commander in Chief of U.S. military forces.

Under the Constitution, the President's powers for the direction of our

Armed Forces abroad are derived from those parts of article II which make him the Commander in Chief of the Army and the Navy of the United States and which give him a special responsibility in the field of foreign affairs. Congress, for its part, is given the power to declare war, to raise and support armies, to make rules for the Government, and regulation of land and naval forces, and other powers important to the conduct of foreign affairs and to the national defense. However, it is clear to me that these powers of Congress may not lawfully be used so as to undermine or replace the powers of the President as Commander in Chief.

Mr. President, until the fall of Prince Sihanouk, Cambodia had retained a facade of neutrality, but everyone knew it was only a facade because North Vietnamese Communist and Vietcong troops have been using Cambodian and Laotian sanctuaries and supply routes for many years. Prince Sihanouk could not enforce that neutrality; and when he was deposed, the facade was stripped away. In the past month, the sanctuaries have become a much greater threat to South Vietnam and allied forces.

Unfortunately, the entire role of the sanctuaries in this war has been generally ignored by virtually everyone but the fighting man in the field. I am certain that the fighting man, who knows the situation best, does not have any qualms in striking back at the enemy where it hurts.

I have felt for a long time that the American public has found it difficult to understand how guerrilla warfare is conducted. An absolute necessity in this type of warfare is a safe area to which the guerrilla fighters can return to rest, resupply, refill their ranks, and treat their wounded. In the Vietnam war we have allowed him unmolested use of "over the border sanctuaries" for 6 long years. It has never made sense to me to chase a Communist across the border into a very unneutral part of a supposedly neutral country only to have him come back a week later, well rested, with a stomach full of "neutral" Cambodian rice, to shoot at Americans again with his new Russian-made machinegun just shipped down the Ho Chi Minh Trail through neutral Laos.

The contest would have been much different had the Cambodian Government had both the willpower and the means to deny these sanctuaries to the enemy. The truth, of course, is that the Cambodian Government did not. To me it is an incontestable fact that Communist violation of Cambodia and Laotian neutrality has been a key factor in keeping Hanoi and its Communist forces in the war. The supply lines down the Ho Chi Minh trail and the sanctuaries which have been the terminal points of those lines have been absolutely vital to the Communist war effort south of the 17th parallel.

Now, for the first time in several years, we have a President who decided to quit watching helplessly while the enemy crossed the border, and America has had the courage to deny to the enemy this major military advantage.

I should point out that, despite the fact that we did not cross the border before,

progress in South Vietnam has been continuing and American forces have departed from the Mekong Delta area below Saigon, as a result of the success there of both our forces and those of the South Vietnamese Army.

As the President reported to the Nation on April 20:

Tonight I am pleased to report that progress in training and equipping South Vietnamese forces has substantially exceeded our original expectations last June. Very significant advances have also been made in pacification. Although we recognize that problems remain, these are encouraging trends.

The President also told us:

As the enemy force levels have declined and as the South Vietnamese have assumed more of the burden of battle, American casualties have declined. I am glad to be able to report tonight that in the first 3 months of 1970 the number of Americans killed in action dropped to the lowest first quarter level in 5 years. In June, a year ago, when we began troop withdrawals, we did so on a "cut and try" basis—with no certainty that the program would be successful. In June we announced withdrawal of 25,000 American troops; in September another 35,000 and then in December 50,000 more. These withdrawals have now been completed and as of April 15, a total 115,500 men have returned home from Vietnam.

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

Mr. BENNETT. I am glad to yield.

Mr. HANSEN. Mr. President, the Senator has been discussing in detail our operations in Cambodia; and I think it would be appropriate and informative for Senators to have before them, for inclusion in the RECORD at this point, an up-to-date summary, as of 8 a.m. today, May 20, 1970, of what has been accomplished in Cambodia.

Mr. BENNETT. I am glad to yield to the Senator for that purpose, provided I do not lose my right to the floor.

Mr. HANSEN. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a tabulation setting forth an overall summary, with a breakdown on each of the sanctuary areas, showing what has been accomplished.

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

Total operations	Number	24-hour change
Individual weapons.....	9,613	+119
Crew served weapons.....	1,608	+24
Bunkers/structures destroyed.....	5,853	+474
Machine gun rounds.....	7,812,464	(0)
Rifle rounds.....	3,802,256	+31,260
Total small arms ammunition (rounds).....	11,614,720	+31,260
Grenades.....	7,065	+140
Mines.....	1,884	+19
Satchel charges.....	500	
Miscellaneous explosives (pounds).....	72,000	
Antiaircraft rounds.....	159,047	(0)
Mortar rounds.....	20,363	+1,904
Large rocket rounds.....	972	+1
Smaller rocket rounds.....	16,697	+766
Recoilless rifle rounds.....	13,627	+60
Rice (pounds).....	7,234,000	+572,000
Man months.....	159,148	+12,584
Vehicles.....	215	+9
Boats.....	40	(0)
Generators.....	36	(0)
Radio.....	169	+27
Enemy KIA.....	7,026	+44
POW's (includes detainees).....	1,731	+117

1 Unchanged.

Toan Thang 43—Fish Hook

Enemy KIA.....	1,832
POW's.....	267
Individual weapons.....	4,053
Crew served weapons.....	730
Bunkers/structures destroyed.....	2,354
Small arms ammunition.....	3,483,413
Anti-aircraft rounds.....	25,220
Grenades.....	3,302
Mines.....	1,415
Mortar rounds.....	3,901
Large rocket rounds.....	185
Smaller rocket rounds.....	681
Recoilless rifle rounds.....	6,257
Rice (pounds).....	3,594,000
Man months.....	79,068
Vehicles.....	170
Gas masks.....	1,100
Medical supplies (pounds).....	24,000

Rock Crusher—Parrots Beak—base area 367

Enemy KIA.....	1,858
POW's.....	1,037
Individual weapons.....	1,091
Crew served weapons.....	265
Bunkers/structures destroyed.....	827
Small arms ammunition.....	1,104,260
Mortar rounds.....	6,589
Grenades.....	1,445
Mines.....	128
Large rocket rounds.....	7
Smaller rocket rounds.....	2,638
Recoilless rifle rounds.....	854
Rice (pounds).....	1,270,000
Man months.....	27,940
Vehicles.....	11

Toan Thang 45—Base Area 351

Enemy KIA.....	512
Individual weapons.....	902
Crew served weapons.....	86
Small arms ammunition.....	6,800,745
Large rocket rounds.....	410
Small rocket rounds.....	8,382
Recoilless rifle rounds.....	4,744
Anti-aircraft rounds.....	133,827
Mortars.....	3,669
Grenades.....	1,117
Rice (pounds).....	596,000
Man months.....	13,112
Bunkers/structures destroyed.....	82
Vehicles.....	19

Toan Thang 46—Base Area 350

Enemy KIA.....	17
Individual weapons.....	220
Crew served weapons.....	29
Small arms ammunition.....	17,800
Mortar rounds.....	2,006
Mines.....	116
Grenades.....	200
Small rocket rounds.....	541
Recoilless rifle rounds.....	1,090
Rice (pounds).....	58,000
Man months.....	1,276
Bunkers/structures.....	171

Binh Tay I—Base Area 702

Enemy KIA.....	227
POW's.....	17
Individual weapons.....	803
Crew served weapons.....	23
Small arms ammunition.....	36,682
Grenades.....	626
Small rocket rounds.....	727
Recoilless rifle rounds.....	123
Mortar rounds.....	2,715
Mines.....	64
Rice (pounds).....	1,200,000
Man months.....	26,400
Bunkers/structures destroyed.....	1,180
Live stock (head).....	1,079
Boats.....	40

Binh Tay II—Base Area 701

Enemy KIA.....	38
POW's.....	3
Individual weapons.....	222
Crew served weapons.....	114
Small arms ammunition.....	58,200

Small rocket rounds.....	823
Recoilless rifle rounds.....	36
Mortars.....	386
Rice (pounds).....	104,000
Man months.....	2,288
Bunkers/structures destroyed.....	284

Cuu Long I—Base Area 704/709

Enemy KIA.....	622
POW's.....	81
Individual weapons.....	712
Crew served weapons.....	112
Small arms ammunition (rounds).....	25,000
Small rockets.....	500
Mortars.....	414
Vehicles.....	7
Rice (pounds).....	30,000
Man months.....	660
U.S. KIA.....	6

Cuu Long II—Base Area 704

Enemy KIA.....	452
POW's.....	35
Individual weapons.....	320
Crew served weapons.....	65

Terminated operations—Operation Rock Crusher IV and Operation Tia Chop

Enemy KIA.....	1,468
POW's.....	270
Individual weapons.....	1,290
Crew served weapons.....	184
Small arms ammunition.....	92,620
Grenades.....	349
Mines.....	161
Mortar rounds.....	683
Large rocket rounds.....	365
Smaller rocket rounds.....	2,405
Recoilless rifle rounds.....	515
Bunkers/structures destroyed.....	355
Rice (pounds).....	382,000
Man months.....	8,404
Vehicles.....	3

Mr. HANSEN. I thank the distinguished Senator for yielding.

Mr. BENNETT. The President then told us:

I am, therefore, tonight announcing plans for the withdrawal of an additional 150,000 American troops to be completed during the spring of next year. This will bring a total reduction of 265,500 men in our Armed Forces in Viet Nam below the level that existed when we took office 15 months ago.

It is a common fact, Mr. President, that after the fall of Prince Sihanouk, Communist forces began to operate over a wider area in Cambodia, and the sanctuaries in Cambodia became a major threat to the Allies and to the entire Vietnamization effort. Also, it became apparent that Communist supply lines and the sanctuaries in Cambodia came close to becoming linked together from the Ho Chi Minh Trail to the sea. Such a threat was intolerable to the Allies. It threatened not only the Vietnamization program, but also the lives of American soldiers. Therefore, the President wisely decided that if he were to continue his withdrawal of American troops, he could not jeopardize the remaining forces by allowing the sanctuaries to expand as even more effective bases for Communist operations.

The President has been widely criticized, and many are saying that because the sanctuaries will be used again after the allies withdraw across the border, our action is futile. To me, that is an incorrect assessment. The President made his move at a critical hour. At a reasonably small risk, American and South Vietnamese forces have captured

great amounts of Communist supplies, weapons, and ammunition. I would remind those who pooh-pooh the capture of these supplies, that for every bullet we lay our hands on over there, that is one less bullet that will be fired at an American or allied soldier.

These supplies, Mr. President, are the sinews of war. They are the supplies that allow the Communists to carry on—not supplies in China or Russia, but supplies in Cambodian sanctuaries. By preventing a linkup to the sea and by destroying the supplies, the President has gained between 6 and 10 months' time—valuable time, I point out, for the strengthening of the Vietnamization program for South Vietnam and its military establishment.

This program is in high gear and 10 additional months will be most useful in its overall success. We might ask, therefore, how was this time obtained. Experts have calculated that it takes 5 months for supplies to move from North Vietnam into the sanctuaries, and possibly 5 more months for them to be smuggled on a piecemeal and clandestine basis to the forward areas in South Vietnam. With the monsoon rains about to begin in Indochina, it is fairly clear that these supplies cannot move into the sanctuaries or to the forward areas for several months, and without these supplies and ammunition, the guerrillas will be greatly hampered. I personally feel that the President has made a wise choice and that events will prove it to be a masterful decision.

I would like to turn now, for a moment, to the protest movement. I strongly believe in the right of all Americans, and I underscore the word "all," to express their views on foreign and domestic issues. I believe that dissent and protest are essential ingredients in a representative government. I believe that young persons have a right to express their views to the President, to their elected representatives, and to gather together, if they choose, in mass rallies for that purpose. For my part, I have met with dozens of young Americans throughout the country during the past few weeks, as well as from my own State of Utah.

As much as I believe in the right of persons to have differing views, I also do not believe in violence, because to protest war—which is violence personified—through destructive protest is self-deception and a defeat for democracy. I also question the haphazard closing down of so many universities and colleges, because, while I believe in the right of a student to protest, I question his right to disrupt the educational process of the student who does not share his views or does not wish to protest.

Mr. President, I believe that students who want to go to school have just as much right to attend class as those who do not.

The American college student who did not participate in this latest series of protests is the forgotten American. I feel that he has been abused and poorly treated. While I believe in the right of minority protest, I caution against a practice which is rapidly growing in this country, of attempting to dictate foreign policy by vocal protests from a minority.

It would be a serious mistake for this Nation, its President, and its Congress, to formulate major foreign policy decisions based upon the principle that those who shout the loudest, the longest, and the last shall determine America's foreign policy.

As I said, I have talked to dozens of students in the past few weeks. I have listened to their viewpoints and heard their concerns. They are valid and they are meaningful—simply because it is the young who must fight the wars. I found that out in 1918, when I went into the Army in World War I at the age of 19. On the other hand, the Senate should never forget that there are over 200 million Americans in this country. While I am sure the students speak for many thousands of Americans, I question their claim that they speak for all Americans. Contrary to the notion of some protestors, the death of the "silent majority" is greatly exaggerated.

For instance, in Monday's mail I received a letter from a Utah constituent, Mrs. L. Glen Snarr, of Salt Lake City, who had this to say on the subject:

Senator WALLACE F. BENNETT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BENNETT: Although I am a member of the "silent majority"—I am getting awfully sick of having our policy set by the "noisy minority." It is most unfair that the dissenters get so much publicity on all news medias; while the rest of us go about our daily chores peacefully and quietly. They are the ones marching on the campuses and the capitol, gaining access to our Senators and Representatives, while we have to depend on a letter now and a vote in the fall. But I am sure you realize that there are a lot more of us than them. We have been silent too long. It is a shame when our nation's colleges are shut down by a few radicals who destroy public property, while the other students who wish to go to school and have paid their tuitions too, are denied the right by such a few.

I support the President 100% and hope you will not be among those who want to cut and run and cut off financial support for the Cambodian phase, which should have been carried out during the Democratic Administration. After all the North Vietnamese have been there for more than five years playing "King's X." It is the smartest and most lucrative thing that has been attempted in this war to date. Everybody wants to get out but the way to get out quickest and best is to support the President's present plan instead of hindering every possibility at home (which some in Congress are doing) with much consolation to Hanoi and the whole Communist world. I am happy that so far you have not been one of these.

I am so pleased that we have a President and Vice President with so much backbone.

Also in the Gallup poll of a week ago, President Nixon's popularity jumped from 53 to 57 percent after he made his Cambodian announcement. The initial poll taken by the Gallup organization showed that 51 percent approved the President's handling of the Cambodian situation while 35 percent disapproved. All of us in the Senate should be aware that we are living in very emotional times and letterwriting campaigns are becoming very common, particularly those inspired by some central focus of influence. I have never been one to put the pro mail

on a scale opposite the con mail and vote accordingly. However, obviously some persons in this country seem to think that this is the way the system works. Why else would I receive some 20 letters addressed to my home, all containing the same postmark from a city in upstate New York, and all addressed in the same handwriting and containing the same number on the metered stamp.

Frankly, I think we should be careful in gaging public reaction and not give the so-called protest movement more credence than it actually deserves.

However, I must quickly add that I do not fault the protesters or the letter-writers against the war. I fault the silent majority. Yes, the silent majority who, frankly, are allowing the protesters to have free reign in the Halls of Congress and in the mails and on the Western Union wires. I realize that most of the silent majority are out working for a living, or are studying for a better grade in the colleges that remain open.

However, I feel that the time has come for that silence to be broken. It is time to begin flooding Congress and the President with letters, wires, and calls of support. Heaven knows, I do not want to burden our offices with any more mail than we already have, but the time has come to break down the walls of "silence" on the part of the silent majority, and let their views be known.

The time has come to follow Mrs. Snarr's example.

Fortunately, the silent majority is beginning to come forward in several areas. We have all seen the recent advertisements of support in the Washington newspaper and in the rest of the country.

An excellent example of the ripping away of the silence came to my attention on Sunday, May 10, 1970, in the Salt Lake Tribune, where a total of 443 University of Utah students signed an advertisement which reads as follows:

This Ad serves notice to all that the Silent Majority has had enough!

As students of the University of Utah in Salt Lake City, we wish to make it absolutely clear that we do not support—in fact we resolutely oppose—the loud and disruptive activities of those self-styled "patriots of the New Left" who think that the calling of a general strike or the takeover of a University are the only ways in which change can be wrought in America today.

We believe in America, and we believe in the democratic processes and the institutions of government established among us.

We recognize that no society is without its problems, but we do not believe that our government and our society are inherently unresponsive to the problems that exist among us. We believe, rather, that the lines of communication can and must be maintained between young and old, rich and poor, black and white, and between the governors and the governed, and that through rational discussion and legitimate methods, order can be preserved and grievances remedied. To these ends we remain firmly and irrevocably committed.

Paid Political Advertisement by: Jeff M. Bingham, University Village; Craig L. Jensen, Dale L. Van Wagoner, Salt Lake City, Utah.

I welcome this approach which came from the pocketbooks of Utah's students.

As I said, this advertisement was writ-

ten by 443 students of the University of Utah. Earlier 75 students had to be arrested when they attempted to take over the administration building; 443 is six times as much as 75.

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

Mr. BENNETT. I yield.

Mr. GRAVEL. Mr. President, I wonder if the Senator can enlighten me on why the students are protesting. What would be the substance behind their disagreement?

Mr. BENNETT. Mr. President, I am sure the Senator from Alaska has met many of the students. There are many reasons. But I think that the fundamental reason is that they see the draft beginning to creep up on them. They have had deferments as students, and they see under the President's new draft program that those deferments may disappear.

Mr. President, I do not like war any more than anyone else. As I say, I got into it when my turn came. President Nixon did not get us in the war. He is doing a pretty good job of getting us out—more than his predecessors had done.

I am inclined to think that the protest is a little late and that it reflects both a national revulsion against war and a personal realization that their involvement in the war may be getting closer.

Mr. GRAVEL. Then, if there is revulsion against this war and the youth are against the draft, the inference is that the youth today are more cowardly than the youth of the prior generation.

Mr. BENNETT. Mr. President, I think that some of them may well be, but only each individual protestor can answer that for himself. But I think that the people who are engaged in this protest represent a very small percentage of the total youth of their age group, as is certainly demonstrated by the situation in the universities and colleges in my State.

Mr. GRAVEL. Mr. President, let us suppose that the protest represents the views of the majority of the youth of this Nation. Is it not odd that, of the people who will inherit the legacy that we of the prior generation will leave—since we are fighting the war for freedom from communism—the major segment of our young population revolts against that policy.

Mr. BENNETT. Mr. President, the Senator included in his supposition one fundamental proposition that I cannot accept. That is the supposition that the majority of the youth take this position.

It is equally hard for me to understand the attitude of the typical hippie, probably the product of an affluent family, who will sooner or later have the responsibility of maintaining that affluence, in turning his back on those values and goes out in the world of drugs and self-delusion.

I think this constitutes a small majority. I think that most of the youth of the United States are just as sound as their parents and their grandparents were.

Mr. GRAVEL. Then, how does the Senator account for the fact that the youth by and large constitute the only vocal groups really giving testimony on any large scale against the expansion of the war in Cambodia?

Mr. BENNETT. Mr. President, the Senator and I know that people who have faith in what is going on, even though not satisfied with events, have no personal reason for getting stirred up. And they do not get stirred up.

So, I think that the phrase the "silent majority" is very valid and that it represents not apathy so much as an expression of faith in the process that is now being used to try to resolve our problems.

Mr. GRAVEL. Mr. President, I submit that from my observations the youth have lost faith in the process. And that is the reason why they are protesting.

Mr. BENNETT. Mr. President, I submit that a very small percentage of the youth has lost faith, and not the majority.

The Senator and I have no way of counting noses. But in my State, I am sustained by the fact that in our three institutions of higher learning, with a total student population of 70,000 or more, there have only been 75 students of one institution who have attempted to follow the pattern established here in the East and take over the institution.

By the way, they did the institution a great favor. They felt that they had to burn something down symbolically. So they chose to burn down a building that the institution had abandoned and had decided to wreck. They saved the college \$9,000. But they had their symbolic experience of setting fire to something on the campus.

Mr. GRAVEL. Mr. President, was the distinguished Senator from Utah present in Washington at the time of the moratorium on November 15?

Mr. BENNETT. Yes; I was.

Mr. GRAVEL. The newspapers reported that about 90,000 young people were in attendance at this moratorium and that the amount of violence that took place was due to the action of about 250 people.

The Senator made much of the fact that the youth are burning down buildings and the like. May I submit that there might exist within the silent majority a very large student majority which comes forward and protests, but in very peaceful fashion.

Mr. BENNETT. Mr. President, the students from the University of Utah who came to see me came peacefully. There is no doubt about that.

I cited that incident because I think this is the kind of symbolic gesture that some of these people feel that they have to carry out.

I was present also in Washington during the big rally a couple of weeks ago. And I have the impression that most of those who were there got as bored as I did with the repetitive speeches, including the obscenities, which said the same thing over and over again.

I think that could be described as a happening that was the stylish thing.

It showed that one was concerned without getting involved too deeply.

And I have the impression also that this manifestation of dissent is on the way down and not on the way up. I think that it has peaked and is now going out.

Mr. GRAVEL. Mr. President, I wish I could share that confidence. I have the opposite view. I think that it is on the way up and that it is a very dangerous thing.

Mr. BENNETT. Mr. President, time will tell.

Mr. GRAVEL. Very much so. Perhaps time will tell.

Could the Senator elaborate further on this matter? If we are victorious in wiping out these sanctuaries that have caused us trouble because of the guerrilla activity the Senator says we have experienced there and the Senator said earlier that we would gain about 9 months' time, what would happen at the end of that 9 months' time? What would be the positive gain that we would have accomplished?

Mr. BENNETT. Mr. President, I do not have the kind of mind that can project exact events. But I think that there are these possibilities.

We have 9 months in which the Vietnamese Army can improve its capacity to protect itself.

We have 9 months in which Russia and China can take stock of their situation and evaluate the value to them of continuing this conflict.

We have captured or destroyed large volumes of supplies that will be costly in terms of lives, money, and time to replace.

We have 9 months in which representatives of the other free nations of Southeast Asia, who met in Jakarta last week, can consider whether or not they want to expand their relationship into one of military support for each other, and thus move in to help take the burden off of us. Many things can happen in 9 months.

Mr. GRAVEL. Suppose what happens will be what happened in the last 5 years; that is, all the other nations of Southeast Asia will not use their economic muscle in connection with South Vietnam, and the situation will remain the same and we will continue to withdraw troops. Then where is the net gain as far as the goal attained with respect to our taking people out of South Vietnam?

Mr. BENNETT. In the first place, I do not think the last 5 years can be compared with the present situation, because now the North Vietnamese have deliberately and openly involved the Cambodians. I think this has created greater pressure on the Thais, who have been involved in minor guerrilla warfare, but who see the North Vietnamese taking over South Vietnam.

History does not stand still and I think there is a very good chance that the events of the next 9 months might lead us closer to a resolution of this program. In the meantime, we have weakened the capacity of the enemy to make war because we have destroyed a substantial amount of his supplies and rendered useless, even if temporarily, this hide-

away, this sanctuary, this safe haven to which he could run. He may be able to build it up again but 9 months is a long time to be without those supplies.

Mr. GRAVEL. The Senator makes mention of the existence of guerrilla activity in Thailand. Would it not seem logical, since we have gone into Cambodia to take away some of the sanctuaries, to move into Thailand, and to hit some of those sanctuaries which are becoming active?

Mr. BENNETT. Those sanctuaries cannot be used against us because there is no common border with South Vietnam.

Mr. GRAVEL. They can be used in connection with Cambodia.

Mr. BENNETT. The President said we will be out of Cambodia by the end of June, and I am willing to wait until the end of June to see if he lives up to that program.

Mr. GRAVEL. Suppose we begin to get unsuccessful in Cambodia. Do we cut and run, as the Senator has said, or do we expand our activities to protect the goals we created?

Mr. BENNETT. The Senator and I may be good Senators, but we cannot predict the military situation at any time between now and the end of June.

It may be that the President would have to tell the country his program has not worked and he has a new program to take its place. This has happened before with other Presidents. I do not think the end of the world is coming at the end of June; and I cannot guess what all the options of the President may be, or try to limit them.

Mr. GRAVEL. One has to examine the options as I have examined the options in order to support or not support. If support means entrapment and that I no longer have control at the next decision-making process, then I do not favor that option.

Mr. BENNETT. The Senator does not know it means entrapment and neither do I. I have been in the Senate ever since the Vietnam program developed. I supported and took on faith the decision of President Kennedy to go in. I supported President Johnson during the period when he was escalating the number of troops that went in. I did not sit down to try to second guess him and say, "If you do so-and-so, I will not support you or if it turns out this way." I think we in the Senate should give the same faith, confidence, and opportunity to the Republican President that all of us gave the Democratic Presidents, who from my point of view largely led us into the present situation.

Mr. GRAVEL. I have been in the Senate for only 16 months, and on every action of the President where I am involved, I will reexamine it and oppose it if I think it needs to be opposed and support it if I think it needs to be supported. I think his program in Cambodia needs opposition. It expands the war and leaves us in an untenable position. I hope we exercise our duty to see what can come about as a result of his program.

Mr. BENNETT. I feel the President's move is a logical move and a tactical

step in his program to make it safe to remove that additional 150,000 people.

Mr. GRAVEL. Would it not be safer to wage an efficient war? I feel we have placed our military in an uncompromising position. I think there is no way they can adequately defend themselves.

The nature of the business is one of victory. If we truly want victory, we can purchase that victory; if we want to win it militarily, we can win it.

Mr. BENNETT. That option was taken from us diplomatically years before President Nixon came into the White House.

Mr. GRAVEL. If that is so, he erred in seeking a military solution when he should have sought a diplomatic solution.

Mr. BENNETT. This is not a solution but a logical step in a series of military activities.

There is an old saying with which I am sure the Senator is familiar. There used to be talk about Communists having a program of two steps forward and one step backward. I think the President is reversing it and is taking one step in order that perhaps he can take two steps backward in moving toward ultimate withdrawal.

Mr. GRAVEL. I think certainly the goal is there but I agree with the Senator that time will determine the logic.

Mr. BENNETT. I thank the Senator.

Mr. FONG. Mr. President, will the Senator from Utah yield to me?

Mr. BENNETT. I yield.

Mr. FONG. Mr. President, although I was unable to be in the Chamber to hear the Senator's entire statement, I heard the last portion of his statement and I have read the first portion. I commend my colleague for the tremendous service he has rendered the American people by putting the Cambodian action and the Vietnam war into proper perspective.

The Senator has reminded all of us that in every war the American people have been guided by three principles and that these principles prevail today. The distinguished Senator from Utah has made a very courageous and timely address which I hope all of our colleagues will read and heed. I commend the Senator for his fine address.

Mr. BENNETT. I thank the Senator.

Mr. President, in summary, I again restate my support of President Nixon's action. I am pleased that there is growing support for his foreign policy decisions of the past 3 or 4 weeks and I, for one, think that in the end his action will be well justified and hailed as a success. I think that the present attempts by Congress to tie the President's hands are grossly unfair not only to him but also to our fighting men overseas. I, for one, do not want to go down in history as having voted to cut off arms and ammunition, supplies and materiel, funds, wages, and support for our fighting men in the rice paddies of Indochina.

If the Cooper-Church amendment comes before us without acceptable modification I shall vote against it. I hope it will be possible for those with both points of view who are sincerely concerned about this problem to develop an adjust-

ment of these two points of view in the American tradition so that every Member of the Senate can vote for it.

I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 12878) to amend the act of August 9, 1955, to authorize longer term leases of Indian lands at the Yavapai-PreScott Community Reservation in Arizona.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 11372) to amend the act entitled "An act to authorize the partition or sale of inherited interests in allotted lands in the Tulalip Reservation, Washington, and for other purposes," approved June 18, 1956 (70 Stat. 290).

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 12941) to authorize the release of 4,080,000 pounds of cadmium from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15021) to authorize the release of 40,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15831) to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15832) to authorize the disposal of castor oil from the national stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15833) to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed

managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15835) to authorize the disposal of magnesium from the national stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15836) to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15837) to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15338) to authorize the disposal of shellac from the national stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15839) to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15998) to authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16289) to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16290) to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16291) to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16292) to authorize the disposal of corundum from the national stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16295) to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16297) to authorize the disposal of molybdenum from the national stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

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

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.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. FONG. Mr. President, I am opposed to the third committee amend-

ment, which includes the so-called Cooper-Church amendment, primarily because if enacted the Cooper-Church language would endanger the more than 400,000 American troops ordered to duty and now serving our country in South Vietnam.

I am as concerned as any other Member of this body about the risk involved in the President's decision to clear out the enemy sanctuaries in Cambodia.

I am as concerned as any Member of this body about the constitutional prerogatives of the Congress and the constitutional prerogatives of the President.

But, today, we are not debating whether Congress should authorize our troops to be ordered into Cambodia. We are faced with the fact that they have been ordered there and that thousands of Americans are presently in Cambodia as well as Vietnam.

At such a time and in such circumstances where the lives of more than 400,000 Americans as well as millions of South Vietnamese people are at stake, the Senate of the United States should take no action that would jeopardize our forces under fire.

It is my firm belief that the Cooper-Church amendment would indeed jeopardize American men now in Southeast Asia.

Let us examine what the Cooper-Church amendment would do.

The first provision of the amendment provides that—unless specifically authorized by law hereafter enacted—no funds may be spent to retain U.S. forces in Cambodia.

The Senate Foreign Relations Committee report states that this provision "will prevent the indefinite presence in Cambodia of U.S. forces in Vietnam which are now there to engage in actions against Vietcong and North Vietnamese forces and bases—and would also prohibit the sending of U.S. personnel into Cambodia as advisers to South Vietnamese military units."

The President has assured us that all U.S. forces will be out of Cambodia by July 1.

I believe the President has every intention of fulfilling his scheduled withdrawal from Cambodia.

By adhering to his announced schedule the President will not only be keeping faith with the American people and the U.S. Congress, but he will also be establishing his credibility with the entire world, including the enemy.

As the President of the United States is our one and only Commander in Chief and as the President of the United States is the only officer who can conduct foreign relations, this credibility is crucial to expediting an end to the war, expediting an end to U.S. combat involvement, and expediting negotiations toward a just peace.

If the Senate adopts this amendment, the Senate of the United States will be saying not only to the President but to the entire world that it doubts the President's credibility.

Mr. President, I repeat. If the Senate adopts this amendment, the Senate of the United States will be saying not only to the President but to the entire world that it doubts the President's credibility.

In defiance of traditional American fair play, the Senate will be doubting the President's credibility on Cambodia long before the President has had the opportunity to establish his credibility.

I repeat. The Senate will be doubting the President's credibility on Cambodia long before the President has had the opportunity to establish his credibility.

It is traditional that U.S. Senators do not doubt the credibility of their colleagues. Yet some of them are apparently willing to go on record doubting the credibility of their President.

Mr. President, I shall not be a party to undermining the credibility of the President before the President has had an opportunity to fulfill his pledge to the American people.

Let us give him the opportunity to fulfill his pledge. This is the least we should do.

I simply cannot comprehend how those who support the Cooper-Church amendment can justify to the American people why they would be willing to undermine the credibility of the President—the only American who can negotiate peace—at this critical time.

Now let us look at the second provision of the Cooper-Church amendment. It provides that—unless specifically authorized by law hereafter enacted—no funds may be spent to pay the compensation or allowances of, or otherwise support directly or indirectly, any U.S. personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces.

The Senate Foreign Relations Committee report states that this language is designed "to prevent (A) involvement by U.S. personnel, military or civilian, in combat activities in support of Cambodian forces, and (B) any U.S. personnel from providing military instruction to Cambodian military forces."

I would be the last person to want to see American forces bogged down in any quicksand in Cambodia.

On the other hand, the Senate of the United States should at this time be extremely wary of enacting a provision which could conceivably hamper the President in his efforts to protect our American troops temporarily in Cambodia, our American troops scheduled to be withdrawn from Vietnam, and our American troops who would still remain in South Vietnam.

Suppose Cambodian forces were striking an enemy base in Cambodia from which the enemy was attacking U.S. forces in Vietnam. Does the Senate of the United States want to prohibit any American from helping Cambodian forces trying to prevent the enemy from killing American troops?

I simply cannot comprehend how those who support the Cooper-Church amendment can justify to the American people their proposal to deny assistance to Cambodia even if Cambodia is helping our troops.

The third provision of the Cooper-Church amendment also provides that—unless specifically authorized by law hereafter enacted—no funds may be spent to enter into or carry out any

contract or agreement to provide military instruction in Cambodia or to provide persons to engage in any combat activity in support of Cambodian forces.

According to the Senate Foreign Relations Committee report, this language is "intended to prohibit any U.S. financed contracts or agreements which provide for persons, other than American personnel, to engage in combat in support of Cambodian forces or to provide military instruction in Cambodia. It would prohibit the United States from doing indirectly what cannot be done directly because of the restriction in subparagraph 2. It would, for example, prevent the United States from paying for the service of mercenaries or others who, without this provision, could be brought in to aid the Cambodian forces."

Suppose again, Cambodian forces were striking an enemy base in Cambodia from which the enemy was attacking U.S. forces in Vietnam. Does the Senate of the United States want to prohibit any American or any other person from helping Cambodian forces trying to prevent the enemy from killing American troops?

Mr. President, it is a good thing for the American people that France did not have a similar prohibition against assistance to our American revolutionary forces under Gen. George Washington.

Now let us look at the remainder of the Cooper-Church amendment. I ask unanimous consent that the entire text of the amendment be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. FONG. The fourth and last subparagraph of the Cooper-Church amendment provides that—unless specifically authorized by law hereafter enacted—no funds may be spent to conduct any combat activity in the air above Cambodia in support of Cambodian forces.

The Senate Foreign Relations Committee report gives no explanation of this subparagraph. But we might well question what would happen in the event Cambodian forces were attacking the enemy's sanctuary from Cambodia and U.S. forces were attacking the same sanctuary from the border of South Vietnam. Under the terms of this language, would any combat activity in the air above Cambodia be prohibited because it might be partly in support of Cambodian forces although mainly in support of U.S. forces?

Shall the Senate deny our American forces air support in combat just because that might support Cambodian forces in the same battle?

Mr. President, to ask such a question reveals the hazards of the Senate of the United States trying to set forth battlefield rules and regulations while our American troops are on the battlefield.

The Senate of the United States is in no position to direct battlefield operations.

I repeat, Mr. President, the Senate of the United States is in no position to direct battlefield operations—even if the Senate were unanimous, which it obviously is not.

This being true, then it follows as night follows day that where the safety of American men in battle is concerned, the Senate of the United States, indeed the entire Congress, should leave to the Commander in Chief and to his field commanders every option to protect our men.

The Senate of the United States is in no position to anticipate every situation, every contingency, every confrontation in a war.

We do not know what the enemy will try to do. But we do know he has been very resourceful, very flexible, and very clever so far.

When he cannot win big battles, he reverts to guerrilla war, harassment, terrorism, and small engagements.

When he finds out he cannot protect his forces inside South Vietnam, he takes refuge in sanctuaries in Cambodia and Laos.

To tie the hands of our Commander in Chief and our troops in the field under his command by legislative enactment, which could be changed only by another legislative enactment, could leave our troops at the mercy of a clever and resourceful enemy who is backed by one of the world's super powers and also by one of the world's most belligerent regimes.

For too many years the enemy has had a tremendous advantage on his side.

He could hit our boys and he could hit the cities of South Vietnam, then run back across the border where he knew no fear of pursuit. Such immunity enabled the Vietcong and the North Vietnamese to build up enormous supply and equipment arsenals.

Great quantities of the weapons and ammunition for enemy forces fighting in nearly two-thirds of South Vietnam have been coming through Sihanouville or one of the Cambodian beaches to these base sanctuaries along the Cambodian border.

These bases have not only been there to receive supplies from Hanoi, Peking, and Moscow, but they have also been very valuable areas from which the Vietcong and North Vietnamese could obtain Cambodian fish and rice to feed their troops.

Supplies are the lifelines for the enemy operating out of Cambodia.

If the enemy can insure the availability of these supply lines and the use of Cambodia as a sanctuary, he can continue the war almost indefinitely.

Mr. President, I repeat: Great quantities of the weapons and ammunition for enemy forces fighting in nearly two-thirds of South Vietnam have been coming through Sihanouville or one of the Cambodian beaches to these base sanctuaries along the Cambodian border.

These bases have not only been there to receive supplies from Hanoi, Peking, and Moscow, but they have also been very valuable areas from which the Vietcong and North Vietnamese could obtain Cambodian fish and rice to feed their troops.

Supplies are the lifelines for the enemy operating out of Cambodia.

If the enemy can insure the availabil-

ity of these supply lines and the use of Cambodia as a sanctuary, he can continue the war almost indefinitely.

The Cooper-Church amendment will assure the enemy he can use Cambodia as a sanctuary and continue to hit us again and again without fear of retaliation. It telegraphs to the enemy in the plainest possible language:

Come on in, hit our troops. We have prohibited our men from chasing you into Cambodia and we have prohibited our men from fighting you in your sanctuary.

If, however, the enemy cannot be sure he will be safe inside Cambodia near Vietnam—he will be forced to think twice about reestablishing his bases close to the border.

If, however, the enemy cannot be sure he will be safe inside Cambodia near Vietnam, he will be forced to think twice about concentrating his men and his supplies in a relatively small number of bases as he has done in the past.

If, however, the enemy cannot be sure he will be safe inside Cambodia near Vietnam, he will be forced to think twice about whether he can risk the loss—again—of large amounts of weapons and ammunition and food.

His resources are limited, and his losses so far in the Cambodian operation have been substantial.

Last Thursday, the distinguished Senator from Mississippi (Mr. STENNIS), who is chairman of the Senate Committee on Armed Services, reported on the supplies which South Vietnamese and American forces had captured according to the latest available figures at that time furnished by the Secretary of Defense.

The Secretary said in his statement to Senator Stennis that "more than 7,000 rifles and 1,000 crew-served weapons; that is, mortars and machine guns have been captured, along with more than 8 million rounds of small arms ammunition, which would have supplied 20 battalions for upwards of a thousand battalion-size attacks."

In addition, the statement declared "food supplies located so far comprise almost 5 million pounds of rice, the basic food for Southeast Asia. This rice would have fed the entire enemy force in III and IV Corps in South Vietnam for 5 months."

In reporting that 22,000 mortar and rocket rounds had been found, the Secretary of Defense in his statement pointed out "this amount of munitions would have supplied about 3,000 fire attacks in South Vietnam of the same intensity that the enemy has been conducting in recent weeks—about seven rounds per attack."

In addition, as of last Wednesday, nearly 3,300 enemy bunkers had been destroyed. These are the enemy underground chambers, heavily constructed, permanent type which have been so well hidden from the air that they could have only been uncovered and destroyed by the current ground action of U.S. and South Vietnam forces.

More than 1,000 landmines were captured—the scourge of our troops. Mines are hidden in the bushes, in the jungle,

in the swamps, triggered in all sorts of ways. These captured landmines will not now go off to kill, injure, and maim American men and South Vietnamese.

The latest figures as of 8 a.m. today show the following arms and supplies captured so far in the Cambodian operation:

Individual weapons.....	9,613
Crew-served weapons.....	1,608
Bunkers, structures destroyed..	5,853
Machine gun rounds.....	(7,812,464)
Rifle rounds.....	(3,802,256)

Total small arms ammunition (rounds)	11,614,720
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Grenades	7,065
Mines	1,884
Satchel charges.....	500
Miscellaneous explosives (in pounds)	72,000
Antiaircraft rounds.....	159,047
Mortar rounds	20,363
Large rocket rounds.....	972
Smaller rocket rounds.....	16,697
Recoilless rifle rounds.....	13,627
Rice (in pounds) (Man months—159,148)	7,234,000
Vehicles	215
Boats	40
Generators	36
Radios	169
Enemy killed in action.....	7,026
Enemy POW (includes detainees)	1,731
U.S. killed in action.....	162
ARVN (South Vietnamese) killed in action.....	380

Mr. President, I ask this question: Why were these supplies in Cambodia?

There is only one answer. Whatever the misunderstanding about the Cambodian operation, there can be no misunderstanding whatsoever about the purpose of the weapons and ammunition stockpiled by the Vietcong and the North Vietnamese in Cambodia.

They were there for use against American men and South Vietnamese troops and civilians.

I repeat, Mr. President. Why were these supplies in Cambodia?

There is only one answer. Whatever the misunderstanding about the Cambodian operation, there can be no misunderstanding whatsoever about the purpose of the weapons and ammunition stockpiled by the Vietcong and the North Vietnamese in Cambodia.

They were there for use against American men and South Vietnamese troops and civilians.

Now that our troops and the South Vietnamese forces have captured these weapons of war and these food stocks, we at least know that these guns and these bullets cannot be used against American men or against ARVN troops or civilians in South Vietnam.

Who here can say that this action is wrong in safeguarding the lives of our American men?

We know that the devastating Tet offensive of February 1968 was launched from the enemy's sanctuaries in Cambodia.

Does the Senate of the United States want to invite a second Tet offensive?

I do not.

I know my colleagues do not.

But we will almost surely invite another Tet offensive if the Cooper-Church amendment is adopted as it is.

Yes, Mr. President, I am concerned about the constitutional prerogatives of the Congress and the constitutional prerogatives of the President. I am concerned about the erosion of congressional power, particularly over the past 40 years as our various Chief Executives have exercised vast and far-reaching powers.

Mr. President, I am also terribly concerned about the American men in Southeast Asia.

I am terribly concerned about our troops that are in Vietnam—more than 400,000 American men.

Mr. President, is the Senate of the United States going to say to those 400,000 American men, "Sorry, boys—mighty sorry—very sorry—as far as we U.S. Senators are concerned, the enemy can rebuild his sanctuaries as fast as he can. Then he can fire his mortars and machine guns, and he can come into South Vietnam and hit you and run back to his bases in Cambodia." After all that, is the Senate then going to tell our American boys, "Sorry, boys—mighty sorry—very sorry—as far as we U.S. Senators are concerned, you cannot go after him or destroy his war machines in Cambodia."

Whatever else other Senators may decide to do, and I respect their right to their views, the Senator from Hawaii does not intend to jeopardize the lives of 400,000 American men by voting for the Cooper-Church amendment.

Mr. CHURCH. Mr. President, I have listened to the Senator's remarks as they have become increasingly expansive and, I must say, I take issue when he characterizes this amendment as—

The PRESIDING OFFICER (Mr. SCHWEIKER). Does the Senator from Hawaii yield to the Senator from Idaho?

Mr. FONG. Mr. President, I will not yield at this time. I should like to finish my prepared statement, and then I shall be happy to yield at that time, and I will answer any questions and enter into colloquy with the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Hawaii will continue.

Mr. FONG. Mr. President, my eldest son served in South Vietnam with the U.S. Army from 1967 to mid-1968. He knows what it is to be hit by the enemy and not be able to hit him back because the enemy fled to his Cambodian bases, safe from U.S. attack.

For 5 years, the United States and South Vietnam honored Cambodia's official neutrality. And our boys and the South Vietnamese had to take terrible punishment because of it.

In the Hawaii House of Representatives, of which my son is an elected member, he recently said in a debate on the Cambodian issue, that nothing was more frustrating than to be in his bunker and have the enemy attacking. Yet our boys could not attack the enemy bases just over the line into Cambodia.

For years the enemy has been safe in these Cambodian bases, which we all

know were huge arsenals from which they were able to prolong the war and keep killing more Americans and more South Vietnamese.

Now, if the Senate passes the Cooper-Church amendment, the Senate would be telling the enemy, "Go ahead. Rebuild those bases. You'll be safe once more. We in the Senate have made sure neither our ground troops nor South Vietnamese ground troops can attack you there, even in self-defense, even in time-honored hot pursuit."

If the enemy can rebuild the Cambodian bases in 8 or 10 months, he would be sitting pretty under these terms, while our own American troops—some 300,000 to 440,000 in the coming year—would be sitting ducks, thanks to the Senate of the United States.

Since some of our troops are in Cambodia at the present time, I believe we would be grossly negligent and irresponsible if we did not provide for the possibility that their survival may depend on hitting nearby enemy bases in Cambodia.

We would be grossly negligent and irresponsible if we did not allow for the possibility—however remote—that some of our men could still be in that country when this legislation became law.

As I read this amendment, it means that American soldiers delayed for whatever reason in Cambodia after the projected withdrawal would not even be paid or supplied with food or ammunition for fighting on Cambodian soil through no fault of their own. Their families would lose their monthly allotments. And, as I understand it, if they were killed, their widows and surviving children probably would not be entitled to any survivor benefits.

As I read this amendment, it means, "Mr. President, you may not use our Air Force to provide assistance to any American soldiers caught in Cambodia."

I ask my colleagues, suppose your son were there, or your grandson, or your neighbor, or your friend. Would you be willing to leave them without air support to help protect them or to rescue them?

As I read this amendment, it means that our troops could not give "hot pursuit" to the enemy who attacks one of our bases, simply because he fled back into his Cambodian sanctuary.

As I read this amendment, it means that American troops cannot take all necessary defensive actions to protect themselves while our country is progressively reducing its military personnel in Vietnam.

Those who support this amendment should answer to our troops for their failure in this amendment to give American men the options for their self-defense.

Mr. President, neither President Nixon nor our brave fighting men in Indochina are to be blamed for the presence of over 400,000 Americans there.

Neither the President nor our brave fighting men in Indochina are responsible for the decision that eventually led to half a million American soldiers being present in Southeast Asia.

Mr. President, I repeat. Neither Presi-

dent Nixon nor our brave fighting men in Indochina are to be blamed for the presence of over 400,000 Americans there.

Neither the President nor our brave fighting men in Indochina are responsible for the decision that eventually led to half a million American soldiers being present in Southeast Asia.

But since we are there and since the President of the United States has taken action to disengage our forces from Vietnam at a reasonable and realistic rate, is it not incumbent upon Congress to give all the support the Commander in Chief and his men need while American troops are being removed from South Vietnam?

I repeat, since we are there and since the President of the United States has taken action to disengage our forces from Vietnam at a reasonable and realistic rate, is it not incumbent upon Congress to give all the support the Commander in Chief and his men need while American troops are being removed from South Vietnam?

I, for one, will not support an amendment that could possibly put our fighting men in great danger without allowing them all the assistance they may need to survive.

Mr. President, I do not deny that it may be proper sometime in the future for the Congress to consider imposing congressional restraints and control on the President in the matter of undeclared wars, police actions, or any other circumstances which may appear and in which we might find ourselves involved.

However, the present time seems to be the worst possible time to raise this question, especially when we are engaging in a most important—and so far very successful—military action designed to save American lives.

The Senate of the United States should not add to the risks of the present operation.

I repeat, Mr. President, I do not deny that it may be proper sometime in the future for the Congress to consider imposing congressional restraints and control on the President in the matter of undeclared wars, police actions, or any other circumstances which may appear and in which we might find ourselves involved.

However, the present time seems to be the worst possible time to raise this question, especially when we are engaging in a most important—and so far very successful—military action designed to save American lives.

The Senate of the United States should not add to the risks of the present operation.

The President authorized the actions against the North Vietnamese sanctuaries in Cambodia because he saw them as part of the South Vietnamese battlefield. As such, he has the great responsibility of making sure that the American troops who are left in Vietnam for the time being are not threatened by any major offensives from the Cambodian sanctuaries.

Critics of the President's action to defuse and minimize the threat from the North Vietnamese sanctuaries in Cam-

bodia are using this latest defensive measure to accuse our Commander in Chief of expanding the war into another country.

Mr. President, we are not engaged in a war against the Cambodians.

We are not challenging the Government of Cambodia.

We are not contesting the armed forces of Cambodia.

As a matter of fact, Mr. President, the territory we are in has not been occupied or controlled by the Government of Cambodia during recent years.

In Cambodia, we are attacking the same enemy that we are fighting in South Vietnam.

We are fighting the enemy on ground that he, and not the Government of Cambodia, has occupied and controlled during recent years.

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We are fighting the enemy on ground that he, and not the Government of Cambodia, has occupied and controlled during recent years.

Under the Cooper-Church theory, allied forces should never have invaded occupied France to get at the German Nazis in World War II.

A look at the map of South Vietnam shows how our troops could be caught in a pincer squeeze by an enemy attack through the DMZ and an enemy attack along the Cambodian border, particularly in the Mekong Delta area of South Vietnam where the greatest enemy buildup was occurring.

The enemy has been setting up a flanking movement against our troops and the South Vietnamese, which if followed by encirclement and siege, could pound our troops and drive them to the sea. Such a tactic was used successfully against the French at Dien Bien Phu. It was used against American forces at Khe Sanh in early 1968. It failed then, but could be used successfully as more U.S. forces are withdrawn from South Vietnam.

Because our forces in Vietnam are being thinned out, it is all the more imperative that our remaining forces not be exposed to possible annihilation by the enemy operating from privileged sanctuaries in Cambodia.

President Nixon has stated—publicly and repeatedly—his firm determination to bring our soldiers and sailors home at the earliest possible date. When President Nixon took office in January of 1969, there were 525,000 Americans fighting in Vietnam. He has already withdrawn 115,000 men, and he has announced that another 150,000 men will be withdrawn during the coming year.

The President has kept his word on his earlier troop withdrawals. I believe he fully intends to keep his word to pull back from Cambodia by July 1 this year and to withdraw 150,000 more men from Vietnam in the coming year.

The Senate of the United States cannot run the war—only the President can.

The Senate of the United States cannot negotiate peace—only the President can.

The Senate should not, therefore, place obstacles in the way of the President who is exploring many avenues toward peace, including the limited Cambodian action.

There can be only one Commander in Chief at a time. The Senate should not try to bind and straitjacket the one and only person who can give orders to our troops and the one and only Commander in Chief we have.

I repeat, the Senate of the United States cannot run the war—only the President can.

The Senate of the United States cannot negotiate peace—only the President can.

Mr. President, I hate war. Hawaii is the only State that was attacked in World War II. I served in that war. As I said earlier, my eldest son has already served in Vietnam. He could be called back again. I have two younger sons who could be called to duty to serve in Vietnam.

I have received many letters and many visits from students who are worried about the war and worried that they may have to go to the battlefield. High school students as well as college-age students are suffering much anxiety. I know many of these young people personally. I know their fathers and mothers and grandparents. I have seen many of them grow up from infancy to manhood.

As a parent who suffered constant anguish when my own son was in Vietnam and as a parent who has two other young sons who may have to serve, I understand the anxiety these young people and their families endure.

I also know the anxieties of the families of those 400,000 men in Vietnam right now. And I know how those anxieties will increase if we limit their loved one's right to defend themselves.

I know the longing of the American people for peace.

I want peace.

President Nixon wants peace.

I want—and President Nixon wants—our American men—over 400,000 of them—who are serving under our flag in Vietnam to come home just as soon as humanly possible.

As long as they are under orders to serve in Vietnam, however, I do not propose to endanger their lives by any proposal such as the Cooper-Church amendment. There is no contingency provision in this amendment that would leave options for the protection of American troops ordered into Cambodia.

Therefore, as one Senator, I shall not be a party to a proposal that could endanger the 400,000 brave and loyal Americans who are under the enemy guns in Southeast Asia.

According to the most recent Gallup poll, 50 percent of the American people support the President's decision to wipe out the enemy sanctuaries in Cambodia. Opposing the President were 39 percent, with 11 percent undecided.

Mr. President, the people who support the President are not warmongers. They long for peace just as fervently, just as wholeheartedly, as do those who demonstrate against the war.

But the majority of the American people are not going to abandon their sons, fathers, brothers, sweethearts, neighbors, who are bearing the brunt of this war on the battlefield in Southeast Asia.

The majority of the American people recognize that our troops have been forced to defend themselves at a great disadvantage during all these years by the many restrictions placed upon the conduct of the war, including the previous ban on attacking enemy bases in Cambodia.

The American people know the risks involved in the Cambodia operation, but they also know that to allow the enemy protection in his sanctuary bases increases the danger for American troops in Vietnam.

At this crucial time the Senate of the United States should not panic, but should support the President so that we can speed the day when our men can be brought home and a just peace in Vietnam can be achieved.

Mr. President, I ask unanimous consent to print in the RECORD at this point an Associated Press dispatch today from Honolulu giving the following account of a couple who lost their son in Cambodia, and who sent a message to President Nixon supporting his policy of destroying the Cambodian sanctuaries.

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

Hours after learning their soldier son had been killed in Cambodia, Edmund and Wattle Mae Hedemann cabled President Nixon: "If we could help you make others realize that your decision is right, we stand ready to serve you."

The Hedemanns learned of their son Wayne's death the same day the local newspapers published a letter from him that said: "With this attack, Nixon is getting my vote in the next election."

Hedemann, 24, a helicopter copilot, was Hawaii's first casualty of the Cambodia campaign. He was killed May 13 while flying a combat mission.

His father, commenting Tuesday on his cable to the President, urged a reporter to "tell them—tell them all—his parents are not going to quit. Good citizens must get together and do something about how they feel."

"My son was a good American," he said. "He backed his President, it didn't make any difference if he was a Democrat or Republican."

In his last letter to his mother, Wayne wrote: "Mom, I hope everyone back home is for Nixon. Because this should have been done three years ago."

EXHIBIT 1

TEXT OF COOPER-CHURCH AMENDMENT

SEC. 47. Prohibition of assistance to Cambodia. In order to avoid the involvement of the United States in a wider war in Indo-

China and to expedite the withdrawal of American forces from Vietnam, it is hereby provided that, unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of—

(1) retaining United States forces in Cambodia;

(2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces;

(3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia or to provide persons to engage in any combat activity in support of Cambodian forces; or

(4) conducting any combat activity in the air above Cambodia in support of Cambodian forces.

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

Mr. FONG. Mr. President, I am very happy to yield to the distinguished Senator from Kansas.

Mr. DOLE. First I wish to say that I certainly appreciate being in the Chamber to hear every word uttered by the distinguished Senator from Hawaii. I think perhaps the Senator has covered two questions very well that have troubled me. I would hope that between now and the time we vote on this proposal there can be some accommodation that does not tie the hands of the President.

As the Senator stated on page 4 of his text, there is no doubt in my mind that if the Cooper-Church resolution should be adopted in its present form it would be interpreted across this land and in other lands as a direct attack on the President's credibility.

As the Senator has indicated, this is not President Nixon's war. When he took his oath of office on January 20, 1969, there were 540,000 troops in South Vietnam; and that level has been reduced by 115,500 troops.

I believe that the President's credibility is at stake in this action—perhaps not intentionally, and I do not question the motives of the sponsors of the amendment, and I have said so many times before—but there should be some accommodation where it is made very clear that there is no intent, direct or indirect, to attack the President of the United States at this very critical time.

Second, I think that on or about page 23 of the Senator's statement he has clarified another area that has been confused and clouded, again not intentionally, but that is the way it has been, about an attack on Cambodia or some invasion of Cambodia.

As the Senator has indicated very clearly, we are fighting the same enemy in Cambodia that we are fighting in South Vietnam. The enemy has occupied these areas 3, 4, and 5 years. It cannot be construed as an attack on Cambodia or as an invasion of Cambodia. We are not at war with Cambodia. As the Senator has said, we are not fighting the Cambodians.

So I share the views expressed by the distinguished Senator from Hawaii that, certainly in its present form, the Church-

Cooper resolution should not be adopted by this body. It is a direct affront to the President of the United States. It is a direct affront to a President who has been deescalating the war.

As I have indicated before, I would hope that some accommodation could be reached, and if not, that this amendment could be discussed in full detail day after day after day.

Mr. FONG. I thank the distinguished Senator from Kansas for his remarks.

When President Nixon came into office in January of 1969, he inherited this war. When he came to office he found there were approximately 525,000 Americans in Vietnam. In a search for peace, President Nixon has stated that he will bring an end to the war; that he is dedicated to bringing the American boys home.

He has now been in office for approximately 16 months. In these 16 months, he has brought back 115,500 American fighting men, and he has stated that he will bring back another 150,000 men by April 1971.

I was most surprised that the President mentioned such a large figure, a figure of 150,000 men. Even his most avid critics were surprised that he would bring back another 150,000 men.

In other words, the President stated that, by April of 1971, he will have brought back to America 265,500 men—almost one-half the number of American men who were in Indochina when he came to office.

Probably the sponsors of the amendment did not want to question the credibility of the President. But here is a President who comes into office and tells us that he is going to deescalate the war. He brings back 115,500 troops, and he says he is going to bring back another 150,000 by April 1971. That will make more than 265,000 men that he will have brought back.

Here is a President who has sought all means to attain a negotiated peace, but he has been unsuccessful so far. He says that this action in Cambodia is a limited one. It is limited in scope because he is not proceeding more than about 20 miles beyond the Cambodian borders. It is limited in time because he said we will be out by July 1. He said it is a defensive action.

Any military man will tell you that the first thing you learn in military tactics is that you do not subject your troops to cross action or to crossfire. You do not subject your troops to a flanking action. This is what the President is trying to avoid. The Vietnamese have been coming over the border, attacking our troops, running back to their sanctuaries, and we have not followed them because of the "neutrality" policy of Prince Sihanouk, who was playing two sides against the middle.

The President says that he wants up to July 1 to prove his point that this is a defensive action, that it is a limited one in time and territory.

Mr. President, when you bring an amendment like this before the Senate of the United States, what do you tell the world? What do you tell the world?

You tell the world that we believe that this President of the United States will not keep his word, that this President is not to be believed, that this President has no credibility.

If there is one person who must have credibility, it is the President of the United States. He is the only one who can stop the war from our side, unless we suffer an ignominious defeat. He is the only man who can negotiate a peace.

Then, why throw obstacles in his way? Why do we not give him the time, give him to July 1, to see whether he can do the things that he said he would do?

Mr. President, I propose that the least the Senate could do would be to give him the time to prove his credibility. We should not say to him, "I will not give you the time because I want to show that you are not credible."

The distinguished Senator from Kansas pointed to the fact that we are not fighting the Cambodians. We are going into territory which has been held by the North Vietnamese for 5 years. The Cambodians had no control over those sanctuaries. To say that we cannot go into Cambodia in hot pursuit in defense of our boys is like saying we could not go into Holland when the Germans, the Nazis, were occupying Holland, or we could not go into France when the Germans were occupying France, because we were going into another country. We were fighting the Germans. We went into France and we went into Holland to fight the Germans.

We are doing the same thing here. We are going into Cambodia to fight the North Vietnamese, who are threatening the South Vietnamese and our troops.

The President said he can only keep his word to the American people to withdraw 150,000 American troops by April 1971 by taking this defensive action.

If he withdrew 150,000 troops by April 1971, and did not take this defensive action he would be leaving the remaining 260,000 American troops in great peril from North Vietnamese attacking from these sanctuaries in Cambodia.

What the President has said, Mr. President, is reasonable. I for one believe that the President is deescalating the war by this action. I believe that he will bring our boys home—the 150,000 troops that he promised. I believe him when he says this action will give the South Vietnamese at least 8 months to a year to strengthen themselves militarily, so that they can build themselves into a viable military force and withstand the onslaught of the North Vietnamese.

We all know that military victory at this juncture is not being considered by anyone. The President is not seeking a military victory. He came into office and found that this war could not be won militarily because of what had transpired before his term in office. He came into office and found that he had to do something to bring our boys home.

He looked at what had happened in Korea. In those years, many had said that the South Koreans could not build a viable economy. Many had said that

South Korea could not withstand the onslaughts of Communists who wanted to come over the DMZ at the border between North and South Korea. But President Eisenhower correctly believed that South Korea could be built into a very viable, strong fortress—sufficiently strong to withstand the onslaught of the Communists.

Many people say Thieu is not the right man in South Vietnam. But where can one find a man who will have 100 percent support of his people? Look at what President Nixon is undergoing. Of course, a majority are supporting him, but he has a number of dissenters. Where can one find a man who is really pure, without sin, without deficiency, without defect?

They said the same thing of Syngman Rhee, who became the first President of Korea. They said, "Syngman Rhee is full of corruption, and South Korea will fall as soon as we leave there with our troops."

We withdrew most of our troops and now keep 60,000 troops in South Korea. Even though Syngman Rhee was overthrown, the Communists have not dared to cross the dividing line into South Korea. Although we do not have peace, Mr. President, we do have stability—stability such that we do not have to keep on sending increasing numbers of American boys to South Korea; stability that South Korea has built itself into, with such a strong economy that it could afford to send 50,000 of its own troops to be with us in South Vietnam.

The President has not stated it, but this is what I think he has in mind: Give the South Vietnamese another 8 months to a year. This action in Cambodia will give them that, because the monsoons are coming, and when the monsoon rains hit the area of South Cambodia, there will be very little movement of supplies and troops. By the time that the North Vietnamese could replenish their stock of supplies, ammunition, and things with which to hit our American boys, the South Vietnamese Army will be strong enough to take care of the situation. And, although we may not have peace in Indochina, we will have something like stability. We will at least have sufficient stability so that we will never be called upon again to send our boys in increasing numbers to South Vietnam.

Mr. CHURCH. Mr. President, earlier I undertook to ask the distinguished Senator from Hawaii a question during the course of his address. At that time, he refrained from responding, and I now think it best, having waited for him to complete his address, to take the floor in my own right, because I should like to make some remarks in rebuttal. I wanted to inform him of that fact so that he would not leave the floor unadvised, although, of course, if he cares to remain, he is most welcome to do so.

Mr. President, I find it hard to understand how any Member of the Senate can characterize the pending amendment as an attempt to call the credibility of the President of the United States into ques-

tion. Even less do I understand how the amendment can be characterized as an affront to the President. No one has gone so far as to suggest that the sponsors—who include many distinguished Republican Senators—intend to embarrass the President; but nevertheless, the argument persists that somehow the amendment itself is an assault upon his credibility.

Apart from everything else, it should first be understood that no one can undermine the credibility of the President of the United States except the President himself. That will happen if his words are not backed up by his deeds; the only way the credibility of the President can be protected is by the President himself, by making certain that his words conform to his deeds. All the rest is so much idle talk.

Far from being designed in any way to embarrass the President, this amendment was carefully drafted to take him at his word. It is a new definition of "affront," if taking a man at his word constitutes some slight upon either the man or his office.

I have listened to the inflated, exaggerated, and distorted charges made by the Senator from Hawaii (Mr. FONG). He has charged that this amendment will somehow endanger our troops in the field. He has charged that it will jeopardize their lives; that it will constitute an abandonment of the men we have sent to Vietnam to fight. How can that be? How can that possibly be, when all we have done is to fix the line where the President himself has set it? There is not a word in the amendment that undercuts the President, let alone puts our troops in jeopardy.

The President has limited his objectives in Cambodia. We accept his limits. We say we will share with the President the responsibility for fixing those limits. Yet the Senator from Hawaii protests that we seek to tie the President's hands; that we would place obstacles in his way; that we would pull the rug out from under him; that we would bind and straitjacket the President. So amazed was I to hear such charges that I carefully reread the amendment. Again, I am at a loss to find where any limitation at any place conflicts with the stated purposes of the President, as they have been explained to Congress and the American people, concerning the current operation in Cambodia.

The Senator from Hawaii, in his remarks, posed the possibility that the Cambodian forces might themselves undertake an attack on these sanctuaries along the Cambodian border, and suggested, if I understood him correctly, that in such a case we would want to help. The Senator from Hawaii cited the provisions of the amendment restricting our support of Cambodian forces and raised questions concerning them.

I should like to read them into the RECORD once more.

The first subsection of the amendment prohibits the retention of U.S. forces in Cambodia.

The second subsection of the amend-

ment prohibits the paying of compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces.

The third subsection prohibits entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or to provide persons to engage in any combat activity in support of Cambodian forces.

Subsection 4 prohibits the conducting of any combat activity in the air above Cambodia in support of Cambodian forces.

That is the substantive language of the amendment. Let us see how it conforms with the stated policy of the administration. We had better know now if there is some other policy that has not yet been revealed which involves assuming a whole new set of obligations to defend the Cambodian regime. We had better know now, because there is nothing on the public record to suggest that any one of these provisions conflicts in any way with the stated policy of the administration.

First, I quote from the May 14 Washington Post, in an article by Murray Marder, concerning a recent press conference that the Secretary of State held. Writes Mr. Marder:

Rogers, at an impromptu news conference, ruled out any future U.S. ground operations in Cambodia once American forces now there withdraw around the end of June.

He said:

We do not intend to become involved militarily in the support of the Lon Nol government or any other Cambodian government.

In a press background on May 14, the Secretary of Defense, Mr. Laird, was questioned concerning administration policy respecting Cambodia, and he is quoted as having said:

I do not believe our Government has a commitment to Cambodia. Our commitment is to our own forces, and our commitment is to see that the objective we have set out in Vietnam is achieved, and that is where I put it.

On May 17, Mr. Laird appeared before the Committee on Foreign Relations, and in the course of the questioning, the distinguished committee chairman, Senator FULBRIGHT, put this question to Mr. Laird:

Do you have any plans for flying combat missions to support the Cambodian government forces?

Mr. Laird replied:

Not to support the Cambodian government forces, no.

Earlier in the same exchange, Senator FULBRIGHT asked the Secretary:

Do we have any mercenaries today that we are paying, helping the Cambodians?

Secretary LAIRD. That we are paying?

Senator FULBRIGHT. Yes, that we are paying.

Secretary LAIRD. Not to my knowledge.

Senator FULBRIGHT. That is what I meant. That is one of the elements involved in the

Church resolution. You would know if we had any, would you not?

Secretary LAIRD. If they were paid by the Department of Defense, I certainly would know. But I know of no mercenaries paid by the U.S. Government.

Mr. President, I stress the testimony of one of the chief lieutenants of this administration, the Secretary of Defense, plus statements made by the Secretary of State as evidence that the Cooper-Church amendment does not conflict with administration policy.

I could go further and quote directly from the President, who made it clear just the other day that he has no plan to return American troops to Cambodia after the current operation is completed. In fact, he went further, telling the American people that if it ever became necessary to go back to strike at these sanctuaries, the South Vietnamese would be in a position to do it themselves.

Senator COOPER and I are accepting the President at his word. The limits we define in this amendment are the very limits set by the President. How, under these circumstances, can the facts be so distorted as to charge the sponsors of this amendment with an attempt to place obstacles in the President's way, or to pull the rug out from under him, or to bind and straitjacket him, is quite beyond my comprehension.

I repeat once more, in this discussion let us stick with the facts. I can understand that sensitivities run high. But I do not think that gives us a license to make unsupportable charges. We have done our best, in a bipartisan manner, to set these limits where the President himself has set them.

Senator COOPER and I, in concert with Senators MANSFIELD and AIKEN carefully drafted the amendment so as not to call into question any powers the President derives directly from the Constitution of the United States. All we seek to do is to assert powers which, under the Constitution, belong to Congress. The time has come, after many years of impotence, for Congress to begin to reassert its own authority and share with the President the burden of defining the outer limits of this war in Southeast Asia. Later on, if the President should want to extend the limits still farther, or should he want to send American forces to occupy all of Cambodia, or should he wish to assume the responsibility for the defense of the new regime in Phnom Penh, he would then have to come back to Congress and make his case. Congress, on the strength of that case, would then decide whether or not to lift the limitations and extend the perimeters of our involvement in Southeast Asia.

What we ask is fully consistent with what the drafters of the Constitution contemplated as the proper role of Congress. It is no reflection upon the Office of the Presidency of the United States.

If there is any way, without altering the substance of the amendment, that we can make it clear that our purpose is not to contest the President, nor to intrude upon such power as he may have under the Constitution but, rather, to act in concert with him in establishing

the outer limits of the American penetration of Cambodia, then I am amenable to language that will make our purpose clear beyond a peradventure of a doubt.

But, I think this debate would be better advanced if we attempted to confine our arguments to the reality of the pending amendment and keep the discussion relevant to the real issues involved.

The PRESIDING OFFICER (Mr. SCHWEIKER). The Senator from Arizona (Mr. GOLDWATER) is now recognized.

Mr. FONG. Mr. President, will the Senator from Arizona yield, so that I may reply to the Senator from Idaho?

Mr. GOLDWATER. I am happy to yield to the Senator from Hawaii for that purpose.

Mr. FONG. I thank the distinguished Senator from Arizona for yielding to me so that I may answer the distinguished Senator from Idaho.

Mr. President, the distinguished Senator from Idaho says that this amendment does not question the credibility of the President, that all the amendment seeks to do is to hold the President's feet to the fire so that he will do what he said he will do. He said that the President is the only one who can destroy his own credibility, that Congress cannot destroy the credibility of the President.

Mr. President, if Congress continues to tell the President and to tell the whole world that we do not believe in the credibility of a U.S. President and that Congress must pass legislation to make sure the President fulfills his promise, then, pretty soon, the people of the world will believe that and they will say that our American President is not credible.

Mr. President, when we make an agreement with an individual and he trusts us, he does not ask us for a signed document. He takes our word for it.

That is what I am asking Congress to do, to take the President's word until July 1 and see whether he lives up to it. I, as one Senator, am willing to give him until July 1 to prove his credibility.

I do not feel that we can, at this time, pass such an amendment because it would be telling the whole wide world that the Senate, by a majority vote, although not unanimous, questions the President because we fear that he probably will, in some way, stretch his words and go back into Cambodia.

The distinguished Senator from Idaho says that we are not abandoning our troops, so how can we hurt the 400,000 men there?

When we telegraph to the enemy, write him a letter, or, via the press, report what we are doing here, we are telling the enemy that after July 1, when the President has removed our men from Cambodia, that we are not going back into Cambodia.

Mr. CHURCH. Mr. President, will the Senator from Hawaii yield?

The PRESIDING OFFICER (Mr. DOLE). Does the Senator from Hawaii yield to the Senator from Idaho?

Mr. FONG. I yield.

Mr. CHURCH. Is that not what the President himself has already said to the American people and to the world?

Mr. FONG. Yes, he said that.

Mr. CHURCH. If there were any force to the Senator's argument, it was lost when the President telegraphed his intentions to the world.

Mr. FONG. But the President has constitutional powers to pursue the enemy in "hot pursuit," but in the pending amendment we will not give him the right to let our men pursue the enemy who may be coming across the border into Vietnam to hit at our troops from their sanctuaries.

Mr. CHURCH. I take issue with the Senator on that. We do not raise into questions here the power the President has as Commander in Chief. He derives that authority from the Constitution itself. We could not deny him his powers under the Constitution even if we tried.

Nothing in our amendment would interfere with his right to protect American troops in the field or provide for their immediate needs. I strongly disagree with the interpretation the Senator has placed upon the Cooper-Church amendment.

Mr. FONG. That is the trouble. Every time we pass something, there are a lot of interpretations. The mover of the amendment means one thing, those who oppose it mean another, and pretty soon, the Supreme Court says it means a third thing.

We are saying that the President has his constitutional powers. But in this amendment, if we read it literally, if we read it word for word, we are actually telling the President that certain constitutional powers he thinks he has, he does not have because the people here in Congress have told him in no uncertain words that he does not have those powers.

Now, how do we jeopardize our boys? As I said in my prepared statement, we are telegraphing to the enemy, we are telling him in no uncertain terms: "When July 1 comes and our American boys come out of there, you can come back into the sanctuaries. You can build up your bunkers. You can bring in your supplies right across the line. Our boys cannot hit you until Members of Congress—by this kind of debate, where there will be probably 30 men on one side arguing and 30 men on the other side in the Senate, and then it will go over to the House, where there will be 435 men getting into the fray, debating whether the President has the power under his constitutional rights to give American troops the right of 'hot pursuit'—have taken up so much time that our men will have received the infliction of wounds by you."

What also bothers me is what would happen to the needs of South Vietnam who may see fit to protect their peoples as well as their fighting men who are being hit on the flanks by the North Vietnamese. We will have been prevented from using our airpower to go into Cambodia to help them.

There must be a lot of jubilation in Hanoi, there must be a lot of jubilation in Moscow, and there must be a lot of jubilation in Peking about this amend-

ment that is being so lengthily discussed on the floor of the Senate.

Why should we telegraph to the enemy what we will do and what we will not do? This is actually the crux of the situation—telegraphing to the enemy what we will do and what we will not do.

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

Mr. FONG. I yield.

Mr. CHURCH. Mr. President, I should like, in order that the record might be complete, to ask the Senator if he would have any objection to my including in the RECORD at this point the statement the President made at his press conference, which telegraphed his intentions to the world.

Mr. FONG. Mr. President, I have no objection. I think that the President said he expects also that the South Vietnamese will be able to take care of the enemy.

Mr. CHURCH. Mr. President, I will include both the questions and the answers.

Mr. FONG. Mr. President, I think the President said that he expects the South Vietnamese to take on the effort. But certainly the South Vietnamese expect us to give them some kind of air support and artillery support.

The President has been forced into a corner every time he has done something. He is questioned by Congress as to why he is doing it, what the limitation is, and where we go from here. And in order to have communication with Congress, he tells them what he will do.

And when the President tells them what he is going to do, he is also telling the enemy.

Perhaps that is the right thing to do in a democracy. But I say that we are at war. Our boys have been killed. Let us not give comfort and aid to those who would fight us.

Mr. CHURCH. Mr. President, I ask unanimous consent to have printed in the RECORD the questions and answers from President Nixon's press conference of May 8, 1970, to which I have referred.

There being no objection, the excerpts from the President's press conference of May 8, 1970, were ordered to be printed in the RECORD, as follows:

8. TROOP WITHDRAWALS

Q. Mr. President, on April 30 you announced that you, as Commander in Chief, were sending in U.S. units and South Vietnamese units into Cambodia. Do the South Vietnamese abide by the same pullout deadlines as you have laid down for the American forces?

A. No, they do not. I would expect that the South Vietnamese would come out approximately at the same time that we do, because when we come out our logistical support and air support will also come out with them. I would like also to say that with response to that deadline that I can give the members of the press some news with regard to the developments that have occurred.

The action actually is going faster than we had anticipated. The middle of next week, the first units, American units, will come out. The end of next week, the second group of American units will come out. The great majority of all American units will be out by the second week of June, and all Americans of all kinds, including advisers, will be out of Vietnam [the President meant Cambodia] by the end of June.

10. CAMBODIA SANCTUARIES

Q. Mr. President, you mentioned that you expected the Americans to be out of Cambodia by some time in June. President Thieu was quoted as saying in an interview that he felt the North Vietnamese could re-establish their sanctuaries in Cambodia within six months and possibly, he was quoted as saying, within two or three months. If that's the case, what have we accomplished in Cambodia, was it worth the risk, and what do we do when they re-establish those sanctuaries?

A. I'm planning to give a report to the nation when our own actions are completed toward the latter part of June. At that time I will answer that question in full. At the present time I will say that it is my belief, based on what we have accomplished to date, that we have bought at least six months and probably eight months of time for the training of the Army—that is the Army of Vietnam, South Vietnam.

We have also saved, I think, hundreds if not thousands of Americans—as Frank Reynolds reported tonight on A.B.C., rockets by the thousands and small arms by the millions have already been captured and those rockets and small arms will not be killing Americans in these next few months.

And what we've also accomplished is that by buying time it means that if the enemy does come back into those sanctuaries, the next time the South Vietnamese will be strong enough and well trained enough to handle it alone. I should point out, too, that they are handling a majority of the assignment now in terms of manpower.

Mr. GOLDWATER. Mr. President, before I begin my prepared remarks, I thank the distinguished Senator from Hawaii for his great contribution to the discussion which is going on. I hope that he will be on the floor also during the weeks ahead when we are discussing the matter.

Mr. President, I apologize for my voice. I have what we in Arizona call a California cold.

This will prove to be, in my opinion, one of the most interesting debates ever held on the floor.

Many of us might think that the Vietnamese war is the first unpopular war that the United States has ever been engaged in. Many of the letters that I receive indicate that the writers feel it is the first undeclared war we have ever been engaged in.

Mr. President, we have been engaged in approximately 137—give or take one or two—military engagements in the history of this Republic, and only five have been declared—the War of 1812, the Spanish-American War, World War I, and World War II during which we made two declarations of war, one against Germany and one against Japan.

I bring that out at the outset because we are not in an unusual situation. And any reading of history will indicate that the Mexican War was most unpopular in this country. There is no such thing as a popular war.

Even what we call slogan wars—"Remember the Maine," "Make the World Safe for Democracy," and "Remember Pearl Harbor"—are not wars that have been liked by anyone.

Mr. President, one of the most fascinating stories about the first days of our Nation concerns an early meeting of the Constitutional Convention in the city of Philadelphia. One of the members attending that Convention was con-

cerned over the possible warlike nature of our fledgling country and the possible cost of pursuing an aggressive course in the family of nations. This Convention member moved that—

The standing army of the Republic be restricted to 5,000 men at any one time.

George Washington was serving as Chairman of the Convention and, therefore, could not offer an amendment of his own. But according to an historical anecdote, the Revolutionary War general and the first Commander in Chief of the U.S. Armed Services turned to a Convention member sitting nearby and whispered,

Please amend the motion to provide that no foreign army shall invade the United States at any time with more than 3,000 troops.

General Washington's remark, of course, was a facetious allusion to the fact that no convention of the United States could possibly govern by any means the action of a foreign power who might oppose our strategic interest.

Mr. President, I am reminded of this story, whether it can be documented historically or whether it merely belongs to the historical lore of our early days, when I consider measures to place the Senate on record for ending the war in Vietnam or to prohibit Americans from fighting in Cambodia after a deadline arbitrarily fixed by Members of Congress who may or may not have experience in the exacting art of military science but who certainly do not possess the kind of information that is available to the President of the United States.

We had better face up, right here and now—and I have said this across this Nation for years—to one fact of real international life—the fact that, like it or not, we are in a war in Indochina and the lives of thousands of American fighting men as well as millions of South Vietnamese civilians are at stake along with our honor as a nation that has a history of living up to its commitments.

We have to start from that fact, that we are engaged in a military war. From there I believe we must, as intelligent, rational legislators, recognize the further fact that when a nation is at war, political considerations take a back seat to military realities.

No Senator, Representative, or anyone else has any monopoly on a deep-seated desire for peace in Asia. I yield to no man in this regard. However, I happen to be one of those who believe that the way we attain that peace is important. I also believe that no amount of legislative desire, as incorporated in measures such as the McGovern-Hatfield resolution to force an end to American fighting in Indochina or in the so-called Cooper-Church resolution to prohibit any Americans from fighting in Cambodia after June 30 of this year, will accomplish the job correctly.

I certainly understand how the Father of our Country must have felt at that meeting in Philadelphia. I am moved to suggest that the McGovern-Hatfield resolution be amended to state that no foreign power be permitted to engage Americans in military activity after July 1, 1971—the arbitrary deadline fixed in

that legislative approach to military tactics. I am also moved to suggest—still following the tongue-in-cheek approach attributed to George Washington—that the Cooper-Church resolution be amended to provide that no Communist troops, either of the Vietcong or North Vietnam, be permitted to fight in Cambodia after June 30 of this year.

Now, before anyone jumps in to say that the U.S. Congress cannot legislate the action of an enemy, let him consider first how ridiculous it is to tie our own hands, to restrict our own Commander in Chief, and to prohibit activity on the part of our fighting men by an act of Congress which has no consideration for the military actualities of the war in which we are engaged.

Mr. President, I have to depart a bit from my prepared text because the distinguished Senator from Idaho raised some interesting points with the Senator from Hawaii in attempting to point out that nothing in the language the Senator from Idaho and the Senator from Kentucky (Mr. COOPER) have submitted deviates at all from the announced intention of the President. And I would have to agree to some extent on that. But the point that the Senator from Hawaii was trying to make, I think—and which I will support him on—was the fact that the mere introduction of an amendment or a resolution that purports to give Congress the power to regulate strategy, to regulate tactics, and to regulate the size and use of force is to me the stumbling block that the Senator from Hawaii was talking about, not the specific language.

For example, the Constitution gives Congress the power under section 8 of article I:

To declare war, grant letters of marque and reprisal and make rules concerning captures on land and water.

I see nothing in there that gives this body the right to supersede the President who is the Commander in Chief.

Section 8 goes on to state that Congress shall have the power:

To raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years;

To provide and maintain a navy; To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining the militia and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

Now, we go over to section 2 of article II which states:

The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States.

Of course, there is more to that section but it does not pertain here.

I suggest that the question raised by the Senator from Hawaii is not directed to any specific language or words in the

Cooper-Church amendment or any other amendment that might be introduced, but rather to the whole idea of this body taking unto itself to determine strategy and tactics in a war in which we are engaged and to suggest that in any future engagements in which this country might be engaged we do the same.

Mr. President, I have to make this little remark, too. I spent a delightful 4 or 5 days in my State of Arizona last week. It was a joy to read Western newspapers. I came back to Washington late Sunday night. I read the morning newspaper and I told my wife that if I did not know I was still in the United States after reading the Washington Post I would have to say I left the country because I read nothing but sadness, nothing but disaster, and nothing but downgrading of our country.

I think each of us should get out of the city once in a while and go home and find out how the other part of the country lives.

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

Mr. GOLDWATER. I yield to the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, since the Senator has mentioned the Washington Post it might be well to point out that the Cambodian operation has apparently upset the timetable of Hanoi, which should be front page news. We probably have upset their timetable not only for months but for years to come. There was a very brief reference to this in the Washington Post, but it did not appear on page 1, 2, 3, or 4, but it was on page 26.

I agree with the Senator that if one reads only the Eastern press he may be wondering what is happening in the world.

Mr. GOLDWATER. I was trying to present it as nicely as I could. I thank the Senator. I missed the article, by the way. If it is not on the comic page, usually I do not see it.

What is there in the air around Washington, D.C., that makes Senators and Representatives feel that they were formed after the pattern of von Clausewitz and are automatically military tacticians superior to any that might exist in the Joint Chiefs of Staff, in the National Security Council, or in the Office of the Commander in Chief?

What is there which leads prominent Senators as well as college professors and undergraduate students to believe that their judgment and their methods for ending the war in Vietnam are the only ones with any practical validity?

For make no mistake about it, we are not here debating the issue of peace versus war. I know of no Members of Congress, no one in this administration, or no one in this country who wants war. We all want an end to the conflict in Vietnam.

It has gone on far too long. I do not think anyone in the country has addressed himself to this unfortunate incident in our history more than I have. The debate here is over method.

Let me remind Senators that we have been engaged in this conflict to a greater or lesser degree, under three Presidents. There is disagreement over the actual

starting point of our involvement, but I believe the strongest case can be made for the contention that President Kennedy put us into it with both feet when he sent military advisers to Southeast Asia armed both with weapons and orders to fire back if they were ever attacked. Any military man who has had experience with a jungle war can tell you that this was tantamount to sending armed forces to fight in Vietnam. This is true because any military man, with or without weapons, will become a target in a tense, strife-ridden area such as Vietnam.

So the hostilities and our big-scale involvement began under President Kennedy. I do not say that in a critical way or in a political way. I say it in a truthful way. The tempo throughout his administration, the tempo of our own involvement, certainly did not decrease during the limited tenure of the late President.

And it certainly did not diminish under President Kennedy's successor, Lyndon B. Johnson. Despite his campaign statements in 1964, President Johnson escalated the war in Vietnam during his entire term of office. Little by little, more men, additional equipment, and more supplies went to Vietnam during the Johnson regime.

Mr. President, again, not exactly in a political way but to keep the record straight, only one President has done anything about deescalating the fighting, and about withdrawing American fighting men.

That President is the one we have today, Richard M. Nixon. He is the only President in the last three who has come up with a viable and workable plan for the replacement of American fighting men with forces of the South Vietnamese.

I know it is popular today to charge that Mr. Nixon has widened the war by extending it to the territory of Cambodia. As a military reservist and as a person who has studied the war in Vietnam and discussed it at length with the President and his advisers, I absolutely and completely reject this oversimplification of the fact.

At this point I wish we had a large map in the Chamber. I always ask people at this point in my discussion to go home and get an atlas and open it up to that part of the world.

We find there a long strip known as Vietnam, which is now divided North and South. We did not agree with the formula which divided it at Geneva in 1954. At that time President Eisenhower said to the South Vietnamese, "If a government popularly chosen is threatened we will come to your aid." We did. Then, we look at this map and see that the country is divided at the 17th parallel.

Then we look over at the border, which is a high range of mountains going up to 8,600 feet, which is composed of very rough terrain. About November 1968, President Johnson stopped the bombing north of the DMZ. In effect, we said to the North Vietnamese, "Stockpile and build up your supplies. You probably will not have any trouble getting them down to the south."

There are four major passages through those mountains, all running north of

the DMZ. Now, nightly their trucks pour through those passes, and we are not allowed to bomb those supplies. No, our tactical air support has to go out in the dark at night and try to destroy the passes they come through. But where are they by this time? They are in the eastern part of Laos where there are literally thousands of these trails.

Anyone who has lived in the West can recall that when we travel from one town to another town and we did not like the ruts in the road, we would move over. This is what one sees flying over Laos where the strategic air and tactical air are trying to stop the supplies.

What else is going on in Laos? The Committee on Foreign Relations discovered what many of us have known for a long time. We have not been getting tactical air support to them as they fight on the Plaines de Jarres, which is the only flat part of that country. Strange as it may seem, we have been allowed to bomb, with devastating effect, the land of Laos on the eastern border. Then we find Cambodia getting into the act.

But before I leave Laos, let me remind my colleagues that in 1962, when Mr. Harriman put together a recognition of the sovereignty of Laos and Cambodia as far as their neutrality was concerned there were over 60,000 North Vietnamese troops in Laos.

The Red Chinese were building a road across northwest Laos to get at Thailand, not for the purpose of invasion, but for the purpose of infiltration. Then we find where these supplies are going. The supplies have been going into Cambodia, and Cambodia has been providing a haven for our enemy. So that at one point along the border, 32 miles from Saigon, the enemy could venture almost at will, attack our men and our allies, run back into Cambodia, and up until about 18 months ago, we were not allowed to pursue and search. Since that time we have had a very limited ability to go a few miles over the border.

So what are we talking about when we talk about the President's escalating the war? It is difficult to understand how anybody can read into the Cambodian action escalation. We are fighting the North Vietnamese, whether it be in South Vietnam, Cambodia, or, in an indirect way, Laos. This is our enemy. We have not opened up another theater of war as we thought of theaters in World War II. We have merely reached an agreement with the Cambodian Government whereby we can search and pursue to a greater extent than we had been allowed in the country of Cambodia. We have not escalated the war. We have not enlarged the war. In fact, we have 115,000 fewer men over there fighting than we had a few short months ago.

The success of this action has already been discussed today. I am not going to reiterate it here, but I want to impress, if I can, the fact that the President has not escalated the war as far as the Cambodian action is concerned. In fact, to allege that President Nixon is widening and escalating the war while he is engaged in measures to wipe out enemy sanctuaries and thereby facilitate the

rapid withdrawal of American troops is very simply an exercise in the propaganda technique which we once described as "the big lie."

The fact of the matter is, every move the President has taken in Southeast Asia has been designed to bring about a safe and intelligent withdrawal of American forces. It is, of course, very easy to charge the President with all kinds of evil designs and attach them to one word—Cambodia.

But it is an entirely different matter for the President's critics to come up with a sound alternative for wiping out enemy sanctuaries in Cambodia. Without such an alternative plan, we can only believe that these people want nobody to touch foot on Cambodian soil, regardless of how many American lives might be lost and regardless of how the war might be extended as a result of our permitting the enemy a safe harbor within rifle shot of our own troops.

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

Mr. GOLDWATER. I yield.

Mr. DOLE. I think the Senator has touched on what I consider to be the key issue in the entire debate, and that is the President's right to protect American troops, whether it be in Cambodia or anywhere in the world. It might be in the Mideast sometime in the future. I think that is the part of the Cooper-Church resolution that disturbs me most, because it does say very clearly to the President, if it is adopted, that, notwithstanding any danger to American troops, notwithstanding whether they may be in imminent danger, the President cannot take any action, under the resolution, because of the resolution. If they say the President has that power under the Constitution, I can see no objection to writing it into the resolution.

As far as I am concerned, the Senator from Arizona has just touched upon what I believe to be the very backbone and the most crucial question involved. What is the President's right, whether it be President Nixon, President Washington, President Polk, or the next President? What is his right to protect American troops, or Americans anywhere, for that matter, or American property?

He has some rights as Commander in Chief. He has some rights as the Chief Executive Officer of our country. He has some inherent rights to conduct the foreign policy of this country.

I hope the cosponsors of the Cooper-Church resolution will express themselves on the Senate floor on this very important question. Do they believe, notwithstanding the adoption of this resolution, that the President of the United States, whoever he might be, would retain the right to protect American troops? Unless they can answer that in the affirmative, I share the view of the Senator from Arizona that we may want to discuss this for a very, very long time.

Mr. GOLDWATER. I agree with the Senator from Kansas. I think this is far too serious a question to hope to get it done by June or July. I think this is a matter that the American people have to understand without any emotion involved.

The distinguished Senator from Idaho pointed out that the language of the amendment is the language that the President, Secretary Rogers, and Secretary Laird have used. We cannot quarrel with that. What I quarrel with and fear is that the Congress of the United States will take over the powers that the Constitution gives to the President. He is the Commander in Chief; we are not the Commander in Chief. We have some responsibilities under the Constitution, and I think we ought to go about it in the right way. If we want to prevent the President from engaging in a war, I think the constitutional way for us to act on that is to deny expenditures under the authorization or appropriation bills that provide the Armed Forces with their materiel. I do not think anyone could quarrel with that but the fact is that we are trying to tell the President of the United States, as Commander in Chief, that he can do this and he can do that, but he cannot do this or he cannot do that.

I say with all charity to my friend from Idaho, who is one of the cosponsors of this piece of legislation, that if he is sincere—and I know he is sincere in what he is proposing—we decide not to have any vote or discussion of this amendment until after June 30. If that could be agreed to, I think the President could show to the country that he wants to get out of Cambodia. He has promised to get out of Cambodia, and, in my own mind, he will; but I do not think we can at the same time tie his hands.

I would suggest very seriously that, with the discussions going almost around the clock on this issue, the proponents of the amendment seriously consider saying to the Senate, "Let us wait. Let us give the President a chance." Let us not now, in effect, act to tie his hands.

Mr. DOLE. Mr. President, will the Senator yield further?

Mr. GOLDWATER. I am happy to yield.

Mr. DOLE. As I have indicated, the Senator has touched on a very crucial question. I am certain that the Senator from Arizona is of the belief that the President meant what he said when he said that the troops will be out of Cambodia by June 30, or before—probably before. But what happens in 5 or 6 months if there is imminent danger to the American forces remaining in South Vietnam? Perhaps it will be only a matter of hours in which the President of the United States will have an opportunity to act. Will he be forced, under the Cooper-Church amendment, to come before Congress, to come before the Foreign Relations Committee, have the Senate act and the House act, before he can move as Commander in Chief to protect American lives?

I would guess, in any event, the President would move. Then he would be faced with another confrontation for violating the intent and purpose of the Church-Cooper resolution.

I believe this is a matter that must be resolved before we can vote on the Church-Cooper resolution. It must be resolved by amendment or by explicit

statement by the cosponsors of the amendment.

Mr. GOLDWATER. Mr. President, I might say to my friend from Kansas that in reading the amendment, I see nothing in it, unless I have overlooked it, that calls for the President to come back to Congress for any advice. I would say also that the President could properly assume that if this amendment were passed, he could consider it unconstitutional and act, and then some court action would have to take place.

I speak as a layman, not as a lawyer, but without any specific language I have to think in those terms.

Mr. CHURCH. Mr. President, will the Senator yield for an observation?

Mr. GOLDWATER. Yes.

Mr. CHURCH. I do not mean to intrude on his argument at any length.

Today some of the most distinguished constitutional lawyers, deans of some of the eminent law schools of the country and leading attorneys, a very impressive panel, met in the Senate Office Building to discuss the very constitutional question to which the Senator has alluded. I was there, as one of several Senators asking questions.

I put this question to the panel: "Do any of you have any doubt at all to express with regard to the constitutionality of the Church-Cooper amendment?"

For the record, I wish to state that no member of the panel, none of these distinguished jurors, indicated any doubt whatever that the amendment lies entirely within the constitutional authority of Congress.

With respect to the argument that the President might somehow be inhibited in the exercise of his constitutional responsibility, again there is no real doubt on that matter. We cannot inhibit him. We could not if we wanted to, and we do not. I think these arguments are really straw-man arguments, if I may say so; and I refer to the opinions of some acknowledged authorities on the Constitution of the United States, and their unanimity in the view that this amendment is fully constitutional.

Mr. GOLDWATER. Mr. President, I am glad the Senator from Idaho had such a happy experience with the lawyers he visited with, because the distinguished Senator from Delaware (Mr. WILLIAMS) earlier today related a rather sad tale, to the effect that none of the lawyers who visited him had even read the Senator's amendment, and did not even know its effective date, but were being guided by the New York Times, which as usual was wrong.

Mr. CHURCH. I am sure the Senator must have reference to other lawyers, because the members of this panel were fully versed, and their reputation was beyond question.

Mr. GOLDWATER. I am referring to a group of lawyers among the thousand or so who came down this morning. I do not know who they were.

I can say we can find equally competent constitutional lawyers who will argue to the contrary. But I repeat my argument: It is not based so much on the constitutionality or lack of constitutionality, because I think this body can

do virtually anything it wants to. I look upon the effect it will have. Not the language, but the idea that Congress can suddenly become the determiner of strategy, tactics, military strength, or the employment of force in this country. That is the surest way I know of to say to an enemy, "Here is what our plans are; you design your attack and your resistance accordingly, because after a certain number of days, we are not going to give you any trouble."

Again, I am not inferring that any Senator has any ideas of aiding the enemy, but if I were a commander of troops, there is nothing I would like better than for my enemy to give me a time table and tell me they are not going to pay their troops after a certain day, and that there will be no more money involved.

I would just pitch my tent, cross my legs, get out a little bottle, and wait, because I would win that war. And I think that is probably what is going on in the minds of the enemy right now.

Mr. President, to continue with my prepared remarks, if Congress should adopt these legislative proposals, which would usurp the constitutional authority of the Commander in Chief, we will in effect announce to the world that we are renouncing our role of leadership, that we are turning back the clock to the days of comfortable isolationism when we were known as "Fortress America" and that we no longer care whether we become a third-rate power in the family of nations.

The adoption of either of these resolutions, to put it very bluntly, would be an announcement of American isolationism. It would serve notice on those people throughout the world who look to us to champion the cause of freedom that we are no longer interested. If we go in for this kind of meddling in the affairs of the Commander in Chief, we will also be telling the world that the Congress of the United States has no faith in the foreign policy of its President.

I, for one, do not want to be a party to any of this high-sounding but ill-conceived nonsense that is being pushed in this Chamber under the guise of peace or a design carrying the false label of a device to "end the war."

What we are talking about here—though I hate to say this—is a measure to force an American surrender. To some Senators it would seem like the manly thing to do to stand up and announce that we were wrong and that we are withdrawing from Vietnam. And I might say, Mr. President, that that could be done. It is not that simple, however. How would we describe in later weeks and months the bloodbath that would ensue in Southeast Asia if we were to withdraw either precipitately or in accordance with a legislatively fixed deadline? Would we not then shoulder a different kind of responsibility? Would we not then look to all the world as a Nation which went to war for the cause of freedom, grew tired of the effort, and found an excuse to turn tail and run while leaving millions of defenseless Asians at the mercy of Communist aggressors?

I do not intend to support either of these resolutions, regardless of how they

are worded. I do not think they are needed, I intend to fight them—and not merely because an administration which I support also opposes them. I intend to vote against these resolutions because I feel that a vote in favor of them would be a vote for American isolation, a vote to make this country a selfish, ingrown, third-rate power, and a vote for dishonoring an American commitment.

I should like, Mr. President, at this time to request once again from the Committee on Foreign Relations—and I think they are probably able to furnish it—a paper which would describe what we would do if these amendments were passed, in the case that one of our 17 treaty nations calls upon us in the future for help, in view of our having renounced South Vietnam.

I do not say this facetiously. I have implored the chairman of that committee time and again to outline for us what the actions of the United States would be, once we have renounced one friend and are called upon by another for help.

But while we are engaged in this discussion, Mr. President, I should like to address myself to some of the charges which have been unfairly leveled at the President of the United States in his efforts to conduct the military operations in Indochina which he inherited from his Democratic predecessors. I take special exception to allegations such as that made by the Senate Foreign Relations Committee which accused the President of usurping the war and treaty powers of Congress and of conducting a "constitutionally unauthorized, Presidential war in Indochina."

It will be recalled that this charge was contained in a report urging repeal of the 1964 Gulf of Tonkin resolution. I am not a legal expert nor a constitutional authority; however, I pride myself in being able to understand plain English. And as I read the Gulf of Tonkin resolution I believe that it authorizes the President to take any action he considers necessary to repel Communist aggression and protect the interests of the United States in Southeast Asia.

Are we not indulging in a childish exercise in language when we talk about an illegal war in Indochina?

Mr. President, the Gulf of Tonkin resolution might not be a formal declaration of war, per se, but it certainly puts this body on record as authorizing any military measures the President might deem necessary.

I say we are quibbling when we point out that there has been no formal declaration of war. The Congress was asked for and the Congress agreed to the granting of powers equivalent to those that might be contained in a formal declaration of war.

Let me point out that the Congress not only authorized the Chief Executive to take any action he considered necessary in Indochina but subsequently gave its approval to what the President was doing, including the dispatch of more than half a million fighting men, and by appropriating money year after year for prosecution of the war.

In other words, Congress has taken dozens of actions such as this since 1964 which had the effect of confirming the

authorization which the Gulf of Tonkin resolution contained.

Mr. President, I am rather personally interested in the way the Gulf of Tonkin resolution was evolved at the executive level, scrutinized at the committee level and approved at the floor level of the Senate.

The incidents leading up to the request for that resolution occurred immediately following my nomination as the Republican candidate for President in 1964. For this reason, I was consulted by President Johnson, informed of the events in the Gulf of Tonkin, and apprised of the gravity with which these developments were viewed by the Johnson administration officials in the Pentagon and in the White House. Very frankly, the President asked my support in a bipartisan gesture of unity for the action he proposed to take at a juncture in the Asian war which he felt to be critical. Again, the Commander in Chief felt it to be critical.

Needless to say, I assured President Johnson of my unqualified support so that we could show the world the kind of political unity which can be achieved in this country when its fighting men are confronted by enemy forces.

Mr. President, I feel that in all fairness we must here discuss the authorship and the support which President Johnson's Gulf of Tonkin resolution received from the committee which today is demanding its repeal and charging another President with the conduct of an unauthorized war.

The author of the Tonkin Gulf resolution was none other than Chairman J. WILLIAM FULBRIGHT of the Senate Foreign Relations Committee. As such, Chairman FULBRIGHT managed to steer the Tonkin Gulf resolution through a course of questioning in his own committee and to approval on the Senate floor.

If that resolution was a measure of usurping the war and treaty powers of Congress, the man who should have recognized it as such would seem to be the chairman of the Senate Foreign Relations Committee. Why it required 5½ years and action by a new President to bring the complaint by Senator FULBRIGHT and his committee to its present point is difficult to understand. If the contention which the Foreign Relations Committee is now making has any validity, then a large degree of legislative delinquency must be placed on the doorstep of Chairman FULBRIGHT and his supporters on the Foreign Relations Committee.

Actually, I believe the complaint now being made by the chairman is ridiculous on its face. It is true that Constitution gives only Congress the power to declare war in the formal sense, but it certainly does not tell Congress how to exercise that power. A strong case can be made for the argument that Congress did in fact declare war when it adopted the 1964 Gulf of Tonkin resolution. Members of this body will remember that our former colleague Wayne Morse of Oregon opposed the Fulbright resolution of 1964 on the specific grounds that it was a contingent declaration of war. That is

precisely what it was, and that is precisely what President Johnson intended it to be. If Senator FULBRIGHT and other Democrats who helped to enact this resolution were not aware of this inherent power, it is not because they were not told and it is not because they are unacquainted with the intricacies of diplomatic legislation. I can only believe that the present attitude of Senator FULBRIGHT and the members of his committee who wrote this completely misleading report suffered a change of heart and, consequently, a change of position.

I must say that inconsistency is not a completely new experience for the chairman of the Senate Foreign Relations Committee. Back in 1961 he made a number of speeches which complained bitterly that the President of the United States did not have sufficient power in the field of foreign relations.

It should be remembered, too, that the Fulbright resolution on Indochina was no different in substance from one relating to the Middle East, under which President Eisenhower landed Marines in Lebanon, and one relating to the Formosa Straits, under which Mr. Eisenhower successfully challenged Red China, a far more formidable foe than North Vietnam.

Mr. President, to hear the critics of President Nixon rant about undeclared war and to read reports such as that put out by the Senate Foreign Relations Committee, one might be led to believe that a formal declaration of war was the accepted procedure followed by the United States when using military force in foreign areas. A little research on this point is highly edifying. My own shows that since the founding of our Republic, the United States has been involved in 137 separate military-type operations against foreign nations. But in our entire history there have been only five declarations of war. Formal declarations were voted by Congress in the War of 1812, in the Spanish-American War, in World War I, and in World War II. In the latter conflict, separate declarations were voted against Germany and the Axis Powers in Europe and against the Japanese in the Pacific area.

It is interesting to note, Mr. President, that some of our most memorable and historic military operations did not involve formal declarations of war. For example, there were no declarations in the naval war with France—1798-1800—in the war with the Barbary pirates in Tripoli—1801-05—in the Marine action in Nicaragua, or against the Communists in Korea.

This is only to mention a few. There are many other precedents, such as the action of President Woodrow Wilson in 1914, when he ordered a force of sailors and marines to capture the Mexican city of Vera Cruz, following an affront to the American flag.

Mr. President, I wind up my discussion today, grateful that I have had an opportunity to begin what I think will be a rather long and thorough discussion of this subject, because I feel that in this Nation we are very emotionally disturbed, and understandably so.

The Nation has been put to the test

in the last several weeks as it has not been put to the test, in my opinion, since the days of the Civil War. In fact, I think grave questions can be brought up as to whether or not we can survive. I happen to think we will. I happen to think that the problems that beset us today can be solved.

I think that if we start talking with young people instead of talking to them, we will be a lot better off. We older people will realize that life is much different today than it was 50 years ago, when we started school, or 40 years ago, when we started work. I think we can begin to understand that things have changed.

But I am happy to say that the basic values of the young people I know have not changed. They love their country. They love their families. They love their church. But they have a proper reason to ask, "Why have you older people messed things up?"

I do not want to be a part of messing up the constitutional intent of our Founding Fathers, who said that the President shall be the Commander in Chief, not Congress. I repeat: We have responsibility in the area of raising and providing armies. But we have absolutely no responsibility in the areas of suggesting or ordering strategy, tactics, force structure, and so forth. We can, with our powers, deny the Commander in Chief the weapons when he asks for them. We can, under our powers, deny the funds to pay our Armed Forces. I do not think we would ever be that stupid, but we could do it.

As I have said, Mr. President, there will be other remarks from me on this subject. I would hope that possibly we could come to some kind of agreement on not voting on this question until after the President has had a chance to show his honest intentions. But if that not be the will of the Senate, so be it.

I thank my colleagues for their kind attention.

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

Mr. GOLDWATER. I yield.

Mr. DOMINICK. I have been sitting here, listening to the Senator's remarks; and, unfortunately, I only had a chance to listen to part of them. I intend to speak somewhat late in this discussion.

I was extremely interested in the Senator's comments as to the number of times we have been engaged in some type of hostility in which no declaration of war has been made. I would suspect, however, that in most of those cases we will find, upon analysis, that there had been a considerable amount of consultation or that the country in general was aroused in favor of the action that was being taken.

The problem as I see it now is that I am not a bit sure most of the people complaining about our Vietnam involvement really understand why we are there and what we are trying to do, or even recognize what the Senator and I have been saying for a long period of time; namely, that we want to get our ground troops out of there, not in.

President Nixon has been the first one to start to bring them out. That phase of it seems to have escaped them.

I therefore intend, in the process of my talk, to go into some of the incidents which the distinguished Senator from Arizona has been talking about and then see if, for the future, when the country is not engaged in any hostilities, we can insure, by some resolution of Congress, that we will be consulted.

The Senator will recall when President Johnson sent American troops into the Middle Congo, and how upset I was and that I initiated a letter to him suggesting we should get out of there immediately, that it was not our affair.

Well, for 30 days I did not receive a reply. Finally, I had to call the White House to find out whether they had received it, and then I received later a copy of a letter of acknowledgement. That was 30 days after writing the letter, when eight Members of the Senate, I believe, had signed it, including the ranking member of the Committee on Foreign Relations, the minority leader, and a group of other Senators.

Thus, I believe that what the Senator has said here today will be of real interest not only to the Senate but also to people around the country. I commend his remarks to everyone for serious study. Surely it is a fine addition to this whole dialog.

Mr. GOLDWATER. I thank my friend from Colorado, who serves with me on the Committee on Armed Services.

I might relate that I addressed the National War College this morning, and that question was raised by some of the future generals of our Army and admirals of our Navy, as to whether it could not be possible for Congress to be kept more aware of developments that could lead to conflict. I agreed with them. I think that as a member of the Armed Services Committee, we should be kept more up to date as to what is going on.

I would say that the Committee on Foreign Relations has certainly the same desire, even a greater privilege to know. But we must be careful, at what point do we involve secrecy which cannot be broken?

I believe that the Senator from Colorado will explore that in the remarks he says he will soon make, as to how we might go about keeping more abreast of developments, the kind of developments, for example, that led us into the Cambodian decision.

I do not mind saying that I was placed in somewhat of an embarrassing position by being asked about the announcement in Seattle as to whether we were going to use ground troops and I had said, "Certainly not, the President would never use our ground forces." Thank God, the show came off after I talked that night, so that I had a long way to go across the country and possibly gain some time for people to forget about that.

But, here in the Senate, we can suggest ways to the administration so that we could be kept more informed than we are as to world conditions which could lead to serious problems for our country.

Mr. President, I yield the floor.

Mr. CRANSTON. Mr. President, 29

years ago, President Roosevelt asked that:

Congress declare that . . . a state of war has existed between the United States and the Empire of Japan.

The territory of the United States had been attacked, American lives had been lost, and our military might in the Pacific had been severely affected by the Japanese surprise attack.

Time was of the essence as Roosevelt came to Congress to ask that he be authorized and directed by Congress to use the entire forces of the United States and resources of the Government to carry on war against Japan.

During the afternoon of December 8, 1941, the Senate passed by unanimous vote Senate Joint Resolution 116—the Declaration of War against Japan.

Even in an emergency, the constitutional separation of powers which gives Congress the powers to declare war and raise and support armies had worked.

This classic case of constitutional separation of power stands in sharp contrast to many events in the post-war period and especially since 1960 when American forces have been committed to combat by the President and supported by congressional appropriations without a declaration of war by the Congress.

Democratic and Republican Presidents have acted without prior congressional approval in this area.

Even before Pearl Harbor, President Roosevelt had committed American forces to defend Greenland and Iceland.

The undeclared naval war in the Atlantic was also undertaken by the President without congressional authority.

In comparison with Pearl Harbor and the extreme urgency with which Roosevelt sought and obtained the consent of Congress in order to send American men to war, one has only to cite Lebanon, the Bay of Pigs, Santo Domingo, and our entire involvement in Southeast Asia to see that the failure to obtain congressional approval in these instances was a political decision rather than a decision based on urgent time requirements.

The decision taken by President Nixon on the evening of April 30, when large numbers of American troops entered Cambodia, is an alarming example of the loss by Congress of its constitutional power to declare wars and to direct where war funds can be spent.

Cambodia is only the last in a series of Presidential military decisions taken in Southeast Asia which raises the fundamental issue of the scope of the Executive's power to commit American forces to combat and support them with tax dollars without the prior approval of Congress.

Now, as we have the Church-Cooper amendment before us, the Senate must make it clear to the American people that congressional reassertion of powers which it possesses by constitutional right is not motivated out of jealous preoccupation with power for its own sake.

Congress has a constitutional power to alter a policy with which it disagrees by using its power of limiting appropriations.

The effort to end American involvement in Cambodia and in Vietnam

through the vehicle of funds for the war is a legitimate exercise of power based on the Constitution's grant to Congress "to raise and support armies and maintain a navy."

I believe that today people too quickly forget that it was the intent of the Founding Fathers to write a Constitution giving Congress the power of the purse in military matters, and the sole power to declare war.

Although 190 years separate us from the events that made such provisions necessary, it is clear that in 1970 we must look again at the reasoning of the framers of the Constitution and other great Americans who interpreted this document.

To those struggling to establish democracy in 18th century America, the King of England, George III, stood as the supreme symbol of the unlimited powers of a head of state.

Here was a man who possessed the power of raising armies in peacetime according to his pleasure.

Such a practice was hated by the American colonists who had been oppressed by standing armies and the tyranny which they symbolized.

This sentiment which led to congressional possession of warmaking power was best explained by Lincoln when he wrote:

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 undertook to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

In a nation of more than 200 million we find it difficult to conceive of Congress in the same way that the framers of the Constitution did in 1787.

A type of closeness and intimacy between the people and their representatives exists no longer because of size and distance.

Richard Henry Lee of Virginia wrote in 1787:

Power to lay and collect taxes and to raise armies are of the greatest moment . . . the yeomanry of the country ought substantially to have a check upon the passing of these laws; this check ought to be placed in the legislatures, or at least in the few men the common people of the country, will, probably, have in Congress, in the true sense of the word "from among themselves."

The principles of 1787 take on a new relevance to a nation with so many of its citizens outraged and frustrated by Presidential actions in Cambodia and Southeast Asia.

The concern of Jefferson with unlimited Executive warmaking and war-funding power assume a new importance in 1970.

In 1789 he wrote to Madison to say that:

We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from

those who are to spend to those who are to pay.

The Church-Cooper amendment comes at a time when the expediency of a Presidential military decision taken without the approval of Congress has run headon into a nation's desire that a war be ended.

I do not believe that those opposing the President's recent widening of the war in Indochina must construct elaborate constitutional arguments in order to support the Church-Cooper effort to restrict funds and prevent continued American involvement in Cambodia.

The constitutional and historical records speak clearly as to the explicit powers of Congress in this area.

As early as 1787, and as late as 1969 with the passage of a similar amendment which prevents the introduction of American combat troops in Laos and Thailand, Congress was granted and exercised its power of the purse in military matters.

The Church-Cooper amendment and the amendment to end the war which I joined in cosponsorship with Senators McGOVERN, HATFIELD, GOODELL, and HUGHES and many others have been proposed at a time when recent Presidents have been asserting the Executive's sole power to commit the Nation to a war without the consent of the legislative branch.

Consent of Congress in such vital matters has become a political convenience not often granted by the Executive and only once formally during the 1960's.

Even in 1964 with the Gulf of Tonkin resolution, the circumstances presented to Congress which caused them to give a mandate to the President has proven to be highly questionable.

Lincoln's words of 1846 during the Mexican War, while he was in Congress, seem to me to be tragically significant when I review the Executive-congressional relationship in the foreign policy area during the 1960's:

Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion. And you allow him to do so whenever he may choose to say he deems it necessary for such purpose—And you allow him to make war at pleasure.

The deterioration of congressional power—that is, the people's power—in the area of war has become so extensive in the postwar era that Congress' remedy seems radical to those not very familiar with our history and Constitution.

Cambodia marks the most recent example of this deterioration.

However, the modern historical record is strewn with examples of executive usurpation in an area that must be shared with Congress and the people.

Executive domination has reached such a point that members of the Cabinet have tried to dampen congressional discontent by promising "consultation" before any military operations are launched.

This was done in August 1969 when Secretary Rogers pledged for the Nixon administration that "utmost" consulta-

tion with Congress would occur about "any military venture" in Thailand.

A commitment to act only with advance congressional approval was not mentioned.

The Secretary stated in his testimony:

Now, we will to the full extent of our ability, get the advice of Congress, consult with them along the way, and in any appropriate circumstances we will get their consent.

The Church-Cooper amendment is essentially a conservative document based on a strict constructionist view of the Constitution of the United States.

I view the amendment as a second step in an effort to restore Congress to its proper role in controlling the funding of military operations and giving the people a greater voice in the issues of war and peace through their elected representatives.

The first step was last December's Laos-Thailand amendment, adopted by an 80-to-9 vote, with a bipartisan group composed of Senator MANSFIELD, Senator COOPER, Senator CHURCH, Senator ALLOTT, Senator McCLELLAN, and myself playing a particularly active part in the initial and final steps leading to its enactment.

I want to make it clear that the Church-Cooper amendment is a document of restraint—not isolation.

In no way are its supporters advocating a return to "fortress America."

Action taken by the Senate in no way impairs American commitments to Israel or other allies throughout the world.

The war has gone on despite the wishes of a majority of the people that it be halted.

Our involvement in Southeast Asia endangers peace in the world.

The issue of the war in Vietnam has become so vital and significant to America in the last 10 days that references to the intent of the Founding Fathers in granting Congress the power to fund and declare war have become more than patriotic sloganeering.

At stake is the separation of powers upon which our experiment in democratic government is based.

The constitutional issue assumes great magnitude when we realize that at the heart of the problem are the lives of thousands of Americans.

The tragic death toll already stands at 41,733 killed and 322,750 casualties.

Violence in Southeast Asia has divided our country and bred violence in America. I find it difficult to separate the phenomenon of the application of massive violence to solve political problems in Vietnam and Cambodia and the presence of armed National Guardsmen on college campuses to deal with students.

It is difficult for anyone to deplore the tragedies at Kent and the violent deaths last week in Augusta and Jackson and isolate them for international violence conducted by our Government.

To the extent that the Church-Cooper amendment is a means for Congress to lessen American reliance on violence to deal with its difficult and complex problems, the amendment deserves the full support of the Senate.

ORDER FOR ADJOURNMENT UNTIL 11 O'CLOCK TOMORROW MORNING

Mr. CHURCH. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

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

ORDER FOR RECOGNITION OF SENATOR HARTKE TOMORROW

Mr. CHURCH. Mr. President, I ask unanimous consent that, following the prayer and disposition of the Journal on tomorrow, the distinguished Senator from Indiana (Mr. HARTKE) be recognized for not exceeding one-half hour.

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

ORDER FOR RECOGNITION OF SENATOR FANNIN TOMORROW

Mr. CHURCH. Mr. President, I ask unanimous consent that, following the remarks of the Senator from Indiana on tomorrow, the distinguished Senator from Arizona (Mr. FANNIN) be recognized for not to exceed 20 minutes.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. CHURCH. Mr. President, I ask unanimous consent that on tomorrow, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

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

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. CHURCH. 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 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 5 minutes p.m.) the Senate adjourned until tomorrow, Thursday, May 21, 1970, at 11 o'clock a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 20, 1970:

SECURITIES AND EXCHANGE COMMISSION

Hugh F. Owens, of Oklahoma, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1975.

U.S. TAX COURT

The following to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office:

Howard A. Dawson, Jr., of Arkansas.

Bruce M. Forrester, of Missouri.

Leo H. Irwin, of North Carolina.

Samuel B. Sterrett, of Maryland.