ucts set forth in part 3 of the appendix to such schedules; to the Committee on Ways and Means.

By Mr. WYMAN:

H.R. 17815. A bill to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; to the Committee on Agriculture.

By Mr. STANTON (for himself, Mr. McCLORY, and Mr. MORSE):

H. Con. Res. 647. A 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. REES:

H.J. Res. 1245. A resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BURTON of California:

H.R. 17816. A bill for the relief of Mrs. Silvia Bautista Tendero; to the Committee on the Judiciary.

H.R. 17817. A bill for the relief of Miguel Angel Ortiz; to the Committee on the Judiciary.

By Mr. KING:

H.R. 17818. A bill for the relief of John W. Shafer, Jr.; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 17819. A bill for the relief of Francesco Lombardo; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

393. By the SPEAKER: 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; to the Committee on Armed Services.

394. By the SPEAKER: A memorial of the Senate of the Commonwealth of Massachusetts, relative to the setting of national war policy; to the Committee on Foreign Affairs.

PETITIONS, ETC.

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

496. By the SPEAKER: Petition of the Medical Association of Georgia, Atlanta, Ga., relative to decisionmaking in patient care; to the Committee on Ways and Means.

497. By the SPEAKER: Petition of the City Council, Youngstown, Ohio, relative to the sharing of Federal revenues with State and local governments; to the Committee on Ways and Means.

SENATE—*Tuesday, May 26, 1970*

The Senate met at 10 o'clock a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

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

O Lord of Life and God of the Nation's destiny, in times of crisis when we are weak and unsure in our own strength, keep our faith strong in the efficacy of prayer. Spare us from mistaking our will for Thy will. Use our minds as the channels of Thy light and truth. Give us the will to obey the highest insight. Bless the dedication which rises above faction and party to serve the common good.

O Lord, in whom we trust, may the faith stamped on our coins be imprinted in our hearts and expressed in our lives.

In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 26, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. James B. Allen, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 25, 1970, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The ACTING PRESIDENT pro tempore. The Chair now lays before the Senate the unfinished business which the clerk will state.

The LEGISLATIVE CLERK. H.R. 15628, to amend the Foreign Military Sales Act.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The Chair would inform the Senate that the time between now and 2 p.m. will be equally divided between the majority leader and the minority leader.

Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of both sides equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Who yields time?

Mr. CHURCH. Mr. President, I yield myself such time as may be required.

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

AMERICA'S FREEDOM

Mr. CHURCH. Mr. President, as we commit more blood and treasure in Southeast Asia for what advocates of our extended military efforts over the past decade have called "freedom," we are frequently reminded that here at home our freedom may very well be in jeopardy.

An editorial in the New York Times of May 24 calls the problem, "freedom under fire." The writers of this timely commentary realize that America faces several crucial battles in the months ahead which may determine how much longer we can continue to enjoy "freedom," as we now know it in this country. There are the pressing needs to halt the increasing trends of Government repression, to reorder our national priorities in order to begin to cure the economic and social ills presently afflicting us, to resist anarchy on our university campuses by those who would immobilize these fountainheads of free inquiry and knowledge, and to end "the contagion of corruption and coercion" in all areas of our national life.

The internationally renowned columnist, James Reston, shows how one freedom—freedom of the press—is under fire. In a poignant article in the May 24 New York Times, he replies to the Vice President's annoyance with dissenters and critics of this administration's war policy. Mr. Reston asks:

> What will have been achieved when all this senseless killing is over? How are the South Vietnamese going to keep the enemy out of the Cambodian sanctuaries when they can't keep them out of Saigon? A year from now, after 52 more weekly casualty lists, how will Indochina be more secure with 150,000 fewer American soldiers?

"These are the questions," Mr. Reston continues, that "Mr. Agnew does not answer" in his criticism of writing and talking journalists, "and they will not go away by blaming the press for asking them."

As many of us clearly remember, President Johnson was asked similar hard questions about the conduct of the war in Southeast Asia. "When he had no answer," Mr. Reston correctly points out, he was driven "out of office."

Mr. Reston goes on:

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

There is still an honest and fundamental conflict here about how best to serve the Nation. That is what it is all about. Mr. Agnew is right that personal attacks only make things worse, though he doesn't follow the principle himself, but watchful criticism of Presidential power to make and expand wars at will has never been more essential than it is now.

Because of the President's decision to send American forces into Cambodia, public criticism of this administration has increased manifold. In a manner befitting the highest tradition of freedom of the press in this country, Mr. Reston continues:

It is true, as the Vice President said in Texas, that the press was strident after the sudden Cambodian lunge. The thought that the President of the United States could invade a sovereign country without even consulting the Congress or key members of his own Cabinet sent a shudder through every inky wretch who ever read the Constitution or thought about the consequences of the bomb and the missile.

VIVE LA DIFFÈRENCE

So there is a difference with the Vice President, and vive la diffèrence! We are not going to agree with him about Indochina, and he is wrong in thinking we want him to shut up and go away. He helps us dramatize the sad misunderstandings of our time. Without him and Martha Mitchell, would be the dozing capital of the world. But we ought to be able to agree about how to disagree and this the Vice President won't allow.

He doesn't want to see or understand his critics. He knows we are unpopular and wants to use us as a political devil, and in election terms he may be right. But in the larger terms of the Nation, he may be wrong. For the problem of the press in America today is not that it is too strong, as he pretends, but that it is too weak, given the power of the President to make war as he likes.

I ask unanimous consent that these two pieces from the New York Times be inserted at this point in the RECORD.

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

WASHINGTON: WHITHER ART THOU, SPIRO?

(By James Reston)

WASHINGTON, May 23.—Among the few certainties in this uncertain age is Vice President Spiro Agnew. Somehow he vanishes during the week, but almost always he shows up at the weekend somewhere in Iowa, South Carolina or Texas, shaking his fist at the press and trying to divert everybody's attention from the war and the economy to the hairy scoundrels in the universities and the press.

He is by all odds the best public speaker and most colorful character in this Administration. He knows how to pick friendly audiences and unpopular targets and he is a sensation on the Republican chicken-dinner circuit, but he is beginning to sound like a stuck whistle, and busy as he is, he cannot quite keep up with the torrent of facts from the battlefield.

The other day when he spoke in Texas, the military command in Saigon announced the latest weekly casualty toll—217 more Americans killed, 1,281 wounded. This brings the total American dead in this war to 42,118, and no amount of political pollution will cover up these ghastly facts.

What will have been achieved when all this senseless killing is over? How are the South Vietnamese going to keep the enemy out of the Cambodian sanctuaries when they can't keep them out of Saigon? A year from now, after 52 more weekly casualty lists, how will Indochina be more secure with 150,000 fewer American soldiers? These are the questions Mr. Agnew doesn't answer and they will not go away by blaming the press for asking them.

The Vice President is worried about the rise of isolationist sentiment in the United States, and well he mght be, but again he cannot blame this on the Administration's critics in the Senate or the press. The cause of the new isolationism is the war, and the longer it goes on, cutting and dividing this nation to the heart, the harder it will be to get public support for American intervention even in areas more vital to American security and world order than Southeast Asia.

THE NEW WEAPONS

These are not frivolous issues raised by irresponsible newspapers to embarrass the President or cadge circulation. They were raised with President Johnson, and when he had no answer, drove him out of office. There is still an honest and fundamental conflict here about how best to serve the nation. That is what it is all about. Mr. Agnew is right that personal attacks only make things worse, though he doesn't follow the principle himself, but watchful criticism of Presidential power to make and expand wars at will has never been more essential than it is now.

It is easy to understand the Vice President's efforts to defend his chief and rally the party in a time of trouble, but it is harder to understand why conservatives, of all people, should be hostile to critics of the abuse of centralized Presidential power. This has been the conservative's major theme for over a quarter of a century, and with the invention of the atom bomb and the intercontinental ballistic missile, vigilant criticism of Presidential power became more essential than at any other time in the history of the Republic.

It would be hard to over-estimate the influence of these two inventions on the American press. The bomb and the missile gave the President a power unprecedented in the history of nations, and tipped the balance in the American Federal system away from the Congress, for the nation could be destroyed before the Congress could even meet to debate a declaration of war. All the more important however, that the President's power and even his personality and character be observed with relentless attention.

This is what has been going on in the press of this country ever since Harry Truman dropped the atom bomb on Hiroshima and Nagasaki. In many ways the press has been fighting a losing battle against the television which put another vast source of power in the hands of the President, but at least the press is operating on a principle, sometimes clumsily and unfairly and inaccurately, but conscious of the new dangers of the bomb, the missile and the television at the command of a single fallible human being.

It is true, as the Vice President said in Texas, that the press was strident after the sudden Cambodian lunge. The thought that the President of the United States could invade a sovereign country without even consulting the Congress or key members of his own Cabinet sent a shudder through every inky wretch who ever read the Constitution or thought about the consequences of the bomb and the missile.

VIVE LA DIFFÈRENCE

So there is a difference with the Vice President, and *vive la diffèrence!* We are not going to agree with him about Indochina, and he is wrong in thinking we want him to shut up and go away. He helps us dramatize the sad misunderstandings of our time. Without him and Martha Mitchell, this would be the dozing capital of the world. But we ought to be able to agree about how to disagree and this the Vice President won't allow.

He doesn't want to see or understand his critics. He knows we are unpopular and wants to use us as a political devil, and in election terms he may be right. But in the larger terms of the nation, he may be wrong. For the problem of the press in America today is not that it is too strong, as he pretends, but that it is too weak, given the power of the President to make war as he likes.

FREEDOM UNDER FIRE

The nation is in disarray. The Federal Government is divided over policies and principles. The loyal opposition is fragmented, more concerned with winning than with leading. Even more alarming, the academic community as a whole is lacking in the courage and conviction necessary to mount a successful battle against unreason and coercion within its own domain.

The divisions within the Nixon Administration are evident. In matters of the economy, race, social justice, civil liberties and, first and foremost, the war in Asia, the differences within the Government appear as fundamental as those in the nation at large.

The opposition voices in Washington have so far lacked the weight adequately to respond to the constitutional crisis, the economic drift and the overriding issue of war and peace.

Over this dismal scene hangs the pall of violence and the fear of a steady erosion of liberty.

But freedom is not threatened merely by intemperate words and insensitive acts on the part of Government officials and repressive police measures; the nation's liberties are in jeopardy when university campuses allow the rights and freedoms of any of their members to be curtailed.

This is happening now. Books and buildings have burned. "Trashing" of windows on some campuses has become a routine expression of protest by dissidents. Students and professors have been denied access to their offices, classrooms and libraries. Speakers have been silenced.

Professors and their families have been threatened in efforts to force their personal and academic views into line with the demands of the movement.

Nothing could be less legitimate than the coercion of scholars by their students or their peers. When political credentials and ideological conformity become academic prerequisites, the moral and intellectual power of the university is destroyed.

Freedom can be murdered by deliberate government repression; but it will die just as surely of slow suffocation if intellectuals fail to resist the tyranny in their midst.

To halt governmental repression and to reorder national priorities is everybody's business; but only the intellectual leadership itself can save academic freedom and integrity from the contagion of corruption and coercion. This may, in the end, be the crucial battle for America's future.

Mr. CHURCH. Mr. President, I suggest the absent of a quorum. I ask unanimous consent that the time for the quorum call be taken from both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate

stand in recess subject to the call of the Chair, with the proviso that the time be taken out of both sides equally.

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

At 10:35 o'clock a.m. the Senate took a recess subject to the call of the Chair.

At the conclusion of the recess, the Senate reconvened at 12:02 p.m., when called to order by the Presiding Officer (Mr. HOLLINGS).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be equally taken out of both sides.

The PRESIDING OFFICER. Without objection, it is so ordered; and the clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. MANSFIELD. Mr. President, I yield myself 2 minutes as long as the manager of the bill on this side is absent for the moment. I do so only in the hope of encouraging those who want to speak to speak and make their views known. This is a most important amendment. It is an amendment sponsored on a bipartisan basis.

It is an amendment which seeks to justify in concern with the President what he has declared to be his purpose. It represents a type of cooperation and accommodation and mutual confidence which I hope would mark the deliberations of the Senate in its relationship with the Executive.

I think this will strengthen the President's hands, will allow him to do what he has stated publicly that he intends to do. And what he stated, he stated voluntarily.

It will, in my opinion, protect him against pressures from South Vietnam, from Cambodia, from other countries and other elements in that area which might try to force him to do things which would be in contradiction to his announced desires and his announced objectives.

I have every confidence that the President of the United States will withdraw all U.S. forces not by July 1, but before that time.

I have every confidence that he meant what he said when he made that declaration on a calendar basis and when he made his declaration on a territorial basis limiting the penetration of U.S. forces to 21.5 miles.

However, I do not have that kind of confidence in the Saigon government. I do not have that kind of confidence in that government, based on the statements which its leaders have made as to their intent to stay in Cambodia as long as they want to. I would point out that if that is the case, if South Vietnamese forces remain in Cambodia after the deadline set by the President, this country will still be indirectly involved because it is the United States which furnishes the logistical support for the forces of South Vietnam, it is the United States which furnishes the advisers, and it is the United States which furnishes the airpower and the air cover.

In conclusion let me say I am sure that the President will do what he has stated. I am sure that at long last it may be getting through to the administration that what the proponents of this amendment are endeavoring to do is support his hand, to support his stand, to give strength to his muscle, and to bring about a spirit of accommodation and cooperation which, I repeat, in my opinion will serve well both the Senate and the President.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, as we move toward the vote at 2 o'clock this afternoon it is important to realize and keep in mind what the vote will be about.

Driving into the office this morning and listening to the radio, I heard a newscaster say, in effect, that the Senate will vote at 2 o'clock today "on the Church-Cooper amendment." Of course, the vote today is not on "the" Church-Cooper amendment; it is a vote on a proposed minor modification of the Church-Cooper amendment, to which most of the debate has been addressed.

I would say that the proposed modification, on which we are going to vote this afternoon, is a cosmetic perfecting amendment, which makes the basic amendment look a little better. However, it would not change the substance of the so-called Church-Cooper amendment. The modification would write in a date and it would insert some nicer sounding language in the preamble; in that regard it would be a small step in the right direction.

I shall vote at 2 o'clock for the proposal modification, and I urge Senators on this side of the aisle to support the amendment. Although it would be a small step in the right direction, unfortunately, it still will not make the Church-Cooper amendment acceptable. Accordingly, even though the modification is adopted—and I am sure it will be—I will still have to oppose the Church-Cooper amendment which will then be the pending business before the Senate.

The effect of the Church-Cooper amendment, even though it is not the purpose of Senators, is to take a slap at the President of the Untied States; the effect of the amendment will be to undercut and determine him at a very difficult time in our history. It would be unfortunate in my view if the Senate were to adopt the Church-Cooper amendment, even with this minor modification.

Mr. President, I hope we will go on, then, to consider the basic amendment, and that in due course it will be turned down by the Senate.

I yield to the Senator from Kansas.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. GRIFFIN. Mr. President, I yield 2 minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, let me say I share the views expressed by the Senator from Michigan. I also commend the Senator from Kentucky, and the Senator from Idaho. I believe the perfecting amendment is an improvement, but not a major improvement. As the sponsors have said many times, there is no change in the substance of the amendment. I believe, however, the perfecting amendment should have the unanimous support of this body. I would repeat, as the Senator from Michigan has pointed out, the substantive provisions of the amendment remain the same.

There are some matters of concern. I recognize the constitutional responsibilities of Congress and the constitutional rights, responsibilities, and powers of the President. I trust there is an opportunity and some hope for additional compromise. I trust we can reach some agreement on other sections of the amendment or other amendments to the amendment.

It is in this spirit that many of us will discuss further amendments and further possibilities for compromise.

It does seem that despite the many statements made—and I do not question the motives or patriotism of any sponsor—I do question the timing and the judgment because, as I have said many times before, President Nixon is extricating us from Southeast Asia. He has kept his faith with the American people. He has reduced the troop level by 115,500. He has kept withdrawals on schedule, and, in fact, ahead of schedule.

It is my hope this amendment will in no way be interpreted as questioning the President's credibility or ultimate purpose in Southeast Asia, that being extrication at the earliest possible time.

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

Mr. GRIFFIN. Mr. President, I am going to yield to the Senator from Kentucky for as long as he wishes to speak, but before that I yield to the Senator from Florida for 3 minutes .

Mr. GURNEY. Mr. President, I think the point made by the distinguished assistant Republican floor leader, the Senator from Michigan, as well as the point just expressed by the Senator from Kansas, that this is some slight improvement in the Church-Cooper amendment is true; but I must say that here is one Senator, the Senator from Florida, who cannot support even this slight improvement to this amendment, because I feel so strongly the Senate is in error in passing this amendment in any form.

It seems to me that what we are doing here is actually acting as a committee of 100 Senators to discuss how tactics should be determined in a major war in which we are engaged in Southeast Asia. The President decided to go into the neighboring country of Cambodia for a few miles in order to hit Communist sanctuaries which have existed there for many years, in an effort to destroy these

bases, these receptacles of supplies, weapons, ammunition, food, and medicines, for 4 years, and perhaps longer, a common tactic anyone would engage in in fighting a war; and the President is Commander in Chief.

It seems to me that one might well draw an analogy between what the President of the United States did in Cambodia and what happened in World War II. I expect if the Senate during World War II decided to pass a Church-Cooper amendment, what they would have done would have been to say to President Roosevelt, "Mr. Commander in Chief, you cannot make the landings on Normandy Beach because you are invading a friendly country, France. To be sure, it is occupied by Germany, and German armed forces.

"But we do not want you to land there because that would further widen the war and invade a friendly country." Precisely the same situation exists in Cambodia.

The same argument might have been made by the Senate, sitting as a committee of 100, on the invasion of North Africa, and Sicily, or Italy. I do not think the determination of tactics by the Senate has any part in the conduct of war. That determination belongs in the hands of the Commander in Chief, the President, advised by his military advisers who are trained in the art of warfare; but that is what the Senate is doing in the pending amendment. Dressing up the measure, including the preamble modification we have before us, does not make it any more palatable.

Mr. President, one other thing it does and no dressing up of the language will lessen this impact. It advertises to the enemy, in bold, clear terms, that "After July 1 we will not be making any more excursions anywhere other than in the country of South Vietnam itself." To me, it is not only highly undesirable to advertise that to the enemy, but highly dangerous, because it tells him at least what we are not going to do in the future, and that, I think, in the conduct of warfare, is a folly that no Commander in Chief should indulge in.

So here is one Senator who, while he is pleased that the modification of the preamble at least recognizes the integrity of the President of the United States in his statement that he is going to withdraw troops through the end of June, it does not, in my opinion, change the basic thrust of the amendment in any way whatsoever. So I also intend to vote against the language of the preamble.

I thank my distinguished colleague from Montana for yielding.

Mr. GRIFFIN. Mr. President, I yield such time as he may desire to consume to the distinguished Senator from Kentucky (Mr. COOPER).

Mr. COOPER. Mr. President, I had intended to speak upon the full amendment itself, but I shall first address myself to the statements that have been made by my colleagues from Michigan and Florida.

The Senator from Michigan is correct in saying that the amendment upon which we will vote, which was offered on last Friday as a modification of our original amendment and as a substitute for it, does not change in any way the substantive portions of our amendment—subsection (1), subsection (2), subsection (3), and subsection (4). He has termed it a "cosmetic," as if the sponsors had added these lines to give it a better color, to give it a better look; in a way, to deceive.

I will explain the genesis of these words for the benefit of my friend from Michigan and other Senators. Beginning a week ago last Saturday, the sponsors of this amendment attempted to find a ground between the President of the United States and the Senate, some ground which would bring the Senate and the administration in concert.

Our powers—the powers of the Congress and the President—do overlap, and sometimes it is not possible to identify them precisely. In such a case, I think history indicates that both branches try to accommodate each other and to see if they can come into agreement. We tried. We tried for 5 days, and finally there was no response; but in the course of those consultations, we offered the language which we placed in the pending amendment—although it is not all of the language embraced in an amendment which at one point we thought we were in agreement upon—to show that we were acting in good faith, to show that we were desiring, as members of the Senate, to reach an agreement. Many members from the Republican side and the Democratic side have come to us and said, "Please, can't you get an agreement?" We offered the modified language in good faith and to show we are still open for agreement. I am not talking of language in terms of compromise, but in terms of accommodation.

The Senator from Michigan has said we are undermining the President. This statement follows other language that the distinguished Senators, and others, have used—that we are undermining the President, that we are saying he cannot be trusted, that we are giving comfort to the enemy.

If the Senator means that we are doing this, with such an intent, I must challenge the statement from the very bottom of my soul.

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

Mr. COOPER. In just a moment. If the Senator is saying this objectively as it may be considered by others then it is his viewpoint. The Senator and others are making these statements to go throughout the country, and throughout the world, and it is their responsibility. Our language does not undermine the President's. Our language asserts that the Congress has a parallel responsibility with the President, in determining whether a new war in Cambodia shall be undertaken.

Upon this point, the Senator cannot challenge me, and I do not think the amendment can be challenged from a constitutional viewpoint: We cannot be brought into a war in Cambodia without the consent of Congress. We can be brought into a war in Cambodia, we can be brought into a war anywhere in that area, if we take steps which gradually lead us into war, as we were led into war in Vietnam.

Mr. GRIFFIN. Mr. President, will the Senator yield for a brief comment?

Mr. COOPER. In just a moment. I want to respond to the statements which have been made.

I wish to quote a statement from a work entitled, "Our Chief Magistrate," about the President's powers, written by William Howard Taft, former Chief Justice of the United States and President of the United States. He points out the possibility that:

> The President is the Commander-in-Chief of the army and navy, and the militia when called into the service of the United States. Under this, he can order the army and navy anywhere he will, if the appropriations furnish the means of transportation. Of course the instrumentality which this power furnishes, gives the President an opportunity to do things which involve consequences that it would be quite beyond his power under the Constitution directly to effect. Under the Constitution, only Congress has the power to declare war, but with the army and the navy, the President can take action such as to involve the country in war and to leave Congress no option but to declare it or to recognize its existence.

Our amendment says nothing about Vietnam. We say nothing about the military operation in which we are now engaged. We do not circumscribe it. We do not limit it in any way. All we say is that before this operation is extended or leads us into war in Cambodia, as prescribed by the Constitution, the President must come to the Congress and ask for its consent.

I do not doubt—and I have said it from the very moment we introduced the amendment—the President. I believe he is going to withdraw our forces by June 30. But that does not have anything to do with our responsibility and our duty. There are facts and there are circumstances which no man can foresee, which the President of the United States, even with his great means of information, cannot foresee, and which, despite his intentions and best wishes, might lead us into war in Cambodia, as former Chief Justice Taft said that the power of the President to command the Armed Forces may without intent or purpose lead to war. I know the President does not so intend, but we have our duty, but it is being challenged today by Members of this body, who ought to join us in asserting this responsibility.

First it has been said, "You are trying to undermine him"; second, "You distrust him"; third, "You are limiting his power to protect the troops."

I want to bear on this argument for a moment, and say that those who use such arguments are not only incorrect, but they are doing a disservice to the people of this country. They have been saying to the people that we are limiting the President's ability and power to protect the troops. He has that authority and power, wherever our forces are, to protect them. We cannot take his power away from him, and do not desire to do so. Our amendment does not limit his power. What we say is, "Do not go in Cambodia, where there will be danger of an expansion of this war, and, instead

of getting out of Cambodia and Vietnam we may be bogged down, as the history of Vietnam proves, with greater and greater losses of the lives of thousands of our men."

This is no new initiative. Last year, the Senate approved the National Commitments resolution on June 20, 1969, by a vote of 70 to 16, with 14 not present. It has no constitutional effect, but nevertheless, the Senators who voted for it knew what they were voting for, or should have known.

It would apply in this case. It states that the use of the Armed Forces of the United States, or the promise of their use, to another country, is not a national commitment unless it is approved by Congress, by a statute, a treaty, or a concurrent resolution.

Later on, on September 17, 1969, I offered an amendment similiar to the one now in debate to the defense authorization bill, to prohibit the combat use of our forces in Laos or Thailand in support of their forces. The chairman of the Armed Services Committee said it would not have any effect, but he could not balk about its purpose. Its purpose was for the Senate to speak out that we did not intend that combat forces should be introduced in Laos and Thailand. It was adopted by a vote of 86 to 0, with 13 not voting. It was not accepted in conference.

But on December 15, 1969, when the Senator from Montana (Mr. MANSFIELD) and I had offered a similar amendment to the defense appropriation bill, the amendment was agreed to by the Senate. The amendment was modified by the Senator from Idaho (Mr. CHURCH), and he was joined I believe, by the Senator from Colorado (Mr. ALLOTT), the Senator from Iowa (Mr. MILLER), and the Senator from New York (Mr. JAVITS).

The amendment denied funds for the use of ground forces of the United States in Laos or Thailand. The amendment first was agreed to by the Senate by a vote of 73 to 17, with 10 not voting and later by a larger vote. It was approved by the administration. The administration thus accepted a limit upon its freedom of action for the use of ground forces in Laos or Thailand, even though there were sanctuaries in Laos. The measure went to the House of Representatives and was approved, and the bill was signed by the President.

I cite these precedents to show that those who claim this is a pending amendment surprise, a new initiative to undermine the President, cannot maintain that position, because last year some of us voted for all three of these propositions, and I believe most of those who now oppose us voted for at least one of them.

There is precedent in the action of the Senate and Congress in 1969. There is precedent in the Constitution. The history of the interpretation of the powers of the President and the powers of Congress, show that until this century, with the exception of President Polk's action in 1848, the power of the Congress has not been seriously challenged.

Upon these grounds—I believe that Congress would properly assert its duty and its responsibility by insisting that whatever happens, we will not allow the Vietnamese war to be expanded, and we will confine it to Vietnam, so that our force can be extricated and as soon as possible, brought home.

Brought home—because I cannot be convinced that this is a war which is necessary for the security of the United States. I know they cannot be brought back instantly. I know that steps must be taken to protect them as they are brought back and I want them to be protected. But I know that the closing out of the war should be our object, rather than expanding into a larger and greater war.

I do not wish to resort to analogies which I do not think are correct; but I will cite a fact which, is not absolutely analogous, but nevertheless has some importance.

We will stay in Vietnam to "Vietnamize" the military forces of Vietnam, and I favor the program. But how long do we have to stay to train them and to inspire them to defend their own country? Our servicemen selected through the draft, and through their patriotism and love of country, enlist in the forces—and many of them do enlist, and many ask to serve two terms in Vietnam—are trained 5 or 6 months, and they are sent to Vietnam. They are on the battle line in 5 or 6 months, and some live and some die. I know some from my own State who, 5 or 6 months after their acceptance into the armed services, were dead on the field of battle.

How many months or how many years do we have to train the Vietnamese to defend their country? I know this is not quite analogous, because the United States has great resources, equipment, leadership, and all factors, which they do not have. But ultimately the motivating influence must be the desire to defend one's country.

Mr. President, I say that the amendment upon which we are voting is not just a frill. By it we have intended from our minds and our hearts to speak to the administration, "We take the step we are taking because we want to find a way in which the powers of Congress and those of the President can be accommodated."

Our amendment could be more correctly and properly called an amendment to support the President of the United States, to assist him in his effort to end the war in Vietnam.

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

Mr. COOPER. I yield.

Mr. MANSFIELD. Mr. President, I aline myself completely and wholeheartedly with what the distinguished Senator from Kentucky has just said. I know something about the negotiations which he referred to, which he carried on with certain personnel at the White House. I was not in on the negotiations, but I do know that for 4 or 5 days, he did go down there, representing the four of us—the dean of the Republicans in this body, the senior Senator from Vermont (Mr. AIKEN), the senior Senator from Idaho (Mr. CHURCH), the senior Senator from Montana, and the Senator from Kentucky himself.

I think we went a long way—at least, the Senator from Kentucky did—without in any way changing the substance, to arrive at an accommodation in cooperation, in concert, with the administration. Finally, after a great deal of dilly-dallying, it was to no avail, because no accommodation could be reached. Evidently, no one there could speak with authority.

May I say, also, that so far as the Senator from Kentucky's negotiations with the White House personnel were concerned, so far as the four subsections go, there was no difference last week between the White House and the Senator from Kentucky. I want that made a part of the record.

I do not see any one of those who support this amendment casting aspersions or innuendoes or implying anything against those who are against the amendment. But there is a general air of malaise in this Chamber which carries with it innuendoes and implications which to me are not a very healthy sign. They recall most unpleasant memories.

The distinguished Senator from Florida said that the President wanted to go into Cambodia only a few miles to take care of the sanctuaries. I believe the Secretary of Defense, Mr. Laird, stated some 10 days ago that before we invaded Cambodia—and I use the word "invaded" advisedly the—Vietcong and the North Vietnamese had retreated 15 miles westward—15 miles westward toward Phnom Penh, 15 miles away from the Vietnamese-Cambodian border. Then the distinguished Senator from Florida made a comparison, on the one hand, between Vietnam and Southeast Asia, of all places, with what this country did during the Second World War.

The Second World War was a declared war. There was no Committee of 100 then trying to tell the President what to do, because Congress had put its imprint of approval upon that war. The Nation knew what we were doing then.

Mr. GURNEY. Mr. President, will the Senator yield at that point?

Mr. MANSFIELD. I yield.

Mr. GURNEY. It was my understanding—and I was a Member of the other body at the time this action was taken—that we put our stamp of approval upon the affairs in Vietnam in the Gulf of Tonkin resolution.

Mr. MANSFIELD. Would the Senator call that a declaration or war?

Mr. GURNEY. I did not say "a declaration of war." I said we put our stamp of approval on it and gave the Commander in Chief the right to use the Armed Forces of the United States in actions against the enemy in that area.

I must say that in these days of nuclear exchange, I think the fact that one is engaged in hostilities without a declaration of war, but with authority such as the Gulf of Tonkin resolution, really is not much of a difference.

I would also remind the distinguished majority leader that this Nation has been

involved in armed conflict over the years, going back almost to the beginnings of the Nation, in which we have not declared war, either.

The point I am making is that I really do not think that the formal declaration of war cuts much ice here.

Mr. MANSFIELD. Mr. President, if I may respond to the distinguished Senator, to me, the Constitution still holds and the constitutional responsibility of Congress still holds. I think that the representatives of the people in the Senate and House do have a vital part to play even in a nuclear age.

While there have been many undeclared wars, including the present, despite the Gulf of Tonkin resolution, in which this administration says it places no credence, we have not had one like the present. You can talk about the undeclared wars against the Barbary pirates. You can talk about the undeclared wars in Santo Domingo, in Haiti, in Nicaragua, and elsewhere—even Mexico. But there was, and there is, no comparison between what happened then and what is happening now—none whatsoever—because in all those undeclared wars we did not lose a minute fraction of the total casualties which we have lost in this one, up to last Thursday: 278,006 Americans wounded; 42,118 Americans dead in combat; 7,949 Americans dead who were casualties, but not as a result of action by hostile forces.

All this has occurred since January 1, 1961—a total of 328,073 Americans lost in Southeast Asia. And for what? Not because of a committee of 100, which happens to be the membership of the Senate, but because of a series of errors for which all of us must share the blame and carry the burden for the rest of our lives.

The distinguished Senator from Florida said that by this amendment we are taking away the rights of the President and advertising to the enemy the limitations we place on him. These limitations were not placed on the President by the Senate. The 21½-mile limitation—who declared it? The President, himself. The date July 1—who declared it? The President, himself. So we are not advertising what everybody does not know, because everybody knows what we are advertising. And then, if this Congress wants to go into Cambodia again—and, unfortunately, there are Members of this body who have as much as said so——

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

Mr. MANSFIELD. I should like to finish my point.

It should be our responsibility to give the President that go-ahead explicitly. But what about the 1-million-man South Vietnamese Army which we have trained, have equipped, have logistically supported, have advisers stationed with, and to which we furnish air cover and air support?

Why should this Nation's forces go in again, when we should not have gone in the first place? What are we going to do—pick up the pieces and make sure that the Lon Nol government survives, so that these people can pull us this way and that and we will do their bidding? Or are we going to look after our own people and our own interests for a change?

I yield.

Mr. DOLE. Let me say to the distinguished majority leader that I share his concern about going back into Cambodia to shore up the Lon Nol Government. I have rejected such an operation publicly. But there is another question, and that is whether it might be necessary to go back into Cambodia to protect American forces. The argument has been made on the floor that the President may have this right, in any event. But we at least raise the question of limiting or appearing to limit that right in section 1, expressing the prohibition of retention of American forces in Cambodia.

Would the distinguished Senator agree that if there were troops in danger, the President would have the right, without consulting Congress, to protect American forces?

Mr. MANSFIELD. Of course. And the authors of this amendment have said that time and time and time again.

Mr. DOLE. And would the distinguished majority leader agree that—if there is any precedent—the Korean war may have been precedent for the conflict in which we are involved now? There was no declaration of war at that time. Congress did appropriate money every year, just as we have done for this war, which seems at least some recognition of the conflict, some tacit approval of the conflict, by Congress. I have supported appropriations and voted for the Gulf of Tonkin resolution in the other body. I share the views expressed by the majority leader. We must share some of the blame in Congress, but there has been precedent if not in Tripoli or in Mexico, certainly in Korea, where we also lost valuable human resources and where we still have 50,000 American troops.

Mr. MANSFIELD. Exactly. The Senator reached the point that I was going to raise. How many years has it been since conflict ceased in Korea? For all these years, about 17 or 18, we have had the equivalent of two divisions there. It has taken a great deal to equip them logistically and otherwise, as well as the South Korean Army of 500,000; but there has been no peace in Korea. All we have there is an uneasy truce and, evidently, a permanent stationing of large American forces there.

Will there be peace in Southeast Asia, or will there be another uneasy truce, with hundreds of thousands of Americans, perhaps, stationed there?

And, may I ask, what for?

What for?

Mr. DOLE. We all share the same concern expressed daily by the majority leader. I certainly recognize it as a sincere statement and effort to extricate Americans from Southeast Asia. I do not rise daily to defend President Nixon, but would say, as stated many times, and the majority leader perhaps would agree, that we have made some progress in Southeast Asia, as shown in one aspect by President Nixon's reduction of the troop level by 115,500.

Judgment on Cambodia may not be known for 6 weeks or 6 months. But if, at that time, it is clearly demonstrated that, because of the Cambodian incursion, we have had a total reduction in U.S. casualties and we have been able to speed up the Vietnamization program, then I would hope the majority leader might agree that perhaps it was a wise course to follow.

Mr. MANSFIELD. May I say to my distinguished friend from Kansas that I hope devoutly that I am wrong in my judgment of the situation. I honor the President for what he has done in the way of withdrawal of American troops.

I stated that publicly throughout the Nation and in this Chamber, because while he was not moving them out fast enough to suit me, he was moving them in the right direction. But I think, and this is my judgment, that when he moved into Cambodia, he may have reversed that flow. That is why I hope that I am wrong. I hope that he is right in what he is anticipating. I do not doubt his honesty in the least. He has his responsibilities and, by the same token, we have ours here. We have to call them as we see them and be prepared to take the consequences.

Mr. DOLE. I share that view and, with all respect to the distinguished majority leader, would hope that in the event the Senator may be wrong——

Mr. MANSFIELD. So do I.

Mr. DOLE. And I say that with all respect, I hope that the Cambodian operation will be successful, not just from the standpoint of protecting American forces but from the standpoint of keeping the Vietnamization program on schedule, or better yet, ahead of schedule.

Mr. MANSFIELD. I hope so, too. I devoutly hope so. I would hope it would be recognized that those of us who are proposing the amendment are doing so as a means of strengthening the hand of the President and not undermining it, or questioning his authority.

Mr. President, if I may now yield to the distinguished Senator from Florida, who has been on his feet for some time, would the Senator give us 5 minutes of his time?

Mr. GURNEY. I yield.

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. GURNEY. Mr. President, I would ask the distinguished majority leader this question with reference to the colloquy I should like to enter into with him: It is not the position of the majority leader, as I understand it, that President Nixon withdrew all U.S. troops right now; am I correct?

Mr. MANSFIELD. The Senator is correct. It would be an impossibility.

Mr. GURNEY. Yes. In that case if that is the belief of the majority leader, as well as myself, it also is obvious there will be some further fighting in South Vietnam that involves American troops; is that not correct?

Mr. MANSFIELD. That is true, but only because we are there in such great numbers, and only because we are taking an undue share of the burden, and only

because, in my opinion, we have no other choice at the moment.

Mr. GURNEY. But at least there will be fighting until we are able to withdraw all of our troops.

Mr. MANSFIELD. Unfortunately, that is true.

Mr. GURNEY. In spite of the differences of opinion or the time element over when they should be withdrawn. The point I make, and others make who share my view, is that as long as this is the case, as long as we are going to have fighting in South Vietnam, until we can completely withdraw and turn over the fighting to the South Vietnamese, the President should have freedom of action as Comander in Chief to be able to engage the enemy in those situations where the enemy can be hurt, which seem tactically sound, and which furthers the war toward its end, so that we can turn the fighting over to the South Vietnamese and disengage ourselves.

That is the earnest belief and opinion of those who share the views of the Senator from Florida, and why the President went into Cambodia to hit the sanctuaries and destroy the supply areas in order to further that very goal; namely, to extricate ourselves from Southeast Asia.

Then I go back—I did not make my point earlier in any way as trying to be facetious. I was serious about it when I said that I do not think, since we are engaged in war and since we will be there for awhile—even those who want to get out the fastest agree—that we should substitute our judgment for that of the President in making tactical decisions in fighting the war in Southeast Asia.

There was another point which arose in the statement by the distinguished majority leader, as to how well Vietnamization is working.

Take the casualty figures that the Senator from Montana mentioned. It is an interesting and compelling argument as to the direction in which the President is heading to point out that between the first quarter of 1969 and the first quarter of 1970, there was a decrease of casualties in American troops of 63 percent killed, and a decrease in those wounded of 54 percent.

Thus, it is working. The President is headed in the right direction. We here, who are backing him up, feel that his incursion into Cambodia will lessen the casualties and speed up Vietnamization.

Mr. MANSFIELD. Well, the Senator has expressed his feelings with vigor. He may be right.

But, a casualty is a casualty is a casualty, whether there is an overall increase or a decrease.

A dead man is dead. A wounded man is wounded. One casualty is one too many.

There have been 328,000 casualties to date.

I hope that the President is right, that what he is trying to achieve will bring about a shortening of the war, a further reduction in our casualties, and a quicker withdrawal of our troops.

I believe that the time has come when the Vietnamese should take over the greater share of the burden, and that we should tell them in no uncertain words that they should not tell us, as I think they have been for all too long.

I want to commend the distinguished Senator from Florida who at least had the honesty to say that he did not approve of the amendment and was going to vote against it.

Others have referred to its coloration, as the distinguished Senator from Kentucky has said, to point out its weakness, but they will vote for it, anyway.

If it is weak, vote against it.

If Senators believe in it, vote for it.

Mr. COOK. Mr. President, I recently mailed a questionnaire to approximately 190,000 of my constituents in Kentucky. I did this because I felt it important to gage public opinion in my State on the major issues confronting us in the Congress this year.

We received over 20,000 replies, an unusually high return for a mailing of this type. This is an indication, I believe, of an increasing interest on the part of all American citizens in participating, as much as possible, in the decisionmaking process.

As a Republican, I was pleased to see the overwhelming support for President Nixon's Vietnamization and pacification policies which I have supported since coming to the Senate and also the volunteer army proposal which the President and I have both favored since early 1968.

In addition, it was significant that the respondents favored direct election of the President and Vice President of the United States by a margin of approximately 3 to 1. This sustains another position taken by the administration and the junior Senator from Kentucky.

I am gratified by the interest Kentuckians have expressed, and I want Senators to be aware of what they are thinking about the directions our country has been taking.

I ask unanimous consent that my questionnaire and the responses to the questions be printed in the RECORD.

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

QUESTIONNAIRE OF SENATOR COOK

1. Many so-called experts have testified before various committees of the Congress that marihuana should be legalized. Do you agree?

Total responding	20,711
Yes	868
No	18,996
Not sure	847

2. Do you favor President Nixon's plan to gradually phase out the draft and establish an all-volunteer army as we disengage from Vietnam?

Total responding	21,272
Yes	13,966
No	4,865
Not sure	2,441

3. Do you favor allowing the people of the United States to directly elect the President and Vice President, thus abolishing the electoral college?

Total responding	21,360
Yes	15,313
No	4,772
Not sure	1,275

4. Do you support President Nixon's Vietnamization and pacification policies as the best method for terminating our involvement in Vietnam?

Total responding	20,672
Yes	13,681
No	3,289
Not sure	3,702

5. Do you think the United States should avoid introduction of ground combat troops into Cambodia and/or Laos?

Total responding	20,892
Yes	7,371
No	9,739
Not sure	3,782

And finally, Mr. President, I asked Kentuckians to select the three most pressing domestic issues from a list of nine, in terms of the priority they should receive. The results were as follows in descending order:

First—crime.
Second—drugs.
Third—campus unrest.
Fourth—inflation.
Fifth—environment.
Sixth—pollution control.
Seventh—education.
Eighth—poverty.
Ninth—civil rights.

Mr. CHURCH. Mr. President, how much time remains to the opponents of the amendment?

The PRESIDING OFFICER. The Chair would advise the Senator from Idaho that the opponents have 33 minutes remaining.

Mr. CHURCH. I thank the Chair.

SENATOR NIXON AND CONGRESSIONAL AUTHORITY

Mr. CHURCH. Mr. President, an objection frequently heard regarding the Cooper-Church amendment is that it would restrict the President's power in exercising his responsibilities as Commander in Chief. The President's supporters have said that they do not wish the President to be tied in any way by Congress. There is, of course, no validity to these arguments. The sponsors of this amendment are agreed that this legislative action not only is in concert with the declared objective of the President to withdraw American forces from Cambodia by the end of June, but also it upholds the Constitutional authority of the Congress to share with the executive branch in formulating foreign policy.

Indeed, in 1951, then Senator Nixon believed similarly. When the Senate passed a resolution concerning the handling of NATO troops in Europe, then Senator Nixon voted in favor of an amendemant to this resolution which put a ceiling on the exact number of troops the President could employ without "further congressional approval."

The resolution also stated that the President should consult the Secretary of Defense, the Joint Chiefs of Staff, the Committee on Foreign Relations, the Committee on Foreign Affairs of the House of Representatives, plus the Armed Services Committees of both bodies in such matters.

Believing firmly that Congress had an important coequal role to play, then Senator Nixon also voted against an amendment urging "collaboration between the Congress and the President,"

and instead, voted in favor of an amendment expressly urging the President to act only after having full consultation with the Congress.

Mr. Nixon, as a Member of this very body, believed that the Congress should assert its authority in helping to make foreign policy decisions. And it is in that same spirit that the supporters of the Cooper-Church amendment urge the passage of our amendment.

I ask unanimous consent that page 496 of Dean Acheson's Pulitzer Prize winning book, "Present at the Creation," and a related footnote, as well as pages 3063, 3082, and 3096 of volume 97, part 3 of the CONGRESSIONAL RECORD, 82d Congress, first session be inserted into the RECORD.

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

In the end the Republicans dropped all thought of legislation in favor of a Senate resolution merely expressing the sense of the Senate without force of law. The resolution had in it a present for everybody, which gave it the comforting majority of 69 to 21, though one provision unpalatable to the Administration was adopted by the close vote of 49 to 43.[1] The main provisions of the resolution voiced Senate (not legislative) approval of General Eisenhower's appointment, of sending abroad such armed forces as might be needed to contribute to European defense, but not more than four divisions "without further Congressional approval," desire that the President should consult with the Joint Chiefs of Staff and that they should certify that the other allies were making a "full and realistic" effort toward collective defense before our troops were sent, and a request for semiannual progress reports and consideration of using the military resources of West Germany and Spain.

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6. in the interests of sound constitutional processes, and of national unity and understanding, congressional approval shall be obtained of any policy requiring the assignment of American troops abroad when such assignment is in implementation of article 3 of the North Atlantic Treaty; and the Senate hereby approves the present plans of the President and the Joint Chiefs of Staff to send four additional divisions of ground forces to Western Europe;

7. the President shall submit to the Congress at intervals of not more than 6 months reports on the implementation of the North Atlantic Treaty, including such information as may be made available for this purpose by the Supreme Allied Commander, Europe.

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* But it is the sense of the Senate that no ground troops in addition to such four divisions should be sent to Western Europe in implementation of Article 3 of the North Atlantic Treaty without further congressional approval.

* Nixon voted "Yea" when first proposed and defeated and "Yea" again for both reconsideration and passage.

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* 6. The Senate hereby approves the policy of assigning American forces, including ground troops, to Western Europe when such assignment is in implementation of article 3 of the North Atlantic Treaty and hereby approves the present plans of the President and the Joint Chiefs of Staff to send four additional divisions of ground troops to Western Europe; to promote and advance this policy it is the sense of the Senate that there should be, in the interests of national unity and understanding, the fullest collaboration between the Congress and the President.

* Nixon voted "Nay" to this "watered-down" version of the amendment.

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[1] The provision was that "no ground troops in addition to . . . four divisions should be sent to Western Europe in implementation of article 3 of the North Atlantic Treaty without further congressional approval" [97 Congressional Record, 82nd Congress, 1st Session, p. 3095].

Mr. CHURCH. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be taken from either side.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. How much time does the Senator yield himself?

Mr. DOLE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. DOLE. Mr. President, I have indicated before that the perfecting amendment is an improvement. I believe it will be supported almost unanimously at 2 o'clock, but believe there are other substantive provisions where improvement can be made.

There has been some discussion as to whether this amounts to a declaration of war and whether we are in fact at war in Southeast Asia. The question has been the subject of debate throughout our history. When do we have a formally declared war and when do we have an armed conflict that is not war.

A requirement that congressional approval of Presidential action in this field can come only through a declaration of war is not only contrary to historic constitutional usage, but as a practical matter would curtail effective congressional participation in the exercise of the shared war power. If Congress may sanction armed engagement of U.S. forces only by declaring war, the possibility of its retaining a larger degree of control through a more limited approval is foreclosed. While in terms of men and materiel the Vietnam conflict is one of large scale, the objectives for which the conflict is carried on are by no means as extensive or all-inclusive as would have resulted from a declaration of war by Congress. Conversely, however, there cannot be the slightest doubt from an examination of the language of the Gulf of Tonkin Resolution that Congress expressly authorized extensive military involvement by the United States. To reason that if the caption "declaration of war" had appeared at the top of the resolution, this involvement would be permissible, but that the identical language without such a caption does not give effective congressional sanction, would be to treat this most nebulous and ill-defined of all areas of the law as if it were a problem in common law pleading. Mr. Justice Grier, more than a century ago, in the prize cases said:

This greatest of civil wars was not gradually developed by popular commotion, tumultuous assemblies, or local unorganized insurrections. However long may have been its previous conception, it nevertheless sprung forth suddenly from the parent brain, a minerva in the full panoply of *war*. The president was bound to meet it in the shape it presented itself, without waiting for Congress to baptize it with a name; and no name given to it by him or them could change the fact.

If substance prevailed over form in establishing the right of the Federal Government to fight the Civil War in 1861, substance should equally prevail over form in recognizing congressional sanction for the Vietnam conflict by the Gulf of Tonkin resolution—or by the many appropriation bills passed by Congress since that time—even though it was not in name or by its terms a formal declaration of war.

Viewed in this context, the President's determination to authorize incursion into the Cambodian border area by U.S. forces to destroy sanctuaries utilized by the enemy is a tactical decision traditionally confided to the Commander in Chief. From the time of the drafting of the Constitution, it has been clear that the Commander in Chief has authority to take prompt action to protect American lives in situations involving hostilities. Faced with a substantial troop commitment to such hostilities made by the previous Chief Executive, and approved by successive Congresses, President Nixon has an obligation as Commander in Chief of the country's Armed Forces to take steps he deems necessary to assure their safety in the field. A decision to cross the Cambodian border to destroy sanctuaries being utilized by North Vietnamese in violation of Cambodia's neutrality, is wholly consistent with that obligation. It is a decision made during the course of an armed conflict as to how that conflict shall be conducted, rather than a determination that some new and previously unauthorized military venture shall be undertaken.

By crossing the Cambodian border to attack sanctuaries used by the enemy, the United States has in no sense gone to "war" with Cambodia. United States forces are fighting with or in support of Cambodian troops, and not against them. The Cambodian incursion has not resulted in a previously uncommitted Nation joining the ranks of our enemies, but instead has enabled us to more effectively defer enemy aggression heretofore conducted from the Cambodian sanctuaries for almost five years.

Only if the constitutional designation of the President as Commander in Chief conferred no substantive authority whatever could it be said that prior congressional authorization for such a tactical decision was required. Since even those authorities least inclined to a broad construction of Presidential power concede that the Commander-in-Chief provision does confer substantive authority over the manner in which hositlities are conducted, the President's decision to invade and destroy the border sanctuaries in Cambodia was authorized under even a narrow reading of his power as Commander in Chief.

Let me say, as I have said before, that whether or not there is any precedent for

Vietnam, the question now is not how we got into Vietnam or Southeast Asia, but how we get out, honorably.

I have said many times, and recently to the distinguished majority leader, in my opinion it may be weeks or months before we can judge the success of the Cambodian operation, not militarily—we know now that this war is a success—but as to whether it was a wise course for the President to choose if he had two principal things in mind, as he said he did—first to protect American forces and, second, to keep the Vietnamization program on schedule, and hopefully ahead of schedule.

I have said publicly, and repeat, that if for a moment I felt we were in Cambodia to shore up some other government, whether the Lon Nol government or any other in Cambodia, I would reject such incursion out of hand.

Mr. President, I have said frequently, "Let us look at the record of Richard Nixon, now President of the United States." When Richard Nixon was sworn into office on January 20, 1969, the authorized troop level in South Vietnam was about 550,000 Americans. What has happened since January 20, 1969? The President has said repeatedly to the American people that he will extricate us from South Vietnam. Has he done it? He has announced troop withdrawals and kept the announced troop withdrawals on schedule. We have reduced the overall troop level by 115,500 men. The President announced again on April 30 of this year that another 150,000 men would be home by next spring. That means a total of 265,500 trops will have been withdrawn in a little more than two years since President Nixon assumed the burden of the Vietnam war, which he inherited.

So I say to my friends: Why should we question President Nixon; why should we question his judgment, his faith and credibility by efforts now to shackle him.

Mr. President, I have the highest respect for the sponsors of this amendment. I question the motives of no one; or the patriotism of anyone. I question the timing of the Church-Cooper resolution as it will be interpreted by the American people differently than it is interpreted by the Senator from Kentucky or the Senator from Idaho. If it were interpreted by everyone in America as by these two distinguished colleagues it would present little problem. But to most Americans, to the man on the street, the man in uniform, and the man who has been in uniform, it will be interpreted almost universally as an attack, first, on the President's credibility and as an effort to hamstring the Commander in Chief in his efforts to protect American forces after June 30, 1970, in Cambodia.

Mr. President, this is the issue that concerns many of us. I recognize some are opposed to any resolution. But it appears even at this point that there still may be an opportunity for compromise, that there is still opportunity for accommodation. We can recognize the rights, powers, duties, and obligations of Members of this body and also recognize the rights, powers, duties, and responsibilities of the President of the United States if we truly make the effort.

I would hope in the days ahead, after adoption of the perfecting amendment, there still may be some accommodation and some recognition of the fact the President had a right to make a tactical move into Cambodia, and that the move was made to protect American troops and to keep the Vietnamization program on schedule. I trust we can resolve the remaining issues in the Church-Cooper amendment in a very short time.

The issue is important enough, as it was in 1951—during the so-called great debate which lasted from January to April over the President's right and power in connection with the Korean conflict. The issue is serious enough and grave enough that, if necessary, we should spend days, and perhaps weeks, debating the rights, powers, and responsibilities of Congress vis-a-vis the rights, powers, and responsibilities of the President.

Mr. MONDALE. Mr. President, I think that the current Senate debate on the Church-Cooper amendment is one of the most vital matters we have had before us this Congress.

It is a crucial step in the reassertion of our Constitutional responsibility over the waging of war and peace.

It is a vital measure in the current effort to bring the tragic Indochina war to a close and to substitute a firm policy of political settlement and American disengagement for the current policy of military victory and perpetual warfare.

Most of all, this amendment is a means by which we can respond to the despair of a nation—a nation which needs to know that there is a Congress both willing and able to reflect their will that the war be ended.

Never in my 6 years in the U.S. Senate have I seen such an outpouring of bewilderment, frustration, fear, and disappointment from my constituents as over the recent decision to carry the Vietnam war into Cambodia.

I must admit that I share and deeply sympathize with these same reactions. I very much want to support the President in his professed goal of withdrawing American troops from Southeast Asia and bringing an end to the longest war in our Nation's history—a war in which, in a decade, has claimed nearly 50,000 American lives, another quarter of a million wounded, untold millions of Vietnamese deaths, and over $100 billion worth of American resources.

But I am absolutely convinced that we cannot end a war by escalating it; that we cannot further negotiations by increasing the tempo of warfare; that we cannot achieve a just political settlement by pursuing a quick military victory in a land where that goal has eluded us for 10 tragic years.

The Church-Cooper amendment now before us, and the Hatfield-McGovern amendment which will follow when the military authorization is considered, are vital and responsible pieces of legislation, designed only to further the objectives of peace which all profess to hold.

They will not tie the hand of the President in his constitutional obligation as Commander in Chief of our Armed Forces. As Commander in Chief, he must direct the military effort, protect our troops, and further the objectives which lie behind our massive involvement in Indochina.

But Congress has the authority and the obligation to direct the nature of these objectives and to set limits upon military activities which run counter to them.

The recent invasion of Cambodia was in clear contradiction to the objectives of peace, disengagement, and a political solution which the President has told us we are pursuing.

I firmly believe, as I have stated, that Congress must set limits which will strengthen our pursuit of these objectives.

The Church-Cooper amendment does just that. It simply reinforces what the President has already insisted to be our inviolable timetable for the withdrawal of troops from Cambodia. But it will make clear that such an adventure does not, in fact, correspond to the objectives of our Indochinese involvement, and that it must not be attempted a second time.

Our troops will be protected. The President's Cambodian mission will be completed according to his own timetable and will be successful by whatever criterion the administration and the Pentagon are now setting for the evaluation of that mission.

All the Church-Cooper amendment will do, then, is make it clear that whatever we call our objective—"withdrawal," "Vietnamization," "peace," "peace with honor," or "political solution"—will not be served by another massive invasion of Cambodia.

Similar reasoning, I think, applies to our involvement in all of Vietnam. In effect, Cambodia is only a peripheral issue—symbolic of the confusion over the goals we seek in Indochina. The real tragedy of Cambodia was and is not the fact that our troops are there, and not even the likelihood of a wider and prolonged war throughout Indochina—although these are profoundly disturbing issues. The real tragedy of Cambodia is that it was an utter violation of the objective of a negotiated, political settlement of the Vietnamese war.

We cannot have it both ways. We cannot profess to a political solution while seeking the military victory which has eluded us for 10 years and already cost us 50,000 American lives.

I was hopeful that the "Vietnamization" program was a means of seeking the political solution. I hoped that it would bring an end to the hostilities and encourage the Saigon government and the South Vietnamese Army to put their house in order and see if they can secure the stability and allegiance of the people of South Vietnam.

But recent events have suggested that there must be congressional limits in order to pursue and secure such a policy. Again, I have no desire to thwart the responsibility of the President as Commander in Chief. But I do feel that the Congress has the responsibility and the constitutional obligation to determine why we are in this part of the world, to

support the President in his decisions and activities which further these objectives, and to prohibit activities which run counter to peace, disengagement, and political settlement.

I firmly believe that the Hatfield-McGovern amendment to the military authorization bill will serve these ends. It will give ample time for the President and our military and political delegation in Saigon to accomplish the total Vietnamization of this war. It will surely encourage the South Vietnamese to further this goal. And it will hold us to a disengagement from a war in which we have now won all we can ever win.

Mr. President, I commend the authors of these amendments, and I very much hope that they will receive the overwhelming endorsement of the Senate which they deserve.

We can, at this time, take no more important steps for the causes of peace, honor, unity, and national pride.

Mr. KENNEDY. Mr. President, one of the tragic consequences of the agonizing war in Vietnam has been the tremendous toll paid by the Vietnamese people. This aspect of the war is often overlooked in this country. But the fact remains that over the last 5 years the conflict has destroyed the countryside, generated millions of refugees, and inflicted at least a million civilian war casualties, including some 300,000 deaths.

As chairman of the Judiciary Subcommittee on refugees I have long been concerned over this human cost of the war, and we have tried to make the case—over and over again—that the problem of refugees and civilian casualties must be a matter of vital concern to the United States.

It is with considerable interest, therefore, to note what has apparently become a primary justification by the administration for bogging down the withdrawal of American troops. Repeatedly, officials in the administration—including the President—have suggested that the mere withdrawal of these troops—at any point, it seems—would result in a "bloodbath" for millions of South Vietnamese citizens.

Frankly, Mr. President, I am skeptical of these speculations—these fears. As they are phrased by the administration, I find they are also misleading. And I strongly feel the polemical repetition of the "bloodbath" argument has become an irresponsible evasion of the real issues involved in reaching a political settlement—A negotiated settlement—in South Vietnam, and finally bringing peace to that battered land.

First of all, the "bloodbath" argument is, at best, based upon dubious historical evidence. Several recent articles which I shall introduce into the RECORD at the close of my remarks, point this out rather convincingly.

It is misleading, for example, to compare the situation in South Vietnam today with that of North Vietnam in the 1950's when an alleged "bloodbath" occurred. The two situations are simply not analogous, especially because the non-Communist groups in South Vietnam today—including the Thieu government—are well organized and strong, and, I should emphasize, well armed.

Within the context of the Vietnamization program, this should suggest to the administration that the North Vietnamese and the Vietcong, even if they were intent upon a "bloodbath," will have to seek political accommodation—not political annihilation. In this connection, one of the analysts most widely quoted by those who actively fear a "bloodbath"—Douglas Pike—admits in his recent study on Vietcong terror, that only a decisive Communist victory would carry the threat of reprisals involving mass slaughter. No one seriously argues that such a "decisive victory" is about to occur.

In the case of political accommodation, the negotiated settlement should obviously include provisions to protect and provide sanctuaries for those who fear for their lives. But the mere fear of a "bloodbath" must not become a slogan to evade those negotiations. The safety and right of asylum for South Vietnamese citizens opposed to the political solution achieved in their country can only be provided by the negotiations.

And there is ample precedent for such provisions—within the historical context of Indochina and elsewhere. We all know, for example, that the right of refuge and population regroupment was agreed to in the Geneva accords of 1954, which ended the first Indochina war. And in similar wars, no less bloody and impassioned than Vietnam—such as Algeria, or even Nigeria—the issue of protecting former opposition groups and the civilian population was guaranteed in the arrangements which followed the war, and, in the main, were satisfactorily carried out.

Finally, Mr. President, we must not allow the specter of a highly dubious "bloodbath" of the future to blind us from the "bloodbath" that is going on today, every day, in South Vietnam and all of Indochina. This "bloodbath" started long ago—and we are part of it—and it will continue daily so long as the war continues, so long as negotiations to end that war are avoided and delayed.

Already a million soldiers and civilians have been killed in Vietnam, and, by very conservative official estimates, approximately 4,000 Vietnamese civilians are wounded each month. This "bloodbath"—which is here and now—must be stopped. Concern for the future safety and rights of the people of South Vietnam is proper and right. But it must not be used to derail us from the hard task of negotiating a settlement that will end the military "bloodbath" that is going on today.

In all candor, I must concur with the view that administration spokesmen seem to be rather cynically using the "bloodbath" argument to win support for short-range policies of military success. But, it seems to me, that if we are to avoid the long-term "bloodbath" of continued war, we must expose the administration's argument for what it is: Cynical political rhetoric designed to disguise the hard choices we face in negotiating a peace that will end the war.

Mr. President, I ask unanimous consent that a number of relevant articles on the "bloodbath" issue be printed at this point in the RECORD.

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

[From the Washington Post, May 24, 1970]

EXCERPT FROM "ONLY A TIMETABLE CAN EXTRICATE NIXON"

(By Lee Gelb and Morton H. Halperin)

. . . Another argument frequently used by the Nixon administration against a fixed withdrawal schedule is that a blood bath would ensue in South Vietnam. This is a serious matter to take into account. The administration, however, is using it as a scare tactic. Speculations—and they can be only speculations—about a blood bath have to be weighed against the certainty that South Vietnamese are now being killed by the thousands and will continue to be killed by the thousands each year that the war goes on.

The North Vietnamese record of dealing with their enemies after the 1954 Geneva Conference is certainly no worse than the record of our South Vietnamese allies. The performance of both on the matter of human life over the last six years has been equally appalling. For the South Vietnamese who would not wish to take their chances with a "peace," we should, of course, stand ready to provide sanctuary and assistance.

But the interesting thing about the blood bath argument is that it must hide either the belief that the South Vietnamese army is hopeless or the conviction that U.S. forces can never be fully withdrawn—or both. The Nixon administration keeps insisting that our South Vietnamese allies have made great progress in the military field, and even the heretofore knowledgeable pessimists agree. The South Vietnamese armed forces number one million, and if police and civil defense forces are counted, this adds another quarter million. They have the most modern U.S. equipment, and after an American withdrawal would continue to receive U.S. military assistance.

The 1¼ million-man force would be left to contend with a combined North Vietnamese and Vietcong force of about 220,000 backed up by a North Vietnamese army of approximately 400,000. If these numerical odds are not considered significant by the President, is he really concerned about something else? Does it have something to do with the quality of the South Vietnamese forces? Will they ever be able to hold their own against North Vietnam?

All these questions come down to the overwhelming question: Does the President really intend to get out of Vietnam fully or will his policy inevitably lead to a leveling off of U.S. forces at 100,000 or even 250,000 men? If the latter is his policy, the President really has no objection to the fixed timetable alternative. His objection rather would seem to be to the very principle of full withdrawal in the absence of a negotiated settlement. . . .

[From Life Magazine, May 22, 1970]

EXCERPTS FROM CLARK CLIFFORD'S, "SET A DATE IN VIETNAM, STICK TO IT, GET OUT,"

On a number of occasions, President Nixon, in arguing that it would be improper for us to leave Vietnam now, has used the so-called "bloodbath" arguments. He has suggested that the massacre of many South Vietnamese, including a million and a half Catholics who fled from the North, would occur when our forces withdrew.

I find this position difficult to understand. In the first place, the figure of one million and a half Catholics who fled to the South, referred to by President Nixon in his speech of Nov. 3, 1969, is incorrect. A study of this subject, published in 1956, by the South Vietnam Department of Education and the National Commission for UNESCO, discloses that the number is not 1.5 million but 754,710. This is significant because the Pres-

ident overlooked the fact that there are still living in *North* Vietnam today approximately 800,000 Catholics. There are also Catholics among the leadership of the National Liberation Front in South Vietnam.

The President based his claim of "bloodbath" on his charge that when the Communists took over North Vietnam in 1954, they slaughtered thousands upon thousands of North Vietnamese. In fact, the records of the International Commission disclose that, in the two years following the armistice of 1954, only 19 complaints were filed covering political reprisals in all of North Vietnam. Later, in 1955 and 1956, a peasant revolt was harshly repressed, and the best estimate are that 10,000 to 15,000 may have died.

It is my firm belief that, when it becomes apparent that the Americans are in fact leaving, all parties seeking power in South Vietnam will have a strong incentive to negotiate a compromise settlement. All will recognize that compromise is their one assurance of a share in political power. The contending factions must now be aware that, in the absence of compromise, they can look forward only to continued conflict and disruption. The need for peace must now be apparent to all but the very few whose power and profit depend on war.

[From the Washington Post, Nov. 3, 1969]

SPECIALISTS DOUBT U.S. PULLOUT WOULD LEAD TO A SLAUGHTER

(By Stanley Karnow)

HONG KONG.—In contrast to the apocalyptic view of the future currently being voiced in some quarters in the United States, specialists in this part of the world strongly doubt that an American withdrawal will give the Communists an automatic victory in South Vietnam.

Even if the Communists do acquire a share of power in Saigon, these specialists submit, it is equally doubtful that they could or would slaughter everyone who resists their authority.

This is not to depict the Communists as Boy Scouts dedicated to good deeds. Nor does it mean that their ultimate goal is anything less than the complete control of Vietnam.

Yet they, like their opponents, cannot realistically ignore the fact that Vietnam is a highly fragmented, pluralistic society that can only be governed by balancing rather than crushing its vast and often baffling assortment of factions.

These factions include religious sects like the Cao Dai, the Hoa Hao and various Catholic and Buddhist persuasions, as well as a crazy quilt of splintered political parties, clan associations, ethnic movements, secret societies and other groups.

Moreover, many of these factions have deep roots in different areas of the country, where they have survived and even flourished by coming to terms with the Vietcong in their own localities.

Indeed, the Vietcong itself is not a monolith but, as its formal title proclaims, a "front" comprising representatives of Vietnam's diverse factions—stiffened and directed, of course, by the Communists.

Accordingly, the American expert Douglas Pike suggests that postwar Vietnam could conceivably resemble a federation like Switzerland, with the country's variegated groups maintaining their regional strongholds while participating in a central coalition government.

Less optimistic experts, skeptical that such an orderly arrangement can evolve, forecast instead that Vietnam is condemned to years of inconclusive strife. Exponents of this thesis point to the numbers of arms caches already being hidden for the eventuality.

In any case, there is no plausible evidence to support the facile prediction that U.S. disengagement will inevitably open the way for a Communist takeover in the South.

That the Communists know this is reflected in their reluctance to compromise. Speaking to a Western diplomat in a neutral Asian capital not long ago, a senior Communist official candidly expressed his fear that "premature" settlement would endanger Vietcong solidarity.

In a recent conversation with a left-wing European visitor, another Communist spokesman privately made plain his feelings that "ruling South Vietnam is going to be one series of headaches."

Despite their claims to 1000 years of nationhood, the Vietnamese have traditionally had a loose political structure. As the old Vietnamese adage described it: "The laws of the emperor yield to the customs of the village."

During its organizational period in the late 1940s, the Communist-led Vietminh mobilized by incorporating assorted groups into a "front" that managed to retain its cohesion largely because, its members were united in their opposition to French colonial domination.

A decade later, the Vietcong similarly built itself up by creating youth, women's, peasant, labor and other associations whose common appeal was their resistance to the late President Ngo Dinh Diem's Saigon government.

Diem's major mistake, on the other hand, was his stubborn attempt to repress rather than appease South Vietnam's divergent groups. He met his end when, in an effort to smash the Buddhists, he ignited a revolt that quickly consumed his oligarchy.

Ideally, then, the Vietnamese should be encouraged to seek accommodations with each other. Here the United States can play a significant role.

First, by reiterating that the Vietcong represents a legitimate political force in the country, Washington can contribute to increasing Vietnam's diversity and, in the process, indirectly prompt the Communists to dilute their ambitions.

Secondly, by accelerating the U.S. troop withdrawal and perhaps announcing a timetable for disengagement, the White House would serve notice to the non-Communist elements in Vietnam that they must strengthen themselves to deal with their Vietcong adversaries.

One of the consistent American failures in Vietnam has been to underestimate the Vietnamese whose resilience and adaptability may prove to be a far better defense than a continued U.S. presence.

[From the New York Times, May 12, 1970]

IN THE NATION: MR. NIXON'S SCARY DREAMS

(By Tom Wicker)

WASHINGTON, May 11—In his televised address on the war last Nov. 3, President Nixon declared that a "precipitate" American withdrawal from South Vietnam" would inevitably allow the Communists to repeat the massacres which followed their takeover in the north fifteen years before. They then murdered more than 50,000 people and hundreds of thousands more died in slave labor camps."

In his speech of April 30, when he announced the invasion of Cambodia, Mr. Nixon again adduced the bloodbath story to support his action. Part of what he called "the easy political path," he said would be "to desert 18 million South Vietnamese people, who have put their trust in us, and to expose them to the slaughter and savagery which the leaders of North Vietnam inflicted on hundreds of thousands of North Vietnamese who chose freedom when the Communists took over North Vietnam in 1954."

Then, under fire at his news conference on May 8, Mr. Nixon escalated. It was a "moot question" whether the war had been worthwhile, he said, but "now that America is there, if . . . we withdraw from Vietnam and allow the enemy to come into Vietnam and massacre the civilians there by the millions, as they would, if we do that, let me say that America is finished insofar as the peacekeeper in the Asian world is concerned."

Let us pass mercifully over the highly revealing remark about "the peacekeeper in the Asian world" to the question of the bloodbath. On each of Mr. Nixon's two earlier assertions of this historical hobgoblin, I wrote that the record disclosed no evidence that such an atrocity had occurred. Prof. George McT. Kahin, Director of Cornell University's Southeast Asia program, used this space on Dec. 6, 1969, to refute the President's Nov. 3 statement. Several magazine articles have gone into the matter in detail, as have numerous books each concluding there was no bloodbath in North Vietnam in 1954.

THE I.C.C. RECORDS

In fact, quite the opposite; the records of the International Control Commission disclose only nineteen complaints of political reprisals and only one involving murder in North Vietnam in the two years following the armistice; nor did the I.C.C. allege that its inquiries were in any way hampered by the Communist Government. But in South Vietnam, 214 complaints were lodged in the same period against the Diem Government, and when Ngo Dinh Diem in 1957 summarily barred the I.C.C. from any further investigations, 1,047 complaints were still pending against him. Moreover, the Diem Government itself reported 48,200 arrests of Communists from 1954 to 1960.

So the only events resembling mass political reprisal after the 1954 armistice occurred in the South, not the North. What did happen in North Vietnam was a harshly repressed peasant revolt in 1955 and 1956 against a severe land reform program. It had nothing to do with Ho Chi Minh's takeover. Mr. Kahin thinks perhaps 10,000 to 15,000 may have died.

As evidence for the likelihood of a bloodbath, Mr. Nixon also mentioned on Nov. 3 that the troops who captured the city of Hué during the 1968 Tet offensive may have "eliminated" as many as 3,000 South Vietnamese. But D. G. Porter and L. E. Ackland, writing in *The Christian Century* of Nov. 5, 1969, have reported their findings, after careful research, that most of these wicked executions took place in the heat of battle and as "the revenge of an army in retreat" and were not the deliberate policy of Hanoi.

So there are at least three things to be said about the bloodbath Mr. Nixon insists will take place if the Communists take over South Vietnam. To the extent Americans are led to believe in this specter, the President makes it harder to justify any end to the war that would appear to give North Vietnam opportunity for such a massacre; that is, almost any compromise settlement.

DUBIOUS JUSTIFICATION

The second is that, since there is no historical evidence to justify the bloodbath prediction, this is an emotional argument to match or exceed any of the "emotionalism" or "sentimentality" or "lack of realism" so often charged to war critics.

Finally, since Mr. Nixon's staff is perfectly capable of pointing out an untruth no President should wish to assert, his insistence on the blodbath seems to stem from something stronger than evidence. It is as though he wills it to be true, even though it isn't, both to justify the war and his policy, and to confirm the anti-Communism on which rests so much of his public life. Believing, perhaps, has made it so.

[From the New York Times, Dec. 6, 1969]

TOPICS: HISTORY AND THE BLOODBATH THEORY IN VIETNAM

(By George McT. Kahin)

The Administration's most persistent argument against a rapid or complete withdrawal of American troops from Vietnam has been that a bloodbath would take place if American forces were no longer available to protect President Thieu's regime from the National Liberation Front. Others hold that even if the President's forecast were correct, the number of victims involved would not approach the number of civilians who are certain to be killed during even a few more months of fighting in South Vietnam.

But however one estimates these possibilities, it is essential that a clear distinction be made between battlefield conditions and the situation existing after an armistice. In heat-of-battle conditions both sides in the past—and probably in the future—have carried out reprisals against those identified as working for the enemy—particularly when they occupy positions in intelligence, the police, or are believed to be informers.

This was apparently an important factor in the execution of civilians at Hué, and Army spokesmen have alleged that it influenced American conduct in the massacre at Songmy. So long as a particular battle is simply one episode in a continuing series, both sides will be tempted to take punitive measures against "enemy" civilians.

Such actions will probably continue until there is a ceasefire but they should not be taken as an augury of what will happen after a settlement. This is, however, just what President Nixon suggested in his speech Nov. 3 when he equated a post-armistice situation with that of Hué in early 1968, where many civilians are reported to have been executed during three weeks of terribly intensive fighting.

In asserting that Hué was "a prelude of what would happen" in a South Vietnam suddenly left unprotected by American troops, Mr. Nixon has not only argued against withdrawal but has made it much more difficult for Americans to trust in a negotiated peace settlement.

MR. NIXON'S WRONG FACTS

Even more damaging to this prospect is the President's appalling misunderstanding of what actually happened after the 1954 Geneva armistice. He charges that with the departure of the French army from northern Vietnam, the Vietminh "murdered more than 50,000 people and hundreds of thousands more died in slave labor camps," and that on the basis of this history we must expect a similar bloodbath in the South if American forces are withdrawn before Thieu's Government can stand on its own.

The President's account is contrary to the historical record. If his advisers have studied the reports of the International Control Commission, responsible under the 1954 Geneva armistice for investigating allegations of reprisal, they must know that in the first two years following that armistice a total of nineteen complaints alleging political reprisal in the North were lodged with the Commission, only one of which involved murder. During the same period at least 214 were lodged against Diem's Government in the South, including several reports of massacres.

Although the I.C.C. did not complain that its inquiries into these allegations were hampered in the North, it soon encountered major obstructions in the South, with Saigon finally forbidding it in early 1957 from continuing such investigations there. At that time, the Commission had yet to investigate thirty-five alleged incidents of political reprisal in the North as against 1,047 in the South. Many allegations could have been substantiated. We know that Diem's regime reported publicly that between 1954 and 1960 there were 48,200 alleged Communists arrested in South Vietnam.

SUPPORT—OR SOLUTION?

It was in the fall of 1956, more than two years after the Geneva Armistice, that violence occurred on a significant scale in the North. This was unconnected with the anti-French struggle and was not in reprisal against Vietnamese who had supported France against the Vietminh.

Those concerned with political reprisals might well insist that in any future Vietnam settlement the I.C.C. or its equivalent be made much stronger to insure that it is capable of investigating alleged reprisals effectively.

And any President worried about a future bloodbath in Vietnam who looks to historical precedent for instruction should be as much concerned with the actions of an American-supported regime as with those of a regime we oppose.

[From the Christian Century, Nov. 5, 1969]

VIETNAM: THE BLOODBATH ARGUMENT

(By D. Gareth Porter and Len E. Ackland)

As pressure builds on the Nixon administration to withdraw American troops rapidly from Vietnam, proponents of the war are beginning to emphasize the argument that if the communists were allowed to gain control, there would be a massive bloodbath of noncommunist Vietnamese.

This argument is not new. Joseph Alsop invoked the bloodbath specter last May when he wrote that "at least a million South Vietnamese . . . would be doomed to prompt execution, in the event of a nationwide Communist takeover." About the same time an aide to Nixon's adviser Henry Kissinger told a group of visitors to the White House that there would certainly be a "bloodbath" if American forces pulled out of Vietnam too soon. Six weeks later Alsop raised his estimate to 1.5 million, a figure he claimed was officially accepted. And in September he warned that "too many troop withdrawals" would expose Vietnamese to massacres that would make Hué look like a "Sunday school picnic."

Like all political propaganda, these predictions are intended to inspire support for official policy rather than to increase understanding. Those of us Americans who are genuinely concerned about the Vietnamese people want sober information on the facts, not appeals to emotion. Let us therefore look at the relevant historical evidence.

Political murder is no new thing in Vietnam. The French used it consistently to destroy nationalist political movements. The Viet Minh and their successors employed it whenever they thought it would be useful in their struggles against the French, the Americans and their internal foes. In 1945 and 1946 they systematically assassinated many potential rivals for power, and since 1956 they have killed thousands of local officials and other pro-government figures in South Vietnam.

Similarly, the Vietnam Nationalist party (V.N.Q.D.D.) had a reputation in earlier years for kidnaping and assassinating Viet Minh agents, while members of the Hoa Hao religious sect tied groups of Viet Minh together and threw them alive into canals. More recently assassination squads hired by the U.S. have sought out members of the National Liberation Front's political and administrative organization. As we said, political murder is no new thing in Vietnam.

But to predict the mass murder of former foes once the conflict has ended is quite another matter. Alsop asserts—apparently with official encouragement—that both the history of North Vietnam after the Geneva Conference of 1954 and the communist occupation of Hue during the 1968 Tet offensive portend a policy of mass liquidation if the communists come to power in the South. The historical record, however, does not support any such conclusion.

The 1954 Geneva agreement called for what was intended to be twofold protection from reprisals by either the Viet Minh or the French administration. First, it provided for free movement of the population between the two "temporary zones" north and south of the 17th parallel, to be effective for a year following the cease-fire. Second, it prohibited reprisals against those who collaborated with either army during the war. While there is evidence that the Hanoi government, stunned by the massive movement of population out of the northern zone, violated the accords in attempting to impede that flow, it also seems clear that there was no campaign of reprisals against pro-French elements.

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International Control Commission reports, while not definitive, give us a reasonable account of the situation in North Vietnam after the 1954 accords. During the period from 1955 to 1961, a total of 43 complaints alleging reprisals in the North were submitted to the I.C.C. by the French and the Diem regime. Of the first 12 complaints lodged by the French High Command, the I.C.C. investigated three and dismissed all of them as unfounded. Of 41 personal petitions alleging such D.R.V. reprisals that were presented to the commission, half of them were dismissed as not falling under the reprisal provision of the accords. Although most of the I.C.C. reports do not specify the nature of the uninvestigated complaints, it appears that very few of them involved charges of murder. For example, of the 18 incidents of reprisal alleged by the French to have taken place between December 1955 and July 1956, only one involved murder.

Thus the sum total of the allegations lodged against the D.R.V. hardly supports the "bloodbath" predictions made by Alsop *et al.* True, the movement of 750,000 to 1 million anticommunists, Catholics and other collaborators with the French to South Vietnam before July 1955 undoubtedly reduced the number who might have been punished. Nevertheless, despite the alarms often sounded about the fate of Vietnamese Catholics at the hands of the communists, 600,000 Catholics remained in the North, and there is no evidence that they were punished for their lack of pro-Viet Minh sentiment. In fact, Catholics in North Vietnam continue to exercise their religion freely, although there are limitations on their seminaries and high taxes on church lands.

Moreover, the small number of complaints against the D.R.V. must be compared with the wholesale reprisals by the Diem regime in South Vietnam against former collaborators with the Viet Minh. In 1955—violating the Geneva agreements, which were binding on his government—Diem launched an "anticommunist denunciation campaign" which soon acquired a frenzied momentum of its own and spiraled out of his control. No one knows how many "Viet Minh" were killed during the campaign, which lasted until 1958. It is known, however, that tens of thousands, many of them innocent of any connection with the communists, were rounded up in concentration camps. The High Command of the North Vietnamese army submitted to the I.C.C. 869 complaints, many of which alleged that Viet Minh sympathizers had been murdered.

When proponents of the bloodbath argument mention massacres in the North, they are referring not to political reprisals against former enemies of the Viet Minh but to the harshly implemented land reform program of 1955–56. The purpose of that program was to mobilize political support among the poor peasants, who were encouraged to denounce "rich landlords." As in the South, denunciations went out of control, as zealous cadres and local grudge-bearers combined to bring

about massive executions and imprisonments which went far beyond what the regime had intended. Historian Joseph Buttinger, whose sympathies lay with Diem, has estimated that perhaps 10,000 or 15,000 were killed during the period, but here again no reliable estimate is available.

By mid-1956 Ho Chi Minh, aware that the program had been a disaster, admitted "errors" and promised to correct them. In October he dismissed Truong Chinh, the primary advocate of an extreme left-wing "Chinese" policy in agriculture, from both his positions as director of land reform and party secretary. In a display of public repentance the government launched a "campaign for rectification of errors" and did what it could to repair the damage. But the sharp reversal of policy did not come in time to stave off an open rebellion in Nghe An province, where hundreds of peasants were reportedly killed in the fighting. It seems doubtful that, having experienced the disaster of 1955–56, Hanoi's leadership would make the mistake of applying the same extremist policy in the South.

II

Both Alsop and the administration have exploited American horror at the executions in Hué during the 1968 communist Tet offensive to stir fears of a nationwide massacre in Vietnam following American withdrawal. But closer examination of the circumstances surrounding the executions in Hué is necessary before conclusions can be reached concerning the probability of such a grim outcome.

One of the authors of this paper lived and worked in Hué during 1967 and returned after the Tet offensive of 1968 to interview Vietnamese and reconstruct the events surrounding the N.L.F. occupation there. The focus of this research was Gia Hoi, a precinct with 25,000 residents, one-fourth of Hué's population. Gia Hoi was under uncontested N.L.F. control for 26 days—longer than any other area of the city. There the Front established a revolutionary government, provided administrative services, held public meetings and distributed weapons. The story of Gia Hoi's occupation reveals that the mass executions perpetrated there were not the result of a policy on the part of a victorious government but rather the revenge of an army in retreat.

When, on the first day of the attack, about 20 Vietcong entered Gia Hoi in order to secure the area, they carried with them a list of those who were to be killed immediately as "enemies of the people." According to Le Ngan, director of Hué's special police, the list consisted of five names, all those of officers of the special force. Four were captured and summarily killed; the fifth, Le Ngan himself, spent 21 days dodging the communists before escaping to safety.

After establishing control the Vietcong drew up a second list naming all soldiers, policemen and government functionaries and all employees of the Americans. A third list, compiled in Gia Hoi by the N.L.F. guerrillas, included high school and university students, workers and servants who would probably serve the revolution once they were contacted.

III

The administration of Gia Hoi was in the hands of local N.L.F. cadres, most of them poor peasants from the countryside surrounding Hué, who obviously found the city an alien environment. The North Vietnamese troops who had a command post in Gia Hoi kept out of political matters and were, by all accounts, well mannered and highly disciplined throughout their stay. Meanwhile, physicians in Gia Hoi began staffing public dispensaries and a social service committee distributed rice from a government storehouse to needy families. But the primary business of the local administration was to create political support for the new regime. Small meetings were held continuously during the following three weeks, with separate study sessions for teachers, workers and students to enable the cadres to use the most persuasive arguments on each group.

During the first week and a half of the occupation few people were killed in Gia Hoi. Some did not report to the committees and were punished as examples; others, such as special police agent Le Van Rut, were executed because they had been particularly unpopular with Hué's population. After February 9, as the fighting across the canal became more vicious and the U.S. counterattack against the Citadel began, the attitude of the N.L.F. toward those on the "re-education" list began to change. For it became increasingly apparent that the Front would not be able to stay in Hué indefinitely. Every night for the next two weeks their cadres knocked on doors and ordered certain people to attend sessions, and almost every night new sessions were carried out in the yard of the Gia Hoi high school.

On February 22 all remaining soldiers, police, functionaries and employees of the Americans were ordered to report a second time, and those who reported or were located never returned. By then the Front knew that it would have to evacuate shortly, and it was in the final three days of the occupation that most of the killing in Gia Hoi took place. On the last day those who collaborated with the Front during its 26 days were asked if they wanted to return to the mountains with the N.L.F. troops. According to an A.R.V.N. intelligence officer, over 100 did go with the troops, but many persons who chose to remain behind were shot.

According to Ranger Captain Phan Van Phuoc, the government chief of the precinct, 60 per cent of the 350 bodies found in Gia Hoi were those of policemen and soldiers. The remainder were civil servants, employees of the Americans, members of the old right-wing Nationalist party (which had long provided cadres for the government's pacification and counterterror programs in central Vietnam), and some innocent civilians.

The Catholics were not singled out for retribution even after February 22. The Catholic priest in Gia Hoi told one of us that none of his clergy or parishioners were harmed by the N.L.F. In other parts of the city as well, priests reported that the Vietcong who approached them were "correct" though not friendly. One Benedictine priest was killed, apparently because he was chaplain to the Americans. But the murder of two French priests on February 25 was probably not carried out on orders from local leaders, since both had been known to be friendly to the N.L.F.

Some of the killing in the final three days was apparently the result of individual acts by the Front's cadres, long suspicious of and resentful toward the city people whom they had associated with the enemy and now further embittered by defeat and by the loss of many of their comrades in the battle. A later defector from the Front, who was with the retreating Front forces in the mountains west of Hué when they held a self-criticism session, reported that they were severely criticized by their superiors for excesses which had "hurt the revolution."

Elsewhere in Hué a similar pattern was followed: the vast majority of policemen, civil servants and soldiers were initially on "re-education" rather than on "liquidation" lists, but the number of killings mounted as the military pressure on the N.L.F. and North Vietnamese increased.

The notion that the communists will mount massive killings after taking power in the South is further weakened by the testimony of Tran Van Dac, one of the highest-ranking defectors from the N.L.F. In an interview published last year by the Joint U.S. Public Affairs Office in Saigon, he explained that if they took over, the communists would send military officers and former civil servants to "concentration camps to be re-educated" and in some caess to do hard labor, until they became "submissive." And of course, all those whose social class or former position makes them objects of suspicion would be "carefully watched" by the authorities.

Neither the earlier consolidation of power in North Vietnam, nor the occupation of Hué in 1968, nor the testimony of a high-ranking defector, supports the conclusion that Hanoi intends to bring about a "bloodbath" after achieving control in the South. Whatever the utility of eliminating government personnel during the war, the communist leadership has no interest in liquidating Saigon's military officers or civil servants. If there are political executions, the victims are most likely to be those who are highly unpopular with the citizens, such as the secret police officers on the highly selective list of "enemies of the people" in Gia Hoi.

The past offers ample evidence that long-standing hatreds can result in individual vendettas, and the highly political central Vietnamese are especially prone to such settling of old scores. If the U.S. really wishes to fulfill its moral obligation to those who fear for their safety in the absence of the American presence, it can do so easily by pledging to provide transportation to new homes for all who desire it.

The Nixon administration and its supporters appear more interested, however, in the exploitation of the bloodbath theme than in taking the practical steps to provide safety. And while they appeal to the American abhorrence of an imagined massacre, the real killing of thousands of Vietnamese and Americans goes on month after month.

HANOI'S VIEW
(By Richard J. Barnet)

(NOTE.—The following comments regarding Hanoi's view of the question of political reprisals after a settlement is reached in South Vietnam were written by Richard J. Barnet, a former legal officer in the U.S. Army and Department of State official. He is now co-director of the Institute for Policy Studies in Washington, D.C. He was invited to Hanoi in December, 1969 by the North Vietnamese Jurist Association.)

North Vietnamese officials told me again and again that they need to establish a broad coalition government because, as the premier put it, "after 25 years of war the situation in the south makes it absolutely essential."

When we discussed the charge frequently made in the United States that a coalition government would be merely a temporary device for a swift Communist take-over, a cabinet minister said that such predictions showed a lack of understanding of Vietnamese politics. He said that the NLF itself was a coalition; for example, leaders of the NLF mission in Hanoi whom I met included former soldiers in the Saigon army and middle class professionals with no Communist associations before joining the front. Most important, the officials argued, any political force in South Vietnam that wants to reconstruct the shattered Vietnamese society must work with all other significant religious and political groups to avoid continued civil war. The front is building up its political base because Catholics, Buddhists, Cao Dai, and middle class professionals are becoming increasingly anti-war and anti-American. The destruction and uncontrolled inflation in Saigon are building a nationalist coalition for peace.

The NLF leadership understands, it ap-

peared to me, that these nationalist forces are for the most part anti-communist as well, and that once the Americans leave, the front's only hope of building its power is to promote a political program that will appeal to many diverse interests. That is the reason, Hanoi and NLF officials said, that the political program of the front is not a communist blueprint. Although it proposes far-reaching land reform it does not call for collectivization or for the abolition of private property.

I had the distinct impression from meetings with NLF leaders that the front was prepared to make specific concessions to non-communist Vietnamese politicians concerning the evolution of South Vietnamese politics. Beyond the crucial issue of national independence the NLF's own ideas are realistically tentative. They obviously want to control South Vietnamese politics and to arrange for the eventual reunification with the North. They expect that all this will some day happen but almost certainly not sooner than 10 years. Meanwhile they must convince the non-communist political forces in South Vietnam that the front will respect their interests.

For this reason some NLF officials indicated that they may well be prepared to accept specific safeguards such as international inspection of elections and an international force to guard against and to report on possible political reprisals. But the very pledges they are prepared to give to other Vietnamese they will resist giving to us. For one thing, they told me, they do not see that the United States is entitled to assurance about the future character of the South Vietnamese government. More important, they totally distrust U.S. motives in seeking to influence the direction of Vietnamese society. They said they view with considerable scepticism expressions of humanitarian concern for the South Vietnamese from a country that has dropped more than a million tons of bombs on South Vietnam.

I had many discussions on the question of reprisals raised by President Nixon in his Nov. 3 speech. Premier Pham Van Dong told me flatly, "there will be no reprisals." He and others then went on to explain that national reconciliation was necessary to avoid the disintegration of South Vietnamese society. North Vietnamese officials insisted that there were virtually no reprisals in North Vietnam after the Geneva accords of 1954. The "massacres" to which President Nixon referred to in his speech grew out of the land reform campaign which ended in 1956. This brutal campaign was not aimed at those who collaborated with the French but at peasants who resisted forced collectivization. How many were killed or imprisoned is impossible to say with certainty. The North Vietnamese government, which called an abrupt halt to the campaign in 1956, will admit only that "too many" died and that the forced collectivization was a "serious error" not to be repeated.

I talked with a former Minister of Justice who had been in office after the Geneva settlement. He showed me a decree signed by Ho Chi Minh ordering the release of all political prisoners and collaborators including those who had committed ordinary crimes. He described an education campaign carried out by the Minister of Justice to promote national reconcilation and to discourage reprisals. While conceding that considerable hatred for collaborators developed in the war against the French, the Minister pointed out that it disappeared quickly as a result of the party's massive education program. Pointing to a colleague at the table who now holds a high position in the Hanoi government, the Minister noted, "he collaborated with the French. Now he is a trusted member of the government with a responsible position." The entire civil service that served the French during the war were retained in office after the Geneva settlement. "We needed them to build the country."

"It is imperative," Premier Pham Van Dong told me, "That all Vietnamese in the south be admitted into the National Community—with the same status." Otherwise, the bloodshed would continue and reconstruction would be delayed. Other officials noted that Thieu and Ky "have their bags packed." Anyone would be free to leave after the war if they feared for their personal safety. "Perhaps you would like to welcome them in Hawaii?" One North Vietnamese minister suggested.

Probably the greatest single inhibition on reprisals is the Vietnamese family structure. Many families have sons and daughters fighting on both sides. A common scene in the south, a high NLF official told me, is the secret family reunion when Saigon government soldiers and Vietcong fighters meet at their mother's side. They argue about the war but family feelings transcend politics. Often the soldier son gives his mother part of his paycheck and she in turn hands it over to her less well paid son in the Vietcong. "In South Vietnam," the NLF official remarked, "Almost every family is itself a coalition government."

[From the New Republic, Dec. 6, 1969]

THE FATE OF "OUR" VIETNAMESE AFTER WITHDRAWAL: FEAR OF A BLOODBATH

(By Tran Van Dinh)

The possibility of a "bloodbath" in South Vietnam if US troops were to swiftly withdraw has been worrying both "hawks" and "doves." But the Vietnamese likely to be the most affected by a change of regime in Saigon, or by a Communist take-over—the wealthy and powerful—do not talk much about it: they have been getting ready ever since the Tet offensive of 1968, which brought the war into their cities and their air-conditioned living rooms. A quiet exodus began, mostly to France. The price of exodus is not cheap. An exit visa costs as much as $5000; a "certificate of French citizenship" costs about $2000; illegal border crossings into Cambodia cost anywhere from $800 to $4000.

Money has been deposited in European banks. According to Allesandro Cassella of *Die Weltwoche* of Zurich a total of between $1.5 and $2 billion has left Vietnam in this way. According to the same journalist, President Nguyen Van Thieu has found a home for his children in Rome (where his brother is ambassador), and his wife has just purchased a house in Europe. He estimates that of 1600 Vietnamese who are legally leaving this country each month, half do not return, which means that approximately 10,000 have emigrated since the negotiations started in Paris. My own estimates are a bit higher. Those who cannot afford or who do not wish to leave, have gone through a well-planned process of accommodation with the "other side," an accommodation that reaches the highest echelons of the government. Huynh Van Trong, special assistant to President Thieu, was arrested in July this year with 42 others on charges of having contacts with the Vietcong. They were scheduled for trial November 28. On the provincial level, as Henry A. Kissinger has noted, "tacit accommodations are not unusual in many areas such as the Mekong Delta" (*Foreign Affairs*, January 1969). One wonders who will be left among the prospective victims.

The here-and-now bloodbath *is* real, however. For the majority of Vietnamese, poor peasants in the defoliated countryside and destitute workers in the city slums, it is what they have been witnessing a long time: the search and destroy missions; the "free zone" strikes; the B52 saturation bombings; the *Phoenix* operation (which from December 1967 to December 1968 killed 18,393 civilian Vietcong cadres); the Song My ("Pinkville") type of breakfast massacre in which an American infantry unit allegedly shot down some hundreds of men, women and children in a captured village in the early morning of March 16, 1968; the atrocities regularly described in national magazines (*Esquire, Look, The New Yorker*). To talk about a future massacre against this present background is ironic, to say the least.

For me, a Vietnamese, to discuss this problem is to admit the US has a role to play in the internal affairs of Vietnam after the war. I ask myself if earlier Americans would have been impressed by the reprisal argument, if it had been raised by the British before they left American shores after the War of Independence? Would it have carried much weight if, during the Civil War, a European country had intervened on behalf of either the North or the South, and then refused to leave on the grounds that withdrawal would leave the people of the North (or the South) at the mercy of aggressors?

Nonetheless, the question needs to be discussed, if only because it is raised by many Americans whose compassion for the Vietnamese people and whose opposition to the war I do not doubt. But in doing so, we must examine two underlying myths: the first is that the "Orientals put little value on life and take killing very lightly"; the second is that reprisals are the monopoly of the Communists, whereas anti-Communists are less vengeful. The first is easily dispelled by a reading of Western history: the religious wars, the Inquisition, the lynchings, the World Wars, the American Indian and Civil Wars, Hitler's "final settlement." Anyone who has spent time in Vietnam realizes that the peasant esteems life very highly. The Oriental is no more brutal, no more casual about death than is the Occidental, irrespective of politics. Since 1945, Vietnam has gone through a revolution and revolutions are always bloody, but the blood is on all hands. Mr. Kissinger recognized this when he wrote: "It is beyond imagination that parties that have been murdering and betraying each other for 25 years could work together as a team giving joint instructions to the entire country." The French, whom the US helped to fight against the Viet Minh during the first Indochinese War, murdered a large number of Vietnamese nationalists and Communists alike, in both the North and the South. In November, 1945, French artillery fire and air bombardment killed 6000 fleeing Vietnamese civilians at Haipong. The brief Japanese occupation of Vietnam was also bloody.

Many Americans believe that the Vietnamese Catholics will be the sure victims of future reprisals. Thus, President Nixon in his address on November 3 mentioned the "million-and-a-half Catholic refugees who fled to South Vietnam when the Communists took over the North." The President's statistics were inflated. According to *Vietnam Past and Present* published in Saigon in 1956 under the patronage of the South Vietnam Department of Education and the National Commission for UNESCO (p. 374) and written by Mr. Thai Van Kiem, a Vietnamese diplomat and scholar, the total number of refugees was: 887,895 of whom 85 percent or 754,710 were Catholics. Also, some 100,000 Vietnamese left the South for the North in 1954, several thousands of whom were Catholic. There are now about 800,000 Catholics in North Vietnam. There are Catholics in the leadership of the National Liberation Front. Those who predict the wholesale murder of Catholics by Communists sound more Catholic (and more anti-Communist) than the most anti-Communist Catholic leader in South Vietnam, Father Hoang Quynh. During the First Indochinese War, Father Hoang Quynh led a guerrilla army against the Viet Minh, and in 1954 he moved south with his faithful. Recently, he said: "If Communists

come, we will try and live and adapt here." (*Newsweek* November 24, 1969) In the last three years, he has worked out a close relationship with Venerable Thich Tri Quang, the militant Buddhist leader whom some in the US consider pro-Communist. Father Hoang Quynh knows very well that security lies in close association with your own people, not with a foreign army. In a communique on January 8, 1968, the Conference of Bishops in Vietnam appealed to "the goodwill of the government of both South and North Vietnam to build peace together: in the name of the Lord, we cry Stop." In early November this year, 93 prominent Vietnamese Catholics from France, West Germany, Canada and in Vietnam called for the immediate withdrawal of US troops. Among the signers of this appeal was Colonel Nguyen Van Chau, for several years (1957–1962) Director of Psychological Warfare of the ARVN (Army of the Republic of South Vietnam). (The colonel recently sent a letter supporting the October and November Moratoriums in the US.)

In recent months Saigon has given wide publicity to "mass executions and mass graves" in Hue, digging up bodies for the press and photographers. Yet, Colonel Ton That Khien, chief of Quang Ngai province ("Pinkville"), where the March 16, 1968 massacre of Vietnamese women and children took place, refused to dig up the bodies of the victims, saying that "they are old bodies" (*Evening Star*, November 17, 1969). Why are the Hue bodies new and the Quang Ngai old, when they were buried at the same time? President Nixon said: "We saw the prelude of what would happen in South Vietnam when the Communists entered the city of Hue last year. During their brief rule there, there was a bloody reign of terror in which 3000 civilians were clubbed, shot to death and buried in mass graves." I was touched by the President's mention of Hue, my home town. The 1968 Tet offensive took two victims in my own family: my younger brother, a noncommissioned officer in the ARVN and a published poet, and my nephew. They were both killed not by the Vietcong but by American bombings. They were buried in a temporary grave for the reason that Hue was under siege; nobody could get out of the area to buy a coffin for decent burial. The first news I received from an official Saigon source was that my relatives were killed by the Vietcong. Only much later, when I got word from my own family, did I learn that they had been killed by the bombings. What happened in Hue is told in an account that appeared in *The Christian Century* of November 5, 1969. The author, Len E. Ackland, now a graduate student at the Johns Hopkins School of Advanced International Studies, worked and lived in Hue in 1967. He returned there after the Tet offensive of 1968 to interview the people (he speaks Vietnamese). He wrote: "When on the first day of the attack, about 20 Vietcong entered Gia Hoi (a precinct of 25,000 residents in Hue) in order to secure the area, they carried with them a list of those who were to be killed immediately as 'enemies of the people.' According to Le Ngan, director of Hue's special police, the list consisted of five names, all those of police officers of special police." The Catholic priest in Gia Hoi told him that "none of his clergy or parishioners were harmed by the NLF."

When the 1968 Tet offensive started, I suggested to an acquaintance of mine whom I thought was close to the Saigon policy makers, that Hue should be declared an open city as was Rome during the Second World War, and for the same reasons. Had that been done, the loss in lives, the damage to historical sites and treasures would have been minimized. Instead of which, the ARVN (which disappeared at the first Vietcong shot) returned in force with the US Marines and planes to "destroy the city in order to save it." Hue authorities never explained why they failed to protect the people. Nor did they reveal the number of people killed by American bombings and artillery.

Few know the Vietcong better than Tran Van Dac, a Vietcong colonel who defected last year. In an interview published by the Joint US Public Affairs Office in Saigon, Tran Van Dac said: "If the Vietcong took over, they would send military officers and former civil servants to concentration camps to be reeducated, in some cases to hard labor until they become submissive. And of course, all those whose social class or former position makes them objects of suspicion would be carefully watched by the authorities. To me, the people of Vietnam and especially the peasants who have been militarily and politically trained in the last two decades by the revolutionaries would not be easily terrorized. They are tougher and much more sophisticated than their apparent apathy seems to indicate. In 1956, two years after the prestigious victory at Dien Bien Phu and the immense popularity of the last President Ho Chi Minh, the peasants in Nghe An, Ho Chi Minh's home province, revolted against the excesses of land reforms. President Ho Chi Minh admitted the mistakes publicly and took over the Secretary Generalship of the party to correct them."

If the reason for continuing the US military presence in South Vietnam is to prevent a bloodbath, then the logical thing to aim for, *right now*, is a broad-based Saigon regime that includes Buddhists, whose nonviolent position has been always clear and consistent, the peace-minded general such as Duong Van Minh (Big Minh) or Tran Van Don. That would be a *negotiating* government. The Thieu-Ky-Khiem regime is not only an obstacle to negotiations, but polarizes the situation among non-Communist elements as well. "Vietnamization," which attempts to consolidate Thieu's regime, simply increases the likelihood of reprisals.

Those who fear a Vietcong bloodbath ought to consider other possibilities too. What will happen, for example, to thousands of political prisoners (among them Truong Dinh Dzu, the runner-up in the 1967 elections and now condemned to five years at hard labor), if there is no negotiated settlement? Judging from many threats directed against the neutralists and the peace-minded by the Saigon regime, they would be liquidated by Thieu and his friends the day those leaders decided to quit the country. Thieu has already launched a campaign against his political opponents, accusing them of being Communists.

Or consider this: Senator Cranston (D, California), *Newsweek* and *Time* have referred to a Pentagon "contingency plan" to fight the South Vietnamese Army, should negotiations fail. This is not as absurd as it may seem. Anti-American feelings in the South have risen since the Paris talks. The "Vietnamization" program has brought into positions of command young ARVN officers, who, unlike the generals, have never been associated with the French army. They are products of the South Vietnamese military schools since 1954. They are now part of an anti-Communist army, but they are not anti-nationalist; they know what is going on among their leaders, the corruption and the ineffectiveness. I know of several cases where officers of the ARVN have been demoted because of their close connection with their American advisers. General Ky himself has tried to exploit this anti-American sentiment among young officers. More than once, he has said that if he had to choose again, he "would be on the side of Ho Chi Minh." The young majors and captains do not have money in foreign banks, they are not going to leave en masse after the Americans go home. But to stay with their people, they either have to find the way to accommodate with the "other side," or prove by their actions that they are as patriotic as the Vietcong. The best proof might be to fight the US "residual force." In June of this year, two US military police who had rushed to a bar in response to complaints that a drunken US soldier was making trouble were shot to death by Colonel Nguyen Viet Can, commander of the Vietnamese airborne battalion that guards the Independence Palace. No charge was filed against the colonel. As Mr. Kissinger again rightly notes: "The Vietnamese people have lived under foreign rule for approximately half of their history. They have maintained a remarkable cultural and social cohesion by being finely attuned to the realities of power." To many Vietnamese the realities of power since the Paris talks are shifting. An attack by the ARVN against the US troops would be the final blow.

Finally, President Thieu and the US Embassy in Saigon have claimed that the pacification program has been going extremely well, that the South Vietnamese government controls more than 80 percent of the population. If this were true, then over a million ARVN troops and US residual forces *could* stage a real bloodbath—against the Vietcong—after the war.

I do not sit in the inner councils of the NLF. I do not know the number of Vietnamese who may be victimized once US forces are withdrawn. But I am not persuaded that a bloodbath would take place if there were no US troops in Vietnam, or if the Vietcong took over. I agree, however, that if only dozens of Vietnamese might be killed in the post-withdrawal period, it is the moral duty of the American people and government to find the way to protect them. In the past, the Chinese invaders always took along with them those Vietnamese who cooperated with them, and provided them with good jobs in China. The French have also been hospitable to their Vietnamese friends. If fears of reprisals are the main concern of the Administration, as President Nixon has indicated, then several steps can be taken.

Adopt Senator Charles E. Goodell's "Vietnam Disengagement Act." This would not only put a limit on the US commitment in Vietnam, but would create "a powerful incentive for that government [of South Vietnam] to mobilize its forces more effectively and to seek the political strength of a broadened popular base," thus reducing the chance of wholesale reprisals.

Support Senator George McGovern's suggestion and provide funds and means to resettle, either in continental America or in Hawaii, those Vietnamese who wish to leave the country at the departure of the US troops. A bipartisan congressional committee could be formed promptly to prepare evacuation plans. Journalists, politicians and others who have expressed concern about a possible bloodbath could be invited to contribute money and effort. The US can argue at the Paris talks (or better, at a reconvened Geneva Conference) for a period of regroupment exceeding the 300 days stipulated in the 1954 Geneva Agreements. As a resident, I would suggest that the US should ask its allies to share the burden. Perhaps some Vietnamese would like to settle in Thailand, in the Philippines, in South Korea, in New Zealand, Australia needs manpower, and if Canberra can send troops to fight for the "freedom" of the Vietnamese, the Australian Parliament can change its immigration laws to admit the colored Vietnamese.

Give to the International Control Commission (ICC) temporary command of the last batch of US troops being withdrawn, thus guarding against their being assaulted by ARVN, NLF or Hanoi forces.

Let the US insist on strengthening machinery to implement Article 14C of the 1954 Geneva Accords. 14C said that the parties to

the agreement undertook "to refrain from any reprisals or discrimination against persons or organizations on account of their activities during the hostilities, and to guarantee their democratic liberties." These pledges are accepted in paragraph C of point 5 of the NLF 10-point program for the settlement of the war.

The ACTING PRESIDENT pro tempore. (Mr. METCALF) who yields time?

Mr. CHURCH. Mr. President, I yield myself as much time as may be required.

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

Mr. CHURCH. Mr. President, during the course of the debate on the pending amendment, a number of Senators suggested that the proposal might possibly embarrass the President or raise doubts about his credibility, as the distinguished Senator from Kansas has again mentioned. Many strawmen have been erected and knocked down. But I recognize that a number of my colleagues have genuine doubts about how passage of the amendment may be interpreted both at home and abroad. I find it difficult to understand how any member could believe that an amendment sponsored by two of the most respected Members of the minority side, the distinguished Senator from Kentucky (Mr. COOPER) and the Dean of the Republicans, the Senator from Vermont (Mr. AIKEN) was, in any way, designed, or could be construed, as a slap at the President. Nevertheless, I realize that on a matter of such impact doubts do exist, that motives are suspect, and that every effort must be made to allay those doubts and suspicions without retreating from the basic principle at stake, if the amendment is to command broad support from our colleagues.

After much consideration, the sponsors decided to revise the preamble, but not the substance, of the amendment. The preamble, as we propose to revise it, states that the Congress wishes to work in concert with the President to help achieve his declared objective of terminating U. S. involvement in Cambodia by July 1. The new language should remove any shadow of a doubt that the amendment is intended to rebuke the President or to question his pledge to the American people. Rather, the new language makes clear that the basic intent of the amendment is to bolster the President's hand by joining Congress as a full partner in his policy to get U. S. forces out of Cambodia by July 1, 1970.

Indeed, it was at the suggestion of the distinguished Senator from South Carolina (Mr. HOLLINGS) and others, that the date of July 1 was made the operative date for this amendment. Although it was highly unlikely that the bill could have made its way through the remainder of the congressional maze and been signed into law before the June 30 troop withdrawal deadline set by the President, adopting his deadline will insure against any premature cutoff prior to completion of his timetable.

Mr. President, with these revisions I hope that the amendment will command the support of a majority of the Members of this body. I say this for two reasons. First, because I would like to see the Senate go on record again—as it did in the 70 to 16 vote on the national commitments resolution and the 73 to 17 vote on the amendment prohibiting use of American ground forces in Laos or Thailand—in overwhelming support of restoring the Senate's constitutional role in the formulation of foreign policy. Second, and of more immediate urgency, a strong expression by the Senate will assist the President in overcoming evasion and footdragging by our own bureaucrats, as well as foreign allies, who do not share his desire to withdraw but who would like to see the United States take Cambodia under the eagle's wing as was done with South Vietnam. And, in a like manner, it will strengthen his hand in dealing with the Saigon generals who, for reasons of their own, want to share Vietnamization with Cambodia. The pressures on the President to delay and equivocate will be great. The Senate should help him in resisting those pressures. And it can do so if it cuts off the funds for further U.S. involvement in Cambodia after June 30.

In a press conference on May 8, when asked when South Vietnamese troops would come out of Cambodia, the President said:

> 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.

Yet, only 2 days later, on "Meet the Press," Ambassador Bunker said he did not think "we would withdraw logistical support from South Vietnamese forces."

But a week later, on May 18, Secretary of Defense Laird assured the Committee on Foreign Relations that he would recommend to the President that "we not give close air support in the sanctuary areas to the South Vietnamese forces." And in Saigon, on the same day President Nixon told Americans that American support for the South Vietnamese forces would end with our withdrawal, President Thieu told a group of reporters:

> We have no deadline, no limits. We will move on intelligence. When there is a target we will strike it.

To emphasize that they were there to stay he said that he and Premier Lon Nol of Cambodia had worked out "agreements in principle for South Vietnamese troops to conduct continuing military operations in eastern Cambodia." On Thursday, Vice President Ky ridiculed the idea that South Vietnamese troops would withdraw from Cambodia when U.S. troops do as "a silly argument of silly people." "We will," he said, "not let anybody tie our hands." Presumably both comments were directed at the President of the United States.

The South Vietnamese are telling us, in effect, that they are in Cambodia to save the regime of Lon Nol, "a task that could last for years," Joseph Kraft wrote recently. "They are pushing the United States," he wrote, "to extend to Phnom Penh the commitment it has already made to Saigon. Many high American officials are going along. So even now, the President is having the greatest difficulty holding American engagement within prescribed limits." This morning's Washington Post reports that planning is underway within the bureaucracy for "a continuing anti-Communist military campaign in Cambodia—with direct support of U.S. airpower and other assistance, once U.S. troops withdraw. The operation would be conducted as an essentially Asian operation with American backing under the 'Nixon Doctrine'." The situation is shaping up as another classic example of the Saigon tail wagging the Washington dog. And if this comes about, as is likely unless strong measures are taken, the best intentions of the President to get out of Cambodia will be frustrated.

The Saigon government, supported by its followers in the American bureaucracy, are in effect saying to the United States, "You are in this with us," knowing full well that its armed forces, in both Cambodia and South Vietnam, exist only at the sufferance of U.S. taxpayers. No Senator should doubt for a moment that if South Vietnamese forces stay in Cambodia, ultimately American advisers will be there also, unless prohibited by law.

Passage of the pending amendment will strengthen the President's hand in dealing both with our own bureaucracy of war managers, many of whom would like to see the United States stay in Cambodia to insure the survival of the Lon Nol government and with the generals of South Vietnam who have designs of their own in Cambodia. This amendment will help the President get us out of Cambodia and insure that we stay out.

Its passage will serve the President's interests by requiring, by law, that his announced objective not be thwarted in Washington or in Saigon.

Its passage will have the Congress share with the President responsibility for implementation of the announced policy.

And its passage will put new life and meaning into our governmental system of checks and balances.

I hope that, with the new revisions, it will be adopted by a commanding margin.

I ask unanimous consent that a number of pertinent articles be printed in the RECORD at this point, outlining the pressures that are developing to keep the United States in Cambodia, and to involve us inexorably in widening the Indochina war.

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

[From the New York Times, May 9, 1970]

THIEU ASSERTS LON NOL AGREES ON TROOPS

(By Terence Smith)

SAIGON, SOUTH VIETNAM, May 8—President Nguyen Van Thieu said tonight that he and Premier Lon Nol of Cambodia had worked out "agreements in principle" for South Vietnamese troops to conduct continuing military operations in eastern Cambodia.

In addition, Mr. Thieu said the two Governments had discussed the feasibility of a South Vietnamese naval blockade of the Cambodian coast line and principal port—Kompong Son, formerly called Sihanoukville—to prevent the North Vietnamese from bringing in military supplies by sea.

"Our navy is capable of guarding the whole coast," Mr. Thieu said. "We have the ships and we think it would be a good idea."

Mr. Thieu made it clear that South Vietnamese troops would not be bound by the restrictions President Nixon has placed on the United States forces operating in Cambodia.

Mr. Nixon promised Congressional leaders last Tuesday that American troops would withdraw from Cambodia by the end of June and would penetrate no deeper than about 20 miles without Congressional approval.

Mr. Thieu said: "We have no deadline, no limits. We will move on intelligence. When there is a target, we will strike it."

Mr. Thieu discussed the Cambodian situation and other topics at a small dinner at the Presidential Palace. Eight foreign correspondents—seven Americans and one European—sat with him at a table under the elm trees on the palace grounds while the President talked for four hours about the situation in Indochina.

Relaxed and expansive in an open-necked blue sportshirt, Mr. Thieu said he was in daily contact with the new Cambodian Premier through the South Vietnamese delegation established last week in Pnompenh. The two countries have had no formal diplomatic relations since 1963.

"I have a friend," he said laughing, when he was asked about his earlier contacts with the Cambodian regime. "We keep in touch."

The President said he and General Lon Nol had come to their "agreement in principle" about South Vietnamese operations in eastern Cambodia two or three days before President Nixon announced on April 30 that United States troops would cross the Cambodian border to clear out North Vietnamese and Vietcong sanctuaries.

He said Premier Lon Nol had requested support from South Vietnamese forces for the general defense of Cambodia east of the Mekong River.

In the short term, Mr. Thieu said, the agreement would involve direct South Vietnamese military assistance and probably the naval blockade. He said he had already supplied some 4,000 American-trained ethnic Cambodian troops from the South Vietnamese forces, but he expected that more would have to be sent to Pnompenh to bolster the position of the Lon Nol Government.

In the long term, he said, the South Vietnamese would take on the job of training the Cambodian Army, which Mr. Thieu described as weak and poorly equipped. "But they have the manpower," he said, "and we can provide the advice."

Mr. Thieu said he believed that the next six months would be critical for the war as well as for political leaders.

"If Lon Nol and Cambodia stand for the next six months," he said, "then I think Mr. Nixon will win the Congressional elections this year and be re-elected in 1972, because then the operations will have proven a success."

"Also," he said, "if we keep up the pressure on the Communists for the next six months, then I think they will have no choice but to negotiate a settlement or fade away."

[From the New York Times, May 6, 1970]

PRIDE, PREJUDICE, AND PERSUASION

(By Anthony Lewis)

LONDON, May 15—In one of the great Supreme Court opinions on freedom of speech, Mr. Justice Brandeis wrote that those who won America's independence thought "the deliberative forces should prevail over the arbitrary" in society. They wrote into the Constitution what they thought would be "the path of safety" for the Republic: "The opportunity to discuss freely supposed grievances and proposed remedies." They believed in "the power of reason as applied through public discussion."

But the democratic theory of free speech as a corrective for official error and a safety valve for public resentment cannot work when people get the idea that no one is listening. And that feeling, if one can judge from a distance, is a dangerous element now in American opinion.

LETTERS FROM HOME

A law student at the University of Pennsylvania writes to a friend abroad that he should be able to think rationally about Government policy and express reasoned criticism. But "I have lost this ability—I can only scream at the excesses and moan at the hypocrisy. If you can offer me any reason not to give up this Government for lost, I implore you to tell me what it is."

Or from a woman in Flushing, N.Y.: "What should people do who sincerely believe in the American heritage of reform and checks on arbitrary power? Most such Americans detest violence, but also detest silence and inaction. All protests against arbitrary power have proved ineffectual."

And from a man in Allentown, Pa.: "I am sitting around watching my wonderful country be torn apart and feeling powerless to do anything about it."

THE DESPAIRING NOTE

Powerlessness. That must be a widespread feeling. Certainly it is a consistent despairing note among Americans who come to Europe these days and try to explain to their English or French or German friends what has gone wrong.

For on the face of things, Americans might well believe that nothing they say can affect the course of policy in the most ill-conceived, disastrous foreign adventure in our history. No election, no protest, no reasoned argument, no lesson from experience seems to alter the central fact of American policy in the Indochinese war. That is our commitment to the Thieu-Ky Government in Saigon.

President Nixon may go down to the Lincoln Memorial in the early morning and soliloquize to a group of students about college life. He may redefine the limits of his Cambodian invasion to make it seem more acceptable to American opinion.

But a week later the South Vietnamese generals are talking about indefinite operations in Cambodia. The same men who have drawn us into an endless war on their behalf—men whose power rests entirely on American money and American blood—now confidently assume that we will support them in a new theater. It is in that light that the issue now before the Senate, the proposed mild restriction on American war-making in Cambodia, has to be seen.

The significance of the Senate proposal does not lie so much in the constitutional question of the President's power, which it cannot resolve. It lies, rather, in offering critics of the war some hope of change through the political process. For there would at least be hope; the President could not altogether ignore the feelings reflected in a Senate vote.

What the Senate can do, then, is to show that the system is still open to persuasion. It can prove wrong those who say that violence and revolution are the only answers. It can renew confidence in the power of reason. Or, to put it more modestly and more accurately, it can begin to do those things.

The picture of the United States as a country where minds are almost closed to persuasion is not one held only by frustrated American critics of the war. A sense that the political process is not working underlies the deep fear for America now felt, for example, by many leading British politicians.

"We depend so much on the United States," one man said the other day. "Not only in economics and defense but so much more broadly, in politics. We need your leadership. And now the basis of that leadership, the whole relationship between your Government and your people, seems to be falling apart. There is a dialogue of the desperate and the deaf."

TO RENEW CONFIDENCE

The comment came not from the trendy left but from one of the most solid figures in British political life. That is most surprising, for he and others like him care about the United States, indeed love it. They are afraid when they see its politics reduced to mutual invective, hate and violence.

The democratic process is not dead in the United States—far from it, as the reaction to the Cambodian invasion showed. But frustration has put it under terrible strain. By insisting now on a voice in policy, the Senate can begin to ease the frustration and renew confidence inside and outside the country.

[From the Washington Post, May 22, 1970]

U.S. PLANS SHIFT ON CAMBODIA

(By Murrey Marder)

The United States is planning to shift the combat burden of allied ground warfare in Cambodia to South Vietnamese troops with assistance from Thailand and possibly other Asian nations, after June 30.

A continuing anti-Communist military campaign in Cambodia is contemplated, with direct support of U.S. airpower and other assistance, once American troops withdraw, it was learned. The operation would be conducted as an essentially Asian operation, with American backing, under the "Nixon Doctrine."

The Nixon administration has sought to keep its strategy publicly murky, to avoid compounding the tense debate in the Senate over limiting presidential powers in the Indochina war.

New details about the administration's strategic concept were forced to the surface yesterday, however, by South Vietnamese Vice President Nguyen Cao Ky's firm assertion that Saigon's forces will remain in Cambodia long after June 30. Ky's statements suggest that Saigon's leaders are balking at even a tactical, temporary pullout of South Vietnam's troops from Cambodia, which the Nixon administration has sought to sustain its explanations for the operations in Cambodia.

Current U.S. planning, it was learned, contemplates considerable South Vietnamese forces to reinforce Cambodia's own troops at a later point; military equipment, advisers and instructors from Thailand, including the use of U.S. air bases in Thailand and elsewhere in Southeast Asia, plus a possible military advisory presence from Indonesia and perhaps other Asian nations.

Thailand, according to sources in Bangkok, already has agreed to provide military equipment and advisers for Cambodia's forces. One U.S. air base in Thailand, Takhli, reportedly may be a center for allied support operations in Cambodia.

There is a double U.S.-Thai interest in what happens in Cambodia. Any replacement of the anti-Communist government of Premier Lon Nol by ousted Prince Norodom Sihanouk, who now has open support from North Vietnam and the Vietcong, could be interpreted as a threat to Thailand. The Thais hold the tightest U.S. defense commitment in the area: a bilateral, as well as a multilateral, U.S. pledge to come to the defense of Thailand.

Thailand already is involved in the warfare in South Vietnam and in Laos.

Indonesia, which played host last weekend to the Asian conference on Cambodia, so far has concentrated on trying to find diplomatic solutions to the Cambodian crisis. But there are expectations in official Washington that Indonesia may join in providing at least token military aid for Cambodia, in a framework that could be hailed as the first func-

tioning of the Asian element of the "Nixon doctrine." That is, Asians cooperating regionally for Asian defense.

The Indonesian attitude will be explored here next week with President Suharto, who is due in Washington Tuesday for his first state visit to the United States.

POTENTIAL OBSTACLES

There are many potential roadblocks, however, for any long-term Asian operation in Cambodia. The historic bitterness between Cambodians and Vietnamese, which brought massacres of Vietnamese civilians in Cambodia a few weeks ago, again surfaced in Phnom Penh yesterday. Government spokesman's warning about the continued presence of all Vietnamese—North or South—raised major questions about Phnom Penh's readiness to accept the long-term presence of South Vietnamese forces.

Cambodia and Thailand also have their own set of ancient enmities.

Most important for U.S. strategists, President Nixon is now trying to fight off extraordinary Senate pressure to foreclose either direct or indirect U.S. actions in Cambodia after June 30.

On May 8 the President said that although the June 30 deadline on U.S. troop withdrawals from Cambodia does not apply to Saigon's troops, "I would expect that the South Vietnamese would come out approximately at the same time that we do, because when we come out our logistical support and air support will come out with them." As recently as last weekend, White House sources said the same thing—but then the hedging increased. South Vietnam's leaders always have said they are bound by no deadline, and Ky said so again yesterday more forcefully than ever.

THREAT TO WITHDRAWALS

What the President, and all administration officials, have held open from the outset of the Cambodian operation, however, was that South Vietnamese troops could return to Cambodia if necessary, to deal with the "sanctuary" problem. In addition, Defense Secretary Melvin R. Laird and other U.S. officials explicitly have reserved the right to conduct continued American air action against Vietnamese Communist forces in Cambodia when their activity "threatens" U.S. troop withdrawals from South Vietnam.

To assuage domestic opposition to the Cambodian venture, the President, Secretary of State William P. Rogers, Laird and other officials have tried to draw a sharp public line between U.S. military strikes against the Communist sanctuaries in Cambodia, and military support of the Lon Nol regime.

Many administration sources acknowledge, however, that this is essentially a domestic political distinction.

On April 28, two days before President Nixon announced the Cambodian operation, according to a disclosure yesterday from retired Vice Adm. W. R. Smedberg II, the President privately told a group at the White House:

"I am not going to let Cambodia go down the drain as some of my advisers want me to do."

SPEAKS TO VETERANS

The President was speaking at the White House to representatives of 11 veterans and patriotic organizations, said Smedberg, who is president of the Retired Officers Association.

Smedberg said the President stated that unless the North Vietnamese "sanctuaries" in Cambodia were destroyed, "our position in South Vietnam would soon be untenable, the Vietnamization program destroyed, and a humiliating defeat in Vietnam almost assured . . ."

Both Smedberg and a White House spokesman said yesterday that the President did not tell the group his actual plan or decisions.

The current sequence suggests that the Nixon administration wanted South Vietnamese and U.S. forces to withdraw from Cambodia at about the same time, to mark a public dividing line between U.S. action and subsequent "all-Asian" operations in Cambodia.

VIETNAMESE PRESENCE WORRIES CAMBODIANS

(By Laurence Stern)

PHNOM PENH, MAY 21—Growing Cambodian concern over the South Vietnamese military presence here was expressed in surprisingly candid terms this morning at a briefing for the foreign press by a principal government spokesman.

The official, who has been conducting the daily government briefing for the past month, said the Cambodians "prefer death to being dominated by the Vietnamese."

Asked if he included the South Vietnamese armed forces as well as the North Vietnamese and Vietcong in Cambodia, the spokesman replied: "This applies to all Vietnamese."

Until today the government has carefully refrained from expressing any misgivings about the presence of Saigon's troops in Cambodia. However, resentment of the South Vietnamese, especially the prospect of the prolonged presence after the Americans leave Cambodia, can be heard both in the Cambodian army and from civilians on the street.

As a pedicab driver put it in an unsolicited observation in Phnom Penh today: "The South Vietnamese—they are number 10. You Americans, number 1."

Behind these emotions are centuries of encroachments upon and domination over Cambodian territory by the Vietnamese. Now Cambodians are perplexed by the ambiguous spectacle of Vietnamese fighting other Vietnamese on Cambodian soil while trying to rescue still other Vietnamese from harassment by Cambodia.

[Four vividly colored posters in red ink were pasted at the entrance of the press briefing room, UPI reported. One poster said: "America—withdraw the South Vietnamese army quickly from Cambodian territory—these Vietnamese soldiers have committed cruel acts on the Cambodian population . . ." The other expressed similar sentiments.

[South Vietnamese Vice President Nguyen Cao Ky, in a speech in Saigon, scornfully described as "a silly argument" the suggestion that South Vietnamese forces would follow the June 30 deadline for the withdrawal of American forces from Cambodia set by President Nixon. Ky said, "We will not let anyone tie our hands."]

[From the Washington Star, May 21, 1970]

KY ASKS ALLIANCE IN INDOCHINA FIGHT

(By Donald Kirk)

SAIGON.—Vice President Nguyen Cao Ky today called for an alliance among the anti-Communist governments of Indochina against the Vietnamese Communists.

Ky also made clear that South Vietnamese troops in Cambodia would not be bound by the June 30 deadline set by President Nixon for withdrawing American units there.

"Our forces are strong enough to conduct separate operations in Vietnamese territory as well as in Cambodia," said Ky. "You will see the presence of our troops as long as the Communists fight there. As long as it is necessary, we will continue to maintain the presence of our troops in Cambodia."

Ky indicated the possibility of an alliance with the governments of Indochina by saying "We hope the situation in Cambodia will permit us to establish an anti-Communist front line that will include Vietnam, Cambodia, Laos and Thailand."

POINTS UP CONFLICT

Ky's talk, reflecting the views of President Nguyen Van Thieu and the Saigon government, was viewed here as marking another step in the gradual escalation toward full-scale war across the heart of the Indochinese peninsula.

Ky, wearing a gray Mao-style suit, issued his call for an Indochina alliance at a ceremony at the National Defense College the day after Chinese Chairman Mao Tse-tung and the deposed Cambodian chief of state, Prince Norodom Sihanouk, broadcast statements in Peking demanding the expulsion of American and South Vietnamese troops from Cambodia.

The statements from Peking and Ky's remarks dramatized the sharpening confrontation between Communist and anti-Communist forces for control of the Indochina peninsula, including North and South Vietnam, Laos and Cambodia.

SUBSTITUTES FOR THIEU

Thailand, not regarded as part of Indochina, occupies the western flank of the peninsula, bordered by the Gulfs of Tonkin and Siam on the northeast and southwest.

"When the enemy is so isolated," Ky predicted, "the enemy will have to return to guerrilla warfare and the war will gradually fade out."

The only alternative, Ky suggested, would be for the Communists to accept "just and correct terms at the Paris peace talks."

The Vietnamese Communists—North Vietnam and the Viet Cong—have not indicated any change in their position since South Vietnamese troops began operating in Cambodia.

Ky substituted for President Thieu at the ceremony. Some observers speculated that Thieu suggested Ky speak in his place so he could present the government's outlook in hard-line terms. Ky frequently has adopted an outspoke attitude while Thieu has carefully toned down his own comments.

CAMBODIA LINK POSSIBLE

While Ky was speaking, South Vietnamese troops drove into the Cambodian highlands on their 13th separate operation across the frontier. South Vietnamese also pursued Communist units along roads southeast of Phnom Penh in hopes of relieving pressure on the Cambodian capital.

It was not clear what kind of response Ky's remarks would elicit, but observers expected Cambodian officials would attempt to reach a formal, if unpublicized, arrangement for collaborating with Saigon forces. The Cambodian foreign minister, Yem Sambaur, was reported in Saigon today to discuss terms of the arrangement.

Cambodian officials have been extremely reluctant to violate their country's "neutrality," especially since Cambodians in general have traditionally viewed Vietnamese as their enemies. The pressure applied by the Vietnamese Communists, however, appears to have provided sufficient rationale for forming an alliance.

"The advance of our troops in Cambodia is a decisive turning point in the war in Vietnam," said Ky. "This has been criticized by some as prolonging the war, but we see it as something that will shorten the war."

At the same time, Ky argued it would not be militarily advisable for South Vietnamese troops to withdraw from Cambodia.

"The Communists will resume their activities there," he warned. "Every six months or so we will have a crisis. In the past we have had to fight with our hands tied. We had to bear the enemy when the enemy attacked, and we could not launch a counter-offensive."

Ky said the overthrow of the "neutralist" Sihanouk, who permitted the Communists to base in Cambodia on the understanding they would not attack Cambodians, had "pro-

vided us with the opportunity to destroy the enemy."

'NEVER AGAIN'

"Never again," said Ky, "should we allow anyone to tie our hands."

Ky's remarks were also viewed here as providing a rationale for South Vietnamese military operations in Southern Laos, where the North Vietnamese have stockpiled vast quantities of war material for attacks on South Vietnam's northern provinces.

South Vietnamese Foreign Minister Tran Van Lam, meeting in Jakarta last weekend with the foreign ministers of 10 other Asian countries, including Cambodia, said Saigon troops would not be constrained from operating in southern Laos if necessary to protect installations in South Vietnam.

THAI POSITION UNCLEAR

Although Cambodia appears willing to join an alliance with Saigon, it was doubtful if the government of the "neutral" Laotian premier, Prince Souvanna Phouma, would want to change its policies.

Souvanna, although he has accepted American aid and air support to fight the Communists, has struggled to maintain the image of neutrality theoretically guaranteed by the 1962 Geneva Accords.

The position of Thailand, the fourth country mentioned by Ky, also was difficult to determine. Thailand, which has provided bases for American airplanes and is a member of the Southeast Asian Treaty Organization, might not want to commit its own troops against Vietnamese Communists unless directly threatened.

One sign of Thai collaboration, however, was that Cambodia and Thailand have resumed diplomatic relations. Sihanouk broke off relations with Thailand and South Vietnam while recognizing North Vietnam and the Viet Cong.

[From the Washington Post, May 21, 1970]

KY RIDICULES JOINT PULLOUT TALK AS SILLY

(By Robert G. Kaiser)

SAIGON, MAY 21 (Thursday)—Vice President Nguyen Cao Ky this morning ridiculed the notion that South Vietnamese troops would withdraw from Cambodia when American forces do as "a silly argument of silly people."

Ky declared that "we will not let anybody tie our hands" to prevent continued prosecution by South Vietnam of the war in Cambodia. He said the South Vietnamese forces had the capabilities to fight on the Cambodian front and in Vietnam simultaneously.

Ky's remarks, delivered at graduation ceremonies of the Vietnamese War College in Saigon, were the toughest yet heard from a senior Vietnamese official on the increasingly sensitive subject of South Vietnamese operations in Cambodia after June 30.

It appears that the South Vietnamese government is determined to continue those operations after President Nixon's deadline for the withdrawal of American troops from the Cambodian front.

NIXON'S STATEMENT

[When President Nixon announced May 9 that "all Americans of all kinds, including advisers, will be out of Cambodia by the end of June," he was asked whether the South Vietnamese would abide by the same deadline. He answered: "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."

[Last Saturday, White House officials in Key Biscayne said they had every reason to believe the South Vietnamese forces would withdraw from Cambodia on approximately the same timetable as U.S. forces.]

Such determination to flout the wishes of the United States has been seen here before, but this time it appears to be more serious than previously.

DECISIVE OFFENSIVE

Ky said this morning that the offensive against Vietcong sanctuaries in Cambodia would be decisive in the war. With the sanctuaries destroyed, he said, the Communists will have just two choices: They can return to underground guerrilla tactics, which will mean that the war will fade away, or they can engage in serious negotiations.

Ky saw other benefits from the new offensive: "The Cambodian operation offers us an opportunity to form an anti-Communist front consisting of Cambodia, Thailand, Laos and South Vietnam. Its formation would guarantee the security of all of Southeast Asia," he said.

Whether President Thieu would use such harsh language as Ky's "silly people" remark in this context is doubtful. But the Thieu-Ky relationship sometimes resembles the Nixon-Agnew relationship: the vice president here, as in the United States often does the President's tough talking, though Thieu's language on the issue has been more restrained, he has also said there is "no deadline" for his forces in Cambodia.

[Wednesday, Lt. Gen. Do Cao Tri, commander of South Vietnamese troops operating east of the Mekong River in Cambodia was asked about reports from Washington that a South Vietnamese withdrawal would be linked with the U.S. pullout, according to news dispatches.

["I have not heard that from the Vietnamese side," he said, adding that the Saigon troops "are not under any restrictions, like U.S. forces, unless President Thieu orders us back to our territory."

[Asked how long South Vietnamese troops might remain in Cambodia, Tri replied: "That depends on the enemy. Our objectives are purely tactical. We have gone only where the enemy had bases, unless he tried to evade us. Then we pursued him."]

[From the Washington Post, May 18, 1970]

THIEU'S PLANS FOR CAMBODIA MAY DRAG AMERICA IN AGAIN

Violent as is the storm stirred up by the President's incursion—this is the polite word now adopted—into Cambodia, those who study the political weather charts see the threat of even heavier going ahead. The reason is the evident determination of South Vietnam's President Nguyen Van Thieu to exploit the new joint American-South Vietnamese operation.

For Thieu it is an opportunity to commit further American forces and delay the withdrawal of troops under the Vietnamization program which he has accepted with foot-dragging reluctance. The recent interviews he has given, notably to Osborne Elliott of Newsweek, are euphoric to a degree extraordinary even for this master of cheerful self-deception.

South Vietnamese troops will remain in Cambodia after the Nixon deadline of June 30 for the departure of American forces.

The Cambodian government of Lon Nol and South Vietnam are reported to be forming an alliance to prosecute the war. Given the ethnic hostilities and the slaughter of Vietnamese in Cambodia, together with the fragile grip of Lon Nol, that is a paper compact resting on one premise only—an American rescue operation if the exercise fails.

This is the scenario. Let's say the Americans are withdrawn by the Nixon deadline. Communist attackers put the combined Cambodian-South Vietnamese force in grave jeopardy. Phnom Penh is about to fall. Lon Nol, abetted by Thieu, makes a public appeal to Washington.

This is the nightmare haunting the already troubled sleep of those trying to quiet the current storm. Another invasion, another action with the return of the Americans, would increase the divisiveness to a level uncontainable in a framework of law and order battered and cracked by what has already happened. It would mean something close to the end of the social order.

Yet it cannot be excluded. President Nixon has put Thieu in a position to call the turns and, as Thieu hardens his resistance to any political compromise, Mr. Nixon is in a sense the prisoner of a faltering and uncertain government 10,000 miles away, sustained almost entirely by massive American help in money and arms. Nothing remotely like this has ever occurred in America's history.

The Vice-President, the Secretary of State and the Secretary of Defense have all said the administration accepts no responsibility for the Lon Nol government. Nevertheless, a public appeal to keep Cambodia from going down the Communist drain would present Mr. Nixon with an agonizing decision. And one can be sure that Thieu will be standing in the wings reinforcing the cry for help and the danger to his own forces, in turn endangering the Vietnamization program.

It may have been merely coincidence that Ambassador Elsworth Bunker was in Washington as the storm raged. During his three years in Saigon he has developed a benign paternalism toward Thieu. Someone, whether it was Bunker or not is unknown, convinced Mr. Nixon that Thieu was one of the three or four ablest political figures in the world today.

Did Bunker's flow of optimistic dispatches convince two Presidents, first Lyndon Johnson and then Richard Nixon, that the inevitable choice was to back the Thieu government right through to the end? Or was Bunker in Saigon simply carrying out the directives of policy determined in the White House? This is the kind of chicken-and-egg dispute that will be resolved only by historians in some distant future. From Bunker's bland responses there is no clue.

An astonishing phenomenon is in how short a time the Johnson and the Nixon styles have become nearly identical. As the Vietnamization program seemed to be progressing, with the announcement only 10 days before the Cambodian decision that 150,000 more American troops would be withdrawn in 12 months, the President was tidying up the Vietnam mess. In little more than two weeks the turnaround has been complete.

In the Johnson style he gives medals of honor to American heroes from Vietnam. Getting off his plane for a weekend in Key Biscayne he is greeted by a small but favorable demonstration. The Associated Press reports that it is comprised largely of Homestead Air Force Base personnel and their dependents waving obviously professionally lettered signs. This, too, was the Johnson style, seeking solace at military bases.

The game of footsie with Thieu cannot continue indefinitely without a new disaster. That is as clear as anything in this whole tragic business. Privately in the Johnson administration Under Secretary of State George Ball opposed the escalation of the war. He called Vietnam a glue pot. Once you get your hand in, you are stuck. Indochina is a larger glue pot.

[From the Washington Post, May 19, 1970]

DRASTIC SENATE CURBS SEEN NEEDED TO SAVE PRESIDENCY

(By Joseph Kraft)

WASHINGTON.—No responsible person can be altogether easy about the proposals generated in the Senate to arrest the Cambodian venture and the Vietnamese war. The suggested amendments diminish a Presidential prerogative that has stood the world in good stead for most of the postwar era. They smack of the isolationist impulse.

But the fault does not lie in the Senate.

It lies with the officials of the White House, the Pentagon and the State Department who pretend to manage American foreign policy. For they have set in motion an engine of expanding commitment that can only be switched off by drastic action in the Congress.

A striking example of the engine in action is even now apparent in the Cambodian affair. The President has been at great pains to emphasize the limited nature of the American involvement. That is why he pledged American troops would be out by June 30, and would only penetrate 20 kilometers inside Cambodia.

Mr. Nixon also tried to hold South Vietnamese forces on the same leash. He told his press conference of May 8: "I would expect that the South Vietnamese would come out at approximately the same time that we do because our logistical and air support also come out."

But on "Meet the Press" two days later, Ambassador Ellsworth Bunker said: "I wouldn't think we would withdraw logistical support" from the South Vietnamese troops in Cambodia. A couple of days after that, Secretary of State William Rogers asserted American pilots would continue to fly support missions for the South Vietnamese force in Cambodia.

By that time the South Vietnamese were speaking—not to say bragging—for themselves in a press conference held in Cambodia by Vice President Nguyen Cao Ky. "We can stay here and take care of ourselves," Marshall Ky said. And he indicated the stay would last until "the day the Cambodians feel they are strong enough to fight the North Vietnamese communists."

In plain English that means the South Vietnamese are protecting the present Cambodian regime of General Lon Nol—a task that could last for years. They are pushing the United States to extend to Phnom Penh the commitment it has already made to Saigon. Many high American officials are going along. So even now, the President is having the greatest difficulty holding American engagement within prescribed limits.

Not because American officials are imperialists. Few, if any, American political leaders, diplomats and generals itch to plant the flag on foreign soil for the greater glory of Coca-Cola and the Chase Manhattan Bank. No, the animating spirit—the engine of expanding commitment—is the postwar American foreign policy fashioned by Dean Acheson and John Foster Dulles.

That policy features the use of American power to help friendly countries resist the communists. It provides that Congress and public opinion be taken into the act through bipartisan resolutions giving advance authority to the President for discretionary use of American power. And as long as it was applied to regimes that would and could help themselves, the policy worked well.

But this basic postwar approach has no switch off mechanism. It cannot be applied to governments that seek only more and more and more American help. On the contrary, as experience with the Saigon regime shows, such governments have the capacity, by their very weakness, to move the United States step by step into engagements far deeper than ever contemplated in Washington.

It is in these desperate circumstances that there has been developed in the Senate, the device of denying funds for use of American troops in specific situations. One amendment, offered by John Sherman Cooper of Kentucky and Frank Church of Idaho, would require the President to come specially to Congress for money to undertake any new military operations in Cambodia after June 30. Another, sponsored by George McGovern of South Dakota and Mark Hatfield of Oregon, would cut off funds for combat operations in Vietnam after 1971.

These measures are undoubtedly drastic. Still, it is hard to see how else the engine of expanding commitments can be turned off. It is not a question of pitting legislative power against executive authority. It is a question of saving Mr. Nixon—and the Pentagon and the State Department—from themselves.

Mr. DOLE. Mr. President, how much time is remaining on each side?

The ACTING PRESIDENT pro tempore. Eighteen minutes remain to the proponents, and 6 minutes to the opponents.

Mr. DOLE. Mr. President, I yield myself 2 minutes.

Mr. President, I would like the RECORD to show that in a speech at the White House on November 3, 1969, the President enunciated his American policy toward Asia, the so-called Nixon doctrine: First, that the United States will keep all of its treaty commitments; second, that we shall provide a shield if a nuclear power threatens the freedom of a nation allied with us or of a nation whose survival we consider vital to our security; third, in cases involving other types of aggression, we shall furnish military and economic assistance when requested in accordance with our treaty commitments. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

The President went on to say that after he announced this policy he found that the leaders of the Philippines, Thailand, Vietnam, South Korea, and other nations which might be threatened by Communist aggression welcomed this new direction in American foreign policy announced by President Nixon.

I believe the policy enunciated by the President, and repeated by the President, and praised by many Members in this Chamber, was and is a sound policy.

I would ask the Senator from Idaho if he feels that any of the provisions in the Church-Cooper resolution, particularly sections 3 and 4, are in any way in conflict with the announced Asian policy of President Nixon?

Mr. CHURCH. Mr. President, may I inquire on whose time we are now engaging in this colloquy?

Mr. DOLE. Briefly, on mine.

The ACTING PRESIDENT pro tempore. The time of the Senator from Kansas has expired. He has 4 minutes remaining.

Mr. DOLE. I yield myself 2 additional minutes. Then I shall have to withhold.

Mr. CHURCH. I will respond to the Senator by saying the Cooper-Church amendment corresponds in every way with what we understand, based on public announcements, to be our present policy regarding Cambodia.

Mr. DOLE. So the Senator from Idaho sees no conflict in the three principles enunciated by the President on November 3, 1969, and any provision in sections 1, 2, or 3, or 4 of the Church-Cooper amendment?

Mr. CHURCH. I see no conflict. The statement which the Senator read was addressed to our policy in Asia as a whole, while the Cooper-Church amendment is drafted to conform with the principles of the President's own declared policy pertaining to Cambodia.

Mr. DOLE. The Senator from Delaware raised the question yesterday if we are not singling out Cambodia for special treatment. In other words, would they still be able to purchase military supplies under the Foreign Military Sales Act?

Mr. CHURCH. Nothing in this language precludes our furnishing Cambodia with arms and equipment. Nothing precludes our selling the Cambodian Government military supplies, although if that occurs, it will probably be grant aid, rather than on a sales basis.

Nothing in the amendment prevents the transfer of weapons to the Cambodian Government if the President should see fit to do so.

Mr. DOLE. Finally, as to the South Vietnamese forces remaining in Cambodia after July 1, does the Senator feel it might affect them? The Senator may have responded to this question yesterday. Does he think it might eventually dry up some resources in money and material which the South Vietnamese Government now has?

Mr. CHURCH. The amendment prohibits U.S. forces in Cambodia from furnishing military personnel or instruction to Cambodian forces, or extending military assistance to Cambodian forces. That is the reach of the amendment, and it goes no further.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Kansas has 2 minutes remaining, and the Senator from Idaho has 24 minutes.

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

The ACTING PRESIDENT pro tempore. On the Senator's time?

Mr. CHURCH. Yes. It will be a brief quorum call.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CHURCH. Mr. President, I yield myself 3 minutes.

The distinguished Senator from Kentucky (Mr. COOPER) and I, acting on our own behalf and in behalf of the distinguished majority leader and the distinguished Senator from Vermont (Mr. AIKEN), have sent to each Member of the Senate a letter of explanation concerning the revision in the preamble that will be voted on at two o'clock today. I should like to read that letter into the RECORD at this time. The text of the letter is as follows:

Enclosed is a copy of our revised amendment on Cambodia which we are offering to H.R. 15628, the Foreign Military Sales Act, now pending before the Senate.

In modifying the preamble of the amendment, we have made two changes. First, the date of July 1, 1970, is made a part of the amendment. This is the time American forces will leave Cambodia, and conforms with the President's own time limit.

The second change makes it clear that we are neither questioning the President, nor are we challenging his prerogatives as Commander-in-Chief. Indeed, we expressly acknowledge that the amendment is "in concert with the declared objectives of the President of the United States."

As presently drafted, our amendment conforms in all particulars to the declared policy of the President. We set the limits which the President himself fixed, in his April 30th address and his May 8th press conference, as well as borne out by Secretary Rogers and Secretary Laird.

If enacted into law, this amendment would establish the properly shared responsibility between the Congress and the President by declaring the determination of the coequal branches of government to bring American troops out of Cambodia by the end of June. We hope you will find it possible to support this amendment.

I ask unanimous consent that the text of the proposed revised preamble also be printed in the RECORD at this point.

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

SEC. 47. LIMITATIONS ON UNITED STATES INVOLVEMENT IN CAMBODIA.—In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, 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 after July 1, 1970 for the purposes of—

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CHURCH. Mr. President, I yield 5 minutes to the distinguished senior Senator from Vermont (Mr. AIKEN).

Mr. AIKEN. Mr. President, I shall not take much time, because I have no prepared statement.

I do think we should make one or two things clear. The first is that the members of the Committee on Foreign Relations made it perfectly clear to Secretary of State Rogers that we were not opposing the fighting along the border, but were opposing bringing a whole new country into the arena of war.

We were definitely given to understand that no major operation would be undertaken without further consultation with us. Apparently the invasion of Cambodia was not considered a major operation, because we were never told.

I believe that President Nixon intends to withdraw all the Americans from Cambodia before the 30th of June, and probably by the middle of June. I feel sure that he intends now to withdraw 150,000 troops from Indochina before next April.

I am equally sure that there are those who are opposed to his carrying out his plans in this respect. Some of them do not think he will be able to carry them out; others do not want him to carry them out, because they believe that war and more war is probably the way to settle this situation.

The Cooper-Church amendment will help him resist the pressure which he is bound to be under. Cambodia has simply revived the old issue of hawks—extreme rightists who believe that the use of military strength is the way to settle all international problems—and doves—those who believe that we should beat our weapons into pruning hooks and plowshares, and not even defend our country.

Neither of these extremist groups ought to have much influence in our country. I am afraid perhaps some of them do. The great majority of Americans, I am happy to say, are not extremists but are concerned over what is best for our country.

We should, of course, keep America adequately armed to protect our own security; but we should not arm ourselves with the intent of dominating every part of this world. That is going just too far.

There are countries in Asia that would like to handle this situation if they were given a chance to do so and if we would keep our hands off. I believe that these countries—Malaysia, Japan, Thailand, Indonesia—could handle the situation in Southeast Asia.

I notice that President Suharto visited President Nixon this morning, and President Nixon commended him for his efforts for peace. I say let it go a little further and let President Suharto's country and the other Asian countries, particularly Thailand, Japan, and Malaysia, work out this problem in accordance with the Guam policy which was laid down approximately a year ago.

We are getting mail that says, "Support the President." They say, "Support the President" when he is doing what they want him to do.

I notice that this morning the President asked for $500 million to aid in carrying out the desegregation program. When the President talks about improving the lot of the workingman or the relief of the poor, or of ending discrimination a great many of those who now say, "Support the President and expand the war," say, "Don't do what the President wants you to do. Be against him if he is helping the poor people in this country. Good Heavens, what right have those people to expect help at taxpayers expense? We have to use that money for the war going in Asia. Use the money for that."

Well, I say that if you want to help the President, help him resist the pressure that he is bound to be under to carry on this war further—support the Cooper-Church amendment.

I think I have made myself plain. I have more that I could say.

Mr. CHURCH. Does the Senator desire more time?

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

Mr. CHURCH. I yield.

Mr. PASTORE. I want to say that in all the time that has been consumed on this amendment, I have just heard the most effective and the most eloquent speech on the subject. It is not only plain; it is simple and understandable.

Mr. AIKEN. When the President wants to help the poor people of this country in any way, the same hawks say, "Fight him. Don't let him do it. They don't deserve help."

Mr. PASTORE. I say to the Senator, "Amen."

Mr. AIKEN. It is time now for me to stop talking.

Mr. CHURCH. Mr. President, we rest our case with the summation that has just been made by the brilliant Senator from Vermont.

I am prepared to yield back the remainder of my time, if the Senator from Kansas is prepared to do likewise.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the call for the quorum be suspended at 2 p.m., which is the time set for the vote.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. Under the previous order, the order for the quorum call is rescinded.

Under the previous order, the Senate will now proceed to vote on amendment No. 653. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Missouri (Mr. EAGLETON) are necessarily absent.

I further announce that, if present and voting, the Senator from Missouri (Mr. EAGLETON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from Wyoming (Mr. HANSEN) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from California (Mr. MURPHY) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 82, nays 11, not voting 7, as follows:

[No. 149 Leg.]

YEAS—82

Aiken	Dole	Jordan, N.C.
Anderson	Dominick	Jordan, Idaho
Baker	Fannin	Kennedy
Bayh	Fong	Magnuson
Bellmon	Fulbright	Mansfield
Bennett	Goodell	Mathias
Bible	Gore	McCarthy
Boggs	Gravel	McClellan
Brooke	Griffin	McGee
Burdick	Harris	McGovern
Byrd, Va.	Hart	McIntyre
Byrd, W. Va.	Hartke	Metcalf
Cannon	Hatfield	Miller
Case	Hollings	Mondale
Church	Hruska	Montoya
Cook	Hughes	Moss
Cooper	Inouye	Muskie
Cranston	Jackson	Nelson
Curtis	Javits	Packwood

Pastore	Schweiker	Thurmond
Pearson	Scott	Tydings
Pell	Smith, Ill.	Williams, N.J.
Percy	Sparkman	Williams, Del.
Prouty	Spong	Yarborough
Proxmire	Stennis	Young, N. Dak.
Randolph	Stevens	Young, Ohio
Ribicoff	Symington	
Saxbe	Talmadge	

NAYS—11

Allen	Ellender	Long
Allott	Ervin	Russell
Cotton	Gurney	Smith, Maine
Eastland	Holland	

NOT VOTING—7

Dodd	Hansen	Tower
Eagleton	Mundt	
Goldwater	Murphy	

So the amendment (No. 653) was agreed to, as follows:

Beginning on page 4, line 24, strike all to and including line 6, page 5, and insert in lieu thereof the following:

"SEC. 47. LIMITATIONS ON UNITED STATES INVOLVEMENT IN CAMBODIA.—In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, 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 after July 1, 1970 for the purposes of—".

Mr. CHURCH. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, with regard to the amendment that has just been voted on, I wish to state that I was on my way to the floor to make a very brief statement. However, when I got here, the vote was already in progress.

That statement would have been that I proposed to vote for the amendment. I considered the words, so far as the real issue and the substance and the principle involved, as not adding any meaning whatsoever to the major amendment.

These words, to me, were not objectionable at all. I think that the vital matter here concerns the question of restraining at this time the power of the Commander in Chief, the President of the United States.

Mr. HOLLAND subsequently said: Mr. President, I think a little review of the situation we are in might be appropriate at this time.

In the first place, our situation in Southeast Asia began with the passage by Congress of the Gulf of Tonkin resolution. Everyone knows that. No one questions it. It has been admitted numerous times during this debate.

I call attention to two facts: First, that every Senator voted for the passage of that resolution except two; and those two Senators have already been removed from the Senate by the votes of the people whom they most directly represented, the people of their States.

I call attention also to the fact that numerous times we have heard talk about repealing the Gulf of Tonkin resolution. Resolutions are now pending in the Senate for that very purpose. No one has been able to make any progress on them. Why? Because no one has been willing to jerk the rug out from under the feet of a President who was proceeding to act under general authority given him by the Congress of the United States by the passage of that resolution.

The third point I make is that it would be particularly inappropriate to make such an effort as limiting the powers of the President or pulling the rug out from under his feet in the case of the President, who does not happen to be the President for whom I voted. He was not the President when the Gulf of Tonkin resolution was requested or when it was passed. He inherited a situation under which, when he came into office, there were approximately 550,000 American soldiers, marines, and airmen fighting in South Vietnam, besides others committed in Thailand, Laos, and other nearby territories, and besides Navy men.

So, Mr. President, the reason that I voted against this so-called "softening resolution"—and that is what it was, a softening amendment—was because even it proposes to limit the power of the President of the United States, as the Commander in Chief of troops fighting in the field, to take action which he thinks will best protect them, and best assure their speedy removal from Southeast Asia and their speedy return to the United States.

Mr. President, this softening amendment which we have just adopted is softening in the respect that it adopts the word "limitation" instead of the word "prohibition." In other words, we would seek to limit the President instead of prohibiting him from acting.

That is a difference in degree, but it still claims for Congress the power to limit the President—not in the manner of the making of war, as so clearly stated yesterday afternoon by my friend, the Senator from Idaho, but in the method of the carrying on of the operations of the war.

Mr. President, I am not willing, for a moment, to vote even for a softening or a modification amendment, which still claims for Congress the right to limit the power of the Commander in Chief to do what he deems necessary—and he has in his possession many more facts than any of us—to best protect American fighting men, to best assure their quick and safe return to the United States. That is one of the things in this so-called softening amendment which I opposed, because it puts on record every man who voted for it—and I regret that as many voted for it as did—as being in favor of the power of Congress to limit the Commander in Chief to do those tactical things which are necessary in his opinion to be done in the operation of armed forces in the field confronting enemy armed forces.

The second thing I object to in this so-called modifying prolog is not a modification but an addition. It says that after July 1, 1970, no funds of the United States may be expended legally for any of the purposes in the original resolution—and all four purposes are retained—in these words: "unless specifically authorized by law hereinafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended after July 1, 1970" to carry out the four objectives that were stated in the original amendment and that are still stated in the amendment, or modified or softened or weakened amendment.

The fact is that it is not weakened in that particular because, as originally stated, it would not have prevented the expenditure of funds after July 1, 1970, but would instead have prevented the expenditure of funds as stated in the four objectives without having stated any specified date on which expenditures would be cut off.

Mr. President, to me, it is simply unthinkable that Congress can, after mature consideration, go on record as holding that Congress retains not just the power to declare war—of course, we have that—but the power to limit the Commander in Chief in the tactical pursuit of war and in his decisions which he deems necessary to carry on that war while the war is going on.

Who would have stood here for a moment and upheld the power of Congress to vote a limitation that our Armed Forces in Europe in World War II should not cross the Rhine River, and when the Remagen bridgehead happened to be open to them, that they could not speedily and at once take possession of the bridge, cross over, and make possible the capture of the Ruhr and the ultimate victory which followed soon after?

Who would for a moment claim that Congress has the power to make any specific limitation of use of tactics by the Commander in Chief and the commanders in the field of the Armed Forces of the United States who are pursuing a war, either declared by Congress or, as in this instance, carried on by authority given by Congress very clearly under the passage of the Gulf of Tonkin resolution?

That is just what we would be asked to do if we were asked to adopt this amendment, even in the amended or softened or weakened form, though it is not softened and it is not weakened in all respects, as I have just indicated.

I should like to make one more point, and I think it is a very clear one. The fourth of the objectives we are trying to declare against their being followed up by the commanding officer, by the Commander in Chief, in the event this amendment be adopted, is this. I am trying to find the last version. They have so many versions of this so-called amendment that it is difficult to find a particular one. But the last one does provide that limitation shall prevent the use of the Air Force above Cambodia except in pursuance of certain objectives which we have been pursuing all along but which have not brought on any useful results.

I read from the last form of that amendment. That is after the words that say that no money expended as appropriated by this act or any other shall be used for the following purposes, and this is purpose No. 4:

Supporting any combat activity in the air above Cambodia by United States air forces, except for the interdiction of any supplies or personnel using Cambodian territory for attack against or access into South Vietnam.

The fact is that for 5 years, while these hiding places have been built up and dug into the ground by the North Vietnamese and the Vietcong—and whatever else one may say about them, one cannot claim that they are not good diggers—they have dug literally hundreds of miles of caverns and tunnels into which to put these supplies. Those supplies have been brought down, in the main, along the Ho Chi Minh Trail. In the main, the interdiction of those supplies, the effort to prevent their being brought down, has been pursued very actively by the use of our Air Force, and everybody knows it; but we have not been able to prevent the continuation of that flow and the vast accumulation in the sanctuaries. Yes, we have had some supplies more recently coming by water to the lower part of Cambodia, and thence across by land. But most of them have come to those sanctuaries along the Ho Chi Minh Trail. For 5 years we have been trying to interdict or prevent, by the use of our Air Force in great numbers, their coming down.

Under this resolution, it would say that it is quite all right to use money after July 1 for the interdiction of enemy supplies or personnel using Cambodian territory for attack against or access into South Vietnam—conceivably for bringing down troops, materiel, or personnel to the sanctuaries; but it is not all right to use the other means of ground attack which the President has successfully used by these raids in attacking and upsetting their plans and capturing great amounts of materiel, in capturing enormous amounts of food, and in capturing tremendous amounts of ammunition.

Mr. President, it does not make sense to me that Congress should be asked, after having given direction which we have not called off—nobody has had any success at all in an effort to repeal the Gulf of Tonkin resolution—to call off the most successful kind of attack which the President has made in the exercise of his command as Commander in Chief toward meeting this problem of bringing in supplies from Russia and from China—and that is where the substantial part of it comes from. I do not think that anyone in the possession of his senses will want to go on record as saying, in the event there should be a resumption of the construction of sanctuaries and the supplying of those sanctuaries, notwithstanding the effort to prevent them by the use of our Air Force, that the President should be cut off in the future from doing just what he has done in destroying them so greatly and capturing vast amounts of guns, ammunition, and food, and that he should be cut off in the future from doing that if it became necessary in his judgment to support his Armed Forces and to help not only save their lives but also get them out of South Vietnam and back to this country.

Furthermore, Mr. President, it is my feeling that we are being asked here to do something which, in the first place, is unconstitutional. I do not believe that we have any such authority to limit the discretion of the Commander in Chief in the effort he makes, based upon far better information than any of us can have, to protect his troops and, in this instance, to get them back out of South Vietnam. I do not believe that we can do it constitutionally. I believe that we would hold ourselves up to scorn and ridicule by the Nation generally if we passed something here which, in effect, would say that, recognizing the fact that the President has struck a serious blow here against the enemy and has set back their plans for many months—no one yet knows for how many months—and has captured vast amounts of materiel, ammunition, and food, that we will preclude him in the future from doing the same thing.

How?

By requiring that before he can move, the enemy shall be signaled by the long pendency of legislation here in Congress to pass appropriation bills enabling him to do just that same thing again.

It was the surprise of that effort which had so much to do with its success. Every Senator knows perfectly well that there were no mines which had been laid and we found it possible to move quickly over their own roads in order to get to their sanctuaries.

Who can expect to have that condition prevail again if we signal the enemy by taking so many weeks or months for Congress to pass any legislation under special appropriation bills, and so forth, for the purpose of allowing the President to go in again and do the job over, if it must be done over—and all of us hope that it need never be done again; but it may need to be done again.

My last point, Mr. President, is that if we have the power to limit the President's authority to act in this instance, then we are claiming to be able to do it in any instance where he, as Commander in Chief, is the one who handles tactically the operations of our Armed Forces in the field.

I do not believe that any Senator, when he thinks about it fully, and thinks it through, will ever come to the conclusion that we in Congress should lay down a precedent or claim that we have done right in the case of a war going on, whether declared or undeclared as in this case, approved already by Congress in advance, that we have the right to limit the Commander in Chief in doing what he regards as necessary successfully to carry on that war and to preserve the lives of his men and extricate them from difficulties, as well as to save the fortunes of this country later by a diminution of the expenditures which we are having to make in that war.

Mr. President, I am one Senator who will never vote—will never vote—that Congress has the power, as to a war going on, as to a war in operation, to limit the power of the Commander in Chief through his officers in the field as to what they can or cannot do.

To do so, I think, would not only be unconstitutional but would also be the most foolish sort of philosophy for any of us ever to place among the laws of the United States.

We cannot properly or wisely limit the power of the Commander in Chief to do what is required at the time, and do it promptly, without giving all the signals and all the time necessary to the enemy, as would be the case if we passed this precedent in this case.

Mr. President, I strongly oppose project 47 even with the so-called softening limitation. I hope that the Senate will defeat it.

I congratulate those who are opposing it now. I am glad to say, for the record, that I am sure there are many, in addition to the 11 who voted to reject the so-called softening provision, who are just as strongly opposed to the main provision in project 47 as are the 11 who voted as they did.

I thank the Senator for yielding and, Mr. President, I yield the floor.

NIXON DIRECTOR OF YOUTH AND STUDENTS RESIGNS

Mr. YARBOROUGH. Mr. President, because of the turmoil on the campuses of the United States during the past days I believe that I should invite the attention of the Senate to the statement made by Mr. Anthony J. Moffett in resigning as Director of the Office of Students and Youth in the Department of Health, Education, and Welfare.

Mr. President, I ask unanimous consent that Mr. Moffett's statement be printed in the RECORD.

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

STATEMENT BY ANTHONY J. MOFFETT

In September, 1969, Commissioner of Education, James E. Allen, Jr., established an Office of Students and Youth. I was named director of that office which the Commissioner called "an advocate for youth within the Office of Education." Events since then, and particularly within the past ten days, have convinced me that this advocacy function is untenable within the Nixon Administration. I am today resigning from my position.

When the Office of Students and Youth was created, it appeared to offer young people a unique opportunity to influence both Federal education policy and the educational system as a whole. Since September a large number of young people—students, dropouts, and others—have worked within the office, within the system to be sure. Most of our attention has been focused on giving support to young people seeking to constructively change education. We have met with youth throughout the country, given technical assistance to youth-run education programs, placed young people on Office of Education committees, worked to increase student involvement in other education agencies, public school systems, and universities. Most important of all, we have sought to give young people and their ideas access to and impact on federal education policy. But the increasingly repressive character of this administration has undercut our efforts.

The recent remarks by the President concerning student protestors were most instrumental in my decision. For they confirmed what thousands of students have believed or suspected for some time: namely, that the President and his most trusted advisors do not view themselves as leaders of *all* of the American people; that they do not have the best interests of youth in mind; and, most tragically, that they will sanction even the most vicious tactics against young people and other legitimate political dissenters.

In the midst of this disastrous Adminis-

tration posture, the most natural ally for youth within the Federal government, the Department of Health, Education, and Welfare, has failed to play enough of a leadership role. High-ranking Department officials have often been more concerned with protecting what they perceived to be the political interests of the President, the Secretary, and the Commissioner of Education, than with effectively serving the Department's constituents—the young people of America. But our staff has been generally satisfied with the Secretary and Commissioner.

As recently as March 31, 1970, the President, in a memorandum for heads of executive departments and agencies stated:

"How well we communicate with youth and seek the advantage of their abilities will influence our effectiveness in meeting our responsibilities."

Through his irresponsible statements of the past week—the labeling of student protestors as "bums," the attempt to blame the Kent St. tragedy on violent dissent—the President has exposed the above statement as mere rhetoric. He has demonstrated that he does not understand young people, and that he does not wish to communicate with them. And students across the country are saying "enough, enough" to his short-sighted policies. I support their non-violent protest and can no longer continue to serve in an Administration which seeks to discredit it.

RESULTS OF THE CAMBODIAN SANCTUARY OPERATION

Mr. GRIFFIN. Mr. President, I submit for the information of the Senate a summary of the results of the Cambodian sanctuary operations as of 8 a.m. May 25, 1970, and ask unanimous consent that it be printed in the RECORD.

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

Total operations		
Individual weapons	10,942	+48
Crew served weapons	1,618	+22
Bunkers/structures destroyed	6,630	+215
Machinegun rounds	2,592,504	+88,570
Rifle rounds	5,094,288	+293,710
Total small arms ammunition (machinegun and rifle rounds)	7,686,792	+382,280
Grenades	12,308	+1,036
Mines	2,826	+15
Satchel charge	500	(1)
Miscellaneous explosives (pounds)	72,000	(1)
Anti-aircraft rounds	127,353	+381
Mortar rounds	26,749	+2,142
Large rocket rounds	1,090	(1)
Smaller rocket rounds	14,799	+97
Recoilless rifle rounds	18,552	+441
Rice (pounds)	9,034,000	+578,000
Man months	198,748	+12,716
Vehicles	264	+8
Boats	40	(1)
Generators	36	(1)
Radios	179	(1)
Medical supplies (pounds)	36,000	(1)
Enemy KIA	7,857	+139
POWs (includes detainees)	1,770	[2] −87

[1] Unchanged.
[2] Field adjustments.

THE FRAMINGHAM STUDY OF HEART DISEASE

Mr. YARBOROUGH. Mr. President, each of us is well aware of the fact that heart disease and related diseases of the circulatory system exact an enormous toll of death and disability in our country.

Research into the causes of heart disease, as well as into ways of predicting and hopefully avoiding the crippling effects of myocardial infarction, has been under way for many years. Much has been learned. Much more needs to be known.

Perhaps the best known effort to uncover the mysteries of heart disease is the now 20-year-old Framingham Study, which is funded by the Federal Government at the National Institutes of Health. Since the program's inception in 1948 more than 5,000 randomly selected individuals from Framingham, Mass., have been closely studied. Even those who have moved away are evaluated in biennial examinations.

The results of this study are impressive. For example—

First, it has been possible to develop a profile of coronary proneness.

Second, it has been shown that blood pressure and blood lipids are the most potent factors in coronary heart disease; and that blood pressure is central in the prediction of strokes.

Third, it has been demonstrated that cigarette smoking is related to heart disease.

Mr. President, while much still needs to be accomplished in terms of the generation of new knowledge and the translation of that knowledge into improved patient care for the victim of a heart attack, the Framingham Study is being phased out. It is clear to me that this is the kind of false economy that the Nation can ill afford. The details of the accomplishments of this fine program and of its current dilemma are excellently described in an article published in Medical World News of March 27, 1970. I commend it to all Senators.

I ask unanimous consent that the article entitled "Packing Up 20-Year Study of Heart Ills," be printed in the RECORD.

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

PACKING UP 20-YEAR STUDY OF HEART ILLS

(*Framingham project enters final stage with clinicians still hoping for extension.*)

The tall, slim blonde was shopping with her daughter at DeMarini's food store on Union Avenue in Framingham, Mass., a gray factory town surrounded by pleasant suburbs some 21 miles from Boston. "Yes, I know a woman in the heart program," she said. "Her brother and his wife are in it, too. The brother and his wife have moved to California, but they come back every two years to take the exam. They won't be happy to learn the program is winding up."

Grizzled, beak-nosed Louis DeMarini scoffs as he makes change behind the newspaper counter. "I haven't been to a doctor in 38 years. It's like a car; when something's wrong, you take it to get fixed."

"But this program is supposed to help prevent trouble," says the blonde woman. "I wish they could have discovered enough to have saved my father. He died of a heart condition."

"I don't worry about that," quips DeMarini. "My wife says I'm heartless."

At the lunch counter in a Woolworth's store on Concord Street, the waitress has stronger feelings. "People ought to protest against stopping the program," she says. A woman customer—a nurse at Leonard Morse Hospital in the nearby town of Natick—nods approval. So would a lot of scientists around the country.

Not everybody in Framingham knows that a study of coronary heart disease has been conducted in the town for the past 20 years. The population, then 28,000, has more than doubled, and there are many newcomers. But the older residents and their children, who do know the study, are distressed that the National Heart and Lung Institute, which has financed the project to the tune of $330,000 a year, has decided to virtually discontinue it at the end of June, providing only limited funds for phase-out operations over another year or so.

The Framingham project has become a classic of medicine whose findings and methods are now part of the curriculums of nearly all U.S. medical schools. Sitting in his cluttered office at the study's headquarters in an old three-story frame building, the 46-year-old director, Dr. William B. Kannel, who joined the staff shortly after the project started, points to some of the achievements of the past 20 years.

"This study elucidated the precursors of coronary heart disease. A portrait of the highly vulnerable person has emerged, and a profile of coronary proneness has been developed. Using only a limited number of personal traits, which are easily determined with ordinary office procedures and a few simple lab tests, it's been possible to estimate the probability of a heart attack to as much as a 30-fold range of risk. This doesn't mean that you can tell which individual will suffer an attack and at what date, but group probability can be determined."

Dr. Kannel notes that the predictive value of the Framingham study has been confirmed in the pooling project of the American Heart Association, which involves six all-male population studies in different cities. And similar results have been obtained in investigations in Puerto Rico, Hawaii, Yugoslavia, and Israel.

The Heart Disease Epidemiology Study, as the Framingham program is officially titled, traces its origin to 1948, a time when there was considerable controversy and uncertainty about the relation to heart disease of cholesterol, hypertension, obesity, physical activity, and other factors. The Public Health Service that year assembled a committee of cardiologists and other experts to develop a series of working hypotheses—educated cardiologic guesses—based on observations of persons who already had developed disease. These observations had never been scientifically tested or expressed in quantitative terms.

Why Framingham? Because it had a stable population small enough to make observation of the study group convenient, yet socioeconomically and ethnically representative enough—or thought to be so at the time—to make the findings widely applicable. (Apparently no one paid much attention to the fact that Framingham had a very small Negro population—eventually there were only six blacks in the study.) Two other advantages were a single general hospital, making surveillance easy, and proximity to a large medical center in Boston.

"Another reason," recalls Raymond J. Callahan, the silver-haired editor in chief of the Framingham *News*, the town's daily paper, "was that Framingham had been conditioned to health studies. We had here from 1916 to 1923 a study called the Community Health and Tuberculosis Demonstration. That study established yardsticks for the prevention and treatment of TB and helped reduce the incidence of the disease and mortality."

By the time the first examinations began in October 1949, the newly created National Heart Institute had become the study sponsor. The following March, Dr. Thomas R. Dawber, then chief of medicine at the Boston PHS hospital, became the project's first

director. He remained for 16 years, leaving to become associate professor of medicine at Boston University, while continuing as a consultant to the study.

Out of about 10,000 residents between the ages of 30 and 60, a group of 5,127 was randomly selected, about evenly divided between men and women. Some 900 have since died; only 2% of survivors have been lost to follow-up. "Those who have moved away come back for the biennial exam from Florida, the Midwest—from all over the map," says Lorna P. Lyell, a program assistant who has been with the study from the outset.

The study staff includes four full-time and two part-time physicians and two nurses, plus some administrative personnel. Each patient receives an unusually thorough examination at the program's heart clinic located on the ground floor of the 227-bed Framingham Union Hospital, which is affiliated with Boston University School of Medicine. The clinic sees about 60 patients a week.

What has more than 20 years of exams and checkups shown? Well, for one thing, this is one of the few heart studies that includes women, and a major finding is a distinct difference in vulnerability between the sexes. In the first ten years, one in every ten men developed clinical symptoms, but only one in every 20 women. Years of follow-up have revealed that men and women get angina at about the same rate, but that women lag behind men considerably in myocardial infarctions and death from heart disease. An incidence of infarction comparable to that in men occurred in women only about 20 years later.

Blood pressure and blood lipids have proved to be the most potent factors in coronary heart disease, according to director Kannel, and blood pressure is even more crucial in stroke. The risk has been found to be directly proportionate to the blood pressure level; contrary to prevailing medical belief, the systolic pressure is no less a determinant than the diastolic. The risk is also directly proportional, with certain exceptions, to the level of the various lipids. The average cholesterol level of those who got a heart attack in the first 16 years was 242 mg% when they entered the study, while the average of those who didn't was 220 mg%. Besides cholesterol, the lipids studied at Framingham were tryglyceride, phospholipid, cholesterol rich beta-lipoprotein, pre-beta-lipoprotein, which is rich in triglyceride, and alpha-lipoprotein, rich in phospholipids. Lipid levels and heart disease are highly correlated and none of the substances have proved superior to the others in predictive value, according to Dr. Kannel. However, former director Dawber says that "in practice, you learn as much from the cholesterol level as from all the rest of them put together."

Women are a bit of an exception in regard to cholesterol, too. The study has found that in women over 50, a rising cholesterol level is not associated with increased risk. And among that array of generally menacing lipids, alpha-lipoprotein seems to be something of a maverick. It has been found that while the beta- and pre-beta-lipoproteins go up in heart-attack cases, the alpha-lipoprotein appears to be lower, according to Dr. William P. Castelli, chief of the study's laboratory. This suggests that alpha-lipoprotein may have a protective effect, but that proposition requires more study.

A high lipid level by itself means only a modest increase in risk, notes Dr. Kannel. But add hypertension, and the risk shoots up. "The so-called normal levels of blood pressure and cholesterol are in fact arbitrary and it has not proved possible to define critical values," he points out. "What our study has found is that any increase in blood pressure or cholesterol levels increases risk. The abnormalities predisposing to coronary heart disease are more a matter of degree than of kind, and it isn't possible to determine where normality ends and the abnormal begins."

As for the clinical implications says former director Dawber, "I would deduce from our data that physicians should treat levels of blood pressure that aren't considered hypertension in order to help prevent heart disease. One problem is that many doctors feel the hazards of therapy outweigh those of not treating borderline cases, but they ought to consider this question more carefully."

Other factors contribute in varying degrees to the natural history of heart disease. Obesity—related to higher blood-pressure and cholesterol levels—increases the cardiac work load and thus makes death from coronary heart disease more likely. Diabetes increases the danger of coronary events, particularly fatal ones. Physical inactivity was found to boost the risk of fatal but not of nonfatal attacks.

Unsurprisingly, the study has demonstrated that cigarette smoking—but not cigar or pipe smoking—is substantially related to coronary heart disease. Cigarettes are particularly linked to fatal attacks and, especially in men, to sudden and unexpected death. The effect is directly related to the number of cigarettes smoked each day, but not to the number of years a person has smoked. And contrary to what one might expect, the danger seems to be completely reversible—kicking the habit reduces the risk to the level of those who never smoked.

Dr. Kannel observes that in the Framingham study population, only about 60% of those who suffered coronary attacks reached the hospital. "The reason for this is that in this town where even suspicion of an attack is cause for hospitalization, one in five myocardial infarctions went unrecognized. And in one of five cases, death was the first clinical symptom. This has pointed up the need for a preventive approach. Our study indicates that improved management of symptomatic cases by itself can't substantially reduce coronary mortality. But I believe the day is approaching when a myocardial infarction in a patient under periodic medical surveillance will be regarded as a medical failure."

Part of the program's fallout has been new information on stroke. Sixteen years of followup have provided 153 documented cases of stroke. In contrast to heart disease, women appear to be as vulnerable as men; 75 of the victims have been women and 78 men. Athero-thrombotic brain infarction (ABI) accounted for 65% of the episodes, intracranial hemorrhages for 20%, and cerebral embolism for 15%.

"We don't think stroke is an inevitable consequence of aging," says Dr. Kannel. "The most potent contributor to stroke in general and to ABI in particular is hypertension, including the asymptomatic kind. The key to the prevention of cerebrovascular accidents would appear to be early detection and control of hypertension."

The findings and implications of Framingham's human "test tube" have added a new dimension to the practice of medicine in the town, and none regret more than the local doctors that the study's heartbeat is being reduced to a flutter. Internist and cardiologist Donald E. Love, who has about 200 current patients in the program, puts it this way: "The intensive evaluation given the people in the study affords not only early detection of disease, but provides their physicians with a background of information that wouldn't ordinarily be available till the patient developed symptoms."

Dr. Love cites a recent experience with a man who came to him complaining of pain in his left chest. After examining and talking to him, the doctor's general impression was that the pain was due to the pressures and tensions in the man's life—he was a fireman. But on doing a chest x-ray, Dr. Love found that the patient's pulmonary artery appeared unusually prominent. "I asked myself: Is this truly the pulmonary artery or is it an embolism, or hypertension and dilation, or a lymph node that might be malignant, or even tuberculosis?" Dr. Love consulted the films taken of the patient's chest by the heart program. These showed that the prominence of the artery was present over the years when the patient was asymptomatic. The cardiologist concluded that his original impression was the correct diagnosis.

The thorough biennial examinations have also uncovered conditions unrelated to heart disease. Peter W. Ablondi, a retired executive of the Dennison Manufacturing Co. and chairman of the town's Board of Selectmen, recalls that when he and his wife took their second exam, the staff doctor found that his wife needed an emergency appendectomy, a diagnosis confirmed by other physicians. She was immediately operated on. "All of us are grateful to the people who had the initiative to start this program," says Ablondi, a trim, vigorous 69-year-old whose civic post is roughly equivalent to mayor. "I hope the program continues, not only for the benefit of the people of Framingham but of humanity."

Why then is the study being folded? A lot of people want to know. In the past few months, the National Heart and Lung Institute has received many queries and protests, among them letters from Sens. Edward M. Kennedy and Edward W. Brooke of Massachusetts, Rep. Harold D. Donohue, who represents the district that includes Framingham, and eminent medical men.

The institute's director, Theodore Cooper, concedes that under the original plan, the study was to last until 1972, but explains that after reviewing the project, his institute and the NIH decided that "an additional round of examinations would *not* provide appreciable new information about heart disease." Dr. Cooper adds that questions of finance were not the deciding factor. "We've been discussing the phase-out for the past three years. It was not forced by budgetary constraints. If we had all the money we needed, I'd still make the same decision. We must now get on to other epidemiologic studies in other populations, applying what we've learned in Framingham."

But Dr. Jeremiah Stamler, executive director of the Chicago Health Research Foundation, comments: "The Framingham study was a feather in the government's cap for 20 years. It has made highly significant contributions to our understanding of coronary artery disease and has the potential to make many more. It is a mistake to close the study, rationally inexplicable. There is a great deal that we can still learn from the Framingham study, particularly about strokes and peripheral vascular disease. And other problems such as bronchopulmonary disease and cancer could be profitably studied in this population."

Under the phase-out, which starts in July, the present staff of 21 will be pared to five. Besides tying together loose statistical ends for computer analysis in Washington, the skeleton staff, including director Kannel and one other physician, will maintain a mortality surveillance and confirm diagnoses in new cases of heart disease. But there will be no further examinations of the study population.

Dr. Kannel is unhappy about this early closing, although he warns that he may not be objective because he has a vested interest—"but so has the other side." Both he and former director Dawber believe that ideally the study should continue until there are no more survivors. Dr. Dawber plans to seek private funds if Boston University's efforts to obtain an NIH grant fail.

"The data already collected constitute a gold mine of information that could be exploited for the next ten years," comments Dr. Kannel. "We get requests for reprints and lectures from all over, most of them from doctors in private practice. They want the knowledge to help prevent disease and early death.

"If the program could be continued the approach could be expanded into other areas—stroke, for example—about which we already have considerable but still insufficient data. We here could study the various diseases of aging—senile dementia, osteoporosis, arthritic disorders, cataracts, impaired hearing. To start such studies from scratch would be prohibitively expensive, and it would take years to get results."

A STALE SURVEY

Mr. DOLE. Mr. President, the Washington Post ran a "Harris Survey" this morning that purports to show that the President is in trouble with the people on the issue of Cambodia.

It is not until we get down to the very last paragraph that we learn that the poll was taken between May 8 and May 10—15 to 17 days ago.

Nor are we ever told that a substantial part of the polling must have been done before the President's press conference of Friday night, May 8.

It is evident that even the Post must have had some doubts about the worth of the poll, or else they would not have waited this long to release it.

Mr. President, I question in this case whether the Post seeks to inform the people or mislead them.

Later polls, including one by the Post's sister publication, Newsweek, show the President having substantially more general support and with less opposition.

A survey taken May 18–19 for the Republican National Committee showed 53 percent of Americans approve the President's decision on Cambodia, while 32 percent disapprove. The same poll showed that 59 percent like the way the President is doing his job, while only 26 percent do not.

The Atlanta Journal-Constitution in Atlanta, Ga., showed an overwhelming 83 percent, out of 4,552 persons who responded to a poll, approving the President's action.

Mr. President, I find it strange, indeed, that the Post would release a poll that is more than 2 weeks old at a time when the action in Cambodia is being acknowledged as a striking military success.

And when almost no doubts are being expressed about the President's declaration that American soldiers will be brought out of Cambodia by July 1.

Could it be the Post is attempting to rally new support to the Cooper-Church amendment at a time when support for it is flagging?

I suppose we will never know the answer, but it is obvious that the Post has taken another giant step in widening its credibility gap with its readers.

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

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

SURVEY OF MAY 18–19, 1970.—FOLLOWING ARE THE RESULTS OF 1,053 INTERVIEWS TAKEN BY TELEPHONE ON MAY 18–19, 503 RESPONDENTS WERE MALE, AND 550 WERE FEMALE

	Total	Male	Female
1. "Do you approve or disapprove of the way Richard Nixon is handling his job as President?"—			
Approve	59	64	55
Disapprove	26	24	27
Don't know	15	12	18
2. "Do you think persons 18–21 years of age should be permitted to vote in national elections?"—			
Should be permitted	54	56	51
Should not be permitted	40	37	43
Don't know	6	7	6
3. "Colleges and Universities have been active in protests against the President's Cambodia decision. Have you seen, heard, or read about these student protests?"—			
Have seen, heard, or read	94	93	95
Have not seen, heard, or read	6	7	5
4. Asked of respondents who have seen, heard, or read about protestors. "Do you approve or disapprove of these student protestors?"—			
Approve	19	21	18
Disapprove	72	73	70
Don't know	9	6	12
5. "President Nixon has decided to assist South Vietnam with American support in actions against North Vietnamese Communist forces in Cambodia. Do you approve or disapprove of this decision?"—			
Approve	53	63	43
Disapprove	32	27	36
Don't know	15	10	21
6. "Some colleges and universities have closed down as a result of student protests over the war in Vietnam. Do you approve or disapprove of closing down colleges and universities for this reason?"			
Approve	23	23	22
Disapprove	70	72	69
Don't know	7	5	9
7. Several thousand students conducted a demonstration in Washington on May 9 against the President's Vietnam policies. Do you approve or disapprove with this Washington demonstration?			
Approve	32	31	33
Disapprove	59	64	55
Don't know	9	5	12
8. Do you approve or disapprove with calling in the National Guard in situations where student protestors cannot be handled by college authorities?			
Approve	81	81	81
Disapprove	14	15	12
Don't know	5	4	7
9. Some people have proposed that colleges and universities should close down for 2 weeks next fall so that students can campaign for peace candidates in the election. Do you approve or disapprove with this proposal?			
Approve	31	32	30
Disapprove	58	59	57
Don't know	11	9	13
10. Some people have proposed that colleges and universities close down for 2 weeks next fall to encourage students to go out and campaign for candidates of their own choice in the elections. Do you agree or disagree with this proposal?			
Approve	30	33	28
Disapprove	58	57	59
Don't know	12	10	13

THE BIG THICKET'S COLORFUL BEAUTY AND HISTORY

Mr. YARBOROUGH. Mr. President, the Big Thicket of southeast Texas is a remarkable and wonderful area which inspires writers and photographers.

The Big Thicket is thick with tall trees and legends, colorful beauty, and history. Many books, articles, and photographic essays have been inspired by the Big Thicket.

The scheduling of hearings on my bill (S. 4) to establish a 100,000 acre Big Thicket National Park, is a great step toward the ultimate realization of preserving the Big Thicket.

The distinguished senior Senator from Nevada (Mr. BIBLE) chairman of the Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs, will conduct field hearings on my bill on Friday and Saturday, June 12 and 13, 1970. This will be a great opportunity for those who know the Big Thicket to explain the necessity for its preservation.

An example of the articles inspired by the Big Thicket appeared in the Sunday, May 17, 1970, issue of Tempo magazine. The article, written by Prof. Francis Abernethy, of Stephen F. Austin University, is on page 24. It is accompanied by many beautiful pictures which cannot be reproduced. However, the words paint a beautiful picture of the Big Thicket.

Mr. President, 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:

THE LAND IS AS TOUGH AS ITS PEOPLE, BUT PROGRESS AND POPULATION EXPLOSION ARE THREATENING TO DESTROY THE PEACE AND PURITY OF THE BIG THICKET

(By Francis Edward Abernethy)

It is not hard in Southeast Texas, where everybody is an "expert" on the Big Thicket, to get an argument about where it is. Some historians look back to the early explorers' descriptions of East Texas and cite the original Thicket as that area of climax forest that lay between the Camino Real on the north, the Sabine River on the east, the coastal prairies on the south, and the Brazos River on the west. No one doubts that this was a great forest, but the early Texas settlers that took over this area soon tamed it to the cow and the plow and never called all of it the Big Thicket.

An East Texas biologist decided that tree and soil types were the means of defining the boundaries of the Big Thicket, and he ended up stretching it as far northeast as Jasper

and as far west as Conroe. His speculations disregarded the fact that all female collies aren't called Lassie and that things that look alike don't always have the same name. Various chambers of commerce and dollar-eyed promoters of the tourist trade have stretched the boundaries of the Thicket so that it has thinly covered about every county in East Texas.

Just as a man names his own children, so does a group of people decide on the name for their town, county, and area. Those people who settled in and around the Thicket decided what and where it was and named it more than 100 years ago. Their offspring still define it the same way, even though they can see that the landscape has changed, and I'll take their word for it.

The big thicket is about 40 miles long and 20 miles across at its widest. It is flat land, gray clay and sand, that is a part of the Pine Island Bayou drainage system. It begins in the southern parts of Polk and Tyler Counties where the creeks flow out of the red dirt hills. It ends in the south below Sour Lake where the dense woods thin out in stands of pine and in the rice farms of the coastal prairie. The eastern and western boundaries were easier to define in the old days before the loggers got hold of it; but east of Cypress Creek the elevation is higher, the land is sandy, and there used to be great climax stands of yellow pine, five and six feet in diameter. The western boundary of the Thicket was marked by big open pine stands along the spoil banks of the Trinity River and by Batson Prairie on the southwest.

The Big Thicket has been pretty well cut over at one time or another, but the land is as tough as its people, and you can't knock it down so that it won't get up again. The Thicket in its best places is still thick. The pin oaks and water oaks and sweet gum trees grow tall and rank, straining to get up out of the underbrush and into the light and the air above. Laurel bushes and yaupon bunch together in the forest's middle world. The magnolia's dark green squats among its taller neighbors. A mayhaw patch, two or three acres around, blooms dainty white in early March and drops its fruit in the water of the late April creek rises. Chinquapin trees so big that you can't reach around them sit on islands that swell above the surrounding flats, and sweet bays spotted with their rich white blossoms stand hip-deep in flooded ponds and baygalls. Cypress trees edge the creek banks and poke their knees up through the old slough beds. Palmetto higher than your head rattles in the wind. And tying everything together are the vines: Rattan, smilax, ty-vine, poison ivy, saw briars, muscadine, and grape vines at every level.

When you drive the pavement through the Thicket, all you can see is this forbidding wall of trees and vines. The beauty of the Big Thicket is for the walker, not for the motorist. He must walk to the sphagnum bogs or the small meadows where the pitcher plants and the sundews grow. The dainty orchids and violets are for those who are willing to stop and kneel for a long and philosophical look. And the beauty of the fern is reserved for the contemplation of the naturalist who accepts briars, mud, and mosquitoes as a natural and even desirable part of the forest's world.

You can get a pretty good picture of the Thicket in Hardin County. Northeast of Sour Lake, there is a dirt road that goes by Cecil Overstreet's place. The road itself is not much higher than the surrounding land, and if there has been much rain it will be under water in several places. The road bed itself is good, though, and you probably won't get stuck if your car doesn't drown out.

The road bed is sand and after a light night rain carries the signs of the animals that live in the thick world beyond the road's shoulders. Raccoons, bobcats, and 'possums stroll nightly along the road and fish the crawfish and tadpoles out of the shallow ditches at the road's edge. Armadillos and razorbacks root along the shoulders, and cat squirrels as nervous as a Democrat on election day hop across the road in two jumps just to get to the other side. The cotton-mouthed moccasin makes a broad track in the sand as he slowly weaves across the road to a new hunting ground; the blue racer glides straightly and narrowly over, almost on the tips of his ribs. If you are in luck, you might see the long cross-toed track of the black bear, who used to be the king of these woods, or the round pads of the panther, who occasionally shows up to give the Thicket people a worthy topic of conversation for a few months. And the does and the fawns and the big splay-footed bucks parade up and down this road, like all the rest of the animals, as if it were Main Street on a Saturday afternoon.

Sapp's graveyard is about 30 feet off the road on the right. There are no markers to designate the exact spot, but this is where Mr. Sapp buried two men whom he had hired to kill his wife. He didn't bury one of them deep enough, however, and the hogs rooted him up, an unhappy circumstance which eventually led to the imprisonment of Mr. Sapp. Further to the east in Cecil Overstreet's part of the Thicket is Magness Baygall, the site of another picturesque piece of Thicket history. The Magnesses earned a bad reputation by entertaining guests who left their house penniless and sometimes not at all. The trails that led off the road to the stills that were an important part of the Thicket's economy during Prohibition and the '30s are now grown over, and the only souvenirs of this part of the Thicket's cultural history are a few old copper kettles stuck away in barns.

This road goes on for three or four more miles, crosses Boggy Creek, grows bigger and gets paved, and before you know it you are out of the Thicket and in sandy, well-drained land that is covered with pine.

The history of the Big Thicket goes back to the time when it was covered with water. In the last 60 million years, "recent times" according to geologists, the Gulf shoreline of Southeast Texas submerged and emerged time after time, affected during the Pleistocene a million years ago by periodic glaciations to the north. The shoreline that contained the Thicket rose above the waters of the Gulf during the Ice Age, and was built up by silt washed down and deposited by some ancestral Trinity River. The woods of the Thicket grew and 10 thousand years ago the Thicket dwellers included mastodons, elephants, the American horse, Taylor's bison, camels, tapirs, giant sloths, beavers, and armadillos. Preying on these animals were the saber-toothed tiger and the dire wolf. Their day ended around 8,000 years ago, and some early man might have helped them scatter their bones through the Thicket area.

There is not much left in the Thicket to tell us who the first men were who hunted these woods. There were hunters in East Texas at least 10,000 years ago who left their spearheads in the remains of sloths and mastodons and other now-extinct animals, but so far nothing has been found to show that these early Americans roamed or settled in the Thicket.

Three groups of Indians are historically associated with the early history of the Thicket. They are the Atakapans, the Caddos, and the Alabama-Coushatta. In the historical beginning, only the Caddo and the Atakapan moved through the Thicket with any regularity. Other tribes from as far away as Oklahoma, Colorado, and Kansas made periodic hunting trips into the Thicket for bear meat, skins, and tallow; and Tonkawas, Lipans and Wichitas met in peace at the medicinal spring around present-day Sour Lake. But primarily the Thicket was the meathouse of the mound-building Caddos, who occupied the fertile rolling hills to the north, and the cannibalistic Atakapans, who bounded the Thicket on the Gulf Coast and on the Trinity bottoms. Then at the end of the 18th century, the Alabama and Coushatta began to settle on the northern and western fringe of the Thicket, and the woods became theirs.

The Indians didn't own the land. They just used it, and they used it as naturally as they used the air that they breathed. They were as much a part of the environment as it was of them, and legal individual ownership was alien to their culture.

The first man to lay a personal claim to the Thicket was Lorenzo de Zavalla, whose 1829 Spanish land grant included the Big Thicket. No Spaniards came, however, and the first settlers to move into the Thicket area were white Anglo-Saxon Protestants who began moving into Southeast Texas in the 1830s.

The first settlers stopped on the eastern edge of the Thicket, but soon the Thicket itself was spotted here and there with log cabins and with people who lived off the land as naturally as their Indian neighbors. These are the people who are still there, in blood and genes if not in the flesh.

The Big Thicket was settled by people of such strength and independence of spirit that only the wilderness and the Adventures of those woods suited their dispositions. These were the warriors and hunters that could always be found on the frontiers, unwilling to slow down or to wait for the socializing influence of the masses or to be hemmed in by another group's rules and conventions. So they settled in the heart of the Thicket and hunted the buck and the bear, raised some corn and sweet potatoes and ribbon cane, and were set apart from the nervous expansion that the outside gloried in. The generations that followed were as rugged and independent as the Big Thicket itself.

Take Warren Collins, for instance, who brought his family to the Thicket from Mississippi in 1852 and became one of its legendary characters. Collins was a short, square-set, hammer-fisted sort of man who fought anything that had the gall to cross him. He had come to the Thicket because it promised independence, and he wanted no part of the political foolishness of the Civil War. Many of his clan agreed with him, and they followed him to his hideout in the canebrakes of Bad Luck Creek. All attempts to conscript the Thicket Jayhawkers failed, so in the spring of 1865 Captain James Kaiser of Galveston ringed their woods with soldiers and set fire to it. Before the flames died out, 3,000 acres had been burned and two Jayhawkers killed. The rest escaped and the maneuver was so abortive that the Jayhawkers were allowed to spend the rest of the war undisturbed. Warren Collins had made his point.

And then there was Gus Hooks, who was the fastest man in the Big Thicket. He outran contenders who came from all over the country to challenge him, and he usually finished the race running backwards. He outran horses and ran down deer. He raised bees, capturing them in the wild and running behind them and herding them like you would herd cattle. He was also famous for his moonshine and for his two houses and two wives, just around the bend in the road from each other.

Gus was of the Hardin County political faction that wanted to move the courthouse from Old Hardin to Kountze, near the railroad tracks. So when the citizens saw the Old Hardin courthouse going up in flames and a man leaving it with more than common speed, they naturally assumed that Gus was the culprit. A six-mile horse race later, the Hardin posse found Gus asleep

in his own bed and wondering about people who would come visiting at that hour. Gus has been memorialized with a frieze in the Kountze library.

The history of the Big Thicket was made and written by characters of legendary proportions, by the Hookses and Overstreets and Brackens and Lloyds, Thicket hunters and fighters whose exploits still are discussed around campfires. The seed those old settlers planted was rich, and the stock they established is still strong. The Big Thicket is as much the spirit of these people as it is a matter of geography.

The Thicket is having its problems. People are spreading out of Houston and the coastal industrial population centers like seed ticks, and every one of them is looking for a little fresh air to breathe and a piece of ground that hasn't been paved over. Several wet years would cool their desire to live in the heart of the Thicket, but the cities' overflow will have to move out and build wherever they can get land, and the land development companies are a present threat to the Thicket.

The last time I drove up to Saratoga to see Lance Rosier—who until his death last March was the Thicket's official guide—I passed through several hundred acres of rice land that had been cleared out of the Thicket. If allotment controls were ever eased and there were a big market for rice, I am afraid that we would lose a lot more of the Thicket, because its flatness and its soils are ideal for rice farming.

I am not as worried about the lumber companies as some conservationists are. The Thicket has pretty well recovered from the indiscriminate cutting that was practiced between the 1880s and the 1930s, and lumber companies gained some wisdom when they looked back on their 50-year rape of the land. They are still guilty of destroying woods areas that never can return to their former state, but the Thicket can stand some controlled cutting and stay stick. For the past 30 years, lumber companies, timber growers, and hunting clubs have been the allies of conservationists, holding the land for its game and timber. But the lumber companies still are a threat to the purity of the Thicket, and some areas should be put beyond their reach.

How to save what we have is the present problem. The Texas state parks system has vastly improved over the past 10 years, but I haven't seen any great interest on their part in preserving the Thicket. And I'm not sure that I would like to see them get hold of it. The Thicket also seems to be 'way down on the list in its possibilities as a national park, in spite of the great work Ralph Yarborough has done. The real Big Thicket is not an ideal place for family camping and Sunday picnics, and I imagine that the parks people have noticed this.

The Big Thicket most certainly is the ideal place for the naturalist of all degrees, from Sunday afternoon bird-watcher to professional biologist, and my hope is that a very large expanse of the Thicket can be set aside as a wilderness area to be what it is naturally. I wouldn't mind seeing some trails cut, about the width of a land line, so that the less hardy naturalists could walk through it. And I wouldn't begrudge two or three camping areas being established on its outer perimeter. But I want to keep it unimproved and untouristed, as it is on the back side of Cecil's pasture, where the hand of man is but vaguely seen. Sometimes the Thicket is so still and quiet that you can hear the world breathe a sigh of relief.

THE WAR IN SOUTHEAST ASIA—A LEGAL POSITION PAPER

Mr. PACKWOOD. Mr. President, as debate continues over American involvement in Southeast Asia, it is comforting to know that we live in a free Nation, where rational men differ. A fine group of young Americans, comprising the Root-Tilden scholarship program at New York University, has developed a position paper on the war in Southeast Asia. The paper focuses on legal questions and is a first-rate, scholarly effort. I do not share all of the points expressed in the position paper. Nevertheless, I thought it would be of interest to many Senators and to other persons. Therefore, I ask unanimous consent to have printed in the RECORD "The War In Southeast Asia: A Legal Position Paper."

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

THE WAR IN SOUTHEAST ASIA: A LEGAL POSITION PAPER

INTRODUCTION

We do not need less criticism in time of war, but more. It is to be hoped that the criticism will be constructive, but better unfair criticism than autocratic suppression.—WOODROW WILSON.

This document is submitted in the spirit expressed above by President Wilson. It was prepared in the hope that its presentation might help effect a change in the foreign policy of the United States in Southeast Asia. It is in a way a dissenting opinion, a rebuttal to the official justifications which have been offered for President Nixon's recent action in Cambodia and for the larger United States involvement in Vietnam. At a time when irrationality and heightened emotionalism characterize the foreign policy debate on both sides, it is imperative that reasonable men make their voices heard.

As lawyers, our primary concern in the sections which follow shall be focused on the legal questions arising out of the United States actions in Southeast Asia. Though recognizing that many non-legal factors must be involved in the determination of foreign policy, we believe that the threshold of questions must be legal in nature. This is particularly true in any society predicated on the rule of law where official actions, however wise, can be acceptable only if legally justifiable.

We recognize that any criticism of the Administration's foreign policy is always susceptible to the retort that those who criticize lack access to the numerous sources of information which the President has at his command. This argument, however, if pressed beyond its reasonable limits would totally isolate the President's policies from public debate. When accepted by members of Congress, it becomes particularly dangerous, as it inhibits the legislative branch from the unfettered exercise of its Constitutional responsibilities. As Congressman Abraham Lincoln observed about another president in another war:

"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. Study to see if you can fix *any limit* to his power in this respect, after you have given him so much as you propose." [1]

PART ONE: QUESTIONS UNDER DOMESTIC LAW

I. CHARACTERIZATION OF THE CONFLICT

The central argument of the subsections which follow is the assertion that the President may not act unilaterally to initiate or conduct a war. Indeed, Article I, Section 8 of the Constitution specifically provides that the power "to declare war" shall rest with Congress. The threshold question in this discussion must thus be whether the present Southeast Asian conflict amounts to a "war" in the constitutional sense, for if it does not its conduct may be well within the executive prerogative.

American courts have traditionally given a broad interpretation to the term "war." The Supreme Court, in the *Prize Cases*,[2] held that a state of war exists whenever a nation prosecutes its rights by force. While it is doubtful that any modern court would restrict itself to so simple a definition, it is clear that when a given conflict reaches a certain level of intensity the constitutional requirement is satisfied. In 1953, in *United States* v. *Bancroft*,[3] the Court of Military Appeals, in construing the term "war" as used in the Uniform Code of Military Justice, stated:

"We believe a finding that this is a time of war . . . is compelled by the very nature of the conflict; the manner in which it is carried on; the movement to, and the presence of large numbers of American men and women on, the battlefields . . .; the casualties involved; the sacrifices required; the drafting of recruits to maintain the large number of persons in the military service . . .; and the tremendous sums being expended. . . ." [4]

Application of these criteria to the Southeast Asian conflict reveals that it qualifies as a war. Since 1965, over 2,500,000 Americans have served in Southeast Asia. Present troop strength is reported at 427,000, however such strength has in the past been as great as 543,400. Of these, 41,733 have been killed, and 275,724 wounded—more casualties than the United States suffered in World War I. The cost of the war in terms of dollars while not as saddening is indeed telling. At the beginning of 1969, the Defense Department put the cost of the war at about $28 billion per year. To this date the war has cost Americans $104.5 billion.[5] In 1968, over 50% of the nation's entire airpower was committed to military activities in Vietnam.[6] In addition, more bomb tonnage has been dropped in Southeast Asia than was dropped on America's European enemies during World War II. These facts have led at least one member of the nation's highest military tribunal to conclude that the Southeast Asian conflict is in fact a "war." [7]

II. LIMITS ON THE PRESIDENT'S POWER AS COMMANDER-IN-CHIEF

Having determined that the Southeast Asian conflict is a "war" in the constitutional sense, it follows that the President's power to initiate or conduct military activities is narrowly circumscribed. In *Youngstown Sheet & Tube Co. v. Sawyer*,[8] the Supreme Court in 1952 ruled that there are only two sources of presidential power—an express grant from the Constitution itself or a constitutionally valid act of Congress. The following paragraphs will demonstrate that the President lacks authority to conduct present military operations in Southeast Asia since the power "to declare war" is expressly entrusted to Congress and thereby removed from the presidential prerogative. Further, it will be shown that Congress has not exercised this power through a delegation to the President or otherwise.

A. President's military power under the Constitution

1. Legislative History. Article II, Section 2 of the Constitution provides that "The President shall be Commander in Chief of the Army and Navy of the United States," but the legislative history of the Commander-in-Chief clause indicates that the power so delegated to the President was quite limited in scope. The Constitution was written with the desire to avoid many of the evils of the monarchies of Europe. The framers were aware that while kings and princes made wars, it was the people who paid the price in money and their lives. Thus, by voice vote,

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the Constitutional Convention refused a proposal to give the President the power to declare war, limiting his powers instead to those of Commander-in-Chief.[9] These presidential powers were intended to be substantially less than those traditionally exercised by the English monarch. Though the king could declare war and raise and regulate armed forces, the Constitution reserved these powers in the new republic to Congress alone. The President's power as Commander-in-Chief was to amount to nothing more than the supreme command and direction of the military and naval forces as "first general and admiral of the confederacy." [10] The President was not to be vested with vast war powers which could be exercised arbitrarily and without check.

The "check" upon the President's authority was embodied in Article I, Section 8, which grants to Congress the power "to declare war." The original draft of the Constitution conferred upon Congress the power to "make" war, but several delegates objected that this terminology might lead to an interpretation that the President might himself commence a war. To render such an interpretation impossible, the draft was amended substituting the word "declare." [11]

2. Early Cases. The Supreme Court has upheld the limitations intended by the framers in the few cases that have dealt with the President's power as Commander-in-Chief. In *Little v. Barrem*,[12] the Court held that the President had exceeded his powers in ordering the Navy to seize ships coming from French ports, since Congress' consent to hostilities was limited to ships going to French ports. In *Fleming v. Page*,[13] the Court, while not expressly deciding the point, nevertheless addressed itself to the scope of the President's war-making power. "His duty," wrote the Court, "and his power are purely military. As commander-in-chief, he is authorized to direct the movements of the naval and military forces placed by law at his command. . . ." [14] In *Ex Parte Milligan*,[15] the Court held that the President's military power to establish military courts of general jurisdiction could not be exercised in areas where constitutionally established courts were in operation. In a concurring opinion, Mr. Chief Justice Chase made the following observation pertaining to the division of military powers between the executive and legislative branches:

"Congress has the power not only to raise and support and govern armies but to declare war. It has, therefore, the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and conduct of campaigns. That power and duty belong to the President as commander-in-chief." [16]

From the statement of the Chief Justice, one can clearly infer that neither branch may interfere with powers expressly granted to the other. Thus, the President, as Commander-in-Chief, may not interfere with the powers of Congress to raise, support and govern the armed forces or to declare war.

3. History of Executive Actions. The legislative history and cases discussed above appear to support the conclusion that the President may not unilaterally initiate and conduct a war. Indeed, were it not for numerous instances of the President's unilaterally taking military action, there would be little question of his inability to do so. In 1966, however, the Department of State sought, in part, to justify American involvement in Southeast Asia by citing 125 "similar" actions in which the President had ordered troops into action or position without obtaining prior congressional authorization.[17] A closer examination of these instances, however, reveals the dangerously misleading nature of the Department's assertion.

The early history of congressional involvement in military affairs demonstrates that Congress in no sense abdicated its constitutional responsibilities. In the so-called "undeclared war" with France (1798–1800), President Adams felt the need for congressional authorization to wage what amounted to only a limited war.[18] A unanimous Supreme Court affirmed the congressional role in *Bas v. Tingey*,[19] where Justice Chase stated, "Congress is empowered to declare a general war, or Congress may wage a limited war; limited in place, in object, in time." [20]

When President Jefferson took action against the Tripolitan pirates in December, 1801, he instructed the Navy to protect Americans but nevertheless restrained the U.S. forces from any but defensive actions without congressional approval.[21] In December, 1801, Jefferson went to Congress requesting authority to take offensive measures, which was ultimately granted.[22]

In December, 1805, Jefferson, fearing Spain might violate the Louisiana border, asked Congress for authority to use appropriate protective force. The Congress thought it unwise, however, and demurred.[23]

Even the Monroe Administration, which in 1823 boldly announced a forceful United States foreign policy, showed deference to the constitutional authority of the Congress. Secretary of State John Quincy Adams informed the Colombian ambassador that in reference to the use of military force under the Monroe Doctrine, "by the Constitution of the United States, the ultimate decision of this question belongs to the Legislative Department of the Government." [24]

While there are several instances of the President's sending U.S. forces abroad, at no time during these early years did the President wage a war, limited or otherwise, without the full consent of Congress. In the nineteenth century there were some apparent deviations from the policy of congressional participation in military affairs but in each case Congress vigorously asserted its prerogative. In May, 1846, President Polk unilaterally undertook military operations against Mexico in response to what was arguably an invasion of United States territory. On January 3, 1848, the House of Representatives declared that the war was "unnecessarily and unconstitutionally begun by the President of the United States." [25] The Congress was similarly outspoken eight years later when President Pierce authorized United States shelling of Greytown, Nicaragua.[26] At the beginning of the twentieth century the President again acknowledged congressional authority by seeking legislative authorization for military actions against Spain. [27] The pattern of the formative years of the nation's history is clear—all three branches of government recognized Congress' sole authority to initiate and conduct war.

In recent years the President has acted more independently than before in commencing military actions, but the constitutional import of these unilateral uses of force remains unclear. In the first place, of the numerous instances cited by the Department of State, it is uncertain how many qualify as "wars" in the constitutional sense. Secondly, assuming *arguendo* that a sufficient number so qualify, it is by no means clear that such exercises of executive prerogative can operate to expand the presidential powers granted by the Constitution.

The *only* conflict of this century, arguably instituted by unilateral presidential action, which rivals the present Southeast Asia situation in terms of duration, costs, and troop commitment is the Korean Conflict. The Korean "police action," which lasted for some three years, ultimately proved to be the fourth largest war in the nation's history, costing some 30,000 lives and scores of billions of dollars. [27] Moreover, some members of Congress, regarding the conflict as a "war," had grave doubts as to its constitutional propriety. Senator Robert S. Taft of Ohio, for example, stated that by sending American forces to Korea at his own discretion and without legislative authorization, the President had "usurped power and violated the Constitution and laws of the United States.[28]

Some constitutional theorists have argued that a history of unchallenged executive practices can put a "gloss" on the Constitution—i.e., that a history of congressional acquiescence in the exercise of a power by the President may create the authority for that exercise where it does not otherwise exist under the Constitution. The Supreme Court adopted this position in *United States* v. *Midwest Oil Co.*[29] The Court ruled that the long-continued practice of the President, with the tacit acquiescence of Congress, of withdrawing certain public lands that would otherwise have been open to private aquisition, operated as a grant of implied power to the President to continue such withdrawals.

As the *Midwest* Court made clear, the finding of such implied power depended on the existence of a long-continued executive practice coupled with congressional acquiescence. As previously observed, the proposition that the President acting unilaterally can take this country to "war" in the constitutional sense can be justified if at all, only on the basis of the Korean precedent, an argument which scarcely demonstrates a long-continued executive practice.

Further, the Supreme Court itself in *Youngstown Sheet & Tube Co.* v. *Sawyer* [30] has virtually abandoned the *Midwest* holding. Ruling that President Truman's seizure of a steel mill without congressional authority could not be justified by virtue of the fact that previous presidents had acted similarly, the Court observed:

"It is said that other Presidents without congressional authority have taken possession of private business enterprises in order to settle labor disputes. But even if this be true, Congress has not thereby lost its exclusive constitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution 'in the Government of the United States, or any Department or Officer thereof.' " [31]

The Court's holding seems eminently reasonable, for otherwise we are left in the absurd position of affirming the proposition that the President can increase his power by means themselves unconstitutional.

Assuming that any life remains in the *Midwest* holding, neither that case nor any other Supreme Court case has ever held that an implied grant of power to the President may be found as a result of congressional acquiescence in the exercise of a presidential power expressly granted to Congress by the Constitution. Thus, it is doubtful that even the rationale of the *Midwest* case could be applied to executive exercise of Congress' war power.

4. President's Power to Repel Attack. The Government has argued, quite correctly, that the power of the President as Commander-in-Chief includes the power to engage in hostilities, without congressional authorization, in order to repel armed attack against the country. At the Constitutional Convention, the wording of the provision granting Congress the power to "make" war was changed allowing Congress to "declare" war instead. The reason for the change was, *inter alia*, to permit the President to defend against attacks on his own initiative, as Congress might be slow to meet such an emergency.[32] This exception to the exclusivity of Congress' power to declare war is, however, narrowly circumscribed.

As previously observed, in granting the power to initiate war solely to Congress, it was the framer's intention that a decision of such gravity should be made only by the

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representatives of the people. The emergency power of the President to repel attack must be construed in light of this primary intent. While it is perfectly natural that the President was granted sufficient powers to protect the nation from irreparable harm in situations where the Congress could not be convened, that power must be viewed as temporary only. This was clearly the understanding of James Madison who asserted that Congress retained most of the war power allowing the President only to repel attacks but not to commence war.[33]

Early presidential actions support Madison's interpretation. In 1801, President Jefferson, though directing the Navy to take defensive measures against Tripolitan pirates, sought and received a congressional grant of authority before authorizing offensive actions.[34] In 1805, Jefferson, fearing an attack by Spain across the Louisiana border, asked Congress for authority to use appropriate protective force. Although his request was denied the fact that Jefferson felt constrained to seek congressional authorization indicates the narrowness with which he construed his "defensive" powers.[35]

B. President's Military Powers under Congressional Authority

From the above discussion it is apparent that the President derives no authority from the Constitution unilaterally to initiate a war. Such power is vested only in Congress. The question remains, however, whether Congress may to any extent or under any circumstances delegate its exclusive military power to the Chief Executive.

In *Panama Refining Co.* v. *Ryan*,[36] the Supreme Court ruled that Congress may delegate certain of its powers to selected agents. In *Schechter Poultry Corp.* v. *United States*,[37] however, the Court ruled that any such delegation must be sufficiently specific as to the nature and scope of the powers authorized and as to the circumstances in which they may be exercised.

In the previous two sections we have discussed the general legal principles governing the relationships of the President and the Congress with respect to exercise of the war powers. Applying these principles, we now turn to an examination of the Cambodian incursion and the Vietnam war.

III. THE CAMBODIAN INCURSION

In all good faith, we can discern no possible legal justification for the President's actions in Cambodia. Many arguments have been advanced in favor of the legality of American operations in Vietnam. While we find none of these persuasive (as shall be demonstrated below), they are at least arguable. One searches the record in vain, however, for any evidence which supports the constitutionality of the President's actions in Cambodia.

The President, in his speech of April 30, 1970, offered at most one justification for unilaterally ordering the incursion into Cambodia—his power as Commander-in-Chief.[38] As discussed in previous sections, the President has no power as Commander-in-Chief to initiate or conduct a war save in the case of an armed attack. The question thus arises whether the President's actions in Cambodia were in response to an armed attack. This question and its international ramifications will be discussed more fully later in this document.[39] Suffice it to say for present purposes that since no military forces were deployed from Cambodian sanctuaries against troops of either the United States or South Vietnam in a manner to make executive action imperative without congressional consultation, the narrow constitutional requirements for unilateral presidential action were not satisfied.[40]

Since the President had no power to initiate the Cambodian operation unilaterally, his actions can be justified constitutionally only if undertaken pursuant to congressional authorization. We are unable to find such a legislative grant, nor has the Government to date suggested one. None of the legal arguments, however weak, advanced to show congressional authorization for United States presence in Vietnam can be made with regard to our involvement in Cambodia. For example, the Gulf of Tonkin Resolution[41] in its broadest interpretation cannot be stretched to authorize the present incursion. Even assuming *arguendo* that the resolution authorizes the American presence in Vietnam, section 2 seems to limit our assistance to members or protocol states of the Southeast Asia Collective Defense Treaty, a category that does not include Cambodia. Likewise, Congress has neither appropriated funds for military activities in Cambodia nor specifically authorized troop commitments there. Indeed, the evidence suggests that the only congressional consideration of possible Cambodian activities resulted in opposition to such a commitment by the Senate Foreign Relations Committee.[42]

In view of these conclusions, it is most disturbing that the President, being the officer of government expressly entrusted with the responsibility to see that the laws of the land are faithfully enforced, should so blatantly ignore his constitutional responsibilities. Such action can only serve to undermine confidence in the President and to exacerbate the growing disrespect for law throughout the country.

IV. THE VIETNAM WAR

We need not here repeat the arguments made earlier in this document establishing that the present conflict in Vietnam qualifies as a "war" in the constitutional sense.[43] Nor need we remake the arguments relative to the consequences resulting from such a characterization—viz., that the President lacks constitutional power to initiate or conduct a war without congressional authorization except in an emergency situation in response to an armed attack.[44]

Even conceding that the President's initial exercise of military power in Vietnam might have qualified as an emergency action, we have seen that the authority created under such exception expires when it is first possible to place the matter before Congress.[45] The President himself tacitly acknowledged this limitation in seeking the Gulf of Tonkin Resolution from Congress in August, 1964. It thus being impossible to justify our military actions in Vietnam under the "armed attack exception," the sole remaining question is whether Congress itself has authorized such actions in any constitutionally permissible manner.

A. Gulf of Tonkin resolution

The Executive Branch has repeatedly claimed that the Gulf of Tonkin Resolution[46] constituted congressional authorization for the extensive military operations in Vietnam. Indeed, Under Secretary of State Katzenbach went so far as to call the resolution the "functional equivalent" of a congressional declaration of war.[47] An examination of the legislative history of the resolution, however, does not support this conclusion.

Statements made on the floor of Congress and in hearings before congressional committees indicate the limited nature of legislative intent with respect to the resolution. Senator Fulbright, one of the sponsors, indicated that the purpose of the resolution was "to prevent the spread of war, rather than to spread it."[48] Further, the message from President Johnson in support of the congressional authorization stated in part, "As I have repeatedly made clear, the United States intends no rashness and seeks no wider war."[49] The Executive Branch also promised that Congress would not be ignored after enactment of the resolution. Secretary of State Rusk declared, "Therefore if the Southeast Asia situation develops . . . there will continue to be close and continuous consultation between the President and Congress."[50]

In light of all the circumstances, it is evident that members of neither house intended the resolution to allow the President to engage in an Asian land war. Senator Brewster observing, during the Senate debates, that he "would look with dismay on the landing of large armies on the continent of Asia," asked Senator Fulbright if the resolution would approve "the landing of large American armies in Vietnam or China."[51] Senator Fulbright replied. "There is nothing in the Resolution, as I read it, that contemplates it. I agree with the Senator that that is the last thing we would want to do."[52] On the House side, Representative Thomas Morgan, Chairman of the House Committee on Foreign Affairs, stated unequivocally, "The Resolution is definitely not an advance declaration of war. The committee has been assured by the Secretary of State that the constitutional power of Congress in this respect will continue to be scrupulously observed."[53]

The legislative history thus demonstrates beyond doubt that in passing the Gulf of Tonkin Resolution, Congress did not intend to declare war or to authorize the sustained large-scale hostilities which have resulted.

B. Ratification by Appropriation of Funds or by Congressional Inaction

Proponents of the Administration's position have argued that by appropriating funds to support the military in Vietnam, Congress has thereby authorized our participation in the war. This argument, however, cannot stand under close scrutiny.

Whether a Congressman agrees or disagrees with the policy of the President in Southeast Asia, he can neither morally nor politically deny weapons, shelter, and food to American soldiers facing daily attack. Congress is forced to appropriate money to keep American soldiers alive, even if their lives are endangered solely as a result of executive usurpation of Congress' power to declare war. This fact has been recognized both by those who have supported the President's policy and by those who have opposed it. Senators Richard Russell,[54] Sam Ervin,[55] Joseph Clark,[56] Peter Dominick,[57] Bourke Hickenlooper,[58] and Representative Paul Findley[59] have all recognized that Congress had no choice but to protect the lives of soldiers already in the field. In addition, before passing a Vietnam appropriations bill in March, 1966, numerous Congressmen and Senators indicated that their votes were not to be interpreted as authorizing large-scale military escalation.[60]

Ratification by appropriation is also constitutionally impermissible for another reason. In *Greene v. McElroy*,[61] the Supreme Court, in 1959, stated that where executive action is of dubious constitutionality, it is not sufficient to argue that Congress has impliedly ratified the action by appropriating money. Explicit ratification is necessary to insure: "careful and purposeful consideration by those responsible for enacting and implementing our laws. Without explicit action by lawmakers, decisions of great constitutional import and effect would be relegated by default to administrators who, under our system of government, are not endowed with authority to decide them."[62]

Thus, appropriation of funds to keep American soldiers alive constitutes neither congressional approval of the President's policy nor, even if such approval were intended, the necessary explicit ratification of the President's action required by the Constitution.[63]

The above principles apply with even greater force to the argument that ratifi-

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cation of presidential actions in Vietnam may be implied from congressional acquiescence. Since the Supreme Court has held that ratification cannot be implied from the affirmative act of appropriation, *a fortiori*, congressional inaction cannot be construed as constituting the necessary ratification. The decision of the Supreme Court in *Youngstown Sheet & Tube Co. v. Sawyer* [64] supports this conclusion. Holding that presidential seizure of a steel mill could not be justified on grounds that previous Chief Executives had taken similar actions without congressional approval, the Court concluded that the failure of Congress to disapprove the former exercises of presidential power in no way reduced Congress' "exclusive constitutional authority" in the field.

PART TWO: QUESTIONS UNDER INTERNATIONAL LAW

I. CAMBODIA

A. Collective self-defense under the United Nations Charter

1. Definition of "Armed Attack." Under international law, the legal justification for the incursion of United States forces into Cambodia was presented in a letter of May 5, 1970, from the Permanent Representative of the United States to the United Nations, Ambassador Charles Yost, to the President of the Security Council.[65] The letter states that the United States action in Cambodia was taken as a measure of "collective self-defense." [66] In essence, this same justification has been employed to explain all United States military actions in Vietnam. It forms the foundation of the March, 1966, Department of State Memorandum on the legality of United States participation in the defense of Vietnam.[67]

It is important, then, to consider the meaning of the concept of "collective self-defense" as embodied in Article 51 of the United Nations Charter.[68] Article 51 constitutes an exception to the basic Article 2(4) obligation of members of the United Nations to "refrain in their international relations from the threat or use of force." It states in part: "nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations until the Security Council has taken the measures necessary to maintain international peace and security."

Military action taken in "self-defense" which does not satisfy the Article 51 exception results in a prima facie violation of the obligations assumed under the Charter. The invocation of self-defense as the justification for the use of force depends on the satisfaction of two preconditions.[69] The threshold question is whether an "armed attack" occurred. The following argument demonstrates that no credible claim of actual, physical armed attack on allied forces in Vietnam was asserted; and that, assuming *arguendo* that the threat of an armed attack would qualify as an "armed attack" under Article 51, the military movements of North Vietnamese troops in Cambodia merely raised the possibility of an attack, a possibility so remote in time and so contingent on fortune as to fall outside the meaning of a "threat of armed attack."

President Nixon described that attack in his televised address to the Nation on April 30, 1970, as follows:

"North Vietnam in the last two weeks has stripped away all pretense of respecting the sovereignty or neutrality of Cambodia. Thousands of their soldiers are invading the country from *the sanctuaries*. They are encircling the capital of Phnom Penh. Coming from these sanctuaries as you see here, they had moved into Cambodia and are encircling the capital.

". . . [I]f the enemy effort succeeds, Cambodia would become a vast enemy staging area and a springboard for attacks on South Vietnam along 600 miles of frontier: a refuge where enemy troops could return from combat without fear of retaliation." [71]

Apparently, the attack to which the President referred was the increasingly intensive strife between Cambodian and North Vietnamese forces. The joint United States-South Vietnamese response involved an attempt to prevent a defeat of the Government in Phnom Penh. The President confirmed this view in a later portion of his speech:

"But the aid we will provide will be limited *for the purpose of enabling Cambodia to defend its neutrality* and not for the purpose of making it an active belligerent on one side or the other." [72]

Ambassador Yost's letter to the President of the Security Council refers to base areas maintained for five years by the North Vietnamese in Cambodia for purposes of conducting military operations against South Vietnam.[73] The letter identifies the developments which triggered United States action as the expansion by the North Vietnamese of the perimeters of the base areas, the expulsion of any remaining Cambodian presence in those areas, the linking of the base areas into a continuous chain along the South Vietnamese border, and the extension of the bases deeper into Cambodian territory.[74] The letter asserts that North Vietnamese forces were massing in those areas in preparation for attacks against South Vietnam.[75]

When the United Nations Charter was originally drafted an "armed attack" was generally understood as action(s) through which a state sought the initiative by the violet exercise of physical power.[76] Since then, some have argued for an expanded concept to include a military process rather than a single, hostile, offensive event.[77] The Department of State's 1966 Memorandum espoused this broadened concept. Specifically, the Memorandum argues that the concept of an "armed attack" included the processes of externally supported subversion, clandestine provision of arms, infiltration of armed personnel, and introduction of regular units of the North Vietnamese Army into South Vietnam.[78] Assuming *arguendo* that the Memorandum's much criticized[79] position is valid, Ambassador Yost's letter to the Security Council is justification of the Cambodian incursion further broadens the concept of "armed attack."

In effect, the Yost letter [80] defines an "armed attack" in two extremely expansive senses. First, it views the enlargement and extension of military staging areas as falling within the concept of an "armed attack." In light of reports from Southeast Asia and the President's address indicating that the movement of the North Vietnamese forces in Cambodia had the apparent objective of isolating or overthrowing the Government in Phnom Penh,[81] the current American military response appears designed to minimize the threat to the existence of the Cambodian Government. Certainly the use of all of Cambodia as a base of operations against Vietnam would increase the strength and flexibility of North Vietnamese operations. However, it strains both language and credulity to consider the enlargement of a base of operations an "armed attack." More plausibly, North Vietnamese activity in Cambodia constituted an effort to facilitate the threat of an "armed attack." This is the second sense in which the Yost letter expands the concept. For the threat foreseen is sufficiently distant in time as to render meaningless any attempt to equate the "threat of armed attack" with an "armed attack" as defined under Article 51. The following answer by President Nixon to a reporter's question at the President's press conference indicates the time at which the Administration considered the threat would materialize:

Q. On April 20, you said Vietnamization was going so well that you could pull 150,000 American troops out of Vietnam. Then you turned around only 10 days later and said that Vietnamization was so badly threatened you were sending troops into Cambodia. Would you explain this apparent contradiction to us?

A. Well, I explained it in my speech of April 20, as you will recall, because then I said that Vietnamization was going so well that we could bring 150,000 out by the spring of the next year, regardless of the progress in the Paris talks and the other criteria that I had mentioned.

But I also had warned at that time that increased enemy action in Laos, in Cambodia, as well as in Vietnam was something that we had noted and that *if I had indicated and if I found that that increased enemy action would jeopardize the remaining forces who would be in Vietnam after we had withdrawn 150,000, I would take strong action to deal with it.*

I found that the action that the enemy had taken in Cambodia would leave the 240,000 Americans who would be there a year from now without many combat troops to help defend them would leave them in an untenable position. That's why I had to act.[82]

Apparently, the United States crossed an international boundary and employed armed force in response to a threat which, by its own admission, would not materialize for at least one year. Attempting to justify preemptive actions exclusively in terms of an incipient threat does violence to the clear meaning of Article 51. Furthermore, such an overly broad definition of what constitutes an armed attack eliminates the distinction between the concepts of armed attack and self-defense. A defensive measure taken in anticipation of an attack can be interpreted by the country or force under attack as an armed attack necessitating self-defense measures.[83] To define self-defense in such a way as to legally entitle the aggressor to in turn respond in self-defense is to destroy the legal justification for self-defense embodied in the United Nations Charter.[84]

Quite clearly, the concept of "armed attack" cannot be woodenly or mechanically applied. An armed attack is properly differentiated from other forms of hostile behavior. Safeguards designed to deal with both types of unauthorized intervention have been incorporated in various treaty instruments. For example, the distinction exists in the Charter of the Organization of American States,[85] which, in Article 25, differentiates unequivocably between an armed attack and other forms of aggression. The distinction is also found in Articles 3 and 6 of the Inter-American Treaty of Reciprocal Assistance of 1947,[86] in the North-Atlantic Treaty of 1949,[87] in the Warsaw Treaty of 1955[88] and in the United States-Japanese Treaty of Mutual Cooperation and Security of 1960.[89] All these treaties refer only to "armed attack" while specifically noting Article 51 of the United Nations Charter. Interestingly, Article 2 of the Southeast Asia Collective Defense Treaty[90] (SEATO) also carefully distinguishes between armed attack and subversive activity directed from without; Article 4(1) of the SEATO Treaty covers "aggression by means of armed attack"; while Article 4(2) covers threats "in any way *other* than by armed attack" or "by any *other* fact or situation which might endanger the peace of the area." This distinction has been propounded consistently in treaty instruments drafted after the United Nations Charter, to many of which the United States is a party. Consequently, it would appear that Article 51 has

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always been understood to embody a narrow construction of "armed attack." [91] The position taken by the President, as justified in the Yost letter, conflicts with that construction.

The latent threat of hostile action launched from a neighboring state has not traditionally justified resort to armed force in preemptive self-defense. [92] Two examples sufficiently illustrate the point.

The "Caroline," an American vessel used for supplies and communication in a Canadian insurrection, was boarded in an American port at midnight by an armed group acting under the orders of a British officer. The boarding party set the vessel afire and let it drift over Niagara Falls. The U.S. protest resulted ultimately in an apology by Lord Ashburton, the British Special Commissioner to the United States. In a note of reply of August 6, 1842, Secretary of State Webster stated:

"[R]espect for the inviolable character of the territory of independent states is the most essential foundation of civilization. . . . Undoubtedly it is just, that, while it is admitted that exceptions growing out of the great law of self-defense do exist, those exceptions should be confined to cases in which the 'necessity of that self-defense is instant, overwhelming, and leaving no choice of means and no moment for deliberation'." [93]

More recently, in the Nurnberg trial of War Criminals, the court dealt with the defense, "that Germany was compelled to attack Norway to forestall an allied invasion, and her action was therefore preventive." The Tribunal said:

"It must be remembered that preventive action in foreign territory is justified only in case of 'an instant and overwhelming necessity for self-defense, leaving no choice of means and no moment of deliberation.' . . . From all this [evidence as to German belief regarding an allied attack on Norway] it is clear that when the plans for an attack on Norway were being made they were not made for the purpose of forestalling an imminent allied landing, but, at the most, that they might prevent an allied occupation at some future date. . . . In the light of all the available evidence it is impossible to accept the contention that the invasions of Denmark and Norway were defensive and in the opinion of the Tribunal they were acts of aggressive war." [94]

Furthermore, the assertion of a claim of collective self-defense is primarily the right of the victim state, and not of the would-be protector.[95] Collective self-defense involves the right of a nation to request assistance in its defense. It differs fundamentally from any contention that third party nations have a discretionary right to intervene by force in conflicts between other countries.[96] Assuming *arguendo* that the North Vietnamese launched some sort of "armed attack," either in the traditional sense or in the loose, expansive sense articulated in the Yost letter, the question of determining the victim of such an attack remains. The North Vietnamese activity which, according to the United States argument, constituted an "armed attack" involved the enlarging of staging and supply areas within Cambodia, troop movement in the direction of Phnom Penh but within Cambodia, and the possibility of an eventual threat by North Vietnamese forces within Cambodia to remaining United States units in South Vietnam.[97] On these facts, it is clear that the asserted depredations of North Vietnamese main force units were directed against Cambodia. If a victim need be found, (and for purposes of properly invoking the justification of self-defense under the United Nations Charter a victim must exist),[98] it is the Cambodian Government of Premier Lon Nol.

On these facts, the only state which could have claimed to be acting in self-defense was Cambodia. There is no indication however, that Cambodia asserted a claim of self-defense. Even if Cambodia had asserted a claim of self-defense, the United States, under the concept of self-defense embodied in the United Nations Charter, could not legally have joined in an action of collective self-defense. For, under the Charter, the right of self-defense does not extend to a state which seeks to associate itself in the defense of a state acting in self-defense.[99] However, the United States did not invoke the doctrine of collective self-defense in conjunction with South Vietnam,[100] which was not in this instance a victim of any "armed attack," the tenuous justifications in the Yost letter notwithstanding.

2. Proportionality. The second precondition necessary for the justification of the use of armed force in self-defense under Article 51 is that the response must be proportionate to the attack.[101] A disproportionate response to a situation which validly requires self-defense will transform an otherwise justifiable exercise of the right of self-defense into an act of aggression.[102] The application of this standard to the allied thrusts into Cambodia reflects the basic flaw in labelling North Vietnamese activities in Cambodia an armed attack on Vietnam or allied forces therein. The only military operations against which the proportionality of the allied incursion can be measured are the expansion of the Cambodian sanctuaries and the concurrent attacks on Cambodian forces by North Vietnamese troops. Such measurements would be difficult to make as they turn on factual determinations not readily available. But the standard of proportionality cannot be applied in this case as the nations using armed force under the right of collective self-defense were not the objects of an armed attack.

Ambassador Yost's letter states that "North Vietnam has stepped up guerrilla actions into South Vietnam and is concentrating its main forces in these base areas in preparation for further massive attacks into South Vietnam." [103] This factual assertion is not reflected in President Nixon's address of April 30 or subsequent press conference of May 9. The President indicated that he was responding to the threat which would exist to United States forces following another withdrawal of 150,000 men should North Vietnamese forces succeed in consolidating their position in Cambodia through the overthrow of the Government of Premier Lon Nol or by a severe limitation of its power.[104] Without dwelling on this rather crucial discrepancy, one cannot seriously say that the incursion into Cambodia of at least 50,000 allied troops on six fronts with accompanying air support,[105] a flotilla of 140 gunboats [106] and a one-hundred mile allied blockade of the Cambodian coastline,[107] was a proportionate response of self-defense to "stepped up guerrilla actions," [108] the only alleged new military action emanating from Cambodia against South Vietnam.

B. The neutrality of Cambodia

As President Nixon affirmed in his address of April 30, the United States acknowledged Cambodian neutrality.[109] Respect for that neutrality was assured by a diplomatic note during the Johnson administration [110] and was reiterated on numerous occasions by repeated demands that North Vietnam respect the neutrality and territorial integrity of Cambodia.[111]

Generally, a neutral state must remain impartial while the belligerent state must respect the neutral's impartiality.[112] The belligerent must also respect the territorial integrity of the neutral state. On the other hand, the neutral state is obligated to prevent the use of its territory for the launching of attacks by one belligerent upon another.[113] While a state may disregard violations of its territorial integrity, a neutral state has the duty to protest such violations, because failure to do so would offend its duty to maintain impartiality.[114] However, the breach of neutrality by either a belligerent state or a neutral state does not terminate neutral status.[115] Only a declaration of war or hostilities amounting to acts of war by one of the parties will have that effect.[116]

The Administration argues that North Vietnamese forces have violated the territorial integrity of Cambodia and that they have utilized Cambodia as a base for military operations against South Vietnam.[117] Certainly, these actions constitute a breach by North Vietnam of Cambodian neutrality. But they do not terminate Cambodia's neutral status. Indeed, it has been the announced policy of the Cambodian government, albeit unsuccessful, to keep its territory free of armed Viet Cong troops.[118] Hence under traditional principles of international law, the movement of American forces into Cambodia is itself a violation of that state's neutrality unless some further justification can be shown.

The argument that Cambodia ratified the American action after it had taken place is not persuasive. In fact, two members of the Cambodian government made an initial protest.[119] Clearly, the joint U.S.-South Vietnamese incursion constituted a fundamental breach of Cambodian neutrality which could not later be rectified by acquiescence, particularly since the Cambodian government had little choice but to acquiesce. Nor does the argument that the areas subjected to invasion were no longer under the effective political control of Cambodia justify the incursion. The political and military realities do not diminish in law the rights of the Government of Cambodia with respect to the maintenance of its territorial integrity and neutrality. Otherwise, one might argue that South Vietnam could claim no rights over Viet Cong-held portions of its own territory. The argument that, under general principles of international law and particularly neutrality, Cambodia's failure to repel the North Vietnamese presence justified the allied incursions into a neutral country must fail in view of the treaty obligation, under Article 33(1) of the United Nations Charter, to *first of all* seek a solution of disputes, other than an armed attack, by peaceful means.

C. Rights and obligations under SEATO

The Administration did not attempt to justify its policy under the Southeast Asia Collective Defense Treaty (SEATO). The reluctance to invoke the SEATO commitment is understandable since a colorable case for the Cambodian incursion under the SEATO Treaty cannot be made.

At the outset, the SEATO Treaty obligates the signatories to uphold the United Nations Charter.[120] As demonstrated above, United States actions in Cambodia are violative of that document, and therefore violative of the SEATO Treaty as well. I pursued further, the inquiry discloses other damaging discrepancies. First, the treaty speaks of meeting "the common danger in accordance with its [each country's] constitutional processes." [121] Thus, any action taken in violation of such constitutional processes, as argued in the discussion of the constitutional issues above, is *per se* invalid under the treaty. Secondly, the SEATO Treaty creates certain obligations in the event a party is the victim of an "armed attack." In Articles 4(1) and 4(2), the treaty carefully establishes a distinction between an "armed attack" and "subversive activities directed from outside." As pointed out above, the thesis that an "armed attack," to which the United States could legally respond, occurred, cannot be sustained. The late Secretary of State John Foster Dulles himself cau-

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tioned that the treaty language would not support the contention that "any country which feels it is being threatened by subversive activities in another country is free to use armed force against that country." [122] The SEATO Treaty expressly requires, moreover, that the parties consult before taking any action to meet the common danger posed by such outside subversion.[123] The United States made no effort to consult with the SEATO allies prior to taking action in Cambodia. More important, the failure to obtain Cambodian consent or act in response to a Cambodian invitation resulted in a direct, unequivocal violation of Article 4(3), Cambodia having been designated a state within the scope of Article 4 by the September 1954 Protocol to the SEATO Treaty.[124] The Cambodian incursion, demonstratably violative of the SEATO Treaty, could hardly have been justified under it.

D. The position taken by the United States in analogous situations

The action taken by the United States in Cambodia is inconsistent with the position propounded by the United States in the past. When confronted with similar types of action initiated by other states, United States spokesmen in the United Nations have consistently condemned unilateral attacks directed across national borders in pursuit of foreign troops using foreign soil as sanctuaries.

1. Tunisia, 1957. For example, in 1957, French forces operating in Algeria attacked Sakiet-Sidi-Youssef in Tunisia, then being used as a sanctuary and staging area by Algerian revolutionary forces. The United States publicly expressed concern about the incident and the Department of State summoned the French Ambassador to explain the French action.[125] The official French explanation markedly parallels the stated U.S. objective in Cambodia, to destroy enemy sanctuaries, staging and supply bases used by guerrilla forces for raids into Algeria.

2. Yemen, 1964. In 1964 Ambassador Stevenson, speaking in the Security Council, condemned a British bombing attack on Habir in Yemen which was undertaken in response to Yemeni attacks against the British Protectorate of Aden.[126]

3. Middle East. During the course of the ongoing conflict in the Middle East, the United States has repeatedly expressed, in the United Nations and in other forums, negative reactions ranging from concern to condemnation of Israeli attacks upon Arab guerrilla sanctuaries in other Arab countries.[127] The Israeli raids were designed to accomplish the dual objectives of reprisal and destruction of guerrilla sanctuaries and staging bases.

The American incursion into Cambodia hardly lends credence to the aforementioned expressions of dismay, much less to any future United States attempts to limit the use of armed force as an instrument of national policy throughout the world. The Cambodian affair invites cynicism toward subsequent United States efforts to encourage respect for law in the conduct of international affairs.

While patently illegal in themselves, the allied incursions into Cambodia also compound to the prolonged violation of international law by the massive military presence of the United States in Vietnam.

II. VIETNAM

A. Collective self-defense under the United Nations Charter

The Department of State Memorandum [128] justified United States action in Vietnam as collective self-defense in response to an "armed attack;" as noted above, the concept of "armed attack" should be construed narrowly to restrict the right of self-defense to instances "when the necessity for action" is "instant, overwhelming and leaves no choice of means, and no moment for deliberations." [129]

But the Memorandum's description of the "armed attack" fails to meet the standard embodied in Article 51 of the United Nations Charter. Long-smoldering conditions of unrest, subversion and infiltration described in the Memorandum, continued over a period of ten years in South Vietnam. Under Article 33(1) of the Charter, the United States was required to *"first of all,* seek a solution by negotiation, inquiry . . . or other peaceful means of their own choice." Equally telling is the Mansfield Report which indicates that prior to 1965, infiltration from North Vietnam "was confined primarily to political leaders and military leadership," though, by 1962, "United States Military Advisors and service forces in South Vietnam totaled approximately 10,000 men." [130] Apparently, Department of Defense figures indicate that there were only 400 North Vietnamese troops in South Vietnam in March, 1965.[131] Large numbers of North Vienamese troops infiltrated into South Vietnam only after the United States intervened in 1965 to prevent the collapse of the Saigon government:

"U.S. combat troops in strength arrive at that point in response to the appeal of the Saigon authorities. The Vietcong counter-response was to increase their military activity with forces strengthened by intensified local recruitment and infiltration of regular North Vietnamese troops. With the change in the composition of opposing forces, the character of the war also changed sharply." [131]

Because the sequence of events in South Vietnam cannot be construed to be an "armed attack" under the criteria outlined above, the United States could not rely on collective self-defense to justify its position.

B. The Geneva Accords of 1954

1. Election Provisions. In justifying South Vietnam's refusal to implement the election provision of the 1954 Geneva Accords, the Department of State's Memorandum states that:

"The South Vietnamese Government's failure to engage in consultations in 1955, with a view to holding elections in 1956, involved no breach of obligation. The conditions in North Vietnam during that period were such as to make impossible any free and meaningful expression of popular will." [133]

But the alleged repression of the popular will in either North or South Vietnam could not, under the Accords, entitle either regime to refuse to plan and consult about the elections for unification. Between July 1955 and July 1956, the two regimes were obligated to consult in order to determine the framework for the elections; South Vietnam would have been free to demand whatever safeguards it considered necessary for proper elections. [134]

To the extent that the United States encouraged the Saigon government to avoid consultation, it breached its duty under Article 27 of the Cease-fire Agreement, as a "successor" to France, to ensure the observance of its provisions. The United States status as a "successor" to France under the Agreement derived from the Department of State Memorandum's claim that Articles 16 and 17 justified the introduction of United States military personnel, arms and equipment into South Vietnam. The United States could claim the protection of Articles 16 and 17 only as a "successor" to the rights and obligations of the French.

2. Articles 16 and 17. The Memorandum also contends that intensified communist aggression in late 1961 justified a substantial increase in the number of military personnel and types of equipment introduced into South Vietnam. But the International Control Commission (ICC), in a Special Report prepared by the Indian-Canadian majority, specifically rejected the claim that increased aid was permissible for South Vietnamese self-defense. The Report referred to the "Geneva Agreement . . . and the obligations resulting therefrom," and added that:

"The Commission concludes that the Republic of Vietnam has violated Articles 16 and 17 of the Geneva Agreement in receiving the increased military aid . . . [and that] the establishment of a U.S. Military Assistance Advisory Command in South Vietnam, as well as the introduction of a large number of U.S. military personnel . . . amounts to a factual military alliance, which is prohibited under Art. 19 of the Geneva Agreement." [135]

C. Reprisals of 1965

The guerrilla attacks on Pleiku on February 7, 1965, marked the beginning of active United States war actions in South Vietnam and the extension of these actions to North Vietnam. However, no attempt was made to describe such war actions as collective self-defense. They were officially explained as reprisals. Terming the attacks near Pleiku, in which 7 Americans were killed and 109 wounded, provocations, President Johnson announced that ". . . retaliatory [air] attacks against barracks and staging areas . . . in North Vietnam [were] today [launched] in response to [these] provocations ordered and directed by the Hanoi regime." [136]

Reprisals involving the use of armed force violate the United Nations Charter. The Security Council condemnation of British raids against Yemen in April 1964, in reprisal for Yemeni attacks against the British Protectorate of Aden, generally illustrates the U.N. position. Moreover, Ambassador Adlai Stevenson emphasized at the time United States disapproval of "retaliatory raids, wherever they occur and by whoever they are committed." [137]

Under the Charter, the U.S. reprisals were also illegal in two other respects. First, they were not directed against insurgent forces in South Vietnam which staged the attack on Pleiku, but against North Vietnam. Second, massive bombing raids were totally disproportionate to the original attacks which they were supposedly responded. The air raids vastly exceeded the force or destruction of the attacks near Pleiku and resulted in the escalation of the previous conflict into a war against North Vietnam.

Finally the ICC rejected the arguments promulgated in justification of the American reprisals. On February 13, 1965, an ICC Special Report written by the Indian-Polish majority advised the Co-Chairmen of the Geneva Conference that U.S. military actions against the North on February 7 and February 8, 1965, "indicated violations of the Geneva Agreement." [138]

D. Duties and Rights under SEATO

SEATO provisions do not allow, much less obligate, the United States to commit thousands of troops to South Vietnam. First, under Articles 1 and 6 of SEATO, any action in violation of the United Nations Charter cannot be justified under SEATO since those articles pledge the signatories' respect and support for the Charter.

Although the Department of State's Memorandum speaks of the "obligation . . . to meet the common danger in the event of armed aggression" under Article 4(1), the precise wording of the treaty language in Article 4(1) is "aggression by means of armed attack." As already discussed, North Vietnamese activities in South Vietnam cannot be construed as an "armed attack" under Article 51 of the United Nations Charter. That the activities did not constitute an "armed attack" under SEATO is apparent from Article 2:

"In order more effectively to achieve the objectives of this Treaty, the Parties separately and jointly by means of continuous

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and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resist *armed attack* and to prevent any *counter subversive activities directed from without against their territorial integrity and political stability.*" [Emphasis added.]

Thus, under Article 4(2), unless an armed attack has occurred, the Parties must "consult immediately in order to agree on the measures which should be taken for the common defense." The Communique of the SEATO meeting, dated April 15, 1964, did not indicate a finding of an "armed attack" against South Vietnam, and merely reaffirmed that members of SEATO should remain prepared to take further steps in fulfillment of their obligations under the treaty.[139] The United States never obtained collective consent from SEATO members for its combat actions in Vietnam: thus, the United States acted and continues to act in violation of SEATO's prohibition of unilateral military action except in case of an "armed attack." Obviously, this violation affects the legal position of the United States. It also undermines the argument that the United States must act in Vietnam to maintain its credibility as a nation which fulfills its treaty obligations since the continued United States presence in Vietnam results in the violation of its treaty obligations under SEATO and the United Nations Charter.

Assuming, *arguendo*, that SEATO had approved United States military operations in Vietnam, such action would still have to be authorized by the Security Council under Article 53 of the U.N. Charter as an enforcement action by a regional arrangement.

E. Article 33(1) of the United Nations Charter

Article 33(1) imposes a duty on "parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security," first of all to seek a solution by peaceful means of their own choice. Yet the United States did not seek a solution to the growing conflict in Indochina through the world body prior to using armed force. At least by 1954, the United States had given aid to South Vietnam and had operated a Military Assistance Command there since February, 1962. The United States has alleged that infiltration of troops from the North to the South has continued since at least 1959.[140] Nevertheless, the United States did not submit the question of the Vietnam dispute to the Security Council until January 31, 1966,[141] approximately one year after the commencement of the bombing of the North. And the first American report to the Council was submitted only in 1964.[142]

Potential means for a peaceful settlement included General de Gaulle's proposal in 1963 of a neutral Vietnam,[143] a subsequent French call in 1964 to reconvene the Geneva Conference on Laos,[144] and a suggestion by Secretary-General U Thant in 1964 that a secret meeting between representatives of North Vietnam and the United States be arranged in Burma.[145] The United States rejected each of these alternatives over the three year intervening period between General Maxwell Taylor's Report of November, 1961 (which dealt with the possible contingency of taking defensive measures directly against the North),[146] and the initiation of the bombing raids in 1965. During that period, the United States must have anticipated or contemplated the increased use of armed force against North Vietnam. The failure to resort to the United Nations is therefore inexplicable.

III. THE PROSPECT OF CONTINUING ARMED CONFLICT

A fundamental violation of the United Nations Charter is particularly grievous when committed by such an immensely powerful and influential supporter of the United Nations as the United States. But, should the United States succeed in legitimizing its position by claiming that measures of self-defense were justified in response to questionably documented "armed attacks," the damage to the United Nations would be irreparable. The acceptance of a broad definition of "armed attack" would render virtually meaningless those provisions of the United Nations Charter which provide machinery for anticipatory conflict resolution. Conditions favorable to justice and respect for the obligations arising from treaties and other sources of international law could not be maintained. The determination stated in the Preamble, "to save succeeding generations from the scourge of war" would become an empty hope.

CONCLUSION

The United States today faces a grave crisis. Never before in our history has the nation been so fundamentally divided over issues of foreign policy. More important, growing numbers of our citizens believe themselves frustrated in all efforts to change the course of policies they regard as unwise or immoral. The situation, if allowed to worsen, could have grave consequences for the future viability of our democracy.

The debate over the nation's course in Southeast Asia reflects more than a mere disagreement with foreign policy. It indicates a dangerous shift in the balance of power within our constitutional system. It is thus imperative, as never before, that the Congress vigorously reassert its responsibilities as the only branch of government constitutionally empowered to decide issues of war and peace. It is incumbent upon each member of Congress, whether he opposes or defends the present policy in Southeast Asia, to consider seriously the consequences of congressional inaction.

We have witnessed in the atomic age a continual exacerbation of the tensions which tend to divide the world community. When coupled with the exponential increase in the magnitude of man's destructive capabilities, this process invites disaster. Therefore, actions by the world's most powerful nation which either violate or ignore the basic tenets of international law, as embodied in the United Nations Charter, constitute culpable irresponsibility. We are painfully aware that in this regard the United States does not stand alone. But historically, the United States has represented itself as a moral force in the world and has repeatedly affirmed its faith in the rule of law. Quite simply, United States actions should conform to that rhetoric. Respect for the United Nations Charter and use of machinery for conflict resolution which exists under it must comprise the keystone of American foreign policy. Ultimately, our security in the world depends as much upon the foregoing considerations as upon the wise exercise of armed power.

FOOTNOTES

[1] E. Corwin, The President: Office and Powers 451 (1964).
[2] 67 U.S. (2 Black) 635 (1863).
[3] 3 U.S.C.M.A. 3, 11 C.M.R. 3 (1953).
[4] Id. at 5.
[5] These figures were supplied by the Department of Defense in a telephone conversation of May 11, 1970.
[6] 114 Cong. Rec. 6490 (daily ed.) (remarks of Senator Young).
[7] United States v. Anderson, 17 U.S.C.M.A. 588, 594 38 C.M.R. 386 (1968) (Ferguson, J., concurring).
[8] 343 U.S. 579 (1952).
[9] J. Madison, Debates in the Federal Convention of 1787, 418–19 (G. Hunt & J. Scott eds. 1920).
[10] The Federalist No. 69 (A. Hamilton).
[11] 2 J. Madison, Journal of the Federal Convention 548 (Scott ed. 1893); 2 M. Farrand, The Records of the Federal Convention, 313, 318–19 (1911).
[12] 6 U.S. (2 Cranch) 170 (1804).
[13] 50 U.S. (9 How.) 602 (1850).
[14] Id. at 614.
[15] 71 U.S. (4 Wall.) 2 (1866).
[16] Id. at 139.
[17] Department of State, Office of the Legal Adviser, Legality of the United States Participation in the Defense of Vietnam, 75 Yale L.J. 1085, 1101 (1966).
[18] M. Pusey, The Way We Go to War 92 (1969).
[19] 4 U.S. (4 Dall.) 36 (1800).
[20] Id. at 43.
[21] 1 T. Jefferson, A compilation of the Messages and Papers of the Presidents 327 (J. Richardson ed. 1896).
[22] Id.
[23] Id. at 389–90.
[24] The Record of American Diplomacy 185 (R. Bartlett ed. 156).
[25] E. McCormac, James K. Polk—A Political Biography 530 (1922).
[26] W. Wormuth, The Vietnam War: The President Versus the Constitution 24 (1968).
[27] A. Kelly & W. Harbison, The American Constitution 858 (3d ed. 1963).
[28] Id.
[29] 236 U.S. 459 (1915).
[30] 343 U.S. 579 (1952).
[31] Id. at 588–89.
[32] See note 11 supra.
[33] J. Madison, supra note 9, at 418–19.
[34] See note 21 supra.
[35] See note 23 supra.
[36] 293 U.S. 388 (1935).
[37] 295 U.S. 495 (1935).
[38] Address by President Nixon, April 30, 1970, reprinted in N.Y. Times, May 1 1970, at 2, col. 1.
[39] See Part II infra.
[40] See text accompanying notes 32–35 supra.
[41] 78 Stat. 384 (1964).
[42] See N.Y. Times, April 28, 1970, at 1, col. 8. It is also appropriate to note that on June 25, 1969, the Senate by a vote of 70–16 passed the so-called "National Commitments Resolution." S. Res. 85, 91st Cong., 1st Sess. (1969). The Resolution was generally hailed as a congressional attempt to reassert its voice in decisions commiting United States forces for use in foreign territories. It provided: Whereas accurate definition of the term "national commitment" in recent years has become obscured: Now, therefore, be it *Resolved*, That it is the sense of the Senate that a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment.
[43] See Section I of this Part supra.
[44] See Section II of this Part supra.
[45] See Section II(A)(4) of this Part supra.
[46] 78 Stat. 384 (1964).
[47] Statement of Nicholas D. Katzenbach, Senate Comm. on Foreign Relations, U.S. Commitments to Foreign Powers, S. Rep. No. 797, 90th Cong., 1st Sess. 82 (1967) [hereafter Nat'l Commitments Hearing].
[48] 110 Cong. Rec. 18,462 (remarks of Senator Fulbright).
[49] 110 Cong. Rec. 18,132 (1964) (Message from the President of the United States).
[50] Statement of Secretary of State Dean Rusk, Joint Comm. on Foreign Relations and the Senate Comm. on Armed Services, 88th Cong., 2d Sess. 4 (1964).
[51] 110 Cong. Rec. 18,403 (1964) (remarks of Senator Brewster).
[52] Id. (remarks of Senator Fulbright).
[53] 100 Cong. Rec. 18,539 (1964) (remarks of Representative Morgan).
[54] 112 Cong. Rec. 4370, 4372 (1966).
[55] Nat'l Commitments Hearing, supra note 47, at 219–20.

[56] 112 Cong. Rec. 4382 (1966).
[57] Nat'l Commitments Hearing, supra note 47, at 246.
[58] Id. at 219, 248.
[59] Id. at 235
[60] N.Y. Times, Mar. 1, 1966, at 1, col. 7.
[61] 360 U.S. 474 (1959).
[62] Id. at 507.
[63] See notes 36 and 37 supra and accompanying text.
[64] 343 U.S. 579 (1952). See text accompanying note 30 and 31 supra.
[65] U.N. Doc. S/9781 (1970) [hereafter Yost Letter].
[66] Id. at 1.
[67] Dep't State (Legal Adviser), The Legality of the United States Participation in the Defense of Viet-Nam, Mr. 4, 1966, 54 Dep't State Bull. 474 (1966), 112 Cong. Rec. (1966), 60 Am. J. Int'l L. 565 (1966) [hereafter Memorandum].
[68] U.N. Charter art. 51.
[69] Falk, International Law and the United States Role in the Viet Nam War, 75 Yale L.J. 1122, 1135–36, 1143 (1966).
[70] Id. at 1135–36.
[71] N.Y. Times, May 1, 1970, at 2 col. 2 (city ed.) (emphasis added).
[72] Id. at col. 3 (emphasis added).
[73] Yost Letter, supra not 65, at 1.
[74] Id.
[75] Id.
[76] Alford, The Legality of American Military Involvement in Viet Nam: A Broader Perspective, 75 Yale L.J. 1109, 114 (1966).
[77] Id. at 1113.
[78] Memorandum, supra note 67.
[79] See Falk, supra note 69, at 1123, n. 6, Wright, Legal aspects of the Viet Nam Situation, 60 Am. J. Int'l L. 750, 765–67 (1966).
[80] Yost Letter, supra note 65.
[81] N.Y. Times, supra note 71.
[82] N.Y. Times, May 9, 1970, at 8, col. 1 (city ed.) (emphasis added).
[83] Falk, supra note 69, at 1136.
[84] For the legal justification of the right of self-defense in the U.N. Charter see L. Goodrich, E. Hambro and A. Simons, Charter of the United Nations 344–48 (1969).
[85] Apr. 30, 1948, [1951] 2 U.S.T. 2394, T.I.A.S. No. 2361, 119 U.N.T.S. 3 (effective Dec. 3, 1951).
[86] Sept. 2, 1947, 62 Stat. 1681 (1948), T.I.A.S. No. 1838, 21 U.N.T.S. 77 (effective Dec. 3, 1948).
[87] Apr. 4, 1949, 63 Stat. 2241 (1949), T.I.A.S. No. 1964, 34 U.N.T.S. 243 (effective Aug. 24, 1949).
[88] 219 U.N.T.S. 3 (effective Oct. 10, 1955).
[89] Jan. 19, 1960, [1960] 11 U.S.T. 1632, T.I.A.S. No. 4509, 372 U.N.T.S. 267 (effective Aug. 12, 1960).
[90] Sept. 8, 1954, [1955] 6 U.S.T. 81, T.I.A.S. No. 3170, 209 U.N.T.S. 28 (effective Feb. 19, 1955).
[91] Lawyers Comm. on American Policy Towards Viet Nam, Vietnam and International Law 27 (1967) [hereafter Lawyers Comm.]
[92] Id.
[93] 2 Moore, International Law § 217 (1906).
[94] Quoted in Bishop, International Law 778–79 (1962).
[95] D. Bowett, Self Defense in International Law 216–18 (1958).
[96] Lawyers Comm., supra note 91, at 33.
[97] Yost Letter, supra note 65, and N.Y. Times, supra note 71.
[98] U.N. Charter art 51.
[99] Lawyers Comm., supra note 65, at 33.
[100] Yost Letter, supra note 65, at 1.
[101] Falk, supra note 69, at 1143.
[102] Because Art. 51 is an exception to the general rule that the use of armed force without prior consultation with the United Nations is illegitimate, any use of armed force which does not fall within this exception is aggressive.
[103] Yost Letter, supra note 65, at 1.
[104] N.Y. Times, supra note 71, at 2, col. 3.
[105] N.Y. Times, May 10, 1970, § 4, at 3, col. 1 (city ed.).
[106] N.Y. Times, May 12, 1970, at 1, col. 2 (city ed.).
[107] N.Y. Times, May 13, 1970, at 1, col. 4 (city ed.).
[108] Yost Letter, supra note 65, at 1.
[109] N.Y. Times, supra note 71, at 2, col. 1.
[110] United States Note to the Kingdom of Cambodia, Dec. 4, 1967, 58 Dep't State Bull. 124 (1968).
[111] The most recent United States affirmation of Cambodian neutrality was made in an address entitled "Two Aspects of the Search for Peace" by Secretary of State William P. Rogers before the Cornell Alumni Ass'n on Apr. 18, 1970, in New York City. Dep't State Publication 8525, Gen'l Foreign Policy Ser. 243, May, 1970.
[112] 2 L. Oppenheim, International Law 673–74 (7th ed. H. Lauterpacht 1948).
[113] Id. at 704.
[114] Id. at 675.
[115] Id. at 752.
[116] Id. at 753.
[117] Yost Letter, supra note 65, at 1.
[118] N.Y. Times, Dec. 28, 1967, at 17, col. 4.
[119] Cf. statement of Foreign Minister, Yem Sambour Time, May 11, 1970, at 13 col. 3, statement of Information Minister, Trinh Hoanh, N.Y. Times, May 2, 1970, at 4, col. 4.
[120] Southeast Asia Collective Defense Treaty, supra note 90, art. 1.
[121] Id. at Art. 4(1).
[122] Statement of Secretary of State John Foster Dulles, Hearings Before the Senate Comm. of Foreign Relations on the President's Proposal on the Middle East. 81st Cong., 1st Sess., pt. I, at 28 (1957).
[123] Southeast Asia Collective Defense Treaty, supra note 90, Art. 4(2).
[124] Protocol to the Southeast Asia Collective Defense Treaty, Sept. 8, 1954, 1955 6 U.S.T. 87, T.I.S. 36 (effective Feb. 19, 1955).
[125] 38 Dep't State Bull. 333 (1958).
[126] 19 U.N. SCOR 1108th meeting 67 (1964).
[127] 58 Dep't State Bull. 509 (1968), U.N. Doc. S/RES/248 (1968), 60 Dep't State Bull, 340 (1969), 62 Dep't State Bull. 226 (1970).
[128] Memorandum, supra note 67, at 5274–79.
[129] 2 Moore, supra note 93.
[130] The Vietnam Conflict: The Substance and the Shadow, Report Submitted to the Senate Comm. on Foreign Relations, Jan. 6, 1966, 2.
[131] Schlesinger, Vietnam and the 1968 Elections, at 113 Cong. Rec. S 14454 (daily ed. Oct. 9, 1967).
[132] The Vietnam Conflict: The Substance and the Shadow, Report Submitted to the Senate Comm. on Foreign Relations, Jan. 6, 1966, 1.
[133] Memorandum, supra note 67.
[134] Final Declaration of the Geneva Conference, July 21, 1954, para. 7, Senate Comm. on Foreign Relations, Background Information Relating to Southeast Asia and Vietnam, 89th Cong., 1st Sess., at 58 (1965).
[135] Special Report, June 2, 1962, para. 20, Hearings on Supplemental Foreign Assistance, Fiscal Year 1966—Vietnam Before the Senate Comm. on Foreign Relations, 89th Cong., 2d Sess., at 740 (1966) [hereafter 1966 Hearings].
[136] Cmd. 2756, Viet Nam No. 3, at 10 (R. Falk ed. 1965).
[137] 19 U.N. SCOR 1108th meeting 67 (1964).
[138] 1966 Hearings, supra note 134, at 742.
[139] 50 Dep't State Bull. 692 (1964).
[140] Memorandum, supra note 67.
[141] Senate Comm. on Foreign Relations, Background Information Relating to Southeast Asia and Vietnam, 89th Cong., 2d Sess., at 271–73 (1965).
[142] Id. at 132–35.
[143] Id. at 14.
[144] Id. at 16.
[145] Staff of Senate Republican Policy Committee, The War in Vietnam, in 113 Cong. Rec. 5242, 5250 (daily ed. May 9, 1967).
[146] The Vietnam Hearings, 171–72 (Vintage ed. 1966).

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The Presiding Officer: Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow morning, immediately upon the disposition of the reading of the Journal, the able Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes.

The Presiding Officer. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, upon the completion of the remarks of the Senator from Ohio, there be a period for the transaction of routine morning business, with statements of Senators therein limited to 3 minutes.

The Presiding Officer. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate go into executive session to consider a nomination at the desk which was reported earlier today, and two treaties on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

FARM CREDIT ADMINISTRATION

The legislative clerk read the nomination of Ernest G. Spivey, of Mississippi, to be a member of the Federal Farm Credit Board.

The PRESIDING OFFICER. Without objection, the nomination in confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

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

AGREEMENT BETWEEN THE UNITED STATES AND CANADA REGARDING RADIOTELEPHONE STATIONS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive A, 91st Congress, second session.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in committee of the whole, proceeded to consider Executive A, 91st Congress,

second session, the agreement between the United States and Canada regarding radiotelephone stations, which was read the second time as follows:

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA RELATING TO THE OPERATION OF RADIO TELEPHONE STATIONS

The Government of the United States of America and the Government of Canada, being desirous of establishing rules to permit certain radio station licensees of either country, upon compliance with certain conditions, to operate radio telephone stations in the other country have agreed as follows:

ARTICLE I

A person holding a valid license issued by the appropriate authority of the Government of the United States of America for a Class D station in the Citizens Radio Service may be authorized to operate that station in Canada, and a person holding a valid license issued by the appropriate authority of the government of Canada for a station in the General Radio Service may be authorized to operate that station in the United States of America, under the following conditions:

(*a*) Each visiting licensee will be required to apply for and receive a permit from the appropriate administrative agency of the host Government before operating the station.

(*b*) The appropriate administrative agency of the host Government may deny or issue the permit prescribed in paragraph (*a*) at its discretion under such conditions, restrictions, and terms as it may prescribe, including the right of cancellation at any time at its discretion.

(*c*) The host Government, at its discretion, may require the visiting licensee to give evidence of his knowledge of its applicable rules and regulations.

ARTICLE II

Upon receipt of the permit prescribed in Article I, Class D stations in the Citizens Radio Service and stations in the General Radio Service licensed by one country may be operated in the territory of the other country subject to the following conditions:

(*a*) The visiting licensee shall identify his station by the call sign issued by the licensing country followed by the station's geographical location in the host country, as nearly as possible by city and state or province.

(*b*) In all other respects, the station shall be operated in accordance with the then existing laws and regulations of the host country which are applicable to the corresponding radio service of that country.

(*c*) In the event of rule violations by the visiting licensee it shall be the responsibility of the host country to take appropriate actions.

ARTICLE III

The present convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible. The present convention shall enter into force on the day of the exchange of instruments of ratification and shall continue in force thereafter subject to the termination by either Government giving six months notice in writing of its intention to terminate.

In witness whereof the respective Plenipotentiaries have signed the present convention.

Done in duplicate, in the French and English languages, each version being equally authentic, at Ottawa this nineteenth day of November, 1969.

[SEAL]

ADOLPH W. SCHMIDT,
For the Government of the United States of America.
MITCHELL SHARP,
For the Government of Canada.

Mr. CHURCH. Mr. President, this agreement will make it possible to extend to Canadian citizens traveling in the United States a privilege which American citizens visiting Canada have enjoyed for many years; that is, the privilege of operating radiotelephones while they are in the United States. Such operations will be subject to certain conditions, restrictions, and terms as each party may prescribe, including the right of cancellation at any time.

The radiotelephones involved are mobile stations with low power and short range—the type used in automobiles and emergency equipment. It is considered a useful service in case of emergencies as well as a convenience. During a recent 1-year period, Canada issued approximately 8,500 licenses to American citizens traveling in Canada.

Equity requires that the United States extend to Canadian citizens the same privileges they have extended to Americans traveling in Canada. We have not been able to do so because the Federal Communications Act of 1934, as amended, prohibits aliens from obtaining the type of license involved. While it would have been possible to amend the Communications Act, questions would then have arisen about extending the same privileges to all aliens. Under these circumstances, it was more appropriate to deal with this subject on a bilateral treaty basis.

Mr. President, there is no controversy about this matter, which is supported by both the Department of State and the Federal Communications Commission. On behalf of the Committee on Foreign Relations, I ask that the Senate give its advice and consent to ratification of Executive A, 91st Congress, second session.

The PRESIDING OFFICER. If there be no objection, Executive A, 91st Congress, second session, will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which will be read for the information of the Senate.

The bill clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of an Agreement between the Government of the United States of America and the Government of Canada relating to the operation of Radiotelephone Stations, signed at Ottawa on November 19, 1969. (Executive A, 91st Congress, second session.)

EXTRADITION TREATY WITH NEW ZEALAND

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 5 on the Executive Calendar.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive C, 91st Congress, second session, the treaty on extradition between the United States of America and New Zealand, which was read the second time, as follows:

TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND NEW ZEALAND

The United States of America and New Zealand, desiring to make more effective the cooperation of the two countries for the reciprocal extradition of offenders, agree as follows:

ARTICLE I

Each Contracting Party agrees to extradite to the other, in the circumstances and subject to the conditions described in this Treaty, persons found in its territory who have been charged with or convicted of any of the offenses mentioned in Article II of this Treaty committed within the territory of the other.

ARTICLE II

Extradition shall be granted, in accordance with the provisions of this Agreement, in respect of the following offenses:

1. Murder: attempted murder, comprehending the crime designated under law in the United States as assault with intent to commit murder.
2. Manslaughter.
3. Aggravated wounding, injuring or assault; wounding or injuring with intent to cause grievous bodily harm.
4. Unlawful throwing or application of any corrosive or injurious substances.
5. Rape; indecent assault; sodomy.
6. Abortion.
7. Unlawful sexual acts with or upon children under the age specified by the laws of both the requesting and requested parties.
8. Procuring sexual intercourse.
9. Willful abandonment of a minor under the age of six years when the life of that minor is or is likely to be injured or endangered.
10. Bigamy.
11. Kidnapping; child stealing; abduction.
12. Robbery; assault with intent to rob.
13. Burglary; housebreaking or shopbreaking.
14. Larceny.
15. Embezzlement.
16. Obtaining property, money or valuable securities by false pretenses or by conspiracy to defraud the public or any person by deceit or falsehood or other fraudulent means, whether such deceit or falsehood or any fraudulent means would or would not amount to a false pretense.
17. Bribery, including soliciting, offering and accepting.
18. Extortion.
19. Receiving and transporting any money, valuable securities or other property knowing the same to have been unlawfully obtained.
20. Fraud by promoter, director, manager or officer of any company, existing or not.
21. Forgery, comprehending the crimes designated under law in the United States as the forgery or false making of private or public obligations and official documents or public records of the government or public authority or the uttering or fraudulent use of the same; uttering what is forged.
22. The making or the utterance, circulation or fraudulent use of counterfeit money or counterfeit seals and stamps of the government or public authority.
23. Knowingly and without lawful authority, making or having in possession any instrument, tool, or machine adopted and intended for the counterfeiting of money, whether coin or paper.
24. Perjury; subornation of perjury.
25. False swearing.
26. Arson and damage to property, utilities, or means of transportation or communication by fire or explosive.
27. Any malicious act done with intent to cause danger to property or endanger the safety of any person in connection with any means of transportation.
28. Piracy, by statute or by law of nations; mutiny or revolt on board an aircraft or

vessel against the authority of the captain or commander of such aircraft or vessel; any seizure or exercise of control, by force or violence or threat of force or violence, of an aircraft or vessel.

29. Malicious injury to property, comprehending willful damage to property under New Zealand law.

30. Offenses against the bankruptcy laws which are punishable by more than three months' imprisonment.

31. Offenses against the laws relating to the importation, exportation, supply, or possession of narcotics including dangerous drugs; abetting offense against corresponding law in another country.

32. Unlawful obstruction of justice through bribery of judicial officers; corruption and bribery of heads of government departments or members of the Congress in the United States, or Ministers of the Crown or members of Parliament in New Zealand; corruption and bribery of law enforcement officers or government officials; fabrication of evidence; conspiracy to bring false accusation; corrupting juries and witnesses by threats, bribes, or other corrupt means.

Extradition shall also be granted for attempts to commit, conspiring to commit, or participation in, or inciting, counseling, or attempting to procure any person to commit, or being an accessory after the fact to, any of the offenses mentioned in this Article.

Extradition shall also be granted for any offense of which one of the above listed offenses is the substantial element, when, for purposes of granting jurisdiction to the United States Government, transporting or transportation is also an element of the specific offense.

ARTICLE III

A reference in this Treaty to the territory of a Contracting Party is a reference to all the territory falling under the jurisdiction of that Contracting Party, including territorial waters, and the airspace thereover belonging to or under the control of one of the Contracting Parties, and vessels and aircraft belonging to one of the Contracting Parties or to a citizen or corporation thereof when such vessel is on the high seas or such aircraft is over the high seas. In relation to New Zealand, the term "territory" shall include the Cook Islands and Niue.

ARTICLE IV

Extradition shall be granted only if the evidence be found sufficient, according to the laws of the place where the person sought shall be found, either to justify his committal for trial if the offense of which he is accused had been committed in that place or to prove that he is the person convicted by the courts of the requesting Party.

ARTICLE V

Neither of the Contracting Parties shall be bound to deliver up its own citizens under this Treaty, but the executive authority of each shall have the power to deliver them up, if, in its discretion, it be deemed proper to do so.

ARTICLE VI

Extradition shall not be granted in any of the following circumstances:

1. When the person whose surrender is sought is being proceeded against or has been tried and discharged or punished or is otherwise lawfully detained in consequence of such acquittal or conviction in the territory of the requested Party for the offense for which has extradition is requested.

2. When the person whose surrender is sought has been tried and acquitted or has undergone his punishment in a third State for the offense for which his extradition is requested.

3. When the prosecution or the enforcement of the penalty for the offense has become barred by lapse of time according to the laws of the requesting Party or would be barred by lapse of time according to the laws of the requested Party had the offense been committed in its territory.

4. If the offense for which his extradition is requested is of a political character, or if he proves that the requisition for his surrender has in fact been made with a view to try or punish him for an offense of a political character. If any question arises as to whether a case comes within the provisions of this paragraph, it shall be determined according to the laws of the requested Party.

ARTICLE VII

When the offense for which the extradition is requested is punishable by death under the laws of the requesting Party and the laws of the requested Party do not permit such punishment for that offense, extradition may be refused unless the requesting Party provides such assurances as the requested Party considers sufficient that the death penalty shall not be imposed, or, if imposed, shall not be executed.

ARTICLE VIII

When the person whose extradition is requested is being proceeded against or is serving a sentence or is otherwise lawfully detained in the territory of the requested Party for an offense other than that for which extradition has been requested, his surrender may be deferred until the conclusion of the proceedings and the full execution of any punishment he may be or may have been awarded.

When the person whose extradition is requested was previously surrendered by a third State for prosecution or execution of sentence no action shall be taken pursuant to such request until such time has elapsed as is required by any treaty with that third State or until he has had an opportunity of leaving the territory of the requested Party.

ARTICLE IX

The determination that extradition based upon the request therefor should or should not be granted shall be made in accordance with the laws of the requested Party and the person whose extradition is sought shall have the right to use such remedies and resources as are provided by such law.

ARTICLE X

The request for extradition shall be made through the diplomatic channel.

The request shall be accompanied by a description of the person sought, a statement of the facts of the case, the text of the applicable laws of the requesting Party including the law defining the offense, the law prescribing the punishment for the offense, and the law relating to the limitation of the legal proceedings.

When the request relates to a person who has not yet been convicted, it must also be accompanied by a warrant of arrest issued by a judge or other judicial officer of the requesting Party and by such evidence as, according to the laws of the requested Party, would justify his arrest and commital for trial if the offense had been committed there, including evidence proving the person requested is the person to whom the warrant of arrest refers.

When the request relates to a person already convicted, it must be accompanied by the judgment of conviction and sentence passed against him in the territory of the requesting Party, by a statement showing how much of the sentence has not been served, and by evidence proving that the person requested is the person to whom the sentence refers.

The warrant of arrest and deposition or other evidence, given under oath, and the judicial documents establishing the existence of the conviction, or certified copies of these documents, shall be admitted in evidence in the examination of the request for extradition when, in the case of a request emanating from New Zealand they bear the signature or are accompanied by the attestation of a judge, magistrate or other official or are authenticated by the certificate of the Attorney General or Solicitor General and, in any case, are certified by the principal diplomatic or consular officer of the United States in New Zealand, or when, in the case of a request emanating from the United States, in the case of a warrant it is signed and in the case of other documents they are certified by a judge, magistrate or official of the United States, and, in every case, they are sealed by the official seal of the Department of State.

ARTICLE XI

In case of urgency a Contracting Party may apply for the provisional arrest of the person sought pending the presentation of the request for extradition through the diplomatic channel. The application shall contain a description of the person sought, an indication of intention to request the extradition of the person sought and a statement of the existence of a warrant of arrest or a judgment of conviction against that person, and such further information, if any, as would be necessary to justify the issue of a warrant of arrest had the offense been committed, or the person sought been convicted, in the territory of the requested Party.

On receipt of such an application the requested Party shall take the necessary steps to secure the arrest of the person claimed.

A person arrested upon such an application shall be set at liberty upon the expiration of 45 days from the date of his arrest if a request for his extradition accompanied by the documents specified in Article X shall not have been received. However, this stipulation shall not prevent the institution of proceedings with a view to extraditing the person sought if the request is subsequently received.

ARTICLE XII

If the requested Party requires additional evidence or information to enable it to decide on the request for extradition, such evidence or information shall be submitted to it within such time as that Party shall require.

If the person sought is under arrest and the additional evidence or information submitted as aforesaid is not sufficient or if such evidence or information is not received within the period specified by the requested Party, he shall be discharged from custody. However, such discharge shall not bar the requesting Party from submitting another request in respect of the same offense.

ARTICE XIII

A person extradited under the present Treaty shall not be detained, tried or punished in the territory of the requesting Party for any offense other than an extraditable offense disclosed by the facts on which his surrender was granted nor be extradited or surrendered under an analogous procedure by that Party to a third State unless:

1. He has left the territory of the requesting Party after his extradition and has voluntarily returned to it; or

2. He has not left the territory of the requesting Party within 60 days after being free to do so.

These stipulations shall not apply to offenses committed after the extradition.

ARTICLE XIV

A requested Party upon receiving two or more requests for the extradition of the same person either for the same offense, or for different offenses, shall determine to which of the requesting States it will extradite the person sought, taking into consideration the circumstances and particularly the possibility of a later extradition between the requesting States, the seriousness of each offense, the place where the offense was com-

mitted, the nationality of the person sought, the dates upon which the requests were received and the provisions of any extradition agreements between the requested Party and the other requesting State or States.

ARTICLE XV

The requested Party shall promptly communicate to the requesting Party through the diplomatic channel the decision on the request for extradition.

If a warrant or order for the extradition of a person sought has been issued by the competent authority and he is not removed from the territory of the requested Party within such time as may be prescribed by the laws of that Party, he may be set at liberty and the requested Party may subsequently refuse to extradite that person for the same offense.

ARTICLE XVI

To the extent permitted under the law of the requested Party and subject to the rights of third parties, which shall be duly respected, all articles acquired as a result of the offense or which may be required as evidence shall, if found, be surrendered if extradition is granted.

ARTICLE XVII

Expenses related to the transportation of the person sought shall be paid by the requesting Party. The appropriate legal officers of the country in which the extradition proceedings take place shall, by all legal means within their power, assist the officers of the requesting Party before the respective judges and magistrates. No pecuniary claim, arising out of the arrest, detention, examination and surrender of persons sought under the terms of this Treaty shall be made by the requested Party against the requesting Party other than as specified in the second and third paragraphs of this Article.

The requested Party shall be reimbursed for the lodging, maintenance and board of the person sought.

The legal officers, other officers of the requested Party, and court stenographers, if any, of the requested Party who shall, in the usual course of their duty, give assistance and who receives no salary or compensation other than specific fees for services performed, shall be entitled to receive from the requesting Party the usual payment for such acts or services performed by them in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XVIII

This Treaty shall apply to offenses specified in Article II committed before as well as after the date this Treaty enters into force, provided that no extradition shall be granted for any offense committed before the date this Treaty enters into force which was not any offense under the laws of both countries at the time of its commission.

ARTICLE XIX

This Treaty shall be ratified and the ratifications shall be exchanged in Wellington as soon as possible.

This Treaty shall supersede any existing extradition treaty and provisions on extradition in any other treaty in force between the United States and New Zealand and shall enter into force upon the exchange of ratifications. It may be terminated by either Contracting Party giving notice of termination to the other Contracting Party at any time and the termination shall be effective six months after the date of receipt of such notice.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Treaty.

DONE in duplicate at Washington this twelfth day of January, one thousand nine hundred seventy.

For the United States of America:

WILLIAM P. ROGERS.

For New Zealand:

FRANK CORNER.

Mr. CHURCH. Mr. President, the extradition treaty between the United States and New Zealand was signed at Washington on January 12, 1970, and transmitted to the Senate on March 5. According to the State Department's letter of submittal, the treaty "follows generally the form and content" of such treaties recently concluded by this Government.

PROVISION OF TREATY

The treaty with New Zealand lists 32 extraditable offenses—Article II—including, for the first time, aircraft hijacking and offenses relating to narcotics and other dangerous drugs. Any person who has been charged or convicted of any of the offenses mentioned may be extradited if the evidence of the country where he is found is sufficient to justify his trial for the offense of which he is accused—article IV. Moreover, the treaty applies to offenses committed before as well as after the date it becomes effective, provided they were crimes under the laws of both countries before the treaty entered into force—article XVIII.

All articles acquired as a result of the offense or which may be required as evidence shall, if found, be surrendered if extradition is granted—article XVI. Expenses related to the transportation of the person sought shall be paid by the country requesting extradition and the other country shall be reimbursed for the lodging, maintenance, and board of such person—article XVII.

Pursuant to the provisions of article X, requests for extradition are to be made through diplomatic channels. In case of urgency, however, either country may apply for the provisional arrest of the person sought pending the presentation of the request for extradition through diplomatic channels—article XI.

It should be noted that neither country "shall be bound to deliver up its own citizens." This is left to the discretion of the executive authority of each country—article V.

There are several circumstances when extradition shall not be granted, including any case where the offense for which extradition is requested is of a political nature—article VI. In addition, as required by New Zealand law, extradition may be refused unless assurances are received that the death penalty will not be imposed—or if imposed shall not be executed—for an offense not punishable by death in the country from which extradition is requested—article VII.

ENTRY INTO FORCE

The treaty with New Zealand will enter into force when ratifications are exchanged. It may be terminated by either country by giving 6 months' notice.

This treaty has the approval of the Department of Justice, and as far as the Committee on Foreign Relations is aware, there is no opposition to it.

The PRESIDING OFFICER. Without objection, the treaty will be considered as having passed through its various parliamentry stages up to and including the presentation of the resolution of ratification, which the clerk will now read.

The legislative clerk read the resolution of ratification, as follows:

Resolved, two-thirds of the Senators present concurring therein, That the Senate advise and consent to the ratification of A Treaty on Extradition Between the United States and New Zealand, signed at Washington on January 12, 1970. (Executive C, 91st Congress, second session.)

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to vote on the treaties, Executive A (91st Congress, second session) and Executive C (91st Congress, second session) en bloc tomorrow morning at 11:30, and that such action be considered as two votes.

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

The unanimous agreement subsequently reduced to writing is as follows:

Ordered, That the Senate proceed to vote en bloc on the resolutions of ratification to the agreement with Canada regarding radiotelephone stations (Ex. A, 91–2) and an extradition treaty with New Zealand (Ex. C, 91–2) at 11:30 a.m. on Wednesday, May 27, 1970, and that such action be considered as two votes.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate return to the consideration of legislative business.

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

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

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

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. DOLE. Mr. President, I ask that the amendment I offered earlier today be withdrawn, to be offered at some later time.

The PRESIDING OFFICER. Without objection, the amendment will be withdrawn.

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. (Mr. BELLMON). The committee amendment, beginning on line 21, page 4, as amended.

Mr. BYRD of West Virginia. Mr. President, what is the number of that amend-

ment? Is it to the so-called Church-Cooper amendment, as modified?

The PRESIDING OFFICER. It is to the committee amendment which incorporates the Church-Cooper amendment. It has no number.

Mr. GRIFFIN. Mr. President, may I inquire of the distinguished Senator from Kansas whether he has temporarily withdrawn his amendment? Does he intend to resubmit it?

Mr. DOLE. Yes, I do intend to resubmit it, with perhaps, one minor change; but there are some Senators who indicated they will not be present tomorrow and they would like to have it discussed in more detail and I have, therefore, withdrawn it on a temporary basis.

Mr. GRIFFIN. I thank the Senator very much.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, I am authorized by the majority leader to state that there will be a roll-call vote on the two treaties which are to be acted upon en bloc at 11:30 a.m. tomorrow.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 13816) to improve and clarify certain laws affecting the Coast Guard.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 646) providing for an adjournment of the House of Representatives from Wednesday, May 27, 1970, until 12 o'clock meridian, Monday, June 1, 1970, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 952) to provide for the appointment of additional district judges, and for other purposes.

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.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The Chair recognizes the Senator from Kansas.

Mr. DOLE. Mr. President, I send an amendment to the desk and ask that it be stated.

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

The BILL CLERK. The Senator from Kansas (Mr. DOLE) proposes an amendment as follows:

On page 4, line 21, insert "(a)" after "SEC. 7.".

On page 5, between lines 18 and 19, insert the following new subsection:

"(b) The provisions of subsection (a) of this section shall be inoperative during any period that the President determines that citizens or nationals of the United States are held as prisoners of war in Cambodia by the North Vietnamese or the forces of the National Liberation Front."

Mr. MANSFIELD. Mr. President, may I respectfully request that the floor be cleared of all attachés except those who have business in the Chamber and that Senators be required to take their seats.

The ACTING PRESIDENT pro tempore. The Senate will be in order. The Senate is not in order.

All attachés who do not have business in the Chamber are asked to leave the floor immediately. The Senate will be in order.

Mr. DOLE. Mr. President, I have offered an amendment that I believe will add real meaning to the Cooper-Church amendment and go a step toward reassuring Americans now in combat that their Nation and their President and their elected representatives will not desert them.

I am certain no Senator wishes for a second to be misunderstood on this score. Every Senator has the interests and the life and the welfare of every American serviceman at heart, with special feeling for those in combat or for those who have been captured in combat.

My amendment will put the Senate on record in support of those men in a way the entire world can understand and in a way that free men everywhere will applaud.

Mr. President, it is known that American soldiers and at least two American journalists have been held captive in Cambodia by the Vietcong and the North Vietnamese prior to the American strike into the Cambodian sanctuaries. As far as we know, they still are there.

The two journalists were captured in early April. American servicemen have been captured from time to time in South Vietnam and transported across the border into Cambodia where, our government has been reliably informed, they have been held in prisoner of war camps.

Mr. President, let me restate the amendment at this time:

On page 4, line 21, insert "(a)" after "SEC. 7.".

On page 5, between lines 18 and 19, insert the following new subsection:

"(b) The provisions of subsection (a) of this section shall be inoperative during any period that the President determines that citizens or nationals of the United States are held as prisoners of war in Cambodia by the North Vietnamese or the forces of the National Liberation Front."

It is obvious that the enemy has indeed regarded the Cambodian sanctuaries as North Vietnamese territory, to hold, probably, in perpetuity.

Any irrevocable decision on our part to quit Cambodia, never to return, could well mean that American men will spend the rest of their lives in North Vietnamese prison camps in Cambodia. I cannot conceive of any Senator acquiescing to this kind of fate for men who have fought in the service of their country. I cannot conceive of any American being willing to do nothing while American soldiers spend their lives in a foreign prison, literally abandoned by their country.

For that reason, Mr. President, I have offered an amendment to the Cooper-Church amendment—that says the Cooper-Church amendment will be inoperative so long as, and at any time that, American prisoners of war are being held in Cambodia by the North Vietnamese or the Vietcong.

Mr. President, I do not believe we can do less. I do not believe Americans can abandon their fellow Americans to a cruel and ruthless enemy. How can we ever explain that to their parents, wives, and their children, or to our children?

Mr. President, the debate on the amendment of the distinguished Senators from Kentucky and Idaho has focused attention on several crucial points of our policy and objectives in Southeast Asia. I would take this opportunity to commend once again my colleagues for the sincere concern and high purposes which motivate their efforts.

One aspect of the limitations which the Cooper-Church amendment on the President's authority to protect Americans in Southeast Asia concerns me very deeply. This point was raised briefly by the Senator from Texas (Mr. TOWER) in a colloquy with the Senator from Kentucky on May 21.

The following exchange ensued:

Mr. TOWER. Let me pose a question to the Senator from Kentucky. Suppose the President determined that a number of Americans were being held captive across the border in Cambodia. Would this amendment restrict him or tie his hands as he sought to liberate those prisoners?

Mr. COOPER. I think it would, by language, I will be honest, but the decision of authority, would be the President's.

Mr. TOWER. It would prevent liberation of American captives over there.

Mr. COOPER. Unfortunately, many of our men are held captive in North Vietnam. We have had no success in freeing them. North Vietnam has refused to obey the Geneva Conventions with respect to the treatment of prisoners. But do we continue to rely, if we can, upon international rules as a settlement to try to secure the release of those prisoners, or is the Senator asking whether we should engage in a larger war in an attempt to free them?

As the distinguished Senator from Kentucky stated, his amendment would restrict the President in a situation such as the Senator from Texas posed. If American prisoners were known to be held in Cambodia—even within a few miles of the border—the Cooper-Church amendment, by its language, would not permit a rescue operation to be launched into Cambodia to save them.

Whether we are talking about one or two prisoners or a whole detention center, the Vietcong and North Vietnamese would enjoy the use of Cambodian territory as a sanctuary for the detention of prisoners taken in any and every part of Indochina. We might see develop a new sort of Ho Chi Minh trail, this time for American servicemen taken prisoner in South Vietnam. Once in Cambodia, the enemy would have a secure and unassailable base to detain, harass, and propagandize the men in their hands.

Imagine the men who would be the victims of this practice and how they would feel to know that there was no hope, however slim, that friendly troops

might come to their rescue—because of limitations placed on the Commander in Chief's powers.

TREATMENT OF AMERICAN PRISONERS

If there is one issue today in our country that truly transcends all differences, it is that of the treatment accorded captured U.S. military personnel. The United States has always maintained a strict national policy of fair and civilized treatment for prisoners of war, and Americans of all political and philosophical persuasions have expressed their outrage and indignation over the unconscionable attitude and actions of the Vietcong and North Vietnamese toward American prisoners of war held by them.

We have had testimony which fully documents the humiliation and abuse to which captives have been subjected as well as the unpardonable manipulation of information on the status of prisoners and missing men.

These tactics strike a universal chord in all men of decency and honor, and we have seen the response in Congress. In the Senate and House, Members from both parties have exerted determined efforts to obtain information about prisoners, exert congressional authority and prestige in their behalf, and secure aid for their families.

Mr. President, I would say that every Member of this body and probably every Member of the other body has had some contact with the families, the mothers, wives, or children, of men who are missing in action or prisoners of war in Southeast Asia. On May 1, in an effort to pay tribute to these brave and gallant men a meeting was held in historic Constitution Hall. At that time nearly 1,000 mothers, children, and wives of Americans missing in action and American prisoners of war and thousand of others joined to pay tribute to these 1,529 gallant men, missing and being held captive by the enemy somewhere in Southeast Asia, very likely some in Cambodia.

Constitution Hall was filled to give ringing support to these men and draw the attention of all men of conscience and compassion to the plight of these gallant Americans. This was a bipartisan effort in its truest sense. It was a nonideological effort in the truest sense. This was an effort to alert American people to the dangers some Americans have feared, for not 1 month, 2 months, or 6 months, but in many cases for 2 years, 5 years, and 6 years.

I have received hundreds of letters from wives, mothers, and children of these gallant Americans praising the efforts on May 1, praising Members of Congress who were there, and praising those who participated in other ways for taking the time to indicate concern for their fathers, husbands, and sons.

I might note that a resolution was passed by Congress designating May 3 as a national day of prayer for these men. We chose to declare our support for these missing and captive Americans within the context of Law Day because May 1 is Law Day. We felt Law Day was particularly appropriate, because one of the provisions of the Law Day resolution passed by Congress some years ago dealt with the ideals of international justice. We felt in some small way on that evening the American people would know, and primarily the wives, mothers, and children would know, that this Congress and Members of this body and other Americans from every walk of life had not forgotten those 1,529 Americans.

Mr. President, North Vietnam is a signatory to the Geneva Accords. These conventions are the definitive statements in international law concerning treatment of prisoners of war, and both North Vietnam and the NLF have persistently and callously violated them, notwithstanding ratification by North Vietnam on June 28, 1957. Despite ratification and the clear language of the conventions, Hanoi and the Vietcong have committed the following calculated violations: First, they have refused to identify all American prisoners of war.

Second, they have denied to American prisoners of war the right to communicate regularly by mail with their families. Third, they have refused to provide proper nourishment and humane treatment for all American prisoners of war, information on their detention camps, and access by neutral observers; and, fourth, they have continued to detain, rather than repatriate, the seriously ill and the seriously wounded.

Mr. President, I believe in the amendment offered—and I trust that it will be accepted, if not then adopted by an overwhelming vote. It simply states that if the President determines that American nationals or American citizens are being held in the country of Cambodia as prisoners of war, then the provisions of subsection (a) are inoperative. It is necessary that they be inoperative because, as I interpret the Church-Cooper amendment, and as it has been interpreted by the principal sponsor of the amendment, the Senator from Kentucky, in response to the Senator from Texas, the amendment would create the impression that the President would be denied the right to cross the international border of Cambodia to rescue Americans who might be prisoners of war of the North Vietnamese or the forces of the National Liberation Front, without first consulting Congress.

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

Mr. DOLE. I yield to the Senator from Colorado.

Mr. DOMINICK. I appreciate very much the Senator's yielding. Having served with him since we both came to Congress in the 87th Congress, and having joined him in the May 1 rally on behalf of the prisoners of war, and having had many meetings in my own State with members of the families of prisoners of war, I was pleased that he would let me be a cosponsor of this amendment.

It strikes me that we ought to make this clear, as I understand the meaning of the amendment of the Senator from Kansas: We are not talking about any major type of reinvasion of Cambodia or of the North Vietnamese-occupied areas of Cambodia. What the Senator is talking about is the ability to move quickly and perhaps rescue some of our men if the situation develops that way.

I remember so well talking with members of families of men missing in action, or men who are thought to be prisoners of war, who were captured within South Vietnam—not North Vietnam, but South Vietnam. We do not have the faintest idea where they have those prisoners of war. We do not know what has happened to those men. It is entirely possible that they could be held in some of the sanctuary areas of Cambodia occupied by the North Vietnamese.

It would seem to me that we would be wrong if we went ahead and said we could not do anything in this field even though we knew that, a quarter of a mile away, some Americans, whether they be AID personnel or American military personnel, were held prisoners under that type of condition.

I am happy that the Senator from Kansas has taken this step. I am happy to cosponsor the amendment. I would sincerely hope that we could make progress in alerting some of the North Vietnamese and the Vietcong that this is what we are talking about; that the United States means business about getting some decent treatment, fair treatment, and humane treatment, for the people of the United States in respect to its prisoners of war.

The efforts of the Senator from Kansas in this field are outstanding. I heartily endorse the amendment.

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

Mr. DOLE Let me respond first to the Senator from Colorado, who was a moving force in reference to American prisoners of war and those missing in action long before I came to this body.

I have analyzed the Cooper-Church amendment, and I have attempted to do so very objectively in hopes some compromise might be reached; but this analysis only points up the folly of trying to tie the President's hands and saying, in effect, to prisoners, whether they be newsmen or American soldiers, if they are held captive by the enemy in Cambodia, that we turn our backs on them.

That, in effect, is what the Church-Cooper amendment would require, because after July 1, the effective date of the amendment, if it is passed, the President will have no such power without first consulting with Congress.

I daresay that if President Nixon were faced with the question of coming to Congress or saving American lives, he would save the American lives and be prepared to suffer the consequences, whatever they might be for so acting. I have great faith in President Nixon. I have great faith in his integrity, and in his efforts to extricate us from Vietnam. But my amendment points up a substantial and very basic weakness in any effort to hamstring the President of the United States. Does or does he not have the right, unhampered, to protect American Forces? Does or does he not have the right, unhampered, to move to protect American prisoners? If there is any doubt, if there is one prisoner in Cambodia, I could not vote for the Cooper-Church amendment which would take away that power, or at least cloud the power the President may have to act quickly.

That view is shared by the Senator

from Colorado, because his concern for the protection of American forces.

This may be the first of a series of amendments to emphasize that, notwithstanding the intentions, notwithstanding the improvement in the preamble, additional changes should be made in the substantive language to make it crystal clear—yes, to all Americans, but more importantly to the enemy—that we have not tied the hands of our President, that we are not saying goodbye to American prisoners of war, wherever they may be. We should not pass a resolution which says the President cannot act unless he consults with Congress or has the consent of Congress.

I do not believe that is the intention of those who sponsor the Church-Cooper amendment.

I would hope language can be agreed upon to make clear that that is not the intent of the Cooper-Church amendment.

Mr. DOMINICK. Mr. President, will the Senator yield further?

Mr. DOLE. I yield to the Senator from Colorado.

Mr. DOMINICK. It should be made clear that we have had some men downed, who have been captured in Laos. We do not know where they are. We have no vague recognition of whether or not there are even prison camps up there. But if we come to a congressional resolution which says American forces are never going to be put in the North Vietnamese-occupied areas of Cambodia, it would seem to me it would be reasonable for the other side to say, "These are natural places where we will hold them. We will use them as some kind of bounty so we can reach something that is favorable to us in other areas. We will not make any deals at all until we get some agreement that is acceptable to us."

Withholding the right of rescue operations in these types of circumstances, it seems to me, would be wrong.

For that reason I strongly endorse the amendment.

Mr. DOLE. I thank the Senator from Colorado.

I yield now to the Senator from Florida.

Mr. GURNEY. I thank the Senator for yielding to me.

Mr. President, I, too, want to express my hearty assent and also my commendation of the Senator from Kansas for the fine leadership he has shown in this prisoner of war matter. In fact, he has gained nationwide recognition, as he should, for taking the leadership and exposing the inhumane actions of the North Vietnamese so far as our American prisoners of war are concerned.

I also want to say, in support of his amendment, that those of us who have opposed the Church-Cooper amendment and support the President in his actions in Cambodia have, again and again warned that the President's action in Cambodia has essentially been a tactical move. It has not been a broadening of the war. Our opposition to the amendment stems chiefly from the fact that we think the President's hands are going to be tied by the Church-Cooper amendment, particularly as far as future actions and operations in South Vietnam are concerned, and I think the significance of the amendment offered by the Senator from Kansas is that it points out that in this one area is a situation that we have seen will exist if we pass the Church-Cooper amendment, and it will tie the President's hands and limit his actions so far as prisoners of war are concerned, certainly, in Cambodia.

So I think the Senator's amendment is well advised. I certainly hope it will pass, and I would ask him if I may join him in his amendment as a cosponsor.

Mr. DOLE. Yes. I yield first to the Senator from Vermont, and then I shall yield to the Senator from Florida.

Mr. AIKEN. Mr. President, I would like to get this clear in my mind: As I understand, the amendment of the Senator from Kansas would authorize President Nixon to send troops into Cambodia for the purpose of rescuing prisoners of war?

Mr. DOLE. Yes.

Mr. AIKEN. And also into Laos?

Mr. DOLE. I would hope he would have that right, to rescue prisoners. But I might say my amendment is limited to Cambodia only, because the Church-Cooper resolution addresses itself to Cambodia.

Mr. AIKEN. I am just asking what the Senator's objective is. Would the Senator from Kansas expect the President to send troops into North Vietnam, where most of the prisoners of war are held?

Mr. DOLE. Well, I would not reject that idea.

Mr. AIKEN. Well, the Senator would recommend it, would he not?

Mr. DOLE. I doubt whether my recommendation would mean much. I think he has that authority now.

Mr. AIKEN. Suppose prisoners of war were moved out of North Vietnam into China. Would the Senator authorize sending troops into China to rescue prisoners of war? It seems to me a prisoner of war is just as unhappy as he can be, regardless of where he is located; and if the President has authority to rescue a prisoner of war one place, he certainly should have the authority to rescue prisoners of war wherever they might be.

Mr. DOLE. I think he should have that authority. I want to make it clear that I do not recommend that he do any of these things, but I think he should not be restricted from doing them. The enemy should not know in advance that he might not do it, or cannot do it.

Mr. AIKEN. We have some prisoners of war, I believe, in Cambodia already. I heard we had some newspaper people who had been taken prisoner.

Mr. DOLE. I think we have at least two, maybe more.

Mr. AIKEN. I was just wondering how far the Senator's objective went.

It seems to me if you can send troops into one country to rescue prisoners of war, you ought to be able to send them into any country where prisoners of war were kept.

I sympathize very much with the Senator's purpose, because we have people in my State who do not know whether their boys are prisoners of war, or whether they were killed, or what happened, and you cannot get any information from the enemy. I paid my respects to them in the CONGRESSIONAL RECORD last Friday.

Mr. DOLE. That is correct. I read the Senator's statement.

Mr. AIKEN. The Senator has a worthy purpose, but the question is, where would it stop?

Mr. DOLE. Let me say, before I yield to the Senator from Florida, that I have tried to limit the amendment to the country of Cambodia, because that is the resolution offered by the distinguished Senators from Idaho, Vermont, Kentucky, and Montana.

Mr. AIKEN. Yes. But I point out, it would be unfair to the prisoners to say, "You cannot hold our prisoners in Cambodia, you have got to get them up the line in Laos somewhere, or in North Vietnam." A prisoner of war is unhappy wherever he is, and just as deserving of rescue from one place as from another.

Mr. DOLE. I share the view of the Senator from Vermont, and, if necessary, could broaden the scope of the amendment; but I believe it is drawn in accordance with the scope of the Church-Cooper resolution. It is restricted to one country, the country of Cambodia, because that is the country covered by the Church-Cooper resolution.

Mr. AIKEN. Yes.

Mr. DOLE. I would hope that the President has that right, and would have that right in any event; but to make it certain, because questions have been raised, I offered the amendment.

Mr. AIKEN. I believe the President is on reasonably sound ground when he claims constitutional authority, or at least on much sounder grounds than President Johnson was when he based his actions for expanding the war on legislative authority, which I do not think was very sound, because he certainly did not interpret the legislation the way most Members of Congress did.

But President Nixon, as I have held from the beginning, was on much sounder ground in basing his acts on constitutional authority rather than legislative authority. I do not know, for sure, but I doubt if this amendment would add anything to his constitutional authority.

Mr. DOLE. Mr. President, I share, for the most part, and associate myself with the words of the Senator from Florida. I was privileged to be in the Chamber yesterday when he discussed in great depth the powers of the President vis-a-vis the powers of Congress and his interpretation of those powers. Perhaps, as he has indicated, many of us who supported the change in the preamble—and my judgment is not equal to that of the senior Senator from Florida—look upon the change as an improvement.

Now that we have adopted the preamble, which is the "eyewash" portion of the amendment, we are now dealing with its substantive provisions. The issue is, as the Senator from Florida has just stated very well, whether we will shackle the Commander in Chief, whoever he may be, President Nixon, or his successor, and how far Congress should go in exercising our authority.

Yes, we have the power under the Constitution to declare war. We have that power. Yes, we have the right under the Constitution to appropriate money. There is no doubt about that. We have grave responsibilities when it comes to declaring war and appropriating funds for any conflict or any declared war. On the other hand, the President, as the Senator from Florida stated, is the Commander in Chief. He does have the right and he does have the power to make tactical decisions, whether in Cambodia or some other country around the world.

I have said from time to time that there are those who fault President Nixon for not heating up the conflict in the Middle East, for not authorizing sales of jets to Israel—which I support. Yet those same critics criticize the President for not extricating us from Southeast Asia.

I happen to believe on both counts that the President is pursuing the proper course, one of caution but primarily one that is concerned with the best interests of America. He is making every effort to extricate us from South Vietnam. He is making every effort to prevent this country's getting involved in a larger conflict in the Middle East, at the same time recognizing the responsibilities we have in that part of the world.

I would hope that we would be consistent in our views, in our policies, and in our statements. It seems that that one right and one power that the President must have, in any event, is to protect American forces. I could subscribe, to the provisions of the Church-Cooper resolution if that were clearly spelled out. It has been said in this Chamber by the distinguished Senator from Kentucky, the distinguished Senator from Idaho, and the distinguished majority leader, that certainly the President has the right to protect American forces. But I might suggest that there would be some, yes, in this Chamber who, if the President—on July 4, for example, 4 days after the effective date of this resolution if adopted—were to find it necessary to go back into Cambodia to protect the American forces, on the following day would rise in this Chamber and charge that the President had violated the Church-Cooper resolution, that he had exceeded his authority under the Church-Cooper resolution.

We can be practical. We are practical. We understand how the people will interpret the Cooper-Church resolution. If it were passed in its present form and if the President were to find it necessary to take action, whatever action it might be, to protect American forces he may as well brace himself for an onslaught in this Chamber.

The President understands that. He is aware of his authority and responsibility as Commander in Chief. The President must act under the Constitution to protect American lives.

Mr. President, does it do any great harm to the Cooper-Church resolution to write in as a specific part of that resolution that, notwithstanding anything therein contained, the President's right to protect the American forces shall not be impaired.

If that were done, of course, the extreme argument might be made that he could go into China, into Russia, or into Egypt, but let us be realistic. The President understands the role of Congress, he understands the role of the Senate.

Let me conclude by stating again the amendment, which says:

The provisions of subsection (a) of this section shall be inoperative during any period that the President determines that citizens or nationals of the United States are held as prisoners of war in Cambodia by the North Vietnamese or the forces of the National Liberation Front.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement made by the President on December 12, 1969, concerning the American prisoners of war, a statement made on May 19, 1969, by Secretary of Defense Laird with reference to prisoners of war, a statement made at a news conference on June 5, 1969, by Secretary of State Rogers concerning American prisoners of war, a statement made on May 22, 1969, by the former Ambassador and Chief Negotiator at Paris, Henry Cabot Lodge, a statement of December 30, 1969, by Ambassador Habib on prisoners of war, and a State Department bulletin entitled, "American Prisoners of War in Vietnam: An Appeal to the U.N."

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

THE WHITE HOUSE,
December 12, 1969.

REMARKS OF THE PRESIDENT FOLLOWING A MEETING WITH WIVES AND MOTHERS OF PRISONERS OF WAR AND OF SERVICEMEN MISSING IN ACTION, THE ROOSEVELT ROOM

Ladies and gentlemen: I have the very great honor to present in this room today five of the most courageous women I have had the privilege to meet in my life.

Mrs. Nixon and I have met with 26 women, of which these are a part, representing approximately 1,500 women, mothers and wives of American servicemen who are missing in Vietnam and who are or may be prisoners of war. Some of these men have been prisoners or missing for as long as five years, most of them two to three years.

Insofar as the treatment of prisoners is concerned, it would probably not be inaccurate to say that the record in this war is one of the most unconscionable in the history of warfare. And there have been, of course, some very bad examples in past wars, as we know.

What I have assured these very courageous women is that, first, in reaching a settlement of the war that an integral part of any settlement that is agreed to must be a settlement that is satisfactory on the prisoner issue and, second, that clearly apart from reaching an overall settlement of the war that this Government will do everything that it possibly can to separate out the prisoner issue and have it handled as it should be, as a separate issue on a humane basis.

Finally, I would simply add that while we all know that there is disagreement in this country about the war in Vietnam and while there is dissent about it on several points, that on this issue, the treatment of prisoners of war, that there can be and there should be no disagreement.

The American people, I am sure, are unanimous in expressing their sympathy to these women, to their children, and also in supporting their Government's attempt to get the Government of North Vietnam and the VC to respond to the many initiatives which we have undertaken to get this issue separated out and prior to the time we can do something to end the war.

I understand they will be here to answer questions.

STATEMENT BY SECRETARY OF DEFENSE MELVIN R. LAIRD

On numerous occasions I have expressed my deep concern for the welfare of our American servicemen who are prisoners of war or missing in action. In this regard, I have directed Assistant Secretary of Defense (ISA) G. Warren Nutter, who has been named Chairman of the Department of Defense Prisoner of War Policy Committee, to insure that the families of these servicemen are receiving all assistance to which they are entitled.

The North Vietnamese have claimed that they are treating our men humanely. I am distressed by the fact that there is clear evidence that this is not the case.

The United States Government has urged that the enemy respect the requirements of the Geneva Convention. This they have refused to do.

The North Vietnamese and the Viet Cong have never identified the names of all the U.S. prisoners whom they hold. For the most part, information on some of these Americans has come in the form of scattered, and often distorted, propaganda films and photographs which the North Vietnamese have chosen to sell or release.

We know that at least several U.S. prisoners were injured at the time of their capture and we are concerned about the medical care they are receiving.

The Geneva Convention requires a free exchange of mail between the prisoners and their families and yet very little mail has been received from only a few prisoners in the past five years.

As of next month, more than 200 American servicemen will have been listed either as prisoners of war or as missing in action for more than three and one-half years. This period of time is longer than any U.S. serviceman was held prisoner during World War II.

The Department of Defense continues to hope for meaningful progress on the matter of prisoner release in the Paris discussions. In the meantime, we appeal to North Vietnam and the Viet Cong to respect the humane rights of those whom they hold prisoners of war.

Specifically, we call for adherence to the Geneva Convention which requires:

1. Release of names of prisoners held.
2. Immediate release of sick and wounded prisoners.
3. Impartial inspections of prisoner of war facilities.
4. Proper treatment of all prisoners.
5. Regular flow of mail.

Most importantly, we seek the prompt release of all American prisoners.

SECRETARY ROGERS' NEWS CONFERENCE OF JUNE 5, 1969

(The following is the State Department's release of Secretary of State William P. Rogers' news conference, which is authorized for direct quotation.)

Secretary ROGERS. Ladies and gentlemen, I am glad to see the room is not as crowded as it was the last time. I have a short statement here I would like to read:

I want to express my serious concern about the Americans who are prisoners of war in Southeast Asia. Many of these prisoners have been held for three years or more. There is a long tradition among nations that personnel captured in wartime be treated humanely. This principle has been expressed in the Geneva Convention of 1949 and is recognized by more than 120 nations.

A basic requirement of the Convention is that names of prisoners be provided to their families and to an appropriate agency in a

neutral country. Communist leaders have failed to observe this simple civilized requirement which would mean so much to the wives and families of the men who are missing in combat.

North Vietnamese officials have frequently declared that the prisoners are treated humanely. Many seriously question these statements. Assurance could readily be provided if North Viet-Nam would permit visits by impartial observers to the prison camps. For the sake of the prisoners and for their families, we continue to hope for a positive response from North Viet-Nam. We are prepared to discuss this subject and to move quickly toward arrangements for the release of prisoners on both sides, and I believe that any sign of good faith by the other side in this matter would provide encouragement for our negotiations in Paris.

Thank you. I will take some questions.

AMBASSADOR LODGE'S STATEMENTS ON PW'S DURING MAY 22 PARIS TALKS

Opening statement: I cannot leave this subject (PW's) without protesting the attitude which you have expressed most recently last Tuesday, May 20, with respect to the prisoners held in North Vietnam. You have refused to provide a list of these prisoners so that their families might know whether they are living or dead. You have refused to discuss the repatriation of the sick and wounded which is a long-established international practice. You should know that the attitude you have expressed with regard to these basic humanitarian requirements cannot have a favorable effect on our negotiations here.

Additional remarks: Let me add one observation about prisoners. It is difficult to understand how you can claim to be treating our prisoners humanely when you refuse to identify the prisoners you hold so that their families can know the fate of their relatives. You refuse to permit regular mail exchanges. You reject impartial international observation of conditions under which prisoners are held: You refuse to discuss release of sick and wounded prisoners. Yet these are basic elements of humanitarian treatment under established international standards. We do not see how you can be hurt by merely publishing the names of those who are alive so that the uncertainty which their families feel may be ended. To express myself for a moment in human terms instead of the language of diplomacy, what is involved here is the prisoner's wife who does not know whether her husband is alive or whether he is dead. It is really hard to believe that the security of North Vietnam would be threatened if this wife were told the truth about her husband's fate. We hope you will reconsider your attitude on these questions so that it will truly reflect the humane policy which you claim to follow.

AMBASSADOR HABIB'S OPENING STATEMENT

(Following is the text of the opening statement delivered by Ambassador Philip C. Habib at the 48th Plenary Session of the New Paris Meetings on Viet-Nam, December 30, 1969.)

Ladies and Gentlemen: The issue which I wish to address today is the question of prisoners of war. In the midst of this traditional holiday season, a season for family reunions and celebrations, thousands of families are troubled over the fate of a relative missing or captured in Viet-Nam. This is a tragic situation, not just because family members are missing at this holiday period, but also because the families' uncertainty and anguish is so unnecessary and uncalled for.

I do not express only my government's view on this unfortunate matter, nor only the view of the American people. I express a view that is almost universally shared. It has been expressed in representative bodies throughout the world—in the United States Congress, in the United Nations, at the International Red Cross Conference in Istanbul last September, by many National Red Cross societies and by many governments. In fact, on this issue, North Viet-Nam is virtually isolated in the eyes of world public opinion.

Ladies and gentlemen, there are two questions before us, first, the critical question of humanitarian treatment for the prisoners your side holds. Secondly, the repatriation of all prisoners.

On the first question, your side's position does not conform to normal standards. On the second question, your position is unreasonable.

Some Americans have been held by your side since early in 1964. Others have been missing since that time. And yet you still refuse to inform all families of the fate of these men.

On December 22, a spokesman for your side is reported to have said, "We refuse to give the list of names to the Nixon Administration, but the prisoners' families will know their names by and by." A gradual, piecemeal process of providing a few names at a time to anxious families is no substitute for making known without delay the names of all prisoners of war.

Because of your side's continuing refusal to identify all prisoners of war, my government is today releasing to the press the names of U.S. military personnel who are missing in Southeast Asia and may possibly be your prisoners. I will give your side a copy of the list here as well. My government is taking this action in the hope that your side, even at this late date, will indicate which men are prisoners and those whom you know to be dead, as a matter of humanitarian concern for their families.

Your side claims that you provide humane treatment to the prisoners you hold. But you permit no independent and objective authority to verify this claim. Indeed, much of the evidence available to the outside world regarding the treatment of prisoners held by your side contradicts your claims. The prisoners have not been permitted to correspond regularly with their families, and to receive mail and packages on a regular basis. There is no assurance that the prisoners actually receive the mail sent them. Little mail is received by families from the prisoners.

Regarding the issue of mail, two American women who recently traveled to North Viet-Nam reported that families of prisoners could send a letter a month and a package of less than six pounds every other month to the POWs by addressing them with the prisoner's name and serial number, care of "Camp of Detention for U.S. Pilots Captured in the Democratic Republic of Viet-Nam, Hanoi, DRVN" and writing "Via Mosco" on the envelope. We would like your confirmation of the accuracy of this report. We would also like to know whether this means that the American prisoners will be permitted to write to their families on a regular basis.

As for the physical treatment of prisoners, there is evidence that prisoners held by your side have been subjected to solitary confinement, as well as to other forms of physical and mental duress. Your side has made no systematic effort to repatriate sick and wounded prisoners.

As President Nixon has said, this is an unconscionable position. There is no way it can be justified to the families of the prisoners or to the world at large.

This is not simply a narrow question of legal obligations. This is a question of humane treatment which civilized nations accord to those who are helpless, who pose no threat and who no longer have the means to defend themselves. It is also a question of decency toward the families of those who are missing.

On our side, the United States Government and the Government of the Republic of Viet-Nam have undertaken to respect the Geneva Convention in their treatment of prisoners of war and have arranged for the ICRC to visit prisoner of war camps in South Viet-Nam. The camps are regularly visited by ICRC delegates and doctors, who are able to meet individual prisoners privately. The names of the prisoners of war have been made available to the ICRC. Prisoners of war are able to send and receive mail and packages. The Government of the Republic of Viet-Nam in the past released sick and wounded POWs. Regular international inspection has shown that the prisoners of war held by the Government of the Republic of Viet-Nam are treated in accordance with the requirements of the Geneva Convention.

Let me turn to the question of the release and repatriation of prisoners of war. Your side says that the prisoner question cannot be settled except as part of an overall settlement of the war in Viet-Nam. For our part, see no reason why there cannot be a negotiated release of prisoners of war on both sides prior to an overall settlement. You still refuse to discuss the release of the prisoners you hold. Although you have released a few prisoners on occasion, you refuse to negotiate a repatriation of all prisoners.

Instead of treating the prisoner question as a humanitarian issue, your side apparently wishes to use the prisoners as pawns in bargaining for an overall settlement of the war. But you refuse to negotiate seriously in Paris, thereby delaying an overall settlement of the war. Thus, you keep hundreds of families in agonizing doubt about the lives and welfare of their sons or husbands or parents while you seek to settle the war on your own terms.

If your side hopes to apply political pressure upon the United States through its harsh attitude regarding prisoners of war, you reveal a thorough misunderstanding of American public opinion. No American can condone your side's handling of the prisoner question. Your denial of the most fundamental precepts governing such matters has only resulted in unanimous public condemnation.

Ladies and gentlemen, I call on your side to live up to the international standards for the treatment of those who are missing or held prisoner in Viet-Nam. This humanitarian issue should be dealt with separately from the political and military questions we face in the Paris meetings. We propose that our two sides enter promptly into discussions on all questions affecting prisoners of war held on both sides, including the question of their early release. The United States Delegation stands ready to enter into such negotiations without delay.

AMERICAN PRISONERS OF WAR IN VIETNAM: AN APPEAL TO THE U.N.

This pamphlet consists of a statement made by Rita F. Hauser, U.S. Alternate Representative to the General Assembly, in Committee III (Social, Humanitarian, and Cultural) of the U.N. General Assembly on November 11, 1969.

(The text of the statement has been reprinted from the Department of State Bulletin of December 11, 1967. The Bulletin, the official record of U.S. foreign policy, is published weekly and is available for subscription from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at $16.00 a year.)

We now commence general debate in this committee on three subjects of moment: elimination of all forms of racial discrimination, measures to be taken against nazism and racial intolerance, and violation of human rights and fundamental freedoms. Of

the three, the violation of human rights and fundamental freedoms appears to my delegation to be singularly important. Indeed, its importance to all delegations is demonstrated by its recurrence each year as a major subject of discussion.

This agenda item makes particular reference to colonial and other dependent countries and territories. My delegation continues to deplore the inhumane practice of *apartheid* in South Africa and in Namibia and associates itself with the efforts of the international community seeking peaceful and practicable means for its elimination as soon as possible. We also remain very concerned about the serious violations of human rights in other parts of Africa. These questions are rightfully treated in many bodies of the United Nations, including the Security Council, for they are of the utmost urgency and gravity.

Accordingly, Madam Chairman, while we recognize fully the persistent and serious human rights violations in southern Africa, we are of the view that the Third Committee should not utilize all of its time on this aspect of the subject, so widely treated elsewhere in the United Nations, lest by so doing we neglect the many instances of grave violations of human rights elsewhere in the world. I wish to recall that our agenda item itself refers to "the violation of human rights and fundamental freedoms . . . in all countries."

On reading the hundreds of petitions alleging violations of human rights which come to the Commission on Human Rights from sources in many countries, my delegation has noted the large number referring to violations of articles 9–12 and article 19 of the Universal Declaration of Human Rights. The latter provides that "Everyone has the right to freedom of opinion and expression," including freedom to "seek, receive and impart information and ideas through any media and regardless of frontiers." Article 9 states that "No one shall be subjected to arbitrary arrest, detention or exile." Articles 10, 11, and 12 afford full protection and due process of law as to those charged with a penal offense.

In reviewing the 1969 annual report of that singular institution, Amnesty International, now consisting of 20 national sections and over 15,000 individual members, the work of which is to strengthen all international movements supporting human rights, my delegation was very much struck by the fact that Amnesty International has taken up investigation of cases of political prisoners during the year 1968–69 in 72 countries. Included was my own country, where the status of conscientious objectors who have been imprisoned for violations of the conscription laws has been looked into with the full cooperation of my Government.

Newspaper reports and other media sources make perfectly clear to us that the right of political dissent is still a very precarious one for millions of people. Prisons bulge with those who have dared to criticize or oppose peacefully the policies of their governments; and, alas, many such prisoners are brutally ill-treated, in violation of all standards of human decency. We note particularly the evidence compiled in the report of the *ad hoc* working group of experts as to African territories under colonial domination, which documents the degree to which political prisoners have been brutalized in these areas.

Rather than promote and encourage open dissent, many governments have maintained power with a reign of fear which serves to terrorize the minds and, eventually, the bodies of those who disagree.

In the time available to me, Madam Chairman, I cannot review all of these situations occurring the world over. But in the course of this debate, my delegation wishes strongly to affirm the inherent faculty of all men—if they are indeed, as article 1 of the Universal Declaration of Human Rights states, "born free and equal in dignity and rights . . . endowed with reason and conscience"—to exercise their basic right of freedom of spirit, mind, and belief, wherever they may be located and whatever may be the political and social system under which they live.

These rights are no greater or smaller in Africa than in the Americas, in Asia than in Europe. They belong to all mankind and derive from man's basic humanity. The right to disagree, to dissent, is perhaps the most cherished of all the political rights of man. History teaches that yesterday's dissenters often become today's majority, for through reasoned dissent, man progresses. If I may so note, my delegation was proud to witness the free exercise of free minds across our country on October 15, a day on which many Americans were able to express their dissent with the Government's policy as others were equally able to disagree publicly with the dissenters. We are grateful for orderly and reasonable disagreement; for we know that no country's policies are so sound or so correct that none will be found who disagree.

GENEVA CONVENTION ON PRISONERS OF WAR

Madam Chairman, my delegation is also deeply disturbed at a most fundamental violation of human decency as to another category of prisoners: those who are prisoners of war protected by international law.

I would like to discuss a specific situation involving prisoners which, I am sure you will understand, is of particular concern to my country. United States forces are engaged in combat in Vietnam. It is our earnest hope that this conflict will soon be terminated and the task of rebuilding begun. But many hundreds of American soldiers, airmen, marines, and naval personnel are at present missing or captured in Vietnam. How many of these men, and which ones, are in captivity is a secret closely guarded by the North Vietnamese authorities. For each of these men there is a wife, a child, a parent, who is concerned with his fate. They are subjected to uncertainty and despair which grow as each day passes.

Our concern in this matter, expressed here before the assemblage of nations, is humanitarian, not political. This concern was succinctly but urgently expressed in the agonizing question put by the many wives who have gone to Paris to ask the North Vietnamese delegation to the Paris talks: Please tell me if I am a wife or a widow.

There exists an international convention, legally binding upon all parties concerned: the Convention on Protection of Prisoners of War, concluded at Geneva in 1949.[1] This convention applies to "all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them." It thus binds the United States, which ratified it in 1955, the Republic of Viet-Nam, which acceded to it in 1953, and North Viet-Nam, which acceded in 1957.

This convention, to which, I may add, there are 125 parties, including more than 100 members of the United Nations, contains provisions which, if implemented, would let children know if their fathers are alive, parents if their sons are well treated. It requires that, and I quote: "Immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp, likewise in case of sickness or transfer to hospital or to another camp, every prisoner of war shall be enabled to write direct to his family. . . ."

The convention assures a prisoner the right to remain in communication with his loved ones and with an international or state organization which has assumed the obligation of safeguarding the rights of the prisoner.

In addition to the right to receive mail and packages, and to send a minimum of two letters and four cards each month, the Geneva convention specifies minimum humane standards of detention, of hygiene, diet, recreation, and employment. It requires that seriously wounded or ill prisoners be repatriated as soon as they are able to travel. It specifies that the detaining power shall accept a neutral party to the conflict or a respected international organization such as the International Committee of the Red Cross as a protecting power for the prisoners. It requires that the detaining power provide the names of the prisoners it holds to their families, as well as to the protecting power, or to the International Committee of the Red Cross, to pass on to their country of origin. It requires that the detaining party permit on-the-scene inspection of its detention facilities.

Madam Chairman, my fellow delegates, this convention is not meant to create a life of privilege for captured military personnel. It is meant to ensure minimum standards of human decency to helpless men who are in the power of their military enemy and can no longer pose a threat to that enemy and to provide minimum solace to families who are far from the front lines. In wartime, when passions are inflamed, this convention seeks to preserve those frail links of compassion and decency which are so urgently needed. Nurtured, these links may in turn help move enemies toward a realization of their common stake in finding the path to peace.

My country places the highest priority upon implementation of this convention. There are now some 30,000 North Vietnamese and Viet Cong prisoners of war in South Viet-Nam who have been accorded the status and the rights of prisoners of war under the Geneva convention, even though many of them may not technically be entitled to such prisoner-of-war status as defined in the convention.

The United States has tried again and again to persuade Hanoi to apply the basic minimum standards guaranteed by the convention: identification of prisoners, the right to send and receive mail, and a protecting power to inspect detention conditions. We remain immensely grateful to the governments which have cooperated in these regrettably unsuccessful efforts.

In contrast, the Government of the Republic of Viet-Nam, with the cooperation of its allies, opened all detention camps to inspection by the International Committee of the Red Cross. The names of POW's have been made available to the ICRC. Prisoners of war detained by the Republic of Viet-Nam have the right to send and receive mail and packages. They are interned in six camps which are administered by the Republic of Viet-Nam and which, as regular international inspection has shown, conform to the requirements of the Geneva convention.

Let me be clear that we are not claiming a perfect record on this subject. War is ugly and brutal by nature, and violations by individuals have occurred. The point is, however, that the Allied command has made every effort to ensure that the convention is applied. This includes the issuance of clear and explicit orders and, even more important, thorough investigation of alleged violations and punishment of those found guilty. This policy is confirmed and supported by the continuous review, both official and unofficial, which results from free access to POW's by delegates and doctors of the ICRC.

The United States neither seeks nor deserves praise for its efforts to implement the convention. This is our duty—our legal duty and our moral duty. The tragic fact, how-

[1] Treaties and Other International Acts Series 3364.

ever, is that North Viet-Nam and the National Liberation Front refuse to acknowledge their legal and moral duty to apply similar standards of treatment to the helpless prisoners in their power, Vietnamese as well as American.

NORTH VIETNAM'S TREATMENT OF PRISONERS

The record is indeed sad. The North Vietnamese authorities have refused to identify the prisoners they hold. Only a limited minority of those men known by the United States Government to have been captured have been allowed to communicate with the outside world. Mail even from this small minority has been infrequent and irregular. The sick and the wounded have not been repatriated, nor have they been identified. Even the minimum protection that would be afforded by inspection of POW facilities by an impartial international body has been denied. The ICRC's repeated requests to be allowed to visit the prisoners at their places of detention have been repeatedly denied, nor has any other accepted intermediary been given access to the prisoners.

From the reports of the few men actually released by North Viet-Nam and from other sources has come disturbing evidence that prisoners are being deprived of adequate medical care and diets and that, in many instances, they have been subjected to physical and mental torture. For example, Lieutenant Robert Frishman, one of the recently released American prisoners, in a public statement on September 2, 1969, shortly after his release, said American prisoners are subject to "solitary confinement, forced statements, living in a cage for 3 years, being put in straps, not being allowed to sleep or eat, removal of fingernails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg. . . ." Recounting the treatment of Lieutenant Commander Stratton, Lieutenant Frishman said:

"The North Vietnamese tried to get Lieutenant Commander Stratton to appear before a press delegation and say that he had received humane and lenient treatment. He refused because his treatment hadn't been humane. He'd been tied up with ropes to such a degree that he still has large scars on his arms from rope burns which became infected. He was deprived of sleep, beaten, had his fingernails removed, and was put in solitary, but the North Vietnamese insisted that he make the false 'humane treatment statements' and threw him into a dark cell alone for 38 days to think about it."

This record is indeed chilling. It has been noted and deplored by a great many international observers. For example, Jacques Freymond of the International Committee of the Red Cross, reporting on the work of the Committee on Prisoners of War, highlighted the contrasts between North and South Viet-Nam as follows:

"In Viet-Nam, it (the ICRC) has so far had limited success. In fact, in spite of repeated representations, it has not been able to obtain the agreement of the Democratic Republic of Viet-Nam to the installation of a delegation in Hanoi nor even to the visiting of prisoners of war. . . .

"On the other hand, the ICRC is represented in Saigon and the delegates are able to visit all prisoner of war camps. They also regularly receive nominal rolls of these prisoners."

In the face of such international criticism there have been few breaks in the silence of Hanoi. We have, however, been told—though in the shrill phrases of propaganda, rather than in the measured tones of statesmanship or humanitarianism—that the Geneva convention does not apply because there has not been a formal declaration of war and that the American prisoners are "war criminals" and therefore not entitled to the rights conferred upon prisoners of war by the Geneva convention. Despite this, Hanoi says, it treats the prisoners "humanely."

Madam Chairman, my Government cannot accept these assertions. The Geneva convention provides a detailed international standard of humane treatment against which the treatment of prisoners of war can be measured. Hanoi's mere assertion of "humane" treatment, which has never been verified by impartial inspection, is no substitute. Further, North Viet-Nam's denial that the convention is applicable and its assertion that it therefore cannot be the standard to measure its conduct have no basis in international law. Hanoi says that the convention applies only where there has been a declaration of war. But it is clear from the language of the convention, which I quoted earlier, that the absence of such a declaration has no relationship to the convention's applicability and does not justify a refusal to apply it.

Hanoi has also asserted that our men held as prisoners are war criminals, apparently on the theory that any attacks against North Viet-Nam or Viet Cong forces or facilities are criminal acts and that all military personnel involved in such attacks are criminals. Such assertions are patently absurd. Our men are not war criminals. Moreover, the Geneva conventions and modern international humanitarian law reject any suggestion that the protection of individual war victims, whether soldiers or civilians, is dependent upon moral or legal judgments about the cause for which their government is fighting. The law is there to protect all the victims of war on both sides. All countries have an interest in seeing that it is respected.

The United States understands that every country believes that it is right and its enemy wrong. But, Madam Chairman, the Geneva convention was designed specifically to meet this problem. It imposes upon all combatant powers the obligation to treat military personnel made helpless by their captivity in accordance with a single objective and verifiable standard.

ICRC RESOLUTION

The 21st International Conference of the Red Cross, held at Istanbul in September, cut through any possible quibbles that could be made by a party to the Viet-Nam conflict. It adopted without dissent a resolution which obtained the support of 114 governments and national Red Cross organizations.[2] That resolution called upon all parties:

" . . . to abide by the obligations set forth in the Convention and upon all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are treated humanely and given the fullest measure of protection prescribed by the Convention. . . ."

It also recognized—and again I repeat the exact words of this resolution:

". . . that, even apart from the Convention, the international community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provision of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick or wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisals."

We hope this committee will take note at this session of the resolution passed without dissent by the International Red Cross Conference in Istanbul and that it will in a similar fashion reaffirm the obligations of all parties to the Geneva convention. We especially hope that North Viet-Nam, which has frequently expressed its abiding regard for humane principles, will heed this unequivocal and specific call reflecting the conscience of the international community.

Madam Chairman, 2 weeks ago, on October 30, the Secretary General made the following statement:

"It is the view of the Secretary General that the Government of North Vietnam ought to give an international humanitarian organization such as the League of Red Cross Societies access to the Americans detained in North Vietnam."

We join in this view, and we urge all the governments represented here today to use their utmost influence so that at least this single step forward can be accomplished. We would indeed welcome the intervention of any organization or group of concerned people who may be able to reduce the anguish of the prisoners and their families. But the Secretary General has made a concrete, limited proposal; its immediate implementation would bring closer the day when the observance of the humanitarian principles of the Geneva convention by all parties is complete.

I have spoken at length on this matter, Madam Chairman, for it is of vital importance to the United States. It is also of paramount interest to all nations of the world. The failure to treat any prisoner of war, wherever he may be, in accordance with common standards of decency, is an affront to all who claim the mantle of civilization.

[2] For a U.S. statement and text of the resolution, see BULLETIN of Oct. 13, 1969, p. 323.

Mr. DOLE. Mr. President, I would hope that the sponsors of the Cooper-Church amendment would view the amendment I have offered in the spirit in which it was offered, in the spirit of making it clear that the Senate is on record that nothing contained in the Church-Cooper resolution shall in any way prevent the President, directly or indirectly, from taking any action he deems necessary to protect American prisoners of war.

The amendment is limited to Cambodia because the Cooper-Church resolution is limited to Cambodia.

There is significant reason to believe that Americans are being held as prisoners of war in Cambodia and, in addition to the American servicemen, at least two journalists, and perhaps more, are being held there.

The amendment does no harm to the Cooper-Church resolution. It does signal to the world that we care about one American, two Americans, or 100 Americans, or however many there may be, who may be missing in action or pirsoners of war in Cambodia.

This is an obligation we have. And this is an obligation that we can underscore by the adoption of the amendment.

BRUTAL TREATMENT OF AMERICAN PRISONERS OF WAR

Mr. GURNEY. Mr. President, there has been much said in the past several years about the American prisoner of war situation, the 1,400 to 1,500 men being held by the North Vietnamese. I do not think enough detailed attention has been drawn to the actual living conditions—if we can call it living—that these men suffer.

There is a notion abroad, possibly put forth by the Communists and echoed in this country by their apologists, that these men are well treated. Let me state here flatly that every evidence indicates they are not.

The evidence we have comes largely from the few Americans who have been released and from a limited number of outside sources. And all of it points to one thing; namely, that the North Vietnamese are treating American prisoners with calculated brutality.

Americans are held in solitary confinement as a matter of routine.

Occasionally they are placed in cages and held up for public display.

Wounded Americans go for days and weeks with their wounds untreated.

One American prisoner with a broken arm was dragged through the streets for the crowds to watch.

Other prisoners have been beaten.

Still others have been strapped up and hung from the ceiling of their cells as punishment for minor infractions.

One American prisoner, a Navy lieutenant commander, was told by the North Vietnamese he had to appear at a press conference and tell foreign reporters he had been treated well and humanely. He refused because, according to fellow prisoners, his treatment had been far from decent.

He had been tied so tightly with ropes that there are still burn scars on his arms.

He had been beaten.

He had been forced to go for days at a time without food or sleep.

He had been held in solitary confinement.

His wounds were allowed to fester and become infected.

His fingernails had been torn out by the roots.

All of this had been done to him, but the North Vietnamese still demanded that he appear before the reporters and issue a statement they had written saying he had been treated well and leniently.

When he refused to issue the statement the North Vietnamese threw him in a cell without light for 38 days to think it over.

Mr. President, this is a commonplace story. It is not unique, but has been repeated time and again.

So it is that when we are talking about Americans being held prisoner we are not talking about people being held in a genteel detention center.

We are talking about men who are forced to live under conditions which the Society for the Prevention of Cruelty to Animals would not allow for animals in this country.

As a nation we must continue to do everything in our power to force the Communists to the negotiating table to discuss this problem seriously and in good faith. They have refused to do so until now, but the pressure of world opinion is mounting on them. We must continue to fan that world opinion until it brings the Communists to reason.

On this subject we will not give up, nor will we be denied.

RESULTS OF THE CAMBODIAN SANCTUARY OPERATION

Mr. GURNEY. Mr. President, I submit for the information of the Senate the results of the Cambodian sanctuary operations as of 8 a.m., May 26, 1970 and ask unanimous consent that the summary be printed in the RECORD.

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

TOTAL OPERATIONS

	Number	24-hour change
Individual weapons	11,064	+122
Crew-served weapons	1,846	+228
Bunkers/structures destroyed	6,643	+13
Machinegun rounds	2,689,724	+97,220
Rifle rounds	5,126,838	+32,550
Total small arms ammunition (machinegun and rifle rounds)	7,816,562	+129,770
Grenades	12,574	+265
Mines	2,966	+140
Satchel charge	500	(1)
Miscellaneous explosives (pounds)	72,000	(1)
Antiaircraft rounds	130,567	+3,214
Mortar rounds	29,311	+2,562
Large rocket rounds	1,090	(1)
Smaller rocket rounds	15,061	+262
Recoilless rifle rounds	19,565	+1,013
Rice (pounds)	9,120,000	+86,000
Man-months	200,640	+1,892
Vehicles	305	+41
Boats	40	(1)
Generators	36	(1)
Radios	179	(1)
Medical supplies (pounds)	36,000	(1)
Enemy KIA	8,044	+187
POW's (includes detainees)	1,773	+3

[1] Unchanged.

KENNETH GALBRAITH AND AL CAPP

Mr. GURNEY. Mr. President, the Washington Post for May 26, 1970 carries an interesting letter to the editor from the distinguished humorist Al Capp, dealing with the subject of Mr. Kenneth Galbraith's thesis on American presence in Asia.

Since Mr. Capp expresses himself in such a unique fashion, and hits so directly to the core of the subject, I ask unanimous consent his letter entitled, "Al Capp on Galbraith" be printed into the RECORD.

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

[From the Washington (D.C.) Post, May 26, 1970]

AL CAPP ON GALBRAITH

It was cozy, being away from home, to see a letter from someone we're mighty proud of in Cambridge, Mass., in print. Back home we think Ken is the smartest economist since Edna St. Vincent Millay. Smarter. His "Lower the Gross National Product and Raise Foreign Aid" solution is the same as her solution: "Let's Burn Our Candle at Both Ends" but Ken was smart enough not to make it rhyme, and his got taken seriously.

We are proud to see from your paper that Ken is branching out as a military analyst, and that he is, again, adapting his solutions from classic sources.

Ken's theory that the people who "want" the war is an unnamed cabal of high-ranking military officers, is a "new" version of Goebbels' theory that the Germans who "wanted" her humiliation was a cabal of highly-placed Jews, and Joe McCarthy's theory that there was a cabal of hundreds of "pinkos and Commies" in our State Department.

Goebbels didn't name them, any more than McCarthy did, and Ken, a classicist to the bone, doesn't name anyone in his cabal, either.

Like Goebbels and McCarthy, Ken knows you don't have to, to get the hate started and the mobs howling.

And it's no good to ask Ken (anymore than it was to ask Goebbels or McCarthy) WHO?

It's no good to ask if he means the GI's who are sweating it out there. Or the general officers in Asia who are being killed at an unprecedented rate. Or, the top commanders, who, from Harkins to Westmoreland, have ended their careers in bleakness for doing their duty there.

It's no good to remind Ken that it was only because of the stylish naivete of an administration he was a powerful influence in, that the military was called in, in the first place.

Ken's got a sure-fire thing going there and it's going to upset a lot of readers who don't get along further to a story buried among the "Jumbo Shrimp" and "Ground Chuck" ads, headlined "Cambodia Invasion Reported Upsetting Hanoi's Timetable."

AL CAPP.

WASHINGTON.

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business with statements limited to 3 minutes.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED LEGISLATION TO GRANT RELIEF OF PAYEES AND SPECIAL INDORSEES OF FRADULENTLY NEGOTIATED CHECKS DRAWN ON DESIGNATED DEPOSITARIES OF THE UNITED STATES

A letter from the Secretary of the Treasury transmitting a draft of proposed legislation to grant relief to payees and special indorsees of fradulently negotiated checks drawn on designated depositaries of the United States by extending the availability of the check forgery insurance fund (with an accompanying paper); to the Committee on the Judiciary.

REPORT OF THE IMMITRATION AND NATURALIZATION SERVICE

A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting, pursuant to law, the annual report of the Immigration and Naturalization Service, for the year ended June 30, 1969 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE NATIONAL ACADEMY OF SCIENCES AND THE NATIONAL ACADEMY OF ENGINEERING

A letter from the President, National Academy of Sciences, transmitting, pursuant to law, the annual report of the National Academy of Sciences for the fiscal year ended June 30, 1968, together with the report of the National Academy of Engineering for the fiscal year ended June 30, 1968 (with accompanying reports); to the Committee on Labor and Public Welfare, ordered to be printed pursuant to law with an illustration.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Foreign Relations:

"S. CON. RES. 39

"Concurrent resolution petitioning the President and the Congress of the United States to fully inform the American people about U.S. operations in Laos and to end all combat support of Laotian forces by U.S. personnel

"Whereas, secret agreements between the United States and foreign countries subvert government by the people by denying the public vital information necessary to the democratic process; and

"Whereas, combat operations in Laos and Thailand by American personnel, whether in or out of uniform, are specifically prohibited by an amendment to the Defense Appropriations Act of December, 1969; and

"Whereas, scorched-earth bombing raids by B–52's on the Plain of Jars, hundreds of miles northwest of the "Ho Chi Minh Trail," represent a further alarming escalation of our secret and undeclared war in Laos; and

"Whereas, such combat operations and escalation are in violation of the Nixon Doctrine of no wider land war in Asia, and can undermine our withdrawal efforts in Vietnam and *further involve us in another Vietnam-like entanglement in Laos;* now, therefore

"Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the House of Representatives concurring, that the President and the Congress of the United States be, and they are, respectively petitioned to inform the American people fully about U.S. operations in Laos and the extent and cost of our involvement; and

"Be it further resolved that the President and the Congress of the United States be, and they are, respectively urged to end all ground combat support of Laotian forces by United States personnel immediately and to cease all military activity on Laotian territory; and

"Be it further resolved that duly certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Defense, the Senate Foreign Relations Committee, Senator Hiram L. Fong, Senator Daniel K. Inouye, Representative Spark M. Matsunaga, and Representative Patsy T. Mink."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on the Judiciary:

"S. CON. RES. 20

"CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE U.S. CONSTITUTION TO PRESERVE THE RECIPROCAL IMMUNITIES OF TAX EXEMPTION

"Whereas, taxes of the United States Government on the interest on evidences of indebtedness of States, their political subdivisions, and the agencies and instrumentalities thereof, impose a burden on the sovereign power of the States, and their political subdivisions, agencies and instrumentalities to borrow money for essential State and local purposes; and

"Whereas, the constantly recurring attempts of Congress and the Treasury Department of the United States to tax the interest on such evidences of indebtedness has severely damaged the ability of the States and their political subdivisions, agencies and instrumentalities to borrow money, and has substantially increased the cost of such borrowings to the detriment of the taxpayers of the States and their political subdivisions, agencies and instrumentalities; and

"Whereas, such recurring attempts to tax the interest on such evidences of indebtedness flaunt the constitutional principle of reciprocal inter-governmental tax immunity first enunciated by the Supreme Court of the United States in *McCulloch* v. *Maryland* (4 Wheat 316) in the year 1819 and more specifically applied by that Court in *Pollack* v. *Farmers' Loan & Trust Co.* (157 U.S. 429) and later cases; and

"Whereas, it is advisable and in the best interest of the States to prevent future attempts to tax the interest on such evidences of indebtedness by amending the Constitution of the United States to unequivocally state the principle of reciprocal inter-governmental tax immunity in respect of taxes on the interest on such evidences of indebtedness and thereby restore investor confidence to the market for such evidences of indebtedness and consequently, reduce the cost of borrowing by the States and their political subdivisions, agencies and instrumentalities; now, therefore

"Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the House of Representatives concurring, that application is hereby made to the Congress of the United States to submit to the legislatures of the States an amendment to the Constitution of the United States in the following form, which amendment is hereby ratified as an amendment to the Constitution of the United States on behalf of the State of Hawaii by this Concurrent Resolution, to wit:

"Without the consent of a State, Congress shall have no power to lay and collect any tax, direct or indirect, upon the income derived from interest paid on evidences of indebtedness of such State, or of any political subdivision, agency or instrumentality thereof, nor shall any State have power, without the consent of Congress, to lay and collect any tax, direct or indirect, upon the income derived from interest paid on obligations of the United States or of any agency or instrumentality thereof"; and

"Be it further resolved that duly certified copies of this Concurrent Resolution be immediately transmitted to both the President and Secretary of the Senate of the United States and to the Speaker and Clerk of the House of Representatives of the United States; the Honorable Daniel K. Inouye, United States Senator; the Honorable Hiram L. Fong, United States Senator; the Honorable Spark M. Matsunaga, United States Representative; and the Honorable Patsy T. Mink, United States Representative; and

"Be it further resolved that this Concurrent Resolution shall continue in full force and effect until December 31, 1975."

A resolution adopted by the Board of Governors of the Puerto Rico Bar Association, asking for the rejection of the so-called alternative plan, proposed by the U.S. Navy; to the Committee on Armed Services.

A resolution adopted by the Long Island Federation of Women's Clubs, Inc., of Brightwaters, N.Y., praying for the establishment of standards limiting jet noise by the Surgeon General; to the Committee on Commerce.

A resolution adopted by the Medical Association of Georgia, praying for the return of the responsibility for patient care to physicians; to the Committee on Finance.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

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

H.R. 15166. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes (Rept. No. 91–895).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. McCLELLAN, from the Committee on Government Operations:

Martin G. Castillo, of California, to be Chairman of the Cabinet Committee on Opportunities for Spanish-Speaking People.

Mrs. SMITH of Maine. Mr. President, as in executive session, from the Committee on Armed Services I report favorably on the nominations of 221 flag and general officers in the Army, Navy, and Air Force. I ask that these names be placed on the Executive Calendar.

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

The nominations, ordered placed on the Executive Calendar are as follows:

Maj. Gen. James T. Stewart, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenant general;

Vice Adm. Edwin B. Hooper, U.S. Navy, for appointment to the grade of vice admiral, when retired;

Vice Adm. John L. Chew, U.S. Navy, for appointment to the grade of vice admiral, when retired;

Rear Adm. Eli T. Reich, U.S. Navy, having been designated for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Gen. Frank Schaffer Besson, Jr., Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general;

Lt. Gen. Oren Eugene Hurlbut, Army of the United States (major general, U.S. Army), to be placed on the retired list, in the grade of lieutenant general;

Maj. Gen. Richard Thomas Knowles, Army of the United States (brigadier general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, to be lieutenant general;

Col. Frederick Charles Krause, Army of the United States (lieutenant colonel, U.S. Army), and sundry other officers, for temporary appointment in the Army of the United States;

Brig. Gen. Spurgeon Hart Neel, Jr., Army of the United States (colonel, U.S. Army), and sundry other officers, for temporary appointment in the Army of the United States;

Maj. Gen. James Arista Wier, Army of the United States (colonel, Medical Corps, U.S. Army); Brig. Gen. Colin Francis Vorder Bruegge, Army of the United States (colonel, Medical Corps, U.S. Army); and Brig. Gen. Thomas Joseph Whelan, Jr., Army of the United States (colonel, Medical Corps, U.S. Army), to be brigadier generals, Medical Corps;

Brig. Gen. Daniel Arthur Raymond, Army of the United States (colonel, U.S. Army), and sundry other officers, for temporary appointment in the Army of the United States;

Capt .Carl O. Holmquist, U.S. Navy, to be Chief of Naval Research in the Department of the Navy;

Maurice H. Rindskopf, and sundry other officers of the Navy, for permanent promotion to the grade of rear admiral;

Lt. Col. Wendell A. Childs, to be professor of physics, U.S. Military Academy; and

Lt. Col. Lee D. Olvey, to be professor of social sciences, U.S. Military Academy.

Mrs. SMITH of Maine. Mr. President, in addition, I report favorably 1,198 promotions and appointments in the Army in grade of colonel and below; 1,190 appointments and promotions in the Navy in grade of lieutenant commander and below; and 1,748 appointments in the Air Force in grade of colonel and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

The nominations, ordered to lie on the desk, are as follows:

Col. Robert R. Lochry, for appointment as permanent professor, U.S. Air Force Academy;

Robert J. Borre, and sundry other officers, for appointment in the Regular Air Force;

Lucian M. Acuff, and sundry other midshipmen (Naval Academy), for permanent assigned in the Navy;

Mershan G. Shaddy, and sundry other officers, for promotion in the Regular Army of the United States; and

James A. Akridge, and sundry other officers, for appointment in the Regular Air Force.

By Mr. ELLENDER, from the Committee on Agriculture and Forestry:

Ernest G. Spivey, of Mississippi, to be a member of the Federal Farm Credit Board, Farm Credit Administration.

BILLS INTRODUCED

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

By Mr. ANDERSON:

S. 3877. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Brantley project, Pecos River Basin, N. Mex., and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. PROUTY:

S. 3878. A bill relating to manpower requirements, resources, development, utilization and evaluation, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. INOUYE:

S. 3879. A bill for the relief of Naoyo Campbell; to the Committee on the Judiciary.

My Mr. BROOKE:

S. 3880. A bill to amend the National Defense Education Act of 1958 to provide loan forgiveness for service in Headstart programs, the Peace Corps, and for certain other service; to the Committee on Labor and Public Welfare.

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

By Mr. BENNETT:

S. 3881. A bill for the relief of Gunmaj-Britt Lomberg; to the Committee on the Judiciary.

By Mr. PROXMIRE (for himself and Mr. NELSON):

S. 3882. A bill to amend the Tariff Schedules of the United States with respect to the method of determining what articles fall within the additional import restrictions set forth in part 3 of the appendix of such schedules; to the Committee on Finance.

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

By Mr. JAVITS (for himself and Mr. PELL):

S. 3883. A bill to provide financial assistance to improve education in racially impacted areas and to assist school districts to meet special problems incident to desegregation in elementary and secondary schools, and for other purposes; to the Committee on Labor and Public Welfare.

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

S. 3877—INTRODUCTION OF A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CONSTRUCT, OPERATE AND MAINTAIN THE BRANTLEY PROJECT, PECOS RIVER BASIN, N. MEX.

Mr. ANDERSON. Mr. President, I introduce, for appropriate reference, a bill to authorize the Secretary of the Interior to construct, operate and maintain the Brantley project, Pecos River Basin, N. Mex., and for other purposes.

The principal purposes of this project are to provide flood protection for the city of Carlsbad, N. Mex., and to eliminate the existing threat of a failure of McMillan Dam by replacing that structure. The project also would provide replacement storage for the Carlsbad Irrigation District, making it possible to proceed with the cleaning of McMillan Delta to salvage water. Construction of this project would yield significant fish, wildlife and recreation benefits in addition to providing replacement storage and giving flood protection to the city of Carlsbad. The Carlsbad project irrigation facilities presently consist of three dams and storage reservoirs used to regulate irrigation water and a distribution system to serve approximately 25,000 acres of waterright land. The dams are Alamogordo, McMillan, and Avalon. The irrigated areas increased from 6,500 acres in 1907 to 25,278 acres in 1926. Since completion of the irrigation system, the irrigated area has averaged about 20,000 acres per year.

The Carlsbad project has been quite successful over the years, though subject to numerous problems, such as poor water quality, dwindling water supplies, a leaky reservoir and reservoir capacities being gradually depleted by sediment.

I have introduced legislation and helped enact into law two projects to improve water quality and eliminate water shortages in the Pecos River Basin. Public Law 85–333, approved February 20, 1958, authorized the construction of Malaga Bend and McMillan Delta channelization divisions of McMillan Delta project. However, the law provided that no work could be commenced on the McMillan Delta flood relief unless provisions were made to replace any terminal shortage of Carlsbad Irrigation District which might be lost by clearing the floodway. Public Law 88–594, approved December 12, 1964, authorized creation of the Pecos River water salvage project. This is a continuing program to reduce the nonbeneficial consumptive use of water in the Pecos River Valley. This law also provides that no work shall be commenced on clearing the phreatophytes from the floodway area unless provision is made to replace the District's terminal storage. Even though some work has been done upstream and considerable water has been salvaged, this work cannot be completed until Brantley Dam is constructed.

In addition to the need for salvaging of water, the United States has an obligation for personal and property safety in the area below McMillan Dam. History has shown us that, without the regulation of stream flow by existing dams, there would have been considerable flood damage over the years to Carlsbad and the surrounding area. With the McMillan and Avalon Dams being filled with silt, a new flood hazard exists and there is a possibility of failure of McMillan and/or Avalon Dams during the flood stage of the Pecos River. This poses a disastrous threat to the city of Carlsbad.

Since this dam will protect lives and property and will provide additional water which will enhance the economy of the district, I feel that we should not delay in its construction.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The bill will be received and appropriately referred.

The bill (S. 3877) to authorize the Secretary of the Interior to construct, operate, and maintain the Brantley project, Pecos River Basin, N. Mex., and for other purposes, introduced by Mr. ANDERSON, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3878—INTRODUCTION OF MANPOWER DEVELOPMENT AND TRAINING ACT OF 1970

Mr. PROUTY. I introduce a bill and ask that it be appropriately referred. I also ask unanimous consent that its text be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, as requested by the Senator from Vermont.

Mr. PROUTY. Mr. President, my bill entitled "The Manpower Development and Training Act of 1970" is designed to effect a flexible and coordinated national manpower program and represents an effective compromise between the pending manpower bills and the Manpower Development and Training Act of 1962.

I was one of the primary sponsors and principal supporters of the Manpower Development and Training Act of 1962. From the outset, this legislation has had truly bipartisan support, and in response

to changing economic requirements, both sides of the aisle have acted to strengthen and improve that legislation by amendments from time to time.

My esteemed friend, the senior Senator from New York, recently introduced an amendment to create a National Manpower Advisory Committee. My bill also includes this concept, and I anticipate no problem in our resolving the differences which exist between these two versions.

The concept of a National Manpower Advisory Committee was strongly endorsed in testimony earlier this year before the House Select Subcommittee on Labor. There is bipartisan recognition of the need to draw on the manpower expertise and resources of a variety of Federal, State, and local institutions and governmental agencies, as well as the resources of the private sector including industry and private educational institutions.

The Nation's manpower programs must be responsive to both the economic and employment picture of the Nation, and to the people whom they are serving and are designed to serve.

Since the employment and economic picture of the country is continually changing, manpower legislation must retain a degree of flexibility in order to be immediately responsive to these changes. Programs currently operating under the provisions of the Manpower Development and Training Act of 1962, as amended, exemplify this desired flexibility. Skills Centers developed under that legislation were not envisioned by the congressional framers of the original act and yet they are in existence today because they fulfill a very real need in the Nation's manpower programs. Further, the Manpower Development and Training Act of 1962 has demonstrated the desirability for building into manpower legislation the capacity for changing the Nation's manpower programs. Programs under that act, originally developed when there was a recession, have been able to adapt during times of economic upswing to serve those who are least likely to gain and maintain employment—those who without the benefit of participation in such a program still would be unemployed. It was to combat some of the remaining problems of unemployment and underemployment and to provide better coordination of all manpower programs that major manpower bills were introduced in 1969. Yet, even these reflect the economic conditions at the time of their drafting. The bills are predicated on continued expansion of the economy and increases in the labor force. During the course of hearings on the proposed legislation, it has been suggested that just as the economic situation had already changed by the time the MDTA was enacted, so it is changing to present a new economic situation not envisioned by drafters of the other bills. While some economists say that we are actually in a recession, the effects of this economic adjustment are unnoticed by many of us—except, of course, those most affected, the unemployed. Once again there is an increase in the numbers of technical and skilled workers among the unemployed making competition for available jobs much keener. National manpower policy and programs must permit effective response to these situations. There is a need for legislation that can adapt to situations of both cyclical and structural unemployment.

It is for these and other reasons that I advocate the changes reflected in my proposal—The Manpower Development and Training Act of 1970. This legislation represents a compromise between the Manpower Development and Training Act of 1962, as amended, and the several bills that are currently pending. Briefly, some of the major provisions of the substitute are:

Manpower requirements, development, and evaluation: Title I sets forth the basic purposes of the act—to provide occupational training to unemployed and and underemployed individuals, to assist in the relief of skills shortages both in critical occupations and in emerging ones. In addition there are provisions for experimental, demonstration, and pilot programs, training and technical assistance, labor market information and job matching programs.

Training and skill development programs: Title II describes the various manpower training, services, and activities that may be conducted with assistance under this act, including the Job Corps now under the Economic Opportunity Act of 1964. It further set forth the requirements for State participation under the act, including the establishment of State manpower advisory councils; provides for a comprehensive manpower planning system at the State level; describes participant eligibility and allowance payments; and, sets forth the responsibilities of the Secretary of Health, Education, and Welfare and the Secretary of Labor.

Miscellaneous: Title III contains provisions relating to the authority of the Secretary of Labor and the Secretary of Health, Education, and Welfare to enter into contracts, arrangements, or agreements to carry out the purposes of the Act; maintenance of State effort for vocational education; appropriations, advance funding, limitation on the use of appropriated funds; acceptance of voluntary services; and, the effective and termination dates of the act.

Manpower policy need not be the prerogative of any one Federal agency. As a partial step to broadening the role among the Federal agencies for manpower policy and programs, the Manpower Development and Training Act of 1970 contains two unique provisions.

First, is the creation of a National Manpower Advisory Council as proposed by Senator JAVITS' amendment and as contained in this bill. I propose that the Council be appointed by the President after consultation with appropriate officials, and consist of 15 members. The purpose of the Council would be to establish national manpower goals; to advise the manpower agencies of the Federal Establishment, such as the Departments of Housing and Urban Development, Labor, and Health, Education, and Welfare, on manpower programs and services; to review the administration and operation of manpower training programs, including their evaluation; and, to report to the President and the Congress concerning their findings including recommendations for legislative change in this act and other relevant Federal statutes. The Council would have its own staff and the capability to make judgments independent of the bureaucracy.

The second provision related to broadening the Federal agency manpower role is the establishment of the authority of the President to appoint to his staff a special assistant for manpower. This assistant would coordinate the manpower activities of the various Federal departments, offices, and commissions; act as liaison between the President and his National Manpower Advisory Council and Congress; and, report to the President on the manpower implications of the Federal budget on manpower programs generally.

With the creation of the Council and establishment of the Office of Special Assistant to the President for Manpower, there is created a forum for discussion for all Federal agencies concerned with or having expertise in manpower programs and problems. Were we to wipe out the most visible manpower programs on the books—the Manpower Development and Training Act of 1962 and the Economic Opportunity Act programs, there would still be numerous other pieces of legislation relating to manpower. At present there is no way to consider these programs in a coordinated manner and to seek solutions to manpower problems through interagency interaction. The special assistant to the President and the National Manpower Advisory Council could and would do this job.

Preparation for work is a part of the educational process, yet most Americans pass through the Nation's school systems and then spend their adult lives working at jobs for which their education and training may or may not have prepared them. Education and training are, or should be, an integral part of the Nation's manpower program. There is an urgent necessity for training and retraining in the national manpower program.

Strong ties must be developed between the educational community and manpower and other agencies, bringing the resources and expertise of those agencies to bear on national manpower problems, as well as catalyzing the need for change in our public educational institutions.

Several new responsibilities have been mandated. It shall be the responsibility of the Secretary of Health, Education, and Welfare, in consultations with the Secretary of Labor, to provide for a system of continuing evaluation of all training programs conducted with assistance under the proposed legislation. Evaluation of our manpower programs as well as research are sorely needed. Has the program been responsive to the needs of the persons they are designed to serve? What are the effects of participation on an individual, his family, the commu-

nity? What methods and materials are effective? What lasting, residual benefits have accrued to the constitutional units of Government in the area? The list of such questions could go on and on.

The Secretary of Labor will continue to provide labor market information and to conduct job-matching programs. With our highly mobile population, we must have a more effective job information system than at present. Provisions in my bill encourage the development of a labor market information system using the most up-to-date telecommunications and data processing systems. Further authorized are funds for the purchase of this new equipment as well as for a special program for labor mobility demonstration to determine the impediments and feasibility of such a program on a nationwide basis.

Provisions are made for the development of special programs by the Secretary of Health, Education, and Welfare or the Secretary of Labor or both for career development and for identifying new occupational areas in their constituent agencies. It is not enough to get people on the first rung of a career ladder if there is no place to go or if the individual lacks the fundamental education for mobility necessary to all workers in our economy. Work in this area is especially to be encouraged with public agencies. There is still much work to be done in securing the adoption of employment practices and changes in attitudes of labor and management that do not create barriers to mobility.

Training and technical assistance provisions have been expanded. Testimony strongly suggests it is imperative that we provide not only training and technical assistance but also that we make it possible to distribute teacher manuals and classroom guides that will spread new knowledge in the field.

Moreover, funds set aside for this purpose shall be used by both the Secretary of Health, Education, and Welfare and the Secretary of Labor. The responsibilities of both in dealing with their constitutent agencies at State and local government levels are of such importance and yet cover such differing areas that a legislative division of funds will guarantee that the needs of both are met. If experience warrants, additional funds may be made available to the Secretary of Health, Education, and Welfare in future legislation.

The scope of programs and services that can be provided to program participants has been expanded, yet the basic functions of the Manpower Defense Training Act that have stood the test of time have remained. Much of the testimony that has been heard and the response from former Manpower Defense Training Act trainees have pointed to the need for the addition of such specific options in training for high school equivalency—trainees want that high school diploma, which has become the ticket to mobility to the middle class; furnishing of supportive services such as health and child care—these can be vital to the success of a program and each program ought to be able to make whatever arrangements are necessary in order to provide such services. Vocational rehabilitation services in many cities have been excellent; however, their resources are not always adequate to take care of the needs of all trainees. Provisions are included in section 201 to allow the Secretary of Labor to designate certain occupations in which trainees may receive a basic set of tools necessary for employment. There are many occupations for which tool ownership is a requirement for employment and though there have been several ad hoc arrangements made by training programs, there is a need for a nationwide system since this, too, is a part of preparing trainees for employment. Part-time employment, training, or work experience for students or youth of equivalent age in the ninth through 12th grade would be another program authorized under this bill. Such programs would be developed in cooperation with the public schools and industry to assist students in remaining in or returning to school. There is a need to broaden educational options that are provided to students who do not fit conventional patterns and to make their job experience in the world of work and education compatible.

I have not mentioned a number of other programs—outreach, testing, counseling, referral to work on training, basic education, institutional training, cooperative occupational training, on-the-job training, special programs for inmates of correctional institutions and residents of redevelopment areas—all of which are part of our current manpower programs and all of which will be continued. These programs, for the most part administered by the State Employment Service agencies, have proven their worth during the past 7 years and to comment upon them is unnecessary.

Criteria for the selection of individuals for participation in the program will continue to be a responsibility of the Secretary of Labor. Most participants should come from the ranks of the unemployed and the underemployed, with special emphasis to those who are from poor families, and with priority to those eligible individuals who also qualify as the head of a household.

Provisions for training allowances are adjusted to reflect the implications of the minimum wage. This has been done in an effort to equalize allowance payments throughout the country and to focus training opportunities on employment that will provide jobs at better rates than training allowances. We cannot neglect this valuable manpower resource made up of individuals who with education and training—called upgrading—can increase their and the Nation's productivity.

Provision is made for the payment of a bonus upon completion of training equal to 2 weeks of allowance payments. Such a provision is not charity but serves as a practical economic measure. Individuals are not always able to enter employment on the day that they complete training and yet there are still rent payments to make and food to buy. The payment of such a bonus will provide income and incentive to trainees while they are taking that next step of looking for employment or waiting to report to work. Many of our manpower programs provide incentives to employers. Here I am trying also to give the poor an incentive to take more initiative in job betterment.

Training also may be provided under the aegis of a State comprehensive manpower plan developed by the State Manpower Advisory Council. Once a plan is approved the State will have the authority to approve all programs, services, and activities that are included within the plan. The State Manpower Advisory Council must be responsive to the Governor or such other State agency as may have an agreement with the Secretary of Labor and the Secretary of Health, Education, and Welfare. The option must vest in the State. State manpower advisory councils must consist of representatives of State government, the public who are concerned with manpower problems and training, and should include at least the State education agency and the State employment service. Some States have already developed manpower councils in order to better coordinate the planning, delivery, and distribution of manpower services provided under current legislation. Other States have invoked the provisions of the Intergovernmental Cooperation Act of 1968—Public Law 90–577. Each agreement will require planning on an annual and long-range basis, the use of public and private profit or nonprofit agencies and organizations, and of all State and local agencies and organizations that are capable of contributing to the State's manpower program. Each Council would have at least four regularly scheduled meetings each year and at least one of these must give the public an opportunity to express its views concerning manpower training, programs, and services. Programs simply will not work unless they make the people to be served a partner in the planning process. State Councils will be strongly encouraged where appropriate, to replicate their composition and procedures at the area and local levels.

With minor modification, the Secretary of Labor and the Secretary of Health, Education, and Welfare will retain their basic responsibilities as currently set forth in the Manpower Development and Training Act of 1962, as amended.

A special provision is included for advance funding of programs authorized under the committee substitute. Meaningful planning becomes a practical impossibility under the current method of doing business and yet planning of manpower programs is urgently needed. Advance funding should provide for increased flexibility and improved planning with the resulting benefit being to the participating individual.

The Manpower Development and Training Act of 1970 represents another step in the development of a national manpower policy, and provides for responsible coordination between the Federal Government and the States as well as interagency coordination on all levels of government. Because manpower policy will have an increasingly felt ef-

fect on our national well-being, there will need to be continual review by the Congress of this legislation. It is important that manpower legislation affect State and local agencies and that it be responsible to national efforts whether such efforts be in the areas of population, poverty, or environment. The Manpower Development and Training Act of 1970 provides an impetus for creating institutional change in an effective and orderly manner, which will result in a creative, viable relationship between Federal, State, and local governments and agencies.

The bill (S. 3878) relating to manpower requirements, resources, development, utilization, and evaluation, and for other purposes, introduced by Mr. PROUTY, 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. 3878

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Manpower Development and Training Act of 1970."

Statement of Findings and Purpose

SEC. 2. The Congress finds that there is critical need for more and better trained personnel in many vital occupational categories, including professional, scientific, technical, and apprenticeable categories; that even in periods of high unemployment, many employment opportunities remain unfilled because of the shortages of qualified personnel; and, that it is in the national interest that current and prospective manpower shortages be identified and that persons who can be qualified for these positions through education and training be sought out and trained as quickly as possible. In addition, improved training and employment opportunities are vital to developing capacity for self-support by public assistance recipients, and the manpower system must assume special responsibility and accountability for training, placing, and upgrading these persons.

The Congress further finds that the skills of many persons have been rendered obsolete by dislocations in the economy arising from technological developments, foreign competition, relocation of industry, shifts in market demands, and other changes in the structure of the economy. With additional education and training, many of these persons could make a greater contribution to the national economy and share more fully in its benefits.

The Congress further finds that the problem of assuring sufficient employment opportunities will be compounded by the extraordinarily rapid growth of the labor force in the next decade, particularly by the entrance of young people into the labor force, that improved planning and expanded efforts will be required to assure that men, women, and young people will be trained and available to meet shifting employment needs; that in order to become qualified for reemployment or full employment many persons now unemployed or underemployed must be assisted in providing themselves with skills that are or will be in demand in the labor market; that the skills of many persons now employed are inadequate to enable them to make their maximum contribution to the Nation's economy; and, that it is in the national interest that the opportunity to acquire new skills be afforded to these people with the least delay in order to alleviate the hardships of unemployment, reduce the costs of unemployment compensation and public assistance, and to increase the Nation's productivity.

The Congress further finds that many professional employees who have become unemployed because of the specialized nature of their previous employment are in need of brief refresher or reorientation educational courses in order to become qualified for other employment in their professions.

The Congress further finds that there are great unfilled public needs in such fields as health, recreation, housing, neighborhood improvement and public safety, maintenance of streets, parks, and other governmental facilities, rural development, transportation, beautification, conservation, and other fields of human betterment and public improvement and that to meet these urgent public needs it is necessary to devote greater resources to public service and to expand public service employment at various levels.

The Congress further finds that it is essential to link together and coordinate the efforts of Federal, State, and local public and private agencies involved in performing manpower services; to develop new approaches for improved services and changes in traditional organizational patterns used to assist economically disadvantaged and insufficiently trained individuals; and, to coordinate the Nation's manpower needs and services as closely as possible with economic development, transportation planning, new residential housing, and other factors related to the development of new job opportunities.

It is therefore the purpose of this Act to require the Federal Government to appraise the manpower requirements and resources of the Nation, and to develop and to apply the information and methods needed to deal with the problems of unemployment and underemployment; to develop new approaches for improved manpower services, and, to establish a comprehensive and coordinated national manpower program, designed to provide greater opportunities for education, training, and related services necessary to assist individuals in developing their full economic and occupational potential, involving the efforts of all sectors of the economy and appropriate agencies at all levels of government.

TITLE I

Manpower Requirements, Development and Evaluation

National manpower advisory council

SEC. 101. (a) The President, after consultation with the Secretary of Labor, the Secretary of Health, Education and Welfare and the Director of the Office of Economic Opportunity, shall appoint a National Manpower Advisory Council.

(b) The National Manpower Advisory Council shall consist of fifteen members and shall be appointed, witout regard to the civil service laws, for terms of three years, except that (i) in the case of initial members, five shall be appointed for terms of one year each and five shall be appointed for terms of two years each, and (ii) appointments to fill vacancies shall be only for such terms as remain unexpired. The Council shall include persons reprsentative of labor, management, agriculture, public and private education, vocational education and rehabilitation and manpower programs. The Council shall meet at the call of the chairman, who shall be selected by the President, but not less than three times a year.

(c) The Council shall:

(1) establish national manpower goals and develop appropriate standards for programs and services designed to meet such goals;

(2) advise the Secretary of Labor and the Secretary of Health, Education, and Welfare concerning the administration of, preparation of general regulations for, and operation of manpower programs and services supported with assistance under this Act;

(3) review the administration and operation of manpower training, service, and other activities provided under this Act, including the effectiveness of such programs and services in meeting the purposes for which they are established and operated, make recommendations with respect thereto (including recommendations for changes in the provisions of this Act and related manpower Acts), and make an annual report of its findings and recommendations as provided in section 103 of this Act; and,

(4) conduct independent evaluations of programs carried out under this and related manpower Acts and publish and distribute the results thereof.

(d) Members of the Council who are not regular full-time employees of the United States shall, while serving on the business of the Council, be entitled to receive compensation at rates fixed by the President, but not in excess of $100 per day, including traveltime; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently.

(e) The Council is authorized, without regard to the civil service laws, to engage such technical assistance as may be required to carry out its functions; to obtain the services of such full-time professional, technical, and clerical personnel as may be required in the performance of its duties, and to contract for such assistance as may be necessary, and to this end not to exceed one per centum of the sums appropriated in any fiscal year to carry out Title I of this Act shall be available only for the activities authorized by this section.

(f) The President shall appoint a special assistant for Manpower to serve on his staff; to coordinate the manpower activities of the various Federal departments, agencies, and commissions; to act as liaison with the National Manpower Advisory Council; to act as the President's principal advisor on manpower; and, to report and to make recommendations to the President and to the Congress on the Manpower implications of the Federal budget and manpower programs generally.

Manpower report

SEC. 102. The National Manpower Advisory Council shall transmit to the President and to the Congress within sixty days after the beginning of each regular session (commencing with the year 1971) a report pertaining to manpower requirements, resources, research, utilization, training and evaluation. Such report shall include a complete and full report of the activities, findings, and recommendations of the Secretary of Labor and the Secretary of Health, Education, and Welfare in respect to their responsibilities under this Act; and, the findings and recommendations of the Council (including recommendations for changes in the provisions of this and related manpower Acts).

Evaluation, information, and research

SEC. 103. To assist the Nation in furthering technological progress while avoiding or minimizing individual hardship and widespread unemployment and to assist in expanding work opportunities and assuring access to those opportunities for all who desire them, (a) the Secretary of Labor shall:

(1) evaluate the impact of, and benefits and problems created by technological progress, and other changes in the structure of production and demand on the use of the Nation's human resources; establish techniques and methods for detecting in advance the potential impact of such developments; develop solutions to these problems, and publish findings pertaining thereto;

(2) establish a program of factual studies of practices of employers and unions which tend to facilitate the mobility of workers or

which impedes mobility, including but not limited to early retirement and vesting provisions and practices under private compensation plans; the extension of health, welfare, and insurance benefits to laid-off workers; the operation of severance pay plans; and, the use of both extended and short-term leave plans for education and training purposes. A report of these studies shall be included as part of the National Manpower Advisory Council's report required under section 103;

(3) appraise the adequacy of the Nation's manpower development efforts to meet foreseeable manpower needs and recommended needed adjustment to the National Manpower Advisory Council, including methods for promoting the most effective occupational use of and providing useful work experience and training opportunities for untrained and inexperienced youth; and,

(4) promote, encourage, or directly engage in programs of information and communication concerning manpower requirements, development, and utilization, including prevention and amelioration of undesirable manpower effects from automation and other technological developments and improvement of the mobility of workers.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall establish a program of experimental, developmental, demonstration, and pilot projects, through grants to or contracts with public or private nonprofit organizations or agencies or through contracts with other private organizations for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment, and education and training problems of worker groups such as the long-term unemployed, disadvantaged youth, displaced older workers, the handicapped, members of minority groups, veterans returning to civilian employment, and other similar groups. In carrying out this subsection the Secretaries shall, where appropriate, consult with the Secretaries of Commerce and Housing and Urban Development and the Director of the Office of Economic Opportunity and other agencies. Where programs under this paragraph require institutional training, including but not limited to basic education, employability and communications skills, prevocational training, vocational and technical programs, and supplementary or related instruction for on-the-job training whether conducted at the job site or elsewhere, appropriate arrangements for such training shall be made by the Secretary of Health, Education, and Welfare in consultation with the Secretary of Labor. They shall also seek the advice of consultants with respect to the standards governing the adequacy and design of proposals, the ability of applicants, and the priority of projects in meeting the objectives of this Act.

(c) To further assess the effectiveness of various methods and approaches used in carrying out the purposes of the Act, the Secretary of Health, Education, and Welfare, after consultation with the Secretary of Labor, shall:

(1) arrange, through grants or contracts for the conduct of such research and investigations as give promise of furthering the education and training objectives of this Act; and

(2) provide, either directly or through grants or contracts for a system of continuing evaluation of all training programs conducted by public and private schools and training agencies and organizations, with assistance under this Act, including their impact on communities and participants, their implication and related programs, the effectiveness of various methods and materials and the adequacy of their mechanism for the delivery of services and report the findings, including recommendations for corrective actions and their implications, of such evaluations to the National Manpower Advisory Council.

Labor Market Information and Job Matching Program

SEC. 104. (a) The Secretary of Labor shall develop a comprehensive system of labor market information on a National, State, local or other appropriate basis, including but not limited to information regarding:

(1) The nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services;

(2) job opportunities and skill requirements;

(3) labor supply in various skills;

(4) occupational outlook and employment trends in various occupations; and,

(5) in cooperation and after consultation with the Secretary of Commerce, economic and business development and location trends. Information collected under this subsection shall be developed and made available in a timely fashion in order to meet in a comprehensive manner the needs of public and private users, including the need for such information in recruitment, counseling, education, training, placement, job development, and other appropriate activities under this Act and under the Economic Opportunity Act of 1964 as amended, the Social Security Act, the Public Works and Economic Development Act of 1965, the Wagner-Payser Act, the Vocational Education Act of 1963 as amended, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

(b) The Secretary of Labor shall: plan, establish, and operate, directly or through contract, an information service, to make available to agencies, organizations, and other groups and persons concerned with manpower programs and services, information on resources, techniques, and concepts useful in the conduct of training programs under this Act. Such information shall include that derived from research, experimental and demonstration programs, and the evaluated experience of Federal, State, and local operations. The information shall be so designed as to be helpful in the establishment and improvement of training programs and related activities covered under titles I, II, and III of this Act.

(c) The Secretary of Labor shall develop and publish on a regular, timely basis information on available job opportunities throughout the United States on a National, State, local, or other appropriate basis for use in public and private job placement and related activities and in connection with job matching programs conducted pursuant to this subsection. The Secretary is directed to develop and establish a program for matching the qualifications of unemployed, underemployed, and low-income persons with employer requirements and job opportunities on a National, State, local, or other appropriate basis. Such programs shall be designed to provide a quick and direct means of communication among local recruitment job training and placement agencies and organizations, and between such agencies and organizations on a National, State, local or other appropriate basis, with a view to the referral and placement of such persons in jobs. In the development of such a program, the Secretary shall make maximum possible use of electronic data processing and telecommunication systems for the storage, retrieval, and communication of job and worker information. The Secretary is authorized, for the purposes of carrying out programs authorized under this subsection to make grants to State or local agencies for the planning and administration of the program, including the purchase or other acquisition of necessary equipment.

(d) In carrying out the program described in subsection (c), during the period ending June 30, 1974, the Secretary of Labor shall develop and carry out, in a limited number of geographical areas, pilot projects designed to assess or demonstrate the effectiveness of reducing unemployment of individuals and to increase the mobility of unemployed workers by providing assistance to meet their relocation expenses. In carrying out such projects the Secretary may provide such assistance, in the form of grants or loans, or both, only to involuntarily unemployed individuals who cannot reasonably be expected to secure full-time employment in the community in which they reside, have bona fide offers of employment (other than temporary or seasonal employment), and are deemed qualified to perform the work for which they are being employed.

Loans or grants provided under this subsection shall be subject to such terms and conditions as the Secretary shall prescribe, with loans subject to the following limitations:

(1) there is reasonable assurance of repayment of the loan;

(2) the credit is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs;

(3) the amount of the loan, together with other funds available, is adequate to assure achievement of the purposes for which the loan is made;

(4) the loan bears interest at a rate not less that (i) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (ii) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purposes;

(5) the loan is repayable within not more than ten years; and

(6) of the funds appropriated for a fiscal year to carry out this Act, not more than $10,000,000 may be used for the purposes of this subsection.

(e) A report on the activities and achievements under this section shall be included in the report required under section 103.

(f) Not less than 2 per centum of the sums appropriated in any fiscal year to carry out titles I, II, and III of this Act shall be available only for carrying out the provisions of subsection (c) of this section.

Career and employment development programs

SEC. 105. The Secretary of Labor and the Secretary of Health, Education, and Welfare shall stimulate and assist and, where necessary, develop, in cooperation with interested agencies both public and private, job development programs that will serve to expand employment by the filling of those service and related needs which are not now being met because of lack of trained workers or other reasons affecting employment or opportunities for employment. Such programs shall include activities designed to promote job restructuring and redesign for the purpose of providing more effective use of manpower, including the adoption of employment practices that will remove unreasonable barriers to employment, without reducing productivity and expand the opportunities for upward mobility.

Training and technical assistance

SEC. 106. (a) In carrying out the provisions of this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare shall provide, directly or through grants, contracts, or other arrangements, training for specialized or other personnel and technical assistance, which are needed in con-

nection with the programs established under this Act or which otherwise pertain to the purposes of this Act. The Secretaries shall:

(1) plan for, establish, and maintain a program of training and technical assistance to public and private agencies, institutions, and employers in order to assist such organizations in operating programs more effectively and providing services under this Act, in the most effective and efficient manner possible;

(2) provide for the development and distribution of technical manuals and guides in order to assure the early dissemination of information concerning advances or improved techniques, developed both as a result of this Act and through other sources, related to manpower training, services, and activities and their delivery; and,

(3) make, upon appropriate request, the special assignment of personnel to public or private agencies and employers to provide technical guidance with regard to programs funded under this Act, but no such assignments shall be for a period of more than two years.

(b) Two per centum of the sums appropriated in any fiscal year to carry out titles I, II, and III of this Act shall be available only for training and technical assistance authorized by this section. In carrying out the purposes of this section, eighty per centum of the sums available shall be for the use of the Secretary of Labor and the remaining twenty per centum shall be for the use of the Secretary of Health, Education, and Welfare.

TITLE II TRAINING AND SKILL LEVELOPMENT PROGRAMS

Part A. Manpower training programs and services

Programs, services and activities

SEC. 201. The programs, services, and activities for which funds under this title may be expended shall include, but are not limited to the following:

(1) basic education, literacy training, communications and computation skills, and high school equivalency programs, which will assist individuals to become more employable or facilitate their participation in occupational training;

(2) outreach, counseling, testing, recruitment, referral to work or to training, placement, and followup services necessary to assist individual to achieve success in employment;

(3) prevocational orientation to introduce those of limited experience to alternative occupational choices;

(4) institutional training, including cooperative occupational training programs, and on-the-job training for unemployed individual and underemployed individuals, including training of employed workers for the purpose of upgrading their skills and improving the use of available manpower;

(5) supportive services, including health, minor medical and dental services, physical examinations, the furnishing of prosthetic devices, child care, tools required for entry level employment in occupations designated by the Secretary of Labor, bonding, and other special services, including residential support, deemed necessary to assist individuals to become more employable or facilitate their participation 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 employment, on-the-job training, or useful work experience 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 education authorities to enhance, to the extent feasible, the educational growth of such students;

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

(9) appropriate education, training, and related manpower services for persons who have recently been or will shortly be separated from military service; and,

(10) appropriate education, training, and related manpower services for unemployed and underemployed persons residing in areas designated as redevelopment areas by the Secretary of Commerce under the Area Redevelopment Act or any subsequent Act authorizing such designation.

Eligible Individuals

SEC. 202. (a) Priority for selection shall be given to those unemployed or underemployed persons who cannot reasonably be expected to secure appropriate full-time employment without education and training.

(b) Special emphasis shall be given to the employment and training needs of persons who are from poor families using as an index of poverty the minimum income per household of a given size, composition, and farm or non-farm status, as set forth by the Social Security Administration.

(c) Priority in providing training and employment opportunities among eligible persons shall be given to individuals who are heads of households. For purposes of this Act, the term "head of household" shall include any person who contributes more than one-half the support of one or more other persons.

(d) Out of school individuals sixteen years of age or older shall be eligible for participation in programs authorized by the Act: Except, that individuals less than sixteen years of age shall be eligible for participation only in programs authorized in section 201(7).

Selection of Trainees

SEC. 203. (a) The Secretary of Labor shall establish standards and criteria for individuals eligible for participation in programs, services, and activities authorized by the Act. The Secretary shall provide a program for testing, couseling, and selection for the determination of eligibility for participation: *Except:* That individuals meeting the established standards and criteria may be referred to training by appropriate public and private agencies and organizations. Upon certification from the responsible training agency the Secretary of Labor shall make provisions for training and subsistence allowances and transportation allowances as may be appropriate.

(b) The selection of persons for training and services under this Act and for placement of such persons shall not be contingent upon such person's membership or nonmembership in a labor organization.

(c) Persons shall not be referred for training in an occupation which requires less than two weeks training, unless there are immediate employment opportunities in such occupation.

Training Allowances

SEC. 204. (a) The Secretary of Labor, may, on behalf of the United States, enter into agreements with States under which the Secretary of Labor shall make payments to such States either in advance or by way of reimbursement for the purpose of enabling such States, as agents for the United States, to make payment of weekly allowances to persons selected for training pursuant to the provisions of section 203 and undergoing such training in a program operated pursuant to the provisions of the Act.

(b) For the purpose of this section, a basic allowance shall be equal to 40 times the minimum hourly wage provided in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended: *Provided,* That such basic allowance through June 30, 1972, in any State shall not be less than the amount of the average weekly gross unemployment compensation payment (including allowances for dependents) during the calendar year 1969 for a week of total unemployment in such State.

(c) For the purposes of this section, a dependent's allowance shall equal $5 per week for each dependent, to a limit of six dependents.

(d) Persons, except those specified in subsection (e), who are participating on a full-time basis in the following programs, (1) institutional training or, (2) other manpower development activities which are not compensated by an employer or subject to subsection (h) or (i); shall receive a basic allowance plus a dependent's allowance for his dependents as specified in subsection (c) for each week of full-time participation: *Except,* That no individual shall receive allowances under this subsection that are less than the unemployment compensation (including allowances for dependents) to which such persons would be entitled under any Federal or State employment compensation law if he were not participating in such activity.

(e) The following participants in full-time institutional training or other manpower development activities described in subsection (d) shall not be entitled to allowances provided in subsection (d):

(1) A public assistance recipient under programs assisted under titles I, IV, X, XIV, and XVI of the Social Security Act, who shall be paid, in addition to any public assistance payments to which he may be entitled, incentive payments of not more than $10 per week under regulations prescribed by the Secretary of Labor.

(2) A participant who is under eighteen years of age, or who is not the head of a household as defined by the Secretary of the Treasury. Such participant shall receive a suitable weekly allowance, determined in accordance with rules prescribed by the Secretary of Labor, but not to exceed the basic allowance prescribed in subsection (b): *Provided,* That any allowance under this paragraph shall not be less than the unemployment compensation (including allowances for dependents) to which such person would be entitled under any Federal or State unemployment compensation law if he were not participating in such activity. An individual who is not subject to this paragraph at the commencement of the period shall not become subject thereto until the completion of such period.

(3) A participant receiving unemployment compensation under any Federal or State unemployment compensation law. Such participant shall receive for each week of training, allowances equal to the difference between (1) any allowance to which he would otherwise be entitled under subsections (d) and (e) of this section and (2) the unemployment compensation (including allowances for dependents) which he received for such week.

(4) A participant engaged in employer-compensated on-the-job training or work experience assisted under this title. The allowances of such participants shall be computed in accordance with subsections (d) or (e), as appropriate, and shall be reduced in accordance with rules and regula-

tions prescribed by the Secretary of Labor, which shall take into account the hours of such work experience or on-the-job training and the amount of compensation therefor.

(5) A participant who is an inmate of a correctional institution. The allowances of such participants shall be computed in accordance with regulations prescribed by the Secretary of Labor.

(f) A participant engaged in the activities described in subsection (d) on less than a full-time basis shall receive a reduced basic allowance computed in accordance with regulations prescribed by the Secretary, and a dependent's allowance if participation is in excess of twenty hours each week. Public assistance recipients shall receive an incentive payment as provided in subsection (e). Such reduced basic allowance shall be computed taking into account: (1) the hours of participation in such activity; (2) the allowance to which he would be entitled under subsections (d) and (e) if he were engaged in training on a full-time basis; (3) compensated work experience or on-the-job training assisted under this title in which the participant is engaged; and, (4) unemployment compensation that the participant is receiving.

(g) No allowance under subsections (d), (e), or (f) of this section may be paid for any portion of a training period that extends beyond one hundred and four weeks.

(h) Workers in programs providing work experiences under this Act shall be compensated at a rate not less than the applicable minimum wage rate, but in no case less than the rate prescribed by section 6(b) of the Fair Labor Standards Act.

(i) Workers engaged in employer-compensated on-the-job training under this Act shall be compensated at a rate not less than the higher of (1) the applicable minimum wage rate, or (2) the prevailing wage paid to workers of like experience performing similar work in the locality.

(j) A participant undertaking training or work-experience or other manpower development activity described in subsection (d) on either a full-time or part-time basis, shall receive allowances for transportation and maintenance, in addition to the applicable training allowance or wage. The amount of allowances provided under this subsection shall be determined in accordance with regulations prescribed by the Secretary of Labor.

(k) A participant who has successfully completed a program of full-time participation of not less than fifteen weeks duration in institutional training or other manpower development activities described in subsection (c) shall receive, upon completion of his period of participation, a completion bonus which shall be equal to twice the allowance to which he is entitled under (d) or (e) for his last week of full-time participation during such period.

(l) Upon certification by the responsible training agency that a person who has been referred for training does not have a satisfactory attendance record or is not making satisfactory progress in such training, the Secretary of Labor shall forthwith terminate his training and subsistence allowances, and his transportation allowances except such as may be necessary to enable him to return to his regular place of residence after termination of training, and withdraw his referral.

Comprehensive manpower plans

SEC. 205. (a) The Secretaries of Labor and Health, Education and Welfare shall jointly enter into an agreement with the Governor of each State under which a State Manpower Advisory Council will develop and administer a comprehensive manpower plan for the State. Such Council shall be appointed by the Governor and shall consist of representatives of the appropriate State agencies concerned with manpower programs and services, including the State education agency and the State employment service, and representatives of labor, management, rehabilitation, public and private agencies active in the manpower field and the public. Each such agreement shall:

(1) require each comprehensive manpower plan to set forth a long-range plan for programs and services to be carried on with assistance provided by this Act, extending over three years beginning with the fiscal year for which the comprehensive manpower plan is submitted, describing the present and projected needs for programs and services provided for in this Act, and setting forth the long-range program objectives;

(2) require each comprehensive manpower plan to set forth an annual program plan, which describes the content of, and allocation of Federal and State funds to programs, services, and activities to be carried out under the plan during the year for which Federal funds are sought, and indicated how and to what extent such programs, services, and activities will carry out the program objectives set forth in the long-range program plan.

(3) require the use to the maximum extent feasible of public and private profit and non-profit agencies and organizations, and of all the State and local agencies and organizations, which are capable of contributing to the program, with priority given to skills centers and other education and training programs operated or arranged through State and local education agencies;

(4) require the establishment and operation of a data system that will provide, in readily accessible form, statistical information sufficient to enable evaluation of the effectiveness of programs carried out under the plan and to determine means of improving their effectiveness;

(5) provide for the conduct of manpower programs, activities, and services in accordance with procedures, standards, and regulations established under the provisions of this Act;

(6) provide for the evaluation of programs, activities, and services assisted under this Act, and the publication and distribution of such reports including recommendations as to their effectiveness;

(7) provide for regularly scheduled meetings of the Council including the assurance that not less than one public meeting of the Council is held each year at which the public is given the opportunity to express views concerning manpower training, programs, and services.

(b) State Manpower Advisory Councils are authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this section and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

(c) From the sums appropriated pursuant to section 206(a) for any fiscal year, the Secretary of Labor and the Secretary of Health, Education and Welfare are authorized to pay to each State Manpower Advisory Council an amount equal to the reasonable amounts expended by it in carrying out its functions under the Act in such fiscal year, except that the amount available for such purpose shall be equal to 1 per centum of the State's apportionment under section 206(a), but such amount shall not exceed $300,000 and shall not be less than $150,000; *Except*, That for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, such amount shall not exceed $50,000 each.

(d) Where a State fails to submit a comprehensive manpower plan to the Secretaries within a reasonable time, or the Secretaries disapprove such a plan under the authority of subsection (e) of this section, the Secretaries of Labor and of Health, Education and Welfare shall jointly formulate and carry out a comprehensive manpower plan in such State. Such program shall meet the requirements of the Act applicable to plans submitted by States: *Except*, That where the Secretaries have discontinued payments with respect to a portion of a plan under subsection (e) of this section, the program that they carry out directly shall provide the same types of programs, services, and activities as provided in the portion of the plan with respect to which payments were discontinued. In carrying out this section where a State has failed to submit a plan or the Secretaries have disapproved it, the State's apportionment may be used by the Secretaries to carry out a program in that State. In carrying out this section where the Secretaries have discontinued payments, the sums withheld may be used by the Secretaries.

(e) When the Secretary of Labor, after reasonable notice and opportunity for a hearing to the Governor of the State that submitted a plan, finds: (1) that the plan had been so changed that it no longer complies with the requirements of the Act, or to the standards and guidelines prescribed pursuant to the Act; or, (2) that in the administration of the plan there is a failure to comply substantially with any such requirement; the Secretaries of Labor and of Health, Education and Welfare shall notify the Governor that no further payments will be made with respect to such plan (or in their discretion, further payments with respect thereto will be limited to portions thereof not affected by such failure), until they are satisfied that there will no longer be any failure to comply. Until they are so satisfied, the Secretaries shall make no further payments with respect to such plan (or shall limit payments to portions thereof not affected by such failure).

(f) The Secretaries of Labor and of Health, Education and Welfare shall, in consultation with and with the concurrence of the National Manpower Advisory Council, prescribe such standards, rules and regulations as they may deem necessary and appropriate to carry out the provisions of this part.

Apportionment of benefits

SEC. 206. (a) For the purpose of effecting an equitable apportionment of Federal expenditures among the States in carrying out the programs authorized under part A of Title II of this Act, the Secretary of Labor and the Secretary of Health, Education and Welfare shall apportion 80 per centum of the funds available for such purposes in accordance with uniform standards and in arriving at such standards shall consider only the following factors: (1) the proportion which the labor force of a State bears to the total labor force of the United States; (2) the proportion which the unemployed in a State during the preceding calendar year bears to the total number of unemployed in the United States in the preceding calendar year; (3) the proportion which poor individuals residing in the State bear to the total number of poor individuals of the United States; (4) the proportion which the insured unemployed within a State bears to the total number of insured employed within such State; but in no event shall any State be apportioned less than $1,000,000; *Except*, That for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, such amount shall be $100,000 each.

(b) Fifteen per centum of the funds appropriated to carry out the purposes of part A of Title II may be expended by the Secretary of Labor as he finds necessary or appropriate to carry out the purposes of title II.

(c) Five per centum of the funds appropriated to carry out the purposes of part A of Title II may be expended by the Secretary of Health, Education and Welfare as he finds necessary or appropriate to carry out the purposes of Title II; *Provided;* That prior

to the development of pre-employment training the Secretary of Labor shall concur that there is reasonable expectation of employment for such persons entering training.

(d) The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized to make reapportionments from time to time where the total amounts apportioned under this section have not been fully obligated in a particular State, or where the State or appropriate agencies in the State have not entered into the necessary agreements, and the Secretaries find that any other State is in need of additional funds to carry out the programs authorized by this Act: *Provided,* That no funds apportioned with respect to a State in any fiscal year shall be reapportioned before the expiration of the ninth month of such fiscal year and only upon 15 days prior notice to such State of the proposed reapportionment.

(e) Where the Secretaries of Labor and Health, Education, and Welfare have approved a comprehensive manpower plan developed and submitted in accordance with the provisions of section 205 of this part, the State shall have authority to approve all applications for programs and services that conform to such State plan.

Part B. Duties of the Secretary of Labor

General responsibilities

SEC. 211. In carrying out the purposes of this Act, the Secretary of Labor shall determine the skill requirements of the economy, develop policies for the adequate occupational development and maximum use of the skills of the Nation's workers, promote and encourage the development of broad and diversified training programs, including on-the-job training, designed to qualify for employment the many persons who cannot reasonably be expected to secure full-time employment without such training, and to equip the Nation's workers with the new and improved skills that are or will be required. Whenever appropriate, the Secretary of Labor shall coordinate and provide for combinations of programs, to be pursued concurrently or sequentially, under this Act with programs under other Federal Acts, where the purposes of this Act would be accomplished thereby.

State agreements

SEC. 212. (a) The Secretary of Labor is authorized to enter into an agreement with each State, or with the appropriate agency of each State, pursuant to which the Secretary of Labor may, for the purpose of carrying out his functions and duties under this title, use the services of the appropriate State agency, and, notwithstanding any other provision of law, may make payments to such State or appropriate agency for expenses incurred for such purposes.

(b) Any agreement under this section may contain such provisions as will promote effective administration, protect the United States against loss and insure that the functions and duties to be carried out by the appropriate State agency are performed in a manner satisfactory to the Secretary.

Rules and regulations

SEC. 213. The Secretary of Labor shall prescribe such rules and regulations as he may deem necessary and appropriate to carry out his responsibilities under this Act.

Part C—Duties of the Secretary of Health, Education, and Welfare

General responsibilities

SEC. 221. The Secretary of Health, Education, and Welfare shall, pursuant to the provisions of this title enter into agreements with States under which the appropriate State education agencies will undertake to provide training to equip persons referred to the Secretary of Health, Education, and Welfare pursuant to section 203. Such State agencies shall provide for such training through public educational agencies or institutions or through arrangements with private educational or training institutions where such private institutions can provide equipment or services not available in public institutions, particularly for training in technical and subprofessional occupations, for training the disadvantaged, or where such institutions can, at comparable cost, (1) provide substantially equivalent training, or (2) make possible an expanded use of the individual referral method, or (3) aid in reducing more quickly unemployment or current and prospective manpower shortages. Such agreements shall contain such other provisions as will promote effective adminstration (including provisions (1) for reports on the attendance and performance of trainees, (2) for immediate certification to the Secretary of Labor by the responsible training agency with respect to each person referred for training who does not have a satisfactory attendance record or is not making satisfactory progress in such training absent good cause, and (3) for continuous supervision of the training programs conducted under the agreement to insure the quality and adequacy of the training provided), protect the United States against loss, and assure that the functions and duties to be carried out by such State agency are performed in such fashion as will carry out the purposes of this title. The Secretary of Health, Education, and Welfare shall give preference to training and education provided through State vocational education agencies and other State education agencies. However, in any case in which he determines that it would permit persons to begin their training or education within a shorter period of time, or permit the needed training or education to be provided more economically, or more effectively, he may provide the needed training or education by agreement or contract made directly with public or private training or educational facilities or through such other arrangements as he deems necessary to give full effect to this Act.

Rules and regulations

SEC. 222. The Secretary of Health, Education, and Welfare may prescribe such rules and regulations as he may deem necessary and appropriate to carry out his responsibilities under this Act.

Part D. Amendments and repeals affecting existing laws

SEC. 231. (a) The Economic Opportunity Act of 1964, as amended, is further amended as follows:

(1) Subsection (e) of section 106 is repealed.

(2) Subsection (b) of section 115 is amended to read as follows:

"(b) The Director may enter into agreements with States or local prime sponsors to administer, assure, or assist in the administration of the programs provided in this part. The Director may, pursuant to regulations, pay part or all of the operative or administrative costs of such programs."

(b) Section 810(a) of the Economic Opportunity Act of 1964 is amended by striking the word "and" immediately preceding paragraph (3) thereof, by substituting a semicolon for the period at the end of the subsection, and by adding the following:

"and (4) with the approval of the Secretary of Labor, in Job Corps Centers operated under title II of the Manpower Training Act of 1969."

(c) Section 833(b) of the Economic Opportunity Act of 1964 is amended to read as follows:

"(b) Individuals who receive either a living allowance or a stipend under this title shall, with respect to such services or training:

"(1) for the purposes of subchapter III of chapter 73 of title 5 of the United States Code, be deemed persons employed in the executive branch of the Federal Government;

"(2) 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.), be deemed employees of the United States, and any service performed by an individual as a volunteer shall be deemed to be performed in the employ of the United States;

"(3) for purposes of the Federal tort claims provisions in title 28, United States Code, be deemed employees of the Government; and

"(4) for purposes of the subchapter I of chapter 81 of title 5 of the United States Code (relating to compensation to Federal employees for work injuries), 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) In computing compensation benefits for disability or death, the monthly pay of a volunteer shall be deemed that received under the entrance salary for a grade GS–7 employee, and sections 8113 (a) and (b) of title 5, United States Code, shall apply to volunteers; and

"(B) Compensation for disability shall not begin to accrue until the day following the date on which the injured volunteer is terminated."

SEC. 232. (a) Title I, part A, of the Economic Opportunity Act of 1964, as amended (sections 101–118), is transferred to the Manpower Development and Training Act of 1970 and inserted as sections 233 through 250, respectively, as amended by subsection (e) of this section.

(b) All references to part A of title I of the Economic Opportunity Act of 1964 or any provision thereof are hereby deleted from the Economic Opportunity Act of 1964. Any reference to part A of title I of the Economic Opportunity Act or any provision thereof in any other law of the United States shall be deemed to be a reference to title II of this Act or the corresponding provision thereof.

(c) So much of the personnel property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available in connection with the functions transferred by subsection (a) of this section as the Director of the Bureau of the Budget shall determine shall be transferred to the Department of Labor.

(d) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem necessary in order to effectuate the transfer provided for in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(e) Sections 232–250 of this Act as transferred by subsection (a) are amended as follows:

(1) The word "title" shall be substituted for the word "part" wherever it appears.

(2) The word "Secretary" shall be substituted for the word "Director" wherever it appears.

(3) The words "Department of Labor" shall be substituted for "Office of Economic Opportunity" wherever they appear.

(4) Section 235(1) is amended by deleting all the words in paragraph (1) following "United States" and substituting the following: "or a native and citizen of Cuba who arrived in the United States from Cuba subsequent to January 1, 1959, under the provisions of sections 244(a) or 242(d)(5), respectively, or any person admitted as a conditional entrant under section 203(a)(7) of the Immigration and Nationality Act."

(5) Paragraphs (2) through (5) of section 235 are redesignated as (3) through (6), respectively, and the following new paragraph (2) is inserted:

"(2) has attained age fourteen but not attained age twenty-two at the time of enrollment;".

(6) The reference in sections 235(5) to sections 104 and 105 are changed to "236" and "237", respectively.

(7) The reference in section 208(c) to section 609 (3) is changed to "235(1)."

(8) The reference in section 239(b) to "part B of this title" is deleted and the following is substituted therefor: "title II of this Act and title I of the Economic Opportunity Act of 1964".

(9) Section 240 is amended by adding a new subsection (e) to read as follows: "(e) In conducting programs under this title, the Secretary shall consult with the Secretary of Health, Education, and Welfare with regard to institutional training provided for enrollees of the Job Corps.".

(10) Section 241 is amended by adding a new subsection (e) as follows: "(e) Under such circumstances as the Secretary may determine, he may prescribe by regulation changes in the amount and method of payment of allowances and provision of expenses to correspond more closely to the methods and amounts prescribed in title I of this Act. Such changes may include provision of higher allowances to cover appropriate enrollee expenses and offsetting charges to enrollees for living expenses.".

(11) Section 244(d), as amended, is further amended by deleting "the Department of Labor and".

(12) Section 244(e) is amended by inserting a comma after the word "feasible", by deleting the words "in accordance with section 637(b) of this Act", and by changing the reference to 109(c) to 241(c).

(13) Section 244(e) is further amended by striking out the comma and inserting a period in lieu thereof after "employment service offices" and deleting the words "and shall furnish copies of such records to the Secretary of Labor."

(14) Section 245(a) is amended by striking out the reference to section 608 and substituting in lieu thereof "section 605."

(15) Section 245(b) is amended by striking out both references to "part B of this title" and substituting in lieu thereof "Title I of this Act" and by striking out the reference to section 608 and substituting in lieu thereof "section 605."

(16) Section 246 is amended by striking out the last sentence.

(17) Section 247(c) is amended by striking out the word "Act" and substituting in lieu thereof "title".

(18) Section 249 is amended by striking out subsection (a) and the first sentence of subsection (b), and redesignating subsections (b) through (d), as subsections (a) through (c), respectively.

(19) A new section 251 is added to read as follows:

"ADDITIONAL AUTHORITIES

"SEC. 251. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this title, to—

"(1) utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and, with the consent of any State or a political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement;

"(2) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this title as he deems necessary to carry out the provisions hereof, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditure for construction, repairs, and capital improvements; and

"(3) expend funds made available for purposes of this title, without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by him; but the Secretary shall not utilize the authority contained in this subsection—

"(A) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this title, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which it is needed, and

"(B) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority.

SEC. 361. (a) The Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2571 et seq.), is hereby repealed.

(b) Title I, part B of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2701 et seq.), is hereby repealed.

(c) Title V part A of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2701 et seq.), is hereby repealed.

TITLE III MISCELLANEOUS

Maintenance of state effort

SEC. 301. No training program [which is financed in whole or in part by the Federal Government under this Act] shall be approved unless the Secretary of Health, Education, and Welfare satisfies himself that neither the State nor the locality in which the training is carried out has reduced or is reducing its own level of expenditures for vocational education and training, including program operation under provisions of the Smith-Hughes Vocational Education Act, titles I, II, and III of the Vocational Education Act of 1964, and the Vocational Education Act of 1963, as amended, except for reductions unrelated to the provisions or purposes of this Act.

Other agencies and departments

SEC. 302. (a) In the performance of their function under this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare, in order to avoid unnecessary expense and duplication of functions among Government agencies, shall use the available services or facilities of other agencies and instrumentalities of the Federal Government, under conditions specified in section 305(a). Each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary of Labor and the Secretary of Health, Education, and Welfare and, to the extent permitted by law, to provide such services and facilities as either may request for his assistance in the performance of his functions under this Act.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall carry out their responsibilities under this Act through the maximum use of all possible resources for skill development available in industry, labor, public and private educational and training institutions, State, Federal and local agencies, and other appropriate public and private organizations and facilities.

Appropriations authorized

SEC. 303. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter such amounts as may be necessary to carry out the provisions of Title I.

(b) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter such amounts as may be necessary to carry out the purposes of Part A of Title II.

(c) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each year thereafter such amounts as may be necessary to carry out the purposes of Parts B and C of Title II.

(d) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each year thereafter such amounts as may be necessary to carry out the purposes of Part D of Title II.

(e) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each year thereafter such amounts as may be necessary to carry out the purposes of Title III.

Advance funding

SEC. 304. (a) For the purpose of affording responsible Federal, state and local officials concerned, adequate notice of available Federal financial assistance for programs, services, and activities provided for under this Act, appropriations for carrying out 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 the appropriation action, the provision of 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.

Limitations on use of appropriated funds

SEC. 305. (a) Funds appropriated under the authorization of this Act may be transferred, with the approval of the Director of the Bureau of the Budget, between departments and agencies of the Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized to accept and use in carrying out the provisions of this Act funds appropriated to carry out other Federal statutes if such funds are used for the purposes for which they are specifically authorized and appropriated. To the extent that the provisions of this Act are inconsistent with the provisions of such other Federal statutes, the provisions of the latter shall govern, except as provided under the Intergovernmental Cooperation Act of 1968.

(c) Any equipment and teaching aids purchased by a State or local education agency with funds appropriated to carry out the provisions of part A of title II shall become the property of the State upon certification of the Secretary of Health, Education, and Welfare that such equipment or teaching aids are no longer needed for the instructional programs authorized by this Act.

(d) No portion of the funds to be used under part A, title II of this Act shall be appropriated directly or indirectly to the purchase, erection or repair of any building except for minor remodeling of a public building necessary to make it suitable for use in training under part A.

(e) Funds appropriated under this Act shall remain available for one fiscal year beyond that in which appropriated.

Authority to contract

SEC. 306. (a) The Secretary of Labor and the Secretary of Health, Education, and Welfare may make such grants, contracts, or agreements, establish such procedures (subject to such policies, rules, and regulations as they may proscribe), and make such payments, in installments and in advance or by way or reimbursement, or otherwise allocate or expend funds made available under this Act, as they may deem necessary to carry out the provisions of this Act, including necessary adjustments in payments on account of overpayments or underpayments. The Secretaries may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or an approved State plan. Any funds so withheld shall be available for reapportionment by the Secretary of Labor and the Secretary of Health, Education, and Welfare in accordance with section 206: *Except*, That funds withheld during a fiscal year to cover amounts expended in a prior fiscal year shall be available for immediate reapportionment.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall not use any authority conferred by this Act to assist in relocating establishments from one area to another. Such limitation 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 operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

Acceptance of gifts and voluntary services

SEC. 307. The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized in carrying out their functions and responsibilities under this Act, to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665 (b)).

Definition

SEC. 308. For the purposes of this Act, the term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

Effective date: transition provisions

SEC. 309. (a) This act shall take effect July 1, 1970.

(b) Notwithstanding the repeals made by section 309, in order to permit an orderly transition from programs carried out under the provisions of law repealed, to programs carried on under this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare may continue to use the authority provided in such repealed provisions of law for such period to time as may be necessary, but not in excess of two years beyond the effective date of this Act.

Termination of authority

SEC. 310. (a) All authority conferred under title II of this Act shall terminate at the close of June 30, 1975.

(b) Notwithstanding the foregoing, the termination of title II shall not affect the disbursement of funds under, or the carrying out of, any contract, commitment or other obligation entered into prior to the date of such termination: *Provided*, That no disbursement of funds shall be made pursuant to the authority conferred under title II of this Act after December 30, 1975.

S. 3880—INTRODUCTION OF A BILL RELATING TO EXTENDING "FORGIVENESS CLAUSE" OF NDEA.

Mr. BROOKE. Mr. President, in 1958, the Congress wisely recognized the need to expand educational opportunities for young people who could not themselves afford the rising costs of higher education. The declaration of purpose preceding this act stated, as a national goal, that "no student of ability will be denied an opportunity for higher education because of financial need."

At the same time, it was recognized that students who benefited from this student loan program might, in many instances, use their education to serve the needs of their community. In order to encourage such service, and in order to provide some reward for those who chose this path, it was decided that a percentage of the Federal loan would be forgiven for each full year of service in certain crucial categories. These categories included full-time teaching in elementary or secondary schools, teaching in title I programs, and U.S. military schools overseas, full-time teaching of handicapped children, or service in the Armed Forces.

In 1970, however, we have a number of programs which were not in existence in 1958. For example, preschool training has assumed a new importance in our society. Special programs have been developed to aid the educationally handicapped and to provide technical training to those presently unsuited to the demands of the job market. We have expanded our horizons overseas, and realized that education is the key to economic development and to world peace.

At the present time, an estimated 17,000 full-time teachers are participating in the Headstart program. Between 900 and 1,000 teachers of reading, math, and vocational education are working in the Job Corps. 326 teachers are participating through VISTA. And over 6,000 volunteers are teaching or preparing to teach full-time in the Peace Corps overseas.

These young people are making just as vital a contribution to our defense and national well-being as are those who teach in regular elementary or secondary schools. They are frequently teaching at far lower wages than are paid to regular laws have not been updated, they are not able to receive the advantages of the forgiveness clause.

I realize that this provision of the 1958 act was made more inclusive by the amendments recently passed by the Senate as a part of the Elementary and Secondary Education Act. But I believe the coverage can and should be extended even further, and I ask that this matter be given careful consideration.

I introduce a bill to amend the National Defense Education Act of 1958 as amended, and ask that it be printed in the RECORD at the conclusion of my remarks.

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

The bill (S. 3880) to amend the National Defense Education Act of 1958 to provide loan forgiveness for service in Headstart programs, the Peace Corps, and for certain other service, introduced by Mr. BROOKE, 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. 3880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 205(b)(3) of the National Defense Education Act of 1958 is amended—

(1) by striking out "and (B)" and inserting in lieu thereof "(B)"; and

(2) by inserting before the semicolon at the end thereof a comma and the following: "and (C) shall be cancelled for service after January 1, 1971, as a teacher in any Headstart program assisted under section 222(a)(1) of the Economic Opportunity Act of 1964, as a teacher in the Job Corps program under Part A of title I of the Economic Opportunity Act of 1964, as a volunteer in the Peace Corps under the Peace Corps Act, or as a teacher in any program assisted under the Manpower Development and Training Act of 1962, at the rate of 10 per centum of the total amount of such loan plus interest thereon for each complete year of service (as determined under regulations of the Commissioner)".

(b) Section 501(a) of the Act of April 13, 1970 (Public Law 91–230) is amended by striking out "Section 208(a(3))" in the matter preceding clause (1) and inserting in lieu thereof "Section 208(b)(3)".

(c) The amendments made by subsection (a) of this section shall apply to loans made after the date of enactment of this Act.

S. 3882—INTRODUCTION OF A BILL TO GIVE DEPARTMENT OF AGRICULTURE DAIRY IMPORT AUTHORITY

Mr. PROXMIRE. Mr. President, the history of dairy import activities over the last 10 years has been one of continued evasion of both the letter and spirit of the law. The Bureau of Customs, which classifies dairy imports for duty and quota purposes, apparently has neither the will nor the technical expertise to prevent these costly evasions.

That is why I am introducing legislation today that would shift to the Department of Agriculture—the Department charged with administering these quotas—the classification authority that is so essential to the effective administration of the dairy import control program.

The Department of Agriculture presently determines whether imports imperil our domestic dairy price support program. If such a finding is made the Department reports to the President, who may or may not call for Tariff Commission hearings on the need for new quotas. The Tariff Commission makes recommendations to the President after these lengthy hearings. Finally, the President, if he feels that all the evidence shows a substantial threat, issues a proclamation setting new quotas.

This procedure takes months and months. Yet the Bureau of Customs can and does destroy with a single stroke of the pen, so to speak, the results of these months of labor, by refusing to include dairy imports under a quota category despite overwhelming evidence that they

should be included within that category. Thus the whole long, costly procedure has to begin again, and in the meantime cheap foreign dairy imports flood the country through the new loophole.

Here are some examples of how this can happen. There is an import quota on Cheddar cheese from New Zealand. A product labeled "Monterey" comes into the United States outside that quota despite the fact that cheese experts have said that the "Monterey" is in fact a Cheddar cheese—a judgment confirmed by a blind test conducted at the Department of Agriculture.

A high butterfat import was classified by Customs as "ice cream," thus avoiding a quota established on butterfat-sugar mixtures. The Department of Agriculture in a letter to me dated August 22, 1969, stated—

> The Department believes that the classification decision by Customs was made in error, perhaps on the basis of insufficient information. We have taken up the matter with the Treasury Department and recommended that the product be reclassified.

The mixture still is classified as ice cream, and is still escaping quota limitations.

There is a quota on milk substitutes that formerly applied to dry milk/fat mixes. Imports of this product were relabeled "animal feed" although they contain as much as 90 percent of nonfat dry milk solids. They are now admitted into the country as "animal feed," outside the quota, paying a duty of 9 percent, thanks to a Customs Bureau determination.

Of course these import evasions cost the taxpayer dearly. They displace domestic production which must then be bought up under our price support program. This is the whole reason for imposing the quotas in the first place. My proposal would stop these costly evasions by giving the Department, which currently runs the price support program and administers the quotas, the right to determine what imports fall into a quota category. This is only logical. The present divided authority has given the Department the responsibility for protecting a healthy domestic dairy economy without giving it the tools to carry out that responsibility."

My colleague from Wisconsin (Mr. NELSON) joins me as a cosponsor of the bill.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The bill will be received and appropriately referred.

The bill (S. 3882) to amend the Tariff Schedules of the United States with respect to the method of determining what articles fall within the additional import restrictions set forth in part 3 of the Appendix of such schedules introduced by Mr. PROXMIRE (for himself and Mr. NELSON), was received, read twice by its title, and referred to the Committee on Finance.

S. 3883—INTRODUCTION OF THE EMERGENCY SCHOOL AID ACT OF 1970

Mr. JAVITS. Mr. President, I am pleased to introduce for myself and the distinguished chairman of the Senate Subcommittee on Education, the Senator from Rhode Island (Mr. PELL), the Emergency School Aid Act of 1970, which carries out the President's recent commitment for massive and affirmative action to facilitate public school desegregation.

This bill, a vital step in meeting an urgent national problem, will authorize $1.5 billion in project grants to school districts over a 2-year period. It will serve as a much-needed and principal complement to other efforts being undertaken throughout the Nation by local and State agencies as well as the Federal Government in meeting an urgent national problem.

The bill is the same as the text on which Members of the Congress were briefed late last week and does not include several shortcomings of the final draft submitted to the Congress to which I referred in my Senate statement of Friday last.

This measure would assist: First, school districts desegregating under court order or a plan under title VI of the Civil Rights Act filed with the Secretary of Health, Education, and Welfare; second, districts voluntarily desegregating or trying to prevent their schools from becoming racially segregated in fact as neighborhoods change; and third, so-called "racially impacted" school districts having over 50 percent minority students. Funds could be used for such purposes as teacher training, curriculum revision, purchase of materials, school district reorganization, repair or remodeling, planning, and other special needs incident to the cost of eliminating, reducing, and preventing or overcoming the educational disadvantage of racial isolation.

This bill addresses itself first to the special needs of over 1,400 school districts, primarily in the Southern States, which are desegregating or have recently desegregated. It would help these districts, having some 10.7 million pupils, of whom 3.4 million are from minority groups, to defray some of the additional costs of personnel, equipment, and special services which may be necessary to the implementation and continued success of their plans.

In addition, the bill addresses the special needs of racially impacted schools where de facto segregation persists and where immediate infusions of funds can make a real difference in terms of educational effectiveness. Potential beneficiaries are some 1,840 school districts having 20.1 million students of whom some 7.5 million are from minority groups.

Finally, the bill recognizes the special needs of large districts which have heavy concentrations of minority children. These neglected central-city schools, which include 79 of the Nation's 100 largest school districts, in too many instances have the farthest to go to catch up educationally with the rest of the Nation. Funds would be made available for them to provide educationally sound intergroup experiences, and to upgrade the educational program of their schools.

I believe the President's expressed desire for early enactment of meaningful legislation is shared by a majority of the Members of the Congress from both parties, and I am, therefore, hopeful that legislation along the lines of the President's objectives will receive the bipartisan support needed to assure timely consideration and enactment of the measures proposed.

Of course, as with any bill submitted by the executive department, the Congress will have an opportunity to work its will and make such improvements and changes as it deems advisable. For example, I see as meriting revision the provisions with respect to incentives for large school districts to develop desegregation plans and the formula for distribution of funds to the States. These and any other differences which my colleagues and I might have with the details of the bill will not, I am sure, serve as barriers to its fair consideration and timely enactment, but rather as points of deliberation to guide the legislation more directly to its goal. For with this bill we have the opportunity to make a substantial commitment of Federal funds to the realization of our goal of equal educational opportunity for the Nation's minority school children.

I ask unanimous consent that there be included as part of these remarks descriptive material supplied me by the Department of Health, Education, and Welfare, and an editorial in this morning's New York Times approving the President's action.

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

The bill (S. 3883) to provide financial assistance to improve education in racially impacted areas and to assist school districts to meet special problems incident to desegregation in elementary and secondary schools, and for other purposes introduced by Mr. JAVITS (for himself and Mr. PELL), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

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

I. SUMMARY OF EMERGENCY SCHOOL AID ACT OF 1970

The proposed "Emergency School Aid Act of 1970" is designed to meet the four categories of need outlined in the President's March 24 statement on elementary and secondary school desegregation."

The special needs of desegregating (or recently desegregated) districts for additional facilities, personnel and training required to get the new, unitary system successfully started.

The special needs of racially-impacted schools where *de facto* segregation persists—and where immediate infusions of money can make a real difference in terms of educational effectiveness.

The special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation.

The financing of innovative techniques for providing educationally sound interracial experiences for children in racially isolated schools.

A. GENERAL PURPOSES—SECTION 2

Financial assistance is to be provided to aid:

(1) *De jure* districts now desegregating pursuant to court order or HEW plan, or

having done so within two years prior to application, for special needs incident to the implementation of these plans.

(2) *De facto* districts that wish to undertake voluntary efforts to eliminate, reduce or prevent racial isolation in elementary and secondary schools for purposes of improving the quality of education available to students in such schools; and

(3) Racially impacted (de facto) districts that wish to undertake special inter-racial programs, or where such programs are not practicable, programs designed to overcome the educational disadvantages of racial isolation.

B. STATE ALLOTMENTS—SECTION 4

Assistance would be provided by means of discretionary project grants to local educational agencies, and under certain conditions other public and private non-profit organizations with administration at the Federal level. Two thirds of the total funds are allotted among the States on a formula basis. The remaining one third is to be distributed among the States on a totally discretionary basis.

Under the State distribution scheme, each State receives $100,000 plus an amount based upon the number of minority students in the State vis a vis the total number of minority students in the Nation, with each minority student in a district required to desegregate and implementing a desegregation plan being double counted. Where local educational agencies in a State do not exhaust the State's share of funds, those funds will be reallotted for local educational agency projects within other States in proportion to the original allotments to such States.

C. ELIGIBILITY FACTORS—SECTION 5

Category (1) (*de jure*) districts are eligible upon submission of a desegregation plan which has been approved by the Secretary of HEW under Title VI of the Civil Rights Act or which has been undertaken pursuant to court order. To be eligible the district must be implementing the plan or must have completed implementation of the plan within two years of its application for assistance.

Eligible districts in category (2) (*de facto* desegregating) are those having either (1) one or more schools in which minority pupils exceed 50% of the enrollment or (2) one or more schools with substantial, but less than 50%, minority enrollment, which are in clear danger of becoming racially isolated. The term "minority" includes all persons of Negro, American Indian, Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry. This term also includes pupils from environments where the dominant language is other than English, and who, as a result of limited English speaking ability, are educationally deprived.

Eligible districts in category (3) (*de facto* impacted) are those in which minority children constitute 50% of the public school enrollment, or which have 10,000 or more minority students.

A district may qualify for assistance under more than one category. For instance, a large city might be aided both to desegregate one or more racially isolated schools under category (2) and to carry on inter-racial educational programs for pupils in other such schools under category (3).

D. PURPOSES FOR WHICH FUNDS MAY BE USED—SECTIONS 5 AND 6

Districts eligible under categories (1) (*de jure*) and (2) (*de facto* desegragating) may receive funds to pay the "additional costs" of implementing a plan to desegragate or to prevent or reduce racial isolation, or to carry out special programs designed to enhance successful desegragation or reduction or prevention of racial isolation. Racial isolation is defined as a condition in which more than 50% of students in a school are minority students. Additional costs are those producing an actual net increase in operating expenditures.

Districts eligible under category (3) (*de facto* impacted) may receive funds for interracial educational programs for racially isolated children and for demonstration projects designed to overcome the educational disadvantages of racial isolation where interracial programs are not practicable.

Illustrative of the activities which qualify for funding under these program categories are special administrative activities incident to implementing a plan of desegregation or reduction of racial isolation, renovation of facilities, teacher training, special remedial programs, guidance and counseling programs, curriculum materials, and community activities in support of any plan or project under the act. Funding for transportation services also can be provided as long as Federal funds are not utilized to require transportation to overcome racial imbalance. In addition, funds are available for planning and evaluation. Included among programs funded will be those for special services for gifted and talented children, as well as for regular special service programs.

E. SPONSORSHIP—SECTION 5

Financial assistance is to be provided principally to local educational agencies, which can then subcontract if desired. When it is found that the act would be more effectively implemented with respect to category (1) (*de jure*) and (2) (*de facto* desegregating) districts, financial assistance may be provided directly to any public or private nonprofit agencies to aid in the development or implementation of a desegregation plan or a voluntary plan to reduce or prevent racial isolation. However, such agencies are to be funded only for supportive services. Public or private nonprofit organizations may be funded directly under category (3) (*de facto* impacted) to undertake any of the aforementioned activities for the benefit of students in eligible category (3) districts.

F. GRANT CONDITIONS—SECTION 7

(1) In the case of grants made to school districts in category (1) (*de jure* desegregating) and category (2) (*de facto* desegragating), the programs to be funded must be part of a comprehensive plan for achieving desegregation. However, a plan to eliminate, reduce or prevent racial isolation in only one of a number of racially isolated schools in a *de facto* district could be funded under category (2). In the case of grants for use in category (3) (*de facto* impacted districts), there must be a showing that the funds will be sufficiently concentrated to achieve demonstrable results.

(2) The State in which the funds would be expended must be given an opportunity to review and comment on the grant application.

(3) The application must include a satisfactory evaluation plan.

(4) A local educational agency must, in its application, provide assurances that the agency has made provisions for participation in special programs by racially isolated private school children consistent with the number of such children in racially isolated private schools.

G. PRIORITIES—SECTION 8

In the administration of the program, priority is to be given to districts which lag behind other districts in the measurable quality of public education. Priority is also to be given to those projects which seem most likely to effect a significant decrease in racial isolation.

H. EVALUATION—SECTION 10

1% of any appropriation in any one year is available to the Secretary for evaluation of the program.

I. NATIONAL ADVISORY COUNCIL—SECTION 12

The President will appoint a twelve member National Advisory Council on the Education of Racially Isolated Children to review the program and make recommendations.

J. APPROPRIATIONS—SECTION 3

Not in excess of $500 million is authorized for fiscal year 1971 and not in excess of $1 billion is authorized for fiscal year 1972.

K. ADMINISTRATION

The legislation places the grant making authority in the Secretary of the Department of Health, Education, and Welfare.

In his March 24, 1970, statement on desegregation, President Nixon said:

"In order to give substance to these commitments, I shall ask Congress to divert $500 million from my previous budget requests for other domestic programs for Fiscal Year 1971, to be put instead into programs for improving education in racially impacted areas, North and South, and for assisting school districts in meeting special problems incident to court-ordered desegregation. For Fiscal 1972, I have ordered that $1 billion be budgeted for the same purposes."

"I have specified that these criteria should give special weight to four categories of need:

"The special needs of desegregating (or recently desegregated) districts for additional facilities, personnel and training required to get the new, unitary system successfully started;

"The special needs of racially-impacted schools where *de facto* segregation persists—and where immediate infusions of money can make a real difference in terms of educational effectiveness;

"The special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation;

"The financing of innovative techniques for providing educationally sound inter-racial experiences for children in racially isolated schools."

The needs to which the President ordered efforts to be directed are great:

Of the 43.3 million elementary and secondary public school children in the U.S.A., 8.7 million are members of minority races;

Of these 8.7 million children, almost 50% (4.2 million) are in schools whose student populations are 95% or more minority students;

As of May 18, 1970:

220 school districts are estimated to be under court order calling for complete desegregation by September 1970:

496 school districts have submitted, are negotiating, or are likely to be negotiating voluntary plans under HEW auspices for total desegregation by September 1970;

278 school districts are operating under plans begun in 1968 or 1969;

505 Northern districts are under review or likely to be under review for potential violations of Title VI.

How will these needs be met?

Through dollars being added to a combination of existing programs and through a new legislative proposal:

Existing Programs: Fiscal 1971, $150 million.

New Legislation: Fiscal 1971, $350 million; fiscal 1972, $1,000 million.

Funds are being added to the current FY 1971 appropriations for several existing programs in order to meet the immediate needs of schools undergoing desegregation.

Requested augmentation of fiscal year 1971 appropriations for existing programs

[In millions]

Community development (EOA: Title IIB)	$100
Technical assistance (Civil Rights Act: Title IV)	15
Major demonstrations (Cooperative Research Act)	15
Personnel development (EPDA: Part D)	9
Dropout prevention (ESEA: Sec. 807)	5
Planning and evaluation (ESEA: Sec. 402, 1967)	5
Salaries and expenses (OE)	1
Total	150

PROPOSED LEGISLATION: CATEGORY I

Purpose.—To aid local education agencies throughout the Nation to meet the special needs incident to the elimination of racial segregation and discrimination among students and faculty in elementary and secondary schools;

Eligibility.—A local education agency (LEA) which has an approved desegregation plan, or, has completed desegregation within 2 years prior to date of application;

Activities.—To meet the additional costs of implementing a plan of desegregation or of carrying out special projects designed to enhance the possibilities of successful desegregation; this would include training, curriculum revision, purchase of materials, repair or minor remodeling, transportation, administrative costs, planning and evaluation costs, etc.

PROPOSED LEGISLATION: CATEGORY II

Purpose.—To encourage the voluntary elimination, reduction, or prevention of racial isolation in *schools* with substantial proportions of minority group students;

Eligibility.—An LEA with one or more schools 50% or more minority, or, with one or more schools in clear danger of becoming racially isolated;

Activities.—To meet the additional costs of carrying out a plan to eliminate, reduce, or prevent racial isolation; this would include the same specific activities as Category I.

PROPOSED LEGISLATION: CATEGORY III

Purpose.—To aid children in elementary and secondary schools to overcome the educational disadvantages of racial isolation by assisting school districts with high proportions of minority group students to carry out inter-racial educational programs and other programs to improve the quality of their educational services.

Eligibility.—An LEA or other public or private sponsor to carry out inter-racial educational programs or projects in a school district in which minority children constitute 50% of the public school enrollment, or, there are 10,000 or more minority students.

Activities.—Inter-racial educational programs; pilot or demonstration projects to overcome the adverse educational effects of racial isolation where inter-racial programs are shown to be impractical; same specific activities as Category I.

PROPOSED LEGISLATION: ALLOTMENT OF FUNDS

Of the *total dollars* appropriated for this program—

Two thirds shall be allotted among the States according to a distribution based upon the number of minority group children in each State, counting as double those children in desegregating districts;

One third shall be allotted as necessary to carry out the purposes of the legislation without regard to distribution among States;

No State shall receive less than $100,000.

ALLOCATION UNDER ALTERNATIVE FUNDING LEVELS, BY STATE

[Dollar amounts in millions]

State	Percent of total minority students [1] double-counting minority in desegregating districts	$500,000,000 program: Formula only	$500,000,000 program: With discretionary funds allocated according to formula	$1,000,000,000 program: Formula only	$1,000,000,000 program: With discretionary funds allocated according to formula
Alabama	4.58	$15.14	$22.79	$30.43	$45.71
Alaska	.07	.35	.48	.61	.86
Arizona	.86	2.95	2.40	5.85	8.74
Arkansas	1.83	6.11	9.16	12.22	18.32
California	9.03	29.74	44.80	59.85	89.95
Colorado	1.26	4.24	6.34	8.44	12.64
Connecticut	.58	2.03	3.01	3.99	5.95
Delaware	.22	.82	1.19	1.56	2.30
District of Columbia	1.18	3.98	5.96	7.93	11.88
Florida	6.23	20.57	30.97	41.37	62.15
Georgia	5.35	17.69	26.62	35.56	53.42
Hawaii	.03	.21	.26	.32	.43
Idaho	.04	.24	.31	.38	.52
Illinois	4.06	13.44	20.21	26.99	40.53
Indiana	1.02	3.45	5.15	6.86	10.26
Iowa	.11	.46	.64	.83	1.20
Kansas	.34	1.24	1.82	2.40	3.57
Kentucky	.74	2.53	3.76	5.00	7.47
Louisiana	5.45	18.00	27.09	36.18	54.35
Maine	.02	.18	.22	.27	.35
Maryland	2.25	7.51	11.27	15.04	22.56
Massachusetts	.47	1.66	2.46	3.25	4.84
Michigan	2.67	8.88	13.34	17.80	26.74
Minnesota	1.6	.63	.90	1.17	1.71
Mississippi	3.83	12.68	19.07	25.46	38.24
Missouri	1.21	4.09	6.12	8.15	12.21
Montana	.05	.26	.35	.43	.60
Nebraska	.14	.57	.81	1.05	1.54
Nevada	.12	.52	.73	.94	1.37
New Hampshire	.00	.13	.14	.15	.18
New Jersey	2.17	7.23	10.85	14.47	21.72
New Mexico	1.09	3.68	5.50	7.31	10.95
New York	6.32	20.85	31.39	41.93	63.00
North Carolina	6.25	20.63	31.05	41.48	62.32
North Dakota	.01	.15	.18	.21	.26
Ohio	2.59	8.60	12.92	17.23	25.87
Oklahoma	.97	3.28	4.90	6.52	9.76
Oregon	.13	.54	.77	.99	1.45
Pennsylvania	2.39	7.96	11.95	15.94	23.92
Rhode Island	.07	.35	.48	.61	.86
South Carolina	4.07	13.47	20.26	27.05	40.62
South Dakota	.14	.57	.81	1.05	1.54
Tennessee	3.16	10.47	15.74	21.01	31.55
Texas	11.13	36.65	55.22	73.78	110.90
Utah	.12	.52	.73	.94	1.37
Vermont	0	.10	.10	.10	.10
Virginia	4.24	14.03	21.10	28.17	42.31
Washington	.34	1.24	1.82	2.40	3.57
West Virginia	.21	.79	1.15	1.50	2.21
Wisconsin	.42	1.49	2.20	2.91	4.33
Wyoming	.06	.29	.39	.49	.69
Total	100.00	333.00	500.00	667.00	1,000.00

[1] Minority includes Negroes, Spanish-surnamed Americans, and Indians.

The editorial presented by Mr. JAVITS is as follows:

SPUR TO DESEGREGATION

President Nixon's request to Congress to appropriate $500 million for the coming school year and $1 billion for the year after that to speed integration is a commendably forward-looking step. Properly implemented, it could do much to offset the Administration's lack of action up to now in the cause of school desegregation.

The program's sound aim is to help Southern districts put an end to the unlawful maintenance of dual school systems, while at the same time underwriting steps taken in Northern *de facto* segregated schools to bring about better-integrated quality education.

The President's plan in no way reduces the need for continued pressure through the courts and more vigorous enforcement by Federal administrative agencies to make sure that segregationists will not block or circumvent desegregation.

But it adds the constructive lever of reward for positive action and recognizes the inevitable costs involved in bringing about great and controversial social change. That lever would gain in power if the Administration now also reconsidered its earlier doctrinaire opposition to the use of even short-distance busing for purposes of desegregation. Such reconsideration is particularly needed in districts which have been using buses to prevent integration.

Nevertheless, the President's decision to ask the Congress for "new money," instead of merely shifting funds from other underfinanced domestic programs, marks the proposal as a special and concrete effort. Particularly crucial is the role of the Federal Government itself in assuring that only speedy and honest integration efforts are rewarded; there is always the danger that delaying actions may surreptitiously subvert the stated goals—as has happened so often in the past.

Mr. PELL. Mr. President, Senator JAVITS, of New York, today introduced an administration measure which seeks to treat certain financial hardships which are being experienced by educational districts integrating their school facilities, and I was pleased to be a cosponsor of this legislation.

In the past I have assiduously kept to the rule that I will not cosponsor bills which will eventually come before the Education Subcommittee, of which I am the chairman. However, Mr. President,

I believe the bill proposed by Senator JAVITS is of such great import that, while not endorsing each and every facet of its provisions, I do support the thrust intended and for that reason have cosponsored it with Senator JAVITS.

I expect that the Education Subcommittee will have hearings upon this measure as soon as it is possible to do so. Indeed, when the bill was first transmitted, I offered to hold initial hearings today and tomorrow, but unfortunately the administration was not prepared to testify so quickly. I have also invited the Select Committee on Equal Educational Opportunity to sit with our Education Subcommittee when these hearings are held.

ADDITIONAL COSPONSORS OF BILLS

S. 226

Mr. BURDICK. 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. 226, to promote the advancement of science and education of scientists through a national program of institutional grants to colleges and universities of the United States.

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

S. 3842

Mr. DOLE. Mr. President, on behalf of the Senator from Wyoming (Mr. MCGEE), I ask unanimous consent that at the next printing, the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of S. 3842, to improve and modernize the postal service and to establish the United States Postal Service.

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

S. 3852

Mr. MILLER. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Illinois (Mr. SMITH) be added as a cosponsor of S. 3852, a bill to amend the Labor-Management Relations Act of 1947, to provide for the settlement of emergency labor disputes affecting commerce which imperil the health and safety of a major region of the Nation.

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

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore (Mr. RUSSELL) announced that on today, May 26, 1970, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 3920. An act for the relief of Beverly Medlock and Ruth Lee Medlock;

H.R. 5419. An act to provide relief for Comdr. Edwin J. Sabec, U.S. Navy;

H.R. 6402. An act for the relief of the Sanborn Lumber Co., Inc;

H.R. 8694. An act for the relief of Capt. John T. Lawlor (retired); and

H.R. 9910. An act for the relief of Hannibal B. Taylor.

OFFICE OF EDUCATION APPROPRIATION BILL, 1971—AMENDMENTS

AMENDMENT NO. 657

Mr. BAYH. Mr. President, I am submitting on behalf of Mr. CRANSTON, Mr. EAGLETON, and myself an amendment which we intend to propose, jointly, to the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year 1971, and for other purposes. The amendment adds $10 million to the $140,393,000 appropriation recommended by the Appropriations Committee for supplementary centers and services and for guidance, counseling, and testing.

Mr. President, we have been concerned for some time about these two programs and we shall fully develop our reasons for introducing this amendment at the appropriate time when the bill is considered.

Mr. President, I ask unanimous consent to have the amendment printed and to lie at the table.

The ACTING PRESIDENT pro tempore (Mr. METCALF.) The amendment will be received and printed, and will lie on the table.

EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970—AMENDMENT

AMENDMENT NO. 658

MIDDLE-AGED AND OLDER WORKERS FULL EMPLOYMENT AMENDMENT

Mr. RANDOLPH. Mr. President, on behalf of myself, the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Massachusetts (Mr. KENNEDY), I submit the middle-aged and older workers full employment amendment to S. 3867, the Employment and Training Opportunities Act of 1970.

During the past few months, the Subcommittee on Employment, Manpower, and Poverty, chaired by the Senator from Wisconsin (Mr. NELSON), has conducted extensive hearings on manpower and training legislation.

The amendment I introduce today would provide a comprehensive midcareer development service program to be administered by the Department of Labor to provide training, counseling, and other supportive services for middle-aged and older workers—individuals 45 and older according to Department of Labor classifications.

Today, mature workers constitute about 40 percent of our total labor force. Although their percentage of the total long-term unemployed is disproportionately high, only a small faction of present training resources is directed at their needs.

Last December, as chairman of the Subcommittee on Employment and Retirement Incomes of the Senate Committee on Aging, I conducted hearings on the employment aspects of the economics of aging. During these hearings, several witnesses emphasized the need for specific legislation to provide training and necessary supportive services urgently needed by older persons.

A working paper was also prepared to provide background information for these hearings. One of the major recommendations proposed in that paper was:

A Middle-Aged and Older Workers Full Employment Act, similar to S. 4180 which was introduced near the end of the 90th Congress, be passed and adequately implemented to provide a comprehensive program of employment services and opportunities for middle-aged and older Americans.

This amendment is patterned after S. 4180, which I introduced with bipartisan support in 1968.

Mr. President, I ask unanimous consent that the text of this amendment, my testimony before the Subcommittee on Employment, Manpower, and Poverty, and the statements by the Senators from New Jersey (Mr. WILLIAMS) and Massachusetts (Mr. KENNEDY) be printed in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The amendment will be received and printed; will be appropriately referred; and, without objection, the amendment, testimony, and statements will be printed in the RECORD.

The amendment (No. 658) was referred to the Committee on Labor and Public Welfare, as follows:

AMENDMENT NO. 658

S. 3867 is amended by adding at the end thereof the following:

TITLE VII—THE MIDDLE-AGED AND OLDER WORKERS FULL EMPLOYMENT ACT

FINDINGS

SEC. 701. The Congress hereby finds and declares that—

(1) in the face of rising productivity and affluence, middle-aged and older workers find themselves disadvantaged in their efforts to retain employment, and especially to regain employment when displaced from jobs;

(2) inflation has forced middle-aged and older persons to bear growing economic burdens, particularly if they are living on limited, fixed incomes;

(3) the Age Discrimination in Employment Act of 1967 cannot reasonably be expected, without supplementary legislation, to end completely age discrimination in employment and to provide employment opportunities for middle-aged and older workers;

(4) the incidence of unemployment, especially long term unemployment with resultant deterioration of skill, morale and employer acceptability is, relative to the younger ages, high among workers of age forty-five and over; their numbers are great and growing; and their employment problems grave, yielding to no single, simple solution;

(5) as a consequence largely of unemployment or of underemployment in low-skilled jobs, or of retirement with severely reduced incomes, millions of persons age forty-five and over live in poverty;

(6) more than a million men between the ages of fifty-five and sixty-four have given up the active search for work, most through loss of hope of employement; of thousands of men and women between the ages of sixty-two to sixty-four, their only choice is to retire on low and inadequate benefits;

(7) for those who are employed, there is almost no opportunity for continued training and education to meet the changes of a dynamic economy and changing techology;

(8) the loss to the economy of the potential production of goods and services and the costs of unemployment compensation and public assistance, can be reckoned in billions of dollars;

(9) the loss to the individual in terms of

frustration, impaired morale, loss of the sense of worth and dignity, and of status within the family and society, are incalculable;

(10) providing these age groups with opportunities for useful work, part-time and full-time, will bring them needed income; or supplement their income; will benefit their physical and mental health; and will be a means of providing services needed by all age groups, which are not now being provided;

(11) although the needs for training and retraining are great among mature workers, they are under-represented in existing manpower and training programs; and

(12) there is no upper age limit on an individual's ability, and his year of birth should be irrelevant for training and employment purposes.

PURPOSE

SEC. 702. It is therefore the purpose of this Act to establish and to stimulate programs which will—

(1) afford the middle-aged and older worker a range of real and reasonable alternatives which will allow him to make a free choice depending on his individual needs and capacities;

(2) help clear the obstacles which confront the middle-aged and older jobseeker and eliminate arbitrary discriminatory practices which deny work to qualified persons solely on account of age;

(3) increase the availability of jobs by finding new work opportunities, including part-time employment to supplement income and to facilitate the transition to full retirement or the return to full-time work;

(4) improve and extend existing programs intended to facilitate training, the matching of skills and jobs, and to cushion the impact of unemployment;

(5) pave the way for middle-aged and older workers, employers, labor unions, and educational institutions to prepare for and adjust to anticipated changes in technology in jobs, in educational requirements, and in personnel practices;

(6) make maximum use of existing programs and agencies and provide the special efforts required to improve significantly the employment prospects of middle-aged and older workers; and

(7) stimulate innovative approaches to provide increased employment opportunities for middle-aged and older persons.

TITLE VIII—MIDCAREER DEVELOPMENT SERVICE PROGRAM IN THE DEPARTMENT OF LABOR FOR MIDDLE-AGED AND OLDER PERSONS

SEC. 801. (a) There is hereby established a comprehensive midcareer development service program, to be administered by the Manpower Administration in the Department of Labor, to assist middle-aged and older workers in becoming employed by providing training, counseling, and special supportive services.

(b) In addition to the authority conferred upon him by other sections of this Act, the Secretary of Labor (hereinafter in this title referred to as the Secretary) is authorized, in carrying out the functions under this Act, to appoint and fix the compensation of such personnel as may be necessary to enable the Manpower Administration to carry out its specific functions under this Act.

TRAINING PROGRAMS

SEC. 802. (a) The Secretary, through the Manpower Administration, is authorized to make loans and grants to public and private nonprofit organizations and to individuals for training, including on-the-job, institutional, residential, and other training, designed to upgrade the work skills and capabilities of middle-aged and older persons who are at least forty-five years of age.

(b) Any grant or loan made pursuant to this section may be used to pay all or part of the cost of training under any such program plus such stipends (including allowances for subsistence or other expenses) for such persons and their dependents as he may determine to be consistent with prevailing practices under comparable Federal programs.

(c) A grant or loan under this section shall be made on such terms and conditions as the Secretary shall prescribe and may be made only upon application to the Secretary at such time or times and containing such information as he deems necessary. The Secretary shall not approve an application unless it sets forth a program for training which meets criteria established by him, including training costs and tuition schedules.

(d) The Secretary shall pay to each applicant who has an application approved by him part or all of the cost of the program provided for in such application.

(e) Individuals receiving payments under the provisions of this section while undergoing training shall continue to receive such payments only during such period as the Secretary finds that they are maintaining satisfactory proficiency in such training program.

(f) The Secretary is authorized to enter into agreements to provide loan guarantees to lending institutions on such terms and conditions as the Secretary shall prescribe in order to permit such institutions to make loans to persons who are at least forty-five years of age for training which qualifies under this section.

TRAINING PERSONS TO TRAIN AND RETRAIN OLDER WORKERS

SEC. 803. The Secretary is authorized to develop and operate a program under which an adequate number of persons are trained to understand the learning processes of middle-aged and older persons and to become qualified to train and retain middle-aged and older workers in skills needed in the economy. Such programs shall emphasize developing innovative techniques for training middle-aged and older Americans.

SPECIAL SERVICES FOR MASS LAYOFFS

SEC. 804. The Secretary is authorized to recruit and train personnel within the Department of Labor to be made available to a locality in which a susbtantial number of middle-aged and older persons are unemployed as a result of the closing of a plant or factory or a permanent large-scale reduction in force, to provide such persons with recruitment, placement, and counseling services.

SPECIALIZED SERVICES

SEC. 805. (a) The Secretary shall establish, strengthen, and operate a broad range of specialized services for older workers who are interested in enhancing their employability for more attractive positions, in receiving training to improve their capabilities at their present employment, or in seeking counsel in planning to maximize earning opportunities for the rest of their work lives.

(b) The Secretary is authorized to recruit and train manpower specialists, including older and retired employment counselors and personnel directors who serve in programs authorized under this section.

MANPOWER STUDY

SEC. 806. (a) The Secretary is authorized and directed to finance a thorough study of manpower programs authorized by the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, and similar federally assisted training programs to determine whether such programs are responsive to the needs of persons who are at least forty-five years of age. The Secretary shall report the findings and recommendations of this study, and his own recommendations with respect to additional legislation, to the President for transmittal to the Congress not later than July 1, 1972.

(b) In financing this study the Secretary shall not employ or contract with any individual, institution, organization, or agency providing advice or technical assistance for these programs.

(c) There are hereby authorized to be appropriated $250,000 for the fiscal year ending June 30, 1971; and $250,000 for the fiscal year ending June 30, 1972, for the purpose of carrying out this study.

PAYMENTS

SEC. 807. Payments under this title to any person, public agency, or private nonprofit institution or organization, pursuant to a grant or loan, may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

TITLE IX—WORK OPPORTUNITIES FOR MIDDLE-AGED AND OLDER WORKERS

PURPOSE

SEC. 901. The purpose of this title is to increase the availability of work for middle-aged and older workers; to anticipate new job opportunities created by federally supported programs and provide advance training; and to provide part-time paid work.

INCREASED JOB OPPORTUNITIES FOR MIDDLE-AGED AND OLDER AMERICANS WITH FEDERAL GRANTEES

SEC. 902. (a) The Secretary shall review Federal grant programs to help maximize employment opportunities for middle-aged and older persons and to identify grant programs which may be expected to require significant numbers of workers. In grant programs so identified by the Secretary, the granting agency shall notify all grantees or potential grantees as to the provisions of this section. Upon application for or renewal of such grant program, the applicant shall submit a report to the granting agency listing the number and percentage of his employees who are 45 years of age and older, and shall certify that there is no mandatory maximum employment age for job applicants, except where age would be a bona fide occupational qualification reasonably necessary to the normal operation of such employment.

(b) In cases where there is not a reasonable balance of employees aged 45 and older and employees under 45 years of age, the Secretary shall, upon request by the grantee, assist the grantee in obtaining a reasonable balance of qualified employees 45 years of age and older. If the Secretary determines that there is not an available supply of qualified middle-aged and older persons for the grantee, he may waive the requirements of this section.

(c) Where the grantee fails to take appropriate steps to achieve a reasonable balance, the granting agency shall notify the grantee that he is in violation of this section. If the grantee continues in violation of this section after such notice, the granting agency shall not renew the grant.

(d) The provisions of this section shall not be construed to require the discharge of any employee to obtain a reasonable balance of middle-aged and older workers with younger workers.

(e) Federal grantees and Federal departments and agencies may fill a single job position with one or more persons: *Provided*, That this will not exceed the funds or hours allocated to that position.

(f) The Secretary shall prescribe appropriate rules and regulations for the uniform administration of this section.

(g) The provisions of this section shall become effective one year after the effective date of enactment of this Act.

CONSULTATION

SEC. 903. The Secretary shall consult with and advise the Director of the Office of Economic Opportunity and the heads of other departments and agencies responsible for the administration of programs under the Economic Opportunity Act of 1964, for the pur-

pose of maximizing employment opportunities for middle-aged and older persons under programs supported by that Act. The Secretary shall make recommendations to the responsible agencies with respect to programs and policies which will assure that services to the middle-aged and older poor will be available to a degree reasonably consistent with their responsibility among all the poor, so that they will be offered employment, or will be prepared for employment, or will receive other services to ameliorate their condition.

EMPLOYMENT SERVICES FOR PART-TIME EMPLOYMENT

SEC. 904. The Secretary may, where appropriate, make special provisions through the Federal-State employment service, or with the advice and assistance of the employment service, by means of grants to or contracts with nonprofit volunteer agencies to assist such agencies in securing part-time or temporary employment for additional numbers of middle-aged and older persons who wish such work until full-time opportunities are available, or to supplement their income from retirement benefits or other sources.

TITLE X—EXPANDING OPPORTUNITIES FOR EMPLOYMENT AND EDUCATION—PURPOSE

SEC. 1001. The purpose of this title is to stimulate study, planning, and action to achieve the objectives of the Act; to encourage and point the way to adjustments by employers, labor, and educational institutions; to encourage better preparation by older workers for anticipated changes; to explore further steps to be taken by the Federal Government; and, in general, to open the way to constructive and satisfying roles for middle-aged and older workers in our society.

RESEARCH, EXPERIMENTATION, AND DEMONSTRATION

SEC. 1002. (a) The Secretary is authorized to conduct research for the purpose of this Act through services and facilities within his authority and through grants to any public or nonprofit private agency, institution, or organization, including membership organizations of older persons, and contracts with any such nonprofit agency or with labor and management organizations or with any individuals—

(1) to study, and to find, test, and promote solutions to institutional arrangements which may work to the disadvantage of older workers in such matters as pensions and other private annuity coverage, workmen's compensation and disability income, and seniority in collective bargaining;

(2) to explore and evaluate proposals related to flexible or phased retirement; planning, preparation for and adjustment to retirement, including the causes of successful and unsuccessful adjustment;

(3) to explore proposals for systems of continuing educational and training opportunity to prepare workers, while still employed, for job changes, to enhance their employability, to reduce their vulnerability to displacement to open the way to satisfying activity in retirement and to benefit them in other ways; and to consider methods of financing such educational programs and interweaving them into the individual's working life, including such proposals as sabbaticals and contributory educational insurance;

(4) to develop principles and guides for job redesign and effective methods for training middle-aged and older persons;

(5) to explore, forecast, and define goals in the relationship between work, leisure, and income with reference to a changing economy and social expectations, and to a balance of the interests of all groups in the population;

(6) to develop techniques, guidelines, and models for advance planning of manpower requirements, for encouraging the employment of older workers, and for programs of public service employment by which the Government may provide work for older persons otherwise deprived of opportunity in useful community enterprises;

(7) to conduct research designed to strengthen programs for meeting the employment needs of workers who are at least forty-five years of age, including part-time or temporary employment of persons who wish such work until full-time work opportunities are available or who wish to supplement their income from retirement benefits or other sources;

(8) to conduct such demonstration projects relating to meeting the employment needs of such persons as he deems will contribute to carrying out the purposes of this Act;

(9) to conduct research and demonstration projects for recruiting, placement, and counseling services in localities in which a substantial number of middle-aged and older persons are unemployed as a result of the closing of a plant or factory or a permanent large-scale reduction in the labor force; and

(10) to develop demonstration in the application of precise and functional measurements of work capabilities, employability, and trainability of adult persons.

(b) The Secretary shall report not later than two years after enactment of this Act his findings and recommendations based on such research and demonstration projects.

EXTENDED UNEMPLOYMENT COMPENSATION

SEC. 1003. The Secretary shall study the feasibility and advisability of establishing a program of extended unemployment compensation benefits for unemployed workers aged fifty-five and older who have exhausted their unemployment compensation. On or before February 1, 1972, the Secretary shall report to the Congress and the President his findings and recommendations with respect to such a program of allowances.

COMPENSATION AND DISABILITY INSURANCE

SEC. 1004. The Secretary shall submit a report to the Congress by February 1, 1972, on means of eliminating the gaps and inadequacies in workmen's compensation and disability insurance systems, health insurance, and pension plans particularly as they affect adversely the employment of middle-aged and older workers.

EXPERTS AND CONSULTANTS

SEC. 1005. The employment of experts and consultants pursuant to section 5703 of title 5 of the United States Code is authorized for the preparation of reports required by sections 1003 and 1004 of this title.

TITLE XI—GENERAL

PROGRAM LEADERSHIP, DEVELOPMENT, AND COORDINATION

SEC. 1101. (a) The Secretary in carrying out his responsibilities under this Act may assign functions as he deems desirable, and may improve and expand existing services and facilities within his authority to carry out these functions, utilize the services of other agencies when desirable, and initiate new related services insofar as feasible to facilitate the continued employment of middle-aged and older workers and their adjustments when out of work or retired.

(b) In addition to any other provisions for the administration of this Act, the Secretary shall designate high-level staff whose primary responsibility shall be to provide overall program leadership, development, and coordination and to provide a central point for information on and special attention to the problem of middle-aged and older workers and the programs concerned.

(c) The Secretary is authorized to—

(1) employ or engage experts and consultants or organizations thereof. The employment of experts and consultants shall be subject of section 5703 of title 5 of the United States Code and the engagement of such experts and consultants shall be subject to section 3109 of that title; and

(2) appoint without regard to the civil service laws, one or more advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to the functions under this Act; and members of such committees, other than those regularly employed by the Federal Government, while attending meetings of such committees, or otherwise serving at the request of the Secretary, shall be entitled to receive compensation and travel expenses as provided in subsection (b) with respect to experts and consultants.

(d) No individual, institution, organization, or agency shall evaluate any programs if that individual, or any member of his institution, organization, or agency is presently associated with the program as a consultant, technical advisor, or in any other capacity.

ADMINISTRATION

SEC. 1102. (a) In carrying out the purposes of this Act, the Secretary is authorized to provide consultative services and technical assistance to public and private agencies, organizations, and institutions; to conduct research and demonstrations; to publish and disseminate materials and conduct special informational and educational programs.

(b) The Secretary shall cooperate with and utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit private agency or institution in accordance with agreements with the head of the agency, and may pay therefore, in advance or by way of reimbursement, as may be provided in the agreement.

RULES AND REGULATIONS

SEC. 1103. The Secretary shall prescribe such rules and regulations as he may deem necessary and appropriate to carry out the provisions of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1104. There are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1971, and $200,000,000 for the fiscal year ending June 30, 1972; for carrying out this Act.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 1105. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance under this Act among the States and between urban and rural areas.

TITLE XII—FEDERAL EMPLOYMENT OPPORTUNITIES FOR MIDDLE-AGED AND OLDER WORKERS

SEC. 1201. (a) The Civil Service Commission is authorized and directed to undertake a study of part-time employment in the executive branch of the Government of the United States and to make a report of its findings, together with any recommendations it considers appropriate or desirable, to the Congress on or before July 1, 1971. Such study shall include a determination of—

(1) the extent to which part-time employment exists in the executive branch;

(2) the limitations, if any, that are imposed by Federal statutes, regulations, or administrative policies or practices on such part-time employment, and the extent to which such limitations are justified; and

(3) the measures that may be taken to increase the number of part-time positions available in the executive branch which may be filled by older individuals.

(b) The Commission is further authorized and directed to undertake a study of the feasibility of redesigning positions in the executive branch of the Government of the United States without impairing the effectiveness or efficiency of operations of any department, agency, or independent estab-

lishment, with a view to increasing the number of positions which are available to older individuals at the subprofessional level. The Commission shall make a report of its findings, together with any recommendations it considers appropriate or desirable, to the Congress on or before July 1, 1971. Such study shall include a determination of—

(1) the extent to which positions have been redesigned, resulting in an increase of the number of positions in the executive branch available to older individuals;

(2) the limitations, if any, imposed by Federal statutes, regulations, or administrative policies or practices on redesigning positions in the executive branch to increase the number of subprofessional positions available to older individuals and the extent to which such limitations are justified;

(3) the measures that may be taken to redesign positions so that the number of subprofessional positions available to older individuals may be increased; and

(4) the programs which would be needed to train older individuals to fill subprofessional positions created as a result of redesigning such positions.

PREPARING MIDDLE-AGED PERSONS FOR NEW CAREERS IN GOVERNMENT

SEC. 1202. The Commission is authorized and directed to undertake special work and training programs to provide middle-aged persons (those at least forty-five years of age) who are unemployed or whose income is within a low-income classification, as specified by the Director of the Office of Economic Opportunity, with job opportunities in the executive branch of the Government of the United States, including, without limitation, opportunities for new types of careers in the fields of health, education, welfare, neighborhood redevelopment, and public safety, which provide maximum prospects for advancement and continued employment, either within or without the executive branch, and which give promise of contributing to the adoption of new methods of structuring jobs and of providing job-ladder opportunities, and to provide such persons with opportunities for further occupational training to facilitate career advancement.

REVISION OF MAXIMUM AGE REQUIREMENT

SEC. 1203. (a) Section 8335 (a) of title 5, United States Code, is amended by striking out the number "15" whenever it appears and inserting in lieu thereof the number "5".

(b) The amendments made by subsection (a) of this section shall apply only to an individual who is appointed or reappointed after the date of enactment of this Act.

INVESTIGATION OF AGE DISCRIMINATION COMPLAINTS AND PENALTIES

SEC. 1204. (a) Section 3307 of title 5, United States Code, is amended to read as follows:

"SEC. 3307. Competitive serve; age discrimination; penalty; investigation

"(a) Appropriated funds may not be used to pay an employee who establishes a maximum-age requirement for entrance into the competitive service, or who fails or refuses to hire any individual because of such individual's age.

"(b) Subsection (a) shall not be construed to prohibit paying an employee who establishes a maximum age requirement or who fails or refuses to hire an individual because of such individual's age, if age is a bona fide occupational qualification reasonably necessary for the effective performance of the duties of the position concerned.

"(c) The Comptroller General of the United States shall investigate all complaints that subsection (a) of this section has been violated. If he determines that there has been such a violation, he will immediately inform the head of the agency employing the individual who has committed the violation (1) to cease paying compensation to the employee until notified by him that such employee is no longer in violation and (2) to seek repayment, within the limitations of subsection (d) of this section, of compensation received by the employee from the day such violation is determined to have occurred.

"(d) An employee violating subsection (a) of this section shall not be entitled to compensation from the day such violation occurred through the day, as determined by the Comptroller General, on which the employee ceased violating such subsection, except that no employee shall be required to repay to the United States an amount in excess of four times the compensation which such employee was entitled to receive for the pay period during which the Comptroller General determined that a violation existed.

"(e) In accordance with regulations prescribed by the Civil Service Commission, all job notifications, except where age would be a bona fide occupational qualification reasonably necessary for the effective performance of the duties of the position concerned, for the competitive service shall notify the applicant that "There is no maximum age requirement for entrance into this position. Such notification shall be prominently posted in conspicuous places."

(b) Item 3307 contained in the analysis of subchapter I of chapter 33 of title 5, United States Code, preceding section 3301 of such title is amended to read as follows: "3307. Competitive service; age discrimination; penalty; investigation."

The testimony, presented by Mr. Randolph, is as follows:

MIDDLE-AGED AND OLDER WORKERS FULL EMPLOYMENT AMENDMENT

Mr. Chairman, in our work-oriented society, our manpower and training resources are directed primarily at the youth. However, various indices suggest that the critical period in the work lives of adult men occurs sometime during their late forties or early fifties. For example, with rare exceptions, the unemployment rate among men begins to rise after leaving the 35 to 44 age category. Once unemployed, these older workers run the greatest risk of long-term unemployment.

During the last few days of the 90th Congress, I introduced S. 4180—the Middle-Aged and Older Workers Full Employment Act—to meet the special needs of the mature worker. That proposal evolved from three days of hearings in July 1968 on the "Adequacy of Services for Older Workers", conducted by two subcommittees of the Senate Committee on Aging.

Last December the Subcommittee on Employment and Retirement Incomes held hearings on the "Employment Aspects of the Economics of Aging." These hearings provided valuable information for making certain improvements in our original proposal. Moreover, the hearings made abundantly clear the need for legislation directed at the special employment problems encountered by the middle-aged and older worker.

I propose an amendment to the "Employment and Training Oportunities Act of 1970" in order to help provide the necessary training, counseling, and supportive services needed by older workers. This amendment is patterned after the provisions contained in my Middle-Aged and Older Workers Full Employment Act.

The provisions in this amendment have been reviewed and enthusiastically endorsed by several senior citizen organizations, including the National Council of Senior Citizens, the National Council on the Aging, the American Association of Retired Persons-National Retired Teachers Association, and the National Farmers Union.

At the present time there are approximately 23 million individuals in the 45 to 54 age category; another 18 million are 55 to 64 years old—for a total of more than 40 million persons. Mature workers constitute about 40 percent of our total work force.

While unemployment is higher among younger persons, it is substantially longer for middle-aged and older workers. Despite an improved employment situation during the 1960's, the proportion of the long-term unemployed among men 45 and older increased from 31.5 percent in 1961 to 40.9 percent in 1969.

It is increasingly apparent that many older persons are without employment because of circumstances beyond their control. Automation, plant closedowns, wage discrimination, and the lack of training opportunities have placed many mature workers in a critical situation. Since the skills of many older persons have been outdistanced by technological changes, the need for comprehensive and expanded training and retraining efforts is obvious if these persons, who are willing to work, are to have the right to earn a living. In the past we have paid lip service to this laudable goal, but our actions have been inadequate.

The underutilization of the middle-aged and older worker is a needless and serious economic loss for our Nation. However, a more serious loss, which cannot be measured in economic terms, is the frustration and unhappiness caused by unemployment or the lack of opportunity to move into more meaningful and productive employment.

During the hearings in 1968 and 1969, distinguished witnesses emphasized that middle-aged and older persons would be competent and desirable employees, if given the opportunity for employment. Professor Oscar J. Kaplan of San Diego State College stated:

"Many studies have shown that the middle-aged worker has character and personality traits which make him a highly desirable employee. He tends to be more reliable, more highly motivated, less mobile, less accident-prone, and less likely to be absent for trivial reasons.

* * * * *

"Mature workers, persons in the age range of 40 to 65, generally speaking, are able physically and mentally, to competently discharge most of the tasks that we encounter in the work force. I draw attention to a number of very favorable factors that have not existed in the past.

"For example, technological innovations now make it possible to relieve workers of heavy demands upon physical strength and this makes it possible for many persons who in the past might have been ruled out of the labor force to fill jobs which are quite stressful.

* * * * *

"Middle-aged people today are healthier than their counterparts in other generations, and I think we can look forward to even greater gains along that line."

Moreover, the flexibility of these individuals to adapt to new training has been amply demonstrated in many industries. During the hearings last December, we were informed that many middleaged pilots had to be retrained when the airline industry converted to jet aircraft. This required a substantial amount of retraining and the unlearning of old skills. Yet this major conversion was accomplished by these individuals.

During the 90th Congress a significant step was taken to provide greater employment opportunities for middle-aged and older Americans with the enactment of the Age Discrimination in Employment Act. In recommending such legislation in his "Aid for the Aged" message, President Johnson also stressed that additional measures were needed if the older worker was to have full and meaningful employment.

"Employment opportunities for older workers cannot be increased solely by measures eliminating discrimination. Today's high standards of education, training, and mobility often favor the younger worker. Many older men and women are unemployed because they are not fitted for the jobs of modern technology; because they live where there are no longer any jobs, or because they are seeking the jobs of a bygone era."

While the Age Discrimination in Employment Act can help to reduce much of the discriminatory practices which prevent older persons from securing employment, it will not provide the training and retraining which they desperately need to replace obsolete skills. It will not provide counseling and other specialized services necessary to make them gainfully employed.

The amendment that I am advocating will help to close these gaps by providing a comprehensive national program which is responsive to the multifarious employment problems of middle-aged and older persons.

In meeting these needs, it would:

Establish a comprehensive Midcareer Development Service program to be administered by the Department of Labor;

Provide training specifically directed at the needs of persons at least 45 years of age to upgrade their work skills and capabilities;

Train personnel to become qualified to train and retrain middle-aged and older workers when their skills are outdistanced by technological changes;

Provide specialized recruitment, placement and counseling services in communities where a substantial number of middle-aged and older workers are unemployed because of a plant closedown or mass layoff;

Strengthen and establish comprehensive employability and job development services for persons who are at least 45, unemployed and seeking work;

Train manpower specialists, including retired personnel directors, to increase employment opportunities for the older worker;

Assist nonprofit volunteer agencies in increasing temporary employment opportunities for individuals who wish such employment until full-time work can be secured;

Provide new employment opportunities for middle-aged and older persons in Federal grant programs;

Authorize a wide range of research and demonstration projects to provide new employment opportunities for these individuals and to seek solutions to problems hindering their employment.

The provisions in this amendment received widespread support from the witnesses appearing at our December hearings. Dr. Sidney Cobb of the Harvard School of Public Health said:

"Finally it is clear that employment termination is a social emergency which is costly not just to the individual but also to the society which must support him if he is allowed to develop the belief that he is unemployable. The Midcareer Development Service proposed in S. 4180 should go a long way toward meeting this kind of emergency if suitably trained people can be found to staff this Service."

Our middle-aged and older workers should not be left behind by the progress which they have helped to create. Enactment of this legislation can help them to live productive, satisfying lives through gainful employment. The benefits of such an undertaking are many:

For the individual, a job can provide self-respect and independence;

For his family, a regular paycheck can bring a higher standard of living; and

For the Nation, better equipped personnel to meet our manpower demands.

The Committee on Aging has devoted considerable attention to the Economics of Aging. Becaues of these hearings and the working papers prepared in conjunction with these hearings, important new, hard-hitting information has been obtained concerning economic and other pressures that affect older Americans. Moreover, the recommendations which have evolved from these proceedings offer new hope for our elderly to share in the abundance which they have helped to create.

Therefore, I strongly urge prompt and favorable consideration of this amendment by the Subcommittee.

The remarks of Mr. WILLIAMS of New Jersey are as follows:

MIDDLE-AGED AND OLDER WORKERS FULL EMPLOYMENT AMENDMENT

Mr. Chairman, it is also with a sense of urgency that I join the Senator from West Virginia (Mr. RANDOLPH) in introducing this amendment to provide full employment opportunities for middle-aged and older workers.

A working paper—prepared by a distinguished task force for the Senate Special Committee on Aging—emphasized that the United States still does not have a national policy for maximum utilization of middle-aged and older persons. One of the two major recommendations made by the authors of the working paper was that:

"A Middle-Aged and Older Workers Full Employment Act, similar to that introduced in the Senate last year (S. 4180), be passed and adequately implemented in order to provide a comprehensive program of employment services and opportunities for middle-aged and older Americans."

Later the authors added:

"The thrust of the document that follows here is that employment for older workers must clearly counter the unevaluated trend toward involuntary and earlier retirement. Much of the retirement taking place in our economy and society is counterproductive, arbitrary, inflationary, and possibly dysfunctional to the individual."

During the December hearings conducted by the Subcommittee on Employment and Retirement Incomes, witnesses pointed out forcefully that many older workers choose earlier retirement only as an alternative to long term unemployment or sporadic underemployment at low wages. During the past 20 years, an alarmingly large number of persons in this age group have dropped out of the work force. In 1966 there were 499,000 men 45 to 54 years old who were not in the labor force, compared with 369,000 in 1947. This represents a 35 percent increase. For men in the 55 to 64 age category, the withdrawal rate was substantially greater. The number in this age group not in the labor force increased from 658,000 in 1947 to 1,253,000 in 1966—nearly 600,000 more or a 90 percent increase. Unless significant action is taken immediately to reverse this trend, both the number and percentage of labor force drop-outs will continue to increase during the 1970's.

In most instances this withdrawal from the work force is not a voluntary decision to enjoy leisure earned from long years of work, but is the result of despair and frustration in failing to secure gainful employment. This failure to utilize the older worker is not only a loss of valuable manpower for the Nation, but is also a tragic loss for the unemployed individual in terms of his dignity and self-respect. Many of these unemployed individuals could become as productive as their younger counterparts with proper training and education.

However, education in the U.S. is directed essentially at younger persons, whether it is traditional, remedial, or supplementary. Yet, the need for supplementary adult education or retraining is great for older persons in order to keep abreast with the rapidly changing developments in our complex society.

At the present time, few, if any, of the existing programs are providing a truly effective, comprehensive approach for the problems and needs of the middle-aged and older person for training, job development, information about employment, and job placement. While piecemeal legislation has been enacted, most candid authorities would readily admit that far too little has been achieved.

We know that most middle-aged and older persons want to continue to be employed in order to meet their family responsibilities and their personal aspirations. We also know that many may find themselves without jobs or in need of retraining as technological advances require new talents and render old skills obsolete.

This amendment, I believe, provides a sensible and coordinated approach to meet these problems through a clear-cut national commitment, which previously has been lacking. In addition, it can have a significant impact in providing the skilled and technical personnel needed to meet our manpower demands.

Mr. Chairman, I also wish to commend the Senator from West Virginia (Mr. RANDOLPH) for his excellent work in the advancing of this urgently needed legislation and holding hearings on the "Employment Aspects of the Economics of Aging". As Chairman of the Subcommittee on Employment and Retirement Incomes, he has been untiring in his service to the Committee.

With the enactment of this legislation, we can take a significant step forward in fulfilling the goal of a better and more meaningful life for many deprived older persons.

The remarks of Mr. KENNEDY are as follows:

MIDDLE-AGED AND OLDER WORKERS FULL EMPLOYMENT AMENDMENT

(Remarks by EDWARD M. KENNEDY)

Mr. Chairman, there has long been a need to establish a comprehensive national effort to meet the employment, training, counseling, and other service requirements of the middle-aged and older worker.

However, several obstacles have prevented the implementation of such an undertaking—the lack of a national commitment, limited funding, and several myths about the desirability and feasibility of such efforts.

A major argument advanced against this comprehensive effort is that employment for the older worker might threaten job opportunities for younger persons, particularly the needy. But this point has been rebutted by several witnesses during hearings on the "Adequacy of Services for Older Americans" before subcommittees of the Senate Special Committee on Aging.

For example, Miss Eleanor Fait, State Supervisor for the Older Worker Program in California, said this about the Nation's need for employing the older worker:

"Finally, I would like to comment about work and jobs, generally. Any discussion about older workers inevitably brings up the argument that older people must leave the labor market to 'make room'. There is a fallacious view taken by individuals, organizations and some branches of government that there should be restraint on the reemployment of older workers thereby reducing the number seeking reemployment.

"There is no hard evidence that the economic system cannot accommodate the workers who wish to work in it. It is time for a thorough evaluation of the current interpretations of population and labor force statistics which creates the impression that it cannot. The birthrate has been dropping for ten years. The World War II boom babies have become the young marrieds and workers in their mid-twenties. . . . The Bureau of Labor Statistics projections for 1975 tell us that the number of clerical workers will grow by one-third; craftsmen and fore-

men by 25 percent; service workers are expected to increase by 40 percent."

Despite relatively high levels of employment and the need for increased skills, we can expect more than 600,000 persons 45 and over to be unemployed during any given month. The critical nature of this employment period has been demonstrated in many studies. For example, since 1947 the unemployment rate has increased, with very rare exceptions, when adult men moved into the 45 to 54 age category. Furthermore, the employment situation for this group worsens as they become older. In eight out of eleven years beginning in 1947, the unemployment rates of men after they were ten years older—55 to 64—have risen.

I ask unanimous consent to insert in the Record at this point a statistical table illustrating how unemployment increases as men become older.

Moreover, once an older worker is unemployed, he tends to remain so substantially longer than other age groups. In 1969 approximately 20 percent of unemployed persons in the 45 to 54 age category were out of work for 15 weeks or longer. For persons 55 to 64 the figure was about 25 percent.

While the unemployment rate is higher for the Nation's youth, persons 45 and older constitute a disproportionately high percentage of the very long term unemployed (27 weeks or longer). In 1969, they were approximately 42 percent of the total. In contrast, in that same year unemployed persons 20 to 34 comprised only 26 percent of the total unemployed for 27 weeks or longer.

Unemployment rate of men aged 45 to 54 compared to unemployment rate of same men 10 years later at age 55 to 64:

Percent of men aged 45 to 54 unemployed in given year: 1947, 2.6; 1948, 2.5; 1949, 4.3; 1950, 4.0; 1951, 2.4; 1952, 2.2; 1953, 2.3; 1954, 4.3; 1955, 3.2; 1956, 3.0; 1957, 3.3.

Percent unemployed 10 years later (same men): 3.5, 1957; 5.5, 1958; 4.5, 1959; 4.6, 1960; 5.7, 1961; 4.6, 1962; 4.3, 1963; 3.9, 1964; 3.3, 1965; 2.6, 1966; 2.4, 1967.

The manner in which a society deals with the employment problems of middle-aged and older persons is just as much an indication of its compassion and effectiveness as the measures it takes to meet the needs of its youth. There is no reason to favor one group at the expense of the other, because we can respond to the needs of both. Older persons should be provided with a wide range of reasonable employment alternatives to consider, depending upon their needs, desires, and capabilities. Enactment of this legislation can provide significant progress in making this goal a reality.

AUTHORIZATION OF APPROPRIATIONS FOR PROCUREMENT OF AIRCRAFT, MISSILES, NAVAL VESSELS, AND TRACKED COMBAT VEHICLES—AMENDMENT

AMENDMENT NO. 659

Mr. GOODELL submitted an amendment, intended to be proposed by him, to the bill (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, which was referred to the Committee on Armed Services and ordered to be printed.

BROADENING OF THE DEFINITION OF BANK HOLDING COMPANIES—AMENDMENTS

AMENDMENT NO. 660

Mr. WILLIAMS of New Jersey submitted amendments, intended to be proposed by him, to the bill (S. 1664) to broaden the definition of bank holding companies, and for other purposes, which were referred to the Committee on Banking and Currency and ordered to be printed.

NOTICE OF HEARINGS ON S. 3155—A BILL TO AMEND THE ORGANIC ACT OF GUAM

Mr. BURDICK. Mr. President, I wish to announce that the Subcommittee on Territories and Insular Affairs of the Committee on Interior and Insular Affairs has scheduled an open hearing for Tuesday, June 23, on S. 3155, a bill to amend the Organic Act of Guam to clarify the application of tax on transfer of funds to a U.S. corporation from a Guam subsidiary.

The hearing will be held in room 3110, New Senate Office Building, beginning at 10 a.m. Anyone wishing to testify on this proposed legislation is requested to contact Mr. James Gamble, of the committee staff, in order that a witness list may be prepared.

ADDITIONAL STATEMENTS OF SENATORS

CONGRESS, THE PRESIDENT AND THE WAR IN VIETNAM

Mr. ALLEN. Mr. President, the foreign policy decisions of the United States that involved our participation in the Vietnam conflict constitute one of the greatest tragedies in the history of our country. In going into Vietnam we violated a military and political axiom of centuries standing—that no country should engage in a land war on the Asian continent. President Eisenhower warned against this, as did General MacArthur after Korea. The French learned this, as have other nations throughout history. We saw our participation escalate from having a few advisers in Vietnam to the point where American boys had taken over the bulk of the fighting and were doing what President Johnson assured the country they would not be called on to do, and that was to do the fighting that Asian boys were supposed to do. We saw our force of fighting men increase to around 550,000 in number. We have lost 50,000 men killed—some of the finest men of their generation—and 1,000 of these were Alabama boys who laid down their lives for their country. Wounded Americans number some 300,000, many of them permanently injured. Some $100 billion have been spent in support of the war effort. Our country has been torn asunder, our people divided, faith in our Government and democratic principles and institutions has been shaken. Many of our colleges and universities have been ruined. Weakness of character of many in responsible positions has been exposed. Our framework of government has been undermined. Our economy has been wrecked. Inflation runs rampant. Prices and unemployment shoot up. We are in the midst of a recession inside of an inflationary period.

All of this—and for what? No conceivable outcome of this tragic conflict could possibly justify our having participated in it to the extent that we have.

Surely there are few in the country who are glad we became involved in Vietnam. Surely there are few who do not want to see an end to the fighting and the killing. Surely there are few who do not want peace. Surely there are few who do not want to see our boys returned to their homes and their loved ones.

Americans want peace—peace with honor—but not peace at any price—not peace through abject surrender.

History has no record of a military conflict other than this one in which one side, with overwhelming power, with power to wipe its adversary off the face of the earth, has sought peace so assiduously and so magnanimously as has our country. Peace terms are not "unconditional surrender," for we have forsworn a military victory and ask only that the South Vietnamese be allowed the right of self-determination as to its destiny and as to its government.

We have sought peace, publicly and privately, through usual and unusual methods, in direct and indirect negotiations, in open and in secret sessions.

We have brought the South Vietnamese and the Vietcong into the negotiations.

We have limited bombing; we have stopped bombing altogether.

We have withdrawn 115,000 troops from Vietnam, and the President has promised the withdrawal of 150,000 more in the next 12 months.

We have done all these things, but only one bilateral agreement has been made. That is the agreement on the shape of the negotiating table and the seating arrangement of the so-called peace negotiators.

Is there any wonder that a new approach must be tried?

It must be remembered that the Vietnam War is not of the making of President Nixon. When he became President, the War and our participation in it, except for the bombing halt, had been escalated to an all-time high. A record number of American troops were in Vietnam at that time.

President Nixon's policy at all times has been to de-escalate our participation in Vietnam and turn the fighting over to the South Vietnamese, but at the same time seeing that the American troops are protected and supported during the process of Vietnamization.

During this Vietnamization of the War, the President has been active in his efforts to get the North Vietnamese to enter into meaningful negotiations that would bring a lasting and honorable peace.

No person in the entire country wants peace more than President Nixon. The future of our country depends on it, and

no one realizes this better than the President himself. He wants peace, and his efforts are expended toward protecting American lives, shortening the War and achieving peace.

For years now the North Vietnamese have used sanctuaries on the Cambodian side of the South Vietnam border for the purpose of attacking American and South Vietnamese forces in South Vietnam and then retreating back into Cambodia where they would be safe from pursuit by our forces. Tremendous stores of arms and supplies were maintained in these sanctuaries in Cambodia by the North Vietnamese.

In order to protect American troops in South Vietnam from further attacks by North Vietnamese from Cambodian sanctuaries while Vietnamization is proceeding, the President ordered an attack on these sanctuaries by American troops in concert with South Vietnamese.

These attacks have been extremely successful. Large stores of arms, munitions, and food supplies were captured. The enemy's ability to strike against American and South Vietnam troops has been curtailed. Further withdrawals of American troops from Vietnam can proceed on schedule. Vietnamization can continue. And the President promises that all American troops and advisers will be withdrawn from Cambodia by July 1.

The President has kept his promises about troop withdrawals from Vietnam, about Vietnamization, about his efforts to obtain peace. I have no reason to doubt that he will keep this promise to withdraw American forces from Cambodia by July 1, 1970.

Yes; as I have stated, the war is not of the President's making. He is not responsible for starting it; but now it is his responsibility. He says that he will end the war, that we will have a just and honorable peace. He accepts it as his responsibility to achieve these goals. He does not seek to shift the responsibility. He knows the risks involved. I respect him for his courage and his determination.

The Constitution is clear and specific on three points:

First. The President is Commander in Chief of the Armed Forces of the United States. As such he can direct the conduct of a war.

Second. Only Congress can declare war.

Third. Congress with its power over the purse strings of the Nation can finance a war or withhold funds with which to prosecute the war.

What then of undeclared wars or limited wars or military actions to protect American lives and property—who initiates these and who directs them?

The history of our country is replete with instances where limited wars or military actions have been initiated by a President. These actions have been taken by the President under his powers as Commander in Chief of the Armed Forces. Once the conflict has been initiated there seems little doubt of the President's power to direct the prosecution of the conflict.

But in the conflict in Southeast Asia, President Johnson used the Tonkin Gulf Joint Resolution of Congress as his authority to take whatever steps were necessary to protect American lives, property and interests.

So when President Nixon took office he found a full scale war on his hands, limited only by our own self-imposed limitations, among which were the bombing halt and the observance of the sanctity of the North Vietnamese sanctuaries in Cambodia.

It was his duty, then, and his responsibility to direct the prosecution of the war and to take steps to protect American troops as the deescalation, troop withdrawal and Vietnamization of the war proceeded.

The President, after considering intelligence reports from his military commanders in the field and from his military advisers, became convinced that enemy troop and supply concentrations on the Cambodian side of the border with South Vietnam were direct and immediate threats to the safety and security of the reduced American forces. As Commander in Chief he ordered these dangerous pockets cleaned out. At the same time he publicly declared his intention of having American troops out of Cambodia by the end of June. We have no reason to doubt that the President plans to keep this pledge. The progress to date of the campaign against the sanctuaries indicates that the President will be able to have all American troops and advisers out of Cambodia by July 1.

Congress has no power to limit or restrict the powers conferred on the President by the Constitution. Any such attempted action on the part of Congress would be a nullity. Congress cannot take from the President his powers as Commander in Chief of our Armed Forces. Those who back the Cooper-Church amendment apparently recognize this because the thrust of their amendment is not specifically to repudiate the President's actions by directing the withdrawal of American troops. Nowhere in the amendment is the right of the President to order the attack on the sanctuaries questioned. Nowhere is it averred that the President exceeded his powers as Commander in Chief.

The point in this controversy is not whether our troops should be in Vietnam, in Cambodia, in Southeast Asia. The point is that they are there, and we must not forsake them. It is unthinkable to suggest that we do anything other than support our American troops to the full extent.

The Constitution establishes the President's authority as Commander in Chief of the Armed Forces, the one man who must make final decisions affecting the use of our military forces. This is not a power that the President has seized without regard to the role and the prerogatives of Congress. It is a power that the Constitution has placed on the President. He would not be discharging his duty unless he acted to protect the members of the Armed Forces in Southeast Asia.

At the same time, and wisely so, the Constitution gives to Congress the sole authority to provide for or to withhold appropriations for our Armed Forces.

My attention has not been directed to any instance in the past history of our Nation where Congress even seriously considered exerting its control over the Government's purse strings so as to withhold support from American troops in the very heat of battle, putting their very lives in jeopardy while the debate is going on in the Halls of Congress.

The original Cooper-Church amendment set no date in the future when support for American troops in Cambodia should cease. Thus, the ban would be effective on the passage of the bill by Congress and its approval by the President; or, in the event of a presidential veto, on its passage over the President's veto.

The Cooper-Church amendment was accepted by the Foreign Relations Committee and has been reported back as part of the committee amendment.

Let us assume that the bill to amend the Foreign Military Sales Act passes with the original Cooper-Church amendment as a part of the bill; and that when the bill is sent to the President, the July 1 deadline set by the President has not been reached and American troops are still engaged in battle in Cambodia.

Doubtless, the President would veto such a bill with the overwhelming backing of the American people; and any such veto would doubtless be sustained.

But suppose the July 1 cut-off date is adopted. What would be the situation if the bill is not passed until August 1? What would be the status of support given our troops in that intervening period? Would that be illegal, and would those who gave such support before the enactment of the law be law violators?

Suppose again that the July 1 cut-off date is adopted. Does that mean that even though American boys are in the thick of the battle, risking their lives for our Country, but have not completed their mission by July 1 no more support will be given them because of the action which it is proposed the Senate take on cutting off funds?

I think it is significant that neither the original Cooper-Church amendment nor their amendment setting a July 1 cut-off date make any charge that the President acted without constitutional authority in Cambodia. Indeed the July 1 cutoff amendment would seem to ratify and sanction continuation of the mission until July 1, whereas, the original Cooper-Church amendment gives no such indirect sanction.

If, then, the President acted within his constitutional authority, why should the Senate be called on to repudiate his actions by withholding support from his efforts and the efforts of American troops in Cambodia?

The President has said that the destruction of the sanctuaries will protect American troops in Vietnam; that it will shorten the war and hasten peace; and that we will be out of Cambodia by July 1.

I respect the President's judgment, and I believe and honor his pledge that our troops will be out of Cambodia by July 1.

Proponents of the amendment agree that setting a cutoff date for support of troops is merely in line with the President's promise and is merely taking him at his word.

I don't see it that way. If we believe in and trust the President or if we respect him as Commander in Chief of the Armed Forces we would take him at his word on his promise to withdraw our forces by July 1, 1970.

We need only one Commander in Chief, and the Constitution wisely provides for only one, and that is the President of the United States.

Our country does not need a war council of 535, composed of 100 Senators and 435 House Members to determine strategy, to plan and employ tactics, to decide where, how, and when to fight. Nothing could be more ridiculous or disastrous for our country.

Deciding such questions in the Halls of Congress in full view of the world would advertise our plans and our strategy and tactics to friend and foe alike.

A foreign power hardly needs an espionage system. Let them subscribe to the CONGRESSIONAL RECORD, Time magazine, the Washington Post, the New York Times, and the Wall Street Journal and obtain copies of the hearings of our Senate Foreign Relations and Armed Services Committees and they could gain a pretty good idea of our military preparedness and of our overall strategy of foreign relations, as well as the divisions among the American people in these areas.

This is just one of the prices we pay for having a democracy where the people have the right to know.

Adoption of the Cooper-Church amendment can in my judgment serve no useful purpose. Adoption of the amendment, on the contrary, would be detrimental for many reasons:

First. It would raise questions and create doubt as to the credibility of the President of the United States.

Second. It would question the powers of the President of the United States as Commander in Chief of the Armed Forces.

Third. Incredibly, it would cut off support from American soldiers fighting for their country, while they are on a military mission to which they were dispatched by the President of the United States.

Fourth. It abandons Cambodia and the Cambodian sanctuaries to the North Vietnamese and tells them that they can come back and take over Cambodia, thereby putting our American troops in South Vietnam in greater jeopardy.

Fifth. It seriously weakens the power of the President as spokesman for this country in the quest for peace. This repudiation of the President and his actions will be known in national capitals throughout the world within minutes of our action on this amendment.

Sixth. It emphasizes our national divisions and lack of unity in the matter of a national foreign policy.

Seventh. It could discourage firm and timely action by the President in future crises in use of Armed Forces of the Nation.

Eighth. It could encourage our real adversaries, Russia and China, in believing that we lack the national resolve and determination to see the Vietnam war to an honorable conclusion.

Ninth. It advises our enemies as to what our plans are in Southeast Asia, telling them just what limitations our Armed Forces are under, just how far we will go and no further. It removes all flexibility from future military plans and operations.

Tenth. It prevents the President from ordering attacks in the future on Cambodian sanctuaries without approval of Congress, thus tying the President's hands.

The President of the United States, acting as Commander in Chief of our Armed Forces, has had and will continue to have my support in his conduct of the war in Southeast Asia.

Certainly, I oppose any moves in the Senate to tie his hands, to snipe at him, or to criticize his actions before the world.

I oppose any action that will deprive American boys in Southeast Asia of support, or that will cut the ground from under them, or will indicate in any way that they have less than my enthusiastic support.

The President has acted. This is now the official policy of our country in the conduct of the war. As a loyal, patriotic American, as well as a U.S. Senator from Alabama, I shall support it.

Therefore, Mr. President, believing as I do that the Cooper-Church amendment is unwise, unnecessary, and not in the best interest of the country, I must oppose it.

EDUCATION FOR HATRED—MIDDLE EAST TRAGEDY

Mr. SCOTT. Mr. President, one of the fundamental causes of the trouble which has kept the Middle East in turmoil for more than a generation is the teaching of hatred that has been inflicted upon young children in the schools of many Arab countries.

Unfortunately, some of this miseducation has also infected schools in UNRWA—United Nations Relief and Works Agency for Palestine Refugees in the Near East—camps, where teaching materials have tended to implant hatred of Israel into the minds of the students. The United States bears a heavy responsibility in this connection, because we supply the major part of the money which supports UNRWA.

This whole subject is discussed in detail in an article entitled "Education for Hatred—Middle East Tragedy," written by Dr. James H. Sheldon and published in the current issue of Prevent World War III, a magazine published by the Society for Prevention of World War III, 50 West 57th Street, New York, N.Y. The article is based on a study made by Dr. Sheldon during a trip to the Middle East, completed just a few weeks ago.

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

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

EDUCATION FOR HATRED—MIDDLE EAST TRAGEDY

(By James H. Sheldon)

The question of future peace or war in the Middle East is apt to be determined in the schools of the Arab states. A survey indicates that unless something is done promptly, the choice is likely to be war.

For many years UNESCO (the United Nations Economic and Social Council) has been trying to persuade member nations to remove from school texts material which teaches warfare against other peoples or inculcates group tensions. The attitude of one Arab state, Syria, was summed up in a letter to the Director-General of UNESCO written by Suleyman Al-Khash, the Syrian Minister of Education. As reported in "A-Thaura, the Ba'ath party organ (Damascus), on May 3, 1968, the Minister wrote: "The hatred which we indoctrinate into the minds of our children from birth is sacred."

Here is a passage from a first-year reading primer used in Syrian elementary schools:

"The Jews are the enemies of the Arabs. Soon we shall rescue Palestine from their hands."

In a secondary school in Jordan, students of the rules of Arabic grammar are asked to analyze this sentence: "It is arms that will free our stolen homeland." A more difficult exercise is based on this: "The Arab soldiers will lead our enemies to the slaughter."

TRAINING FOR TERRORISM

In Egypt, sixth grade reading students study the story of a young boy who was sent to the baker's shop by his mother, to buy a basket of bread. On the way, he meets some Arab soldiers. He volunteers to conceal one of their dynamite bombs under the bread, and to take it into the nearby Jewish headquarters. "Will you let me blow it up? Give me the dynamite and I promise to do whatever you tell me," the youth says. "The soldiers gave me some explosives, which I carefully hid in my basket, placed the fuse on top, and after they showed me how to explode it, I went to the bakery where I bought bread and hid the explosives under it," the story continues.

Then we read: "I went to the enemy post, looked warily around and then placed the basket in a corner after lighting the fuse with a match, then ran away to save myself, but I had run hardly a few steps when the dynamite blew up, destroying the post and killing the enemy Jews. A pillar fell on my leg and broke it. . . ."

After reading this, the class is supposed to discuss the story and answer questions such as: "Who occupies Jerusalem today? What was the device suggested by the lad? How did he blow up the enemy? What did his bravery cost him? Do you know another story about Palestine?"*

Hatred is bred into the child not only in history and social science courses, but it is imbedded in ordinary arithmetic and spelling problems. On the reverse side of the standard exercise book used by teachers in Syrian elementary classes appears a map of Israel with a bomb directed toward Tel-Aviv. Around the margin are pictures of Arab soldiers directing guns toward Israel. The whole thing is captioned "We Return."

The infection becomes even more alarming when it spreads into the UNRWA refugee camps.

The use of the camps—and their schools—for such indoctrination is now not only admitted, but has become the subject of open boasts by the Arab states.

We read in The Arab World for May, 1969: "In the refugee camps Palestinian youth aged 8 to 14 receive military, political and athletic training after school as members of the Al Ashbal (Lion Cub), the scout movement of the Palestine Liberation Movement."

The Arab World, from which this is

*U.A.R., Ministry of Culture and Education, "Reading and Entertainment," for the 6th elementary grade, by Khalid Qutrash, Abd A. Hamur and Affat W. Hamzah. (Cairo, 1960).

quoted, is the official organ of the Arab Information Center, in New York—which is the formally designated agency of the Arab League states in the United States.

By providing facilities for "youth activities" such as these Lion Cub scout organizations, refugee camp schools thus make available a direct recruiting channel into the guerrilla groups.

UNRWA'S RESPONSIBILITY

Education in the camps is under the general control of local or "host" governments. Although UNRWA is theoretically responsible for "technical standards," the Commissioner General's 1968 Report pointed out that "the curricula and textbooks employed in the UNRWA/UNESCO schools have in the past been those prescribed by the host governments for their own national systems of education." For example, the Egyptian text, with its story of the boy who concealed the bomb, as quoted above, was used in the UNRWA schools of the Gaza Strip, until the Israeli occupation.

In 1968 UNESCO established a group of experts to review the text of books in use in the UNRWA schools. So bad were these teaching materials that this international commission of educators recommended that 65 of the 127 books it examined be "modified" and that 14 others be completely withdrawn from use.

The Arab governments concerned have vigorously opposed the right of either UNESCO or UNRWA to control the choice of textbooks, contending that such action would "constitute an infringement of their sovereignty." [1]

In the Gaza Strip, the Israeli authorities became responsible for the military administration, a survey of books in use in UNRWA schools resulted in 70 out of a total of 79 being excluded because of hate-breeding subject matter.

As a result, a kind of stalemate has developed, and the 1969 Report of UNRWA's Director General remarks that, in the absence of anything else, "school texts declared to be obsolete" following examination by the committee of experts continue to be used in Syria and East Jordan, while in the Israeli administered areas of Gaza and the West Bank temporary "teaching notes" have been made the basis for most classwork pending some over-all solution.

In all the areas, teachers are local people. In the entire Middle East, as of June 30, 1969, the UNRWA payroll included only 110 persons on the international staff (direct employees of UNRWA and personnel loaned from other UN agencies), as against an enormous 12,901 employees on the "locally recruited staff," among whom were the 6000 teachers who man the classrooms.

The host governments, as a rule, have insisted that these teachers and other employees are subject to their local regulation, and the guerrilla groups have constantly exerted additional pressures, to the extent of using many camps as recruitment and training centers, and (in the recent case of Lebanon) actually usurping the policing of the camps. The resulting situation has constantly pushed educational methods into more and more bellicose formats.

The problem is particularly acute at the secondary school level, for UNRWA does not directly operate classes for these grades, but instead subsidizes the attendance of some 20,000 older refugee children at regular government schools in various Arab countries. These young people are, of course, the "opinion makers" of the new generation.

TEACHING HATREDS

Let us consider what a first-year secondary student studies in the Egyptian schools (including the Gaza Strip before 1967). A course in religion uses a text provided by the Egyptian Ministry of Education and Instruction, in which we learn that "the Jews, more than others, incline to rebellion and disobedience." A parallel text on Arabic Islamic history adds that: "The Jews will not live save in darkness; they contrive their evils clandestinely." And in Jordan, a 3rd year high school text printed by the Ministry of Education itself quotes at length from the infamous *Protocols of the Elders of Zion* (a notorious forgery, widely used by Hitler in his anti-Jewish propaganda), describing "force and deceit" and "the spreading of corruption" as approved "Jewish" ways of gaining power. "The Jewish Elders" are supposed to have declared, according to page 41 of this preposterous text, "We must unhesitatingly carry out the theft of the property of others."

Even art classes are used for the same hate-breeding purposes. When Gaza was occupied, a girls' school was found to be decorated with colored drawings, made by the students, in which Arab women were depicted being defiled by Jewish soldiers. Art work on an adult education text in Syria ("Salem in the Army") shows Arabs pushing struggling Jews back into the sea, as they try to escape from drowning. And another drawing by a girl student in Gaza, exhibited on a classroom wall, pictured young Arabs murdering Jews in a whole series of unpleasant ways.

It is obvious that the reconstruction of the Middle East requires us to start by cleansing the educational processes.

UNESCO has been conspiculously without success in bringing about reforms in the teaching methods of the governments themselves. In the Arab states, UNRWA likewise has been unable to effect basic changes in texts, and unable to exercise real control over the attitudes of teachers. In the Israeli occupied territories, a temporary and uneasy compromise has resulted in the use of locally reproduced "teaching notes," pending a general solution of the textbook question.

The governments providing major financial support for UNRWA can, however, exert pressure upon that considerable segment of education which is supported from international budgets. The United States—and other contributing governments—should, at the very least, insist that the money they supply be not used to teach hatred, or to finance "youth activities" such as the junior guerrilla organizations. This is an obligation owed both to the taxpayers of this generation, and to the peace and security of the future.

[1] 1968 Annual Report of the Commissioner-General of UNRWA, p. 9.

THE SPEAKER STEPS DOWN

Mr. KENNEDY. Mr. President, last Wednesday Speaker JOHN W. MCCORMACK announced that he will not be a candidate for reelection to the House of Representatives this fall. It was my honor to be present at his news conference when he made this announcement and to express my great respect and affection for him. I will have more later to say relative to his distinguished service to his State and his country, but I now ask unanimous consent that editorials from the Boston Evening Globe and the Boston Herald Traveler, which pay tribute to the Speaker, be printed in the RECORD.

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

[From the Boston (Mass.) Evening Globe, May 21, 1970]

THE SPEAKER STEPS DOWN

When a man is 78, and has served the public well for more than half a century, and has been Speaker of the House of Representatives longer than any man except the late Sam Rayburn, he is surely entitled to indulge himself in some sentimentality when he announces he will not run for reelection.

But there was none of that at all in what John W. McCormack of the Ninth Congressional District had to say in Washington on Wednesday. He was remarkably composed, and in great humor, and it can be said that nothing more becomes the quality of his long service to the nation than the manner in which he is leaving it.

It may not matter much, except to local pride, that John McCormack, the seventh Speaker from Massachusetts, has put the Bay State far in the lead as the mother of Speakers, much as Ohio became known as the mother of Presidents. There are other, more important things now.

Nor does the recent criticism of the Speaker matter much, either. The record of achievement will be far more enduring. It starts with service as a delegate to the state constitutional convention in 1917; as a state representative in 1920–22; in the State Senate from 1923 to 1926, and as a congressman from 1928 til now.

Mr. McCormack has occupied the most powerful office in Congress, and the third highest elective office in the land, since 1962. An earlier Speaker, Thomas Brackett Reed of Maine, once cynically defined a statesman as "a dead politician," but both Speaker McCormack and his mentor-predecessor, "Mr. Sam," ably proved he was wrong.

Because it was so long ago, most people tend to forget today that there was a time when the story of Horatio Alger had some meaning. It had some for John McCormack. Left fatherless at 13, he had to go to work to support his mother and two younger brothers. He never attended high school or college.

Most people also tend to forget, because most of them weren't born yet, the atmosphere in the nation and in Congress shortly after John McCormack, much like Mr. Deeds, first went to Washington. Yet there is a comparison, for the nation was in much the same sort of crisis then as it is today, except that now it is over a foreign war, and then it was the Depression.

The situation then seemed hopeless to many. There were record millions of unemployed. People wondered not just how, but even whether, the nation could be saved.

We remember John McCormack then, leading the fight for the poor (now the word is "underprivileged," as if it made a difference!). He was an able, tough debater, and not without reason could he describe himself after becoming floor leader as "Franklin Roosevelt's good right arm."

And his sense of humor has never left him. So good a poker player is he that an oil-rich senator once told a reporter he would rather pour his money down a manhole than get into a poker game with John.

"Don't you believe a word of it," said Mr. McCormack with a perfectly straight face, "I'm just learning the game."

It is a matter of great pride to Speaker McCormack that no matter where he has traveled nor how great the pressure of official business, he has never missed having dinner with his wife since they were married in 1920. There are not many men on this earth who can say that, and it is not an unimportant matter.

Now there will be a great scramble to see who will be elected from the Ninth District to succeed him. Taking the long view, it seems doubtful whether any of the Bay State's young hopefuls can ever equal his record and then top it off by quitting when they are ahead.

There has been criticism of John McCormack because of his age. He gave one answer to that on Wednesday when he said, merely, "I know how old I am and I don't apologize for it." It was well said.

But there was another answer, too, an even better one. He was asked what bill he would most like to see passed in the current session, and he said it was the Voting Bill, particularly with its section giving 18-year-olds the vote.

There was an accent on youth there that a lot of us might well envy. Speaker McCormack surely knows the nation is in a crisis, perhaps one of the gravest in its history.

It is a mark of his own greatness for him to recognize as he has done the vital role that our youth must play in helping us out of that crisis.

We wish the Speaker and his wife many more years of the "peace and relaxation" that they have earned so well.

[From the Boston (Mass.) Herald Traveler, May 21, 1970]

McCORMACK: THE LAST HURRAH

"Only in America" was a phrase popularized by Harry Golden. But Rep. John W. McCormack was fond of reciting it to describe his own career. Where else but in America, he would ask, could a poor Irish lad who quit school at the age of 13 rise to one of the most important and powerful positions in the country?

Young John McCormack supported his widowed mother and two younger brothers by running errands in a law firm. By reading law at night he managed to pass the bar exam and to begin a career as an attorney. It wasn't long, however, before he turned to politics, an art he had practiced with great skill and dedication for more than half a century.

After serving as a member of the Massachusetts Constitutional Convention of 1917–18, McCormack was elected to the state House of Representatives and then to the state Senate. In 1928, his constituents in South Boston sent him to Washington, where he has represented their views and interests with diligence and distinction ever since.

Several politicians had announced that they would oppose his reelection this year, but that apparently was not the reason for his decision yesterday to retire from Congress at the end of his present term. Few political experts doubt that the voters of the 9th District would have given McCormack another term had he asked for it.

Though many younger and more liberal Democrats in the House have been unhappy with McCormack lately, when his leadership was challenged only three months ago the Speaker trounced them and won a new vote of confidence by the overwhelming margin of 192 to 23.

Apparently the principal reason for McCormack's decision to retire from the House is the illness of his wife, Harriet. His devotion to her is legendary; during the 50 years of their marriage he has never allowed the many demands upon his time to prevent him from having dinner at home with his wife every single night. Her poor health has been a source of mounting concern to the Speaker, and he has certainly earned the right to spend more time with her in retirement after more than half a century of public service.

Rep. McCormack's impending departure from the House will leave a large void in Washington. It may be some time before the Congress will seem quite the same without him.

The Herald Traveler hasn't always agreed with Speaker McCormack's views and votes on the issues. In fact, we often disagreed rather strongly with them. But we have never had cause to question his motives, his integrity or his devotion to high principles.

Raised in the rough and tumble politics of South Boston, McCormack could be tough and stubborn. But even his political foes and critics have conceded that he was always a gentleman who treated them with fairness and courtesy.

And while he has also been a staunch and partisan Democrat, he has never been afraid to break party ranks when his convictions told him that was the right thing to do. This rather old fashioned concept of "the loyal opposition" has led McCormack to support the Vietnam policies of a Republican President as well as Democratic presidents because all of them, in his view, have been seeking "peace with justice, not peace at any price."

If this is what is meant by the term "the old politics," maybe we need more of it—not less—today.

SOCIAL SECURITY IMPROVEMENTS

Mr. BYRD of West Virginia. Mr. President, overwhelming approval of the Social Security Amendments of 1970 by the House of Representatives last week is a positive indication to the millions of Americans who have labored to make this country great that they have not been forgotten. I urge the Senate Finance Committee to take expeditious action in considering this meritorious legislation.

Today, 26.2 million Americans depend on social security. We cannot allow these fine Americans, who have dedicated themselves to the betterment of our country, to become second-class citizens. For many of our senior citizens, increased social security benefits would allow them to retire with the feeling of security and dignity that they deserve.

No one feels the ravages of the rising cost of living faster than those who are dependent on a fixed income. Many Americans have seen their savings—for which they have sacrificed in the past—dwindle in purchasing power due to inflation.

Mr. President, my constituents in West Virginia have written to me often expressing their concern that present social security benefits are not adequate to meet the realistic needs of recipients. I share their concern. During my years of service in the Congress, I have spoken out frequently urging that this program be strengthened.

During the 91st Congress, I have introduced a number of bills which I believe to be a first step in improving the current social security program. Among these are S. 3094, which was introduced last year by me, and which provides that monthly insurance benefits based upon attainment of retirement age would be payable in full at age 62 instead of age 65, and on an actuarially reduced basis at age 60 instead of age 62.

Another bill which I introduced, S. 1448, permits the payment of actuarially reduced widow's insurance benefits at age 50. I have a special sympathy for widows. I am concerned by the disadvantages which they often face in attempts to obtain adequate employment when, after years of being a good wife and mother, it becomes necessary for them to enter the labor force without the needed skills.

I have also introduced S. 2174, a bill which would provide a more equitable standard in determining disability in the cases of individuals who have attained the age of 55. This legislation would also shorten the waiting periods connected with disability insurance benefits.

Mr. President, the legislation amending the Social Security Act recently passed by the other body would raise from $1,680 to $2,000 the annual amount individuals are permitted to earn without suffering the loss of part of their social security benefits. My bill, S. 3046, would raise this ceiling to $2,400. Over 1 million Americans would benefit by this increase.

The House bill goes far in correcting the inequities which now exist in the social security program. The cost-of-living provision added to the bill is a meaningful step in assuring our elderly citizens that social security benefits will be adjusted on a regular basis to reflect increases in the cost-of-living. This provision will assure that the fixed income of social security recipients will keep pace with the times. Legislation to improve the social security program is long overdue. It merits careful and prompt consideration by the Senate.

PARTNERS OF THE ALLIANCE

Mr. BENNETT. Mr. President, on June 30 of this year, the Partners of the Alliance office in the Agency for International Development is scheduled to be phased out of existence.

Established in March of 1964 within the Bureau of Latin American Affairs at AID, the Partners office, with a staff of eight people headed by James H. Boren, director, was charged with the responsibility of developing direct involvement of U.S. and Latin American institutions, organizations, businesses, civic groups and individuals into partnerships or private sector participation in the Alliance for Progress. Volunteers throughout the hemisphere worked in socially oriented self-help projects, educational and cultural exchanges, volunteer technical assistance and investment in commercial ventures.

As of this date, the Partners office in AID has served as an effective catalyst in the formation of 40 partnerships in the hemisphere. Forty U.S. States are joined in partnership arrangements with 41 states or areas in 17 Latin American and Caribbean countries.

Utah was the first of the States to be linked with a Latin American Partner when it teamed in 1964 with the Altiplano area of Bolivia. Since then, numerous citizens in Utah and Bolivia have participated in meaningful and productive Partners projects, in the main as a response to self help on the part of people trying to help themselves. Projects in the fields of education, public health, agriculture and cultural exchange have been in the forefront of the Utah/Bolivia program.

Last year at this time, Utah was host to the Fourth Inter-American Conference of the Partners of the Alliance when nearly 350 representatives of volunteer Partners programs from throughout the hemisphere assembled in Salt Lake City.

The transfer of the servicing functions of the AID Partners of the Alliance office to the National Association of the Partners of the Alliance has been in process for the last several months. Mr. Boren recently stated:

The Partners Program is a private sector activity and it is in keeping with the basic Partners philosophy that the total servicing of the program pass into the hands of the

private organization. I am confident that the Partners will continue to expand into new program areas and to new levels of accomplishment under the private leadership of the program at the state and national level.

I want to commend the function of the small, energtic, dedicated and resourceful staff under Mr. Boren's leadership for developing in the short span of 6 years an ongoing effective people-to-people undertaking that has meaningfully supplemented the work of the Alliance for Progress.

Thousands of personal ties throughout the hemisphere have been established and the cost benefit ratio of Partners activities has been astounding. For every Government dollar spent in the transportation of a volunteer technician, there has been a return manyfold from the private sector in terms of goods and services. Last year more than $2½ million came from private groups and organizations within the hemisphere in support of private projects in rural and slum areas of Latin America, bringing the total to more than $16 million in 6 years.

This impressive cost benefit ratio is highly commendable and reflects, in part, the zeal with which the private sector is willing to respond to commonsense projects with strong self-help orientation. It is a credit to a small staff whose enthusiasm and dedication has gained the involvement of thousands of people in the hemisphere as volunteers in true partnership arrangements.

Mr. President, I ask unanimous consent that an article from the Sunday Star of May 24 be printed in the RECORD.

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

[From the Washington, (D.C.) Star, May 24, 1970]

PARTNERS OF THE ALLIANCE GETTING PRIVATE CONTROL

The federal government is handing over control of the Partners of the Alliance program for Latin America to private citizens effective June 30.

The phase-out of the government's steering role started April 1. Partners has been a function of the Alliance for Progress under the State Department's Agency for International Development.

Dr. James Boren, director of Partners since its inception in 1964, said he is transferring all functions of his office to the National Association for the Partners of the Alliance at 1518 K St. NW. NAPA is headed by Alan Rubin of Maine.

Boren is the father of the idea for the Partners program and has run it since it was approved by the then-coordinator of the Alliance for Progress, Teodoro Moscoso. Boren is a foreign service officer. He and his staff of eight will receive other government assignments.

Partners now has more than 40 North American states in partnerships with states and cities in 17 nations in the hemisphere. The arrangement has been one of the more individualistic aspects of the Alliance for Progress, because it has made possible direct cooperation between U.S. cities and states with people in partner cities and states in Latin America.

The only major areas in Latin America where there are no existing partnerships are Chile, Argentina, Cuba, Haiti, the Dominican Republic and the three Guianas.

AID will continue to participate financing NAPA work, even though government officials will no longer act in directing roles.

CONTROL AND ELIMINATION OF POLLUTION

Mr. LONG. Mr. President, on May 5, 1970, Kaiser Corp. and Time-Life joined in sponsoring a luncheon for the purpose of directing attention to the growing needs for control and elimination of pollution.

Mr. John Steele, senior correspondent of Time-Life News Service, presented a speech which I commend to all Senators. It serves as a good overall look at our problem and some avenues that provide possible answers.

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

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

KAISER-TIME LUNCHEON, MAY 5, 1970 ECOLOGY SPEECH BY JOHN L. STEELE, SENIOR CORRESPONDENT, TIME-LIFE NEWS SERVICE

There are some periods in history which shake the world. Most often in the past they have been created by war, epidemic, economic decay or political revolution. There is no doubt in my mind that the early 1970's again represent such a period. And in some somber ways the crisis which I see is even more condign; the reason: it appears likely that the stakes are even higher than in past crisis eras. The stakes would appear to be the welfare, perhaps even survival of man as we now know him in the thin and fragile envelope we call our environment. That that environment is threatened today seems beyond debate despite an occasional bleat of false rationalization such as that espoused by the Mayor of a small-sized midwestern city who recently exploded that "if you want this town to grow, its gotta stink." And despite the pathetic delusions of a national patriotic society which meeting here a few days ago, found in convention assembled that the problem of environmental pollution is—and I reluctantly quote—being distorted and exaggerated by emotional declarations and by intensive propaganda.

The question many of us are asked today is whether this nation's occupation with environmental concerns is for real, or whether perhaps it is like the measles, uncomfortable while it lasts but of pretty short duration. The question is posed, for a variety of reasons by editors, some men of governmental affairs, and by many, many members of the business community. It seems to me that the answer is self-evident—that it is for real and that it should be. And the reason is that the vast and interlocking drama of our environment is all about us, ever heightening in intensity. It impinges on our eyes, our ears, our health, our food, water, earth and air, our aesthetic sensibilities, our business and professional lives and perhaps even on our very existence itself. Yes, it seems that not only the quality of life, but in a significant way, its very eixstence as we now know it is open to question.

There is an overflowing cornucopia of literature on the environmental threats, spilling over us each day and portraying a wide diversity of problems, many of them so interlocked that to solve one is merely to create another. It is not my purpose today to present you with a full index to the dangers in terms of life, health, lungs, cardiac condition, food consumption and supply, pest control, plant and animal life. Some of the indices of the threats we face may be spurious, over-dramatized, even hysterical. But the vast body of evidence leads, I am sure, most of us in this room to understand that environmental pollution is a very real challenge to us all, and one which won't pass with Earth Day, angry demonstrations before stockhoders' meetings, the introduction of a clutch of bills in Congress, or even corporate public relations campaigns of the type inviting us to drive up to our local gasoline station—to have our automobile ash tray emptied. It simply is true, for instance, that last summer the Cuyahoga River in Cleveland burst into flames, its waters were so polluted. And Lake Erie approaches the state of a dead sea. It simply is true, for instance, that the milk in a mother's breast exceeds in DDT content by several times, the permissible level in bottled milk. It is true, for instance, that each year we junk seven million cars and that it costs New York City alone three million dollars just to pick its share of abandoned automobiles off the parkways. It is true that fourteen hundred communities including some good sized cities such as Memphis dump their untreated wastes directly into our waterways. It is true that our fossil-fuels are being converted to gas and ash—as well as generating power—at a rate doubling in tonnage every twenty years and that byproducts of our combustion gluttony make up about 85 percent of the total tonnage burden of air pollution even today. There is no need to go on. The imperatives of the dangers are all too apparent. Hysteria is no substitute for action, and self flagellation is not a recipe for good health.

But one must pause on any ecological tour, no matter how brief, to pose the question of "how did all this happen?" Unlike many other natural and man-made crises, it is beyond question that this one stemmed alone from our rush for uninhibited, too often thoughtless, progress. I mean scientific, technological, and industrial progress. That progress has been so commendable in so many ways that I would skip its defense entirely if today it was not under violent attack from many quarters, and not merely from so-called anti-establishment student militants and social critics of the left. So let us not forget that in the just completed decade of the sixties, the total product of our goods and services—our GNP—grew by nearly one half, and this figure IS corrected for the marring impact of inflation which set it in 1966. The output of our economy now is about equal in one year to what it was in 1960, PLUS the output of the entire Soviet Union. By far the wealthiest nation in the world, we add to our economic base every five years the equivalent of the total economy of West Germany. Over the past decade we added one-third to the spendable income of the average American—even allowing for price increases and taxation. And in very human terms, we created ten million new jobs, cut unemployment in its total impact by 40 percent, and reduced the number of persons living below the poverty level from 40 million to 26 million. As a consequence, we have produced and marketed goods—and distributed them throughout our population—in a quantity never before seen or even dreamed of on earth. But our Promethian efforts have been mindlessly costly as well. Our economy, one estimate runs, uses two and a half billion tons of material each year (about 13,000 tons per person). Although our country contains only 5.7 percent of the world's population, it consumes 40 percent of the world's production. And the average American in 70-years of life uses 26 million gallons of water, 21 thousand gallons of gas, ten thousand pounds of meat and $8,000 worth of school buildings. And this year each American on an average will use and dispose of about one hundred beverage cans and a dozen soft drink bottles alone. The price of massive extraction and use of our resources, massive combustion of our energy sources, massive production of goods has, unfortunately been at the price of massive filth. It costs us $2.8 billions a year to collect our garbage alone. It has cost us massive pollution—about half of the entire world's industrial pollution. This year and every year our plants puff 172 million tons of smoke and

fumes into the air and discards 165 million tons of solid waste.

One simplistic, so-called cure is advocated by a surprising number of people these days who should know better. It reads simply, "stop." In fancier terms it is called a "no growth" or "zero growth", or even a "negative growth" policy. It is an absurdity and envisages a romanticist's retreat to a sort of second-hand version of Thoreau's Walden Pond. It espouses a halt to the very technology we so badly need to clean ourselves up. It may be a philosophically and emotionally satisfying argument to a few affluent middle Americans—even some academicians, college students and a few businessmen. But I doubt that when explained, it would find much support among the 26 million Americans who exist below the poverty level today and the millions more just above that minimal level of life. Try, for instance, to explain it to the poor people—black or white. They want jobs, they want the material goods now mostly deprived them, they want education for their children and a decent living environment for themselves. And I doubt that a stand pat, no growth economic policy is at all acceptable to most of the 76 million plus people who constitute our employed civilian labor force. To be effective insofar as environmental protection is concerned, such a technological-industrial retreat would have to be extended over a very broad front and go back a long, long way. Max Ways, a distinguished editor of Fortune magazine, writes that even a century ago, our then comparatively simple technology had already slaughtered the bison, felled the eastern forests and degraded our colonial cities. He writes that retreat to the 1870 level of technology, while not giving long-range protection to the environment, would place the median American standard of living far below our present 1970 poverty line. Among the consequences of such a retreat would be the closing of 75 percent of our present colleges and most of our high schools. We'd give up not only the automobile and airplane, but mass education and our social services as well. Nor can we even stand still at today's level—that would mean total surrender of our normal goal of a better life, more services, more health, more education for more people, and indeed a much better environment. Though the "no growth" or even "negative growth" idea is appealing to some these days, it is one which won't stand the test of reality. What we do need is more technology—and better, broader technology; more production and production based on broader cost, pricing and profit lines; more and better distribution and more thoughtful consumption. In short, more and better technology and growth.

President Nixon said in his State of the Union address in January that "the great question of the Seventies is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done in our air, our land, and our water." A significant sector of the business community answers in the affirmative. A recent survey taken for Fortune from its listing of the 500 largest U.S. corporations, registered 57 percent in favor of stepping up federal regulatory activities in the environmental field, and this from a group not particularly noted for favoring federal regulations and control. Fifty-three percent favored establishment of single national standards by the federal government re air and water pollution, and land use, while only 35 percent favored local standards. And, perhaps surprisingly, between 85 and 88 percent answered affirmatively such questions as: should environmental protection be taken into consideration even if it means inhibiting the introduction of new products, foregoing an increase in production, or reducing profits. Yet 51 percent of the companies questioned were spending less than three percent of their capital budgets on pollution control, a pretty discouraging figure. But a point that can be made is that a beginning has been made. Our co-host this noon, Kaiser industries, has spent on steel operations alone some $30 million on air pollution control and $15 million on water pollution control since 1942. And Kaiser's aluminum and chemical corporation will spend about one-third of its new or expanded facilities budget on environmental protection. (I might add that by personal observation, I am impressed by the environmental and social considerations accompanying its development of bauxite resources in Jamaica.)

Armco Steel put $74 millions over a three-year period into air and water treatment facilities. Bethlehem Steel's new plant at Burns harbor on the Indiana dunes sets a high mark for cleanliness and the company estimates that over the next five years its expenditures for pollution control work will rise from its present six percent to 11 percent of its capital investment. Republic Steel is completing an $18 million waste-water treatment facility in the Cuyahoga Valley. By no means are such expenditures limited to a steel industry not particularly noted through its history for ecological considerations, nor to these companies. But, sadly, it's just scratching the surface. Many experts agree that merely to save the United States from becoming a malodorus wasteland will cost nearly $100 billions over the next five years. About $30 billion of this total will be needed merely to halt further pollution of our waterways, while the probable cost over five years of really cleaning up the air is an astronomical $60 billions. A major share of the cleanup cost will have to be borne by government. President Nixon proposes spending $10 billion over the next four years for providing secondary water treatment plants, the federal government to provide 40 percent of the total, plus support in the marketing of municipal bonds. This should be enough, he thinks, to provide secondary treatment plants for every community needing one. But the program is mostly a holding action because secondary treatment plants, while cutting gross sewerage deposited in waterways, produces in the process such inorganic products as nitrates and phosphates which are in turn reconverted to organic materials by green plants of the aquatic-biological system, thus thwarting the initial aim of the treatment process and accounting for much of the mass of rotting algae which fouls our waters and beaches. We'll need the introduction of tertiary treatment to protect our surface water and ultimately a system for returning organic wastes to the soil.

The needs of water pollution abatement alone are huge, and not confined to merely spending more. Congress must abandon rigid allocation formulas for dispersing sewerage treatment funds, thus permitting allocation of such funds where they are most needed. Uniform standards and stricter ones, are needed, set by the federal government over interstate waterways and not subject to state and municipal economic-political pressures. It is axiomatic that a "clean" standard on one bank of a river is totally offset by a "dirty" standard on the other. We must develop and enforce effective standards on the other. We must develop and enforce effective standards for intra-state streams and lakes—or "dirty" plants simply will escape to their shores. There are a host of other pressing needs in the water field alone. Municipalities must impose users fees on industries to meet costs of treating industrial wastes—or stiff penalty taxes for the lax. We've simply got to have effective "at the pipe" control . . . and not rely solely on the down-stream facility. Industry itself could stop its pollution inputs by installing waste treatment facilities of its own, as some forward looking companies are doing. For this, the cost is relatively small, an estimated $3 billion. For $2 billion more, cooling towers could be provided to avoid thermal pollution, while $6 billion could bring sediment and acid mine drainage under control.

In air pollution the problems are somewhat similar in range and depth, but I judge the technology is perhaps even more difficult and the costs are considerably steeper. Our 83 million cars cause 60 percent of urban air pollution. We must meet stricter automobile emission standards now being promulgated, at the very least. I totally disagree with a spokesman for the lead industry who cautioned a California legislative committee recently against a crackdown on lead in gasoline on grounds that it would discourage development of effective emission control devices for cars. We need, I do believe, far less lead in our gas, far more effective emission devices on our cars as well. And let's not be so frozen in our technological thinking as to believe that certainly, there is no substitute for our present gasoline fueled internal combustion engines. Some competitor may think otherwise—and prove it. The most nagging problem in this area springs from electric power. Our power needs double every ten years, our power situation is critical and the President's science adviser predicts power blackouts this summer in various parts of the country. Fossil fueled power generating plants are said to be accountable for fifty percent of the sulphur oxides and a quarter of the particulates floating in the air. Yet we need more plants. We have yet to really meet the challenges presented by the discharge of hot waste waters into our streams from the just aborning nuclear power generating industry and there remain concerns regarding radioactive emissions and waste disposal practices here. In air pollution, too, we need tighter standards and a new technology to make their enforcement possible. Higher smoke stacks, better electrostatic precipitators and filters, lower sulphur-content fuels, better cooling methods—all are needed. And perhaps we can use our electric power more sensibly—without its rationing.

Of all our environmental problems, that of our solid waste management is the most esthetically annoying but likely the easiest to control. A favorite Interior Department statistic these days is that in New York City one half of the solid waste is paper, and one third of all the paper waste is The New York Times. It costs New York an estimated three-cents a copy to dispose of the Times which sells for ten-cents on weekdays. Why not charge 13-cents and let the Times pay for its own disposal, it is asked. (I haven't requested similar projections for Time and Life, but perhaps I will.) Recycling of our materials, once popular in war time, has been downgraded in the luxury of today's economy. It must be upgraded. One aluminum company finds it feasible to recycle its beer cans. But the simple, twist-off aluminum cap apparently makes recycling impossible when you like your beer out of a quart bottle. The cap, it seems, leaves a thin aluminum ring around the bottle's neck and its removal makes too high the cost of grinding such bottles into cullet for new glass making. The tin coating and lead solder on the otherwise steel "tin can" largely excludes it from the salvage market. These, I suggest, are not insoluble technological problems. Maybe there should be a consumer tax payable by the consumer who prefers a non-returnable soft drink bottle to the returnable type. It could be large enough to help put the material back into recycling and it might even finance a lottery to encourage the return of containers to retailers—the beer drinker who returns every five hundredth or thousandth bottle or can could reap a five or ten dollar reward. And surely a $50 disposal tax would not be too much to pay on

a $3,000 automobile. We pay more for a set of snow tires and if we want "in" on the beginning of a product's life cycle, we should be willing to assume part of the cost of its death.

It seems clear that our private cost accounting needs some updating. It is becoming more certain by the day and week that business costs and consumer costs must include a substantial new factor called environment cost—be it cleansing the water, freeing the air, or gathering and then recycling our solid wastes. Likewise, and finally, a new government operations approach seems called for. At its simplest, it just doesn't make governmental sense for the New York Sanitation Department to solve its problem by filling a barge with garbage and dumping it at sea. All too soon the debris is washed inshore and it becomes but another problem—this time that of the water department. The same kind of fragmentation is found at every level of government. A recent Library of Congress study showed 75 federal offices, agencies, boards, committees, and commissions with some governmental responsibilities in the environmental field. Piecemeal and fragmented attacks on interlocking problems involving water and air pollution, waste disposal, land utilization, power needs and the population-food ratio simply won't do. Creation by President Nixon of a Council on Environmental Quality is a modest step, confined to target definition, policy formulation, and inter-governmental coordination and support. Fortunately, there is a new government mechanism which can deal on a very broad operational basis to harness the endeavor of man, the resources of diverse industries and government offices, the brains of scientists and technicians of our laboratories and universities in a common effort to reach a very broad goal, such as improving our environment. It is a new management concept which though dedicated to a specific goal can cope with secondary and tertiary problems and objectives. I refer to the new concept of management and governmental administration presented us through the program of the National Aeronautics and Space Administration. NASA drew, with ninety percent of its budgeted funds, on the diversities of our society—industry, research institutions, university laboratories—to achieve a desired goal, the capability of man to live and work in the space environment. It drew together for a specific goal, far reaching research and development in power, communications, computerization, miniaturization, acquisition of environmental data on new planets, the moon, the sun and on the environment enveloping the earth. It is likely that its imaginative management of the full sweep of its endeavors may in the future outweigh in value its present accomplishment of putting men on the moon. It is likely that that kind of approach which now permits man to live outside his environment will be vital in permitting man to live in his environment.

James E. Webb, NASA's administrator for seven years, has written a most challenging little book called Space Age Management. And I commend it to you. In it, he expresses and explains his deep conviction that our accomplishment in space, as he puts it, "can usher in a new era of great advances for us and for mankind. I believe this first," Webb writes, "because our accomplishments indicate a fundamental improvement in man's ability to find and use new knowledge. These include new ways in which large-scale organized efforts are managed; the encouragement of multi-disciplinary efforts not only among the scientific disciplines, but involving science, engineering, and management; new techniques and tools for the conduct of research in the social, as well as the physical sciences; and the creative manner in which these are applied to the solution of age old problems. I believe it secondly," says Webb, "because with these accomplishments we have shown that we can perform the most difficult and challenging tasks without departing from or damaging our fundamental values or our democratic institutions. Indeed, we have shown that we can order our work so as to add constantly to the strength and vitality of both."

I would suggest that our approach to our environmental problem must be of this broad scope, deep commitment and in this general direction. Only thus can we meet what the poet, Archibald MacLeish, finds to be "the contradiction between the triumphs of human achievement on the one hand and the profound uneasiness of humanity on the other."

NEW WORLD COMING

Mr. HRUSKA. Mr. President, we are experiencing a good deal of valuable discussion about our various pollution problems and we are all gratified to see that this discussion is leading us to some concrete actions which are beginning to make inroads into this critical national problem.

One of the most encouraging aspects of our growing national assault on this problem is that fact that the Nation's youth are in the forefront leading the way. They have been groping for a way to serve and to be involved and I believe they are increasingly discovering in the antipollution effort a role in which they can make an immediate and satisfying contribution.

They also wisely perceive that this is their land to inherit in a very few years and they want to be sure the resources are in the best possible shape when they do take over. In this respect, they are much more farsighted than their predecessor generations.

While the midwest does not consider its pollution problems as critical as those in the high density population areas, we are nonetheless aware that we must join the battle vigorously. And I am pleased and proud to report that school youngsters are eagerly assuming a leadership role in Omaha.

In cooperation with the Northern Natural Gas Company of Omaha, selected youths from Omaha high schools made extensive photographic studies of their impressions of Omaha's changing environment. Their work was combined into a graphic presentation entitled "New World Coming." While I have not yet had the opportunity to see it, I am told that it is an excellent production.

I wish to commend the fine work of these young Omahans: Tom Aust, of Westside High; Terry Brunt, of Technical High; John F. Clark, of North High; Lou Gillotti, of Benson High; Mark Kauffman, of Burke High; Jerry Klug, of Rummel High; Mike Koba, of South High; Betsy Rezek, of Marian High, Phil Tworek, of Ryan High; and Perry Williams, of Creighton Prep.

I ask unanimous consent to have printed in the RECORD a story from the Omaha World-Herald which provides more detailed impressions of the views of youth on our environmental changes.

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

[From the Omaha (Nebr.) World-Herald]

YOUTH IN THE MIDLANDS: CAMERA VIEW SHOWS FACETS OF CITY

(By Joe Rotolo)

Omaha is alive and well, but suffering the growing pains common to a rapidly expanding city, according to seven Omaha teenagers. They have been doing a lot of looking at the city through the viewfinder of a camera.

Among 11 teen-agers selected by their schools for a program conceived by Northern Natural Gas Co., they have been taking pictures since Feb. 7 of their impressions of Omaha's changing environment.

All seven said they associated the growth and potential of Omaha with the westward expansion of the city, while associating the problem inherent in a growing city with the Near North Side.

FEW YOUTH ACTIVITIES

They all said that they found little provision for youth activities in their look at Omaha, but they also said they found the city to be cleaner and in better shape than some cities they had read about.

Michael Koba, a senior at South High School, said he found problems in the side streets of the city that the average man seldom sees.

"Everybody notices North Twenty-fourth, but how many people ever go one or two blocks either side of that street to see the run-down conditions of the neighborhoods?" he asked.

Koba also said, "I got involved in this because I thought the project would help build Omaha for the young. The city of 10 or 15 years from now will belong to today's teenager, and maybe this project will help show the changes we feel are needed."

GOOD, BAD SIDE

John Clark, a junior at North High School, found a good and bad side to the city. "The pollution along the river and the dying packing industry are two big problems facing the city," he said.

Clark said he also found peaceful, quiet surroundings in western Omaha, where it is possible to be in the country, but never go outside the city limits.

Jerry Klug, a junior at Rummel High School, said he learned that pictures taken at different locations can express different moods.

Louis Gillotti, a junior at Benson High School, said he discovered much of the same thing.

"It's easy to find a place like the Woodmen Tower to impress you, but it's also easy to find a house in the older section of South Omaha to depress you," he said.

Phillip Tworek, a sophomore at Ryan High School, said he tried to show the growth of Omaha through pictures of the First National Bank Center, housing construction in west Omaha, and recently completed factories.

SLIDE SHOW

Perry Williams, a senior at Creighton Prep, said he saw Omaha in terms of its people.

"The city is people, what they do, and how they change," he said.

Williams said he took the pictures at Creighton University, the University of Nebraska at Omaha, and in downtown Omaha.

The versatility of Omaha was what Thomas Aust, 18, a senior at Westside High School, said he tried to capture with his camera.

He said his picture subjects ranged from the growth in west Omaha, to the new businesses, the Old Market area, to the waste evident along the river.

Others in the project are Mark Kauffman and Richard Hart from Burke High School, Betsy Rezek from Marian High School, and Terry Brunt, a former Technical High School student.

The results of their work will be presented in a slide show at the Mayor's conference on Omaha's changing environment April 13.

FEDERAL ROLE IN HIGHER EDUCATION

Mr. MUSKIE. Mr. President, on Sunday, May 10, 1970, an excellent article appeared in the Washington Post by Dr. Alice M. Rivlin, former Assistant Secretary of Health, Education, and Welfare and Dr. Robert W. Hartman, also formerly of HEW.

As Drs. Rivlin and Hartman point out, the administration's higher education proposals place admirable emphasis on aid to students rather than aid to colleges and universities. However, the proposals also give rise to serious questions which must be answered as Congress considers the Federal role in support of higher education.

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

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

[From the Washington (D.C.) Post, May 10, 1970]

A CHECKBOOK FOR THE STUDENT

(By Robert W. Hartman and Alice M. Rivlin)

(Miss Rivlin is a former Assistant Secretary of Health, Education and Welfare and Hartman is a former HEW employe.)

The administration is proposing a drastic overhaul of Federal aid to higher education. The new plan—announced in the President's Higher Education Message and spelled out in subsequent legislative proposals—is complicated and sure to be controversial.

Like the administration's welfare proposals, the higher education plan is bold reform on an inadequate budget. Moreover, gaps between the President's message, his legislation and recent statements by the Vice President have opened some grounds for doubting whether the intent of the program can be realized.

The big emphasis in the President's plan is on aid to students—not on aid to colleges and universities. For the first time, the government would guarantee assistance to all financially needy full-time undergraduate students in accredited colleges and universities. The amount and form or assistance would be based on the income of the student and his family—not on his grades, his geographic residence or the whim of the college.

The plan has aroused cautious enthusiasm among those who seek to improve the access of poor students to higher education. It is acutely disappointing to those—including many college presidents—who believe that colleges and universities can be rescued from their deep financial trouble only by direct federal support. In their view, the Nixon plan adds to the problem—by enabling more students to go to college—without contributing to the solution.

FOUR PROGRAMS NOW

The government now has four major programs for aiding students: educational opportunity grants, work study, national defense student loans (government funds) and guaranteed loans (private funds). The first three are administered by colleges and universities.

A student must first gain admission to an accredited institution and then apply to it for aid. The institution's federal aid budget depends on state distribution formulas and the approval of review panels. The college decides how much aid to offer the student and in what mix of grant, loan or work obligations. It can concentrate its aid funds on a few exceptionally needy students or spread them more over a larger number.

The guaranteed loan program is administered primarily by banks. The government guarantees bank loans to students at a maximum interest rate of 7 per cent, pays the interest while the student is in college and makes a special payment to the bank when money is tight. Most borrowers under this program are from families with middle to high incomes.

There are three big problems with present student aid programs. The first is inadequate funds. Colleges and universities have had to turn away many applicants because funds were exhausted or because they were in a state that fared poorly under the distribution and panel system. Banks have been reluctant to lend to students under the guaranteed loan program when more profitable investments were available.

The second problem is student uncertainty: a student who wants to go to college cannot tell in advance where he can get aid or how much. The third problem is that federal funds have not been concentrated on those who need them most. The administration plan attempts to deal with these three problems.

TWO KINDS OF AID

The administration program proposes two tiers of support: (1) subsidized basic aid for full-time undergraduates with low family income, and (2) unsubsidized supplementary aid for everyone. Under the basic aid program, the Secretary of Health, Education and Welfare would establish rules about who is eligible for aid and what kind. He would set up a schedule showing how much a family of a particular size and income should contribute to its child's education, and how much the student could get in grant or work-study money and subsidized loans.

For example, a two-child family earning $4,500 might be expected to contribute $100; the student would be eligible for a grant or work-study payment of $600 and a subsidized loan of $700. A two-child family with $7,000 would be expected to contribute about $900; its child would not be eligible for grants but would get $300 in subsidized loans. A family with $10,000 or more income would not be eligible for subsidized aid but could borrow under the supplementary loan program. (These figures have been used by the administration to illustrate the program; they are not spelled out in the legislation.)

The basic aid program differs from existing programs mainly in shifting the decision about the student's eligibility for different types of aid from the college to the HEW Secretary. The effect would be to spread somewhat increased government funds over many more people. More students would receive some aid, but some students would receive less than under existing programs. (Students now receiving aid would be protected against loss.)

Student aid officers at high-cost private colleges would no longer be allowed to concentrate relatively large sums on a few students. Unless the university could make up the difference with its own funds, the poor student at Harvard or Stanford would have to borrow under the supplementary programs or go to a cheaper place. But the student who now found no school willing to give him funds would be assured of enough to pay his way at a low-cost public institution.

INTEREST MERELY DEFERRED

The supplementary aid program is designed to make unsubsidized loans available to students of all income levels who want more expensive education and want to spread the cost over their earning years. The administration's proposals amend the guaranteed loan program in several ways:

The interest ceiling is eliminated. Banks would lend at the market rate—about 9–10 per cent at present.

Special allowances to banks and the interest subsidy to students are eliminated. Students could defer interest accruing while they were in college but would have to pay eventually.

Students would be allowed to borrow up to $2,500 a year for seven years and repay over 20 years.

A new institution, the National Student Loan Association, is created to increase the flow of funds into student loan markets.

This NSLA would be a quasi-governmental corporation similar to the Federal National Mortgage Association. It would raise funds in private capital markets by issuing its own obligations, which would be guaranteed by the government. With the proceeds, NSLA would buy, sell or warehouse ("buy" under the condition that the seller will "repurchase"; i.e., NSLA "stores" the loans) student loan paper from colleges, banks and other eligible lenders. The volume of NSLA operations is not specified in the legislation, but the President's message on higher education specified that NSLA would buy up to $2 billion in student loans in fiscal 1972.

The hope for NSLA is that it would attract funds from new sources (including insurance companies, pension funds and even college endowments) to student lending. It would also encourage such lending by banks, which could warehouse up to 80 per cent of their low cash-flow student loans with NSLA and plow back some of the proceeds into more student loans.

The administration's intentions appear to be laudable. Unfortunately, the bill is so vaguely drafted that it is hard to be sure that these intentions will be carried out.

First, the bill does not specify who will be covered under the basic aid program or how much aid will be available. While it would be a mistake to enact an inflexible dollar schedule, some guidance should be given on the proportion of students to be aided. For example, the legislation could authorize appropriations sufficient to give basic aid to students whose family income falls below the median of all families with college-age children.

The bill also leaves the HEW Secretary too much discretion in determining the mix of grants and loans in basic aid. If he chose he could offer the low-income student only a subsidized loan without any grant at all. Being forced to borrow the full cost of their higher education would close the door to many low-income students.

Similarly, the bill fails to distinguish between pure grants and "grants" in payment for work; apparently, the colleges are to decide. The danger exists that the poorest students, who can least afford time away from their studies or from more lucrative jobs off-campus, will be forced to sing for their supper in low-paid work-study jobs.

If the administration is serious about guaranteeing higher education to low-income students, it should make clear that a substantial portion of the basic aid package (say half) is a pure grant. Students could then choose, in consultation with their college financial aid officers, whether to take the remainder of their aid eligibility in the form of subsidized loans or payments for work.

THE TRACK SYSTEM

Another problem with the administration's bill is that it may reinforce the track system in higher education under which low-income students attend public institutions, especially two-year colleges, and higher-income students attend more expensive private institutions. It certainly seems more sensible to use scarce public resources to enable three students to attend a community college than to send one student to Princeton, but this might make the Princeton student

body more uniformly upper crust and less aware of how the other 99 per cent lives.

Moreover, in a major speech on higher education April 13, Vice President Agnew questioned the wisdom of expanding enrollments in four-year colleges or making special efforts to admit minority students. He said that the "cluttering of our universities . . . is a major cause of campus . . . unrest" and that "we must have more community colleges . . . (for) the late-blooming, the underprepared and the underachieving student." His words have aroused fear that the forward strides made by our best institutions to diversify their student bodies will be nullified.

The segregation of low-income and minority students could be affected by increasing the size of the grant program in the administration's proposal by $300 to ensure all students at least $3800 in grants, work, loans and family contributions.

Finally, the administration program places heavy reliance on loans to finance higher education, presuming that students will be able to repay them in later years. Some students won't make it; although most college-trained people earn high incomes, each census reports some highly trained but financially disabled households.

A number of proposals have been made to provide such persons with "income insurance." A modest step in this direction, originally suggested in an HEW report during the Johnson administration, would be the cancellation (forgiveness) of repayments for borrowers whose income falls well below the average for other families with equivalent education. Such a provision might encourage overborrowing, but by limiting the program to severe hardship cases, this could be kept under control.

The big unanswered question in the administration's program is whether it foresees general federal support for higher education. For the present, the emphasis is entirely on enrollment equalization and support for special projects through a National Foundation on Higher Education as well as a small program of "start-up" aid for post-secondary vocational programs.

General support to lower costs and enhance quality for all students is at present almost entirely a state responsibility. And most states have chosen to supply it by subsidizing state-operated institutions of higher learning. In some parts of the country, this practice has put a severe squeeze on private colleges and universities.

One scenario for the future would leave to the states the obligation of supplying partial support for higher education with the federal government participating through revenue-sharing. But this would require that the states begin to spread their support to private institutions or else the private schools will wither away.

An alternative approach to general support would be direct federal institutional aid to all colleges by formula. One gathers that the administration strongly prefers the former more decentralized route, and this probably accounts for the absence of any general aid in the proposal.

No proposal in any domestic area is an unmixed blessing. The administration's nigher education plan has the virtue of restructuring student aid in an efficient way, but the level and mix of aid can certainly be improved upon.

ADDRESS BY MRS. ANNA CHENNAULT

Mr. THURMOND. Mr. President, on May 14, 1970, Mrs. Anna Chennault, vice president in charge of international affairs of the Flying Tiger Line, Inc., gave a talk to the Union League Club of Chicago, Ill., entitled "The Spirit of the 70's—U.S. and Free Asia."

Mrs. Chennault is a great patriot and an advocate of freedom; an author and writer, as well as a capable Vice President of a large airline. Her profound remarks are based upon personal experience and years of study of U.S. and Asian relationships. She points out that in the 1970's the Asian Nations are entering a new era and that there is a great transition now taking place in the Eastern World. The Asian people have had long experience in dealing with communistic power, which has been trying to take them over since the Russian Revolution in the 1920's. The people in Asia understand just what is at stake. To them, according to Mrs. Chennault, "Communism tastes the same—hot or cold—raw or cooked." Further, they realize that certain things are not negotiable, in particular, individual liberty and political freedom.

Mrs. Chennault wonders why Americans have so much self-doubt. She points out that thousands of people from all over the world each day seek entry into the United States. This is a living testimony for Americans that our democratic form of government is certainly better than that enforced behind the Bamboo and Iron Curtains.

Mrs. Chennault's speech in Chicago was a great testimonial to American accomplishments and to American potential. She showed why it is so important for the United States to emphasize peace through strength and to continue our work for peace in Asia.

Mr. President, I invite the attention of Senators to this illuminating speech by Mrs. Chennault and ask unanimous consent that it be printed in the RECORD.

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

THE SPIRIT OF THE 70'S—U.S. AND FREE ASIA

(Remarks by Mrs. Anna Chennault, vice president, International Affairs, The Flying Tiger Line, Inc., before the Union League Club of Chicago, Ill., May 14, 1970)

Both the Free Asians and the U.S. have many important decisions to make in the morning of the 70's. Is the U.S. determined to continue to be a strong nation, or is she willing to retreat into isolation? And the Asians, are they working toward a free Asia?

The West and the East are entering the new era of the 70's together. We must recognize the tremendous transistions of the Eastern world with understanding and sympathy, and at the same time prepare for its consequences.

America, as a free nation, cannot stand strong and free alone. A powerful nation remains powerful only as long as it maintains a strong foreign policy.

England and France, after they retreated from a once strong position, suffered these consequences.

We recognize the fact that Asians make up almost ⅔ of the human race. In the 70's the Asians are entering a new era, for they have come into their own—a new spirit—an Asian reality. That is to say, they want to plan and organize their own destiny. In the 70's the key decisions concerning the Asians should not be made in London, Paris, Moscow or Washington, D.C., without the participation of the Asian countries concerned. It is regrettable, and perhaps to a certain extent a misfortune, that in the Western World we have too many so-called Asian experts. In the areas of Asian affairs we are famous for our quantity rather than quality. Too many voices have outshouted the Asian voice, which is just the one which should be heard right now. We Americans must learn how to listen—to find new ways to express our trust—to promote the combined interests of the free people in the West and in the East in order to secure a better future for America and for Asia.

War and peace in the 70's has created confusion and conflict around the world and there is no easy solution. For the past three decades outstanding leaders around the world have been faced with these same problems, only in different forms. Their problem has been to do what is best for their people.

War has never been popular, but the formula to peace has never been easy. All leaders of the free people want a just and lasting peace.

President Nixon's decision on Cambodia is to bring a just peace to Southeast Asia. It may not be a popular decision, but it is the right one. Sometimes, as a leader of a nation, he has to do what is best for national security instead of finding the easy way out, which a minority prefers.

In this nuclear age, collective security has become a necessity. America must stop apologizing for her actions to bring justice and peace around the world. Americans should not be defensive about helping other people fight for their freedom.

Without question—power is a lonely business. It is difficult to be popular and powerful. But, for our own survival, this country cannot afford to be isolated. Hitler of Germany, Tojo of Japan, and Stalin of Russia have taught us this lesson of history. Only until other powers, who are now feeling their muscles, want peace more than power of expansion, will this world be secure from conflicts and threats. The United States' position is to keep the "balance of power" in order to avoid conflict. All our spiritual aspirations will come to nothing if we weaken the physical assurance of our national security. For a strong national security in this nuclear age is the most effective foundation for freedom and peace.

At this late hour, it is important for people of good will and good intentions to maintain some practical common sense and to be realistic about international problems. We simply must realize that the aggressors with whom we deal only understand one kind of language—that is, active force and consistent determination.

President Nixon's decision to intervene with American forces in Cambodia is a courageous one. He has, with open eyes, taken an enormous domestic political risk in what he believes to be the greater national interest.

And he has had to consider more than the national interest of the United States. He has had to take into account what the effect would have been on Russian policy and strategy in the Middle East if America had refused to try to stop the Communist drive in Cambodia. There can be no doubt that such a refusal would have still further strengthened the Russian belief that no American intervention in the Middle East was to be feared and that it would therefore be quite safe for Soviet forces to become more directly involved in the Arab-Israeli conflict.

Refusal to intervene in Cambodia would also have strengthened the powerful influences in West Germany which believe that America is an unreliable ally and that an accommodation with the Soviet Union must therefore be sought while there is time.

If the Cambodian operation is carried out with success, hopefully, this operation will be completed before the monsoon season arrives in June. Once the monsoon season comes, it will be difficult for the enemy to move. It will give the South Vietnam troops time to build up their strength and for the United States to carry out our plans for withdrawal.

Now that the North Vietnamese are losing, they are using the weapon of assassination even more often. About 1,500 Americans are missing from flights over North Vietnam. Are they dead or alive? The presumption is that most of them are prisoners. Yet, the Hanoi regime refuses to deliver or forward mail. Hanoi has not listed the prisoners and has refused to check off the names on American lists. Several years ago, the Moscow propaganda masters decided that their main hope for winning in South Vietnam consisted in undermining the American will to fight. They launched an attack on American morale, playing on the theme that their Vietnam invasion was not an invasion but a civil war, that the issue was of no consequence to the American people.

I had an opportunity to visit and talk with some of the North Vietnamese prisoners. Some were young boys of 13 and 14 and they told me their government publicized the news of our demonstrations and protests against the Vietnam War. It was their impression that no one in the United States supports the President's policy on Vietnam. Our fighting men deserve our support.

It is ironical that the Communist propaganda offensive should be gaining effectiveness just when the Communists are in serious trouble. Today in Asia, the appeal of Communism is at its lowest point since World War II. The economic failures in China and North Vietnam are well known in Asia in contrast to the economic successes in free nations like Japan, Taiwan, Korea, Thailand and Singapore. Communism can now only be spread by force, infiltration, terror, murder and subversion.

Castro cries for "20 Vietnams in America". They are using a slogan, "War of National Liberation" in Asia, Latin America, Black Africa and the Middle East.

Russia wants the United States to suffer a crushing military and moral defeat in Vietnam and she is spending billions of rubles to make sure that happens.

For the past two years this country has had its share of disturbances and violence. The test of our time is to prove if man can manage the growth of wealth and power with the growth of spirit and character. We must not allow ourselves to be destroyed by the problems we have created. We must distinguish the difference between peaceful change through democratic process and destructive violence which brings disaster. We must distinguish the difference between protests and revolt—between demonstrations and destruction—between violence and non-violence. We shall not condemn those who disagree with us but we must put an end to violence in all forms. We must decide whether we intend to have our decisions, our future, our lives ruled by a violent minortiy. I am sure people in the East and the West realize the existence of such dangers. It is time for us to put a stop to all violence.

Every generation makes mistakes. We must have the patience to listen, but more important, the strength to explain. I don't agree the generations belong to the Second World War, the Korean War, and that those who have given their lives in Vietnam and those who have fought in Vietnam need to apologize to the demonstrators and the protestors. We can be proud of some of our achievements.

One of the most sensational achievements of the century has been our mission to the Moon. In the medical field, the heart transplant operation has shown we have come a long, long way.

We have succeeded in almost abolishing Polio, and we have spent billions of dollars to improve health and welfare. We have publically announced our war against poverty, racial discrimination. We have sent aid to over fifty nations around the world to improve their living conditions, we have helped other people to overcome poverty and above all, we can take pride in the fact that America has been one of the most generous nations in the world in helping the other less fortunate peoples.

In America a psychology of defeat has brought a new growth of isolationism to our people. This new kind of attitude deeply disturbs me. This is exactly what the Communists want. For their assumption is this—if the American public talks itself out of supporting freedom in Vietnam, it most certainly will not support freedom anywhere in the Pacific, and therefore, not in Berlin or in the Middle East. They see Asia as a turning point in all our past policy toward supporting freedom.

The Communists in Asia fully realize they cannot compete with us in military strength, but they know how to work on so-called "public opinion" in an attempt to outlast our patience. Hanoi and Haiphong realize they cannot capture Saigon by force. They have tried many times and failed. They know the only way to enter Saigon is to "talk their way in". Unfortunately, for many years the Vietnam War effort has been frustrated by technical decisions based more on the political invention of limited war rather than military facts and reasoning. In Asia people still believe in decorating their heroes and shooting their enemies, while we, in a more comforting position are having difficulty finding the definition of "hero" in our dictionaries. We are people in a hurry—we are so used to instant coffee, instant tea, we are inclined to look for "instant solutions" to the extent we sometimes make the mistake of trying to force our kind of system on others.

What did we do wrong in Vietnam? We can simplify it in one sentence—"We have fought a limited war for a limited objective". We have not only limited our weapons, we have even informed our enemies and to such an extent to assure them that certain areas would not be bombed, that we would not attack unless we were attacked.

We have accepted our enemy's denials that North Vietnam had an army in Laos. Facts have proven that the Communists' army in Laos has attacked U.S. forces as well as the South Vietnam forces. For political reasons, in an effort to bring about negotiations, we have deprived our own troops of air protection. We do not like to talk about our casualties, but American casualties have been appalling since the negotiations started. What have we accomplished in the negotiations except the shape of the table?

We are fighting a peculiar war. Our military leaders are frequently being called to testify before the Congress to reveal publicly, our military tactics and strategy. On the other hand, our enemy has accomplished its objective—they are fighting the war according to their own plan and they don't have to answer to any public criticism.

Since we have taken the weaker position, the world crisis has increased—not eased.

Let's take a look at what is happening. The pressure on Laos has reached a critical point. The crisis in the Middle East has risen to the point of explosion. Small powers order us to get out of Vietnam—our allies forsake us.

We have the greatest military forces in the world's history. Its effectiveness is magnificent—its morale is high—but we are doing everything possible to destroy what we have accomplished.

Our enemies in Vietnam have an objective, but our armed forces, from the beginning of their fight in Vietnam, have not even been allowed their military objective.

In the past, our men were bitter over orders from Washington against pursuing North Vietnamese troops into the so-called "privileged sanctuaries" and destroying their bases. However, the diplomatic situation outweighs the military advantages of untying the hands of allied troops. Now the situation has changed. Anyone who wishes to see us get out of South Vietnam should understand the Vietnamization will move more quickly with the Cambodian sanctuaries destroyed than if they were permitted to remain "privileged" under Sihanouk.

I am not an expert on military tactics, but I do think we all possess some common sense. The final military objective is to break the will of the enemy to fight. To accomplish this, they must be defeated in battle—they must be cut off from their bases and the bases destroyed. But the U.S. armed forces in Vietnam have never been permitted by Washington to invade, or to destroy, or even to bomb the major bases of the enemy. We are not allowed to negotiate to obtain information from our prisoners of war. Today, American public opinion is confused. The most popular issues at this time in America are law and order, pollution control, racial disturbances, the high cost of living—and they seem to blame everything on Vietnam.

The current controversy on how fast America can pull out of Vietnam has become a political scuffle—not a great debate—because the people are not given all the facts and the consequences by the news media. However, there would be a great debate if the subject was Back to America—or—On to Hanoi—or—Save the Middle East From Turning Red. This, actually, is the basic issue and only the American people can help the President make that decision.

We are so deeply involved in the debate over Southeast Asia, it might be helpful if we begin to recognize some of the hard facts on the Middle East.

If the Vietnam outcome proves unfavorable, we can be certain Soviet Russia will put more pressure on the Middle East conflict, then, the American people would have an even tougher decision to make.

What about our friends in Asia? How do they react on the issue of Southeast Asia, on the Middle East, or on fighting for their own freedom, their own future?

For the past few years, I have observed the new spirit of a new Asia. They have come a long way. The land reform project in Taiwan has been a shining example to underprivileged people who fight for their freedom. The Koreans, after long years of hard work have brought their country back to normal after the Korean War. If we can encourage the Asians to fight for their own freedom, we will not have to take on the responsibility to act as policemen and relief agencies around the world.

One of the most outstanding achievements in Asia has been in economics. Two years ago the Asian Banking Corporation was formed, with headquarters in Tokyo, Japan. Certainly, the progress in Japan has not only challenged the Western World, but also encouraged the other free nations in Asia to make improvements in their own economic conditions. Singapore, under the leadership of Prime Minister Lee, has become the showcase of Southeast Asia, and the economic boom in Thailand has attracted businessmen from not only the United States, but Europe as well.

All this demonstrates that when people are free, they are the best producers. The sharp contrasts of the standard of living between people in the free nations and those living under Communist control is the best example of how free enterprise can help improve world conditions and how the totalitarian system hurts the economy of a nation. Surely, the people of Asia have learned their lesson the hard way and no people in Asia want to live under Communism.

Exactly how much does the West and the East know about each other?

Let us make a comparison between the differences of American and Asian psychology. America is a young nation, enjoying glory,

strength, and power in an unravaged land. The Asians are much older and homogeneous, with much longer traditions and they have known life much longer. They have a more fatalistic acceptance of its tragedy, which we have so far escaped. They know less about applied science, although they invented much of our basic research. They talk less about individual liberty and political freedom, but they are much more practical and thoughtful about the nature of man and they pay off in long-term family and group objectives. They still believe in the accumulation of the benefits of work and effort from generation to generation, while we, in the United States, believe in quick fortunes and early retirement.

They don't have a New York Times, a Chicago Tribune, or a Wall Street, a Hollywood, a Pentagon, or a military industrial complex—although I'm sure they wish they had. They are a hard working people. Unfortunately, their enterprises often have been interrupted by wars and conflicts such as we cannot visualize. In substance, the Continent of Asia has been in a continuous war since the British, for opium profit, turned against the Chinese people, by using the Chinese's own invention of gun powder. As a result of such tragic experiences, the Oriental people are patient, they are used to long wars and rebuilding after destruction. I saw that happen in China during the Second World War when I was a little girl, and later in Korea. More recently, I saw the rebuilding of Saigon's destruction after the Tet offensive. Their sense of history runs in deeper currents than ours. They have never substituted short-term solutions for long-term objectives. For that reason, as our enemies, they are always willing to wait us out, and as our friends, always despairing of our restless itch to cut and run with gains as well as losses.

After talking with leaders of Korea, Taiwan, Japan, the Philippines and Vietnam, I realize it is difficult for all Asians to understand the confusion and the agony we are going through in the constant reappraisal of our central objective in terms of our mutual interest—namely, freedom and peace—in Asia, Europe and in the Middle East.

Like all intelligent people, the free people of Asia, in particular, worn by tragedies unbelievable to us, are anxious for peace, but they are not willing to settle in terms of "peace at any price," for they know that is not peace. They look at Hungary, Czechoslovakia, Korea, with a deeper sense of history that instinctively warns them. Specifically, they know the ultimate difference between a "good settlement" and a "bad settlement" of the Vietnam War. They understand better than we, that the expansionist Communist objective is to talk, negotiate a breathing spell with us now, and then take over Vietnam and Southeast Asia later, when it will be more difficult for us to go back. A "good settlement" in Vietnam would discourage further Communist aggression to stabilize a situation in Southeast Asia, the Middle East, the Pacific, or in Europe. A "bad settlement" will not only invite Communist takeover in Southeast Asia in the next couple of years, but might tempt the North Koreans to reopen the Korean War.

People in Asia, as well as the United States, are now deeply concerned about the situation in Laos, Cambodia and Thailand. People in the East, who have had long experience in dealing with the Communistic power which has been trying to take over since the Russian Revolution in the 1920's, understand the "Name of The Game". To them, "Communism tastes the same—hot or cold—raw or cooked". They point out that peace and security are established by demonstrating to the aggressors that "aggressions do not pay". There are certainly things which are not negotiable—individual liberty, political freedom.

While we in the United States are concerned and worried about world problems, our friends in Asia are deeply troubled by our self-doubt and lack of confidence. They simply cannot understand why Americans have become so defensive and apologetic for their actions and demonstrations to preserve peace, security and justice around the world.

A friend pointed out that "each day, the thousands of people from all over the world, who seek entry into the United States, should be an outstanding testimony for Americans, that we who believe in free enterprise surely have something better to offer, that our Democratic system is certainly better than that enforced behind the bamboo and iron curtains." And yet, Asians cannot comprehend why the United States, with her wealth and power is so full of self-doubt. Another friend jokingly remarked, "Every time the Communists sneeze—the Americans catch cold".

I am fully convinced, from my own realistic experience, that the forces of freedom are stronger than the forces of tyranny. The free people of Asia are making steady progress toward their own destiny. Rising young leaders from Singapore to Korea sincerely believe in promoting political stability and economic advancement. There is new confidence among these young leaders. They are better educated and so more aware of the forces of the future. As the era of colonialism and imperialism comes to an end in East Asia, they know there is a vacuum—that vacuum cannot be replaced by the most dangerous aggressors, it must be filled by the free and independent people of Asia with the assistance of those whose help is welcome because they have no ambitions of territorial expansion. Our consistent, not self-doubting willingness to help is the message people of America must try to convey to our friends in Asia for our own security.

The leaders of a free people, whether in the West or the East, have to accept the burden that successful involvement is not through protest to satisfy that minority few, but by creative and progressive actions which benefit the majority many. Free Asians recognize their need for energetic maturity and the West must recognize that without strong friends in Asia there will be no peace anywhere.

As I can see it, the U.S. foreign policy has one basic analogy. That is, we try to prevent any single power to mobilize the people and resources of any continent, whether it is in Europe or in Asia. Because that single power would have to be totalitarian, therefore, against our freedom in America. Foster their hope—help to protect their independence, for the free loving people is our way to encourage other peoples not to make their land or their resources available to a single totalitarian master.

American politics is more or less run by Poll readings and computers—with a flavor of Madison Avenue here and there.

Because of the complicated daily events, Americans really depend on TV and radio and newspapers for their information, and to a certain extent, to form their so-called public opinion. For that reason, it is extremely important to present the public with the facts—not opinion.

In the 70's "Decentralization" and "Power To The People" are the cries of the hour, and all leaders in the various nations are hearing these cries at every level. However, we must remember a Government is an organization comprised of human beings who provide administrative, military and diplomatic services. The conflicts between governments and its peoples are healthy only so long as the competitions and cooperations continue, is healthy only so long as both sides expand the checks and balances. Each country, and its people, must find its own way of checks and balances. The days of Colonialism and Imperialism are over. The needs of those abroad must be accomplished by the natives of the nations concerned. Americans can help, can serve as a secure base area for those who fight for their freedom. Americans have eventually begun to learn that we must never undertake to export the American system to other foreign countries. The Philippines, China, Vietnam, Korea, Japan, Singapore, Malaysia—all the free nations in Asia must find the appropriate level of freedom for themselves.

As the world enters a new era, the United States' position is to emphasize peace through strength. We must try to prevent any single power to mobolize the peace of any continent, whether it is in Europe, Africa, Latin America or in Asia, because that single power will have to be totalitarian, therefore against our idea of freedom.

I am an optimist, I realize there is no easy way to peace, but I also realize peace will never be achieved by surrender to blackmail, or by compromise with the enemies of freedom and justice.

For the last two decades, many leaders of the Free World have wasted their efforts and abilities trying to reconcile the unreconcilable, to compromise with the uncompromising, and to placate the implacable.

It is useless to seek peace through disarmament. Disarmament will one day come from peace—but never peace from disarmament.

Nor is peace an end in itself. It is an attitude of spirit, and the challenge of all free men.

THE FARLEY WAY IN POLITICS

Mr. MUSKIE. Mr. President, Edward H. Dickson, staff writer for the Sacramento, Calif., Bee, the Fresno Bee, and the Modesto Bee, recently wrote a column describing the present state of the Democratic Party and recalling some of the contributions of a man whose name has been synonymous with Democratic politics for more than four decades.

I ask unanimous consent that the article, entitled "The Farley Way in Politics," be printed in the RECORD.

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

THE FARLEY WAY IN POLITICS

(By Edward H. Dickson, staff writer)

Debt—Much ado is being made these days about the $9 million debt inherited by the present Democratic National Committee from the close-but-still-losing 1968 presidential campaign.

Some are going so far as to predict the party's death like that of the Whigs.

But there are dissenters who say that while the Democratic donkey might have a severe bad financial glanders or heaves, there is a potent kick in the old boy yet.

Veteran—One of those who is not ready to roll over and play dead for the benefit of the Republicans is Rep. John J. Rooney of Brooklyn, NY, a congressional pepper pot if there ever was one.

"The pundits around the country," Rooney told his colleagues, "are trying to bury the Demorcatic party without even a decent wake.

"They say the party is leaderless, out of touch with the people and broke—that it cannot win in 1970 or 1972 and in fact may not even be in existence by then.

"This, like most punditing, is just pure bunk. The party owes money but it can win in 1970 and 1972 and once again prove it is the party of the people."

Witness—As a supporting witness for his viewpoint, Rooney cited James A. Farley, still

sharp and active in the business world and one of the political geniuses of United States history.

It was Farley who packed a suitcase in the 1930s and traveled throughout the nation gathering delegates for Gov. Franklin D. Roosevelt, a fellow New Yorker, for the Democratic presidential nomination in 1932.

Farley has an almost uncanny memory for names and faces, boundless energy and a high regard for political loyalty.

FDR appointed Farley postmaster general at the same time he was serving as chairman of both the Democratic National Committee and the New State Committee.

He performed all his tasks well but the hostile Republican press referred to him as "three-job Farley" which disturbed the amiable Farley not in the least as he enjoyed wearing all three hats.

There was a story around Washington during early New Deal days that while Farley was not vindictive about punishing any of the administration's enemies, he thoroughly enjoyed rewarding his friends.

Keen interest—All things being equal as to qualifications for a job, Farley showed keen interest in knowing whether the favor seeker was "BC"—meaning not the calendar but a supporter of FDR "Before Chicago" where he was nominated.

Anybody who might have doubted Farley's political ability had to be thoroughly convinced by his management of the Roosevelt's 1936 reelection campaign which he won by carrying every state except the then traditionally Republican states of Maine and Vermont.

Rooney pointed out Farley remembers 1928 when Democrat Alfred E. Smith was defeated badly by Herbert Hoover in an election which saw several of the then "Solid South" states go into the Republican instead of Democrat column. The political wiseacres expressed the belief the Democrats would be out of power for 25 years.

Recalled—But Farley also recalled the Democrats bounced back in 1932 and it was they, not the Republicans, who held the White House for 20 years.

As to the leadership. Farley had kind words for both Hubert Humphrey and U.S. Sen. Edmund S. Muskie of Maine.

He observed the election was close, that the McCarthy and Kennedy camps delayed too late in aiming the ticket and that Humphrey would have won if the campaign had gone another week.

He said Muskie made an "extremely good impression, is knowledgeable and a good public speaker who never makes extravagant statements."

DISENGAGEMENT FROM SOUTHEAST ASIA

Mr. TYDINGS. Mr. President, the first order of business facing our Nation is the task of fully disengaging American troops from their military involvement in Southeast Asia. For over 5 years, at the cost of over 50,000 American lives, 350,000 casualties, over $100 billion in desperately needed resources, and a badly deteriorating social and economic fabric at home, our Nation has provided a powerful military shield to protect the South Vietnamese while they developed their own military and political capacities. Regardless of whether one agrees with this policy, there can be no doubt that our Nation has given more than its share.

Congress has a constitutional responsibility to help to end this war which too long has been draining our blood and our treasure. This is a responsibility which it can no longer neglect.

The Church-Cooper and McGovern-Hatfield amendments represent the legislation which will enable Congress to live up to its paramount responsibilities over the great issue of war and peace. As a cosponsor of both of these measures, I urge Senators to move forward with their adoption.

However, our efforts to disengage from Southeast Asia now must not obscure our vision of the role our Nation is to play in the world of tomorrow. In brief, we must begin to design the kind of foreign policy which will avoid the costly mistakes of the past and which is based upon the firm realities of the 1970's.

Last month I discussed in detail the principles which I believe should make up U.S. foreign policy for the 1970's before an assembly of administrators, faculty, and students at the Baltimore campus of the University of Maryland.

I ask unanimous consent to have the speech printed in the RECORD.

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

A NEW CONSERVATIVE FOREIGN POLICY FOR THE "70's"

(Address by Senator JOSEPH D. TYDINGS at University of Maryland, Baltimore Campus, April 27, 1970)

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.

An effective foreign policy requires constant reexamination and revision. Like life forms, nations must adapt to a changing environment or perish.

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 are 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.

Gone is the global power vacuum created by the destruction of Europe and the disintegration of the colonial empires of Asia and Africa which the Soviets threatened to fill in 1946. Gone is the monolithic Communist movement directed by Stalin from Moscow which served as a cover for Soviet expansionist ambitions after the war.

In their place today we find a renascent Europe, with the wealth and manpower to provide for its own non-nuclear defense needs; a restored Japan with the economic strength to become the paramount power in Asia; newly emerged nations in Africa and Asia determined to manage their internal affairs free from the domination of the great powers; and a divided Communist movement, with each 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.

Most of the $95 billion in economic aid we have paid out over the past 25 years has gone for everything except that for which it was intended: real economic development for the peoples of the developing nations.

Much of our economic assistance has disappeared into the pockets of corrupt ruling elites in Asia and Latin America. Other billions have been quietly syphoned off for noneconomic purposes. The entire military budget of Laos throughout the 1950's was financed out of funds earmarked for economic development.

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 U.S. trained and armed both sides.

The time has come for change.

Today's realities dictate a return to a more traditional and conservative U.S. foreign and military policy. Neither isolationist nor interventionist, this new conservative emphasis must combine a major retrenchment of U.S. foreign commitments with a massive reduction in the number of U.S. military personnel stationed abroad.

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. The following six points represent a suggested starting point.

First, Congress must initiate a comprehensive reassessment 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 never been attempted.

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 Southeastern 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 due 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 finally, the United Nations must be given the resources and power to settle international conflicts. If a global policeman is needed, the U.N. should fill the role, not the U.S.

The creation of a strong U.S. peacekeeping force would be a prudent investment of American pennies to prevent the wasting of American dollars.

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 a mistake."

The hard facts of the world of the "70's" 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.

PRESIDENT'S DECISION TO ATTACK ENEMY SANCTUARIES

Mr. McGEE. Mr. President, the important thing to remember about President Nixon's decision to attack the enemy sanctuaries in Cambodia is that the risk entered into there may well pay off in terms of shortening the war in Vietnam itself and permitting a speed-up of American withdrawals. That aspect of the Cambodian decision is, of course, played down, overlooked even, by those critics who can find no good whatsoever in any of the President's decisions.

A gamble it was, and a gamble it remains. But the odds are good, Mr. President, that the move to thwart the North Vietnamese army's ability to resupply soldiers in Vietnam out of Cambodian sanctuaries will lead to a shortening of American involvement in Southeast Asia. In a column which appeared last week, Joseph Alsop detailed some facts which make this apparent, listing the massive supplies of arms captured or destroyed. Unless Hanoi can perform miracles of resupply, he observed, the war in the lower half of Vietnam should now begin to wither away by stages. Mr. President, I ask unanimous consent that the column be printed in the RECORD.

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

[From the Washington (D.C.) Post, May 4, 1970]

NIXON'S GAMBLE IN CAMBODIA SHOWS TREMENDOUS PROMISE

(By Joseph Alsop)

First, some facts:

Item: The South Vietnamese and U.S. troops in Cambodia have taken above 10,000 individual and crew-served weapons—or about two years of resupply for all the 101 enemy battalions in the southern half of South Vietnam.

Item: They have also taken above 11.5 million rounds of rifle and machine-gun ammunition—or about a year and a half's supply for all these enemy battalions in III and IV Corps.

Item: Of rocket, mortar and recoilless rifle rounds, they have taken well above 50,000—or enough for about 6,000 of the little attacks by fire which are customarily reported as great enemy "offensives" when they are bunched together in a "high point." By the standards of the high points of the last six months, the North Vietnamese have therefore lost the essential ingredients for over eight years of these pseudo-offensives.

Item: Some 7,000 enemy troops have also been killed, and 1,731 have been taken prisoner, against negligible U.S. losses and quite small South Vietnamese losses. In numbers, the enemy losses are nearly equivalent to the whole of one of the three North Vietnamese divisions Hanoi had stationed in the Cambodian sanctuaries.

To these remarkable totals, far more could be added. But there is enough here, first of all, to prove that President Nixon's courageous gamble in Cambodia is currently being as grossly misrepresented as the enemy's desperate offensive at Tet, in 1968. One case is in fact the reverse of the other.

Tet was initially portrayed as gigantic disaster for the United States and its allies. In the outcome, it proved to be a gigantic disaster for Hanoi. As to the Cambodian gamble, although the final outcome must be awaited, it is currently being portrayed as a sad failure. Yet on the basis of the results to date, it promises to be the most brilliant feat of U.S. arms since the Inchon landing in Korea.

The same disaster-mongers who misrepresented Tet and are now misrepresenting Cambodia, used to have an easy way of spending a dull day. On such days, they would describe the cowardice and incompetence of the South Vietnamese 25th Division.

In the present offensive, this was the point division, and its officers and men have fought with conspicious courage and efficiency. But so far as one knows, none of the disaster-mongers has made a public apology to the ARVN 25th, or indeed to any of the other South Vietnamese troops who have been doing equally well. Yet the general excellence of ARVN's performance in Cambodia again ought to be news by any standard, especially in view of the President's Vietnamization program.

There are some pretty ugly things one is tempted to say about all this. But it is perhaps better to examine the reasons the Cambodian gamble now has such tremendous promise.

It will no doubt come as news to many senators, but the fact is that even the enemy's troops really cannot go on fighting without guns and ammunition. In Cambodia, we have now scooped up all the guns and ammunition and many other things that were destined to nourish the enemy's war in III and IV Corps for much more than a year.

Unless Hanoi can perform miracles of resupply, therefore, the war in the lower half of South Vietnam should now begin to wither away by stages. Genuine miracles will be needed to avert this result, moreover, because there is no doubt, any longer, that virtually all the supply for III and IV Corps has been coming by sea, through the Cambodian ports, for a very long time.

This is proved by the labels in the caches in the sanctuaries; and this lends enormous significance to another crucial fact. The President's gamble has decisively closed the Cambodian ports to the enemy, and it can be flatly predicted they will be kept closed, no matter what happens.

No increase of effort on the Laos trails can possibly compensate the enemy for the loss of Sihanoukville. This loss, in fact, should be even more upsetting to the Hanoi war-planners than their loss of far more than a year's supply for their units in III and IV Corps.

The North Vietnamese troops in Cambodia, finally, have been giving every sign of desperate disorganization, to the point of repeated disobedience of the anguished orders of the high command. Despite further misrepresentation on this head, moreover, there is no shadow of a present threat to Phnom Penh.

But the future of the Lon Nol government at Phnom Penh remains the uncertain factor. This is what makes it needful to wait and see whether the Cambodian gamble will finally fulfill all of its present promise.

TESTING CHILDREN IN AN ALIEN LANGUAGE: A CASE FOR BILINGUAL EDUCATION

Mr. YARBOROUGH. The New Republic for May 30, 1970, contains an article by Mary Ellen Leary entitled "Mentally Retarded?" which describes how Mexican-American children have been assigned to classes for the mentally retarded when their only problem is that the I.Q. tests given by the schools are in English instead of Spanish. The article points out that of California's 65,000 mentally retarded schoolchildren, 28.34 percent are children with Spanish surnames and 25.50 percent are black children. This situation is not confined solely to California. As the author states, minority children have been subjected to similar injustices in Texas, Colorado, and New York.

The genesis of the problem is that for many years school officials and educators assumed that if a child had difficulty with English, the child was a slow learner. What they failed to take into consideration was that such children rarely hear the English language spoken at home and therefore have no exposure to it until they enter public school. A similar problem exists with many black

children. Because of the patterns of segregation that have existed in our major cities for years, the blacks have developed a language of their own. These children, like the Mexican-Americans, also encounter difficulty in understanding regular English when they enter public school.

The time has come for all citizens who are concerned about our children's education to face the fact that difficulty with English is not evidence of mental retardation and that we must stop condemning these children to lives devoid of opportunity. To correct these injustices it is imperative that we expand and improve our program of bilingual education training.

Mr. President, 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:

CHILDREN WHO ARE TESTED IN AN ALIEN LANGUAGE MENTALLY RETARDED?

(By Mary Ellen Leary)

When eight-year-old Diana was brought by her mother last fall in Soledad, California, to take a school test, she may not have noticed that the date was odd, a Saturday, and the environment, a lawyer's office, unlike the customary blackboard and desk setting. What she did notice with joy was that the man who administered the test, unlike any teacher she had previously encountered, spoke to her in the language she knew from home, the only language that she knew, Spanish.

Consequently, when Victor Ramirez, a school psychologist, asked questions of Diana and eight other youngsters from her class that weekend, they answered with a precision and alacrity far different from their usual classroom response. Diana had scored only 30 in the Stanford-Binet Intelligence Test at school, given in English. In the Spanish translated IQ test she scored 49 points higher. Of the nine children retested in Spanish, all but one rose above the cut-off score used by California School districts to cull children out of mainstream education into the special category "educable mentally retarded." All had been classified "mentally retarded" in school-administered tests.

Many psychiatrists, psychologists and educators agree with Dr. Allen Cavin of Behavior Research Laboratory, Palto Alto, that "we have made our classes for the mentally retarded dumping grounds for problem children." Thanks to a sequence of recent events in California, of which the lawsuit *Diana—et al. vs. State Board of Education* was one, this shocking misplacement has been exposed.

The first racial analysis of California's 65,000 mentally retarded school children disclosed in January that 2.14 percent of all the Spanish-surnamed children, and an even higher proportion, 3.26 percent, of all the Negro children have been funnelled into classes for the educable mentaly retarded, while only .71 percent of all the white children are so classified. To put the findings another way, pupils with Spanish surnames constitute 15.22 percent of the general school population in California but represent 28.34 percent of the enrollment in classes for educable mental retardation. Black children are 8.85 percent of total public school enrollment in California but 25.5 percent of the enrollment in classes for the educable mentally retarded.

To grasp the injustice of these figures as an index of innate mental incapacity, note that the state's own study points out that the overall incidence of menal retardation in the US for *any* segment of the population never exceeds two percent, and any claim in excess "is spurious." At the lower level of mental retardation, among those children deemed only "trainable" not "educable," all races have very nearly the same proportion—about a fifth or a quarter of one percent. How, then, could there be such difference by race in the "educable mentaly retarded" category? The answer, of course, lies not in the children but in the system.

California school authorities did not initiate this study; they were pressured into it by clamorous Spanish-speaking parents. Their anger, given effective force by the Mexican-American Political Association, finally stirred the State Board of Education last February to order every one of the state's 1300 school districts to undertake a reexamination of all children in the "mental retardation" categories. Individual intelligence tests are to be given both in English "and in the primary language used in his home." "Any assessment of the child's intellectual functioning should be on the basis of the spoken language most familiar to the child."

A complete report on the results is due by August 31. Children discovered to be improperly classified will, by the start of next fall's school year, be moved into regular classes for general education. A series of bills is before the legislature intended to support this transition with supplementary teaching, extra guidance and special classes as needed, permitting the $550 a year extra "mental retardation" state support to accompany this child two years, until he is capable of everyday classwork. If approved by the legislature, this should make the shift tolerable in most school districts. No one pretends children illiterate in the classroom language are not a problem. The horror lies in how that problem has been met in the past.

The retesting and reevaluation now also has the extra force of a judicial decree. An agreement was reached on Feb. 5 to settle the lawsuit on behalf of Diana and "some 22,000 Mexican-American students trapped in classes for the mentally retarded because they were given allegedly culturally unfair IQ tests in English instead of Spanish." Signed by US District Judge Robert F. Peckham, the order mandates a study of home environment, conferences with parents, use of nonverbal as well as verbal tests and placement decision by a broad school committee, not a single test-administrator. It orders annual retesting of all children termed mentally retarded and it opens the way for continuing consultation between psychologists and teachers concerning any child with special learning problems.

It was pathetic to learn, through court affidavits, that many of Diana's associates were habitually taunted in the playground by children whose IQ (in the subsequent retesting) was on a par with their own. (One of them bore the nickname "Mentally Il: Manuel.") They were shunned by children whose parents admonished against association with "dumb" or "crazy" kids. One child in this plaintiff group, Arthur, had been plodding over a second-grade arithmetic textbook when the case was initiated. One month later he was successfully studying fifth grade arithmetic. The Soledad school district, once haled into court over the problem, took a constructive approach and brought the youngsters back to "normal" classrooms, hiring Spanish-speaking teachers as supplementary aides.

Texans know minority children are overrepresented in their mental retardation classes, and in San Antonio the Mexican-American Legal Defense Fund has been at work correcting it. Shocking disproportions of Spanish-speaking have also been found in Colorado. In Massachusetts an effort has been made to get fairer testing of minorities. In New York Puerto Rican families forced the issue nearly four years ago; there, one usable IQ test has been translated into Spanish, the WISC, Wechsler Intelligence Scale for Children. School districts in California are turning to it now, although a crash program is on "norming" it for Mexican-American children, rather than Puerto Rican. Translating and determining normative standards of existing tests is underway in Los Angeles through the Mexican-American Educational Project, funded by the federal government within the State Department of Education. An additional $100,000 is being sought from the state this year to develop fresh tests and to make cultural adaptations and translations for the Chinese-speaking, the Indians, Filipinos and others. It's a staggering job.

But if bilingual tests are in short supply, bilingual psychologists are even scarcer. California has more psychologists in its schools than any other state. But most speak only English. The new regulations permit use of an interpreter.

It is interesting that in this one facet of school discrimination, Mexican-American anger erupted earlier and made itself felt more effectively than the indignation of blacks. Statistics show more black children are being "dumped" into mental retard classification than Spanish-speaking, yet few black mothers joined the Chicano protests. The Negro need for rescue has, however, lately captured the interest of a group of black psychologists.

School psychologists in California are elated over the turn of events. But there is no escaping a sense that they, not the dismayed, illiterate Chicano parents, should have been the ones to ring the alarm over the enormous damage being done these children. "We weren't that free," is the defense raised by Hal Simpson, chairman of the professional standards committee of the California Association of School Psychologists and Psychometrists. School regulations limited options for helping non-English speaking children, he says. Testers may have been quite aware the child's impediment was language, not innate incapacity, but if the child fell below a given range on IQ tests and did not advance in the classroom he was automatically eligible for "special education." In most cases this meant only the program for the mentally retarded.

It is a wry twist that California schools had the capacity to expand these classes because a few years ago some sensitive legislators concerned themselves about the need for those genuinely retarded. Funds they made available—$550 a year per child beyond normal state support—became an incentive to school districts to turn in that direction with problem children. "We felt minority children who couldn't follow classwork at least had a chance for individual attention in classes of limited size," explains Mr. Simpson. However, attorneys for *Diana et al.* found it "difficult to understand how 'professionals' could tolerate this misuse of IQ testing or how an association of psychologists could justify continuing to permit its members to test unfairly in a language a child is unable to speak, especially knowing the school will rely on the result to imprison that child in classes that do only what eleven-year-old Maria called 'baby stuff.'"

STANDING UP FOR PEACE

Mr. MUSKIE. Mr. President, a column by Michael Kernan in the May 14, 1970, issue of the Washington Post, describes one man's courage and conviction, and reminds us of how important it is to demonstrate these human qualities.

I refer to John M. White, a Commerce

Department employee who has chosen to stand up for peace, because in his words:

You have to start somewhere.

I ask unanimous consent that Mr. Kernan's article, which describes Mr. White's reasons for his stand, be printed in the RECORD.

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

STANDING UP FOR PEACE

(By Michael Kernan)

"PEOPLE COME BY AND TELL ME THIS ISN'T THE BIGGEST ISSUE, AND I TELL THEM THEY ARE RIGHT. BUT IT'S THE ISSUE FOR NOW. YOU HAVE TO START SOMEWHERE"

A 44-year-old GS-14 stood in front of the 14th Street entrance of the Commerce Department yesterday, wearing a lightweight gray business suit, his attache case at his feet. He came at 8:30 a.m. and would go home at 5 p.m., just as he had done Monday. He went inside only when it rained. He ate no lunch. He planned to be there, just standing, today and tomorrow and the next day and maybe some more days after that.

The large placard on his front said, "Another Fed for Peace Now." On his back a smaller card identified him as a Commerce Department employee.

John M. White is a career government official. He is former deputy director of the Peace Corps in Thailand. He lives comfortably in the Chevy Chase section of Washington. He has a master's degree and a salary of $21,081. He and his wife are Catholics, with a son in college and a son and daughter at home.

Last Saturday, he went to the rally at the Ellipse carrying a flag (green and white, with a peace symbol instead of stars) that he had sewed himself. Before that, he had marched in the November moratorium and had observed the peace fast. But it took Cambodia, Kent State, and the weekend rally to bring him out of his office and onto the sidewalk.

At first, White was unable to get three weeks of annual leave to protest, but after a talk Monday with Robert A. Podesta, assistant secretary for economic development, he got his paid leave—and with a certain amount of admiration for a man who does his thing.

One stipulation was that he leave "Commerce Department" off the sign.

When he spoke, his soft voice barely could be heard over the roar of traffic.

"I was frustrated in the other efforts. I felt this really was a call for action to support the students. Suddenly it seemed as if token things were no good. The President appears to be listening but not understanding. He doesn't seem to understand that he has been given a mandate for a new kind of leadership toward international brotherhood."

In the early 1960s, White had written Robert Kennedy, urging that he recognize that American military involvement in Southeast Asia was a mistake, but there was no answer. At the time he was with the Agency for International Development in Bangkok, having just finished a two-year tour of duty in Laos. It had been a tough stint, for Laos exploded in a coup six months after his arrival. Mortar shells landed on his house, which was next door to the commander of the administration forces. The family was evacuated, but White served out the term.

In 1962, he joined the Peace Corps and spent five more years in Thailand, three of them as deputy director. In 1967 he returned to Washington, where he now is a program officer on the American Indian desk of the Economic Development Administration.

"My years in Asia convinced me there need not be a bloodbath if the war is terminated in an urgent manner. The United States should protect the integrity and aspirations of these peoples, but we seem to have a short-run policy. I've seen it in Laos, fragmenting groups, setting one faction against another for our narrow ends of security, for our immediate goals."

A native of New England, White was raised in a pleasant, genteel upper-middle milieu, the son of a teacher at Portsmouth Priory, a Catholic boys' boarding school, which he attended. His mother was from a well-to-do New York family.

At the age of 16, John White calmly announced that he was quitting the Priory.

He liked farming better. So he became a farmer. It was an act of preference, not of rebellion.

Until he was 27, he worked on farms in Vermont, Rhode Island and Massachusetts for wages of $20 a month and up. When he finally entered the University of Massachusetts, his parents were dead and the income gone, so he worked his way through to a master's in agriculture. But long before then, after his war service (he never saw combat), he married a girl he met while at the Portsmouth Priory.

Eleanor White, 40, works at Lord & Taylor in women's sportswear. "I think it's a great thing," she said. "He has a lot of guts. I told him he might lose his job, but he just said, 'So what.' I called our son in college (John, Jr., 21, a University of Wisconsin junior) and told him about it and he approved. He's against the war, too."

The younger son, Robert, 18, left Wilson High School last fall, has been doing some carpentry since and has taken an interest in cooking, especially baking bread, but now he has his eye on a circus school in Sarasota, Fla.

"I wish more people were doing what my father is," he said. "I was going to apply for conscientious objector but I never filled out the forms. I'll probably wait it out, now. My brother and I both feel the same way, but my father feels it the most strongly."

There is also a daughter, Michelle, 8.

"The students understand. Some of the Cabinet members, too. I just hope the President will realize that we have to take great risks to avoid violence rather than risks to increase it. You can't use violence to seek peace."

All day long, John White stands at his post while his colleagues rush past in their navy blue suits. A few are antagonistc. Many smile, but most don't respond. Now and then someone flashes a shy "V" sign. From a passing car comes a shout: Right on!"

During Tuesday's downpour, he took shelter because he felt it would be needlessly melodramatic for him to stand there dripping. Somehow that didn't seem to the point, he said diffidently. He also carries salt and water, and his deeply bronzed face gleams with suntan lotion.

"I hope it will encourage feds to do positive acts for peace. Also, I'm concerned with Brian McDonnell up there in the park, dying peacefully (on a fast) to protest the violent deaths caused by the war. People come by and tell me this isn't the biggest issue, and I tell them they are right. But it's the issue for now. You have to start somewhere."

RETREAT INTO ISOLATIONISM

Mr. McGEE. Mr. President, along with many others I fear that the United States is again slipping into its old role of world isolation. The pending business before the Senate would, in effect, reinforce this view. As Senators all have reason to know, I view this development with great alarm, believing that U.S. involvement is absolutely essential to the balance of forces in this world. An isolationist America could have enormous significance, and unpredictable significance, on the entire world, as Crosby Noyes recently pointed out in a column which appeared in the Washington Evening Star. His views are views that I share.

I ask unanimous consent that his column of Thursday last, entitled "Retreat into Isolationism Holds Perils for World," be printed in the RECORD.

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

[From the Washington (D.C.) Star, May 21, 1970]

RETREAT INTO ISOLATIONISM HOLDS PERILS FOR WORLD

(By Crosby S. Noyes)

I have written that we are witnessing what could turn out to be the greatest revival of classical American isolationism within the last half-century.

It is, however, a gross understatement of what is happening in the United States today.

Classical American isolationism existed in a world that could afford it. Our insularity during the early years of this Republic and in the period following World War I had a relatively marginal effect on the then-existing power balances of the world.

Until World War II, the major centers of power were in Europe. The European powers controlled vast areas of Africa and Asia. The growing power of the Soviet Union and Japan was a factor in the global equation. But the imperative need for any American contribution to the world order was not readily evident to the leaders in this country and abroad.

True enough, American isolationism contributed to two disastrous world wars. There are few historians who would dispute the fact that if American power had been committed before the outbreak of either conflict, vast destruction and millions of lives would have been saved. The fact is, however, that it was not committed. And most people in the world, including most Americans' took this to be one of the accepted facts of international life.

The situation today, needless to say, is drastically different.

Today, the European powers for all practical purposes have withdrawn from Asia and Africa. As factors in the world balance of power, they have virtually ceased to exist except within their own boundaries. The only power centers that count in the global equation at this point are in Moscow, Peking and Washington.

Power on a global scale, however, is not acquired automatically as a result of size or wealth. It is a combination of resources and political will. Japan, by many standards, is a far stronger nation than China. But Japan does not have the wherewithal to defend itself today, while China, in the absence of American power, would dominate all Asia.

Nor is effective power simply a matter of weaponry. The fact that the United States has the power to destroy the Soviet Union from extending its domination into any area where the gain seems to justify the effort and the risk.

This then is the situation in which the revival of American isolationism is taking place. One of the three global powers on which the stability of the world depends now is proposing to throw in the towel. And the proposal is made, heaven help us, by men who profess to be acting in the interests of their own people and humanity as a whole.

It is perhaps the supreme irony of the war in Vietnam. Whatever else it has been, the war in Vietnam has been recognized in Peking as well as in Moscow as a test of

the American will in the world arena. The results cannot fail to have immense consequences far beyond the borders of Vietnam itself.

As things stand at this point, we are well on our way toward winning the war and flunking the test. There is at least a fair possibility that South Vietnam will survive as a free nation after an American withdrawal. But this will make precious little difference if, in the meantime, the United States loses the will to play its part as the leader of the free world.

We must be quite clear about what is happening in this country. We are moving toward isolationism, not only in public sentiment but as a matter of legislation. We are in the process of passing laws expressly forbidding ourselves to help Cambodia in any way to defend itself against Communist aggression. Others in preparation would insure the complete and final withdrawal of American power from the Asian continent.

We could with just as much reason pass other laws forbidding the use of American power to defend Israel, Japan and West Berlin. Those who profess to see no interrelation between different parts of the world and who argue that we have no interests in Asia worth defending completely miss the point.

It is what happens in this country that is important. A retreat by the United States into isolationism would have the most enormous significance for every country in the world, and a destabilizing effect on the global power structure whose consequences are impossible to predict.

McGEE CREEK LEVEE

Mr. PERCY. Mr. President, on May 7, 1970, Mr. Brice Irving, attorney for the commissioners of the McGee Creek Levee and Drainage District, appeared before the Subcommittee for Public Works of the Appropriations Committee on behalf of an important flood control project.

He stressed the necessity of obtaining an appropriation of $200,000 for initial construction of the project. This project would offer significant new protection to lands along the Illinois River.

So that Senators can read Mr. Irving's testimony in its entirety, I ask unanimous consent that it be printed in the RECORD.

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

TESTIMONY BY MR. IRVING

My appearance before you is for the purpose of obtaining an appropriation of $200,000 for initial construction of the McGee Creek Levee and Drainage District Flood Control Project which was first authorized June 22, 1936 (House Document No. 182, 72nd Congress, First Session). The project was again authorized in the 1962 Flood Control Act (House Document No. 472, 87th Congress, 2nd Session). Apparently because of national emergencies, World War II, Korean War, now the Vietnam War, initiation of this project has been continuously delayed.

Plans for the project have been virtually completed and the District has gained Court authority necessary for the completion of the project, and is currently spreading the District's cost of $610,000 over the lands of the District. The letting of contracts for initial construction are planned for January of 1971, however, once against the requested funds are not included in the Budget.

The word "desperate" best describes the condition of the District resulting from the continuous delay of this project. The project anticipates the set back of the Illinois River Levee at the location of the District's existing pump station. As the realization of the project would result in the abandonment of the existing pump station with construction of a new station the Commissioners during the past many years have advisably postponed renovation or replacement of the pumps and works of this station whereby the pump station has become antiquated. The approximate cost of renovating same is estimated to be $200,000.

We feel that the owners of some 12,080 acres of agricultural land who are advised by the Corps of Engineers that their lands are afforded the least protection from our levees of any organized drainage district along the Illinois River should not suffer further delay. In 1943 the lands of the District, dwellings and improvements were completely flooded and the threat of devastation by flood is ever present. The District in an effort to provide drainage with its antiquated system is currently in debt $150,000 despite doubling our annual assessment in 1965.

During the past 40 years thousands of exhausting hours have been dedicated toward the realization of this Federal Flood Control Project by Commissioners of the District, Congressmen, Senators, and personnel of the Corps of Army Engineers. Many of these dedicated persons have long since passed away.

We fully realize the financial demands placed upon our Federal government, but feel that the urgency of our situation dictates and demands appropriation of requested funds *at this time*, without further delay.

I cannot over emphasize the desparity and urgency of this matter and humbly urge the requested appropriation.

LONE STAR CHAPTER OF SIERRA CLUB BOOSTS BIG THICKET

Mr. YARBOROUGH. Mr. President, the people of Texas and the Nation who are concerned with conservation are delighted that they will have an opportunity to state their views on S. 4, my bill to establish a 100,000-acre Big Thicket National Park.

Hearings on my bill will be held on June 12, 1970, in Beaumont, Tex. The strong position of the Lone Star Chapter of the Sierra Club for this Big Thicket National Park is presented in the May issue of their newsletter, The Lone Star Sierran, vol. 5, No. 5, May 1970, on page 1.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

[From the Lone Star (Tex.) Sierran, May 1970]

BIG THICKET—NOW

This is it! Our first big breakthrough on our campaign for public acquisition and preservation of the Big Thicket.

U.S. Senate hearings have been set in Beaumont for June 12 and 13 on Senator Ralph Yarborough's bill, S. 4. The hearings will be in charge of Senator Alan Bible's Senate Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs.

Every member of the Sierra Club should do several things:

1) Attend and speak at the hearings if he possibly can do so.

2) Write out a personal request and recommendation for the acquisition—delivering it when you speak or mailing it in to the subcommittee in Washington.

3) Talk to each of your friends about it, and get them to participate. Spread the word.

4) Talk to all the newspaper editors you can; write letters to the editor, and collect clippings.

5) Think up your own public relations program to push the campaign—and personally put it into effect.

6) Emphasize that 100,000 acres—or more—should be acquired.

Every member of the Lone Star Chapter received a copy of the Big Thicket map and brochure last June. This will give you much of the necessary background information. Study it.

If you need one or more copies of this brochure, you can obtain them (no charge; donations helpful) by writing to: Mrs. Nonie Flake, 7544 Elm, Houston, Texas 77023.

What the Lone Star Chapter and the conservationists in Texas have recommended (as outlined in the brochure) is:

1) *The Unique Specimen Areas,* the "pearls," preserved in their natural and untouched state, and under the jurisdiction of the National Park Service. Acquired in fee.

2) *Wildlife areas* for restoration, habitat, and protection. These include the floodplains of the Neches River and the Saratoga-Kountze-Sour Lake triangle.

3) *Environment Conservation Zone,* an overall area in the locality to encourage maximum environmental conservation. Timber harvest, grazing, hunting, compatible with the site, will continue within zoning and conservation concepts.

4) *Rivers and streams,* with a wide corridor on each side preserved in their natural beauty, accessible to canoeists with primitive camping. The Neches River corridor should encompass the entire floodplain.

5) *Highways* bordered with a deep corridor of natural forest, preferably one-half mile each side, providing access and sightseeing to Texas' greatest tourist attractions, so long unnoticed.

6) We want *recreational facilities,* but these and other man-made developments *should be outside the environmental zone and unique areas,* and should be located mainly on the existing reservoirs such as Dam B, Sam Rayburn, Toledo Bend, and Lake Livingston, north and west of the environmental area.

This is it! We've simply got to flood the Subcommittee with expressions of our desires for a Big Thicket National Park.

Members of the Parks and Recreation Subcommittee (Washington, D.C. 20510) are:

(Democrats) *Alan Bible, Nevada, Chairman;* Henry M. Jackson, Washington; Clinton P. Anderson, New Mexico; Frank Church, Idaho; Frank E. Moss, Utah; Gaylord Nelson, Wisconsin.

(Republicans) Clifford P. Hansen, Wyoming; Paul J. Fannin, Arizona; Mark O. Hatfield, Oregon; Henry Bellmon, Oklahoma.

In any instance, if you feel your influence will be effective with individual members of the subcommittee, please contact them.

—ORRIN H. BONNEY.

FUNNY, ISN'T IT?

If the Army Corps of Engineers should plan to put in one or more dams in the Big Thicket area flooding 100,000 acres, the landowners would docilely accept the inevitable, sell their land, and move out.

These 100,000 acres would be lost forever to land use. The trees and shrubs would no longer be there to help maintain our dwindling oxygen supply.

But let some conservationists and ecologists suggest removing 100,000 acres from commercial timbering for a park and just listen to the cry. They are depriving the lumber companies of their earning power. The labor force will suffer a catastrophe. Yet, the net result to both the lumber companies and the labor force is the same in the two cases.

The big plus for the park idea is this: the environment is not being changed; photo-

synthesis will continue; and an irreplaceable part of our heritage remains available for us and our descendants to enjoy, observe, and study.

Furthermore, the tourism created by a national park or monument will be an increasing boon to the economy for the several nearby towns. This has always been the case, even for the small monuments out in the desert areas.

(P.S.: And don't think the idea of dams in the remaining Big Thicket is fanciful. There is continuing agitation to put a dam on—of all places—that delightful Village Creek. Destroy tens of thousands of acres of Village Creek environment to bring in a few more fishermen!)

It isn't funny, is it?

J. G. ROOF.

JACKSON STATE, AND BEYOND

Mr. BROOKE. Mr. President, a week ago today I had the awful duty of traveling to Jackson State College in Jackson, Miss., at the urgent request of Mayor Charles Evers, of Fayette. Mayor Evers had asked me to come in the belief that, at a time of extraordinary tension over the tragic and needless deaths which had occurred on that campus, I could help to reassure the community of the entire country's deep concern over the events at Jackson State.

I spent several hours touring the campus, talking with students and college officials, with family and friends of the deceased. I shall always remember with horror the things that I saw and heard there.

Jackson State is a predominantly black college located in the heart of the city. A major thoroughfare, Lynch Street, bisects the campus, with dormitories on one side and a dining hall and other facilities across the street. A sidewalk, a chain link fence, and a lawn separate the campus buildings from the street.

Demonstrations had occurred on two evenings prior to the tragic night in question, but the cause is still unclear. It is known that there was some campus opposition to the Cambodian venture, and threats had been made against the college's ROTC facilities. Many members of the student body were understandably exercised about the deaths of six blacks in Augusta, Ga., the week before. On a previous evening a garbage truck had been burned some distance up the street, though it is not known whether this was done by the students or was totally unrelated to the campus disturbances.

On the night in question, Friday, May 15, local police and highway patrolmen were out in force to protect property and prevent disorder. They were stationed in military formation along Lynch Street and, until shortly after midnight, had held their position outside the men's dormitory, Stewart Hall.

A crowd had apparently begun to gather at the women's dormitory, Alexander Hall, some 2½ blocks down the street. This group of approximately 100 students was the kind of gathering that could occur outside any college dormitory on a warm spring evening when there is something happening in the area. Some students were simply there to view, from a safe distance, the show of force which was occurring up the street. Other students were returning from the library or from dates. Many young women were gathered in the windows to watch the proceedings.

I did not talk with any of the law enforcement officers, so I do not know what prompted them to move down the street from Stewart Hall. Perhaps they saw a crowd gathering and suspected trouble. Whatever the motivation, an armored vehicle known as a Thompson's tank proceeded toward the wormen's dormitory, followed by members of the Mississippi Highway Patrol, backed up by contingents of the local police.

There is some question as to whether a warning was given. A few of the witnesses recall an officer raising a bullhorn as if to order the crowd to disperse. A few witnesses said a bottle could have been thrown, though all of the windows in the front of the building were permanently sealed, and only a few narrow windows on the top floor which opened directly downward. Any missile hurled from there would have landed on the lawn in front of the dormitory, not in the street where the police were stationed. No witness recalled any threat being directed toward the police from the crowd of young men and women outside the dormitory. All the witnesses I met were equally emphatic that there had been no sniper fire.

Whatever the provocation, real or alleged, the members of the Mississippi Highway Patrol apparently dropped to their knees and opened fire directly into the crowd of students. No verbal orders were given to disperse. No warning shots were fired. No teargas was used. There was just direct rifle and shotgun fire, at close range, into a crowd of unarmed students.

At the end of the barrage, which lasted some 30 seconds, two students lay dead. Eleven others were wounded, some of them critically. Every window in the front of the building had been broken, though miraculously none of the hundreds of girls gathered there had been hit by gunfire. With the crowd dispersed, the highway patrol meticulously picked up its empty cartridges, and moved on.

When I visited the site 4 days later, the dormitory resembled a fortress that had been stormed. Hundreds of bullet holes riddled the facade. Broken window glass and chipped cement littered the grounds. Huge blood stains covered the first floor of the building.

But that was not all. Across the street, there were bullet holes in the wall of the dining hall, and bloodstains on the walk where an innocent teenage grocery clerk had been killed while taking a shortcut home. Farther up the street there were bloodstains at a bus stop where a student had been critically wounded while waiting for his transportation home.

Mr. President, I am a lawyer by profession and served 4 years as my State's attorney general. I know the frequently intolerable pressures which are placed on men charged with the responsibility for enforcing the law.

But I also know that law enforcement officials are under the strictest obligation to use only such force as is necessary to cope with any situation. I know that the first obligation of those responsible for public order is to safeguard the lives of innocent bystanders.

Both of these obligations were callously ignored in the events which occurred at Jackson State. Utterly excessive force was used on campus. Far from protecting the lives of innocent, those lives were grievously endangered by the law enforcement officials themselves.

I believe that we as a people must face directly the racial dimension of the heartbreaking developments at Jackson State. Many members of the black community feel—and have long felt—that white Americans are less aroused about the death of black men than about the death of white men. Events like those at Jackson State and Augusta only serve to strengthen already bitter memories. Such events cannot be allowed to recur.

The challenge which Jackson State lays before this Nation is critical, and immediate. We must, of course, determine promptly and effectively the course of events which led to the two tragic deaths. And we must be prepared to bring suitable action against any and all offenders.

But the need far exceeds the events at Jackson State. Our country is being torn in two, and we must save it. We must create a climate in which justice is equally dispensed. We must guarantee that calls for law and order mean protection of black lives as well as white ones. We must bring the full moral and political authority of the Federal Government to bear on the question of racial injustice and racial intolerance. For only with firm leadership at the highest levels will old prejudices be exposed in all their sham and weakness, and public faith and confidence be revived in America's ideals and institutions.

The tragedies of our past cannot be undone; but they must not be allowed to recur. The present challenge is to leave no doubt that black lives are as precious as white lives, and that indiscriminate force, whether by demonstrators or officials, will engage the full and equal power of American justice.

NATIONAL ASSOCIATION OF COUNTIES ENVIRONMENTAL QUALITY WHITE PAPER

Mr. MUSKIE. Mr. President, recently I had the privilege of addressing the National Association of Counties Environmental Quality Steering Committee. I was impressed with the concern shown and the efforts made by this committee with regard to the improvement of our environment.

For this reason, I ask unanimous consent that the National Association of Counties 1970 Platform on Environmental Quality be printed in the RECORD.

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

NATIONAL ASSOCIATION OF COUNTIES ENVIRONMENTAL QUALITY WHITE PAPER

Issue: How can counties, cities, states and the federal government take advantage of the current political concern to obtain support for greater funding of action anti-pollution programs?

Background: In the 1960's, Congress passed

a steady flow of legislation in the fields of air and water pollution abatement, soil and forest conservation, oceanography, highway beautification and protection of public lands, minerals, wildlife and fish. From 1961 through 1968, more than 214 million acres were added to the national park system, compared with 30,000 acres in the previous decade. Among the significant bills introduced were the Water Resources Recovery Act of 1964, the Water Resources Planning Act of 1965, the Highway Beautification Act of 1965, the Clean Air Act of 1965, the Solid Wastes Act of 1965, the Clean Water Restoration Act of 1966 and the Air Quality Act of 1967. These bills were enthusiastically deliberated and passed, but suffered because of the failure of Congress to appropriate full authorizations, to insist upon standards and enforcement and because of the inability of states and localities to raise the matching share of federal pollution control grant programs. Congress also passed PL 90–401 to provide additional revenue, up to an annual total of at least $200 million for the Land and Water Conservation Fund, which is intended to finance the acquisition of parks and recreation areas.

The responsibility for environmental protection within the federal government is scattered through six different departments and agencies which administer 90 separate programs, resulting in a lack of clearly defined goals and over-all planning. In addition, the funding of new programs has been an early victim to the exigencies of the war in Vietnam, and later to the war against inflation.

As his first act of the new decade, President Nixon signed PL 91–190, the National Environmental Policy Act of 1969, introduced by Senator Henry Jackson (D-Wash.), which stated that: "The Congress recognizes that each person has a responsibility to contribute to the preservation and enhancement of the environment." The bill made environmental protection a matter of national policy and created a three-man Council on Environmental Quality, with members appointed by the President. Executive order 11472 created a cabinet-level Environmental Quality Council composed of six Cabinet officers with the President serving as Chairman. However, the House Appropriations Committee negated a proposal which would have made funds available for the Cabinet-level council, terming the council a "patchwork approach" to solving environmental problems.

Legislative proposals and status: Perhaps the hottest environmental issue this session of Congress has been the public works appropriations for construction of sewage treatment plants. Originally, the Administration proposed only $214 million for sewage treatment, which was the same amount President Johnson had recommended during his Administration. The $214 million was in sharp contrast to the $1 billion authorized for Fiscal Year 1970 in the Clean Water Restoration Act of 1966. The House-Senate Conference Committee compromised the dispute between the Administration (requesting $214 million), the House (requesting $600 million) and the Senate (requesting $1 billion), by appropriating $800 million for Fiscal Year 1970. (Efforts are currently underway to secure $1.25 billion for Fiscal Year 1971.)

One of the first major water bills before the 91st Congress was *S. 7 and H.R. 4148*, known as the *Water Quality Improvement Act of 1969*. It is an omnibus clean water bill which intends to clear waterways and upgrade federal water quality standards. Its major provisions are:

(1) To change the name of the Federal Water Pollution Control Administration at the Department of the Interior to the National Water Quality Administration;

(2) To provide for the development and demonstration of new and improved methods for the prevention and control of lake pollution; and

(3) To control oil and sewage pollution from vessels and on- and off-shore installations and mine water pollution.

H.R. 4148 was reported out of a House-Senate Conference Committee on March 12, 1970, and was signed as PL 91–224 by Nixon.

A recent Administration proposal introduced by Senator Hugh Scott (R.-Penn.), *S. 3470*, would *replace the current authority of the Federal Water Pollution Control Act by:*

(1) Providing $10 billion in grants-in-aid over the next four fiscal years for the construction of modern municipal water treatment plants;

(2) Having the federal government contribute $4 billion, and state and local governments $6 billion of the total $10 billion;

(3) Encouraging that research be conducted to determine waste water reuse technology and efforts be made to restore the ecological balance to bodies of water; and

(4) Replace current Fiscal Year 1971 authorization of $1.25 billion with a new contract authority amounting to $1 billion. To liquidate current obligations, only $40 million would be needed Fiscal Year 1971.

Hearings on this legislation have been scheduled in both houses.

To assist localities, particularly those which are unable to sell bonds for water treatment construction at reasonable rates, in raising the money for construction of waste treatment facilities, *S. 3468* would establish the Environmental Financing Authority. Also submitted by Senator Scott, the EFA would:

(1) Buy water treatment bonds which localities were not able to sell;

(2) Guarantee timely payments of principal and interest on bonds which it purchased;

(3) Obtain funds to make these purchases by issuing its (EFA's) own taxable obligations in the capital market in large enough blocks to provide favorable reception by prospective buyers;

(4) Allow the Secretary of the Treasury to set a fair interest rate on the local obligations which it purchased and make up the difference between the interest received on the tax-exempt local bonds purchased and the interest paid on the taxable bonds issued in the capital market; and

(5) Provide an initial $100 million to get the EFA underway. Hearings are in progress in the Senate.

Senator Edmund Muskie (D-Maine) introduced the *Resources Recovery Act of 1969, S. 2005*, last year in an effort to recognize and manage the least publicized form of pollution—solid waste. This legislation, which has accumulated the comments of many interested groups, includes four basic parts:

(1) Grants for research and demonstration of methods to efficiently reuse and recycle solid waste;

(2) Grants for construction of treatment facilities including an incentive for multi-county and multi-jurisdictional programs;

(3) Recommended federal standards which would be in conjunction with federal air, water and environmental health standards;

(4) The establishment of a National Materials Policy Commission (an amendment by Senator Caleb Boggs (R-Del.)); and

(5) Appropriations of $17.5 million for Fiscal Year 1971. (Nixon requested $14.3 million.)

Hearings have been conducted by the Air and Water Pollution Subcommittee in the Senate over the last six months. The House proposes to take up its version of the bill next month.

H.R. 15848 and S. 3466 are known as the *Clean Air Act Amendments of 1970*, and they will provide for new, stringent pollution controls on automobiles and on stationary sources. Among their provisions are:

(1) Authority for the federal government to set national air quality standards for specific pollutants from factories, power plants, incinerators, etc.;

(2) Requirements that states include emission standards in their implementation plans, subject to federal approval;

(3) Strengthening and expediting the federal enforcement process;

(4) Requiring federal testing of emission control devices on motor vehicles and regulation of fuels and fuel additives; and

(5) Recommendation of $106 million for Fiscal Year 1971 for air pollution control (authorization is $200 million).

Senate and House hearings are in progress.

The $200 million minimum which is now deposited in the *Land and Water Conservation Fund* each fiscal year would be increased to $300 million under authority of *S. 3505*, introduced by Senator Henry Jackson (D–Wash.) and Congressman Wayne Aspinall (D–Col.).

(1) The extra $100 million income to the fund would be derived from admission and user fees from certain designated federal recreation areas, income from the sale of surplus federal real property, taxes paid on special motor fuels and gasoline used in motor boats; and

(2) Surplus federal property may be requested for use by state and local governments for purposes of parks and recreational areas.

Future prospects: S. 3466, the Clean Air Act Amendments of 1970, will be tied up in Committee for the remainder of the 91st Congress so as to allow any citizen or group to present testimony.

H.R. 4148 and S. 7, the Water Quality Improvement Act of 1969, was signed by the President on April 3, 1970 (P.L. 91–224).

S. 2005, the Resources Recovery Act of 1969, has a very bright future and will be reported out of both Houses this session. Requested funds of $17.5 million for Fiscal Year 1971 will probably be reduced to $15 million when considered by the Appropriations Committee.

S. 3468, the Environmental Financing Authority, will receive hearings this session but will stay in Committee due to its complex nature.

The brunt of the new effective environmental programs will be felt in the 92nd Congress—1971–1972.

Committee recommendations: (1) The Environmental Financing Authority should be extended to assist financing of all pollution control facilities, not just waste treatment;

(2) Bonds to finance pollution control facilities must be sold at a lower-than-market interest rate, whether the purchaser is private or public (EFA). Three percent is suggested as an appropriate rate;

(3) Multi-jurisdictional planning and/or implementation of any federal pollution abatement programs should be rewarded by a higher input of federal funds (75%).

(4) A cabinet-level agency should be established to coordinate and conduct all federal pollution prevention and abatement programs;

(5) States and localities which have spent funds for sewage treatment plants under the auspices of federal reimbursement should be fully repaid;

(6) The Administration proposal of providing $4 billion over the next four years for waste treatment facilities is not adequate, as it would only provide $1 billion of federal funds per year. Support should be given to full appropriations for the Clean Water Restoration Act of 1966, which will provide authorizations of $1.25 billion in FY 1971;

(7) A packaging tax should be imposed on all difficult-to-dispose-of items such as automobiles, tires, plastics, glass, synthetics, and appliances. This assessment should be

returned to the locality in which the material is disposed of to help defray the cost of such disposal;

(8) Grants for construction of facilities for the treatment of solid waste should include monies for the acquisition of land for sanitary land-fill purposes. (Many localities must seek immediate short-term solutions to solid waste disposal problems.);

(9) Localities should encourage the early involvement of private enterprise in the research and development phase of solid waste management as outlined in the Resources Recovery Act of 1969;

(10) Legislation should be passed to encourage federal funding and enforcement of all federal waterways (oceans, rivers, lakes);

(11) The Clean Air Act Amendments of 1970 should include total ambient water pollution standards;

(12) Land and Water Conservation Fund should remain at a level of at least $200 million in contributions each fiscal year. Excess revenue may be collected by charging a user fee;

(13) Congress should consider the environmental effect (noise, health, safety, pollution, transportation) before military airports are released for civil airport use;

(14) Federal assistance should be given to schools, colleges, technical and vocational institutions for the purpose of developing curriculum, furnishing laboratories, training staff and teaching students in the environmental fields. Shorter term public awareness programs in anti-pollution techniques conducted by local information and social service agencies should also receive federal assistance;

(15) Minority views of Warren G. Reynolds:

"Warren G. Reynolds respectfully disagrees with the Committee's opposition to tax incentives to industry to correct pollution problems. He believes that tax incentives can encourage earlier, more equitable solutions to environmental problems. Pollution control equipment is incredibly expensive, and its exhorbitant cost can result in the closing down of facilities which otherwise serve society well. Tax incentives can correct the problem and keep needed plants open.

"Further, pollution elimination will benefit the whole of society . . . why shouldn't all of society appropriately share in the cost of eliminating pollution through tax incentives? If technology exists to eliminate pollution, the only remaining roadblock is the funding of these installations. Let us remove this roadblock by permitting companies to credit the cost of pollution control installations and operations against their federal taxes, and move ahead to a better environment now."

POPULATION STABILIZATION

Mr. NELSON. Mr. President, on May 4 of this year, the distinguished Senator from Maryland (Mr. TYDINGS) delivered a speech to the American Medical Association in Washington, D.C., in which he gave an excellent analysis of the population problems facing this country. His remarks indicate a profound awareness of the political, scientific, medical, and moral issues involved, and showed a deep commitment to starting a national program designed to stabilize our population.

As sponsor of the family planning bill, S. 2108, which would authorize family planning services for those now denied them and appropriate desperately needed funds for increased contraceptive research, Senator TYDINGS pointed out that the problems in our cities and with our environment cannot be solved unless our population is stabilized at a zero growth rate. As he put it:

A growing population makes the solution of nearly all our problems more difficult and more expensive.

The Senator emphasized that population experts generally agree on three points; namely, "the inevitability of zero population growth, the prudence of initiating a stabilization policy now, and the philosophical and political advantages of pursuing voluntary rather than compulsory methods of population control in the foreseeable future." To meet these three points, Senator TYDINGS expounded a Government program which includes passage of his family planning bill, extensive educational campaigns on the dimensions of the population problem, and intensive research into noncompulsory methods of reducing the birth rate.

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

STABILIZING U.S. POPULATION GROWTH: A POLITICAL STRATEGY

(Address by Sen. JOSEPH D. TYDINGS, May 4, 1970)

Mathew Arnold once wrote that nothing is more difficult than bringing thought to bear on politics. This has certainly been the case with respect to the issue of population growth in this country.

After nearly a decade of actively discussing the population problem, we still lack an accepted political strategy for dealing with that problem; no practical plan exists for translating concern into remedial action.

Instead, we have fallen into what appears to be an endless academic debate. One which, unfortunately, is becoming more polarized and polemical.

One side in this debate warns Americans that, unless U.S. population growth is halted immediately with whatever means necessary, the survival of the nation is in grave jeopardy. The other side retorts with reassurances that population growth presents no real problem for the U.S. in the forseeable future; that improved family planning programs are all that is required.

Now virtually none of the parties to this debate would actually subscribe to these simplified, extreme versions of their positions. Yet, it is these simplified versions fashioned for propaganda purposes that currently are shaping public debate over the population issue across the country and, increasingly, in the Congress.

It is imperative that we break out of this polemical trap, and break out soon. Otherwise, the public is either going to lose all interest in population growth as a national concern, or people will be so frightened by some of the alarmist proposals for population control currently being offered largely for dramatic effect—such as compulsory vasectomies after two children or sterilants in the drinking water—that population will become a politically impossible issue.

In short, unless we can change the character of this debate, the opportunity to intelligently deal with the issue of population growth will be lost in this country no matter which side wins.

None of this is meant to imply that real differences do not exist among experts over the nature of the population problem, its consequences, and the means and urgency of a solution. An enormous amount of biomedical and behavioral research remains to be done in the field of population.

Yet, as a layman who hardly qualifies as a population expert, it nevertheless seems to me that a broad enough consensus exists about certain aspects of U.S. population growth that it is now possible to move beyond this counterproductive academic debate and begin defining a political strategy for dealing with the population problem.

In the remainder of my remarks this morning, I shall attempt to describe this consensus and the political strategy which I believe follows from it.

A logical starting point is a fact we can all accept; the fact that eventually we will have to stabilize population growth. Zero population growth is simply mathematically inevitable in a finite world.

Likewise, zero population growth is inevitable in a finite nation. As the National Academy of Sciences 1965 study, *The Growth of U.S. Population*, put it, ". . . if present fertility and mortality trends persist, (U.S.) population will surpass the present world population in a century and a half. And in about 650 years, there would be one person per square foot throughout the United States. In the very long run, continued growth of the United States population would first became intolerable and then physically impossible."

Therefore, differences aside concerning the nation's carrying capacity and the time it will take to reach that capacity, there is no real debate over the necessity to eventually stabilize U.S. population growth. The issue is rather when and how.

As for the question of when to actively establish a national policy to stabilize U.S. population growth, those who counsel delay do so on the grounds that overpopulation will not be a serious problem in this country for some time to come. Be devoting scarce public resources and attention to a matter which is not really urgent, this argument goes, we run the risk of using the population problem as an excuse for avoiding more pressing problems and spending limited tax dollars where they will not yield the greatest marginal return.

I sympathize with the concern that population not be exploited as a surrogate for other national problems that are either more complex or costlier to solve.

Stopping population growth in the United States today would not eliminate any of our serious problems.

Our central cities would still be deteriorating, slum-ridden jungles breeding crime and despair.

Our environmental crisis would remain critical. For it is high levels of consumption combined with a sophisticated and powerful technology that accounts for the major facets of environmental pollution in the U.S. today. And as recent Census Bureau statistics reveal, if we could maintain our present population level of 203 million over the next 15 years, consumption in the U.S. supported by current technology still would increase 90% by 1985 owing to the rapid growth of personal income in the country.

However, having conceded the danger of advocating zero population growth as an answer to all our problems, it is equally true that a growing population makes the solution of nearly all our problems more difficult and more expensive.

While total U.S. consumption could be expected to increase 90% by 1985 without population growth, with the continuation of the present U.S. birth rate, consumption will increase by 120% in the next 15 years. Clearly, cleaning up our air and water will be far more costly with 250 million Americans than with 203 million.

Similarly, rebuilding our cities over the next 30 years will be rendered considerably more difficult and expensive by the appearance of between 78 and 120 million additional Americans in our urban areas by the year 2000.

And more importantly, for our purposes, there is strong reason to believe that it may be less expensive on a per capita basis to

slow down population growth than to shoulder the costs of a larger population. In other words, a national policy to stabilize population growth could well be a sound investment of U.S. tax dollars at the margin.

The case for delay is further weakened when placed in a global context. There is no denying that the U.S. could survive an additional 100 million Americans in the next 30 years, though there would be heavy costs involved; the doomsday arguments sometimes used to support zero population growth for the U.S. are both irresponsible and counterproductive.

But the planet as a whole, particularly the underdeveloped world, is being dangerously threatened by unchecked population growth. Most of Asia and Latin America cannot survive a population doubling time of 25 years or less without experiencing famines, massive unemployment, and unceasing cycles of revolution and repression.

If we intend to convince the developing nations as co-habitants of our Spaceship Earth that their progress and survival as viable states demands a dramatic drop in the birth rate, it will have to be by example. Proposals for coercing these nations into such a course of action ignore the lessons of past U.S. attempts to elicit specific national behavior by threatening to withhold economic and other forms of assistance. No nation will move to cut its birth rate until it is convinced that such a policy promotes its own interests.

If the U.S. is to supply any leadership in this area, we must begin by practicing what we preach.

Finally, perhaps the most compelling reason for initiating a national population policy now is the fact that even if our net reproduction rate were reduced to unity tomorrow, it would probably take 65 to 70 years for total U.S. population to fully stabilize. One cannot suddenly decide that the time for zero population growth has arrived and expect the population to stabilize overnight. Anyone who believes that halting population growth by the year 2035 represents a sensible goal for the U.S. is condemned by the demographer's calculus to begin today.

In summary, providing care is taken to avoid claiming zero population as a national panacea, there are few costs associated with initiating a national population stabilization policy now. At the same time, there are a number of possible benefits from proceeding immediately.

Therefore, without being forced to debate questions of the precise consequences of unchecked population growth in the U.S. and the relative urgency of halting that growth, I think we can all at least agree that beginning a policy to stabilize U.S. population growth at this time represents a prudent course with a minimum of risks.

This brings us to the third dimension of the population problem: the question of how to stabilize U.S. population growth.

In many respects, this is more an issue of political philosophy than of biology. For much of the debate regarding the best means to slow population growth has centered on the question of whether population programs should be voluntary or compulsory.

When faced with such decisions, I rely on the libertarian principle that the community should only deprive the individual of freedoms when the exercise of those freedoms constitutes a clear danger to the survival or well-being of the community; and only after all reasonable alternatives short of compulsion have been tried and found wanting.

The United States has had no previous experience with attempts to slow the birth rate. We have no way of knowing whether voluntary incentives and public education will be sufficient to stem the population growth that is beginning to threaten us. Until we exhaust the possibilities of developing effective voluntary means, recourse to compulsion is inconsistent with our traditional commitment to maximize individual freedom.

Furthermore, even if a compulsory program of population control were deemed necessary at this time, such a program would not be politically feasible. Strong resistance still exists in Congress to programs promoting voluntary family planning, much less compulsory population control.

Thus, for both philosophic and political reasons, proceeding along voluntary lines to achieve population stability is the only practical course in the coming decade.

These, then, are the three facts or assumptions about America's population problem which I believe most population experts could accept whatever their other differences: the inevitability of zero population growth, the prudence of initiating a stabilization policy now, and the philosophical and political advantages of pursuing voluntary rather than compulsory methods of population control in the forseeable future.

If a crude consensus of the demographers, ecologists and citizen organizations interested in the population issue can be built around these assumptions, then I believe we can move beyond debate to meaningful action.

The political strategy for stabilizing U.S. population growth suggested by these assumptions is a multi-stage process.

As you well know, most issues—regardless of their import and urgency—require a political gestation period before the public and the Congress are prepared to deal with them. Therefore, it makes sense to start a legislative program in any area with those proposals and ideas that have been in the public eye sufficiently long to secure a degree of acceptance.

In the context of a campaign to stabilize U.S. population growth, this means beginning with the establishment of a national family planning policy; that is, a policy to eliminate all unwanted births in this country.

Thanks to the pioneering efforts of people like Margaret Sanger and organizations such as Planned Parenthood, voluntary family planning is practiced or tolerated by a vast majority of Americans today. It has survived the political gestation period; and for the first time in American history, open debate over the question of public family planning programs is not considered political taboo by most members of Congress.

In addition to being the most politically advanced population measure, an effective family planning policy also promises a significant reduction in our birth rate. According to a recently published study by Professor Charles F. Westoff of Princeton, more than 20% of the births of this country are the result of unwanted fertility.

Giving low-income women the same access to family planning information and services that middle class women enjoy, and providing all families with safer and more foolproof contraceptives—for non-poor families have more unwanted children in the aggregate than poor families—offers a relatively inexpensive and politically acceptable first step towards stabilizing our population growth.

Last May, I introduced a bill in the Congress with 28 cosponsors in the Senate and more than 60 in the House which would provide the legislative foundation for a comprehensive national family planning policy. This bill, S. 2108—which has the formal endorsement of the AMA—would deliver family planning services to those now denied them and authorize desperately needed funds for increased contraceptive research. I am still hopeful we can move S. 2108 through the Congress before this Session ends.

The second important stage in an effective political strategy to stabilize U.S. population growth must be the reform of our abortion laws. If contraception fails, families must have the opportunity within a reasonable period of time to terminate unwanted pregnancies. It should not be within the purview of the State to either compel or constrain a woman from having an abortion. Such decisions are best left to individual conscience.

Finally, since contraception and abortion are only methods for preventing unwanted births, it is necessary to go beyond family planning to insure that the number of wanted births is consistent with stable population. In other words, the crucial third stage in our political strategy must be the creation of a national population policy; that is, a policy to develop non-compulsory means to reduce the average American family to a size consistent with a stable population.

Creating such a policy constitutes a much more difficult task than setting up a national family planning policy.

To begin with, science has not yet discovered the determinants of family size. We know very little about why one family wants two children while another wants six.

As a result, we simply do not know what kinds of voluntary incentives, rewards and education programs would reduce the birth rate to a stable growth level. The proposals such as income tax deductions currently being offered to voluntarily lower the birth rate are only guesses in the dark lacking a hard, factual basis—a point too frequently overlooked.

Furthermore, even if we knew how to reduce the birth rate, the public has not been adequately prepared for the creation of a national population policy. Population stabilization as a public policy still frightens most people. In many respects it is a premature issue whose political gestation period is not yet completed.

Therefore, in my opinion, implementing this final stage in a political strategy to stabilize our population growth will require the following steps:

First, it is important that Congress and other national institutions and organizations go on record in support of stabilizing population growth. This would have the effect of making voluntary population control a legitimate issue.

I intend to introduce a resolution shortly putting the Congress officially on record in support of population stabilization.

Second, the federal government must undertake a national campaign to educate the American public on the dimensions and consequences of the U.S. and global population problem.

The scare tactics that have been employed in the past to draw public attention to the population issue must be dropped. As I stated earlier, doomsday scenarios merely frighten people and seldom create the proper climate for constructive action. Instead, the public should be informed about the advantages of small families, the link between poverty and fertility, the cost in convenience and public resources such as increased taxes, crime rates and pollution bills of unchecked population growth, and the obstacle to development and political stability posed by high birth rates in the developing countries.

I intend to introduce legislation shortly to provide funds for such an education effort.

Third, we desperately need research and new data with which to develop non-compulsory methods for reducing the birth rate. Without reliable information on the determinants of family size and parental motivation, efforts to stabilize U.S. population growth by voluntary means will surely fail.

Therefore, I shall introduce a resolution in the Senate this month calling on the National Academy of Sciences to begin contracting immediately for the necessary social science research.

Gentlemen, the time to move from debate to action has arrived. Fate has placed us at that point in history where a responsible, rational, moral solution to the population problem must be found.

All of us—you and I—together have the ability to find and apply that solution.

The only necessary ingredient is the will to do it.

DEATHS AT JACKSON STATE COLLEGE

Mr. HARRIS. Mr. President, the Nation was deeply shocked and saddened by the recent deaths at Jackson State College in Jackson, Miss. It is imperative that there be swift investigation and justice for these unnecessary and tragic deaths. I have so urged the Attorney General and have asked him to use the full influence of his office to see that nothing like this happens again there or elsewhere.

There is every evidence that recent deaths in Augusta, Ga., where some people were shot in the back, were also the result of grossly excessive force used by enforcement officials.

Violence and rioting have no place in our society. Those who engage in such activities must be promptly stopped and punished. But, as the Kerner Commission clearly stated, there are effective and humane methods which should be followed in that regard by any professional enforcement officer.

Mr. President, I ask unanimous consent that my letter to the Attorney General, as well as my telegrams to the mother and wife of the slain Jackson State College students, Dr. John A. Peoples, president of Jackson State College, and Mr. Aaron Henry, president of the Mississippi NAACP, be printed at this point in the RECORD.

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

U.S. SENATE,
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., May 21, 1970.

Hon. JOHN MITCHELL,
Attorney General of the United States, Justice Department of the United States, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: As were so many other Americans, I was deeply shocked and saddened by the recent deaths at Jackson State College in Jackson, Mississippi. I can see no justification whatsoever for the appalling massive firing by enforcement officials into the girls' dormitory there.

I join with others in urging swift investigation and justice for those unnecessary and tragic deaths, and I hope that the full power and influence of your office will be used to see that nothing like this happens again there or elsewhere.

There is every evidence that recent deaths in Augusta, Georgia, where some people were shot in the back, were also the result of grossly excessive force used by enforcement officials.

Violence and rioting have no place in our society. Those who engage in such activities must be promptly stopped and punished. But, as the Kerner Commission clearly stated, there are effective and humane methods which should be followed in that regard by any professional enforcement officer, and I hope you will do all you can to see that they are promulgated.

Sincerely yours,

FRED R. HARRIS,
U.S. Senate.

MAY 21, 1970.

Mrs. PHILLIP L. GIBBS,
Ripley, Miss.:

I regret very much the loss of your husband, Phillip, during the recent tragedy at Jackson State College. I extend to you my deepest sympathy and join with others in Congress and across the Nation in requesting swift justice for this unnecessary and tragic act which resulted in the loss of your husband.

Sincerely yours,

FRED R. HARRIS,
U.S. Senate.

MAY 21, 1970.

Dr. JOHN A. PEOPLES,
President, Jackson State College, Jackson, Miss.

DEAR DR. PEOPLES: I am shocked and deeply saddened by the tragedy which occurred at Jackson State last week. There is absolutely no justification for the manner in which law enforcement personnel directed gunfire at the dormitory of the school. I join with others across the Nation in extending my deepest sympathy to the families of the slain students, and in requesting swift justice for this unnecessary and tragic act. I sincerely hope that we can hasten the day when this type of senseless violence will no longer exist in American society.

Sincerely yours,

FRED R. HARRIS,
U.S. Senate.

MAY 21, 1970.

Mr. AARON HENRY,
National Association for the Advancement of Colored People, 2072 West Lynch Street, Jackson, Miss. 39203:

Regret very much that I could not attend the public hearing on the tragedy which occurred at Jackson State College last week. There was absolutely no justification for the discharge of firearms by law enforcement personnel into the women's dormitory of the school. I am appalled and deeply saddened by the death of the two students, and join with others in requesting swift justice for this unnecessary and tragic act.

Sincerely yours,

FRED R. HARRIS,
U.S. Senate.

MAY 21, 1970.

Mrs. EMMA GREEN,
1164 "C" Dalton Circle, Jackson, Miss. 39203:

I deeply regret the sad loss of your son, James, during the recent tragedy at Jackson State College. I extend to you my deepest sympathy and join with others in Congress and across the nation in seeking swift justice for this unnecessary and tragic death.

Sincerely yours,

FRED R. HARRIS,
U.S. Senate.

PRAISE FOR THE EMERGENCY SCHOOL AID ACT

Mr. BROOKE. Mr. President:

Successfully desegregating the nation's schools requires more than the enforcement of laws. It also requires an investment of money.

With those words, the President of the United States last week made clear the unequivocal commitment of this administration to the promotion of quality education for all our children.

For too long, the quality of public education in America has been critically uneven. "Catch up" funds are required, particularly in those areas of the country where segregated education—either de facto or de jure—has held back the commitment of funds and human resources so essential to effective and creating learning.

The President has clearly recognized these needs. In the Emergency School Act of 1970, three categories of special concern have been defined: Districts now eliminating de jure segregation in accordance with Federal directives or in cooperation with Federal guidelines; districts undertaking voluntary efforts to reduce or prevent de facto isolation; and districts where de facto isolation is a result of factors which cannot immediately be overcome, to enable them to promote interracial educational programs.

The proposed initial input of $150 million in emergency startup money will help some of the most disadvantaged districts to provide better educational opportunities in time for the opening of school in September. The total appropriation of $1.5 billion in new funds over the next 2 years means help for many districts when and where they need it most.

I commend the President for this clear commitment to a worthy goal and urge swift adoption of his legislative proposals.

THE CONDITION OF THE NATIONAL ECONOMY

Mr. PROXMIRE. Mr. President, the condition of the national economy becomes of more concern every day. Many economic authorities say recession is near. Others believe it has already started. Many agree with the May 2 AFL–CIO News editorial that, whether you call the current economic distress a "recession, slump, or slowdown, danger signals are flashing almost everywhere" that it will worsen. The editorial, entitled "Economic Storm Warnings," makes a strong case for immediate change of present economic policies. So that all Senators can consider the many points it makes, I ask unanimous consent that the editorial from the May 2, 1970, issue of AFL–CIO News be printed in the RECORD.

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

ECONOMIC STORM WARNINGS

The danger signals are flashing almost everywhere that the nation's current economic recession, slump, slowdown, or whatever term you like, may grow worse.

The most dramatic sign is the plunging stock market. The Dow-Jones index, a respected market indicator, has dropped to a six-year low. But there is more solid evidence of the dangers of a deepening and broadening recession.

Earnings reports of top-drawer U.S. corporations and businesses still reflect solid profits, but at a lower rate and level than the record-shattering pace of the past few years. Prices as measured by the Consumers Price Index are still running over 6 percent higher than a year ago. And unemployment is a full percentage point up on the rate over a year ago—from 3.4 to 4.4 of the labor force, and it's rising.

The AFL–CIO had specifically warned more than six months ago that what is presently coming to pass was built into the Administration's blunderbuss economic policies and its highly publicized campaign against inflation.

In its report to the October 1969 AFL–CIO convention the Executive Council said:

"The blunderbuss, general form of restrictive economic policies, tight money and sky-high interest rates can finally affect the big corporations by pulling down the whole house—by so depressing the incomes and demand of workers, farmers and smaller businesses that the sales and profits of the big blue chip corporations are finally affected.

"These policies of general restraint are dangerously wrong in the setting of 1969. They are ineffective in combatting profit inflation and the capital investment boom of the larger companies. But they hit home-building, consumers, smaller businesses and workers' jobs. And they can become effective in curbing the activities of the big corporations only by depressing the entire national economy."

As of May 1970 these policies have succeeded in depressing the entire national economy. No matter which indicators are used or measurements applied, everything is pointing or moving down—with the possible exception of the profits reaped by banks and other money lenders from 100-year-high interest rates.

The stock market plunge that has dominated the mass media over the past few days—much more so than the jump in the unemployment rate and the 3.7 million jobless workers could produce a new look at current policies.

The capital goods expansion plans of major corporations—plans for new plants and equipment—could be cut back, easing some of the demand for credit and helping bring down interest rates. This would bring a measure of relief to the housing industry which has been in a deep and severe recession for many months.

But if the capital goods cutback is coupled with a reduction of inventories and no change in Administration policies, then unemployment will rise and, as the AFL–CIO said a half-year ago, "the whole house" will be pulled down.

The focus on recession could finally bring home to the Administration the need for selective restraints in some areas and stimulants to economic growth in others.

For nearly 10 years the nation has been relatively free of the fear engendered by an economic recession. A change in current national economic policies can help restore a recession-free era.

LAND AND WATER CONSERVATION FUND

Mr. MOSS. Mr. President, President Nixon has asked the Senate Appropriations Committee to consider amendments to the budget for fiscal year 1971 which would give the Department of the Interior additional moneys for several different bureaus and offices. Of the additional $194,100,000 requested by the President, $188,900,000 is slated for the land and water conservation fund.

I highly commend Mr. Nixon for his recognition that the fund must have more money if efforts to improve the quality of the environment are to bear fruit. If the amendment is adopted $357,400,000—or more than double the request now pending—would be available to Federal, State, and local authorities for acquisition of park and recreation land and for the establishment of recreation projects. I earnestly hope the Appropriations Committee will act with dispatch in considering the request for supplemental moneys and that the full amount asked for by the President will be appropriated.

Utah has reaped many benefits from the Land and Water Conservation Fund Act. In the approximately 5 years in which the Fund has been in existence, my State has received $4,700,000. This money financed 63 different activities—two statewide planning projects, 21 land acquisition projects, and 40 land development projects—which have helped Utah enormously in developing its natural resources for the enjoyment and betterment of its people. Nonetheless, there were many other park and recreation projects which the State had to abandon because no funds were available.

This gap between the demand for, and supply of, Federal money continues to widen because the Act has always been badly underfunded. A minimum of appropriations has been made available, despite widespread recognition that more recreation projects are vital. As President Nixon said in his State of the Union message:

As our cities and suburbs relentlessly expand, those priceless open spaces needed for recreation areas accessible to their people are swallowed up—often forever. Unless we preserve these spaces while they are still available, we will have none to preserve.

To give some idea of the funding deficiency for Utah, the State for the years 1967 through 1970 needed an average of $1,877,831 to undertake a variety of park projects. The average funding for those years, on the other hand, was only $800,725—less than half of what was needed. Each year, then, Utah has needed almost a million dollars more than it has received.

The gap between demand and supply which has plagued Utah in recent years is, I am sure, typical of many other States. Thus the Senate should not only support the President's request for supplemental appropriations for fiscal 1971, but should also press for speedy action on S. 3505. The bill would amend the Water and Conservation Fund Act by providing a minimum annual appropriation authorization of $300 million. Since the present authorization is for only $200 million, the bill would provide a full 50-percent greater funding authorization. This additional money would encourage States to pay more attention to the needs of their urban dwellers, who all too often are neglected when park and recreation areas are planned.

Hearings were held this month on the bill in the Senate, and a companion bill to S. 3505 has already been reported by the House Committee on Interior and Insular Affairs. The fact that all members of the Senate Interior Committee have asked to cosponsor S. 3505 reflects, I believe, their awareness that we must act with dispatch if we are to insure that all Americans have access to recreation lands of quality and beauty.

THE NEW YORK STATE BAR ASSOCIATION COMMITTEE ON INTERNATIONAL LAW: "NO SOUND LEGAL OBJECTIONS" TO RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, I invite the attention of Senators to a comprehensive and informative report on the Genocide Convention prepared by the Committee on International Law of the New York State Bar Association.

This fine bar association was one of the first legal organizations in our country to support Senate ratification of the convention, as they endorsed the treaty in January of 1950.

This report, which was issued in February 1970, thoroughly covers the legal aspects of the Genocide Convention. In addition, it analyzes from a legal viewpoint the objections to ratification, and finds them without merit. I would like to particularly emphasize the section of this report dealing with the claim that the definition of genocide is too "vague" to be effective. In this respect, the committee definitively states:

We should be careful to distinguish between, on the one hand, factual allegations which raise serious question whether genocide as legally defined has been committed and, on the other hand, the frequent loose employment of the term "genocide" for rhetorical purposes without regard to facts which come within the specific definition of the term.

Mr. President, I ask unanimous consent that the report be printed in the RECORD.

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

NEW YORK STATE BAR ASSOCIATION COMMITTEE ON INTERNATIONAL LAW REPORT ON THE GENOCIDE CONVENTION

Twenty years have passed since the Senate of the United States declined to give its advice and consent to ratification of the Genocide Convention.[1] The Convention has not been reconsidered by the Committee on Foreign Relations since its formal vote to table the matter in 1950.

Many local and state bar associations analyzed the Convention at the time of its first presentation and reported favorably with respect to the legal issues raised by ratification.[2] The American Bar Association, through a resolution of its House of Delegates, recommended that the proposed Convention not be approved since it "raises important fundamental questions but does not resolve them in a manner consistent with our form of Government," [3] although within the American Bar Association its Section of International and Comparative Law recommended ratification with certain understandings or reservations.[4] Recently the President's Commission for the Observance of Human Rights Year 1968 recommended ratification of the Convention following study of the legal questions involved by a Special Committee of Lawyers.[5]

Most currently we are advised that the American Bar Association is in process of reconsidering its former position on the Convention,[6] and in view of the position taken by the Chairman of the Senate Committee on Foreign Relations that "the Committee's disposition may be influenced if the American Bar Association were to recommend ratification," [7] the matter appears most appropriate for review by this Committee.

DESCRIPTION OF THE CONVENTION

The basic purpose of the Convention is prevention of the destruction of a human group as such. The convention defines genocide to mean certain acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such. The acts include killing, causing serious bodily or mental harm, inflicting conditions of life calculated to bring about physical destruction, imposing birth preven-

Footnotes at end of article.

tion measures, and forcible transfer of children. The parties undertake to punish guilty persons and to enact the necessary implementing legislation. There is a provision for trial by a court of the state where the act was committed or by such international penal tribunal as may have jurisdiction.

Article I reads as follows:

"The contracting parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and punish."

Apparently the word "confirm" was used since in 1946 the General Assembly of the U.N. adopted a resolution affirming that genocide is a crime under international law, which the civilized world condemns. The basic concept changed the preexisting principle generally recognized that the matter in which a state treats its own citizens is not a matter with which international law was concerned.

Article II of the Convention provides as follows:

"In the present convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

"(a) Killing members of the group;

"(b) Causing serious bodily or mental harm to members of the group;

"(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

"(d) Imposing measures intended to prevent births within the group;

"(e) Forcibly transferring children of the group to another group."

In 1949 the then Acting Secretary of State who transmitted the Convention to the President of the United States observed that this article requires that there should be a specific intent to destroy a racial, religious, national or ethnical group as such, in whole or in part.[8]

The report further pointed out that "the destruction of a group may be caused not only by killing. Bodily mutilation or disintegration of the mind caused by the imposition of stupefying drugs may destroy a group. So may sterilization of a group, as may the dispersal of its children."

Cultural groups and political groups are not included in the definition.

Article III of the Convention reads:

"The following acts shall be punishable:

"(a) Genocide;

"(b) Conspiracy to commit genocide;

"(c) Direct and public incitement to commit genocide;

"(d) Attempt to commit genocide;

"(e) Complicity in genocide."

Pursuant to Article IV, the parties agree to punish guilty persons irrespective of their status.

By Article V the parties undertake to enact "in accordance with their respective constitutions" the necessary legislation to give effect to the Convention and in particular to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in Article III.

The Convention does not purport to require any party to enact such legislation otherwise than in accordance with the country's constitutional provisions.

Article VI provides that persons charged with genocide or any of the acts enumerated in Article III shall be tried by a competent tribunal of the state in the territory in which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction.

The State Department report makes the following observations in this connection:

". . . Thus, the commission in American territory of genocidal acts would be tried only in American courts. No international tribunal is authorized to try anyone for the crime of genocide. Should such a tribunal be established, Senate advice and consent to United States ratification of any agreement establishing it would be necessary before such an agreement would be binding on the United States."

In the intervening twenty years no such international tribunal has come into existence. Were it put forward, Senate advice and consent would still be required for the United States to accept its jurisdiction.

The Convention provides for extradition in accordance with the internal laws of the parties and treaties in force, genocide not to be considered a political crime for purposes of extradition.

ARGUMENTS AGAINST RATIFICATION

The arguments against ratification expressed over twenty years ago do not differ markedly from those recently made in opposition to the human rights conventions on abolition of slavery, on forced labor, and on protecting the political rights of women.[9] They have not improved with age.

The subject matter is alleged not to be of international concern, but domestic in nature, and thus beyond the constitutional treaty-making power. Little need be said to indicate that the subject of genocide is, if anything, primarily of international concern. In 1948 the United States participated in the drafting of the Convention, signed it in 1948, and has reason for being party to the Convention for reasons of its relations with other countries. The concept of annihilation of a group had no prior existence as a subject for domestic treatment and introduced a new concept even to international law. Being a problem of international scope and concern, it is the proper subject of a treaty.[10] There is little doubt that adherence to the Genocide Convention is authorized by the United States Constitution.[11]

It was claimed that since Article III of the Convention makes "direct and public incitement to commit genocide" a crime, the First Amendment right to free speech is violated. This view entirely overlooked the fact that the treaty requires Congress or the states to enact enabling legislation before such acts could be prosecuted. Clearly it is constitutionally permissible to enact legislation that makes incitement, and not advocacy, a crime [12] and we cannot lightly speculate that Congress would pass unconstitutional enabling legislation. Similarly the claim that "genocide" as a crime is defined too vaguely has no merit unless we assume that the Congress is unable to define it for United States standards of intent and specificity when it passes enabling legislation. As lawyers, we should be careful to distinguish between, on the one hand, factual allegations which raise serious question whether genocide as legally defined has been committed and, on the other hand, the frequent loose employment of the term "genocide" for rhetorical purposes without regard to facts which come within the specific definition of the term.

The emotional objection that Article VI of the proposed Convention dooms the American citizen to trial, conviction and sentence in foreign courts without benefit of our traditional criminal law safeguards has no valid basis. The Article does not confer jurisdiction on foreign courts to try Americans for acts committed in the United States and, unless an international tribunal is established, they can be tried only in American courts. As noted above, no such international tribunal has been established and if it should be proposed we would then have to decide whether the United States should adhere to any compulsory jurisdiction given to the court. The argument has no merit.

RESERVATIONS

The resolutions adopted January 27 and 28, 1950 by the New York State Bar Association stated as follows:

"Be it resolved, that the New York State Bar Association, approved the Convention on the Prevention and Punishment of the Crime of Genocide and recommend that the United States ratify the Convention with the understanding or reservation that Article IX shall be understood in the traditional sense of responsibility to another state for injuries sustained by nationals of the complaining state in violation of principles of international law, and shall not be understood as meaning that a state can be held liable in damages for injuries inflicted by it on its own nationals, and

"Be it further resolved, that the convention be approved with the further understanding or reservation that the United States assumes no obligation to enact Federal Legislation against genocide where acts which constitute genocide are already punishable by existing penal law."

It would appear that neither of the reservations or understandings suggested at that time is still appropriate. The question of United States understanding as to nonliability for money damages was dealt with by the United States delegation when it voted in favor of the Convention in 1948 and the State Department recommended Senate advice and consent to ratification with the *understanding* that Article IX be understood in its traditional sense of no state liability for money damages for injuries inflicted on its own nationals. However, the Secretary of State made no mention of any such understanding in his letter of February 5, 1970 urging ratification.[13]

The second suggestion appears totally unnecessary since the Convention requires adoption of legislation to make it effective and neither the U.S. nor the several states could be under obligation to prohibit acts already made criminal under either federal or state law.

CONCLUSION

It is plain that the legal arguments previously advanced against ratification of the Convention have not been sustained by the passage of time. As a matter of policy this Committee is of the view that determination of the usefulness of ratification of the Convention to United States foreign policy interests and relations with other nations of the world at the United Nations be left to the appropriate organs of the Executive Department and the Administration. Both President Truman in 1950 and President Nixon in 1970 [14] have asked that the Genocide Convention be ratified. We find no sound legal objection to such ratification and accordingly urge prompt ratification by the Senate of the United States.

Dated: New York, N.Y., February 24, 1970.

FOOTNOTES

[1] U.N. 1948; S. Ex. O (81st Cong., 1st Sess.) 1949; 78 U.N.T.S. 277.

[2] See *e.g.* Report of the California State Bar Committee on the Genocide Convention, Vol. 27, Journal of the State Bar of California, p. 405 (Nov.–Dec. 1952); resolution adopted by N.Y.S. Bar Association, Jan. 27, 28, 1950; resolution adopted by Association of the Bar of the City of New York, March 8, 1949.

[3] Bitker, Genocide Revisited, 56 A.B.A.J. 71 (Jan. 1970); 74 A.B.A. Rep. 146 (1949).

[4] 74 A.B.A. Rep. 146 (1949).

[5] See *A Report in Support of the Treaty-making Power of the United States in Human Rights Matters* (Oct. 1969).

[6] A.B.A. News, Dec. 1969.

[7] Bitker, *supra*, at p. 72.

[8] 5 Exec. O., June 16, 1949.

[9] See Proceedings Am. Soc. Intl. Law, April 1968, pp. 103, 105–108; 2 Intl. Lawyer 600–629, 660–666 (July 1967).

[10] Writing in 1945, James N. Hyde, the noted American authority on international law, stated: "Genocide is at present a pressing problem of international concern and therefore a proper subject of a treaty." 2 Hyde, International Law 1398 (1945 ed.).

[11] See *Report* cited at note 5, *supra*, and cases collected therein.

[12] *Terminiello* v. *Chicago*, 337 U.S. 1 (1949); *New Masses Pub. Co.* v. *Paton*, 244 F. 535 (S.D.N.Y., 1917).

[13] Press Release, U.S. UN–18(70) Feb. 19, 1970.

[14] N.Y. Times, Friday, Feb. 20, 1970, p. 1.

JETS FOR ISRAEL

Mr. HARRIS. Mr. President, recently several Senators wrote to President Nixon urging, among other things, that he agree to the U.S. sale of requested jets to Israel.

Because Israel is a democratic country whose right to exist in the Middle East as an independent and free nation is under continued and increased question, I believe that we should stand by this friend and give our help, as I have said repeatedly throughout the recent past.

The matter is urgent, and, accordingly, I have written the President respectfully requesting his serious attention to this vital matter.

I ask unanimous consent that my letter to the President be printed in the RECORD.

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

U.S. SENATE,
May 26, 1970.

HON. RICHARD M. NIXON,
President of the United States,
Washington, D.C.

DEAR MR. PRESIDENT: Recently several members of the Senate wrote to you urging that you agree for the United States to sell requested jets to Israel. I very strongly and respectfully join in that request.

Israel has a right to live as a nation. No real peace can come to that area of the world unless the real parties to the dispute themselves agree. In the meantime, all of us must be alarmed by the continued buildup of arms on the Arab side with Soviet help and the disturbing changes which may be taking place in the balance of power in that part of the world.

Israel is a democracy and is our friend. In the defense of her freedom she needs our help, not in the form of troops but in the form of sales of military equipment and the jet aircraft long under consideration, and credits.

Your attention to this matter is respectfully urged.

Sincerely yours,

FRED R. HARRIS,
U.S. Senate.

THE CRIME PROBLEM

Mr. SCOTT. Mr. President, the Philadelphia Inquirer earlier this year carried an illuminating series of articles on crime problems in the city of Philadelphia. This series, written by reporter John F. Clancy, provides a good introduction to problems in the institutions of criminal justice, not only in Philadelphia but also in many urban areas throughout the country.

I believe these articles make valuable reading for Senators, who will soon vote on crime legislation for the District of Columbia.

One problem highlighted in the articles is especially significant to us here. According to Philadelphia Police Commissioner Frank L. Rizzo, 34 percent of the defendants arrested in Philadelphia for such major crimes as homicide, rape, robbery, aggravated assault, and burglary were arrested while they were free on bail.

To quote the April 20 article:

> Last year, Rizzo said, 37 percent of the persons arrested on burglary charges were on bail at the time. Thirty-four percent of the suspects in robbery cases had been free on bail. Twenty-nine percent of the homicide suspects were free on bail at the time of the crime.

These figures include release on bail both before trial and after conviction.

Continuing his efforts to keep incorrigible criminals behind bars, District Attorney Arlen Specter has urged the State legislature to tighten the laws on bail after conviction. However, the Pennsylvania State constitution prevents him from calling for pretrial detention.

In Pennsylvania, the State constitution provides in article I, section 14, that "all prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or presumption great." This section effectively bars the enactment in the State of legislation authorizing the pretrial detention of dangerous defendants.

Rep. Daniel E. Beren, a Republican from Montgomery, has introduced an amendment to the State constitution to permit a limited form of pretrial detention. But until the constitution is changed, law enforcement officials in Philadelphia and elsewhere will have to devise other means of meeting the problem of pretrial recidivism.

The dilemma presented by the Pennsylvania constitution does not exist in the District of Columbia. The applicable provision of the United States Constitution—the Eighth amendment—represents a wholly different approach to the question of bail. The framers of the eighth amendment, which reads "excessive bail shall not be required," rejected the "right to bail" concept embodied in the Pennsylvania constitution of 1776. They adopted instead the concept embodied in the English Bill of Rights.

Under the English concept, the legislature is empowered to determine which offenses shall be bailable as a matter of right and which offenses shall be bailable as a matter of sound judicial discretion. The "excessive bail" provision forbids judges from requiring an excessive bond in those cases where lawmakers have determined that bail shall be available as a matter of right.

Federal District Judge Edward Weinfeld of New York reinforced this point last year when he held:

> Congress could, without running afoul of the Eighth Amendment, provide * * * that persons accused of kidnaping, bank robbery with force and violence, or other serious noncapital crimes are not entitled to bail as a matter of right.

The importance of the Clancy articles is that they demonstrate that serious problems of crime on bail are not confined to the District of Columbia. They exist in Philadelphia, and they undoubtedly exist in other cities as well.

The time has come for Congress to act on bail reform in the District of Columbia. Pretrial detention deserves our closest attention.

I ask unanimous consent that the three articles from the Philadelphia Inquirer be printed in the RECORD.

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

[From the Philadelphia (Pa.) Inquirer, Apr. 19, 1970]

CRIMINALS ON THE LOOSE: HARD-CORE REPEATERS GO FREE AT PUBLIC EXPENSE

(By John F. Clancy)

Henry Ward Bowman, 32, is a convicted murderer. He's also a fugitive from justice. He disappeared while out on bail waiting to be sentenced.

Ronald Frank Woods, 33, was a fugitive for a year and a half, but he was finally jailed Friday after another successful effort to delay his trial on three felony charges dating back to 1967.

Bowman and Woods are extreme examples of people arrested here, but it's because they're extreme that their records give stunning evidence to charges by Police Commissioner Frank L. Rizzo and District Attorney Arlen Specter that hard-core criminals are being allowed long freedom on bail at the expense of the public's safety. It's the extreme cases they're worried about.

The release of hard-core criminals on bail both before and after trial is not the only complaint about criminal justice in Philadelphia. Others include lenient and suspended sentences, the release of criminals on probation without serving a day in jail, and especially, the clogged courts that delay trials and let dangerous people stay free for long periods.

The almost steady drop in the population of the state's prisons during the past 10 years was cited by Rizzo as proof of his complaints. He said the number of state prisoners dropped from 8000 in 1960 to about 5000 in 1968 according to the latest report of the Pennsylvania Bureau of Corrections. The number climbed slightly in 1969 but still was below 6000, he said.

Contrast that report on the state prisons, where long term convicts are confined to the overcrowded conditions in Philadelphia county jails, where two-thirds of the inmates are awaiting trial.

Police cited Bowman and Woods as examples of people the messed-up criminal justice system lets run loose.

Bowman, the fugitive, was indicted more than two years ago on charges of shooting a man to death in a tavern dispute. He was convicted eight months later, but after 1½ years of freedom he has not been sentenced and now he can't be found. He has been convicted of two other violent crimes.

He was arrested for the murder in 1967 while he was free on 10 years' probation imposed by Judge Benjamin W. Schwartz for armed robbery the previous year.

In January 1968 he was indicted on charges of killing William Boerner, 25, of 4251 Frankford Ave. in an argument over who should pay for a drink of whiskey in the Longhorn Bar at Frankford Ave. and Unity St. on Dec. 6, 1967.

Bowman went on trial on Sept. 18, 1968. He was found guilty by a jury of second degree murder nine days later. His attorneys filed a motion for a new trial and Judge William I. Troutman, a visiting judge still hearing criminal cases in Philadelphia, released him on $30,000 bail.

Before his conviction for the tavern murder, he had been free on $25,000 bail. It was raised only $5,000 after conviction and Bowman hasn't been in custody since.

The new trial motion filed by defense attorney Emmett Fitzpatrick immediately after the conviction was not listed for argument until April 15, 1969. When it finally rolled

around it was continued on request of the defense.

The appeal was finally argued on Aug. 21, 1969, and Judge Troutman denied it on Sept. 23, four days short of one year following Bowman's conviction. Sentencing was set for the following Oct. 15 but Judge Troutman continued it. On Nov. 17, the case came up again but the judge again postponed sentencing.

Last Feb. 24, Judge Troutman was to have passed sentence. But Bowman didn't show up. The case was relisted for April 7, but again the defendant failed to appear. A fugitive warrant was issued for Bowman but the $30,000 bail has not yet been forfeited. Investigators said Bowman last was seen in New York.

Wood's case is different. He has not been tried, so he must be presumed innocent until he is. That he has not been tried is the complaint here. He has seven previous convictions.

He has been free on bond for more than three years on a robbery charge, and has been indicted for two other felonies committed while he was awaiting trial on the first.

Woods has a long criminal record. He was first sent to the Youth Study Center in 1953 when he was 15 years old. He was sentenced to 9-to-23 months in 1957 for a burglary in Ardmore, Pa., got a 3-month term in 1959 for larceny, 60 days in 1961 on a numbers charge, 11-to-23 months in 1964 for a strong-arm robbery, 5 years probation in 1965 for burglary and narcotics use, and 3-to-23 months in 1967 for larceny, robbery and impersonating an officer.

DEFENDER NOT READY

Last month, Woods was called for trial on one of the three indictments against him. He failed to appear and a warrant was issued for his arrest.

Last Friday, his trial was scheduled on the other two indictments. Woods showed up this time but the warrant for his arrest could not be found and the trial was postponed four hours. At 2 P.M., Wood's attorney, Dennis Eisman, told Judge James R. Cavanaugh that he had not been paid and asked to be relieved as defense attorney.

The judge agreed but the voluntary defender was not ready to defend Woods. Judge Cavanaugh postponed the trial until May 6. But this time, Woods didn't go free. Cavanaugh revoked bail and committed him to the Detention Center pending trial.

What's to be done in cases like this? Rizzo says there are enough laws on the books to keep men like these out of circulation. But in an effort to repair the system, experiments are being tried, and the people trying them say it's too early yet to find out whether they work.

State Commissioner of Corrections Arthur T. Prasse said there were a number of reasons for the decline in the state prison population.

"We're trying a lot of new things," he said. "They're trying parole and probation and putting many more on probation and parole. We have pre-release centers and halfway houses and there's a lot of work-release or out-mate programs."

Prasse said many prisoners are being "given a break" by judges. "We aren't getting long-term prisoners to replace the long term convicts whose 5- to 10-year sentence or 15- to 30-year terms have expired."

"We're trying a lot of new things in our prisons, trying our best with counseling, education and trade training, trying to get them out faster than we used to.

"But this will have to prove out," he went on. "Maybe some won't respond. It will take a while to make an evaluation of the new programs. Everyone is watching them to see what will happen."

Prasse said it most likely will take a "couple of years to see what the effect will be."

"The courts are experimenting," Prasse said. "No one wants to see men spend most of their lives in jail, although sometimes it is necessary.

"Some (prisoners) don't realize it when they do get a break. Whenever you start something new there are some who will take advantage of it. They'll have to be weeded out and sent away for a longer period of time."

PROGRAM DOCUMENTED

FBI statistics show the predatory crime offenders—the type most dangerous to the community—have high rates of repeating their crimes. The latest FBI uniform crime reports showed that 77 percent of the burglars released from custody in 1963 were rearrested within five years. They also showed 74 percent of assault offenders were rearrested and 60 percent of the robbers were back in custody within the five-year period.

The FBI has been documenting "Careers in Crime" program since 1963 to determine the extent to which criminal repeating over a period of time contributes to the annual crime counts. The report showed that 39 percent of the offenders arrested in 1967–68 had previously been arrested for a major crime.

Repeating the same type crime ranged from 6 percent for murder to 51 percent for burglary.

Rizzo said the career criminals are the type who must be confined to prison whenever possible. "Any efforts to reform or rehabilitate them must be made while they are in custody," he said. "They're too dangerous to be loose."

"People are not aware of the pronounced trend in Pennsylvania, especially in Philadelphia, away from sentencing criminals to terms with a maximum of two years or more," Rizzo said.

LIFE SENTENCING

The Police Commissioner said that only one out of five persons arrested for major crimes goes to jail and "The chances are 80 percent that they will be in jail less than six months."

"Do you call that a deterrent to crime?" he asked.

Rizzo said that among existing laws that could be used to keep dangerous criminals "out of circulation" is the fourth-offender law, which enables a judge to commit a person to prison for life if convicted of a fourth offense.

ADEQUATE PENALTIES

"How long has it been since you heard of a chronic criminal being put away safely under the fourth offender law?" he demanded. "The judges just aren't using it."

"Swift justice and adequate penalties are what is needed," he continued. We won't need any more surveys or any more laws. Let's just use the laws that we have available."

A look at the situation in the suburban counties, where the same Pennsylvania laws apply, would tend to support the commissioner's contentions. Suburban Philadelphia traditionally has been known as stern and none of the counties adjoining Philadelphia have long criminal court backlogs.

"Our judges are fair but firm," one suburban prosecutor said. "They work on the premise that if a criminal knows he is going to jail quickly and for a long time, he'll commit his crimes somewhere else.

SWIFT JUSTICE

"A burglar convicted for the second time in our county knows he is going to the State Penitentiary. That means his maximum sentence will be five years or more. An armed robber will do time for his first conviction with a good chance that it will be in the State Pen. Any case involving serious physical harm will get a penitentiary sentence. We had a man with no prior record being sent away for a 15- to 30-year-term because he beat up and seriously injured an elderly woman."

In the Philadelphia area, justice is swiftest in Bucks and Delaware counties. Criminals there usually are tried in the first court term after that in which they are indicted. Some unusually difficult cases may be carried over for another court term (there are five terms a year) but rarely does it go longer.

[From the Philadelphia (Pa.) Inquirer, Apr. 20, 1970]

CRIMINALS ON THE LOOSE: BAIL SYSTEM DISREGARDS SUSPECT'S PREVIOUS CONVICTIONS

(By John F. Clancy)

A criminal free on probation commits another crime. His probation is revoked automatically and he immediately goes back to jail, right?

Wrong. In Philadelphia, a criminal can remain on probation even after he is convicted of a second and third crime if the subsequent convictions do not result in prison sentences. Revocation of probation is not automatic. It requires involved legal proceedings, a lot of time and cooperation among authorities.

A person charged with a major crime and out on bail fails to show up for his trial. Isn't the bail forfeited? Not necessarily. The trial judge must sue for the bail and the full amount is rarely forfeited because of many loopholes in the law.

There are many other misconceptions of the law that would lead Philadelphians to a mistaken belief that the judicial process in the city works to protect the populace from bandits, burglars, rapists and even murderers.

The truth is that the system bogs down from start to finish, from arrest through trial to release, as far as the protection of the public is concerned. The laws, the rules and the court systems and practices are heavily in favor of the criminal at the expense of his victims.

"Unfortunately, we've nearly reached the point where crime pays and pays well." Police Commissioner Frank L. Rizzo has said. "We've got one of the best records of any police department in the country when it comes to solving crimes and arresting suspects. But the court system acts like a revolving door.

"Hardened criminals are out on bail almost immediately, their trials are delayed for years and even when they are convicted, they get probation or tap-on-the-wrist sentences."

Let us look first at the bail system—a suspect's first avenue to freedom following arrest.

The laws say that anyone arrested in Pennsylvania—except those charged with a capital offense involving first degree murder—is entitled to bail. Legally, the judge who sets bail must consider only one thing, whether the amount of bail will assure the defendant's appearance again in court.

The judge can not legally consider the defendant's previous record or his possible threat to the community. He could wink at the exact letter of the law and hold a hardened criminal in bail so high that the accused could not raise it. But the higher courts have ruled repeatedly that this constitutes a denial of bail.

Furthermore, a Municipal Court judge must make a decision on what bail to set at an arraignment that takes place within hours of the arrest. The judge has no time to examine thoroughly the defendant's background or even to determine whether the defendant is sane.

Bail bondsmens are barred from police courts but they loiter outside. They charge 10 percent of the required bail to post the bond for release, a lucrative return when one considers that their bond rarely is forfeited in full.

The hardened criminal usually manages to raise bail easily. There's no law on the books requiring the bail bondsman to collect his

10 percent before posting the bond. The defendant could promise to pay the 10 percent fee later, obtain his release and then steal the money he needs to pay the bondsman.

There have been frequent calls for the elimination entirely of the monetary bail system because it fails to contain the criminal and is discriminatory toward the poor. Attorney Stephen A. Sheller told a YMCA forum last week that 15 percent of the defendants in Philadelphia held in bail under $500 were unable to raise it.

Sheller pointed out there are about 2000 persons in county prison awaiting trial; they wait an average of three months each. They comprise two-thirds of the total prison population. Between one-quarter and one-half of the total will be discharged of all criminal liability.

Compare the overcrowded Philadelphia prisons with the State Penitentiary at Graterford, which is operating at little more than 50 percent of its capacity.

RULES CHANGED

A few years ago, bail rules were changed in an attempt to make them less discriminatory against the poor. The amounts of bail were lowered but the poorest defendants still remained in jail. Rizzo said the only real effect was that the hardened criminals used the new bail rules to their advantage.

The police commissioner cited figures to illustrate a sharp rise in the yearly number of rearrests of defendants on bail for such crimes as homicide, rape, robbery, aggravated assault and burglary.

In 1967, 19 percent of the adults arrested for such serious crimes were free on bail at the time of the arrest. The following year, the number climbed to 30 percent and in 1969, it reached 34 percent.

Last year, Rizzo said, 37 percent of the persons arrested on burglary charges were on bail at the time. Thirty-four percent of the suspects in robbery cases had been free on bail. Twenty-nine percent of the homicide suspects were free on bail at the time of the crime.

TRIALS DELAYED

The Constitution guarantees a defendant a speedy trial, but the long backlog in Philadelphia courts prevents it. Those free on bail, however, often are not particularly interested in a quick trial. The longer their trial is put off, the better are their chances of acquittal.

Conditions in the city's court administration office and the court clerk's office do not facilitate speedy trials. Although both offices are headed by competent men, defense and prosecuting attorneys alike are highly critical of operations. They complain of cases being lost, failures in notifying attorneys, defendants and witnesses of trial dates, foul-ups in assignment of cases and keeping of records.

Attorneys themselves are not blameless. Some defense lawyers, assigned whom they consider an unfavorable judge, insist on a jury trial, which automatically defers the case until a jury can be empanelled. Other delaying tactics include feigning of illness, changes of defense attorneys, and filing of unnecessary pre-trial motions. Some cases have waited two years or more without being brought to trial.

D. A. RAPPED

Defense attorneys contend they are not the only ones to blame for continuances. They charge inefficiency in the court system and the district attorney's office. Some said the prosecution was not ready at times.

District Attorney Arlen Specter emphatically denies such charges. He admits his office is understaffed. His men work long hours, he said, and have cut down the backlog of criminal cases with the cooperation of President Judge Vincent A. Carroll, Specter said Carroll has made more courtrooms available for criminal trials at the expense of civil cases.

Specter pointed out that when he took office many cases were tried in waivers or resulted in guilty pleas. But the district attorney pressed for longer sentences and, as a result, there was a 300 percent increase in the number of criminal jury trials.

NEEDS PROSECUTORS

Specter badly needs experienced prosecutors. He has many intelligent, young attorneys on his staff but he can't assign them to major criminal cases because they lack experience. He has made open appeals to experienced members of the bar to volunteer to serve with him but has had few applicants.

One reason is the modest pay for assistant district attorneys. Another is the long hours—most work from 8:30 A.M. until well past 6 P.M. each day. And Arlen Specter is not an easy man to work for. He is highly energetic and demands equal energy of his associates. He is a taskmaster and a perfectionist.

Specter's biggest gripe is the rule of criminal procedure that entitles defendants to bail between the time of their conviction and their sentence. "Last August we identified more than 1000 cases of men on bail after conviction," Specter said.

SLOW SENTENCES

"I can't say how many are dangerous felons. I've been trying to get these guys sentenced, even to the extent of assigning an individual assistant district attorney to each judge to expedite the sentences. I think sentencing should be done at 4 P.M. when the other court work is done. A lot could be accomplished in late afternoon. Prosecutors and defense attorneys would be available then."

Specter said a convicted man who is free on bail knows that when he is sentenced he may go to jail. He tries to put it off as long as possible. The defense tries every delaying maneuver possible. The prosecution seeks ways to prevent the delays.

"Why should we have to be the ones seeking to speed the sentencing process?" Specter asked. "When a man is convicted, he loses the presumption of innocence in my book. If he is kept in jail he will want a quick sentence and there will be no delays."

APPEALS TAKE TIME

New trial appeals cause the greatest delays between conviction and sentence. Specter contended that the trouble with the appeals is that the opposing attorneys must first obtain transcripts of the trial before the appeals can be argued.

But getting the transcripts of Philadelphia trials within a few weeks is totally impossible, Specter said. "We have cases where we haven't been able to get the transcripts as long as nine months after the trial ends in convictions," he said. "Meanwhile the criminal—frequently a dangerous one—is at liberty."

When sentencing time finally is reached, the judge frequently is lenient—too lenient according to Spector. The defense has the right to appeal a sentence, the district attorney does not.

STUDY UNDERWAY

Ephraim Gombeg, executive director of the Philadelphia Crime Commission, called for fresh thinking on the entire systems of handling criminals.

"Until we take a fresh new look at the entire system, with particular emphasis on the housekeeping end of the court system," he said, "we're going to have the same shocking conditions we have now."

Gomberg revealed he has undertaken an in-depth study of alleged judicial leniency.

"We're making a careful analysis of the deferred-sentence cases free on bail," he went on. "I'm not prepared to discuss the findings at this time but they will prove of considerable pertinence to the charges that most or all deferred-sentence cases free on bail represent serious threats to the community."

NEED SUPERVISION

Gomberg agreed that probation is not now working in Philadelphia. "Probation is working when you have close supervision," he said. "Probation is prevented from working when close supervision is impossible as it is in Philadelphia.

"Ten years ago (each member of) the probation staff here was supervising as many as 200 convicted criminals and, of course, accomplishing nothing. About six years ago, judges and civic agencies prevailed on City Council to add a very substantial number of probation officers to the probation department of Common Pleas Court.

"For three years, probation supervision was close when case loads were reduced to as many as 75 or 80. But now, with the growing backlog of criminal cases and volume of crime, probation loads are up to 150 again, which is utterly meaningless as far as supervision is concerned. With excessive case loads on the probation staff, it would not be surprising to find probationers going on frequent criminal excursions simply because of lack of supervision."

[From the Philadelphia (Pa.) Inquirer, Apr. 21, 1970]

CRIMINALS ON THE LOOSE: BILLS ASKS DETENTION OF CONVICTED

(By John F. Clancy)

District Attorney Arlen Specter on Monday sent to the State Legislature a proposed bill to permit judges at their discretion to commit criminals to prison immediately after their conviction.

The bill was designed to eliminate a present court rule which requires a jurist to release all criminals except first degree murderers on bail after they have been found guilty and until they are finally sentenced. Both Specter and Police Commissioner Frank L. Rizzo blamed the rule for the release of those whom they termed as hardened criminals a threat to the community.

Rizzo said that last year 34 percent of the suspects arrested for major crimes were out on bail at the time of the crime, awaiting trial or sentencing.

Specter's bill contained two proposals to permit the sentencing judge, at his discretion, to prevent criminals from going free after they are found guilty.

The first would enable the court to impose sentence immediately upon the determination of guilt, instead of requiring a delay until after new trial appeals are decided.

The imposition of sentence would not alter the defendant's right to file post-conviction motions. The time permitted for filing an appeal would be computed from the date the court rules on the final post-conviction motion.

The second proposal would permit the court, at its discretion, to commit the defendant to prison without bail, pending imposition of sentence following conviction for specific major crimes. The crimes would include second degree murder, voluntary and involuntary manslaughter, robbery, rape, burglary, kidnapping, mayhem, aggravated assault and battery, assault with intent to kill, breaking and entering with intent to commit a felony, sale of narcotics or dangerous drugs and larceny.

Spector's move represented a second approach to ending the mandatory bail rule following conviction. He has previously sought to effect it through amendments to the State Supreme Court Criminal Rules Committee.

It also marked the second piece of legislation sought by Specter in his efforts to keep incorrigible criminals behind bars. He asked the legislature last year to pass a bill to give

the prosecution the right to appeal sentences it believes are too lenient. At present, only the defense may appeal sentences to a higher court.

The sentence appeal bill was introduced, but is now bogged down in committee as Senator Bill No. 77. Specter said "its chances of passage aren't too good at this moment."

Specter said there is "a lot of public support for the bill but it's just sitting in committee. I've been after the senate to hold hearings. But unless I get a lot of public clamor behind me, the bill doesn't seem to have much chance. Something has to give on the sentencing line."

The District Attorney said that he has made an unprecedented move to solve the problem through another avenue. He has taken appeals from three sentences, despite the State Supreme Court rule preventing it. "This is an unprecedented move to persuade the appellate courts to review slaps on the wrist without a statute," he said.

ELIMINATE OBSTACLES

The cases involve a sentence for homicide appealed to the Supreme Court itself, and sentences for narcotics violations and an automobile death, both appealed to the State Superior Court.

Specter's office has made a number of other moves in an attempt to eliminate obstacles to the prosecution. Assistant District Attorney Paul Michel has been assigned the job of unsnarling court administration knots and expediting the most serious cases. "The job takes up almost all my time now," Michel said. "I hardly ever get away from my desk."

A priority program involving nearly 500 cases was put into effect by Specter about a year ago. The list is down to fewer than 300, Specter said, but he indicated it's still far too many.

HEAVY CASELOADS

Specter is also wrestling with the problem of certain defense attorneys whose heavy caseloads frequently prevent their appearance in court and necessitate postponements of trials.

Three attorneys have been ordered by President Judge Vincent A. Carroll not to take any new cases until their caseload is below 15. Specter said Cecil Moore, one of the three defense lawyers, had 312 cases when the order was issued three months ago. "He has gotten rid of 71 of them since then, but there is still a long way to go," Specter said.

The district attorney has ordered his assistants to be on the lookout for any possible violating of Judge Carroll's order.

ONE DAILY MEETING

Each working day at 5 P.M., Specter holds a meeting of his staff in Courtroom 676 to discuss the pretrial listings, consider problems and plan strategy. Frequently there is a lecture by other prosecutors at the meeting.

Individual assistant district attorneys have been assigned to certain judges Specter feels are procrastinating in the sentencing of convicted criminals. He has called on the courts to remove sentencing from the regular court calendar and to hold special sentencing sessions at 4 P.M. each day when defense and prosecution attorneys would be free.

The district attorney has repeatedly asked for more assistants and additional clerical help. He has joined the bar association in demands for additional judges and courtrooms to clear up backlogs.

CALLS FOR LAW

Specter also has tried to revive the Fourth Offender Law which has not been used by judges for a number of years. The law permits a criminal convicted of a fourth major offense to be sentenced to life prison terms.

Specter wants a reorganization of the Court Clerks and Court Administration Offices. "It takes up to six, eight or 10 months now to get the notes of testimony of court cases transcribed," he said. "We should get them within a few weeks. Without the transcriptions, we can't get sentences.

"Another thing, both the prosecution and the defense should be supplied with a copy of the pre-sentence investigations given to the judges. This should be routine. We get them now, but only on request, and then only on the day of the sentencing. Sometimes the report is 15 or 16 pages long. We should have the reports in advance. So should the defense," Specter said.

DETENTION MOVE

Rep. Daniel E. Beren (R., Montgomery) introduced a bill in the State House of Representatives on March 17, 1969 to amend the State Constitution to permit preventive detention of criminals charged with a third offence while free on bail awaiting trial for a second offense.

But the measure, House Bill 666, like Specter's sentence appeal bill, is bogged down in committee. Even if House Bill 666 is reported out of the House Judiciary Committee, it would have to be passed by the House and Senate at this term, passed again next term and then approved by a voter referendum.

Beren testified last October before a subcommittee of the House Judiciary Committee on a proposed amendment to the Federal Code which would permit preventative detention for recidivist criminals in the nation's capital.

RIZZO'S RECOMMENDATION

Washington Police Chief Jerry Wilson called for the amendment after an experiment in holding repeat criminals on high bail was ruled invalid. Wilson credited the experiment for a 60 percent reduction in the robbery rate during the time it was in practice.

Under the proposed amendment, a repeat criminal could be held in preventative detention without bail, but he would have to be tried within six months. A defense petition for a delay of the trial would automatically waive the six month deadline, however.

Police Chief Frank L. Rizzo said such a preventative detention system in Philadelphia would greatly reduce the number of crimes for profit in the city. He maintained that criminals so detained could be guaranteed a trial within 90 days.

LAWYERS AS JUDGES

A possible method of reducing the criminal case backlog in Philadelphia might be found in Arlington County, Va., whose environs stretch into the "inner city" of Washington. A system of appointing attorneys as judges for a temporary period managed to clean up a 40,000 backlog of cases there.

The problem of the repeat criminal is prevalent in nearly every large city of the nation. In most of them, there is also the problem of crimes committed by suspects free on bail while awaiting trials delayed by court backlogs. One of the worst backlogs in the nation is in San Francisco, yet directly across the bay, at Oakland, there is no backlog. Oakland officials said it was because judges there traditionally have frowned on postponements of trials and "attorneys just don't think in terms of continuances."

MILITARY AID TO CAMBODIA

Mr. FULBRIGHT. Mr. President, the Committee on Foreign Relations was notified last Friday that on May 21 President Nixon had made certain findings and determinations, retroactive to April 22, in alleged satisfaction of legal requirements for giving arms to Cambodia.

The shipment of arms to the Cambodian Government was begun on April 22. The President's decision to send those arms was announced 8 days later in his speech of April 30. But the formal determinations required by law were not made until May 21, nearly a month after the arms were shipped.

In short, the President's decision to ship arms to Cambodia was made without his having made the formal determinations required by law. As a result, it was necessary to make those determinations retroactive—a most unusual procedure and one for which I have not been able on short notice to find a precedent. Surely the Congress, in originally enacting this waiver provision in the old Mutual Security Act, did not intend to provide the President with a legal justification for an action—after he had already acted.

The document containing the findings and determinations is as unprecedented in a legal and constitutional sense as was the invasion of Cambodia itself. It ignores the spirit of the applicable provisions of law, which is in keeping with the administration's disdain for true consultation with the Congress on foreign policy matters.

A month before the document was signed a decision was made to give captured enemy weapons to Cambodia. The April 23 New York Times reported:

> The Nixon Administration has agreed to supply several thousand rifles to the beleagured Government of Cambodia, Administration officials disclosed today.

The press was told but, until Friday, May 22, there was no formal notification in accordance with the law, to the Congress.

On April 30, in announcing the decision to go into Cambodia, the President stated:

> With other nations, we shall do our best to provide the small arms and other equipment which the Cambodian army of 40,000 needs and can use for its defense. But the aid we will provide will be limited for the purpose of enabling Cambodia to defend its neutrality and not for the purpose of making it an active belligerent on one side or the other.

At a Foreign Relations Committee hearing on May 11, there was much discussion with the State and Defense Department officials responsible for the military aid and sales program concerning the question of the executive branch's authority to provide aid to Cambodia. When I asked Lt. Gen. Robert H. Warren, Deputy Assistant Secretary of Defense for Military Assistance and Sales, if there had been a determination by the executive branch to give Cambodia excess property, which captured AK–47 rifles are considered to be for military aid purposes, he replied:

> Sir, at this time there are no approved transfers of any U.S. weapons to Cambodia.

General Warren also said that—

> Our services do not have the authority to transfer U.S. weapons to another country without either a law or a Presidential determination.

And at the hearing the following exchange took place with Benjamin Forman, Assistant General Counsel of the Department of Defense:

The CHAIRMAN. Such findings (to give military aid) are usually rather formal and in the nature of an executive document; are they not?

Mr. FORMAN. They normally are, sir, and the statute requires that the Congress be promptly notified of such a finding and the reasons therefor.

The CHAIRMAN. But you would not regard a sentence in a speech as having complied with the statute, would you?

Mr. FORMAN. I do not regard it as such, and I am unaware with whom (sic) I have discussed the matter who regards it as such.

Thus, the President has apparently kept in the dark his own officials who administer the military aid program.

To illustrate the degree of disregard for the spirit of the law, I wish to point out some of the more unusual aspects of the Presidents' formal determination to give arms to Cambodia.

For one thing, the President's determination of May 21 was made retroactive to cover arms shipments made 30 days earlier, on April 22, 1970. Then after the shipments took place, a search was made for a legal basis for those shipments. When the executive branch lawyers got through with their research, they found it necessary to prepare an ex post facto Presidential determination in order to provide a scintilla of legality for the shipment.

The 1970 Foreign Assistance Appropriations Act provides:

That the military assistance program for any country shall not be increased beyond twenty per centum of the amount justified to the Congress, unless the President determines that an increase in such program is essential to the national interest of the United States and reports each such determination to the House of Representatives and the Senate within thirty days after each such determination.

No funds at all were justified or requested for Cambodia last year, so clearly a provision for an increase of 20 percent of nothing cannot be applicable.

The basis asserted for the Presidential authorization to give arms is section 614(a) of the Foreign Assistance Act. This provision has been used in the past and authorizes the President to waive other requirements of the act if he "determines" that such waiver "is important to the security of the United States." This has meant that in addition to the procedure of making a Presidential determination retroactive, it was necessary to have that determination waive a number of significant provisions of law. For example, the Foreign Assistance Act would, in the absence of the waiver, require a formal United States-Cambodia agreement concerning any aid we give them, observation by U.S. personnel of the use of the arms we provide, agreement regarding the return of equipment to the United States, and assurance, prior to delivery, that the recipient had the capability to use the weapons effectively. Other requirements were also waived by the determination.

Any Member of the Senate may examine this determination in the Offices of the Committee on Foreign Relations to make his own decision on what is an unusual and dubious legal basis for supplying arms to Cambodia. To make a retroactive determination, waiving the many requirements of the Foreign Assistance Act, subverts the legislative process and the foreign aid program.

I might add, in conclusion, that I see no reason why this Presidential determination and the accompanying legal justification should be classified "Secret" and I have requested the Secretary of State to declassify it for the information of the American people. I have also asked that the committee be supplied with a detailed listing of the arms we have given Cambodia to date, a regular monthly report of subsequent shipments, and information concerning any agreement we make that allows South Vietnam or Thailand to give to Cambodia arms of U.S. origin.

I ask unanimous consent to have printed in the RECORD the letter to the Secretary of State, certain excerpts from the May 11 hearing on the Military Sales bill, and a legal memorandum prepared by the Senate Legislative Counsel.

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

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., May 25, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I refer to Mr. Abshire's letter to me of May 21, 1970, transmitting copies of Presidential Determination 70-9 signed on May 21. The Determination was accompanied by a Memorandum.

Aside from the dollar figure in the Determination, I see no reason for classifying it SECRET. Will you please take steps to declassify the Determination or explain fully why these papers are classified.

Would you also provide the Committee with a detailed breakdown of the military aid furnished to Cambodia to date, and a monthly report of additional articles or services we give that country in the future.

On another aspect of this matter, I refer to Mr. Torbert's letter to me of February 4 in which he stated that the Congress would be informed immediately, as this Committee requested, when the United States consents to transfers of defense articles of U.S. origin by an aid recipient to a third country, whenever the transfer was of unusual significance.

I consider that any proposed transfers to Cambodia are of such significance, and I ask that the Committee be advised promptly of any decision made by the Executive Branch to approve such transfers by any aid recipient. Specifically, the Committee would like to know as soon as possible if the United States has approved any transfer to Cambodia of defense articles of U.S. origin by South Vietnam, Thailand, Laos, or South Korea. If so, please provide details.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

EXCERPTS FROM A HEARING BY THE COMMITTEE ON FOREIGN RELATIONS ON H.R. 15628, MAY 11, 1970

MILITARY EQUIPMENT GIVEN TO CAMBODIA

Senator SYMINGTON. Under the present law, as you interpret it, are you free today to give excess military equipment to Cambodia without specific congressional authority?

Mr. PICKERING. We would require a Presidential determination, Senator, before excess military equipment——

Senator SYMINGTON. You represent the executive branch. I am asking if you think you can do it without congressional authority.

Mr. PICKERING (continuing). Assuming the President made the necessary Presidential determination under the present law, I am informed that we can do this, Senator.

Senator SYMINGTON. How about the AK-47's given Cambodia. That has already been done without any congressional authority, has it not?

Mr. PICKERING. That was the property of the Government of South Vietnam, I am informed.

Senator SYMINGTON. We gave it to South Vietnam and they gave it to Cambodia?

Mr. PICKERING. The arms were Communist Chinese origin. I am not informed as to how they came into the hands of the Government of South Vietnam.

Senator SYMINGTON. Thank you.

The CHAIRMAN. In your pursuance of that, I have been informed these rifles had been reconditioned by our own people. Did we do that for the South Vietnamese and they gave them to the Cambodians? Were they not reconditioned in a plant in Okinawa? General, do you know about it?

Mr. PICKERING. I am sorry. We will have to provide an answer for the record, I am not aware——

The CHAIRMAN. General Warren knows, do you not?

General WARREN. No, sir, so far as I know, those were captured Communist arms that the Vietnamese gave to Cambodia.

The CHAIRMAN. They were not reconditioned by the U.S. Army?

General WARREN. I cannot answer that, sir. May I put it in the record? I do not know.

The CHAIRMAN. Do we have a plant capable of reconditioning AK-47s in Okinawa?

General WARREN. I believe we do.

The CHAIRMAN. You really know, do you not, General? Our own staff knows that. You sure ought to know that. I do not think you ought to assume our staff does not know anything about your operations. We know quite a bit, but I want to make the record.

General WARREN. Sir, those arms were never part of our military assistance or excess or sales program, so we were never directly involved; and I do not know the history.

The CHAIRMAN. We delivered them to the Cambodians, did we not?

General WARREN. I read in the paper that we did. I do not know exactly what was done, Mr. Chairman.

* * * * *

EXECUTIVE ACTION ON U.S. WEAPONS TO CAMBODIA

The CHAIRMAN. I was preparing to ask whether or not the President has made an executive determination yet to give Cambodia excess property. Mr. Pickering stated they had the authority.

Has the President made such a determination to give Cambodia excess property?

General WARREN. Sir, at this time there are no approved transfers of any U.S. weapons to Cambodia.

The CHAIRMAN. Are they considering it? Is it under consideration?

General WARREN. I would imagine someone might. Mr. Pickering.

Mr. PICKERING. If I could, Mr. Chairman, I just wanted to note that in the President's statement of April 30 to the country, he said that with other nations we shall do our best to provide the small arms and other equipment which the Cambodian Army of 40,000 needs, and can use for its defense.

The executive is studying this in line with what the President has had to say about it in his statement of April 30.

* * * * *

The CHAIRMAN. General, I want to refer to a question a little earlier, or to both of you.

Did I understand you to say that the United States did not furnish the AK-47's to Cambodia?

General WARREN. My understanding, sir, is that they came from stocks in South Viet-

nam. Whether the United States delivered them, I do not know.

The CHAIRMAN. I thought you said positively that they did not come from U.S. stocks. We had not captured them; is that correct?

General WARREN. I said that they did not come from U.S. stocks of U.S. equipment. I think those were owned by the South Vietnamese, Mr. Chairman, I do not have enough detail to——

The CHAIRMAN. Mr. Knaur, do you know anything about this? It has been stated they were sent by the South Vietnamese. Can you state the facts?

Mr. KNAUR. No, I cannot. It it not really within our competence to respond. We can supply an answer.

The CHAIRMAN. Do you know, Mr. Pickering?

Mr. PICKERING. I do not. I would be happy to supply something.

The CHAIRMAN. Hasn't it been publicly stated that they were delivered by the South Vietnamese Government?

Mr. PICKERING. Not to my knowledge, Senator.

The CHAIRMAN. What has been stated about it, to your knowledge?

General WARREN. Sir, so far as my office is concerned, we have not been involved in that transaction; and I just do not have the background to give any detail.

The CHAIRMAN. You are not aware of what has been published about its origin?

General WARREN. I read the papers; yes, sir.

The CHAIRMAN. What did they say?

General WARREN. From what I saw, it said they were Communist arms delivered to the Cambodians by the South Vietnamese.

The CHAIRMAN. By whom?

General WARREN. By the South Vietnamese.

The CHAIRMAN. By the South Vietnamese. Were they delivered by the South Vietnamese?

General WARREN. I do not know, sir.

The CHAIRMAN. I notice you have a Colonel behind you. Can he give us any information about this?

General WARREN. No, sir.

The CHAIRMAN. Does anyone from the Defense Department know anything about this?

General WARREN. I cannot answer that.

The CHAIRMAN. It is my impression that the official statements, I forget whether it was the President or Secretary Laird, but it has been in the paper. At first, I think it was one shipment of 2,500, was it not? Earlier in the testimony I thought you said that we had not reconditioned them, that they were not our arms, that they were South Vietnamese arms. Didn't you state that earlier in your testimony?

General WARREN. I do not remember saying we did not recondition them, Mr. Chairman. But I just do not know anything about them. My office has not been involved in that particular transaction. When I left this morning, I checked to see if we had any instructions to deliver anything to Cambodia at all; and there are none.

The CHAIRMAN. It is related to the problem of the legislation, that is, the supplying of arms to a foreign country, whether you give them to them or sell them. Is it not? It is a part of this. If it did happen, it would be under the authority of either this Act or the Foreign Assistance Act, would it not?

General WARREN. Yes, sir. If the United States transferred them, it very definitely would require approval.

The CHAIRMAN. If it were done, you should have known about it, shouldn't you? Somebody in your office should have or Mr. Pickering, or both.

General WARREN. Well, we do not deal with Cambodia yet. All I know is what I read in the papers, Mr. Chairman.

OWNERSHIP OF ARMS SUPPLIED TO CAMBODIA

Mr. PICKERING. I should point out, too. Mr. Chairman, that the act, as I understand it, applies to U.S. arms, and I gather from the press reports that I have seen that these were not U.S. arms.

The CHAIRMAN. If they were captured by the U.S. Forces, would they be U.S. arms or would they be someone else's?

Mr. PICKERING. I certainly am not qualified to answer that.

The CHAIRMAN. You are not?

Mr. PICKERING. I cannot answer that.

The CHAIRMAN. If we captured them, whose do you think they would be, Mr. Knaur?

Mr. KNAUR. If we retained them, they would be ours. If we gave them to South Vietnamese they would be the South Vietnamese.

The CHAIRMAN. Is it customary that we turn over captured equipment to the South Vietnamese officials? Is that the practice of the military?

Mr. KNAUR. I would not be able to answer that.

The CHAIRMAN. Do you know, General?

General WARREN. No; I do not.

The CHAIRMAN. Mr. Forman from the General Counsel's Office seems well-informed. Do you know anything about this, Mr. Forman?

Mr. FORMAN. Sir, I am as completely uninformed as the other witnesses. All I know is what I have seen in the papers. One can only speculate that these arms might have initially been captured by the South Vietnamese, might have been captured by us and turned over to the South Vietnamese. It was a long time ago. I just do not know.

The CHAIRMAN. The point of this is that we are talking about a program of the U.S. Government in supplying arms to other countries, and the authority. I would think, must derive from either the bill under consideration or possibly under what is called the foreign aid bill.

Is there any other legislation authorizing you to give arms to a foreign country? General Warren or Mr. Forman, do you know?

General WARREN. The Foreign Assistance Act and the foreign military sales are the only authorities to transfer, Mr. Chairman. Our services do not have the authority to transfer U.S. weapons to another country without either a law or a Presidential determination.

AUTHORITY FOR GIVING CAPTURED WEAPONS TO SOUTH VIETNAMESE

The CHAIRMAN. Perhaps I ought to address this to you, counsel. Under what authority would the weapons captured by the U.S. Army be turned over to the military forces of South Vietnam? What authority would authorize that, Mr. Forman, or General?

General WARREN. In the case of——

Mr. FORMAN. Sir, I think there are two possible authorities. One, of course, would be the authority contained in the DOD Appropriation Act to provide logistics support to Vietnam with service funds.

Another authority, assuming we had captured the weapons would be the President's authority as Commander in Chief.

Now, I recall, for example, that a number of years ago there were some instances, shortly after World War II, in which some equipment was given to foreign governments before the enactment of the foreign aid legislation. I think that was true in the case of Japan right after the war, and also true in Italy right after the war.

These instances were noted by the Congress in their committee reports back in 1949 when the initial legislation was passed.

So if we are speculating, this is possibly the case. But, as I say, I just do not know what the facts are.

The CHAIRMAN. I was not speculating. The New York Times on April 23, in an article by Mr. William Beecher, had this to say:

"The Nixon Administration has agreed to supply several thousand rifles to the beleaguered Government of Cambodia, Administration officials disclosed today. The weapons would be automatic rifles of Soviet design captured from Communist forces in South Vietnam. The Cambodian Government, when informed of this decision, was also cautioned about inflated expectations of further American Military assistance, the official said. The decision was transmitted last Friday in a cablegram from Washington to the U.S. Charge d'affaires in Phnom Penh."

PRESIDENTIAL DETERMINATION CONCERNING ARMS TO CAMBODIA

Had the President made a Presidential determination in accordance with the law for the supply of arms to Cambodia? I asked you this a moment ago, and you said they were considering it. He had not made a determination as required in the law for the supply of arms; is that correct?

Mr. FORMAN. That, as far as I know at the time I came up here, he had not made determinations as required by the Foreign Assistance Act.

The CHAIRMAN. This article is dated April 23. So as far as you know he had not made a determination at that time under the Foreign Assistance Act.

Mr. FORMAN. That is correct.

The CHAIRMAN. You would know if he made it; would you not?

Mr. FORMAN. If he made it under the Foreign Assistance Act, I think I would know, sir.

The CHAIRMAN. Any other act?

Mr. FORMAN. And the Congress would know it, too, because the statue requires that the Congress be informed.

EROSION OF GOOD FAITH BETWEEN EXECUTIVE AND LEGISLATIVE

The CHAIRMAN. Mr. Forman, you referred again a moment ago, and I thought it was a very pertinent observation, to the fact that the provisions of the law which have been referred to this morning were all passed upon an assumption of a minimum of good faith between the branches of the Government. In the light of developments, some of them look as if they were very improvident on the part of the Congress. At the time they were passed and enacted, I think there existed a minimum of good faith as between the various branches of the Government and, specifically, the executive branch and the legislative.

It seems to me a great deal of this whole matter is because of the erosion of that good faith which has taken place during these very difficult times.

I myself would date the beginning of that erosion long before this administration came in, at least back to the summer of 1964, and during the many succeeding years.

I certainly do not mean this to be interpreted as anything new, but this is fundamentally what is the trouble. These stories come out, and then we find there is no basis for them, and after a while there is the cumulative effect of having been deceived so many times by representations to the Senate in either these presentation books or in stories such as this about the handling of these arms.

REPORT ON AK–47'S SUPPLIED TO CAMBODIA REQUESTED

I wonder if you could ascertain for this committee, and give us a written and precise statement about what happened to these arms, because it is important whether or not they are living up to the law. It is also important as to whether or not we have already begun a process of delivering arms to Cambodia, in spite of the fact that we are

now told the President is only considering it, to get our lines straight, to reestablish some minimum of good faith. It strikes me that we ought to have a precise, positive statement about how the AK–47's were handled, and we ought to have it by this afternoon. We are having a meeting this afternoon, and it ought not to be difficult.

These stories occurred on the 23d, and that is a good while ago.

Do you think you could do something like that and tell us what happened on those arms by this afternoon?

General WARREN. I will find out everything we know, Mr. Chairman.

The CHAIRMAN. With the cooperation of Mr. Forman—if you all don't have it, who would have it?

General WARREN. Well, first of all, there is no Presidential determination that I know of. If there were one on delivering arms to Cambodia, my office and State would immediately be responsible for carrying it out.

The CHAIRMAN. What if it should turn out that the South Vietnamese knew nothing about the AK–47's and that this was entirely originated and implemented by our own forces? Wouldn't this strike you as rather odd in view of the published stories?

General WARREN. Yes.

The CHAIRMAN. It does me, too.

* * * * *

PRESIDENTIAL DETERMINATION REQUIRED BY LAW

The CHAIRMAN. I thought the law contemplated, if we were going into this kind of operation, that there would be a formal finding by the President—not simply an informal declaration in a speech—that he is now sending arms.

Is that what the law contemplated, Mr. Forman?

Mr. FORMAN. That is correct, sir.

I do not regard the quotation from the press statement that was referred to a little while ago as being the equivalent of the finding.

The CHAIRMAN. What is the finding? Would you describe for us what you consider a finding to be that would comply with the law?

Mr. FORMAN. Section 503 of the Foreign Assistance Act requires the President to determine that the assisting of a friendly country will strengthen the security of the United States and promote world peace. That is the finding he has to make and in addition the country must be otherwise eligible under the other provisions of the act, which might require in a particular case various other findings, determinations or waivers.

The CHAIRMAN. Such findings are usually rather formal and in the nature of an executive document; are they not?

Mr. FORMAN. They normally are, sir, and the statute requires that the Congress be promptly notified of such a finding and the reasons therefor.

The CHAIRMAN. But you would not regard a sentence in a speech as having complied with the statute, would you?

Mr. FORMAN. I do not regard it as such, and I am unaware with whom I have discussed the matter who regards it as such.

The CHAIRMAN. We have had no such notice other than that contained in this public statement.

Senator COOPER. May I say I do not regard this statement as complying with the Statute. The statute requires, as I understand it, that he shall notify the Committees on Appropriations, the Foreign Relations Committee and the Armed Services Committee of both Houses, and his words are "prompt notice of action taken under this subsection shall be given to the Committees on Foreign Relations, Appropriations, Armed Services of the Senate and the Speaker of the House of Representatives."

AUTHORITY TO FUND MILITARY AID TO CAMBODIA

The CHAIRMAN. Do you consider that you can fund the aid to Cambodia out of the Department of Defense funds?

General WARREN. No, sir. There is no authorization, sir, to fund anything for Cambodia at the moment. The President has the drawdown authority I mentioned; but that is up to $300 million and it relates only to Defense stocks. I think that authority has only been used once.

The CHAIRMAN. Do you think that would cover Cambodia?

General WARREN. Yes, sir; it could.

The CHAIRMAN. Then, you think that you only can draw down up to $300 million for Cambodia from the Defense stocks. Is that the position of the Pentagon?

General WARREN. Sir, there is no position that I know of. As I mentioned, before I left, no decision had been made to provide any U.S. arms to Cambodia at this moment.

The CHAIRMAN. I know, but you are considering it. Do you believe you have authority to do it? That is what I am asking now. I mean, can you do it tomorrow?

General WARREN. The authority rests with the President; and, sir, the answer is, yes.

The CHAIRMAN. He can give Cambodia arms if he likes?

General WARREN. Yes, sir.

The CHAIRMAN. Funded by DOD funds?

General WARREN. No, sir, not DOD, not out of the service budget as such.

The CHAIRMAN. Where would they come from? How would they pay for it? He is not going to pay for them himself.

General WARREN. I understand. We could not take it out of any grant aid moneys that are available; but most of it, if a program were launched, would be equipments that already exist.

The CHAIRMAN. Then, in that case, he is not authorized to fund aid to Cambodia out of DOD funds; is that correct?

General WARREN. Yes.

The CHAIRMAN. Can we agree on that. All of you agree on that?

General WARREN. That is correct.

The CHAIRMAN. He is authorized to give them assistance out of the funds authorized and available under the Military Sales Act?

General WARREN. Yes, sir.

The CHAIRMAN. And/or the military aid—I mean the foreign aid bill?

General WARREN. Foreign Assistance Act.

The CHAIRMAN. Either one of them, if the money is available.

General WARREN. Yes, sir.

The CHAIRMAN. But he should make a determination for doing it and not do it informally without any declaration in accordance with the provisions of the law; is that your understanding?

General WARREN. Yes, sir. He does, of course, have to notify the Congress promptly of any finding or determination on it.

The CHAIRMAN. Go ahead.

General WARREN. Sir, with regard to the credit sales bill, which your committee is discussing, I would doubt very much, if a decision were made to provide assistance to Cambodia that Cambodia could afford to buy anything, so it probably would be grant aid.

The CHAIRMAN. Yes, I would have guessed that.

Do you think it possible for a military assistance program for Cambodia to be developed without you and the Deputy Assistant Secretary of Defense for Military Assistance having knowledge of it?

General WARREN. A plan could be developed without our having knowledge of it, possibly, if the unified commander, Pacific Command, or someone drafted a plan. But if there were one that was going to involve the Defense Department, I am sure I would know about it.

The CHAIRMAN. You did not know much about the AD–47's, did you? Whatever was done was done without your knowledge, was it not?

General WARREN. That is correct (pp. 128–129.)

MEMORANDUM FOR SENATOR FULBRIGHT

This memorandum is written in reply to your request of May 25, 1970, for (1) an explanation of sections 503, 505 (b), 610, and 614 (a) of the Foreign Assistance Act of 1961, section 3 (a) of the Foreign Military Sales Act, and the third proviso under the heading "Military Assistance" under the 1968 Foreign Aid Appropriation Act relating to special authority conferred on the President by those provisions, (2) the legislative history pertinent to those provisions of law, (3) the authority of the President to exercise his waiver authority under section 614 (a) retroactively, and (4) whether the President has previously exercised his waiver authority under section 614 (a) of the Foreign Assistance Act of 1961. Each provision of law referred to above will hereafter be discussed separately. By reason of the limited time available for preparing this memorandum, research into the legislative history of the provisions of law in question has been limited to available Senate, House, and conference reports.

I. Section 503, Foreign Assistance Act of 1961.

"SEC. 503. General Authority.—The President is authorized to furnish military assistance on such terms and conditions as he may determine, to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the United States and promote world peace and which is otherwise eligible to receive such assistance, by—

"(a) acquiring from any source and providing (by loan or grant) any defense article or defense service;

"(b) making financial contributions to multilateral programs for the acquisition or construction of facilities for collective defense;

"(c) providing financial assistance for expenses incident to participation by the United States Government in regional or collective defense organizations;

"(d) assigning or detailing members of the Armed Forces of the United States and other personnel of the Department of Defense to perform duties of a noncombatant nature, including those related to training or advice."

Section 503 of the Foreign Assistance Act of 1961 gives the President broad authority to furnish military assistance to any friendly foreign country or international organization which is otherwise eligible for assistance under the Act where he finds that such assistance will strengthen the security of the United States and promote world peace. The President is authorized to furnish that military assistance in the several different ways prescribed in clauses (a) through (d).

The scope of that section is indicated by an explanation of the section contained in the House Report (No. 851, 87th Congress):

"Section 503. General authority

"This section places in the President general authority to provide military assistance under the International Peace and Security Act. The main elements of the authority, which are taken from sections 102, 103, and 104 of existing law, are:

"1. Assistance may be furnished on such terms and conditions as the President may determine.

"2. Assistance may be furnished to any country, subject to the conditions of eligibility established by section 506 of the International Peace and Security Act, or to international organizations, the assistance of

which the President finds will strengthen the security of the United States and promote world peace.

"3. Assistance may be provided by acquiring defense articles or defense services from any source and providing them by loan, lease, sale, exchange, grant, or any other means to any country or international organization described in paragraph 2 above.

"4. Financial contributions to infrastructure programs may be made.

"5. Financial assistance may be furnished for expenses incident to U.S. participation in regional or collective defense organizations, such as the North Atlantic Treaty Organization and the Southeast Asia Treaty Organization, including contributions to bilateral or multilateral projects for research and development or production.

"6. The general authority to furnish services of Department of Defense personnel, including members of the Armed Forces of the United States, is limited to the performance of duties of a noncombatant nature, including military training or advice." (Page 53)

II. Section 505, Foreign Assistance Act of 1961.

"Sec. 505. Conditions of Eligibility.—(a)

* * * * *

"(b) No defense articles shall be furnished on a grant basis to any country at a cost in excess of $3,000,000 in any fiscal year unless the President determines—

"(1) that such country conforms to the purposes and principles of the Charter of the United Nations;

"(2) that such defense articles will be utilized by such country for the maintenance of its own defensive strength, and the defensive strength of the free world;

"(3) that such country is taking all reasonable measures, consistent with its political and economic stability, which may be needed to develop its defense capacities; and

"(4) that the increased ability of such country to defend itself is important to the security of the United States."

Section 505(b) of the Foreign Assistance Act of 1961 prohibits the furnishing on a grant basis any defense article to any country in excess of $3,000,000 in any fiscal year unless the President makes certain determinations with respect to the country concerned. The determinations are set out in clauses (1) through (4) of such section 505(b), and the President must determine that all four conditions are met in order to exceed the $3,000,000 limitation.

The Senate Report (No. 612, 87th Congress) on S. 1983, subsequently enacted as the Foreign Assistance Act of 1961, had no discussion of subsection (b) of section 506 (subsequently redesignated as section 505) and the House Report (No. 851, 87th Cong.) had very little. It stated, on page 58—

"Subsection (b) is identical in intent to section 105(b)(5) of the former Mutual Security Act. It recognizes that a critical need of less developed countries is in the realm of public works and economic development, and authorizes military assistance to be administered in a manner which encourages this objective to the extent feasible and consistent with the other purposes of the International Peace and Securiy Act."

The provision has not been amended since enacted as part of the 1961 Act.

III. Section 610, Foreign Assistance Act of 1961.

"Sec. 610. Transfer Between Accounts.—(a) Whenever the President determines it to be necessary for the purposes of this Act, not to exceed 10 per centum of the funds made available for any provision of this Act (except funds made available pursuant to title IV of chapter 2 of part I) may be transferred to, and consolidated with, the funds made available for any other provision of this Act, and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more than 20 per centum of the amount of funds made available for such provision.

"(b) The authority contained in this section and in sections 451, 506, and 614 shall not be used to augment appropriations made available pursuant to section 636(g)(1) and 637 or used otherwise to finance activities which normally would be financed from appropriations for administrative expenses. Not to exceed $9,000,000 of the funds appropriated under section 402 of this Act for any fiscal year may be transferred to and consolidated with appropriations made under section 637(a) of this Act for the same fiscal year, subject to the further limitation that funds so transferred shall be available solely for additional administrative expenses incurred in connection with programs in Vietnam."

Subsection (a) of section 610 of the Foreign Assistance Act of 1961 provides the President with authority to transfer funds from one account to another when he determines such action necessary for the purposes of the Act. Not more than 10 per centum of the funds made available for any provision of the Act may be transferred to and consolidated with funds made available for any other provision of the Act, nor may the total for any one provision to which the transfer is made be increased by more than 20 per centum. In the 1969 amendments to the Act the parenthetical phrase was inserted to prohibit funds from being transferred from funds made available to the Overseas Private Investment Corporation.

Subsection (b) of section 610 prohibits the use of the transfer authority provided in subsection (a) from being used to augment appropriations made available for section 636(g)(1) or section 637, which relate, respectively, to (1) the use of funds for administrative, extraordinary, and operating expenses incurred in furnishing defense articles and defense services by the agency primarily responsible for administering part II of the Act (military assistance), and (2) funds for administrative expenses of the agency primarily responsible for administering part of the Act (technical and economic assistance). The subsection also prohibits the authority contained in sections 451, 506, and 614 from being used to augment appropriations made available for sections 636(g)(1) and 637 referred to in the preceding sentence. Section 451 authorizes appropriations to the President for contingency purposes for use under part I of the Act. Section 506 confers special authority on the President to order defense articles from the stocks of the Department of Defense and defense services when, for purposes of part II of the Act, he determines it to be vital to the security of the United States and to pay for such articles and services out of subsequent appropriations. Section 614 confers additional special authority on the President to use funds not to exceed prescribed amounts without regard to certain limitations when he deems it vital to the security of the United States to do so.

The second sentence of subsection (b) of section 610 provides that not to exceed $9,000,000 of funds appropriated under section 402 of the Act for any fiscal year may be transferred and consolidated with funds appropriated for section 637(a), but any funds so transferred are available solely for additional administrative expenses incurred in connection with Vietnam. As indicated above, section 637(a) relates to use of funds for administrative expenses under part I.

Section 610 when enacted in 1961 contained only the substance of what is now subsection (a). The Senate Report on the Foreign Assistance Act of 1961 explained that provision as follows:

"J. TRANSFER BETWEEN ACCOUNTS (SEC. 610)

"This is the standard transferability section which has been part of foreign aid legislation for many years. It provides that, whenever the President determines it to be necessary for the purposes of the act, up to 10 percent of the funds made available for any provision of the act may be transferred to any other provision except that the latter provision may not be increased by more than 20 percent.

"This provision in the past has proved to be valuable in meeting changing circumstances and changing program needs. It is to be noted that, although this authority can be used to augment funds for development loans, it cannot be used to decrease them. (See Sec. 201(b) above.) Further, under section 634(d) (see below), the President is required to notify promptly the Senate Appropriations and Foreign Relations Committees and the Speaker of the House of any transfers." (Page 31.)

Subsection (b) was added in 1962 and was discussed in Senate Report No. 1535 of the 87th Congress as follows:

"The committee is less sympathetic to the use of the contingency fund for administrative purposes. The transfer and special discretional authorities (secs. 610 and 614) of the act were used in the past year to transfer $5 million from the contingency fund to the administrative expense accounts. Between 1948 and 1955 there were no transfers of foreign aid program funds to administrative accounts. Starting in 1955, a tendency to make such transfers developed, and in 1959, the committee recommended and Congress adopted a prohibition on such transfers. This prohibition was omitted from the 1961 legislation (at executive branch request), owing to the extensive reorganization of the aid agency that was in process.

"For fiscal year 1962, $50.5 million was appropriated for foreign aid administrative expenses, compared with $47.8 million for this purpose in 1961. Despite the increase, transfers were made which amounted to a further 10-percent increase in the accounts. The chairman proposed and the committee adopted an amendment which restores the prohibition on diversions of program funds to administrative expense accounts. The language of the committee would be contained in a new section 610(b) of the act." Page 31)

IV. Section 614(a), Foreign Assistanct Act of 1961:

"Sec. 614. Special Authorities.—(a) The President may authorize in each fiscal year the use of funds made available for use under this Act and the furnishing of assistance under section 506 in a total amount not of exceed $250,000,000 and the use of not to exceed $100,000,000 of foreign currencies accruing under this Act or any other law, without regard to the requirements of this Act, any law relating to receipts and credits accruing to the United States, any Act appropriating funds under this Act, or the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611 et seq.), in furtherance of any of the purposes of such Acts, when the President determines that such authorization is important to the security of the United States. Not more than $50,000,000 of the funds under this subsection may be allocated to any one country in any fiscal year. The limitation contained in the preceding sentence shall not apply to any country which is a victim of active Communist or Communist-supported aggression."

Section 614(a) of the Foreign Assistance Act of 1961 gives the President power to authorize in any fiscal year the use of not to exceed $250,000,000 of the funds made available under the Foreign Assistance Act of 1961, including funds for furnishing of assistance under section 506 (special au-

thority funds), and the use of not to exceed $100,000,000 of foreign currencies accruing under the Foreign Assistance Act of 1961 or any other Act without having to meet the requirements of that Act, any law relating to receipts and credits accruing to the United States, any Act appropriating funds for use under the Foreign Assistance Act of 1961, or the Mutual Defense Assistance Control Act of 1951, if such funds are used in furtherance of any of the purposes of those Acts and if the President determines that such authorization is important to the security of the United States.

The Senate Report on the Foreign Assistance Act of 1961 (Rept. No. 612, 87th Cong.) contained the following statement regarding the first sentence of section 614(a):

"This section contains three kinds of special authorities for the President, all of them analogous to authorities now found in sections 403 and 451 of the Mutual Security Act.

"Subsection (a) provides that the President may authorize the furnishing of assistance of $250 million a year without regard to the requirements of this bill, the Battle Act, or any act appropriating funds for use under this bill or amendments thereto. Within the specified limit of $250 million, this authority applies to funds made available for use under this bill as well as to Department of Defense funds which may be used under authority of section 510 (see above). The President has had similar authority, in regard to similar amounts in the past." (Page 33).

The second sentence of section 614(a) limits to $50,000,000 the amount that can be made available by the President to any one country in any fiscal year under the authority of such section. The third sentence of such section was added by the Foreign Assistance Act of 1966 and provided that the $50,000,000 contained in the second sentence would not apply to any country which is the victim of active Communist or Communist supported aggression.

Personnel within the Department of State estimate that the President has exercised his waiver authority under the provisions of section 614(a) of the Foreign Assistance Act of 1961 to furnish assistance to foreign countries approximately 60 times. In most cases the waivers have been made to provide military assistance; and in most cases the waivers were of a minor technical nature and did not, according to State Department personnel, involve major policy considerations.

The legislative history of this section contains no discussion on whether the President may exercise his waiver authority retroactively.

V. Section 3(a)(1), Foreign Military Sales Act

"Sec. 3. Eligibility.—(a) No defense article or defense service shall be sold by the United States Government under this Act to any country or international organization unless—

"(1) the President finds that the furnishing of defense articles and defense services to such country or international organization will strengthen the security of the United States and promote world peace;"

Clause (1) of Section 3(a) of the Foreign Military Sales Act prohibits the United States Government from selling any defense article or defense service under the Act to any country or international organization unless the President finds that selling the articles or services will strengthen United States security and promote world peace. There is no requirement that the President submit a report to the Congress on any finding he has made under such clause. The Senate report on this Act gives no explanation of the intent or purpose of the clause.

VI. "Military Assistance," Title I, Foreign Assistance and Related Programs Appropriation Act, 1970

"Provided further, That the military assistance program for any country shall not be increased beyond twenty per centum of the amount justified to the Congress, unless the President determines that an increase in such program is essential to the national interest of the United States and reports each such determination to the House of Representatives and the Senate within thirty days after each such determination."

The third proviso under the paragraph entitled "Military Assistance" of title I of the Foreign Assistance and Related Programs Appropriation Act, 1970, prohibits the President from increasing the military assistance program for any country by more than 20 percentum of the amount justified to the Congress unless the President determines a greater increase is "essential to the national interest of the United States" and reports that determination to both Houses of Congress within 30 days after making the determination. The Senate and House reports on this Act, and the reports on the Foreign Assistance and Related Agencies Appropriation Act, 1968, which was the Act which first included substantially the same language as the 1970 Act, do not explain the intent or purpose of the proviso.

Respectfully submitted,

LAWRENCE A. MONACO, Jr.
Assistant Counsel.

LOCAL TRAINING INITIATIVE TEACHES SKILLS—SAVES TAX DOLLARS

Mr. PROXMIRE. Mr. President, I have long held that there is no better investment than dollars spent on the training of young Americans. It is an investment that repays itself one hundredfold in the form of higher future earnings with resultant higher tax returns to the Federal Government.

A letter came into my office recently, demonstrating how a community can provide substantial educational benefits at very little cost. James Kestol, coordinator of the business education department of the Janesville, Wis., Vocational Technical School, told of his experience in starting an evening keypunch class. His paper makes interesting reading. It tells how community-business cooperation can not only lower the cost of education to the community but also provide substantial benefits to local business.

So that Senators may read about the Janesville experience, and, it is hoped, profit from it I ask unanimous consent that Mr. Kestol's article be printed in the RECORD.

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

HOW TO START A KEYPUNCH CLASS

(By James Kestol)

Keypunch operators are in demand in all parts of the country. One need only observe the Help Wanted columns in almost any newspaper to realize that here is a field of opportunity that, with a little training, can result in a good paying job.

It was a memorable day in 1963 when our school received its first keypunch machine. Six months later, another machine was added in our business education department.

Our school offered keypunch training in conjunction with office machines courses which are given in both day and evening classes. Our evening classes continued to grow until we were offering three classes per week. Because of the popularity and success of our program, this report is intended for anyone who wishes to explore the possibilities of organizing an evening class for adults. One of the problems that confronted us was that most of the students in evening school wanted only keypunch training, and with only two machines, there was not much time for actual student operation. A three-hour class with 25 students would allow about fifteen minutes actual operating time per student per evening. The remainder of the time had to be spent on calculators, bookkeeping machines, or comptometers, whichever happened to be available. It was somewhat frustrating at times for both teacher and students.

This procedure continued for several years until we worked out a plan with a nearby data center to utilize their equipment in a keypunch class to train some operators. This particular data center serves a wide area including the states of Illinois, Iowa, New York, and Wisconsin, and it has a good supply of keypunch machines along with a desire to recruit new employees. What could be better than training a class of students and then hiring the best ones?

Before proceeding too far, it is necessary to get the approval of your school administrator or other school officials. Generally, they are happy to see an opportunity opening for the benefit of local people. Be sure to get details of approximate size of class, costs, and books to be used, along with other pertinent information relative to the organization of a class. There are a number of good textbooks and manuals on the market that can be used for the course.

Our school employed the supervisor at the data center as the instructor for two evenings a week during the five-week training period. We made a strong effort to keep the size of the class to about 10 or 12 members (never were there more than 13 registered in any one class). Some of the prerequisites for taking the course were: Experience with a keypunch machine, card-punch aptitude, or good type writing ability (40 wpm). We tried to select students who had previous training or some knowledge of keypunch operation as they are easier to teach and are familiar with procedures. One of the requirements of our evening school administration is that each instructor must provide a complete outline of material to be covered in each class during the term.

The class objectives were to complete a required number of lessons in ten sessions; to familiarize the students with the keypunch machine, drum cards, and formats; and to perform exercises on the machine, make their own drum cards, and verify their work. At every session, there was a production test, and records were kept to carefully watch student progress.

Very favorable results were obtained, and rapid progress was made by members of the class. Actual problems were worked out by the students which gave the program significant impetus. The data center had the prerogative to employ any of the students that met their requirements, as that was part of the original agreement.

This training procedure is continuing to operate successfully, and our school, the data center, and the students are all happy with the results. Any school could put a similar plan into effect, adapt it to their local needs and save the taxpayers many dollars in so doing.

HOW SHALL WE WORK FOR MIDDLE EAST PEACE?

Mr. SCOTT. Mr. President, the problem of peace in the Middle East is becoming more and more critical. Terrorist groups have made the ceasefire agreement engineered by the United Nations meaningless. Fighting continues on a daily basis along the Suez Canal.

The precarious balance of power between Israel and the Arab States is gravely endangered by vastly increased

Soviet support now being given Egypt and other Arab States. This balance can only be maintained—until some more permanent solution is found—if the United States provides Israel with enough planes and other assistance to make her defense viable, and to deter the Arab States from embarking upon a new adventure of aggression.

These problems are discussed in an editorial, "How Shall We Work for Middle East Peace?" appearing in the current issue of Prevent World War III, a magazine published by the Society for the Prevention of World War III, 50 West 57th Street, New York, N.Y. The Society is a nonprofit organization which for the past 25 years has engaged in research studies concerning the cause and prevention of wars.

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:

HOW SHALL WE WORK FOR MIDDLE EAST PEACE?

More than two-and-a-half years have elapsed since the end of the June 1967, war in the Middle East, and the parties are no nearer to a settlement than they were before the outbreak of the war. Indeed, there has been a constant escalation of border fighting, and particularly of "commando" or terrorist activity on the part of Arab guerrillas. If the present trend continues, we must begin preparing our minds for a "fourth round"—an event which may affect a much larger part of the world, considering the involvement of outside powers.

What are the facts?

In the hundred days beginning September 1, 1969, the New York press reported border fighting by regular military units on 44 days. Most of these incidents occurred in the Suez Canal region. Still more alarming was the record of commando or terrorist attacks. These averaged well over one every day.

Obviously, the UN Ceasefire Resolution is not being observed. A ceasefire which operates only about half the time—or less than half, counting the guerrilla attacks—can hardly be called a ceasefire at all.

The terrorists and guerrillas do not even pretend to accept the UN truce, or the basic Resolution of November 22, 1967, which was supposed to provide a formula for progress toward peace. In fact, these illegal forces have repeatedly stated that they reject any effort toward a political solution, from no matter what source it may originate.

The openly bellicose attitude of Arab states involved in the 1967 fighting, when their representatives attended the Arab Summit Conference at Rabat, strongly underlines this appraisal. The fact that the head of the guerrilla forces, Yasir Arafat, was seated at this conference with the virtual status of an additional head of state, makes the picture even more ominous.

ARAB GOVERNMENTS OPENLY SUPPORT CONTINUED WAR

President Gamal Abdel Nasser, addressing the opening of Egypt's General Assembly on November 6, after paying the merest lip service to the Security Council resolutions, made his war-like intentions very clear in these words:

"There is no alternative to the battle. . . . There no longer is any way out except to use force to open our own road toward what we want—over a sea of blood and under a horizon of fire."

To heavy applause, the Egyptian President continued his inflammatory talk. Egypt, he boasted, is "this year devoting to the battle 500 million pounds and placing half a million soldiers under arms."

Always in the background, we must recall the dictum of the Khartoum Conference, where the Arab states declared that they would countenance *"no peace with Israel, no recognition of Israel, no negotiations with Israel."*

All this sounds dishearteningly like the official Radio Cairo broadcast of May 30, 1967 (five days before the outbreak of war), when Egypt declared:

"With the closing of the Gulf of Aqaba, Israel is faced with two alternatives, either of which will destroy it: it will either be strangled to death by the Arab military and economic blockade; or it will perish by the fire of the Arab forces encompassing it from the south, from the north and from the east;

To this President Nasser himself added: "The armies of Egypt, Jordan, Syria and Lebanon are massed on the borders of Israel. . . . *Today the world shall know that the Arabs are girded for battle, as the fateful hour approaches."*

At the end of December 1969, this position had scarcely changed. In his Assembly address, Nasser referred to the Six-Day War only as "a setback" in the longer confrontation. As to the Suez he reported that after the so-called ceasefire, *"the people's special forces and their army forces in the field began crossing the canal to make life impossible for the enemy on the other side."* In short, as he had earlier announced to a Pan-Arab Trade Union Conference in Cairo, *"the Six-Day War was, in actual fact, the prelude to a war which has not yet ended."*

Meanwhile, the problem has been multiplied by the action of the USSR in resupplying Egypt and other Arab states with armament in almost unlimited quantity, not only replacing what was lost before, but creating an imbalance against Israel.

The position of Israel remains clear. She has declared, over and over again, her readiness to negotiate with any or all of the Arab states, at any time. This is the way in which wars have been ended, and peace restored, as long as history has any record.

Israel's position was restated by Foreign Minister Abba Eban in a formal address to the Overseas Press Club in New York, Dec. 11. "We shall continue to be prepared to negotiate without prior discussion; everything is open for discussion," he said. But he added that peace must be the purpose, and until negotiations based on mutual recognition could become possible, there could be no withdrawal from territories occupied at the ceasefire date. "There is no international policy that suggests we should withdraw without peace; national suicide is not an international obligation," Mr. Eban pointed out.

It seems to us that the next step must be for all parties to proceed to the conference table—but the way is clouded by the intransigent refusal of one side to sit down and talk. It is the clear responsibility of all peace loving nations to do whatever they can to persuade the Arab states that the time for talking is long since past, and that the patience of the world community has its limits.

Indeed, it is not only the patience of the world community that is involved; it is also a matter of safety. If a ceasefire is more frequently broken than observed, its viability as a temporary arrangement is reduced to near zero, and a situation is created which may at any moment—whether by intent or by accident—blaze up into full-scale warfare.

PEACE IMPOSSIBLE WHILE GUERRILLAS ARE UNRESTRAINED

The "ceasefire" in the Middle East has been given an Alice-in-Wonderland aspect by the attitude of the contending states toward the guerrilla groups—El Fatah, the Palestine Liberation Organization, and others.

Although the Arab governments—except Syria—have accepted the various UN resolutions, the guerrillas have not. Their leader, Yassir Arafat, has made this explicitly clear. "We see a peace achieved through the muzzles of guns," declared the Voice of Fatah, broadcast on Radio Cairo. "The Palestinian resistance has come to stay," said President Nasser in his Assembly address. Earlier, he had pointed out that although Egypt has accepted the ceasefire, this did not bind the guerrillas.

Recent events in Lebanon show how shortsighted it is to attempt any Mid-East settlement which does not also include the guerrillas. They managed to take over the policing and administration of the UNRWA camps in Jordan, and even worked out a "treaty" with the government of that unfortunate state, allowing the terrorists a free hand to fight Israel in the sector nearest the Syrian border.

In the case of the guerrillas, the challenge to peace is twofold: First, the challenge to established governments in the area; second, the challenge to the international agencies of the UN, especially UNRWA.

If a country is unable to protect the integrity of its boundaries, both as to attacks from outside and as to the conduct of attacks against neighbors when mounted from within, it has not discharged the most elementary obligation of sovereignty.

Lebanon was not permitted to exercise its sovereignty in this regard. Syria and Jordan have not chosen to do so. In these cases, full support is given to the commandos for nearly any enterprise in which they engage—and financial support is given from Egypt and other Arab states.

Indeed, the original budget of the Palestine Liberation Organization was provided, more than five years ago, by a formal action of the Arab League states, through their representatives at a Summit Conference. To argue in one breath that these are "spontaneous" movements, and in the next, that they must be given "full support," is a travesty on common sense, and leads to a situation that makes peace impossible.

The status of UNRWA is even more indefensible, because by the terms of its creation UNRWA is clearly limited to relief and rehabilitation programs. Yet, official publications of the Arab Information Office have reported that UNRWA camps are used by the guerrillas for recruiting purposes, and even as sites for "Young Lion" groups—the so-called "boy scouts" of El Fatah and the other commando outfits. In this regard, every nation supporting the UNRWA budget has a direct responsibility.

A ROLE FOR THE UNITED NATIONS?

If the present insecure and nearly nonexistent ceasefire is to be maintained at all, the United Nations must adopt a much more straight-forward approach than anything thus far seen.

A ceasefire which applies only to official armies, and ignores the more dangerous guerrillas, is utterly without meaning. Yet, every effort to get the Security Council to consider this question has met with failure. Israel has been "censured" for retaliating against commando bases—but the governments that harbor the commandos have been allowed to follow their irresponsible courses without noticeable criticism.

Likewise, attempts to make support of UNRWA conditional upon its enforcing an "off base" rule against the guerrillas have not succeeded.

More than the matter of doing even-handed justice is involved here. The credibility of the United Nations itself is at stake. If, as appears now to be the case, members of the Security Council (and other UN organs as well) persist in voting their political allegiances, in clear disregard of duties imposed by the Charter, all pretext that the

UN functions as a judicial body must be abandoned.

Friends of the United Nations—including members of the United Nations Association—would do well to recognize this danger before it is too late. The viability of the UN as a peace-keeping agency is rooted in its reputation as an impartial organization whose actions are based on law and justice. If it comes to be regarded as the agency of a succession of temporary self-seeking power blocs, its utility will have been dangerously harmed, and the peace of the whole world will inevitably suffer.

THE ROLE OF THIRD PARTIES IN THE CONFLICT

Recent expressions of policy by President Nixon's Administration, as spelled out in Secretary Wm P. Rogers' Dec. 9 address and elsewhere, are hopeful to the extent that they again recognize the necessity of direct negotiations between the contending parties, and reaffirm for all countries "the obligation to prevent hostile acts originating from the respective territories" of the states concerned.

They leave much to be desired, however, in seeming to suggest that a "third party" settlement may be sufficient, rather than actual face-to-face peace negotiations. The "friendly broker" system resulting in a series of armistice agreements during the past 21 years, in the end paved the way to a succession of hot wars. It seems a bit late to talk again of a solution which has three times failed.

It is also impractical to think in terms of an "imposed peace" worked out either by the Big Four or the Big Two. The obvious objection to this is that the interests of the Communist World and the Free World are already in collision in the Middle East, and it is therefore impractical to expect the powers to agree upon a solution such as might evolve from direct talks between the peoples of the region. To imagine agreement on a solution that the Big Two might jointly police requires us to think in terms of utopian fiction.

More important, however, is the consideration of justice: the Middle East conflict is primary the affair of the peoples of that part of the world. No solution in which they are not the primary movers can be permanent—and the only such solution is one worked out in a peace treaty which is founded on mutual recognition of each other's existence and self-respect.

The question of Jerusalem, quite obviously, cannot be solved in Mr. Rogers' terms of reference. For 19 years the United States made no objection when this supposedly "internationalized" city was taken over by Jordan, contrary to decisions by the United Nations. For 19 years, the United Nations made no meaningful effort to establish any kind of multi-national regime. For 19 years American citizens, wishing to enter Jordan or Jordanian controlled Jerusalem, were compelled to submit to a demeaning religious test, the obvious purpose of which was to prevent the entry of Jews, whether American citizens or not. Meanwhile, three wars had been fought, and settled by temporary armistice agreements—it being clearly understood that all permanent agreements were postponed until the future.

It is now far too late for Mr. Rogers to return to a plan which the nations of the world disregarded for more than a generation, and which to all intents and purposes had been forgotten. Jerusalem is a city which has deep meaning to Christians, Jews and Moslems alike, but it is also a city which should not be divided. As to the much discussed holy shrines, there is simply no way to draw lines that would make a workable three-way—or even two-way—division of the city.

The fighting during the last two decades has not been initiated by the Israelis—but by the Arabs. It is now time to give Israel a chance to see if she can provide a fair administration of Jerusalem, and she has already embarked upon a policy of open access to all peoples, which is the first time in a long while that any such program has been offered. For the Department of State to attempt to impose its view on this matter today is an act of subrogation.

NEW THREATS TO PEACE AT RABAT CONFERENCE

Until the day before Christmas, it had been hoped that the meeting of Arab leaders at Rabat might show some tendency toward accepting reasonable political solutions in the Middle East.

It is now apparent, however, that the more belligerent Arab states will be satisfied—as of this moment—with nothing less than fighting. The Conference was unable even to issue a final communique, in spite of valiant efforts by King Hassan of Morocco. Indeed, the delegations of Iraq, Syria and Yemen outdid themselves in calling for a "holy" (or at least a leftist) war against Israel, and when they did not get their way, their ambassadors refused to participate in the closing sessions of the meeting. Egypt's President Nasser likewise walked out, when Kuwait and Saudi-Arabia refused to increase their financial support for Arab military adventurism.

The status accorded Yasir Arafat, as head of the so-called Palestine Liberation Organization (PLO), was particularly ominous. As already noted, this guerrilla group was created and voted its first budget at an Arab Summit meeting. It is subsidized from official funds. Its operations are in diametric contradiction to the injunctions of the UN Ceasefire Resolution. The fact that this violent and illegal body was so prominently "recognized" at Rabat can only be a source of grave worry for all advocates of peace.

The gravity of the PLO situation is underlined by an advertisement inserted in New York papers on December 24—the day after Rabat—by the Arab Information Center. It featured a long quotation by Dr. Izzat Tannous, head of the New York office of PLO, in which he sought sympathy on the ground that he, a "Christian Arab," would be excluded from Jerusalem by the Israelis. Apart from the fact that there is no evidence that Israel has excluded Tannous or intends to exclude him, it is certainly misleading to allow this representative of a hostile guerrilla group to allege religious discrimination. No government would willingly allow an officer or a group of hostile commandos—or of the political entity under whose aegis they fight—to enter its boundaries. The policy of the United States, the Soviet Union, and every other leading nation of the world, is firmly established in this regard. Appeals such as that sponsored by the Arab Information Center in its post-Rabat advertisement can only lead to further trouble, of a particularly undesirable kind.

AN URGENT AMERICAN RESPONSIBILITY

In the months immediately ahead, the urgent task is to see to it that—lacking a peace conference—a reasonable balance of military power is maintained.

The population and land areas of the Arab states many times outbalances that of Israel—and the official Arab view continues to be that "Israel does not exist." (Israel still does not appear as a nation on Arab maps.)

In the interim, the best that can be done is to preserve sufficient strength in Israeli hands to deter the more numerous Arabs from carrying out threats of the sort made by President Nasser and cited at the beginning of this article.

The Egyptian President has told his people, in repeated public addresses, that Moscow has "supplied without charge" arms enough to more than replace those lost in 1967. Similar aid has been extended to Syria, Jordan, Iraq and to the guerrillas. Thus the danger of war entered into upon an "easy victory" premise is constantly escalated.

The only deterrent lies in the preservation of a viable balance of power. The first step for the United States should be an immediate affirmative response to Israel's request for additional Phantom jet planes and other sophisticated equipment sufficient to ensure preservation of her existence.

Someday, the powers may be enlightened enough to enter into arms limitations agreements covering the Middle East. That day, however, is lamentably far away—and the forces of war will not wait for slow moving diplomacy to catch up. The problem of the hour, therefore, is the preservation of Israel's defense ability in the face of burgeoning might concentrated in the hands of bellicose neighbors.

SENATE ACTION NEEDED TO IMPROVE SOCIAL SECURITY

Mr. WILLIAMS of New Jersey. Mr. President, the passage of the 1970 social security amendments by the House last week is most welcome, but other major reforms are still urgently needed to improve this vital, but still imperfect program.

The 5-percent across-the-board increase in benefits will provide an additional $1.7 billion in badly needed income for 26.2 million social security recipients in 1971.

This rise, along with the 15-percent increase authorized last December, will help to bring social security benefits up to a more realistic level.

For an average retired single worker, the combined effect of both increases will raise benefits from about $100 a month to $121.80. For an elderly couple, benefits will be increased from $170 to $205.80.

In addition, the House made several improvements in the social security and medicare programs, including a cost-of-living adjustment mechanism to keep benefits current, a liberalization of the earnings test, and 100-percent benefits for widows 65 and older.

These changes are urgently needed, and I enthusiastically support such improvements.

It is also gratifying because many measures in the House-passed bill are identical or similar to provisions contained in my omnibus social security bill, S. 3100.

Mr. President, I ask unanimous consent that a table illustrating these comparisons be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. WILLIAMS of New Jersey. However, essential finishing touches must still be made by the Senate to help perfect the House-passed bill.

BENEFIT INCREASES

For example, my omnibus bill called for a 20-percent increase in benefits beginning January 1970.

The 5-percent increase, together with the 15-percent raise, will be roughly equivalent to an overall 20-percent boost in benefits. However, the 5-percent increase will not be effective until January 1971.

In the meantime, our cost of living is rising at an annual rate of approximately

6 to 7 percent—the most rapid increase in nearly 20 years.

At this rate the 5-percent raise would be wiped out even before the social security beneficiary received his first check in February 1971.

Therefore, I believe the Senate should urge a 10-percent increase in the bill it will soon consider.

MINIMUM BENEFITS

One glaring omission in the House bill is the failure to come to grips with the problem of minimum benefits. Because of the present inadequate base, a 5-percent raise will only increase the minimum monthly benefit for a single person from $64 to $67.20.

This is only a token measure and will be totally inadequate for a person living in poverty.

For this reason, I urge that the minimum monthly benefit be raised to $90 immediately and to $120 by 1972. It is estimated that this approach, together with the overall 20-percent increase in benefits, would move approximately 2.1 million people out of poverty—nearly 1.4 million persons 65 and older and another 700,000 under 65.

COST-OF-LIVING ADJUSTMENT

The cost-of-living adjustment mechanism, which will take effect in 1972, is urgently needed and welcomed. But, I believe that benefits must still be raised to a more realistic level than provided in the House bill before this automatic escalator is employed.

My bill would also provide for automatic adjustments, but would provide for a second 20-percent across-the-board increase in 1972 before benefits would be automatically adjusted for increases in the cost of living.

With this second increase, social security recipients will not find themselves locked in at inadequate benefit levels.

LIBERALIZED DISABILITY BENEFITS

Mr. President, the Senate must also consider a number of other vitally needed improvements to the social security and medicare programs which were not included in the House bill.

Disability assistance under social security is still too limited for persons in great need.

Under existing law disability benefits are payable only after a 6-month waiting period, provided the disability is expected to last for at least 12 months or to result in death. Moreover, the worker must be unable to engage in any substantial activity.

S. 3100, I believe, provides a more rational and effective approach to this crucial problem. It would:

Reduce the waiting period from 6 to 3 months;

Eliminate the requirement that the disability be expected to last 12 months or result in death; and

Permit workers aged 55 to 64 to qualify if they are unable to engage in substantial gainful activity in their regular work.

GENERAL REVENUE FINANCING

Another significant reform especially needed is provision for well timed and well conceived use of general revenues to help finance a portion of the social security program. Our present method of relying on payroll taxes places a regressive tax on the Nation's workers.

Since the present contribution rate is uniformly applied to all covered individuals, workers with low earnings pay a larger percentage of their total income than do higher paid persons.

In a working paper, "The Stake of Today's Workers in Retirement Security," prepared for the Senate Committee on Aging, it was emphasized that use of general revenues would provide a more equitable basis for financing part of the costs of the social security program.

Workers of all ages, therefore, have a vital stake in making sure that the financial burden is spread in the most equitable manner.

A far fairer method would be to finance this share from general revenue sources to which all taxpayers contribute and through a more progressive tax structure.

MEDICARE FOR DISABLED SOCIAL SECURITY BENEFICIARIES

While the House bill made some improvements in medicare, a number of crucial reforms were omitted.

For instance, extension of medicare to disabled social security beneficiaries under age 65 is essential. These individuals need medicare as much, if not more, as individuals 65 and older.

We know this need exists, because that need has been documented for some time. Accordingly, I urge immediate action in this crucial area, as proposed in S. 3100.

OUT-OF-HOSPITAL PRESCRIPTION DRUGS

Prescription drug expenditures constitute a major expense for elderly persons. Like other medical needs, both the quantity used and the cost per acquisition are likely to be above the averages for younger persons.

For older persons with severe chronic conditions—about 15 percent of all elderly individuals—prescription expenses are more than six times as great as for younger people.

Therefore, I believe that it is essential that the Senate bill include provision for coverage of out-of-hospital prescription drugs under medicare.

ELIMINATE PART B PREMIUMS

In addition, I urge that the supplementary medical insurance premium—now $4 per month but scheduled to rise to $5.30 this July—be eliminated. Under S. 3100, financing for part B of medicare—like the part A hospital insurance—would be replaced by payroll taxes and a matching contribution by the Federal Government.

This change alone would be equivalent to about a 5-percent increase for the average recipient.

THE STAKE FOR TODAY'S WORKERS

During the past 15 months, as chairman of the Senate Committee on Aging, I have conducted hearings on the "Economics of Aging."

During these hearings we have heard from experts, the elderly, and other knowledgeable persons.

What has emerged from this comprehensive study is a compelling call for immediate and long-range action.

Major reform in the social security system is indispensable in order that older Americans today and in the future may share in the economic abundance they have created.

Today, a majority of our 20 million elderly feel the effects of a deepening retirement income crisis. Unless substantial policy changes are made now, the number will increase markedly.

Today's workers—men and women who will be the elderly of tomorrow—thus have a major stake in an improved social security program.

Several reasons for this concern were forcefully pointed out in "The Stake of Today's Workers in Retirement Security":

The vast bulk of the working population does not have the margin between income and outgo that would permit the significant savings needed to provide for their own old age, or to even contribute significantly to raising the income from other sources.

Even with the long overdue and inadequate 15-percent increase, benefits will average only $116 for the retired aged worker, $196 for an aged couple, and $101 for the aged widow.

Projections to 1980 indicate that about half the couples and more than three-fourths of the unmarried retirees will receive $3,000 or less in pension income. And these projections use relatively liberal assumptions with respect to increases in private and public benefit levels.

Even under earlier projections, now known to be too optimistic, only a third to two-fifths of all aged persons were expected to have income from private group pensions.

It is for reasons like these that present inadequacies in retirement income—and the policies and trends that perpetuate them—are of urgent and direct concern to all workers and not just to our aged population.

For these reasons, I am calling upon the elderly of today, and tomorrow's retirees, to join me in urging these major changes by the Senate when the House bill is considered.

EXHIBIT 1

COMPARISON OF S. 3100 AND H.R. 17550

H.R. 17550	S. 3100
1. Benefit increase	*1. Benefit increase*
The Social Security Amendments of 1969 (Public Law 91-172) provided for a 15 percent across-the-board increase in benefits, effective January 1970. H.R. 17550 would raise benefits by another 5 percent, effective January 1971. Minimum monthly benefits for a single person would be raised under Public Law 91-172 and H.R. 17550 from $55 to $67.20.	S. 3100 provides for a 20 percent across-the-board increase in benefits, effective January 1970; and a second 20 percent raise, effective January 1972. Minimum benefits for a single person would be raised to $90 by 1970 and $120 by 1972.

EXHIBIT 1—Continued

COMPARISON OF S. 3100 AND H.R. 17550

H.R. 17550	S. 3100
2. Cost-of-living adjustment	*2. Cost-of-living adjustment*
An automatic cost-of-living adjustment mechanism, beginning in 1972, will help keep benefits current with rises in the cost-of-living. For each 3 percent increase in the Consumer Price Index, benefits would be raised accordingly.	A similar adjustment is provided in the Williams bill. However, this automatic escalator would be employed after benefits had been raised by 44 percent and the minimum benefit had been increased to $120 per month.
3. 100 percent benefits for widows	*3. 100 percent benefits for widows*
Widows 65 and older would receive 100 percent of their deceased spouse's retirement benefit, instead of the present 82½ percent. This will provide about $700 million in additional benefits for 3.3 million persons, and the average widow's benefit will increase from $102 a month to $123.	Identical provision in the Williams bill.
4. Liberalization of the earnings test	*4. Liberalization of the earnings test*
Beneficiaries under 72 years of age will be permitted to have $2,000 annual earnings, instead of the present $1,680, before their Social Security benefits would be reduced. For earnings in excess of $2,000 but not greater than $3,200, $1 in benefits would be withheld for each $2 of earnings. Thereafter, $1 in benefits would be reduced for each $1 of earnings. Approximately 900,000 individuals will receive an additional $475 million in extra benefits from this change.	The annual earnings limitation for persons under 72 would be raised from $1,680 to $1,800. For earnings greater than $1,800 but not in excess of $3,000, $1 would be withheld for each $2 of earnings. For additional earnings, $3 would be withheld for each $4 of earnings.
5. Age 62 computation point for men	*5. Age 62 computation point for men*
The method of computing benefits for men would be based on working years up to age 62 (the same as for women), instead of the current 65 year requirement. About 10.2 million individuals—male workers and their dependents and survivors—will receive an estimated $925 million in increased benefits.	Identical provision in S. 3100.
6. Wage credits for armed service members	*6. Wage credits for armed service members*
Noncontributory credits of $100 a month would be provided for computation of Social Security benefits for servicemen for the period from 1957—when military service was covered under Social Security—through 1967. Approximately 130,000 beneficiaries would be immediately eligible for higher benefits, and $35 million in additional benefits would be paid out in 1971.	Identical provisions in S. 3100.
7. Disabled child's benefits	*7. Disabled child's benefits*
Childhood disability benefits would be payable to a disabled adult son or daughter whose disability began after age 18 and before age 22. Under present law, a person must have become disabled before age 18 to qualify for childhood disability benefits on his parent's Social Security account. About 13,000 persons would be eligible for an additional $10 million in benefits.	Benefits would be provided for the disabled child of a worker provided that the disability begins before age 22, rather than age 18.
8. Special age 72 payments	*8. Special age 72 payments*
Public Law 91–172 raised this benefit for a single person from $40 to $46 a month. H.R. 17550 would further increase this benefit to $48.30.	S. 3100 provides for a comparable increase, effective January 1970 rather than January 1971. However, S. 3100 provides for a second 20 percent increase, effective January 1972.

TROUBLE IN THE FEDERAL HEALTH ESTABLISHMENT

Mr. YARBOROUGH. Mr. President, writing in yesterday's Washington Post, Mr. Victor Cohn described in some detail the worsening crisis of confidence within those agencies of the Government which administer vital health programs. He describes how a series of unfortunate events has combined to create a climate which may well result in the resignation or purging of a number of dedicated and competent officials at HEW.

Mr. Cohn makes clear that the effects of a contracting Federal budget for health programs, coupled with the evident policy of the Nixon administration to politicize heretofore nonpolitical agencies, are both unwise and counter-productive in terms of dealing with the very real crisis this country faces in health care.

In a statement last year, President Nixon acknowledged that the country's health care system was in crisis. In view of this statement, it is ironic that we have witnessed indiscriminate and disproportionate budget cutting of health programs by the administration, vascillation and confusion on the administration's part concerning several key legislative programs which are due to expire this June, the absence of a Presidential health message this year, and now the injection of partisan politics into agency personnel selection.

The President has asked each of us to watch what the administration does, not what it says. Mr. President, I am increasingly concerned about what this administration is doing in the health area. It is not inconceivable that we here may have to more aggressively monitor these policies as a prelude to appropriate congressional action.

Mr. President, I ask unanimous consent that Mr. Cohn's article entitled, "Politics, Fund Cuts Spark Unrest in Health Agencies," be printed in the RECORD.

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

[From the Washington Post, May 25, 1970]

POLITICS, FUND CUTS SPARK UNREST IN HEALTH AGENCIES

(By Victor Cohn)

There is trouble in the federal health establishment.

The effect on the nation's health resources, in the opinion of many officials, could be severe.

Among the troubles, as described by high and mid-level government doctors and health scientists are:

The Nixon administration's increasing injection of politics into hirings and firings in medical science and health fields—areas where political clearance never before was a factor.

An acute lack of funds. Health—especially mental health projects and training—have been among the hardest hit fields in anti-inflation Johnson and Nixon budgets.

Even worse, say the complaints, is "lack of interest." "I don't think the voice of health is being heard very clearly in the present administration," Dr. John Knowles, director of Massachusetts General Hospital, writes in the current issue of Look. "I don't think the President gives it a very high order of priority."

The ill effects, it is stated, are starting to show up in an exodus of dedicated health workers from key jobs.

Worse, it is added, the country is certain to suffer a growing shortage of doctors. "The full force" of recent research and training cutbacks "will hit us in the teeth" by 1971, Knowles charges. Many medical school deans think a whole generation of potential health scientists, teachers and medical specialists—all of whom are commonly trained in research programs—could be lost.

The health troubles began with the failure of Secretary of Health, Education and Welfare Robert Finch to win backing for appointment of Knowles as his assistant secretary for health.

Dr. Roger Egeberg, who wound up with the job, has said privately that the long delay caused by the fight over Knowles "cost health agencies millions" because there was no top official to argue for health.

But both Egeberg and Finch have found themselves repeatedly overruled or bypassed on health matters by White House aides. Some officials give Egeberg good marks for intentions but bad ones for performance. Others say, "He's doing everything he can, but he's caught in larger problems."

HEW RESIGNATION

New among these is the aftermath of the resignation May 8 of Dr. Joseph T. English, a fast-rising psychiatrist who headed HEW's Health Services and Mental Health Administration. English quit while Egeberg was in Europe; Egeberg returned, canceling a Russian trip.

Asked about reports that he was asked to resign, English said last week: "Number one, no comment. Number two, I don't deny (it)."

Immediately on his resignation, his job was removed from civil service and made

appointive. A high-level official in the same agency said:

"The politics is getting more naked. I can assure you there has never before been the political check there is now—down to the GS-14 level." (GS-14s start at $19,643 or more.)

The appointment of a new director of mental health services, Dr. Claude Thomas; the nomination of Dr. Morris Chafetz of Boston as director of alcoholism programs; the search for a new director of mental health training—all have received political checks.

I'VE VOTED ON BOTH SIDES

So, of course, did the appointment last week of English's successor, Dr. Vernon Wilson, director of health affairs at the University of Missouri. Wilson says: "I don't consider myself either a Democrat or a Republican. I've voted on both sides. From my point of view, this is not a political appointment."

But Wilson was clearly found "acceptable," said a Missouri Democratic congressional aide. "He's a good man. He has no discoverable politics. But he's not going to rock any boats."

The administration screening of health and scientific appointments is really no secret, according to Dr. Stanley Yolles, director of the National Institute of Mental Health. "It is the stated policy of this administration to appoint as many Republicans as possible. There is screening of scientific appointments throughout the department," he said.

According to repeated rumors, and many predictions by knowledgeable persons, both Yolles and Dr. Robert Marston, director of the National Institutes of Health, are currently being screened. Both are said to be "slated to go, inside months."

REPORT DENIED

Marston is out of the country. An aide called the rumors about him "untrue."

"No one has said a single, solitary thing to me," Yolles said. "But I've heard the rumors. There's one that my successor has already been picked."

Yolles is on the bad books of HEW higher-ups for two reasons. He opposes much of an on-going decentralization of NIMH activities to regional offices. Opponents call this "the start of NIMH's dismemberment."

Yolles or his aides last year helped inspire both House and Senate to insert in NIMH legislation a veto power for the National Advisory Mental Health Council—a citizen and expert board—over regional decisions affecting one of NIMH's proudest programs.

This is the program to establish and partly support community mental health centers, which are local clinics to give emergency and day care to help keep mental health centers, which are local clinics to give emergency and day care to help keep mental patients out of hospitals. By July, 490 such centers will have been funded.

Early in his administration, President Nixon ordered that as many federal programs as possible be returned to "grass roots" control. An HEW task force under Deputy Under Secretary Fred V. Malek is trying to do so.

POWER PLAY

It sees putting the mental health centers under HEWs 10 regional offices as "better administration, closer to the people." The program's directors at NIMH see it as a "power play" to put what has been an $80-million-a-year program under the real control of HEW's nonmedical regional directors—appointees close to state and local pressures.

In any case, mental health center construction decisions were regionalized March 31; staff matters are slated to be regionalized July 1.

The national advisory council—highly disturbed—is to meet with Under Secretary Malek in June. It also believes he intends to regionalize NIMH training grants, which support 65 percent of the training of all mental health professionals.

In a letter to Dr. Robert Stubblefield of the University of Texas, council secretary, Finch recently denied this intention. But a council member says: "That doesn't fit his directives."

FUNDED LAST

NIMH is an agency with a degree of independence and strength that mental health forces fought hard to create. Mental health, they claim, is commonly submerged under general medical or administrative direction, "funded last and least."

Take away the mental health centers and the $116-million training program, notes Yolles, and "about all you'd have left" is about $87 million currently financing research and a few other small programs, hardly a strong NIMH.

NIMH as a whole is to be funded at just $346.6 million in fiscal 1971 by the Nixon budget, well below 1970's $360.3 million. There are to be no new community mental health center grants.

Narcotic and alcohol addiction programs are to rise a bit from $29.4 million to $35.5 million. But "for community treatment of narcotics in 1970, I have just $4 million left," Yolles said, "and $18 million in valid community requests." As it happens Secretary Finch—in a memo to editors last week—said, "President Nixon has designated May 24 through 30 as Drug Abuse Prevention Week."

Staff appointments are not the only place there has been HEW political pressure. A year ago Dr. Jack Weinberg, director of the Illinois Neuropsychiatric Institute, was asked to accept renomination for an advisory committee on aging. Then he was asked about his politics.

"I said, 'I worked for Sen. McCarthy,'" he reports. "I was not reappointed."

This happened "in some cases" but is no longer going on, said a department source.

Higher-ups forced the transfer of longtime civil servant Clifford Johnson as NIH public information director, presumably to make way for a political appointee. But last week Marston announced appointment of Storm Whaley, University of Arkansas vice president for health sciences—and a Democrat—as a new "director of communications," public and scientific.

"Since the news got out about Joe English," another source said, "people have been getting phone calls and tender care. We've seen appointments going through in the last few days after hanging fire since November."

The screening system, however, remains—this Republican administration's response, it seems, to the fact that a majority of mental health workers and academic research and health types happen to be Democrats.

Health Democrats and health doves are giving the administration still more problems. For months, there has been an NIH–NIMH clerk-and-professional Moratorium Committee opposing the Vietnam war—a bold move in a part of the government where there was rarely political expression before for fear of political retaliation.

Last week the movement spread to the NIMH-National Institution of Neurological Disease-National Eye Institute Assembly of Scientists—MDs and PhDs. They voted 164 to 23 to oppose U.S. involvement in Cambodia, the first time this group has ever taken a nonmedical political position.

"In every way," reported an Assembly doctor, "people here are getting more disturbed. I'd predict you haven't seen anything yet in the way of rebellion."

PARTNERS OF THE ALLIANCE

Mr. MILLER. Mr. President, I salute and commend the accomplishments of the Partners of the Alliance and the citizens participating in the Iowa Partners program in particular.

In 1964 the Partners of the Alliance program was conceived to translate the goals of the Alliance for Progress into terms of citizen participation. The purpose of these programs was to develop direct involvement of the United States and Latin American institutions, organizations, firms, civic groups, and individuals into partnerships for private sector participation in the Alliance for Progress in first, socially oriented self-help projects; second, educational and cultural exchanges; third, volunteer technical assistance; and fourth, investment in commercial ventures.

The Partners of the Alliance program, as of May 1970, is operating in 39 of our own States plus the District of Columbia, and in 41 States or areas in 17 Latin American and Caribbean countries. These "partners" are basically people—literally thousands of people, representing business and professional organizations, associations, labor, civic, and service groups, as well as students who are giving time and talent to help make the hemisphere a better place to live.

Mr. President, the Iowa Partners of the Alliance was organized in the fall of 1965. I am very proud of the Iowa Partners and wish to commend and congratulate them for their many fine accomplishments. Since 1965 many Iowans have participated in the people-to-people programs with its partner—the Mexican State of Yucatan. One Iowan, Mrs. Jeanette Westfall, of Boone, is the secretary of the Inter-American Confederation of the Partners of the Alliance—the organization designed to coordinate the activities of the Partners program.

I am pleased to point out that for the period March 15, 1969, to March 15, 1970, Iowa ranked second among the 39 States participating in the Partners program in total contributions, Iowa having contributed a total of almost $200,000. Mr. President, I ask unanimous consent to have included in the RECORD at the conclusion of my remarks a list of projects carried out by the Iowa Partners during this period and their approximate value. I also ask unanimous consent to include in the RECORD at the conclusion of my remarks an article appearing in the Boone, Iowa, News-Republican on May 6, 1970, concerning the visit of Iowa's Gov. Robert Ray to Iowa's partner, the State of Yucatan in Mexico.

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

(See exhibit 1.)

Mr. MILLER. Mr. President, President Nixon on October 31 of last year proposed a new partnership in the Americas and recognized that the private sector, people-to-people approach has an important role in this new partnership. This is the underlying concept of the Partners of the Alliance program. These kinds of programs were also given major emphasis as a function of the U.S. International Development Institute proposed by the Peterson task force on international development in its recent report to President Nixon.

I believe President Nixon summed it up best in his letter to the Fourth Inter-American Conference of the Partners of the Alliance held last year in Salt Lake City, Utah, when he said:

The creative potential of our societies can be fully realized only if individual citizens exercise initiative and are willing to reinforce the work of their governments. It is imperative that we realize this full potential if we are to deal effectively with our immense problems and achieve the kind of progress we seek.

As civic-minded individuals and groups, the Partners of the Alliance are in the vanguard of voluntarism in the Americas. You are using your talents and your time constructively for our benefit, and for that of all our Sister Republics."

I hope all of the people involved in the Partners program will continue their efforts and that many others will join them to help promote the friendship, understanding and cooperation that is so necessary to make the new Partnership in the Americas envisioned by President Nixon really work.

EXHIBIT 1

Report of projects, Iowa-Yucatan Partners of the Alliance, March 15, 1969 to March 15, 1970

Education:	
130 students from Central College, Pella, Iowa, to Yucatan, to study at Colegio Peninsular, Central's "annex" college in Yucatan, in year-round work-study program	$91,000
13 college professors and wives, to assist in teaching program at Colegio Peninsular (from Central College)	2,800
5 teaching assistants from Yucatan on Central College campus to assist in Spanish department, full year	14,700
Summer, 1969, student exchange program. Iowa young people to Yucatan in work-study program; Yucatecan young people to Iowa to serve as camp counselors, study at University, and live in private homes	8,000
Cash and equipment for educational-social center in Barrera Mercedes, Merida, staffed by University of Yucatan students, and assisted by Central College students and Junior Partners group in Yucatan	1,250
12 boys from Yucatan to Iowa Y.M.C.A. camp for summer program	2,400
2 college-age boys from Yucatan to study and work with Iowa veterinarians during summer, 1969	800
U.S. history books and Iowa history books to Chetumal, Quintana Roo, (requested by governor's office)	125
Student tour of Yucatan (college age) conducted by member of Central College staff	2,000
2 committee members to Yucatan to work out program for 1970 summer exchange program	1,000
Sewing machines, record players (with teaching records) and funds for purchasing bolts of material, etc., for educational-social center in village of Maxcanu	850
Total	124,925
Medicine and health:	
Dental equipment and supplies delivered to University of Yucatan Dental School (used on charity patients at the university, and by student dentists working weekends in outlying villages)	$9,950
Medicines and medical equipment delivered during past year for use in charity hospitals, mental hospital, and village clinics	31,500
Team of 7 doctors to Xocenpich Mission in April, 1969, to work in Bethesda Clinic, in nearby villages, and by plane to outlying villages	7,000
Team of 4 doctors to Quintana Roo Territory, at request of governor of territory, to set up field clinics in outlying villages there (Jan. 1970)	4,000
Team of 2 doctors to Xocenpich Mission in March, 1970, to work in Bethesda Clinic and outlying villages	2,000
Committee member to Yucatan and Quintana Roo to set up arrangements for medical team visits (2 trips)	800
Toys, games, and other recreational items to mental hospital	50
2 visits by Iowa doctor to deliver medicines and equipment to Yucatan, and to assist in distribution of shipment sent by truck and boat	800
Medical supplies and medicines shipped in small parcels during year to nurses working in outpost areas	500
200 books on baby care and postnatal care in Spanish sent to Yucatan	100
Total	56,700
Agriculture:	
Poultry production expert to Yucatan on two visits (Nov. 1969 and Feb. 1970) to set up program through our agriculture committee in Yucatan	800
150 dozen fertile eggs to Yucatan, to be hatched in government hatcheries, and distributed by our Yucatan Partners committee to selected "campesinos" for breeding and egg production (and transportation and hatching)	200
Garden seeds provided by Iowa Federation of Garden Clubs and several Iowa seed firms	1,500
Cash assistance from Iowa Federation of Garden Clubs for slum area beautification programs and extension of garden seed program in Yucatan	500
Iowa agricultural committee chairman to Yucatan (Feb. 1970) to follow through on CSM food supplement program (corn-soya-milk product), introduced into diets in selected villages. Also to meet with leaders in experimental farm projects, and to take samples of new hi-protein lysene corn for experimentation	800
Total	3,800
Cultural exchange:	
University of Iowa Old Gold Singers to Yucatan (40 voices) in spring, 1970, to present a series of concerts in and around the Merida area	12,000
Film programs, photography by Iowans, for publicity through magazine and news media, program presentations, etc	$500
Professional photographer to Mexico to get first-hand material for publicity for Mexican Folklorico performance scheduled for Iowa (sponsored by Iowa Partners) in October 1970	500
Tourism promotion, by two personally conducted tours to Yucatan archeological sites and Partners project areas, to increase interest in Iowa-Yucatan Partners of the Alliance program (one in Nov. 1969 by Dr. Harriett Heusinkveld of Central College, and one in March 1970, by Jeanette Westfall, secretary of Iowa Partners)	1,000
Total	14,000
Total of all projects	199,425

[From the Boone (Iowa) News-Republican, May 6, 1970]

GOVERNOR RAY VISITS "PARTNER OF ALLIANCE"

Bonds of friendship between Iowa and Yucatan, Partner States under the Partners of the Alliance program, were strengthened last week with the official visit to Yucatan of Iowa's Governor Robert D. Ray. Accompanying the Governor were his wife and family, Central College President Kenneth Weller and wife and family, and William Thompson of the Governor's staff and wife and family. Also in the group were two Partners of the Alliance members, Jerry Perpich of Des Moines and Dr. R. William Westfall of Boone.

Highlight of the visit was an official ceremony on Central College's Merida campus, Colegio Peninsular, awarding honorary doctor of law degrees to Governor Ray and Yucatan's Governor Carlos Loret de Mola. Dr. Weller officiated at the ceremony, and Dr. Lawrence Mills of Central's faculty presented Governor Ray for this degree. The convention marked the completion of the second year of a cooperative program between Central College of Pella, Iowa, and the Colegio Peninsular of Merida.

In addition, it celebrated the participation of Central College in the broad educational program of the Partners of the Alliance.

Governor Ray visited the instituto Neuro Psiquiatrico, where he presented medicines provided by central Iowa physicians, and he also observed some of the medical equipment previously supplied to this and other hospitals of Merida. He inspected rabbit and chicken production projects located in barrios of the city, and visited an educational and social center where Iowans have provided much of the equipment.

He was greeted at Barrero Mercedes by a group of Yucatecan children singing "Welcome Governor Ray" in English, and presented film projection equipment, medicines, garden seeds, and other items. The Mercedes project is staffed by volunteer students from the University of Yucatan, headed by Jorge Aguilar. The small medical and dental center here has been named in memory of Dr. H. C. Barr of Fontanelle, Iowa, whose death occurred enroute home from Yucatan last January following a medical mission to remote areas of the Peninsula.

Since time did not permit Governor Ray to visit project areas outside the city, he was briefed on a number of other Partners projects: the irrigation program at Tahdzibichen sponsored by the people of Tipton; garden and irrigation projects sponsored by the Iowa Federation of Garden Clubs; youth camps at Chuburno Puerto and Porvenir assisted by

Presbyterians of Iowa; medical team projects at Xocenpich and in the Territory of Quintana Roo; road building and educational projects at Solferino and Sotuta; corn production projects at Yokat and other experimental farms; poultry production at Xocenpich; student exchange programs; and visits of Iowa musical groups to Yucatan.

Governor Ray visited the ancient Maya city of Uxmal and other archeological zones dating back to 700 A.D., and enjoyed other tourist attractions of the Yucatan Peninsula. He attended a small village bull fight in Muna, and was hosted by Cordemex Company, largest hennequin processor in Yucatan, during the last two days of his visit to Iowa's Partner State.

WALTER REUTHER'S LAST ADDRESS

Mr. KENNEDY. Mr. President, one of the many rich gifts that Walter Reuther has left to the people of our Nation is his broad social vision of a better America. His sudden and tragic death earlier this month robbed us of one of our greatest leaders when we could least afford to lose him.

At the time of his death, one of his most significant social programs was nearing fruition—his program for a system of comprehensive national health insurance, capable of bringing the same high quality of health care to every man, woman, and child in the Nation. As chairman of the Committee for National Health Insurance, he had labored for 2 years to develop a program to achieve this goal. Two weeks ago in a major address at the annual Albert Lasker Medical Foundation Awards ceremony in New York City, he was to have described some of the basic features of his program.

The title of the address he planned to give is "Bridging the Gap Between Health Care Promise and Performance." In it, he described the many defects of our current system of health care in the United States and outlined a number of the proposals he intended to make.

Because of the tragedy that intervened, Walter Reuther never gave that address, but the text remains as a tribute to his perception of the critical needs of health care in America. I believe that the address will be of interest to all of us who are concerned with the quality of our health care system. I ask unanimous consent that it be printed in the RECORD.

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

BRIDGING THE GAP BETWEEN HEALTH CARE PROMISE AND PERFORMANCE

(By Walter P. Reuther)

I came this afternoon to talk about the health care crisis in America and how we will deal with this problem. But first, I want to discuss some broader problems, because we cannot solve the health care crisis in a vacuum. Our capability to deal with this problem effectively and realistically will depend upon what we do in many other areas where we face comparable crises and challenges.

We live at a time of testing—a time of revolutionary change and challenge. The overriding question before the human family is: to what purpose shall we commit the twentieth century technological revolution? Shall we commit its power and its almost undreamed potential to man's negative and destructive purposes of war and self-destruction? Or is it possible for us to find our way out of the insanity of war and to join in extending the frontiers of social justice and human betterment?

This is really the first time in human history that man is capable of mastering his physical environment. This is the first time that the potential tools of economic abundance are adequate to satisfy man's basic material needs. We now have the opportunity to divert greater resources, as well as time and effort, toward man's growth as a social and cultural and spiritual being.

But a basic dilemma remains in the human community: science and technology have expanded man's wealth but they have not expanded man's wisdom. Science and technology have multiplied many times man's power—but they have not increased his understanding, or his compassion, or his sense of brotherhood, or his sense of human solidarity at the very time in human history when these virtues may be the very essentials of man's capability to survive.

No American who thinks about tomorrow can escape a deep concern about the fact that we live in a world deep in crisis, and that our nation is deep in crisis and that our cities are deep in crisis. In America, more than in any other nation in the world, we continue to make fantastic progress in the physical sciences, in the art of working with *things;* but we fail to make comparable advances in the human and social sciences, in the art of working and living with *man*. We have not yet fully comprehended that the quality of our society will be judged neither by the measure of our material wealth nor by our productive potential, nor by the level of our technological progress, nor by the quality of our gadgets, nor by the brightness of the chrome on the new Cadillacs and Continentals we turn out in Detroit. The real quality of our society will be measured by how we order our priorities, how we allocate our resources, and how we demonstrate both the sense of social and moral responsibility needed to translate technical progress into human progress and in finding answers to basic human and social needs.

I believe in no area of our national life is there a greater gap between promise and performance, between capability and competence and translation of that competence into practical performance than in the field of health care services.

Today's luncheon again highlights the fact that this nation has demonstrated capacity for exciting achievement in the biological sciences. As the awards demonstrate, we also have great talent in communicating and interpreting to the lay public the findings of science and their implications for improving the well-being of mankind.

Mr. Bylinsky's *Fortune* article "Biochemical Clues to Mental Illness" points up to me as a lay reader the exciting new frontiers of knowledge in this field. It shows too that we know a great deal more about how to deal with the serious problem of mental illness than is being applied in our treatment programs in this country.

Mr. Kleinerman's television program "The First 10 Months of Life", has particular interest for us in the UAW. Thirty-five percent of the members of the UAW are under the age of 30. They have an understandable interest in the kind of care which makes possible healthy babies. Mr. Kleinerman's script, which points to the possibility of reducing the likelihood of mental retardation, of blue babies, of babies born with other birth defects, is of real interest to us. It highlights that central problem in the health care field, the gap between the promise of health care knowledge and the limited performance of health care delivery of new knowledge.

THE GREAT DEBATE BEGINS

A great debate has begun over the issue of national health insurance. But the positions have not been clarified. Some holding important places in the government urge restraint on grounds that national health insurance would disgorge billions into already overburdened systems of health care delivery. But they themselves are even more restrained about improving the delivery system and closing the resources gap.

Others noted for their protection of the status quo have donned the robes of medical statesmen—or so it would appear—and suggested a national health insurance program to help pay for soaring medical bills. It would be more than convenient for them to distract attention by focusing only on the costs of care. They could demonstrate the "positive attitude" that their Madison Avenue hucksters have been urging upon them for years. In reality, what they are proposing is a raid on the federal treasury to assure two Cadillacs in every doctor's garage, a millionaire in his house, and an insurance company holding the mortgage with Uncle Sam making the payments.

But neither the go-slow group nor the generous engenderers of non-change would create the reforms the American people need in order to get the kind of health care they have a right to expect. Both groups are confusing the issues, not helping to clarify them. Their participation in the debate is sterile and impotent in terms of gainful results. They remind me of the big, overballyhooed prizefighter described by Ring Lardner: "His left isn't very good, but on the other hand, neither is his right."

If we are to create real systems of health care delivery, we need action and enterprise, not admonitions and warnings of imaginery evils iminent.

THE TIME IS NOW

Union members and millions of other consumers of health care are asked to pump ever increasing billions of dollars into subsidies for the waste and obsolescence of the health care non-system. The costs of hospital and medical care rise more than twice as rapidly as the inflationery increases in the overall cost of living. And when we compare improved benefits with higher costs, it is clear that most of the additional money supports waste in the name of individualism.

PRIVATE INSURANCE HAS FAILED

The private health insurance industry which organized labor helped create and support has failed.

It provides sickness insurance, not health insurance.

It fails to provide comprehensive benefits.

It fails to control costs.

It fails to control quality.

It provides practically no preventive health services.

It failed completely to make available health services to the poor and the medically indigent.

By 1968, of 178 million Americans under age 65:

13.5% (24 million) had no hospital insurance.

20% (35 million) had no surgical insurance.

34.5% (61 million) had no in-hospital medical expense insurance.

50% (89 million) had no out-of-hospital X-ray and lab insurance.

57.5% (102 million) had no insurance for doctors' office or home visits.

97.5% (173 million) had no routine dental care insurance.

In 1969, despite $12 billion in private health insurance premiums, the largest single factor in paying for health care was direct payments by patients.

LOW U.S. HEALTH STATUS

The fact that we have relied on a non-system of health care delivery has contributed to the shocking health status of our people, as shown by these appalling statistics:

—We rank no higher than 18th in life expectancy for males, among industrial nations; our death rate is higher among middle-aged males than anywhere in Western Europe and in many other countries.

—We are 11th among industrial nations in life expectancy for females; 12th in the percentage of mothers who die in childbirth; 13th in infant mortality.

—Within the U.S., infant mortality of non-white babies is almost double the rate for white babies: 35.9 non-white, 19.7 white; maternal mortality of non-white mothers is more than three times the rate for white mothers.

And yet we spend far more money for health purposes than any other nation. We spend a greater part of our gross national product. We will spend over $71 billion this year, according to recent estimates. We spent $63 billion last year. We are pouring billions and billions of additional dollars every year into a wasteful non-system.

The choice for the American people is clear. Our nation can perpetuate the present sad botch of medical insurance programs which maintain a non-system of health care filled with injustices and devoid of innovation. We can go on subsidizing the built-in waste and inefficiency of a non-system that fails to meet our essential health care needs. Or we can act in the knowledge that we must develop new ideas and new concepts, and through new social inventions create an appropriate system of national health insurance. Such a system will provide an adequate and workable financial mechanism to make high quality comprehensive health care available to every American.

THE COMMITTEE FOR NATIONAL HEALTH INSURANCE

In recognition of the clear and present danger of breakdown in our health care system and the possibility that we have a unique opportunity effectively to restructure it, a group of 100 distinguished Americans from all walks of life have come together to provide a constructive alternative to the present gaps in health care programs today.

I am proud to have associated with me as Vice-Chairman of this Committee the gracious hostess of this afternoon, Mrs. Mary Lasker. Her fellow Vice-Chairmen, Dr. Michael DeBakey and Mr. Whitney M. Young, Jr., share with me and other members of our Committee a conviction that it is possible to structure an American health care system in which no person need be deprived of necessary health services of good quality, provided in a dignified manner without economic barriers to service.

There are many anomalies in this, the richest nation in the world, including the sorry one that only in America can a family be wiped out by the costs of a serious single illness striking, even in the presence of private health insurance. Working together, we Americans can and will replace our outmoded health insurance system which permits such tragedies.

MANY PROPOSALS AND CRITERIA TO EVALUATE THEM

In response to the pressing needs a number of proposals have been advanced to provide national financing or national health insurance as a means of dealing with the health care crisis. As one who has been close to the situation, may I suggest that you evaluate these proposals against five key criteria:

1. Will the proposal alleviate the health manpower shortage?

2. Will it restrain the steeply rising costs?

3. Will it serve to organize the presently disorganized non-system?

4. Will it provide sufficient controls for the assurance of quality of care?

5. Will it provide for meaningful consumer participation?

The proposal the Committee for National Health Insurance is formulating will, we believe, deal effectively with each of the five key questions.

SEVEN KEY FEATURES OF OUR PROPOSAL

For more than a year a group of highly qualified experts have been working to develop a proposal for comprehensive coverage of health services through a nationally financed health insurance program which will use the leverage of dollars and the opportunities for improvement of programs through the health team approach to bring full service to all Americans. It will take major, new steps in bridging the gap between health care promise and performance.

The full formulation of the program will be announced by our Committee in the near future. At this time, however, I am able to share with you a number of important features of the program which will help end the health care crisis.

I. Manpower

Our nation has a critical need for health manpower. We need adequate numbers of able people possessing many skills and using them in the right places. We need to experiment with new teaching techniques and new curricula in the preparation of more professionals. We need broadened recruitment efforts and better distribution of health manpower. And perhaps most importantly, we need to make better use of the scarce manpower we now have.

Our program, through a special development funds, will seed the development of new group practices and arrangements to conserve our manpower resources. In group practice, a physician can serve 1,200–1,500 patients annually, by using other people to get things done. This compares with one physician serving only 600–750 patients, on the average, in solo practice.

Our program will provide support and incentives for developing new teaching techniques and curricula. We will make health careers an opportunity for all. And we will provide financial support for services, on an equal basis, in the ghettos and rural areas of America. But financial support alone will not serve to overcome the maldistribution problem. We need to work also for the establishment of a National Health Service Corps to make the most meaningful contribution to the re-distribution of health manpower.

II. Costs

Unless we reform the health care delivery system, it will cost us twice as much for health insurance by 1975 as we spent last year, according to an actuarial study prepared for the U.S. Civil Service Commission. The overall costs of health care will exceed $100 billion.

Our program will reduce and weed out the waste in the present non-system. Last year, of the $63 billion spent for health purposes, our experts estimate that at least $14 billion was wasted.

We can reduce waste by improving the system and creating more choices for people, and without impairing the quality of care. If we can develop 2,000 new group practice arrangements, with an average of 20 physicians in each and involving other members of the team, we can provide comprehensive health services to 60 million Americans who would otherwise require the services of twice that number of physicians and who would otherwise use twice as many hospital days.

A basic element in our plan to reduce costs is to budget for each item of service—physicians' costs, hospital costs, dentists' costs, other health professionals', etc.—and to stay within that budget. We will not invite physicians to charge whatever they want, or hospitals to run up costs and be assured of reimbursement. And we expect to provide financial incentives to those providers of service who offer comprehensive health care instead of episodic sickness treatment, and to those who demonstrate newer and more efficient ways of offering health services.

III. Constructive alternatives to disorganization

Our program not only will provide "seed" and development funds for more group practice, it will also favor group practice and teamwork among personnel in the way services will be paid for. There will be positive financial incentives to establish formal linkages among primary or personal physicians, or primary health care teams in a community, with local long-term facilities, back-up hospitals and with the medical specialists. The costs of setting up the linkages, and of communications and transportation involving patients, would be covered. So even in the absence of group practice prepayment plans, it will be financially rewarding to the doctor to provide for the full needs of his patients in an organized way.

Our program will also promote group practice, in new forms, and teamwork, in many forms, in two important ways:

1. Through the use of the special development fund, which I will describe shortly, we will provide substantial seed money for the development of new group practice programs all across America. The grants program will cover costs of bricks-and-mortar, equipment, supplies—the wherewithal for good medical practice and patient-centered health services. Physicians and other health workers will be supported where they have the desire to work together in the interests of better and more productive care for families and individuals who would voluntarily choose to join a group plan.

2. We will recognize the patient-effectiveness and the cost-effectiveness of group practice. There will be special incentives to utilize other manpower—clinical psychologists, social workers, physical therapists, occupational therapists, physicians' assistants, aides, etc. Manpower training support also will be available so that physicians' assistants can be developed and trained in the group practice setting.

In promoting group practice and teamwork, we are painfully conscious that this approach has not yet worked perfectly. But we ask, what other system will provide the individual and the family with modern health care, preserving the professional and technical excellence of the provider and the dignity of the consumer? Solo practice and self-sufficient medical practitioners were hallmarks of an earlier society and of an age of less sophisticated techniques. But they were not divinely conceived and therefore not destined to be eternal ways of doing things. The family that wants the best health care that America is capable of providing will have to look to clusters of specialists whose highly technical skills are managed for them by a family physician. With the national shortage of health manpower—particularly the physician shortage, and even assuming we do all we can we will still have a shortage of certain types of physicians ten years from now—group practice provides the best answer for extending scarce professional services to all of the American people, in an organized fashion, at reasonable costs and with assurances of quality of service unavailable in the office of the solo practitioner.

IV. Quality

We have provided for many types of activities aimed at assuring quality of service. In the first place, the unevenness of quality is

shown by the excessive amount of surgery and hospitalization in this country. Our focus will be on maintenance of health and prevention of disease. Major surgery would not be paid for unless performed by a qualified surgeon. Continuing education by physicians would be rewarded. Quality standards would be upgraded: for example, we do not believe the government program should accept hospital standards administered by any outside accreditation body. But we recognize that so-called peer review has little if any meaning within the confines of the solo practitioner's office. We would hope to move toward real professional review—superior review—and that can be anticipated to the extent that health care is provided in an institutional setting, in a group practice program or in a hospital.

V. Consumer participation

We favor public control of the basic policies governing a health insurance program, and full public accountability for its financial and operational activities. There needs to be meaningful consumer participation at the federal, regional and local levels of the health insurance program in order to assure high public concern in both its development and administration.

We also favor providing community organizations with the incentive and support to undertake the development of local health programs, recruiting the manpower, and giving a high priority in their overall activities to the achievement of first-rate health services for people in the local communities.

This would make for radical difference from present methods by which consumers participate in a token way, if at all. In Michigan where 60% of the group members of the Blue Shield organization are UAW members, that Blue Shield has a total of 35 directors. 22 of the 35—63% are physicians. Of the 13 non-physicians, 10 are presidents, vice-presidents, chairmen, or directors of corporations. One is a university representative. One is a Hospital administrator and there is one lone labor representative.

One reason that costs continue to skyrocket is because we have here a conflict of interest situation in which physicians bargain with themselves as to how much they shall pay themselves of our money for services they render.

We have heard and have been scandalized by the fact that physicians' fees have increased twice as rapidly as the increase in the cost of living. But let me give you one clue to the possibility that this is understating the situation. At the end of 1966 when the UAW instituted its psychiatric care program, the psychiatrists in our State agreed to accept a fixed fee of $25.25 in one full therapeutic session. Two years later the Michigan Blue Shield physician-dominated board of directors switched from the fixed fee to a so-called reasonable and customary fee where the physician bills his so-called reasonable charges, which are evaluated by his organization, the Blue Shield. In 1969 the cost per service delivered by a psychiatrist increased 100%—from $25.25 to approximately $50.

VI. Special development fund

We believe that any national health proposal, now and for the future, must give assurances of availability and accessibility of services of good quality, and not merely undertake to finance services.

We will propose, as an essential part of our program, the establishment of a substantial special development fund—on the order of $500 million to $1 billion in the first year and rising to about $2.5 billion after four years—to begin to get a grip on the critical problems of resources and manpower gaps. These dollars, administered through a trust fund and supplementing other government health research and resource development efforts, would pay for establishing new group practices and for manpower training and education, and for the creation and development of new categories and skills.

The important thing to recognize is that through this fund the national mechanism which undertakes to underwrite comprehensive health benefits also assumes responsibility, and provides funds to bring about changes in the manpower and delivery system.

VII. Financing national health insurance

There are already circulating numbers of fanciful stories about how much a national health insurance system would cost. Our financial experts estimate that a properly structured national health insurance would in 1968 have been able to provide reasonably comprehensive benefits to all Americans at approximately the same figure as the outlay for personal health services in that year. The financing would essentially have three major elements: 1. It would be a part of the Social Security system. 2. There would be payroll taxes from employer, employee and general revenues. 3. Workers would be relieved from that part of their payroll contribution for which employers are already obligated under collective bargaining commitments for the purchase of health care.

CHANGE NOW—PAY LATER WILL NOT WORK

A number of well meaning officials in the Federal Government are admitting to the existence of a health care crisis but proposing that first we must solve the health manpower shortage, then we must change the delivery system, and then we will be able to face up to the need for national health insurance.

This is a counsel of delay and despair. It follows the course this country has pursued for 25 years and the problems of shortages and inadequate delivery are worse than at any point since the end of World War II. The CNHI has the conviction that only through using the leverage of national funds available for the purchase of care will it be possible in any significant way to deal with the manpower problems and the organization problems which are the center of concern.

This nation can bridge the gap between health care promise and performance and can do it while most of us are still around to profit from it. If it does not take hold steps to do the job and do it now, many more of us and our children will continue to be the losers.

A CALL TO REASON

Mr. HUGHES. Mr. President, the Senator from Indiana (Mr. HARTKE), a longstanding critic of the Vietnam war, has been returning to the campuses of Indiana to preach a doctrine of peace and hope. He is counseling students that, despite their frustration about the Indochina war and their grief over Kent State and Jackson State, they must not resort to violence.

He states:

Violence will prolong the war, not end it. It will sacrifice lives, not save them. And it will place a loaded gun at the temple of our American democracy.

Instead of violence, Senator HARTKE urges political activity, which, he points out, is still the best process of change known. As Senator HARTKE states:

If you want democracy to work you must work for democracy.

I believe that this is a message of general interest. For that reason, I ask unanimous consent that Senator HARTKE's recent speech to the students of Indiana University, Bloomington, be printed in the RECORD.

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

A CALL TO REASON

Let me assure you at the outset that your voice is being heard in Washington and throughout the Nation. Be assured that I and others in the United States Senate are doing everything within our power to end the conflict in Indochina.

I want this war to end, and I want it to end now.

You have my support, as you have had it for over five years, in your efforts through peaceful means to end the conflict in Vietnam, Laos, and Cambodia.

The Vietnam war, the longest war in United States history, has now engulfed Laos and Cambodia.

The slaughter of American youths now extends from the bloody jungle paths of Indochina to the green and pleasant hills of an Ohio campus, to the heartland of the South—Jackson, Mississippi.

Our cities decay and our economy buckles, and a vastly increased number of Americans of all ages have grown suspicious of our leaders and skeptical of our institutions.

No matter what President Nixon and his advisers may think, the deepest problem we face today is not military but political—and I mean political in that profound aristotelian sense that involves the very life of society. For American society is threatened today in a way that has only one parallel in my lifetime, and that is pre-Hitler Germany, the Germany of 1930 to 1933.

Then as now parents were set against their children. Then as now violence erupted in the streets and on campuses. Then as now men in government called into question the basic premises of the constitutional system. Then as now growing numbers of frightened citizens came to believe that the Nation's problems were too massive to be dealt with through normal political channels and procedures.

I could go on reciting parallels and analyzing differences—some of which, I grant you, make our own situation seem less perilous, but some of which—most notably racial violence at home and a disastrously unpopular war abroad—are even more menacing than anything that existed in the German scene forty years ago.

But historical parallels, no matter how suggestive, are never probative, and we have to try to understand and deal with our own situation as best we can. The basic fact is surely this: We are living in a time of desperate peril for the American political system. What we are experiencing, in fact, is what social scientists have come to call a crisis of legitimacy. By that I mean important segments of our population no longer seem to regard our institutions as being morally entitled to issue commands binding upon all. To this growing number of bitterly disaffected Americans, government now appears to exercise not moral authority but naked force. And tragically enough, the majority of Americans who find that view repugnant seem to have no better response than to call for more force to silence the dissidents.

That is the deepest meaning of the enthusiastic public response to Vice President Agnew's repeated calls for "polarization" of our people. And that is the deepest meaning of the assault by construction workers on demonstrating students in New York last week—an assault carried out under the approving eyes of the police.

That is polarization, with a vengeance—the kind of polarization that portends an era of repression unlike anything we have ever seen in America. And the kind of repression it portends—let me tell you this with as

much conviction as I can—will not stop with silencing students and making hippies get haircuts. It will be a repression that will sound the death knell of the American experiment, in freedom and self-government.

Some years ago I heard a saying that has stuck in my mind ever since. It is that when people in democracy begin to wonder whether there will be another election, that is the surest sign that there will not be another election.

I tell you now that I have begun to hear people—responsible, thoughtful people—ask whether there will be an election in 1972—whether the turmoil in America might not be so great that a truly free election will no longer be possible.

In all probability, that question implies an unduly alarmist view of our present situation. But what is most significant about it is that it *is* being asked and that it cannot be brushed aside almost automatically, as it would have been at any time since 1864. Those two facts alone are a measure of how badly divided we are and how desperately we need reconciliation.

But it should be obvious by now—even to the Attorney General, even to the global strategists in the National Security Council—it should be obvious that there can be no hope whatever of reconciliation so long as the administration pursues its present "get tough" policy in Indochina. That policy is not going to work in Indochina and it can only spell disaster in the United States.

What the President and his advisers seem to have forgotten—or else have never learned—is that Westerners have been "getting tough" in Indochina for a quarter of a century, and all they have succeeded in doing is to soak the earth with blood. Richard Nixon himself advocated getting tough back in 1954—but President Eisenhower, to his eternal credit, overruled Mr. Nixon and the Secretary of State and most of the Joint Chiefs of Staff, and decided instead that no conceivable American interest in Indochina could warrant the use of American troops there.

What a tragedy it has been for all of us that three subsequent Presidents decided otherwise—decided that if only we got tough enough, the Vietnamese would agree to let us arrange their destiny for them.

So, first Vietnam and now Laos and Cambodia have been turned into a gigantic slaughterhouse, and the blood of tens of thousands of courageous young Americans mingles with the blood of hundreds of thousands of Asian men, women and children, who only wanted to be left alone.

Surely, in God's name, the killing has gone on long enough! Surely by now we have learned that those whom we have made our enemies in Indochina will not cave in to the kind of toughness we are prepared to hand out to them.

And while we stumble from one bloody orgy to another in Indochina, here at home this latest "get tough" policy has succeeded only in bringing death to a peaceful Ohio campus, a Jackson, Mississippi campus, and radicalizing countless thousands of college students who, before Cambodia, Kent State, and Jackson State, had been model members of Mr. Nixon's "silent majority."

And there have been other, less visible but no less dangerous consequences as well. Escalating war costs will produce a further deterioration in our economy. A sharp increase in frustration and anger and despair among all segments of the population—not just among college students—has already showed up in the polls and portends that greater polarization of which I have already spoken and the gulf of distrust between the President and the Senate has widened to the point where it now takes on the dimensions of a real constitutional crisis.

A policy so fraught with dangerous consequences can only be described as a disaster. It must not be allowed to continue.

Each of us must work for its reversal with every peaceful means available to us. And I must stress *peaceful* because the use of violence will only increase the tension and hasten the advent of massive armed repression. I am told that some leftist revolutionaries regard that as a desirable outcome—on the inutterably stupid theory that such repression would, in their words, "reveal the fascist character of America's ruling class."

Well, I can only tell you that the analogy to pre-Hitler Germany never comes across as clearly as it does when people talk about wanting to goad the government into armed repression. For that is just what the German Communists of the early 1930's talked about and plotted for. A refugee friend of mine has described how Communist leaders actually hailed the coming of Hitler to power in March 1933, because they were convinced that a leftwing revolution would follow shortly, I do not need to remind you how mistaken they were—and with what frightful consequences for mankind.

By the same token, today, violence on our campuses and in our streets is the surest possible way to bring about the kind of armed repression that will sweep all the militants into jail or into their graves. At the very least, it will provide the advocates of a wider war with the kind of despairing public support which they do not now enjoy. In short, it can only be brutally counterproductive. It will prolong the war, not end it. It will sacrifice lives, not save them, and it will place a loaded gun at the temple of our American democracy.

So I say to you again that each of us must work to reverse so disastrous a policy with all the peaceful means at our command. And we must keep working no matter what setbacks we may receive and no matter how ineffective any particular effort may appear. Let me remind you that I have been at this for five long years now—since February 6, 1965, to be exact—two days before the bombing of North Vietnam was started and at a time when only 267 young Americans had fallen. So I know something of the disappointment and frustration and even helplessness that many of you must feel. I have lived long enough to be battered by the realities of this war; but not long enough to be downed by them.

But I say to you as strongly as I can that our efforts for peace must continue! We dare not relapse into silence or plunge blindly into violence!

Had those of us in the Senate and those of you on the campus not taken up the challenge five years ago, Vietnam would long since have become a wider and far more terrible war. We have prevented that. And now we can press ahead to stop the killing and bring our men home and let the people of Indochina work out their own destiny as they see fit.

Let me tell you what we are doing in the Senate to bring that about.

A number of resolutions and amendments are being readied for action right now. Among them is one to repeal the grossly abused Gulf of Tonkin resolution. Thereby depriving the president of whatever shade of legitimacy he has claimed for his and his predecessor's escalation. I am a sponsor of this motion to repeal, and I am confident it will succeed in the next few days.

Of more direct and immediate effect is an amendment to the Foreign Military Sales Act which will be voted on this week. This amendment, which I have co-sponsored with Senators Church and Cooper, would bar the use of any U.S. funds to support military efforts in, or aid to, Cambodia. I can tell you that its chances of passage are excellent.

And, most importantly, almost 20 of us have joined in sponsoring an amendment to the Military Procurement Authorization Act which has become known as the "end the war amendment." Quite simply, it would cut off all military expenditures for Cambodia within 30 days of enactment, all military expenditures for Laos by December 31, of this year, and all military expenditures for Vietnam by June 30, 1971.

It would end the war. And I shall do all in my power to see that it is passed when it comes to a vote next month.

That is what we in the Senate are doing to work for peace. Now let me suggest what you and your families and your friends can do.

You can continue your protests against the war through all peaceful means.

Do not underestimate the effectiveness of letters and petitions to members of Congress. That is one of the few ways we have of getting any idea of what our constituents are thinking on major issues.

Above all, let me emphasize to you young people that the common meeting ground between you and us is politics, and political activity is the best process of change yet invented. You demonstrated its potential, even if you did not achieve its finest fruits, in 1968 when you rallied around the candidacies of Senators Kennedy and McCarthy to create one of the most vibrant political forces in your nation's history. In so doing you forced one President from office and brought in another pledged, at least, to peace.

I beg you to cling to your conviction that the killing of young men in uniform and the slaughter of innocent Asian villagers are intolerable violations of the sacred spirit that God implanted in you. These violations must not be allowed to continue, and you must join in the effort to stop them.

I beg you, too, to join in that larger effort to bring about a reconciliation between the generations—to bring parents and children together in mutual understanding and respect, so that at the very least they might be able to learn why they have drifted so far apart and how they might speak a common language again.

We can achieve neither peace abroad nor reconciliation at home by themselves. The two are inseparable and must be won together.

The time is short, the hour is grave, but I am confident that if you will give me your hand and your help—together we can achieve that newer world that we all seek.

TRANSPORTATION AND THE ELDERLY: PROGRESS TOWARD ACTION

Mr. WILLIAMS of New Jersey. Mr. President, very often—and with good reason—the complaint is made that Federal departments and agencies are incapable of effective joint action.

A refreshing rebuttal to this complaint is being provided this week at a workshop in this city on "Transportation and the Aging." It is sponsored by the U.S. Administration on Aging in the Department of Health, Education, and Welfare; by the U.S. Department of Transportation and by the U.S. Department of Housing and Urban Development.

Not only are the Federal representatives exchanging information and ideas; they have gathered—from many parts of the Nation—specialists who in one way or another are concerned either about gerontology or transportation. Participants at the 2-day workshop will undoubtedly advance many ideas which

should lead to action meant to make transportation more readily available to the elderly at fares they can afford.

As chairman of the Special Committee on Aging, I welcome this joint action by the Federal units. The importance of transportation to the elderly may be judged by the fact that older Americans—when asked about the major problems they face—almost always list transportation inadequacies near the top, and sometimes at the very top of their lists.

The problem is discussed at some length in chapter VI of the new report just issued by the Committee on Aging, "Developments in Aging: 1969." I believe that this chapter will be useful to workshop participants and others concerned about urban development and the elderly.

Mr. President, I believe that the purposes and nature of the workshop should receive widespread public attention. For that reason, I ask unanimous consent to have printed in the RECORD the remarks made by Louis J. Pignataro, director of the Division of Transportation Planning at the Polytechnic Institute of Brooklyn, which received an AOA grant to direct the workshop and related activities.

I also ask unanimous consent to have printed in the RECORD remarks which I submitted to the workshop for inclusion in its proceedings.

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

INTRODUCTORY REMARKS AND CONFERENCE BACKGROUND

(Remarks by Louis J. Pignataro)

I would like to welcome all of you to our interdisciplinary workshop on Transportation and the Aging, and thank you all for attending. This workshop is the first of its kind in bringing together social scientists and gerontologists with transportation planners and specialists to study the mobility problems of the aging, and to develop design and operating guidelines to more adequately meet their needs.

The impetus for this conference came initially from Miss June Shmelzer, Specialist on Aging for the Department of Health, Education, and Welfare's Administration on Aging. It is particularly through her efforts and groundwork, and the support of John Gibson of the Department of Housing and Urban Development, and Dick Lam, until recently with the Department of Transportation, that this workshop has come about. I would also like to express my appreciation to the Administration on Aging of the Department of Health, Education, and Welfare, the Urban Mass Transportation Administration of the Department of Transportation, and the Department of Housing and Urban Development for their cooperation and for funding this project and for their guidance and advice.

The elderly Americans now number over 20 million, or about one-tenth of the population, and their numbers have increased throughout the nation by approximately 14 percent over the last decade. The prime objective of this workshop is to explore the possibilities of increasing the mobility of the aging population for the purposes of seeking employment, shopping, traveling for health services, entertainment, and participating in social activities.

As specialists, you have all been invited here to discuss the transportation problems of the aging from all viewpoints. It is essential to the success of future endeavors to acquaint the social scientists in the field of aging with an overview of the state-of-the-art of comprehensive urban and transportation planning procedures, principles of design, impact, and inherent operational and economic restrictions which guide our present policies. Concurrently, the transportation community must be made aware of the mobility constraints of the aged, with the dimensions and scope of their particular transportation needs. What is required is a comprehensive review and evaluation of previous and current programs and studies central to the problems of transportation and the elderly.

Particular attention should be given to current mass transportation policies, programs and demonstration projects in light of their relevance and feasibility in meeting the needs for various subgroups of the elderly, including the low-income aged. Of prime importance are the findings and accomplishments of the Administration on Aging's Research and Demonstration projects. It is essential that the social scientist and the transportation analyst be acquainted with the informational, research, organizational and other services available to them as aids in the conduct of their respective work in this field. The gaps in knowledge must be identified and appropriate research and demonstration programs should be outlined. Finally, joint recommendations must be developed to alleviate the problems and relieve the plight of our older citizens.

A question that must be answered is: how do mobility and transportation fit into the life of the older American? In an analysis made by the Bureau of Labor Statistics transportation ranked as the third largest expenditure in the average retired couple's budget. It accounted for 8.9 cents out of every dollar, and the only categories with larger expenditures were for food and housing. The true importance of the transportation role is not, however, its relative cost, but the dependence of many other activities on transportation services.

Transportation, then, is an essential condition for the accomplishment of worthy social objectives. Much more than adequate transportation is needed to provide a full life for the aged, but it is a highly desirable first step. A project conducted by the Y.M.C.A. of Metropolitan Chicago, sponsored by a grant from the Administration on Aging, provided free transportation enabling almost 2,000 senior citizens to enjoy the benefits of local health centers, welfare agencies, shopping tours, social outings and other activities to increase mobility. The usage of these centers and services was significantly higher when the transportation was provided, and this was characteristic of the situation all over the nation where the transportation system had been improved.

Without adequate transportation a tremendous obstacle is imposed on the elderly, making it difficult for them to do the simple tasks of living which they previously had taken for granted. Because of the serious lack of adequate intracity transportation, the elderly frequently abandon the idea of visiting relatives, senior citizen centers, or other social activities. Most shopping centers (excluding the CBD's) are some distance from the center of town, and elderly citizens are unable to take advantage of bargains in supermarkets and discount stores, because there are no transportation facilities serving these centers.

Costs can also be a deterrent for the elderly user. On most transportation systems currently in operation, a relatively short trip from suburb to city center can mean more than one dollar in bus and/or railway fares each way, plus two hours of travel time.

Another pertinent factor, and possibly the most important, is the fact that many older Americans just cannot manage to utilize many transportation facilities because of physical constraints. Each of the travel modes have particular inherent barriers that seriously impede their use by the elderly. The barriers involve not only fixed structural designs but also such factors as acceleration, deceleration, crowds, time constraints, scheduling and routes. The ABT Associates' report, "Travel Barriers," gives an excellent example of travel impedances. In taking a single bus ride the elderly traveler, quite, "must locate the bus stop and wait, usually standing, until the vehicle arrives. Then he must be able to climb the bus steps, deposit his fare, and locate a seat while maintaining his balance as the bus pulls away from the stop. If a seat is available he has to negotiate the aisle and be able to sit down and get up rapidly. When all the seats are filled, he must be able to ride, standing, in a crowded vehicle, holding on to a vertical stanchion or overhead grip. As the passenger approaches his destination, he has to be able to locate his stop, pull the cord and exit down the steps." If he cannot perform any one of these functions, or does not have the endurance to perform them all, he is not likely to make the trip. All the other modes of transport have similar or more severe barriers to the elderly traveler.

Unfortunately, where transportation planners and specialists have provided access to a facility, there are many additional mobility problems for the aged. Impressive staircases may enhance the appearance of a building, but they can be a very serious obstacle to the elderly visitor. How many of our essential or social resources such as hospitals, police and fire stations, libraries, post offices, and museums are inaccessible to the older American who cannot negotiate the barrier of a flight of steps? Revolving doorways are another architectural barrier presented to the elderly, and it is surprising how many buildings have these as the sole means of entrance. Escalators can also be a problem for the aged to utilize, but in many cases they are the only means of interfloor travel.

It is obvious that the scope of the mobility problem of the aged is extremely broad and complex. There are many facets to the problem and several possible solutions. The purpose of this workshop is to formulate recommendations for resolution of these issues, and possibly to yield the most efficient and effective means of solution.

The first point that must be resolved is: are there sufficient economic, social, physical and psychological justifications to warrant special considerations for the mobility of the aging? It is the firm conviction of many individuals that these considerations are justified, and that the aged are being discriminated against as a population segment under the present system.

The special consideration must take into account specific aspects of the transportation system as a whole, starting first with the accessibility of the facility and adequacy of its service. The physical restrictions of the elderly must also be evaluated, including such characteristics as walking speed, maximum walking distance, field of vision, hearing acuity, acceleration-deceleration tolerances, and others.

A program to improve the convenience of transportation for the elderly incorporating these characteristics would require policy decisions by public agencies with respect to vehicle design, station design, and other transportation components. Vehicle manufacturers are remiss in that they exhibit little initiative in attempting to overcome the physical barriers, but they are often restricted by specifications and price ceilings established by public agencies. Manufacturers and legislative bodies, however, lack the information necessary to undertake the thorough design analysis required to remove these barriers.

Along with physical criteria, economic considerations must be evaluated. Older people

have less than half the income of their younger counterparts, with 40% of them at, or below, the border of poverty. Uncounted numbers of older Americans are being forced to give up lunch or dinner if they choose to make a trip to see a friend, or visit the physician, go to a movie, or go to church, or even visit a senior center. Six major cities have set up reduced fares on buses and subways for the elderly, and this may be the solution, but this is just a beginning, and the economic barriers should be removed completely.

Transportation is just one aspect of the mobility problem, however. Mobility is the capacity, capability and opportunity to move while transportation is the physical means of the movement. City plans must take into consideration the total mobility problem, and deal with it effectively through the judicious usage of street layouts, and distribution of land use. Public buildings and housing for the aged must permit comfortable entrance and egress, pleasant environment, adequate lighting, and be located in areas easily accessible to the elderly.

The improvements in the overall system should be comprehensive and an evaluation must be made between *altering* the existing system or the creation and installation of a *totally new* one, specifically for the elderly. New urban and transportation systems which are now in the planning stages should be made accessible to the nation's elderly population.

Even if the transportation and other physical mobility barriers are removed it is essential that we must direct our efforts to the psychological barriers. It is the gerontologists and other social scientists who will have to direct their attention to the basic problem of how to motivate the aged to leave their cells and participate in normal social functions.

All of these barriers must be overcome if we are to adequately serve the aged American. This population segment is entitled to enjoy the same simple pleasures in life as the rest of us without annoying inconveniences and physical and economic hardships. The goal here is to permit the elderly to feel that they are leading normal, fruitful lives in a well-balanced community, not just existing in God's waiting room.

TRANSPORTATION AND THE ELDERLY

(Address by Senator HARRISON A. WILLIAMS)

You may remember the story of the man who sat in the presence of a great author, listened carefully to a story told by that author, and then said:

"I wish I had said that."

And the reply, of course, was: "You will."

Somehow I feel that I am in the position of that probable plagiarist today.

During these two days you are trading much information of direct, and vital, interest to the U.S. Senate Special Committee on Aging.

You are also exchanging ideas, and ideas are certainly needed when it comes to transportation problems of the elderly.

And so, to make full use of the opportunities offered by this workshop, the Committee and the Administration on Aging—as well as the other sponsors of this conference—may be able to work together in producing two kinds of documents.

One, as I understand it, may be full-fledged proceedings of the entire two days. If all goes as planned it should be an invaluable source-book for gerontologists, urban planners, scholars, government administrators, and specialists of all kinds.

The other publication—if time and work pressures permit—would be issued by the Committee on Aging. It would draw heavily from the information to be presented here, and it would also draw from other sources. Our goal would be to issue a succinct report—almost a bulletin—describing the urgency of the problem and giving our recommendations for action.

When I say "our recommendations" I mean those that would be drafted by the Senate Committee on Aging. As you may know, the Committee is not a legislative committee; it does not report bills to the floor. Instead, it has been mandated by the Senate to keep tabs on what is happening to aged and aged Americans. We issue reports; we make recommendations; and we follow-up on those recommendations.

I might add that we have a built-in lobby group for those ideas we really favor. Every fifth Senator is a member of our Committee. Yes, that's right. Twenty Senators are on the Committee—Eleven are Democrats. Nine are Republican. And we take a nonpartisan approach to our subjects.

In fact, I refer you to our annual report—a copy has been provided to each of you—for two purposes.

For one thing, I hope you will notice the similarity between the majority and minority views. There are far more concurrences than differences.

The other reason—and the one which brings me back to the point of this speech—is that I wish to refer you to Chapter Six of that report. It deals with transportation problems of the elderly, and it begins with these words:

"Aged Americans—whether they live in crowded city neighborhoods or deep in remote rural areas—are encountering transportation problems which apparently are worsening, despite growing Federal concern about public transit needs."

You have already heard much during this workshop about those problems and about transit needs, and I will not dwell on them here except to say that time and again at Committee hearings, witnesses have told us that the elderly of this nation have two overriding problems.

The first is inadequate income, intensified by rising medical costs.

And the second is that the elderly can't find transportation at prices they can afford.

The problem is so severe that millions of elderly Americans, urban or rural, are trapped within walking distance of their homes or their apartments.

One witness, at a hearing on my urban transit bill, used a phrase that haunts me. He said that those isolated elderly actually live under house arrest.

And Commissioner Martin, one of your hosts here today, has said on more than one occasion that too many older Americans live in what amounts to be "solitary confinement".

And he is right. It is bitter, but it is true. He is right, and we in this country should be ashamed that this is so.

What happens to those who live in solitary confinement, in house arrest?

They have no way to reach destinations that mean so much to them:

Their physicians and clinics.

Their friends and family.

Their Social Security offices.

Their churches and senior centers.

And parks and public buildings meant to serve them, as well as young people.

In our report, we call it "forced immobility."

And this immobility an especially tragic consequence of our national failure to develop and sustain adequate public transportation systems.

You've heard mass transit systems described again and again as the only rational answer automobile traffic jams at rush hours. Once we regarded these jams simply nuisances and time wasters. Now we see more clearly that they threaten our very environment, too.

Who can argue with the fact that we need good public transportation systems, not only to reduce traffic and pollution during rush hours, but also for a multitude of other purposes during the day?

And yet, we are told that many mass transit systems—those that are barely solvent, and even those that are making profits—find it increasingly costly to provide service during non-rush hours.

And in rural regions, the elderly may find that automobile travel is too expensive or too risky for them. They sell their car or let it stand idle. And whatever bus or other public transportation existed in earlier days may have deteriorated or disappeared.

As a result, we have been told entirely too often at our hearings that men and women have been found dead in apartments or in old farm buildings simply because they had no way to get out for the help they needed, or to reach their friends, or simply to hear another voice.

It is all too clear that—when a person is old and perhaps weakened by pain and illness—transportation will not be used unless it is convenient and unless it is reasonably priced. And, all too often, that is not the case today.

As I said earlier, the participants at this workshop will perhaps amplify and document many of the statements I have just made.

And so, perhaps most of my remaining time can best be spent by taking a few moments to discuss something I described before as a "growing federal concern about public transit needs."

You know, when I began my first term in the Senate back in January 1959, I was told that there was no "federal interest" in urban commuter transportation.

In Potomac language, that simply means that the federal government had never been involved in mass transit, and so it should stay out. Let the states handle the problem. Let the cities do it. But Washington should stay out.

Nowadays such arguments have historical interest, but I think it's safe to say they were shot out of the water long ago. Strictly in terms of interstate commerce, for example, does the commuter from Connecticut to Manhattan not have a claim on some federal interest? In terms of the health of our national economy, shouldn't people be able to get to their jobs? And, in terms of making our urban areas more livable, shouldn't people of all ages have the means of reaching universities, libraries, museums, theaters, or a quiet place in a park or on a promontory?

My questions are rhetorical because Congress has certaintly recognized that the federal interest does indeed exist.

My first bill on urban transit languished for two years before I agreed to make it part of the Omnibus Housing Act of 1961.

As passed in June 1961, my mass transit program was not what you would call earth-shaking. It allowed only $50 million for loans to be used to save those transit systems in need of immediate, but limited, help. It also provided modest amounts for demonstration programs.

Then, with the full support of President Kennedy, I sponsored a bill which became the Urban Mass Transportation Act of 1964.

This legislation was to provide Federal grants and loans for urban mass transit. Unfortunately, during the past 5 years only $795 million has been appropriated for this purpose. The inadequacy in funding is obvious. Perhaps it is due to the fact that many people considered mass transportation to be a big city program.

Nothing could be further from the truth. It is the small town transit systems that are in the greatest danger of complete collapse. Of the 258 transit systems abandoned since 1954, 206 served communities of less than 50,000 in population. Currently, systems in communities of this size carry 181 million

passengers annually. Without adequate Federal aid, citizens in those areas could be left without public transportation.

However, the principal shortcoming of the '64 Act was the year-to-year financing provisions of authorizations and appropriations. A long-term guaranteed Federal commitment of continuing financial assistance was found to be absolutely essential if state and local governments were to participate in the program.

The question has been asked, why is this long-term commitment of Federal funds so essential? The answer is local governments have no regular user tax available to raise matching funds for a Federally-financed transit program. Fare box revenue cannot be used; it is needed to operate already financially strained transit systems. Therefore, local matching funds must be borrowed. But bond money and other means of long-term financing cannot be raised for a project that may falter for lack of continuing Federal support.

Anyone from Atlanta or Seattle can tell you the importance of a long-term Federal commitment. Just last year, bond issues which would have provided comprehensive mass transportation systems for both of these cities were turned down by the voters.

The major reason for these disheartening defeats was the lack of a long-term Federal financing commitment. Without such a commitment, total costs could not be met. The result was a loss of public confidence. And so I called last year for establishment of a trust fund for future expansion. President Nixon and one of his Task Forces discussed several approaches; we argued; we reasoned together. And finally I introduced compromise legislation, S. 3154.

Briefly, this legislation provides for actual long-term financing for mass transportation. It gives the Secretary of Transportation contractual authority to obligate $3.1 billion over the next five years. And it was overwhelmingly approved by the Senate this February. Hearings have been conducted in the House; we are now awaiting final decisions there.

I've given this history of mass transit legislation to emphasize that there has been a change in purpose over the years, and that change should have direct meaning for older Americans and you here at this conference.

Originally, we provided emergency funds simply to keep rush-hour traffic moving. We were firemen with leaky hoses and not enough water pressure.

But, now it seems to me, we should be builders rather than rescuers.

We must look ahead. We must use mass transit legislation as a force for shaping the urban environment into more rational and livable arrangements.

There is a section in my urban mass transportation bill—the bill now awaiting House action—which provides that state or local agencies applying for Federal grants or loans must certify that the project is consistent with economic social, environmental, and urban planning of the affected areas.

Under that requirement, certainly it would be mandatory that the needs of the elderly should receive special attention. It is no secret that the central urban areas of this nation have exceptionally high concentrations of aged and aging Americans.

If a transportation system does not serve them, it is not serving a large population with desperate need of special attention.

The urban transportation bill, it seems to me, can be useful in many other ways. Commissioner Martin, in testimony before the House Committee considering my bill, made several excellent recommendations for earmarking of funds for demonstration and research. It seems to me that Congressional concurrence with the Commissioner's recommendations should be clearly stated in one way or another. I will do all I can to make this happen.

Well, as will happen when a legislator talks about one of his bills, he finds it difficult to find limits to its merits. But I will stop talking about my legislation because it is only one of the resources that should be put to work—assuming it is enacted—to deal with the problems you are talking about at this workshop.

We need far more than one bill. We need the interest of far more than one federal agency.

For that reason I want to give my heartfelt, enthusiastic praise to the sponsors of this conference. You have provided a basis for perspective. And I think this workshop can also help to provide a foundation for action.

As I indicated earlier, it is my hope that the Committee on Aging will, perhaps later this year, offer recommendations on behalf of its 20 members.

But, since we here are explorers today, I'll offer a few interim observations which may result in at least individual action on my part, or joint action by the Committee.

First, I would like to see prompt and widespread evaluation of the effectiveness of off-hour, reduced-fare programs that now serve the elderly in about 35 communities of widely varying sizes.

There is reason to believe that ridership has increased in New York City since a reduced fare plan went into effect there, and there is reason to believe that bus companies could actually increase revenues with such plans elsewhere.

I am well aware that the Administration on Aging has such evaluations under way, and I am looking forward to their findings. If ridership and revenues increase, there will be all the more reason for having federal support for viable transportation systems.

Second, I am calling upon the Urban Mass Transit Administration to devote a reasonable and proper share of research and development fund to projects that could be significant for the elderly, the disabled, and many others.

I am, for example, very much interested in the potential usefulness of the "Dial-a-Bus" concept to the elderly. I refer you to page 97 of our annual report for additional discussion of the importance of well-advanced developmental achievement in this area. I also submit for the record of this workshop a technical paper discussing the possibilities of Dial-a-Bus in more detail.

It seems to me, too, that the YMCA of Metropolitan Chicago—in its Senior Citizens Mobile Service project—has provided important evidence of the usefulness of this kind of service in a central urban area. Couldn't these lessons be applied on a broader scale in Chicago or elsewhere? Couldn't UMTA funds be useful here?

At present, there is $30 million available in the UMTA R and D fund. I understand that only $10 million is actually in use.

I ask, why? Why, in the face of so much need for new ideas, isn't every dollar now at work?

Certainly, I do not believe that all of the unused $20 million should be earmarked for the elderly. There are many other concepts that need testing and evaluation, including those that will help low-income Americans of all ages reach their jobs.

But shouldn't we insist that this money be put to use and that unique needs of the elderly receive a fair share of attention?

Third, I intend to offer an amendment to the Older Americans Act, even at this late date in a very busy year, in order to provide authorization for a special emphasis AOA program on transportation.

Fourth, For my final point I will offer the recommendations made in the annual report to which I have already referred twice.

Technical assistance should be provided by appropriate Federal agencies to acquaint municipal governing bodies and private transportation managers with facts about transit barriers, special needs of the elderly and the handicapped, and new transportation concepts which would benefit, not only the elderly, but all persons who use public transportation.

The Urban Mass Transit Administration should submit to the Congress its recommendations for removing travel barriers and using existing and potential mass transit legislation to promote worthwhile social purposes, including those discussed in the chapter on the committee report.

Provision should be made in planning the 1971 White House Conference on Aging for a preliminary report on transportation, to be prepared by a panel capable of giving adequate attention to sociological, technical, and psychological aspects of the subject. Every attempt should be made to show the relationship of transportation to service programs, existing or contemplated, for older Americans.

As you can judge by the tone and the actual content of the Committee report language, we regard transportation as a vital issue; and we certainly intend to follow up—not only on what I have said here today—but on what you will say and decide during these two days.

We have communication here; I have been honored and pleased to participate. And I look forward to additional communication in the future.

Once again, thank you for inviting me to be with you today.

VICE PRESIDENT DEDICATES STONE MOUNTAIN MEMORIAL

Mr. TALMADGE. Mr. President, on May 9, the State of Georgia officially dedicated the Stone Mountain Memorial Carving to honor Robert E. Lee, Stonewall Jackson, and Jefferson Davis, whose huge mounted figures have been carved into the face of this magnificent mountain east of the capital city of Atlanta.

We were honored to have many distinguished guests to commemorate this historic event, among them the Vice President of the United States, the Honorable SPIRO T. AGNEW, who made the principal dedication remarks. Among the others who participated in the dedication program were the Honorable Lester G. Maddox, Governor of Georgia, the Honorable BEN BLACKBURN, U.S. Representative, Fourth District of Georgia, the Honorable Ben Fortson, Georgia Secretary of State, the Honorable Thomas T. Irvin, Georgia Commissioner of Agriculture and chairman of the Stone Mountain Memorial Association, the Reverend William Holmes Borders, pastor, Wheat Street Baptist Church, Atlanta, and the Reverend George O. Green, pastor, Stone Mountain Methodist Church and Coordinator of Religious Activities for Stone Mountain Park.

It was my privilege, as chairman of the Stone Mountain Memorial Dedication Advisory Committee, to preside over the dedication.

Mr. President, I ask unanimous consent that my remarks, the official welcoming address of Governor Maddox, and the dedication address by the Vice President be placed in the RECORD, along with the names of the members of the Stone

Mountain Memorial Association and the members of the Stone Mountain Memorial Association Dedication Advisory Committee, and a booklet on the story of historic Stone Mountain.

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

SPEECH BY SENATOR HERMAN E. TALMADGE

This is a great day for Georgia and the nation.

It is, first of all, a day of deep sentiment for all of us who take pride in being Southerners. The monument we dedicate today represents a South that is now and always will be a proud part of our history and heritage.

It is also a monument of even deeper significance for all of us as Americans. For this great monument is in a true sense a symbol of the continuing role the South has played in forging of our common country.

We meet here today to pay homage to a dream that was conceived a half century ago—a dream which itself sought to honor an era of still another half century before that.

Today we witness the fulfillment of this dream. It is inscribed in the heroic figures of Lee, Jackson, and Davis, who will ride forever across the face of this impregnable mountain of gray Georgia granite.

Today, as we stand in respect beneath this majestic carving, we pay tribute to a South that is neither gone nor forgotten.

We honor a South that is a living, breathing, prospering part of America.

We commemorate a South that has contributed in full measure to the mind, muscle, and spirit of the great American nation.

We love our state and region. We love our country.

No one today is wedded to the past. But neither can we fail to learn from it. There is such a lesson in the monument we dedicate today.

The figures depicted in the Stone Mountain Memorial—astride their spirited horses, battle sabers strapped to their waists—recall a time of grave national division . . . of a war that cast state against state, brother against brother . . . that threatened to destroy the nation of the Founding Fathers.

It was the most tragic chapter in American history.

Yet, from the crucible of conflict emerged a united people and a strong nation. From it grew modern America.

Today, the American people again are tortured by division and disunity.

Though we lounge in unparalleled prosperity and economic expansion, probably at no time since the War Between the States have our citizens been so divided by a bitterness that eats away at the mind and heart of America.

Let us then make this monument a symbol not of Southern heritage alone. Let us dedicate it to the American heritage, past and present.

Let us resolve at this time and place to look at this symbol and renew the American faith. We are one people. We are one nation.

Let us stand together today united by the strength that can come from conflicts in the past . . . and determine through the oneness of national purpose to build an even greater America for the future.

Ladies and gentlemen, we are honored today by the presence of many outstanding citizens of Georgia and the nation.

Secretary of State Ben Fortson has introduced many of them to you already.

It is now my honor to present to you the Chief Executive of the State of Georgia, a Southerner of great conviction and an American of unswerving patriotism.

I give you now the host Governor of the Stone Mountain Dedication, the Honorable Lester G. Maddox and his charming wife, Virginia.

Mr. Vice President, in the interest of time, most of our distinguished guests have already been recognized prior to your arrival.

Countless people have had a special part in bringing the Stone Mountain Memorial Carving to reality.

Perhaps the first who added action to hope were the ladies of the United Daughters of the Confederacy. They desired a lasting memorial to the valor and the courage of our heritage. They set out, not just to hope but to do something about it—securing the cooperation of the Mountain's owners, raising funds, searching for a sculptor, and an artistic plan.

We honor them today through two very special ladies:

Mrs. Alice Whitley Jones, National President General of the UDC.

And Mrs. Levi C. Renfroe, Georgia's UDC President.

We join you ladies in today's proud achievement and honor you for your support through the years.

The Sons of Confederate Veterans gave momentum to the Stone Mountain project. This organization was instrumental in financing and continuing the effort.

Dr. B. H. Webster, National Commander of the Sons of Confederate Veterans, is our guest. We are proud to have you with us.

I want to take this opportunity to recognize a dedicated man who has ascended the sheer north face of the mountain for more than 1900 days in the past six years.

Charged with the physical responsibility of applying the thermo-jet torch to the granite, of transferring the dimensions from the models to the mountain, chief carver, Roy Faulkner.

As you have heard, the Stone Mountain Memorial is the culmination of the dreams and the efforts of three renowned sculptors. The first was Gutzon Borglum. The second was Augustus Lukeman. The third, Walker Hancock, accepted the responsibility for the completion of the entire Memorial area from the carving on the mountain to Memorial Hall.

For this we pay special tribute and express our appreciation for your contribution and your talent. We look forward to the completion of the entire plan that will create an area to complement the carving with added beauty and inspiration for generations to come.

We cannot salute those who have had a hand in bringing this Mountain project to completion without giving our heartfelt thanks to other leaders:

To the United States Undersecretary of Agriculture, Georgia's own, Phil Campbell, who served as chairman of the Stone Mountain Memorial Association when he was Georgia Commissioner of Agriculture. We regret that Secretary Campbell cannot be with us today because of his leading participation in the official naming of the Richard B. Russell Agricultural Research Center in Athens, Georgia, in honor of Georgia's beloved senior United States Senator.

To the Honorable Ben Fortson, Georgia's Secretary of State, who is chairman of the State Stone Mountain Authority.

To Mr. Thomas T. Irvin, present Commissioner of Agriculture and Chairman of the Stone Mountain Memorial Association.

Commissioner IRVIN. On any project of this immensity it is understandable that we could not include everyone on our honor roll who contributed to this majestic accomplishment.

However, one man in particular stands out for his foresight and judgment and leadership.

This is the man who took decisive action as Governor of Georgia to make Stone Mountain the property of the people of Georgia.

This is the man who began the movement toward development of the Park and actual completion of the Memorial Carving.

This is the man without whom none of us would be here today.

Former Governor . . . S. Marvin Griffin . . . in whose administration the purchase of the Mountain and the Park was authorized. Governor, we are especially grateful to you.

Unfortunately, Governor Griffin was unable to be with us today, but I know I speak for everyone here in extending a vote of deep thanks and appreciation to Governor Griffin for his part in making today's event possible.

* * * * *

We are honored today by the presence of a member of the Cabinet of the United States. This man's position alone gives him a distinction of major rank. But he has another distinction which makes it especially appropriate for him to be here today for the dedication of the Stone Mountain Memorial—as an American of Southern origin from Montgomery, Alabama.

Ladies and gentlemen, it is my high honor to present the Postmaster General of the United States, the Honorable Winton M. Blount.

Mr. Postmaster General, we deeply appreciate your honoring us with your presence today, and we are especially glad to be able to thank you in person for making possible the Stone Mountain commemorative stamp which I understand is to be issued in the fall. We hope you will be able to return to Stone Mountain at that time for the first day of issue. Thank you for being here today.

Our beloved senior Senator and my revered colleague Senator Richard B. Russell had hoped to be with us today but was unable to do so because of his participation in a program in his honor which will begin in Athens a few minutes from now. Senator Russell asked me to extend his greeting and best wishes to all who are here today and to extend a personal word of welcome to our guest of honor.

Senator Russell also asked me to read this statement:

"This is a glorious day for our State and nation. We commemorate today a dream that was begun more than a half century ago. It is my hope that this mighty monument will stand as a symbol—as solid and enduring as the Georgia granite in which it is carved—to the contribution the South has made and will forever make to our union of states—the United States of America."

Our State is singularly honored today. One of the guests whom it is now my privilege to present has in a relatively brief passage of time become a household word throughout the land.

I hasten to add that I do not say this in an altogether light vein. His boldness and candor in speaking out forthrightly on the issues that trouble many—if not most—Americans have made an indelible imprint on our national life in the 1970s.

His views may not be shared by all, but you may be assured that they have been heard by all. He has demonstrated a remarkable capacity for courage and fortitude in expressing his views. He has refused to be intimidated in the exercise of what he sees as his responsibilities.

During the past 15 months I have had a unique opportunity to observe and work with him in the Senate of the United States.

Unlike many of his predecessors, he has not abdicated the responsibility accorded him by the Constitution of presiding over the Senate. He has discharged his duties in that often critical post with ability and credit.

His activities have not been confined to his duties with the United States Senate, important though they are. He enjoys the confidence of the President, and has been as-

signed vital responsibilities ranging over many areas of our national and international life.

In presenting our guest of honor, I would like to read a quotation from the central figure in the Memorial we dedicate: Robert E. Lee:

"There is a true glory and a true honor: the glory of duty done—the honor of the integrity of principle."

Ladies and gentlemen, the Vice President of the United States.

MESSAGE FROM THE GOVERNOR

On behalf of the people of Georgia, it is my once-in-a-lifetime privilege today to present to the nation and to the world the completed Stone Mountain Memorial Carving.

It is no small gift.

This carving embodies the dreams of legions of dedicated people. It is an enduring expression of our pride in our Southern heritage and our region's contribution to the national way of life.

More than half a century has passed since the idea of this memorial was conceived. And, yet, the ideals for which it stands have remained untarnished in the hearts of the great majority of our people.

We are still a proud and passionate people—quick to fight when our homeland is threatened, and quick to forgive when battle is done and the last bugler has sounded taps over the valiant dead.

The Civil War is over, but the lessons learned from it will remain with the world as long as we have a written history.

There is little doubt in my mind that the one book which has served better than any other to give the world a fair understanding of the people who lived and died with the Confederate States of America is that written by a native Georgian, Margaret Mitchell.

I am speaking, of course, of the world-famous novel, "Gone With the Wind."

In recognition of this monumental work which, perhaps, in its own way, equals the work which we are here to view today, I am proud to take this occasion to announce that Margaret Mitchell has been elected as the first woman in Georgia's Hall of Fame.

A bust of this distinguished Georgia lady will soon be placed in the rotunda of the Georgia State Capitol with other famous Georgians where it so well deserves to be.

Many who visit here in years, even centuries, to come will realize the significance of this carving because of Margaret Mitchell's great book.

May that which has been carved in stone and penned in the pages of sympathetic history forever be engraved in the breasts of all free men—to endure long after this granite has been covered with moss and the pages of history have become yellowed with time.

ADDRESS BY THE VICE PRESIDENT

My fellow Westerners, my fellow Easterners, my fellow Northerners, my fellow Southerners:

We stand here together today because we are all fellow Americans.

At a moment like this, we are reminded that whatever our place of birth, whatever our accent, whatever our party or political bent—we stand united as a people, proud to be countrymen and grateful for our common heritage.

Half a century ago, an American President was called upon to dedicate a monument to Confederate soldiers at the National Cemetery in Arlington.

This is what Woodrow Wilson said as he declared a chapter in American history ended: ". . . I bid you turn with me your faces to the future, quickened by the memories of the past, but with nothing to do with the contests of the past, knowing, as we have shed our blood upon opposite sides, we now face and admire one another."

With Wilson, all Americans of today can stand "shoulder to shoulder to lift the burdens of mankind in the future and show the paths of freedom to all the world.

I do not come here today solely to dedicate this magnificent monument to three great Americans.

I come here representing the President to reaffirm our faith in the fact that we are one nation—drawing strength from our diversity and drawing even greater strength from our unity.

It is significant that this monument is so close to Atlanta. No American city has ever suffered more in war, and no American city has made more progress toward a spirit of genuine brotherhood.

The men we honor here today—Lee, Davis and Jackson—were bonded together in war, and now are bonded together for the ages on a great mountain of granite.

It is well that we consider some of the principles they stood for, principles which know no limit in time or region.

In the life of General Jackson, the principle that permeated his brilliant military career was, above all, *loyalty*. When surgeons amputated Jackson's left arm to try to save his life, General Robert E. Lee sent this message: "While you have only lost your left, I have lost my right arm." It is fitting that he is enshrined in granite alongside his Commander.

In the life of Jefferson Davis, the principle that will be remembered most is *dignity* in defeat. In the 24 years of his life after the Civil War, the quiet dignity of this American triumphed over all those who would abuse him. It would be well to remember, too, that when religious intolerance caused some to attack Judah Benjamin, Davis elevated him to his Secretary of State.

In the life of Robert E. Lee, we see an example of the highest principle of all—*honor*.

Lee was a man for all seasons and a man for all sections. His military genius and his personal integrity caused him to be offered the command of two great opposing armies. This man, who opposed slavery and who opposed secession, chose to accept the leadership of Confederate forces because he could not honorably, as he put it, ". . . raise my hand against my relatives, my children, my home."

During the war, he earned the devotion of the troops he led, and the deep respect of the men on the Union side. He was an American gentleman, a man of honor, and a man of nobility.

But it was the Lee *after* Appomattox that our own generation would do well to remember. He asked that every Southerner unite in "the allayment of passions, the dissipation of prejudice and the restoration of reason."

It was Lee who followed the great tradition of Jefferson and devoted the remainder of his life to education. It was Lee who urged, in words with such meaning for us today, "the thorough education of all classes of the people."

The college he led now bears his name, and it is appropriate that two citizen-soldiers who were both Virginians are linked forever in our minds at Washington and Lee.

Of all his words, this statement of Robert E. Lee should be graven in granite and impressed upon the minds of everyone in every region of this land today: "Abandon all these local animosities and make your sons Americans."

That, to my mind, is the theme of this gathering today. How do we, as a people, "make our sons Americans"?

First, we must recall those principles of loyalty, dignity and honor that shine through the lives of the men we commemorate today. These are not just old virtues—they are the bedrock of idealism that underlies our hopes for future generations.

Next, we must overcome the new slavery—the willingness of some to become slaves to their passions, devoid of reason and individuality.

Third, we must set aside the evils of sectionalism once and for all. Just as the South cannot afford to discriminate against any of its own people, the rest of the nation cannot afford to discriminate against the South. But we must not forget that each locality and region may call upon its own traditions and its own special charatcer in making its sons Americans.

Most of all, we shall make our sons Americans by behaving as Americans ourselves—compassionate and generous to our fellow man, protective of our individual liberties, determined to bring peace and freedom and order to our homeland and to the world.

I do not believe that what is past must always be prologue; if we turn aside from our past divisiveness, we can truly say as one nation: what is past is past.

The South that will make its greatest contribution to the American dream is the New South.

This New South rejects the old grievances and the old political appeals to the worst in us.

The New South embraces the future, and presses forward with a robust economy fueled by industrial development.

The New South interprets the doctrine of States rights in new ways—ways to make State and local government closely responsive to the needs of people close to home.

That is the new and enlightened spirit of the South envisioned by Robert E. Lee a century ago when he urged his countrymen to make their sons Americans.

Today, young men of the South and young men of the North are fighting side by side in Vietnam. These young men, from South Carolina to South Dakota to South Chicago, are upholding the standards of honor that make it possible for a great nation to bring some order to a threatened world.

The President has determined that there must be no close sanctuary from which these young men can be attacked.

The Oval Office in the White House has never been, and can never become, a sanctuary for anyone who wants to flee from his responsibility.

Let no one here or abroad mistake disagreement with disunity: We are reminded here today that we have paid too great a price for being one nation to let ourselves now come apart at the seams.

THE STORY OF GEORGIA'S HISTORIC STONE MOUNTAIN

HISTORY AND GEOLOGY

Stone Mountain, the largest granite monolith in the world, has for centuries been a source of wonder and amazement—a great, round, smooth mountain of rock standing on the Piedmont plain.

Over 200 million years old, the mountain is said by geologists to be older than the British Isles, the Alps, the Rockies, the Pyrenees and the Himalayas. It existed before the atmosphere had enough oxygen for plant life to survive on earth.

Because Stone Mountain is unique among mountains, there have been various theories about its formation. The most plausible theory, itself based on speculation, dates back to the formation of the earth. Immense heat, pressure and molten material erupted beneath the earth's crust; the constant upward thrust lasted hundreds of years but never broke through the earth's crust which was several miles thick.

Slowly the molten mass began to cool, forming granite crystals. The cooling process took several million years, and at that time, erosion of the upper crust had already begun. As the upper crust was washed away, the great gray mountain of stone was left exposed.

The exposed granite of the mountain rises 1,683 feet above sea level. A surveyor has estimated that the mass is 7,532,750,950 cubic feet. The mountain measures more than five miles in circumference at its base. If the exposed granite were loaded in freight cars carrying 50 tons each, it would extend two and a half times around the earth.

Stone Mountain extends beneath the earth for an area of at least 100 square miles. Some geologists estimate that half of Georgia and part of North Carolina rest in the mountain's lap. The complete size of the mountain may never be accurately measured, but the exposed part, shaped like a gray whale, measures some 583 acres of nearly flawless granite.

Granite, the earth's most common plutonic rock, possibly comprises the "shell" that underlies our world. Stone Mountain granite denotes a specific classification of granite, a close-grained rock, uniformly gray in color and dense in texture and quality.

Today, the surface of the mountain is relatively smooth. The visible rock is beautifully textured and subtly colored. On it grow numerous mosses, lichen and tiny rock plants. The top of the mountain, for centuries pitted by lightning and smoothed by rains, presents fascinating contrasts.

Two varieties of tiny transparent fresh water shrimp have been found in the rainwater pools on the mountain top. Naturalists believe the shrimp have a very short life cycle, and survive from season to season because they hide their microscopic eggs in the mountain sand until more shrimp hatch.

STONE MOUNTAIN MEMORIAL ASSOCIATION MEMBERS

Thomas T. Irvin, Commissioner of Agriculture, Chairman.

Ben W. Fortson, Jr., Secretary of State, Vice-Chairman.

Arthur K. Bolton, Attorney General.

William H. Kimbrough, Chairman, Public Service Commission.

Earl R. Harwick, Atlanta, Ga.

John Hunt, Tifton, Ga.

Dr. Lane Mitchell, Atlanta, Ga.

W. L. Kinney, Secretary-Treasurer.

Thomas A. Elliott, General Manager of Stone Mountain Park.

ADVISORY COMMITTEE: STONE MOUNTAIN MEMORIAL DEDICATION COMMITTEE MEMBERS

Herman E. Talmadge, Chairman, U.S. Senator.

Ivan Allen, Jr., Former Mayor of Atlanta.

Eugene Black, Former President of the World Bank.

Benjamin B. Blackburn, Congressman, Fourth District of Georgia.

Beverly M. DuBose, Jr., President, Atlanta Historical Society.

Howard H. (Bo) Callaway, Former Congressman, and President, Ida Cason Calloway Foundation.

Phil Campbell, Under Secretary of Agriculture.

Lucius D. Clay, General, U.S. Army (retired).

Dr. E. Merton Coulter, Author and Professor Emeritus of History, University of Georgia.

Louis Harris, Editor, Augusta Chronicle.

Clark Harrison, Chairman, DeKalb County Board of Commissioners.

Miss Alice Whitley Jones, National President General, United Daughters of the Confederacy.

G. Paul Jones, Businessman and former State Chairman of the Georgia Republican Party.

Phil Landrum, Congressman, Ninth District of Georgia anod Dean of the House Delegation.

Alexander Lawrence, Judge, U.S. District Court, Savannah.

Lester Maddox, Governor, State of Georgia.

Sam Massell, Jr., Mayor of Atlanta.

Randolph Medlock, Mayor of Stone Mountain.

J. Leonard Reinsch, President, Cox Broadcasting Corp.

Mrs. Levy C. Renfroe, President, Georgia Division, United Daughters of the Confederacy.

Dean Rusk, Former Secretary of State.

Richard B. Russell, U.S. Senator.

C. A. Scott, General Manager and Editor, Atlanta Daily World.

Randolph Thrower, U.S. Commissioner of Internal Revenue.

Dr. Bell I. Wiley, Author and Professor of History, Emory University.

Robert W. Woodruff.

Botanists have shown great interest in the wide variety of unusual vegetation of the mountain. One small shrub found at Stone Mountain, the *Hypericum Splendens* or St. Johns Wort, is found only on the west slope, and no other place in the world. Environment is the main reason for the rare plant growth. Native plants have adapted to stringent conditions; most lie dormant during the summer, germinate in the fall, grow through the wet months of winter and bloom in the spring.

Artifacts of the earliest history of Stone Mountain were discovered at the bottom of the lake at the western side of the mountain. Here anthropologists collected shards of soapstone bowls and dishes carved and used by Stone Age people possibly 5,000 years ago.

The first white man to see Stone Mountain was Captain Juan Pardo. Pardo was sent by the Spaniards in 1567 to encircle Georgia with forts. He considered his most important discovery the great stone mountain which he named "Crystal Mountain."

In the late 1700's, the mountain was used as a meeting place for the warring Cree Nation and the emissaries of President George Washington because this area was well known among settlers and Indians.

Within 50 years, two stage coach lines were running by the mountain. A small village, New Gibraltar, clustered around two inns which catered to travelers. The mountain became a favorite tourist stop, and a wooden pyramid tower crowned the summit.

Railroads followed the stages and the town of Stone Mountain was born. Tourist trade disappeared when the Civil War began. Most of the town went up in smoke when a flank of Sherman's cavalry swept through.

In the early part of the twentieth century, it was proposed that Stone Mountain be made a memorial to the Confederacy. Through many different organizations and groups, attempts were made to make the natural wonder a double wonder with a mammoth memorial carving (see memorial carving section which follows). In 1958, the Stone Mountain Memorial Association was formed by an act of the Georgia Legislature, and funds were set aside to purchase the mountain and a number of acres surrounding it for a state park. In the following decade, numerous historical, educational and entertainment facilities have been added to the park to fulfill its two-part purpose: (1.) Commemorate the contributions of the South to our American life and character. (2.) Provide a wholesome family recreational area.

The Memorial Carving. The memorial carving on Stone Mountain is considered one of the wonders of the world. It will be the largest single piece of sculptural art in the world when it is completed.

The original idea for a memorial carving was conceived by the United Daughters of the Confederacy. In 1915, the U.D.C. commissioned Gutzon Borglum, an outstanding sculptor of the period, to design and carry out the project. Borglum designed a tremendous work featuring an entire army on horseback and a cannon brigade led by the great Confederate leaders.

World War I put a stop to the carving project, but immediately after the Armistice in 1918, Borglum began his work in earnest. The project was immense and funds were limited, and by 1925 Borglum had become dissatisfied. After leaving the Stone Mountain project, Borglum directed the work on the beautiful Mount Rushmore carvings.

Augustus Lukeman was chosen to replace Borglum, but Lukeman visualized a completely different project for the mountain. In 1925 Lukeman blasted most of Borglum's work from the mountainside and began his own design, which is basically what the carving is today. Unfortunately for Lukeman, and the people of the South who were eagerly watching for the completion of the project, funds for the carving again ran low and work was halted.

It was not until 1964 that work began again on the project, and now the carving is nearing completion. Mr. Walker Kirtland Hancock of Gloucester, Massachusetts is the sculptor in charge of the project.

It is hard to comprehend the actual size of this gigantic work. Placed 36 stories above the ground, the carved-out area on the mountain's face is approximately the size of a football field. Probably the only work of sculptural art which might be compared to the Stone Mountain work is the huge figure of Buddha carved by the Chinese in 700 A.D.

When the project was first begun in the twenties, work was a slow and tedious process. Workmen used hammers and chisels and later introduced the pneumatic hammer. Today, carvers use modern industrial jet torches to cut into the face of the mountain. The torches, which actually are miniature jet engines, utilize a 3,500-degree Fahrenheit flame which escapes with a muzzle velocity of about 2,800 feet per second. They burn a mixture of kerosene and oxygen and roar with the sound of jet-powered airplanes.

The men who plan, direct and complete the world's most amazing sculpture spare no effort in their painstaking attention to detail. They know that their project is unique, and they realize that this work of art will be seen and admired by countless millions in centuries to come.

Educational facilities—one of the main purposes of Stone Mountain Park is to preserve the history and culture of the South and its people, and to portray their effect on the American way of life. To achieve this goal, many exhibition areas, museums and attractions have been established.

On the west slope of the mountain, at the beginning of the walk-up to the top, the United Daughters of the Confederacy (who originally conceived the idea of the memorial carving) constructed a flag terrace. Here four flags of the Confederate forces are displayed with a description of the use and design of each.

In Confederate Hall there is a three-dimensional map of the State of Georgia with miniature towns and soldiers. In a light and sound demonstration the visitor can see the re-enactment of the War in Georgia which includes Sherman's March to the Sea.

Memorial Hall, the main viewing station for the memorial carving, also houses one of the finest collections of Civil War relics in the South. Uniforms, flags and munitions of the North and South are on display.

The Grist Mill area of the park was set up to preserve some of the old industries of the South. The Grist Mill itself is over 100 years old and daily grinds corn into cornmeal. There is also a sorghum mill, cider press, peanut boiling pot, and moonshine still in this area. Close by is a century-old covered bridge moved to the park from Athens, Georgia.

The Ante-Bellum Plantation is a complex of 19 century-old buildings brought from throughout the state and completely restored for the park. The area is set up just as a plantation of over 100 years ago would

have been, complete with carriage house, slave cabins, manor house and garden areas. The 1790 home of North Georgia pioneer Thomas Redman Thornton, given to the park by the Atlanta Art Alliance, occupies a nearby knoll.

Replicas of the *General* and the *Texas*, stars of "The Great Locomotive Chase" of the Civil War, take visitors around the base of the mountain. On the trip there is also an excellent narration about the history of the area and the Indians who lived here thousands of years ago.

Many artifacts, and a pictorial history of the Indians and pre-historic men who were the first inhabitants of the Stone Mountain area, are on display at the top of the mountain. Visitors can get to the top of the mountain by walking the 1.3 mile trail or by riding by skylift. These Swiss cablecars also offer the closest view of the memorial carving. The skylift, installed and operated by Swiss engineers, offers a smooth, scenic ride with a breath-taking view of the mountain and the park.

On the main lake of the park, the Robert E. Lee Riverboat, modeled after the boats of Mark Twain's day, takes tours of the lake area. On the riverboat tour the grist mill, covered bridge, campground and *Carillon Americana* are seen.

The *Carillon Americana* is the largest carillon in the world with 732 distinct bell tones. It was given to the park by The Coca-Cola Company after it was on exhibition at the New York World's Fair in 1964–65. Besides the lake there is a specially constructed building of stone and glass which contains the carillon console. There the visitor may sit in a beautifully landscaped stone amphitheatre to watch the carillonneur and listen to the bells.

A bit of turn-of-the-century history is preserved in the Antique Auto and Music Museum. Here 28 autos (dating from 1902) and hundreds of pieces of automotive brass and musical instruments from the early 20th century are on display.

The Wildlife Game Ranch is a 10-acre preserve. Children and adults alike can pet and feed the roaming animals. All of the animals in this area are native to Georgia. The Game Ranch has the only buffaloes on public display in the state.

Throughout the park, nature trails and gardens have been set up for the hiker and the nature lover. Greenhouses, glowing with color and new growth, are open year-round to visitors. Bridle trails have been developed in the stable area.

All of these features of the park and many more are provided for the educational and recreational pleasure of the visitor. The Stone Mountain Inn provides excellent overnight accommodations. For campers, there are modern facilities, including a swimming beach, in a rustic lake setting at the 300-site family campground. A championship golf course will be opened in June of 1969.

Historic Stone Mountain is a place of beauty and history.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

RELEASE OF CERTAIN CADMIUM FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 12941.

The PRESIDING OFFICER (Mr. GRAVEL) laid before the Senate a message from the House of Representatives announcing its disagreement 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, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

RELEASE OF CERTAIN COBALT FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15021.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement 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, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

RELEASE OF CERTAIN BISMUTH FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15831.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement 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, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

DISPOSAL OF CASTOR OIL FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15832.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 15832) to authorize the disposal of castor oil from the national stockpile and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

DISPOSAL OF CERTAIN FLUORSPAR FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15833.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement 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, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

DISPOSAL OF CERTAIN MAGNESIUM FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15835.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 15835) to authorize the disposal of magnesium from the national stockpile, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed

Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER, conferees on the part of the Senate.

DISPOSAL OF TYPE A, CHEMICAL GRADE MANGANESE ORE FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15836.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement 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, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

DISPOSAL OF TYPE B, CHEMICAL GRADE MANGANESE ORE FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15837.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement 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, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

DISPOSAL OF CERTAIN SHELLAC FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15838.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 15838) to authorize the disposal of shellac from the national stockpile, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

DISPOSAL OF CERTAIN TUNGSTEN FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15839.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement 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 and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

DISPOSAL OF SURINAM-TYPE METALLURGICAL GRADE BAUXITE FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15998.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement 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, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

DISPOSAL OF NATURAL CEYLON AMORPHOUS LUMP GRAPHITE FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 16289.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement 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 and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

DISPOSAL OF REFRACTORY GRADE CHROMITE FROM THE NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 16290.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement 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, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

DISPOSAL OF CHRYSOTILE ASBESTOS FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 16291.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement 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, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the

Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

DISPOSAL OF CORUNDUM FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 16292.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 16292) to authorize the disposal of corundum from the national stockpile, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

DISPOSAL OF NATURAL BATTERY GRADE MANGANESE ORE FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 16295.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement 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, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER conferees on the part of the Senate.

DISPOSAL OF MOLYBDENUM FROM NATIONAL STOCKPILE

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 16297.

The PRESIDING OFFICER laid before the Senate a mesage from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 16297) to authorize the disposal of molybdenum from the national stockpile, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. CANNON, Mr. YOUNG of Ohio, and Mr. SCHWEIKER. conferees on the part of the Senate.

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. GURNEY. Mr. President, we are engaged in debate here in the Senate on the so-called Church-Cooper amendment to the Foreign Military Sales Act. I do not doubt that historians in years to come will look upon this debate, and the vote here in the Senate upon this matter, as one of the most important debates and one of the most significant decisions to come before this body in the long history of this Republic.

Why is this matter of such grave importance to this Nation? Because it involves the fundamental constitutional war responsibilities of the Presidency as well as what role should be played by the Congress in general and the Senate in particular during wartime. The words here said and the vote here taken are also of tremendous significance because it will have a direct effect upon the war effort, favorably or unfavorably. It has become the longest war in the history of the country. It has become one of the most controversial. It has become one of the most unpopular. It has become one of the most expensive. Not only has it aroused great controversy at home, but it has precipitated similar division of opinion abroad.

The President of the United States, under the Constitution, is the Commander in Chief of the Armed Forces of this Nation. The soldiers and sailors and airmen, their officers and men, do the actual fighting. The leaders both here in the Pentagon and in the field make the overall strategic and tactical decisions as to how the fighting will be conducted. The Congress of the United States, including each one of us here in the Senate, has a part in the warmaking of the Nation also, in the voting yea and nay for the funds necessary to conduct the war, as well as the legislation determining what kind of weapons our Armed Forces will use. Now while this is a joint process, waging war, between the Executive and the legislative and for that matter, all the people in the Nation, the ultimate responsibility for the conduct of the war lies with only one man, the President of the United States, as Commander in Chief.

In World War II, it was President Roosevelt who ultimately had to make the decision to land troops in North Africa and then in Sicily and Italy, and then on the beaches in Normandy. It was he who made the decision to begin the war in the South Pacific on the Island of Guadalcanal, to make the attack on Iwo Jima, Saipan, and Okinawa.

It was President Truman who made the decision to drop the bomb on Japan.

Under the Constitution, and according to the way that government was devised in this Nation by the Founding Fathers, one man and only one is the boss during wartime and that is the President of the United States.

As Mr. Truman so aptly put it, speaking of his desk in the White House, the buck stops here. The President can pass it to no one.

The buck was passed on the war in Southeast Asia to President Nixon a year ago last January upon his inauguration as the 37th President of the United States. To again put it in the vernacular the buck stopped on top of his desk at 1600 Pennsylvania Avenue. The heavy commitment in Vietnam which was begun by President Kennedy and broadened by President Johnson into one of the Nation's largest wars, became the biggest problem of the Nixon administration. I do not put it this way in any attempt to shift the responsibility for Southeast Asia now on Mr. Nixon's predecessors. Mr. Nixon ran for the Presidency well knowing that from the moment of his inauguration he would have a tiger by the tail which would be solely his to tame and cage.

Nor did he duck his responsibility. He set about doing something about it.

There were several alternatives open to the President. I am sure that he considered all the alternatives, listening to his advisers, both military and civilian, weighing all the factors, finally making his own judgment after long thought and careful analysis. This has always been his way of solving a problem, his conception of the presidency.

What were the alternatives? He might have continued the war in the same manner as the preceding administration, fighting the enemy pretty much on his own terms, in an effort to outfight and outlast him and convince the enemy that the war was too costly for him to win and hoping that he would decide to call it quits. This obviously was no course to follow. It had been tried for years and it had failed. The Communist enemy is tough and determined and resolute, a first-rate fighting man, backed up by unlimited supplies from Communist Russia and China, and entirely intent to continue the flighting without regard to his very heavy losses in the field. This method of warfare in Southeast Asia had not worked and it would not work. The President rejected this alternative.

There was the so-called enclave theory proposed by General Gavin and some others. Here the proposal was that the United States forces would withdraw to strong points where they would be secure and incapable of dislodgment. The rest of the country would be defended by the South Vietnamese. For the life of me I have never been able to see any sound reasoning behind this theory. When it was first proposed and certainly when the President took office, it simply would

have meant that all of South Vietnam, except for the enclave strong points, would have been run over by the Communists in point of time and probably in fairly short time. We would then be in a position of hanging on permanently by our toenails in tiny clearings in a Communist jungle.

It would have meant complete abandonment of our purpose of being in Vietnam in the first place, and that was and is to protect a free government, and would have pinned us down permanently at least for as long as we elected to be pinned down. The enclave would have served as a permanent irritant to the Communist enemy, and have been a continual source of certain involvement for the United States in armed conflict in Southeast Asia in the future. This solution was rejected by the President and rightly so.

There was the solution of trying to win the war which would have involved resumption of bombing of the North and hitting targets which had been off limits before. Targets such as Haiphong Harbor, the capital of Hanoi, all airfields, the irrigation dikes and so on. The President rejected this, probably because he felt the domestic situation at home would not support it. The furor over Cambodia would tend to support this motion.

There was the alternative of withdrawing from Vietnam completely. Many people wanted this done, especially here in the U.S. Senate, and many of this opinion are backing the present pending amendment. The President surely must have weighed this alternative very seriously, for it seems to me that he had but two choices, either to get out of Vietnam completely and as quickly as possible, or to pursue the course of action that he finally decided upon.

The alternative of pulling out of Vietnam completely must have been a very tempting one. By the time President Nixon took office, the war was surely unpopular. Americans everywhere, hawks and doves, were fed up with it and wanted out. Above all, it would have stopped the loss of American lives. It would have saved enormous amounts of American dollars going down this Asian rathole drain. It would have been a popular thing to do. At least for a sizable segment of our population and certainly for a short period of time surrounding such a decision it would have been hailed worldwide, first of all by all the Communist and Socialist nations and those sympathetic to this way of life. This is what they have wanted all along. It would have been hailed by large numbers in nations friendly to the United States, our so-called allies, for it would have freed the U.S. commitment of troops and money in Southeast Asia to make them more readily available in Western Europe.

But this solution, while it had many attractive features, also had some very serious drawbacks. In the eyes of the world, and in Asia particularly, pulling up stakes in Vietnam would certainly have meant defeat for the United States. We would have been run out of Indochina, just as the French had been run out by the same foe 16 years ago. If the defeat of the French was humiliating, and it certainly was, I think it would have been catastrophic for the United States. If a tiny, new nation, North Vietnam, in size a little larger than my home State of Florida and in population a little less than New York, could prevail over the United States of America, the leaders of the world, and the most powerful Nation in the history of the world, what would be the significance of this in geopolitics?

Of course, it would give courage and strength and sustenance to every Communist troublemaker everywhere. By following the same Communist guerrilla tactics of Ho Chi Minh, backed up by Russian supplies, similar Vietnams could be staged on any continent at any time. Bit by bit, the whole uncommitted world could be picked up in this fashion. And if the United States lacked the will, because it does not lack the strength, to carry out this test of the free world against communism, then the reasoning of the Communist leaders would most certainly be that the United States would lack the will to stand firm elsewhere, in closer areas of much more strategic importance to the United States.

Precipitate and complete withdrawal from Vietnam posed many other problems also. It would be the first time in the history of this country that we had been defeated in warfare. The people who want to withdraw from Vietnam right now brush aside this argument as though is were inconsequential. They say that it takes a big man or a big nation, a wise man or a wise nation, to admit that it has made a mistake, and correct such an error. They say that to admit defeat in Vietnam would make us a bigger, better nation and raise our prestige in the eyes of the world.

I regard this argument as wishful thinking of the most dangerous variety. I cannot see how defeat by Communist North Vietnam can raise the prestige of America, or even preserve it, in the eyes of the world. As a matter of fact, I think we have paid too much attention in this whole Vietnam thing to world opinion. I think we should have gone about the job of fighting the war in Vietnam without regard at all for world opinion.

But let us turn from that argument to another thought. To me, the consequences of defeat of the United States at the hands of tiny North Vietnam would be catastrophic here at home. It is domestic opinion that I am concerned about, not what the other nations of the world think about us. To be sure, such a decision might have pleased a segment of our population, but a very sizable percentage of the people in the United States would have deplored any such course of action. As a matter of fact, even today in the midst of the almost hysterical atmosphere generated by the news media over Cambodia and the college campus uproar, those who want to withdraw now and completely are still in the minority.

It appears to me that immediate and complete withdrawal might well have split our Nation as badly, or perhaps even worse than it is now split. It surely would have done something else, far more damaging. It would have completely shaken the confidence of the citizens of the United States, in themselves as a nation and themselves individually. I seriously doubt if in the forum of the world arena, in the field of foreign policy, and in our role as a leader of the free world, that we could have retained the confidence in ourselves to satisfactorily perform this role. I might point out that this leadership position is not one we sought out or seek to retain for prestige purposes. We are the free-nation leader by necessity. There is no other nation available for this role. It has been thrust upon us—the stakes are high, no less than the survival of the free world, but of much greater importance, survival of ourselves as a free nation.

We would have welched on a commitment. We made a commitment to the Government of South Vietnam to help it survive as a free nation. Withdrawal from Vietnam would have been to renege on that commitment. The repercussions of that action around the world would have been catastrophic. Obviously no nation could afford to cast their lot with the United States because we would have proved by the Southeast Asian example, that we neither had the will to do what needed to be done nor the staying power to see a nasty business through to the end. The Communists would have made a tremendous gain in the eyes of the world and we would have suffered a correspondingly severe loss.

Then, too, there would have been wholesale slaughter in South Vietnam. There has been wholesale slaughter in South Vietnam of government leaders all during the years that the struggle has prevailed, even with the U.S. commitment. I shudder to think what would have happened if we had pulled out, or if we do now.

Some of our theorists who suggested that course of action, also suggested that we take care of the slaughter problem by opening our arms to unlimited immigration from Vietnam. This course of action is about as realistic as some of the adventures of Alice in Wonderland. It is so ridiculous that one would not even waste time in talking about it as a practical solution.

Thus, with these arguments against precipitate withdrawal from Vietnam, the President rejected this course of action, also.

He chose the fourth alternative—to Vietnamize the war. That was to advise the Government of South Vietnam that this was their war of independence and freedom; that although the United States had a commitment, it was not a blank check and that we could not go on fighting in Southeast Asia indefinitely; that it was high time and long past time that the South Vietnamese begin to take over the majority of the fighting now and, as soon as humanly possible, all of the fighting. It should be pointed out here, this course of action should have been taken long before, but at least President Nixon was inaugurating it as soon as he took charge. Now, along with turning over the war to the South Vietnamese, the President at the same time adopted a course of withdrawing Amer-

ican troops as rapidly as possible. At this date, he has already withdrawn 110,000 troops, most of these combat troops. He has scheduled withdrawal over the next fiscal year of 150,000 more troops. The American casualties in the war have dropped off considerably. President Nixon has adopted an entirely new course of action in Southeast Asia. He is embarked on an entirely different course of disengaging the United States from that war just as rapidly as possible. The best part of the Nixon policy, is that it is succeeding. The hard factual evidence is there, in the United States troops withdrawn, in South Vietnamese troops taking over more and more of the fighting, in the greatly reduced casualty rates of U.S. soldiers, in the general success of the Vietnamization process. Let me speak for a few moments on the progress we have made in turning this war over to the Vietnamese, because we would never realize it from what we read in the news media or what we hear in the television newscasts.

It is fundamental that we establish a sufficient measure of security for the population of South Vietnam in order to allow the political, economic and social growth of the nation. In view of the nature and magnitude of the continuing enemy threat, military operations are still necessary to provide that security. Our Vietnamization program parallels our combined military operations as well as the negotiation talks in Paris. In recent months the progress of that program has been very substantial. Vietnamization is basically the process by which the major military, paramilitary, and civil responsibilities that the United States has assumed in South Vietnam are transferred to the South Vietnamese in an orderly manner and within a reasonable time frame.

I would particularly like to direct interest to two areas of progress resulting from purely military operations. The first is the increased presence throughout the Vietnamese countryside of stabilizing agencies of the Government of Vietnam which promote increased basic security for the people; second, the social and economic improvements throughout the countryside which are visible to, and directly assist, the Vietnamese people at the lowest level.

We are making visible progress in Vietnamizing the military portion of the war. The results of our efforts to turn over the fighting to the RVNAF are encouraging. Foremost among the results, of course, is the 21 percent reduction in our total U.S. commitment from just a year ago. By April 15, we had reduced our troop strength below the 434,000 directed by the President. The recently announced reduction of an additional 150,000 will, of course, be paced by the progress of Vietnamization, as well as the level of enemy activity.

As part of our overall U.S. troop reduction in Vietnam, the number of maneuver battalions has been reduced by approximately 16 percent from 1 year ago. The forthcoming redeployments will, of course, include more maneuver battalions as well as support forces.

We have also turned over to the South Vietnamese, or withdrawn some of our ground forces, from about 26 precent of the tactical areas for which we once had complete responsibility.

As a direct result of our efforts at Vietnamizing the war, we have seen a 63 percent decrease in U.S. personnel killed in action from the first quarter of 1969 to the same period in 1970. Similarly, the number of U.S. military wounded in action has been reduced by 54 percent during the same period.

We have provided more effective equipment to the RVNAF to allow them to prosecute the war. Their use of this equipment to assume a greater portion of the combat role is encouraging. For example, attack sorties flown by the VNAF between first quarter 1969 and 1970 have increased more than 40 percent, while the U.S. Air Force has decreased its sorties by over 47 percent. That is almost half.

To provide the RVNAF with adequate facilities not only to conduct military operations, but also to assist in the economic development of the country, the United States has turned over several key installations no longer required. The Ninth Infantry Division base at Dong Tam is now the home of the ARVN Seventh Infantry Division. The U.S. Navy base at My Tho is now a Vietnamese navy facility. The 3d Marine Division base at Dong Hoi is now used by the ARVN First Infantry Division. The Vietnamese Air Force now operates the air base at Nha Trang with remaining U.S. units as only tenants. Recently, the base camp of the Fourth U.S. Infantry Division at Camp Enari, near Pleiku, was turned over to the Republic of Vietnam. Additional facilities at Danang, Vung Tau, Bien Hoa, Lai Khe, Can Tho, and Binh Thuy are also programed for turnover in the near future.

The task of training the RVN serviceman not only in the basic skills of his branch but also in the technical skills required to operate and maintain the new equipment has been formidable. We have assisted the GVN in establishing more and better training facilities to acties currently have a student training centers and service schools. These facilities currently have a studnet training load of over 600,000—up 27 percent from 1969 and up over 50 percent from 1968.

In addition, a substantial number of RVNAF personnel are brought to the United States each year to receive technical training not yet available in Vietnam. This year, over 7,000 Vietnamese military personnel will be trained in a wide variety of advanced skills in the United States, compared with approximately 2,600 last year and 1,900 in 1968. Over half of the 1970 student load in the United States consists of helicopter and fixed-wing pilot trainees and mechanics.

As Senators know, the regular forces of the RVNAF have been allowed to devote more and more attention to purely tactical operations due to the formation of paramilitary security forces, ranging from the popular forces to national police to people's self-defense forces.

These security forces provide visible evidence of GVN presence to the villagers. The national police have expanded from a force level of approximately 17,000 in 1964 to nearly 90,000 today. The national police have two distinct roles: support of pacification measures and national development. In both roles, attention is focused on creation of a stable government with an effective civil police force throughout urban and rural areas. In the paramilitary role in pacification, trained police field forces companies are employed in the villages, hamlets, and urban areas to identify and neutralize the VC infrastructure.

As a civil police body, the national police protection services have been expanded downward from province and district locations into the villages. Currently, more than 6,000 uniformed police are assigned to approximately 1,700 villages. During the next several months, the bulk of police increases will be at the village level. To be effective in both roles, police training—with U.S. assistance—is provided in three basic training centers which have a combined training capacity of over 4,500 trainees for the 12-week cycle. Additional training facilities for medium and higher level police command training are in operation. To date, approximately 140,000 Vietnamese police have been trained in Vietnam while about 300 have received specialized training in the United States. An additional 1,900 have been trained in selected third countries.

Approximately 50 percent of all police now operate outside urban areas, with increasing numbers being assigned to district and village level. Their presence complements the paramilitary functions of the popular forces, who also operate under the direction of the village chiefs.

The popular forces have been increased in size by over 20 percent in the past year and are the military arm of the village chief. They are organized and trained as platoons and assigned as local area security for villages and hamlets. They live with the population they serve and are tangible examples of the government's efforts to provide security to all the population. The PF have been equipped with M–16 rifles and newer radios for better effectiveness.

The farmer requires land on which to grow his crop, seed to start the growth, and a means of getting his crop to market. To provide more land to the farmer, the Vietnamese Government has redistributed over 267,500 acres of land to the people during the past 2 years. Of this total, approximately 75 percent was turned over in the past 12 months, during this present Nixon administration.

There has been a great deal of criticism of the present Government of Vietnam, saying that the Government is not for the people, but only for the few that are in the Government. Here is compelling evidence to the contrary—this land distribution program of the present Government of Vietnam.

The recently enacted land-to-the-tiller law—commonly referred to as the land reform law—will provide approximately 2¼ million acres of landownership to farmers who actually cultivate

the land. Under this law, the Government will direct the transfer of land from approximately 50,000 absentee landowners to approximately 500,000 tenant farmers with appropriate compensations. The new program will be administered at the local village level.

Improved strains of rice—IR–8—which increase the yield up to 150 percent, have been introduced under the accelerated rice production program. By the end of 1970, Vietnamese rice farmers should be producing sufficient quantities of rice for Vietnamese consumption, so that imports of rice will no longer be required and the nation will be self-supporting.

How does the farmer then get his product to market? Roads and waterways are the primary means of moving farm-to-market products. The highway system in South Vietnam includes 12,500 miles of roads comprised of national highways—2,400 miles—interprovincial highways—1,600 miles—and 8,500 miles of provincial roads. U.S. efforts have been directed toward upgrading about two-thirds of the 4,000-mile national and interprovincial system, not only to facilitate military operations, but also to assist in the economic development of the nation.

Of these, approximately 2,570 miles of highway, upgrading construction is underway or completed on nearly 1,800 miles, or about two-thirds of the total.

Some 25,000 meters of bridges are included in the line of communication upgrading program, of which over 40 percent has been completed. The construction effort required to pave these roads has been provided primarily by U.S. military engineer construction units—80 percent.

About 65 percent of the total road network in Vietnam is now classified as secure—"open during daylight"—with the bulk of these roads being in areas necessary for economic development.

United States and Vietnamese river and canal operations have provided security for over 70 percent of the commercial waterways in Vietnam.

A major effort during the last half of 1969 has opened railways which have been closed for many years. Fifty-five percent of the 1,240 kilometers of main line and branch lines are now open to traffic. Approximately 64 percent of the railroads are now considered secure, as compared with approximately 21 percent at the beginning of 1967.

Medical care and health facilities in the villages has been a pressing need. While the number of doctors available in the country is far below the requirement, ambitious efforts are underway to provide health care programs to every citizen. A coordinated military-civilian health plan is in effect in which joint utilization of health facilities and exchange of personnel is being carried out, first at province hospitals and then at district and military subsector dispensaries.

In a nation of 17 million people, 20 million smallpox, cholera, and plague immunizations were administered in 1969, compared with 16 million the previous year.

To provide an education to as many Vietnamese children as possible, massive strides have been made in educational facilities. The elementary education system is now capable of enrolling approximately 85 percent of the school age population. The most recent statistics show that over 2,340,000, or 80 percent, of the school age children are enrolled in public and private schools.

Enrollment in secondary education schools increased from 472,000 in 1968 to 543,000 in 1969. Total teachers in the secondary—high school—education system increased from 11,500 to 13,400 during the same period.

Enrollment in the 21 vocational schools—which include junior technical, trade technical, and polytechnic schools—has increased by over 3,000 to 11,360 from 1968 to 1969.

In the five universities and five normal schools, over 41,000 students are enrolled.

I have dwelt in some detail on the measures of progress which have been made in Vietnamization. The continuation of this progress, with the ultimate objective of a self-reliant government in South Vietnam, is dependent on a climate of security throughout the country. Threats to, or actual disruption of, this security is of grave concern to us.

It will be recalled that the President has often restated that the rate of American troop withdrawals from Vietnam would be keyed to three criteria:

Progress in training the South Vietnamese.

Progress in the Paris negotiations.

The level of enemy activity.

It is the third factor, the level of enemy activity and its direct threat to our redeployment plans which has prompted the latest military developments against the Communist bases in Cambodia.

It has been said before that Vietnamization is more than merely modernizing the South Vietnamese armed forces. It encompasses the progressive transfer to the South Vietnamese of the total management of their affairs; a stronger government, a stronger economy, and stronger internal security.

The military moves made by the Communists in recent days in consolidating their positions inside Cambodia, connecting their base areas, and expanding their influence deeper into Cambodian territory, have created an ominous danger to the momentum of our Vietnamization program and our American objectives in Vietnam.

We are dedicated to insuring that Vietnamization will succeed and that this success will allow the continued withdrawal of U.S. forces from South Vietnam.

I think that at this point we should remind ourselves that the President had not only turned the war around but also had cooled it off as a national issue.

Even the television commentators gave up their valiant efforts to shoot down the Nixon administration on Vietnam because the war had taken a back seat as an issue, before Cambodia.

The people in the Nation were behind the President in his decision about Vietnamization. They were satisfied that he had set his sails and compass on a responsible course to disengage us from Southeast Asia. For a long period of time, the war was almost forgotten.

I do not say that with any sense of pride. As long as Americans are dying on battlefields anywhere, this fact should never be forgotten. But in the course of the debate, it is necesary to emphasize the fact that the war in Southeast Asia, prior to Cambodia, was no longer a major issue before the Nation. Even the students on the campus, those subject to being called upon to fight in this war, had pretty much forgotten the war as an issue.

The Nation had gone on to other matters which were of concern such as inflation and the high cost of living, conservation and pollution, population control, and other domestic matters. There was a certain amount of grumbling that more money was not available to devote to some of the Nation's pressing needs on the domestic scene, but even here the attitude that has generally prevailed up until Cambodia is that the money will be available when the war in Vietnam is over and that that will not be too far in the future.

Now we come to the events of April 28. President Nixon, as Commander in Chief, ordered U.S. troops, accompanied by South Vietnamese troops, into Cambodia in an attack upon the Communist sanctuaries.

What prompted the President to pursue this course of action?

Was it necessary? And what positive results will flow from this action?

First of all, there can be no doubt in the minds of the Communist enemy, either Hanoi or Russia or Red China, all partners in the cruel business of invading South Vietnam, that the United States wants peace. President Nixon has not only stated this objective on countless occasions but every action he has taken since he has been in office has backed up this goal. Just about every conceivable offer and proposition has been made to the Communists, that mind of man can think of, to indicate that the United States wants out of Vietnam and wants peace. We have done everything to convince the enemy of our peaceful intentions, including mass troop withdrawal, except the one act to cut and run and abandon the South Vietnamese.

Now what has been the answer of Hanoi? The Communist answer to our peaceful intentions has been to step up activity on the Ho Chi Minh Trail on the north and through the port of Sihanoukville on the south, pouring soldiers and supplies into the enemy sanctuaries located in the Cambodian border, hard up against the boundary lines of South Vietnam. From these sanctuaries the enemy feeds his soldiers, and caches his weapons and his ammunition and his supplies of all kinds, to feed his war machine within South Vietnam itself. He also rests his troops in this area where they are entirely free from harassment by United States and South Vietnamese troops. Swift and destructive and killing sorties are made out of these sanctuaries into South Vietnam, and after our troops have been sorely hurt, there is no time for retaliation, because the enemy has

faded back across the border into these off-limit sanctuaries. In recent months there has been evidence of further build-up of these sanctuaries, undoubtedly in preparation for further attacks before the monsoons, and, of course, to build up supplies to last through the rainy monsoon season when it is difficult to get supplies down over the Ho Chi Minh Trail.

These sanctuaries have been a source of deep and lasting trouble for United States and South Vietnamese forces for years and all during the war in Southeast Asia. Anybody who knows anything about the war in Southeast Asia, who really wanted to wage it as it should have been waged, has been advocating that these sanctuaries be wiped out. I, myself, have repeatedly urged attacks upon them for as long as the last 4 years.

I cannot think of a single incident in history where this Nation has been engaged in a serious war that we permitted this state of affairs to exist.

Let us go back to World War II, when we were engaged in fighting Germany. To draw a parallel, this Senate would have said in the 1940's to President Franklin Roosevelt, "you can not invade Europe using the Normany beaches because our fight is with Germany and not with France." I suppose the supporters of this Church-Cooper amendment would reply, "but that was a different situation. France was occupied and was as much a part of Germany as Germany itself," I say, there is no difference. Cambodia was occupied by the Communists and has been for years. At least, so far as the border sanctuary areas are concerned, they were as much a part of enemy country or enemy held territory as France was to Germany.

For the life of me, I cannot understand the reasoning behind some of the supporters of the Church-Cooper amendment who generally agree with the President in his conduct of the war in South Vietnam, but disagree with this business of Cambodia. They would confine all of the fighting to South Vietnam. It is true that our main objective is to preserve the government of South Vietnam from Communist invasion. But it is equally true, and everybody knows it, that the war is indeed a Southeast Asian war and operations for years have gone on not only in South Vietnam but also in Laos and Thailand.

For the life of me I can not understand what the uproar is all about in hitting these Communist sanctuaries in Cambodia. This is no broadening of the war. It is the same war, against the same enemy, involving precisely the same areas—that is, the base areas that have been used for years and years by the Communists to sustain their war machine in Vietnam.

How in the world the President can be accused of broadening the war by stepping across an imaginary line in the jungle for a few miles, for the few weeks time that it takes to wipe out these sanctuaries, is more than my mind can understand at all. And I must say, that millions of Americans, in fact a majority of Americans, can neither understand the fine legal reasoning behind the authors and cosponsors of the Church-Cooper amendment.

At any rate, the President, advised of the build-up of the Cambodian sanctuaries, and the concrete evidence of increased Communist aggression against South Vietnam from these areas, decided that he must move against them and wipe them out.

The decision to move against the sanctuaries was in complete support of his plan of disengagement in South Vietnam. The President has never said during the time of disengagement of American troops, and the replacement in the line of South Vietnamese troops, that all fighting was going to stop. The President has never promised that U.S. troops during this interval of time would not be permitted to fire their weapons at the enemy, to bomb the enemy with our aircraft, to attack the enemy where needed, and to set him back and gain a tactical advantage. I have never heard anybody express the thought that our troops should stop the fighting, as long as it was U.S. policy to have troops in Vietnam and the Communists were shooting at them and making war upon them. To shackle our troops in the field, to set guidelines of what they cannot do and advertise these guidelines by Senate debate, is like sending a boxer into the ring with instructions to keep his hands at his side.

Thus, as I see it, and I am sure as the President saw it, the move into Cambodia against the Communist sanctuaries was purely and simply a tactical move needed to be made to gain advantage over the enemy. That is all it was, and it should have been done years ago.

Had it been done long ago, there would not have been the furor and hue and cry that has now been raised. The problem with Vietnam is that there has been so much criticism of the war by Americans in high places that a substantial portion of our population has been drugged into a state of antiwar hypnosis. They have been hypnotized to view as a folly, a blunder, a reckless act, even a crime, tactical steps necessary to be taken by soldiers in the field in order to save their own lives. A few years ago, no single American would have ever imagined that the state of mind of Americans could be so warped by the propaganda of the boob tube artists and other hysterical and misguided news media people. But that is what has happened. Sometimes, I wonder if the Nation can survive with so much propaganda launched against the Nation and the Nation's leaders by its very own news media.

But to get back to the Cambodia operation, President Nixon viewed it as not only highly desirable, but absolutely necessary in order for him to destroy the enemy's warmaking capability and gain the President the necessary time to complete his Vietnamization of the war in Southeast Asia and withdraw our own troops.

What has been the result so far of the Cambodian operation? It has succeeded beyond the wildest expectations of the President and his advisers, and, I think, probably beyond the expectations of anyone in the Senate, either for or against the Church-Cooper amendment.

The following are the latest totals as of May 21 of captured enemy supplies in Cambodia:

TOTAL OPERATIONS

	Number	24-hour change
Individual weapons	11,064	+122
Crew-served weapons	1,846	+228
Bunkers/structures destroyed	6,643	+13
Machinegun rounds	2,689,724	+97,220
Rifle rounds	5,126,838	+32,550
Total small arms ammunition (machinegun and rifle rounds)	7,816,562	+129,770
Grenades	12,574	+265
Mines	2,966	+140
Satchel charge	500	(1)
Miscellaneous explosives (pounds)	72,000	(1)
Antiaircraft rounds	130,567	+3,214
Mortar rounds	29,311	+2,562
Large rocket rounds	1,090	(1)
Smaller rocket rounds	15,061	+262
Recoilless rifle rounds	19,565	+1,013
Rice (pounds)	9,120,000	+86,000
Man-months	200,640	+1,892
Vehicles	305	+41
Boats	40	(1)
Generators	36	(1)
Radios	179	(1)
Medical supplies (pounds)	36,000	(1)
Enemy KIA	8,044	+187
POW's (includes detainees)	1,773	+3

[1] Unchanged.

Now all this operation has been carried out at a minimum loss of American life. So far American casualties have amounted to 166 servicemen killed in action in Cambodia.

The enemy has been grievously hurt in this Cambodian operation. There is no telling how much he has been set back. In time the shortest estimates are 6 months, but some experts familiar with the supply apparatus of the enemy and the demands of his war machine in South Vietnam estimate that it may be nearer to a year. The monsoon season is near at hand and during this period it is virtually impossible for the enemy to get in more than a trickle of supplies, not even enough to sustain his troops in the field with food and medicine, to say nothing about weapons and ammunitions he needs for fighting. This means that after the monsoon season is over it will take many more months for the supplies to be brought down the Ho Chi Minh Trail to rebuild other bases in other areas.

During this valuable time that the Cambodia operation has gained, many more South Vietnamese can be trained and placed in the fighting lines to substitute permanently for United States troops.

There is no question that this Cambodian operation has saved American lives over the months ahead and that it will insure and speed up the withdrawal of American forces in Vietnam.

The President's action was bold, courageous, and wise. It is the kind of action expected from a President of the United States in the most perilous times of all that face the Nation during wartime. In my view, President Nixon has displayed the quality of a truly great leader in the Cambodian affair.

This is a time that Members of this great body, the U.S. Senate, should be standing up in this Chamber and singing the praises of the President, rather than concocting Church-Cooper amend-

ments that shoot him down. Now do not misunderstand me. I do not doubt the good intentions of the authors of this amendment, nor do I question or doubt their patriotism, their love of country, their respect for the Office of Presidency, or their deep sincerity and concern for the ending of the war in Vietnam.

Nonetheless the practical effect of this Church-Cooper amendment is a rebuke to the President for his courageous and highly successful action in Cambodia. It is an advertisement to the whole world. and especially to the Communist enemy in Hanoi and Moscow and Peking, as well as their clients and friends the world around, that at the very least there is deep division in the U.S. Senate concerning the President's conduct of the war in Southeast Asia, and at the most there is distrust and suspicion of his actions.

I am completely opposed to the adoption of this amendment or anything like it. In fact, I must state my feeling about this amendment just as strongly as I know how. I am embarrassed and almost ashamed that a parliamentary body as distinguished as the U.S. Senate would even consider rebuking the Commander in Chief, the President of the Republic, at a time like this, when he makes a tactical decision which, in my opinion, has been the wisest and most effective action in his conduct of the war up to date, an action that has dealt the enemy the most serious blow in the war, and one which furthers in every respect the disengagement and withdrawal of American troops. It staggers the imagination that a sizable number of this body, somewhere around half, give or take a few, can lend its support to such an amendment at this time.

There are a number of other things that are utterly unwise about this amendment. In the first place, everybody here admits that it really has no effect on this present situation in Cambodia, because by the time it passes the Senate and is considered and undoubtedly killed in the less dove-like atmosphere of the House, the President will have completed his action in Cambodia. Thus, what we do here will have no effect on what we are doing in Cambodia now.

But what may be said here in support of this amendment, will if it should pass in the Senate, have profound effect, in my judgment, on the future of the war. For we will advertise to the enemy in loud, clear, ringing terms, and in bold black headline letters, that we are going to hogtie the President of the United States, the Commander in Chief, in any future tactical decisions of this sort. We will say to the enemy, "do not worry we would not let President Nixon make any more moves that will hurt you and shorten the war."

There is another thing that it does that makes this amendment unsound. Here we are engaged in a big war. Everybody admits that because everybody wants to get it over with, although we disagree on how we are going to do it. But the fact of the matter is that we are in a big war. Now if we pass this amendment, what we are doing is running this war by a committee of 100. Instead of having one Commander in Chief, one overall general, we are going to have 100 generals, two from Kentucky, two from Idaho, two from Florida, and two from all of the other States in the Union. Well, gentlemen, I do not know how others here fancy themselves as generals. But speaking for this Senator, I do not consider myself to either have the ability, and certainly not the inclination, to serve on a committee of 100 generals to decide in this Chamber the tactical moves we are going to make in Southeast Asia.

Now let me say, that I agree with the authors of the Church-Cooper amendment and their supporters when they state that we need to clarify the war-making powers of the President of the United States in the year 1970, and beyond, and when they also say that we should debate and explore the role of the Congress of the United States in warmaking decisions of this Nation in the year 1970 and beyond. It is a fact that times have changed drastically since the Founding Fathers wrote the language in the Constitution designating the President as Commander in Chief and giving the Congress the power to declare war. It is quite obvious that the Founding Fathers never had in mind a world of the 1970's where a nuclear war could be over indeed in a few hours, and where the swift changing pace of foreign affairs makes it necessary for the Commander in Chief to make daily reassessments of what the enemy is up to, where his troops and planes and ships are and where ours should be in order to meet any possible threat. They were not thinking of the time when there was constant danger of armed eruption on every continent at any time, involving American lives and property. So I agree with the authors of the Church-Cooper amendment that we should discuss these things and we should clarify the role of the President and of ourselves in this most drastic of the Nation's affairs, warmaking, involving the risks and the loss of lives of our young men.

But I earnestly make the point that the Church-Cooper amendment is not the way to go about this. The Church-Cooper amendment speaks directly to the actual and technical conduct of a war, the movement of troops, at a time when we have been engaged in war for many years. This is not the business of the U.S. Senate. This is purely and solely the business of the President, the Commander in Chief, under the Constitution.

We should discuss the respective roles played by the President and the Congress in warmaking. As a matter of fact, the time to have discussed this was at the time of the Gulf of Tonkin resolution. We did not discuss it at that time at any great length.

As a matter of fact, I suppose if we had been latter day oracles of Delphi and been able to look into the future and see the Nation and its involvement in Southeast Asia in 1970, we would have never authorized the President to go ahead in Vietnam as he did in the Gulf of Tonkin resolution. But the fact of the matter is that we did not have the vision of prophets. We thought we were going to take care of this little upstart Communist country of North Vietnam with the greatest of ease. It did not turn out that way. They proved a much tougher nut to crack than we thought and certain people around the country had second thoughts, and decided that this was a bad deal and now the thing to do was to pick up the cards, put them back in their packet and maybe wait for a fresh deal somewhere else at some other time. Well, picking up the cards and walking away with them and waiting for another day is not quite that easy as all of us know.

The President is engaged on a responsible course of action to turn this war over to the South Vietnamese, he is succeeding, and we ought to back him up. Most of us here in this body, as well as throughout the Nation, were backing the President until Cambodia came around. Now let us not lose our courage and be scared off by the strident cries of the anti-war people around the country. They are a minority, they always have been and if we stick by the President and support him, they always will be.

Let us touch a bit on the subject of support for the President in this decision to attack these Communist sanctuaries in Cambodia. From all indications a majority of the Nation is behind the President. That was the result of the poll in Newsweek last week.

There was the huge 100,000 people demonstration last week in New York City, of all places, because here is the hotbed center of anti-war sentiment.

There has been massive support for the President from my home state of Florida. From the very start my mail has backed the President. Moreover it is significant to analyze the quality of the mail. The people for the President are writing individual letters. On the other hand, most of the mail against is form letter kind and comes from university areas. This is obviously not spontaneous, but well organized and assembled.

One newspaper in central Florida, the Orlando Sentinel, has been running a statement for many days backing up the President to date.

So far the individual people who have clipped this petition supporting the President out of the paper have numbered over 110,000 in this area of central Florida. That is actually a larger number than the population of the city of Orlando itself. The newspaper goes beyond the limits of the city.

Believe me, the President does not lack for support in Florida. The people there are backing his Cambodian action by an overwhelming majority.

I must say that news pundit reaction on Cambodia deserves some comment.

Every so often, when a week passes in which there is no momentous Presidential action, some editorial writers come to the conclusion there is a "crisis of leadership."

Presently, when the President took strong and decisive action to protect the lives of our fighting men in Vietnam, the same writers were out again with the same cliche—a crisis of leadership.

To them, it seems the President is damned if he does and damned if he doesn't.

I suggest that the writers of instant

history are themselves suffering a "crisis of readership"—becoming more and more estranged from the sober judgments of their readers, who are beginning to see through these hackneyed attacks on the President and broken record type criticisms of the war.

Both leadership and readership demand more; they demand serious and thoughtful understanding of developments in the world.

Furious activity is no substitute for action. Careful restraint is not evidence of inaction. A genuine leader does not manage the news—he manages the country, and in his management tries to shape events in the light of the Nation's goals.

That is why it is important to go to the heart of the matter on the President's Cambodia decision. Not whether it stirred a storm of protest, not whether it will have a short- or long-range political effect, and not which adviser said what to whom—but basically, did the President do the right thing? Did he act in the national interest of the people of the United States?

In the final analysis, that is all that counts. In the final analysis, the critics can revise their criticism, all the advisers—as President Kennedy once so aptly said—can go on to new advice, but the President is responsible for doing what is right for the country and ultimately responsible for the results of his decision. That is what he was elected for.

The President's warnings to the North Vietnamese about escalating the conflict and endangering the American troop withdrawal program went unheeded. His expression of grave concern to the Soviets about escalating the conflict in the Middle East went unheeded. A moment of truth was at hand.

He did not act out of anger or impatience or pique. He consulted his advisers, and listened to a range of opinion as to the choices open to him. He consulted the National Security Council, which he had set up for the orderly presentation of views in situations such as these. There were no "votes" taken—the American people do not elect a committee to be President—but every alternative was explored, and the likely consequences, both at home and abroad, were taken into consideration.

Then we saw why the Presidency is called "the loneliest job in the world." The President determined what he felt was right for America, and right for the cause of peace and freedom in the world. Aided by the best advice of the men he trusted most, he faced the responsibility that was his alone—and he made his decision. He exercised the leadership he was elected to exercise.

As had been expected, the storm of criticism broke. The sins of omission and commission of the past were all visited on him. But not all the voices raised were critical. Even some of those voices which we do not hear in America, spoke out for his courage and his wisdom.

Under the headline, "No White House Weakling," A columnist in the London Sunday Telegraph put it this way:

Even if his character did not incline him to be tough, the situation forces him to be so. For a second President to allow his foreign policy to be shaped by campus pressure would turn America into a kindergarten state . . . can the Anglo-American liberal establishment not realize that the man now in the White House is a formidable figure, who has to be taken seriously—A President who believes in his cause just as passionately as they believe in theirs?

The President's strong stand is being carefully observed abroad—and not just by newspaper columnists.

The President's stand is being watched by those who have sent Russian combat pilots into action in Egypt.

The President's stand is being watched by those in Hanoi and in Peking who have been saying that the United States is a paper tiger, too worried about protest at home to take the course necessary for peace and freedom around the world.

The President has done what is right for this Nation. He has done what is right for the cause of peace. He has taken the hard decisions the American people elected him and him alone, to take—and that is what leadership is all about.

Now we have before us the Church-Cooper amendment.

As I said before, I do not dispute the sincerity of my colleagues who have offered it or who intend to support it. But, I suggest most strenously that it is the wrong action to take at this time and I intend to oppose it.

The question is not whether Congress has the power of the purse; of course it does. The question is whether Congress should use that power and how it should use it.

Congress does have a role in the conduct of the Nation's foreign affairs. No one can rationally dispute that as a matter of principle. The question is how Congress shall use its undoubted power and discharge its vital role at this time.

As Members of the Senate, we are being counseled now, in the press and in the media, to undercut the President in this time of crisis, to repudiate him, to isolate him. We cannot and we must not do this.

In recent weeks, Mr. Joseph Alsop has returned three or four times in his very ably written column to the theme of the Oxford Peace Pledge of the thirties. The Oxford undergraduates asserted categorically and emphatically that they would not fight "for king and country." The question was not so much whether they meant it—they did not. Most of the signers fought—and many of the signers died I regret to say, for their country, England, when it was imperiled by Hitler in the forties. The real significance of the Oxford pledge was how it was viewed by England's enemies and potential enemies. Hitler took it to be a sure sign of the decadence and sickness of England. Again and again, in the thirties, as his homocidal war machine took form, Hitler referred to the Oxford pledge and his scorn for England because of it. He miscalculated and his interpretation of it was wrong, but at least part of Hitler's strategy was based on that pledge—and one of the reasons he was so aggressive and so ruthless was because he thought England lacked the will to defend itself and its interests.

Perhaps the Cooper-Church amendment is the Oxford pledge of our generation. It is really too early to say. But if it is or if it can be, I would suggest that we remember that we are not undergraduates. What is forgivable of unseasoned youth is inexcusable in experienced men of affairs. This is not the time to be sophomoric—the stakes are too high and the potential for disaster is too great.

I suggest, Mr. President (Mr. GRIFFIN), that the debate we are now engaged in is one of the most significant since World War II, possibly as significant as any we have had this century. I suggest that it is being monitored very carefully by our enemies. I am sufficiently old fashioned to think of the Soviet Union as an enemy, to think of Communist China as an enemy, and to think of Hanoi as the enemy. Our enemies, as I say, are watching and listening.

As Tom Wicker pointed out in the New York Times last week, the real thrust of the Cooper-Church amendment is psychological, not legislative. Presuming for a moment that it or something like it should pass in the Senate, it could very easily be killed in the House; if it passed the House, the President could veto it.

So what we are now being asked to do really is not to simply vote on an amendment. We are being asked to repudiate the President; to abandon him—to tell the world that we have no confidence in his word, no trust in promises, no faith in honor or ability. I say we cannot do this and he should not do this.

And I am not thinking of President Nixon's pride or self-esteem, or his personal feelings. I am thinking of the country and the effect such a slap in the face to the President by the Senate would have at this point, from the point of view of our foreign relations.

I suggest that if such a resolution or amendment were to pass now, he would see an immediate increase in tensions in the Middle East. The Soviet Union, playing on the passions of its Arab allies—confident that the division within the United States was real and deep, to such an extent that the President could not or would not assist Israel—will feel free to move against Israel with impunity. We have already seen a significant change in Russian policy there in recent weeks. The hard and fast rule of the Kremlin since 1945 has been aid and material to all allies, but no troops outside the Soviet Empire. The significant thing is, the rule has been broken now—and Russian troops—pilots, are now on duty in Egypt flying MIG's.

Israel has demonstrated its ability to withstand superior Arab numbers—on three occasions since 1948. It can match Russian weapons and still come out on top. But can Israel in the future match Arab numbers, Russian weaponry and Russian field personnel? The pressure of Russian military men in number in the Middle East adds a new dimension to the war of nerves. I suggest that our actions here in this Chamber in the next few days will be a major factor in the Middle East within the next few months.

I also suggest that Communist China will be making more outrageous and aggressive demands of its neighbors. I think the war in Vietnam is more than a simple land grab or a simple territorial war in Asia. I think we recognized that truth

at the beginning, but very many Americans are willing to overlook that truth now in their frantic efforts to get us out of it.

I want to get out of it, too. Every Member of this body wants to get out of it. The question is "How to get out"—not "If we should get out." I suggest that in how we get out, the circumstances and timing of our withdrawal is infinitely important. We are being urged to cut and run—you can dress up that phrase, and call it a phased withdrawal, or what you will but the meaning is clear, whatever the phrase—if we cut and run, it will haunt us. Instead of winning the peace we all want, it could very likely put us in greater danger of a quicker and more deadly confrontation with Communist aggression everywhere.

Take Red China for an example. When we talk about Red China we are talking about another Asian power. When we talk of Red China's leaders, we are not dealing with an ordinary set of individuals. We are dealing with people who know what power is and how to use it. We are dealing with tough, seasoned men, most of whom have been fighting for their cause for their entire adult lives, men who are ruthless and able and dedicated; men who have used murder and violence to achieve their station—who have exterminated untold thousands of their countrymen in recent years in consolidating their power. We are dealing with the most populous nation on earth, one that has developed a nuclear capability and is on the way to perfecting a ballistic missile capability of its own. Our debate and our disposition of this amendment and others like it is bound to influence Peking's thinking about our Nation.

Like the Oxford undergraduates of the thirties, some of our people are indulging now in a lot of emotional talk, a lot of florid prose. Every day, editorial writers are verging on hysterics. That is true of the Washington Post.

I suggest that the Washington Post's hopes are going to be dashed again. I think the Cambodian episode will be a major American victory. If it is—and it shows signs of being just that and more—I wonder whether those editorial writers, especially those of the Washington Post, will acknowledge their error or apologize for their intemperate language. I would not hold my breath waiting for such a development. No, I would say that the Washington Post, whatever the outcome, they will go on excoriating President Nixon and proclaiming their own infallability.

Let me resume with the Oxford pledge analogy. I have suggested certain historical parallels. I have suggested that some of the rhetoric we are hearing now is akin to peace talks at Oxford in the thirties in this sense. It may be the basis for precipitate action by our Chinese and Russian adversaries. If our enemies think us weak and indecisive, they very well may test that hypothesis by future probes and offensives. If we appear divided and irresolute now, they may risk greater and more aggressive thrusts against us. In the end, we will have to stand up against them; we all know that. Could it be that in the interest of peace now in this area, we are risking greater and more ominous confrontations elsewhere? It is not beyond the realm of possibility.

It has been suggested that President Kennedy's lack of decision at the time of the Bay of Pigs made Khrushchev bold enough to try to place his missiles in Cuba. Students of world politics said that Khrushchev could not understand President Kennedy's behavior at that time. They say that Khrushchev was prepared to accept a full-pledged, openly supported invasion of Cuba. He could understand why such a decision would have been in America's best interest. He could also have accepted a complete hands-off policy by the United States, an invasion force manned entirely of exiles who would sink or swim on their own. But Khrushchev reportedly could not understand why the United States initially supported, planned, and encouraged the Cuban invasion and then at the last moment withdrew the air cover which was necessary to its success. He saw that as weakness and vacillation on the part of President Kennedy and sought to exploit that weakness by putting offensive missiles into Cuba in 1962.

President Kennedy faced him down later in the Cuban missile crisis and in what we all, I think, recognize as his finest hour, forced Khrushchev to pull out the missiles. I mention these episodes at this time not to denigrate President Kennedy—or to sing his praises for that matter—but to emphasize that our adversaries constantly look for our weaknesses, real or imagined, to exploit them. to their advantage and to our detriment. They look for and respect our actions of strength.

I do not think we should precipitate a constitutional crisis or reject the leadership of the President—this President or any other President—when our actions over the long haul would inevitably operate to our national disadvantage.

I urge the rejection of this amendment. I think it is ill-timed and by its language and intent, if passed, would tend to weaken the confidence of the people in our Presidency. The Presidency, it seems to me, is something more important than the President or the person who occupies the White House at any particular time. I suggest also the passage of this amendment at this time would hurt us internationally—how much, I confess I do not know; how seriously, only time will tell. But in my view, it will hurt us, and very conceivably hurt us quickly and severely.

Mr. President, we are at war. How we got there and who made what mistake does not concern us today. We all want to end that war—we all agree on that. This amendment, in my view, however well-intentioned, will not help.

President Nixon's action against the Communist sanctuaries will help, in my view, to end American involvement in that war.

The Senate should support the President in this action, as indeed a majority of the Nation is supporting him, and reject the pending Cooper-Church amendment.

Mr. President, I yield the floor.

Mr. BYRD of West Virginia. Mr. President, the Cooper-Church amendment would, in effect, prohibit the President from using U.S. troops in Cambodia after June 30—even should the need arise to protect our military forces in South Vietnam. I favor some of the provisions in the amendment because I am against the use of American troops in Cambodia to fight for Cambodia or to support any Cambodian Government. But we are already in South Vietnam, regardless of how we got there or who put us there. And as long as the Cooper-Church amendment contains language which, in essence, prevents the President, as Commander in Chief, from taking whatever action he may deem necessary to protect American fighting men still stationed in South Vietnam, I will vote against it.

Mr. GRIFFIN. Mr. President, today, Secretary of State Rogers presented to the NATO meeting in Rome a letter to the Secretary General from the President of the United States. The letter deals with the position of the United States with respect to the incursion in Cambodia.

I ask unanimous consent that the text of the letter be printed at this point in the RECORD.

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

DEAR MR. SECRETARY GENERAL: On the occasion of this NATO Council meeting, I should like to describe to you the United States position on Cambodia, the operations undertaken in Cambodia to date, and the way in which these operations are related to United States policy in Asia and the Pacific.

Our policy toward Cambodia was and is based on recognition of and respect for Cambodia's sovereignty, independence, neutrality and territorial integrity within its present frontier. We have been deeply concerned over communist use of Cambodian territory bordering Vietnam to support Viet Cong and North Vietnamese aggression against South Vietnam. The Government of Cambodia both before and after the removal of Prince Sihanouk was equally concerned.

A series of efforts have been made to resolve the question of North Vietnamese and Viet Cong presence in Cambodia through negotiation or through various forms of international action. The latter have included appeals to the United Nations, calls for reactivation of the International Control Commission, and proposals by the Secretary General of the United Nations and others for a broad international conference. All of these efforts have been opposed and frustrated by Hanoi.

Because of Communist action in late April, we faced at the end of that month the prospect that Cambodia would become one large base area for attacks along the 60 miles of the Cambodian-South Vietnamese frontier. This would have permitted complete freedom of action to an enemy who could move his forces and supplies rapidly across the entire length of South Vietnam's flank in Cambodia. The enemy could have attacked our forces in South Vietnam from these sanctuaries with impunity. The situation thus had changed drastically for the worse from

that which existed when I spoke to the Nation on April 20.

In this situation, after considering the alternative, I decided upon limited but decisive measures. These are directly related to our efforts in Vietnam, although they also provide collateral benefits for Cambodia which is under serious Communist threat. Our operations concern only territories long occupied and controlled by foreign Communist forces. Our principal target is not personnel but the enemy's logistic infrastructure. The enemy can still replace manpower but the destruction of their supply depots and communications will set back their military efforts against our own forces and those of our allies in South Vietnam for many months. Replenishment of supplies will be particularly difficult because the port of Sihanoukville is no longer available to the enemy.

In the operations to date, the quantities of weapons and materials captured exceed expectations and are far larger than those seized in comparable operations in South Vietnam in past years. As examples, I can report capture, as of May 25, of over 1800 crew served weapons, nearly 11,000 individual weapons, nearly 7,700,000 rounds of small arms ammunition, over 26,000 mortar rounds, over 15,800 large and small rocket rounds, 4,517 tons of rice and over 2,800 mines. Nearly 7,900 of the enemy have been killed at a cost of 201 U.S. and 451 South Vietnamese killed.

The weapons we have already captured would equip more than thirty battalions at a strength of 400 to 500 men. Our operations in the sanctuary area will be terminated by the end of June.

We still prefer to end this war by negotiation. However, I am convinced we will not have serious discussions so long as the enemy believes that he can ignore our warning and reject our flexible proposals for a settlement. We are not increasing our demands. All of our negotiating proposals remain on the table. If negotiations continued to be blocked, we will pursue Vietnamization and withdrawal according to the schedule announced on April 20. As I have pointed out, our operations in Cambodia are necessary in order that both Vietnamization and withdrawal of United States forces may proceed.

In conclusion, Mr. Secretary General, I should like to express my appreciation for the understanding and support which the NATO countries have displayed in regard to our actions.

RICHARD NIXON.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

There being no objection, the motion was agreed to; and (at 5 o'clock and 3 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, May 27, 1970, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate May 26, 1970:

FEDERAL FARM CREDIT BOARD

The following-named person to be a member of the Federal Farm Credit Board, Farm Credit Administration, for the term indicated:

For the remainder of the term of 6 years expiring March 31, 1971:

Ernest G. Spivey, of Mississippi.

SENATE—*Wednesday, May 27, 1970*

The Senate met at 10 o'clock a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

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

O God, our Father, grant us this day clarity of mind, purity of purpose, gentleness of spirit, and firmness in the right. Help us to be a good example to those who are younger, to be respectful to those who are older, and at all times to be courteous to our peers. Help us to be sympathetic to those in distress, to be helpful to those in trouble, and to be kind to those in need. May we patiently hear the voices of our fellow citizens, but in our actions hear and obey Thy commands. So make us all this day to go about doing good as our Master did.

We pray in His name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 27, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 26, 1970, be dispensed with.

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

ORDER FOR LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the the conclusion of the speech by the distinguished Senator from Ohio (Mr. YOUNG), there be a time limitation of 3 minutes on statements in relation to routine morning business, and that morning business not extend beyond the hour of 11:30 o'clock.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, pursuant to the previous order, the distinguished Senator from Ohio (Mr. YOUNG) is recognized for not to exceed 20 minutes.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator from Ohio yield to me without losing his right to the floor?

Mr. YOUNG of Ohio. I yield.

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

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

The bill clerk proceeded to call the roll.

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

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

ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES FROM WEDNESDAY, MAY 27, TO MONDAY, JUNE 1, 1970

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 646.

The ACTING PRESIDENT pro tempore laid before the Senate House Concurrent Resolution 646, which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, May 27, 1970, it stand adjourned until 12 o'clock meridian, Monday, June 1, 1970.

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the immediate consideration of the concurrent resolution.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the concurrent resolution (H. Con. Res. 646) was considered and agreed to.

ORDER FOR ADJOURNMENT UNTIL 10 O'CLOCK TOMORROW MORNING

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

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

Mr. MANSFIELD. Mr. President, for the further information of the Senate,

if there is a possibility of votes today and tomorrow, those votes will be taken.

I just want to put the Senate on notice.

I thank the Senator from Ohio very much for yielding to me.

MURDER AT KENT STATE

Mr. YOUNG of Ohio. Mr. President, recently, I received a most important and most informative letter from a student at Kent State University. This student was a witness to the murders perpetrated on the campus of Kent State University, shortly after the noon hour on Monday, May 4, 1970.

Mr. President, this letter is so informative and so convincing that I ask unanimous consent to have it printed in the RECORD at this point.

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

MAY 11, 1970.

DEAR SENATOR YOUNG: I am a Kent State University student and I saw the killings last Monday. Since then, I have become even more confused. The National Guard has tried everything to defend themselves. I fear that the truth of Kent may never come out because of these attempts. An investigation run like the Warren investigation of J. F. Kennedy's death is desperately needed now. These questions must be answered:

1. There was an anti-ROTC demonstration last spring at Kent. People spoke of trouble that would come this spring fatalistically. Why wasn't anything done during the year?

2. I spoke to John McElroy, Governor Rhodes' chief aide this last week. He admitted that the National Guard antagonized demonstrators, but he said it made other people feel secure. If he knew that the Guard antagonized demonstrators and he wanted to quell them, then why was the Guard brought in? Since Rhodes was running for re-election the Tuesday after the killings, was the Guard brought in to get the law and order vote? Was the Guard used as a political weapon? How can this be prevented?

3. President White, Kent State's President did not say a single thing until four students were killed. He was not on campus, but wasn't there anyone who could speak in his place and calm frustrated students? Why wait until four students are killed to begin talks?

4. The National Guard was moved into Kent after being at the Trucker's strike. Reports are that they got no sleep Saturday night and only three hours Sunday night. If this is true, why were they used to face the crowd Monday? No matter how much sleep they got, why were they used to do a job that they were untrained for? Why send a confused and frustrated Guard in to face a confused and frustrated crowd?

5. General Del Corso was given power by Governor Rhodes to do anything he felt necessary. Why was a military man given this power during peace time? Del Corso runs everything like a war. He said students were moving in on all sides on the Guard. He acts like we have leaders training us in military ways. And he flights us like this. I don't believe he should ever face civilians again like he was allowed to at Kent. He should be replaced.

6. General Del Corso says that the demonstrators were non-students. A Columbus Citizen-Journal News reporter told me he asked Del Corso what evidence he had of this. He refused to give it. Why? What are the facts here? Why won't Del Corso tell us if he does know?

7. John Doe warrants are out. They are keeping confused and frightened students from telling their stories because they fear arrest. How will the students' stories be known when many are afraid to give it?

8. A Kent State junior said he watched the shootings from his dormitory window. He gave an incredible story, it did not even sound like the same event. He said students were throwing stones, bricks, concrete and railroad spikes at the Guard. I saw stones thrown. I saw only a small number do this, and I didn't see anything else thrown. Every person I spoke to who was there, some much closer to the Guard than I was, said only stones were thrown. That Kent junior also said two thousand students were going to surround the Guard and kill them. From his dorm, probably Johnson, he had to look up a hill, through people and trees, to see the crowd. How did this story, which supports the Guard entirely, get on UPI when other student stories did not? It was an incredible story, and anyone in the area Monday could tell you why. Was it because the story supported the Guard that it got on UPI?

9. A student who was closer to the Guard than I was said he saw one of Kent State's security police taking pictures of demonstrators to put on file. He was wearing plain clothes. When a few students tried to take his film, he pulled out a gun and reportedly fired. It was on the radio a few hours after the killings that he was arrested. I haven't heard a thing about him since that Monday. Was his shot the one that triggered the Guard?

10. President Nixon said that Kent students "turned to violence." Of all the White House remarks, this is the one that bothered us the most. Students are killed, and his eulogy to them is calling them violent. We did not turn to violence. We were unorganized and a few students threw rocks; a few did. It was a beautiful day at Kent and people were just naturally out on the commons. Little did we know that killings would soon occur. At the Friday rally, the meeting ended when students left to go to their 1:10 class. How often I have thought of how Monday's rally could have ended this way if the Guard had not moved in. I had books to go to my 1:10 class and so did many other students. Why did our President say we "turned to violence" before he knew the facts?

11. The Cleveland Plain Dealer told of a study done last year by a Kent political science professor. He predicted that Kent would be the focus of national attention this spring due to demonstrations. Why wasn't something done early?

There are more questions that must be answered. I believe that a Warren type investigation must come about at Kent. The news has been filled with National Guard reports; very little has been said about students' stories. This is almost brainwashing. I started this year at Kent being very naive. I believed that when the President said he wanted to end the war, he meant it. I believed that students were to go to schools to talk about problems and find answers. I believed that the National Guard was to defend all people, not just a few in power. I believed that the Guard would never kill us; they would never fire into a crowd. Much has changed during the year. I know now that the Guard does have bullets and does kill. I saw people fall and die around me; I want to find out why. I've seen the blood of innocent people who were killed by a scared Guard. I don't ever want to see it again. Finding out what really happened at Kent will make sure that it doesn't happen again. Please, in the name of justice, demand that an investigation like the Warren one be made of Kent. When I tell older people of my frustrations concerning the Kent tragedy, they laugh at my innocence. They seem to have accepted the fact that the truth is often suppressed. Am I being naive when I want to know the truth about Kent? Please help the students of Kent. I realize that you are working on it, and you have much courage to do so. As I look back upon this letter, I realize that it wasn't necessary to tell you who John McElroy was! Please continue to make the system find the truth.

Sincerely,

———— ————.

There is one other question that I believe should be answered. Was the closing of Kent a factor that will help students express their stories, or will it hinder them? Should it open before June?

Please excuse the unorthodox style of this letter.

Mr. YOUNG of Ohio. May I add, Mr. President, that I am at the present time deleting only the name and address of the student. This for obvious reasons. Very definitely, when there is a high-level commission appointed by the President or if a Federal grand jury is convened in Cleveland to investigate this tragedy, I shall of course then submit her statement and her name and address along with many other statements of eyewitnesses.

S. 3886—INTRODUCTION OF A BILL RELATING TO APPOINTMENT OF CONGRESSIONAL MESSENGERS FROM AMONG YOUNG COLLEGE MEN AND WOMEN

Mr. YOUNG of Ohio. Mr. President, it is seldom that the other body does something ahead of us and manifests greater wisdom than is manifested in this Chamber.

I am happy to report that recently the Rules Committee of the House of Representatives adopted the rule that, as of the opening of the coming session of Congress next January, it will have abolished altogether the obsolete and archaic page system. In lieu thereof, the committee provides that, commencing early next year, pages or messengers to serve in the House Chamber will be selected from young ladies and young men who are college students.

Mr. President, in 1967, I was the author of S. 1182 of the 90th Congress, to provide for the appointment of congressional pages or messengers from among young men and women between the ages of 17 and 22, who are attending college.

At that time, I made some progress with the proposal to do away altogether with pages whose average age is about 15, as are our pages here. I did that because I knew that it would be a better system to have pages and messengers of college age.

The colleges in the District of Columbia area at that time informed me, as they do now, that they will make the class hours of any young men or women who are selected to be pages and messengers for the Senate conform with their duties here.

I was making great progress at that time and held hearings on the bill.

The Washington Sunday Star of August 13, 1967, published an article that Capitol Hill pages may never grow up, even though Senator STEPHEN YOUNG, Democrat of Ohio, wants the little boys in white shirts who skither about through the halls of the Capitol to become college men and women. The article

went on to state that coeds who dream of running errands for Senators have a dim future.

That was due to the fact that the President pro tempore of the Senate, Carl Hayden, whom we all revere, took the position that the custom that had existed so many years in the Senate should be carried on.

Mr. President, today I again introduce my proposal. The time is long past due for the Senate to establish a more equitable system of hiring pages and messengers. The present method of selection is outmoded and archaic.

The House of Representatives in its wisdom has adopted rules abolishing the antique page system in that body at the opening of the next Congress. This is precisely what I proposed in 1965 when I introduced the first bill on this subject, and again in 1967.

Mr. President, I point out that these young pages have done and are doing fine service for us. I made no objection then and I make no objection now. But under the present system pages from the ages of 14 to 17 may be employed. Some remain in this employment until they are too large to serve inconspicuously—a nebulous standard for terminating employment.

The boys who presently serve as pages and messengers in the Senate and the House of Representatives are fine boys. However, they are a part of a system which developed historically, but has no validity today.

Historically, the custom of hiring pages goes back to the very first Congress of the United States. In those days, Members of Congress who knew of young orphan boys in destitute circumstances had their sympathies aroused. They were successful in having officers of the House of Representatives and of the Senate employ these boys as runners.

Originally, in 1789, a few runners were employed—three, I believe. The early records show that in the 20th Congress, which sat from 1827 to 1829, three boys were also employed as runners.

In succeeding Congresses, the numbers have increased. But the custom has continued of bringing youngsters from 14 to 17 years of age to Washington to serve as pages or runners—taking them from their dates, and from their homes, and from their fathers and mothers.

In the 27th Congress, which sat from 1841 to 1843, a select committee was appointed to look into the number of persons employed by the House of Representatives to ascertain whether there were "more than the public good required," and also to determine whether their pay should be adjusted.

One result of the inquiry was that the number of pages at that time was reduced from 12 to 8 and their compensation was increased from $1.50 to $2 a day, a far cry, Mr. President, from the salaries now paid the pages of the U.S. Senate.

This practice has been modified through the years so that today a large number of boys between the ages of 14 and 17 are employed to answer telephones, and deliver messages and documents.

When the youngsters come to Washington, they are left on their own to secure adequate housing and meals, and they are without the benefit of parental guidance that is so necessary for young boys of this age.

It is true that they attend the Capitol Page School for three hours daily and at some times they work for as much as 40 hours a week—perhaps longer on occasion. I do not know whether the Capitol Page School is of the stature and standing that it should be. But it seems to me that attending the Capitol Page School for only 3 hours daily in addition to sometimes working as pages for more than 40 hours a week is a pretty tough schedule for these youngsters.

We all know that the pages are very willing and that they are always on the job as long as the Senate is in session. This sort of a schedule would not be tolerated in any job covered by the Federal Child Labor regulations. Yet, that practice is in effect in the Senate and in the House of Representatives at the present time. And there has even been talk that the Government should buy valuable land close to Capitol Hill and erect a dormitory for pages, together with personnel—I suppose including house mothers and other help—at huge expense. I did my best to combat that and spoke out against it in the Public Works Committee and in the Senate Chamber.

There were, of course, quite a number of proponents of that measure who had influence on Capitol Hill and no doubt favored some orders of extremely valuable property nearby.

Mr. President, I take pride in the fact that I had something to do with defeating that proposal. And we have not heard anything this year, as far as I know, about buying expensive land and erecting a dormitory for the pages.

Mr. President, in my judgment consideration should be given at this time to the advisability of employing college students, both young men and young women, from the ages of 17 to 22 to serve as pages and messengers in the Senate commencing next January.

This would give young men and young women who are college students the invaluable opportunity to view the work of Congress firsthand. It would help them and their parents to pay their way through college. It would relieve the Senate—I do not need to say the House of Representatives, because the other body has already taken care of this situation as of next January—of the responsibility of looking after the welfare of young boys, many of whom are on their own for the first time in their young lives, far away from their parents and from their homes in the various States.

Today most Capitol policemen, elevator operators, Senate Post Office employees, and other patronage jobs, as we call them on Capitol Hill, are filled by young men and some young women attending colleges and universities in the Washington area. This has provided a wonderful opportunity for them. I have personal knowledge of the fact that this employment of youngsters as Capitol policemen, elevator operators, and Senate Post Office employees has enabled some of these young men to attend college who otherwise would not have had that opportunity. I am certain that every Senator has helped many young men to graduate who otherwise might not have been financially able to make their way through college.

However, at the present time page positions in the Senate are filled with youngsters barely out of grade school, with an average age of 15 and with a salary close to $7,000. That is enough, it seems to me, for them to send home quite a tidy sum of money to mama and dad.

The fact is, Mr. President, that working in Congress would be far more meaningful for college students who have greater experience and maturity than young boys just out of grade school. Certainly, having young college students as pages or messengers, with a uniform or other dress, would add dignity to the Senate.

If the Committee on Rules and Administration were to adopt such a rule, as the other body has done, commencing next January, it would be an excellent thing for the Senate. It would also be a wonderful thing for a great many worthy young men and women attending the many colleges and universities in the District of Columbia area who really need additional compensation to help them make the grade.

Mr. President, I realize that whenever a long-established tradition or custom is set aside, very careful consideration should be given to the reasons for doing so. I am convinced that in this fast-moving space age of change and challenge, the present method of selecting very young teenage boys as pages for Congress is outmoded and really serves no useful purpose.

Mr. President, change is not necessarily reform. However, the change that I am suggesting today would be real reform and would be highly beneficial not only to worthy young ladies and men attending the many universities in this area, but also to the Senators and the operation of the Senate. To continue the present page program would be to perpetuate an unnecessary, unjustified, and archaic system.

Mr. President, I send the bill to the desk for appropriate reference and ask that it be printed in the RECORD as part of my remarks. It is my hope, however, that the Committee on Rules and Administration of the Senate will adopt a rule so that it will not be necessary for any committee of the Senate to give consideration to my bill. It would be a simple matter for the Committee on Rules and Administration to do away with this obsolete, ancient system and to modernize the Senate and give this opportunity and this employment to worthy young men and women who are attending colleges and universities in this area.

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

The bill (S. 3886) to provide for the appointment of congressional pages or messengers from among young men and women between the ages of 17 and 22

who are attending college, introduced by Mr. YOUNG of Ohio, was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the RECORD, as follows:

S. 3886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person shall serve as a page or messenger of the Senate

(1) before he or she has attained the age of seventeen years, or during any session of the Congress which begins after he or she has attained the age of twenty-three years; or

(2) during any period when he or she is not regularly pursuing a full-time course of study in a recognized college or university, if such period exceeds (i) thirty days, or (ii) four months if the period is between school years and such person has a bona fide intention to pursue a full-time course of study in a recognized college or university during the semester (or other period into which the school year is divided) immediately following such period.

SEC. 2. Section 243 of the Legislative Reorganization Act of 1946 (2 U.S.C. 88a), and the proviso in the paragraph under the heading "Education of Senate and House Pages" in title I of the Urgent Deficiency Appropriation Act, 1947 (2 U.S.C. 88b), are hereby repealed.

SEC. 3. This Act shall become effective at the beginning of the first session of the Ninety-second Congress.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of routine morning business.

The Chair recognizes the Senator from Ohio.

STALEMATED SALT TALKS

Mr. YOUNG of Ohio. Mr. President, last April the Senate voted 72 to 6 in favor of a recommendation urging President Nixon to achieve a lasting agreement and a mutual freeze on strategic nuclear weapons. Not much progress has been made on that recommendation, I am sorry to say. No progress whatever has been made since the time the President ordered our grand forces to invade Cambodia. Those talks to try to secure lasting agreement have come to naught since that time.

Recently, Mr. President, Secretary of Defense Laird issued a memorandum of instruction to all Pentagon aides. This was stamped "Secret—Sensitive." He stated in this memorandum—

I want to be sure you understand there must be no speculation which would indicate or even imply that a MIRV or ABM deployment moratorium is desirable.

Now, Mr. President, in North Dakota and elsewhere, Pentagon employees and officials are working almost around the clock to deploy missiles, many of which have MIRV nuclear warheads.

In recent weeks no progress whatever has been made in those SALT talks in Vienna, about which we were so hopeful a few months back. This lack of progress in Vienna and the failure to achieve any continuity in conferences in Paris are due in large part, Mr. President, to the invasion by our ground forces of Cambodia, a neutral country whose neutrality we had guaranteed, and to round-the-clock bombing in Laos which has extended and expanded our war in Southeast Asia. Even the Pentagon now terms this the Indochinese war and no longer terms it the Vietnam conflict.

Regretfully, I report that the talks in Vienna to have a moratorium have become stalemated. We have suffered a great setback in this Nation due to the extension and expansion of this war which Mr. Nixon, when he was campaigning for the Presidency, said he had a secret plan to end. If he had a secret plan, Mr. President, we Americans have reason to regret that that plan is still his secret and that we are making no progress whatever in the SALT talks in Vienna.

MIDEAST POLICY SHOWS SYMPTOMS OF INDECISION

Mr. SYMINGTON. Mr. President, the policy of this administration with respect to approval of the sale of modern weaponry to Israel, so as to enable that little country to stand up to the various Arab countries, and now also to the planes and pilots of the Soviet Union, is beyond my understanding.

The continued delay in providing equipment Israel now needs so desperately can only arouse further apprehension as to just what are the forces abroad in this country that are and have been successful in this postponement.

In a thought-provoking column yesterday, Crosby Noyes in the Washington Evening Star makes the following pertinent observation:

The Israelis are reacting to our continued passiveness with a kind of controlled panic. For them the implication now is that we may wait until the situation becomes really desperate before deciding to act. And planes or no planes, this is a luxury which they cannot afford themselves.

In that the only other countries which make this type and character of sophisticated weaponry are giving—giving, not selling—such weapons to the Arab States and the Soviet pilots; and in that Israel is fighting alone, as are we in effect are in the Far East, against Communist satellites, without asking any of our troops, what reasons can there be for this further delay

I ask unanimous consent that Mr. Noyes' column, "Mideast Policy Shows Symptoms of Indecision" be inserted at this point in the RECORD.

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

[From the Washington Evening Star, May 26, 1970]

MIDEAST POLICY SHOWS SYMPTOMS OF INDECISION

(By Crosby S. Noyes)

No one is paying much attention, but American policy in the Middle East is developing symptoms of potentially dangerous indecision.

It was last March when the Nixon administration turned down Israeli requests for 125 Phantom and Skyhawk fighter planes "for the time being."

The reasons given privately at the time were that Israel already had air superiority over its Arab neighbors, clearly demonstrated by deep-penetration Israeli air raids into Egyptian territory.

A second reason was that the United States hoped, by a demonstration of restraint, to dissuade the Soviet Union from any further commitment in the Arab-Israeli conflict. American officials said at the time, however, that they would keep a sharp eye on the situation and take firm action if it changed in a significant way.

Since then, the situation has indeed changed significantly. The Russians have installed a network of high-performance SAM-3 anti-aircraft missiles in Egypt, manned by Soviet technicians. They have also sent a number of squadrons of late-model Mig-21 fighters into Egypt, flown by Soviet pilots.

The Russians, in short, have taken over primary responsibility for Egypt's air defenses. Israel's deep-penetration raids have stopped.

Not unnaturally, the Israelis have drawn the administration's attention to this changed state of affairs as forcefully as they could. Israeli Foreign Minister Abba Eban has most recently renewed the plea for fighter planes, pointing out the drastic changes in the balance of air power that have occurred. The answer that he received was that the United States remains unconvinced that the over-all military balance has shifted sharply enough to justify the sale of the planes.

Now granted that there are good reasons for a difference of perspective between Washington and Jerusalem. Israel is fighting for survival in the most literal sense. Defeat at the hands of the Arab nations would mean the destruction of the state and the extermination of a large number of its citizens.

To prevent this, the Israeli government must and would do anything, including, if necessary, drawing the United States and the Soviet Union into a direct confrontation with each other.

The United States, on the other hand, is motivated by a determination to avoid such a confrontation at almost any cost. It cannot allow itself to be led into nuclear war by any country. It believes that the Soviet leaders are in the same boat. And it assumes that if it acts as a restraining influence on Israel, the Russians will do the same in Egypt.

This line of reasoning, which may provide theoretical justification for still refusing to sell the planes, contains some serious flaws.

In a real sense, the Russian-American confrontation in the Middle East already exists. The new Soviet presence in the area is not only a challenge to Israel. It is also a challenge to the United States in a part of the world where we have proclaimed ourselves to have vital national interests.

The Nixon administration has solemnly warned the Soviet leaders against trying to achieve a position of dominance in the Middle East. And yet successive Russian moves designed to achieve exactly that have elicited no American response whatever, despite the anguished pleas of the Israelis.

A response, really, is what Israel is asking for. For a variety of reasons—including strong anti-war sentiment and a growing mood of isolationism in the United States—the Russians might well be under-estimating American resolve in the Middle East. Our continued passiveness in the face of increasingly bold Russian moves in the area could lead to disaster.

There is the added risk of provoking, through excessive restraint, a premature and unnecessary explosion in the Middle East. Frightened people, especially if they are also brave and determined people, are dangerous.

The Israelis are reacting to our continued

passiveness with a kind of controlled panic. For them the implication now is that we may wait until the situation becomes really desperate before deciding to act. And planes or no planes, this is a luxury which they cannot afford themselves.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BURDICK) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 4813) to extend the provisions of the U.S. Fishing Fleet Improvement Act, as amended, and for other purposes.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 14685) to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. MOSS, Mr. MURPHY of New York, Mr. SPRINGER, and Mr. CUNNINGHAM were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance systems, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, was read twice by title and referred to the Committee on Finance.

WAGE DISPUTE AT U.S. GOVERNMENT PRINTING OFFICE

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate a letter from the Public Printer, Government Printing Office, transmitting for the information of the Senate a summary of the continuing dispute over the proposed wage increase at the Government Printing Office, together with alternative means necessary to meet congressional printing needs, which was referred to the Committee on Rules and Administration.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

Resolution of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO UPHOLD ITS CONSTITUTIONAL ROLE IN THE SETTING OF NATIONAL WAR POLICY

"Whereas, The President of the United States by ordering United States troops into Cambodia has significantly expanded the involvement of the armed forces of the United States in Southwest Asia; and

"Whereas, The President did not request and obtain authorization for such further involvement from the people of the United States through their elected Congressional representatives; now, therefore, be it

"Resolved, That the Massachusetts Senate deplores this unilateral action on the part of the President to commit the United States to extended hostilities in Southeast Asia without the proper Constitutional Congressional judgment and sanction as required by Article 1, Section 8, of the Constitution of the United States to uphold its constitutional role in the setting of national war policy; and be it further.

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

"Senate, adopted, May 6, 1970.

"NORMAN L. PIDGEON, *Clerk.*

"Attest:

"JOHN F. X. DAVOREN,
"Secretary of the Commonwealth."

Resolutions of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO MEET IN JOINT SESSION FORTHWITH TO BE ADDRESSED BY THE PRESIDENT OF THE UNITED STATES AS TO THE OFFICIAL POLICY OF THE UNITED STATES GOVERNMENT IN CAMBODIA.

"Whereas, Armed Forces of the United States of America are now actively engaged in military operations on and over the territory of Cambodia; and

"Whereas, These military operations have been initiated by the President of the United States not in pursuance of any treaty arrangements nor with any concurrence by the Congress of the United States; and

"Whereas, These operations have been determined by the President of the United States to be in essential support of United States military forces engaged on and over the territory of the Republic of South Vietnam in combat with North Vietnamese and Viet Cong forces; and

"Whereas, Grave disagreement exists at the highest levels of this nation's government, and throughout the nation both as to the constitutionality and propriety of these actions initiated by the President of the United States and as to their necessity and advisability; and

"Whereas, These disagreements both threaten the national unity of this Republic at home and imperil its interests abroad; now, therefore, be it

"Resolved, That the Massachusetts Senate memorializes the Congress of the United States to meet in joint session forthwith to be addressed by the President of the United States as to the official policy of the government of the United States in Cambodia and the current status of United States involvement in pursuance of such official policy; and be it further

"Resolved, That the Massachusetts Senate further memorializes the Congress of the United States to frame and consider the adoption of appropriate resolutions regarding such policy, as thus set forth by the President of the United States, and to approve or disapprove such resolutions by formal vote of both Houses of the Congress as soon as possible thereafter; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officers of each branch of Congress and to the members thereof from this Commonwealth.

"Senate, adopted, May 6, 1970.

"NORMAN L. PIDGEON, *Clerk.*

"Attest:

"JOHN F. X. DAVOREN,
"Secretary of the Commonwealth."

A resolution adopted by the City of Youngstown, Ohio, praying for the enactment of legislation to effectuate revenue sharing between the Federal Government and the State and local governments; to the Committee on Finance.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

H.R. 11628. An act to transfer from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress (Rept. No. 91–896);

H.R. 12619. An act to amend section 11 of an Act approved August 4, 1950 entitled "An Act relating to the policing of the buildings and grounds of the Library of Congress (Rept. No. 91–897);

H.J. Res. 1069. Joint resolution extending for four years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune (Rept. No. 91–898);

S. Con. Res. 61. Concurrent resolution authorizing the printing of the compilation entitled "Federal and States Student Aid Programs" as a Senate document (Rept. No. 91–899);

S. Con. Res. 66. Concurrent resolution authorizing the printing of additional copies of Senate hearings on space program benefits (Rept. No. 91–900);

S. Res. 402. Resolution to print the annual report of National Forest Reservation Commission as a Senate document (Rept. No. 91–901);

S. Res. 408. Resolution authorizing additional expenditures by the Committee on Interior and Insular Affairs (Rept. 91–902);

H. Con. Res. 520. Concurrent resolution authorizing the printing of an additional one thousand copies of House Report 91–610, Ninety-first Congress, first session, entitled "Report of Special Study Mission to South Africa" for the use of the Committee

on Foreign Affairs of the House of Representatives (Rept. No. 91–908);

H. Con. Res. 537. Concurent resolution providing for the printing of a House document the tributes of the Members of Congress to the service of Chief Justice Earl Warren (Rept. No. 91–904);

H. Con. Res. 578. Concurrent resolution authorizing the reprinting of a "Compilation of Works of Art and Other Objects in the United States Capitol," as a House document, and for other purposes (Rept. No. 91–905);

H. Con. Res. 584. Concurrent resolution relative to printing of a House document a history of the Committee on Agriculture (Rept. No. 91–906); and

H. Con. Res. 585. Concurent resolution authorizing certain printing for the Committee on Veterans' Affairs (Rept. No. 91–907).

By Mr. JORDAN of North Carolina, with an amendment:

S. Res. 406. Resolution to print as a Senate Document materials relating to S. Con. Res. 49 (Rept. No. 91–903); and

H. Con. Res. 580. Concurrent Resolution, authorizing certain printing for the Select Committee on Crime (91–909).

EXECUTIVE REPORT OF A COMMITTEE

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

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Preston Martin, of California, to be a member of the Federal Home Loan Bank 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. FANNIN:

S. 3884. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim in certain lands situated in the County of Mohave, State of Arizona; to the Committee on Interior and Insular Affairs.

S. 3885. A bill for the relief of Maurice Marchbanks; to the Committee on the Judiciary.

(The remarks of Mr. FANNIN when he introduced S. 3885 appear later in the RECORD under the appropriate heading.)

By Mr. YOUNG of Ohio:

S. 3886. A bill to provide for the appointment of congressional pages or messengers from among young men and women between the ages of 17 and 22 who are attending college; to the Committee on Rules and Administration.

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

By Mr. YARBOROUGH:

S. 3887. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program; to the Committee on Labor and Public Welfare.

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

By Mr. CRANSTON:

S. 3888. A bill to implement the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (56 Stat. 1354); amend Public Law 89–669 (Oct. 15, 1966); and for other purposes; to the Committee on Commerce.

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

By Mr. SPARKMAN (for himself and Mr. BENNETT):

S. 3889. A bill to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury; to the Committee on Banking and Currency.

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

By Mr. RANDOLPH:

S. 3890. A bill for the relief of Chien Danh Florio; to the Committee on the Judiciary.

By Mr. SMITH of Illinois:

S. 3891. A bill to amend the act of August 31, 1964 ("The Food Stamp Act of 1964, Public Law 88–525); to the Committee on Agriculture and Forestry.

By Mr. TYDINGS:

S. 3892. A bill for the relief of Dr. Carlos A. Dujovne; to the Committee on the Judiciary.

By Mr. BYRD of Virginia:

S.J. Res. 205. Joint resolution establishing a commission on seeking means of modernizing and reorganizing the federal welfare programs; to the Committee on Government Operations.

(The remarks of Mr. BYRD of Virginia when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 3885—INTRODUCTION OF A BILL FOR THE RELIEF OF MAURICE MARCHBANKS

Mr. FANNIN. Mr. President, knowing the legislative workload that exists in the Congress, I have always aimed at keeping the introduction of private or personal relief bills at a minimum. Nevertheless, I feel compelled in especially meritorious cases to propose legislation. The bill which I offer today is aimed at providing relief in such a case.

Mr. Marchbanks accepted employment based upon the assurances of Forest Service officers that certain moving expenses would be paid by the Government. He received such assurance in written form, properly signed. Mr. Marchbanks understandably acted on this seemingly valid authorization and incurred $667.20 in expenses moving to his initial duty station. He learned, "ex post facto," that such assurances should not have been given, his authorization was renounced, and he was asked to pay the total expense. He sought administrative relief and, considering the merit of his position, was surprised that no such solution was available.

Mr. Marchbanks has asked Congress for legislative redress.

I believe his case warrants our action and propose that we rectify this injustice which was inadvertently committed.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The bill will be received and appropriately referred.

The bill (S. 3885) for the relief of Maurice Marchbanks, introduced by Mr. FANNIN, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 3887—INTRODUCTION OF MOBILE TEACHERS' RETIREMENT ASSISTANCE ACT OF 1970

Mr. YARBOROUGH. Mr. President, it is my pleasure to introduce the Mobile Teachers' Retirement Assistance Act of 1970.

The interest and responsibility of the Federal Government in improving education is demonstrated by the many Federal programs now in operation. No less important to the national welfare and the solution of pressing education problems in the encouragement of a strong teaching profession.

The purpose of this bill is to strengthen the profession by providing adequate retirement benefits for those teachers who wish to move from one State to another. The movement of teachers across State lines to meet manpower needs at all levels of the school system is severely hampered at present because it usually entails a loss of retirement benefits. The loss of credit for retirement comes about for two reasons: the outgoing State may now allow for early vesting of retirement rights, and the incoming State may not grant retirement credit for years of teaching service performed outside its jurisdiction.

The bill I am introducing today corrects this problem in a way that recognizes State prerogatives in education, and the importance of State retirement systems as the primary vehicle for teachers' benefits.

The bill would establish a Federal-State program to assist in the funding of these benefits for teachers in public school service. The two facets of the program would enable teachers who have taught school in two or more States to retire at the end of their careers with benefits substantially the same as they would have received if they had taught in a single States throughout their careers.

The bill would extend Federal funds to aid in the financing of recognized out-of-State service credit, and to supplement deferred vested benefits. To qualify for Federal funds, the participating States must by law: First, provide for the granting to teachers at least 10 years of credit—if earned—for out-of-State public school teaching service not vested elsewhere, under an arrangement whereby the teacher and the employer share in the cost, and second, provide for the vesting of retirement rights to teachers after no more than 5 years of service in the retirement system.

The difficult task of recruiting experienced and needed teachers, particularly in higher education, will be alleviated by the sharing of cost in purchasing out-of-State credit, and the security factor in early vesting for deferred benefits. Currently, out-of-State credit and vesting act as a deterrent to teachers wishing to enter Texas, for example. On the other hand, teachers have entered Texas and have served the people of the State for many dedicated years; yet most will lose retirement benefits because they cannot financially participate in the program for out-of-State credit and have not been covered by vesting in another State.

The fine retirement system in Texas has made great strides toward solving the mobility problem, but the State-based system of American education and the limited funds available will not permit Texas or other States to solve this long standing education problem. Texas

and other States have recognized the provisions of this bill as the most feasible approach in solving the mobility problem and some offer basic programs employing these concepts.

It should also be said that the teacher retirement systems of this country have for the last quarter of a century supported the provisions of this bill in attempting to solve the problem, but each State realizes its primary commitment is to utilize its financial resources for education within its own boundaries, and rightly so.

Therefore, it is only proper that the Federal Government assist the States in solving this interstate problem and provide mobile teachers with substantial benefits in their sunset years.

The cost to the Federal Government to accomplish the important objectives of this bill is extremely modest. Based on estimates from an actuarial firm of national reputation, the cost of the Federal share for the two-part program in its first year of operation would be $9.1 million; in the second year, $12.9 million; and in the third year, $17.4 million.

I think my colleagues will agree that the provision of this modest amount would do much to enhance educational opportunities in the Nation and give teachers, upon retirement, tangible recognition of the value of their services.

Mr. President, I ask unanimous consent to have printed at this point in the CONGRESSIONAL RECORD the bill which I have just introduced, certain tables showing the terms of present State teacher retirement systems, and a summary of the system now in effect in Texas.

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

The bill (S. 3887) to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program, introduced by Mr. YARBOROUGH, 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. 3887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mobile Teachers' Retirement Assistance Act".

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) The term "State retirement system" means a State retirement system established system recognized or established by State under State law, or a local public retirement law, in which teachers participate.

(2) The term "teacher" means an individual who is employed in a professional educational capacity by a board of education.

(3) The term "covered teacher" means a teacher who is a member of a State retirement system.

(4) The term "vesting" means a right of a teacher who separates from covered employment after having at least the minimum years of credited service required under the State retirement system and has left his contributions in the retirement fund of such system, to a retirement benefit upon reaching an age specified in the law governing the terms and conditions of the system, which benefit is based at least in part on public contributions.

(5) The term "board of education" means any board, committee, commission, or agency authorized by State law to direct a public educational system or institution, or a school or institution of higher education, which is tax-supported.

(6) The term "out-of-State service" means public teaching service performed in another State and recognized by the system in which the teacher is a member for the purpose of service credit under the terms and conditions of the law governing the operation of such system.

(7) The term "State" includes the District of Columbia and Puerto Rico, and any other territory of the United States which has a public retirement system which includes teachers.

(8) The term "Commissioner" means the Commissioner of Education.

SEC. 3. (a) In order to participate in the program provided for in this Act, a State retirement system must—

(1) provide for payment of retirement benefits on account of out-of-State service by a covered teacher as required in section 4(d) and of supplemental benefits as required in section 5 (c),

(2) allow covered teachers at least 10 years of credit for public teaching service not covered by the system which is not vested under another State retirement system, upon payment by the covered teacher of a portion of the cost involved and payment from public funds of the remainder,

(3) allow a reasonable period after the State retirement system becomes eligible to participate in the program provided for in this Act within which a covered teacher may make the payment referred to in paragraph (2), in order to become entitled to such credit,

(4) provide for vesting after not more than five years of credited service in the State retirement system, and

(5) provides for making such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this Act, and for keeping such records and for affording such access thereto as the Commission may find necessary to assure the correctness and verification of such report.

(b) If the Commissioner determines a State retirement system meets the requirements of subsection (a), he shall approve it for participation in the benefits of this Act.

OUT-OF-STATE CREDIT PROVISIONS

SEC. 4. (a) The Commissioner shall, as soon as practical after the end of each calendar year, make a Federal contribution to each State retirement system which he has approved under section 3(b) on account of each covered teacher who is a member of the system who retired during the fiscal year (or other twelve-month period designated by the system) which ended in such calendar year with credited out-of-State service as a teacher. The Federal contribution on account of each year of each such teacher's credited out-of-State service as a teacher shall be an amount equal to 40 per centum of the product obtained by multiplying the level of teachers' salaries (determined under subsection (b) by the benefit cost factor (determined under subsection (c).

(b) The level of teachers' salaries shall be deemed to be the salary which is the seventy-fifth percentile of a distribution of the salaries paid to teachers who are classroom teachers in public elementary and secondary schools in all the States, as determined by the Commissioner on the basis of the most reliable data available to him for the preceding school year.

(c) The benefit-cost factor shall be an amount equal to 2 per centum of the present value of payments of one annually for life, determined on the basis of the life expectancy of teachers in the States at age sixty-five and an assumed rate of interest (determined by the Commissioner).

(d) The Federal contribution under this section to a State retirement system shall be used for the same purposes, and subject to the same terms and conditions, as are funds of the system derived from other sources. Retirement benefits under such system attributable to service credited under this section shall not be paid on a basis less favorable to the retired teacher than the payments made under such system which are attributable to service other than that so credited.

DEFERRED BENEFIT PROVISIONS

SEC. 5. (a) The Commissioner shall, as soon as practicable after the end of each calendar year, make a Federal contribution to each State retirement system which he has approved under section 3(b) on account of each covered teacher in the membership of the system who, during the fiscal year (or other twelve-month period designated by the system) which ended during such calendar year, became entitled to payment of a vested deferred benefit. The Federal contribution on account of each year for which each such teacher is receiving a vested deferred benefit shall be an amount equal to the product obtained by multiplying the difference between the average teacher's salary in the preceding fiscal year and the average teacher's salary in the tenth preceding fiscal year (determined under subsection (b)) by the benefit cost factor (determined under subsection (c) of section 4).

(b) The average teachers' salaries, for purposes of subsection (a), shall be the average salary for the year in question of teachers in all the States, determined by the Commissioner on the basis most reliable data available to him for such year.

(c) Each participating State retirement system shall supplement the retirement benefits which such system pays a covered teacher who is receiving a deferred vested benefit and who meets the requirements of subsection (d) by an annual amount equal to the product obtained by multiplying the following factors:

(1) The annual retirement benefit to which the covered teacher is entitled before the supplement required by this section.

(2) The number of years between the covered teacher's separation from teaching service which is credited under the State retirement system in question and his retirement, but in no event shall such number of years be more than ten.

(3) The average annual increase in the average teachers' salaries, for the State or all the States, whichever is the lesser (determined as provided in (b)), during the ten-year period referred to in subsection (a).

(d) To be entitled to the supplemental benefit, the covered teacher must have performed public teaching service for a total of twenty years or for a total of five years during the ten-year period immediately preceding the date payment of the deferred vested benefit began.

COST OF ADMINISTRATION

SEC. 6. The Commissioner shall each fiscal year make a grant to each State retirement system which is approved to participate in this Act. Each such grant shall be an amount equal to 5 per centum of the Federal contribution made under sections 4 and 5.

EFFECTIVE DATE

SEC. 7. This Act shall become effective July 1, 1970, with respect to teachers who retire after such date.

The tables and summary, presented by Mr. YARBOROUGH, are as follows:

TABLE 1.—SUMMARY OF VESTING PROVISIONS

Vesting	State wide retirement systems: Total	Teachers system	School employees system	Public employees system	Local retirement systems: Total	Teachers system	School employees system	Public employees system
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1 Years of service:								
Immediate	1	1			1	1		
4 years	1			1	0			
5 years	11	6	1	4	4	3	1	
7 years					1	1		
8 years	1			1				
10 years	[1] 15	[1] 8	3	4	4	1	2	1
12 years	1			1				
15 years	6	3	1	2	2	1		1
20 years	9	5	2	2	1	1		
25 years	1	1						
2. Age and years of service:								
Age 40 and 5 years of service					1		1	
Age 45 and 20 years of service					1	1		
Age 50 and 10 years of service	1		1					
Age 50 and 15 years of service	1	1			1		1	
3. No vesting provision	3	1		2	2	1		1

[1] Includes Puerto Rico

TABLE 2.—PROVISION FOR OUT-OF-STATE SERVICE CREDIT IN STATE AND LOCAL RETIREMENT SYSTEMS TO WHICH TEACHERS BELONG

Type of system	Total	With provision for out-of-State service credit	Without provision for out-of-State service credit
(1)	(2)	(3)	(4)
State-wide retirement systems:			
Teachers systems	25	14	11
School employees systems	8	7	1
Public employees systems	17	3	14
Total	50	24	[1] 26
Local retirement systems:			
Teachers systems	10	4	6
School employees systems	5	2	3
Public employees systems	3	0	3
Total	18	6	12

[1] In addition, the Puerto Rico teachers retirement system does not provide for out-of-state service credit.

TABLE 3.—NUMBER OF RETIREMENT SYSTEMS BY YEARS OF OUT-OF-STATE SERVICE CREDIT ALLOWED

Maximum years of out-of-State service allowed	State-wide retirement systems: Total	Teachers	School employees	Public employees	Local retirement systems: Total	Teachers	School employees	Public employees
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
None	26	11	1	14	12	7	3	2
5 years	3	1	2		2	1	1	
8 years	2	2						
10 years	14	10	2	2	3	3		
12 years	1		1					
15 years	1		1		1	1		
Unlimited	2	1		1				
Other	1		1					
Total	50	25	8	[1] 7	18	12	4	2

TABLE 4.—VESTING PROVISIONS AND MAXIMUM OUT-OF-STATE SERVICE IN STATE AND LOCAL RETIREMENT SYSTEMS TO WHICH TEACHERS BELONG, DECEMBER 1969

Retirement system	Type of membership [1]	Years of service and/or age requirements for vesting [2]	Maximum years of out-of-State service creditable
(1)	(2)	(3)	(4)
1. STATE-WIDE RETIREMENT SYSTEM			
Alabama	T	(a) 15 years at any age (b) 10 years if in service at age 55.	None.
Alaska [3]	T	10 years	10 years.
Arizona	P	5 years	None.
Arkansas	T	20 years	10 years.
California [3]	T	5 years	None.
Colorado [3]	P	do	Do.
Connecticut	T	10 years	10 years.
Delaware	P	None	None (4 years may be counted toward 30 years' service requirement for retirement).
Florida [3 4]	T	10 years	10 years.
Georgia	T	do	Do.
Hawaii	P	5 years	None.
Idaho	P	10 years	Do.
Illinois [3]	T	5 years	10 years.
Indiana	T	15 years of service and age 50.	8 years (limit may be exceeded under certain circumstances).
Iowa	P	(a) 8 years (b) Age 55 regardless of years of service.	None.
Kansas	S	10 years	None (10 years may be counted to meet 25-year benefit schedule).
Kentucky [3]	T	5 years	8 years.
Louisiana [3]	T	(a) 20 years (b) 10 years if teacher withdraws to enter public-school teaching in another State.	None.
Maine [3]	P	10 years	10 years.
Maryland	T	20 years	None.
Massachusetts [3]	T	(a) 20 years (b) 6 years if position is abolished or teacher is not reemployed.	10 years.
Michigan	S	(a) 25 years (b) 10 years and age 50.	15 years.
Minnesota	T	10 years	None.

Retirement system	Type of membership	Years of service and/or age requirements for vesting [2]	Maximum years of out-of-State service creditable
(1)	(2)	(3)	(4)
Mississippi	P	(a) 20 years for full vesting (b) 16 years for partial vesting.	
Missouri [3]	T	20 years	10 years.
Montana	T	5 years	5 years.
Nebraska	S	do	10 years.
Nevada [3]	P	(a) 20 years for full benefit (b) 15 years with partial benefit.	None.
New Hampshire	P	15 years	Do.
New Jersey	T	do	10 years.
New Mexico	S	do	5 years.
New York	T	10 years	10 years.
North Carolina	P	12 years	None.
North Dakota	T	No vesting	Unlimited.
Ohio [3]	T	5 years	None (unlimited credit allowed to meet eligibility requirements for retirement in Ohio).
Oklahoma	S	20 years	5 years.
Oregon	P	5 years	None.
Pennsylvania	S	10 years	12 years.
Rhode Island [3]	P	do	10 years.
South Carolina	P	15 years	Unlimited.
South Dakota	T	25 years	None.
Tennessee	T	(a) 10 years (b) 4 years for college and university faculty members.	Do.
Texas	S	10 years	10 years.
Utah	P	No vesting	None.
Vermont	T	15 years	Do.
Virginia	P	10 years	Do.
Washington	T	5 years	Do.
West Virginia	S	20 years	Varies; on same terms as other States provide credit for West Virginia public school service.
Wisconsin	T	Immediate	None for members of combined group (with social security); out-of-State credit available to some separate group members under certain circumstances.
Wyoming	P	4 years	None.
Puerto Rico [3]	T	10 years	Do.
2. LOCAL RETIREMENT SYSTEM			
California:			
Los Angeles [3]	T	5 years	Do.
San Francisco	P	(a) 10 years (b) if accumulated contributions exceed $1,000.	Do.
Colorado: Denver [3]	S	10 years	Do.
District of Columbia: Washington [3]	T	5 years	10 years.
Illinois: Chicago [3]	T	(a) 20 years (b) 10 years and age 55.	Do.
Iowa: Des Moines	T	20 years and age 45	None.
Maryland: Baltimore	P	No vesting	Do.
Michigan: Detroit	S	(a) 15 years continuous service and age 50 (b) 25 years, with last 10 years continuous (c) 15 years continuous service and subsequent retirement from another public agency.	10 years, 15 years if service is in Michigan.
Minnesota:			
Duluth	T	No vesting	None.
Minneapolis [3]	T	7 years	Do.
St. Paul [3]	T	10 years	5 years.
Missouri:			
Kansas City	S	5 years and age 40	None.
St. Louis	S	5 years	Do.
Nebraska: Omaha	S	20 years	5 years.
New York: New York City	T	15 years	15 years.
Oregon: Portland	T	5 years	None.
Tennessee: Knoxville	P	15 years	Do.
Wisconsin: Milwaukee	T	Immediate	Do.

[1] In this column T—teachers and professional school employees only; S—all school employees; P—teachers and other public employees.
[2] The requirements listed are other than those needed for early retirement.
[3] No social security coverage.
[4] In 1969, Florida teachers were given the option to join the state public employees retirement system which has social security coverage.

Sources: NEA Research Division survey of state and local systems to which teachers belong February 1969. NEA Research Division, School Law Summaries, Retirement, December 1969.

TABLE 5.—PROVISIONS FOR OUT-OF-STATE SERVICE CREDIT, STATE AND LOCAL RETIREMENT SYSTEMS TO WHICH TEACHERS BELONG, DECEMBER 1969

Maximum number of years of out-of-State service credit allowable	Type of system	Cost of out-of-State service credit paid by:	Comments
(1)	(2)	(3)	(4)
None	1. State-wide teachers system:		
	Alabama		
	California		Out-of-State credit was allowed up to June 30, 1944.
	Louisiana		
	Maryland		
	Minnesota		Out-of-State credit allowed before 1957.
	Ohio		Out-of-State service credit may be purchased only to meet eligibility requirement for retirement in Ohio, at rate of $100 for each year of out-of-State service.
	South Dakota		
	Tennessee		
	Vermont		10 years of out-of-State credit may be purchased to meet the 15-years' service required for eligibility for disability retirement
	Washington		Out-of-State service credit was available until June 30, 1964
	Wisconsin		No out-of-State service credit is available to members of combined group (those under social security); subject to certain limitations, some separate group members may receive out-of-State service credit
	Puerto Rico		

TEACHER RETIREMENT SYSTEM OF TEXAS

The retirement system was established in 1937. A major revision occurred in 1956, when contribution rates and retirement benefits were increased. The last amendatory legislation was enacted in 1969. Statutory citation: *Texas State Constitution*, Art. III, secs. 48a, 48b; *Texas Civil Statutes*, Art. 2922–1, 1a—1f.

MEMBERSHIP

Membership comprises teachers and all other employees of the public schools, employees of the state-supported colleges and universities, employees of the state board of education and county school boards, and employees of the retirement system. Membership is *compulsory* with these exceptions: (a) teachers who signed waivers in 1937 and auxiliary employees who signed waivers in 1949; (b) persons over age 60 when they first enter covered employment; and (c) teachers in institutions of higher education who choose an optional insurance annuity program. Persons who signed waivers and persons over age 60, as described in a and b, may become members.

As of August 31, 1969, the system had 257,203 active members.

CREDITABLE SERVICE

For teachers and clerical and administrative personnel, *prior-service* credit is provided without cost to the member for all service rendered before September 1, 1937; for auxiliary employees (cafeteria and maintenance employees, bus drivers, etc.) prior-service credit is granted for all service before

1949. Five consecutive years of membership service are required to establish prior-service credit for those not in service at these dates.

Military service credit may be purchased if the member was called to active duty from covered employment for duty in World War II, the Korean War, or is called to active duty in subsequent periods of national emergency. A member may purchase up to five years of World War II military service if his first employment in a covered position was not until after the military service. Prior-service credit is given for World War I service.

Teaching in *overseas dependents schools* may be purchased as out-of-state credit.

Credit for eligible *out-of-state* service in public schools or colleges may be obtained at an annual cost of 12 percent of annual salary for the member's first year of teaching in Texas after the out-of-state service and after September 1, 1956. The maximum cost for one year of out-of-state service is $1,008 if the first year of Texas service after the out-of-state service is before the 1969–70 school year. No out-of-state service may be used to compute benefits unless the member has 10 years of creditable Texas service. One year of out-of-state service may be purchased for each two years of Texas service, to a maximum of 10 years of out-of-state service.

Transfer of service and funds of teacher members and auxiliary members is permitted between the Teachers Retirement System and the State Employees Retirement System.

WITHDRAWALS AND REFUNDS

Upon termination of his employment in the public schools of the state, a member may withdraw his accumulated contributions with interest. There is no *service charge* for withdrawal but a $5 membership fee is paid annually by each member.

Absence from covered service for more than five consecutive years terminates membership unless the member has a vested interest. Reemployment in a covered position for five consecutive subsequent years and repayment of amount withdrawn plus 2½ percent per year reinstatement fee gives the member credit for service before withdrawal of his account or absence of more than five years.

PROVISIONS FOR MEMBER'S BORROWING

The retirement law expressly prohibits a member from borrowing or assigning his account as collateral.

VESTING AND DEFERRED ALLOWANCES

Retirement benefits vest after 10 years of creditable service. A member who leaves covered service within five years of reaching normal retirement age, with at least 10 years of creditable service, is also covered by death and survivor benefits.

The benefit formula for the deferred allowance is the same as for normal retirement.

RETIREMENT REQUIREMENTS AND BENEFIT FORMULAS

Normal retirement is at age 60 with 20 years of creditable service or at age 65 with 10 or more years of creditable service. Members contribute as long as they remain in service.

The benefit formula is 1.65 percent of average annual salary for the best 10 years times each year of creditable service. ($8,400 is the maximum annual salary that can be used for any year before September 1, 1969, and $25,000 is the maximum salary that can be used after September 1, 1969.) This amount is payable to the retired member as a single life annuity. By choosing an option 30 days before retirement, the member can elect an actuarially equivalent joint and survivor annuity with 100 percent or 50 percent to the survivor, or a guarantee of payments for a minimum of five years or 10 years. In addition to any retirement plan which might be chosen, all retired members are covered under the survivor benefit provisions.

The minimum retirement allowance for teachers retiring at age 60 or older is as follows: 25 or more years of service, $50 per month for each year of credit not to exceed $150 per month; 20 through 24 years of service, $100 per month. The minimum retirement allowance for teachers retiring at age 65 with credit for 10 through 19 years of service is $75 per month. The minimum allowance for auxiliary employees is as follows: 60 years of age and older with 20 or more years of service, $85 per month; 65 years of age and older with 10 through 19 years of service, $55 per month.

Early retirement is at age 55 with 15 years of service. The retirement allowance is figured as for normal retirement except that it is actuarially reduced from age 65 for those retiring with less than 20 years of service, and from age 60 for those with 20 years or more of service. Early retirement is also available at any age with 30 years of service under the normal retirement formula, but the allowance is actuarially reduced from age 60.

Disability retirement is available only for total and permanent disability regardless of age or years of service rendered. The disability allowance is calculated as for normal retirement, with no actuarial reduction. The minimum allowance is $50 per month. If the disabled member has less than 10 years of service, the allowance runs for the number of months he was employed. The disability allowance is payable for life to a member with 10 or more years of service.

Compulsory retirement is not required by the retirement law. Retirement age is determined by each local school board.

WORK RESTRICTIONS AFTER RETIREMENT

Retirants may substitute to a maximum of 80 days or teach one-third time in public educational institutions without suspension of the retirement benefit. Other regular employment in an agency included in the retirement system forfeits benefits for any month in which the employment occurs. No deposits may be made or credit given for service after retirement.

Retirants are eligible for employment in other states without affecting the retirement benefit.

DEATH AND SURVIVOR BENEFITS

Upon death of a member in active service, his beneficiary is entitled to choose one of the following benefits: (a) a lump-sum payment of the member's annual salary for the current or preceding school year to a maximum of $25,000; (b) 60 monthly payments equal to the retirement benefit the member would have received had he retired at normal retirement age with the same number of years of service for which he had credit at the time of his death; (c) a life annuity equal to allowance that would have been due had the member retired with a joint-survivorship option; or (d) a refund of the members accumulated contributions with interest.

In lieu of the death benefits described above, the following survivor benefits are available to an eligible beneficiary of a teacher-member or an auxiliary member whose annual salary at the time of death was at least $3,800 per year. Monthly payments are one-third less for a beneficiary of an auxiliary member who was earning less that $3,800 a year at the time of his death. Survivor benefits include a $500 lump-sum payment plus one of these monthly payment plans: (Plan A) $75 per month for life beginning at age 65 to the widow, dependent widower (considered to be one whose wife contributed to the household expenses), or dependent parent, provided there is no remarriage; (Plan B) $150 per month for the widow or dependent widower with dependent children under age 18, ceasing when the youngest child reaches 18, then $75 per month beginning at age 65 for the widow or dependent widower if there has been no remarriage; or (Plan C) $150 per month if there are two or more dependent children under age 18, decreasing to $75 per month when there is but one child under 18, and ceasing when the youngest child reaches age 18.

If death occurs after the member has retired, any designated beneficiary is eligible for a $500 lump-sum payment plus any benefits the member may have provided at the time of his retirement by the selection of one of the optional retirement plans. In addition, if the beneficiary is the widow, dependent widower, dependent parent, or dependent child under age 18, one of the three above-mentioned survivor benefit plans is available.

FINANCING

Benefits are financed *jointly* by members' contributions and public revenue. *Members* contribute at the rate of 6 percent of annual salary to a maximum of $25,000. There is no provision for voluntary contributions for supplemental benefits.

The *state* matches the member's contributions. The employer's contributions are not credited to the individual member's account. The state appropriation for 1969–70 is estimated to be $88.6 million.

Interest at the rate of 2½ percent per year is credited to members' accounts. The rate is fixed by the retirement law.

TAX-SHELTERED ANNUITIES

Not available to members from the system.

INVESTMENTS

The retirement funds may be invested in U.S. Government or Agency securities and guaranteed loans, state and municipal bonds, corporate debt obligations, and common stocks.

The fund is managed by the Board of Trustees through an investment department of the Teacher Retirement System. Professional investment counsel is retained and an investment advisory committee from the Texas financial community advises the Board on policy.

As of August 31, 1969, total investments, exclusive of cash, were $1,306,243,347; cash on hand included $38,600,000 in short-term notes and $2,408,685 in cash.

ADMINISTRATION

The Board of Trustees consists of seven members. Three are appointed by the governor, with the advice and consent of the senate, for six-year terms with one term expiring every two years. One member is appointed for a six-year term by the state board of education subject to confirmation of two-thirds of the senate. Three members are appointed by the governor from a slate of three teacher-members nominated by the membership of the system by written ballot.

SOCIAL SECURITY COVERAGE

Social security coverage was adopted in 1956. All employees of senior colleges and universities are covered. The state pays the employer's share. Local school districts operating elementary or secondary schools or junior colleges may cover employees with social security on a local option basis. The local school district pays the employer's portion of the social security tax. Social security benefits are fully supplemental to the retirement allowances.

NUMBER OF RETIRANTS AND BENEFITS PAID

As of August 31, 1969, a total of 28,818 retirants and survivor beneficiaries were receiving benefits. The median annual retirement allowance is estimated at $2,048. During the year ending August 31, 1969, a total of 2,970 members retired. The median annual retirement allowance for this group is estimated at $2,571.

EXAMPLES OF BENEFITS PAID

Monthly salary (annual ÷12)	Monthly retirement allowance for teacher-members retiring March 1969 [1]					
	Age 55, 30 years' credit		Age 60, 20 years' credit [2]	Age 62, 37 years' credit [2]	Age 65, 40 years' credit [2]	Age 70, 45 years, credit
	Men	Women				
$700	$248.61	$258.90	$231.00	$427.35	$462.00	$519.75
$600	213.10	221.92	198.00	366.30	396.00	445.50
$500	177.58	184.93	165.00	305.25	330.00	371.25
$400	142.07	290.01	132.00	244.20	264.00	297.00
$300	106.55	110.96	100.00	183.15	198.00	222.75
$200	71.03	73.97	100.00	150.00	150.00	150.00

[1] The figures do not include social security benefits.
[2] Same benefits for men and women members.

S. 3888—INTRODUCTION OF THE "NATURE PROTECTION ACT"

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, the Nature Protection Act. When enacted, this legislation will prohibit the hunting, capturing, killing, taking, transporting, selling or purchasing of any species of fish or wildlife which is in danger of becoming extinct in the United States of America. Further, the act will prohibit States or their political subdivisions from paying bounties on species whose survival is in jeopardy.

Mr. President, the sallow air of our cities, the blackened sands of our seashores, our lakes and harbors are reeking of sewage and depleted of oxygen are but a part of the sad legacy of the idea that nature can be treated as a servant, blindly obedient to every want, whim or pleasure of man.

In his quest to conquer nature, man has been the only animal to remove himself from his natural ecosystem, and to try to survive in an environment changed and shaped to suit his own convenience. The whole earth has been altered in the process.

For generations, our civilization thought the battle was won. Our sole vision was of a shining road ever ascending in the infinite progress and perfectability of man and his society. Only in the past few years have we begun to realize that our vision has been inverted—that in fact we have been descending into a sewer where air, earth, and water threaten to smother us in our own excrements.

Only recently have we begun to understand that we are and have been transmuting the world ecosystem—upon which all life depends—without even the most elemental ecological knowledge to direct our actions.

Only now we are beginning to perceive that we are involved in a grim struggle to maintain the way of life our people demand, without at the same time making our natural environment hostile to all forms of life, including our own.

Indeed, other life forms find their struggle for existence increasingly difficult because of man's environmental irresponsibility.

The coral reefs of the Pacific are threatened by man's tampering with the marine ecosystem. Almost 50 percent of the Ponderosa and Jeffrey pine trees in the San Bernardino National Forest are damaged because our air pollution interferes with nature's process of photosynthesis. Our sewage nurtures excessive plant growth in our lakes which depletes the oxygen supply and changes the ecosystem so that the only organisms which can survive are those which do not need air to live.

Among the higher life forms, the toll has been even greater. Some species are already extinct. Others are rare or endangered.

Direct human alteration of the environment is the leading reason species are threatened. Farmers cultivated and irrigated land and destroyed the habitat of many species like the San Joaquin Kit Fox and the Northern Greater Prairie Chicken. Agriculture, pollution, logging, and dozens of other forms of direct human encroachment into natural habitats have threatened the survival of many species.

Exessive hunting and fishing are the second largest threat to animals. Species have been killed for food, skins, sport or as pests. Animals threatened with extinction because of excessive hunting and fishing range from the American Ivory-billed Woodpecker to the American Alligator to the Florida Panther.

A number of species—especially birds—have declined because of disease made possible by man. In Hawaii, for example, man introduced mosquitoes, and avian malaria ravaged the islands' bird population.

Man's use of pesticides and other poisons is another reason for decline. In some cases, one species will be killed by eating poison left for another. However, more serious is the indirect destruction of animals by pesticides. The predator, for instance, accumulated pesticide poisons from the tissue of its prey and is either killed outright or prevented from reproducing. The eggs of the Peregrine Falcon, for example, have become soft shelled and so easily destroyed that the species is seriously threatened. In addition, nonpredators are taking large doses of pesticides and the effect on them—like the effect on man—is not completely known.

And finally, species have declined because of excessive killing by, or competition from, other animals—often animals introduced by man. Feral rabbits introduced by man in the Hawaiian Islands destroyed vegetation; the Laysan Duck was unable to compete and was nearly wiped out. Also in Hawaii, the Hawaiian Dark-rumped Petrel was decimated by rats, cats and mongooses. Even fish are threatened by man's introduction of other species. The Gila Topminnow, to name one, has been badly damaged by exotics.

But, so what? There are far more serious problems confronting the Nation and the world. What difference will it make if the Black-footed Ferret or the California Condor are no longer with us? There are several answers to this question—some simple and some complicated.

The various species and subspecies are a part of the diversity of nature which we should preserve for the education and enjoyment of future generations of man. Animals are fun to see and to experience. Our kids ought to have the same opportunity that our parents had to know and love wildlife and nature. In addition, taxonomists and other specialists within the biological sciences will obviously benefit if we preserve as many life forms as possible.

These reasons, I believe, would most probably be cited by the average person who would like to prevent the extinction of any more species. However, there are more compelling issues at stake here which make the preservation of various life forms a more serious problem than the need to educate our children or to satisfy our scientific or idle curiosity.

Ecology is still a young and growing science. Much remains unknown. In the next decades ecologists will learn more and more about the interrelationships of life forms in our earth's ecosystem. This new knowledge in turn will teach us how man himself must interrelate with his environment in order to survive. It will also teach us how to attain and maintain an environment where survival is both possible and worthwhile.

While we are only on the threshold of ecological understanding, there is at least one major ecological finding which can guide our present policies.

Ecologists have learned that complex and diversified ecosystems are generally stabler and have more compensatory resources to resist invasion from outside plants and animals. Conversely, simple systems or systems with only a few dominant species are more subject to destructive population variations and more vulnerable to invasion by foreign life forms.

When we destroy a complex ecosystem and in its place create a simple one, we have made a life system where survival is less secure and extinction a greater threat. Yet that is what we did when we leveled and fenced the prairies and planted our crops. When we tear down a forest to plant an orchard, we change from a complex to a simple system. Thus, mixed forests are generally less prone to outbreaks of pests than are orchards or even pure stands of trees which may occur naturally.

Another example of man's substitution of a simple system for a complex one is the elimination of a diversity of primary consumers such as elk, deer, and other graze and browse animals—and along with them the secondary consumers such as predators and scavengers.

In its place we substitute a single primary consumer, the cow, who is eaten solely by man, the secondary consumer.

Once these vulnerable simple systems are threatened by invasions, we do not attempt to restore the stronger diverse systems. Just the opposite, we spray the

fields with pesticides to kill all the insects, including the predators who might eat the invaders. Thus the system becomes even simpler, and even more vulnerable.

We cannot know where this process will end. Speculation on the question quickly leads into the fancies of science fiction.

But one thing should be obvious: diversity of life forms may be among our most precious natural resources. It follows that we should act now to preserve this diversity for that future day when we have mastered the science of ecology well enough to do sound environmental planning.

If we fail to do this, if we let our native fish and wildlife become extinct, then we will close the door on restoring the natural and complex ecosystems which future knowledge may dictate as essential for the survival of the biosphere, and man himself.

If we kill all the predators, we will be unable to reestablish a natural system. The extinction of the large herbivores will have the same consequence. Yet it is the predators and the large herbivores who are and have been in the greatest trouble because they are least able to survice the onslaught of man's environmental destructiveness.

In the face of our uncertainty about our future environmental needs, it is quintessence of folly to allow any species to disappear.

The Wilderness Act is one excellent method to conserve diversity in nature. I believe the bill I introduce today is another essential step.

Not only will my proposal make it illegal to kill an animal threatened by extinction, but it will encourage State game management officials to take steps to provide habitats where rare and endangered species can survive, as I shall explain later.

Time is growing short for many forms of life. Here on just the threshold of understanding the need for diversity in nature, we can see species after species slipping away. This list of American animals which have become extinct within the last years is alarmingly long. Yet with each new compilation the Department of the Interior's list of rare and endangered species grows longer and longer.

A second area where I believe the extinction of species has serious implications has nothing directly to do with the science or the economics of survival, but rather concerns the ethics of man's relationship with other life forms and with nature.

Does man's moral responsibility extend to other life forms?

Animals kill other animals as part of the natural system—and they did so long before man appeared on earth. The foxes, owls, bobcats, snakes, and other predators are an indispensable part of the ecosystem. When they are eliminated, as man has often unwisely done, the populations of their prey, such as rabbits or deer, often explode, with disastrous consequences to the plant life they feed on. Under these circumstances, the human hunter becomes a substitute predator, fulfilling a role in the ecosystem. In turn, we have game laws to make sure he does not overplay the part.

Furthermore, animals became extinct, species vanished for a variety of reasons, and new species appeared, long before man, another new species, walked the planet.

But none of this, it seems to me, in any way justifies or gives us any moral right to ignore the consequences of our tampering with the environment, particularly when such tampering dooms a distinct life form to extinction. We seem to have the attitude that because it is not convenient or economically profitable for us to make the effort to save endangered animals, we are justified in letting them die out.

One of the most profound thinkers of our age, Dr. Albert Schweitzer, said of this question:

> At the same time the man who has become a thinking being feels a compulsion to give to every will-to-live the same reverence for life that he gives to his own. He experiences that other life in his own. He accepts as being good: to preserve life, to promote life, to raise to its highest value life which is capable of development; and as being evil: to destroy life, to injure life, to repress life which is capable of development. This is the absolute, fundamental principle of the moral, and it is a necessity of thought.
>
> The great fault of all ethics hitherto has been that they believed themselves to have to deal only with the relations of man to man. In reality, however, the question is what is his attitude to the world and all life that comes within his reach. A man is ethical only when life, as such, is sacred to him, that of plants and animals as that of his fellowman, and when he develops himself helpfully to all life that is in need of help. Only the universal ethic of the feeling of responsibility in an ever-widening sphere for all that lives—only that ethic can be founded in thought. The ethic of the relation of man to man is not something apart by itself: it is only a particular relation which results from the universal one.

I can think of no ethic which is more appropriate to the ills of our age than Dr. Sweitzer's ethic of reverence for life, be it human life or the animal and plant life about us.

But, you may say, the wolf kills and so indeed must man if he is to survive. What then of this ethic?

And I must agree, thinking back to last evening's prime rib or rack of lamb, that while I might wish no killing were necessary, our society's institutions will continue to include the slaughterhouse. However, when the wolf kills, he is but an agent in the continuing cycle of life and death. His act, if performed in nature, is part of the ecosystem which enables both the wolf and the deer to survive. Nature undergoes no basic change when an individual animal dies.

But the death of a species is profound, for it means nature has lost one of its components, which played a role in the interrelationship of life on earth.

Here the cycle of birth and death ends. Here there is no life, no chance to begin again—simply a void.

To cause the extinction of a species, whether by commission or omission, is unqualifiedly evil. The prevention of this extinction, thus, must be a tenet among man's moral responsibilities.

Furthermore, in obeisance to the pragmatism of our age, I suspect that the acceptance of the ethic of reverence for life may be crucial in terms of our own survival.

Lynn White, Jr., in an article entitled, "The Historical Roots of our Ecologic Crisis," suggested that Western man needs to revise the Judeo-Christian credo of man's domination over nature and nature's subservience to man's purposes.

> What we do about ecology depends on our ideas of the man-nature relationship. More science and more technology are not going to get us out of the present ecologic crisis until we find a new religion, or rethink our old one.

As a model for this new ethnic, White suggests that we review the teachings of Saint Francis of Assisi:

> The greatest spiritual revolutionary in Western history, Saint Francis, proposed what he thought was an alternative Christian view of nature and man's relation to it: he tried to substitute the idea of man's limitless rule of creation . . . Since the roots of our trouble are so largely religious, the remedy must also be essentially religious, whether we call it that or not. We must rethink and refeel our nature and density. The profoundly religious, but heretical, sense of the primitive Franciscans for the spiritual autonomy of all parts of nature may point a direction. I propose Francis as a patron saint for ecologists.

Thus, I suggest that Dr. Schweitzer's ethic of reverence for life may be the ethic for mankind's survival.

My final contention about the preservation of rare and endangered species deals with neither science nor ethics—but is ultimately practical. Simply put, man's own survival is at stake; the actions he must take to assure the animals survival will also be his own salvation.

As the environment deteriorates, man must find more and more ways to protect himself from it. We in the Senate are able to work in our offices, travel to the Capitol, speak in this Chamber, and even visit the other body without ever inhaling the unfiltered air outside our walls. Unless we choose to go out, we can remain in an encased environment for most of the time. If air pollution is not reversed, life in our cities will require even more stringent controls which will enable us to avoid completely any contact with the great outdoors.

So it is with other forms of environmental pollution. We can keep the poisons away from us by building structures to encase all our activities from bubbles over our baseball diamonds to underground shopping malls.

But improved techniques to protect us from pollution are dangerous for two reasons. First, they lull us into the belief that man is capable of surviving in a totally artificial environment. Biologists who study genetic evolution have begun to question this assumption. Second, they fail to alert us to what lies at the end of this process—that our habitats will become mechanized tombs where life won't be worth living.

We cannot preserve wildlife and fish by protecting them from their environment. Instead, we must preserve their environment in a liveable form and we must keep our contaminants from degrading

their ecosystems. And in the process, we will preserve at least some of our environment in a condition where we know that we and our children can survive.

These are my reason for believing that the preservation of our rare and endangered species should be given high priority in our national system of values.

Unfortunately, a prohibition on killing or capturing will not guarantee that any species will survive. As I pointed out earlier, man's act of excessive hunting or intentional poisoning in wildlife control programs is only one of a number of threats to the survival of fish and wildlife. Some of the greatest dangers to develop from human actions where the adverse effects on wildlife are entirely unintended.

Other steps need to be taken. We made good progress in 1966 with the passage of the Endangered Species Preservation Act and last year with the passage of the Endangered Species Conservation Act.

However, a prohibition on killing, or capturing of rare and endangered species will have three positive consequences which will mean substantial progress in wildlife preservation.

First, the bill will protect individual members of a species when the species is near its minimal survival population. The death of the last passenger pigeon in 1914 marked the end of the species, but its extinction had become inevitable years before when the population dropped below the point where its breeding and other survival abilities were capable of reversing the decline in its number. This minimal population point varies from species to species, and is probably not subject to any precise mathematical determination. In addition, man's intervention can sometimes work miracles, as we hope is the case with the whooping crane.

Nevertheless, we should not be as concerned about the death of the final grizzly bear as we are about the next one which may die at the hand of man.

Even if the animal is being challenged by one of the unintentional human acts such as the introduction into its ecosystem of a foreign species, the fact that the animal is rare or endangered means that it has reached the point where every individual member of the species may be crucial to the species survival. Thus I believe members of rare and endangered species should be protected.

In addition, some States have laws which provide bounties for animals listed as rare or endangered. While I doubt that these bounty laws provide substantial economic incentive in many areas of our Nation, they do encourage the attitude that wild animals, particularly predators, are varmints to be shot on sight as a matter of commonsense.

We should be penalizing anyone who kills a rare animal, not rewarding him. Therefore, I propose that States be prohibited from paying such bounties.

Second, for those animals threatened by man's encroachment on their range, the illegalizing of their slaughter will make it mandatory for local, State, and Federal agencies to find and provide new range land as well as to protect existing range at least until herd size grows to the point where the species is removed from the rare list.

The California Tule elk, which has been listed as both rare and endangered, is a good example of a species which would benefit. Once this little elk roamed the hills and valleys of Central California in the tens of thousands. Today the only remaining wild herd is in the Owens Valley, east of the Sierra Nevadas, an area where they are not indigenous.

The Tule elk is protected under California law. However, the California Fish and Game Commission has determined that the available range will support a herd of only 250 elk—the area also supports 15,000 to 40,000 cattle at various times during the year. Thus, hunters are given special permission to come in and shoot the surplus. Last year the State of California permitted private sportsmen to kill about 80 Tule elk, an animal the Department of the Interior lists as rare.

I think it is obvious that if we are seriously concerned with saving such species, we must expand their herds and extend their range. I have introduced separate legislation (S. 3028) to authorize a study of new range sites for the Tule elk in the Southwestern United States, and I am hopeful that we can establish new wild and unfenced range areas for the Tule elk in California, particularly at Point Reyes.

But the Tule elk situation serves to emphasize the point that we cannot depend on the States to make available the land necessary to preserve our rare species so long as they can maintain that hunting is a sound wildlife management technique for such rare and endangered species.

To authorize hunting of rare or endangered animals is bad for another reason. The sportsman seeking a trophy will naturally go for the biggest and best of the herd, not the weakest runts who can contribute the least to the species survival. If it is necessary to limit an endangered species population, it should be done by scientists who will cull out the weak and the aged, not by private hunters who will do just the opposite.

The States should be setting aside more lands in wildlife refuges. The States should also be preventing further encroachments of human society into existing wildlife habitats. By outlawing the killing of rare and endangered species, we will encourage State and local actions in both areas.

Finally, the enunciation of a national policy which makes illegal such killing would require a rethinking of our traditional attitudes toward wild animals, particularly predators. If we say to the rancher who has lost a sheep to a timber wolf that it is illegal for him to kill the wolf because it is endangered, then we will need to develop a procedure for reimbursing the rancher for his loss, and of convincing him that the benefits man derives from predators are worth the inconvenience of an occasional dead sheep. This would also benefit other predators, such as the coyote, who is not rare or endangered and is more apt to be the villain in the case of the lost sheep. Animals not yet rare or endangered might also be helped to avoid those unhappy categories, if this legislation makes us reconsider the indiscriminant broadcasting of poisons to kill "pests" especially in the Western States.

All considered, I believe this bill is essential to saving our rare and endangered species.

Moreover, the United States is under treaty obligation to protect rare and endangered species.

At the eighth International Conference of American States various resolutions were adopted. Pursuant to the 13th resolution of December 23, 1938, the Pan American Union established the Inter-American Committee of Experts on Nature Protection and Wildlife Preservation. This Committee consisted of one member-representative from each American republic. The U.S. representative was Dr. Alexander Wetmore who was then Assistant Secretary of the Smithsonian Institution. The draft of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere was unanimously approved on May 16, 1940, by the Committee. On October 12, 1940, the treaty was signed in Washington by the respective plenipotentiaries of the United States, Bolivia, Cuba, the Dominican Republic, Ecuador, El Salvador, Nicaragua, Peru and Venezuela. Subsequently it was signed on behalf of Costa Rica on October 24, 1940, Mexico on November 20, 1940, Uruguay on December 9, 1940, and Brazil on December 27, 1940.

Secretary of State Cordell Hull officially conveyed the treaty to President Franklin D. Roosevelt on February 13, 1941. In the letter which accompanied the treaty, Secretary Hull informed the President that the animals listed in the annex to the Convention "shall be protected as completely as possible." The list was described by Secretary Hull as flexible and subject to modification as changes in conditions might warrant.

The Convention was transmitted by President Roosevelt to the Senate on February 14, 1941, for advice and consent to ratification. The treaty was ratified by the Senate on April 7, 1941, ratified by the President on April 14, 1941, deposited with the Pan American Union at Washington on April 28, 1940, and proclaimed by the President on April 30, 1942.

The first list of species included by the United States in the annex to the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere consisted of:

Woodlands caribou, sea otter, manatee, trumpeter swan, California condor, whooping crane, Eskimo curleu, Hudsonian godwit, Puerto Rican parrot, ivory-billed woodpecker.

The annex list was revised on September 1, 1967. This list is much more extensive than the original annex of the 1940's. As ecological conditions change and scientific knowledge advances, further revisions of the annex can be made.

It is article VIII of the treaty which requires the protection of the animals list in the annex.

Protection of the species mentioned in the

annex to the present Convention, is declared to be of special urgency and importance. Species included therein shall be protected as completely as possible, and their hunting, killing, capturing, or taking, shall be allowed only with the permission of the appropriate government authorities in the country. Such permission shall be granted only under special circumstances, in order to further scientific purposes, or when essential for the administration of the area in which the animal or plant is found.

The article requires that these animals be protected as completely as possible. The hunting, killing, capturing or taking of these animals is strictly forbidden. However, the governments are permitted to grant exemptions to this prohibition, but only for scientific purposes or when such an exemption is essential to the proper administration of the area in which the animal is found.

These prohibition requirements became law in the 1940's and under international law they have been fully binding on the United States ever since. However, our domestic law distinguishes between "self-executing" and "non-self-executing" treaties. This treaty is of the "non-self-executing" type. That means that before the prohibitions and requirements of article VIII can be enforced in our domestic courts, Congress must enact enabling legislation.

During the 1940's, when this country was fighting World War II, Congress neglected to enact the necessary legislation. Nor has any attempt been made since the 1940's to fulfill our international legal responsibilities under article VIII of the treaty. It is my intention that this bill shall fulfill that obligation.

The present annex to the treaty, submitted in 1967, includes the following species.

(See exhibit 1.)

In addition, the "Rare and Endangered Fish and Wildlife of the United States," contains the following species which should be added to the annex at its next revision.

(See exhibit 2.)

These then are the species which my proposal would attempt to save. In this context, I would like to direct the Senate's attention to those animals we cannot save. Following is a list of those species which have already become extinct in the United States:

(See exhibit 3.)

The bill I have proposed contains the following provisions.

Section 2 of the bill is a brief statement of the need to protect endangered and rare animals and of our international obligation to enact a bill to provide this form of protection.

Section 3 defines various terms which are used in the bill.

Section 4 specifies what acts will be prohibited. Subsection, (a) forbids the hunting, capturing, killing, taking, transporting, selling, or purchasing of any protected animals. Subsection (b) prohibits the payment of any bounty for the killing of a protected animal. The species and subspecies of animals protected by this bill are those species or subspecies which are listed in the annex to the convention.

Section 5 provides for a few limited exceptions to section 4(a). There are no exemptions from the bounty prohibition of section 4(b). Under section 5, the Secretary of the Interior may grant an exemption for scientific purposes, for the display of animals in zoos, for the administration of the area in which an animal is found, for the propagation of protected animals or the relocation of animals in new natural habitats. A general exemption from the prohibition of section 4(a) is provided for in various situations. The most important there being the exemptions for animals already in captivity on the effective date of this act, individual diseased animals, animals which have been raised and released as game animals, and animals used by the Indians for religious purposes.

Section 6 provides for the updating of the list of animals enumerated in the annex to the Convention. The treaty's annex is subject to revision as circumstances warrant. When the annex is updated, all those animals which have been found to be either rare or endangered under the Endangered Species Act will be included in the annex.

Section 7 provides that both Federal and State officers may enforce the provisions of this bill.

Section 8 is the penalty clause. It prescribes that violations of section 4(a) constitute a misdemeanor.

Section 9 has two subsections. The first affirms the power and right of the States to provide for the protection and scientific management of animals. The second subsection authorizes the Secretary of the Interior to consult with the Governors of the several States concerning the policy and provisions of the bill. It is my intention to make it perfectly clear by this section that the Secretary of the Interior will not be empowered by this legislation to regulate hunting and fishing; nor will he be authorized to control, in any manner, the issuance of State hunting or fishing licenses. I do not have any intention to interfere in any way with the hunting or fishing of the many sportsmen of our Nation, except in the case of animals facing extinction.

Section 10 is a separability clause.

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

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

The bill (S. 3888) to implement the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (56 Stat. 1354); amend Public Law 89-669 (Oct. 15, 1966); and for other purposes; introduced by Mr. CRANSTON, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nature Protection Act".

SEC. 2. Congress finds that—

(1) the animals of our nation represent an invaluable natural resource; that in the past inadequate protection and changing conditions have resulted in the extinction of many species with ecological, historical, educational, scientific and recreational values; and that we cannot afford to allow the disappearance of these assets;

(2) there is an overriding need to preserve representatives of all animal species in their natural habitat in sufficient numbers and over extensive enough areas to protect animals from extinction; and

(3) pursuant to our treaty obligations under Article VIII and other provisions of the Convention on Nature Protection and Wildlife Preservation, it is the responsibility of Congress to protect animal species and subspecies threatened with extinction.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(a) the term "fish" means any finfish or any part, products, egg, or offspring thereof, or the dead body or parts thereof whether or not included in a manufactured product;

(b) the term "wildlife" means any wild mammal, wild bird, amphibian, reptile, mollusk, or crustacean, or any part, products, egg, or offspring thereof, or the dead body or parts thereof whether or not included in a manufactured product;

(c) the term "Convention" means the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (56 Stat. 1354);

(d) the term "annex" refers to that portion of the Annex to the Convention which contains the list of species submitted by the United States of America; and

(e) the term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

PROHIBITED ACTS

SEC. 4. (a) Except as provided in section 5 of this Act, no person within any State, or within any place subject to the jurisdiction of the United States, shall hunt, capture, kill, take, transport, sell or purchase any fish or wildlife the species of subspecies of which is listed in the Annex to the Convention.

(b) No person or State (or political subdivision thereof) shall pay or offer to pay any form of bounty for any fish or wildlife the species or subspecies of which is listed in the Annex to the Convention.

EXEMPTIONS

SEC. 5. (a) If the Secretary of the Interior determines that it will not endanger the preservation or health of the species or subspecies protected by this Act, he may grant an exemption to any person from the prohibitions of section 4(a) of this Act. Such exemptions shall only be granted in order to further scientific purposes; provide for the display of fish or wildlife in public zoos; administer the area in which the fish or wildlife are found; provide for the propagation in captivity of a species or subspecies with the intention of later release or the fish or wildlife in their natural habitat; or transplant the fish or wildlife to new natural habitat.

(b) Section 4(a) of this Act shall not apply to the following fish or wildlife:

(1) the Tule White-fronted Goose (*anser albifrons gambelli*);

(2) American alligators (*alligators mississippiensis*) found on private property and transported without harm to the animal, to its natural habitat for release in the wild;

(3) fish or wildlife in captivity on the effective date of this Act;

(4) fish or wildlife raised and kept entirely in captivity;

(5) fish or wildlife released as game animals after having been raised in captivity specifically for that purpose;

(6) fish or wildlife taken for the religious purposes of Indian tribes; and

(7) individual fish or wildlife which are infected with plague, rabies, tularemia or other dangerous disease.

LISTING OF ANIMALS IN THE INDEX

SEC. 6. When appropriate the Secretary of State shall transmit to the Pan American Union the list of species of fish and wildlife to be included as part of the Annex. This list shall include, but not be limited to, all species of fish and wildlife found by the Secretary of the Interior, pursuant to the provisions and standards of Public Law 89–669 (Oct. 15, 1966), to be rare or endangered.

ARREST, ENFORCEMENT, SEARCHES AND SEIZURES

SEC. 7. Any employee of the Department of the Interior authorized by the Secretary of the Interior; any Coast Guard officer; any United States marshal or deputy marshal; any customs officer; and civil officer having authority to apprehend offenders under the laws of a State; and any other person authorized to enforce this Act shall have the power to: (1) arrest without warrant or other process any person committing in his view or presence a violation of this Act; (2) take any person arrested for violation of this Act for examination or trial before any officer or court of competent jurisdiction; and (3) with a search warrant search any place where he may have reason to believe that a violation of this Act has been committed.

PENALTY

SEC. 8. Any person that violates any provision of section 4(a) of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall pay all costs of the proceedings and be fined not more than $5,000 or imprisoned not more than six months, or both.

STATE LAWS AND REGULATIONS

SEC. 9. (a) Except to the extent otherwise specifically provided in the Convention or this Act, nothing in this Act shall be construed so as to (1) abridge the presently existing responsibility of any State for the protection, preservation, and scientific management of fish and wildlife; or (2) abridge or deprive any such State of its power and right to make and enforce laws and regulations for the protection, preservation, and scientific management of fish and wildlife.

(b) The Secretary of the Interior, in carrying out his duties under this Act, is authorized from time to time, to consult with the Governors of the several States and the Commissioner of the District of Columbia.

SEPARABILITY

SEC. 10. If any provisions of this Act or the application of such provisions to any circumstances or persons shall be held invalid, the validity of the remainder of the Act and the applicability of such provisions to other circumstances or persons shall not be affected thereby.

The exhibits, presented by Mr. CRANSTON, are as follows:

EXHIBIT 1

SPECIES AND WHERE FOUND

FISH

Endangered

Atlantic Sturgeon: Atlantic.
Lake Sturgeon: Great Lakes, Alabama, Missouri, Nebraska, Kansas.
Shortnose Sturgeon: New York.
Longjaw Cisco: Michigan.
Arctic Grayling: Montana, Utah, Wyoming, Washington, Colorado.
Atlantic Salmon: Maine.
Apache Trout: Arizona.
Gila Trout: New Mexico.
Greenback Cutthroat Trout: Colorado.
Lahontan Cutthroat Trout: Nevada, California.
Montana Westslope Cutthroat Trout: Montana.
Piute Cutthroat Trout: California.
Rio Grande Cutthroat Trout: New Mexico.
Colorado River Squawfish: Arizona.
Desert Dace: Nevada.
Humpback Chub: Arizona, Utah, Wyoming.
Little Colorado Spinedace: Arizona.
Cui-ui: Nevada.
Comanche Springs Pupfish: Texas.
Devil's Hole Pupfish: Nevada.
Owens Valley Pupfish: California.
Pahrump Killfish: Nevada.
Clear Creek Gambusia: Texas.
Gila Topminnow: Arizona.
Blue Pike: Lake Erie and Ontario.

Rare

Blackfin Cisco: Lake Michigan and Huron.
Deepwater Cisco: Unknown.
Blueback Trout: Maine:
Sunapee Trout: New Hampshire.
Olympic Mudminnow: Washington.
Moapa Dace: Nevada.
Big Bend Gambusia: Texas.
Ozark Cavefish: Missouri.
Suwannee Bass: Florida.
Maryland Darter: Maryland.
Niangua Darter: Missouri.
Sharphead Darter: Tennessee.
Spring Darter: Unknown.
Trispot Darter: Alabama.

Peripheral

Mexican Stoneroller: Texas, Arizona.
Sonora Chub: Arizona.
Chihuahua Shiner: Texas.
Rio Grande Darter: Texas.

AMPHIBIANS

Endangered

Texas Blind Salamander: Texas.
Black Toad: California.

Rare

Pine Barrens Tree Frog: New Jersey, North Carolina, Georgia.

REPTILES

Endangered

American Alligator: North Carolina, Texas, Mississippi, Arkansas, Oklahoma.

Rare

Bog Turtle: North Carolina.

Peripheral

American Crocodile: Florida.
Green Turtle: U.S. coasts.

BIRDS

Endangered

Florida Great White Heron: Florida.
Aleutian Canada Goose: Alaska.
Laysan Hawaiian Duck: Hawaii.
Main Islands Hawaiian Duck: Hawaii.
Mexican Duck: Arizona, New Mexico, Texas.
Nene (Hawaiian Goose): Hawaii.
California Condor: California.
Florida Everglade Kite: Florida.
Hawaiian Hawk: Hawaii.
Attwater's Greater Prairie: Texas.
Masked Bobwhite: Mexico.
Whooping Crane: Texas.
Hawaiian Common Gallinule: Hawaii.
Yuma Clapper Rail: Arizona.
Eskimo Curlew: Alaska.
Puerto Rican Parrot: Puerto Rico.
American Ivory-Billed Woodpecker: Texas, Louisiana, Florida, Georgia, South Carolina.
Hawaiian Crow (Alala): Hawaii.
Puaiohi (Small Kauai Thrush): Hawaii.
Nihoa Millerbird: Hawaii.
Kauai OO (OOAA): Hawaii.
Akaiapolanu: Hawaii.
Crested Honey-Creeper (Akohekohe): Hawaii.
Kauai Akialoa: Hawaii.
Laysan Finch-Bill: Hawaii.
Maui Parrotbill: Hawaii.
Nihoa Finch-Bill: Hawaii.
OU: Hawaii.
Palila: Hawaii.
Bachman's Warbler: Virginia, South Carolina.
Kirtland's Warbler: Michigan.
Cape Sable Sparrow: Florida.
Dusky Seaside Sparrow: Florida.

Rare

Hawaiian Dark-Rumped Petrel: Hawaii.
Newell's Manx Shearwater: Hawaii.
Hawaiian Harcour's Petrel: Hawaii.
Trumpeter Swan: Alaska.
Tule White-Fronted Goose: Alaska.
Northern Short-Tailed Hawk: Florida.
Southern Bald Eagle: Atlantic and gulf coasts.
American Peregrine Falcon: Alaska, Washington, Oregon, California, Arizona, Texas, Colorado.
Lesser Prairie Chicken: Kansas, Colorado, New Mexico, Texas, Oklahoma.
Northern Greater Prairie Chicken: central U.S.
Florida Sandhill Crane: Florida.
Hawaiian Stilt: Hawaii.
Puerto Rican Whip-Poor-Will. Puerto Rico.
Black-Capped Vireo: Mexico.
Golden-Cheeked Warbler: Texas.
Ipswich Sparrow: Atlantic coast.

Peripheral

Green-Throated Arctic Loon: Alaska.
Least Grebe: Texas.
Red-Faced Cormorant: Alaska.
Roseate Spoonbill: Texas, Louisiana, Florida.
Northern Black-Bellied Tree Duck: Arizona, Texas.
Masked Duck: Texas, Puerto Rico.
Zone-Tailed Hawk: Arizona, New Mexico, Texas.
Gray Hawk: Arizona, New Mexico, Texas.
Northern Black Hawk: Arizona, New Mexico, Texas.
Northern Aplomado Falcon: Arizona, New Mexico, Texas.
Northern Chachalaca: Texas.
Richardson's Blue Grouse: Idaho, Montana.
Mearn's Harlequin Quail: Mexico.
Northern Jacana: Texas.
Rufous-Necked Sandpiper: Alaska.
Atlantic Sooty Tern: Texas, Louisiana, Florida.
Atlantic Noddy Tern: Florida.
Xantus' Murrelet: California.
Whiskered Auklet: Alaska.
Northern Red-Billed Pigeon: Texas.
Northern White-Fronted Dove: Texas.
Florida Mangrove Cuckoo: Florida.
Northern Groove-Billed Ani: Texas.
Northern Whiskered Owl: Mexico.
Northern Ferruginous Owl: Arizona, Texas.
Merrill's Pauraque, Mexico.
West Indian Nighthawk, Florida, Puerto Rico.
Blue-Throated Hummingbird: Arizona, Texas.
Northern Rivolis Hummingbird: Mexico.
Buff-Bellied Hummingbird: Texas.
Northern Violet-Crowned Hummingbird: Arizona.
Broad-Billed Hummingbird: Mexico.
Coppery-Tailed Elegant Trogon: Arizona, New Mexico.
Northeastern Elegant Trogon: Texas.
Northeastern Green Kingfisher: Texas.
Northwestern Green Kingfisher: Texas.
Northern Arizona Woodpecker: Arizona.
Northwestern Rose-Throated Becard: Arizona.
Northeastern Rose-Throated Becard: Texas.
Northeastern Tropical Kingbird: Texas.
Northwestern Tropical Kingbird: Arizona.
Northern Thick-Billed Kingbird: Arizona.
Northern Kiskadee Flycatcher: Mexico.
Northern Sulphur-Bellied Flycatcher: Mexico.

Northern Olivaceous Flycatcher: Mexico.
Northern Buff-Bellied Flycatcher: Arizona.
Northern Beardless Flycatcher: Texas.
Northwestern Cave Swallow: New Mexico, Texas.
Couch's Mexican Jay: Texas.
Northern Green Jay: Texas.
Cascade Boreal Chickadee: Washington.
Sennett's Long-Billed Thrasher: Mexico.
Azure Eastern Bluebird: Arizona.

Peripheral

Red-Spotted Bluethroat: Alaska.
Cuban Black-Whiskered Vireo: Florida.
Cuban Yellow Warbler: Florida.
Northern Olive-Backed Warbler: Texas.
Arizona Olive Warbler: Arizona.
Alta Mira Lichtenstein's Oriole: Texas.
Audubon's Black-Headed Oriole: Texas.
Southeastern Pine Grosbeak: New England.
Dickey's Varied Bunting: Arizona.
Northern White-Collared Seadeater: Texas.
Northern Olive Sparrow: Texas.
Northern Rufous-Winged Sparrow: Arizona.
Northwestern Botteri's Sparrow: Arizona.
Northeastern Botteri's Sparrow: Texas.

MAMMALS

Endangered

Delmarva Peninsula Fox Squirrel: Maryland.
Atlantic Right Whale: Atlantic.
Bowhead Whale: Atlantic.
Pacific Right Whale: Pacific.
Nevada Kit Fox: Nevada.
Red Wolf: Texas.
Timber Wolf: Michigan, Minnesota, New York.
Grizzly Bear: Wyoming, Montana, Idaho.
Black-Footed Ferret: North and South Dakota, Montana, Texas, New Mexico.
Florida Panther: Florida.
Guadalupe Fur Seal: California.
Caribbean Monk Seal: Florida.
Florida Manatee or Sea Cow: Florida.
Columbia White-Tailed Deer or Oregon White-Tailed Deer: Oregon.
Key Deer: Florida.
Sonoran Pronghorn Antelope: Arizona.

Rare

Spotted at: Montana, Idaho.
Kaibab Squirrel: Arizona.
Utah Prairie Dog: Utah.
Beach Meadow Vole: Massachusetts.
Block Island Meadow Vole: Rhode Island.
Gray Whale: Pacific.
Blue Whale: Atlantic and Pacific.
Glacier Bear: Alaska.
Southern Sea Otter: Pacific coast.
Hawaiian Monk Seal: Hawaii.
Ribbon Seal: Alaska.
Tule or Dwarf Elk: California.

Peripheral

Coati: Arizona, New Mexico, Texas.
Jaguar: Texas.
Jaguarundi: Texas.
Ocelot: Texas.
Margay: Texas.
Woodland Caribou: Northern Great Lakes states.
Mountain Caribou: Pacific Northwest U.S.
Musk Ox: Alaska.
Steller's Sea Cow: Mexico.

EXHIBIT 2

SPECIES LISTED IN "RARE AND ENDANGERED FISH AND WILDLIFE OF THE UNITED STATES" BUT NOT LISTED IN THE ANNEX TO THE CONVENTION ON NATURE PROTECTION AND WILDLIFE PRESERVATION IN THE WESTERN HEMISPHERE

AMPHIBIANS AND REPTILES

Endangered

Blunt-Nosed Leopard Lizard: California.
San Francisco Garter Snake: California.
Puerto Rican Boa: Puerto Rico.
Santa Cruz Long-Toed Salamander: California.
Limestone Salamander: California.

Peripheral

Houston Toad: Texas.
Vegas Valley Leopard Frog: Nevada.
St. Croix Ground Lizard: Minnesota.

BIRDS

Endangered

California Least Tern: California.
Light-Footed Clapper Rail: California.
Hawaiian Coot: Hawaii.
Puerto Rican Plain Pigeon: Puerto Rico.
Northern Red-Cockaded Woodpecker: Missouri, Kentucky, Virginia, Florida
Southern Red-Cockaded Woodpecker: Florida.
Large Kauau Thrush (Kuaui Omao): Hawaii.
Molokai Creeper (Kakawahie): Hawaii.
Maui Nukupuu: Hawaii.

Rare

California Black Rail: California.
Short-Tailed Hawk: Florida.
Prarie Falcon: California, Texas.
Greater Sandhill Crane: California, Nevada, Utah, Wyoming, Minnesota, Wisconsin, Michigan.

Peripheral

Eastern Reddish Egret: Texas, Florida.
Wood Ibis: Texas, Florida.
Sennetts White-Tailed Ptarmigan: Montana.
Gould's Turkey: New Mexico.
Eastern Blue-Throated Hummingbird: Texas.
Western Blue-Throated Hummingbird: Arizona, New Mexico.
Colima Warbler: Texas.
Arizona Grasshopper Sparrow: Arizona.

MAMMALS

Endangered

Indiana Bat: Mid-West and Eastern U.S.
Humpback Whale: Pacific and Atlantic.
San Joaquin Kit Fox: California.
Columbian White-Tailed Deer: Washington, Oregon.

Rare

California Bighorn: Oregon, Nevada, California.
Peninsular Bighorn: California.

EXHIBIT 3

EXTINCT WILDLIFE—SPECIES, WHERE FOUND, AND DATE EXTINCT

MAMMALS

Gull Island Vole: New York, 1898.
Amargosa Meadow Vole: California, 1917.
Plains Wolf: Great Plains, 1926.
Sea Mink: New England coast, 1890.
Eastern Cougar: Eastern U.S., 1899.
Steller's Sea Cow: North Pacific, 1768.
Eastern Elk: U.S. east of Great Plains, 1880.
Merriam Elk: Arizona, 1900.
Badlands Bighorn: North and South Dakota, 1910.

BIRDS

Labrador Duck: Northeastern U.S., 1875.
Heath Hen: Eastern U.S., 1932.
Laysan Rail: Hawaii, 1926.
Sandwich Rail (Moho): Hawaii, 1893.
Great Auk: North Atlantic, 1844.
Passenger Pigeon: U.S., 1914.
Culebra Puerto Rican Parrot: Puerto Rico, 1899.
Mauge's Parakeet: Puerto Rico, 1892.
Carolina Parakeet: Southeastern U.S., 1920.
Louisiana Parakeet: South central U.S., 1912.
Oahu Thrush: Hawaii, 1825.
Lanai Thrush: Hawaii, 1931.
Molokai Thrush: Hawaii, 1936.
Laysan Millerbird: Hawaii, 1904–1923.
Kioea: Hawaii, 1859.
Oahu Oo: Hawaii, 1937.
Molokai Oo: Hawaii, 1915.
Hawaii Oo: Hawaii, 1934.
Laysan Apapane: Hawaii, 1923.
Hawaii Mamo: Hawaii, 1898.
Perkin's Mamo or Black Mamo: Hawaii, 1907.
Oahu Akialoa: Hawaii, 1837.
Lanai Akialoa: Hawaii, 1894.
Hawaii Akialoa: Hawaii, 1895.
Oahu Nukupuu: Hawaii, 1860.
Oahu Akepa: Hawaii, 1895.
Greater Amakihi: Hawaii, 1900.
Ula-ai-hawane: Hawaii, 1892.
Greater Koafinch: Hawaii, 1896.
Lesser of Yellow-Headed Koafinch: Hawaii, 1891.
Grosbeakfinch or Konafinch: Hawaii, 1894.

FISH

San Gorgonio Trout: California, 1935.
Pahranagat Spinedace: Nevada, 1938–1959.
Big Spring Spinedace: Nevada, 1938–1959.
Harelip Sucker: Mississippi, Ohio, Georgia, Arkansas, 1900.
Leon Springs Pupfish: Texas, 1938.
Ash Meadows Killifish: Nevada, 1942.

S. 3889—INTRODUCTION OF A BILL TO AMEND SECTION 14(b) OF THE FEDERAL RESERVE ACT, AS AMENDED

Mr. SPARKMAN. Mr. President, at the request of the Secretary of the Treasury I introduce for myself and for the senior Senator from Utah (Mr. BENNETT) a bill to extend for two years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

This bill would extend for an additional 2 years, from June 30, 1970, to June 30, 1972, the temporary authority under which Federal Reserve banks may purchase public debt obligations directly from the Treasury in an amount not to exceed $5 billion outstanding at any one time. The present direct purchase authority was enacted during World War II and has since been extended from time to time on a temporary basis. The last extension was in 1968 and the authority will expire on June 30 of this year.

This authority has been used in recent years only in periods just prior to tax payment dates. Its existence permits the Department to operate with considerably lower cash balances than would otherwise be required. The authority was utilized for short periods in September and December 1968 and in April and September and December 1968 and in April and September 1969. Moreover, the availability of the direct purchase authority is important as a standby means of providing a ready source of funds in the event of a disruption in the private financial markets due to a serious national emergency or a nuclear attack on the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks a table showing how sparingly the authority proposed in this bill has been used in the past.

Mr. President, I also ask unanimous consent that the bill be printed in full in the RECORD.

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

The bill (S. 3889) to amend section 14 (b) of the Federal Reserve Act, as amended, to extend for 2 years the au-

thority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury, introduced by Mr. SPARKMAN (for himself and Mr. BENNETT), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14(b) of the Federal Reserve Act, as amended (12 U.S.C. 355), is amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1972" and by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1972".

The table, presented by Mr. SPARKMAN, is as follows:

DIRECT BORROWING FROM FEDERAL RESERVE BANKS 1942 TO DATE

Calendar year	Days used	Maximum amount at any time (millions)	Number of separate times used	Maximum number of days used at any one time
1942	19	$422	4	6
1943	48	1,320	4	28
1944	(1)			
1945	9	484	2	7
1946	(1)			
1947	(1)			
1948	(1)			
1949	2	220	1	2
1950	2	180	2	1
1951	4	320	2	2
1952	30	811	4	9
1953	29	1,172	2	20
1954	15	424	2	13
1955	(1)			
1956	(1)			
1957	(1)			
1958	2	207	1	2
1959	(1)			
1960	(1)			
1961	(1)			
1962	(1)			
1963	(1)			
1964	(1)			
1965	(1)			
1966	3	169	1	3
1967	7	153	3	3
1968	8	596	3	6
1969	21	1,102	2	12
1970 to date	(1)			

[1] None.
Source: Department of Treasury.

ADDITIONAL COSPONSOR OF A BILL

S. 3722

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Massachusetts [Mr. KENNEDY] be added as a cosponsor of S. 3722, a bill to amend the Foreign Assistance Act of 1961 to require prior approval for delivery of excess defense articles to a foreign country.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 70—CONCURRENT RESOLUTION REPORTED—REPORT OF A COMMITTEE (S. REPT. NO. 91-910)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original concurrent resolution (S. Con. Res. 70), and submitted a report thereon; which report was ordered to be printed, and the concurrent resolution was placed on the calendar, as follows:

S. CON. RES. 70

Resolved by the Senate (the House of Representatives concurring), That there shall be compiled and printed, with illustrations, as a Senate document, in such style and form as may be directed by the Joint Committee on Printing, a revised edition of the Biographical Directory of the American Congress up to and including the Ninety-first Congress (1774–1970); and that six thousand four hundred and thirty-five additional copies shall be printed, of which one thousand five hundred and forty-five copies shall be for the use of the Senate, four thousand three hundred and ninety copies for the use of the House of Representatives, and five hundred copies for the use of the Joint Committee on Printing.

SENATE RESOLUTION 414—RESOLUTION REPORTED TO PAY A GRATUITY TO HELEN K. CHRONSTROM—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina reported an original resolution (S. Res. 414), which was placed on the calendar, as follows:

S. RES. 414

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Helen K. Chronstrom, widow of Clifford C. Chronstrom, an employee of the Senate at the time of his death, a sum equal to seven and one-half months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

THE MANPOWER TRAINING ACT OF 1969—AMENDMENTS

AMENDMENT NO. 661

Mr. JAVITS. Mr. President, I submit an amendment to the Manpower Training Act of 1969 (S. 2838), of which I am the sponsor on the part of the administration, which is designed to insure that the Nation responds adequately to the needs of disadvantaged youths for meaningful summer employment as the States and the cities assume a greater responsibility for the administration of manpower programs.

Since 1965 the neighborhood youth corps summer program, authorized under the Economic Opportunity Act, has provided more than 971,000 opportunities during the summer for disadvantaged youths 14 to 21 years of age in public and private nonprofit organizations. In addition to work experience over a 10-week period, participants have been provided with remedial education, counseling, and training.

These efforts have been supplemented substantially in the private sector through the voluntary programs of the National Alliance of Businessmen which, since the inception of the summer programs in 1968 has provided more than 300,000 summer opportunites, as well as year-round opportunities for hundreds of thousands more.

Under the proposed act, of which I am the principal sponsor in the Senate, the specific statutory authority for the neighborhood youth corps summer program as for most other "categorized" programs would be substituted for a general listing of eligible activities that may be conducted with funds allocated and apportioned to the States and to the cities under the act.

The Manpower Training Act generally covers such summer programs by providing in section 101(7) that funds shall be available for "part-time work for students in ninth through 12th grades—and youth of equivalent ages—to assist them in remaining in or returning to school."

I expect that the cities and the States, as they assume more responsibility for manpower programs, will allocate substantial resources to such essential summer programs as a part of their comprehensive manpower plan which would be submitted to the Secretary in advance of each fiscal year.

However, I consider it essential that this act provide some basis for additional allocations of sums to the cities and to the States to take into account the many tangible factors which intervene between the date that an annual State plan is formulated during the previous fiscal year—and the actual summer months in question.

First, the need for such programs is sympathetically related to the overall extent of unemployment among the groups to be served. For example, unemployment for teenage blacks living in poverty levels was 32.7 percent in the first quarter of this year compared with 20.9 percent for the first quarter last year. Correspondingly, the number of neighborhood youth corps summer slots projected by the U.S. Conference of Mayors for this summer based upon individual applications, is almost 100,000 in excess of last year's total projections.

Second, we must recognize in all candor that since these programs provide a meaningful experience for many youths who would otherwise spend their time on the street, the extent of their need may well depend upon the climate in a community as the summer approaches.

Mr. President, I propose that the Secretary of Labor be directed to report to the Congress at the earliest appropriate date in each calendar year as to the number of work experience opportunities in public or private agencies or organizations that will be provided in each of the various States and other areas designated for administration of programs beginning in June of that year, and as to the total number of such persons who could benefit from such programs, together with any recommendations for additional funding for such programs.

Mr. President, for every year since the neighborhood youth corps summer program has been in existence it has been necessary to seek additional sums for that vital program in the context of the supplemental appropriation process. Usually, requests for additional funds have been made in the context of the second supplemental appropriation bill, which normally is first taken up by the House of Representatives in February or March of each year and usually is considered by the Senate in the early summer months.

I think that it is essential that we provide in this legislation for a clear statement of what those needs are so that the

executive branch and the Congress can respond in time to insure that any additional funds are channeled to the cities and the States to expand their efforts if circumstances as the summer approaches dictate the desirability of an additional allocation of resources.

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

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

The amendment (No. 661) was referred to the Committee on Labor and Public Welfare, as follows:

AMENDMENT NO. 661

On page 53, line 2, insert "(a)" after "Sec. 650."

On page 53, between lines 9 and 10, insert the following new subsection:

"(b) The Secretary shall transmit to the Congress at the earliest appropriate date in each calendar year a report setting forth a description of summer work experience programs to begin in June of such year including the number of opportunities in public and private agencies or organizations that will be provided to disadvantaged students in ninth through twelfth grades (and to youth of equivalent ages,) in each of the several States and other areas designated for administration of programs under this Act, and a statement as to the total number of such persons who could benefit from such programs, together with his recommendations, if any, for supplemental appropriations for such programs."

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 662

Mr. DOLE (for himself, Mr. DOMINICK, Mr. GURNEY, and Mr. THURMOND) proposed an amendment to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to be printed.

(The remarks of Mr. DOLE when he proposed the amendment appear later in the RECORD under the appropriate heading.)

NOTICE OF HEARINGS ON FEDERAL SHARE INSURANCE FOR CREDIT UNIONS

Mr. PROXMIRE. Mr. President, I wish to announce that the Subcommittee on Financial Institutions of the Committee on Banking and Currency will hold hearings on S. 3822, a bill to provide insurance for member accounts in State and federally chartered credit unions, and for other purposes.

The hearings will be held on Thursday and Friday, June 18 and 19, 1970, and will begin at 10 a.m. in room 5302 New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Kenneth A. McLean, Senate Committee on Banking and Currency, room 5300 New Senate Office Building, Washington, D.C. 20510; telephone 225–7391.

The ACTING PRESIDENT pro tempore. Is there further morning business?

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

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

The bill clerk proceeded to call the roll.

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

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

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, with the proviso that the recess not extend, under any circumstances, beyond the hour of 11:30 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senate stands in recess subject to the call of the Chair, but, in any event, not later than 11:30 a.m.

At 10 o'clock and 37 minutes a.m. the Senate took a recess subject to the call of the Chair.

The Senate reconvened at 11:19 a.m., when called to order by the ACTING PRESIDENT pro tempore.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous unanimous-consent agreement, the Senate will proceed with the consideration of routine morning business.

The Chair recognizes the Senator from Kansas.

THE GREAT VALUE OF VETERANS' ORGANIZATIONS TO OUR SOCIETY

Mr. DOLE. Mr. President, recently on the floor of this body the names of some great veterans' organizations were brought into our discussions and two leaders were charged with playing politics with veterans' organization. It is important that the record clearly show the great value of veterans' organizations to our society. The veterans' organizations represent people who have actually defended our values and our standard of life. They represent people who want to perpetuate our system of government and our ideals. They respect our flag. They salute the flag; they believe in patriotism; they represent courage, devotion, and patriotic concern for their fellow men.

If there is any group that knows the value of peace, and if there is any group which genuinely desires a genuine peace, I would say it is the Veterans of Foreign Wars. Who desires peace and tranquillity more than men who have experienced the ravages of war, men who have scaled the enemy cliffs against overwhelming odds, men who have parachuted into enemy held territories, men who have crawled through the jungles and marshes dreading death less than surrender. As a general rule, I would say that combat veterans detest war and want peace more than any single group of people in this world. They have lost their best buddies, they have written letters to the next of kin. They know the price of freedom.

One of the organizations discussed last week was the Veterans of Foreign Wars whose commander in chief is Ray Gallagher of South Dakota. Ray Gallagher is striving, as are many, many concerned leaders throughout the Nation, to bring peace without enslavement, to bring peace which is genuine and not a mere camouflage for additional Communist conquests.

Mr. President, the challenge before our society is the Marxist-Leninist system of aggression. This is the central issue of our times. The struggle goes on in Southeast Asia, in the Middle East, and within all the free countries including the United States.

The Veterans of Foreign Wars has numerous mandates and guiding philosophy to meet this challenge both at home and abroad. I ask unanimous consent to have printed in the RECORD two of the resolutions from that organization which testify to the aims and objectives of the Veterans of Foreign Wars and their leadership.

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

RESOLUTION NO. 13—THE V.F.W. STAND IN VIETNAM

Whereas, the freedom of South Vietnam is vital to the security of the United States; and

Whereas, by treaty ratified by the Senate of the United States, the United States is obligated to assist the Government of South Vietnam to repel Communist aggression; and

Whereas, serious consequences to the United States and the free world would result from the loss of South Vietnam to the Communists; and

Whereas, the cost in blood and treasure will be far less by defending against the enemy in Vietnam now rather than after the aggression has spread actively to other areas of Southeast Asia; and

Whereas, the credibility of all American commitments is on trial before the world in South Vietnam; and

Whereas, the cost of betrayal to those Americans who have fought for freedom in South Vietnam is unpardonable and unthinkable; and

Whereas, the North Vietnamese and Viet Cong demonstrably have no intention of joining in a search for any political or other solution to the war in Vietnam; and

Whereas, the casualties to the United States and allied forces have mounted steadily since the beginning of the unproductive Paris discussions; and

Whereas, the ending of bombing in North Vietnam confines the devastation of war exclusively to the territory of South Vietnam and its people, and in reality only aids and comforts the enemy; and

Whereas, it is common knowledge to the free world that the avowed purpose of Communism is to dominate all free people by terror and fear and to wipe out all remnants of freedom as known to the free world; and

Whereas, it is known that the people of South Vietnam have fought valiantly and are still so fighting, in opposition to the terror, kidnapping, assassination and destruction by the enemy; and

Whereas, one of the goals of Communism in Vietnam is to lessen the will of the people of the United States to fight by holding out as long as possible and to destroy freedom in South Vietnam; now, therefore

Be it resolved, by the 70th National Con-

vention of the Veterans of Foreign Wars of the United States, that we unqualifiedly support the following principles, aims and proposed action concerning the war in Vietnam:

1. That the United States and its allies consider victory in Vietnam of paramount importance and that all necessary steps be taken to insure victory and to discourage all stalemates, and that if it becomes necessary to step up the tempo of war to insure victory that it be done so without further delay.

2. That the United States and its allies are irrevocably committed to support the principles and objectives of freedom in Vietnam, and unqualifiedly support all action, be it military or political, which will insure the accomplishment of these objectives.

3. That additional Southeast Asian countries again be invited to join allied efforts to insure freedom in this part of the world and that the United States increase the programs to train allied forces for combat operations, if it becomes necessary to increase military activities against the territory of North Vietnam.

4. That the people of the United States demonstrate their gratitude to all United States forces fighting in Vietnam by helping and aiding them in every way possible in their efforts to preserve freedom.

5. That the United States support the establishment of a democratic government in South Vietnam, one which is based on majority rule and one which guarantees the continuing rights of the individual, including the continuing right to dissent and the continuing right of minority parties to criticize the party in power.

6. That the United States is unalterably opposed to any concession or agreement through negotiation that would lead to any form of coalition government in South Vietnam unless brought about by carefully supervised free elections in that country.

7. That the United States is further unalterably opposed to any concessions or agreements through negotiation which will aid communism in eventually assuming control of the government of South Vietnam.

Adopted at the 70th National Convention of the Veterans of Foreign Wars of the United States held at Philadelphia, Pennsylvania, August 15 through 22, 1969, Resolution No. 13.

RESOLUTION NO. 21—TO PROTECT THE SECURITY AND SOVEREIGNTY OF THE UNITED STATES

Whereas, according to its Congressionally bestowed charter, one of the major reasons for the formation of the Veterans of Foreign Wars was "To preserve and defend the United States from all her enemies, whomsoever"; and

Whereas, the leaders of the world Communist movement have openly threatened the United States and proclaimed the desire and intent of world Communism to conquer the free nations of the world by all possible means, including violent overthrow of our government; and

Whereas, certain subversive groups and movements and their adherents have not ceased their efforts to advance ideologies that would destroy the sovereignty of these United States; now, therefore

Be it resolved, by the 70th National Convention of the Veterans of Foreign Wars of the United States, that:

1. We reaffirm our complete, unwavering opposition to Communism in all its forms, both foreign and domestic, and will resist all Communist policies affecting the United States and all persons who support, defend, aid and abet them.

2. We reaffirm our opposition to world government, such as Atlantic Union or any similar scheme which would ultimately surrender the sovereignty of the United States of America.

3. We strongly support a United States foreign policy designed to aid the liberation of the enslaved peoples of the world.

4. We oppose any United States aid, military or financial, to Communist nations.

5. We oppose any weakening of the basic security laws of this nation, including the Internal Security Act, Communist Control Act and the Smith Act.

6. We endorse and recommend the continuation of the work of the Federal Bureau of Investigation and other federal and state agencies charged with protecting the internal security of the United States.

7. We endorse and recommend the continuation of the work of the Senate Internal Security Subcommittee, the House Committee on Internal Security, and any other Congressional committee formed for the purpose of protecting our country from Communist and other subversive activities.

Adopted at the 70th National Convention of the Veterans of Foreign Wars of the United States held at Philadelphia, August 15 through 22, 1969, Resolution No. 21.

Mr. FANNIN. Mr. President, I wish to join Senators in endorsing the participation of veterans in our national affairs. They do have a voice and they should use it. Veterans believe in our government and continuously they show their patriotism, standing ready to defend our freedom against all threats, foreign and domestic.

I am especially proud of the Veterans of Foreign Wars, the American Legion, and other veterans groups who make a special effort to support government in a search for a durable and a just peace. These are times for intense concern of war veterans and for all patriotic Americans. I commend the Veterans of Foreign Wars and their leaders who speak out for national unity and in support of our constituted leaders.

No thinking American wants American men to die on foreign soil needlessly. Our Government has sent forces and equipment overseas in an effort to stabilize conditions in Europe, in the Middle East, and Asia. If we undermine our own leadership we do, in fact, undermine the soldiers who are on the firing line.

Mr. President, I am one of those who give careful consideration to the sentiment and opinion of veterans. As Senators have stated, the veterans have seen, the veterans have experienced the tragedies of war and they know it is the least desirable way of resolving problems.

Unfortunately, the unilateral desire for peace will not bring peace. Unless aggression is stayed, the weak will be trampled. Survival requires will and determination in the face of adversity. To me the Veterans of Foreign Wars symbolizes courage in adversity. This is what brings the comrades together and it is that the Veterans of Foreign Wars and the heart of the organization. I recall the American Legion played a strong role in the freedom rally supporting our President and our system of government last fall. I was especially impressed with the Veterans of Foreign Wars "Operation Speak Out" which encouraged the silent majority to have their say.

I will always be impressed by the voice of the veteran, and I believe it is the sentiment within this body to listen when the veterans speak and to encourage their kind of devotion to the United States.

(At this point, Mr. DOLE assumed the chair.)

Mr. ALLEN. Mr. President, I would like to join the distinguished Senator from Kansas (Mr. DOLE) who now occupies the chair as Presiding Officer, but who spoke just a few moments ago, and I also join the distinguished Senator from Arizona (Mr. FANNIN) in support of what they have said for the veterans of the United States. The Veterans of Foreign Wars have had the experience of battle and many of them have known suffering beyond human understanding. Many of them are in our hospitals throughout the land and many have been rehabilitated wearing the scars of combat.

People who have fought to defend their values and have done so with conviction become outraged by the actions of those who appear to be guided by something less than patriotic desire, devotion, loyalty, and laws. I have been impressed by the contributions made by the Veterans of Foreign Wars and of the American Legion and other veterans' organizations throughout the years. They have maintained a sustaining interest in national security and foreign affairs. They have contributed to stability and have encouraged good community life. They strive to perpetuate the ideals brought here by our forebearers and the high national purpose which each succeeding generation has endeavored to emulate.

Mr. President, I think it is commendatory that our veterans organizations do, in fact, look beyond strictly veterans' programs. They provide a valuable input on national and international affairs.

Let me provide an example of the type of contribution made which I am sure no member of this body will question. It is a letter of concern obviously written in the national interest.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Mr. Ray Gallagher, commander in chief of the Veterans of Foreign Wars, to the President of the United States dated April 13, 1970.

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

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, D.C., April 13, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On November 3, 1969, in your speech to the nation regarding your plans for peace in Vietnam you stated that "If the level of infiltration (by North Vietnamese troops) or our casualties increase while we are trying to scale down the fighting, it will be the result of a conscious decision by the enemy . . . If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with the situation."

For the week ending April 4, 1970, the United States suffered more casualties, both killed and wounded, than during any previous week since mid-September, 1969. Al-

though the enemy's list of casualties also increased during the foregoing period, it appears the enemy is now making a maximum effort to disrupt U.S. efforts to pacify and to Vietnamize the war.

Mr. President, it is our understanding that the increased enemy attacks of last week have not jeopardized the position of our remaining forces in Vietnam. Nevertheless, we recommend your strategists take a renewed and hard look at the self-imposed restrictions which have been placed on our military forces and tactical options in that war. More importantly, we urge a new look at the military restrictions which have been placed on the armed services of South Vietnam. Specifically, I can see no justification for the territories of an aggressor nation, such as North Vietnam, to remain a privileged sanctuary while North Vietnamese troops terrorize South Vietnam, Laos and Cambodia. Borders should make no difference where the security of our troops and the troops of our allies are concerned.

North Vietnam does not merit "sanctuary status". It makes no sense for North Vietnam to remain free of violence, terrorist raids, and disruptive measures while the troops of that aggressor nation conduct all manner of terrorist and combat activities inside South Vietnam. On the face of it, this is a grossly unfair situation. This war should be conducted from a military point of view rather than from a political one. There would appear to be considerable room for innovative thinking and the introduction of a few elements of surprise actions, customary in war, actions which are calculated to increase the pressures, uncertainties, and difficulties against the government and homeland of North Vietnam. We are thinking of measures and actions which go beyond a renewal of the bombing.

Writing in behalf of the more than 1,500,000 members of the Veterans of Foreign Wars of the United States, I urge you to reconsider all the options available to you, the full spectrum, in an effort to find new measures and methods to persuade the Communist forces of that area that international crime does not pay.

Respectfully,

RAY GALLAGHER,
Commander in Chief.

Mr. ALLEN. Mr. President, those who are veterans of Korea and Vietnam are especially mindful of the difficulties we have encountered in our wars against Communist-led forces. Communist forces make their rules as they go along. They distort and deceive when it will serve their purpose. I am strongly in favor of the veterans' organizations maintaining a vibrant voice in national policies which extend beyond strictly veterans' legislation.

ADDITIONAL STATEMENTS OF SENATORS

CAMBODIA

Mr. ALLEN. Mr. President, I have been requested by the senior Senator from Connecticut (Mr. DODD), who is at present in the hospital, to place in the RECORD a statement which he released to the press of Connecticut today answering the thousands of constituents who have written in to him, protesting or supporting the President's action in Cambodia. I ask unanimous consent that that may be done.

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

STATEMENT BY SENATOR DODD

Over the past weeks my office has received thousands of letters and many more thousands of signatures on petitions protesting President Nixon's action in Cambodia. There have also been many letters supporting the President's action.

Since it would be out of the question to answer all these letters individually, I have decided to try to answer the thousands who have written to me by giving this statement to the Connecticut press.

The first point I want to make to those who have written in to me is that I share their desire to see our forces withdrawn and the killing stopped as soon as reasonably possible. Even before the President announced that he was embarking on a systematic withdrawal of American forces, I called for reducing the size of the American military establishment in South Vietnam. On the day that President Johnson announced that we were suspending our bombing operations in North Vietnam, and many times since that date, I called for a negotiated cease-fire because, as I saw it, meaningful negotiations would be impossible so long as the killing continued. I still stand by this position.

When President Nixon announced on April 28 that American and Vietnamese forces were crossing the border into Cambodia in order to clean out the enemy's privileged sanctuaries in that country, I supported the President's action on the grounds that it would save American and allied lives, hasten the withdrawal of American forces, and improve the chances of peace.

I believe that this estimate is fully borne out by the tremendous success of the operation to date. In roughly three weeks' time, we have captured more weapons, ammunition, and supplies than we did in the previous 14 months in all of Vietnam.

We have captured almost 8 million rounds of ammunition, over 27,000 mortar shells, over 16,000 rockets, enough rifles, machine guns and mortars to equip 30 enemy battalions, and enough rice to feed 40 battalions for six months' time.

These mountains of weapons and ammunition were intended for use against our side in the very near future. And I say that President Nixon, as Commander-in-chief, was dead right in deciding to go in and clean out these Communist base camps and supply depots.

If American forces are to be withdrawn in an orderly manner, obviously we have to do everything in our power to make it difficult for the enemy to launch major attacks on us while we are in the process of withdrawing and turning the war over to the Vietnamese allies.

To the critics of the action, I want to point out that we have *not* invaded Cambodia . . . We have no territorial or political designs on Cambodia . . . Our presence there has been approved by the government, which has, in fact, asked us to stay longer than we intended.

We have not enlarged the war. We are fighting precisely the same war against precisely the same enemy. The Cambodian action was a purely tactical decision within the framework of this war, and the President was acting within his powers when he ordered it. And I challenge anyone to explain to me how we prolong the war by capturing mountains of weapons and ammunition and supplies of various kinds from the enemy.

We have not merely acted in a manner which respects Cambodia's territorial integrity but, by putting pressure on the Communist rear, we are in effect helping Cambodia to defend its territorial integrity against a massive Communist invasion.

Anyone who is truly concerned about territorial integrity and the right of small nations to remain independent should at least have some words of indignation for this flagrant violation of the UN Charter by Hanoi. But from the protesters there has thus far been not a single word of indignation over Hanoi's aggression against Cambodia.

I am certain that our forces will be out of Cambodia by June 30, as President Nixon promised.

The President has already withdrawn 115,000 combat forces in South Vietnam and he has promised that another 150,000 will be withdrawn over the coming twelve months. I am also certain that this schedule will be honored.

The President is moving rapidly to wind down the American participation in the Southeast Asian conflict. But because he believes in peace with honor rather than peace with humiliation, he is seeking to withdraw our forces in an orderly manner which gives the South Vietnamese and the Southeast Asians more time to take over the burden of defense.

I support the President's timetable of withdrawal because I believe that it serves the cause of freedom and the continued peace of the world.

DIRECTING YOUTH TOWARD CONSTRUCTIVE ACTION

Mr. TYDINGS. Mr. President, over the last decade American young people have become an important political force in our society. Although their programs and beliefs are not always in accord with ours, we have found that much of what they have to say about our country is valid and that it is important for us to listen to them.

Recently a young constituent of mine, Russell Haines of Cumberland, Md., won the Bedford Road Optimist Club's oratorical contest. The speech, which received a standing ovation, poignantly expresses the thoughts of many of our young people concerning their role in society and the role of adults in communicating with youth.

I also wish to commend the Bedford Road Optimist Club for providing this platform for young people.

I ask unanimous consent that the speech and the article be printed in the RECORD.

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

YOUTH—FULL PARTNERS IN A BETTER TOMORROW

(By Russell E. Haines Jr.)

Youth is the ultimate time of a person's life. At this stage you not only change physically but mentally.

Today, youth are summed up as long hair, beads and violence. Facts show that these are only a small minority of today's youth. Of course these are the ones which make today's newscast. You very seldom hear news about today's appealing youth.

Should people be determined by the way they wear their hair or the cut of their clothes? Beethoven was a very poor dresser. He also had the most different hair style I've ever seen.

Today youth have so much more burden on their shoulders. We have to get an education so we will get a well paying job which will keep up with today's rising cost of living. But before a job we have to plan for a better tomorrow. We are the ones who will soon be voters and citizens of this blessed country of ours. This fact is putting extensive amounts of pressure on today's youth.

This pressure of school, future and jobs are turning today's youth to something which will relieve these problems. These relievers are drugs. You don't want a bunch

of addicts running this country. You want people who can face problems and pressures, people who do not look for escape.

Quoting the first part of Sir Isaac Newton's First Law of Motion, "Any body at rest tends to remain at rest unless acted upon by some outside force." This also pertains to today's youth. They will remain at rest unless the adults get them moving. If not there is a chance they will do nothing. Adults have to take on this responsibility. It is just like a job, or a skill—you have to keep working at it until you accomplish your goals. What if adults do not care? Will they accomplish the goals to get us started?

Now quoting Newton's second part of the First Law of Motion—"Anybody in motion tends to remain in motion, in a straight line unless acted upon by some outside force." If we can get into this motion or groove we can keep moving, but in a straight line? Is this what is bothering adults? It should, because they should care and love their children enough to care about their future. Should this problem be yours and mine?

Thank you.

HAINES WINS OPTIMIST'S SPEECH EVENT

The winner of this year's oratorical contest sponsored by the Bedford Road Optimist Club is Russell E. (Rusty) Haines Jr., son of Mr. and Mrs. R. E. Haines, 563 Rose Hill Avenue, Cumberland.

The Haines youth, an eighth grade student at Braddock Junior High School, won club honors when the annual event was staged last night at Geatz's Restaurant, according to an announcement by Richard Cioni, president of the Bedford Road club.

The winner, who will have a chance to qualify for the Optimist International oratorical contest finals, was picked as a member of the Sunday School League all-star basketball team while playing for St. Matthew's United Church of Christ. He has also earned the American Red Cross Junior Lifesaving Badge and delivers a daily newspaper route.

Mr. Cioni said "The purpose of the oratorical contest is to provide a valuable self-improvement activity for boys under 16 years of age. While not all boys will become polished public speakers, they will have learned certain fundamental principles of expressing themselves that will be of value to them for the rest of their lives."

The winner of the Optimist International finals, to be held June 28 to July 2 in Los Angeles, Calif., will receive a $2,000 college scholarship, with a $1,000 scholarship going to the four runners-up.

FINANCING AND DELIVERY OF HEALTH SERVICES

Mr. YARBOROUGH. Mr. President, as each of us knows, the health care industry of this country is in crisis. The cost of health services continues to escalate at a rate almost double that of prices generally. In stark contrast to these soaring costs is the deteriorating quality of the services rendered, as well as the reduced capacity of the providers of health care to efficiently organize and deliver those services.

At the occasion of his acceptance of the Howland Award, Dr. Allan Butler delivered a thought-provoking address on the subject of the vast changes which have occurred in our health care system, its problems, and its opportunities. With more than 30 years of distinguished experience, Dr. Butler is in an excellent position to discuss these complex issues with the advantage of considerable historical perspective. I commend his remarks to every Senator.

I ask unanimous consent that the pertinent aspects of Dr. Butler's speech be printed in the RECORD.

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

EXCERPT FROM ACCEPTANCE OF THE HOWLAND AWARD

(By Allan M. Butler)

THE FINANCING AND DELIVERY OF HEALTH SERVICES

And now to a field of medicine in which I've been laboring since retirement from Harvard and the Massachusetts General Hospital in 1960 [4, 9–17, 32] and in which I've been interested since the Report of the Committee on the cost of Medical Care in 1932 and the two-volume documentation of American Medicine, Expert Testimony out of Court, 1937 [5]. Here, I owe so much to John P. Peters of the Committee of Physicians For The Improvement of Medical Care 1937 [30]; to Hugh Cabot, Robert De Normandy, Channing Frothingham and Edward Young, as partners in Medical and Surgical Associates in the Establishment in 1939 of the White Cross Health Service, Inc. prepayment plan [3, 30], which, with the collaboration of 148 practicing physicians [42], provided comprehensive medical care to 20,000 people of Greater Boston; and last, but not least, to Ernest Boas of the Physicians Forum, 1941. How informative was participation from 1960–61 in the development of the salaried staff of the Metropolitan Hospital of Detroit to provide prepaid comprehensive health care to the 75,000 members of the Community Health Association.

It should be noted that this interest has two components: 1) the financing of medical care by insurance or prepayment; and 2) the quality and efficient delivery of medical services. Health insurance has the potentiality of improving the financing of health services by removing the uncertainties and burdens that pertain to individuals financing professional or hospital services as they occur by item fees or charges. Unfortunately, what I said thirty years ago (before Medicaid), in discussing the quality of care under a national health act, needs to be said again:

'The Wagner Bill places relatively too much emphasis on making federal money available to states and too little emphasis on safeguarding high standards and economical service. Available experience shows that current individual practice and tax supported medicine are incompatible. It is one thing to have a patient pay a doctor for each visit or service rendered and a far different thing to have a third party make the payment. When the patient pays, there is an automatic check on unnecessary and extravagant medicine. When a third party pays, there is the opportunity of malingering on the part of patients and of prolonging or exaggerating treatment on the part of physicians. The incompatibility of individualistic fee-for-service practice and tax supported medicine has long been recognized by the American Medical Association. Its desire to defend the former explains its past opposition to the latter. [15]

The differentiation and interrelations of financing and delivering services were appreciated over thirty years ago by both the Committee on the Cost of Medical Care and the Committee of Physicians for the Improvement of Medical Care [29]. The former, in recommending prepayment, advocated provision of services by hospital centered group practices developed according to regional planning. The latter presented four principles and nine proposals to the Medical profession for consideration. The principles state: 1. that the health of the people is a direct concern of the government; 2. that a national public health policy directed toward all groups of the population should be formulated; 3. that the problem of economic need and the problem of providing adequate medical care are not identical and may require different approaches for solution; and 4. that in the provision of adequate medical care for the population, four agencies are concerned—voluntary agencies and local, state and federal governments. The proposals advocated: minimizing the risk of illness by prevention; providing adequate medical care for the medically indigent, meeting the cost from public funds local and/or State and/or federal; support of medical education, research and procedures for raising the standards of medical practice from public funds; the allocation of public funds to existing private institutions to the largest possible extent so long as their service is in consonance with the above principles; and a functional consolidation of all federal health and medical activities under a separate department. The subscribers to the above principles and proposals held the view that health insurance alone does not offer a satisfactory solution to the problems of improving medical care.

An editorial in the New England Journal of Medicine [29] gives the statement of the Committee's Principles and Proposals in full, together with the names of the original committee members, a partial list of the signers and the reaction of the American Medical Association. It states in part:

"This issue of the Journal presents to its readers certain principles and proposals which some four hundred physicians believe should guide efforts to improve medical care. The impressive cross section of the profession represented in the list of signers (ultimately over 1000) indicates that these principles and proposals deserve earnest consideration . . .

"Regardless of what the final solution to the problem raised may be, there seems little in the proposals or attitudes of the signers (of which I am one) to provoke such caustic comment as was made in the Journal of the American Medical Association . . . The frequency with which pertinent discussion of these problems by physicians has been diverted by befogging the immediate issue with emotions stirred by some irrelevant traditional loyalty has verged on insult to the intelligence of the medical profession . . .

'The Journal of the American Medical Association could render a much needed service by an enlightened discussion of the ways and means of meeting the problems that face the medical profession because of present social trends. Many members of the American Medical Association are rightfully interested in an impartial presentation of these complicated questions, questions so complicated that their constructive consideration may all too easily be jeopardized by emotions arising from irrational prejudice . . .

'The New York Times comments editorially:

"Physicians of the highest standing have circulated a letter in which they call upon their profession to assent to certain general propositions, one of which is the propriety of supplementing inadequate private endowments by grants from public funds—local, state, and possibly federal—to medical schools, hospitals and research laboratories.

"Outraged at this seeming violation of organized medicine's economic interest in the treatment of disease and in research, the Journal of the American Medical Association regards the general proposition as a step in the direction of socialized medicine."'

The New England Journal of Medicine editorial continues:

"The editorial writer of the Journal of the American Medical Association apparently favors no such participation by any government, and this difference of opinion provokes disrespect. He states:

"The tender of governmental funds to such institutions for the care of an ill-defined group called the medically indigent appeals to the unthinking physicians who have endorsed these principles . . . Yet such an ar-

rangement would put the hospitals promptly into the practice of medicine . . .

"Obviously some of these physicians must have signed merely after seeing the names of those who signed previously and because it looked like a good list . . . Most conspicuous on the list are the names of those deans and heads of departments in medical schools who may have signed because they saw a possibility of getting government money for clinics and dispensaries. Such careless participation in propaganda as has occurred is lamentable, to say the least. Certainly the unthinking endorsers of the . . . principles and proposals owe to the medical profession some prompt disclaimers."'

This New England Journal of Medicine editorial, quoted in part here, which I confess writing, was published November 11, Armistice Day 1937 [29].

In the February 3, 1969 issue of the AMA News, we learn that the American Medical Association recognizes 'that there are not only those in the population who can't contribute any part of the cost (that is, of health insurance), but there is another large segment of the population that is probably going to need help in purchasing insurance and, therefore, we have enunciated this new policy, which says that a fair degree of comprehensive coverage should be provided every American; that the federal government properly should assist to the degree needed in helping the individual to purchase this; that this should be a strictly federal responsibility rather than a matching federal-state responsibility; and that the best measure of ability to pay is through the income tax system, because it allows for more than just gross income. It allows for the deductions for dependents and for all the other things that go into reducing gross income and converting this to disposable income.'

We've come a long way, Baby.

With the American Medical Association, the National Medical Association, the Physicians Forum, the American Public Health Association, the Medical Committee for Human Rights, the Student Health Organization, the C.I.O.-A.F.L., the Committee for National Health Insurance, the National Health Forum, and others advocating universal National health insurance, National Health Insurance is on its way. *But* with its coming, it is essential that we give thoughtful consideration and take constructive action to improve the delivery of health services. We must improve their availability, economy, and quality by a more efficient application of our knowledge and resources [4, 10, 15, 17].

I think we all know the major defects of our disorganized health care that have lead to what is generally recognized as the present critical state of U.S. Medicine, namely, lack of planning and coordination of health facilities, disorganized delivery of services, fragmented financing with high overhead of our multiplicity of private insurance and government programs and agencies; built-in dual standards of private and welfare medicine; costly Medicaid and welfare means tests; fee-for-service remuneration of physicians and hospitals; solo-practice; and limitation of most health insurance to in-hospital care with resulting costly overhospitalization.

The Blue Shield in its publication Sources and the Committee for National Health Insurance in its pamphlet have documented the inadequacy of private health insurance. Approximately 16% of people under 65 have no hospital insurance; 22% have no surgical insurance; 49% have no insurance to cover x-ray and laboratory examinations when not in a hospital; 60% have no insurance for visits to doctors' offices or doctors' visits to their homes; 64% have no insurance against the cost of prescribed drugs; and 97% have no insurance against dental expenses.

Our private health insurance is not only grossly inadequate but, as stated by Dr. Lorin Kerr [34], it has reinforced the status quo and thereby obstructed resolution of the problems concerned with quality controls, use of manpower, and the organization and distribution of medical care services.

A major cause of the failure of voluntary private health insurance is the fixed premium for a given policy. This has to be low enough to have a reasonable proportion of the people subscribe, and yet is too high for many millions to afford. It results in too little money to finance a single high quality of service for all and hence results in "welfare" medicine with degrading and administratively expensive means tests at the time care is needed.

Dr. Kerr and the Committee for National Health Insurance state that the United States is the only industrialized nation in the world without comprehensive health insurance. I think the latest figures indicate that 17 of such nations have lower infant mortality rates than we have; at least 17 have longer life expectancy for males, and 10 have longer expectancy for females. More males are dying at middle age in the U.S. than in 15 of these nations.

The lack of economy in our disorganized system of delivering health services is indicated by our per capita expenditure of approximately $250 for personal health care in 1968, probably more than any country in the world. This amounts to 53 billion dollars, or 6.5% of our 1968 gross national product. Yet the health care of the majority of our population is mediocre.

Experience with Medicaid shows clearly that universal health insurance could be disastrous in terms of economy and quality of medical care and return on the dollars spent, unless certain provisions are made to improve the financing and delivery of health services.

To accomplish an adequate and economical financing of medical care we at least should:

1. Finance Universal National Health Insurance by our tradition of charging for medical services according to ability to pay. The needed sums from general revenue could be economically provided by a surtax on the income tax, as we have done to finance the Vietnam war. At hand without added expense are the personnel and computers that levy a progressive tax based on fairly reliable data on ability to pay, in spite of the exemptions that can be managed by the very rich. And if Social Security is to finance some of the cost, why shouldn't prepayment of Social Security from wages be progressive like our income tax and not be based on taxing wages up to only a specific limit, such as the present $7800 per year. Local school taxes are based on all property, not just property up to a certain value. Moreover, it should be noted that those who do not have children or whose children do not attend public schools are taxed.

2. Delegate to the Health Administration of HEW and the government Regional Planning and Hospital Review Councils the responsibility for setting such standards of medical and hospital services and for such regional planning and coordination of health facilities as are essential for a satisfactory return on the dollars spent on health care. Like it or not, such planning and accountability are basic to an economical and efficient delivery of health services. Without this, a desirable availability, effectiveness and economy have not been and will not be feasible.

However, such *socialistic* financing of medical care should be clearly differentiated from the *pluralistic* competitive delivery of health services.

As an advocate of universal national health insurance for 30 years, I wish again [4, 10, 15, 32] to emphasize the importance of maintaining the voluntary initiative and pluralistic competitive character of U.S. 'free enterprise' in the delivery of health services by private and government providers of services. We should and can avoid a monolithic government program of delivering services.

To avoid carrying into Universal National Health Insurance the defects of our current delivery of health services, physicians should take the initiative in:

1. Adapting licensing of physicians to ever increasing specialization. (In a recent oral examination for license to practice in California, the examiner asked me to discuss tumors of the uterus. I replied, 'It would be presumptuous of me to answer this question as I've been practicing pediatrics for 33 years.' Whereupon the examiner said, 'Doctor you are applying for a license to practice medicine.' And the license was granted.)

2. Developing and improving group practice, including group-practice primary family health care.

3. Having specialists hospital based where, with essential allied health personnel and facilities, they are readily available to their hospitalized patients and as consultants in the care of ambulatory patients of primary physicians practicing in neighborhood primary health centers or elsewhere.

4. Minimizing fee-for-service solo office practice, as there develops group practice of physicians and allied health personnel with pooled income from which salaries are paid, as determined by one's group-practice peers.

5. Devising, as recommended by the National Advisory Commission on Health Manpower, means of reimbursing hospitals other than on the current basis of underwriting open-ended, noncompetitive costs with little or no incentive for efficiency or competitive control of costs.

Interestingly, the original plan of Blue Cross proposed prepaying for hospital care on a capitation basis. Each person or family in a community was to choose, with the help of the family physician, the hospital that would provide needed hospital services. Dr. Russell Lee has advocated this for years [35]. Prepayment would be made for such care. To apply this today, payment might be based on the per person estimated average cost of all hospital services. Thus, if the community hospital elected by a person wasn't equipped to provide certain highly specialized types of service, the patient would be referred to a hospital equipped and staffed to give such service; the first hospital would pay the second from its capitation income. Such payment for hospital service would both lessen the over hospitalization that occurs with most current Blue Cross and other commercial health insurance and should eliminate provision of highly specialized services by hospitals that, in terms of staff, facilities, and frequency of providing service, are not qualified to provide such services.

As mentioned elsewhere [4, 10, 15, 17], the changes in delivery of our health services outlined above introduce nothing new. They are changes now taking place that should be further implemented. With their implementation, the control and return on the universal health insurance dollar spent should be such as to permit this affluent society to make available a single high standard of health care to all, young or old.

THE ROAD AHEAD

We've come a long way. But the road ahead may be rough. The way is impeded by obstacles of the past and objections of vested interests. The American Medical Association is advocating National Health Insurance, *but* it isn't advocating needed changes in our way of delivering medical services. Indeed, it is reported that Dr. Annis of the A.M.A. is blocking the appointment of Dr. John Knowles, Internist and Director of the Massachusetts General Hospital, as assistant secretary of H.E.W.

Thank heaven the young people are com-

ing. Hopefully, they have broader and more socially oriented professional interests than their AMA professional elders. Hopefully, they are showing the way to a medical education and delivery of health services that will more efficiently minimize suffering and promote health.

Thirty years ago I wrote, "Faced with the reality that tax supported medicine is at hand, shall we insist that it be provided economically and efficiently? If we do, health and solvency may be had. One thing is certain—the one cannot be had without the other" [15]. Again we must ask: "Will we solve the problems that will permit realizing the potentialities of today?"

Oh Baby, tomorrow the eastern sky could be aflame with the dawning of a new day. Or could it be the burning of a city or the fire storm of an atomic bomb?

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42. Each member had a primary physician for primary health and medical care and referral as needed to specific specialists.

43. Requests for reprints should be addressed to: Allan M. Butler, M.D., Tashmoo Farm, Vineyard Haven, Mass. 02568 (USA).

THE GOLDEN CALF

Mr. CURTIS. Mr. President, former Senator Albert W. Hawkes, of New Jersey, served in the U.S. Senate with distinction, and during that time he established many fine friendships. I am indebted to Senator Hawkes for an article entitled "The Golden Calf" written by Walter R. Youngquist. It carries some thoughts that merit the attention of all Senators.

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

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

[From The Freeman, November 1969]

THE GOLDEN CALF

(By Walter R. Youngquist)

The American people right now are in the Valley of Decision. We must decide *now* whether we shall continue to live under liberty as free citizens, or kick it all out of the window and, for the *promise* and *hope* of perpetual physical security, exchange it for a system of regimented living as the serfs and property of a socialist dictator state. The choice is ours to make and no man or woman in this country can escape the making of it. Indifference to this paramount issue is just as deadly to our freedom as the outright embracing of socialism itself!

Two human attributes are, probably, responsible for more misery, death, hopelessness, war, and starvation than everything else in the world put together. One of these is the lust for personal power; the other is the constant desire for easy physical security without personal responsibility. Call it greed if you will. The two mesh together perfectly. History records that those who would destroy the liberties of the people first give them largess, grants, doles, and the promise of security in the money bags of government. History also records that those who lose their liberty barter it away for the promise of security at the hands of the state.

THE STRUGGLE FOR FREEDOM

The struggle for human freedom is as old as humanity itself. The first pages of unfolding history reveal to us a picture of oppressed humanity hopelessly struggling, driven hither and yon over the earth under the lash of ruthless masters. These hapless humans have lived and died as cattle. They were, and are in fact, the beasts of burden, the physical property of the King, the Pharaoh, the Emperor, the Nabob, the Union of Soviet-Socialist Republics, or whatever you call that creature known as the authoritarian or totalitarian state.

Always the ceaseless struggle of the peoples of nations has been to throw off the shackles forged by their own rulers, or fight to the death in fending off a foreign despot attempting to extend his personal power.

THE RISE—AND FALL—OF NATIONS

The history of nations is not that they rise but that they rise—and fall. The Romans, under the Republic, achieved, perhaps, a greater measure of freedom than any other ancient people. They also achieved considerable security for themselves and imposed an era of comparative peace over the then civilized world. It was called the Pax Romana. Centuries later the British Empire maintained an era of Pax Britannica. Certain it is that the Roman Republic did produce great prosperity for the Romans. All their conqured territories paid tribute to them. Life was easy, and then licentious. Then moral decay set in, and while Rome gave every outward appearance of strength and security, it

was rotting at the core. Then the smart politicians came on the scene. The way to achieve power over the Romans was to promise them security. Give them doles from the state; open up the corn-cribs, put lots of people on the public payrolls; tell them that they shall never worry again, the state will take care of them. Finally came the Gracchi Brothers, each trying to outpromise the other—the forerunners of the American Democrats and Republicans! The Romans took the bait, they put their trust in the state—and were conquered by a less civilized but more virile people who trusted in themselves! "A nation that wants anything more than freedom will lose its freedom," said Somerset Maugham, "and the irony of it is, if it is comfort and security it wants, it will lose them too."

As the centuries came and went, as the Christian religion spread with its teachings of the infinite worth of the individual, with its emphasis on the value and sacredness of human life, men everywhere began to stir with the urge for freedom. The centuries-old struggle took a long step forward when the English barons, in the beginning of the thirteenth century, wrested Magna Carta away from the unwilling King.

THE SECURITY OF FREEDOM

There is a security which is real. It is the security of responsible freedom. If that freedom can be maintained, then physical security follows as a natural consequence. But if a free man seeks physical security outside of himself, with no urge or obligation to provide it for himself, then he will achieve that security at the expense of his liberty.

This nation has been extremely fortunate in its ancestral heritage. The pilgrims came to our unknown land because they wanted to be free. Particularly, they wanted freedom of religion. They had been whipped around in Europe, persecuted, and with no hope for betterment. Then they looked over the wide ocean. They knew not what was on the other side, except one thing: freedom to worship as they wished. History has told the story. We have freedom, but it was earned at a terrible price. Then, in the great migrations that took place from northern Europe in the latter half of the nineteenth century, we received the workmen who turned this country into the land of opportunity, who built and worked in our factories, who took homesteads in the West and turned the prairies into productive farms. It was the surge of economic freedom, the fundamental building stone of this nation.

The Declaration of Independence proclaims:

"We hold these truths to be self-evident: That all men are created equal; that they are endowed, by their Creator, with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

The Constitution of the United States is a document to limit the power of government. The people who wrote that instrument had the experience of living under the rule of a foreign king. They had firsthand experience with the archaic, selfish, individualistic actions of a foreign monarch. They would set up a government "of the people, by the people, for the people," and every citizen would be entitled to the protection of the law. Always, however, there is the desire on the part of many people to circumvent the law. Always there are schemers who want to get rid of the law so far as they are concerned. They are the bureaucrats, those who are in position to wrest away from others their rights, while entrenching themselves in bureaucratic protection. This tendency has gone so far that it is doubtful if it can ever again be controlled, and it may very well be the road down which this country will finally go into a socialistic dictatorship.

TWO PHILOSOPHIES OF GOVERNMENT

Now, there persist in this world two philosophies of government, each struggling for supremacy.

One of these says that the state is supreme, and the source of all authority, well-being, and security. It conceives that the citizen is the subject and property of the state, and that all of the privileges, all of the freedom which the citizen enjoys, is a dispensation of the state. It denies that any man has certain unalienable rights which no government may invade, curtail, deny, or destroy. It is the concept of the state as the all-wise master which not only owns the citizen but is obligated to care for him. It owes every man a job without any responsibility on the part of the individual to create one for himself. Everyone is entitled to an equal share of everything that is produced regardless of his abilities, his industry, his thrift, or his frugality. Everyone is entitled to medical attention when sick and a proper burial when he dies. His only duty is not to die until he has collected his full benefits.

This philosophy manifests itself in a thousand ways but principally in progressive regimentation of labor, of agriculture, of business and the professions. Another symptom is the every-growing bureaucracy and the tendency for governmental agencies and bureaus to multiply themselves, to seek more and more power over the citizens; to covet increasing power over public funds and to levy heavier and heavier taxes; to ceaselessly promulgate rules which have the force of law; to seek and expand authority to accuse, prosecute, and fine or imprison the citizens who refuse to obey their edicts; to constantly seek to throw off all restraints of constitutional government; to circumvent the courts; and if that doesn't succeed, to pollute and degrade the courts by the appointment of men beholden to the supreme authority. It becomes further apparent in the gradual abdication by the Congress of its powers and position as defender of the people's liberties; by a progressive weakening of the legislative branch of government through a system of favors handed out by the chief executive; and by a corresponding increase in the power of the executive. Thus, slowly but surely, the transformation takes place from a "government by law" to a "government by men."

THE MEANING OF LIBERTY

The other philosophy conceives that the individual citizen is the true source of authority; that the state is the creation of the sovereign people; that its function is to govern within the limits set by the sovereign people, and not to engage in business in competition with the citizens. It recognizes that liberty is of the spirit as well as of the body and that the individual must be free to develop his own personality and resources, accepting the responsibilities of that freedom. Recognizing that discipline is essential in every ordered society, it conceives that discipline of a free people must be self-imposed and voluntary. This philosophy teaches that the state is the subject and property of the people; that it is without authority except that granted by the consent of the governed; that its function is to foster the well-being of the individual, to create for him a climate where the human personality may develop into its full flowering, and in which his liberties shall be protected under just laws. This philosophy teaches that the only liberal government is one which is duly limited to keeping the peace. A government which squanders itself into bankruptcy cannot be liberal. A people which leans more and more heavily upon the gratuities of a paternal state, a people which believes the doctrine that "the state owes me a living" must be prepared soon to surrender its liberty.

Patrick Henry said: "No free government, or the blessings of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue and by a frequent recurrence to fundamental principles."

True liberalism holds that liberty is an endowment by the Creator upon which no power may encroach, and no government may deny. It holds that the individual must be free to choose his own calling, to develop his talents, to own and keep a home sacred from intrusion, to rear children in ordered security. It holds that he must be free to work for whom he wishes, or not to work, without tribute to anyone, to earn, to save, to spend, and to accumulate property. It holds that the first duty of the state is to protect the citizen under the law.

PROMISES OF THE WELFARE STATE

We are now asked to turn away from the qualities and principles that made us a great nation. False leaders have come among us—seeking more power over our lives and occupations. They have dangled before us a picture of the lush pastures of economic security; we have listened—and followed.

These leaders would have us believe—

That security is surely to be found in the money bags of government, if we will but permit them to run our business, our farms, our professions, our jobs, and our lives.

That the source of all security and welfare is the state and that it may not be had except from the state.

That higher taxes upon our labor and thrift will provide us more welfare.

That the state will give us more security by spending more than its income and by depreciating the value of money.

That we may hove more abundance if the state limits the harvest of our fields and the yield of our flocks; that prosperity is increased by paying farmers to over-produce, destroying the surplus, and taxing everybody to pay for it.

That we may have more liberty through more laws and regulations giving more power to the state and to officials, agents, investigators, and bureaucrats in general to supervise and regulate every detail of our lives.

That American citizens will rise to nobler heights of morality and individual achievement if they trust the state to provide all that is needful.

That we may enjoy freedom from want, freedom from everything except the greatest of all freedoms—freedom from the tryanny of the state itself.

They call this "public welfare," "security," "social and economic equality," "elimination of the profit motive," "production for use," and similar names to cover up its true nature. *It is Socialism.*

This headlong plunge into a socialist dictatorship is going to end up with the dictator telling us where we may work, what we shall do, how long we may work, and for what wages.

They will tell us how many square feet of living space we may have, who shall provide it, and on what terms we may live in it.

They will tell us what we may buy, what we shall pay for it, what we shall get for what we sell, what we may plant, where we may plant it, and how much; and how we shall dispose of the harvest.

This is the security of the Negro slave before the emancipation, the security of the American Indian, the security of the Englishman under socialism, the security of a "guaranteed" job—as in Russia. It won't be long in coming unless we reject false promises and exercise self-responsibility.

Government aid to the individual is followed by government control *of* the individual, which means government force *against* the individual. *No people can remain free except by exercise of thrift and frugality.*

THE GOLDEN CALF

The modern version of the story of the Golden Calf would read like this:

"And the people of America murmured because life was so hard, and they pined for security. And the bureaucrats, hearing of their sad plight contrived to make the people secure. So they said to the people: "Put your trust in us and we shall open unto you the bottomless money bags of government. They shall be your Golden God who will care for you and your children from the cradle to the grave. Your beds shall be soft; your bellies shall be filled with good things to eat; your labor shall be easy and your wages shall be great. There shall be long seasons of time-and-a-half and double-time. You shall generously share the fruits of labor of others and much time for ease shall be your lot." And the people said: "Hurrah, verily shall the money bags of government be our Golden God and upon these leaders shall we trust our security." Thus did the people of America "deliver themselves into bondage."

STRETCH JETS AT NATIONAL AIRPORT

Mr. SPONG. Mr. President, contrary to every assurance given to the public and Congress, and against the strongest recommendations of its own experts, the Federal Aviation Administration is now permitting large stretch jets to operate at Washington National Airport.

On May 19, at a hearing of the Committee on the District of Columbia, I made public a draft study by the senior officials of the FAA's National Capital Airports Bureau which concluded that introduction of the stretch jets would provide a financial bonanza for the airlines, represent a substantial loss to the Government and taxpayers and inflict immeasurable damage on the growth prospects of Dulles and Friendship airports. Incredibly, the decision was made nevertheless.

I have written to Secretary of Transportation John Volpe, asking that this decision be reversed, at least until such time as it can be shown that the larger jets will not hinder the objective of orderly airport development in this region. Until and unless such action is taken, I intend to pursue the matter and to inform Congress and the taxpayers of all the circumstances surrounding this decision.

I ask unanimous consent to have printed in the RECORD an editorial entitled " 'Devastating' Indeed," which was published in the Alexandria Gazette of May 22, 1970.

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

"DEVASTATING" INDEED

In all the furore that has risen over the action of the Federal Aviation Administration in authorizing the use of stretch jet planes at National Airport, nothing has been as revealing as one day of testimony before a Senatorial committee of inquiry. The one most evident result would seem to be an indication that the Administrator acts quite independently from the qualified members of the staff assigned to guide him in his decisions.

We have in mind, of course, the study made by the professionally qualified FAA staff on allowing the permanent use of Boeing 727–200, known as stretch jets, at National. The report noted that it would increase passenger traffic by almost 10 percent—900,000—above the present 10 million a year. It concedes that the 200 passenger "stretch jets" would provide a bonanza for the airlines, though doing irreparable damage to other Washington area airports for which, of course FAA is equally responsible. Although the staff study recommended against larger jets, there are evidences that those who made it were well aware of the realities of life in FAA. For they recommend that, if it is decided that bigger jets are allowed, the FAA "bring all possible political influence to bear" on Congress to have the decision accepted. What lobby, we might ask, would provide that influence? The revelation, as one Senator put it, was "devastating."

The FAA study was made Jan. 12 last. Stretch jets were admitted to the use of National Airport later during the air controllers' "sick in" as an emergency measure. Yet FAA Administrator John H. Shaffer said at the Senate hearing that he had not been aware of the Jan. 12 staff report. He plans to have another study made now on the impact of the larger jets. Meanwhile, acting on his own authority, they continue the practice of using National and will continue to do so.

The opening of the hearings by Sen. Spong (D-Va.) seems to have struck pay dirt. We trust it will be pursued to the logical conclusion which should reveal whether FAA regulates and guides the airline development or the airlines control FAA and the administrator's decision.

The public, whether traveling or those whose life on the ground is affected by the skyriders over head, has every right to know.

ADDITIONAL DEATHS OF CALIFORNIANS IN VIETNAM

Mr. CRANSTON. Mr. President, between Thursday, May 7, 1970, and Friday, May 22, 1970, the Pentagon has notified 36 more California families of the death of a loved one in Vietnam and Southeast Asia.

Those killed:

Sgt. Paul A. Baptista, husband of Mrs. Carol J. Baptista, of San Leandro.

Sp. Larry M. Beaudette, son of Mrs. Maxine P. Gerardi, of Ventura.

Sp. Joseph W. Cunningham, Jr., son of Mr. and Mrs. William W. Warren, of Oceanside.

Pfc. Harlan E. Daniels, son of Mr. and Mrs. Bob E. Stewart, of Shasta.

Pfc. Douglas W. Day, son of Mr. and Mrs. Harold W. Day, of Hacienda Heights.

Bmc. Oscar A. Day, husband of Mrs. Lesbia E. Day, of Sedgefield Hanahan.

Sgt. Francisco P. Delgado, husband of Mrs. Ingnacia D. Delgado, of Coachella.

Mg. John A. B. Dillard, Jr., husband of Mrs. Bette L. Dillard, of Corte Madera.

Sp. Thomas J. Fox, Jr., son of Mr. and Mrs. Thomas A. Fox, of Sacramento.

Pfc. Jose A. Gonzalez, son of Mr. and Mrs. Jose M. Gonzalez, of Norwalk.

Pfc. Thomas E. Haslet, son of Mr. and Mrs. Clyde C. Haslet, of Redondo Beach.

Pfc. Robert E. Herndon, son of Mr. Lloyd W. Herndon, of Cudhay.

Pt2. Douglas E. Hobbs, son of Mr. and Mrs. Alva N. Hobbs, of Bakersfield.

Pfc. Dennis W. Hunter, son of Mr. and Mrs. Lyle E. Hunter of Santa Ana.

Sp. Daniel C. Johnson, son of Mrs. June F. Lewis, of Garden Grove.

Csm. Griffith A. Jones, husband of Mrs. Francis Jones, of Marysville.

Sp. Jesse G. Juarez, son of Mr. and Mrs. Adolfo Juarez, of Wesco.

Sp. Kevin R. Keleher, son of Mr. Reynolds R. Keleher, of San Francisco.

Sp. Steven LeBars, son of Mr. and Mrs. Marcell M. LeBars, of Hayward.

Sp. Robert E. Masseth, son of Mr. Eugene B. Masseth, of Norwalk.

S. Sgt. Neil A. Lord, Jr., husband of Mrs. Margaret Lord, of Whittier.

Capt. Robert E. Mincey, husband of Mrs. Margaret A. Mincey, of Sacramento.

Sp. David Munoz, son of Mr. Paul S. Munoz, of Santa Clara.

Sgt. Robert L. O'Conner, son of Mrs. Lilian M. O'Conner, of Los Angeles.

Sgt. David E. Ogden, son of Mr. and Mrs. Richard E. Ogden, of Paramount.

Sp. Michael J. Orwig, son of Mr. and Mrs. Kenneth T. Orwig, of Whittier.

Pfc. David L. Palmer, son of Mr. and Mrs. Robert A. Palmer, of North Highlands.

Sgt. Silvestre M. Rivera, son of Mr. Francisco E. Rivera, of Kerman.

Pfc. Raymond J. Souza, son of Mr. and Mrs. Lawrence A. Souza, of San Leandro.

Sp. Emilio C. Supnet, Jr., husband of Mrs. Estrella M. Supnet, of Oakland.

Sp. Kenneth B. Thomas, son of Mr. and Mrs. Ben. B. Thomas, of Hesperia.

Pvt. Michael S. Tuff, son of Mr. and Mrs. William F. Tuff, of Anaheim.

Sp. Daniel Vaughan, son of Mr. and Mrs. Oscar G. Vaughan, of APO San Francisco.

Sgt. John J. Willey, son of Mr. and Mrs. Thomas M. Willey, of West Covina.

BU3 Carl D. Wootten, son of Mrs. Ivona M. Wootten, of Bon View, Ontario.

Sp. Larry C. Young, son of Mr. and Mrs. Jerrald F. Young, of Sunnyvale.

They bring to 4,092 the total number of Californians killed in the war.

WORKERS' RALLY BACKS PRESIDENT

Mr. FONG. Mr. President, last Wednesday, some 100,000 union workers—construction workers, longshoremen, officeworkers, and teamsters—demonstrated in New York City to show their support for President Nixon's policies on Cambodia and Vietnam.

I understand from news accounts that these workers gave up a day's pay to participate in the rally. This was not then, a holiday or a lark, but a serious effort to show the rest of America that many of its citizens support the President in his efforts to withdraw U.S. forces from Vietnam and bring the war to a just settlement.

I wish to extend my congratulations and commendation to these thousands of workers who dedicated themselves a peaceful expression of support for the President and who sacrificed their pay and their time for this purpose. I know the President must have been heartened to learn of their support.

I ask unanimous consent that two news accounts of this event, one from the Washington Star and one from the Washington Post, both dated May 21, be printed in the RECORD.

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

100,000 HARD HATS BACK PRESIDENT

(By Duncan Spencer)

NEW YORK.—An exultant 100,000 union workers turned Lower Manhattan into a blizzard of tickertape and American flags yesterday in a peaceful expression of support for the American Dream.

"We want to be the real Americans," march leader Peter J. Brennan, president of the Building and Construction Trades Union, shouted from a bunting-draped truck as the rank and file of more than 200 trade union locals waved flags above their heads.

The flag waving was the closest thing to violence in the demonstration, which voiced support for President Nixon and scorn for New York Mayor John V. Lindsay.

The marchers, most of them still dusty and sweatstained from the labors they perform daily at construction sites nearby, were scrupulous in their conduct.

"LET'S DO IT ORDERLY"

The refrain "let's do it orderly" had at least as much currency, if not the volume of "USA—Alla Way", the hard hats marched completely unopposed and sang patriotic songs for four hours at midday, then disbanded.

"It's terrific," said James J. Ross, 45, the boss of a crew of 140 steamfitters who are working at the World Trade Center towers, the world's largest building-to-be. "They better hear us now," he said.

Ross stayed close to his men during the four hours of the rally and march down Broadway. He found time to explain much of the feeling that has suddenly welled up among the usually silent construction workers.

ISSUES SEEM SIMPLE

On the surface, the issues are almost too simple: the workers want respect for the flag; they oppose Lindsay's liberal regime; they dislike the war but back the men who are fighting it; they support the President, not because he is Nixon, but because he is the President.

When it comes to specifics, however, the workers voice a complaint often heard from demonstrating students. As one worker put it last Friday at an earlier rally: "It seems that the whole government is controlled by people who are not the people."

The youths and the working . . . "people" to be quite different groups from those the students have in mind.

Ross, for example, considers himself a typical construction worker. His father and uncles were all trade union men. He came home from service in World War II with part of a college education, a girl he wanted to marry, and no job—so he decided to join the steamfitters union, and his life story takes on its permanent direction from that decision.

Now, he makes top money in a trade where journeymen are paid $6.57 an hour with no "high" money—extra pay for heights.

DIGNITY ACQUIRED

Yesterday's demonstration cost the group from Ross's union, Local 638, thousands of dollars. "It took those students to make the construction worker have a little dignity—the hard hat is a status symbol now," he said.

Ross, who lives in an apartment in Queens, is sending two of his three children to college—his daughter is to be a freshman at Smith under a union scholarship—on the strength of his pay as a steamfitter.

He said he has never voted for Nixon, and never will, unless his personal feeling that "I just don't like the guy" changes. But, he said, a man should be supported once he is elected President.

"Most construction workers are a quiet group, unless they have wrinkles in their belly," he explained. "Maybe we're brainwashed by the construction business—always putting things together, kind of gives a sense of order. So why should we listen to some rookie kid? How the hell is he so smart?"

BREAKING POINT COMES

The breaking point for the workers was May 8, when City Hall, which is in plain view of some of the downtown construction sites, flew its American flag at half staff to honor the four students killed at Kent State University. The workers were outraged that the mayor allowed the flag to be lowered. They pointed out that it had never been lowered for police killed in the line of duty. A minor riot ensued, and some workers beat up students protesting the war.

But the tone yesterday was conciliatory to students; Brennan asked that the march not be aimed at opposing the young and the activists.

"Students are our children and our neighbors' children," he said in a widely circulated letter to all building tradesmen. "Prevent violence as if your life depends upon it. Our system of orderly and peaceful demonstration for change is very definitely on trial."

BLACKS ARE ABSENT

Blacks were noticeably absent from yesterday's march, a fact that caused bitterness among some workers and wonder among others. "The blacks are staying away so people will think there's none of them in the union," said Pat Cummings, 46, a member of the steamfitters local.

The black unionists set up their own protest today—against the war and against the apprenticeship policies of some of the construction unions, which many of the blacks say are plainly racist.

The plans of the white workers are unclear, as is the course their leaders plan to take with their newly discovered voice. Spokesmen for Brennan denied that the workers are planning to march on Washington in the near future.

N.Y. RALLY OF 100,000 BACKS WAR

(By Karl E. Meyer)

NEW YORK.—More than 100,000 workers massed around City Hall today in a giant rally in support of the Vietnam war. The demonstration was spirited but orderly, and there were no arrests.

Hard-hatted construction workers, longshoremen, office workers and teamsters made up the crowd, which stretched for blocks down Broadway and into every nearby sidestreet. Some 2,700 extra policemen were deployed in the downtown area.

Demonstrators by the thousands waved American flags, sang patriotic songs and flourished placards with messages like "Spiro is my hero," "Stop leftwing TV" and "Impeach the Red mayor."

Mayor John V. Lindsay, an opponent of the war, was burned in effigy. But the crowd failed to notice Lindsay's arrival in an unmarked car while the rally was underway.

Lindsay has consistently turned the other cheek in comments on workers' demonstrations, dismissing even their demands for his impeachment with the comment, "If that's useful in order to vent their feelings, that's all right with me, as long as it is peaceful." His one angry outburst came after a May 8 rally in which workers rampaged around City Hall, injuring at least 70.

The crowd heard speeches by Peter J. Brennan, president of the Construction Trades Council, and Thomas (Teddy) Gleason, president of the International Longshoremen's Association. Both appealed for an orderly protest and sought to strike a conciliatory note.

"We are all against the war," said Brennan. "America does not want to see the war in Vietnam. What it wants to see is democracy. We are there as Americans. We are here although we may not agree with many things that are said by others."

Gleason also avoided fiery language, saying, "We believe everybody has the right to an opinion. Most of the people who expect trouble will be disappointed. Our men are 99.9 per cent with you. We want peace as much as the others want it, but we want an honorable peace."

MOVING FORCE IN RALLY

Though other workers participated, it was obvious that the moving force in today's demonstration, as in protest parades during the past week, was the hard-hatted construction worker.

Helmeted workmen were everywhere on floats and cement mixers, vigorously waving flags and exhorting the crowds to join in chanting over and over again, "U.S.A. all the way."

Close observers of the labor movement offered several explanations why the construction workers have become so militantly anti-radicalized. The main theme that emerged is that the hard-hats have the closest thing to a military esprit de corps of any organized civilian workers.

According to the Bureau of Labor Statistics, 98,000 people were employed in the construction industry in New York City as of last February. The average weekly paycheck at that time was $229.45, as against $176.42 in the previous year.

UNEMPLOYMENT IS HIGH

Though the figure may seem high, analysts point out that the work is also seasonal and that unemployment in construction trades is now about 7 per cent, or about double the average of the whole city work force.

What sets construction workers apart from other blue-collar employees is the degree of danger in their job and the almost military teamwork that develops on the building site. Hard-hats are not pinned down in factories, they work outdoors and have easily-recognizable helmets, making them ready recruits for street demonstrations.

A shrewd labor official called attention to a passage in a 1964 book, "The Bridge," by Gay Talese, which described the life of the hard-hats:

"Building a bridge is like combat. The language is of the barracks, and the men are organized along the lines of the noncommissioned officers' caste. At the very bottom comparable to the Army recruit, are the apprentices—called 'punks' . . . within two or three years, most punks have become full-fledged bridgemen—but it is the last job, connecting the steel, that most captures the fancy . . .

"DANGEROUS WORK

"Connecting steel is the closest thing to aerial art, except the men must build a new sky stage for each show, and that is what makes it so dangerous."

The men who work in these relatively high-risk jobs cannot be tagged with any easy ethnic labels. It cannot even be said that the trade is lily white.

Several thousand Mohawk Indians are the city's outstanding workers in high steel—their current minimum wage is $7.63 an hour. Another sizable group of construction workers comes from Newfoundland, while others are of Irish, Italian and Eastern European descent. Though there are few blacks in the trade, the local unions are regarded as less hostile to Negroes than in other major cities.

In conversation with hard-hats, three themes recur repeatedly—dislike for long-haired students, an intense patriotism, and a solidarity bred on the job.

Like many construction workers, Bill

Wynn, a sheet metal worker, has relatives in the service. But his 22-year-old brother was killed last year in Vietnam, and Wynn wears a Gold Star. "Whenever I see those kids insulting the flag," he says, "I think to myself, 'so this is the payment my brother got'."

Another sheet metal worker, Oscar Andresen of Yonkers, has a son of 26. How does his son feel about the war? "I never question him about it," said Andresen, who quickly switched to another topic.

Three Mohawk Indians offered their views—Thomas Diabo, Roger Ouimet and Gene Cross, all born on the same reservation at Caughnawaga, N.Y.

A SPONTANEOUS THING

Why was Diabo demonstrating? The 25-year-old Indian replied with a shrug, "All of us on the job came together; it was a spontaneous thing."

According to Ouimet, a 23-year-old who served in the U.S. Army in Germany, "We're here because it's our country, even though it hasn't treated us so well."

Cross, a husky 27-year-old, interjected, "We've got a President for better or worse, so we ought to stick with him. No, no one has organized this, it's just the way the men feel—we got tired of the punks running the country down."

There are varying degrees of passion among the hardhats, but it is obvious to anyone who talks with them that the demonstrations are as much directed against students as they are in behalf of the war. It is also obvious that the long lunchtime break has caught on, and that the hard-hats will be taking their politics into the streets for some time to come.

BIG THICKET ARTICLE, BY CALEB PIRTLE III, IN SOUTHERN LIVING MAGAZINE

Mr. YARBOROUGH. Mr. President, there is great interest throughout the Nation in the preservation of the Big Thicket of southeast Texas. This is a beautiful and unique natural treasure that should be saved.

Hearings have been scheduled on S. 4, my bill to establish a 100,000-acre Big Thicket National Park. The distinguished senior Senator from Nevada (Mr. BIBLE) will conduct these hearings in Beaumont, Tex., on Friday, June 12, 1970, before his Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs.

An article on the Big Thicket, published recently, makes an excellent presentation of the long struggle to save the Big Thicket. The article, written by Mr. Caleb Pirtle III, is entitled "The Fight To Save Our Land and Our Heritage" and appears in the May 1970, issue of volume 5, Southern Living magazine. I ask unanimous consent that the pertinent portions of the article be printed in the RECORD.

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

THE FIGHT TO SAVE OUR LAND AND OUR HERITAGE

(By Caleb Pirtle, III)

(NOTE.—Throughout the nation, our forests, lakes, wildlife refuges, and historic homes are being threatened by the swift advance of progress. Three Southern associations decided the time had come to fight.)

Way down deep in the pine and magnolia shadows of East Texas, in a land called "the biological crossroads of North America," the Big Thicket Association is battling to save the last remaining botanical wilderness in Texas from the deadly hum of a chain saw. Time is quickly running out. The association hopes for the protection and security of a national park. But it's finding out that bureaucracy moves in slow and mysterious ways.

And out in the lazy, tropical Gulf of Mexico, where the silken trade winds blow, the Sanibel-Captiva Conservation Foundation is fighting to protect a chain of primitive islands and the wildlife from the bricks and glass of commercial development. It has won the first skirmish with the establishment of the J. N. "Ding" Darling National Wildlife Refuge. But the war isn't over.

And up in the gentle Blue Grass country of Kentucky, along three historic blocks of Old Lexington, the South Hill Neighborhood Association has carried its fight from the streets to the Supreme Court in a desperate attempt to halt the grinding advance of bulldozers as they stalk the homes of a city's grand past. Once, only a year ago, there were 14 historic houses standing proudly along the sidewalks of West High Street. Now there are seven.

The battle for conservation and preservation is a crucial one. It has no ending. But as former Texas Governor Price Daniel once said: "Success is not necessarily a destination, but a journey."

And success is never achieved unless someone is willing to take that journey. Three Southern organizations were. And as a result, the Big Thicket Association, the Sanibel-Captiva Conservation Foundation, and the South Hill Neighborhood Association have been nominated to receive 3 of the 12 awards being given this May by the American Heritage Society.

"A big thicket is vanishing . . ."

The Big Thicket of Texas, where men have wandered lost only a few yards from the highway, has long been a land of folklore and mystery, flavored just a bit by the winking of ghost lights and the far-off cry of the ivory bill woodpecker.

It was a land roamed by the bobcat, puma, Mexican tiger, ocelot, and black bear, where the whippoorwill and chuck-will's-widow would softly sing the sun down. Its trees are among the world's largest and its plant life among the smallest. Hidden in the wooded tunnels of the thicket are at least 21 varieties of exotic wild orchids, as well as 25 varieties of ferns.

It boasts the world champion eastern red cedar, black hickory, holly, plane tree, red bay, Yaupon, sparkleberry, common sweetleaf, and silver bell.

And a national park study revealed: "The forest contains elements common to the Florida Everglades, the Okefenokee Swamp, the Appalachian region, the piedmont forests, and the large open woodland of the coastal plains. Some large areas resemble tropical jungles in the Mexican states of Tamaulipas and Vera Cruz."

Once it was, as it is named, a big thicket, blanketing 3,350,000 acres with a strange, almost legendary botanical wilderness. But the chain saws came. And the timber began to vanish, at an alarming rate, beneath the teeth of the saw and blade of the ax. Now, only 300,000 acres remain.

And it is presently estimated that those last acres of the grandiose Big Thicket are rapidly disappearing at the rate of approximately 50 acres a day. The time for apathy and waiting had to end.

In 1964 the Big Thicket Association was formed in a last-minute attempt to save the forest. Dempsie Henley, mayor of Liberty and chairman of the Texas Commission for Indian Affairs, was named the association's president.

As Henley recalls, "We were already 10 years late. But we began one of the most important battles of the hour. It was a race for inner space, a race to save the remaining 10% of the earth that man had not molested, spoiled, or destroyed."

The association had first hoped to create a state park. The Texas Parks and Wildlife Commission expressed interest but never acted to acquire the lands.

Next the association, quickly growing in number and gaining the support of such national figures as Rev. Billy Graham, appealed to the National Parks System to blueprint a "chain of pearls" park, or monument, under the guidance of Federal Government protection.

It was joined in the struggle by Texas Senator Ralph Yarborough, a tough, determined conservationist who, in time, became the East Texas group's staunchest ally.

The U.S. Park Service made a comprehensive study of the thicket and strongly recommended that a series of national parks be created throughout the ruggedly sylvan forest. Senator Yarborough introduced a bill in Congress to initiate a 100,000-acre park. A resolution supporting him and his bill passed the Texas House of Representatives by unanimous vote—something that's rare and unique in Texas politics. Even, perhaps for the first time in history, the National Audubon Society and the National Rifle Association forgot their differences and joined forces in support of the bill.

And the waiting, those long days that dragged into fleeting months, began.

Henley recalls, "The Big Thicket was under heavy siege of bulldozers and power saws. It is very perishable. The botany and ecology can be destroyed easily by merely altering the natural botanical setting. The time element is a relentless source of anxiety."

Senator Yarborough said: "One of our country's most valuable regions of biological and ecological development is being lost forever. Until recently, this portion of the Texas Gulf plains has remained an unspoiled refuge for rare species of plant life and animal life. However, increasing development and exploitation of the area now threaten the existence of the Big Thicket as an identifiable ecological unity."

But even as they fought, airplane spraying, cutting of hardwood, and stream pollution crept through the forest like a deadly plague. Five hundred acres of timber were destroyed by an open flow of salt water from an oil field activity. One airplane spraying not only killed several hundred acres of hardwood, but also wiped out a large rookery of the famous white heron.

Timber has always been a lucrative lure in the East Texas piney woods. Lumber companies have turned the Big Thicket into Big Business.

And, as Henley said, it takes only five minutes for a chain saw to fell a magnolia tree that took 1,000 years to grow.

There is still hope that a national park will prevent the total destruction of the Big Thicket, the strange forest where meat-eating plants still grow. But the Big Thicket Association knows that every time the sun dawns, the forest is, at least, 50 acres smaller than it was the day before.

FUNDING OF BALTIMORE SUMMER PROGRAM

Mr. TYDINGS. Mr. President, we are in for another long, hot summer. For the past 3 years, the Federal Government has funded special impact programs

through several Government agencies to afford millions of youngsters in our large cities the opportunity for employment and recreation during their summer vacations.

This year, however, the administration has both underfunded these youth programs and drafted new and ill-conceived guidelines for these programs which threaten to turn these disadvantaged youngsters out onto the steaming crowded streets of our cities without jobs, without supervision, and without hope.

These are the same youngsters who, for the past 3 years, have been productive employees or participants in the federally assisted summer programs.

Last year, for example, in the city of Baltimore, more than 11,250 youngsters from the innercity worked in productive jobs in these programs. Nearly 300,000 additional hard core, poor, innercity youngsters participated in federally assisted special recreation programs.

This year, however, Baltimore faces the intolerable prospect of having to turn those youngsters away because of sharp Federal cutbacks in funds for both employment and recreation programs.

Furthermore, the new administration guidelines prohibit the use of more than 10 percent of available Federal youth development program money for recreation programs. And none can be used for recreation programs for poor youngsters under 14 years old.

According to the new guidelines, all special impact money must go for full year programs for youngsters between 14 and 21.

I fully support the idea of full-year programs for youngsters 14 to 21 and for persons over 21, too. I believe the Government should prepare its citizens to get better jobs, earn larger salaries, and develop businesses of their own so they can become taxpaying members of our society rather than recipients of the public dole.

Unfortunately, however, I hear considerable rhetoric and see little action from the administration in the area of economic development for youngsters or anybody else. The much-touted black capitalism program has produced many press releases but few results. In fact, this administration's black capitalism program has been little more than a continuation of the already-existing program started and expanded by the last administration.

Similarly, while the administration purports to support economic enhancement opportunities for young Americans from the inner city, its record is a laundry list of broken promises. Take its handling of the Job Corps and the Neighborhood Youth Corps, for example—the two major job training programs for young people in the war against poverty.

Last July, the administration shut down 59 Job Corps centers that provided employment in much-needed job training for nearly 17,000 poor youngsters. That administration cutback came amidst its own bold promises of new programs to train these youngsters at a much-publicized urban-centered job training program. No youngster will be turned out on the streets, the administration promised.

We are still waiting for that urban job training program promised last summer. More than 10 months after the Job Corps centers were closed, the administration has produced only five urban job centers, serving a grand total of only 1,057 youngsters, compared to the 17,000 sent home from the Job Corps last summer. And just one of those urban centers is located in a major northern urban area like Baltimore, where the despair of the young people is deepest and the need greatest.

This summer the administration's planned overhauling of the Neighborhood Youth Corps program threatens the very existence of the successful Out-of-School NYC program. Currently, high school dropouts participating in the Out-of-School NYC program receive $1.45 an hour for working 32 hours a week in NYC jobs. Under the administration's new scheme, these same youngsters will find their wages reduced to less than $0.90 an hour for a 40-hour NYC week.

The reason for this wage cutback is the Department of Labor's promises to increase the supportive services—such as skill-training and medical services—for the NYC participants. While NYC directors from urban areas agree that it is desirable to improve supportive services, they are fearful that the administration's decision to cut NYC wages will discourage many of the most needy youngsters from joining the program. In addition, the Labor Department has instructed NYC directors in major urban areas to begin admitting only 16- and 17-year-olds to their programs, instead of the 16- to 21-year-olds they are currently admitting.

My concern is that given the administration's track record on the Job Corps program, a year from now we may find the NYC program gutted, while the administration is still promising to improve the supportive services.

Even in light of the administration's already discouraging performance in the area of economic development, the new guidelines for special impact programs represent a particularly cruel blow. These guidelines are yet another indication that this administration is dangerously out of touch with what is happening on the streets of our great cities.

The new guidelines indicate that the administration has lost sight of the special problems the big cities face every summer. While there is no contesting the need for year-round programs, the harsh fact is that our major cities face particular problems each summer when millions of youngsters are out of school.

These school-age youngsters need special programs during the summer to channel their energies into constructive activities. Though this administration seems to ignore it, poor youngsters need recreation programs as much as rich youngsters do. And not only do summer recreation programs provide much-needed recreation for poor youngsters, but they also provide recreation job opportunities for innercity teenagers and college students.

Nowhere is the impact of the administration's new guidelines more devastating than in Baltimore. For the past three summers, Baltimore has operated model summer programs. A year ago, a special report by the Office of Economic Opportunity singled out Baltimore for running an outstanding special impact program.

Baltimore, too, represents a model for the Nation in its year-round program. Its concentrated employment program, which placed more than 3,000 persons in constructive jobs last year, has the highest job retention rate of any such program in the country. Its community action agency cooperates closely with the city administration, a result highly desired by President Nixon. Yet Baltimore, for all of its outstanding efforts, stands to have its summer programs chopped to bits by the administration's new policies.

Last summer, two-thirds of the 300,000 youngsters who participated in recreation programs were under 14 years of age. This summer, these youngsters according to the administration guidelines, will be turned away. Most disconcerting, this very group which the administration proposes to turn out on the streets is responsible for nearly half the cases before the juvenile court in Baltimore City.

The principal victims of the new guidelines will be the campership programs, which afford disadvantaged youngsters the same opportunity to go to camp as their more advantaged friends. One of the programs that has been tied up in bureaucratic redtape, for example, is Baltimore's outstanding camp concern program. Last summer, the camp concern program afforded 5,400 underprivileged youngsters, many of them under 14, the chance to spend a week at Maryland's Bainbridge Naval Training Center. There they received recreational opportunities, health examinations, and job counseling. So outstanding was this program that it has received the unqualified endorsement of the Secretary of the Navy and Vice President AGNEW.

Yet because of some arbitrary guidelines drawn up by bureaucrats apparently out of touch with the reality of the street, the future of this critical program has been in doubt for several months. While city officials are optimistic that camp concern will be spared, it is imperative, as the summer draws near, that this outstanding program be given final approval.

The future of camp concern is critical not only for the more than 5,000 Baltimore youngsters who will attend, but also for the 100 disadvantaged youths who are productively employed in the program.

Only a small fraction of Baltimore's entire summer recreation program is financed by Federal special impact funds. In fact, the city picks up better than 90 percent of its own recreation costs. But it makes special use of the Federal recreation funds it does receive to employ poor innercity youths in summer jobs.

And the private sector in Baltimore fulfills its responsibility during the summer vacation months. Last year, for example, the Baltimore Orioles donated nearly $200,000 worth of free tickets so that poor youngsters could watch major league baseball. Such local initiative also results in substantial employment for additional poor youths since it is essential that the recipients of the free tickets be supervised at the games.

The impact of the cutback in recreation programs would be softened considerably if it were accompanied by an expansion of other federally assisted summer job programs. Unfortunately, that is not the case.

Last year, more than 11,250 poor youngsters worked in summer program jobs. Of those, 5,300 worked in the summer Neighborhood Youth Corps program. Another 2,000 were employed in the youth effort program of the Maryland State Employment Service and the same number got jobs through the JOBS programs of the National Alliance of Businessmen.

As a direct result of this year's funding cutback and administration attitudes, Baltimore will also suffer a substantial cutback in its summer Neighborhood Youth Corps program this year. And the employment efforts of both the Maryland State Employment Service and the National Alliance of Businessmen are almost certain to be hindered by the cloud of economic recession that lingers over the economy. In actual numbers, Baltimore city officials fear, the NYC cutback coupled with economic slowdown will mean that between 3,500 and 4,000 youngsters who had jobs in summer programs last year will be turned away from employment this June.

I, for one, shudder to think of the effect of having 4,000 youngsters—with their frustrations increased by their inability to find work—turned out into the streets of any American city without jobs, recreation opportunity, or supervision.

Baltimore is not the only city that will face that prospect this summer. Department of Labor statistics reveal that the 10 largest cities in the Nation will suffer an average loss of 3,000 summer Neighborhood Youth Corps slots per city this summer. Seven of those 10 cities will have fewer NYC jobs this summer than they did a year ago.

Cities all across the country face the bleak prospect of trying to match that summer youth employment record in the face of recession and short-sighted Federal fund cutbacks. Recently, the Bureau of Labor Statistics estimated that 700,000 will go unemployed this summer across the Nation. That is 50,000 more than could not find jobs last summer. Most affected will be youths in the industrial cities—like Baltimore—where the economic recession has already caused significant layoffs of full-time personnel.

In the wake of an economic slowdown which already has tightened the job market for the summer, the Federal Government must face up to its responsibility to help local communities involve inner-city youths in meaningful job and recreation programs.

This summer the administration should step up rather than cut back its summer impact programs in the major cities. It is past time for the administration to increase its commitment to our urban areas.

I urge the President to act immediately to reverse the policies which today threaten that our cities will have to cut back their vitally important employment and recreation programs this summer. We have no time to lose.

RANK AND FILE OPPOSE VIETNAM WAR

Mr. CRANSTON. Mr. President, on May 18 a full-page advertisement, entitled "We've Had It," appeared in the San Francisco Chronicle on behalf of hundreds of Bay area trade union officers, executive board members, and shop stewards.

The advertisement is a vivid example of how American working people and the rank and file of labor feel about President Nixon's invasion of Cambodia.

These are the people who feel the effects of the expanded American war effort through inflation, high interest rates, and unemployment. However, their outrage is not motivated by financial considerations.

The working people of the Nation are sincerely committed to ending the war in Cambodia and Vietnam and preventing more names from being added to casualty lists already too long and too filled with the names of their sons.

I ask unanimous consent that the advertisement of the Bay area trade unionists be printed in the RECORD.

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

WE'VE HAD IT

We the undersigned Bay Area trade union officers, executive board members and shop stewards have sent the following message to President Richard M. Nixon with a copy to Senate Foreign Relations Committee Chairman J. William Fulbright;

Dear Mr. President: American working people and their families are deeply disturbed at your expansion of the war into Cambodia. Those men being killed are our sons—new casualty lists to add to the 40,000 already dead and 300,000 wounded in Vietnam.

On April 20 you announced that 150,000 men would be removed within the course of a year. Although we felt that even that pace was too slow, we hoped this was a turn toward peace, an end to the killing.

Now you have further divided this country by a number of blatant reversals in the course of a few days. First there were arms to Cambodia. Then there were American "advisors." Now an invasion in force!

This took place without even the pretext of a request from Cambodia, which international law considers a neutral nation.

This is a direct break with the U.S. Constitution. Only Congress can declare war. Furthermore, you did not even consult with the Senate Foreign Relations Committee—the committee mainly responsible to advise and consent. Your own Secretary of State William P. Rogers testified he told Congress that the United States would not escalate the war into Cambodia. Little wonder there are members of your own party who have said you have "broken faith with Congress."

You have created a credibility gap of incredible proportions.

You have pledged to the American people that we will be out of Cambodia by June 30.

In the light of this record, all we can say is—we don't believe you!

The economy of our country is steadily being eroded; your promises to stabilize the economy and control inflation have become meaningless. Our paychecks buy less for our families; our standard of living has been assaulted. We are suffering increased inflation and unemployment.

Now Cambodia! What next?

There must be an end of these military adventures.

We want a cease-fire—Now!

We want out of Cambodia—Now!

We want out of Vietnam—Now!

We've had it!

Most important, this nation of ours must turn from war to peace. Any other course leads to disaster.

A

Don Abrams, Glenn Ackerman, Ex-Bd, Longshore 10.
Rex Adkins, Treas, SF–O Newspr. Guild.
James G. Alexander, Steward, Warehouse 6.
Joe R. Alvarez, Int. Rep. Auto Wkrs. Reg. 6.
Ron Amaro, United Electrical 1412.
Norman Amundson, IBEW 1245.
Kelso Anderson, Ex Bd, Warehouse 6.
Vas Arnautoff, Ex Bd, Longshore 10.
David Aroner, Field Rep. Soc Work 535.
Joe Asselin, Carpenters 848.
Ruby Jean Ayers, Rec. Sec, Teamsters 9.
Matt L. Ayon, VP, Teamsters Local 9.

B

Bill Bacher, Jr., ILWU Shipclerks 34.
William J. Bailey, Ex Bd, Longshore 10.
Alpha Baker, Ex Bd, Warehouse 6.
James Ballard, Pres, AFT 61.
Joseph W. Ballew, West. Conf Teamsters.
Peggy Banks, BA, ILWU Off Wrkrs 67.
Ed Baptista, Ex Bd, Longshore 10.
Edward Barlow, Sec-Tr, Teamsters 9.
J. W. Barnes, Bus Rep, Machinists 68.
Rosa Lee Barrera, Steward, Office Empl. 29.
Jeff Bauer, Pres, San Ramon AFT 2052.
Prentiss J. Bercovich, Sgt.-Arms Shipclerks 34.
Wes Berk, Ex Cm, ILWU Shipclks 34.
Louis Berman, Print Specialists 362.
Harry Bigarani, Sec, Dist Council Painters.
Warren K. Billings, Ex Bd, Watchmakers 101.
Gus R. Billy, Pres, NC CAP Auto Wkrs.
Peter Bissell, Steward, Longshore 10.
A. John Blaiotta, BA, Retail Clerks, 428.
Loren Blasingame, Pres, Com Wkrs 9415.
Hollis Bledsoe, Richmond Teachers 866.
Jeff Boehm, SF–O Newspaper Guild.
James Booe, Asst VP, Com Wkrs 9415.
Rene Bourdet, San Ramon AFT 2052.
Dick Boyer, Ex Bd, Warehouse 6.
Tony Brackett, Carpenters 1408.
Patricia F. Brady, Field Rep, Ret. Clerks 428.
Obie Brandon, Rec. Secy, ILWU 17.
Harry Bridges, President, ILWU.
Ted Brock, Diablo Val AFT 1902.
Al Broussard, Steward, Longshore 10.
Albert Brown, Sec-Tr, Milk Drivers 302.
Archie Brown, Ex Bd, Longshore 10.
Charles Brown, Ex Bd, Iron Wkrs 790.
Cleophas Brown, Laborers 329.
Frank Brown, Steward, Longshore 10.
Vernon Brown, Ex Bd, Warehouse Loc. 6
Wade P. Brummal, Am. Fed. Teachers 957.
Joseph Buchwald, Lithographers 17L.
Bruce O. Bunte, Bd, NC Auto Wkrs Coun.
Beverly P. Burke, Office Employees 3.
Bill Burke, BA, ILWU Warehouse 6.
Bob Burke, Labor Rel, Shipclerks 34.
Fred C. Bushnell, Steward, UE 1412.

C

J. J. Cabezud, Fin Sec, Painters 44.
Jim Calvarese, Sec Treas, Bartenders 595.

Humberto Camacho, Int Rep, UE 1412.
Robert Camara, Ex Bd, Warehouse 6.
G. P. Campbell, Asst Bus Mgr, Boilmkrs 6.
Tony Cannata, Pres, Contra Costa Labor Coun.
Swede Carlson, BA, ILWU Warehouse 6.
Art Carter, Sec, Contra Costa County Lab Council.
Avery Carter, BA, Hospital Wkrs 250.
Dan Casimere, Ex Bd, ILWU Shipscalers 2.
Revels Cayton, Warehouse Local 6.
Deano Cerri, BA, Carpenters 2046.
Ruben Chavez, Ex Bd, Warehouse Loc. 6.
William H. Chester, Vice President, ILWU.
Jack Childs, Legis Com, Shipclerks 34.
L. H. Chilton, Sec-Treas, Boilmakers 6.
Paul Chown, Int Rep, UE 1412.
Dorothy Christiansen, Dep Ex Sec, Svc Emp 390.
Samuel C. Churchwell, Bus Rep, Plasterers 224.
A. W. Clement, Carpenters 1408.
Denise Cobb, Steward, Off Empl 29.
Edward Collins, Asst Sec, Alameda Co. Lab Council.
Roland Corley, BA, ILWU Warehouse 6.
Dean Couris, Field Rep, Soc Wrkrs 535.
Russell Crowell, Pres, Clean, Dye Wkrs.
Mr. & Mrs. R. Cummings, San Ramon AFT 2052.
Doug Cuthbertson, VP, SF-O Newspaper Gld.

D

Sylvester Daniels, Ex Bd, ILWU Local 6.
Barbara Davis, Ex Bd, Office Empl 29.
Ben Davis, Pres, ILWU Warehouse 17.
Denver Davis, Pres, ILWU Local 75.
Duncan K. Dearborn, Steward, UE 1412.
Les De La Briandais, Bus Rep, Hosp. Wrks 250.
Thomas De Lamere, Steward, UE 1412.
Dick Delaney, BA, Office Empl 29.
Daniel Del Carlo.
Emilio Della Rosa, Pres, Clothing Wkrs 107.
Erben Dennis, Steward, Warehouse 6.
Emil J. Devincenzi, BA, Bakery Drivers 484.
Charles Di Lelio, Steward, Longshore Lo. 10.
Peter Ditullo, Pres, Clothing Wrkrs 108.
Joseph Diviny, 1st VP Int Brotherhood Teamsters.
Bert Donlin, Ex Bd, Longshore Loc. 10.
Robert J. Donovan, BA, ILWU Shipclerks 34.
Clyde Dorsey, Labor Rel, Shipclerks 34.
Anne Draper, Dir Union Label, ACWA.
Wenonah Drasnin, Oak ILWU Ladies Aux.
Andrew Dulaney, Jr., Ex Bd, Longshore Loc. 10.
George Duncan, Int Rep, Tyographical Un.
Merton Dushkes, Bus Rep, City Emp 400.

E

Mark Earls, Bus Rep. Hosp Wrkrs 250.
R. D. Bob Edwards, Pres, ILWU Shipscalers 2.
Keith Eickman, Bus Agt. Warehouse Lo. 6.
James Eilers, Rec-Secy, AFT 1928.
Larry Elizarde, Bus Rep. Hosp Wrkrs 250.
Durnese Ellis, Ex Bd, Warehouse Loc. 6.
Morris Evenson, Rec.-Sec, Painters 4.

F

Ole Fagerhaugh, Int Rep, ILWU.
David Faktor, Ex Comm, Shipclerks 34.
Ed Falkowski, Int Bro Elec Wrkrs 595.
Thelma Faltus, Office Employees 3.
Norm Farley, Richmond AFT 866.
Dave Farris, 2nd VP, Com Wkrs 9415.
Frank M. Farro, Sec-Treas, Teamsters 853.
Fred L. Feci, VP, S. Clara Labor Council.
Leon Feingold, Lithographers Local 17L.
Joseph Felix, Steward, Elec Wrkrs 1412.
Karen K. Fergoda, Steward, Office Emp 29.
William Ferguson, Fin Secy, Machinists 68.
Richard Fernandez, Pres, NABET Local 51.
A. A. Figone, Ex Sec, Dist Coun Carptrs.
Joe Figueiredo, Ex Bd, Warehouse Loc 6.
Ken Finis, Pres, City Employees 400.
Francis G. Fink, Sec-Tr, ILWU Whse 11.
Maurice Fitzgerald, Sec-T, Cemetery Wrk 265.
Jim Fleming, Inv Comm, Shipclerks 34.
Fred D. Fletcher, Ex Sec SF-O Newspaper Guild.
Victoria C. Flores, Steward, Warehouse 11.
Babe Flowers, Steward, Warehouse 6.
Thomas Formosa, Ex Bd, Warehouse 11.
William H. Forrester, ILWU Coast Committee.
Rene Fox, Richmond Fed Teach 866.
F. Odell Franklin, Sec-Treas, Longshore 10.
Walter Freeman, Pres, Teachers 1474.
William Freitas, Int Rep Elec Wrkrs 1412.
Roger Fuller, Rec Sec, Elec Wrkrs 1412.

G

Sam Garcia, BA, Carpenters 1408.
James Gallagher.
Joseph Garon, Steward, Warehouse 6.
Richard Geagan, Dispatcher, Shipclerks 34.
Tony Gellepis, Bus Agt, Teamsters 287.
Walter A. Gernns, Sec-Treas, Teamsters 484.
Bernie Gershater, Carpenters 42.
Robert Gibbs, Ed Com, Carpenters 1622.
Phyllis Girande, Office Employees Local 3.
S. M. Girande, Steward, Machinists 68.
Keith Glick, Steward, Longshore 10.
Henry Gliksohn, Pensioner, Warehouse 6.
Louis Goldblatt, Sec-Treas, ILWU.
Morris Goldman, 2nd VP, Typographical 21.
Tony Gomes, Ex Bd, Longshore 10.
Lou Gonick, Chrm, E Bay 6 Pensioners.
Peter Grabicki, BA, Hosp Workers 250.
Bob Gradek, Inv Comm, Shipclerks 34.
Robert L. Graham, Asst Dir West Conf Teamsters.
Carl Granich, Steward, Longshore 10.
Louis M. Gray, Pres, Social Workers 535.
Florence Green, Fin-Sec, Bottle Blowers 141.
Jim Greene, VP, NABET, Local 51.
Herman Griffin, BA, Retail Clerks 1100.
Mike G. Grijalva, Ex Bd, Warehouse 11.
Ben Gross, Int Rep, Auto Wkrs Reg 6.
Richard Groulx, Ex Sec, Alameda Co. Labor Coun.
Manuel Guel, Ex Bd, Warehouse 6.
Julian Gutierrez, Sec-Treas, Serv Emp 77.

H

Jack W. Hall, Vice Pres, ILWU.
Conn Hallinan, Pres, AFT 1570.
Rosaline Hansen, Office Empl Loc, 3.
Rebecca A. Harmon, 3rd VP, SF–O News Guild.
A. C. Harrell, Trustee, UE 1412.
Larry Harris, Sgt.-Arms, Shipclerks 34.
Gary Hawkins, VP, AFT 1352.
Patrick Heide, Steward, Warehouse 6.
Paul Heide, BA, Warehouse 6.
August Hemenez, BA, Warehouse 6.
Gerald Hemenez, Warehouse 6.
Errol Hendra, Lithographers 17L.
Mike Henry, Steward, Shipclerks 34.
James R. Herman, Pres, ILWU Shipclerks 34.
Sam Herrod, BA, Carpenters 642.
Larry Hickman, Ex Bd, Office Empl 29.
Oliver C. Hilson, Steward, Longshore 10.
Thomas Himinez, Steward, Warehouse 6.
Gerry Hipps, Bus Rep, Hosp Wkrs 250.
Anthony Hoffman, Machinists 68.
Jack Hogan, Ex Bd, Longshore 10.
Sylvester Houston, Steward, Warehouse 6.
Gary Howard, Lithographers 17L.
Walter R. Howes, Butchers Union 506.
E. Dennis Hughes, BA, Retail Clerks 428.

I

Harry Ibsen, VP, Commun Wrkrs 9415.

J

Dorothy Jackson, Ex Bd, Warehouse 6.
Joe Jackson, Vice Pres, AFT 1928.
John Jackson, Sec, SF ILWU Pensioners.
Mattie Joyce Jackson, BA, Garment Workers.
Jake Jacobs, BA, Oil Wrks 1–5.
John Jeffery, Ex-Sec, City Empl 400.
Dave Jenkins, ILWU Legislative Comm.
Stanley Jensen, Dir BA, Machinists 68.
Claude H. Jinkerson, Sec-Treas, Retail Clks 648.
Evelyn Johnson, BA, Warehouse 6.
Herbert T. Johnson, Lonnie Johnson, BA, Hospital Wkrs 250.
Walter Johnson, Sec-Tr, Retail Clks 1100.
Oscar Jordon, Organizer, Warehouse 17.
Gunther F. C. Just, B. Rep., Carpenters 1280.

K

George Kaye, BA, Longshore 10.
James S. Kearney, Pres, Longshore 10.
Erwin Kelly, Pres, AFT 1352.
William Kilpatrick, Sec, Cooks Local 44.
Al Kirkpatrick, Pres, Teamsters 9.
Clive Knowles, Timothy Kelly, BA, Painters.
Luis Kemnitzer, Steward, AFT 1352.
Ernie King, Sec-Tr, Boilermakers 513.
LeRoy King, Reg Dir, ILWU.
Reginald R. Kittell, Jr., Ex Bd, UE 1412.
Richard Krause, Pres, Service Empl 390.
Sam Krips, Mgr, Amal Clothing Wkrs.

L

Robert M. Lathen, BA, Retail Clerks 428.
Bill Lawler, Fin Sec, Richmond AFT 866.
Robert A. Lenihan, Reg Dir, NABET.
F. Robert Lewis, BA, Retail Clerks 428.
Vince Licari, Sec Tres, Culinary 822.
Richard Liebas, Res Dir, Service Empl.
David Littleton, Chief Disp, Longshore 10.
Howard Livingston, Jr., Ex Bd, Longshore 10.
Bruce Lockey, BA, Office Empl 29.
Vivian Logan, Ex Bd, Warehouse 6.
Pierce Lonergan, Ex Com, Shipclerks 34.
Ray Lorenzato, Pres, Teachers 1493.
Jack Loose, Dispatcher, Warehouse 17.
George Lucero, Pres, Warehouse 11.
Billy Lufrano, Dispatcher, Warehouse 6.
Tom Lupher, Ex Bd, Longshore 10.
James Lynch, Sec-Treas, S SF Teachers.
Joseph Lynch, BA, Warehouse 6.
Celinda A. Lyon, Rec Sec, SF–O News Guild.

M

Hugh MacColl, Staff Rep, Teachers 61.
Claude Macdonald, Ex Bd, Warehouse 6.
Don MacIntosh, Diablo Valley AFT 1902.
George Machado, BA, Carpenters 2046.
Don MacLeod, Committeeman, Whse 6.
Stuart MacLeod, Committeeman, Whse 6.
Bob Mackler, Richmond AFT 866.
Jean Maddox, Pres, Office Empl 29.
David T. Mage, Pres, Teachers 1362.
Manuel Marques, Jr., Ex Bd, Warehouse 6.
Morel Marshall, Steward, Longshore 10.
Jack Martinez, Ex Bd, Longshore 10.
Lupe Martinez, VP, ILWU 17.
H. M. Martinson, Pres Elec Workers 1412.
Joyce Maupin, Steward, Office Empl 29.
William McCabe.
Curtis McClain, Pres, ILWU Warehouse 6.
Walter McConalogue, Trustee, Shipclerks 34.
Jack McCormick, Sec Treas, West Graph Arts.
James A. McDaniel, Steward, UE 1412.
Pat McDonough, BA, Hosp Workers 250.
Thomas McGuire, Sub-Reg Dir, Steelwkrs.
Dean McKinley, Field Rep, Svc Empl 390.
Henry McKnight, Ex Bd, Warehouse 6.
Joe McLaughlin, Sec Guards, ILWU 75.
James P. McLoughlin, Sec-Tr, S Clara Lab Coun.
Arthur McMillon, Ex Bd, Wharehouse 6.
Jack McNickles, Richmond AFT 886.
Norma F. Medaglia, Office Empl Local 3.
Louis Mendoza, Ex Bd, Longshore 10.
Bernard Miles, BA, Machinists 68.
W. A. Miller, Carpenters 2164.
Herb Mills, Steward, Longshore 10.
Verne Milton, Int Brotherhood Tmstrs.

Phyllis Mitchell, Sec, Office Empl 3.
Susan Modelle, VP, AFT 1352.
Einar O. Mohn, Int Dir, Western Conf Teamsters.
V. I. Montonye, Office Empl 29.
Richard Moore, Ex Bd, Warehouse 6.
Treve Moore, Steward, Warehouse 11.
Thomas G. Moore, Jr., Director, CCHPA.
Henry Moreno, Trustee, Teamsters 12.
Bob Morgan, BA, Civil Svc Empl 66A.
Edd Morris, Trustee, Teamsters 9.
Kaz Mori, Pres, Diablo Valley AFT 1902.
Levon Mosofian, Lithographers 17.
Frank Mullany, BA, Office Empl 29.
May Myers, Sec, Barbers 917.
Michael Myers, BA, Hosp Workers 250.

N

Allan Neddick, Pres, AFT 1671.
Joe Nedham, Sr BA, Office Empl 29.
Prof J. B. Neilands, Ex Council, AFT 1474.
James Neismith, Steward, UE 1412.
Chester Nelson, Pres, ILWU Foremen 91.
Leah Newberry, Sec, Office Empl 29.
Mary Nichols, Cor Sec, AFT 1928.
Carl Nolte, Pres, SF–O News Guild.
Tom Norton, Committeeman, W'hse 6.

O

Venustiano Olquin, Organizer, Farmworkers.
Leon Olson.
Louis Ottoboni, Machinists, 68.

P

Marge Pagan, Pres, Bottle Blowers 141.
Charley Parham, Steward, Warehouse 6.
C. D. Parker, Sec. Iron Wkrs 1088.
Clarence Paton, Steward, Longshore 10.
Earl Payne, BA, Cooks Local 44.
George P. Pedrin, Sec-Tr, Teamsters 12.
Mike Peavey, Am Fed Teachers 1474.
Joseph Perez, BA, Longshore 10.
Mitch Peters, Ex Bd, Warehouse 6.
Russell Petty, Trustee, Warehouse 17.
Wendell J. Phillips, Sec, Bakery Wgn Drv 484.
George Pickering, VP, ILWU Pensioners.
Wayne Pierce, Carpenters 925.
Everett F. Pimentel, Fin Sec-Tr, City Emp 400.
Anthony Poderis, Carpenters 1408.
Morgan Pinney, Am Fed Teachers 1928.
John Piro, Pres, Aml Cloth Wkrs 108.
Jerry Podell, Am Fed Teachers 135.
Russ Pool, Rec Sec, Carpenters 483.
Gene Poschman, Am Fed Teachers 1671.
Henry D. Powell, Carpenters 1408.
Bruce Poyer, Am Fed Teachers 1474.

Q

Barbara Quibell, San Ramon AFT 2052.
Al Quittenton, Sec, Pensioners Whse 6.

R

Peter Radcliffe, Am Fed Teachers 1352.
Dave I. Rader, Pensioners Loc 6.
Ed Rainbow, Bus Mgr Boilermakers 6.
Anthony L. Ramos.
Benjamin Ramos, Steward, Warehouse 6.
Ralph Rappaport, San Ramon AFT 2052.
Genevieve Reade, BA, Retail Clerks 1100.
David M. Reiser, BA, Retail Clerks 428.
R. L. Revenaugh, 2nd VP, SF-O News Gld.
Michael Reyer, Steward, Machinists 2228.
Carl Riggle, Machinists 68.
Felix Rivera, Int Rep, ILWU.
Gary Robinson, BA, Hosp. Workers 250.
Rochelle, Fin Sec, Carpenters 102.
Joe Rodriguez, Steward, Shipclerks 34.
Sidney Roger, Editor, ILWU Dispatcher.
Robert Rohatch, VP, ILWU Longshore 10.
Anthony Rondone, Trustee, Warehouse 11.
Paul Rosen.
Arthur Rosenbrack, Sec. Shipclerks 34.
Hyman Rosenstein, Rec. Sec. Teamsters 12.
Thomas A. Rotell.
Bill Rupley, Richmond AFT 866.
Don Ruth, Steward, Warehouse 6.
William Rutter, Pres., Bay Area Pensioners.
Arnulfo Salazar, Ex Bd, Warehouse 11.

S

David W. Salmon, Res Dir, Western Conf Teamsters.
Lowell Samaro, Steward, Warehouse 11.
Maria Sandoval, Pres, Clothing Wkrs 792.
Miriam San Jule, State, Cty, Muni Empl 377.
Jim Santana, Shipclerks 34.
Bert Scherzer, Lithographers 17L.
Paul Schrade, Reg Dir, UAW, Region 6.
Henry Schmidt, Ex Bd, SF ILWU Pensioners.
Betty Schneider, UC Inst Ind Rel.
Helene Schultz, Trustee, Warehouse 17.
Leah Schuman, Pres, AFT 1928.
Monroe Schwartz, Steward, Lithog 17L.
Angelo Sciascia, Carpenters 1408.
Ray Seeterlin, Ex Com, Shipclerks 34.
David F. Selvin.
Judy Shattuck, Pres, City, Muni Emp 1695.
Paul Shelton, BA, Carpenters 1622.
Herb Sherr, Ex Sec, Cn Costa Emp 302.
Jim Shoffa, BA, Carpenters 42.
George M. Sicular, Am Fed Teachers.
Barry Silverman, ILWU Research Director.
William Silverstein, Sec-Tr, Retail Clerks 410.
Betty Smith, Richmond AFT 866.
Joel D. Smith, Int Rep, Auto Wrkrs Reg 6.
Shirley Smith, Richmond AFT 866.
St. John Smith, Pres, Richmond AFT 866.
Stanley Smith, Field Rep, Glaziers 718.
R. B. Snelson, Trustee, Warehouse 17.
Ruth A. Snider, Office Empl Local 3.
George Soares, BA, Retail Clerks 428.
Eric Solomon, Ex Bd, AFT 1352.
Herman Solomon, Pres. Boilermakers, PCML.
Millie Solomon, Dispatch, Office Wkrs 29.
Reynaldo M. Sotelo, Ex Bd, Warehouse 11.
George J. Sousa, Sec, ILWU 14.
William Souza, Ex Bd, Warehouse 6.
Walter J. Stack, Ex Bd, Hodcarriers 36.
Miren Azumendi Stashuk, Office Employees 3.
Julius Stern, Welfare Ofc Longshore 10.
George Stokes, Ex Sec, AFT 771.
John Sroka, Pres, Barbers 917.
George Strauss, UC Inst Ind Rel.
Emerson Street, BA, Santa Clara Lab Coun.
Neil J. Sullivan, BA, Bakery Wgn Dr. 484.
Harold Supriano, Org, City Empl 400.
Lawrence Swain, 2nd VP, Postal Clerks 2.
David A. Sweeney, Rep, West Conf Teamsters.
Conrad T. Swift, Ex Bd, UE 11412.
Jim Syfers, Sec, AFT 1352.

T

Sal Tavares, 1st VP, NC CAP UAW.
Andrew Taylor, Ex Bd, Longshore 10.
Raoul Tailhet, Pres, Calif Fed Teachers.
Dominic J. Testa, Sec, ILWU Foremen 91.
A. Thomas, BA, Carpenters 36.
Claude Thompson, Sgt-Arms, Warehouse 17.
Frank E. Thompson, Sec-Tr, ILWU Whse 17.
Loren Thompson, Sec Treas, Teamsters 315.
Angelo Tomasello, Ex Bd, Warehouse 6.
Hiroshi Tsuyamine, Steward, Longshore 10.
Mary Ann Tuma, Ex Bd, Office Empl 29.
William H. Tupper, BA, Retail Clerks 428.
Shellie Turpie, Ex Bd, Longshore 10.
Timothy J. Twomey, Ex Sec-Tr, Hosp Workers.

U

Lloyd Ulman, UC Inst Ind Rel.

V

Charles Vail, Steelworkers 1440.
Larry Vail, Sec, State Retail Clerks.
Michael Valenti, Butchers Union 506.
George Valter, Sec-Tr, ILWU Whse 6.
Lloyd K. Vandever, Fin Sec. UE 1412.
Don Vial, Am Fed Teachers 189.
Elias (Joe) Villegas, Dispatcher, Warehouse 6.
Paul Varacalli, Ex Sec, Service Empl 390.

W

Cornelius C. Wall, Int Ladies Garment Wkrs.
J. L. Watts, Carpenters 162.
William T. Ward, ILWU Coast Committee.
Charles Weir, Sec. Marin Labor Council.
Floyd P. Weseman, 2nd VP, Retail Clerks 428.
Floyd Weseman, Jr., Sec, Mailhandlers 121.
James West, Ex Bd, Warehouse 11.
Art Whiteley, Carpenters 1408.
Nollege Wilburn, BA, ILWU Local 6.
Spencer Wiley, Legis Rep. UAW Region 6.
Dave Williams, VP, Piledrivers 34.
Herbert Williams, AFT 1352.
John Williams, Grievance Com, ILWU 34.
Richard M. Williams, Pres, Retail Clerks 1100.
Larry Wing, BA, Longshore 10.
Edith Withington, Office Empl 29.
Ernest Woods, Welfare Ofc, ILWU Pens.
Ira Wyse, Ex Bd, Longshore 10.

Y

Celia Yanish, Office Employees 3.
Elaine Yoneda, SF ILWU Ladies Aux.
Charles Young, BA, Carpenters 848.

Z

Willie Zenn, Ex Bd, Longshore 10.

This ad was sponsored by a group of Bay Area trade unionists and paid for by the contributions of the signers. Because of the time element some of the signers have not had the opportunity to take up the text with their respective trade union bodies.

POSTAL SERVICE THREATENED BY SOME PROPOSED CHANGES

Mr. YARBOROUGH. Mr. President, yesterday hearings commenced on the Post Office appropriations. As the hearings began, I determined it my duty to sound an alarm about the efforts being made to undermine or destroy one of the oldest institutions of public service, the U.S. Post Office. Because I do not feel that the public and the Senate have been fully informed about the threat posed to the Post Office by the same provisions of the so-called postal reform measures, I wish to bring to their attention the remarks I made on this subject. I made the statement as chairman of the Subcommittee on Treasury, Post Office, and Executive Offices Appropriations of the Committee on Appropriations, when Postmaster General Blount appeared before my subcommittee for the submission of his proposed budget.

I ask unanimous consent that my remarks at the hearing yesterday be printed in the RECORD.

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

STATEMENT OF SENATOR RALPH W. YARBOROUGH

General Blount, before the hearing begins, I have a few remarks on the great institution in your charge—the United States Post Office Department. I frankly fear for the future of this first and oldest Cabinet Department. Increasingly it appears that the basic character and purpose of our Post Office Department might undergo dramatic changes—changes which I fear will, in the long run, be most assuredly for the worst for the American public. They are the users of the Postal System to which governmental service is due.

Some have suggested "politics" and "political patronage" as motives of my criticism of the postal reorganization proposal. Nothing could be further from the truth. I have

no personal or political axe to grind in this matter. Certainly, the result of a recent election in Texas should disabuse anyone of any suspicion of any political motive on my part. I speak only for good government and service to the people.

Rather I am deeply concerned at what I deem to be a grave threat to this outstanding service Department—the people's Department in our Federal system.

Upon reading your statement I can only say I am pleased to note that a number of modernizations have been effected under the present postal structure. It's good to know that these improvements could be obtained *without* removing the Post Office Department from the government. On the other hand, I am disappointed by the "balance sheet" nature of this report on the Department's activities and I am disturbed to note the general decline in service to the public such a "balance sheet" approach inevitably produces. The purpose of the Post Office Department is to serve the people, not try to be a dividend type corporation. The following impairments and lessening of the Postal Service has been done by you:

Special Delivery service has been cut. Then the rate was increased and the service reduced again.

Saturday window service is being phased out.

First-class mail is no longer to be handled by available air carriers within a 750-mile radius.

The number of city business deliveries has been reduced. Hundreds of small post offices in existence when we last met are no longer servicing their former patrons.

All morning collection service is to be eliminated, except that done by the letter carrier serving a route.

Late-evening collections are to be abolished or confined to selected boxes in business districts or shopping centers.

Saturday collection service in business districts is to be limited to collection by only the carrier in the performance of his regular duties.

Processing of first-class mail is deferred from Saturday night to Sunday.

And finally, I understand the sorting of "non-preferential" mail will be eliminated or deferred from Friday afternoon to Monday morning—it's quite possible that Monday may come to be known in the Department as "Horror Day".

Given the power you seek in the "Independent Government Agency" postal plan I see this trend increasing ten-fold in the next five years.

General Blount, if we keep *improving* the Department at this rate—we may improve it out of business. As an efficiency expert and a corporate manager concerned with cutting costs you have few peers but as a Government official concerned with the maintenance of the public service policy of our postal system, I must regard your reign in this office as a disaster of the first magnitude.

With this administration's service reduction policies as an example, and with the banner of so-called "reform" held high, the Members of Congress are now being asked to place this agency entirely in the hands of nine, remote, visiting firemen—called Governors—who in another step of remoteness, appoint the new "independent" Postmaster General and Assistant Postmaster General.

Rate-making is to be set by an independent Commission but under a tricky appeal procedure, if the Board of Governors just holds out long enough, they themselves can, in effect, set the rates.

When and if this measure passes, the public will have forever lost whatever semblance of control they once had over the largest civilian public agency in our land—only to discover, when it's too late, that they exchanged this right of oversight for nothing, for they will get in exchange enormous increases in postage rates and continued cuts in services. We can foresee a ten cent letter rate and less service in a very short time, and the projected loss of 100,000 jobs by postal employees.

I am very sincere when I say I hope this Post Office Department brand of budget-balanced service is not extended to any other government service, such as Interior, Commerce, Transportation, or Agriculture. Just as we have problems in our postal service, so New York City has problems with her public transportation service. But, I would hope Mayor Lindsey would never try to remedy his problem by making the subway system break even. The auto clot that would result would make today's New York traffic jam look like a holiday drive down Seventh Avenue.

No other agency of the government is required to "break even". The Park Service does not charge high enough fees and cut hours of operation enough to make their needed service "break even". If they did, we might well have to close some of the most outstanding recreation centers in our land.

The postal service is and should be a government service, and should be supported at least in part from general taxation if that is necessary to assure postal workers a fair share of the national produce, and, above all to render to the public real postal service. That's what the department is for, service to the people.

Not too long ago, according to a Civil Service columnist who writes in the Washington, D.C. press, you stated that future wage increases in the postal service will be limited to productivity gains because the public will not stand for ever-rising postal rates. If such an approach prevails, there will ultimately be explosions among postal employees. Postal employees deserve to share the nation's increase in wealth in the same way as other Federal employees. This vital mail service adds to that national and individual wealth daily. If subsidy is required to achieve this end, it will be nothing new in this nation's history. The use of general taxation for vital public services is a tradition dating back in fact to the establishment of the present Department itself under the Constitution of 1789.

I hope my note of concern will help to alert and to alarm the public. I am alarmed. Another shovel of coal was poured on my alarm fire when I found out just yesterday that the Post Office Department had suggested, just this past week-end, that section 102 of Chapter 1 of S. 3842 now under consideration by the Post Office and Civil Service Committee be deleted. Removed. Scratched. Done away with. Forgotten! Fortunately, the Committee did not accede to the Department's request—but I fear it was merely a case of the people's watch-dog temporarily chasing away a would-be destroyer.

That section of this proposed bill reads as follows:

"To provide a *maximum degree* of effective and regular postal service to rural areas, communities, and small towns where post offices are not self-sustaining, and to prevent either reductions in services or unreasonable increases in postal rates, there shall be appropriated to the Postal Service each year an amount of money which shall represent the public service cost of operating the Postal Service."

This section guarantees continued service to rural America. This is the section you tried to have the Committee eliminate yesterday, General Blount. This was a dagger aimed at the heart of the rural, small town and Main Street America.

And so, General Blount, we find ourselves here today in roles which could almost be reversed. You in the position of the pleader of service to the people, plead instead for the Bureau of the Budget; and I in the traditional role of Congressional budget-watcher find myself in the role of pleader for the people.

Make your economies. Improve efficiency where you can—but give us again the service our people want and deserve.

CRIME CRISIS IN NATIONAL CAPITAL REGION

Mr. TYDINGS. Mr. President, for the past year and one-half, Committee on the District of Columbia has waged an unrelenting war against the crime crisis in the National Capital region.

The innocent victims of this uncontrolled criminal activity are the law-abiding citizens of the National Capital, Prince Georges County, Montgomery County, and the other suburban counties.

Our investigation has revealed, for example, that 63 percent of all robbery suspects arrested in Prince Georges County during a recent 8-month period resided in the National Capital.

It is clear to me that the citizens of Prince Georges and Montgomery Counties do have an important stake in our war against crime in Washington.

At the heart of the crime crisis in this region is the insidious narcotics traffic that has infested the Washington-Maryland-Virginia area. Half or more of the serious crimes in the National Capital region are committed by addicts in search of money to buy drugs.

Our hearings have revealed that local communities can cope with the drug-crime problem if they establish effective locally run programs. Prince Georges County is among the leaders in the establishment of such programs.

Recently I had the pleasure of addressing the Prince Georges Council of the Ladies of the Knights of Columbus about the narcotics problem and how Maryland communities can cope with it.

I ask that my remarks on that occasion be printed in the RECORD.

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

REMARKS OF SENATOR JOSEPH D. TYDINGS

I want to talk with you tonight about the narcotics-crime crisis ripping the social and economic fabric of our cities.

As you may know, I have been working intensively with Prince Georges County officials and Maryland law enforcement authorities for more than a year on steps to meet the narcotics crime crisis we face. In hearings and anti-narcotics law enforcement conferences, I have been urging broad-based community action and adequate Federal support to fight the drug plague which threatens us.

The American public has only recently become aware of this enormous narcotics crime plague and its cost in lives and dollars to individuals, businesses, and the government.

So far, anti-narcotics law enforcement efforts have been inadequate. Treatment facilities to prevent addict-criminals from returning to crime are nearly non-existent. Few communities in America have realistic drug abuse prevention and education programs.

Meanwhile, the use of marijuana and the

so-called hard narcotics, like heroin and cocaine, has spread like wildfire from coast to coast in both city and suburb, not only among adults, but even among children.

The failure of federal and local leadership to provide the law enforcement resources and treatment facilities necessary to meet the narcotics problem poses a clear challenge to you as leaders in your communities and to every American citizen to support realistic narcotics detention, law enforcement, treatment, and prevention programs all across the country.

Until recently, many citizens have tended to sweep the narcotics problem under the rug—shrugging it off as a problem that affects only the ghetto or central city. But the narcotics traffic has invaded the suburbs with a vengeance, carrying in its wake a wave of addiction and crime and destroying lives, businesses, and families.

We can take no solace that much of the suburban drug abuse seems still to involve marijuana. Whatever the outcome of the present research on the actual effects of marijuana, I am unaware of any scientific evidence which suggests that marijuana's benefits outweigh its dangers—particularly the danger of psychological dependence which seems to be associated with its frequent use.

Dr. Stanley Yolles, the Director of the National Institute of Mental Health, estimates between 12 million and 20 million Americans now use marijuana. Highly regarded suburban high schools have become flourishing centers of marijuana traffic.

Make no mistake, however, that the suburban drug problem is restricted to marijuana. We are also experiencing an astounding increase in heroin use and addiction. Responsible law enforcement officers now estimate that the Washington area alone contains between 5 and 30 thousand heroin addicts and, despite better law enforcement, the number is growing.

As the heroin epidemic spreads, its victims become younger and younger. Not long ago, Life Magazine reported that 1,500 to 20,000 high school students in one Southwestern city are addicted to heroin. Testimony before my Senate Committee has revealed shocking amounts of heroin in the schools of the National Capital. Last year, New York City recorded 224 deaths from drug overdoses among teenage and younger children. One victim was only 12 years old.

This rapidly-ecsalating use of hard drugs has prompted New York's Dr. Donald Louria, a pioneer expert in controlling drug addiction, to predict that within a few years, "every high school and college in the country will be inundated by heroin."

The prospering illegal narcotics traffic is directly related to our soaring crime rates. There is simply no way a heroin addict can support his habit without selling drugs himself—and thereby induce more persons to use drugs—or committing other crimes. In the words of the National Crime Commission: "The price of the drug . . . is never low enough to permit the typical addict to obtain it by lawful means. So he turns to crime."

A National Capital study last fall revealed that nearly half the defendants booked into jail during a one-month period were active narcotics users. And, partly due to the high cost of drugs, addicts today turn iincreasingly to armed robbery and other crimes of violence to obtain money to buy drugs.

In cities the size of Baltimore and Washington millions of dollars are spent each week by narcotics addicts on the streets for heroin. These dollars are stolen from the homes, stores, and pockets of law-abiding citizens.

The magnitude of criminal activity by narcotics addicts astounds even those closest to the problem. A study at Johns Hopkins Hospital in Baltimore revealed that the average habit of 60 addicts undergoing treatment was $47 a day, with one as high as $250 a day. To support their habits, 41 of those addicts shoplifted, 30 sold drugs, 19 burglarized, 8 robbed and mugged, 15 conned and gambled, and 5 engaged in prostitution.

But those statistics alone don't tell the whole story. One addict with an $80 to $100 a day habit and a six-year history of drug abuse, for example, acknowledged that he stole $400 worth of merchandise—including 30 watches—from a Baltimore drug store the day before he entered treatment. He resold his take for $110. During a single year, he estimated he stole merchandise valued at a few hundred thousand dollars.

Another addict with a habit ranging from $75 to $250 a day supported his habit by mugging three nights a week, netting $150 a night. In addition, he sold drugs, bringing in about $500 a day, though most of that went to his drug supplier.

Translated into sheer economic loss, this heroin epidemic means that while organized crime grows fat through his pernicious traffic, the American citizen and businessman are paying the price in literally billions in economic losses every year.

My Senate Committee estimates that narcotics crime costs the Washington area alone as much as 400 million dollars a year.

The human loss is far more devastating. Once hooked on heroin, chances are slim of an addict's being detected or treated before he is arrested for some serious crime. Once apprehended for a serious crime the chances are equally bleak that the offender will experience any meaningful treatment before he serves his full prison term. He then returns to the streets as likely as ever to commit crime to support his habit.

We can combat the drug crisis with coordinated, adequately supported drug abuse programs.

These community programs should be directed by a single individual who has complete authority over all the local drug programs, including the allocation of resources, program facilities and personnel.

The program must include testing to discover drug users, treatment to rehabilitate drug addicts, and education programs to prevent drug abuse.

Simple tests involving urine samples are now available at low cost which can positively identify drug users. Narcotics testing should be mandatory for known criminals who have been released from prison on probation or parole, for suspects arrested in serious criminal cases before they are released on bond, for juveniles in the Juvenile Court system, and even for junior and senior high school students where appropriate.

Local treatment programs should include both the traditional approaches such as counseling and psychotherapy, and the promising new methadone maintenance approach.

In methadone maintenance, an addict who cannot stay drug-free is administered a carefully calculated daily dose of methadone, a synthetic narcotic. Although methadone itself is an addictive drug, it can be taken by an addict much as a diabetic takes insulin.

Properly administered, methadone will eliminate the addict's craving for other drugs, prevent him from achieving a drug euphoria even if he slips back to heroin, and permit him to lead a normal life in his community. The amount of methadone required to maintain an addict with even a substantial heroin habit costs less than 10 cents a day.

In New York, where Dr. Vincent Dole has pioneered the methadone approach, 2,200 addicts are currently enrolled in the methadone maintenance program. Nearly all of the addicts in that program had long criminal records before starting on methadone. In the six years Dr. Dole's program has operated, less than 15 percent of addicts entering it have dropped out and 99 percent of the addicts in the program have remained arrest-free while taking methadone. Seventy percent are productively employed.

Treatment programs involving all the methods at hand, including methadone maintenance, should be undertaken on an outpatient basis in the community and in jails and prisons—wherever addiction is discovered.

Finally, our efforts against narcotics will fall hopelessly short unless they contain aggressive and comprehensive education and prevention programs in the community. These programs should explore the reasons young persons turn to drugs and involve teachers who can "tell it like it is"—including, where appropriate, ex-addicts who have fought their way back. The education programs should also include counseling of parents, school programs, and an anti-drug addiction public education campaign through the media.

This struggle against narcotics-crime can only be won at the local level. Each community must develop its own narcotics treatment program. But to initiate these vital programs, the cities will need real—and not just token—financial assistance from the federal government.

The federal government must be willing to assume the cost of large scale programs of federal assistance to local communities for narcotics treatment. Actually, the cost of such a program will be insignificant compared to the cost of continuing to ignore drug treatment. The cost of treating an addict is less than half what it costs to keep him in jail. And it's thirty times less than the amount an untreated addict will steal during the same period.

Unfortunately, there is no such federal effort to assist local communities in either treatment or prevention programs. Recently, Dr. Stanley Yolles, Director of the National Institute of Mental Health, testified before my Senate Committee that the federal government was assisting just 16 community narcotics program—serving about 6,000 addicts—across the nation. That means it would take that entire federal effort to deal effectively with the narcotics-crime crisis in either Baltimore or the Washington area, let alone across the nation.

Most distressing, despite Dr. Yolles' testimony that NIMH will have to turn down several hundred requests for funds for local narcotics treatment programs, the President, in his 1971 budget, has asked the Congress for funds to launch just seven new community treatment efforts. That means communities like Prince Georges County—which has already launched drug treatment efforts on its own—may be denied the federal assistance they need to develop comprehensive anti-narcotics programs.

The total of 9.9 million dollars the President has requested for the 23 community treatment programs represents less than one-third of the 30 million dollars the Congress has authorized for federal assistance to local communities for treatment programs for addicts and alcoholics in fiscal 1971. The President has, in fact, requested only half of that thirty million in this year's budget. With untreated narcotics addicts responsible for half or more of the serious crime in this National Capital Region and other major metropolitan areas, I call that false economizing.

The President's attempt to forego 15 million dollars in appropriations for narcotics treatment may cost the law-abiding citizens of this nation several hundred times that much.

Similarly, the President's recently announced 3.5 million dollar program of assistance to the states for training teachers to teach drug education classes is really totally inadequate. While I welcome any federal effort in the critical area of drug education and prevention, I am concerned the Adminis-

tration's program has neither the funds nor the quality control necessary to make much of an impact on drug abuse among our young people.

Under the Administration's new program, Maryland will receive just $59,000. In other words, the Administration program will contribute less than seven cents per school child toward preventing each of Maryland's nearly 900,000 school children from using drugs. The federal contribution to teacher training in drug education in Maryland will be less than $1.50 per teacher.

Just two weeks ago at my Committee's drug prevention hearings in Baltimore, Dr. Fred Brown, the Associate Superintendent of Education in Maryland, estimated it would cost this state 5.5 million dollars to train teachers adequately to teach drug education. That means that the federal contribution under the President's new program would meet just one percent of that need.

I think this aid to Maryland is pitifully inadequate. It should be greatly increased.

We desperately need a major national program of federal assistance to local communities to help establish local drug treatment and prevention programs. This effort must be comprehensive enough so that every community in the nation with a significant narcotics-crime problem can get the help it needs.

I have tried to outline to you this evening some of the costs we are paying for this failure to take the steps necessary to remedy the narcotics crisis.

In the weeks and months ahead I will continue the fight for an expanded federal effort to assist local communities in their anti-narcotics effort. You, alone, at the local community level, however, can provide the energy and the emphasis that an effective anti-narcotics effort must have.

I urge you to insist that your local governments realistically address the narcotics problem and take the steps I have outlined to meet it forcefully and completely.

GENOCIDE CONVENTION STILL UNDER ADVISEMENT

Mr. PROXMIRE. Mr. President, the outpouring of concern of responsible citizens and organizations for concepts of human rights continues to come into Congress. In particular, we continue to receive pleas for early action by the Senate to consent to the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide. One recent piece of correspondence received by the Committee on Foreign Relations comes from the Anti-Defamation League of B'nai B'rith. I ask unanimous consent that the letter and attachment be printed in the RECORD at the end of my statement.

This correspondence, dated May 1, 1970, attaches an October 25, 1952, resolution of the Anti-Defamation League which urged the U.S. Senate to consent to the ratification of the convention against genocide. In 1952, a sufficient number of nations—over 20—had already ratified the convention so that it became effective. As of September 1969, a total of 74 nations had acceded to the convention. Yet, in that long listing of nations, the United States is recorded as only having signed the convention. It was signed by the U.S. Representative on December 11, 1948—a short 2 days after it was adopted unanimously by the General Assembly of the United Nations. President Truman transmitted the convention to the Senate on June 16, 1949, and for these many days, the Senate has had the convention under advisement. Action on the convention is long overdue, and I hope that the convention will come to the Senate floor for a vote before Congress adjourns for this session.

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

MAY 1, 1970.

HON. J. W. FULBRIGHT,
Senate Foreign Relations Committee, Washington, D.C.

DEAR SENATOR FULBRIGHT: In behalf of the Anti-Defamation League of B'nai B'rith, I submit to this Committee the following statement of my organization calling for an early ratification of the Convention on the Prevention and Punishment of the Crime of Genocide, now before this Committee.

The Anti-Defamation League of B'nai B'rith, an organization devoted to the protection of human dignity and opposed to all aspects of racial, religious and ethnic intolerance, strongly supports the statement of the President of the United States of February 19, 1970 urging the Senate to grant its advice and consent to the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide.

This convention was an outgrowth of World War II, which witnessed the wholesale extermination of European Jewry by the Nazis. It was designed to make the planned mass destruction of racial, ethnic and religious groups an international crime and to provide machinery for the prosecution of these guilty of participation in that crime. The United States played a leading part in the preparation of the Convention, which was adopted unanimously by the General Assembly of the United Nations on December 9, 1948 and signed by President Truman two days later. On June 16, 1949 President Truman submitted the Convention to the United States recommending its ratification.

So far, 75 nations have ratified the Convention. It is ironic that the United States, which has a firmly-established policy against persecution based on race, creed or ethnic origin, is not one of those nations.

The Anti-Defamation League of B'nai B'rith trusts that the long-overdue Senate action ratifying the Genocide Convention on behalf of the United States will be taken forthwith. Only by speedy ratification of the Convention will this country be able to maintain its position of leadership in the worldwide effort to eradicate the heinous crime of genocide and to guarantee every racial, religious and ethnic group the God-given right to exist and develop in freedom.

Enclosed is a copy of a resolution adopted as long ago as October 19, 1952 by the National Commission of the Anti-Defamation League of B'nai B'rith urging the United States to ratify the Genocide Convention without delay.

Respectfully,

ARNOLD FORSTER,
General Counsel.

RESOLUTION ON RATIFICATION OF THE GENOCIDE CONVENTION

(Adopted by the National Commission of the Anti-Defamation League of B'nai B'rith October 25, 1952.)

Whereas: In December, 1948, our country, as a member of the General Assembly of the United Nationas joined in unanimously adopting the Convention Against Genocide which outlaws as an international crime the mass extermination of national, ethnic, racial or religious groups; and

Whereas: On January 12, 1951, said Convention became effective upon ratification by the 21st member nation of the United Nations; and

Whereas: 25 member nations of the United Nations have by now ratified said Convention and 15 more nations have acceded to it; and

Whereas: On June 16, 1949, President Truman submitted said Convention to the Senate recommending its ratifications; and

Whereas: In April, 1950, a special Senate subcommittee submitted said Convention for approval to the Senate Foreign Committee which however, up to date has taken no action on said Convention; and

Whereas: Said Convention declares that practices aimed at the destruction of national, ethnic, racial and religious groups and actually employed by totalitarian regimes to destroy many millions of innocent people within the last decade are an international crime; and

Whereas: Our country has always been in the forefront of the fight to bring international law and practices abreast of the conscience of mankind, and

Whereas: The Convention Against Genocide contains safeguards against infringement of any of the basic freedoms and structures protected by our Constitution; now therefore be it

Resolved: That the United States Senate be urged to ratify the Convention Against Genocide without delay.

GENOCIDE CONVENTION

Mr. ERVIN. Mr. President, on May 25, 1970, I made a speech in the Senate on the subject "The Genocide Convention—Why the Senate Should Refuse To Ratify It." I attached to my speech an article "The Genocide Convention: Its Impact on Our Legal System," written by Orie L. Phillips, chief judge of the U.S. Court of Appeals for the 10th Circuit. The article originally appeared in the American Bar Association Journal for August 1949. For some inexplicable reason, the CONGRESSIONAL RECORD for May 25, 1970, omitted a portion of the article. To correct this defect, I ask unanimous consent that the complete article be printed at this point in the RECORD as a part of my present remarks.

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

THE GENOCIDE CONVENTION: ITS EFFECT ON OUR LEGAL SYSTEM

(By Orie L. Phillips)

(In this article, Judge Phillips makes a concise, precise, analysis of the terms of the proposed Convention on the Prevention and Punishment of Genocide, and then discusses the effect of the Convention should it be consented to by the Senate. He points out that under the Constitution, a treaty is the supreme law of the land, superior to any state constitution or statute, and any existing federal statute, and that once a treaty has been approved by the Senate no further action is necessary to make it part of the municipal law of every state, binding upon individuals. While recognizing our international responsibilities, Judge Phillips questions the wisdom of this Convention and offers a suggestion that will carry out our international obligations without subjecting individual Americans to trial and conviction by a court that may not operate under the safeguards to an accused accorded by our legal system.)

On June 16, 1949, the President transmitted to the Senate the Convention on Genocide with the request that the Senate give its advice and consent to its ratification.

By this Treaty the contracting parties confirm that genocide is, "A crime under international law which they undertake to prevent and punish."

Articles II and III of the Convention read:

ARTICLE II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

ARTICLE III

The following acts shall be punishable:

(a) Genocide;

(b) Conspiracy to commit genocide;

(c) Direct and public incitement to commit genocide;

(d) Attempt to commit genocide;

(e) Complicity in genocide.

Article V obligates the contracting parties to enact the necessary legislation to give effect to the provisions of the Convention and to provide effective penalties "for persons guilty of genocide or any of the other acts enumerated in Article III."

Article VI provides that "persons charged with genocide or any of the other acts enumerated in Article III shall be tried by a competent tribunal of the state" in which the act was committed, or by "such international penal tribunal as may have jurisdiction with respect to such contracting parties which shall have accepted its jurisdiction."

Article IX provides that disputes between the contracting parties relating to the "interpretation, application or fulfillment of the present convention," shall be submitted to the International Court of Justice at the request of any party to the dispute.

Thus, it will be seen that it is proposed by the action of the President, consented to by two-thirds of the Senators present [1] when Senate action is taken, to define certain acts, which have traditionally been regarded as domestic crimes, as international crimes and to obligate the United States to provide for their punishment and for the trial of persons accused thereof either in our domestic courts or in an international tribunal.

Treaty-making power is reviewed

It would seem appropriate, therefore, to review the treaty-making power.

Section 2 of Article II of the United States Constitution authorizes the President by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur.

The power is not one granted by the states. Neither did the powers of external sovereignty depend on the affirmative grants of the Constitution. If they had not been mentioned in the Constitution, they would have vested in the Federal Government as necessary concomitants of nationality. They embrace all the powers of government necessary to maintain an effective control of international relations.[2]

". . . the external powers of the United States are to be exercised without regard to state laws or policies." [3]

". . . the field which affects international relations is 'the one aspect of our government that from the first has been most generally conceded imperatively to demand broad national authority.' " [4]

The treaty-making power is not limited by any express provision in the Constitution. But it does not authorize what the Constitution forbids and its exercise must not be inconsistent with the nature of our Government and the relation between the states and the United States.[5]

Footnotes at end of article.

The treaty-making power is not subject to the limitations imposed by the Constitution on the power of Congress to enact legislation, and treaties may be made which affect rights under the control of the states.[6]

Treaty is equivalent to statute

A treaty, entered into in accordance with constitutional requirements, to the extent that it is self-executing, has the force and effect of a legislative enactment and to all intents and purposes is the equivalent of an Act of Congress. In addition to being an international contract, it becomes municipal law of the United States and of each of the states, and the judges of every state are bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.[7]

In the event of a conflict between a treaty made in accordance with constitutional requirements and the provisions of a state constitution or a state statute, whether enacted prior or subsequently to the making of the treaty, the treaty will control.[8]

But, a treaty may be abrogated by the enactment of a subsequent federal statute which is clearly inconsistent therewith.[9]

Thus, it will be seen that it is proposed that we set out on a course, under a power without express limitation and of broad scope, to enact domestic criminal law, without any concurrence by the House of Representatives, the body traditionally regarded as closest to the people.

Moreover, if the offenses involved should be regarded as international in character by Section 8 of Article I of the United States Constitution, Congress has the power "to define and punish . . . offenses against the law of nations."

Convention would become supreme law of land

Since the Convention in most respects is self-excuting, in those respects, on ratification, it would become the supreme law of the land. That would not be true as to any other contracting party except France and a few other states. Even if non-self-executing, the obligation to implement the Treaty by legislation is as binding as the Treaty itself.

It is one of our fundamental concepts that a legislative body, in the exercise of its power to declare what constitutes a crime, must define it so as to inform persons subject thereto, with reasonable precision, what it intends to prohibit so they may have a certain and understandable rule of conduct and know what it is their duty to avoid. "A statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application, violates the first essential of due process of law." [10]

Do the definitions in Articles II and III of the Convention meet that test?

What is a part of a national, ethnical, racial or religious group—one member, two members, how many?

If an act was done with intent to destroy two members of a group, although actuated by no malice toward the group as such, would that be genocide?

Would it not be more accurate and desirable if the prerequisite intent was defined as an act committed with intent to injure one of the enumerated groups as such, so as to make it clear the act must be directed toward the group as such and not merely at an individual member or members thereof?

What is meant by mental harm?

Does not complicity mean the act of an accessory, or to aid, abet, assist, or incite genocide?

A person accused of an offense defined by the Convention, if tried by an international penal tribunal, would not be surrounded by the safeguards we accord persons charged with domestic crimes.

Should we ratify Convention with reservations?

In the event we ratify the Convention, should we, by reservation, expressly provide that citizens of the United States and persons within the territorial jurisdiction of the United States, charged with an offense defined in the Convention will be subject to trial and sentence only by a competent judicial tribunal of, and sitting within, the United States, vested with jurisdiction over such offense by federal legislation; that a citizen or other person so charged shall be presumed to be innocent until his guilt has been established by lawful evidence beyond a reasonable doubt; that a citizen or other person so charged shall be protected by all the safeguards embraced within the Constitution of the United States, including the rights guaranteed by the Fourth, Fifth, Sixth, and Eighth Amendments to the Constitution of the United States, to an accused charged with a domestic crime; and that such citizen or other person shall not be subject to be charged, tried, or sentenced by any international penal tribunal? Of course, no international penal tribunal has yet been created, and the advice and consent of the Senate would be necessary to subject our citizens to the jurisdiction of such a tribunal should it be created. But should we not endeavor to close the door to the giving of that advice and consent in the future?

Although the United Nations Charter provides that nothing therein contained shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state, since our representatives have participated in the drafting and approving of the Genocide Convention, if it should thereafter be ratified by the United States, would the matters embraced in such Convention be thereby withdrawn from our domestic jurisdiction?

Should we agree to submit to the International Court of Justice a dispute as to the interpretation, application, or fulfillment of the Convention by us? Suppose a citizen of the United States was charged with one of the offenses defined in the Convention—the group involved being an alien racial group—and tried in a competent tribunal in the United States, and our domestic courts, including the Supreme Court of the United States, should hold the act did not constitute an offense under the Convention. Could the state, of which the alien group were subjects, seek a review as to the interpretation of the treaty in the International Court of Justice? If it could not seek a direct review, could it seek an interpretation by the International Court which would be binding on our domestic courts in the future?

Should we obligate the United States to undertake to prevent and punish genocide in other states? Such seems to be the import of Article I of the Convention.

I assume that no one will deny that the acts defined in the Convention as offenses are abhorrent and the purpose to prevent them wholly commendable. The question is as to the method and means to attain that end.

If genocide and kindred offenses defined in the treaty are in fact international crimes, would not the wise course be to enact domestic legislation under Section 8, Clause 10, Article I of the Constitution of the United States, defining such offenses, and providing for the trial and punishment of persons committing such offenses, in our own domestic courts, where the accused will be guaranteed his constitutional rights and accorded due process under our concept of that phrase? We would thus set our own house in order, would offer the same protection to the accused as one charged with any domestic crime, and would reserve to our own courts the final determination of questions as to the interpretation of the penal statute. To agree, by international convention, to so de-

fine, try, and punish persons who commit the offenses which the treaty undertakes to define, would seem to me to wholly fulfill our international obligation, and would avoid many serious questions with respect to the incipient effects of ratification of the Convention on our constitutional and legal system and questions of policy which will arise on a consideration of concurrence by the Senate in the proposed Convention.

FOOTNOTES

[1] See Art. II, § 2, United States Constitution.

[2] *United States* v. *Curtiss-Wright Corp.*, 299 U. S. 304, 315–318.

[3] *United States* v. *Belmont*, 301 U. S. 324, 331.

[4] *United States* v. *Pink*, 315 U. S. 203, 232.

[5] *Asakura* v. *Seattle*, 265 U. S. 332, 341; *Holden* v. *Joy*, 84 U. S. 211, 243; *Geofroy* v. *Riggs*, 133 U. S. 258, 267.

[6] *Missouri* v. *Holland*, 252 U. S. 416, 432.

[7] See *Valentine* v. *Neidecker*, 299 U. S. 5, 10; *Whitney* v. *Robertson*, 124 U. S. 190, 194.

[8] *Santovincenzo* v. *Egan*, 284 U. S. 30, 40; *Nielsen* v. *Johnson*, 279 U. S. 47, 52.

[9] *Whitney* v. *Robertson*, 124 U. S. 190, 195; *Botiller* v. *Dominguez*, 130 U. S. 238, 247; 52 *Am. Jur. Treaties*, 818, § 21; Note, 134 *A.L.R.* 885.

[10] *Connally* v. *General Const. Co.*, 269 U. S. 385, 391.

GUN CRIME PREVENTION

Mr. TYDINGS. Mr. President, from time to time, Members of Congress and the public make inquiries about the antigun crime proposal which is one of 45 anticrime measures I have introduced in the 91st Congress. To answer the questions most frequently asked about my gun crime prevention proposal, S. 977, I have prepared a brief document entitled "Questions and Answers on the Anticrime Gun Control Proposals of Senator Tydings." I ask unanimous consent that it be printed in the RECORD.

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

QUESTIONS AND ANSWERS ON THE ANTIGUN CRIME PROPOSALS OF SENATOR TYDINGS

1. *What is Senator Tydings' antigun crime proposal?*

Senator Tydings' antigun crime bill, S. 977, is a moderate and rational proposal to curb the escalating rate of crimes committed by firearms in the United States. It provides law enforcement officials with the tools they need to help detect and deter gun crime.

Senator Tydings' antigun crime proposal would disarm the criminal element by preventing convicted felons, drug addicts, alcoholics, mental incompetents, and juveniles under 18 from purchasing or possessing guns. It would protect the right of sportsmen and all law-abiding citizens to purchase and possess firearms. It would provide law enforcement officials with an effective means of tracing stolen weapons and firearms used in crime.

Senator Tydings' proposal provides for registration of all firearms and licensing of all firearms owners and ammunition users. It encourages state action by providing for state preemption of the federal law. Where a state enacts its own licensing and registration law, the federal law would not apply. Where a state fails to act to protect its own citizens, the bill would provide a minimum floor of federal protection in that state.

Registration of firearms will give the police the means to trace quickly to their owners guns used in crime.

Licensing gun users will weed out persons who, by reason of criminal record, drug addiction, alcoholism, mental incompetence, or age, should not be entrusted with a gun in the first place.

2. *Congress passed a new gun law in 1968. Why is the Tydings' antigun-crime bill still needed?*

The new law passed by Congress in 1968 was a watered-down compromise which, while worthwhile, for practical purposes can do little to curb the escalating gun-crime rate in the nation without additional state or federal action. The 1968 law was designed to make state-passed gun laws unfavorable by requiring that gun purchases be made in the purchaser's home state. Prior to 1968, the state gun-crime laws which did exist were easily avoided by people who either simply went to another state to buy guns or just ordered them from another state through the mail.

The Gun Control Act of 1968 does *not* provide any way to trace a gun lost, stolen, or used in crime. It forbids mail order and interstate gun shipments to individuals, the importation of cheap foreign guns, and gun ownership by the criminally convicted. But it provides no effective means to actually keep guns out of the hands of felons, addicts, mental patients, or persons otherwise disqualified from gun ownership.

The 1968 law does make it illegal to transport or possess a gun if you are under indictment, a fugitive, a felon, an adjudged mental incompetent, an illegally-entered alien, have renounced U.S. citizenship, or have been dishonorably discharged from the armed forces, but provides no means to actually prevent such persons from making firearms purchases.

The 1968 law does *not* provide any way to trace a gun lost, stolen, or used in crime. It provides no way for gun dealers to determine whether the man they are selling to is who he says he is, does not intend to use the gun in crime, is not a felon, addict, or mental patient, or otherwise disqualified from gun ownership. These dangerous people can still get guns by simply lying.

To make the laws passed in 1968 enforceable, we need firearms registration and licensing. Firearms user licensing would prevent criminals, addicts, lunatics, and juveniles from purchasing firearms. Registration would help find them if they used a gun in a crime.

3. *Why not just enforce existing state gun laws?*

Most states' gun laws are totally inadequate to protect their citizens. Many states have practically no gun laws at all. Eight states have no law against felons buying firearms. In 35 states, lunatics can legally own guns. Only three states require a license to own or possess a gun.

Most state gun laws are either obsolete or meaningless, such as a Texas law forbidding carrying guns in a saddlebag except when one is travelling; Vermont's law forbidding schoolchildren to have guns in the classroom; or Arkansas' law forbidding using a machine gun for offensive purposes. Clearly, existing state firearms laws are totally inadequate to protect the public.

4. *Are registration and licensing proposals merely steps toward confiscation of all firearms?*

Certainly not. Firearms ownership and use by law-abiding citizens is a healthful recreation and does not contribute to the gun-crime problem.

But we urgently need adequate records of gun ownership to help trace guns used in crime to their criminal users. Registration of all firearms is the only way to gather these records.

And we urgently need to deny access to firearms by criminals, addicts, and mental incompetents. A licensing system, in which all law-abiding citizens automatically are entitled to licenses and all criminals, addicts, and mental incompetents are automatically denied licenses, and which punishes purchase, possession, or use of a firearm without a license, will severely inhibit criminal access to guns.

Those who oppose reasonable firearms control because they fear "confiscation" should be much more concerned that the rapidly-rising gun-crime rate may well lead to public demand for confiscation if reasonable measures to stem the gun-crime rate are not taken now.

The threat of confiscation arises not from reasonable action to stem the gun-crime rate, but rather from no action at all.

5. *Aren't registration and licensing bills actually just taxation measures?*

No. The Tydings proposal contains no fee at all for either licensing or registration. It would be paid for out of the general revenues. Since the Tydings bill is a law enforcement measure, direct controls against criminal access to guns and good records for tracing guns used in crime—not taxes—are the best way to control the gun-crime rate.

6. *Are registration and licensing constitutional?*

Yes, without question. Here's what the Library of Congress says about the Tydings proposal and the Second Amendment's "right to bear arms": "From what we know of the history and construction of the Second Amendment, it would seem that the major current proposals for gun control are not subject to any serious Second Amendment challenges." (Library of Congress Study UC460B, 450/77 A–251: "The Second Amendment as a Limitation on Federal Firearms Legislation," July 8, 1968)

In July, 1963, the U.S. Attorney General stated: "A federal system requiring the registration and licensing of firearms is a necessary and proper means to two legitimate goals, the regulation and protection of interstate commerce and the preservation of the peace of the United States . . . it is within the power of Congress to enact."

The Tydings bill also contains a special provision, to conform to recent Supreme Court decisions (Haynes v. U.S.) dealing with the constitutionality of firearms registration laws.

7. *What would the Tydings bill cost the gun owner?*

Nothing. The bill imposes no fees. The operation of the licensing and registration system proposed by the Tydings bill would be paid for out of the general tax receipts of the country. As a law enforcement and public safety measure, the cost of the Act should be borne by all citizens.

8. *How does registration work?*

A gun owner simply sends a law enforcement agency the makes, models, and serial numbers of his guns and his own name and address. It can be done completely by mail. Then, when a lost or stolen gun is found, its true owner can be discovered and his gun returned to him. If a gun is found at the scene of a crime, its last known owner can be quickly traced. When a suspicious character is arrested with a gun in his possession, its ownership can be quickly determined. If the gun has been stolen or is unregistered, the suspect can be booked for possession of stolen goods or possession of an unregistered weapon.

Under the Tydings bill, if a state enacts its own registration law, guns would be registered with whatever state agency the law designated. If the state failed to act, guns would be registered with the federal government.

9. *Must every firearm be registered?*

Yes, otherwise many guns lost, stolen, or used in crime could not be traced.

10. *Would private firearms sales be registered, too?*

Yes. All firearms transfers, by dealers and private persons, would be registered so that

up-to-date records of actual gun ownership could be maintained.

11. *Doesn't registration impose a burden on the law-abiding citizen?*

No. Everything can be done by mail on a form like this:

Firearms registration form

Name _____
Address _____
Firearm _____
Make _____
Model _____
Serial No _____

The registration would be free and permanent. No fees. No renewals.

12. *But won't criminals refuse to register their guns?*

Some criminals may refuse to register their guns and risk being jailed for having an unregistered gun. But any suspected criminal found with an unregistered weapon can be jailed on that charge alone, *even if no other crime can be proved.* So it will become very risky for a criminal to have an unregistered weapon.

13. *Must an owner of several guns register each of them?*

He must supply the make, model, and serial number of each, but could do so for all his guns on a single form.

14. *What about weapons which have no serial number?*

The bill provides that firearms dealers can imprint serial numbers on such weapons for identification purposes.

15. *What about antiques?*

No firearm manufactured prior to 1898 is covered by the bill.

16. *How does licensing work?*

Licensing is simply a way of denying fugitives, criminals, addicts, and mental defectives access to firearms and ammunition by refusing to give them firearms' licenses. Every purchaser, possessor, or user of firearms or ammunition would have to have a license, except for juveniles with their parents' consent and hunters or sportsmen who have borrowed a weapon for temporary use.

Issuance of licenses would be automatic to all law-abiding citizens, without any discretion on the part of the issuing officer. Denial of a license would be automatic in the case of felons, fugitives, adjudged alcoholics, addicts, and mental incompetents, and those under 18.

To get a license, you would simply submit a statement affirming that you are over 18, have never been convicted of a felony or committed to an institution by a court on the grounds of alcoholism, narcotics addiction, or mental incompetence, that you are not under indictment or a fugitive, and are not otherwise prohibited by law from obtaining a weapon. In addition, you would supply a physical description like that required for a driver's license and proof of identity (in the form of a draft card, driver's license, social security card, etc.).

If a state enacted a licensing law, the statement and identification would be supplied to whatever agency the state prescribed, but if the state does not act, then to any federal firearms dealer. The entire transaction could be conducted by mail.

17. *How about my son under 18 years old? Could he still hunt and shoot?*

Yes, definitely. Although he could not own a gun in his own name, the bill expressly provides that he will be able to hunt and shoot with his parents' consent.

18. *What is the difference between registration and licensing? Do we need both?*

Registration is a means of tracing guns used in crime. *Licensing* is a means of reducing the gun crime rate itself by denying access to guns by known criminals, addicts, and mental defectives. *Registration* is a means to *solve* gun crime once it has been committed. *Licensing* is a means to *prevent* gun crime from being committed in the first place.

19. *Must every gun be separately licensed?*

No. Firearms purchasers, owners, and users are licensed, not the guns themselves. The purpose is to deny licenses to criminals, addicts, and mental defectives.

20. *Would there be any discretion to deny a license?*

Not where the federal law applies. If the applicant is not under indictment, or a fugitive, a felon, an adjudged addict, alcoholic, or mental incompetent, or under 18, the license must be issued. The state could establish a different system, if it wishes, just as any state can today.

21. *But won't criminals get guns anyway?*

If a licensing law were in effect, a criminal, addict, or mental defective could not legally purchase, own, or use a gun, because he would not be entitled to a license. Thus, lawful channels of purchase would be cut off to him. Today they are not.

Today, in most states, criminals, addicts, and idiots have access to guns on the same basis as the law-abiding. Even if, after enactment of the Tydings Bill hard-core criminals may be able to get some guns, the small-time but frequently deadly crook who holds up liquor stores, bus drivers, and filling stations or housebreaks will find it much harder and much riskier to possess a gun.

No one claims gun laws are airtight or foolproof. The question is whether we should do what we can to detect and prevent gun crime or continue to do nothing, as we do today.

22. *Why not just punish gun crimes more severely?*

Heavier penalties for gun crimes already exist but haven't answered the gun crime problem. Armed robbery is a more serious offense than simple robbery; aggravated assault is more heavily punished than simple assault. Murder is the most heavily punished crime of all. Yet the commission rates of all these crimes are climbing intolerably. Armed robbery with guns increased from 42,600 crimes a year in 1964 to 99,000 in 1968; aggravated assaults by gun increased from 27,700 cases in 1964 to 65,000 in 1968; murder by gun increased from 5,000 in 1964 to 9,000 in 1968.

Gun crimes should be more heavily punished. But clearly, heavier penalties do not answer the gun crime epidemic. They do not help solve gun crimes, as registration would. They do not prevent criminal access to guns, as licensing would. They do not bring gun crime victims back to life, repair their wounds, or return their property. Only disarming the criminal can do that.

23. *What about the argument that "guns don't commit crimes; people do"?*

Of course, guns don't commit crimes, but *people using guns certainly do.* People using guns in 1968 alone robbed 99,000 Americans, assaulted 65,000 Americans, and murdered 9,000 Americans. People using guns murdered John Kennedy, Martin Luther King, and Robert Kennedy, along with more than 34,000 other Americans between 1963 and 1968.

24 *What about the argument that "No dictatorship has ever been imposed on a nation of free men who have not just been required to register their privately owned firearms"?*

That argument is baloney. It is unsupported by fact and refuted by history. For example, regarding the German occupations of Europe, the Library of Congress has concluded:

"We can make no positive correlation between gun laws and dictatorships, as the following examples will show.

"First, four countries were examined which are democracies now, but in recent history came under Nazi dictatorships (Germany, Italy, France, and Austria). One may reasonably assume that if gun registration laws constituted a primary factor in the rise of dictatorships, these countries would have since revised their laws to prevent future dictatorships. This has not been the case. The four countries today have substantially the same gun laws as those in force prior to the advent of dictatorships. In fact, in Italy, where gun laws were relaxed by Mussolini, they have recently been restrengthened approximately to their pre-Mussolini level.

"Secondly, two democracies were examined which have not suffered dictatorships in their recent history (England and Switzerland). Switzerland has had gun registration laws since 1874, England since 1831.

"It would be inaccurate, of course, to suggest that a dictatorship would be unconcerned about the possession of firearms by its populace. Nevertheless, these few examples would seem to indicate fairly conclusively that there is no significant relationship between gun laws and the rise of dictatorships, at least in these countries."

In his book, *The Right to Bear Arms,* author Carl Bakal thoroughly demolishes this hysterical argument most frequently made by National Rifle Association propagandists, that firearms laws threaten democracy. He writes:

"In resorting to such sophistry, the NRA is as casual with history as it is with statistics. It makes much of the alleged Nazi use of firearms registration lists to disarm and conquer Europe. However, if such a tactic were employed, it must be accounted one of the best-kept secrets of the war, for I could find no reference to it whatever in the histories of that era. I have spoken to correspondents with an intimate knowledge of German affairs, and they too disabused me of the notion that this was an element in the Nazi invasion tactics or, as is also said, in Hitler's rise to power, said Sigrid Schultz, a journalist in Germany since 1919: 'Hitler used lists to take over Germany? Why, that's perfectly silly, absolutely ridiculous. He didn't need the guns of the people. He had virtually all the people. He had the Storm Troopers and he had the Army. His forces were literally armed to the teeth. If Hitler had any list of guns, he didn't need them.'

"Another veteran correspondent, Norbert Muhlen, with a half dozen books on Germany to his credit, told me of a German friend of his: 'He was a vehement anti-Nazi, but they never took away his gun. In fact, he even became a hunting inspector.'

"I also wrote to the American Embassy in each of the countries who so supposedly succumbed to the Nazis. From Denmark came this typical reply: 'The Germans did not disarm Danish civilians and so facilitate the German invasion and occupation of Denmark.' From Finland: 'The Library of War Sciences has not heard of any such activity.'

"Even if any lists of firearms owners would be useful to any enemy of the United States, undoubtedly the single largest and most useful such master list would be that of the more than one million names and addresses conveniently maintained on Remington Rand tabulating cards in the membership division of NRA headquarters. (New York City's list of 17,000 registered handgun owners is minuscule compared to this.) Vastly larger collectively are the lists of about 19 million hunting licenses on file with the conservation (or fish and game) departments in the capital cities of our fifty states."

25. *How do law enforcement officials feel about gun licensing and registration?*

They want both. At the 1968 hearings on the Tydings Bill, New Jersey Attorney General Arthur Sills testified regarding the National Gun Crime Prevention Act:

"Again, I repeat my plea and the plea of all New Jerseyans. Congress must enact a law to register all firearms, create licensing safeguards to prohibit the distribution of

firearms to undesirable persons, ban all mail order sales of firearms, and prohibit the purchases of firearms by non-residents of a state. Few, if any efforts are more important to the future safety and security of the American people."

California Attorney General Thomas C. Lynch testified:

"I wish to endorse national firearms registration and licensing procedures. . . . Registration and licensing of firearms would be a tremendous tool for law enforcement—a major protection for the honest citizen."

Mr. Quinn Tamm, Executive Director of the International Association of Chiefs of Police, testified:

"I support Federal legislation that will assist state and Federal enforcement agencies in preventing and solving gun crimes through Federal registration and licensing activities. The additional administrative workload that will be placed on local law enforcement agencies through the implementation of such legislation will be considerable, but it is my sincere belief that the cost will be inconsiderable compared to the lives that will be saved. Finally, enactment of legislation that will expedite a nationwide system of reporting firearms data will materially aid local law enforcement agencies in bringing to justice those who use such weapons in the commission of crimes."

Mayor Richard Daley of Chicago testified:

"I believe this to be one of the most important pieces of legislation to be considered by the United States Senate. It is long overdue. The need for such legislation has long been apparent."

Mayor John Lindsay of New York testified:

"Congress should pass legislation requiring the registration of firearms—with the specific recognition—as provided in Senate 3634 (The National Gun Crime Prevention Act) that the primary responsibility for registration rests with the individual states. Registration of ownership, serial number, and type of weapon can give enormous assistance to crime prevention and detection.

"The Congress should enact legislation providing that in the absence of state and local regulations limiting access to firearms, the federal government should assume responsibility for enforcing reasonable licensing regulations for the possession of firearms."

U.S. Attorney General Ramsey Clark testified:

"After all we have suffered, it would be terribly disillusioning if we failed to act to control guns. Interstate control, registration and licensing are all essential.

"The people want strict gun control. Their safety demands it. The Congress is fully empowered to act. The time is now."

OREGON EIGHTH GRADERS CONCERN ABOUT ENVIRONMENT

Mr. PACKWOOD. Mr. President, some incisive writings by eighth grade Oregon students are indicative of our young peoples' concern about our environment. Because I believe we can all benefit from hearing—and heeding—the words of these students, I ask unanimous consent that their writings be printed in the RECORD.

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

WHAT DO I SEE?

(By Nan Young and Peggy Spitznogle)

I look through my window, and what do I see?
Masses of people looking at me.
I walk down the alley, and what do I find?
A pile of trash and a lemon rind.
As I look to the sky, I wonder why
People can destroy without a cry.
The time flies by on the swiftest of wings,
And we think of the ancient, clear, clean springs.

(This may be sung to the tune of "The Star-Spangled Banner")

(By Angela France and Pam McKinnon)

Oh, say can you see the dirt in the air,
The trash in our gutters, and the poor's hungry stare?

Whose broad hills and flat plains, all the
Beasts that remain, will die because we
Were too busy to see?

The water's mud glare and dirt that we share
Gives proof to us now
That the people should care.
Oh, say will that star-spangled banner
Yet wave on
After man is dead
And our world is gone?

AMERICA THE BEAUTIFUL

(By Kathie Stamp, Dawn Sturtevant, and Gina Craven)

Smog, Smoke, Scunge
Garbage, Ghettos, Grime
Pesticides, Population, Poverty, Pollution
Crime, Crud, Crowds
Disease, DDT, Death

(This may be sung to the tune of "Oregon, My Oregon")

(By Jan Phillips and Peggy Johnson)

Land of the garbage builders,
Land of the stinking west.
Conquered and wrecked by freemen,
Blind as all the rest.
Onward and upward ever,
Forward and on and on.
On 'till we ruin our land.
My Oregon?

They moved across the mountains
And cut down all the trees.
That is the beginning of
The polluted land you see.
Something should be done
To stop our awful fate.
Help our environment.
Save our state.

WHY?

(By Kathy McLain)

River running to the sea,
Children used to play by thee.
Children come to play no more.
Look what's on your murky floor.

Pipes pump into you human wastes.
If we're to save you, we'd better make haste.
Hear the river's sad, sad cry.
Hear it asking why, why, why?

(By Jeanne Bucy and Terri Gates)

In the beginning when our world was new,
Can't you tell there were very few?
Now our world is in despair;
Doesn't anybody care?

There is pollution everywhere,
In our land, water, and air.
Your eyes are open' can't you see
The problems facing *you* and me?

God meant for man to live for long;
Now it looks as though we're almost gone!
It seems we'll never be the same.

CLEAN UP THIS MESS

(By Dan Wieland)

I trod in ol' New York,
I trod in San Francisco,
I trod in Philadelphia,
And I never saw some sky.

I rode from town to town,
I rode from farm to farm,
I rode from state to state,
And all I saw was bottles and cans.

I walked down State Street,
I ran down Parker Avenue,
I tripped over hundreds of feet,
Because of over-population.

I rode into a city,
I drove right down State Street,
I fell over hundreds of feet
To tell the governor.

(By Heidi Grossnicklaus)

Wandering about for
Nearly an hour,
I found near a brook
A beautiful flower.
I'd never seen a
Blossom as such;
I found that I
Wanted it very much.

I remembered a sign
I'd seen near the road
And frowned as I then
Recalled what it told.

"Soon here will stand
A department store.
Flowers and trees
Shall be here no more."

Animals would be
Banished also.
I thought of it then,
And the day lost its glow.

The flower, of course,
Was left where it stood.
I wished it to bloom
As long as it could.

(By Chris Ward and Jim Krawczyk)

Once upon a time,
There was a little crime.
Once there was pollution
Without a solution.
Once there was some air
That smelled like a nightmare.
Once there was some water to boil,
But it was full of oil.
Once there was some land
That had to be banned.
Once there was some DDT
That killed birds like TNT.
Once there was an explosion
That caused much erosion.
Once there was some nerve gas
That was carried by a train.
The train went off the track.
That's why it is all
"Once upon a time."

MORE THAN JUST A DREAM

(By Debbie Fortner)

I walked and walked and finally found
Something that was not in any town.
It was like a dream,
But I had really seen—
The tall green trees
And buzzing bees.

As I sit and think of this beautiful place,
I know that someday it will go to waste.
No one ever seems to care
That this piece of land was once everywhere.
God gave us this land not to destroy,
But man took it, just as a toy.

(By Pam McIlroy)

We are the conquerors.
We win all the battles. Nothing can withstand us.
No river, no forest, no meadow, no sea.
And nothing can escape us.

We win because we stand united.
Our common goal to bind us.
"Progress!" we cry.

And the eroded soil of a once
Majestic forest has heard our cry
And felt destruction at our hands.

And a sea that once shimmered in
Moonlight is dark and murky for it too
Has suffered the blight of the conquerors.

And a river clogged in trash lays in
Defeated misery at our feet.

And then there is the meadow.
The battleground. It is strewn with the
Remains of many a battle, the
Battles we won.

But Nature will reclaim her river,
Her forest, her meadow, her sea.

Nature will win the war, waged
For our own destruction.

(By Susie Wilson)

Can you see the purple mountains,
Rising majestically from the sky?
Do they have purple sunsets,
Or is it pollution's dye?

Where there are tall, green trees,
Billowing with joy and life.
Beside them also is yesterday's dream.
Oh, what a wound this memory knives.

There are bubbling, little brooks
Amid the forest's flutter,
Overflowing with spirit high and sparkling
And the people's clutter.

"Let there Be Light," said He
To shine upon the splendor,
But when it is all bleak and ruined
Will this light surrender?

(The idea for the following came from a bulletin board on the Oregon State University campus; however, the words are the student's.)

(By Barbara Wegner)

In the beginning . . . there was man, and he saw the beauty of the earth and thought about what could be done to destroy it.

And on the first day, man saw the streams. And he found that he could throw his paper, and cans, and other garbage into them, and pollute them.

And he saw that this was good.

And on the second day, man saw the air. And he found that he could pour poisonous fumes and smoke into the air, to pollute it.

And he saw that this was good.

And on the third day, man saw his brothers. And he found that he could make guns and ammunition, to shoot and kill his brothers with.

And he saw that this was good.

And on the fourth day, man saw the animals. And he found that with his guns, he could shoot and kill all the animals on the earth.

And he saw that this was good.

And on the fifth day, man saw the trees. And he found that he could cut them down and burn them until there were no more left to shade the land.

And he saw that this was good.

And on the sixth day, man rested. He sat back and looked at what he had done.

And he saw that all that had been done was good.

And on the seventh day, the earth was quiet. It became a still planet in the sky, for man was gone now.

And this was good.

(This may be sung to the tune of "This Land is Your Land")

(By John Parker, Peter Sekermestrovich, and Bob Horn)

1.

This land was your trash.
This land was my trash.
This land has our trash
From here around the world.
With the cluttered corners
And the smelly, old rivers,
This land was made by you and me.

2.

With our over-population,
We have our problems;
And we are losing
Our land we live on.
With our pollution
And also our people,
This land was wrecked by you and me.

3.

With our Gulf Stream nerve gas,
We have our problems;
And if the tank breaks,
We'll have made a mistake.
When we are all dead,
We will have said:
This land was made by you and me.

THE POLLUTION REVOLUTION

(By Bonnie Ward)

If we look at our earth from space,
We'd see a very good living place;
But down on the ground,
We'd look around
And see the destructing pollution.

Here is pollution.
It's the beginning of a revolution.
It's the time of our lives
Where we all try to strive
To stop the destructing pollution.

This earth I love
From the ground to above,
From the sky to the seas.
But I'll always see
The destructing pollution.

I predict in the future
When we're old and mature;
The earth will change,
All un-arranged,
If we don't stop the destructing pollution.

(By Jodi Ives)

Before mankind came to earth,
It was clean and fresh from birth.
There were no slums upon its face,
And every man had a place.

When running rivers were good to drink,
And on cloudy days no air would stink.
When you could see both far and wide,
And beaches were filled with just the tide.

But now there's dirt upon earth's face,
And not every man has a place.
Rivers are no longer clear.
We hope the sky will soon appear.

You can see a mile or less;
Beaches are one filthy mess.
I wish we'd come to a smashing halt,
Remembering filth was mankind's fault.

(This may be sung to the tune of "America, the Beautiful")

(By Scott Brown and Kurt Souvey)

1.

Oh, beautiful for smoggy skies,
For amber waves of drugs.
For polluted mountain majesties
Above the DDT.

2.

Oh, beautiful for sickening streets,
For riots everywhere.
Where scummy rivers flow with trash,
And smog is in the air.

3.

Oh, beautiful for factories
Which reek their ugly smells.
For racist pride, and clogged up streets,
And loving hate for man.

4.

Oh, beautiful for poison gas
Which might send us to our graves.
For automation, technology,
And rebellious young men.

Chorus:

America, America
Man shed his trash on me
And kill the good with nuclear bombs
From here to infinity.

POPULATION CRISIS—VI

Mr. TYDINGS. Mr. President, the crux of the ecological "Spaceship Earth" concept is the balance that must be maintained between the capability of a vehicle to support life and the demands upon the craft made by its inhabitants. In an outstanding review of Paul and Ann Ehrlich's "Population, Resources, Environment," published in the New York Review of Books on April 23, 1970, Robert Heilbroner discusses the huge strain on the carrying capacity of our vessel earth.

Perhaps the greatest threat to the earth's capacity to support life is unchecked population growth. There is much talk of a Green Revolution; however, increasing evidence reveals that population growth will outpace any improvements in fertility and productivity of the land. Currently India adds 1 million new mouths to feed per month; one-half billion of the world's people are already chronically hungry, and another 1½ billion are malnourished; and the estimated world population for the year 2010—just 40 years from now—is 8 billion. It seems, then, that scientific improvements cannot really offset the population bomb—that these improvements "only stave off the day of reckoning."

It is imperative that decisions shaping the environment be made in the framework of a total ecological equilibrium.

What threatens the Spaceship Earth is a profound imbalance between the totality of systems by which human life is maintained, and the totality of demands, industrial as well as agricultural, technological as well as demographic, to which that capacity to support life is subjected.

With voluntary and humane population stabilization policies, Mr. Heilbroner argues, we need not face a future consisting of continuous battles against food shortages; we need not face permanent impairment of intelligence due to protein deficiencies in childhood; we need not witness searches for lebensraum and revolutions of desperation.

I ask unanimous consent that this excellent book review be printed in the RECORD.

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

ECOLOGICAL ARMAGEDDON

"Population, Resources, Environment" by Paul and Anne Ehrlich. W. H. Freeman, 400 pp., $8.95

(Reviewed by Robert L. Heilbroner)

Ecology has become the Thing. There are ecological politics, ecological jokes, ecological bookstores, advertisements, seminars, teach-ins, buttons. The automobile, symbol of ecological abuse, has been tried, sentenced to death, and formally executed in at least two universities (replete with burial of one victim). Publishing companies are fattening on books on the sonic boom, poisons in the things we eat, perils lose in the garden, the dangers of breathing. The *Saturday Review* has appended a regular monthly Ecological Supplement. In short, the ecological issue has assumed the dimensions of a vast popular fad, for which one can predict with reasonable assurance the trajectory of all such fads—a period of intense general involvement, followed by growing boredom and gradual extinction, save for a die-hard remnant of the faithful.

This would be a tragedy, for I have slowly become convinced during the last twelve

months that the ecological issue is not only of primary and lasting importance, but that it may indeed constitute the most dangerous and difficult challenge that humanity has ever faced. Since these are very large statements, let me attempt to substantiate them by drawing freely on the best single descriptive and analytic treatment of the subject that I have yet seen, *Population, Resources, Environment* by Paul and Anne Ehrlich of Stanford University. Rather than resort to the bothersome procedure of endlessly citing their arguments in quotation marks, I shall take the liberty of reproducing their case in a rather free paraphrase, as if it were my own, until we reach the end of the basic argument, after which I shall make clear some conclusions that I believe lie implicit in their work.

Ultimately, the ecological crisis represents our belated awakening to the fact that we live on what Kenneth Boulding has called, in the perfect phrase, our Spaceship Earth. As in all spaceships, sustained life requires that a meticulous balance be maintained between the capability of the vehicle to support life and the demands made by the inhabitants of the craft. Until recently, those demands have been well within the capability of the ship, in its ability both to supply the physical and chemical requirements for continued existence and to absorb the waste products of the voyagers. This is not to say that the earth has been generous—short rations have been the lot of mankind for most of its history—nor is it to deny the recurrent advent of local ecological crises—witness the destruction of whole areas like the erstwhile granaries of North Africa. But famines have passed and there have always been new areas to move to. The idea that the earth as a whole was overtaxed is one that is new to our time.

For it is only in our time that we are reaching the limit of earthly carrying capacity, not on a local but on a global basis. Indeed, as will soon become clear, we are well past that capacity, provided that the level of resource intake and waste output represented by the average American or European is taken as a standard to be achieved by all humanity. To put it bluntly, if we take as the price of a first-class ticket the resource requirements of those passengers who travel in the Northern Hemisphere of the Spaceship, we have now reached a point at which the steerage is condemned to live forever—or at least within the horizon of the technology presently visible—at a second-class level; or a point at which a considerable change in living habits must be imposed on first class if the ship is ever to be converted to a one-class cruise.

This strain on the carrying capacity of the vessel results from the contemporary confluence of three distinct developments, each of which places tremendous or even unmanageable strains on the life-carrying capability of the planet and all of which together simply overload it. The first of these is the enormous strain imposed by the sheer burgeoning of population. The statistics of population growth are by now very well known: the earth's passenger list is growing at a rate that will give us some four billion humans by 1975, and that threatens to give us eight billion by 2010. I say "threatens," since it is likely that the inability of the earth to carry so large a group will result in an actual population somewhat smaller than this, especially in the steerage, where the growth is most rapid and the available resources least plentiful.

We shall return to the population problem later. But meanwhile a second strain is placed on the earth by the simple cumulative effect of *existing* technology (combustion engines, the main industrial processes, present-day agricultural techniques, etc.). This strain is localized mainly in the first-class portions of the vessel where each new arrival on board is rapidly given a standard complement of capital equipment and where the rate of physical and chemical resource transformation per capita steadily mounts. The strain consists of the limited ability of the soil, the water, the atmosphere of these favored regions to absorb the outpourings of these fast-growing industrial processes.

The most dramatic instance of this limited absorptive power is the rise in the carbon dioxide content of the air due to the steady growth of (largely industrial) combustion. By the year 2000, it seems beyond dispute that the CO_2 content of the air will have doubled, raising the heat-trapping properties of the atmosphere. This so-called "greenhouse" effect has been predicted to raise mean global temperatures sufficiently to bring catastrophic potential consequences. One possibility is a sequence of climatic changes resulting from a melting of the Arctic ice floes that would result in the advent of a new Ice Age; another is the slumping of the Antarctic ice cap into the sea with a consequent tidal wave that could wipe out a substantial portion of mankind and raise the sea level by 60 to 100 feet.

These are all "iffy" scenarios whose present significance may be limited to alerting us to the immensity of the ecological problem; happily they are of sufficient uncertainty not to cause us immediate worry (it is lucky they are, because it is extremely unlikely that all the massed technological and human energy on earth could arrest such changes once they began). Much closer to home is the burden placed on the earth's carrying capacity by the sheer requirements of a spreading industrial activity for the fuel and mineral resources needed to maintain the going rate of output per person in the first-class cabins. To raise the existing (not the anticipated) population of the earth to American standards would require the annual extraction of 75 times as much iron, 100 times as much copper, 200 times as much lead, and 250 times as much tin as we now take from the earth.

Only the known reserves of iron allow us to entertain such fantastic rates of mineral exploitation (and the capital investment needed to bring about such mining operations is in itself staggering to contemplate). All the other requirements exceed by far all known or reasonably anticipated ore reserves. And, to repeat, we have taken into account only today's level of population: to equip the prospective passengers of the year 2010 with this amount of basic raw material would require a doubling of all the above figures.

I will revert later to the consequences of this prospect. First, however, let us pay attention to the third source of overload, this one traceable to the special environment-destroying potential of newly developed technologies. Of these the most important—and if it should ever come to full-scale war, of course the most lethal—is the threat posed by nuclear radiation. I shall not elaborate on this well-known (although not well-believed) danger, pausing to point out only that a nuclear holocaust would in all likelihood exert its principal effect in the Northern Hemisphere. The survivors in the South would be severely hampered in their efforts at reconstruction not only because most of the easily available resources of the world have already been used up, but because most of the technological know-how would have perished along with the populations up North.

But the threats of new technology are by no means limited to the specter of nuclear devastation. There is, immediately at hand, the known devastation of the new chemical pesticides that have now entered more or less irreversibly into the living tissue of the world's population. Most mothers' milk in the United States today—I now quote the Ehrlichs verbatim—"contains so much DDT that it would be declared illegal in interstate commerce if it were sold as cow's milk"; and the DDT intake of infants around the world is twice the daily allowable maximum set by the World Health Organization. We are already, in other words, being exposed to heavy dosages of chemicals whose effects we know to be dangerous, with what ultimate results we shall have to wait nervously to discover. (There is something to think about in the archaeological evidence that one factor in the decline of Rome was the systematic poisoning of upper-class Romans from the lead with which they lined their wine containers.)

But the threat is not limited to pesticides. Barry Commoner predicts an agricultural crisis in the United States within fifty years from the action of our fertilizers, which will either ultimately destroy soil fertility or lead to pollution of the national water supply. At another corner of the new technology, the SST threatens not only to shake us with its boom, but to affect the amount of cloud cover (and climate) by its contrails. And I have not even mentioned the standard pollution problems of smoke, industrial effluents into lakes and rivers, or solid wastes. Suffice it to report that a 1968 UNESCO Conference concluded that man has only about twenty years to go before the planet starts to become uninhabitable because of air pollution alone. Of course "starts to" is imprecise; I am reminded of a cartoon of an industrialist looking at his billowing smokestacks, in front of which a forlorn figure is holding up a placard that says: "We have only 35 years to go." The caption reads, "Boy, that shook me up for a minute. I thought it said 3 to 5 years."

I have left until last the grimmest and gravest threat of all. Speaking now on behalf of the steerage. This is the looming inability of the great green earth to bring forth sufficient food to maintain life, even at the miserable threshold of subsistence at which it is now endured by perhaps a third of the world's population. The problem here is the very strong likelihood that population growth will inexorably outpace whatever improvements in fertility and productivity we will be able to apply to the earth's mantle (including the watery fringes of the ocean where sea "farming" is at least technically imaginable).

Here the race is basically between two forces: on the one hand, those that give promise that the rate of population increase can be curbed (if not totally halted); and on the other, those that give promise of increasing the amount of sustenance we can wring from the soil.

Both these forces are subtly blended of technological and social factors. Take population growth. The great hope of every ecologist is that an effective birth control technique—cheap, requiring little or no medical supervision, devoid of taboos or religious hinderances—will rapidly and effectively lower the present fertility rates which are doubling world population every thirty-five years (every twenty-eight years in Africa; every twenty-four in Latin America). No such device is currently available, although the Pill, the IUD, vasectomies, abortions, condoms, coitus interruptus, and other known techniques could, of course, do the job, if the requisite equipment, persuasion (or coercion), instruction, etc. could be brought to the 80 to 90 percent of the world's people who know next to nothing about birth control.

It seems a fair conclusion that no such world-wide campaign is apt to be successful for at least a decade and maybe a generation, although there is always the hope that a "spontaneous" change in attitudes, similar to that in Hungary or Japan, will bring about a rapid halt to population growth. But even in this unlikely event, the sheer "momentum" of population growth still poses terrible problems. Malcom Potts, Secretary General of International Planned Parenthood, has presented a shocking statistical calculation in this regard: he has pointed out that popula-

tion growth in India is today adding one million mouths per month to the Indian subcontinent. If, by some miracle, fertility rates were to decline tomorrow by 50 percent in India, at the end of twenty years, owing to the already existing huge numbers of children who would be moving up into childbearing ages, population growth in India would still be taking place at the rate of one million mouths per month.

The other element in the race is our ability to match population growth with food supplies, at least for a generation or so, while birth control techniques and campaigns are being perfected. Here the problem is also partly technological, partly social. The technological part involves the so-called "Green Revolution"—the development of seeds that are capable, at their best, of improving yields per acre by a factor of 300 percent, sometimes even more. The problem, however, is that these new seeds generally require irrigation and fertilizer to bring their benefits. If India alone were to apply fertilizer at the per capita level of the Netherlands, she would consume half the world's total output of fertilizer. This would require a hundredfold expansion of India's present level of fertilizer use.

Irrigation, the other necessary input for most improved seeds, poses equally formidable requirements. E. A. Mason of the Oak Ridge National Laboratories has prepared preliminary estimates of the costs of nuclear-powered "agro-industrial complexes" in which desalted water and fertilizer would be produced for use on adjacent farms. It would require twenty-three such plants per year, each taking care of some three million people, just to keep pace with present world population growth. Since it would take at least five years to get these plants into operation, we should begin work today on at least 125 such units. If we assume that no hitches were encountered and that the technology on paper could be easily translated into a technology *in situ*, the cost would amount to $315 billion.

There are as well other technical problems of an ecological nature associated with the Green Revolution—mainly the risk of introducing locally untried strains of plants that may be subject to epidemic disease. But putting those difficulties to the side, we must recognize as well the social obstacles that a successful Green Revolution must overcome. The new seeds can only be afforded by the upper level of peasantry—not merely because of their cost (and the cost of the required fertilizer), but because only a rich peasant can take the risk of having the crop turn out badly without himself suffering starvation. Hence the Green Revolution is likely to increase the strains of social stratification within the underdeveloped areas. Then, too, even a successful local crop does not always shed its benefits evenly across a nation, but results all too often in local gluts that cannot be transported to starving areas because of transportation bottlenecks.

None of these discouraging remarks is intended in the slightest to disparage the Green Revolution, which represents the inspired work of dedicated men. But the difficulties must be kept in mind as a corrective to the lulling belief that "science" can easily offset the population boom with larger supplies of food. There is no doubt that supplies of food can be substantially increased—rats alone devour some 10–12 percent of India's crop, and insects can ravage up to half of the stored crops of some underdeveloped areas, so that even very "simple" methods of improved storage hold out important prospects of improving basic life-support, quite aside from the longer term hopes of agronomy.

Yet at best these improvements will only stave off the day of reckoning. Ultimately the problem posed by Malthus must be faced—that population tends to increase geometrically by doubling; and that agriculture does not; so that eventually population *must* face the limit of a food barrier. It is worth repeating the words of Malthus himself in this regard:

"Famine seems to be the last, the most dreadful resource of nature. The power of population is so much superior to the power in the earth to produce subsistence for man, that premature death must in some shape or other visit the human race. The vices of mankind are active and able ministers of depopulation . . . [S]hould they fail in this war of extermination, sickly seasons, epidemics, pestilence, and plague, advance in terrific array, and sweep off their thousands and ten thousands. Should success still be incomplete, gigantic inevitable famine stalks in the rear, and with one mighty blow, levels the population with the food of the world."

This Malthusian prophecy has been so often "refuted," as economists have pointed to the astonishing rates of growth of food output in the advanced nations, that there is a danger of dismissing the warnings of the Ehrlichs as merely another premature alarm. To do so would be a fearful mistake. For unlike Malthus, who assumed that technology would remain constant, the Ehrlichs have made ample allowance for the growth of technological capability, and their approach to the impending catastrophe is not shrill. They merely point out that a mild version of the Malthusian solution is already upon us, for at least half a billion people are chronically hungry or outright starving, and another 1½ billion under or malnourished. Thus we do not have to wait for "gigantic inevitable famine"; it has already come.

What is more important is that the Ehrlichs see the matter in a fundamentally different perspective from Malthus, not as a problem involving supply and demand, but as one involving a total ecological equilibrium. The crisis, as the Ehrlichs see it, is thus both deeper and more complex than merely a shortage of food, although the latter is one of its more horrendous evidences. What threatens the Spaceship Earth is a profound imbalance between the totality of systems by which human life is maintained, and the totality of demands, industrial as well as agricultural, technological as well as demographic, to which that capacity to support life is subjected.

I have no doubt that one can fault bits and pieces of the Ehrlichs' analysis, and there is a note of determined pessimism in their work that leads me to suspect (or at least hope) that there is somewhat more time for adaptation that they suggest. Yet I do not see how their basic conclusion can be denied. Beginning within our lifetimes and rising rapidly to crisis proportions in our children's, a challenge faces humankind comparable to none in its history, with the possible exception of the forced migrations of the Ice Age. It is with the responses to this crisis that I wish to end this essay, for telling and courageous as the Ehrlichs' analysis is, I do not believe that even they have fully faced up to the implications that their own findings present.

The first of these I have already stated: it is the clear conclusion that the underdeveloped countries can *never* hope to achieve parity with the developed countries. Given our present and prospective technology, there are simply not enough resources to permit a "Western" rate of industrial exploitation to be expanded to a population of four billion—much less eight billion—persons. It may well be that most of the population in the underdeveloped world has no ambition to reach Western standards—indeed, does not even know that such a thing as "development" is on the agenda. But the elites of these nations, for all their rhetorical rejection of Western (and especially American) styles of life, do tend to picture a Western standard as the ultimate end of their activities. As it becomes clear that such an objective is impossible, a profound reorientation of views must take place within the underdeveloped nations.

What such a reorientation will be it is impossible to say. For the near future, the outlook for the most population-oppressed areas will be a continuous battle against food shortages, coupled with the possible permanent impairment of the intelligence of much of the surviving population due to protein deficiencies in childhood. This pressure of population may lead to aggressive searches for *Lebensraum;* or as I have frequently written, may culminate in revolutions of desperation.

In the long run, of course, there is the possibility of considerable growth (although nothing resembling the attainment of a Western standard consumption). But no quick substantial improvement in their condition seems feasible within the next generation at least. The visions of Sir Charles Snow or the Soviet academician Sakharov for a gigantic transfer of wealth from the rich nations to the poor (20 percent of GNP is proposed) are simply fantasies. Since much of GNP is spatially nontransferable or inappropriate, such a huge levy against GNP would imply shipments of up to 50 percent of much movable output. How this enormous flood of goods would be transported, allocated, absorbed, or maintained—not to mention relinquished by the donor countries—is nowhere analyzed by the proponents of such vast aid.

The implications of the ecological crisis for the advanced nations are not any less severe, although they are of a different kind. For it is clear that free industrial growth is just as disastrous for the Western nations as free population growth for those of the East and South. The worship in the West of a growing Gross National Product must be recognized as not only a deceptive but a very dangerous avatar; Kenneth Boulding has begun a campaign, in which I shall join him, to label this statistical monster Gross National Cost. The necessity to bring our economic activities into a sustainable relationship with the resource capabilities and waste absorption properties of the world will pose two problems for the West. On the simpler level, a whole series of technological problems must be met. Fume-free transportation must be developed on land and air. The cult of disposability must be replaced by that of reusability. Population stability must be attained through tax and other inducements, both to conserve resources and to preserve reasonable population densities. Many of these problems will tax our ingenuity, technical and socio-political, but the main problem they pose is not whether, but *how soon* they can be solved.

But there is another, deeper question that the developed nations face—at least those that have capitalist economies. This problem can be stated as a crucial test as to who was right—John Stuart Mill or Karl Marx. Mill maintained, in his famous *Principles,* that the terminus of capitalist evolution would be a stationary state, in which the return to capital had fallen to insignificance, and a redistributive tax system would be able to capture any flows of income to the holders of scarce resources such as land. In effect, he prophesied the transformation of capitalism, in an environment of abundance, into a balanced economy, in which the capitalist both as the generator of change and as the main claimant on the surplus generated by change, would in effect undergo a painless euthanasia.

The Marxian view is of course quite the opposite. The very essence of capitalism, according to Marx, is expansion—which is to say, the capitalist, as a historical "type," finds his *raison d'êtere* in the insatiable search for additional money-wealth gained through the constant growth of the economic

system. The idea of a "stationary" capitalism is, in Marxian eyes, a contradiction in terms, on a logical par with a democratic aristocracy or an industrial feudalism.

Is the Millian or the Marxian view correct? I do not think that we can yet say. Some economic growth is certainly compatible with a stabilized rate of resource use and disposal, for growth could take the form of the expenditure of additional labor on the improvement (aesthetic or technical) of the national environment. Indeed, insofar as education or cultural activity are forms of national output that require little use of resources and result in little waste product, national output could be indefinitely expanded through these and similar activities. But there is no doubt that the main avenue of traditional capitalist accumulation would have to be considerably constrained; that net investment in mining and manufacturing would effectively cease; that the rate and kind of technological change would need to be supervised and probably greatly reduced; and that as a consequence, the flow of profits would almost certainly fall.

Is this imaginable within a capitalist setting—that is, in a nation in which the business ideology permeates the views of nearly all groups and classes and establishes the bounds of what is possible and natural, and what is not? Ordinarily I do not see how such a question could be answered in any way but negatively, for it is tantamount to asking a dominant class acquiesce in the elimination of the very activities that sustain it. But this is an extraordinary challenge that may evoke an extraordinary response. Like the challenge posed by war, the ecological crisis affects all classes, and therefore may be sufficient to induce sociological changes that would be unthinkable in ordinary circumstances.

The capitalist and managerial classes may see—perhaps even more clearly than the consuming masses—the nature and nearness of the ecological crisis, and may recognize that their only salvation (as human beings, let alone privileged human beings) is an occupational migration into governmental or other posts of power, or they may come to accept a smaller share of the national surplus supply simply because they recognize that there is no alternative. When the enemy is nature, in other words, rather than another social class, it is at least imaginable that adjustments could be made that would be impossible in ordinary circumstances.[1]

There is, however, another possibility to which I must also call attention. It is the possibility that the ecological crisis will simply result in the decline or even destruction of Western civilization, and of the hegemony of the scientific-technological view that has achieved so much and cost us so dearly. Great challenges do not always bring great responses, especially when those responses must be sustained over long periods of time and require dramatic changes in life styles and attitudes. Even educated men today are able to deny the reality of the crisis they face: there is wild talk of farming the seas, of transporting men to the planets, of unspecified "miracles" of technology that will avert disaster. Glib as they are, however, at least these suggestions have a certain responsibility when compared to another and much more worrisome response: *Je m'en fiche*.

Can we really persuade the citizens of the Western world, who are just now entering the heady atmosphere of a high consumption way of life, that conservation, stability, frugality, and a deep concern for the distant future must now take priority over the personal indulgence for which they have been culturally prepared and which they are about to experience for the first time? Not the least danger of the ecological crisis, as I see it, is that tens and hundreds of millions will shrug their shoulders at the prospects ahead ("What has posterity ever done for us?"), and that the increasingly visible approach of ecological Armageddon will bring not repentance but Saturnalia.

Yet I cannot end this essay on such a note. For it seems to me that the ecological enthusiasts may be right when they speak of the deteriorating environment as providing the *possibility* for a new political rallying ground. If a new New Deal, capable of engaging both the efforts and the beliefs of this nation, is the last great hope to which we cling in the face of what seems otherwise to be an inevitable gradual worsening and coarsening of our style of life, it is possible that a determined effort to arrest the ecological decay might prove to be its underlying theme. Such an issue, immediate in the experience of all, carries an appeal that might allow vast improvements to be worked in the American environment, both urban and industrial. I cannot estimate the likelihood of such a political awakening, dependent as these matters are on the dice of personality and the outcome of events at home and abroad. But however slim the possibility of bringing such a change, it does at least make the ecological crisis, unquestionably the gravest long-run threat of our times, potentially the source of its greatest short-term promise.

[1] Let me add a warning that it is not only capitalists who must make an unprecedented ideological adjustment. Socialists must also come to terms with the abandonment of the goal of industrial superabundance on which their vision of a transformed society rests. The stationary equilibrium imposed by the constraints of ecology requires at the very least a reformulation of the kind of economic society toward which * * *.

A NATIONAL SYSTEM OF FIREARMS REGISTRATION

Mr. SCOTT. Mr. President, two major firearms registration bills are at present pending before the Subcommittee on Juvenile Delinquency. S. 977 would establish a national system of firearms registration under the Treasury Department with stringent minimum Federal licensing requirements. S. 2433 would require every sportsman and gunowner to procure a certificate from the Secretary of the Treasury.

I am firmly opposed to the enactment of these measures. Evidence presented to this subcommittee has amply stressed the cost and impracticability of any nationwide system of registration or certification. Proponents of registration have presented no evidence that national registration would reduce the level of violent crimes. In effect, national registration would burden sportsmen without benefitting our law enforcement efforts. I have urged in the past—and will continue to do so—that the subcommittee and Congress reject these national firearms registration schemes.

Mr. Alan S. Krug, director of research of the National Shooting Sports Foundation, Inc., has prepared an excellent study entitled "Firearms Registration Costs Versus Benefits." Mr. Krug discussed his survey of State law enforcement agencies' experience with firearms registration legislation available to them. This study shows that the burden that firearms registration would place on sportsmen and its excessive cost would not be matched by benefits to law enforcement. I ask unanimous consent that this study be printed in the RECORD and I highly commend it to my colleagues.

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

FIREARMS REGISTRATION COSTS VERSUS BENEFITS—A SURVEY OF STATE LAW ENFORCEMENT AGENCIES ON FIREARMS REGISTRATION

(By Alan S. Krug)

INTRODUCTION

Firearms registration

This survey is concerned with measuring some of the benefits attributed to firearms registration programs.

Firearms registration in its simplest form may be defined as the recording of firearm serial numbers for the purpose of providing a means of tracing a firearm to the owner. But in practice, firearms registration hardly ever takes this pure form. Usually, it is combined with some type of firearm-owner licensing system (30) or is couched in terms which enable the police to deny registration, and in effect ownership, to certain persons. For example, the Sullivan law is used in New York City as a means of denying legal handgun ownership to virtually all of the citizenry (5, 24). While the general public nearly always thinks of registration as the theoretically simple procedure of recording firearm serial numbers, gun owners invariably view it in this more restrictive sense.

National firearms registration continues to be offered by some as a partial solution for the nation's crime problems. After registration bills in Congress were defeated in 1967–68, nearly identical bills were introduced in the Ninety-First Congress. Similar proposals were introduced at state and local levels. The subject continues to be surrounded by controversy.

Those advocating firearms registration claim it would provide these benefits:

1. It would enable law enforcement agencies to solve crimes by determining the ownership of firearms through a tracing of firearm serial numbers.
2. It would enable police to arrest persons carrying unregistered firearms.
3. It would make it more difficult for undesirables to obtain weapons.
4. It would reduce the number of firearms owned by individuals and this would result in fewer crimes being committed.
5. It would help prevent suicide.
6. It would help prevent firearm accidents.
7. It would substantially increase the rate of return of stolen firearms to the rightful owners.

Those opposed to firearms registration maintain that these benefits do not in fact accrue from a firearms registration program. They say that:

1. Criminals do not register their firearms.
2. Many firearms used by criminals are stolen and tracing them by serial number would only lead to an innocent person, perhaps causing that person to be falsely accused.
3. If a criminal were to be apprehended while committing a crime, possession of an unregistered firearm would only constitute a minor, additional charge which could be placed against him. Where there is no evidence of a crime being committed, police do not have authority to search persons or homes for unregistered firearms without a search warrant.
4. Virtually all of the states already have laws which either require a permit for the carrying of concealable firearms or prohibit it altogether.
5. The presence or absence of registration is not a determining factor in either suicides or accidents.
6. It should be up to the individual to keep a record of the serial numbers of his own firearms in case of theft. There is no need for the government to assume this function for the firearms owner.
7. The high costs of instituting and maintaining a firearms registration program would

not be justified in terms of the extremely limited benefits which it could be expected to provide.

8. Registration would be used as a subterfuge to eventually deny firearms ownership to legitimate citizens as is now the case with handguns in New York City.[3]

Costs versus benefits

The answer to whether or not legislation providing for a national registration program should be enacted should not depend upon the philosophical, ethical or emotional issues of whether firearms ownership is moral or immoral or whether guns are good or bad. Rather, it should depend upon a factual examination of the above arguments. The crux of the matter would seem to be whether or not the benefits of a registration program, whatever they may be, are worth the costs of administering. A corrollary to this is whether or not monies proposed to be devoted to the administration of a registration program could not be spent in another area of crime prevention with better results. This would have to be determined by a cost-benefit analysis. So far, proponents of firearms registration have not made any thorough examination of cost factors.

Although few people realize it, there is already a considerable amount of de facto firearms registration at the federal, state and local levels of government. At cost-benefit analysis could logically begin with an examination of these existing programs.

Little is known about the dollar costs of these programs, except that they are substantial. But without the availability of more precise cost figures, it is impossible to measure the value of these programs in terms of a cost-benefit ratio.

Some data are available relative to the probable costs of a national firearms registration program. According to H. Richard Cossaboon, President of Management Concepts, Inc., national compulsory gun registration would require "one of the most gigantic computer operations ever undertaken (9)."[2] Cossaboon studied the problem simply as an "academic exercise," since the question of gun registration had often been in the news. Disclaiming any personal interest in firearms registration, he studied it because no one had explained how the government would go about the task if a complete registration bill was enacted by the Congress.

Cossaboon stated that the problem "would require the solving of at least five completely unique systems problems: data collection, data conversion, data storage and retrieval, data dissemination, and data communications, as well as providing a real challenge in overall data systems management." Registration of each gun would require more than 130 characters. He estimated that "it would take at least two years to complete the project and would involve a staff of several hundred people." It would require "a team of qualified experts at least six months just to devise a workable system."

About 5 million new firearms were sold in 1969 in the United States. Several millions pre-owned firearms also changed hands. Each time a gun was bought, sold, traded, or an owner moved, the information would have to be changed and updated.

Other cost estimates have appeared from time to time. In testimony before the senate subcommittee to investigate juvenile delinquency in 1968, Internal Revenue Service director Sheldon Cohen stated that the costs of establishing a centralized computer system capable of registering 75 million firearms would amount to more than $25 million, with an annual continuing cost of more than $22 million (8).

These IRS cost figures were not based upon any detailed cost analysis, but were estimates presented in support of the Johnson administration's proposed firearms legislation. They should be considered conservative. Furthermore, they relate only to the central registration of firearms, and do not include any costs associated with the collection of registration data or the prosecution of violations. They also do not include any costs connected with the licensing of firearm owners which might be included in any firearms registration program enacted by the Congress. If licensing is included, initial costs could elevate to $1 billion or more.[3] According to a study done by Research Associates Inc.[4] for the National Commission on the Causes and Prevention of Violence, "Most registration proposals are either combined with a licensing proposal or vary from the pure form (of registration —ed.) by also requiring an investigation (30)."

None of these cost estimates take into consideration any of the indirect costs to gun owners and the general public which would derive from a national firearms registration program.

Indirect monetary costs to gun owners resulting from firearms registration or licensing programs are indirect only in the sense that they are not part of the direct cost of these programs borne by the government (30). Examples of such possible costs are licensing fees, notary fees, costs of photographs, costs of finger-printing, costs of any required safety tests or training courses, transportation expenses, lost time at work, and court costs resulting from gun owners' appeals of decisions made by government officials administering the programs.

Indirect monetary costs to the general public are those resulting from firearms registration programs that the public would have to pay, probably through taxes, but are not directly incurred in the implementation and administration of the program itself. In "A Preliminary Cost Analysis of Firearms Control Programs," Research Associates list as examples the reduction in conservation funds that could result from firearms registration programs, reduction in excise taxes accruing to general revenue, increases in the costs of military marksmanship training, and an increase in the cost of small arms and ammunition production for national defense (30).

There would also be indirect non-monetary costs resulting from a national firearms registration program. Both the gun owner and the general public would be affected. Research Associates put gross inconvenience to or harassment of lawful owners of firearms in this category (30).[5]

A rational approach to public policy decisions demands costs analysis and the establishment of cost-benefit ratios for all proposed programs. Legislators must appraise priorities and determine which of the various proposed anti-crime programs are most effective in obtaining desired objectives. If legislators are to do this, and make effective decisions on resource allocation, they must have information on program analysis and evaluation.

Cost-benefit analysis provides for the quantitative evaluation of the economic and social benefits and the economic and social costs of program alternatives, both present and future. Any decision maker, whether he is a legislator, businessman or head of a family, must be guided by the probable gains and costs of his decisions if he is to be successful in achieving his objectives. To ignore the careful consideration of gains and losses is equivalent to saying that he has no true objectives at all—no goal which he is attempting to achieve.

About 5 billion dollars a year is now being spent in the United States on law enforcement and correctional activities. If additional funds were to be made available in this area, for what would they be spent? Would they be used to increase the salaries of law enforcement personnel? To increase the number of law enforcement personnel? To improve relationships between law enforcement and the public? To upgrade law enforcement equipment and facilities? To provide additional training for law enforcement personnel? To increase the efficiency of the courts? To upgrade penal institutions? To increase efforts being made to rehabilitate persons convicted of crimes? Or to establish firearms registration programs?

The evaluation of alternatives via cost-benefit analysis is likely to aid in the determination of just what are the real objectives. Concommitantly, the risk that decisions will be made on primarily a political or emotional basis is considerably reduced.

A national firearms registration program would affect more than 40 million Americans. It would require the commitment of a significant portion of those federal funds which might be made available for law enforcement and correctional activities in any given fiscal year. On this basis alone, a good case could be made for subjecting any proposed registration program to a thorough-going cost-benefit analysis.

Federal programs

There are currently three firearms registration programs at the federal level.

A national registration list of stolen and missing firearms is maintained by the Federal Bureau of Investigation. Data on stolen and missing guns are furnished to the FBI's National Crime Information Center on a voluntary basis by state and local law enforcement agencies. As of March 1, 1969, data on 186,667 firearms were stored in the Center's computers. This program has added to the capabilities of law enforcement agencies.[6] While cost figures for the system are not available (11), this stolen/missing firearms registration program has received the backing of law enforcement personnel and sportsmen. Since many state and local law enforcement agencies have kept records on stolen guns in the past, the NCIC affords individual agencies access to data acquired by other agencies and eliminates the need for each agency to maintain separate records.

Machine guns, sawed-off rifles, sawed-off shotguns, firearm silencers and other gangster-type weapons, mortars, bazookas, anti-tank guns, and other so-called "destructive devices" are required to be registered under a program administered by the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service, U.S. Department of the Treasury. This compulsory registration program was first established by the National Firearms Act of 1934 and later expanded under the Gun Control Act of 1968. There are now some 125,000 firearms and other weapons registered under this program, which has always been supported by law enforcement, the firearms industry and sportsmen alike. This registration program covers only gangster-type weapons and destructive devices. It does not affect sporting rifles and shotguns or handguns used by hunters and target shooters.

It is not generally known that there has existed, for many years, a compulsory system of registration of firearms which go through firearm dealers. All firearm dealers are licensed by the federal government. Since 1938, they have had to keep complete records of all firearm transactions as required by the Secretary of the Treasury under the provisions of the Federal Firearms Act of 1938 (U.S. Code, Title 15, Chapter 18) and the Gun Control Act of 1968 (Public Law 90–618, which superseded the Federal Firearms Act on December 16, 1968). These records must include the make, model, type, caliber or gauge, and serial number of each and every firearm (rifle, shotgun or pistol, new or used)

Footnotes at end of article.

bought or sold, the date such firearm was bought or sold, and the name and the address of the person or business from whom the firearm was purchased, or to whom the firearm was sold, as the case may be. Gunsmiths must maintain similar records on all firearms which they take in for repair or alteration. These records must be maintained by the dealer or gunsmith permanently and made available to law enforcement officers upon request.

In addition to those records, each sale of a firearm by a licensed dealer requires the completion of a "Form 4473," listing the purchaser's name, address, height, weight, race, date of birth, place of birth and signature. The dealer must record on this form the method by which he identified the purchaser, e.g. driver's license number, selective service registration number, etc.

Dealers are also required to keep records on .22 caliber rimfire ammunition, handgun ammunition, and components used for reloading handgun ammunition. These records include the date of the sale, the manufacturer of the ammunition or component, the caliber, gauge or type of ammunition or component, the quantity purchased, the purchaser's name, address, date of birth and the method by which the purchaser was identified.

Records must be kept by firearm manufacturers and wholesalers as well as by dealers and gunsmiths. Thus, it has been possible for some time to trace a firearm by its serial number from the manufacturer down through the normal channels of trade to the consumer who purchased it.

While these firearm transaction records are kept on the premises of firearm dealers, any information they contain must be made available upon request to the Assistant Regional Commissioner of the Internal Revenue Service, U.S. Department of the Treasury. The Treasury Department cooperates with local law enforcement agencies by making this information available to them as needed.

The records required to be kept by federal law constitute, in effect, a limited compulsory national firearms registration system. At present, the data contained in these records are maintained at the manufacturer, wholesaler and dealer level.[7]

The rigid record keeping by the U. S. Armed Forces on firearms issued to military personnel constitutes another limited firearms registration which is national in scope. While these records remain in the hands of the military authorities, they are made available to law enforcement personnel whenever necessary to assist them in criminal investigations.

This maintenance of records by the armed forces is somewhat analogous to the maintenance of records by an individual firearm owner. Although these records are maintained primarily for purposes of accounting and inventory, they also serve as a safeguard in case of theft. Theft of firearms from military installations has been substantial in the past. Basic data from the U.S. Department of Defense show that during the period 1954 through 1964, an estimated 16,000 firearms were stolen from U.S. Military active and reserve installations (31).

While not a federal program, still another type of registration which is more or less national in scope is that involving firearms issued to or owned by law enforcement personnel. Many police departments, sheriff's offices, etc. keep records on the firearms held by their employees. Even though only a portion of all law enforcement agencies maintain such records, the number of firearms so registered is considerable. According to the U.S. Department of Justice, there were 468,000 full time and part time individuals employed by government for police protection as of July 1963 (33). While not all of these employees have firearms, many have more than one. In addition, many firearms of a specialized nature, e.g. riot guns, are kept by law enforcement agencies and issued to their personnel as needed.

Hayes versus United States

In 1968, the United States Supreme Court ruled that a person possessing a firearm illegally could not be prosecuted for failing to register that firearm under the registration provision of the National Firearms Act of 1934.[8] In Haynes v. United States,[9] the court said that such a person, in registering, would be subject to possible self-incrimination. The court determined that the Fifth Amendment protects an individual from having to run such a risk. Thus the court cast a shadow over all firearms registration laws at the federal, state and local levels of government.

When the Gun Control Act of 1968 was enacted,[10] the provision requiring the registration of gangster-type weapons and destructive devices was constructed so as to be compatible with the Haynes decision. Section 5848 of the Act, entitled "Restrictive Use of Information," states that:

"No information or evidence obtained from an application, registration, or records required to be submitted or retained by a natural person in order to comply with any provision of this chapter or regulations issued thereunder, shall, . . . be used, directly or indirectly, as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application or registration, or the compiling of the records containing the information or evidence."

Chicago enacted a firearms registration ordinance the day after the Haynes decision.[11] In order to avoid conflict with the Court's ruling, the Chicago City Council amended the new law to provide that any person who is not legally entitled to possess a firearm is not eligible to register it. Chapter 11.1–15 of the law reads:

"Any person under 18 years of age, any narcotic addict, any person who has been convicted of a felony under the laws of this State or any other jurisdiction within 5 years from release from penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed, and any person who has been released from a mental institution or from the custody of the Illinois Youth Commission within the last 5 years, or is mentally retarded, and any person who possesses any firearm, the possession of which is prohibited by any State or Federal law relating to weapons or firearms, shall be ineligible to register pursuant to this Chapter. Any purported registration by any of the above-described persons shall be null and void."

This decision of the Supreme Court would seem to have a direct bearing on the anticipated results of any new firearms registration law that was intended to provide a means of solving crimes through the tracing of firearms by serial numbers. Either (1) criminals will not have to register any firearms they possess or (2) it will not be possible to use any information obtained through registration against them in the prosecution of any crime which occurred prior to or concurrent with the acquisition and compiling of the registration data.[12]

The full meaning of the Court's decision in Hayes v. United States will become evident only after further litigation. But it is something that legislators will have to cope with in any new registration proposals.

State programs

None of the fifty states have total registration of all firearms. Prior to 1958, Hawaii had such a program, but in that year the portion of the law requiring the registration of rifles and shotguns was repealed. Hawaii still requires the registration of all handguns, as does New York, Mississippi and Michigan. Michigan leads in the number of guns registered with more than 1,200,000. Mississippi and West Virginia have limited registration of certain long arms.

Firearms registration in New York was the subject of a previous study, "Does Firearms Registration Work?" In this statistical analysis of New York crime data, firearms registration was evaluated in terms of its effectiveness in reducing crime rates, solving crimes, causing the recovery of stolen firearms, and its effect on the legitimate ownership of handguns for use in the shooting sports and for personal protection.

A considerable number of states have some handgun registration data which have become available through programs providing for the processing of applications to purchase firearms or the issuance of either permits to purchase firearms or permits to carry firearms. Connecticut, for example, has on file data covering some 150,000 firearms.

Eleven states have voluntary firearms registration programs where an individual can register his firearms with the state law enforcement agency rather than maintain his own records. However, citizen participation in these voluntary registration programs has been extremely limited.

Local programs

Local firearms registration programs are extant in a number of cities. These are described in "Published Ordinances Firearms," which contains state laws and local ordinances relevant to federal firearms laws. This publication is furnished annually to all federally licensed firearm dealers by the Internal Revenue Service.

Three major cities which require the registration of all firearms are Chicago, New York and Miami.

Synopsis

It is apparent that a significant quantity of registration data have been compiled at national, state and local levels. These data are not centralized. They are by no means complete. Nevertheless, considerable opportunity is provided for law enforcement agencies to attempt to trace firearms misused in criminal acts. If the tracing of a firearm by serial number is an effective means of solving crimes, a survey of state law enforcement agencies on their experiences with firearms registration data should provide some evidence of this effectiveness.

Table 1 summarizes the various sources of firearms registration data now extant in the United States.

THE SURVEY

This survey was meant to contribute to the existing sphere of knowledge regarding costs and benefits associated with firearm registration programs. It does this by gauging the experience of state law enforcement agencies with the registration tools now available to them. It was not intended that this survey serve as a means of evaluating firearms registration programs which might come into existence at some future time.

METHODOLOGY

To elicit information on how state law enforcement agencies have been able to utilize the tools of registration which have been available to them, a questionnaire was developed and sent to all fifty states. This questionnaire included an explanation of the survey and requested each agency to report on any cases of criminal homicide, aggravated assault or robbery which it knew to have been solved through the tracing of

Footnotes at end of article.

a firearm by serial number during the ten-year period 1959–1968. A remarks section was provided so that each agency could report any additional data which it deemed pertinent to the purposes of the survey. For example, an agency might wish to voice a personal opinion, based upon past experience, as to the effectiveness of firearms registration.

TABLE 1.—FIREARMS REGISTRATION IN THE UNITED STATES, BY STATE: 1968

State	Registration of all guns purchased from firearm dealers [1]	Registration of all firearms held within the State by the military [2]	Registration of all handguns	Registration of handguns for which permits are issued [3]	Registration of certain long guns [4]	Voluntary registration
Alabama	X	X		X		
Alaska	X	X				
Arizona	X	X				
Arkansas	X	X				
California	X	X		X		
Colorado	X	X				
Connecticut	X	X		X		X
Delaware	X	X		X		X
Florida	X	X		X		
Georgia	X	X		X		
Hawaii	X	X	X	X		
Idaho	X	X				
Illinois	X	X		X		
Indiana	X	X		X		
Iowa	X	X		X		X
Kansas	X	X				
Kentucky	X	X				
Louisiana	X	X				X
Maine	X	X		X		
Maryland	X	X		X		X
Massachusetts	X	X		X		
Michigan	X	X	X			X
Minnesota	X	X				
Mississippi	X	X	X		X	X
Missouri	X	X				
Montana	X	X				
Nebraska	X	X				
Nevada	X	X				
New Hampshire	X	X		X		
New Jersey	X	X		X		X
New Mexico	X	X				X
New York	X	X	X			
North Carolina	X	X		X		
North Dakota	X	X		X		
Ohio	X	X				
Oklahoma	X	X				
Oregon	X	X		X		
Pennsylvania	X	X		X		
Rhode Island	X	X		X		
South Carolina	X	X				
South Dakota	X	X		X		
Tennessee	X	X		X		
Texas	X	X				
Utah	X	X				
Vermont	X	X				
Virginia	X	X		X		
Washington	X	X		X		
West Virginia	X	X		X	X	X
Wisconsin	X	X				
Wyoming	X	X		X		X

[1] Since 1938, all firearm dealers, regardless of their State of residence, have been required to keep complete records of all firearm transactions as required by the Secretary of the Treasury under the provisions of the Federal Firearms Act of 1938 (U.S. Code, title 15, ch. 18) and the Gun Control Act of 1968 (Public Law 90-618, which superseded the Federal Firearms Act on Dec. 16, 1968). These records include the make, model, type, caliber or gage, and serial number of each and every firearm (rifle, shotgun or pistol, new or used) received or sold, the date such firearm was received or sold, the name and address of the person or business from whom the firearm was received, or to whom the firearm was sold, as the case may be. These records must be maintained by the dealer permanently and made available to law enforcement officers upon request. The information contained in these records must be made available upon request to the assistant regional commissioner of the Internal Revenue Service, U.S. Department of the Treasury. The Secretary of the Treasury may make such information available upon request to any State or political subdivision thereof.

[2] These records are held by the military authorities.

[3] Applications to purchase, permits to purchase, or permits to carry. This registration is therefore limited and varies among the States cited.

[4] High powered rifles.

The questionnaire was mailed in September of 1968. After a two-month interval, a follow-up letter was directed to those states which had not yet replied. A final plea for completion of the questionnaire was directed to those still delinquent in March of 1969. The three mailings resulted in replies from all but three of the fifty states. States which did not reply were Alabama, Massachusetts and Rhode Island.

Where cases were reported as solved through the tracing of a firearm by serial number, additional correspondence was undertaken in an attempt to obtain detailed information as to the role played by registration.

RESULTS

Serious crimes

Forty-four states reported on the number of murders, aggravated assaults and robberies which they knew to have been solved through the tracing of a firearm by serial number during the period 1959–1968. Three states did not reply to the survey, one failed to complete the questionnaire and one declined to participate.

Table 2 contains data on the number of criminal homicides, aggravated assaults and robberies which the various state law enforcement agencies reported as having been solved. The forty-four states completing the questionnaire reported six homicides and six robberies. No aggravated assaults were listed as having been solved through the tracing of a firearm by serial number.

In only two instances was it possible to obtain case details. Hawaii submitted the following data in regard to the two cases of criminal homicide which is reported (12).

"In the cases cited, two police officers were shot and killed on December 16, 1963, in Honolulu. Investigation revealed that the suspects had burglarized the National Guard Armory and had stolen a number of guns. The suspects had later disassembled three carbines and four pistols and discarded the component parts in a stream.

"Many of the parts were later recovered by a search team. Serial numbers of fragmented parts of several guns indicated that the guns had been stolen from the Armory and that the suspects had been involved.

"These pieces of evidence were later used in the trial of the perpetrators. Although the identifying markings on the parts were not instrumental in the arrest of the suspects, they played an important role in the successful culmination of the case."

New Jersey reported case details on the solution of a homicide (17):

"One murder investigation in particular was successfully concluded by tracing the serial number of a weapon found near the scene of a crime where the victim was discovered in his automobile, dead from a bullet wound in the head. A dissassembled pistol frame was found approximately a month later near the scene. The serial number was traced to an importer in the Washington, D.C. area and led to a dealer in the State of Maryland. The records of the dealer indicated the firearm was sold to a person who used a fictitious name and address. A suspect was apprehended. The dealer who sold the weapon identified the suspect as being the one who purchased the weapon. The suspect had previously used the same fictitious name and when confronted with the information on the purchase, readily admitted the crime."

Virginia recalled a 1959 kidnap-murder where a tracing of a firearm by serial number, while not the mode of solution, was material to the prosecution of the case (20).

Michigan stated: "There is no question that some cases are solved through the identification of a firearm left at the scene of a crime, or perhaps lost in the vicinity. However, I could not provide you with a percentage figure that would be of value (10)."

Oregon reported ". . . a number of cases involving serious crimes wherein tracing of a firearm by serial number resulted in identification of the criminal responsible for the offense," but apparently did not feel that the cases were significant enough to warrant manual checking of the files to determine numbers and details (15).

Although a vigorous effort was made to obtain complete information on the other cases reported as solved, details were apparently unavailable.

The vast majority of states reported no instances where cases of murder, aggravated assault or robbery had been solved by the tracing of a firearm by serial number. Some were specific in their comments: Alaska (7) "Unscientifically, of course, none of our involved personnel can recall any case that was solved through the tracing of a firearm. This recall is limited to our span of experience, which varies from the present back for about 25 years."

Georgia (27) "This Department has no record of any criminal cases that were solved by means of tracing a firearm by the serial number."

Idaho (6) "This office has no records whereby the identity of the criminal was made by the tracing of a firearm."

Iowa (3) "We were unable to recall any instances within the past ten years where cases have been solved by means of tracing a firearm by serial number relative to the categories you have stated."

Kansas (29) "We have no records of a major crime being solved by tracing of a firearm serial number."

Maryland (22) "Unfortunately, we do not have such statistical data available; but in our opinion, the number for the last ten years would be negligible, insofar as the Maryland State Police is concerned."

Minnesota (13) "To my knowledge, no criminal cases have been solved by means of tracing a firearm by serial number in murder

and non-negligent manslaughter, aggravated assault or robbery cases in Minnesota."

TABLE 2.—MAJOR CRIMES REPORTED BY STATE LAW ENFORCEMENT AGENCIES AS BEING SOLVED THROUGH THE TRACING OF A FIREARM BY SERIAL NUMBER, 1958-67.

State	Number of cases reported solved		
	Murder and nonnegligent manslaughter	Aggravated assault	Robbery
Alabama [1]	0	0	0
Alaska	0	0	0
Arizona	0	0	0
Arkansas [2]	0	0	0
California	0	0	0
Colorado	0	0	0
Connecticut	0	0	0
Delaware	0	0	0
Florida	0	0	0
Georgia	0	0	0
Hawaii	2	0	0
Idaho	0	0	0
Illinois	0	0	0
Indiana	0	0	0
Iowa	0	0	0
Kansas	0	0	0
Kentucky	0	0	0
Louisiana	0	0	0
Maine	1	0	0
Maryland	0	0	0
Massachusetts [1]	0	0	0
Michigan	0	0	0
Minnesota	0	0	0
Mississippi	0	0	0
Missouri	0	0	0
Montana	0	0	0
Nebraska	0	0	0
Nevada	0	0	0
New Hampshire	0	0	0
New Jersey	1	0	0
New Mexico	0	0	0
New York	0	0	0
North Carolina	0	0	0
North Dakota	0	0	0
Ohio	0	0	0
Oklahoma	0	0	0
Oregon	([4])	([4])	([4])
Pennsylvania	0	0	0
Rhode Island [1]	0	0	0
South Carolina	0	0	0
South Dakota	0	0	0
Tennessee [3]	0	0	0
Texas	2	0	2
Utah	0	0	0
Vermont	0	0	0
Virginia	0	0	0
Washington	0	0	0
West Virginia	0	0	0
Wisconsin	0	0	0
Wyoming	0	0	0

[1] Did not respond to the survey.
[2] Responded but declined to take part in the survey.
[3] Tennessee replied to the survey but was unable to complete the questionnaire because it would require "a large number of man hours reviewing thousands of cases . . . (14)."
[4] The Oregon Department of State Police reported "We have had a number of cases involving serious crimes wherein tracing of a firearm by serial number resulted in identification of the criminal responsible for the offense. Statistical breakdown is such that in order to arrive at specific numbers manual checking of the files would be required. We do not feel that this end justifies the effort (15)."

Missouri (2) "During the past ten years, no cases have been solved through the tracing of firearms ownership. Normally tracing of ownership proves unsuccessful for one reason or another, but does occasionally corroborate or add to known information."

New Mexico (1) "We recall no cases solved by tracing a firearm by serial number."

North Carolina (21) ". . . no one connected with the State Bureau of Investigation at this time can recall any case ever having been solved through the tracing of a serial number of the firearm used in the commission of a crime."

Wyoming (26) "This bureau was established in 1963, and to our knowledge no criminal cases have been solved by tracing the serial number of a firearm."

Stolen guns

Several states had been able to utilize firearm serial number records in cases involving stolen firearms. This utilization involved either (1) the return of stolen firearms to their owners or (2) the arrest of persons carrying stolen firearms.[13]

Footnotes at end of article.

Iowa, Mississippi, New Jersey and South Dakota thought this aspect of registration important enough to offer specific comments on it:

Iowa (3) "We have had some instances where thefts of weapons have been solved by serial number."

Mississippi (16) "The most success this department has had with serial numbers on weapons has been when a suspect is picked up with firearms on his person. The gun is traced through the manufacturer all the way down the line to the purchaser and in many instances, these guns would be stolen from residences or places of business."

New Jersey (17) "The National Crime Information Center at the State Bureau of Identification makes daily 'hits' on positive information regarding stolen firearms and possession of weapons by wanted subjects."

South Dakota (34) "First, the murders, aggravated assaults, and robberies constitute a very small portion of police business related to firearms. True they get the greater share of publicity, but we and other officers spend much more time on the theft of firearms and the malicious use of them in the destruction of both public and private property."

"The recovery of stolen firearms is a gain to law enforcement as well as to the owner. The owner gets his gun back and we have the opportunity of removing the gun from the hands of a person who may commit one of the crimes you mention. Plus, it can be a great assist in the prosecution of persons who steal and peddle guns in competition to the legitimate dealer.

"Rare is the case when a murdrer or a robber merely drops his gun at the scene of the crime. Usually, when it is recovered, it is in his possession or under his control, and it always seems to be a gun that he just bought from 'some guy I met in a bar, day before yesterday.' Then starts many hours of attempting to prove or disprove, the person's statement. This usually starts with the firm who manufactured the gun, if said gun has a serial number and is not an import nor a military weapon. Registration would, in my opinion, shorten the route of search. In some cases it has resulted in our being able to trace a theft from an individual and then to the subject."

In New York state, 751,062 handguns were registered with the state police in 1967. The number of firearms reported lost, stolen or illegally possessed was 18,965. The number reported as recovered was 155.

In 1968, 866,623 handguns were registered. The number reported lost, stolen or illegally possessed was 18,672; the number recovered was 384 (4).

However, the numbers of guns actually recovered may exceed the number of guns reported as being recovered. This is because the New York stolen gun file includes some firearms stolen in other states as well as New York. When firearms stolen in other states are recovered in those states, it may or may not be reported to the New York State Police.

No data are available on the dollar value of these handguns which were recovered through the operation of the New York registration program. With the exception of the FBI's National Crime Information Center, the New York state stolen gun file is the largest maintained by any police agency in the United States.

Texas reported on the stolen gun aspect from a different angle. Their comment that ". . . upon some occasions we have exonerated some owners who had legitimately sold pistols and had advised us to change ownership in our files (27)" points out another possible benefit of firearms registration. But it also seems to substantiate the existence of an inherent danger—that when a registered gun is lost or stolen and used in a crime, the owner may unjustly be accused. This danger might be expected to increase with the length of time between the loss or theft and its discovery by the owner. It is possible for a firearm to be stolen and the owner not realize it for quite some time.[14]

Other crimes

Other comments received indicate that firearms registration may occasionally be of assistance in the solution or prosecution of crimes other than murder, aggravated assault and robbery.

Three states mentioned this aspect of registration as being important:

Kansas (29) "We have used pawn shop sales records to verify that a person bought a gun previous to committing a crime."

New Jersey (17) "There have been numerous cases in the State of New Jersey that have been solved as a direct result of tracing a firearm. . . .

Presently, daily inquiries as to the ownership of firearms are made to the Firearms Investigation Unit by various police departments. Many times information previously unknown to the inquiring agency is developed through the files and assists them in their investigations."

South Dakota (34) ". . . the numerous occasions when other crimes are solved directly or indirectly through the tracing of firearms."

The survey questionnaires and follow-up correspondence did not elicit any detailed information on these other crimes or the role played by firearms registration. Presumably they consist of such offenses as burglary, auto theft, illegal possession of weapons, possession of stolen property, etc.

CONCLUSIONS

This survey was intended to appraise the results of state law enforcement agencies' experience with the firearms registration tools which have been available to them. Specifically, the survey sought to determine the number of criminal homicide, robbery and aggravated assault cases which, to the knowledge of state law enforcement agencies, have been solved in the past ten years through the tracing of a firearm by serial number. This survey was not intended to evaluate proposed legislation which would establish national or state firearms registration. It was intended to provide additional information which can be applied to a more thorough study of the costs and benefits likely to be associated with an extensive firearms registration program.

It was established that during the ten-year period 1959–1968, the tracing of a firearm by serial number contributed to the solution of at least six homicides and six robberies in 44 states. There were some additional cases reported but these could not be quantified. Firearms registration data were also reported to have been of use in the solution or prosecution of a number of lesser crimes.

This survey was limited to state law enforcement agencies in the fifty states. In all probability, if local law enforcement agencies had also been surveyed, some additional cases would have been reported. This would especially hold true in those states where the state law enforcement agency was not primarily concerned with criminal cases. However, the results of the author's study on registration in New York indicate that, here again, the numbers would not be large.[15]

Firearms registration data were also reported to be of some use in effecting the return of stolen firearms to their rightful owners.

Little is known about the dollar costs of the various firearms registration programs now extant. These costs are substantial. But without the availability of more precise cost figures, it is impossible to measure the value of these programs in terms of a cost-benefit ratio.

A national firearms registration program would affect more than 40 million American citizens. It would require the commitment of a significant portion of the nation's annual law enforcement budget. The results of this

survey provide additional evidence that, before the establishment of a registration program is seriously considered at either the federal or state level, a cost-benefit analysis is an absolute necessity.

(Bibliography omitted.)

FOOTNOTES

[1] See the numerous statements to this effect made by the New York City Police Department (24).

[2] Management Concepts, Inc. is a management information consulting firm with offices at Bala-Cynwyd, Pennsylvania.

[3] The highest cost of firearms licensing which has yet been documented is in New York City, where the average cost of processing an application for a pistol permit in 1968 was $72.87 (30). Thus, a theoretical initial cost of licensing and registering the guns of 40 million firearm owners could be placed at $2,914,800,000.

In 1967, New York City enacted a law providing for the licensing of rifle and shotgun owners and the registration of their firearms. The city administration reported that the ultimate cost of this program could be as high as $25 per gun (23). Using this figure to project the cost of a nationwide program registering 125 million firearms results in an estimate of $3,125,000,000. This cost figure is roughly comparable to the one noted above.

All of these cost figures are in terms of 1968 dollars. They do not include either the cost of enforcing the laws or the indirect costs associated with them. In a cost-benefits analysis, these would be taken into consideration.

Estimates of the number of firearm owners in the United States range from 40–50 million individuals. Estimates of the number of privately owned firearms vary from 100–200 million, depending upon the source. The writer estimates that there are currently "about 125 million" privately owned cartridge firearms in the United States.

[4] Research Associates Incorporated (D.C.) is an independent research organization with headquarters in Silver Spring, Maryland.

[5] In "A Preliminary Cost Analysis of Firearms Control Programs," Research Associates cite as an example of indirect non-monetary costs resulting from a firearms law, the inconvenience and harassment of gun owners in New Haven, Connecticut, where applicants for pistol permits are required to fill out a 21-page form stating detailed information about themselves (30). New Haven continues to require the completion of this form despite an opinion from the Attorney General that such forms are not allowed under existing Connecticut law. The applicant must provide information about his citizenship, medical history, military service, education background, employment record and residential history. He must also provide details on when and where he intends to use his firearms, including the type of firearm, frequency of use, days of the week, and hours of the day.

[6] Consider the case where a suspect in possession of a firearm is picked up by the police in connection with a criminal investigation. The police may be able to ascertain, through the facilities of NCIC's stolen/missing gun list, whether the suspect's firearm has been stolen. If the gun is stolen, further investigation may lead to the solution of some crime other than that for which the suspect was originally arrested.

[7] Section 923, paragraph (g) of the Gun Control Act of 1968 states that importers, manufacturers and dealers "shall make such records available for inspection at all reasonable times, and shall submit to the Secretary (of the Treasury —ed.) such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe," and that "Upon the request of any State or any political subdivision thereof, the Secretary may make available to such State or any political subdivision thereof, any information which he may obtain by reason of the provisions of this chapter with respect to the identification of persons within such State or political subdivision thereof, who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition."

[8] U.S. Code, Title 26, Chapter 53.

[9] Haynes v. United States, 390 U.S. 85 (1968).

[10] U.S. Public Law 90–618.

[11] Chapter 11.1 of the Municipal Code of the City of Chicago.

[12] In the case of crimes which occur subsequent to registration, it is a prime contention of those opposed to registration that the criminal does not register his firearm prior to committing a crime with it. An editorial in Gun Week, a weekly newspaper in the shooting sports field, concluded a discussion of Haynes v. United States by stating "The Supreme Court has simply pointed out the obvious—that only law-abiding citizens obey gun registration and licensing laws. The major effect of the decision is that now the law cannot ask a criminal to do what he has never done anyway!" (18).

[13] In most cases this charge was a supplementary one, the primary charge being either for a more serious crime or carrying a concealed firearm without a permit.

[14] Guns may be stored in the home, often under lock and key, and not be used for long periods of time. If a gun is stolen, perhaps when the owner is away, he may not become aware of the theft until such time as he prepares for his next hunting trip or target shooting match.

[15] An examination of New York City Police Department annual reports for the years 1911–1968 failed to disclose a single case of criminal homicide, assault or robbery that had been solved through the tracing of a firearm by serial number. In addition, an extensive search of New York City newspapers for the fifteen-year period 1953–1968 failed to reveal any instance where the tracing of a firearm by serial number had been material to the prosecution of any criminal case.

THE VIEWS OF YOUTH AT HILLCREST HIGH SCHOOL IN SIMPSONVILLE, S.C.

Mr. THURMOND. Mr. President, if one were to read only the Washington Post, one would get the idea that the youth of the Nation as a whole were bitterly opposed to President Nixon's courageous action in Cambodia.

Those of us who keep in close touch with our constituents know that this picture is false.

Today I received striking confirmation of the support of loyal citizens for the President in the form of a series of petitions organized and signed by the students at Hillcrest High School in Simpsonville, S.C. The students have asked me to transmit these petitions to the President and I am very pleased to be able to do that today.

The petitions were sent to me by two Hillcrest students, Jimmy Minkler and Rick Morris, and their thoughts are particularly noteworthy. These students say:

> We all feel we are the true Americans, but the President and news media never hear us.

These young citizens are to be commended for their initiative and loyalty to the United States and to the President, and I want to thank them for the patriotic job they have done. I also want to commend Mr. W. H. Chastain, the principal of Hillcrest High School, for the splendid leadership he is providing the students and such an outstanding student body with the courage to stand up and be counted.

Mr. President, I ask unanimous consent that the petitions from Hillcrest High School be printed in the RECORD.

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

306 MAPLE DRIVE,
MAULDIN, S.C.,
May 21, 1970.

DEAR MR. PRESIDENT: In this box, you will find petitions signed by students and faculty of Hillcrest High School, in S.C. These petitions support you and oppose violence on any campus in America.

The first page, second paragraph concerns a speech Mr. Chastain made to the students at our last class meeting.

We would like for your reaction to these petitions as soon as possible. We all feel we are the true Americans, but the press and news media never hear us. Send your reaction to my address or Mr. H. Chastain, Principal of Hillcrest High School in Simpsonville, South Carolina.

Thank you,

JIMMY MINKLER and RICK MORRIS.

MAY 13, 1970.

To Whom It May Concern:

Now is the time for all Americans to show more faith in our President.

As you may recall Mr. Chastain said only a few weeks ago, that Hillcrest should be number one. We can be number one. Also the only one in the State to take such action, as we are about to take.

So come on and show those bums that they are the minority, not the majority.

Please do your patriotic deed for America and sign these petitions in support of President Nixon.

These petitions will be sent to Senator Strom Thurmond, who will present them to the President.

Yours truly,

CONCERNED STUDENTS.

We, the undersigned, as students and faculty of Hillcrest High School support the efforts of President Nixon to destroy the Viet Cong and their sanctuaries in Cambodia. We all agree that with this action, peace will come much sooner.

Elizabeth Bolt, M. O. Alexander, Sarah A. Weathers, Sybit G. Bobb, Mike Morris, Bobby Kellams, Randy Young, Gwen Fowler, Mary Alice Adams, Debbie Steele, Judy Meredith, Vickie Ford.

Carolyn Hill, Jerry Rector, James E. Fowler, Ricky Smith, Steve Leverette, Scott Bouchillon, Phil Ahlborn, Edwin Smith, Jimmy Minklen, Jimmy Redden, Miller Riddle, Russell Lewis, Virginia G. Barnwell.

Susan Garrett, Celeste Knight, Judy Greene, Nancy Baker, Sherry Ford, Gloria Gilreath, Tricia Brooks, Debbie Baghill, Thomas Hewins, Dolly Davis, Carey Davenport.

Buddy Hazel, Becky Jones, Dixie Herndon, Frances Cox, Denece Brashier, Elaine Johnson, Bea Gault, Stewart Fowler, Linda Edwards, Brenda Davis, Rhonda Babb, W. H. Chastain.

Mike Anderson, Lynn Smith, Windy Ward, David Tibble, Kathy Weld, Alta McGeachie, Becky Williams, Francelle Kellott, Roxan Culbertson, Lane Ferguson, Edward Cox.

Philip Roberson, Gary Walker, Billy Page, Reudy Smith, Janet English, Brenda Jennings, Dickie Smith, John Martin, Dennis Beason, David Barberry, Joe McKeaver.

Marcy Verdin, Ginger Johnson, David C. Pedwin, Linda Bushá Thomas Jess LaVase, Henry Poole, James Hand, Sheron Thompson, Larry Hedrix, Phillip Yarborough.

Ricky Brooks, Wayne Wilson, Eddie Reames, Kerry Scott, Kathy Gate, Debbie Finch, Mitchell Knight, John Goolsby.

Steve Fowler, Dennis Kinard, Steve Kuhn, Roger Launins, Jane Watson, Hilda Wood, Gail Tucker, Edgar Gillespie, Marilyn Tucker, James Suits.

Jerry West, Natalie Forrest, Ann Gumbler, Barry McElreoth, Betty Roberston, William H. English, Deborah Dutton, Michael Smith, Fred Kelly, Miss Brenda Hollowell.

Mary Nelson, Kathie Webber, Lee Smith, Lonnie Bruce, Terry Ayers, Terry Richards, David Riel, Joe Hinkle, Jr., Fadine Chasteen, Gertrude Wham.

Debbie Baldwin, Maud Thompson, Oscar Sullivan, Johnny K. Markins, Lucy Balih, Thomas Brown, Larry Johnson, Mrs. J. W. Wright.

Alan Goodwin, Dale Goodwin, Bobby Watking, Warren Boyer, Mary Jane McKinney, Anne Mabry, Shirley Cannady, Debbie Taylor, Ken Casper, Anna Bailey.

Melanie Mazie, Connie Lanier, Rebecca Hambuy, Venice Sloan, Fay Sanders, Sheila Lollis, Kim King, Sandra Hudson, Elizabeth S. McCamecon.

Mary Akers, Pam Barbru, Bennie Mahaffey, Marsha Weathers, Vickie Hart, Judy Grisham, Joyce Davis, Pam Hipps, Jack W. Best, Stanley Cassell.

Butch Bell, Jimmy Best, Jim Kennedy, Jerry Henderson, Danny Sloan, Randy Seco, James Harper, Ronnie Brown, Kenneth Moore, Katie Jones, Rich Morris.

Martha Baldwin, Cynthia Bendetti, Susan Childress, Marjorie Smith, Mildred Hart, Sandra King.

James McGraw, Curtis Steading, Tammy Pittman, Ginn Huff, Ann Goodnouger, Randall Bentley, Lyle Watson, Mike Hinton, Nikki Moore, Mary Myers.

Terry Reid, Barry Drake, Charles Moses, Jean Lovinggood, Louis Massingelle, Janet Hendrix, Anne Henderson, Marie Huff, Sherry Smith, Joyce Dixon.

Susie Henderson, Beverly Cinnamon, Mary Ann Burnham, Benny Black, Vickie Babb, Martha J. Garrett.

Wilma R. Gault, Linda Ricker, Joan Scales, Herricks Walbup, Pat Whitt, Barry Griffith, Linda Putnam, Fran Dunn, J. B. Manous, Joey Stolfi.

David Sillars, Tim Snow, Scott Harrell, Ricky Woodale, Spence McGowan, Rachel Wood, Debbie Burry, Karin Shove, Sherry Rutledge, Karla Shaver.

Stan Hook, Kris Preston, Ozzie Givens, Benny Garrett, Sally Garrett, Barrie Laughter, Wayne Alucrombie, Bill Young, Randy Jones, Susan Greer.

Dianna Cain, Roxie G. Hawkins, Gerald Reed, Neal Hamilton, Terry Mourer, Phillip Mitchell, Debbie Peal, Roddy Sawyer.

George Brooks, Robbie Jo Hance, Jimmy Smallwood, Louis B. Abbath, Martha Hendrix, Anne Brown, Chris Hart, Jefferson Jones.

Rickey Faulk, Myron Fosker, Ross Stewart, John Robert Davis, Bert Taylor, Wendell Blaine King, Elosie L. Rudy, Ronnie McKinney,, Michael P. Chapman, Neil Patton.

Marjorie Smith, Mildred Hart, Sandra King, Connie Johnson, Max Daniel Bailey Jr., Johnny A. Bearden, Kay Axson, David Rosendale, Vonnie Bzerly.

Miachelle Brooks, Danny T. Brashier, William R. Padgett, III, Susie Thackston, Nancy Thackston, Paul Cox, Wayne Morris, Jerry Hudson, Pat Wrenn, Mrs. Georgia Wortbington.

Susie Collins, Deborah Long, Jackie Lumblin, Judy Overstreet, Roberta Montgomery, Shirley Gilliland, Caroline Garrison, Libby Dixon, Pat Conyers, Marilyn Cooper.

Sheila Harris, Spandy Chandler, Roland Holt, Blair Patton, Robert Ricker, Mike Tucker, Smiley Trammell, Dede Homes, Jan Waldrop, Cathy Bennington, Thelma Thomason.

Roberta Wood, Eddie Case, George Knickerbacker Jr., Sandra Doss, Kathy Smith, Toni Mattison, Ray Leslie.

Lester Dennis Browning the 3rd, Rusty Holland, Becky Pearson, Susan Weathers, Nancy Hughes, Joyce Rice, Flo Templeton, Ronda Ross, Barbara Pepple, Ruth Derdin.

Grace Craig Taylor, Debbie Davenport, Donna Raines, Diane Freddie, Sandra Hellams, Sammy Bagwell, Sue Mathis, Teresa Barbare, Sandy Griffin, Stephanis Casey.

Doris Coleman, Dell Phillips, Debbie Bryant, Jo Ferguson, Anne McGraw, Jan Nelms, Deborah Knight, Rosemary Fletcher, Peggy Duncan, Pam Savage.

Judi Summey, Patti Hamilton, Terry Britten, Anne Julian, Charlene Hipps, Elaine Hendrix, Janet Bridges, LeNelle Holland, Tommy Abbott, Max Henderson, Randy Hill.

Mike Sloan, Robbin Brown, Donald Hurley, Terry Mattison, Jimmy Ferguson, Nora Barnhill, Fulton Hampton, Janet Sexton, Peggy Reide.

Rickey Moore, Marty Gaddis, Kay Jones, Felix Taylor, Johnny Kootz, Pam Wilson, Debbie Short, Sandy Gambrell, Robin Haynes, Beth Franklin, Jean Patton, Mike Morrison, Susan Jenkins.

Eddie Phillips, Donald Hipps, Betty Griffith, Tommy Riddle, Andy Gault, Betty Jean Hart, Margaret Scales, Mike Jewell, Clifton Carroll, Dub Trotter.

Kathy Jones, Cathy Whane, Carolyn Martan, Wanda Trotter, Mrs. Ralph Hughes, Jine Leney, Cathy Hudson, Cathy Holden.

Brenda Jones, Cathy Bishop, Diane Bledsoe, Connie Kellett, Sanda Slatton, Libby Balcombe, Elaine Nelson, Susan Locke, Miriam Wrenn.

We, the undersigned, as students and faculty of Hillcrest High School, oppose the violence that has struck our large universities in the past few weeks. We firmly believe that *all* students who destroy, take over, or march illegally on any campus should be expelled permanently.

Elizabeth Bolt, M. O. Alexander, Sarah A. Weathers, Sybert G. Bobb, Bobby Hellman, Randy Young, Mike Morris, Gwen Fowler, Mary Alice Adams, Debbie Steele.

Judy Meredith, Vickie Ford, Carolyn Hill, Jerry Rector, James E. Fowler, Edwin Smith, Jimmy Kimble, Jimmy Redden, Milker Riddle, Russell Lewis, Virginia G. Barnwell.

Susan Garrett, Celeste Knight, Judy Greene, Janice Eddleman, Nancy Baker, Sherry Ford, Gloria Gilreath, Tricia Brooks, Debbie Bagwell, Dolly Devin.

Caruy Davenport, Buddy Hazel, Becky Jones, Dixie Herndon, Frances Cox, Denece Brashier, Elaine Johnson, Bea Gault, Stewart Fowler, Linda Edwards, G. A. Reid, Rhonda Babb.

David Tribble, Mike Anderson, Gary Mote, Julie Yarbaraugh, Windy Ward, Lynn Smith, Kathy Weld, Wanda Steading, John Cox, Jimmy Thomason, Alta McGeachie.

Charline Vaughn, Ginger Johnson, Debbie Finch, David C. Pedersen, Thomas Jess Ledfor, Janet Englesby, Roxann Culbeth, Billy Page, Dennis Beason, Joe McKewen.

Leny Green, Terry Fowler, Robert Hellums, Henry Poe, James Hand, Eddie Owens, Ernest Leopard, Linda C. Barnes, Wayne Wilson.

John Goolsly, David Barbery, Lane Ferguson, Linda Bushé, Edward Cox, Philys Roberson, Garry Owens, Gary Wacker, Randy Smith, Brenda Jennings.

Dickie Smitt, Larry Canbaugh, John Martin, Larry Hendrix, Phillip Yarborough, Ricky Brooks, Kathy Tatum, Steve Fowler, Dennis Kinard, Steve Kil.

Roger Lonnis, Jane Watson, Hilda Wood, Edgar Gillespie, Marilyn Tucker, Ramons Sittles, Terry West, Natalie Forrest, Ann Tumblin.

Barry McElreath, Betty Robertson, William H. Englisbe, Deborah Dutton, Michael Smith, Ted Kelly, Miss Brenda Hollowell.

Mary Nelson, Kathie Webber, Lee Smith, Lonnie Bruce, Terry Ayers, Terry Richards, Daniel Rice, Danny Greene, Joe Hinkle.

Nadina Chasteen, Gertrude Wham, Debbie Baldwin, Lucy Babb, Maxel Thomason, Oscar Sullivan, Gwen Fletcher, Patricia A. Rodgers, Shirley Annette Jackson, Harold Dial.

Brenda Rice, Lois Logan, Charlotte Reeder, Jimmy Wright, Richard Hill, Piccola Hill, Peggy Moon, Henrietta Sullivan, Polly Champman, Francenia Sweeney.

Parsonas Brown, Mamie Kilgore, Debra Patton, Larry Johnson, Mrs. T. W. Wright, Constance Bennett, Lillie Harris, Carolyn Booker, Doris Booker.

Alan Goodwin, Pam Green, Kathy Grogan, Bobby Watkins, Warren Boyer, Mike Reynolds, Mary Jane McKinney, Anne Mabry, Debbie Taylor, Ann Sloan, Don Turner, Dale Goodwin, Sheila Cannady.

Ann Bailey, Sharon Goodenough, Kathy Jo Bledsoe, Barbara Hambry, Rebecca Hambry, Bobbie Henley, Debbie Taylor, Sharon Hipps, Donna Nash, Marcy Derdin.

Jean Dixon, Toni Taylor, Vivian Fowler, Connie Lanier, Debbie Thompson, Sandra Hudson, Joyce Miles, Kay Sanders.

Kim King, Debbie Richardson, Beth Reed, Sheila Tollis, Venice Sloan, Juanita Davis, Elizabeth S. McCameron.

Marjorie Smith, Miennea Hart, Sandra King, James McGraw, Curtis Steading, Eddie Reames, Tommy Pittman, Gene Helf, Ann Goodnough, Randall Bentley, Lyle Watson.

Mike Hinton, Nikki Moore, Mary Myers, Jerry Reid, Barry Drake, Charles Moses, Jean Lovinggood, Carol McKinney, Louis Massengalle, Janet Hendrix.

Anne Henderson, Marie Huff, Sherry Smith, Susie Henderson, Beverly Cinnamon, Mary Ann Burnham, Buddy Bowen, Benny Black, Vickie Babb, Martha J. Garrett.

Marna W. Snow, Deborah L. Thurston, Karen Hudson, Lynne McGee, Janice Lockey, Karen Knox, Esther McGaha, Steve Brian Willis, Howard Griffith, Clayton Bigham, Terry Ross.

Anne Sherron, Becky Greer, Terry Iholdresi, Kenneth Abercombie, Tommy Gullers, Ernest Boyer, Mollie Craft, Mike Cooper, Karen Callicott, Donald Campbell Jr.

Paul Campbell, Elizabeth Canfield, Kay Brissey, Nancy Burns, Jane Burns, Melanie Barnett, Mark A. Brown, Bill Blackwell, Andy Arledge.

Scott Bailey, Bill Barrett, Dona Barker, Diane Arledge, Debbie Alberson, Wanda Adams, Jerry Corn, Donald Beaman.

Don Gilliland, Jerry Sullivan, Duane Malphrus, Gail Hendrix, Caire Cromer, Jack West, Linda Phillips, Robert Chiles II, Rita Drake, Randy Massengale.

Ronald S. Carbaugh I, Dennis Cunningham III, Curtis N. Boger, Norman J. Lindsey, Benny Weathes, Wanda Burgess, Doris Meredith, Sybil Martin, Johnny Barbry, Naomi Phastien, Jefferson Jones.

Wilma R. Gault, Linda Ricker, Jean Scales, Teresa Redding, Horricks Walkup, Pat Whitt, Barry Griffith, Linda Putnan, Fran Sims, J. B. Manons.

Joey Stolf, David Sellars, Tim Snow, Scott Harrel, Ricky Woodall, Karen Shover, Debbie Burry, Sherry Rutledge, Karlo Shaver.

Steve Hooks, Kriss Preston, Ozzie Givens, Sally Garrett, Barrie Laughter, Wayne Abercrombie, Bill Young, Randy Jones, Susan Green, Dianna Cain.

Ellen Peacock, Roxie T. Hawkins, Berry Garrett, Gerald Reed, Kathy R. Roberts, Neal Hamilton, Terry Mourer, Debbie Peal, Phillip Mitchell, Roddy Saye.

George Brooks, Robbie S. Nance, Susan Campbell, Jimmy Smallwood, Steve Richardson, Lois B. Abbott, Martha Hendrix, Viki Tripes, Anne Brown, Chris Hart.

Terry Kible, Russell Rhodes, Ross Stewart, Ricky Faulk, Myron Fisher, Mike Fleming, Skip Grigsby, John Robert Davis, Nancy Chastain, Sue Bayne.

Elaine L. Rudy, Ronnie McKinney, Michael

P. Chapman, Neil Potter, Marjorie Smith, Mildred Hart, Sandra King, Connie Johnson.

Max Daniel Bailey, Jr., Johnny A. Beaaden, Kay Afson, David Rosendale, Vonnie Byerly, Mischelle Brooks, Lonnie M. Reeves, Danny F. Braskin, William R. Padgett, III, Susie Thackston.

Nancy Thackston, Paul Cox, Mike Henderson, Wayne Morris, Jerry Hudson, Pat Wrenn, Mrs. Georgia Worthington, Susie Collins, Deborah Long, Jackie Tumblin.

Judy Overstreet, Roberta Montgomery, Shirley Gilliland, Caroline Garrison, Libby Dixon, Pat Conyers, Marilyn Cooper, Sheila Harris, Spenby Chandler, Roland Holt, Jr.

David Gantt, Steve Duke, Blaie Patta, Robert Ricker, Mike Tucker, Smiley Trammell, Stanley Baldwin, Dede Hines, Jan Waldrop, Pat Roberts, Cathy Bennington, Gregg Fortune, Thelma Thomason.

Jeanne Wasson, Kathy Smith, Rhonda Wamack, Jimmy Fulmer, Wendell Blaine King, Rusty Holland, Bert Taylor, Wayne S. Hammond, Ray Leslie, Lester Dennis Browning, the 3rd, Sandra Doss.

Roberta Wood, Eddie Case, George E. Knickerbocker, Jr., Toni Nattison, Becky Pearson, Susan Weathers, Nancy Hughes, Joyce Rice, Flo Templeton, Ronda Ross, Barbara Pepple, Ruth Verd.

Debbie Davenport, Donna Raines, Diane Friddle, Sue Mathis, Sandy Griffin, Emily Hall, Teresa Barbara.

Sandra Hellams, Sammy Bagwell, Dell Phillips, Debbie Bryant, Jo Ferguson, Anne McGraw, Jan Nelmo, Deborah Knight, Rosemary Fletcher, Peggy Duncan.

Mr. Bruce Skelton, Mr. Steve Green, Mr. Tom Milosek, Mr. Jerry Springfield, Mr. Berry Woods, Mr. Jimmy Hunsinger, Mr. Bud Duncan, Mr. Edward Gaul, Mr. Carl Dickerson, Mr. Leland J. Mayfeld.

Mr. David Friddle, Miss Tere Griswold, Miss Cathy Stewart, Miss Pam Lollis, Miss Gail Powell, Mr. Kennith Cooper, Mr. Ronnie Boyce, Mr. Wendell Lancaster, Pam Savage, Pam Boyce, Mr. Gerald Ballard.

Judi Summey, Terry Britten, Anne Julian, Charlene Hipps, Martha Phillips, Elaine Smith, Elaine Hendrix, Janet Bridges, Rusty Faulk, LeNelle Holland, Jackie Best, Anne Ewing.

Max Henderson, Cheryl Woodall, Cathy Raines, Randy Hill, Mike Sloan, Robbi Brown, Donald Hurley, Terry Mattison, Jimmy Ferquenson, Terry Horne, Mike Masters, Randy Taylor, Nara Barnhill.

Fulton Hampton, Janet Sexton, Peggy Rudy, Rickey Moore, Marty Gaddis, Kay Jones, Felix Taylor, Tina Iannarelli, Johnny Koontz, Pam Wilson, Debbie Short, Sandy Gambrell, Robin Haynes, Beth Franklin, Jane Norris, Jean Patton.

Eddie Phillips, Donald Hipps, Betty Griffith, Tommy Riddle, Andy Gault, Betty Jean Hart, Margaret Scales, Mike Jewell, Eddie Hunt, Clifton Carroll.

Dub Trotter, Weldon Cook, Carolyn Martin, Cathy Wham, Kathy Jones, Wanda Trotter, Mrs. Ralph Hughes, Jane Long, Billie Jo Lancaster, Cathy Hudson.

Carol Fair, Lois Smith, Brenda Smith, Cathy Holden, Brenda Jones, Cathy Bishop, Rachel Cox, Cindy Gooch, Diane Bledsoe, Sandra Slatton.

Connie Kellett, Annette Rivers, Jane Mann, Marilyn Poole, Elaine Nelson, Libby Balcombe, Susan Jones, Dale Pollard, Kay Finley, Susan Locke, Miriam Wrenn.

WORLD REFUGEE REPORT, 1970

Mr. KENNEDY. Mr. President, the U.S. Committee for Refugees—USCR—recently issued its annual report on world refugee problems. As in past years, the report contains a census of the homeless throughout the world, which dramatically underscores a simple fact—that the troubles of our time are taking a growing toll in the flight of people from conflict and oppression. All over the world people are on the move.

The report goes on to describe these problems of humanity, the many governmental and private efforts being made to solve them, and the continuing need for even greater efforts in behalf of our suffering fellowman. Most of the articles in the report are based on papers read to the National Conference on World Refugee problems held in Washington last November, which was sponsored by the USCR in association with the American Council of Voluntary Agencies and the American Immigration and Citizenship Conference.

In issuing its annual report, the USCR performs an important public service. I want to commend the organization—and its executive vice president, Dr. R. Norris Wilson—for their continuing efforts in a significant area of international concern.

I think the current report of the USCR will be of interest to Senators. I ask unanimous consent that it be printed in the RECORD.

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

A WORLD IN CONFLICT: 25 YEARS, 75 WARS, 17,318,320 REFUGEES

Since 1945, the year when the United Nations was organized, there have been seventy-five wars. To most of us, violence and enmity have become so large a part of our daily life that we are almost unaware of it. Most of us have now forgotten most of the wars in this awful catalogue but their victims have not forgotten.

Not counting the dead and wounded, not counting the uncountable casualties of the fighting itself, we know that there remain today 17,318,320 refugees who are, in very large part, the casualties of a world in conflict. Of course, many millions of refugees have been resettled and are no longer refugees, but, from the wars' awful toll others have been forced to take their places in this grim roster of human suffering. In the last six years since 1964, the total refugee population of the world has grown from 7,910,309 to 17,318,320.

If, because violence has become a part of our daily environment, we have forgotten most of the wars of the last twenty-five years, we now recall, even more painfully, that most of us have forgotten their victims. We believe that there is a relationship between our warring and the number of refugees in the world. In any event, the shocking number of refugees on every continent is tragic evidence of man's inability to manage himself, his religion, his politics and his hungers with due concern for his fellow man.

During these twenty-five years which have seen this terrible hemorrhage of violence, the American people, through their churches and synagogues, through their voluntary agencies, through their government and, indirectly, through intergovernmental bodies have tried to help the helpless victims of our wars.

These agencies met together in Washington in November of 1969 to take the measure of their common work, to assess the continuing and increasing problems of refugees around the world and to try to plan for a future in which peace among men often seems a remote and inconstant hope.

We hope that if the deliberations of the Conference are shared widely in this way, then the problems of the world's refugees may become, in small part at least, the problem of all of us. As a people, we are engaged in rethinking our national priorities and our role within the family of nations. Our pleading is, simply, that the refugee, wherever he is and whatever the cause of his distress, shall become a part of the reckoning.

REFUGEES: THE HELPLESS EVIDENCE OF MAN'S INABILITY TO LIVE IN PEACE

No one of us could suspect for a moment that there will be a quick end or easy solution to the problems of the world's refugees. We are engaged together in a continuing task which arises out of the ferment of the world's life. Every tremor in the political cultural and religious life of nations produces men and women and children who become the helpless evidence of man's inability to live in peace either with himself or his neighbor.

There was a time when, I am afraid, many of us thought of refugees largely in terms of those who were the result of the second World War. It is even quite possible that many people unfamiliar with today's world refugee problem still think in that vein. There have been 75 other wars since the end of World War II. Then, too, we became accustomed to thinking that our work with refugees was somewhat limited to the emergency relief phase. We thought if we solved the emergency problem our work would be finished. Now, increasingly, . . . our work has taken on a new dimension and utility. We are not only engaged in the essential first step of emergency relief and in broad programs of resettlement, but in unique and special ways in what is called "development" or "nation building."

We are discovering anew that the refugee, in the main, is a special kind of person and that his spirit of independence and enterprise is a contribution to his country of asylum that is simply immeasurable.

We are seeing with new clarity what we have always known to be true that the refugee is resourceful, energetic and ambitious. He is a person whom his fatherland can least afford to lose and who brings to the country of asylum the strength of body, mind and spirit which is required to build a new life and so contribute to the larger life economically and socially of his new homeland.

Looking back over the ten years since World Refugee Year, a decade marked by emergencies and convulsions of all kinds in the world, I marvel that in the face of public indifference, we have been able to continue, and, indeed, to increase our effort in behalf of the world's homeless. Because I marvel at this and am deeply grateful to the men, women and children all over the country who support us in our work, I believe that you, too, are deeply thankful and aware of the quiet and persistent support that you have had from the millions of private citizens who believe in you and what you do for the peace of mankind.

REFUGEES ARE AN INTERNATIONAL PROBLEM

We must all depend on the prowess of the Intergovernmental agencies working with refugees. Officers of these agencies addressed the National Conference. Following are excerpts from their statements:

UNITED STATES DELEGATE TO THE 24TH GENERAL ASSEMBLY OF THE UNITED NATIONS

(Mrs. Shirley Temple Black)

Since becoming a United States delegate to the United Nations General Assembly, I have found myself daily up against such realities, nose-to-nose, toe-to-toe. Among these are the realities attending certain refugee problems.

You all know that in the last five years alone, the number of refugees has more than doubled.

Small wonder when I look at the enormity

of the task and the zooming costs. I also look with profound respect into this particular audience, and beyond to the thousands of men and women who support our effort.

Your undiminished efforts to marshal and correlate the diverse resources of what we call the "private sector," and to blend them effectively with governmental and United Nations resources, this is the key.

Nor should we be dismayed by the obvious current shift of American attention toward the wrenching problems of our own poor and our own thwarted populations. Our own nation right now seeks to replace a welfare system that does not work well with one that can.

But I do not regard this shift of emphasis as simply competition at home for the resources you seek. I look at it as an extension of the opportunity for Americans to rise still further towards their ideals of humanity, and on a broader front.

It is not a question of doing more at home, and less abroad. It is a question of more skillful use of our available resources in the name of humanity.

I would urge my fellow Americans to give thoughtful attention to the Pearson Commission Report, which says, ". . . concern with the improvement of the human condition is no longer divisible . . . we live in a village-world . . . we belong to a world community." I know.

Occasionally, in history, one finds oneself in the right place at the right time. Fifteen months ago, almost to the day, I learned something about the cause and nature of the refugee problems, first hand.

I was in Prague, engaged alone in arranging for the Czechoslovak Republic to officially join a 19-Nation International Health Federation which I had helped form and direct. When the Russian and Polish tanks rushed into Prague, I was caught with many others, and we lived, unbelieving, through the initial days of bloodshed, stillness, and finally, occupation.

I learned with intimate and heart-rending clarity how a man and woman becomes a refugee. Around me there were decisions being made, some overt, some silent, but decisions which could redirect lives. Today, many of those who chose to flee have been given support and direction by private and public agencies represented here at the Conference.

In closing, may I underscore the obvious. Although our motivations are based on humanitarian instincts, the results of our interests and actions have profound political implications.

Our response to the refugee problem will bear heavily on matters affecting world peace, and the orderly structure of society.

The situation we face is not only of empty stomachs or vengeful hearts; it is a witches' broth of degradation, destruction, and death. And time is against us.

Your own statistics bear me out. We must all tighten our belts a bit, take a deep breath, and run back on the field. Let's not think in terms of *money*, but in cooperation. Let's think of the *effectiveness* of our effort, not the size.

It is a point of many-turnings for us all. It will mean redoubled work. I will help. Thank you.

THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

(Prince Sadruddin Aga Khan)

I feel that it is particularly timely that we should be gathered here for two days of studies in depth, which have been admirably mapped out in the documents that we received beforehand, at a time when we are celebrating the anniversary of World Refugee Year. A tremendous initiative—which brought together, not only so many governments, but the people in so many countries to clear the camps in Europe and to help refugees find permanent solutions.

I am also very grateful to all the voluntary agencies gathered here, sixty or more, for everything they have done to make the work of the non-operational organizations such as UNHCR possible. Had it not been for the truly remarkable effort of the agencies, both the national agencies and their international counterparts, solutions to refugee problems would have been practically impossible. It was through your sponsorship for immigration, through your interest in counselling in individual cases in Europe everywhere, and now elsewhere in the world, that we have been able, together with a great many other partners—all of which are here today I think, to find solutions to the plight of refugees.

I would say here that, in Europe, we hoped very much that we would no longer be faced with a refugee problem in the camps where so many people represented such a large accumulation of misery in the postwar days. But in Europe again we face a problem. As a result of the comparatively recent events in Eastern Europe, we do have today in the transient centers in Europe a number of refugees who are waiting permanent solutions—either in the form of integration or in the form of resettlement overseas. And here I would like to stress the need for continuous generosity on the part of the countries of immigration and, of course, the collaboration of the voluntary agencies.

Indeed, if it had not been for the remarkable generosity of governments like those of the United States or Australia or Canada; had it not been for the truly remarkable action taken by ICEM and its Director, John Thomas, we would be facing the danger of a new accumulation of refugees in the camps with all the stagnation, the instability and the unrest which this would bring to the European scene. I would like to express particular gratitude to the Government of the United States for the special measures which have been taken in this connection to avoid this accumulation, and, in this connection, my colleagues and I in Geneva are following with great attention and interest the bill which is being introduced by Senator Kennedy and Congressman Feighan.

Turning to this developing world, if you take Africa alone, we have there today one million refugees. They are from countries struggling to achieve independence, from countries who have already gained independence but have, as a result, suffered tribal strife and racial confrontations. We have refugees in individual groups—students who accumulate in the urban centers of Africa and who look towards the international community and towards UNHCR to furnish them with individual opportunities; with vocational training, education and opportunities to lead a useful life.

In Africa, the office has been concentrating in seeking permanent solutions in the field of rural integration. One cannot resettle hundreds of thousands of African refugees. One has to provide them with a solution on-the-spot until the time, hopefully, that they may return home. But in the meantime, we must not avoid the possibility of getting them work. We must not prevent them from being useful. We must not prevent them from working, cultivating land, producing what they need to ensure their becoming self-supporting. We must avoid the problem of stagnation in Africa. We must avoid the opening of camps. We must avoid getting refugees used to relief. This is why our work today is development work, and we are intermeshing our activities very much with the specialized agencies of the United Nations that deal with the economic and social development in the third world. We have found that by settling these refugees quickly, by giving them land, by giving them a chance to lead a normal life away from the borders of the countries from which they come, that we contribute not only to alleviate human suffering but also to peace and stability in the area. I think the figures speak for themselves. Out of this case load of approximately one million uprooted people, less than one hundred thousand are still on relief, and most of the others are self-supporting.

What I would like to say, ladies and gentlemen, is that all this has been made possible because of the humanitarian and non-political character of our action; because there has been an understanding on the part of the international community that what we were doing was in the general interest. This consensus finally expressed itself in a very dramatic way at the last General Assembly of the United Nations, where for the first time since 1951, when my office was established, the General Assembly passed the Resolution on the Report of the High Commissioner by acclamation. And so, I sincerely believe that we have come to a time when the voluntary agencies and UNHCR can reexamine their partnership, strengthen it, develop it in new areas, analyze the solutions which are possible to new refugee situations in Africa and Asia through our partnership where you all have such a key role to play, and at the same time, make sure that these solutions are not only useful for today but valid for tomorrow.

THE UNITED NATIONS RELIEF AND WORKS AGENCY

(Laurence Michelmore)

Yesterday the United Nations General Assembly began its annual consideration of the problem of the Palestine refugees. Twenty-one years have passed since the first United Nations debate on this question in 1948 when the Palestine refugee problem arose out of the war in the Middle East. In the meantime, the original group of refugees—estimated by the United Nations at the time to number some 700,000—has experienced its own population explosion and has doubled in size, to the present figure of 1,400,000. In the meantime, also, the fighting which had been cooled for a time by armistice agreements, erupted on a large scale in 1956, and with even greater violence again in the 1967 war when a further dimension was added to the refugee problem. Peace has not yet come to the Middle East, nor has a solution been found to the problems of the Palestine refugees.

Even while the war was still raging, in 1948, the United Nations Mediator, Count Bernadotte, called the world's attention to the humanitarian needs of the refugees—for shelter, food, and the other necessities of life. International assistance was quickly organized, through the United Nations and through other international and non-governmental bodies. Twenty years ago, the United Nations decided to channel its assistance through a non-political agency created for this purpose, the United Nations Relief and Works Agency for Palestine Refugees in the Near East or UNRWA. It was expected then that UNRWA would exist for only a short time, but its mandate has been extended repeatedly, and now runs to 30 June 1972.

Since it was established, UNRWA has received, and spent to provide assistance to the refugees, nearly $700 million. All of this money has come as voluntary contributions, mostly from governments, but some also from non-governmental organizations and private individuals. Of governmental contributions, the United States for many years provided 70 per cent of the total, but this ratio has dropped in the last few years, and this year will be about 56 per cent.

Twenty-one years have gone by, nearly

$700 million has been spent, the number of refugees has doubled, and the refugee problem has not been solved. What *has* been accomplished? What results *have* been achieved?

First of all, I think we should remind ourselves that although $700 million is an impressive total, it has been spent day by day over two decades, for an average of a million persons, so that however large the total, it represents less than 10 cents for each person per day.

For this amount, the refugee population has been helped to stay alive, and maintain reasonably decent health. Shelter has been provided to two-fifths of the refugees in UNRWA camps, at first in tents and later in huts.

After the hostilities of 1967, additional camps were established, giving shelter to about 100,000 of the Palestine refugees and others who were then displaced, and who had no other place to go. In these camps also, huts are now replacing tents. Food rations of flour, some other dry foods and cooking oil, providing 1500 calories a day, have been distributed to two-thirds of the refugees. Milk for school children, and supplementary meals for certain groups have also helped, but UNRWA's food assistance has always been less than the refugees required, and they have had to secure some of the food themselves.

With the assistance of the World Health Organization, UNRWA has maintained a health program of preventive medicine, sanitation and curative services. In the last year, there were over 6 million visits to UNRWA clinics. There has never been an epidemic, and the mortality rate and morbidity rates have been low.

In addition, and still within the average cost of 10 cents a day, a whole generation of young refugees has been provided with education. In this school year, 230,000 refugee children are studying in schools run by UNRWA with the professional guidance of UNESCO. This is an increase of 10 per cent above last year, and reflects the intense interest of the refugees, children and parents alike, in education. Another 60,000 children are studying at government or private schools, many with some financial assistance from UNRWA. UNRWA also provides teacher and vocational training at 10 centers, graduating 1700 young men and women each year, and it awards several hundred university scholarships each year to the most competent and deserving refugee students.

Perhaps the most outstanding feature of the UNRWA program has been the steady and rapid increase in education. The number of food rations issued has been limited by a ceiling, and has not increased over the years. Expenditures for all of the relief services—food, shelter, clothing, blankets, and hardship assistance—has remained fairly constant. Health expenditures have increased moderately because of the increase in the population served, and rising prices. But the number of children demanding education, and the cost to UNRWA of trying to meet the demand have increased much faster than the growth in the school age population. Increased costs of education add about $1 million a year to UNRWA's budget—even more this year. In 1970 education and training will take more of UNRWA's budget than the whole range of relief services (food, shelter, and so on).

The increased demand for education, plus rising costs of supplies and services, unaccompanied by sufficient additional contributions, have created a serious financial crisis for UNRWA, which faces a deficit of $4 million this year, and the likelihood of an even greater shortage next year. We have emphasized to the General Assembly the urgent need of adequate resources if UNRWA is to maintain its essential services for the refugees.

From everything I have been able to see and learn over the last six years, the suggestion that is sometimes made that the Palestine refugees are living in idleness on international charity is far from the truth. They are not indolent. They are eager for education and training, and they take advantage of any opportunity to work and to help support themselves and their families. Many thousands more have gone to work in Kuwait, Qatar, Abu Dhabi, Saudi Arabia and Libya. Many thousands of the refugee families have made slow but significant progress over the years towards their economic rehabilitation, although for many this progress was interrupted and set back by the 1967 hostilities.

UNRWA is concerned with the humanitarian problem of assisting the refugee. It is not a political agency, and it has not been given the task of solving the refugee problem, although UNRWA's aid, especially in education and training, should help the refugees to benefit from a solution when it is found. Other United Nations bodies, such as the Palestine Conciliation Commission, have tried to find a solution, and the United Nations General Assembly, and other United Nations organs have devoted much attention to the "Palestine question" and the problems of the Middle East. Many resolutions have been adopted, some calling for repatriation or compensation, or resettlement, or the return of those who fled after the 1967 hostilities. For the last two years, hopes have been focussed on Security Council resolution 242 of 22 November 1967, outlining the basis for a "just and lasting peace," and including as one of its elements "a just settlement of the refugee problem."

Unfortunately, those hopes have not been realized, and the situation in the Middle East has become more critical, with mounting tensions and stresses throughout the area.

In these circumstances, and until progress is made toward a "just and lasting peace," I believe that it is essential that UNRWA carry on, and be provided with sufficient funds to continue its assistance to the refugees. Failure to do so would have most regrettable consequences, imposing further hardships on the refugees, and creating additional difficulties for the search for peace.

THE INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

(John F. Thomas)

The Intergovernmental Committee for European Migration is a non-UN body governed by 31 member countries with headquarters in Geneva, Switzerland. It came into being following a meeting of concerned countries in Brussels in December 1951. Camps in many European countries were overcrowded with displaced persons from World War II activities and most of these countries were suffering from depressed economic conditions and, what was then called "surplus population." In the course of its seventeen year existence, ICEM succeeded in moving 1,680,700 migrants of which 804,897 were refugees to new lives mainly in overseas countries.

When I assumed the Directorship of ICEM in late February 1969, I had just completed giving guidance and leadership to two difficult refugee programmes—Cuban refugees in the United States and the refugees in South Vietnam. I found myself in the midst of another serious refugee problem, the numbers streaming into Austria, Italy and Germany from the East. Now, after ten months has elapsed, I am happy to report that the major part of this crisis has been met. The operations were difficult. ICEM staff, and the voluntary agency staff, worked long, long hours in meeting the needs of the people. Governments responded with remarkable demonstrations of understanding and compassion in stepping up the rate of intake of refugees. It is interesting to note that ICEM moved in 1968 50,987 refugees and in 1969 will move 58,000. In analyzing the figures for 1969, we find that only 18% of those moved are of Czechoslovakian origin. Taking the total refugee movement accomplished by ICEM, one will find that over 30 countries (by former nationality or place of birth) are represented. No, the refugee problem is far from being over in Europe.

It is the international community which sustains ICEM as a common migration machine. I am pleased to report that the machinery is functioning effectively. As I speak today, movements effected under ICEM auspices this year have passed the 75,000 mark and somewhat more than 50,000 of these have been refugees or displaced persons. By the end of the year, the total will have reached some 85,000 and it will include more than 58,000 refugees. What is required for a movement of this scope? It will have been necessary to make bookings from 66 different embarkation points on some 275 sailings and 1,700 scheduled air services, and to charter 210 aircraft. I can assure you, ladies and gentlemen, this also means that ICEM field missions are fully engaged in this task and ably supported at both the sending and receiving ends by the activities of many voluntary agencies.

THE NATIONAL CONFERENCE ON WORLD REFUGEE PROBLEMS

FINAL REPORT AND COMMENT

(R. Norris Wilson, Director)

First meeting on refugees in United States in 10 years

What to do about the world's homeless and largely forgotten people—the more than 17 million refugees in Africa, the Middle East, Asia and Europe—was the reason for the meeting. The place was Washington, D.C., the time Tuesday and Wednesday, November 18 and 19, 1969.

It was small, as conferences go. But, for the 325 people who attended the National Conference on World Refugee Problems involved a large part of their lives.

The two-day session marked the 10th anniversary of 1959's World Refugee Year and the first meeting devoted exclusively to world refugee problems to be held in the U.S. since that year.

It was not a time for self-congratulation, but rather for introspection, a time to review common problems, and a time to renew the attention of the American public to the continuing plight of refugees, to the immediate needs of the refugees, and to the efforts that must be made now and sustained for years.

It had been a long decade since that Conference in 1959. And just as there had been drastic changes in those ten years in every corner of the world and in almost every segment of society, in technology, in space exploration, and in the environment, etc.—so had there also been drastic changes in the world refugee problem.

Ten years ago when 80 countries—members of the United Nations—participated in World Refugee Year and raised more than $80 million in special funds for the resettlement of some 15 million refugees, mainly in Europe, many of those who specialized in refugee affairs thought that with this magnificent effort the problem of the world's homeless would be solved.

That particular refugee problem had been solved—or was on the way toward being solved. But by 1969, there was in Asia, in Africa and in the Middle East, practically an entirely new body of refugees—and a new effort was needed to solve the problem of the "new" homeless. The world's refugee population grew from seven million to seventeen million in the period 1964–1969.

What could the seventy private American voluntary organizations with refugee service programs do to help this new body of refugees? Equally important, what could they do to reawaken a diminished American interest in the problems of the refugees abroad?

To find the answer to these questions, the leaders of our organizations decided to convene the Nation Conference on World Refugee Problems—and planning for the Conference began in February 1969.

Planning the conference

What do we hope to accomplish? This was the basic question facing the Planning Committee, as it struggled with definitions and objectives. It decided that the Conference would have several major goals.

The Conference would provide for agency representatives to consult with one another and with their colleagues in government and intergovernmental organizations on matters of mutual concern. (Thirty-seven consultants, representing United States Government agencies and intergovernmental organizations concerned with refugee service, joined in the Conference, as did observers from a number of private American organizations—foundations, business corporations, and others interested in international affairs.)

It was the hope of the Planning Committee that the new problems, which had arisen during the decade and which the agencies had been trying to solve, could be given a forthright airing and that, on the basis of this discussion, certain guidelines for present and future programs suggested.

The Conference hopefully would reawaken the interest of the American public in the increasingly large and complex problem of refugees around the world, both in its humanitarian aspects and from a point of view of our national interest. The agencies were convinced that the problems that they are trying to face in the seventy-one asylum countries are "hidden" from the eyes and, therefore, the hearts and minds of the general public in the United States.

It was felt that at a time, when public attention was being drawn to the need for a reappraisal of American national priorities and goals, the problems of the world's homeless should also be spotlighted with new vigor and clarity. The tragic decline of support by the United States Government for foreign aid programs, and the growing indifference of the Congress and of the public in the increasingly serious economic gap between the developed and the developing world were not, the Planning Committee felt, unrelated to the "hidden" aspects of the refugee problem. It was hoped by the Planning Committee that the Conference would attract the attention and support of Governmental authorities and the media, and that ways would be found to reassert the urgent need for a new and realistic look at human needs around the world.

The Conference also would hopefully produce a more lively interest in the problems of refugees among the members of the Congress. With this in mind, the Planning Committee urged sponsoring agencies to invite their Senators and Representatives to be their guests and participate in the Conference.

And certainly it was hoped that the Conference would be a useful demonstration of citizen interest in the world wide problem of homeless peoples.

Planning the conference program

It was decided that the agenda and program of the Conference would be built around panel discussions by distinguished representatives of the agencies—private, government and intergovernmental—as well as the general public. The panelists' view, it was felt, could provide a stimulating basis for general discussions on such subjects as:

The Problem of Definition. What is a refugee? Can we arrive at a common definition? What are the criteria for determining need and service? What is "new" in the refugee problem in its world setting?

Refugee Assistance Programs. Patterns of inter-agency cooperation. Who is responsible for maintaining care and assistance programs through the various stages from emergency relief to development and independence? If, as is commonly said, the refugee problem is a "hidden" problem in the United States, why is this so and what can be done to remedy it?

Citizen Participation. How can a citizen participate more fully in overseas assistance programs? How can we preserve a "humanitarian" motivation when it conflicts with local (overseas and domestic U.S.A.) political consideration and/or the "National Interest"? How can the private agencies play their most effective role in cooperation with governmental and intergovernmental agencies? What are the advantages/disadvantages of multilateral and/or unilateral approaches to refugee problems? What new steps should be taken to improve the mutual efforts of intergovernmental, governmental and private agencies?

The Role of the Congress in Refugee Problems. The interest of the House and Senate has been primarily concentrated upon the immigration of refugees into the United States. Since this is not a solution for most of the refugee problems in the world, and, since the national interest is so deeply involved with refugee problems in Asia, Africa and Latin America, how can Congressmen and Senators help to bring into focus, and aid in solving, the problems of the great majority of refugees around the world?

At the conference

Participation in the general discussions following panel presentations was lively and fruitful. Because of the pressure of time, a number of important problems alluded to in discussions, both by panelists and members of the Conference, were not fully aired and no consensus was registered in respect to them.

The Drafting Committee, which was in session throughout the Conference, took note not only of the panel presentations but also of the group discussions which followed. The Committee was somewhat handicapped because it had to make its findings solely on the basis of the deliberations of the Conference while it was in session, and the Conference, because of its brevity, was unable to deliberate with concentration on many important problems.

The 1970 issue of the *World Refugee Report* includes excerpts from the Background Papers, which had been prepared and circulated to the members of the Conference in advance, and also excerpts from statements of many of the participants. Copies of many of the Conference documents are available from the office of the United States Committee for Refugees.

The conference findings

The report of the Drafting Committee, which was unanimously approved by the Conference at its closing session, contained a general analysis of the current refugee problem and made specific recommendations as follows:

Issuance of State Department "White Paper" on Refugees. The Conference emphasized that a major problem for the agencies on all levels was the fact that the American public, in general, is almost totally unaware of the size, complexity and seriousness of the world's refugee problem. As a partial answer to this problem, it was urged that the Department of State prepare a "White Paper" which would delineate the involvement of the United States in various refugee problems and the rationale for these involvements. It was urged that the paper be written with public distribution in mind.

Comment—Almost immediately upon the adjournment of the Conference, Secretary of State William P. Rogers agreed that a "White Paper" produced by the State Department in line with the Conference proposal, would be generally useful and that the Department would be glad to prepare it. The State Department staff from the Office of Refugee and Migration Affairs are now at work assembling the data for the report. It will include information about the deployment of United States funds for the support of internationalized programs through the United Nations and the Intergovernmental Committee for European Migration and also programs of unilateral direct assistance through Government and private agency facilities. It will provide information on the historical and policy background of all such undertakings. It will also provide a description of the involvement of various offices in the Department of State. In the view of many of the voluntary agencies, new and more succinctly coordinated facilities must be provided for these widely scattered activities. American people, generally, and even the private agencies concerned, are in large part unaware of the scope of the United States Government involvements. The "White Paper" should provide a fresh basis for improvement and, if it need be, expansion of these activities. Since it is true that in almost all cases Government and private agencies work in partnership in their services to refugees overseas, the publication of a "White Paper" will help the private agencies to plan their programs and to deploy their resources with more assurance and agility.

Involving Youth in the Refugee Problems of American Organizations. Recognizing the need to involve the youth of the nation in the refugee service problems of the agencies, it was proposed that agencies, represented in the Conference, working with one another, send teams of young people, under twenty-five years of age, to visit major refugee areas during the summer of 1970. It was understood that the young people who make such visits would, on their return, report their impressions to the agencies and, in whatever ways possible, to the American public at large.

Comment—One of the persistent notes that was sounded in the Conference, both in its formal sessions and in corridor talk, was the absence of youth in the Conference itself, and its lack of involvement in the problems of refugees. Almost plaintively, the Conferees admitted to their "seniority" and the problem of involving new and younger leadership, both on the side of program planning and administration in the United States and in staff services overseas. With admirable candor, it was generally admitted that no way had been found, except in rare cases, to train a new generation for leadership, either stateside or overseas.

Of course, the role of the younger generation is a matter of searching concern in every facet of our common life. The Secretary-General of the United Nations, U Thant, has noted that "the majority of the people in the world have been born in the United Nations age and when the United Nations celebrates its next birthday in October, 1970, two billion people, out of an estimated 3.6 billion, will not as yet have reached the age of twenty-five." The Secretary-General further notes that these are the inheritors of the United Nations which was organized in 1945 "to bring about these very things about which the young people are struggling today."

Notice was given at the Conference that the Planning Committee of the United Nations Twenty-Fifth Anniversary Celebration was projecting a "Youth Assembly" of some 600–700 representatives to be convened in July of 1970. Our feeling is that the proposal of the Conference to send deputations of young people to visit major refugee areas during the summer of 1970 should be proposed to this assembly, and that the visits should be undertaken under the joint auspices of the private sector organizations working with the United Nations refugee facilities. The delegates should be international delegates and not simply Americans. They should make their visits as representatives of the Youth Assembly, a delegated body of the world's youth, which had reached a consensus that the problem of the world's homeless are a

worldwide problem and that their generation had a decisive role to play in its solution. This proposal is, in important ways, an amplification of the Conference's suggestion. It would require that agencies' representatives meet with the United Nations Planning Committee and work out inter-agency plans for, among other things, itineraries, funding, selection of candidates and briefings by governmental and intergovernmental bodies.

Press U.S. Government for Increased Funds for Refugee Needs. Recognizing the crucial importance of Government funding for refugee service programs, and the tragic decrease of Government funds available for these purposes in spite of the crying need, the Conference urged member agencies and private citizens to press upon our Government the need for increased funds. The Conference noted a special and critical need for funds to meet emergency relief needs of refugees upon their arrival in countries of first asylum.

Comment—The Conference repeatedly stated that the decline in Government funding available for refugee service programs and emergency relief for refugees over the last few years was keyed to the general decline in United States commitments for foreign assistance. The reasons for this run deep to several elemental facts of American life. Most obvious, our involvement in Vietnam is a root cause. Our consequent inability or unwillingness to cope with major crucial problems on the domestic scene is also a root cause of this decline.

On the other hand, we all know, and have known for the past twenty years, that we cannot turn our backs on the world's need and that, as Harland Cleveland has said, "If there was ever a time when we Americans could expect to live in manorial splendor in the midst of a global slum, that time is certainly long past." We know this, and yet the leadership of our Government and our private agencies has been powerless to stop the desperately serious drift in precisely this direction.

The Conference Findings proposes that, as far as refugee service programs are concerned, increased new funding which would more adequately represent American citizen interest and participation in these programs, should be found. The Conferees know, however, that *all* of the ships in the harbor rise and fall with the movement of the tides and that it is quixotic to hope that *only* refugee programs will receive new funding. There will be more ample funding for refugee programs—when there is more ample funding for all of the programs that represent our country's determination to play our role as a leader in the family of nations in a more mature and responsible way. In other words, we cannot blame the Congress, when the State Department, through its fiscal offices, makes a decision to down-grade refugee programs and, we can hardly blame the State Department for these decisions if the American people, speaking through their private sector agencies, give acceptance by their indifference.

It was good to hear Congressman Celler of New York agree that there should be a special Committee in the House of Representatives which would be a counterpart to the Senate Sub-Committee on Refugees and Escapees. We think that this would be a most helpful and constructive new device. The Committee would bring members of the Congress into more intimate and persistent contact with refugee problems which reach far beyond the consideration of immigration into the United States.

Beyond this, if there arose new and lively interest in the problems of the world's homeless, and it was recognized in the Congress that these problems were related to the national interest, then the problem of funding for intergovernmental and State Department programs might be partially solved.

Initiate Public Information Campaign in the United States about "The Refugee Story." Recognizing the tragic need for public information about, and sympathy for, the world's refugees, the United States Committee for Refugees in cooperation with the American Council of Voluntary Agencies for Foreign Service was asked to undertake a new and continuing effort to "tell the refugee story" through the mass media and to help our citizens understand the decisive role American private voluntary agencies are playing in their services to refugees around the world.

Comment—We think that this "point 4" from the point of view of the Conference objectives is, in many ways, the most important. The last decade has seen a sad decline in the interest and understanding of the American people for the problems of refugees. Their numbers around the world have increased from seven million to seventeen million in the last five years. Precisely while this shocking increase was taking place, our interest in the human problems involved has all but disappeared. We all agree that every refugee problem is a political problem but this is not the main fact in regard to it. The main fact is that it is a human problem involving men, women and children who need help of the most elemental kind and who should get it because another human being has sympathy for his plight. Basically, this means that the programs of the private agencies, depending as they do on the private contributions of money from individual Americans, and governmental and intergovernmental programs, depending as they do on tax money awarded on the basis of representative consent by Congress, are at root based on the understanding and generosity of individual Americans.

"Telling the refugee story" is nothing more nor less than reaching the imagination of our fellow citizens and persuading them to share, because there is need and because their sharing is the only real source of help there is.

Undertaking the "new and continuing effort to tell the refugee story" is the main business of the United States Committee for Refugees and all of the sponsoring organizations of the Conference but in order to bring new energy and impact to this task we must find a cooperative rationale for it among the agencies themselves. Just disseminating information about refugee problems is not enough. "Telling the refugee story" means the dissemination of reliable information but it also means answering the public's question, "What can I do to help?" In other words, appealing for funds. We have frequently said that the problem of the world's refugees is a "hidden" problem. It is not really a "hidden" problem, it is just an incomprehensible problem—and our efforts to make it comprehensible are too diffuse, partial and unspecific. All of us, representing the agencies in the private sector, are aware of this because we compete with one another for support from the general public and, therefore, work anxiously to tell our own stories. So, our competition, good in many ways, has had the effect of preventing any strong, united and sustained national effort. We believe that it would be most helpful, both in increasing public awareness and in making resources available for agency programs, if there was an annual public concentration of attention on the problems of the world's homeless. We wish that we might all unite in an effort like the Protestant "One Great Hour of Sharing"—using mass media as fully as possible—perhaps at Thanksgiving time. Such a united effort would not replace, it would fortify and support the promotional and public information efforts of each of us. An appeal for help, made in such a concerted effort, would rest on the needs of the refugees and on the needs of the American private agencies which are seeking to help them. We agree that intergovernmental agencies should get their basic support, if not all of it, from governments. The major point is that there are seventeen million refugees and that the American private agencies are seeking to help them with wholly inadequate funds. New and more adequate funds must come from the private citizen who believes in the traditional right and duty of the American citizen to be helpful to those in need.

We think, moreover, that a concentrated effort of this kind would not be unnoticed by our Government and that it would have a positive effect on government funding.

A comment: the unfinished business of the conference

There were a number of important problems which, for lack of time, simply did not come into focus in the Conference. These problems were not ignored in the discussion groups or by the panelists but there was no consensus formed in respect to them. They are included as part of this report because they are an important part of the daily life of many, if not all, the agencies.

Refugee students

African students in very large numbers have come to the United States for both general and special college and university education. They are, in many cases, refugees who have been granted exit permits by the countries in which they had found asylum. Many of these students, having completed their training, now find that they cannot return to these countries nor, of course, to the countries of their exile. They are, thus, in a kind of international limbo and their daily problems and future problems have become the problems of the private agencies. In addition, there are large numbers of Nigerian students sponsored by their own Government which, because of war, has been unable to fulfill its commitments to them. Recently and especially, the needs of students from the so-called "Biafran enclave" have left the agencies with a sense of baffling inadequacy.

Many felt the Conference should have made a serious study of these problems and devised means for interagency cooperative efforts towards their solution.

Community development and leadership training

Some agencies specialize in training leadership cadres for various kinds of social welfare services. Other larger agencies carry on programs of this kind as a part of their general activities. There was a strong but inarticulated feeling in the Conference that these activities, which bear so heavily on the future of refugee resettlement programs, should have had full discussion. We believe that the training of key leadership, whether for medical, educational, agricultural or other programs, is one of the unheralded triumphs of the private voluntary agencies. Probably no single contribution of the agencies means more than the development of indigenous leadership of this kind. It is one of the tragedies related to the "hiddenness" of the refugee problem in the United States that these crucially important and encouraging programs of the private agencies seldom come to the public's attention.

Contingency planning for South Vietnam

A major interest shared by many of the agencies are the foreseeable problems which will face them with the cessation of hostilities in Vietnam. The objectives of the war effort, debatable as they have been, will surely never materialize if, in the period after the fighting ends, there are no plans and programs directed to the major problems of the civil population in Vietnam. More than thirty American organizations are at work there now. Surely, their work is thought to be a part of the war effort by the Vietnamese people. What effort is being made to devolve social welfare, medical and other programs upon leadership in the private sector in Vietnam? Each agency is at work in its own way but there is little evidence that there is inter-agency planning for the day

when the fighting has stopped and when the Vietnamese people have begun to build themselves into nationhood. American and other private agencies are making a valiant effort to assist the Vietnamese with the care of orphaned children, the rehabilitation of the physically handicapped, the right and provident use of land, etc., etc., but it is not clear what these agencies are planning for the day when the fighting shall have ceased and the South Vietnamese are, at long last, free and able to shape their own destiny. Plans for the "Vietnamization" of medical, social welfare, educational activities for the period of reconstruction should be laid *now* on a unified and coordinated basis. The leadership of the Vietnamese people has made great progress in the development of social welfare services during the war, but every effort should be made to protect and nourish these beginnings through the normal disorder of the post-military period.

Patterns of cooperation

Intergovernmental programs, such as that of the United Nations High Commissioner for Refugees, have a certain life of their own. They rest on mandates from the United Nations General Assembly or some other intergovernmental body, but their effectiveness depends on the cooperation and support of private citizens through their organizations. The Conference paid far too little attention to the problems which this "partnership involves." Some delegates in the Conference expressed the hope that the private sector organizations in the United States might find a way to have more direct representation and liaison with the planning and administrative bodies responsible for the programs of the intergovernmental agencies. It was suggested that the Secretary of State might appoint a "public member" to become a part of the United States delegations to these controlling bodies.

A summing up

The Conference was, in many ways, a milestone in the life of the sponsoring agencies. It provided a "unique mix" of the leadership from private, governmental and intergovernmental bodies and the interchange of opinion between these partners in a common enterprise was extremely valuable. The Conference made no provision for further formal deliberations but it laid the groundwork for new associations and it opened the possibility of new forms of cooperation.

It is evident that further discussion should be had on much of the unfinished business of the Conference. The Officers and Conveners are left with a heavy burden of responsibility to insure that the effort, so well begun, should not be lost. We believe the decade of the seventies should see the solution of some of the refugee problems which should now trouble the peace of the world. We think the American Community, through the agencies its citizens have created for these purposes, will assume this responsibility. The agencies must lead the way.

The United States Committee for Refugees, Convener of the Conference, expresses again its deep appreciation to all the participants for their contributions, to the Co-Conveners. The American Council of Voluntary Agencies for Foreign Service, Inc. and the American Immigration and Citizenship Conference, for their assistance along the way, to the State Department for its cooperation and encouragement and, especially, to the Secretary of State for his generous hospitality in honoring the Conference membership at a Department reception.

1969 WORLD REFUGEE POPULATION—17,318,320 HOMELESS—VICTIMS OF WAR, INTOLERANCE AND SOCIAL UNREST

Country of asylum	From	1968	1969	Source
East Asia:				
Australia	Czechoslovakia	37,000	44,000	UNHCR.[1]
Do			992	ICVA.
China	Russia	1,000	10,000	UNHCR.[1]
Hong Kong	China	2,020,000	2,035,000	USCR.
Macau	do	86,000	73,000	ORM.
New Zealand	Eastern Europe	500	3,000	UNHCR.[1]
East New Guinea	West New Guinea	6,000	6,000	Freedom Comm. West Papua.
Southeast Asia:				
Bhutan	Tibet	6,000	6,000	ORM.
Cambodia	South Vietnam	20,000	20,000	UNHCR.[1]
India (Calcutta)	East Pakistan	2,000,000	2,000,000	CWS; USCR.
India	East/West Pakistan	1,000,000	1,000,000	ORM.
Do	Tibet	50,000	55,000	UNHCR.[1]
Indonesia (W. Borneo)	China	60,000	60,000	WCC; ORM.
Do	National[2]	80,000	40,000	ORM.
Laos	do	245,000	260,000	ORM.
Nepal	Tibet	8,000	8,000	UNHCR[1]; ORM.
East/West Pakistan	India	500,000	260,000	ORM.
Sikkim	Tibet	5,000	5,000	ORM; Office of Tibet, USA.
South Vietnam	National[3]	1,092,500	1,197,143	ORM.
Thailand	Burma	30,000	30,000	New York Times.
Do	China	7,300	7,300	ORM.
Do	North Vietnam	40,000	40,000	ORM.
Various countries in Asia	Europe	2,000	2,000	UNHCR.[1]
Total, Asia		7,296,300	7,162,435	
Middle East:				
Dubai	Zanzibar	200	200	ORM; UNHCR; USCR.
Gaza Strip	Palestine	265,000	307,714	UNRWA.
Israel	Various countries	52,000	52,000	USCR.
Do	Poland	3,200	2,000	Jewish News.
Jordan (West Bank)	Palestine	475,000	271,796	UNRWA.
Jordan (East Bank)	do	494,000	489,762	UNRWA.
Lebanon	do	166,264	171,517	UNRWA.
Do	Armenians		253	ICEM.
Syrian Arab Republic	Palestine	249,537	154,285	UNRWA.
Do	Circassians (USSR)		8,000	USCR.
Turkey	Bulgaria; Rumania; USSR; Yugoslavia; Albania	2,000	2,000	UNHCR.[1]
Various Middle East Countries	Various Middle East countries		350,000	USCR.
Various Middle East Countries	Europe	10,000	10,000	UNHCR.[1]
Total, Middle East		1,717,201	1,819,527	
North Africa:				
Morocco		2,686	3,000	UNHCR.[1]
United Arab Republic	Europe	500	500	USCR.
Do	Sinai; Gaza Strip	45,000	45,000	UNRWA.
Do	S. Africa; S. W. Africa, Rhodesia; Mozambique	500	500	USCR.[3]
Northeast Africa:				
Ethiopia	Mozambique	11	11	USCR.[3]
Do	Somali Republic	70,000	70,000	Ethiopian Government.
Ethiopia	S. Africa; S. W. Africa; Rhodesia	30	30	USCR.[3]
Do	Sudan	22,000	20,000	UNHCR.[1]
Somali Republic	French Somaliland	12,000	12,000	(Conference Document, Addis Ababa, 1967 (unconfirmed).
Do	Ethiopia	189,000	189,000	
Do	Kenya	218,000	218,000	
Sudan	Congo	9,000	7,500	ORM.
Do	Ethiopia (Eritrea)	31,000	38,000	UNHCR.[1]
Central and East Africa:				
Angola	Congo	2,000	2,000	ORM.
Do	Zambia	4,500	4,500	ORM.
Burundi	Congo	25,000	20,000	ORM; UNHCR.[1]
Do	Rwanda	54,000	72,000	UNHCR.[1]
Central African Republic	Congo	12,300	5,000	ORM; UNHCR.[1]
Do	Sudan	28,600	19,500	ORM; UNHCR.[1]
Congo, Dem. Republic of	Angola	400,000	475,000	UNHCR.[1]
Congo	Haiti[4]	1,500	1,500	USCR.
Do	Rwanda	24,000	24,000	ORM.
Do	Sudan	40,000	66,000	ORM.
Do	Zambia	20,000	15,000	ORM; UNHCR.[1]

Footnotes at end of tables.

1969 WORLD REFUGEE POPULATION—17,318,320 HOMELESS—VICTIMS OF WAR, INTOLERANCE AND SOCIAL UNREST—Continued

Country of asylum	From	1968	1969	Source
Central and East Africa—Continued				
Kenya	Rwanda	50	50	USCR.
Do	South Africa	450	450	USCR.
Do	Sudan	200	200	USCR.
Malawi	Mozambique	20,000	15,000	ORM.
Do	South Africa	30	30	USCR.
Rwanda	Burundi	12,600	12,600	CRS.
Tanzania	Congo	6,000	6,000	ORM; UNHCR.[1]
Do	Kenya	2,500	2,500	LWF.
Do	Malawi	600	600	CRS.
Do	Mozambique	27,000	33,000	UNHCR.[1]
Do	Rhodesia	20	20	USCR.
Do	Rwanda	13,500	14,000	ORM.
Do	Sudan	600	600	ORM.
Uganda	Congo	34,300	34,000	ORM.
Do	Rwanda	68,800	70,500	ORM.
Do	Sudan	64,500	71,500	ORM.
Zambia	Angola	11,500	8,000	ORM.
Do	Congo	1,200	300	ORM.
Do	Mozambique	2,600	3,600	ORM; USCR.
Do	Other S. African countries	350	350	USCR.
Southern Africa:				
Botswana	Angola	1,000	4,000	UNHCR.[1]
Do	S. Africa; S.W. Africa; Rhodesia	200	200	ORM; EPEAA.
Lesotho	South Africa	200	200	USCR.
Swaziland	S. Africa; Mozambique	90	90	USCR.
South Africa	Czechoslovakia		612	ICVA.
West Africa:				
Cameroon	Nigeria	500	500	USCR.
Dahomey	Ivory Coast; Senegal; Mali	12,000	12,000	EPEAA; ICMC.
Do	Nigeria	700	700	UNHCR.[1]
Equatorial Guinea	do		40,000	UNHCR.[1]
Gabon	do	1,000	1,000	UNHCR.[1]
Ghana	Cameroon	50	50	UNHCR.[1]
Nigeria/Biafra	National[2]	3,500,000	3,500,000	WCC.
Senegal	Portuguese Guinea	61,300	63,000	ORM.
Togo	Nigeria	20	20	UNHCR.[1]
Various African countries	South Africa	6,000	2,500	ORM.
Total, Africa		5,061,487	5,026,213	
Europe and United Kingdom:				
Austria		24,000	24,000	UNHCR.[1]
Do	Czechoslovakia; Poland	19,213	11,834	ICEM.
Belgium	Eastern Europe	47,000	47,000	UNHCR.[1]
France	E. Europe; N. Africa	192,000	187,000	UNHCR.[1]
Do	Tunsiia	23,000	23,000	JDC.
Do	Spain	100,000	100,000	SRA.
Germany	Czechoslovakia	1,728	4,652	ICEM.
Do	Eastern Europe	180,000	110,000	UNHCR.[1]
Greece	do	12,000	8,000	UNHCR.[1]
Italy	Czechoslovakia	325	1,793	USRP.
Do	Eastern Europe	13,558	13,000	UNHCR.[1]
Do	North Africa	2,500	2,500	ORM.
Netherlands	Eastern Europe	9,500	8,000	UNHCR.[1]
Spain	Cuba	21,000	23,740	UNHCR: ICEM.
Sweden	Eastern Europe	20,000	17,000	UNHCR.[1]
Switzerland	Tibet	495	600	Swiss Government.
Do	Eastern Europe	20,500	20,500	ICVA; Swiss Government.
Do	Czechoslovakia		10,000	Swiss Government.
USSR	China	70,000	70,000	U.S. Senate Hearing Rept.
United Kingdom	Various Countries	167,000	16,1000	UNHCR.[1]
Yugoslavia	Albania	26,000	26,000	UNHCR.[1]
Total, Europe and United Kingdom		949,819	869,619	
Western Hemisphere:				
Argentina	Chile; Bolivia; Paraguay	1,000,000	1,000,000	N.Y. Times.
Bahamas	Haiti	15,000	15,000	N.Y. Times.
Canada	Czechoslovakia	10,000	10,000	CSM.
Dominican Republic	Haiti	5,000	5,000	IRC.
Puerto Rico	Cuba	14,938	14,938	DHEW; ORM.
Do	Haiti	5,000	5,000	IRC.
United States	Czechoslovakia		1,800	CSM.
Do	Cuba	430,700	493,300	ORM.
Do	Hong Kong		918	ICEM.
Do	Tibet	70	70	Office of Tibet, USA.
Do	Haiti	6,000	6,000	IRC.
Do	Various countries	550,000	550,000	UNHCR.
Various Latin American Countries	Cuba	45,500	48,500	ORM.
Do	Europe	125,000	110,000	UNHCR.
Total, Western Hemisphere		2,207,208	2,260,526	

Note: See summary below:

TOTAL WORLD REFUGEE POPULATION

Area	1968	1969
Asia	7,296,300	7,162,435
Middle East	1,717,201	1,819,527
Africa	5,061,487	5,206,213
Europe and United Kingdom	949,819	869,619
Western Hemisphere	2,207,208	2,260,526
Total	17,232,015	[5]17,318,320

Key to abbreviations:

CRS–USCC—Catholic Relief Services-United States Catholic Conference.
CSM—Christian Science Monitor.
CWS—Church World Service.
DHEW—Department of Health, Education, and Welfare, U.S. Government.
EPEAA—Ecumenical Programme for Emergency Action in Africa (All Africa Conference of Churches).
ICEM—Intergovernmental Committee for European Migration.
ICMC—International Catholic Migration Commission.
ICVA—International Council of Voluntary Agencies.
IRC—International Rescue Committee.
JDC—Joint Distribution Committee.
LWF—Lutheran World Federation.
ORM—Office of Refugee and Migration Affairs, Department of State, U.S. Government.
SRA—Spanish Refugee Aid.
UNHCR—United Nations High Commissioner for Refugees.
UNRWA—United Nations Relief and Works Agency for Palestine Refugees.
USCR—United States Committee for Refugees.
USRP—United States Refugee Program.
WCC—World Council of Churches.

[1] These figures, as of October 1, 1969, represent the estimated number of refugees in each country (whether resettled or not) subject to the protection and/or assistance of the Office of the United Nations High Commissioner for Refugees. In nearly all cases, other agencies confirm these figures.

[2] Refugees in their homelands who, because they have not crossed an international border, retain citizenship.

[3] These figures represent a small but significant number of refugees from southern African states seeking employment or educational opportunities.

[4] In April, 1967 there were reported to be 1,500 Haitian refugee teachers working in the Democratic Republic of the Congo. No change has been reported.

[5] At any moment, there are many thousands of refugees in transit whose movement to asylum countries is now accomplished quickly enough to obviate the need for temporary "refugee camps". For example, 4,000 persons per month are moved from Cuba into Miami and out to new homes in a matter of days. Similary, refugees from behind the Iron Curtain are being processed so rapidly and so efficiently that their numbers do not enter our calculations. Only refugees that are VISIBLE can be accounted for.

MIGRANTS

It is important that the above statistics be studied with the following points in mind:

The total of 17,318,320 refugees in temporary asylum in all parts of the world does not include a very large number of people who are migrants. For example, we know of the presence of one million persons who have moved from Chile, Bolivia and Paraguay to the outskirts of Buenos Aires in Argentina. They are refugees in the sense that they have no proper travel documents and also because they are, for the most part, jobless and homeless—in other words, in need of most of the services normally thought appropriate and necessary for refugees.

Many tribal people in Africa are migratory. Their traditional and customary movement in search of fresh pasture land is accepted as normal. It is true, however, that due to the almost universal ferment of Africa's new life, the normal migration of these people creates problems similar to the problems of the refugee.

RETURNEES

There is a radically increasing number of persons who are being deported to the countries of their ethnic origin. Indians who have lived in Burma—some for generations—Indians who have lived in Ceylon or East Africa, are being returned to India. Often their properties are confiscated before their deportation and they arrive in great need. They are not refugees in the strict sense because they have Indian citizenship.

Great numbers of Chinese in Indonesia are being similarly treated although their return to Mainland China is often impossible. Perhaps the more familiar instance is the departure of Jews from Egypt and other North African countries.

While "returnees" do not figure in the calculation of refugee population around the world, refugee services—that is, homes, jobs, etc.—must be provided for them.

MAJOR REFUGEE PROBLEMS CRAWL TOWARD SOLUTIONS

Analyses of key refugee problems were prepared by experts in each field and circulated to Conference delegates in advance. These extracts provide valuable background information:

THE MIDDLE EAST REFUGEE PROBLEM

(Dr. Harry N. Howard, Adjunct Professor of Middle East Studies, The School of International Service, American University, Washington, D.C.)

The Arab-Israel conflict of June, 1967, once more, threw Middle East tensions into sharp relief, highlighted the problem of the Arab refugees, brought it again into the focus of international attention, and added some 400,000 people to the relief rolls in that troubled area, about one half of whom had previously been refugees.

There has been rather little indication, during the period of 1948–1969, that either Israel or the Arab States are ready for any formal peace settlement of the more general Palestine problems or that the Arab refugees since the minimum requirements on either side are greater than the other has been willing to concede.

By the end of May, 1967, prior to the tragic events of May-June, there were 1,344,576 Arab refugees on the United Nations Relief and Works Agency for Palestine Refugees in the Near East registration rolls, of whom 860,951 were full ration recipients, as compared with 957,000 when UNRWA assumed its responsibilities on May 1, 1950. By 1969 there were some 1,375,915 refugees on the UNRWA registration lists, of whom some 844,000 received full ration. Geographically, they were distributed as follows: *East Jordan,* 478,369; *West Jordan Bank,* 269,065; *Gaza Strip,* 307,824; *Lebanon,* 168,927; and *Syria,* 151,730.

About two-thirds of the refugees are in the age group of 1–25 years, 24 percent in that of 25–50, and 12 percent 50 years or above. Some 40,000 reach maturity annually. While precise date are difficult to obtain, as in many large-scale operations, UNRWA has estimated that some 40 to 50 percent of the refugees are destitute or nearly so, 30 to 40 percent are partially self-supporting, but still in need of UNRWA aid, and some 10 to 20 percent appear to have been reestablished. While the percentages have varied since 1967, it may still be observed that about 40 percent of the refugees live in UNRWA centers or camps, although the average varies, and in Syria, for example, less than 16 percent do, as compared with about 65 percent in the Gaza Strip, 44 percent in Lebanon and 32 percent in Jordan.

Granted the underdeveloped state of their economies and the paucity of their basic resources, it is altogether probable that the Arab host countries absorbed as many employable refugees as was possible during the period since 1948.

It is doubtful that the problem in the Gaza Strip, with refugees constituting about 70 percent of the total population of some 400,000 people and a density of some 3,600 per square mile, can be solved outside some general political settlement.

UNRWA was not established to "solve" the refugee problem, much less the more general Palestine problem.

Today UNRWA is the largest of the United Nations subsidiary agencies, with a staff of some 12,434,198 percent of whom are Palestinian refugees. There are 108 international staff members. About 6,822 members of the staff are engaged in education and training, 2,988 in the health services.

There can be no doubt that UNRWA has contributed much to such stability as existed in the Middle East, as did UNTSO and UNEF, which operated in the security field, and helped to maintain a climate in which social, economic and political forces which might solve the problem in its various aspects might work more effectively.

Following the conflict of June 1967, as noted above, UNRWA was faced with a very serious new emergency, involving some 400,000 people, about one-half of whom had been refugees before.

By 1969 a critical situation once more had developed. There was little indication of general settlement or adjustment in the broader aspects of the Middle East conflict. While the needs of the refugees continued, UNRWA faced a continuing financial crisis, with the prospect of being forced to cut its services, especially in the field of education and training.

THE HONG KONG REFUGEE PROBLEM

(Wells C. Klein, General Director, International Social Service, American Branch Inc.)

There is no refugee problem in Hong Kong today, although a conservative estimate suggests that more than 30 percent of the Colony's four million people are refugees in the political sense of the term. This seemingly contradictory statement is explained by the fact that the difficulties faced by refugees are essentially no different from those confronting the rest of the population. Their problems derive from poverty, a general and relative condition affecting others as well, and not from their geographical origin or political persuasion.

Statistics on the number of refugees in Hong Kong vary considerably depending on the definition one wishes to use. For today's purposes, however, differentiating between refugees, those who left their homes for reasons of feared or actual political persecution, and other immigrants to Hong Kong over the past two decades has little practical utility. Over the years, some have sought, for lack of understanding or political reasons, to label anyone who arrived in Hong Kong after World War II as a refugee. Others, including the Government of Hong Kong, have never recognized the term refugee and have referred to all new arrivals as immigrants, either legal or illegal. From the Government's point of view, this latter approach has had a certain pragmatic value in terms of dealing with the serious problems resulting from explosive population growth.

If Hong Kong presented a haven for hundreds of thousands of refugees, as it clearly did, it can also be said that the refugees were, in many respects, the making of Hong Kong. Refugees were one of the fundamental elements which permitted the transformation of this commercial entrepot on the rim of China into a highly organized and still expanding industrial society within the short span of fifteen years. The refugees not only constituted a reservoir of cheap labor but also brought with them the managerial talent, skilled labor and entrepeneurial instinct which represented the basic human resources necessary for rapid industrialization. The catalyst needed to transform potential into reality was provided by the Korean War and the subsequent U.S. embargo on mainland Chinese goods. Hong Kong's laissez-faire economy, with its low cost factor based on refugee labor, was able to respond rapidly and compete successfully on the world market even against such formidable low-cost goods producers as Japan.

Although the industrialization which was taking place during the 1950's and 1960's provided the economic base from which Hong Kong was eventually able to alleviate many of its most immediate social problems, there was a substantial time lag before the benefits begun to filter down. The rich got richer far more rapidly than the poor saw any change. Four years of Japanese occupation during World War II had left Hong Kong's housing, medical facilities, educational system, municipal and social services in a dilapidated state from which the Colony had no time to recover before the first massive waves of refugees began to arrive.

The quadrupling of population in less than twenty years created requirements the Colony could not possibly meet, and the refugees, though treated equally, were the latest arrivals and stood furthest to the rear in line. The simple provision of food, clothing and shelter taxed the Colony's resources and the population's ingenuity to the utmost.

Voluntary agencies and local charitable organizations were exemplary in their efforts to provide food, clothing and medical assistance to the city's poor. They also approached the housing situation with highly innovative development schemes, but the magnitude of the problem dwarfed their efforts.

Today Hong Kong is finally emerging from the emergency situation of having to provide food, clothing and shelter for some 2 million "immigrants." The burden has been heavy but in some respects it also provided the impetus which has brought Hong Kong a level of prosperity it never previously enjoyed. Much remains to be done in the areas of education, medical and social services, and it is apparent that the Government will have to step into all these areas, as it did in housing, if real social progress is to be made.

THE VIETNAM REFUGEE PROBLEM

(Ambassador Ellsworth Bunker)

Some 3,500,000 people—roughly 20 percent of the total population of South Vietnam—have sought refuge from the war raging around them or from the harassments of the Communists during the past five years. Almost all of them have taken refuge in the South. Virtually no one has gone North. Many have been helped in reestablishing a new life in a new location. Many have returned home as soon as security conditions have permitted. One million still are refugees.

This is not the first time in history that refugee problems have plagued the Vietnamese people. Refugee migrations have oc-

curred with more than accidental frequency throughout the course of Vietnamese history. In fact, the entire Vietnamese nation has been on the move for the past two thousand years.

Refugees in Vietnam today frequently have been caught in the crossfire of fighting around them and fled from it rather than from systematic oppression. These displaced persons, although called Refugees from Communism by the Government of the Republic of Vietnam (GVN), ironically are more apolitical than were refugees during the 1950's. Today's so-called refugee in Vietnam is more aptly described as a "war evacuee" inasmuch as he has in effect, fled from a combat zone in search of security. He has not crossed an international boundary.

Essentially, the current refugee problem dates from the fall of 1964, although some small refugee movement started earlier. (In fact, all those who became refugees after January 1, 1964 are officially recognized. But the scope of the challenge did not emerge until the latter part of the year.) Ironically the problem was initiated not by an act of war but by the most devastating flood in modern Vietnamese history, which inundated vast areas of the countryside in the northern coastal provinces and left about one hundred thousand people homeless in the fall of 1964. The South Vietnamese Government at that time, weakened by *coups d'etat* and politico-military disintegration, was unable to keep the ravaged areas from being occupied by the Viet Cong. Consequently these flood victims formed the nucleus of a hard-core refugee population which by early 1969 had peaked to a level of some 1.5 million people.

The war in Vietnam, by virtue of its permeative, "frontless" nature, has created a refugee problem that exists in virtually every province of the country. Wherever the war is intense, so is the refugee situation, and implicit in this fact is the solution to the refugee problem itself. Wherever the level of combat has subsided and GVN or Allied Forces have restored territorial security, refugees are returning home. Territorial security is the inescapable *sine qua non* for refugees. This basically affects the ultimate solution of the problems and this is why it cannot be fully accomplished until the shooting stops.

The United States finances the major portion of the refugee program, and maintains a 95-man advisory group to assist and advise the Ministry of Health, Social Welfare and Relief (MHSWR). The U.S. provides Vietnamese piasters as a direct subsidy to the MHSWR program budget and U.S. dollars and piasters for purchases of refugee commodities which are consigned to the MHSWR. Financial and logistical support is also given to voluntary agencies participating in refugee and relief programs. U.S. financial support from all sources in 1968 approached the equivalent of 60 million dollars.

There are 31 voluntary agencies from 26 countries currently operating in Vietnam.

Twenty-one of the 31 registered agencies are devoting their full time to refugee-assistance programs. Five more agencies have part-time refugee programs. Voluntary agency contributions and expenditures in Vietnam total over 20 million dollars annually. Approximately 12 million dollars of this total is channeled into refugee assistance. The U.S. and GVN provide additional support by contracting with voluntary agencies which are directly engaged in refugee relief and related social services. The dollar value of this assistance for FY 1969 is $3,825,000.

At the present time, these registered agencies have over 500 U.S. and other foreign employees working with a full-time Vietnamese staff of approximately 2,000.

Editor's note: In a cablegram to the State Department, for transmission to the National Conference, Ambassador Bunker said that "progress in refugee program has been so substanetial that we believe updated information on salient statictics might be useful to those officers who will attend the meeting." He went on to state: "Whereas paper reported the million refugee caseload then existent, figure by end of October had been reduced to 537,827. This includes 126,602 in temporary sites, 147,631 in resettlement process and 172,534 outside centers. October was record month in which 67,178 were resettled in place and 201,358 out of campers were processed and removed from rolls."

THE TIBETAN REFUGEE PROBLEM

(Ernest Gross, Chairman of the Board, The Tibetan Foundation)

Compared with the millions of refugees in South-East Asia, the problem of Tibetan refugees may be a small one with regard to numbers. However, the problems of the Tibetans are uniquely difficult. While other groups of refugees often find themselves in a country whose language they understand and whose technology and way of life are familiar, the Tibetans arrived in countries having different languages and altogether different ways of life.

The Government of India, together with several American and international voluntary agencies, has given generous assistance of land for resettlement, food, clothing and medical supplies. Thanks to their continued help over the past ten years, today the problem of resettlement is halfway toward solution.

In India, about 14,000 have been resettled in agriculture, 3,400 have been absorbed in small industries and about 900 have found employment in various Tibetan handicraft centers.

In Nepal, about 2,400 people have been resettled in agricultural and handicraft centers.

In Bhutan about 1,800 people have been settled on land.

In Sikkim about 750 people have been resettled in agricultural and handicraft centers.

About 700 Tibetan refugees have been successfully resettled in Switzerland as factory workers. Approximately 200 Tibetans are scattered in other parts of Europe, America and Japan where they are mostly receiving educational and vocational training. This leaves a total of about 30,000 Tibetan refugees in India, Nepal, Bhutan and Sikkim who are yet to be resettled. In addition to this, 100–200 new refugees cross into India every month.

The majority of unsettled refugees work on road construction. There are about 95 road construction camps of which 75% are in the Northwestern part of India, and 25% in the Northeastern part of India, Bhutan and Sikkim. There, both men and women working as construction laborers, digging and carrying stones on their backs, earn about 30 cents per day. They live a constantly shifting life, in remote mountainous areas, in tents which give little protection against the cold winter weather. Because of the arduous conditions, only a few small children, numbering about 3,000, live with their parents. A larger group of over 5,000 children of road-workers are accommodated in residential schools and nurseries far away from their parents.

Most of the road-workers have been leading this kind of life ever since they fled from Tibet. Now they long to resettle themselves permanently as farmers or craftsmen so that their children can live with them and have a place to call their home.

66% of the unsettled refugees were farmers in Tibet, the rest being nomads, small traders and monks. Experience has shown that the best solution to the problem of Tibetans still lies in agriculture. This is a quick and simple solution. There is no training involved, apart from guidance needed for improved methods of production. Marketing poses no problem and with the availability of credit facilities to tide over the past harvest season, the farmer is assured of a regular income.

Plans are, therefore, underway to establish more such land resettlements in India, Nepal and Bhutan.

Aside from general rehabilitation problems, there are old and handicapped people who are unable to work. For those who have families, the solution is simple—they are looked after by the working members of the family. But for those who have no relatives, the solution is extremely difficult.

On the education front, the Tibetan School Society, an autonomous body under the Indian Ministry of Education, is presently running 7 boarding schools for a total of 4,170 children and 6 day schools for 1,736 students. However, there are still some 1,200 children between the ages of 6–13 who are not receiving any education at the moment.

THE AFRICAN REFUGEE PROBLEM

(Jan S. F. Hoogstraten, Director, Church World Service, Africa Department, National Council of Churches of Christ, U.S.A.)

Apart from the need to seek a quick solution to this human tragedy—it is also imperative for the sake of peace and tranquility in a large developing area of the world that the rest of the world participate in seeking such solutions and measures to prevent the spreading of this potentially dangerous cancer. True enough: this is first and foremost an African problem created largely by political tensions in Africa. Therefore, the solution to most of the refugee problems in Africa can only be found by solving the political problems which caused refugees to become flotsam on the waves of the political storms of African life in the late sixties. Charity alone is not enough; understanding of the "root" issues and a sense of purpose and direction are also needed.

The churches have traditionally been active in alleviating the plight of those who fled their countries of origin in order to avoid oppression, suppression, arbitrary imprisonment and tribal persecution. Refugees are unpopular as they face isolation, rejection and possible loss of their identity as individuals. This is especially true among these individual refugees who do not fit into rural settlements in Burundi, Tanzania and Central African Republic, or who have failed to fend for themselves. Among those who encounter greatest difficulty are the young men and women who have had some education before they become refugees. They are young men and women with imagination and enterprise—potential leaders, who are simply unable to settle into agricultural village life. Many have become vagrants—moving from South African countries to and thru the great cities in East Africa, looking for work and opportunities for further education and training.

While for most refugees African asylum countries must continue to bear the major burden of resettlement, it is obvious that concentrated assistance from outside will remain necessary for a long time to come.

The solution, however, lies in Africa itself. The great question is will tolerance, the growing influence of the Organization of African Unity and a better acceptance of the potential value of the refugee for the country of asylum, will these constructive forces come into play soon enough? If so, then the development of Africa, the use of its vast potential in resources and manpower for the benefit of all its people will become a reality in an atmosphere of peace and tolerance transcending the tribal and present national borders.

THE CUBAN REFUGEE PROBLEM

(Charles Sternberg, Executive Director, International Rescue Committee, Inc.)

There are about 600,000 Cuban refugees, nearly 10 percent of Cuba's population. Refugee sources estimate that about the same number have been actively considering leaving Cuba. No voluntary refugee movement of such proportions has ever been recorded before.

There are sizable Cuban colonies in most Latin American countries and in Spain. But the mass of the refugees have sought, and found, a haven in the United States, about 500,000 of them. For ten years now, with variations according to the availability of permits and transportation facilities they have been coming here at a rate of 50,000 a year. This, too, is unprecedented.

They are a cross-section of Cuba's population, although there was a higher than random representation of professionals, managers and business people in the first phase of the program and there are more blue-collar workers now. Omitting housewives and children, the refugees who arrived in Miami after the resumption of the Airlift show the following occupational distribution: professionals, semi-professionals and managerial personnel: 19 percent; clerical and sales employees: 33 percent; skilled, semi-skilled and service workers: 42 percent; agricultural workers and fishermen: 6 percent. Contrary to the widespread belief that Cuba's refugees are the former rich or the erstwhile supporters of Batista, this data proves conclusively that they come from all strata of Cuba's society and that as of now they are largely of working-class background.

By the end of September 1969, the four voluntary agencies responsible for the resettlement of Cuban refugees reported that two-thirds of all those processed in Miami had found new homes outside of Dade County. And of the 166,000 Airlift arrivals since December 1, 1965, 119,000 had been helped to leave Miami for one of the fifty states, Puerto Rico or the District of Columbia. That's 70 percent.

This emphasis in presenting the story, though certainly factual and correct in its details, has nevertheless obscured the less attractive side of the Cuban experience, such as the frequent downgrading of newly arriving refugees. Too many Cubans have been working at jobs beneath their real qualifications, either because of their limited English or lack of American training, or sometimes because of restrictive policies of some professional societies. And the statistics about the occupational background of the newly admitted Cubans do not reveal that there are now more people over 60 among the newcomers, more people with health problems, fewer people who speak English and more one-parent families.

In evaluating the fact that 10 to 15 percent of the Cuban refugees in the U.S. receive one type or another of public welfare support, one has to keep in mind that they are mainly the old, women with dependent children, and the disabled, who account for about 70 percent of those on welfare at any given time.

It has remained one of the positive factors of the total Cuban refugee picture, perhaps as meaningful as the drive and self-sufficiency shown by those who can stand on their own feet, that employable Cubans have gone off welfare quickly and that they have, as a rule, not developed the syndrome of dependence.

As Cuban refugees continue to come to our shores, the United States, for the first time in contemporary history, has become a country of first asylum. In all other post-war programs a selective principle was at work which applied qualitative criteria to the admission procedures and thus did not have the broad sweep which characterized the Cuban influx.

Next to Dade County in Florida, the New York/New Jersey metropolitan area, California (Los Angeles), Puerto Rico, Illinois (Chicago), Massachusetts (the Greater Boston area), and Louisiana (New Orleans) have become the major regions of resettlement.

THE EUROPEAN REFUGEE PROBLEM

(John E. McCarthy, Executive Director, Migration and Refugee Services, United States Catholic Conference)

The year 1968, as does 1969, convincingly demonstrates that the refugee problem in Europe is, unfortunately, far from being solved. Although the major event relating to refugees is, no doubt, the considerable increase in arrivals of Czechoslovaks in the several asylum countries, it must be stressed that there is a striking overall increase in the number of refugees seeking opportunity to start a new life in the immigration country of their choice. This statement is borne out by the fact that the total refugee movement was more than 40 percent higher in 1968 than that which occurred in 1967, 67 percent higher than that in 1966, and projections for 1969 indicate no immediate relief.

The Intergovernmental Committee for European Migration moved 50,987 refugees during the year 1968 and an analysis of the areas from which they originated shows that about 57 percent came from Eastern European countries and some 29 percent from the Middle East. The remaining 14 percent were Cuban refugees departing from Spain, where they found temporary asylum after leaving Cuba.

In the first 8 months of 1969, 35,000 refugees have been moved by ICEM. Taking account of the number of potential refugees in the asylum areas of Western Europe, one can conservatively estimate the number at 40,000. Add to the current rate of influx of new refugees at 4,000 per month—the answer is more and more and more people need help. It is very clear that all of us will be called upon to move as many, if not more refugees in 1969, as in 1968—greater numbers than at any time since 1956–57.

The events in Czechoslovakia in August 1968 led to an unusually high influx of Czechoslovakia into Western Europe. Together with those Czechoslovaks already outside their country at the time of the crisis (estimated at some 80,000), the additional arrivals presented difficult problems to countries of Western Europe, especially Austria, which received the major part of Czechoslovaks crossing the borders of their homeland.

A FAR MORE COSTLY WAR THAN VIETNAM: THE UNKNOWN WAR IN THE SUDAN

(By Lawrence Fellows)

A CASE STUDY—HOW A REFUGEE PROBLEM BEGINS

Most of our readers know how the Cuban refugee problem was created and what caused the current flow of Czechoslovak refugees into West Europe, but the origin of many refugee problems listed in our Statistical Review is either lost to sight or fallen from memory.

We are reprinting here Mr. Lawrence Fellows' account of the Sudanese war published in September 1968. His account was distributed as a background paper for the National Conference on World Refugee Problems. We believe the situation as described by Mr. Fellows has not changed, unless for the worse.

What Mr. Fellows did not say was that the awful warfare which he describes has produced a refugee problem involving 177,800 people at January 1, 1970. They have fled from the three southern states in the Sudan to Ethiopia (20,000), the Central African Republic (19,500), the Congo (Kinshasa) (66,000), Kenya (200), Tanzania (600) and Uganda (71,500).

Also, what Mr. Fellows did not say was that this war is not only fought in the villages and the bush in the Sudan, but it is fought also by clever and persistent diplomacy and intimidation and this diplomatic phase of the war is adversely affecting the welfare of refugees whom the world is trying to help resettle in the countries of their asylum.—*The Editor.*

KHARTOUM, THE SUDAN.—A Sudanese Army captain lay sprawling out of a wicker chair on the covered deck of the steamer El Mirrech. He was half-asleep and rolled uncomfortably as the steamer and its half a dozen barges made their way down the upper reaches of the White Nile, bumping from one bank of matted vegetation to the other in a fetid, mauve-green sea of reeds. The captain's long, white robe clung to his skin where the perspiration had soaked through. He had been reading, but the oppressive heat and the heavy progress of the steamer were overpowering and his book lay open on its crumpled pages on the deck by his chair.

When the barges started to heave up onto the bank at one sharp bend in the river, the sun crept up to his eyes and he half-consciously sheltered them against the hard light. The cables groaned and snapped like great, cracking whips and the waves pushed out by the sidling barges rushed hissing into the reeds. We knew we would hit the bank hard. Yet the captain seemed startled by the bump when it came. He sat bolt upright and, still not really awake, tried to concentrate on a plume of smoke rising from a distant point on the horizon. It might have been nothing more than a camp of Dinka tribesmen burning off the coarse grass so that fresh grass for their cattle could come up later. It might also have been a village burning after an army raid, or perhaps after a raid by the Anya'nya rebels. A frown deepened on the captain's face, and he looked away.

"Oh," he said, "I had already forgotten about the war."

It is easy enough to forget about the savage, awful war that has raged through the three southern provinces of the Sudan for the last six years. It is a war that involves neither foreign ideologies nor foreign powers, fought over distant and isolated territory of no special economic value, and by Africans with medicines. They do not even have salt. African priests and merchants who still move around a bit in the south reckon there can hardly be a family left that has not lost someone.

"Half a million dead," reflected Hamid Ali Shash, the soft-spoken, intense looking commissioner of Equatoria Province, flush against Uganda and the center of the rebellion. He was shaking his head.

"Half a million," he said. "That's one in six, or one in eight. No, it cannot be. It must be less."

"How many?" I asked.

"I don't know," he said. "How can anyone know?"

Certain knowledge about anything in the Sudan is hard to come by. It is extremely difficult to gauge the progress of the rebellion, both because the Khartoum Government does not normally allow outsiders, including journalists, free access to and around the south, and because this war—like Vietnam's, without definable fronts—is largely a matter of ambush, political murder, occupation and pacification, where the allegiance of the countryside is always uncertain. But indications are that the Government in recent months has managed to make considerable progress in isolating the Anya'nya bands, opening

thin corridors of authority along the major roads and, through soldiers and police, keeping the peace in many newly established villages.

How long the rebellion can stay under control is anybody's guess, and the Government is hoping fervently for a continuance of the disunity and tribal antagonisms that have plagued both the political and military sides of the Anya'nya. But it is clear that the guerrilla force has won overt allegiance from many southerners and tacit support from many more because it expresses their very real and long-standing religious, racial, tribal, economic and historical grievances against the northerners. As long as these grievances remain unsatisfied, the brutal business of guerrilla war will continue for years to come.

In the barges, northern and southerner did not talk to each other, but neither did they argue. When they ate, Arab and African leaned together over the sides, stripping sugar can with their teeth, spitting the chewed-out pulp into the water. Sometimes the soldiers would watch the southern women nursing their children, listen to their plaintive songs, study the carefully patterned scars that decorated their backs and chests. When a woman stood and loosened her robes to rub ghee over her body, the Arab soldiers turned discreetly away, looking out into the river.

Only the Nile and a long, unhappy history tie together north and south. As a British colony, the Sudan had value only as a buffer for the strategic Nile, and hence Egypt itself; in fact, the British made the south part of their colony only to keep the French away from the headwaters of the Nile.

British rule extended only slowly over the south, but the British decided the area had to be closed off to Arab influence from the north. Christian missions were made responsible for education. Northern merchants were excluded from the south, Greek and Syrian traders encouraged. Northern clerks and officials were transferred back to the north. Arabic patios and Arabic names were discouraged. One zealous district commissioner even forbade the sale of Arabic clothing.

After World War II, in the rush to independence, this policy gave way. The southerners were suspicious of the northerners, and hesitant about throwing in their lot with them, but in the end they had no choice. The British began to withdraw. Northern merchants and civil servants flocked into the south. Few southerners got jobs; probably few were eligible, but the south grew morose and a demand welled up for some form of federation to protect southern rights.

At Nazara, on July 26, 1955, half a year before independence, a mob of southerners demonstrated against some mass dismissals from a cotton-growing and processing scheme. The soldiers sent to quell them lost their nerve and fired into the mob; northern merchants stood beside the soldiers, firing with them.

Three weeks later more trouble came. In the garrison of the Equatoria Corps an Arab officer drew his revolver and shot an unruly African soldier. The African soldiers went on a rampage and swept through the province killing every northerner they could find. Men, women and children were butchered or whipped and skinned and hung from trees. Northern troops were flown to the south to restore order, but not until hundreds had been killed. The whole south was locked under emergency regulations which are still in effect.

The rebellion failed. The mutiny had been unorganized and leaderless and not even the southern politicians in Khartoum had supported it. But it left hundreds of African soldiers armed, vengeful and scattered in the bush.

The military regime that took over power from the inept politicians in Khartoum in 1958 tried to bear down on the south, but only made things worse. Talk about federation was banned, and the southerners began thinking of secession. Fighting finally broke out again in 1962, villagers dug ditches in the roads or felled trees across them to immobilize the army. The next year, the Anya'nya was formed and the rebellion enveloped the whole of the south.

In 1964 the army regime fell. The caretaker government that took over was more acceptable to the southerners, but there seemed to be no turning back. A cease-fire was proclaimed, but it did not work. When Mohammed Ahmed Mahgoub took over as Prime Minister in 1965, he pursued a hard line with the rebels. There were fierce massacres of civilians in Wau and Juba. Refugees were pursued in the bush, and sometimes across the borders. Every village school in the south was destroyed, and there were more than 500 of them. The mission stations were shot up and sometimes bombed.

This spring southerner Ottiafano Amauro returned home to his village of Liria, to his father and his family. After six weary years with the Anya'nya he had had enough. Not that he liked the Arabs of the north any better than any other southerner. He knew from his childhood all the old stories about the 19th-century Arab raids for slaves and ivory. He had been cheated by Arab merchants and had suffered the brutal excesses of Arab soldiers and policemen. He had no wish to become a Moslem or wear the loose-wrapped turban and long, white robe that might help ease him into the fringes of the establishment. He just wanted to be let alone.

Ottiafano had been a corporal in the Sudanese Army at the time of the army mutiny in 1955 which had first set north against south. He and all the 140 other southerners in his company stole 12 army trucks, headed for the Uganda border and walked across as refugees. He wandered back to the Sudan in 1959, heading for Liria, and was thrown into a Sudanese jail. After a month he was let out, then stayed at home until the Anya'nya rebellion started.

In 1963 he was captured by the Anya'nya in a field outside his village. Of the 75 men in the gang that captured him, two had rifles. The rest were armed with spears, clubs, bows and arrows. Because of Ottiafano's military training, they pressed him into service as a lieutenant, and gave him one of the rifles—a Chinese .375 that was built to hold five cartridges, but jammed if more than four were put into it.

Eventually his group was reduced to seven men—five lieutenants and two privates. All had rifles. They roamed usually through the dense forest around Yei, near the Uganda border, living on the game they could shoot, possibly on the food they were given by villagers or stole from them. Ottiafano refuses to talk about that, or about the battles he had with the soldiers. But when he finally gave himself up this year, he would not surrender to a soldier. He waited in the forest at the edge of Liria until a policeman walked by. Then he surrendered.

The Anya'nya followed him to the village a few months ago, and shot his father and 10 other villagers in revenge before the army chased them away.

Most of the southerners are Nilotic, with scars drawn on their deep-black faces to distinguish them by tribes—the Dinka, the Nuer, the Shilluk, the Annuak. They live in the marshes with their beloved long-horned cattle, and care for little else. Some live by nothing more than hunting crocodiles, or burning the marsh grass to catch and eat the rats when the come skittering out.

Usually they wear nothing, and smear their bodies with mud when they are in the marshes, to discourage the mosquitoes that choke the hot, evening air. But when the Dinkas clamber into the barges on the river, they wear their best: half-shaven heads daubed with earthy hues of orange or red, ears powdered white, necklaces of blue-dyed beads, perhaps a shawl to cover the shoulders. One Dinka wore a wrist watch and nothing else.

Along the southern borders are the smaller tribes, Sudanic, Nilo-Hamitic or Nilotic: the Bari, the Moru, the Azande, the Madi, the Acholi, the Latuka and dozens of others. Some of the tribes have cattle, but most of them in the forest areas are cultivators of the most primitive sort—planting cassava or durra, occasionally raising chickens. Many were never reached by the missionaries. Some never saw a white man before, and when one came they touched his skin and looked under his shirt to see if he was white all over. Almost all of these tribes are represented in the Anya'nya.

The President of the Southern Sudan Provisional Government, Aggrey Jaden, is a mission-educated Bari tribesman. His Vice President, Camillo Dhol Kwach, who once served as a member of the Sudan's Parliament, is a Dinka. The Minister of Finance, Tadeo Bidai, is a Zande. The Minister of Education, Othwonh Dak, is the son of the Shilluk king.

All the tribes are represented, too, in the military side of the Anya'nya, but it doesn't take much imagination to picture the generally primitive state of their weapons and organization. The guerrillas began by raiding police posts and army garrisons for their guns and then in 1964 bought and bartered from the Congo rebels the very same weapons the Sudanese had shipped through in a vain effort to support that rebellion before it collapsed. Today, however, the army has tightened its control, the Congo is quiet and the rebels do not come by weapons so easily; ammunition is especially scarce.

There are always weapons floating around Africa as items of barter, but they usually have to be paid for. The Anya'nya collect taxes in most places in the south, even where the Sudanese Army feels it has really good control, but the rebels lose when they exchange the Sudanese money; in Nairobi, for example, they get 10 shillings for a pound. Some church groups collect money for them abroad, but very often it arrives in the form of food and medicine, and these things are useless to an army that needs sometimes five or six months to get things from one remote point to another.

Other troubles are plaguing the rebels' organization these days. Though the Anya'nya claim now to have an army of 5,000 men, to think of it in terms of an organized force of that size would be wildly wrong. The Sudanese Army probably with more than 12,000 troops in the south, has broken the Anya'nya into isolated bands, sometimes of only three or four men. Without effective central command, the guerrillas live like brigands, sniping at army convoys when they have the chance, raiding villages that refuse to give them food or recruits to go with their rebel army as soldiers or bearers or wives. There are incidents almost every day; any place in the south can be unsafe if a rebel or two happen to be in the area. But only rarely now can the Anya'nya muster the resources to make a sustained attack on a police post or an army garrison, or lay a really deadly ambush for northern troops or for southerners they feel have gone over to the other side.

Col. Tafeng Lodongi, the commander of the rebel army, is a Latuka tribesman, a former corporal in the Sudanese Army who never went to school, a very bitter man. Not long ago two nieces of his, Veronica and Angelica, were taking part in a funeral dance, after an

army raid on their village. A second army patrol drove into the village during the dance, and asked the village headman if there were any of Colonel Tafeng's relatives there. When the headman presented the two girls, the officer in charge of the patrol drew his pistol and shot them dead.

The northerners live in a world apart. They look to Cairo, not Juba; their interests lie more in the Arab world than in black Africa. It is as if the vast swampy region between them and the south were a stone wall.

They are Nubians and Jaalin, who live on the watered banks of the Nile where it courses through the northern desert to Egypt. They are Hadendoa and Amarar from the rugged hills on the Red Sea coast, who trace their ancestry through lines of fierce warriors to the Fuzzy-Wuzzies who fought the British and to the Blannyes who fought the Romans. They are the Baggara, who hunt on horseback for lions and elephants on the western plains; and the Kabbabish, who wander into the southern reaches of the Libyan desert, living for months on nothing but the milk and meat of their camels.

Some are very dark, for over the centuries the Arabs have moved, in conquering armies or as hunters of ivory and men, into all but the most remote and inaccessible regions of the south. They have taken their wives from around them, and the differences in color and facial characteristics now are very often blurred. Because of this, the racial issues are too obscured to be an explanation of the savagery of the war.

Yet the northerner lives in an Islamic culture and is proud of his Arab connections. He can scorn the southerner today as his ancestors did only a few generations ago, his ancestors who captured pagan tribesmen and shipped them in chains to the slave blocks of the Middle East, leaving a bitter residue that survives today.

"We are not slave traders," said Hamid Ali Shash, the Commissioner of Equatoria. "Perhaps our grandfathers were. But they were not the only ones. It doesn't matter. We want to impress on the people that they have nothing more to fear. How else can we get them into the villages? How else can we begin the task of reconstruction?"

He sounded worried. He was an intense man who worried about the task as he worried about a lot of things, the unending rain, the time it took the coffee to arrive for the guest in his office.

In Juba, I met a nervous, well-dressed man, a Kresh tribesman far from home, headed for Khartoum; he hated the Arab's world, but he was venturing into it to seek his fortune. Together we watched women running to a dance starting in an open field, looking gay in their printed cotton dresses and bare feet. We could hear the drums beating and the sad, shrill voice of a woman. These people were not of his tribe, and their songs must have been different. Yet he was reminded of one, and sang along quietly in halting English:

> I don't like you,
> But you keep calling me.
> What for?

A love song, he said. Rather, sometimes it was a love song; that is what they always told the Arabs who asked. Really, it was a song about the slave trade. He knew nothing more about the slave trade than what his grandmother had told him by the cooking fires at night. Now it was wrapped up in the traditions of bitterness in his tribe, in the secretive instincts, the lingering suspicions. There were other words, he started to say, but he was listening again to the music, and started singing again:

> The man is still calling me
> And I do not like him.
> My mother, I am the only dead one
> Here in this town.

Some signs of normality are now evident in the troubled south. Southerners can be seen walking along the roads these days, at least near the villages in the army's narrow corridors of newly established, still tenuous authority. At the Juba ferry, southerners cross to the west bank of the Nile with bundles of thatch, reed mats and baskets of grain to sell in the Juba market. On the east bank a squat old woman ladles *marisa* out of five-gallon cans and sells the thick, vinegary brew to the people crossing back from the market with their hard-won pisters. Not so long ago there would have been nobody in sight.

The northerners in the Government in Khartoum seem to be making an effort to return to normal, too. White missionaries are still kept out of the south, but two Tanzanian priests—Father Barnabas Temu and Father Mark Riwa—have just been permitted to take up teaching posts in the Theological College at Malakal and help minister to the untended flocks of Roman Catholics in Upper Nile Province.

In Equatoria Province, schools have been reopened in Juba and half a dozen big villages. Schools are an indication of the Government's good intentions. They also indicate, more accurately than the army reports, the areas that can be considered fairly secure.

In Bahr el Ghazal the thin lines of apparent security stretch outward from the provincial capital of Wau for several hundred miles eastward, some 50 or 60 miles north and west. In Upper Nile, the quietest of the three provinces, the rebels appear to be blocked into a narrow margin of territory behind the swamps close to the Ethiopian border.

I traveled 50 miles eastward from Juba to the village of Liria, where the authorities are hoping to open another school. I could travel only in a military convoy. At one time, this stretch of road was broken in a dozen places by deep trenches and vehicle traps, but the army engineers have it open now. We stopped when we saw a trail of vines and branches scattered across the road, but it was nothing. Perhaps a rhinoceros had crashed across the road toward some real or imagined enemy. Farther along, a tree lay across the road, but there was no ambush; probably the work of an elephant.

The Anya'nya were on this road last November, at the end of the rainy season, burning off the elephant grass by the road before the grass was completely dry. By burning early they made it impossible for the army to set the grass afire when it was completely dry and thus clear the whole roadside of hiding places. Little clumps of grass were still standing, possible cover for the Anya'nya, which the army had not got around to clearing out. But no one fired at the convoy that day.

At Ngangala, on the way, a new village was being built under the watchful eye of the army. It was the only village on a stretch that used to be full of them.

At Liria itself, there were 6,000 people in a village that looked like almost any other. There were no fortifications, no barbed-wire barriers thrown around. There were 10 policemen and 25 soldiers living in their own camp on one side of town. Eventually, the soldiers were to be withdrawn and the police force enlarged. It would have to be quiet around Liria for a long time before the police, too, could be withdrawn.

There had been a stampede to get aboard the El Mirrech steamer at Juba; there had been at every landing. Old women and children were thrown from the narrow gangplank in the clamor; everywhere people seemed to be grasping at outstretched hands, grabbing eggs or chickens or canes of sugar, arguing about money. Some merely wanted to get aboard as passengers, and they tumbled against the side of the barge or fell into the river. Police whacked them with sticks, canes and lengths of knotted rope in a hopeless effort to maintain order.

"We treat them like animals," the army captain on the deck said, long after the steamer had moved out of the vast expanse of melancholy swamp, and the sea of reeds had turned to desert. Only a few palms and acacias grew by the river, where the water soaks into the banks. The clouds had disappeared from the sky and it was steel blue, but it ought to have been another color—orange or red—for it burned mercilessly on the barren landscape. The fine sand was driven by the wind into a wild, tireless whirlwind that skidded erratically over the hot surface.

"The devil is dancing," the captain said, watching the desert. "He will make me forget."

REFUGEE SERVICE AND RELIEF OGRANIZATIONS

Seventy-seven agencies are joined in a cooperative effort extending a helping hand around the world.

Agencies working with refugees all have distinctive forms of service. The Voluntary Agencies are at work in 119 countries and on every continent, often in active partnership with Governmental and Intergovernmental bodies. All agencies invite the reader's further inquiry.

I. INTERGOVERNMENTAL AGENCIES

Office of the United Nations High Commissioner for Refugees: United Nations Plaza, New York, New York 10017.

United Nations Relief and Works Agency for Palestine Refugees: United Nations Plaza, New York, New York 10017.

Intergovernmental Committee for European Migration: 370 Lexington Avenue, New York, New York 10017.

II. U.S. GOVERNMENT

Department of Health, Education and Welfare: Welfare Administration, Washington, D.C. 20201.

Department of State: Office of Refugee and Migration Affairs, Washington, D.C. 20520.

Department of State: Agency for International Development, Voluntary Foreign Aid Service, Washington, D.C. 20503.

III. VOLUNTARY AGENCIES

American Baptist Convention: Valley Forge, Pennsylvania 19481, Rev. Edwin H. Tuller, General Secretary.

American Council for Emigres in the Professions, Inc.: 345 East 46th Street, New York, New York 10017, Mrs. Lenore Parker, Executive Director.

American Council for Judaism Philanthropic Fund: 201 East 57th Street, New York, New York 10022. Mrs. Anna Walling Matson, Executive Director.

American Council for Nationalities Service: 20 West 40th Street, New York, New York 10018. J. Frank Dearness, Executive Director.

American Council of Voluntary Agencies for Foreign Service, Inc.: 200 Park Avenue South, New York, New York 10003. Eugene Shenefield, Executive Director.

American Federation of Labor and Congress of Industrial Organizations: 815 16th Street, N.W., Washington, D.C. 20006. George Meany, President.

American Foundation for Overseas Blind, Inc.: 22 West 17th Street, New York, New York 10011. Robert M. Barnett, Executive Director.

American Friends of the Middle East, Inc.: 1605 New Hampshire Avenue, N.W., Washington, D.C. 20009. Orin D. Parker, Executive Vice President.

American Friends Service Committee, 160 North 15th Street, Philadelphia, Pennsylvania 19102. Roger G. Fredrickson, Director—Overseas Refugee Program.

American Fund for Czechoslovak Refugees, Inc.: 1790 Broadway, New York, New York 10019. Dr. Jan Papenek, President.

American Immigration & Citizenship Conference: 509 Madison Avenue, New York, New York 10022. Mrs. Ruth Murphy, Executive Vice President.

American Jewish Joint Distribution Committee: 60 East 42nd Street, New York, New York 10017. Samuel L. Haber, Executive Vice-Chairman.

American Korean Foundation, Inc.: 345 East 46th Street, New York, New York 10017. Miss Dorothy L. Irvine, Executive Director.

AMA Volunteer Physicians for Vietnam—American Medical Association: 535 North Dearborn Street, Chicago, Illinois 60610. Dr. Charles Moseley, Director.

American Middle East Rehabilitation, Inc.: 777 United Nations Plaza, New York, New York 10017. Dr. Daniel Bliss, President.

American National Red Cross: 17th and D Streets, N.W., Washington, D.C. 20006. Meyer Mathis, Director.

American Near East Refugee Aid, Inc.: 500 Woodward Building, 733 15th Street, N.W., Washington, D.C. 20005. John P. Richardson, Executive Director.

American ORT Federation: 222 Park Avenue South, New York, New York 10003. Paul Bernick, Executive Director.

Baptist World Alliance: 1628 16th Street, N.W., Washington, D.C. 20009. Dr. Robert S. Denny, Acting General Secretary.

Christian Children's Fund: Richmond, Virginia 23204. Verbon E. Kemp, Executive Director.

Church World Service: 475 Riverside Drive, New York, New York 10027. James MacCracken, Executive Director.

Community Development Foundation: Boston Post Road, Norwalk, Connecticut 06852. Glenn Leet, Executive Director.

Cooperative for American Relief Everywhere, Inc. (CARE): 660 First Avenue, New York, New York 10016. Frank Goffio, Executive Director.

Direct Relief Foundation: 27 East Canon Perdido Street, Santa Barbara, California 93101. David L. Crawford, Representative.

The Thomas A. Dooley Foundation: 422 Post Street, San Francisco, California 94102. Verne Chaney, MD, President.

Foreign Service Committee, General Council, Assemblies of God: 1445 Boonville Avenue, Springfield, Missouri 65802. J. Philip Hogan, Executive Director.

Foster Parents' Plan, Inc.: 352 Park Avenue South, New York, New York 10010. Gloria C. Matthews, Executive Director.

Hadassah: 65 East 52nd Street, New York, New York 10022. Julliet N. Benjamin, Chairman, Speakers' Bureau.

Heifer Project, Inc.: 45 Ashby Road, P.O. Box 278, Upper Darby, Pennsylvania 19084. Dale Barnard, Director of Operations.

Industrial Union Dept. AFL–CIO: 815 16th Street, N.W., Washington, D.C 20006. Jacob Clayman, Administrative Director.

International Rescue Committee: 386 Park Avenue South, New York, New York 10016. Charles Sternberg, Executive Director.

International Social Service American Branch, Inc.: 345 East 46th Street, New York, New York 10017. Wells Klein, General Director.

International Voluntary Services, Inc.: 1555 Connecticut Avenue, N.W., Washington, D.C. 20036. Arthur Z. Gardiner, Executive Director.

Iuliu Maniu American Romanian Relief Foundation, Inc.: 55 West 42nd Street, New York, New York 10036. Mrs. Veturia Manuila, Executive Secretary.

Lutheran Immigration & Refugee Services: 315 Park Avenue South, New York, New York 10010. Donald E. Anderson, Secretary.

Lutheran World Relief, Inc.: 315 Park Avenue South, New York, New York 10010. Bernard A. Confer, Executive Secretary.

Meals for Millions Foundation: 1800 Olympic Boulevard, P.O. Box 1666, Santa Monica, California 90406. I. F. Saunders, Executive Director.

Medical Mission Sisters: 8400 Pine Road, Philadelphia, Pennsylvania 19111, Sister Mary Louise Lynch, Sector Superior.

Mennonite Central Committee: 21 South 12th Street, Akron, Pennsylvania 17501. William T. Snyder, Executive Secretary.

National Council of Catholic Women: 1312 Massachusetts Avenue, N.W., Washington, D.C. 20005. Margaret Mealey, Executive Director.

National Council of Jewish Women: 1 West 47th Street, New York, New York 10019. Mrs. Leonard H. Weiner, National President.

Nationalities Service Center of Philadelphia: 1300 Spruce Street, Philadelphia, Pennsylvania 19107. Mrs. Melba Hyde, Executive Director.

New York Association for New Americans, Inc.: 15 Park Row, New York, New York 10038. Philip Saskis, Executive Director.

Polish American Immigration & Relief Committee, Inc.: 156 5th Avenue, New York, New York 10010. Rt. Rev. Msgr. John J. Karpinski, President.

Project Concern, Inc.: 440 West "B" Street, San Diego, Calif 92112. James A. Skidmore, President.

Project Hope: 2233 Wisconsin Avenue, N.W., Washington, D.C. 20007. William B. Walsh, MD., President & Medical Director.

Salvation Army: 120 West 14th Street, New York, New York 10011. Commissioner Samuel Hepburn, National Commander.

Save the Children Federation, Inc.: Boston Post Road, Norwalk, Connecticut 06852. Melvin Frarey, Program Director.

Seventh-Day Adventists: 6840 Eastern Avenue, N.W., Takoma Park, Washington, D.C. 20012. William Phillips, Assistant Treasurer.

Southern Baptist Convention: 1350 Spring Street, N.W., Atlanta, Georgia 30309. Dr. W. Bertram King, Consultant, Immigration & Refugee Service.

Spanish Refugee Aid, Inc.: 80 East 11th Street, New York, New York 10003. Mrs. Nancy Macdonald, Executive Secretary.

The Tibetan Foundation, Inc.: 801 Second Avenue, Suite 703, New York, New York 10017. Ernest A. Gross, Chairman of the Board of Directors.

The Tibet Society, Inc.: Goodbody Hall 101, Indiana University, Bloomington, Indiana 47401, Thubten Jigme Norbu, Executive Director.

Tolstoy Foundation, Inc., 250 West 57th Street, New York, New York 10019. Miss Alexandra Tolstoy, President.

Unitarian Universalist Service Committee, Inc.: 78 Beacon Street, Boston, Massachusett 02108. Harold J. Bejcek, Executive Director.

United Church Board for World Ministries—United Church of Christ: 475 Riverside Drive, New York, New York 10027. Dr. R. H. Helfferich, General Secretary, Division of World Services.

United Hias Service, Inc.: 200 Park Avenue South, New York, New York 10003. Gaynor I. Jacobson, Executive Vice President.

United Lithuanian Relief Fund of America, Inc.: 105 Grand Street, Brooklyn, New York 11211. Rev. Francis Geisciunas, Executive Director.

United Methodist Committee for Overseas Relief: 475 Riverside Drive, New York, New York 10027. Dr. James Thomas, Secretary for Specialized Ministries.

United Presbyterian Church: 475 Riverside Drive, New York, New York 10027. Mrs. Margaret Shackford, Refugee Resettlement Officer.

United States Catholic Conference—Catholic Relief Services: 350 Fifth Avenue, New York, New York 10001. Most Rev. Edward E. Swanstrom, Executive Director.

United States Catholic Conference—Migration and Refugee Services: 1312 Massachusetts Avenue, N.W., Washington, D.C. 20005. John McCarthy, Director, Department of Immigration.

United Ukrainian American Relief Committee, Inc.: 5020 Old York Road, Philadelphia, Pennsylvania 19141. Dr. Walter Gallan, President.

Volunteers for International Technical Assistance, Inc. (VITA): College Campus, Schenectady, New York 12308. Dr. Beno Sternlicht, President.

World Ministries Commission Church of the Brethren: 1451 Dundee Avenue, Elgin, Illinois 60120. J. K. Thompson, Executive Director.

The World Rehabilitation Fund, Inc.: 400 East 34th Street, New York, New York 10016. Howard A. Rusk, M.D., President.

World Relief Commission, Inc.—N.A.E.: 33–10 36th Avenue, Long Island City, New York 11106. Everett S. Graffam, Executive Vice President.

World University Service: 20 West 40th Street, New York, New York 10018. Leon O. Marion, Executive Secretary.

World Vision International: 919 West Huntington, Monrovia, California 91016. Dr. W. Stanley Mooneyham, President.

Young Men's Christian Association's International Committee of the United States and Canada: 291 Broadway, New York, New York 10007. James F. Bunting, Executive Director.

Young Women's Christian Association: 600 Lexington Avenue, New York, New York 10022. Edith M. Lerrigo, Executive Director.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BURDICK). Is there further morning business? If not, morning business is concluded.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT 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.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate go into executive session to consider the two treaties on the Executive Calendar.

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

AGREEMENT BETWEEN THE UNITED STATES AND CANADA REGARDING RADIO TELEPHONE STATIONS—EXTRADITION TREATY WITH NEW ZEALAND

The PRESIDING OFFICER. Pursuant to the unanimous-consent agreement of yesterday, and the hour of 11:30 a.m.

having arrived, the Senate will now proceed to vote en bloc, on the resolutions of ratification of Executive A, 91st Congress, second session, the agreement between the United States and Canada regarding radio telephone stations and on Executive C, 91st Congress, second session, the Treaty on Extradition Between the United States and New Zealand.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the treaties, en bloc.

The yeas and nays were ordered.

The PRESIDING OFFICER. Yesterday, Executive A and Executive C, 91st Congress, second session, were considered as having passed through their various parliamentary stages up to and including the presentation of the resolutions of ratification.

The resolutions of ratification will now be read for the information of the Senate.

The resolutions of ratification were read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a Treaty on Extradition Between the United States and New Zealand, signed at Washington on January 12, 1970. (Executive C, 91st Congress, second session.)

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of an Agreement Between the Government of the United States of America and the Government of Canada relating to the operation of Radiotelephone Stations, signed at Ottawa on November 19, 1969. (Executive A, 91st Congress, second session.)

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Georgia (Mr. RUSSELL), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Georgia (Mr. RUSSELL), and the Senator from New Jersey (Mr. WILLIAMS), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) and the Senator from Arizona (Mr. GOLDWATER) are absent on official business.

The Senator from New York (Mr. GOODELL), the Senator from Wyoming (Mr. HANSEN), the Senator from Nebraska (Mr. HRUSKA), and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Florida (Mr. GURNEY) is absent because of death in his family.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from New York (Mr. GOODELL), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from Nebraska (Mr. HRUSKA), the Senator from South Dakota (Mr. MUNDT), and the Senator from California (Mr. MURPHY) would each vote "yea."

The yeas and nays resulted—yeas 79, nays 0, as follows:

[No. 150 Ex. and 151 Ex.]

YEAS—79

Aiken	Fulbright	Pearson
Allen	Gore	Pell
Anderson	Gravel	Percy
Baker	Griffin	Prouty
Bayh	Harris	Proxmire
Bellmon	Hart	Randolph
Bennett	Hatfield	Ribicoff
Bible	Holland	Saxbe
Boggs	Hollings	Schweiker
Brooke	Hughes	Scott
Burdick	Inouye	Smith, Maine
Byrd, Va.	Jackson	Smith, Ill.
Byrd, W. Va.	Javits	Sparkman
Cannon	Jordan, N.C.	Spong
Case	Jordan, Idaho	Stennis
Church	Magnuson	Stevens
Cook	Mansfield	Symington
Cooper	Mathias	Talmadge
Cotton	McClellan	Thurmond
Cranston	McGovern	Tower
Curtis	McIntyre	Tydings
Dole	Metcalf	Williams, Del.
Dominick	Miller	Yarborough
Ellender	Muskie	Young, N. Dak.
Ervin	Nelson	Young, Ohio
Fannin	Packwood	
Fong	Pastore	

NAYS—0

NOT VOTING—21

Allott	Hansen	Mondale
Dodd	Hartke	Montoya
Eagleton	Hruska	Moss
Eastland	Kennedy	Mundt
Goldwater	Long	Murphy
Goodell	McCarthy	Russell
Gurney	McGee	Williams, N.J.

The PRESIDING OFFICER (Mr. BURDICK). Two-thirds of the Senators present and voting having voted in the affirmative, the resolutions of ratification are agreed to. Pursuant to the previous agreement, the vote will be considered a separate vote on the agreement and on the treaty.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate return to legislative session.

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

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

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

The Senate resumed the consideration of the bill.

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

Mr. MANSFIELD. I yield.

Mr. COOPER. Mr. President, many Senators are in the Chamber at this time, and I am sure they will be interested in learning what the schedule will be, particularly if there is a possibility of an agreement to vote on the pending amendment in the early part of next week. I should like to ask the majority leader's opinion of this—whether we could determine, through some discussion today, if there is a possibility of coming to a vote.

Mr. MANSFIELD. Mr. President, there have been indications that that is a possibility, but the tremors have been slight—very slight. The Democratic leadership is open to any suggestion made by the Republican leadership as to what might or might not be done. The present intention is, hopefully, to arrive at votes today and tomorrow.

LEAVE OF ABSENCE

While I am on the subject, Mr. President, I ask unanimous consent that I may be excused from attendance in the Senate on Monday and Tuesday next.

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

Mr. MANSFIELD. I do so because there happens to be a primary election in the State of Montana. I wish to inform the Senate that even though I will be absent on those 2 days, I do not want any votes postponed or held up. So far as I am concerned, the Senate should be prepared to vote.

That is the best I can say at the moment; because it is my belief—and I may be wrong—that what we are witnessing is, in effect, a stalling operation. We have spent well over 2 weeks on this bill. We have had three rollcall votes, two of them on some reductions, and the other one on the Church-Cooper preamble yesterday. I thought yesterday's vote was highly significant because it spelled out both what the President and the Senate intend. It made it clear that the Senate was acting in concert with the President. I would hope that that action would not be weakened. I must say at the same time, however, that the changed language offered by the sponsors of the amendment did not in any way, shape, or form weaken the substance or effect of the amendment to any degree.

In any event, that is the best I can say for the status of the matter at the moment.

Mr. GRIFFIN. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. Let me say, first, that I think everyone agrees this is the most important issue before the Senate and the Nation. Everyone expects and, indeed, demands that matters of such controversy be fully and adequately debated. I know that the distinguished majority leader would agree with that.

Mr. MANSFIELD. Of course.

Mr. GRIFFIN. I recall that the nomination of Judge Carswell was an important issue and the Senate devoted three and one-half weeks to that. That was not inappropriate and, certainly, at this stage of debate on this important bill, the reference to stalling, it seems to me, is not quite called for; but that is the judgment of the majority leader, and he is certainly entitled to it.

Mr. MANSFIELD. If the Senator from Michigan will yield right there, I think the same charge and the same allegation could be made so far as the Carswell case was concerned but that issue reached a final vote on its merits while so far as the earlier Fortas nomination was concerned no vote was ever reached on its merits. Thus, we both have to take our share of the guilt. We are all practical enough politicians, I hope, to understand what goes on, not only on the surface but also underneath. We can detect currents and subcurrents. None of us is a first grader. All of us have had some experience. All of us can recognize the signs when we see them, despite the pious protestations that we make—and we make them on both sides.

Mr. GRIFFIN. Be that as it may, it is still a fact that the rules of the Senate, and appropriately so, make it possible for full and adequate debate to take place when necessary. Thus, it is necessarily called for here. Debate, certainly, has not gone on too long.

I invite attention to the fact that the distinguished Senator from Kansas has an amendment which he is interested in having considered on its merits. He withdrew the amendment last night because it was indicated clearly that a motion to table his amendment would be made today, so that there would not be a vote on its merits and we would not even have time to notify Members that there would be a vote.

I think that I can speak for the Senator from Kansas—perhaps he will have something to say—but if we can get some agreement on when we would vote on his amendment on its merits, if we could vote tomorrow or Monday, for example, I think that this side of the aisle would be perfectly agreeable and I would hope that it would be agreeable to the majority leader. I wonder whether that would be possible.

Mr. MANSFIELD. Yes. How about a vote at 11:30 tomorrow morning on the amendment? This amendment had been offered by the Senator from Kansas but had been withdrawn. I am sure that we will then have a quorum. We are coming in at 10 o'clock tomorrow morning anyway, so that if the Senator would like to vote on that amendment at 11 o'clock, we would be glad to consider it.

Mr. DOLE. Does the Senator mean a vote on the amendment, or on a motion to table the amendment?

Mr. MANSFIELD. Either way. Any Senator has the right to move to table——

Mr. DOLE. I understand.

Mr. MANSFIELD. I would be the last one to gainsay any Senator that right, even though, ordinarily, I do not approve of tabling motions.

Mr. GRIFFIN. That seems clear. As long as we are debating the amendment for reasonable periods of time, it is within the power and the privilege of a Senator to move to table, but it does not seem to me it is called for. Certainly, where an amendment is relevant and has merit in the eyes of many Senators, we should have an opportunity to vote for it on its merits.

Mr. MANSFIELD. The amendment is very simple. It does not take much in the way of an explanation. Two or 3 hours were spent on its yesterday. Frankly, I cannot understand why Senators on the Republican side—some of them at least—are engaged in an extended discussion, because the bill basically itself is an administration measure. What we are trying to push through is, by and large, an administration program—particularly when it comes to funding measures for the various agencies within the executive department. All the time in the world is available because this session can continue on until noon on January 3, 1971. In an orderly manner, the Senate will stay with this proposal until it is decided, one way or the other.

If the idea is, for example, to stall a resolution of this issue until June 30, at which time I have no doubt all U.S. troops will have been removed from Cambodia—if not before—may I say that the intent or effect of the Cooper-Church amendment would not be changed. It operates prospectively. It merely supports the President in his stated objective of not again ordering troops into Cambodia, at least not without some consultation with Congress.

Furthermore, to indicate the situation in which we find ourselves, there are eight or nine other amendments. The bill will have to go to conference. I am quite certain that the House would look at its many aspects differently. Thus, a great deal of time will be spent, no matter how we choose to operate.

Mr. DOLE. I would be willing to vote on my amendment tomorrow at 2 o'clock, or at any time we can agree upon. As the majority leader has pointed out, it is easily understood. I have attempted to explain it.

Mr. MANSFIELD. The Senator has explained it well.

Mr. DOLE. I can explain it further.

I would also say that I might be one of those to whom the majority leader makes an oblique reference in regard to extended debate.

Mr. MANSFIELD. Oh, yes, the Senator is. [Laughter.]

Mr. DOLE. The Senate spent 57 days on the ABM discussion, which was a length of time appropriate to the importance of the issues involved in that debate. I have learned much about Southeast Asia in the past 2 weeks. I may learn a lot more in the next 2 or 3 weeks. But I am willing to vote on this amendment at 2 o'clock tomorrow afternoon or 11 o'clock in the morning.

Mr. MANSFIELD. Why not split the difference and vote on it at 3 o'clock this afternoon?

Mr. DOLE. And then we would adjourn for the week?

Mr. GRIFFIN. I would say that I am under some obligation to other Senators, so I cannot agree to that at this moment. I might be able to, if I had a time fixed.

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

Mr. MANSFIELD. I yield.

Mr. CHURCH. Just for purposes of making it entirely clear that there was never any thought of prematurely cutting off debate on the amendment offered by the distinguished Senator from Kansas, he will remember that in our conversation in the Chamber yesterday afternoon he asked me if there was any possibility of a tabling motion. I said it was being considered but that it would not be made in a manner that would foreclose adequate discussion of the amendment and that it would not be made without notice to the Senator from Kansas.

Mr. DOLE. I affirm the statement of the distinguished Senator from Idaho.

Mr. CHURCH. I do not want any impression left that may hint of any intention to foreclose debate or to take any unfair advantage that might be associated with a tabling motion.

Mr. MANSFIELD. On the basis of the conversation which we have had so far, why does not the Senator from Kansas now offer his amendment, and why does not the acting minority leader see what, if anything, could be done to arrive at some agreement?

Mr. WILLIAMS of Delaware. Mr. President, it is my understanding that the Senator from Kansas is willing to accept the 11 o'clock a.m. suggestion of the majority leader. Why not accept it?

Mr. MANSFIELD. Well, because the Senator from Montana has had second thoughts, and with good reason. The motion that a vote on the Dole amendment this afternoon has much greater appeal. I hope it can be worked out.

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

Mr. MANSFIELD. I yield.

LEAVE OF ABSENCE

Mr. HOLLAND. Mr. President, I ask unanimous consent that I be excused from attending the Senate on next Monday, for important reasons with which the majority leader is familiar, and to say that, in the event there are any votes set for Monday, I shall be very glad to pair with the majority leader so that he and I will both be shown as having taken positions.

Mr. MANSFIELD. I appreciate what the distinguished Senator from Florida has just said and proposed, but I should

like to beg off because we are not always in disagreement. I should like to retain my independence and flexibility, if I may.

The PRESIDING OFFICER (Mr. BURDICK). Is there objection to the request of the Senator from Florida? The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, has my request been granted?

The PRESIDING OFFICER. It has.

Mr. DOLE. Mr. President, I ask unanimous consent that we vote on the amendment at 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. The Senator from Montana finds himself in a position where he, personally, would be very happy to do so, but as majority leader is unable to comply with the generous suggestion of the Senator from Kansas. So I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRIFFIN. Mr. President, let me say—as I have already indicated to the majority leader—that I will explore further the possibility of some agreement.

Mr. DOLE. Mr. President, I want the majority leader to understand that we are not stalling. We are ready to agree at this time. But I can understand that there may be something that I do not fully understand.

Mr. MANSFIELD. Mr. President, I think the Senator has a pretty good idea of what the situation is. But that is the way the ball rolls. So let us hope that we can arrive at some agreement later this afternoon for a vote today or at another time soon on his amendment.

I thank the Senator for his generous offer.

AMENDMENT NO. 662

Mr. DOLE. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 4, line 21, insert "(a)" after "Sec. 7.".

On page 5, between lines 18 and 19, insert the following new subsection:

"(b) The provisions of subsection (a) of this section shall be inoperative during any period that the President determines that citizens or nationals of the United States are held as prisoners of war in Cambodia by the North Vietnamese or the forces of the National Liberation Front."

The PRESIDING OFFICER (Mr. YOUNG of Ohio). The Senate will be in order. The question is on agreeing to the amendment.

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

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

Mr. ALLEN. Mr. President, there is no disposition on my part to delay a vote on the amendment offered by the junior Senator from Kansas (Mr. DOLE) or to delay a vote on the committee amendment. I am ready and willing to vote at any time on any question regarding these amendments. But until such time as an agreement is reached as to a vote, I would like to discuss my views with respect to the committee amendment and to the pending amendment as well.

Mr. President, the foreign policy decisions of the United States that involved our participation in the Vietnam conflict constitute one of the greatest tragedies in the history of our country. In going into Vietnam we violated a military and political axiom of centuries standing—that no non-asiatic country should engage in a land war on the Asian continent. President Eisenhower warned against this, as did General MacArthur after Korea. The French learned this, as have other nations throughout history. We saw our participation escalate from having a few advisers in Vietnam to the point where American boys had taken over the bulk of the fighting and were doing what President Johnson assured the country they would not be called upon to do, and that was to do the fighting that Asian boys were supposed to do. And how much better it would be for this country and for the world if President Johnson had continued in that resolve that he announced in 1964.

We saw our force of fighting men increase to around 550,000 in number. We have lost 50,000 men killed or dead in Southeast Asia—some of the finest men of their generation—and 1,000 of these were Alabama boys who laid down their lives for their country. Wounded Americans number some 300,000, many of them permanently injured. Some $100 billion have been spent in support of the war effort. Our country has been torn asunder, our people divided, faith in our Government and democratic principles and institutions has been shaken. Many of our colleges and universities have been ruined. Weakness of character of many in responsible positions has been exposed. Our framework of government has been undermined. Our economy has been wrecked. Inflation runs rampant. Prices and unemployment shoot up. The stock market is in a nose dive. We have lost approximately one-third of the values of all listed stocks on the New York Stock Exchange in the last year and a half. We are in the midst of a recession inside of an inflationary period.

All of this—and for what? No conceivable outcome of this tragic conflict could possibly justify our having participated in it to the extent that we have.

Surely there are few in the country who are glad we became involved in Vietnam. Surely there are few who do not want to see an end to the fighting and the killing. Surely there are few who do not want peace. Surely there are few who do not want to see our boys returned to their homes and their loved ones.

Americans want peace—peace with honor—but not peace at any price—not peace through abject surrender.

History has no record of a military conflict other than this one in which one side, with overwhelming power, with power to wipe its adversary off the face of the earth, has sought peace so assiduously and so magnanimously as has our country. Peace terms are not "unconditional surrender," for we have forsworn a military victory and ask only that the South Vietnamese be allowed the right of self-determination as to their destiny and as to the type government they have.

We have sought peace—publicly and privately—through usual and unusual methods, in direct and indirect negotiations, in open and in secret sessions.

We have brought the South Vietnamese and the Vietcong into the negotiations.

We have limited bombing; we have stopped bombing altogether.

We have withdrawn 115,000 troops from Vietnam, and the President has promised the withdrawal of 150,000 more in the next 12 months.

We have done all these things but only one bilateral agreement has been made of which I have knowledge. That is the agreement on the shape of the negotiating table and the seating arrangement of the so-called peace negotiators.

Is there any wonder that a new approach must be tried?

It must be remembered that the Vietnam war is not of the making of President Nixon. When he became President the war and our participation in it, except for the bombing halt, had been escalated to an all-time high. A record number of American troops were in Vietnam at that time.

President Nixon's policy at all times has been to deescalate our participation in Vietnam and turn the fighting over to the South Vietnamese, but at the same time seeing that the American troops are protected and supported during the process of Vietnamization.

During this Vietnamization of the war the President has been active in his efforts to get the North Vietnamese to enter into meaningful negotiations that would bring a lasting and honorable peace.

I am convinced no person in the entire country want peace more than President Nixon. The future of our country depends on it and no one realizes this better than the President himself. He wants peace and his efforts are expended toward protecting American lives, shortening the war, and achieving peace.

For years now the North Vietnamese have used sanctuaries on the Cambodian side of the South Vietnam border for the purpose of attacking American and South Vietnam forces in South Vietnam and then retreating back into Cambodia where they would be safe from pursuit by our forces. Tremendous stores of arms and supplies were maintained in these sanctuaries in Cambodia by the North Vietnamese.

In order to protect American troops in South Vietnam from further attacks by North Vietnamese from Cambodian sanctuaries while Vietnamization is proceeding, the President ordered an attack on these sanctuaries by American troops in concert with South Vietnamese.

These attacks have been extremely successful. Large stores of arms, munitions and food supplies have been cap-

tured. The enemy's ability to strike against American and South Vietnam troops has been curtailed. Further withdrawals of American troops from Vietnam can proceed on schedule and it is certainly to be hoped they will. Vietnamization can continue. And the President promises that all American troops and advisers will be withdrawn from Cambodia by July 1.

The President has kept his promises about troop withdrawals from Vietnam—about Vietnamization—about his efforts to obtain peace. I have no reason to doubt that he will keep this promise to withdraw American forces from Cambodia by July 1, 1970.

Yes; as I have stated, the war is not of the President's making. He is not responsible for starting it; but now it is his responsibility. He says that he will end the war, that we will have a just and honorable peace. He accepts it as his responsibility to achieve these goals. He does not seek to shift the responsibility. He knows the risks involved. I respect him for his courage and his determination.

As I see it, the Constitution is clear and specific on three points:

First. The President is Commander in Chief of the Armed Forces of the United States. As such he can direct the conduct of a war.

Second. Only Congress can declare war.

Third. Congress with its power over the purse strings of the Nation can finance a war or withhold funds with which to prosecute the war.

What then of undeclared wars or limited actions to protect American lives and property—who initiates these and who directs them?

The history of our country is replete with instances where limited wars or military actions have been initiated by a President. These actions have been taken by the President under his powers as Commander in Chief of the Armed Forces. Once the conflict has been initiated there seems little doubt of the President's power to direct the prosecution of the conflict.

I might say at this point that the proponents of the Cooper-Church amendment—which, by the way, has lost its identity as an amendment because the original amendment was accepted by the Committee on Foreign Relations and was reported to the Senate as part of the committee amendment—did not question and does not question the authority of the President to have initiated this attack on the sanctuaries.

It seems to me that the effect of the Cooper-Church amendment, or the committee amendment adopting the Cooper-Church amendment, which now has been amended setting the July 1 date, in effect trades or swaps tacit approval of the President's action for an agreement on two things: That there will be no support given our Armed Forces in Cambodia after July 1, and that if the President wishes to send American troops back into Cambodia at any time after July 1 he must come to Congress for approval of his actions.

So it seems to me that the amendment does restrict the President's possible or potential future activities, because the law does not now require the President to get the approval of Congress for supporting his actions in sending a force into Cambodia. But if the committee amendment, or the Cooper-Church amendment, as we might loosely call the committee amendment, were adopted, it would require the President after July 1 to get the approval of Congress before he could direct future military action against the sanctuaries in Cambodia. So much more than merely the guarantee that the American soldiers will be out of Cambodia by July 1 is involved.

Also, it is said that the amendment to the Cooper-Church amendment, which was adopted on yesterday, provides that Congress is working in concert with the President. Concert with respect to what? Not concert with respect to having gone into Cambodia. Concert with respect to getting out of Cambodia and staying out.

So it seems to the junior Senator from Alabama that there is a definite restriction provided by the Cooper-Church amendment upon the powers of the President that is not the case under the law as it exists at the present time.

Much is said about the amendment that was adopted on yesterday by an overwhelming vote. Some Senators who opposed the basic Cooper-Church amendment said that it did not mean anything; for that reason they voted for it.

The junior Senator from Alabama voted against the amendment on the theory that the action of the Senate was moving in the direction of a restriction against the powers of the President. It was moving toward the goal of the passage of a restriction on the powers of the President.

Reference was made to the fact that it was a softening of the real provisions of the amendment. Whether or not it was a softening—and the distinguished majority leader just a few moments ago said there was no softening of the real provisions of the amendment—it did make it easier to get the Senate to pass the restrictive provisions of the Cooper-Church amendment; and for that reason the junior Senator from Alabama felt that it was not in the best interests of the Senate, not in the best interests of the Congress, and not in the best interests of the Nation to take that action.

The history of our country, as I said, is replete with instances where limited wars or military actions had been initiated by a President, and once the conflict had been initiated there seemed little doubt of the President's power to direct the prosecution of the conflict.

If the Cooper amendment, which is now the committee amendment, were adopted, certainly there would be much doubt about the President's power to continue the action in Cambodia, because the amendment after July 1 would require the cutting off or the deprivation of any funds from the Foreign Military Sales Act, or from any other local law on the statute books, for the support of our fighting men in Cambodia.

The President has given, as his promise and his estimate, that the American soldiers will be withdrawn from Cambodia by the first of July. Well, suppose he would miss by a few days on that estimate. Suppose it were not possible to get the soldiers out on that date. Suppose they were in the thick of a battle on the last day of June. Suppose they were in pitched battle against the enemy. Under the Cooper-Church amendment, no further arms, no further ammunition, no further food could be sent to our soldiers in Cambodia. There could be no allowances for the men or their families. It would cut those off. A man in the Armed Forces of the United States who was in Cambodia on a mission for his country and who was required to stay in Cambodia beyond the first day of July would have his compensation and his whole support of his family cut off, since the amendment would cut off the allowances of a serviceman.

I do not think it is stretching one's imagination a great deal to feel that provision would apply also to allowances or allotments he may have made to his family.

The Senator from Alabama recognizes the power of Congress to close up the Federal purse, by tying the purse strings of this Nation and cutting off aid to our own men in Cambodia, but are we going to exert any such power? That is what the Cooper-Church amendment seeks to do.

The proponents say, "Well, if we set that date, we know the President is going to get the soldiers out." How do we know he will be able to? We hope he will. We fully expect him to. But it is wise, it is advisable for this body to say, if, because of some unforeseen contingency, some unforeseen attack, some unforeseen happening in Cambodia, it is necessary to keep our men there for a longer time, that we are going to deprive them of further support?

Well, it is said, "Then come back to Congress. Congress can then pass a law. It has to be a law passed subsequent to the passage of this act." And we see how rapidly this bill is going through legislative channels.

I would not want to be debating a law providing for ammunition, supplies, or food for our soldiers after July 1, if they are still there. I do not believe we want to be in the attitude of depriving our soldiers of support, no matter on what date they may find themselves still in Cambodia. If they are there in December, acting under orders from their superiors, and they are American soldiers, they are entitled to the generous, full, and complete support of a nation that should be grateful for the sacrifices that they are making.

In the conflict in Southeast Asia, President Johnson used the Tonkin Gulf resolution of Congress as his authority to take whatever steps were necessary to protect American lives, property, and interests.

So, when President Nixon took office he found a full scale war on his hands, limited only by our own self-imposed limitations among which were the bomb-

ing halt and the observance of the sanctity of the North Vietnamese sanctuaries in Cambodia.

It was the President's duty, then, and his responsibility, to direct the prosecution of the war and to take steps to protect American troops as the deescalation—which he ordered—the troop withdrawal—which he ordered—and the Vietnamization of the war—which he directed—proceeded.

It was the President's responsibility. And I wish to say that, in the speech that the President made to the Nation at the time the military action was taken against the Cambodian sanctuaries of the North Vietnamese, I admired the President for accepting full responsibility. The Constitution places that authority on him, but all too often we see persons in high places charged with responsibility, who are inclined to place the blame somewhere else. I recall when the matter of halting the bombings was discussed on a recent television interview of a former President of the United States, much was said about "Such and such a person advised me to stop the bombing, somebody else advised me not to; this one advised this, and that one advised that."

But the ultimate decision must be with the President, and President Nixon had the courage and the fortitude to say, "Yes, it is my responsibility. If it works out right, fine; if it works out wrong, it is my fault."

I remember reading of something that Abraham Lincoln said, when he was being severely criticized during the time of his administration as President. He said that if he had to stop and answer all of the criticism that was leveled at him, he would have to close up the shop of the Presidency, because it would take all of his time to answer criticism; that he had been doing and was going to continue to do the best job that he could, and if it worked out all right, all of the things that had been said in criticism of him would not make any difference; and if it did not work out all right, 10 angels swearing that he had been right all along would not make any difference.

That situation is not too different from the current discussion with respect to Cambodia and Vietnam. If the President's plan works out all right, all of the criticism that is being leveled at him for this action is not going to make any difference; and if it works out wrong, it does not matter who says that he was right, he is going to get the blame for it.

The President recognized that, and had the courage to say, "It is my responsibility; it is going to work out all right, but if it does not, I am the man to blame."

The President, then, after considering intelligence reports from his military commanders in the field and from his military advisers, became convinced that enemy troop and supply concentrations on the Cambodian side of the border with South Vietnam were direct and immediate threats to the safety and security of the reduced American forces. As Commander in Chief, he ordered these dangerous pockets cleaned out. At the same time he publicly declared his intention of having American troops out of Cambodia by the end of June. We have no reason to doubt that the President plans to keep this pledge. The progress to date of the campaign against the sanctuaries indicates that the President will be able to have all American troops and advisers out of Cambodia by July 1.

Congress has no power to limit or restrict the powers conferred on the President by the Constitution, except to the extent that the exercise of the powers which Congress has under the Constitution might restrict the exercise of the President's powers. The amendment we are presently discussing would be a method and a manner by which Congress could constitutionally act and restrict the President's powers as Commander in Chief. I do not believe it would be constitutional for Congress to pass a law saying that the President of the United States shall under no circumstances have authority to send military forces into Cambodia, because I think it is generally agreed if a condition there is a direct threat to American lives, the President would have the power to act. So it would not be constitutional for Congress to provide that the President under no circumstances could send a military force into Cambodia.

But it is seeking to exercise the power given to Congress by the Constitution to provide that no money may be spent for that purpose.

Yes, the President can act. But who is going to pay the bill? Who is going to furnish the supplies, the munitions, the arms? Congress can cut off supplies. Congress can cut off pay for the servicemen. Congress can cut off arms and ammunition. But is it wise to do that? Is it acting in the best interests of our country to provide that no support beyond a certain date will be given to our Armed Forces in Cambodia? They did not choose to go there. They were sent there by the President of the United States, and not a single word in the Cooper-Church amendment questions the power of the President to have taken this action. Not a single suggestion is made by the Cooper-Church amendment that the President acted without constitutional authority in taking this action. If the President acted with constitutional authority, why not support him? If he acted with constitutional authority, why not support American troops? It is as simple as that.

Congress has no power to limit or restrict the powers conferred upon the President by the Constitution except, as I have stated, through the proper exercise of powers also given to Congress by the Constitution, one being control over the purse strings of the Nation. Any such attempted action—other than I have suggested—on the part of Congress would be a nullity. Congress cannot take from the President his powers as Commander in Chief of our Armed Forces. Those who back the Cooper-Church amendment apparently recognize this, because the thrust of their amendment is not specifically to repudiate the President's actions by directing the withdrawal of American troops. As I have stated, I do not believe they insist that they can do that.

Nowhere in the amendment is the right of the President to order the attack on the sanctuaries questioned. Nowhere is it averred that the President exceeded his powers as Commander in Chief. So, why all this hullabaloo? If the President acted in the proper exercise of his powers as Commander in Chief, why all these contentions? They say, "We are going to hold you rigidly to this July 1 deadline. You have to get those men out of Cambodia, or we are going to cut off the food, we are going to cut off the arms, and we are going to cut off the ammunition."

They say they are acting in concert with the President in filling and meeting his plan of withdrawal from Cambodia. That is not working in very good concert with the President, according to the thinking of the junior Senator from Alabama, to say, "All right, Mr. President; you say you are working to have the men out by the 1st of July. We do not know whether you will do it or not. But you had better do it, if you want them to eat breakfast on the morning of July 2. They had better be out of there. They can not eat breakfast over there in Cambodia."

Mr. President, the point in this controversy is not whether our troops should be in Vietnam, in Cambodia, in Southeast Asia. The point is that they are there and we must not forsake them. It is unthinkable to suggest that we do anything other than support our American troops to the full extent.

The Constitution establishes the President's authority as Commander in Chief of the Armed Forces, the one man who must make final decisions affecting the use of our military forces. This is not a power that the President has seized without regard to the role and the prerogatives of Congress. It is a power that the Constitution has placed on the President. He would not be discharging his duty unless he acted to protect the members of the Armed Forces in Southeast Asia.

At the same time, and wisely so, the Constitution gives to Congress the sole authority to provide for or withhold appropriations for our Armed Forces.

My attention has not been directed to any instance in the past history of our Nation in which Congress even seriously considered exerting its control over the Government's purse strings so as to withhold support from American troops in the very heat of battle while they are putting their very lives in jeopardy while the debate is going on in the Halls of Congress.

The original Cooper-Church amendment set no date in the future when support for American troops in Cambodia should cease. As I stated earlier, the Cooper-Church amendment has, in effect, lost its identity, because it has been merged into and become a part of the committee amendment. The Cooper-Church amendment of yesterday, setting July 1 as the deadline on getting the troops out of Cambodia if they want to continue receiving support, also was then merged into the committee amendment. So what we really have is the committee amendment as amended on the floor.

But, for the sake of clarity, I will continue to allude to the amendment as the Cooper-Church amendment.

The original Cooper-Church amendment set no date in the future when support for American troops in Cambodia should cease. Thus, the ban would have become effective on the passage of the bill by Congress and its approval by the President; or, in the event of a Presidential veto, on its passage over the President's veto.

The original Cooper-Church amendment was accepted by the Foreign Relations Committee and has been reported back as part of the committee amendment.

Let us assume that the bill to amend the Foreign Military Sales Act had passed with the original Cooper-Church amendment as a part of the bill; that is the one not having a deadline, just becoming effective immediately on passage and approval, and that when the bill was sent to the President, the July 1 deadline set by the President had not been reached and American troops were still engaged in battle in Cambodia.

Doubtless, the President would have vetoed such a bill with the overwhelming backing of the American people, and the veto would have been sustained.

But suppose the July 1 cutoff date becomes law. That is the bill as amended that we are now working on. What would be the situation if the bill is not passed until August 1, to say that no support be given after July 1, and that is only about a month off? It has to go from here to the House to be approved, then it goes to conference, and approved by both Houses and then it is approved by the President or be passed over his veto to become law. It is not unreasonable to anticipate that the bill would be going fairly rapidly to become law by the 1st of August. Yet we have written into the bill this amendment saying that no support is to be given after the 1st of July. And assume the bill does not pass until the 1st of August. Senators will recall when we repealed the investment tax credit, even though the bill was passed in December, that we went back to some time in April for its effective date. Thus, what would be the situation if such a bill, passed by the 1st of August, had a cutoff date of July 1? What would be the status of support given our troops in that intervening period—which raises considerable question, it would seem to me? Would that be illegal and would those who gave such support before the enactment of the law be law violators?

Suppose again that the July 1 cutoff date is used as proposed by the amendment of yesterday. Does that mean that even though American boys are in the thick of the battle, risking their lives for our country, but have not completed their mission by July 1, that no more support will be given them because of the action which it is proposed the Senate take on cutting off funds?

I think it is significant that neither the original Cooper-Church amendment nor their amendment setting a July 1 cutoff date makes any charge that the President acted without constitutional authority in Cambodia. Indeed, the July 1 cutoff amendment would seem to ratify and sanction continuation of the mission until July 1, whereas, the original Cooper-Church amendment gives no such indirect sanction.

Thus, by the original Cooper-Church amendment, Congress is in the rather lofty position of saying, "While this matter has just come to our attention, we will act as expeditiously as we can; the troops must be removed from Cambodia. We are going to make this law effective immediately because the President has no authority to take that action." By the adoption of the amendment on yesterday continuing support to July 1, it would seem to me that this cutoff amendment of July 1 would, indeed, seem to ratify and sanction continuation of the mission until July 1. But the original amendment would cut it off immediately.

If, then, the President acted within his constitutional authority, and that seems to be the sense of the amendment, no question is made of his right to have taken this action. It is a matter of whether Congress decides it wants to cut off the support. Thus, no question is made and no question is raised by the original amendment, or the amendment to the amendment, as to the President's power and authority, and as to his prerogatives as to the action that he took. Why should the Senate be called on to repudiate his actions by withholding support from his efforts and the efforts of American troops in Cambodia?

So that the effect of the amendment is to say, Mr. President, "We do not question your authority, your power, the prerogatives which you have under the Constitution to have taken this action but, Mr. President, from and after July 1, we are not going to support our troops in Cambodia."

Well, if the President had authority to take this action, it does not seem that we are acting very much in concert with him if we say, "Get those men out by the first of July or we are going to fail to feed them any further, we are going to fail to furnish them guns, rifles and ammunition. Thus, it is up to you to get them out or we will not support them any further."

Mr. ERVIN. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I am delighted to yield to the Senator from North Carolina.

Mr. ERVIN. If our enemy should reoccupy the sanctuaries in Cambodia and use them as a base for operations against the military forces of the United States and our allies in South Vietnam, and if the President found as a fact that this action imperiled the safety of U.S. forces in South Vietnam, and if the President thereupon sent American troops into the sanctuaries after the first of July to save American military forces in South Vietnam from destruction, this resolution would prohibit the payment of compensation to members of the military forces that went into Cambodia under orders of the President, and would deny them the right to the use of any money with which to buy food or to defray the cost of paying for medical services for those who happened to be wounded in the operation and would prevent the giving of any assistance of an essential nature or any goods that were purchased for them.

Mr. ALLEN. Mr. President, that is essentially correct, as I understand the amendment.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that when the Congress of the United States authorizes the President of the United States, as Commander in Chief of the Armed Forces of the Nation to put those Armed Forces into combat, the President has the implied power under the Constitution as Commander in Chief to take such steps as are necessary to defeat the enemy or to protect the Armed Forces from destruction at the hands of the enemy?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, would not the amendment, if valid and if agreed to by Congress, have the effect of denying to the President of the United States the authority to exercise the powers which the Constitution of the United States gives him as Commander in Chief of the Armed Forces of the Nation?

Mr. ALLEN. Mr. President, it would seem that it would. It is somewhat like the rejoinder of President Andrew Jackson concerning John Marshall and one of his decisions as Chief Justice of the United States. President Andrew Jackson said, "Well, Mr. Marshall has rendered his decision. Now let him enforce it."

So it is pretty much along the same line. The President might have the authority, but let him use it.

Mr. ERVIN. Congress would at least attempt to use its power of the purse to prevent the President of the United States from exercising his power to direct the operation of the forces committed to his charge by Congress itself in the Gulf of Tonkin joint resolution.

Mr. ALLEN. The Senator is correct. I appreciate the thought advanced by the distinguished Senator from North Carolina.

Mr. ERVIN. Mr. President, does not the Senator from Alabama join in the fear of the Senator from North Carolina that the passage of resolutions or amendments of this nature might lead to other nations of the world thinking that the United States is unwilling to keep its commitments to them?

Mr. ALLEN. It would show something less than unanimity of opinion here in the Senate, I would suggest. I thank the distinguished Senator from North Carolina.

The President has said that the destruction of the sanctuaries will protect American troops in Vietnam; that it will shorten the war and hasten peace; and that we will be out of Cambodia by July 1.

I respect the President's judgment, and I believe and honor his pledge that our troops will be out of Cambodia by July 1.

Mr. President, I hazard the opinion or judgment that the proponents of the Cooper-Church amendment, based on statements made on the floor, believe that the President will keep his pledge of getting the troops out of Cambodia by July 1.

What they are interested in, in my judgment, is the second phase of the amendment—that before going back into Cambodia, the President must come to Congress for permission to do so.

So, it is a whole lot more than guaranteeing the withdrawal of American troops from Cambodia by July 1. Everyone feels that will happen. It is the second feature of the amendment that is really at stake. That feature of the amendment would put Cambodia off limits to further American action against the sanctuaries in Cambodia or for any other purpose. So, Cambodia would be off limits without congressional approval.

Mr. President, what chance, I ask, would there be of getting a bill through Congress to give the President the authority to send American troops back to Cambodia?

So, that is the real thrust of the amendment—the prevention of further military action by American troops in Cambodia without congressional approval.

Proponents of the amendment argue that setting a cutoff date for support of troops is merely in line with the President's promise and is merely taking him at his word.

I do not see it that way. If we believe in and trust the President or if we respect him as Commander in Chief of the Armed Forces, we would take him at his word on his promise to withdraw our forces by July 1, 1970.

We do not hear much about the prohibition against going back into Cambodia. Some 95 percent of the talk—almost 100 percent of the talk—by the proponents of the measure is to the effect that all the amendment does is to act in concert with the President in getting him to fulfill his declared objective of getting out of Cambodia by July 1.

Mr. President, the President does not need Congress to help him on that. He has already declared that he is going to do it. How would congressional action expedite the matter? It would be holding a gun at the President's head and saying, "If you do not get them out by July 1, we will cut off supplies and arms and ammunitions."

So, it is well known that the President is going to make every possible effort to get the American troops out of Cambodia by July 1.

If we did not have the second aspect of the amendment, it would not be too bad. It would be unnecessary, but it certainly would not be too bad. However, if the amendment is agreed to, it will make Cambodia completely off limits as far as military action is concerned without the express approval of Congress.

With our liberal debate rule—and I am all for the liberality of debate—we could not get any bill, resolution, or amendment passed to authorize the President to go back into Cambodia.

I see one or two Senators in the Chamber now who would make quite a stand against such an effort. So it is the second aspect of this amendment which is causing so much concern, not the first aspect where the proponents of the measure say, "Oh, the President is going to get us out, and all we are doing is working in concert with him."

As I suggested, that is concert to get out, not concert to get in, except through the lack of any condemnation of the President's actions, or any questioning of the President's actions.

We need only one Commander in Chief, and the Constitution wisely provides for only one, and that is the President of the United States.

Our country does not need a war council of 535, composed of 100 Senators and 435 House Members to determine strategy, to plan and employ tactics, to decide where, how and when to fight. Nothing could be more ridiculous or disastrous for our country.

Deciding such questions in the Halls of Congress in full view of the world would advertise our plans and our strategy and tactics to friend and foe alike.

Mr. President, I do not say this critically but just as a mater of fact. I feel most Senators would agree with this statement to some extent. A foreign power hardly needs an espionage system in a democracy. Let them subscribe to the CONGRESSIONAL RECORD, Time magazine, the Washington Post, the New York Times, and the Wall Street Journal. I say this in a complimentary fashion. It has nothing to do with political ideology. I am talking about the magnitude of the operation and the amount of news they have in these publications.

If they would subscribe to these publications and obtain copies of the hearings of our Committee on Foreign Relations and the Committee on Armed Services, they could gain a pretty good idea of our military preparedness and of our overall strategy of foreign relations, as well as the divisions among the American people in these areas.

They do not need any espionage system. Just get all of these publications, sit down and read them, and see where our men are deployed. The map I saw in one of the magazines showed exactly where our men were, what the units were. All they would have to do would be to subscribe to some of our domestic publications. I do not say that in a critical fashion. It is a tribute to their newsgathering ability, but it is also a commentary on the laxness with which a democracy operates.

This is just one of the prices we pay for having a democracy where the people have a right to know.

Adoption of the Cooper-Church amendment can, in my judgment, serve no useful purpose. Adoption of the amendment, on the contrary, would be detrimental for many reasons. I list several here that occur to me:

First. It would raise questions and create doubt as to the credibility of the President of the United States as to his promise to withdraw the troops by the first of July.

Second. It would question the powers of the President of the United States as Commander in Chief of the armed services. I am not making reference to the amendment questioning the power of the President to take this action because it does not question that, but it would question his power to act again in the event of a similar emergency there in Cambodia because Cambodia would be off limits to American military men.

In a military camp, if a certain retail outlet, restaurant, or place where beverages can be obtained runs a type operation that is not in the best interests of the soldiers, the military commander will put that place off limits. Soldiers cannot go there. So, in effect, with the passage of the Cooper-Church amendment, Cambodia would be off limits to American soldiers. They could not go there on order of the President any more without Congress saying it is all right for them to do so. I feel that would be interfering with the powers of the President.

Third. Incredibly, it would cut off support from American soldiers fighting for their country, while they are on a military mission to which they were dispatched by the President of the United States. I do not believe we want to take that action in the Senate.

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

Mr. ALLEN. I am delighted to yield to my good friend, the distinguished Senator from Iowa.

Mr. HUGHES. Mr. President, I would like to ask a question of the distinguished junior Senator from Alabama, but I would like to preface it with a statement so it is very clear and understandable what my motives are.

Mr. ALLEN. I would be very happy to answer the Senator's question.

Mr. HUGHES. The Senator from Alabama and I have served together in the Senate for a year and a half, and I know the junior Senator from Alabama speaks from the dictates of his conscience and the breadth of his intelligence with relationship to this amendment and the laws affecting our country. I have listened over the last hour with a great deal of interest to his interpretation of the Cooper-Church amendment and the various effects and limitations it would have on the President now and in the future, and perhaps in the distant future on other Presidents, if I do understand him correctly, he does not question the constitutional power of Congress to fund armies of the United States and to limit their function, and that it is appropriate to take what action Congress deems necessary in these respects.

Mr. ALLEN. The Senator is correct. I stated in colloquy with the Senator from North Carolina that to the extent that it does infringe on the constitutional power of the President himself to protect American lives, to that extent it would be subject to some question. That was the point raised by the Senator from North Carolina.

Mr. HUGHES. Again, not questioning the personal convictions of the distinguished junior Senator from Alabama, I listened with interest as he listed various publications. As I recall now they were Time magazine, the Washington Post, the New York Times, and so on. I believe the Senator said all that the enemies of the United States had to do was to read those publications to get the factual truth about the preparations and plans of the United States and that the publi-

cations would be accurate in reflecting them.

Mr. ALLEN. I do not believe I used the word "truth." I believe the Senator is misquoting me. I did not use the word "truth" with respect to some of those publications.

Mr. HUGHES. I am sorry. Would the Senator restate his position for me, please?

Mr. ALLEN. I would be glad to give it to the Senator exactly as I gave it.

Mr. HUGHES. I thank the Senator. I would be glad to hear it again.

Mr. ALLEN. I stated:

> A foreign power hardly needs an espionage system. Let them subscribe to the CONGRESSIONAL RECORD, Time Magazine, the Washington Post, the New York Times, and Wall Street Journal and obtain copies of the hearings of our Senate Foreign Relations and Armed Services Committees and they could gain a pretty good idea of our military preparedness and of our overall strategy of foreign relations, as well as the divisions among the American people in these areas.
>
> This is just one of the prices we pay for having a democracy where the people have the right to know.

I stated further that this had nothing to do with political ideology, and it was something of a tribute to those publications for the fullness of their reporting. I did not make any assertion as to the speaking of the truth, as the Senator seemed to think.

Mr. HUGHES. I apologize to the Senator from Alabama, because it is clearly stated. He said one would get some idea, which might be altogether different from the truth that may or may not be obtained by reading them.

I think the Senator would agree that if we wanted to get copies of the Hong Kong newspapers, which are not available here, that news in them is available to the people of the Communist nations.

Mr. ALLEN. I am not familiar with that.

Mr. HUGHES. I read them when I was in Hong Kong, and I read them on the floor of the Senate. I do not subscribe to them, as I know the Senator from Alabama does not, either.

The Senator from Alabama is a distinguished lawyer, and he has been in colloquy with the Senator from North Carolina, who is recognized as a distinguished constitutional lawyer. I feel somewhat at a disadvantage as a layman in questioning the law involved in what we are discussing. But in the system of world law, is it the prerogative of any nation to cross the boundaries of any other nation in warfare without a request from that government or without treaty agreements providing for the crossing of those borders? Could the junior Senator from Alabama enlighten me on that subject?

Mr. ALLEN. The junior Senator from Alabama does not claim to be an authority on world law. The junior Senator from Alabama would express the opinion that there is considerable difference between crossing the borders of a nation for the purpose of attacking the citizens of that nation and crossing the borders for the purpose of clearing out or capturing or destroying bases set up by citizens of other nations who are enemies of the United States who are allowed to be on the soil of that foreign nation.

Mr. HUGHES. Then I would assume the junior Senator from Alabama would agree with a policy of invading North Vietnam under similar circumstances?

Mr. ALLEN. If that becomes the military policy of this country. I hope that it will not be necessary. I do not feel that is necessary to protect the lives of the American soldiers.

Mr. HUGHES. Well, we ceased the bombing of North Vietnam. Yet obviously, there is a gathering of supplies, equipment, and men just across the border in North Vietnam. That complex in North Vietnam has been assumed by the leadership of our Nation to be a legal sanctuary, and one we have attempted to respect, unless our reconnaissance planes were fired upon. Yet we look at the nation of Cambodia and devise another policy for crossing that border to wipe out similar sanctuaries, where we are not requested, when there was no discussion with the representative committees of the United States Senate or, to my knowledge, of the other body, even after it had been promised.

I view this as a matter of open policy. I am sure the Senator is aware that there are a number of international bodies to which questions like this can be taken.

Mr. ALLEN. Such as?

Mr. HUGHES. Such as the World Court or the United Nations.

Mr. ALLEN. Does the Senator think this matter could be solved by the United Nations?

Mr. HUGHES. I am not sure, but I do think we should try. I do think it has a rather drastic effect on our country when, on the eve of Law Day USA—with an administration policy that has advocated law and order widely, and that we all believe in—we cross international borders without consultation with the Foreign Relations Committee, as promised by the Secretary of State, without consultation with the leadership of the President's own party in the U.S. Senate and, as a result of that, leaving great questions in the minds of the people of America, as well as many Members of the U.S. Senate, our esteemed colleagues. It has obviously divided us again and divided our country again.

No one questions the dictates of conscience, the motives, or the patriotism of our colleagues or of our people, but we are divided on the question of the rightness or wrongness of what we are doing.

The Senator has spoken very eloquently with respect to this problem and the decision the President has made. The problem raised, as the Senator views it, is that of accepting the President's own limitation and writing it into law. I assume the Senator feels that by writing it into law we would be impugning the President's word. Is that the point of the Senator's objections to it?

Mr. ALLEN. I feel that would show a disbelief in what the President has promised. I think it would be not taking him at his word. I think it would not allow for the possibility of unforeseen happenings or contingencies taking place that would make that date impossible of accomplishment.

Just because the President has suggested he is going to be out of there by July 1st, I do not see that it profits the country to write into law that we are going to withdraw support from American troops if he does not follow that statement to the letter and have every American soldier out of Cambodia by that time.

Mr. HUGHES. Does the junior Senator from Alabama feel that had the President in 1968 said to the American people, "I have a plan to end the war in Southeast Asia and it involves the invasion of Cambodia to clean out the sanctuaries and widening of the bombing in Laos and Cambodia," the people of the United States would have elected him?

Mr. ALLEN. I do not know what the people might have done. I might state I did not vote for the President, nor did I vote for the candidate that the distinguished Senator from Iowa voted for. I voted for still another candidate.

Mr. HUGHES. The distinguished Senator from Alabama obviously believes very strongly in the issue of "law and order." We are not naming candidates here today, but there were only three men running, and I am certain that the main issue of one of those was "law and order." It was also mentioned by the candidates of both major political parties. I think respect for international law is as important to the people of America as respect for internal law, and certainly one of the principles that we both believe in is peace internally and externally.

The Senator from Iowa does not question the desire of the Senator from Alabama for peace. We are in agreement on the desire to end the war with the fewest casualties, with respect for the dignity of the people involved in it, and, I might add, with honor for all those involved in it. At the same time, the point of difference is on the methods of doing that.

Though the amendment is small in context, as appropriately described by the junior Senator from Alabama, it brings into focus the larger issues we are talking about in the country today with respect to bringing the war to an end—questions that are in the minds of many Americans today and that have since the invasion of Cambodia distinctly polarized this Nation beyond anything I have observed in my lifetime.

We share a total desire for peace that all Americans seek—and I might add, that all Americans seek with honor, with patriotism, and with love of their country, just as do the Senator and I. But we choose different paths to achieve it.

I think this extended debate—though we are carrying it on on a relatively minor issue, as the Senator himself describes the issue upon which we will eventually be getting to a vote—is of great significance. America needs this discussion to better understand not only what our policies are for the present, but may be for the future, not only in Cambodia and Vietnam, but in other nations of the world where our involvement may be deep and heavy at some point in the future and where the precedents we may be setting by these actions today would af-

fect the overall security of the United States.

So I do believe the distinguished Senator from Alabama is serving a very useful purpose in an extended discussion today, and though I differ with the Senator on almost every point he has made today with reference to the amendment before us, I am willing to accept the President at his word. As the Senator knows, I oppose reinvading the sanctuaries in Cambodia. I believe a cessation of the hostilities in that country is of preeminent importance. I think it is vital for the people of America to have a clear understanding as to who trained the forces in Cambodia that overthrew the Sihanouk government, and whether our Nation was involved in that, or whether in fact the invasion of Cambodia by our troops may be a part of some greater overall plan or design that has not yet completely unfolded. These are questions we can logically ask, because we were not notified of the scope of our involvement in Cambodia, and at least to my mind we have no knowledge of that. If the Senator has knowledge, he can enlighten me.

I think there are questions of international law involved, and what of the international respect, which, at the end of World War II, we brought into focus? Consider also the condemnation by the leadership of other nations; we have used tactics they have condemned, and I fear rightfully so. Therefore, I think it is very important that we carefully analyze each and every step we take in what we are doing today.

I do believe, and wish to express to the junior Senator from Alabama, that our Founding Fathers, in drawing together so magnificently the Constitution, which we both so deeply respect, had a purpose in mind when they said the Congress of the United States shall appropriate no moneys beyond a period of 2 years to support the Army. Realizing that the full House of Representatives is elected every 2 years and that a third of the Senate is elected every 2 years, our Founding Fathers ordained that the people of this Nation would have the right to end the policy of the President of the Nation if they disagree with it, through the political process of the elections in our country. Those are the channels they should be working through today, if they disagree with our policies.

As the Senator from Alabama knows full well, I believe that those who bomb and burn and destroy in our country are against all of us. They help none; they destroy, they do not build. They are not constructive, they are destructive. And they are with none of us.

But in contrast to that, the elective processes of this country, I believe, were provided by the Constitution to end conflicts such as we are engaged in, if the people truly believe our policies are wrong. I think ultimately and finally, in all probability, that will be the final decisionmaking process. The result may be against my beliefs, or it may be in agreement with them, but nonetheless, it is the proper way to make the decision.

I thank the distinguished junior Senator from Alabama for yielding to me and permitting me to differ with his positions here today.

Mr. ALLEN. Mr. President, I thank the distinguished junior Senator from Iowa for his remarks. He is certainly one of the most eloquent and dedicated Members of this body, and I respect no Senator more than I respect the distinguished Senator from Iowa. I know that he is dedicated to the cause of obtaining peace—a just peace, an honorable peace, and a lasting peace. I know that he is a great patriot, that he is a great humanitarian, and that he does want to see this war end and the killing *stop;* and he is certainly correct when he says that we both have the same hope, the same purpose, the same ideal of trying to disengage from the Vietnam conflict, and that the only difference we have is with respect to the method.

I appreciate the Senator's contribution to the discussion, and his saying what he has had to say about the amendment. Certainly it is an important amendment, since it does have to do with matters of war and peace and the constitutional prerogatives of Congress and of the President, and the discussion will doubtless bring into proper focus and perspective the respective powers of the President and the Congress. I appreciate very much what the Senator has said.

To continue with the statement of my objections to this amendment, I shall reiterate the first two which I pointed out before I go on to the third.

First. It would raise questions and create doubt as to the credibility of the President of the United States.

Second. It would question the powers of the President of the United States as Commander in Chief of the Armed Forces.

I believe this is the point that I was making when the distinguished junior Senator from Iowa asked if I would yield.

Third. Incredibly, it would cut off support from American soldiers fighting for their country, while they are on a military mission to which they were dispatched by the President of the United States.

Fourth. It abandons Cambodia and the Cambodian sanctuaries to the North Vietnamese and tells them in effect that they can come back and take over Cambodia, thereby putting our American troops in South Vietnam in greater jeopardy.

Fifth. It seriously weakens power of the President as spokesman for this country in the quest for peace. This repudiation of the President and his actions will be known in national capitals throughout the world within minutes of our action on this amendment.

Sixth. It emphasizes our national divisions and lack of unity in the matter of a national foreign policy.

Seventh. It could discourage firm and timely action by the President in future crises in use of Armed Forces of the Nation.

In other words, if the Cooper-Church amendment is adopted, it would say, "we raise no point as to your power to have taken this action, but, Mr. President, you have got to withdraw all American soldiers from Cambodia by July 1, or we are going to see that they receive no further support from this country."

What sort of encouragement does that give the President of the United States in acting in an emergency situation regarding another nation not covered by the the Cooper-Church amendment? As to Cambodia it is all provided for in Cooper-Church. The President will have to come to Congress and ask for permission to go back into Cambodia. Suppose it is necessary for him to take some type of military action with respect to another country? I believe Congress has already provided that he cannot go into Laos or Thailand, or cannot use any of the money appropriated last year for that purpose.

We know Cambodia is off limits. What encouragement is there to the President to take firm, decisive action to protect American interests and American lives if he is going to be called into question by Congress and if Congress will say, "All right, Mr. President; you acted within your constitutional rights. You get those men out of that area within the next 30 days or we are going to cut off support from them."

This would discourage the President from taking effective, affirmative, decisive military action in the future with regard to military action in another if he deems such action is in the best interests of the people of the United States.

Eighth, it could encourage our real adversaries, Russia and China, in believing that we lack the national resolve and determination to see the Vietnam war to an honorable conclusion.

Ninth, it advises our enemies as to what our plans are in Southeast Asia, telling them just what limitations our Armed Forces are under, just how far we will go and no further. It removes all flexibility from future military plans and operations.

Tenth, it prevents the President from ordering attacks in the future on Cambodian sanctuaries without approval of Congress, thus tying the President's hands.

The President of the United States, acting as Commander in Chief of our Armed Forces, has had and will continue to have my support in his conduct of the war in Southeast Asia.

Certainly, I will oppose any moves in the Senate to tie his hands, to snipe at him, or to criticize his actions before the world.

I oppose any action that will deprive American boys in Southeast Asia of support, or that will cut the ground from under them, or indicate in any way that they have less than my enthusiastic support.

The President has acted. This is now the official policy of our country in the conduct of the war. As a loyal, patriotic American, as well as a U.S. Senator from Alabama, I shall support it.

Therefore, Mr. President, believing as I do that the Cooper-Church amendment is unwise, unnecessary, and not in the best interest of the country, I must oppose it.

Mr. President, I have a number of letters here that I would like to insert in the

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

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

MOBILE, ALA., *May 13, 1970.*

Hon. JAMES B. ALLEN,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLEN: I have been much concerned about the volume of criticism and the apparent determination of some of our representatives in Congress to undermine President Nixon's efforts to bring the war in Vietnam to a close as far as the United States participation therein is concerned.

Surely President Nixon is sincere in his efforts to do this having already removed more servicemen from Vietnam than any preceding President. It would seem to me that, when the safety of the Armed Forces of the United States is involved, it should be our concern to give cooperative support to any efforts which would appear to further the safe removal of United States troops.

It seems apparent to me that Mr. Nixon's actions are not politically motivated and I hope that the Senate will join with him in a united effort to bring our troops home without undue loss of life and self respect.

The small band of Senators who are seeking to cut off funds for operation in Cambodia are extremely shortsighted and do not appear to me to have the interest of the United States at heart.

Yours truly,

WILLIAM W. WINTER.

SYLACAUGA, Ala., *May 12, 1970.*

Hon. JAMES B. ALLEN,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR ALLEN: Along with millions of other individuals in the United States I am concerned about the world situation and the violence and unrest in our country.

It is my strong feeling that President Nixon is making every effort to solve the problems which confront the leaders of the country today. I have been impressed with his forthrightness and his courage in making decisions which must be made by responsible individuals in an organized society. It is disturbing to read, hear, and see on television much of the criticism that has been directed toward the President when he has endeavored to carry out the responsibilities of his office. It particularly concerns me that many selfish politicians are attempting to take advantage of many situations for what they think would be to their own political benefit.

In addition, I have always been concerned by the political process whereby members of Congress attempt to achieve their ends through riders to various bills and in particular where these riders are not germane to the bill itself. Recent news reports indicate efforts to undermine the President's decisions by attaching riders to various important bills.

The fact that our system of government provides for free speech does not, to me, appear to be applicable in the permitting of convicted conspirators to visit, speak, and cause disturbances on our college campuses. I feel that the courts, primarily, and the Congress could take action that would prevent these disturbances.

The purpose of this letter is to request that my representatives in Congress display leadership in assuring that the President of the United States is fully supported in all actions which he takes, based upon his thorough study of information available only to him. I hope that you share this view and will at appropriate times make your voice heard when the voices of dissent appear to be undermining the actions of our President.

Sincerely yours,

FRANK G. PERRYMAN.

BIRMINGHAM, ALA., *May 15, 1970.*

Hon. JIM ALLEN,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLEN: Prior to reading your May report to the people, I had read an item in the newspaper as well as seeing you on television stating your support of our President's recent decision regarding Cambodia and I want you to know that my wife and I both appreciate your taking this position because while we are opposed to expanding the war, we do feel that our President has made a move in the right direction to ending it more quickly and bringing our men home as soon as possible.

I hope that someone sends you the front page of last nights Birmingham News because it certainly made me feel good to see that the students of Sanford University in Birmingham are supporting the President in his decision and this coming from young people at this time is something to be proud of.

I certainly hope that Congress and the Senate will not go along with some of the liberals in their latest movement to take power from the President and perhaps drag out the war instead of shortening it.

Yours truly,

J. C. BERRY.

ASSOCIATION OF THE
UNITED STATES ARMY,
Fort Rucker, Ala., May 12, 1970.

Hon. JAMES ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: Upon approval of the Executive Committee of the Bogardus S. Cairns Chapter of the Association of the United States Army, the following telegram was transmitted on May 1, 1970 to President Nixon:

"President RICHARD M. NIXON,
The White House,
Washington, D.C.

"MR. PRESIDENT: The Bogardus S. Cairns Chapter of the Association of the United States Army, whose 2200 members, composed of civilian business leaders in cities throughout South Alabama and distinguished fighting men at the dynamic military complex at Fort Rucker, Alabama, have of this date prepared and passed a resolution proudly extending to you our sincere support of your strategic military movement into the enemy sanctuaries in Cambodia.

"We, who have joined hands to express our support of a strong mobile Army in the defense of our National Heritage, believe that honorable but firm principles as you have demonstrated in this action must prevail if we are to succeed in our universal struggle for world peace in Vietnam.

"Sincerely,

"ROBERT ELLIS, *President.*"

HUNTSVILLE, Ala., *May 18, 1970.*

Senator JAMES ALLEN,
U.S. Senate, Washington, D.C.

DEAR SENATOR ALLEN: I am writing as a voter and taxpayer in the State of Alabama to urge you to support President Nixon on his decision to commit U.S. troops to Cambodia. I ask you to work to defeat the effort in the Senate of other senators to cut off funds for the Cambodian operation. The enemies of our country in Indo China should not be allowed a sanctuary from which to launch offensives against our servicemen. If the need and opportunity occurs for our troops to chase the enemy up through Laos I ask you to support that too.

Indo China is a modern day Munich and the war protesters if not communists are modern day Neville Chamberlains. We would be very foolish to let the communists take over South Viet Nam, Laos, or Cambodia. I ask that you put partisan politics aside in this matter in which the existence of our country is at stake.

Very truly yours,

EDWARD S. GOODE.

HUNTSVILLE, ALA., *May 19, 1970.*

Hon. JAMES ALLEN,
U.S. Senate, Washington, D.C.

DEAR SENATOR ALLEN: Please add my name to the list of those people who support The President in this current controversy about the U.S. military action in Cambodia.

Admittedly, I am concerned about the continuance and possible escalation of the war in Indo China and it seems on the surface that this move into Cambodia is in the wrong direction, toward enlarging the war. However, I am willing to accept and support the President's decision as being in the long term best interests of the majority of Americans and that for reasons of strategy it was necessary for him to act as he did.

As my representative in Washington, D.C., I hope that you will give your support to the President in this matter.

Sincerely yours,

CALVIN L. SWINDELL.

MOBILE, ALA., *May 19, 1970.*

Senator JAMES E. ALLEN,
Senate Office Building, Washington, D.C.

MY DEAR SENATOR: While being very much aware of the fact that there is not available to me the same information having an important bearing on such matters, and that perhaps there is not even available to you some information which is available to President Nixon on these vital subjects, I feel obliged to say, on the basis of all that I do know about our current affiairs, and all the experience which I have had in my lifetime, that the decision of President Nixon to move into Cambodia as he has described in his televised talk to the Nation was necessary and very much in the best interest of the people of our country.

I plead with you to support it, to support the President in his conduct of the Vietnam War and to seek every means of containing the opposition available to you, through the period necessary for fulfillment of the campaign. It is obvious that a large segment of our population, particularly among the young people, lack faith in his leadership. Believing so strongly that he is right, it is my hope that the means will be found to engender greater confidence in and support for his decisions. In critical matters of war and foreign policy, I see absolutely no substitute for decisions by our leaders who bear the responsibilities, however desirable it might seem for a more democratic process to control.

Respectfully your,

R. P. DENNISTON.

TUSCALOOSA, ALA., *May 10, 1970.*

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: Our family wants you to know that we are wholeheartedly behind the President of the United States in his efforts to end the war in Viet Nam. Please support the President in the manner in which the war is being conducted. Do not let the United States Senate curtail his powers, or stop him in his honest efforts to bring the war to an honorable conclusion. The United States must not be defeated for the first time in its great history. Do not listen to the small minority of dissenters and defeatists, who would have peace at any price. The vast majority of the people in this great country want a successful conclusion to the Viet Nam war, but only by means of a military victory, and an honorable peace on our terms. Why not win a military victory in Viet Nam to prevent the Communist domination of all Southeast Asia?

Our American principles represent the greatest charter of human justice, freedom,

and democracy on the face of the earth. We have here in America a priceless heritage. If we are to maintain this heritage, we must rid ourselves of all the alien ideologies and vicious destructive groups that are determined to undermine and destroy the principles upon which this great country was founded.

In addition to the parents, our family consists of a twenty-one year old daughter, and a seventeen year old son. In matters of respect for our flag, patriotism, and honor of the office of the President of the United States, there is no generation gap in this family.

Respectfully,

JAMES S. BROWNING.
LORENE M. BROWNING.
CYNTHIA BROWNING.
TIM BROWNING.

HUNTSVILLE, ALA., *May 14, 1970.*

SENATOR JAMES ALLEN,
Washington, D.C.

DEAR SIR: I have tried to look at all sides of this incident of our troops being sent into Cambodia. I know I do not have all the facts but I believe that we should not tie the hands of government in restricting the operation in Cambodia or Vietnam. I hope and pray that you will do the right thing for the majority of the people.

Yours truly,

ROY LEYARE.

HUNTSVILLE, ALA., *May 17, 1970.*

SENATOR ALLEN: We are a part of the silent majority of the people of this country that has never written to our Senators. However we are all sick and tired of hearing the voices of the demonstrators and the way-out liberals of this country.

Sir, there have been many petitions passed around and signed by nearly everyone that has a chance to support *Our President*. We hope that you will support him in his stand. We are uneducated people of this country with the dream of sending our children to college but at the rate our colleges are going, I am now of the opinion that they would be better uneducated and to have just plain common sense and a little loyalty to God and Country.

Yours truly,

RITA S. GWATHNEY.

GREENVILLE, ALA., *May 19, 1970.*

Senator JAMES ALLEN,
Washington, D.C.

DEAR MR. ALLEN: This may be too late in coming, but I want to express my opposition to the plan presently being pushed by Mr. McGovern, and others of his way of thinking, to thwart the leadership of President Nixon—who is our Commander in Chief—by cutting off the money to support our soldiers if he happens to direct them into an area that Congress does not O.K. I think (particularly at this stage of the "war") any such effort to counteract his leadership is certainly giving aid and comfort to the enemy, as well as stabbing our own armed forces in the back. What can they be thinking of to even suggest such a thing??? I hope that you will not go along with any such plan.

I hope you will use your efforts to uphold the President and our troops in bringing this war to an honorable end . . . and I don't mean for us to just turn tail and run. Personally I think we should have gone into Cambodia months and months ago, and that the bombing of North Vietnam should have been resumed long ago, when it was evident that the "Peace Conference" in Paris is such a farce. I hate war as much as anyone, and I'll admit I don't know the answers, but I don't think we find peace by continually giving in to an enemy (such as the Communists). And I don't think we hasten peace by *telling the enemy* all our plans, i.e. that we will withdraw from Cambodia by a certain date, and that we will go just so far and no farther.

I don't believe in censorship of the news—but I don't think "plans" should be considered "news" to be broadcast far and wide. I always thought a big part of military strategy was to take the enemy by surprise. And because too many of our people can't keep their mouths shut and seem to want to help the enemy by telling everything, I think our Commander in Chief should continue to direct our forces as he and his military advisers think best—and he should not be handcuffed by all the "doves" in Congress who, to my way of thinking, aren't interested in real peace. I don't think anyone can win against the Communists by appearing weak.

Sincerely yours,

Mrs. J. D. SELLERS.

HUNTSVILLE, ALA.,
May 17, 1970.

Hon. JAMES B. ALLEN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLEN: I have been reading about the efforts by some Senators to deprive President Nixon of funds to continue this countries' military activities in Vietnam and Cambodia to a satisfactory conclusion.

I therefore would like to remove myself from the silent majority and at least take a position through this letter that I am fully in favor of the President's approach in Vietnam and Cambodia and would like to see this effort continued as long as he feels it necessary.

Consideration of this position in your actions in the Congress would be appreciated.

Yours truly,

JOSEPH B. JONES, JR.

JACKSONVILLE STATE UNIVERSITY,
Jacksonville, Ala., May 15, 1970.

Hon. JAMES ALLEN,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: I am writing to advise you of my feelings about President Nixon's Cambodian decision. The President has my full confidence and I support his actions completely. What does disturb me is the failure of the United States Senate in giving its support to President Nixon at a time when this nation needs unity the most.

In discussions with other faculty members at Jacksonville State and with members of the working community, I have found a tremendous majority who support the President. In a poll conducted in my classes of history majors and minors I can report that 111 supported the following statement while only 14 did not:

"Do you support President Nixon's invasion of Communist sanctuaries in Cambodia with the understanding that *the President* will withdraw the forces within ten weeks".

This is a sizable majority; much more than one would expect on a relatively conservative campus in the south. It makes one wonder what percentage of students in other colleges would support the President if they could be heard and could express their opinions.

I know that you are interested in advice from your constituents and that you will give this letter your full consideration.

Sincerely,

PHILIP E. KOERPER,
Associate Professor of History.

TRACTOR & EQUIPMENT CO.,
Birmingham, Ala., May 13, 1970.

Hon. JAMES B. ALLEN,
U.S. Senate, New Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLEN: The "Amendment to End the War" is not in keeping with the heritage, honor and history of this great Nation.

Perhaps a short quote from one of our soldiers in Vietnam, my son, could have some influence on your decision.

Pleiku, Vietnam, May 7, 1970: "Everybody here is happy as hell with the President's decision to let us head West".

Sincerely,

JIM W. WAITZMAN.

SPECIALTY PRODUCTS INC.,
Birmingham, Ala., May 13, 1970.

Hon. JAMES B. ALLEN,
U.S. Senator, Alabama,
Senate Office Building, Washington, D.C.

DEAR SENATOR: I know that sending of our troops into Cambodia has created quite a bit of controversy over the country. I believe that the action the President took was both warranted and necessary. As he has stated, he did not do this to expand the war, but to get it over with more quickly, to the best advantage of this country.

Myself, and most of my friends in Alabama support the President at a most difficult time in our history.

Sincerely,

JOHN L. MORGAN.

MONTGOMERY, ALA., *May 13, 1970.*

Senator JAMES ALLEN,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR: Last night I listened to a TV program put on by five Senators on the amendment to end the war by cutting off funds.

I am for ending the war in VietNam but not by surrender. I am for winning it. Peace at any price is a pretty high price to pay. I hope that you vote against the amendment.

Sincerely,

CLYDE A. HARRIS.

HAMILTON, ALA., *May 7, 1970.*

Hon. JAMES ALLEN,
U. S. Senator,
Washington, D.C.

SIR: As a freshman at the University of Alabama, I whole-heartedly *support President Nixon's actions regarding Cambodia.*

At this University there is an organized move to flood your office and that of several other key Senators with mail unfriendly to his actions. This is a movement of campus radicals, mostly yippies, and certainly does not represent the prevailing feelings at this University.

I hope you will support the President in this matter. You can be assured that I will appreciate your positive stand.

Very sincerely,

DAVID MOORE.

DOTHAN, ALA., *May 15, 1970.*

Senator JAMES B. ALLEN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLEN: Enclosed is a copy of a letter my wife and I have written to President Nixon regarding the current tense situation in our country over the Cambodian crisis.

As disturbing as the actions of students and so called revolutionists are at this time, the appalling and most frightening aspect of the situation is the ugly vocal support that U.S. Senators and Representatives are giving these movements. Where are the true patriots in our Congress? Why aren't they sounding off against these who would weaken our nation and allow communism to run rampart and dominate the world?

In my opinion, the majority of our constituents in Alabama would like to see you stand up in the Senate and defend our President against these unwarranted attacks on his honor and integrity. Yes, you as a Democrat should take sides with a Repub-

lican President, because in my book party lines are of no significance in a time of national crisis.

May we hear your voice sounding off in defense of our country?

Sincerely,

ROGER W. STOREY.

DOTHAN, ALA., *May 14, 1970.*

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: This is the first letter we have ever written to the President of the United States; but we, like many other Americans, are greatly disturbed over the fact that there are citizens in our country who are evidently trying to weaken our nation to the status of a second rate power—the most frightening aspect of the situation being the vehement tirades of important Senators and Representatives in the Congress from both parties against your recent decision in Cambodia.

Please be assured that you have our full support and prayers in the tedious decisions you must make in Viet Nam, Cambodia and anywhere else in the world to defend our freedom from tyranny.

Copies of this letter are going to both Senators and every Representative from the state of Alabama, asking that they stand up on the floors of Congress and defend your foreign policy against those who would sabotage it.

May God bless you and guide you as you lead our country during these perilous days.

Sincerely,

ROGER. W. STOREY.
MRS. ROGER W. STOREY.

BAY MENETTE,
May 14, 1970

Hon. JAMES B. ALLEN,
Senate Office Building,
Washington, D.C.

DEAR SIR: As a voter and a member of the 'under 25 set', it is my opinion that the Amendment to cut off funds to support the Viet Nam Conflict should be defeated. Defeatism is not an honorable emotion that should be displayed by so august a body as the United States Senate. A minority in the Senate should not be allowed to shake the confidence of the people in their legislative body. A one hundred percent endorsement should be given the President.

When the time comes to vote on this Amendment to cut off the funds for the war, I hope that your vote will be a resounding 'no'.

Sincerely,

WILLIAM HODGE.

UNIONTOWN, ALA.

DEAR SENATOR: I had a son to die in Vietnam for our country and I am proud of him. He thought enough for people to go and fight and die for them and I would like to express my opinion about this college trouble that we are having.

If these boys and girls had to go and fight in a place like Vietnam they probably would appreciate a good education and a good home. I had two sons there and one came back. And we are proud to have sons that believe in the right things.

I'm not for war and I guess nobody is but most of the boys that do go to war like to think it is for our country.

And do let the National Guard use loaded guns because the good people need protection from the bad. It is like fighting in a war to have a better place to live.

Thank you for letting me express my opinion to you.

Sincerely,

MRS. MAX MCHANEY.

Mr. ALLEN. Mr. President, I yield the floor.

(At this point Mr. PELL took the chair as Presiding Officer.)

THE "SANSINENA"

Mr. TYDINGS. Mr. President, the strange story of the *Sansinena* continues. The *Sansinena* is the 66,000-ton Liberian-flag tanker owned by the Barracuda Tanker Corp., of Hamilton, Bermuda, which on March 2 received an unprecedented waiver from the Treasury Department, permitting the ship to compete in the lucrative, U.S. domestic trade. The waiver was issued without either justification or explanation. It culminated a 4-year, intensive lobbying effort by the Union Oil Co. of California to whom the ship is time chartered.

Under the law only U.S.-built and U.S.-registered vessels can serve between American ports. This requirement is consistent with traditional cabotage laws of maritime nations and reflects the necessity to preserve a healthy domestic shipbuilding industry. Should foreign vessels be allowed U.S. coastwise trading privileges, what remains of our shipbuilding industry could be crippled. Ships for the coastal trade would then be built overseas, since American yards cannot compete with the lower costs of foreign yards. Our cabotage laws, in this instance the Jones Act, help maintain American yards by requiring American ships in the American coastal trade.

The integrity of the Jones Act is particularly important to me, for shipbuilding is a key industry in Maryland and I am entrusted with the well-being of thousands of workers at Sparrows Point Shipyard and steelworks in Baltimore.

Exception to the requirements of the Jones Act is permitted by waiver if it is found to be "in the interest of national defense"—act of December 27, 1950; see historical note to 46 U.S.C. 1. It is under this provision that the Treasury acted.

The Department's action, however, created a financial bonanza for either Barracuda or Union Oil or both. By transferring this tanker from the foreign trade market where it is, relatively speaking, a small ship, to the domestic trade, where it would be the sixth largest tanker in the U.S.-flag fleet, the value of the ship is increased by a minimum of $5 million. Having flown a foreign-flag the *Sansinena* should not enjoy the benefits of our coastal trade.

They have never employed one American seaman. They have never paid one cent in American income taxes. That is why they fly the Liberian flag.

With the waiver however, the tanker can ply our coastal waters and participate in the lucrative domestic market. And of course, the waiver removes the need to build a new vessel in an American yard or charter a tanker already privy to coastwise privileges.

Thus by the stroke of a pen a multimillion-dollar windfall was created.

That the Department of Defense had refused to grant a waiver to the *Sansinena* made no difference to the Treasury Department. That the waiver was open ended and carte blanche while all previous waivers were limited to single projects did not bother them. That its effect on shipbuilding could be disastrous did not concern them. That the waiver runs counter to the administration's effort to rebuild our merchant marine did not matter to them.

The Treasury Department issued the waiver and did so without even stopping to explain why. And I would add that nothing I have heard or read since can in any way justify the remarkable signing of this waiver by the Secretary of the Treasury.

On March 9 I spoke to the Senate and pointed out the facts and implications of the *Sansinena* affair. I raised questions and demanded answers. I noted, with both dismay and disapproval, that no explanation was offered by the Treasury Department. Mere notification of the waiver was all the Department offered. I stated that fair play and courtesy required a fuller explanation and that the known facts could not justify the Department's action.

I believe this is still the case.

In my March 9 speech I noted that, "apparently considerations other than merit enter the picture." Without making accusations, I pointed out that Peter M. Flanigan, now an assistant to the President, prior to his service in the White House, was the president and managing director of Barracuda Tanker Corp., and that Fred L. Hartley, who I am told is a financial stalwart of the Republican Party, is the president of Union Oil Co. of California.

Shortly after my March 9 speech, the Treasury Department suspended the waiver granted to the *Sansinena*. Attached to the Treasury statement announcing the suspension was a memorandum for Secretary Kennedy dated March 9, 1970, and signed by Peter M. Flanigan.

I ask unanimous consent that a copy of the memorandum be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. TYDINGS. The 2-page memorandum outlined "the facts relating to my—Flanigan's—past association with Barracuda Tanker Corp., the owner of the S.S. *Sansinena.*" The last paragraph of this memorandum reads:

> I did not discuss the application to the Treasury Department for waiver of the coastwise trading restrictions on the Sansinena with any Government official or employee.

That is what it says right here. Mr. President, this statement conveys the impression that Mr. Flanigan had no contact with anyone in Government about the *Sansinena* waiver.

He says, "I did not discuss the application for waiver with any Government official or employee." I would think that that statement means what it says. It was sent attached to an explanation signed by the Secretary of the Treasury for the granting of the waiver. But that is not correct.

In the course of preparing for a hear-

ing to determine whether or not new legislation was needed in connection with the Jones Act because of the granting of this waiver, even if for only a week, I have acquired documents proving that Mr. Flanigan did make a direct inquiry from the White House to the primary agency within the Government on the merchant marine about the *Sansinena*. The fact is that prior to the Treasury Department's granting the waiver, Mr. Peter Flanigan from the White House, in his capacity as assistant to the President—not as former president and stockholder of Barracuda Tanker Corp.—made a personal inquiry to the Maritime Administration with respect to securing coastwise privileges for the *Sansinena*.

In an October 9, 1969, memorandum to Peter M. Flanigan entitled "Subject S.S. *Sansinena*," the Administrator of the Maritime Administration, Mr. A. E. Gibson, stated:

In response to your inquiry last week regarding the use of subject vessel in domestic trades, you should be aware that such use is specifically prohibited by Section 27, Shipping Act, 1920 . . .

Mr. Gibson goes on to note that a prior request by Union Oil for Commerce Department support for a waiver to the *Sansinena* was denied by the Secretary of the Commerce Department, of which the Maritime Administration is a part, in a letter dated December 3, 1968.

I ask unanimous consent that the memorandum from A. E. Gibson, the Maritime Administrator, to Peter M. Flanigan, assistant to the President, subject "S.S. *Sansinena*," dated October 9, 1969, be printed in the RECORD at this point.

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

OCTOBER 9, 1969.

Memorandum for: Peter M. Flanigan, Assistant to the President.

Subject: S.S. *Sansinena*.

In response to your inquiry last week regarding the use of subject vessel in domestic trades, you should be aware that such use is specifically prohibited by Section 27, Shipping Act, 1920, which provides in pertinent part, as follows:

"Sec. 27. That no merchandise shall be transported by water, or by land and water, on penalty of forfeiture thereof, between points in the United States, including Districts, Territories, and possessions thereof embraced within the coastwise laws, either directly or via a foreign port, or for any part of the transportation, in any other vessel than a vessel built in and documented under the laws of the United States and owned by persons who are citizens of the United States, or vessels to which the privilege of engaging in the coastwise trade is extended by sections 18 or 22 of this Act: *Provided*, That no vessel having at any time acquired the lawful right to engage in the coastwise trade, either by virtue of having been built in, or documented under the laws of the United States, and later sold in whole or in part, or placed under foreign registry, shall hereafter acquire the right to engage in the coastwise trade: . . ."

Union Oil has previously requested the Department of Commerce to support its request for a waiver of the coastwise restrictions on the *Sansinena*. By letter of December 3, 1968 (copy attached) that request was denied. Earlier this year I had a similar request which had to be answered in the same vein (copy also attached). I am informed that there is no way these restrictions can be removed short of a change in the existing law.

As I indicated, excluding domestic trades not only foreign flag ships but foreign built ships can be placed under American flag to operate in our foreign trade with only minimum restrictions. However, this obviously does not help Union Oil.

A. E. GIBSON.

Mr. TYDINGS. Mr. President, this memorandum raises new questions, possibly disquieting ones. With whom in the Maritime Administration did Mr. Flanigan speak? What exactly did he say, what was his inquiry? When did this communication take place? How did he contact the Martime Administration? For what purpose?

And perhaps most importantly, why did Mr. Flanigan in his memorandum to Secretary Kennedy fail to mention his inquiry to the Maritime Administration about the *Sansinena*? And why did he say, "I have never discussed the application to the Treasury Department with any Government official or employee"?

These questions demand answers.

Another question, requiring an answer, that is raised by a close reading of the memorandums is whether someone has sought to mislead Congress. For the fact is that there are two versions of the Flanigan memorandum of March 9. The first is the one transmitted to the Secretary of the Treasury, signed by Peter M. Flanigan, under cover of a letter of the same date also signed by Mr. Flanigan. The second is a memorandum issued by the Treasury Department, attached to a Treasury Department March 10 press release announcing suspension of the waiver and initiated by Peter M. Flanigan.

There are various differences between the two memorandums. The most important is a change in the last paragraph. In light of the facts already known this change is perhaps significant.

The first memorandum ends with the emphatic statement:

I have never discussed the application to the Treasury Department for waiver of the coastwise trading restrictions on the *Sansinena* with any government official or employee.

The second memorandum, the one attached to the Treasury announcement and initialed by Mr. Flanigan reads:

I did not discuss the application to the Treasury Department for waiver of the coastwise trading restrictions on the *Sansinena* with any government official or employee.

The difference is one of tone. The former, presumably the first memorandum, is more definite. The tone is absolute. "I have never discussed"; while the second memorandum is not as firm: "I did not discuss."

What accounts for this change? Who drafted it, and why? Had he never discussed, or did he not discuss? Which did he do, or did he do neither? The Treasury Department announcement of March 10 contains a statement by Secretary Kennedy that the memorandum attached to the announcement and "detailing" Mr. Flanigan's relationship with Barracuda was sent to him by Mr. Flanigan. Yet, the memorandum released was not the memorandum Mr. Flanigan sent, or evidently not the only memorandum sent.

At question is the absolute right of Congress to rely on the complete correctness of communications emanating from the executive branch. Query: Why are there two Flanigan memorandums? What is the meaning of the change in emphasis? Is it a matter of style or of substance? Why is there any change at all? Who felt a change necessary and why? Why were we not told that two memorandums existed?

These questions also demand answers.

It would be interesting to learn the reasons for the other changes. Why was the statement about the price of the Barracuda shares held in trust added to the second memorandum? By whom was it added? And with whom was the statement of financial interests filed? To the Chairman of the U.S. Civil Service Commission as the first memorandum states or to the Counsel to the President as stated by the second memorandum? Why were these changes made? These questions must also be answered.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD Secretary Kennedy's statement of March 10, 1970; Mr. Flanigan's memorandum of March 9, 1970, and Mr. Gibson's memorandum of October 9, 1969, together with the attached covering letters.

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

TREASURY SUSPENDS SANSINENA WAIVER PENDING REVIEW OF NATIONAL DEFENSE ASPECTS

Treasury Secretary David M. Kennedy today issued the following statement:

I am suspending the waiver granted by Treasury to Union Oil Company to permit the SS *Sansinena* to engage in coastwise trade.

The waiver is being suspended because of questions which have arisen over the merits of the case since the waiver was granted. Because it has been alleged that the Sansinena waiver involves new implications for national maritime policy as well as broad national defense considerations, I intend to initiate an administrative review of the application for waiver under procedures assuring all interested parties a full opportunity to present their views.

Treasury received the application to grant a waiver for the *Sansinena* in August of 1969. The *Sansinena* is a 70,700 ton oil tanker built at Newport News, Va., in 1958. In its application, Union Oil stated that it wished to use the tanker to carry oil from developing Alaskan fields to the West Coast of the United States. In originally granting the waiver, Treasury took into consideration the following factors:

The *Sansinena* was built in an American shipyard.

She was to be sold to an American company.

Currently, she is owned by a Liberian Corporation headquartered in Bermuda, Barracuda Tanker Corporation, but an American company is being formed to purchase the vessel.

The vessel is operated and would continue to be operated under charter by an American company, Union Oil.

She would be registered in the United States.

She would employ American crews.

The new company of ownership would pay United States taxes.

The intent of Congress in writing the 1950

Jones Act which regulates vessels engaged in coastwise trade was to prevent foreign ships from demoralizing existing services or delaying construction of new ships in American yards. There is no established Alaskan service, and the ship, as pointed out, was built in an American shipyard.

A recent federal district court decision said that the law was not intended to exclude from coastwise trade ships built in this country and then acquired by American companies from the foreign owner when the ship had never before acquired the right to engage in coastal trade in this country. In the absence of reversal on appeal, this decision would enable the *Sansinena* to engage in coastwise trade without a waiver of the Jones Act restrictions.

A broad interpretation of the national defense implications of the development of Alaskan oil indicated to Treasury, under its discretionary power to grant waivers, that the employment of the *Sansinena* in coastwise trade was in the interest of national defense.

Another question which has arisen in this case is the previous ownership of a small quantity of stock in Barracuda Tanker Corporation by Peter Flanigan, an assistant to the President.

In its routine investigation following the application by Union Oil for the waiver, Treasury discovered that Mr. Flanigan had been an organizer of Barracuda, that he was the beneficial owner of less than 4 percent of the capital stock (308 shares). This stock had been placed in trust for Mr. Flanigan in 1969. He would not be a stockholder of the new company being formed to purchase the Sansinena.

Treasury officials determined that the application of Union Oil should be, and it was, considered solely on its merits without reference to the small ownership interest of Mr. Flanigan in Barracuda.

At no time prior to the granting of the waiver did anyone on the Treasury staff consult or discuss the waiver application with Mr. Flanigan or with anyone else in the White House.

After the granting of the waiver, on March 2, became public knowledge, Mr. Flanigan sent me a memorandum detailing his relationship with Barracuda. A copy of that memo is attached.

THE WHITE HOUSE,
Washington, D.C. March 9,1970.

Hon. DAVID M. KENNEDY,
Department of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: On Friday, March 6, I learned that the Treasury Department had granted, subject to certain conditions, a waiver of the coastwise trading restrictions on the tanker S/S Sansinena. The S/S Sansinena is owned by Barracuda Tanker Corporation in which I was previously a stockholder. I was further informed by Bryce Harlow that you had been requested to testify before the Merchant Marine and Fisheries Committee on this waiver and that there was a possibility that the matter of my stockholdings would be raised.

In order that you might have the information concerning my relationship with Barracuda, I have prepared the attached memorandum.

Sincerely yours,

PETER M. FLANIGAN,
Assistant to the President.

MEMORANDUM TO SECRETARY KENNEDY

MARCH 9, 1970.

The following are the facts relating to my past association with Barracuda Tanker Corportation, the owner of the S/S Sansinena.

Prior to coming with the government I was an officer of Dillon, Read & Co. Inc., New York, New York. Dillon, Read has for many years been investment bankers for Union Oil Company of California. From time to time over the years, officers of Dillon, Read have organized corporations for the purpose of acquiring and leasing ships and other assets to Union.

Barracuda Tanker Corporation was organized in 1956. Since its inception its sole activity has been the ownership of tankers and their charter to Union on long term charter contracts under which Barracuda receives a fixed charter rental plus certain expenses. The charter of the Sansinena extends until 1985 with a renewal option in Union until 1990.

I resigned as an officer and director of Barracuda before becoming an Assistant to the President on April 16, 1969.

In connection with my employment with the government I gave to the Chairman, U.S. Civil Service Commission a statement of my financial interests, disclosing securities that I owned, including my ownership of 308 shares of Barracuda (less than 4% of the outstanding shares). In 1969 I assigned the Barracuda shares, together with other securities, to my father as trustee of a revocable trust for my benefit, so as to give my father complete discretion in the management of the securities.

I am informed that on February 25, 1970, the President of Barracuda telephoned my father and said that to avoid my being placed in a position where there was any possibility of an appearance of conflict, he would buy the trust's shares for $20,020, and my father as trustee agreed to the sale at this price. He was informed that this price was determined solely with reference to Barracuda's liquid assets, the rentals under the existing charters, and estimated salvage values, following a method employed in determining price when certain shares were bought by Barracuda in 1966.

Neither I nor the trust has obtained or can obtain any benefit from the Treasury's action on Union's application.

I have never discussed the application to the Treasury Department for waiver of the coastwise trading restrictions on the Sansinena with any government official or employee.

Very truly yours,

PETER M. FLANIGAN,
Assistant to the President.

DECEMBER 3, 1968.

Mr. JOHN ALLEN,
Union Oil Co. of California,
Washington, D.C.

DEAR MR. ALLEN: This will refer to your letter of November 4, 1968, acknowledged by the Acting Maritime Administrator on November 12, 1968, requesting our support for a waiver of the coastwise trading restrictions currently imposed on the SS SANSINENA, so as to enable her to transport Alaskan crude oil to West Coast refineries.

The SS SANSINENA is a 17.5 knot tanker of 70,700 deadweight tons. She was built by Newport News Shipbuilding & Drydock Company in 1958 for Barracuda Tanker Corporation, a corporation not a citizen of the United States, for registry under Liberian flag. This vessel is precluded from operating in the coastwise trade by virtue of Section 27 of the Merchant Marine Act, 1920, which provides that no vessel that is built in the United States and is placed under foreign registry shall thereafter acquire the right to engage in the coastwise trade.

Your request is based on Public Law 891—81st Congress, approved December 27, 1950, which authorizes a waiver of compliance with the navigation and vessel-inspection laws (a) by the Commissioner of Customs upon request of the Secretary of Defense to the extent deemed necessary in the interest of national defense by the Secretary of Defense, and (b) by the Commissioner of Customs to the extent and in such manner and upon such terms as he may prescribe, either upon his own initiative or upon the written recommendation of the head of another Government agency, whenever he deems that such action is necessary in the interest of national defense.

In support of your request you state that the placing of the tanker in the coastwise service will (1) reduce the lead time required to make it available in case of a national emergency, (2) release equivalent tonnage for MSTS and other U.S. requirements currenty being filled by foreign ships, and (3) stimulate Alaskan crude oil production by reducing the cost of transportation, thus strengthening domestic production capabilities for national defense purposes. The other points advanced in support of your request deal primarily with economic as opposed to national defense considerations.

We have carefully considered the matters raised in your letter. However, we find that there are overriding considerations which militate against our supporting your request.

We have an agreement with Barracuda Tanker Corporation and Union Oil Company of California that the SS SANSINENA will be made available to the United States in the event of an emergency. That agreement was made as a condition of our consent under Section 37 of the Shipping Act, 1916, to the building of the vessel for foreign flag documentation. Consequently, this tanker is already under "effective control". Also, since we have national emergency requirements for tankers both away from our shores and in our costal waters, the tanker's position on the oil trade lanes of the world is not of major significance.

MSTS had 17 foreign flag tankers under charter as of November 1st. However, their requirements for these tankers are diminishing and 9 will be redelivered by the end of the year. Hence there is no indicated need for tankers such as the SS SANSINENA as replacements.

The SS SANSINENA is one of 66 tankers aggregating approximately 2,250,000 deadweight tons which have been built in the United States since 1950 for foreign flag operation. Thirty-eight of these tankers, aggregating approximately 1,400,000 deadweight tons, were built for citizens of the United States or for corporations owned by citizens of the United States. The waiver of the navigation laws to permit one of these tankers to engage in the domestic trade would set a precedent which could well induce many others to seek similar action.

As of August 31, 1968, there were 275 U.S. flag tankers aggregating about 6,870,000 deadweight tons. Of these 159, aggregating 3,704,000 deadweight tons, were operating in the domestic trade. A substantial number of U.S. flag tankers were built at about the same time as the SS SANSINENA with financial assistance granted by the Maritime Administration under its Title XI mortgage and loan insurance program. Their economic soundness as tankers lies in their ability to operate in the domestic oil trade and to carry MSTS cargoes. In the past, because of the lack of tanker demand in these trades, it was necessary for the owners to look to the Cargo Preference program for business, and in a number of cases it was necessary for the Government to advance payments to the owners or to agree to deferrals of payments by the owners of principal indebtedness in order to avoid mortgage defaults. The waiver of the navigation laws in respect of the SS SANSINENA and other tankers similarly situated would, therefore, pose a serious threat to enlisting investments in U.S. flag tankers.

At present there are 21 tankers being constructed or under order for construction in domestic shipyards. Two other new tankers were delivered earlier this year. One of the primary reasons the owners decided to build these new tankers and the Government decided to aid in financing their construction was the growing need and future potential for tankers in the Alaskan trade. The waiver

of the navigation laws to permit foreign flag tonnage to engage in this trade would destroy the reliability of the economic soundness determinations underlying the decisions to build these new tankers. It would also create a serious deterrent to economic justification of any further new U.S. flag tanker construction.

Finally, we believe that a program for building new tankers as opposed to the admission of older foreign flag tankers into the domestic trade will better serve to upgrade the U.S. tanker fleet, and thereby better accomplish many of the objectives to which your request is directed.

For those reasons we find that we are unable to support the waiver which you are seeking.

In order that you may better understand the reasons for our present action, and its consistency with our prior position on a similar proposal, I am enclosing a copy of the testimony of former Maritime Administrator Stakem before the Merchant Marine and Fisheries Subcommittee of the Committee on Commerce, United States Senate, Eighty-Seventh Congress, First Session, in which he recommended against enactment of S. 1627, a bill which if enacted would have enabled tankers in the class of the SS SANSINENA to be documented under the laws of the United States with coastwise trading privileges.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce.

STATEMENT OF THOMAS E. STAKEM, ADMINISTRATOR, FEDERAL MARITIME ADMINISTRATION, GAO BUILDING, WASHINGTON, D.C.

Mr. STAKEM. Mr. Chairman, section 27 of the Merchant Marine Act, 1920, provides that no vessel that is built in the United States and is placed under foreign registry shall thereafter acquire the right to engage in the coastwise trade.

The bill, S. 1627, provides that notwithstanding the provisions of any other law, any vessel which (1) is of not less than 12,500 gross tons, (2) was built in the United States and completed after January 1, 1950, (3) was built for a citizen of the United States and (4) was placed under foreign registry, may be documented under the laws of the United States, with coastwise privileges by such citizen, within 2 years after enactment of the bill.

Thirty-nine vessels, all tankers, would be made eligible by the bill for admission to the coastwise trade. Because admission of these tankers would (1) cause the layup of tankers now operating in the trade, (2) further depress charter rates, (3) diminish prospects for shipbuilding, and (4) cause additional unemployment for seamen, we recommend against enactment of the bill.

We have agreements with the owners of the 39 tankers that would be made eligible by the bill, that these ships will be made available to the United States in the event of emergency. With regard to 33 of the ships, that agreement was made as a condition of our consent under section 37 of the Shipping Act, 1916, to the building of the ships for foreign-flag documentation. The other six ships built before the Presidential proclamation of December 16, 1950, brought section 37 of the 1916 act into effect. The commitment to make these vessels available to the United States in an emergency was made as a condition of our granting war risk insurance binders with respect to the vessels.

The 39 tankers that would be made eligible for coastwise privileges under the bill have a gross tonnage ranging from 16,553 gross tons, for the smallest, to 37,203 gross tons for the largest. Their deadweight tonnage—that is, total lifting capacity—ranges from 28,260 for the smallest to 60,000 for the largest. The total deadweight tonnage of these tankers is approximately 1,500,000 tons. This is roughly one-third of the tanker deadweight tonnage now engaged in the coastwise trade. The average deadweight tonnage of the tankers that would be eligible is approximately 38,000 tons.

As of April 1 of this year there were 246 tankers, aggregating about 5 million deadweight tons, engaged in the coastwise trade. The average deadweight tonnage of these ships is approximately 20,000 tons. Of the 246 ships, 162 were T–2 size—approximately 16,000 deadweight tons. In addition there were, as of that date, 34 tankers with coastwise privileges—aggregating about 540,000 deadweight tons—in permanent layup. All of the laid-up tankers were T–2 or other war-built tankers, and the average deadweight tonnage of these ships is approximately 16,000 tons.

In 1959, approximately 165 million tons of cargo were carried in domestic trade in tankers. We have calculated for that year the tanker rate which a T–2 tanker—approximately 16,000 dead-weight tons—and a 32,000 deadweight-ton tanker must obtain to break even. Using fully distributed costs, but no element for profit, we calculated that a T–2 tanker must obtain $2.747 per cargo ton, equivalent to ATRS minus 3.6 percent. The average rate actually obtained by T–2 tankers for that year—I am speaking of 1959—was $2.40 per cargo ton—equivalent to ATRS minus 15.8 percent.

A 36,600 deadweight-ton tanker would need to obtain a rate of $2.59 per cargo ton, equivalent to ATRS minus 9.1 percent, to break even. The average rate such vessels actually obtained during that year was $2.31 per ton, equivalent to ATRS minus 18.9 percent.

A large tanker does not need to obtain as high a charter rate as a T–2 does in order to break even. Though some of the 1,500,000 deadweight tons of shipping that would be eligible for documentation under the bill may not be able to operate fully loaded in the coastwise trade, because they would have too much draft, it is clear, nevertheless, that the documentation of this much tonnage with coastwise privileges would cause the layup of substantial tonnage now operating in the coastwise trade.

Since the T–2 tankers need higher rates than the larger tankers, they would probably be the vessels that would be laid up. The manning on a T–2 is 40, and on a 32,600 deadweight-ton tanker the manning is 46. The carrying capacity of the 32,600-ton tanker is substantially double that of the T–2, and it is manned with only 6 more men. The layup of T–2 tankers would substantially reduce employment.

The effect of admitting so much additional tonnage to the coastwise trade would be to further depress charter rates. Since these tankers are relatively new, their admission would also have an unfavorable effect on prospects for shipbuilding.

We have insured under title XI of the 1936 act mortgages on 25 tankers, aggregating $58,850 deadweight tons, in the original principal amount of $229,294,355. The unpaid balances on these mortgages is now $215,182,747. We have commitments, in addition, to insure the mortgages on four as yet undelivered tankers, aggregating 326,000 deadweight tons, in the principal amount of $78,884,227.

With the exception of a few that have long-term charters, these tankers have been working at noncompensatory rates as much as 70 percent below ATRS. With respect to five of these tankers we have made advances to the owners in the total amount of $1,046,223.56 to enable them to cure defaults in payment of principal so that we would not be required to pay the entire amount of the insured mortgages. With respect to these five we have also consented to 2-year deferrals in payment of principal installments. We have consented to deferrals also with regard to two other tankers.

It would be much better to have the tankers that would be eligible under the bill for redocumentation, with coastwise privileges, actually documented under the American flag than to have our present arrangement for making these vessels available to the United States in an emergency. Because of the depressing effect this would have upon charter rates and upon prospects for shipbuilding, and because it would cause the layup of tankers now operating in the coastwise trade, however, we recommend against favorable consideration of the bill.

The Bureau of the Budget advises that there is no objection to the submission of this statement from the standpoint of the administration's program.

Mr. Chairman, you have here for the use of the committee, if it so desires, a list of the 30 tankers that would be eligible for redocumentation if S. 1627 were enacted; if it would be useful.

Senator ENGLE. Mr. Stakem, what you are saying is that if this arrangement were permitted it would break the people now in the business, is that it?

Mr. STAKEM. Yes. We think it will cause the layup of ships that are now operating in the domestic trade, and we certainly see that it will detract from early replacement of these war-built ships that are now operating.

Senator ENGLE. I observe in your statement that you say that it would be better to have the tankers that would be eligible under the bill for redocumentation with coastwise privileges documented under the American flag than to have our present arrangements for making these vessels available to the United States in an emergency.

Mr. STAKEM. I am drawing the distinction there, Mr. Chairman, between a ship that is actually under the American flag and therefore available, as against a ship that is under a foreign flag and available by way of agreement.

Senator ENGLE. In other words you prefer to have it the other way because of the depressing effect, as you say, upon charter rates and upon the prospects of shipbuilding. Because it would cause the layup of tankers now operating in the coastwise trade you recommend against the bill?

Mr. STAKEM. Yes. I think in essence I am saying that if we bring the ships back under the American flag for use in the offshore trades, this would be the highly desirable result.

Senator ENGLE. Why is that better?

Mr. STAKEM. Only on the question of availability in the event of a national emergency.

Mr. GRINSTEIN. Do you believe that these vessels would have a greater defense value under the American flag than under a foreign flag?

Mr. STAKEM. I think they would be more readily available, Mr. Grinstein.

Mr. GRINSTEIN. Does that reflect adversely on the concept of effective control that the Department of Defense said they have over foreign-flag vessels?

Mr. STAKEM. I think it is a matter of degree. We are hoping that all of the vessels that are available to us by agreement are actually available. I think you will agree that if the ship is actually flying the American flag it is just one little bit more available than if only by agreement.

Mr. GRINSTEIN. So that a vessel under an American flag is more available than one under a foreign flag for defense purposes.

Mr. STAKEM. I would think so.

Mr. GRINSTEIN. I noticed in this list that there are three tankers from the Texas Co. listed. Is it correct that the Texas Co. has entered a contract to build five tankers in an American yard?

Mr. STAKEM. I understand that the Texas Co. has a building arrangement with Bethlehem Steel.

Mr. GRINSTEIN. Would it be your opinion that the fact that they can get three tankers might have an adverse effect on whether they would go ahead with the building commitment?

Mr. STAKEM. I would have to examine the Texas situation specifically before I could give you a real good answer to that.

Mr. GRINSTEIN. Prior to a title XI commitment by the Maritime Administration, I believe they conduct an economic feasibility study, do they not?

Mr. STAKEM. Yes, they do.

Mr. GRINSTEIN. If a bill such as the one before the committee today were to pass, would this require some rethinking or revisions in the economic feasibility of the title XI tankers?

Mr. STAKEM. I think that you could not do anything with the economic findings that had been made, that is, the basis for the present Government commitment insurance. I rather like to put this in this vein: That each project would have to be checked out on the basis of its own merits and economic feasibility.

Mr. GRINSTEIN. Let's put it this way: It would seem possible, would it not, that any oil or tanker company would not have full security in its economic feasibility study in whatever determination it makes prior to going ahead with the building commitment if the precedent in this bill were adopted.

Mr. STAKEM. I should think that the more overtonnaging that you have in the domestic market would make just that much less employment that would be available to title XI ships; and could affect, I should think, the economic feasibility study.

Mr. GRINSTEIN. But if a bill like this were adopted it would seem to establish a precedent that there would be exceptions to the Jones Act. If you were to have a precedent like that wouldn't it reflect on the quality or the extent that you could rely on an economic feasibility study or any other determination?

In other words at any time you might have an exception to the Jones Act, more ships come in and consequently less carriage is available to your own ships.

Mr. STAKEM. I should think it would, yes.

Senator ENGLE. Thank you very much Mr. Chairman. We appreciate your appearance.

Mr. STAKEM. Thank you, Mr. Chairman.

(List of ships follows:)

SHIPS OF 12,500 GROSS TONS AND OVER CONSTRUCTED IN U.S. SHIPYARDS, 1950–60, FOR COMPANIES CONTROLLED BY U.S. CITIZENS, AND REGISTERED UNDER FOREIGN FLAGS[1]

Name and type of ship[2]	Gross tons	Deadweight tons	Year built	Owner	U.S. parent company or individuals
A. N. Kemp	16,533	28,264	1950	California Transport Corp	Standard Oil Co. of California.
Andros Hills	18,735	29,371	1953	Rio Venturndo Ola. Nav., S.A	Orion group (Goulandris family).
Andros Island	18,735	29,371	1953	do	Do.
Andros Sea	18,713	29,371	1953	Santander Ola. Nav., S.A	Do.
Atholl McBean	16,533	23,074	1950	California Transport Corp	Standard Oil Co. of California.
Brighton	26,544	46,000	1959	Texaco (Panama) Inc	Texas Co., Inc.
Bulktrader	16,389	30,001	1960	Universe Tankships, Inc	Ludwig, D. K.
Capilusa	28,434	46,000	1960	Hercules Tankers Corp	Barber Oil Corp.
Capisteria	28,435	46,000	1960	do	Do.
Capnlonix	28,433	47,000	1959	do	Do.
Chevron Transporter	16,533	28,264	1950	California Transport Corp	Standard Oil Co. of California.
Chrysal	18,732	29,371	1953	Santander Oia. Nav., S.A	Orion group (Goulandris family).
Cities Service Valley Forge	22,595	38,911	1954	Grand Basa Tankers, Inc	Cities Service Oil Co.
Cradle of Liberty	22,610	38,037	1954	do	Do.
Esso Santos	17,328	26,765	1950	Panama Transport Co	Standard Oil Co. of New Jersey.
Fallalka	17,861	28,336	1952	Afran Transport Co	Gulf Oil Corp.
Gage Lund	16,533	28,264	1952	California Transport Corp	Standard Oil Co. of California.
John P. G	18,717	29,371	1951	Bilboa Cla. Nav., S.A	Orion group (Cloulandris family).
La Cruz	17,861	28,336	1952	Afran Transport Co	Gulf Oil Corp.
Lake Palourde	37,203	60,615	1959	Barracuda Tanker Corp	20 U.S. citizen stockholders (individuals).
Las Piedras	18,611	29,307	1953	Afran Transport Co	Gulf Oil Corp.
Liberty Bell	22,610	38,937	1954	Grand Basa Tankers, Inc	Cities Service Oil Co.
Lovelia	28,426	46,000	1959	Tanker Owners, S.A	Barber Oil Corp.
Margarita	18,762	29,292	1954	Afran Transport Co	Gulf Oil Corp.
Master Peter	18,763	29,371	1954	Bilboa Cla. Nav., S.A	Orion group (Cloulandris family).
Patro	28,410	46,194	1959	Hercules Tankers Corp	Barber Oil Corp.
Paul Pigott	15,533	28,264	1951	California Transport Corp	Standard Oil Co. of California.
Philhfora	29,742	15,599	1959	Somerset Shipping Co	Kurz, Chas. Co., Inc.
Philine	29,742	45,500	1959	do	Do.
Philippia	29,742	45,500	1959	do	Do.
Robert Watt Miller	16,533	28,074	1951	California Transport Corp	Standard Oil Co. of California.
San Toine	17,902	28,336	1950	Afran Transport Co	Gulf Oil Corp.
Sansinena	37,263	60,600	1958	Barracuda Tanker Corp	20 U.S. citizen stockholders (individuals).
Statue of Liberty	22,610	33,911	1954	Grand Basa Tankers, Inc	Cities Service Oil Co.
Texaco Maine	26,514	45,912	1959	Texaco (Panama) Inc	Texas Co., Inc.
Torrey Canyon	37,203	60,615	1959	Barracuda Tanker Corp	20 U.S. citizen stockholders (individuals).
Trinidad	26,530	45,142	1953	Texaco (Panama) Inc	Texas Co., Inc.
Waneta	18,767	29,186	1952	Mobil Tankers Co., S.A	Socony-Mobil Oil Co., Inc.
Wapello	18,722	30,147	1953	do	Do.

[1] Foregoing ships were for registry under Liberian and Panamanian flags.
[2] All ships are tankers.

Mr. E. B. LARUE, Jr.,
Dallas, Tex.

DEAR MR. LARUE: This will refer to your letter, dated March 17, 1949 addressed to the Secretary of the Interior. Your letter relates to the development of Alaska's natural resources and you indicate therein that "the economics for the large investment could be affected seriously and detrimentally by the Jones Act (which prohibits the use of foreign-built or operated ships between United States ports)." Your letter indicates that you have reference to the possibility of allowing foreign-built and foreign-owned tankers to operate in the Alaskan domestic coastwise trade of the United States.

Foreign-built and foreign-owned tankers are precluded from operating in the coastwise trade of the United States by virtue of Section 27 of the Merchant Marine Act, 1920, as amended, (Title 46, United States Code, Section 883), which provides "that no merchandise shall be transported by water . . . on penalty of forfeiture thereof, between points in the United States, including Districts, Territories, and possessions thereof embraced within the coastwise laws . . . in any other vessel than a vessel built in and documented under the laws of the United States and owned by persons who are citizens of the United States . . . ."

As of January 31, 1969 there were 275 U.S. flag tankers aggregating 6,870,000 deadweight tons. Of these 186, aggregating 4,457,000 deadweight tons, were operating in the domestic trade. A substantial number of U.S. flag tankers were built with financial assistance granted by the Maritime Administration under its Title II mortgage and loan insurance program. Their economic soundness as tankers lies in their ability to operate in the domestic oil trade and to carry MSTS cargoes. In the past, because of the lack of tanker demand in these trades, it was necessary for the owners to look to the Cargo Preference program for business, and in a number of cases it was necessary for the Government to advance payments to the owners or to agree to deferrals of payments by the owners of principal indebtedness in order to avoid mortgage defaults. The waiver of the navigation laws of the United States so as to permit foreign-built and foreign-owned tankers to operate in the coastwise trade of the United States would pose a serious threat to existing investments in United States tankers.

At present there are 19 tankers being constructed or under order for construction, in domestic shipyards. One of the primary reasons the owners decided to build these new tankers and the Government decided to aid in financing their construction was the growing need and future potential for tankers in the Alaskan trade. The waiver of the navigation laws to permit foreign flag tonnage to engage in this trade would destroy the reliability of the economic determinations underlying the decisions to build these new tankers. It would also create a serious deterrent to economic justification of any further new United States flag tanker construction.

Finally, we believe that a program for building new tankers as opposed to the admission of older foreign flag tankers into the domestic trade will better serve to upgrade the United States tanker fleet and thereby better accomplish many of the objectives of the Merchant Marine Acts.

For these reasons we find that we are unable to support your suggestion that consideration be given to allowing foreign built and foreign-owned vessels to engage in the Alaskan coastwise trade.

In your letter of March 17, 1969, you ask that you be furnished with a copy of the "Jones Act" (Section 27 of the Merchant Marine Act, 1920, as amended). The text of Section 27 is set forth on pages 10 and 11 of the enclosed Senate Report No. 2145, 85th Congress on H.R. 9833. This Senate Report No. 2145, as well as the enclosed Senate Report No. 1790, 87th Congress on S. 3115, contain the historical background on Sec-

tion 27, which we believe may be of interest to you. Your particular attention is directed to the minority views expressed on pages 13–15 of the enclosed Senate Report No. 1790.

Sincerely,

A. E. GIBSON,
Maritime Administrator.

EXHIBIT 1

MEMORANDUM FOR SECRETARY KENNEDY

March 9, 1970.

The following are the facts relating to my past association with Barracuda Tanker Corporation, the owner of the S/S *Sansinena.*

Prior to coming with the government I was an officer of Dillon, Read & Co. Inc., New York, New York. Dillon, Read has for many years been investment bankers for Union Oil Company of California. From time to time over the years, officers of Dillon, Read have organized corporations for the purpose of acquiring and leasing ships and other assets to Union.

Barracuda Tanker Corporation was organized in 1956. Since its inception its sole activity has been the ownership of tankers and their charter to Union on long term charter contracts under which Barracuda receives a fixed charter rental plus certain expenses. The charter of the *Sansinena* extends until 1985 with a renewal option in Union until 1990.

I resigned as an officer and director of Barracuda before becoming an Assistant to the President on April 16, 1969.

In connection with my employment with the Government, a statement of my financial interests, disclosing securities that I owned, including my ownership of 308 shares of Barracuda (less than 4% of the outstanding shares) was filed with the Counsel to the President. In 1969, I assigned the Barracuda shares, together with other securities, to my father as Trustee of a revocable trust for my benefit, so as to give my father complete discretion in the management of the securities.

I am informed that on February 25, 1970, the President of Barracuda telephoned my father and said that to avoid my being placed in a position where there was any possibility of an appearance of conflict, he would buy the trust's shares for $20,020, and my father as Trustee agreed to the sale at this price without any consultation with me. He was informed that this price was determined solely with reference to Barracuda's liquid assets, the rentals under the existing charters, and estimated salvage values, following a method employed in determining price when certain shares were bought by Barracuda in 1966.

Most important, the price paid for the shares did not in any way reflect any possibility that the ship might at some time be used in coastwise trade.

Neither I nor the trust has obtained or can obtain any benefit from the Treasury's action on Union's application.

I did not discuss the application to the Treasury Department for waiver of the coastwise trading restrictions on the Sansinena with any government official or employee.

PETER M. FLANIGAN.

Mr. COTTON. I am not going to take the time of the Senate to discuss in detail the question of either the *Sansinena,* which would run into some length, nor am I going to take the time of the Senate at this point to attempt to answer for Mr. Flanigan or the White House staff. I have, however, a copy of a statement from Mr. Flanigan submitted and sent to the Honorable WARREN G. MAGNUSON, chairman of the Committee on Commerce, and the Honorable RUSSELL B. LONG, chairman of the subcommittee on Merchant Marine, a copy of which was furnished to me as ranking minority member of the Committee on Commerce, and a copy to the Honorable ROBERT P. GRIFFIN, the ranking minority member of the Subcommittee on Merchant Marine.

I ask unanimous consent to have printed in the RECORD the letter submitted to the gentlemen I have named, a copy of the statement of Mr. Flanigan, and a copy of his memorandum sent to the Honorable James F. Fanseen, Acting Chairman of the Maritime Commission, and Mr. Andrew Gibson, Department of Commerce.

If the distinguished Senator from Maryland does not have a copy of the statement, I would be very glad to have him look at it while I proceed with what I have to say.

Mr. TYDINGS. All right. I will.

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

THE WHITE HOUSE,
Washington, D.C., May 22, 1970.

Hon. WARREN G. MAGNUSON,
Hon. RUSSELL B. LONG,
Senate Office Building,
Washington, D.C.

MY DEAR SENATORS: Last night I was furnished by the newspapers a copy of a speech prepared by Senator Tydings for delivery to the Senate. In that speech he raises questions which, entirely incorrectly, imply that I had some connection with the granting by the Treasury Department of a waiver to the tanker Sansinena from the prohibitions of the Jones Act against its engaging in coastwise trade. I enclose a statement of facts which answers the questions that he raises.

Sincerely yours,

PETER M. FLANIGAN,
Assistant to the President.

THE WHITE HOUSE,
Washington, D.C., May 22, 1970.

STATEMENT BY PETER M. FLANIGAN

I took no part in any way, directly or indirectly, in anything relating to the Treasury's granting of a waiver from the prohibition of the Jones Act to permit the tanker Sansinena to engage in the U.S. coastal trade. Nothing in the memorandum of October 9, 1969, from Maritime Administrator Andrew Gibson to me, to which Senator Tydings refers, or in the circumstances leading up to it, in any way contradicts that.

What happened was this: Prior to October 2, there had been discussion in the Cabinet Committee on Oil Import Policy of the means available to transport Alaskan crude oil from the North Slope to the continental United States. It was suggested that one company, having a refinery in the Virgin Islands (to which the Jones Act does not apply) was considering shipping crude oil in foreign flag ships to be refined there into products which foreign flag ships would then carry to the continential U.S. This possible threat to U.S. interests by inducing the construction outside the U.S., in either the Virgin Islands or Canada, of the refinery capacity required for Alaskan crude oil was of concern to me in my Presidential assignment with the Cabinet Committee mentioned above; and on October 2, I addressed a memorandum to Mr. Fanseen, Acting Chairman of the Maritime Commission, and to Mr. Gibson asking about this (copy attached).

On the following day I had a conference with Mr. Gibson on the Administration's maritime program. At the end of it, I mentioned to him my October 2 memorandum regarding this aspect of the Jones Act, which was then on its way to him, and asked the related question: what were the provisions of the Jones Act (with which I was not then as familiar as I am now) which prevented vessels like the Sansinena, built in American yards and registered under foreign flags, from returning to U.S. registry and engaging in the coastal trade. Mr. Gibson's memorandum of October 9, which quoted the relevant provisions of the law prohibiting this, was his reply to this oral inquiry.

At the time, I was aware of the failure of prior efforts to secure a waiver permitting the Sansinena to engage in coastal trade. I was not aware that another application for a waiver had been filed with the Treasury two months before, and did not become so until about the time the waiver was granted in March, 1970. My inquiry to Mr. Gibson was for information only, in the context I have described, which related to my official assignment for the President. It was not intended to produce, and did not in fact produce, any action by the Maritime Administration or the Commerce Department. Mr. Gibson confirms that his recollection and understanding of my inquiry are the same as mine.

Senator Tydings attempts also to find a significance that does not exist in minor changes that were made between the first and the final draft of the memorandum that I sent to Secretary Kennedy which was released by him on March 10, 1970. Apart from correcting an inaccuracy in the first draft (my financial statement, as is customary with members of the White House Staff was filed on the regular Civil Service form, but was filed with the Counsel to the President rather than with the Commission itself) the primary effect of the changes was to strengthen the points that I was making: that I had had nothing to do with the Sansinena waiver application, and in any event could not have profited in any way by the granting of it.

PETER M. FLANIGAN.

OCTOBER 2, 1969.

Hon. JAMES F. FANSEEN,
Memorandum for:
Acting Chairman,
Federal Maritime Commission.
Mr. ANDREW GIBSON,
Department of Commerce.

A major oil company told me of a problem regarding American flag shipping that may well be caused by the Alaska oil development. Hess Oil, as you know, has a refinery in the Virgin Islands which was built with an import quota. He has stated that it is his plan to take Alaskan oil by foreign tanker to this refinery, process it and then ship it to the United States, again in foreign bottoms. Apparently this does not violate the law as no quota would be needed for the importation of this American-produced oil. If Hess is allowed to do this, it is clear to see that other major companies with substantial oil production in Alaska will build refineries in Canada in order to allow them to use foreign flag ships for transporting this oil. This, of course, has major implications for our national security insofar as it is affected by refinery location. It also has major implications for the use of American flag tankers to transport Alaskan oil.

May I please have your comments with regard to the accuracy of this question and, if accurate, how you would recommend proceeding with regard to it.

PETER M. FLANIGAN,
Assistant to the President.

Mr. COTTON. Mr. President, as I just said, I am not going to enter into a discussion either of the *Sansinena* matter or the part alleged to have been played in it by Mr. Peter Flanigan, but I am going to comment on what has led up to the

discussion on the floor this afternoon. While I do not want to distract the attention of the distinguished Senator from Maryland from his perusal of the statement, I think he will want to listen to what I have to say, because it does concern him.

I am extremely reluctant to indulge in any criticism of the procedure employed by the distinguished Senator from Maryland, for whom I have warm regard and great respect. However, Mr. President, there is a fair way and there is what might be an unfair way to deal with these matters that concern the integrity and the reputation of a member of the White House staff and that certainly have an impact—probably an intended impact—upon the President of the United States. Therefore, I wish to recite to the Senate the events which have led up to this accusation, to this charge, on the floor of the Senate this afternoon by the distinguished Senator from Maryland.

The Senator from Maryland has delivered a speech in the Senate containing some of the inferences which now have become, on his part, definite charges against Mr. Flanigan. He followed that by——

Mr. TYDINGS. I made no charges. I have asked questions. I have stated facts, put memoranda into the RECORD, and asked questions. I have made no charges. That is why I specifically prepared this statement and read it. I merely put into the RECORD memoranda, statements of Mr. Flanigan, memoranda of Mr. Gibson, the Maritime Administrator, and asked questions. I made no charges.

Mr. COTTON. I am glad that the distinguished Senator has referred to his questions; because the point I intend to make is—and I want to emphasize it by a recital of what has occurred—that these questions, which in themselves constitute charges—I do not care what semantics are used by the Senator from Maryland or anybody else; these questions are charges.

When questions of this nature are to be asked by a member, and a very, very prominent and active member—and, may I say, a valued member—on the Subcommittee of the Merchant Marine of the Committee on Commerce, the first step, I submit, would be to give Mr. Flanigan an opportunity to answer those questions before that subcommittee.

In the meeting of the full Committee on Commerce not long ago, and not long after the Senator from Maryland made his first speech on this subject, the Senator from Maryland, very properly, raised the point that he wished to inquire into and examine the conduct of a member of the President's staff in relation to the *Sansinena* incident.

It was in executive session, and I think the Senator will recall, the Senator from New Hampshire responded voluntarily that, at that time, the Senator from New Hampshire knew absolutely nothing about the questions or the charges raised by the Senator from Maryland. He also responded that after the Senator from Maryland made his speech, the Senator from New Hampshire had conferred with members of the White House staff—not with the President, but with members of the staff—and that they had indicated whatever records the Senator from Maryland desired to have submitted to the subcommittee, either from the White House or from the Department of the Treasury, would be freely submitted. They also felt they were in a position to assure me the President would not interpose any executive privilege to prevent submission of the records. I think the Senator from Maryland would have recalled that conversation.

I do not know that the Senator from Maryland made any particular comment in reply to the suggestion of the Senator from New Hampshire, but the meeting of the committee broke up. The Senator from New Hampshire left the room and later found from a member of the staff that, as soon as the door had closed behind the Senator from New Hampshire, the Senator from Maryland approached the chairman of the committee and asked that there be assigned to him an investigator, to be paid for out of the funds of the Committee on Commerce, and the chairman of the committee stated to the Senator from Maryland that if he desired such an investigator, he should have the chairman of his subcommittee, the Subcommittee on the Merchant Marine, the Senator from Louisiana (Mr. LONG) write a letter to the Senator from Washington (Mr. MAGNUSON) chairman of the full committee, requesting that an investigator be employed and assigned to the Subcommittee on the Merchant Marine.

It is my understanding that application was made by the distinguished Senator from Louisiana, that he signed the letter of request to the Senator from Washington and that, subsequently, an investigator was assigned.

I have no personal knowledge of this, other than the information I obtained later from the staff.

Now, that investigator proceeded, I assume, with his investigations, despite the assurances given to the Senator from Maryland and to the full Committee on Commerce by the Senator from New Hampshire. It is my understanding, and I am sure that the Senator from Maryland will correct me if this is not correct, and I will certainly take his word for it, that the investigator did not work out of the committee rooms or committee quarters of the Committee on Commerce but, rather, worked from a room assigned to the Senator from Maryland by the Committee on the Judiciary in his capacity as chairman of a subcommittee of that committee. In other words, it would appear that he was working as the private investigator of the Senator from Maryland.

Mr. TYDINGS. Mr. President, will the Senator from New Hampshire yield at that point?

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Does the Senator from New Hampshire yield to the Senator from Maryland?

Mr. COTTON. I yield.

Mr. TYDINGS. I do not know what room he uses in the office. I do know, at the time he was hired by the Commerce Committee, that they complained they did not have a desk and that they were overcrowded. Since his work was as an investigator and he was going to be looking into records and files, I said it was quite all right if he could work in one of my offices, or any other offices under my control. Insofar as using a desk was concerned, his work was primarily in the field of investigation, right out in the field, and not sitting at a desk in the Senate.

Mr. COTTON. But under the Senator's direction, is that correct?

Mr. TYDINGS. Under my direction, and under the control of the chairman of the Subcommittee on the Merchant Marine. As the Senator realizes, I was charged by the Commerce Committee and the subcommittee, as a member of the Subcommittee on the Merchant Marine, with the direction and preparation of the inquiry for the committee hearings to take place in June. I was given that responsibility and I have tried to push it along.

Mr. COTTON. Well, I of course accept the statement of the Senator from Maryland. It is not an important point in this matter. I regret that neither the Senator from Washington nor the Senator from Louisiana is present today. But, Mr. President, mind you, all this time, not one word had been sent either to the Senator from Michigan (Mr. GRIFFIN), the ranking minority member of the Subcommittee on the Merchant Marine or to the Senator from New Hampshire, the ranking minority member of the full committee, as to the hiring or the activities of this investigator, or under whose direction he was making his investigation.

However, when word came to the ears of the Senator from New Hampshire and the Senator from Michigan (Mr. GRIFFIN), we approached the Senator from Louisiana (Mr. LONG)—we are both members of the subcommittee—and requested an executive session of the Subcommittee on the Merchant Marine in order that we might ascertain in executive session who this investigator was, and under whose direction he was working. If he was working for the entire subcommittee under the direction of the chairman (Mr. LONG), we wanted to know it. If he was working just for the majority members of the committee, we wanted to know it, and if so, we wanted to request an extra clerk for the minority, in view of the fact that the matter was being blown up into such proportions.

In response to that request, the Senator from Louisiana (Mr. LONG) called an executive meeting of the Subcommittee on the Merchant Marine. Unfortunately, however, because of the death of a former staff aide and later serious and critical illness in the family of the Senator from Louisiana, he was obliged to cancel or postpone the meeting. Immediately after it was canceled, or postponed, the Senator from Maryland prepared to take the floor with the speech to which we have listened today but which was released to the newspapers on the day he desired to make it because, I understand,

he could not obtain the floor due to matters going on in the Senate.

Now, Mr. President, these questions raised are, indeed, perfectly pertinent questions.

They are a series of questions that are being propounded on the floor of the Senate to a member of the staff of the President of the United States.

So far as I know—and I have sought information on the subject—not one document, not one iota of evidence has been withheld from the Senator from Maryland or his investigators, but they have been freely furnished to them.

Mr. President, I hesitate to say what I am about to say. But there are certain coincidences that arise in history that are rather striking. And, this one this afternoon brings back some very poignant memories to the Senator from New Hampshire.

The Senator from New Hampshire took his oath as a Senator of the United States on November 8, 1954, at the beginning of a special session called to consider the censure of the late Senator Joseph McCarthy. His first service in the Senate was to sit through 2 weeks of that session.

The first vote the Senator from New Hampshire had to cast was on the McCarthy censure. It was the hardest vote that the Senator from New Hampshire thinks he has been called upon to cast. He was elected for only a 2-year unexpired term and was up for immediate reelection.

The leaders of my party on the floor of the Senate were opposed to the McCarthy censure. And, I can assure the Senator that in the following couple of years the Senator from New Hampshire was keenly conscious of the fact that he was somewhat in disrepute with his party leadership. After the censure of former Senator McCarthy, the Senator from New Hampshire lost the support of the most powerful newspaper in his State and had to fight for his life for reelection.

The Senator from New Hampshire is not telling this to comment on the nobility of the Senator from New Hampshire. However, he is recounting this incident because he felt compelled to vote for that censure for just one reason. The late Senator McCarthy had rendered distinguished service to the people of this country. But, the reason that the Senator from New Hampshire was compelled reluctantly to cast that vote was the habit of the late Senator McCarthy of making his charges against individuals from the floor of the Senate after investigation by his own private investigators and snoopers and of proceeding to hold them up without a chance on their part to answer or to respond to those charges and of subjecting them to public suspicion and, in many instances, no facts were ever shown to justify it.

Mr. President, the Senator from New Hampshire served as a clerk of a committee of the Senate many years ago. He greatly respected and admired the former Senator from Maryland, the father of the present Senator from Maryland. He was aware of the fact that the former Senator Tydings was, to a certain degree, one of the victims of the McCarthy actions or, more specifically, the actions of his investigators.

Actually, it comes to me with some degree of surprise that any Senator bearing the honored name that the Senator from Maryland bears would resort to tactics that singularly resemble those tactics that were characterized in some quarters in an ugly manner as "McCarthyism" by not proceeding when he had the power—and if he did not have it, it would have been granted to him—to invite Mr. Flanigan to appear before the Merchant Marine Subcommittee and answer this series of questions that the Senator from Maryland has spelled out on the Senate floor this afternoon.

It is my information that Mr. Flanigan would have been perfectly willing and would have had the permission of his superiors to appear before the subcommittee.

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

Mr. COTTON. I yield.

Mr. TYDINGS. Mr. President, will Mr. Flanigan appear before our subcommittee and will he answer the committee questions?

Mr. COTTON. I am informed by Mr. Flanigan that he is certainly willing to do so.

Mr. TYDINGS. Mr. President, I am delighted to know that. If my speech has accomplished no other purpose than to assure his appearance before our subcommittee to answer questions, it will have served a useful purpose.

I thank the Senator from New Hampshire in that regard.

Mr. COTTON. Mr. President, I say to the Senator from Maryland that the speech has not accomplished that purpose, because the Senator from New Hampshire is positive that he would have appeared without this speech being made on the floor of the Senate.

The point that the Senator from New Hampshire is raising is that he should have been given that opportunity. Since the speech was prepared and furnished to the press some days ago by the Senator from Maryland, I have read the speech and I took occasion to confer with Mr. Flanigan and inform myself of his explanation, part of which in brief form I have submitted for the RECORD.

The Senator from New Hampshire does not allege or take the position that there may have been some questions in relation to Mr. Flanigan.

I am not going to assert that there was or was not, because the Senator from New Hampshire does not know. And he does not intend to make statements in the Senate exonerating the conduct of any public official unless he knows precisely what he is talking about and knows all the facts.

The Senator from New Hampshire would like to be present and looks forward to being present in a meeting of either the subcommittee or, for that matter, the full Committee on Commerce and having the facts brought to light.

Mr. President, I will put this in the form of a question. It is all right to ask questions, but it is wrong to make charges. Therefore, I will put it in the form of a question.

I would like to ask the distinguished Senator from Maryland if at any time he invited Mr. Flanigan to come up and appear before the subcommittee; if at any time he requested the Senator from Louisiana (Mr. LONG), the chairman of that subcommittee, to invite Mr. Flanigan to appear; if at any time he asked the Senator from Washington (Mr. MAGNUSON), the chairman of the full committee, to ask Mr. Flanigan to appear; if at any time he or his investigator offered Mr. Flanigan a chance to appear and answer these questions that were being prepared and have been aired this afternoon in the Senate?

Mr. TYDINGS. Mr. President, as the Senator knows, we have not yet even gotten the dates agreed to on the hearings, let alone prepared the final list of witnesses. The purpose of the executive committee meeting which was not held was to go over dates for hearings and the names of witnesses who could be invited.

I am delighted to know that the Senator from New Hampshire will insure that the assistant of the President will appear because it is important that he appear.

Mr. COTTON. The Senator from New Hampshire is informed that he will appear. That is the statement I made.

The purpose of the executive session, at least the reason it was requested, had nothing to do with fixing the date of a hearing or arranging for a hearing. I have not the shadow of a doubt that if the Senator from Maryland had expressed a desire to the Senator from Louisiana, the chairman of the subcommittee, for a hearing, for the purpose of inviting Mr. Flanigan to appear and answer these questions before the subcommittee, that the Senator from Louisiana would have granted that request.

The reason we asked for an executive session was that after we had gone more than half way, after we had gone the whole way in executive session of the Committee on Commerce in indicating that all information would be furnished, that the executive privilege would not be invoked, after that conversation or that colloquy in the meeting of the committee had terminated, and as soon as we had walked out the door, the Senator from Maryland, without having indicated anything of the kind, asked his private investigator to start snooping on the White House. It boils down to that. That was the reason, and it was not to fix dates. Anybody in the Senate knows that the majority Members in the Senate have the numbers and the power on any committee or subcommittee to bring about a hearing if they want a hearing.

Mr. President, I shall not go into this matter further. I want to say at this point I shall not attempt to argue the facts in the case—I have heard the explanations and the details to some extent, but not sufficiently to discuss them in the Senate—with no more preparation than that. There is an answer in

the opinion of the Senator from New Hampshire, but the Senator from New Hampshire regrets that, when it was entirely unnecessary after the colloquy in the Committee on Commerce, this method of procedure was adopted by the Senator from Maryland. I am sure such was done with very fine motives, but nevertheless it was an opportunity publicly to cast doubt on the conduct of a member of the President's official staff and this is indirectly on the President of the United States.

As far as the Senator from New Hampshire is concerned, never in the years he has been in the Senate, has he used the privilege of the floor of the Senate to ask publicly before the person under discussion has been given a full and fair opportunity to answer for himself before the proper committee of the Senate.

I must say that I think that would have been the fair and above-board way of approaching this matter. I am also sure, having served in this body for 16 years, and having seen various administrations come and go, that the opportunity of indirectly taking a stab in the back of the President of the United States was apparently too attractive to let pass.

Mr. TYDINGS. Mr. President, I regret that my colleague from New Hampshire has seen fit to take offense at the questions I have raised of an assistant to the White House.

Mr. COTTON. Mr. President, will the Senator yield briefly?

Mr. TYDINGS. I yield.

Mr. COTTON. The Senator from New Hampshire did not suggest that. These are very pertinent and very proper questions. He only objected to the manner in which they were used without giving Mr. Flanigan an opportunity to answer them first.

Mr. TYDINGS. I am delighted to know that Mr. Flanigan will answer the questions in person at our hearings.

As the Senator knows, the purpose of this committee investigation was twofold: To determine the circumstances and the facts surrounding the signature on a waiver by the Secretary of the Treasury under most unusual circumstances; and, second, to determine whether or not new amendments are necessary to amend the Jones Act to make certain that such occurrences do not happen in the future.

The questions which are propounded on the floor of the Senate I shall propound again in the hearings. They were rather obvious because of the language of the memoranda signed by Peter Flanigan which was submitted to the public, Treasury, and Congress as explanation for his conduct, for his association with the tanker *Sansinena*, and the rather startling development of finding within the records of the Maritime Administration a document which runs completely contrary to the testimony of the assistant to the President.

I hope the assistant to the President does have a proper explanation.

Certainly, that is a matter for the subcommittee, the Senate, and the Committee on Commerce to consider.

I am looking forward to the hearings, and I regret any discomfort that I may have caused the distinguished Senator from New Hampshire by propounding the questions here. I will propound the identical questions again when we agree on a date and place for the hearing.

Mr. COTTON. I do not want any misunderstanding. The Senator from New Hampshire is completely sure in his own mind and from his contact with Mr. Flanigan that he, Mr. Flanigan, will stand ready to appear and to answer any questions the Senator from Maryland wishes to ask. I want it to be crystal clear, however, that the Senator from New Hampshire has not conferred with the President of the United States on this matter. The Senator from New Hampshire does not have the authority to indicate when Executive privilege will be invoked and when it will not be invoked. But, in view of the fact that all of these documents have come up, it is not likely. I want to serve notice on the Senator from Maryland that the Senator from New Hampshire tries to work in harmony and that I think he is one of the last Senators, as his record will show, to indulge in petty politics with anyone.

But, the Senator from New Hampshire—and I want to serve notice so there will be no misunderstanding—will advise Mr. Flanigan at the first opportunity not to come up until we, the minority, have been granted our request for an executive session of the subcommittee.

I think we have a right to know the name of this investigator, who he is, what he has been, who employed him, under whose direction he was working, and whether he was working for the subcommittee. We want to know whether he worked for but one side of the subcommittee. As one member of that subcommittee, I want to know.

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

Mr. COTTON. I yield.

Mr. TYDINGS. I am happy to fill the Senator in right now.

MR. COTTON. No; I do not want to be filled in. I want the subcommittee filled in.

Mr. TYDINGS. The Senator asked a question. We will put the answer in the RECORD.

Mr. COTTON. I did not ask a question. I served notice that I want the subcommittee meeting. I want it, the subcommittee, filled in. I do not believe in washing dirty linen, if there be any, in advance on the floor of the Senate, so I have not asked any such question now.

Mr. TYDINGS. We will have as many subcommittee meetings as the Senator from New Hampshire wants, but the Senator has made some characterizations or references to the staff investigator who was permitted to work for several months, putting together the records we now have, all of which have been submitted to minority counsel.

When I asked for the designation of a staff investigator, I suggested the former, retired chief postal inspector for the district of Maryland, Alton J. Murray, a distinguished public servant cited by the President for excellence in office. He had retired, and he had done work for me, when I was U.S. attorney for the district of Maryland, for 3 years.

Inspector Murray agreed to come out of retirement and work for the Commerce Committee for some 2 or 3 months, whatever it was he was hired for. As I understand, he has completed the documents in the RECORD, the basis for which the hearing was to be held. I submitted them to counsel for the Subcommittee on the Merchant Marine. He has conferred with me on at least three different occasions. I have been charged with the responsibility for preparation of the hearings and the holding of the hearings by the chairman of the subcommittee (Mr. LONG). I think it was the understanding of the Senator from New Hampshire that I was to be the shepherd in this case, assigned by the Commerce Committee.

Mr. Murray has always done a competent job. I have not reviewed all these records, but I have reviewed enough of them that I brought out the dramatic inconsistency which I have brought to the attention of the Senate and which we will ask Mr. Flanigan about when the hearings are held. But there is no great mystery as to where the investigator comes from, for whom he was working, or for what.

I think when the distinguished Senator from New Hampshire goes over the documents collected, which are now with the minority counsel, as well as with the counsel, he will see that Mr. Murray has done a good job, as he always has done, at least in my experience with him.

Mr. COTTON. First, the Senator from New Hampshire had no understanding that either the full committee or the subcommittee had made the Senator from Maryland a "shepherd" for the purpose of handling this entire investigation, without any particular knowledge of the other members of the subcommittee.

The Senator from New Hampshire will state, however, that the minority counsel for the subcommittee had to request from the majority counsel assigned to the Subcommittee on the Merchant Marine information about what the gentleman, whatever his name is, was doing, and had asked to be kept informed of what information he had produced.

This has been a star chamber proceeding from start to finish, and I am all done varnishing it with gentle phrases. It has been a star chamber proceeding from start to finish.

Mr. TYDINGS. Mr. President——

Mr. COTTON. Let me finish. As far as the Senator from New Hampshire is concerned, it is not going to continue to be a star chamber proceeding. The members of the subcommittee, each one of whom is a U.S. Senator representing his State, appointed by the Senate to that subcommittee, is entitled—whether he be a Democrat or a Republican—to know what is going on in the subcommittee. All its members are entitled to know the results of those investigations, and not be compelled to wait around the Senate here for 2 or 3 days for an opportunity to raise the matter with the distinguished Senator from Maryland.

There are certain rights and privileges

of a U.S. Senator, even though he may be in the minority, as a Member of the Senate, as a member of a committee, and as a member of a subcommittee, to have access to official information if that information was being obtained by the subcommittee. I wish the chairman of the subcommittee were here, because I am sure he would verify that he told the Senator from New Hampshire, in reply to a question in this Chamber—not in public debate but in private conversation in this Chamber—that he did not know what was going on; that it was being handled by the Senator from Maryland exclusively, and he would be glad to call a meeting of the subcommittee in order that the cards might be put on the table.

I thank the Senator for yielding.

Mr. TYDINGS. Mr. President, I assure the Senator from New Hampshire that copies of each and every document and memorandum which have been secured by the Subcommittee on the Merchant Marine have been given and are available for reading. They were given to the counsel for the subcommittee, as a matter of fact, some days ago, I think, and they are available for his study just as they are for the Members of the majority. I hope we will all study them before we set the dates for final hearing.

Mr. COTTON. They may have been furnished to the majority counsel for the subcommittee, but they were not furnished to us by this investigator. As a matter of fact, the minority counsel secured these records by initiating his own request. That I make as a flat statement of fact.

Mr. TYDINGS. It is contrary to my knowledge, and it will certainly be immediately corrected, because I agree with the Senator from New Hampshire that all documents secured by any committee staff investigator, whether majority or minority, should be available simultaneously to all members of the committee. If that is not the case, I will see to it that it is immediately rectified, because it is my information that the documents were made available last week. If I am wrong, I will see that it is immediately rectified.

Mr. COTTON. That is a very comforting assurance.

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. FANNIN. Mr. President, I am opposed to the Cooper-Church amendment for a number of fundamental reasons.

I do wish to emphasize at the start that while I do seriously question the wisdom of the Cooper-Church amendment, I do so without questioning the motives and sincerity of the sponsors. We all desire an end to the Southeast Asian hostilities and to get our men home as soon as possible.

Basically, I oppose the amendment because we must put ourselves in the place of our soldiers there. They are in Southeast Asia on the order of the Commander in Chief, our President, and with the consent of this Congress.

This is not a game they are playing. It concerns their lives.

I do not know of a game of any kind, played in any land, in which one of the adversaries reveals to the other his strategy. Not even a high school football team, much less a pro team, tells the opposition its signals.

That is what we are asking our Commander in Chief to do in a maneuver that can mean the life—not the game—involving our American soldiers.

We are telling the enemy:

Stockpile your arms and materiel in sanctuaries in Cambodia and in North Vietnam. We will not touch them. Our soldiers will not fight—only duck.

Under such operational straitjacket, our soldiers are nothing more than living targets.

To date, more than 10 million rounds of small arms ammunition have been captured in the Cambodian sanctuaries. Mr. President, how many of those bullets had the names of our American soldiers written on them?

In case there is any doubt that those enemy weapons and arms were intended for use in South Vietnam, during the Tet offensive early in February 1968, our loss of American soldiers soared to 948 killed and more than 4,000 wounded in that offensive.

Enough rice has been captured to feed nearly 200,000 Vietcong soldiers for at least 1 month.

And how did the war materiel get to the sanctuaries? It was not put there by the Cambodians.

In fact, Mr. President, it is so disheartening to hear supposedly sophisticated, well-educated critics yield to their emotions in charging the United States with "invasion" of Cambodia, and suggest that it is therefore unconstitutional.

Not only are they far removed from the fact, but they are doing this Nation a great injustice by inflamming sentiment to pressure the President and this Congress into acts without regard to the outcome of the lives of our soldiers in Southeast Asia.

The permanent mission of Cambodia to the United Nations, an office long recognized by us, has sent Members of Congress a copy of a May 1, 1970 letter addressed to the Security Council. Let me read it:

On instructions from my Government and further to my letter No. 1919 of 27 April 1970 (S/9769), I have the honour to state the following for the information of the members of the Security Council:

On 24 April 1970, at about 8 a.m., the Khmer National Defence Forces attacked from the rear a force of approximately sixty Viet-Cong and North Viet-Namese who were setting an ambush in the area of Kaun Seth, some ten kilometres south-east of Kampot. The Viet-Cong and North Viet-Namese withdrew, leaving behind nine dead, four Chinese rifles and six grenades and taking with them some twenty dead and wounded.

The same day, at about 9 a.m., the administrative post at Sre Cheng, twenty kilometres of Chhouk, in Kampot, came under violent attack by the Viet-Cong and North Viet-Namese. Overrun by the numerically superior enemy, the defenders evacuated the post. There were casualties on both sides.

The same day, at about 4 p.m., the Viet-Cong and North Viet-Namese pillaged the railway station at Banley Chas, district of Samrong, twelve kilometres south-west of Chambak, in Takéo. The stationmaster was taken prisoner and was released on 25 April 1970.

During the same day, operations continued for the purpose of clearing the town of Angtassom, which had been under attack by the Viet-Cong and North Viet-Namese since 23 April 1970. At about 6 p.m., paratroops of the Khmer National Defence Forces attacked the Viet-Cong and North Viet-Namese, who were trying to maintain their hold on the town. Hand-to-hand fighting ensued. The enemy left behind fifteen dead and took a number of dead and wounded with them. Cambodian casualties were light.

The same day, at about 7 p.m., the Viet-Cong and North Viet-Namese once again attacked the town of Kompong Trabèk, in Prey Veng. The Khmer National Defense Forces struck back vigorously, compelling the enemy to withdraw after suffering casualties.

During the night of 24–25 April 1970, the town of Mimot, in Phkar Rumchek, was subjected to two harassing attacks by the Viet-Cong and North Viet-Namese. Vigorous counter-action by the Khmer National Defense Forces compelled the enemy to withdraw, leaving behind one dead, one Chinese rifle and one grenade.

During the same night, the post at Sre Chea, some ten kilometres north of the town of Kompong Trach, in Kampot, which had been attacked by the Viet-Cong and North Viet-Namese at about noon on 24 April 1970, was subjected to another harassing attack by those forces, who were estimated at battalion strength, at about 2 a.m. Overrun by the numerically superior enemy, the Cambodian defenders evacuated the post. There were casualties on both sides.

On 26 April 1970, at about 9:30 a.m., the Khmer National Defence Forces fought a two-hour engagement with some sixty Viet-Cong and North Viet-Namese at the village of Tuol Trabèk, two kilometres south of Prasaut, in Svay Rieng. The enemy left behind five dead, including two Viet-Namese nationals from Chiphou, as well as one rifle and two rocket-launcher projectiles and took a number of dead and wounded away with them. Cambodian casualties were light.

During the night of 26–27 April 1970, the town of Chhlong, in Kratié was once again attacked by the Viet-Cong and North Viet-Namese and the police station was set on fire. The fighting is continuing.

On 27 April 1970, at about 7 a.m., the village of Tuol Kandal, some ten kilometres south-west of Suong, in Kompong Cham, was attacked by about 100 Viet-Cong and North Viet-Namese, the Cambodian defenders struck back vigorously and suffered light casualties.

The Khmer Government and people are profoundly indignant at this escalating series of overt acts of criminal aggression committed inside Cambodian territory by the Viet-Cong and North Viet-Namese forces, who are thus violating the sovereignty, independence and territorial integrity of neutral, peaceful Cambodia and are trampling underfoot the 1954 Geneva Agreements and international law.

The Khmer Government and people call upon all countries devoted to peace and justice to bear witness to these facts and hold the Government of the Democratic Republic of Viet-Nam and the National Liberation Front of South Viet-Nam (Viet-Cong) fully responsible for any grave consequences which ensue from the present policy of aggression and expansionism.

They are entitled to take all necessary

measures to ensure the defense and survival of their country, which can under no circumstances bow to the jungle law being imposed on it by the imperialist Viet-Cong and North Viet-Namese invaders.

I should be grateful if you would have this communication circulated as a Security Council document.

Mr. President, carefully note that this letter is a report of the action of the Khmer National Defense Forces of Cambodia seeking to repel invading forces of the Vietcong and North Vietnamese.

I wish to repeat one paragraph of the report:

The Khmer Government and people are profoundly indignant at this escalating series of overt acts of criminal aggression committed inside Cambodian territory by the Viet Cong and North Vietnamese forces, who are thus violating the sovereignty, independence and territorial integrity of neutral, peaceful Cambodia and are trampling underfoot the 1954 Geneva Agreements and international law.

We are not fighting Cambodians in Cambodia—so how could we "invade" Cambodia?

We are in Cambodia with the support of the Cambodian Government in ridding Cambodia of the sanctuaries to maintain Cambodia's neutrality.

In fact, with the exception of Sihanouk, the Cambodian Government leaders are the same persons who have led the nation in maintaining its neutrality through the past several years of Indochina conflict. We have honored that desire for neutrality. The Communists have not.

And further, the very reason for Sihanouk's departure from Cambodia was to seek in Peking and Hanoi support to have the Vietcong and their sanctuaries removed from Cambodia—because the Cambodian Government was far too weak to do anything about forcing the removal of the North Vietnamese sanctuaries. The pleas of Sihanouk for neutrality had gone unheeded by the Communists.

The Cooper-Church amendment, Mr. President, is an invitation to North Vietnam and the Vietcong to step up their invasion of Cambodia, once our troops are removed.

Mr. President, let us take a look to see what the Cambodian venture has meant to both sides.

For the United States and South Vietnamese, it has meant an impressive tactical, military success.

Regretfully, because of the loud outcry in the United States instead of solid support, it has meant for the Vietcong and North Vietnamese a continued psychological gain.

Unfortunately, this has been the story of the Southeast Asia conflict—the Vietcong and North Vietnamese cannot win. But the American dissenters will not let them lose.

Our American troops in South Vietnam very strongly support the move into Cambodia to clean out the Vietcong sanctuaries, which are illegal and have existed and been strengthened for years, untouchable.

We have heard account after account of Americans in the past being hit by the sneak enemy mortar barrages and the enemy have only to run back across the border into their safe Cambodian bases. An American officer recently wrote back to those in the States that when he was searching the Cambodian countryside with his binoculars after such an attack, he saw a Vietcong officer with binoculars looking back at the Americans from his safe and secure retreat.

It is obvious that Hanoi and Peking believed that their Cambodian sanctuaries were forever safe, that they could indefinitely violate the Cambodian neutrality and get away with it.

The restraints that the Senate now is considering placing on American forces only adds to the heavy, political dissent to encourage the Vietcong to hang on by their fingernails. We must look at realities. Despite the fact that the enemy has lost supplies enough to support their activities in South Vietnam for 6 months to a year, the defense in Cambodia of those supplies was limited. The enemy would not run and pay that heavy a price if the enemy held a position of strength.

And yet, from this position of desperation Hanoi and Peking are being encouraged by, I think, misguided—no matter how well-intentioned—dissenters who are promising compromises. They want to force Saigon to reorganize their government and take in Communists.

Their memory of history is short. We persuaded the Nationalist Chinese to take in the agrarian reformers, and now as a result we have Red China.

Some students who have visited in my office—and I have welcomed their visits—were not at all disturbed about socialism or communism. "What is wrong with that?" they asked me.

I do not intend to get off into a tangent, Mr. President, but I do have two simple answers to that.

First, is the Berlin Wall. Never in our history has such a monument been built to the failure of a system, and that system is communism. Death was dealt to those who would escape—escape from what?

The second answer is the private garden plots allowed to those in the Soviet Union. It was the first taste of free enterprise, or capitalism if you will, for the Soviet people. And the result—the best production by far came from the private plots. The people liked a piece of the action.

How can our great institutions of learning gloss over such significant and contemporary examples such as the Berlin Wall and the private garden plots?

The youth of today face challenges ahead and there is a lot of work for them to do. It was evident during Earth Day—a happy and constructive demonstration. This is an issue they can sink their teeth into and chart their own future.

Mr. President, the most powerful force the American people today can muster is solid support in international affairs for the Chief Executive of the United States. It would have greater and longer lasting effect than all our atomic bombs. How can the White House speak with effect in the world when there are those at home who are pulling the rug out from under the President? Why make him Commander in Chief responsible for safety of the lives of American soldiers under his command when the Senate decides his military tactics, if any?

If nothing had been done about Cambodia, Mr. President, and if the North Vietnamese would have been left free there to build, to supply their forces through the port harbor of Sihanoukville, a dangerous situation really would have developed.

When the present planned withdrawal of 150,000 American troops had been completed, the remaining American force of less than 300,000 would have had a gun at their head, held by the enemy forces, safe at bay in Cambodia.

The result would have been that the troop withdrawal program might have had to be abandoned, or invite disaster for those left behind.

We cannot count easily our lost dead and our wounded in South Vietnam. We cannot easily scuttle their sacrifice to heed the cries for peace—peace that we all so earnestly desire—at the expense of unnecessary lives.

The U.S. News and World Report in its issue of June 1, 1970 carried an interview with Sir Robert Thompson, a British authority on guerrilla fighting. He termed the Cambodian venture a very low-risk operation. And he foresaw a result that would leave the Vietcong little as a threat a year from now in South Vietnam.

Mr. President, the Arizona Republic in its issue of May 23, 1970, has reproduced a very discerning letter to a father from a son now serving in Tay Ninh, Vietnam, just 15 miles from one of the Cambodian sanctuaries.

This letter tells so very pointedly why President Nixon was right in his decision on Cambodia, because it comes from an American soldier whose life was at stake.

This soldier, 1st Lt. Robert Golden, of Phoenix, has been and still is in disagreement with American involvement in South Vietnam—but he also is in complete accord with the President's decision to move troops into the Cambodian sanctuaries.

He wrote:

If Nixon had decided to stay out of Cambodia completely, I'd be scared. I sincerely believe that this decision will save American lives (Vietnamese too) and will speed up the withdrawal.

The letter further stated:

Everyone over here—hawks, doves—doesn't matter—is applauding the speech and the decision. Because we all know that this is going to preclude any major offensive around here and will probably preclude almost all of the rocket and mortar attacks in this area—which is the thing that we worry most about in Tay Ninh base camp!

Mr. President, I commend this letter to the attention of Senators and ask unanimous consent that it be printed in the RECORD as it appeared in the Arizona Republic.

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

CAMBODIA AND NIXON—A SOLDIER WRITES HOME

(NOTE.—First Lieut. Robert Golden is the public information officer for the U.S. Army unit at Tay Ninh, the gateway through which newspaper correspondents enter Cambodia. He attended Central High School in Phoenix, where he edited the school paper. He graduated in journalism from Arizona State University.

(He has spent nine months in South Vietnam. On May 1 he wrote the following letter to his father, Irvin Golden, who lives at 521 W. Marlette.)

DEAR DAD, I received your letter today and also listened to President Nixon's speech. I'm typing this 'cause I want to write on the speech.

I know this may surprise you quite a bit, but I do support Nixon's decision regarding our thrusts into Cambodia. I'll explain why. Before that, let me say that my views and opinions on this war have not changed at all. I would be in favor of us pulling out lock, stock and barrel—all at once—now! But we aren't going to do that, so that's just wishful dreaming.

I am completely, totally and wholly against this war, especially insofar as American participation in it goes. It was, is and always will be a disastrous involvement and a very, very grave mistake on the part of our country to ever have gotten involved here. We shouldn't have ever sent advisors or troops here and we should never have bombed anyone or anything over here. My position is clear. I'm against it completely and I'm for getting out now.

Now, with that in mind, let me try to explain to you why I agree with Nixon. We have to face the situation as it is today. As it exists now. Not as it should exist, or could exist, or might exist. But as it actually does exist. The fact is, we are here. The fact that we shouldn't be here is purely an academic point at this time. Saying we shouldn't be here doesn't change a thing. We are here and we have to deal with the situation at hand.

That's number one. Now, number two. Dreaming, hoping and wishing aside—you know as well as I know that we are not—ever—going to just say "nuts to you, Vietnam" and withdraw all of our forces at once. It would be great, but it ain't gonna happen, so we may as well dismiss that theory if we're going to analyze this thing rationally and realistically.

Okay. We're here and we're not going to pull out all at once. The thing I liked most about his speech, was Nixon's intention of withdrawing 150,000 troops within a year. He could have justifiably changed his mind on that with the current situation being what it is. But I think he made it very clear that he intends to pull out the 150,000 in a year and then to continue the paced withdrawal of U.S. troops. This pleases me very much.

It isn't easy for most Americans to understand the military/tactical situation over here. I'm here and I understand it. The North Vietnamese (NVA) have been using the Cambodian border sanctuaries for years to train, store and stockpile. They have launched all of their offensives and attacks in and around Saigon and Tay Ninh from the Cambodian sanctuaries.

These enemy base areas are huge. They contain very sophisticated hospitals. Large conference rooms. Thousands of tons of rice. Thousands of rockets and mortars and weapons and ammunition. (These are the rockets and mortars that regularly hit Tay Ninh Base Camp and that have been responsible for many, many deaths and injuries around here through the years.)

They (NVA) have at least 3 (that's right—3!) full divisions of hard-core soldiers holed up in these sanctuaries along the border. None of these areas are more than two days' march to Tay Ninh!! They were getting ready for another spring-summer offensive against Tay Ninh and probably Saigon. We've known that for weeks now.

The NVA have been resupplying their units and training for a big offensive. They have been stockpiling huge amounts of food and ammunition. If the offensive were to come off, Nixon would never have been able to withdraw any more troops. That would have definitely prolonged the war for many months (at least for the Americans here).

I believe Nixon was being quite honest in his speech. We really aren't invading Cambodia, per se. We aren't going to stay there. Our aim is to destroy their vast quantities of supplies and to destroy their huge base camps and headquarters. This Vietnamese-American blitz into Cambodia will slow down the NVA for many, many months and is most definitely a significant turning point in this war, insofar as American involvement is concerned.

The large NVA forces are now being forced to scatter and run—back to North Vietnam or deeper into Cambodia. They have no more safe sanctuaries—no more huge stockpiles of supplies—and no more new supplies coming in. They are hurting and it will be a long, long time before they will be able to mount any kind of an offensive against anyone in South Vietnam.

That is what we want. And that is what we need. It will certainly give the U.S. plenty of time to continue withdrawing troops from here and will also, at the same time, give the Vietnamese Army more time to train and take over.

Everyone over here—hawks, doves—doesn't matter—is applauding the speech and the decision. Because we all know that this is going to preclude any major offensive around here and will probably preclude almost all of the rocket and mortar attacks in this area—which is the thing that we worry most about in Tay Ninh Base Camp!

Most people here are against the war—very few people want to be here—and all of us want to get out of here as fast as possible and in one piece. And that's exactly why everyone here breathed a sigh of relief today. Because we are here, and we know that this is going to speed up the withdrawal process and also that this will blunt any offensive the enemy had in mind.

If Nixon had decided to stay out of there and let them continue to have their sanctuaries—it would have jeopardized MY life and the lives of thousands of other GIs in this area. I sincerely believe that this decision will save American lives (Vietnamese too) and will speed up the withdrawal.

I am anxiously awaiting your reaction and comments to this. By the way, I can't help but admire Nixon for stepping into a political hornet's nest. There's no doubt that he will be subjected to a great deal of bipartisan abuse during these next few days and it certainly could jeopardize his political future, but I truthfully believe that by 1972, he will probably be reaping lots of political benefits from this decision, because we'll probably be pretty well out of here by then. Also, I appreciate his relative honesty, candor and openess in informing the public of what he was doing and why.

Well, that's the end of my composition on Cambodia. You can show this to whomever you want to—nothing classified in it.

BOB.

Mr. FANNIN. Mr. President, the Cooper-Church amendment is asking our Nation to pledge in blood that we will no longer bomb North Vietnam, to pledge that we will never, never set foot again in Cambodia to upset sanctuaries there.

We would be saying to the Communists, "We will, in fact, instruct our soldiers, who remain, to do nothing more than duck live bullets. Those soldiers left behind when our next contingent leaves will be nothing more than living targets."

The Cooper-Church amendment is asking the American soldier to accept a risk beyond the call of duty, that no one else in his right mind, would be willing to accept if personally exposed to the risk.

We are substituting the arena of the world's greatest—and longest—debating society, for the decisions of our Commander in Chief on operational strategy.

Mr. President, the supporters of the Cooper-Church amendment have confused necessary operational latitude of the President in military operations, with the constitutional power of Congress to declare war.

As I say, if it is the will of the Senate that this Nation repudiate all that we have done in Southeast Asia, then let us take every American soldier off that continent tomorrow. Let us not ask the impossible for those who are on orders to remain.

Mr. President, the Cooper-Church amendment is making our soldiers a unilateral sewing circle, locked into a lion's den.

I see an anomaly in the fact that in the 25 years we have maintained troops in Europe, after World War II, I hear of no similar pressure on our President or Congress to remove them.

If Europe today is not strong enough to go it alone, when will it be? If we are in need of more funds for our environmental and people needs, why then our armies in Europe long after peace was established?

Why are our troops still in Korea after nearly 20 years?

Are we such a selfish people that we cannot see the necessity of our help to free people wherever they be—even though they may not have the family ties that have become a part of our great American melting pot?

Should we not also order—in keeping with the intent of the Cooper-Church amendment—that the President shall not sell any war planes to Israel, or to any nation?

Or is the intent of the Cooper-Church amendment merely to turn our backs only on our friends in Southeast Asia?

Let us be consistent. If we are going to cut off funds for defense in one area, let us cut off funds for all areas. Let us either cut and run from the harsh world of reality, or let us stand up to our responsibilities whenever they may be.

LACK OF INFORMATION ON CAMBODIA APPARENT

Mr. President, it is an established fact that most Americans get the bulk of their news from television and radio. Here in Washington I believe most people who work for the Government—and that includes all three branches—get the bulk of their news from one or more of the so-called national newspapers, the New York Times and the Washington Post.

The result is that very few people in the Nation—and even fewer here in Washington—actually know what is going on in the world around them. They get a spoon-fed diet of what purports to be news, but what turns out to be mostly

what somebody thinks the news is, or what he wants other people to think the news is.

Most Senators are more fortunate in that they get their hometown or State newspapers, which tend to give a more balanced picture of what is happening. I only wish such a news presentation were more widely available to the country as a whole.

There is a graphic example of what I am talking about in the Chicago Tribune this morning. It is a story by Arthur Veysey written from Saigon. Mr. Veysey is a reporter who apparently digs a little more deeply than some for his news.

He points out that there is a flood of mail and other communications from the United States to men in Vietnam which is based on three very basic and important misconceptions. These misconceptions can have been acquired only because the people involved do not know what is going on in Vietnam.

First, he says, people are under the impression that even though we have already captured the bulk of the Russian and Chinese arms cached in Cambodia by the Vietcong and North Vietnamese, these weapons can be quickly replaced by supplies shipped down via the Ho Chi Minh Trail.

This, he notes, is far from the truth. First of all, most of these weapons did not come from North Vietnam at all. They were shipped into Cambodia by sea and then trucked to the border areas using Cambodian highways. This route has been cut off now. Secondly, the Ho Chi Minh Trail does not extend to the border sanctuaries the Communists have been using in Cambodia. The trail peters out in an impassable swamp some miles to the north and if the North Vietnamese want to ship arms in from the North they have to detour around the swamp and use the Mekong River highways.

Another misconception is the notion that American commanders are getting Americans bogged down in an interminable war in Cambodia.

The fact is, as Mr. Veysey notes, "by cleaning out the border strip of supplies, the command hopes to lessen the need for American troops who for months have been bogged down just inside the border—of South Vietnam."

The third basic misconception that most Americans seem to have about Vietnam is that no victory is possible because the Vietcong and North Vietnamese continue to be the symbols of nationalism in South Vietnam.

The facts, as Mr. Veysey points out, are that "in most of Vietnam the war has already been won." He notes that over 90 percent of the inhabited area of South Vietnam is free of Communist control and open to at most only sporadic terrorist attacks. Popular support for the Vietcong has virtually disappeared as evidenced by the fact the VC has been unable to get recruits, food and protection in South Vietnam.

In fact, it might be noted, the importance of the Cambodian sanctuaries has grown because the Cong cannot use bases it once held openly in South Vietnam.

Mr. President, I bring this matter to the attention of my colleagues who may not have had a chance to read it in the Tribune. I think it brings the whole situation in Vietnam into a little better perspective.

The problems we have been discussing here are very real problems and are complex. It is essential that we all know the facts and are able to discuss these problems based on facts. Unfortunately the American people are not getting all these facts if they confine their news sources to the television networks and to one or two big eastern daily newspapers.

I ask unanimous consent to have printed in the RECORD the article entitled "Critics 'Facts' Err, Say U.S. Chiefs in Viet," written by Arthur Veysey and published in the Chicago Tribune of Wednesday, May 27, 1970.

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

CRITICS "FACTS" ERR, SAY U.S. CHIEFS IN VIET—MILITARY ASSAILS LACK OF INFORMATION

(By Arthur Veysey)

SAIGON, VIETNAM, May 26.—As the Cambodian sweeping operation goes into the fourth week, American military commanders here face a puzzling block in communication with the American public.

Protests pouring in from home concentrate on three allegations:

1. Even tho the sweep succeeds in confiscating most of the Russian and Chinese weapons stored along the border, the Viet Cong and North Vietnamese army can quickly bring new supplies down the Ho Chi Minh trail, making any gain temporary.

2. By widening the battlefield to the narrow border strip of Cambodia, the American military command here is in danger of bogging down troops in Cambodia and slowing their return home.

3. No military victory is possible in South Viet Nam. The Viet Cong and North Vietnamese continue to be the symbol of Vietnamese nationalism.

CLAIM PREMISES WRONG

Commanders declare all these premises are based on information that is either out of date or inaccurate. They claim the facts are:

First, the supplies now being found in the main sweeping areas were not brought down the Ho Chi Minh trail. They were carried by sea to Cambodia's ports and then transported in trucks along the highways of southeast Cambodia.

The Cambodian government closed the ports last year. The Ho Chi Minh trail peters out in a great swamp north of the Fishhook area.

To extend it, North Viet Nam must make a wide detour into Cambodia to the Mekong river, and must gain control of all roads east of the Mekong. Early resupply seems unlikely.

Second, by cleaning the border strip of supplies, the command hopes to lessen the need for American troops who for months have been bogged down just inside the border, trying to keep the enemy from infiltrating troops and supplies into Viet Nam. If successful, the strategy will speed the return home of American troops.

NO VIET CONG SUPPORT

Third, in most of South Viet Nam, the war has already been won. Ninety per cent of the settled areas today live in peace, apart from terror attacks by small guerrilla squads. Popular support for the Viet Cong has virtually disappeared, as evidenced by the Viet Cong's inability to get recruits, food, and protection from villages.

The military command does agree with the protestors that the time has come for the United States to withdraw. The command insists, indeed, that it has already gone a long way along that road. The command also accepts, roughly, the timetable for disengagement as proposed by such protestors as Clark Clifford, former defense secretary.

PLANS FOR PULLOUT

Clifford wants all combat troops out of Viet Nam by the end of this year and all others out by the end of 1971. Gen. Creighton Abrams, the commander, hopes to have all combat troops out before June, 1971, and the thousands of supporting troops, out by June, 1972, apart from men needed to help operate workshops and depots during the final training period.

The communications channel between Viet Nam and the United States seems to be solidly blocked, despite the masses of words and pictures flowing across the Pacific. Here in Saigon, relations between the military and the press, radio, and television representatives verge on open enmity. To the military, the reporting seems weighted heavily against the war and aimed at deriding the war effort.

Mr. FANNIN. I repeat, Mr. President, it is strange to me that the Cooper-Church amendment then is so necessary to its supporters, when it will do no more than our President has said he intends to do.

Mr. President, I ask who wants the job as Commander in Chief if all his options are removed, and all his strategy is rigidly spelled out or ruled out? And for the benefit of whom? Can anyone conceivably benefit from this ploy except the enemy? Certainly not our troops still on their job in Southeast Asia.

What does this amendment really say? Does it not say, Mr. Nixon, your intentions and purpose are suspect. Can anyone seriously doubt that any President we ever have had in a time of combat has ever acted, except in the best interests of the people of the United States, based on his best judgment and after assembling the most complete information available for his decisionmaking?

Why add harassment to a sleepless President in a time when he needs a demonstration of support? Why make these very difficult decisions all the more difficult?

We have seen a sleepless President arise from his bed in the middle of the night, and in the darkness go to the Lincoln Memorial to talk with students who had come to oppose him.

Does this sound like a President, heartless and without a care for the interest of his people? Instead he remembers another great peace effort which he had applauded at the time by Neville Chamberlain, and the short-lived triumph from Munich.

The scene at the Lincoln Memorial was the experience of a deeply concerned and troubled President, compassionate but with the courage to remain unshaken in the great responsibility imposed upon him by the Constitution.

No one questions the President's constitutional duty to defend the lives and safety of American troops. If the Cooper-Church amendment should become law and the President should again be faced with a military emergency that he felt required that he do in Cambodia what

he has done, what then? Does he answer the mandate of Congress at the cost of American lives, or does he follow the constitutional duty to protect them?

Therefore, will the Cooper-Church amendment accomplish anything more than provide an invitation for a new emotional and divisive outburst in an already muddled situation? It certainly does not clarify anything.

Under the requirements of the Cooper-Church amendment, the Commander in Chief could spend no funds for those purposes specified in the amendment, even when American Armed Forces are under immediate danger, unless Congress acted.

How many sergeants in the field want to call command headquarters on Capitol Hill and wait for a decision?

If we should again make another foray into Cambodian sanctuaries in the future the greatest enemy weapon we would find would be the CONGRESSIONAL RECORD, with its list of "do's" and mostly "don'ts" for American troops.

Mr. President, we have not here discussed the ripple effect that the Cooper-Church amendment will have on other non-Communist nations.

Mr. President, when the Communists temporarily took over the city of Hue in South Vietnam, an estimated 5,800 persons were slain systematically by the Communists. Let me read a report by Robert G. Kaiser in the Washington Post of May 15, 1970:

[From the Washington Post, May 15, 1970]

VC WOULD LIQUIDATE 3 MILLION IF IT WON, U.S. EXPERT CONTENDS

(By Robert G. Kaiser)

SAIGON, May 14.—One of the U.S. government's leading experts on the Vietcong has written a paper predicting that "if the Communists win decisively in South Vietnam, all political opposition, actual or potential, would be systematically eliminated."

The author of the paper is Douglas Pike, who has written two books on the Vietnamese Communists and is now a United States Information Service officer in Tokyo. He wrote "The Viet Cong Strategy of Terror," a 125-page monograph earlier this year. The U.S. mission here plans to release it soon.

Pike's work seems to be a rejoinder to those who have mocked suggestions that the Communists would wipe out thousands of their opponents if they took over South Vietnam. Pike says that if the Communists win the war here decisively ("and the key word is decisively," he writes), the result will be "a night of the long knives" to wipe out all conceivable dissidents—perhaps 3 million persons.

Pike contends the massacre would go on in secret, after all foreigners had been expelled from Vietnam. "The world would call it peace," Pike writes.

He cites a list of 15 categories of citizens who would be murdered, saying such a list of categories is often found in captured documents. Pike notes a statement by Col. Tran Van Dac, one of the highest-ranking Communists ever to defect to the Saigon regime, that "there are 3 million South Vietnamese on the blood debt list."

Pike's predictions are the most dramatic aspect of his paper. Most of it is devoted to an analysis of the Vietcong's present and past uses of terror. A major section analyzes the 1968 massacres at Hue.

"It would not be worthwhile nor is it the purpose of this monograph to produce a word picture of Vietnamese Communists as fiendish fanatics with blood dripping from their hands," Pike writes. Rather, he says, he wants to describe how the Vietcong use and justify terror as a crucial part of their war strategy.

Current Vietcong doctrine, Pike contends, calls for terror for three purposes: to diminish the allies' forces, to maintain or boost Communist morale, and to scare and disorient the populace. He says the enemy seems to be moving more and more toward a terrorist strategy as part of a new kind of protracted war. (Official government terrorist statistics show a sharp increase in kidnapings, assassinations and other terrorism in recent months.)

In central Vietnam, Pike writes, Vietcong units are given terrorist quotas to fulfill. As an example, he cites intelligence information that special Vietcong squads in parts of two provinces were told to "annihilate" 277 persons during the first half of 1969.

In the most detailed analysis of the killings at Hue yet published, Pike writes that "despite contrary appearances, virtually no Communist killing was due to rage, frustration or panic during the Communist withdrawal" from Hue, which the Vietcong held for 24 days in February 1968.

"Such explanations are often heard," Pike continues, "but they fail to hold up under scrutiny. Quite the contrary, to trace back any single killing is to discover that almost without exception it was the result of a decision rational and justifiable in the Communist mind."

According to Pike's analysis of the Hue massacres, the Communists changed their minds twice after seizing the city on Jan. 31. At first, Pike writes—he claims, captured documents show this—the Vietcong expected to hold Hue for just seven days.

During that first phase, Pike says, the Vietcong purposefully executed "key individuals whose elimination would greatly weaken the government's administrative apparatus . . ."

After they held on more than seven days, Pike's theory continues, the Communists decided they would be able to stay in Hue indefinitely. Prisoners, ralliers and intercepted messages at the time confirm this, according to Pike.

In this euphoric mood, he writes, the Communists set out to reconstruct Hue society, eliminating not just specific individuals, but whole categories of citizens whose existence would hinder creation of a new revolutionary society. Perhaps 2,000 of the estimated 5,800 persons killed at Hue were slain during the second phase, Pike suggests.

Eventually, Pike continues, the battle turned against the Communists in Hue and they realized they would have to abandon the city. This realization led to phase three, Pike writes: "elimination of witnesses." The entire underground Vietcong structure in Hue had probably revealed itself by this time, and now had to protect itself by eliminating many who could later turn them in to government authorities, Pike theorizes.

For this reason, citizens taken from their homes merely for political indoctrination had to be killed when the Communists decided to flee Hue, Pike suggests.

Do we simply turn our backs on those who have had faith in us as world leaders in freedom? Do we turn our heads when they succumb in a bloodbath? Do we walk away and leave our prisoners of war to their own devices?

Mr. President, this same lack of concern for the safety of our own troops under our military orders in Cambodia is embedded in the amendment.

This lack for concern very ably was emphasized last Friday by the distinguished senior senator from Delaware, and I endorse and associate myself with his remarks.

He has reminded us that this amendment would cut off immediately the pay and allowances to any soldier, or to his family, if the soldier for any reason were still in Cambodia when the amendment became law—even if the reason for not being out of Cambodia were beyond his control—for example, he might be wounded severely while withdrawing.

He has suggested that we are misdirected in making hostage the salaries and allowance of our soldiers doing their duty under order in Cambodia, whether or not they personally had no desire to be there. He suggests instead that Members of Congress put their own salaries in escrow until we see our soldiers safely home from Cambodia and Vietnam.

Then, we will truly see the hardest working Congress in history in the cause of peace. I agree with the distinguished senior Senator from Delaware. Let me quote from his remarks, beginning on page 15724 of the RECORD:

As the pending amendment has been interpreted, and I think it has been an interpretation which has been accepted by the sponsors of the amendment, it would accelerate that objective by stopping the compensation of American personnel who were in Cambodia upon the date of enactment of the amendment and would also stop any other allowances for those men until they were brought out of Cambodia, back into South Vietnam, or to American soil.

I believe, therefore, that the effect of the amendment would be that the moment it was enacted—and we are voting on it in good faith, figuring it to be passed by the House and signed by the President—we would be saying that American troops and personnel who were drafted into the Army, who did not ask to be assigned to Vietnam, who did not ask to have to march into Cambodia, who went there under orders—they certainly would be subject to court-martial if they would not go—but we say here the moment this amendment is passed, "You draw no further military pay. Your family allowances are likewise stopped until you are withdrawn and completely out of Cambodia."

Mr. President, I believe that is rather harsh treatment. I think we have the cart before the horse when we figure to hold as hostages, these men who are defending the principles of the American Government abroad. I do not believe that by any line of reasoning we can justify such action.

Yet I say that as one who wants to bring this war to an end as quickly as possible and as much as anyone else does.

I believe that as long as one American boy is assigned anywhere in the world and wears the American uniform the full resources of his country should be back of him until he is brought safely home.

I do not believe that 5,000 miles away, in the security of the Capitol, drawing our pay daily, we can say to these men, "You are not going to get paid until you get out of Cambodia."

I raise another question. This stops the "allowances" as well as making them ineligible for any pay during the time they are on Cambodian soil.

Assume that the President accepts this amendment and he calls for an immediate withdrawal. Some say that could be done in a week. Maybe in 3 days, put suppose it were in one day. That would be stretching the imagination, of course. But suppose one of the men gets killed on the way out of Cambodia or is maimed for life; the pending amendment if approved would say that he

would not be eligible for any allowances or any compensation even if he were disabled on the way out after this becomes law. In other words, such a man would be eligible to receive nothing under this law or any other law; he will not receive any allowances or compensation until he gets back onto Vietnamese soil.

That is not beyond the line of reason, should this be passed in its present form.

In my opinion if there are those in the Senate who feel that the good faith of this country could best be demonstrated to our own citizens as well as to nations abroad that we are going to withdraw our troops from Cambodia as the President has promised, by a monetary factor, then instead of placing the salaries and family allowances of our servicemen as hostage why not place our own salaries in escrow? Why do we not, as Members of Congress, simply say that we will lay our salaries on the line and draw no pay until we get our American troops out of Cambodia?

That would certainly show the good faith of Congress and show it in a much better way than making monetary hostages of our soldiers and their families. Surely the Senate will not stop furnishing them with military supplies that may be necessary to get them back out of the Cambodian area. They did not ask to go in that war zone.

Certainly we are not going to stop sending them supplies. Yet under this amendment there will be no supplies until they get out, whether food, military equipment, or other supplies. There will be no pay for either the men or their families.

We will be telling them that if they get killed or maimed getting out their benefits are repealed by the Congress should this amendment be adopted. I repeat, if Congress really wants to enact a monetary penalty, it shoud put its salary on the line. If we want to go further we can do it until we get them safely home from both Cambodia and Vietnam.

I venture to say if that procedure were followed we would find one of the hardest working Congresses in history in the interest of peace.

Mr. President, the astute columnist Stewart Alsop, writing in the May 25, 1970, issue of Newsweek, has said that the denial of all combat funds in Vietnam after June 30 next year "is, of course, a recipe for turning the retreat into a rout."

The weapons and supplies captured by the Ameriacns and South Vietnamse in the Cambodian operation cannot now be turned against our troops in Vietnam. He notes, with a parenthetical bit of wisdom:

And after all, kids in uniform have no more desire to be shot at than kids on campuses.

Mr. President, I might suggest that while our troops have been paid for being shot at, now the Senate, by this amendment, would take this pay away.

I commend Mr. Alsop's article to Senators. Let me read it:

In a queer sort of way, President Nixon and his bitterest critics are in collusion. Neither the President nor his enemies wants to talk about what the President is really doing in Vietnam. This exercise in mutual self-deception has wholly distorted the reality, and lent a strange never-never-land quality to the whole bitter Vietnam debate.

What the President is really doing is to conduct a great military retreat—the greatest in American history. But for quite natural reasons he doesn't want to admit it—probably even to himself. So he wraps his retreat in thick layers of defiant, neo-Churchillian oratory.

The President's critics don't want to admit that the President is engaged in a great retreat either, because if they did they would have much less left to criticize. So they use the Nixonian rhetoric to prove that Mr. Nixon is not really retreating at all, but is instead expanding and prolonging an "outrageous" war.

This mutual self-deception accounts for the fog of unreality that has overhung so much of what has been said and written about the Cambodian operation. If you listen to the President, the Cambodian operation is the product of a great, historic Presidential decision, comparable to the great decisions of Wilson, Roosevelt, Eisenhower and Kennedy. If you listen to the President's critics, the Cambodian operation is an outragious "invasion" of a small, neutral country (the 60,000 North Vietnamese already in Cambodia were presumably just having a big picnic) which will "sink the United States ever deeper in the Southeast Asian quagmire."

DANGEROUS

Of course, the Cambodian operation is neither of these things. It is a limited spoiling attack, designed to protect the rear guard of the American retreat. Retreat, as Napoleon or Marshal Rommel could attest, is a most difficult and dangerous military maneuver. All retreats present a common problem. How do you protect your rear guard, and thus prevent your retreat from turning into a rout?

In terms of this question, the Cambodian operation makes obvious military sense. In fact, the President had little real choice—he had to end the inviolability of the Communists' Cambodian sanctuaries one way or another, unless he was willing to halt his retreat or accept the risk of military disaster to his rear guard.

That Mr. Nixon is conducting the greatest retreat in American history is obvious on the face of it. When he became President, he inherited an American force in Vietnam of 525,000 men. Within a year, he will have withdrawn at least 265,000 men, and his rear guard will consist of two divisions, maybe only one. A year later, on the current schedule, there will be about 30,000 U.S. support troops left in Vietnam.

If withdrawing half a million men is not a retreat, what in heaven's name is it? Mr. Nixon's answer is "Vietnamization," but that is a euphemism.

MEANINGLESS

It is not surprising that the President does not like to talk about his great retreat. Like all Presidents, he feels history breathing down his neck, and retreat is not a good way for a politician to get himself transmogrified into a great man. Retreating in the face of Communist power is in any case not the sort of thing a man who built his political career on a reputation as a hard-line anti-Communist likes to do.

So it is natural that Mr. Nixon—perhaps quite sincerely—should keep repeating like a metronome his promise not to be the first American President to preside over "defeat and humiliation." But the promise is meaningless. For it is silly to suppose that a division or two—much less 30,000 support troops—can provide a guarantee against defeat for our side in the war. All retreats, in the nature of things, involve the risk of defeat.

The Cambodian operation is designed to reduce the risk, and it will undoubtedly do so. As of this writing, at least, the operation is a very considerable military success. Much greater stores of weapons and supplies have been captured than in any previous operation. Those weapons and supplies cannot now be turned against our dwindling manpower in Vietnam—and after all, kids in uniform have no more desire to be shot at than kids on campuses.

But more important than the booty captured in Cambodia is the simple fact that henceforth the Communists, even if they make the great effort to rebuild their bases, will know that the bases are no longer secure. Secure bases are absolutely essential to a successful guerrilla operation. To cite an example from personal experience, the French *Marquis*, in which this writer served for a couple of months in World War II, would have quickly faded into nothingness without the weapons and supplies parachuted into France by the Allied secret services.

Because of the Cambodian operation, the President may yet end up with the better of the argument with his natural enemies, the liberal Democrats. The Senate liberals are now lining up behind the amendment to deny all funds for combat in Vietnam after June 30 of next year, which is, of course, a recipe for turning the retreat into a rout. There is no doubt that most Americans ache in their bones to get out of Vietnam. But there are dangers to the Democrats in making Vietnam the central issue this year.

SIMPLE PLAN

One danger is that the Cambodian operation will go well enough so that the President can rapidly accelerate his great retreat—an idea that has certainly occurred to the President. When you strip away all the rhetoric, the President's famous "plan" for Vietnam is very simple. It is to retreat as quickly as possible, provided that the retreat does not become a rout; and provided that the people who have been fighting on our side have at least a chance to avoid defeat at the hands of the Communists when our retreat is completed.

This is not very heroic, but it is perfectly sensible, and moreover there is a chance, and maybe a pretty good one, that retreat will not mean defeat. But the President has got to risk defeat—he has no choice. The spasm of national hysteria induced by the relatively minor Cambodian operation shows how little time the President has left. He must substantially complete his retreat from Vietnam within a matter of not too many months. Otherwise, this fat and flabby country, which was not fitted by history or temperament for the great-power role thrust upon it by the second world war, seems likely to go mad. Maybe it has gone mad already.

This article by Mr. Alsop, entitled "Mr. Nixon's Great Retreat," was published in the May 25, 1970, issue of Newsweek. Whether we agree with it or not, it does contain some very illustrative figures and an explanation of just what is involved. It indicates the great decision that the President made and how important it is for us to continue our operations in Cambodia until his goal is accomplished. Certainly, we do not want to see the 30,000 support troops mentioned in the Alsop article left in Vietnam to be slaughtered.

At the risk of sounding patriotic, Mr. President, I would like to say to doubting students: "Count your many blessings—most of all your freedom of dissent. Remember, it bears with it some responsibilities to your country."

In what nation can you meet in the backyard of the White House and hear speakers call for the impeachment of the President, and hear some others so obscene that television had to cut them off?

The young people today, and by far the majority, recognize this and accept it, and are facing challenges ahead. There is much work to do, and soon the problems will be entirely in their laps.

I am happy to see the response to Earth Day. This is an issue they can sink their teeth into and begin charting their future.

Mr. President, I wish to read the experience of William Randolph Hearst, Jr., as reported in the May 10, 1970, issue of the Hearst newspapers. His report demonstrates there is responsibility on the campus.

In this week when student war protests were erupting at what hopefully will be the peak of such turmoil, my favorite weekly columnist (and I hope yours) had a highly instructive campus experience of his own. It definitely deserves retelling here.

It so happened that long before the news about Cambodia exploded, an invitation was extended and accepted by me to address an audience on May 6 at California State Polytechnic College in nearby San Luis Obispo. I showed up on schedule last Wednesday—with more than a little feeling of trepidation.

As a fairly well known supporter of President Nixon's war policies, I figured I was in for a tough time. At the very least I expected to catch some catcalls and heckling from some of the several hundred students and faculty members waiting to hear me.

By way of background, it should be noted here that Cal Poly, as it is generally called has a remarkable achievement record. Only five years ago it was a relatively small college with an enrollment of about 5,000, whose big extra-curricular interest was in the spectacular rodeos staged by the school.

Today it is a full-fledged state institution with an enrollment of nearly 12,000. Its faculty and staff number more than 1,400. It has schools of agriculture, journalism, applied arts, applied science, engineering and business, among others.

Unlike so many other colleges and universities, the whole academic emphasis is on preparing students for specific practical careers upon graduation. The students begin majoring in the subject of their choice as freshmen, rather than as juniors and have very few opportunities to take what are known elsewhere as elective snap courses in various theories.

This is important, as I hope to show here later. For the moment, try picturing me facing that sea of young faces and wondering what the reaction would be when I started defending a military decision which had caused so much student violence elsewhere.

My informal speech was on world affairs. It was impossible to avoid the controversial issue of recent events in Southeast Asia. So when it came time I waded right in with my fingers crossed.

There is no need to go into much detail on what was said. My views were pretty well outlined in this space last Sunday and most of what I said simply elaborated on that column.

One thing that was made fully clear was my sense of shock, and even amazement, at how many Americans and some of our friends abroad had reacted so critically to President Nixon's decision on Cambodia.

Instantly—from the doves in Congress to the editorial pages of our left of center press—the howl went up that the President was willfully and unilaterally expanding the war. That we were invading a sovereign nation. That a terrible and costly blunder had been made.

What seemed almost incredible to me was that so much of the criticism was a literal echo of the condemnations which came from Moscow, Peking and Hanoi. Even more discouraging was the spectacle of college presidents giving their blessing to student protest strikes.

To me it was—and continues to be—simply astonishing. Not one of the liberal voices sounding off in Congress and elsewhere made a peep of protest when it was revealed last month that 40,000 Communist troops had invaded Cambodia and were threatening to capture its capital city.

Not one of the voices that I can remember ever said a word about the long-standing Communist violations of Cambodia's neutrality and independence along the southern section of the Ho Chi Minh Trail.

And very few gave the slightest serious consideration to President Nixon's explanation—that he acted to save Cambodia from imminent Red conquest and the need to safeguard his plan to withdraw American combat troops from South Vietnam.

The explanation was virtually ignored. It was as though the protesters were deaf to any explanation; as though they had just been waiting and biding their time for an excuse to renew their attacks on the Vietnam war.

The above were some of the thoughts I gave to my audience. When no boos or catcalls developed, my fingers came uncrossed and I gave them some more.

No matter how you look at it, I said, Vietnam is a bloddy mess and there is no question that we miscalculated the tenacity of the enemy in waging a war our forces were never permitted to win. At the root of today's national unrest is frustration over not having the war over and done with by now.

All the same, it was pointed out, Cambodia had become nothing but a sideways DMZ zone. The Communists had dug in there and were using it as an advance headquarters in which to store their supplies and launch what could easily be an encircling attack on our men in South Vietnam.

When the Reds began their attempted takeover of the whole country, President Nixon—in the interests of protecting our fighting men—had literally no other military alternative but to break up the enemy emplacements.

Not to have done so would have meant the loss of time needed to complete our Vietnamization of the war. Far worse, it would have left our withdrawing forces wide open to a looming disaster.

I asked my audience to compare the frustration it felt with the frustration of our military leaders, who have never been permitted to wage a decisive war. I asked a further comparison with the frustration undergone in Paris by our negotiators whose many concessions have led to nothing from the enemy.

And I wound up by noting that some of the more virulent war critics had even mentioned the possibility of trying to impeach the President for his decision on Cambodia.

Suppose you had a brother or a father over there in Vietnam, I asked, and he got a bullet in the back from encircling troops based in Cambodia at a time when every effort was being made to bring him home?

If that were to happen—and that's what the Communists were threatening for large numbers of our men—then you can bet your own sweet life there would be an impeachment for real.

So that was the speech.

I want to take this opportunity to personally thank the student body for its courtesy in hearing me out and making academic freedom a living truth. All through it the kids sat attentive and obviously interested. They laughed at my few attempts at humor, applauded in gratifying fashion when I finished, later gathered around to ask many specific questions.

It was hard to believe that even at that time hundreds of other college campuses were either shut down or in utter disorder because of student antiwar demonstrations. Were these a special breed?

Robert E. Kennedy, the president of Cal Poly, and Dale E. Andrews, its academic vice president, offered some explanations which made me conclude that their students in fact are much different from the hell raisers.

They assured me there were many in my audience who also felt strongly against the war. Disorder and the shouting down of unwanted opnions, however, are not the rule of life at Cal Poly.

The stress on practical education for future employment is so dominant that the first thing you see when entering the college is its job placement bureau.

There, all points of view are examined and discussed in an atmosphere of true academic freedom. Their officials said this was not surprising since the whole operation of the college was geared to instruct students who came there solely to learn and prepare themselves for useful careers.

There is a real object lesson here.

Last Wednesday, just a few miles to the north and south of me, the campuses at Santa Barbara, Berkeley, San Francisco and San Jose were erupting in violence or threatening to erupt. The situation was, in fact, so serious that Gov. Reagan wisely ordered a four-day closing of all public colleges and universities in the state.

Who has filled the heads of these students with the ideas which steam them up and cause them so violently to attack their own country, its institutions and leaders?

It's a good question—and part of the answer lies in the fact that too many of our institutions of higher learning are infested with radically minded professors and courses with no constructive purpose.

I am convinced that most college students have too little to do, too few academic challenges from courses that train them for specific careers—especially in their freshmen and sophomore years.

It is high time the system got a top-to-bottom overhauling with Cal Poly as the model.

Mr. President, I think it is most encouraging to see that we do have some schools in this country—in fact, most of them—which are abiding by the rules and regulations that they have set.

I share the pride of Mr. Hearst in his experience on the campus of California State Polytechnic College. I regret that this is not the pattern also of many of our other great institutions of higher learning.

I cite to you, Mr. President, the editorial in the Arizona Republic of May 17, 1970. Allow me to quote it:

Almost immediately after President Nixon announced his decision to send U.S. troops into Cambodia, activist students poured into the streets to express disapproval.

It is understandable, given the direction and intensity of student protest over the past several years, that students should demand to be consulted on the conduct of the war. What is less understandable is the eagerness with which many universities have explicitly sided with the students, thereby injecting themselves directly into the American political process.

Many universities have been only technically neutral in political matters. Overwhelmingly liberal faculties . . . administrations that refused to discipline radical students . . . a climate of opinion on campus hostile to other than left-liberal viewpoints—in these ways, the universities already tacitly aligned themselves with political liberalism.

But after the Cambodian commitment, even the pretense of neutrality was dropped at many institutions as college presidents and administrators led marches, canceled classes, encouraged student activism, and announced they were seeking ways to allow students to drop out of courses or stay away

or stay away altogether to protest the war, without forfeiting grades or credits.

There is more than just a certain smugness to this elitist notion that the universities alone know what is good for America. As Prof. Irving Kristol recently wrote in the New York Times Magazine, "university education today is an utter shambles." Perhaps the only thing more in shambles is the dogma of liberalism, to which the universities are increasingly committing themselves.

Worse than intellectual arrogance, however, is the risk that the universities will become politicized completely. As one Columbia University political scientist told Newsweek (it is sad commentary on the spirit of the times on college campuses that he sought anonymity), "A university politicized by the extreme left can easily be controlled at another time by the extreme right."

We wonder, do those who favor politicization care about the preservation of academic integrity? Don't they fear that if they transform their institutions to lobbies they might lose their tax exemptions?

In our opinion, the belief that the universities alone have the wisdom to save this country, when they are helpless even to save themselves from disruption, destruction, and anarchy, is too preposterous for words. Nevertheless, it saddens us to see higher education taking this fateful, possibly fatal, step.

Mr. President, the Newsweek poll has been well publicized, but it bears repeating.

Fifty percent of those polled in a scientifically selected national sampling of 517 persons reported they approve President Nixon's decision to send American troops to Cambodia. Those disapproving were 39 percent, with 11 percent undecided.

This bears some evidence that there is a silent majority. We have heard from the vocal dissenters. Let me read two sampling letters to the editor, published in the May 15, 1970 issue of the Phoenix Gazette. The first letter reads:

TROOP WITHDRAWAL FINE BUT WHAT ABOUT POWs IN NORTH VIETNAM?

To the Editor of The Gazette:

I want to add my sentiments to those of E. T. W. Coulter of Avondale and Harry L. Stanley, whose letters, defending the President on Cambodia, appeared in the May 8 issue.

Also, what about the prisoners of war in North Vietnam? I have just heard the news conference of the President of the United States on his policy in Cambodia and his intentions of withdrawing 150,000 troops from Vietnam. I am sure his critics and the news media will do everything in their power to try to prove him wrong and discredit him. However, I did not hear one question from any newsman or newswoman about the plight of the prisoners of war.

I can't understand how our congressmen who voted for the Tonkin Resolution and helped to send our troops into Vietnam can justify the withdrawal of troops without any consideration of those who are in prisoner of war camps in North Vietnam. Are they willing to sacrifice these men for their own political ambitions? God help us if we as citizens of the United States can callously forget these men. During all this controversy over military involvement in Vietnam, *I have not heard one voice raised* by our congressmen, *demonstrators* or our present administration asking the question: *What about our prisoners of war?*

Our news media have shown a few wives trying to gather information about their husbands who they believe are prisoners. But I have yet to hear any newsmen, who have continuously shown demonstrations against the Vietnam war and have shown those congressmen who have changed their minds about the Tonkin Resolution, pose this question.

As a veteran of one declared war and a "peace action," I can't understand how our leaders and news media can live with themselves if they forget those who are in prison camps where their captors have refused International Red Cross inspection of prisoner treatment. After seeing prisoners of war and concentration camps, I can't condone the utter disregard of these men by our leaders and even the silent majority, in letting this happen.

HAROLD O. BAILLIE.

Mr. President, fortunately there have been Members of Congress speaking out vigorously against leaving the Southeast Asian area without our prisoners of war. I commend them for their devotion to their responsibilities in this regard.

Mr. President, here is the other letter to the editor of the same paper. It is entitled, "Give Up Luxuries To Aid War Effort."

It reads:

GIVE UP LUXURIES TO AID WAR EFFORT

I have always considered myself an average American, and as for the views that I am expressing now, I hope they are the views of the majority of Americans who are the backbone of this country. I am proud to be an American, and I, too, am grateful for a President who refuses to accept American defeat. Pride and belief in one's country is what makes a country great. I am not proud of my fellow citizens and leaders in government who preach dissent, appeasement, withdrawal and even treason.

Whether we like it or not, we are engaged in a war. A long war, a costly war and a real war. Men are dying every day. They deserve our support, not dissent.

What can we do about ending the war? The American people can make it their patriotic duty to support the war. If what it takes to arouse the general public is rationing, then let's ration. If it's sacrifice, then let's sacrifice. Let's give up some of the luxuries we have grown accustomed to by putting the nation on a general war economy. Let's put winning the war, both at home and abroad, ahead of profits, new cars, vacations, etc. Let's get behind our servicemen, behind our President, behind our country and show the leaders of the enemy camps that we are still in command and are still, in fact, indivisible.

ROBERT W. JEFFORDS.

Mr. President, that indicates the feeling of this gentleman. And I am sure it is a feeling that is shared by many, many Americans.

Mr. President, I would like to read one other editorial because I feel it is important. It is a guest editorial that appeared in one of the Arizona newspapers. But it is a reprint from the Wall Street Journal.

The editorial reads:

[From the Arizona Republic, May 16, 1970]

PRESIDENT'S MIGHT IS LIBERAL GROWTH

(Reprinted from The Wall Street Journal)

An ironic by-product of the Cambodian intervention is the renewed concern, notably among liberals, about the enormous power of the presidency. The irony, of course, lies in the fact that many of those souls had a good deal to do with the expansion of that power.

True, Cambodia is a striking example of a President's freedom to make major unilateral moves; so was President Johnson's escalation of the war in Vietnam, and Congress is only belatedly waking up to the fact that maybe too much such freedom resides at 1600 Pennsylvania Ave.

Now there is talk of cutting off war funds for everything but withdrawal from Indochina and other schemes to reverse the Cambodian exercise. How effective any endeavors would be is another matter, though.

For while recent decades have seen an expansion of presidential power, its roots are deep in the Constitution.

That may sound somewhat paradoxical since in this respect the Constitution is a vastly skillful arrangement for dividing up power among the three branches of government and thus, it was hoped, preventing the emergence of a tyrant in the White House.

But the framers of the Constitution did not bind down the chief executive as tightly as they presumably thought, a point made by George E. Reedy, at one time Mr. Johnson's press secretary, in his new book "The Twilight of the Presidency" (World).

Some presidential powers were not delimited, or only vaguely so (making it possible to refer to "inherent" powers). Perhaps more important, as Reedy puts it, the framers invested the office with awe and reverence, a symbol of national unity.

Indeed, he contends they set the stage for the presidency becoming a monarchy in all but name. In such circumstances, they had not reckoned with "the ability of the 'manager' to make commitments which could not easily be revoked."

Reedy sums up:

"The trend is clear. Over the passage of the years, what was little more than managerial authority has become power over the life of the nation itself. The right to check this power still rests in Congress and the courts. But the ability to check assumes the capacity to offer alternatives, to explain them to the public, and to manage a structure that carries them out. In the modern age, when action with little time for reflection becomes increasingly urgent, these capabilities are lessened with each passing day for every arm of the government except the presidency."

While the authority of the office probably would have grown greatly in any case, it was given a big shove in that direction by the liberal philosophy that has mostly prevailed in this country for a generation or more.

Central to that philosophy is the notion that governmental remedies can cure practically any economic, social or even personal problem.

Part of the federal growth in the '30s was admittedly an attempt to grapple with the Depression, but only part, and manifestly the growth did not end with the end of the Depression.

On the contrary, World War II not only ended that period but, by virtue of its mobilization of the nation's resources, fueled the further growth of government in the succeeding years.

And when one speaks of government growth, it is largely the growth of the executive branch—the president's domain.

An unbelievable proliferation of programs and activities, military and civilian, domestic and foreign, has taken place; being his responsibility, those undertakings augment his authority. In no small measure it is a liberal-created edifice.

An additional irony is that many of the liberals who once had such faith in big government have grown disillusioned, not only with the president's power to engage in war, but with the whole competence of a huge array of bureaucracies to deal effectively with the nation's troubles.

Along with those of us who have always been skeptical of big government, they would now prefer other approaches.

Without at the moment commenting on the merits (or otherwise) of the Cambodian

intervention, we think it understandable that the liberals are stressing its presidential-power aspect. It's just too bad they didn't realize what they were building years ago.

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

Mr. FANNIN. Mr. President, I am pleased to yield to the Senator from Michigan.

Mr. GRIFFIN. Perhaps what I have to add to the Senator's remarks should appear more appropriately elsewhere in the RECORD. We have heard and we still are hearing a torrent of criticism of President Nixon for his courageous decision to clean out the Communist sanctuaries in Cambodia.

To a large extent this criticism has ignored the basic reason given by the President for the operation—to protect the lives of American soldiers in Vietnam.

There is another side of the coin: that is, what do our soldiers in Vietnam think of the operation.

I am indebted to Mrs. Norman M. Pagels of Mt. Pleasant, Mich., for sending me a copy of a letter which sets forth the soldier's point of view. She quotes from a letter received from her son, Staff Sgt. Alan G. Pagels, who is recovering from wounds received in action on April 30, at Firebase Granite, in Vietnam, and I would like to share with the Senate some of this young soldier's thoughts.

I am quoting now from his letter to his mother:

I keep reading and hearing about all the trouble Pres. Nixon is having on college campuses because he went into Cambodia. I hope you realize that this was one of the best moves that he has ever made. The move has saved more American lives than we will ever know.

The enemy moves into Cambodia and stockpiles weapons, food and men which some day they will decide to pick up and use against the men which this country has sent over here. These are the same weapons that will some day take a leg, arm or life from some American. Then a man stands up and says let's take these weapons away from the enemy, and save our boys' lives, and the country has the nerve to belittle this man.

No, this man is not to be ridiculed, he is to be thanked. Thank him for the next six months, because it is because of him, that hundreds of Americans will be able to get on that freedom bird and come home to their families. You can already thank the "stop the bombers" for 43 people in my company that will never step foot on American shores again. Thank them for me too, because I know what it is like to be shot at, mortared, R.P.G'd and satchel charged. Thank all of those that know so much about what is right that they can decide that this or that American should not come home, ever again.

These are excerpts from a letter written by Staff Sergeant Pagels, included in a letter to the President written by his mother, Mrs. Pagels. In her letter, Mrs. Pagels said:

These are our sentiments as well as Alan's. I felt it was necessary to let others know just how our son and his buddies feel about the war and the unrest and turmoil in this country. May God give you the strength and wise judgement to soon bring this war and unrest to an end.

Mr. President, I ask ur animous consent to have printed in the RECORD the full text of Mrs. Pagels' letter with the quotations from her son.

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

MT. PLEASANT, MICH.
May 19, 1970.

Mr. RICHARD M. NIXON,
The President of The United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Today, I have just finished mailing quotations from a letter received yesterday from my son, S/Sg Alan G. Pagels, to several area newspapers and Congressman Elford Cederberg. Thought perhaps you might be interested in what he has to say. Alan is recovering from wounds received while serving with the 501st Infantry of the 101st Airborne, at Firebase Granite in Viet Nam, on April 30, 1970. He is presently recuperating at the Army Convalescent Center in Cam Ranh Bay.

"I keep reading and hearing about all the trouble Pres. Nixon is having on College campuses because he went into Cambodia. I hope you realize that this was one of the best moves that he has ever made. That move has saved more American lives than we will ever know. The American student has never been over here and is not able to understand what it is like to have one AK rifle fired in his direction or rip through one of his buddies that he has grown to know and like. They don't know the fear that runs through your body when they hear a mortar round leave the tube and they have to wait for it to come down and pray that it won't land in their area. They have never heard their buddy cry out "My God I'm dying."

The American public does not know what it is like to have to assault a bunker complex day after day and continually get men shot and killed. Everyone knows that the only way to take an occupied bunker complex is to call in an air strike. But air strikes don't come anymore because this would be an acceleration of the war. You ask, you beg, but they don't come because they are unauthorized. So you try and take it with human life. Yes, you take it but with what a waste. All because they couldn't get the proper equipment, because someone back there is yelling 'stop the bombing.'

The enemy moves into Cambodia and stockpiles weapons, food, and men which some day they will decide to pick up and use against the men which our country has sent over here. These are the same weapons that will some day take a leg, arm, or life from some American. Then a man stands up and says let's take these weapons away from the enemy, and save our boys' lives, and the country has the nerve to belittle this man.

I have one wish. I wish that every student that took part in these demonstrations has his opportunity to experience what the man in the field experiences over here. Then I would like to hear him say, let's wait until they come to us and start firing at us before we do anything about getting their weapons.

No this man is not to be ridiculed, he is to be thanked. Thank him for the next six months, because it is because of him, that hundreds of Americans will be able to get on that freedom bird and come home to their families. You can already thank the "stop the bombers" for 43 people in my company that will never step foot on our safe American shores again. Thank them for me too, because I know what it is like to be shot at, mortared, R.P.G.'d and satchel charged. Thank all of those that know so much about what is right that they can decide that this or that American should not come home, ever again.

Perhaps I am bitter and I suppose I am but I am sick of seeing people die needlessly, and while the NVA are killing us, people back there are yelling "don't hurt them and they won't hurt you". It's true that after you're dead you don't feel it anymore, it seems that someone back there ought to feel something. Maybe I'm wrong. Oh well, I can only do my job right now. Perhaps some day I can do more. God bless America. I hope it is still there when I return.

Sorry about dragging that out. Pray for Richard Nixon. He is a man that needs all the help he can get. Life can't be very pleasant for him right now. Personally I thank God for him.

These are our sentiments as well as Alan's. I felt it was necessary to let others know just how our son and his buddies feel about the war and the unrest and turmoil in this country. May God give you the strength and wise judgment to soon bring this war and unrest to an end.

Sincerely yours,

Mrs. NORMAN M. PAGELS.

Mr. GRIFFIN. Mr. President, similar views were expressed by another soldier in a letter to his parents reported in the Akron Beacon Journal of May 19, 1970. 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:

"THEY COULD HAVE KILLED US ALL"

(By Robert Page)

Sgt. Herbert Dale Sharp of Stow, a veteran of three missions into Cambodia, now insists that the American invasion of that country will mark "the beginning of the end" of the war in Vietnam.

In a letter to his parents, Mr. and Mrs. Herbert H. Sharp, 2269 Ross Dr., the 23-year-old GI wrote that President Nixon's decision to invade Cambodia "is the best thing that could have happened. I was so happy that I cried. Ninety-nine pct. of the Americans over here feel the same way.

"It is the first time since this war started that we don't have to sit and wait until the North Vietnamese Army is ready to fight us on their own terms."

As an adviser to the South Vietnamese, Sgt. Sharp went into Cambodia to determine the location and strength of the North Vietnamese units in Cambodia.

He recounted his experience in his letter:

"I have never seen so many North Vietnamese and Viet Cong in my life. We saw thousands of them at a time in bunker complexes that covered miles. These people were just sitting there, an entire Army in a country that was supposed to be neutral but they had the capability, the men, food, trucks and weapons to walk into Tay Ninh in force and completely level it.

"They could have killed everyone here and pushed all the way to Saigon if they wanted to. You have to understand this.

"These North Vietnamese were just sitting there where they could resupply and prepare to fight and there wasn't a thing we could do. We have got about 40,000 U.S. troops in Tay Niah Province but they could have killed us all. All they were waiting for was the rainy season which starts in the end of May."

Sgt. Sharp wrote if President Nixon had gone ahead and withdrawn more U. S. troops without doing anything about the Viet Cong buildup in Cambodia, "there would have been no stopping them."

"All that America has put into this war and all of the men that have died would be completely in vain. All of my friends that have died would have died for nothing. South Vietnam would have fallen and everything would have been for nothing."

Sgt. Sharp accompanied the South Vietnamese on their first assault into Cambodia

two weeks before President Nixon's historic April 30 speech.

"We stayed eight days this time and caught the North Vietnamese Army so unaware that there really wasn't too much. A hell of a lot of them just surrendered.

In his letter, he noted the main reason he wrote so much detail of the Cambodian operation was from reading of the riots and killings at Kent State.

"All of those kids think they are right in what they are doing by protesting but they just don't know. God, if they only knew," he wrote, "I don't hold it against the college students but they do more to help the Communists by their protests than they could by sending them guns. Their protesting gives the North Vietnamese Army the will to fight on."

"I want this thing ended now, before my brothers and more of my friends have to come over here," he declared. "It can be done now if we keep going. All we need is the support of the people at home."

The brothers Sgt. Sharp is fighting for are 17-year-old Robert, a Stow High junior, and 12-year-old Richard, a pupil at Echo Hills Elementary.

In his three tours of duty to Vietnam, Sgt. Sharp has been wounded twice and injured a third time. He suffered shrapnel wounds of the right foot and leg the first time and was shot through the leg the second. He also suffered a concussion last October when the tank he was riding in exploded after it hit a landmine.

Sgt. Sharp attended Kent State a quarter after graduating from Stow High in 1965. He then volunteered for the Army and has enlisted once since then. He is due home from Vietnam in September.

He is married to the former Brenda Aultman of Georgia, whom he met while stationed at Ft. Benning, Ga. She and their four-month-old son Todd Allen also live with the Sharp family.

Mr. GRIFFIN. Mr. President, I thank the Senator for allowing me to include that material as well as some remarks along that line.

Mr. FANNIN. Mr. President, I thank the distinguished Senator from Michigan for placing in the RECORD material that so vividly illustrates the feelings of many of our young men.

Mr. President, at this time I wish to read a letter that was written by a Mr. C. R. Presnell, Jr., to two of his four sons. His sons are Capt. Charles R. Presnell III and Sgt. Douglas C. Presnell. The father writes:

AN OPEN LETTER TO TWO OF MY FOUR SONS—CAPT. CHARLES R. PRESNELL III; SGT. DOUGLAS C. PRESNELL

Dear Charlie and Doug—not having a college education perhaps I should not write this letter, but due to current events I will. I trust and hope this letter might reach others of the silent majority and maybe influence some of the radicals that they are wrong. Doug, while you are in Vietnam or Cambodia some of your former classmates are burning down college buildings. You of course realize these are built with yours and your brothers tax money, along with mine.

Charlie—It is a shame that after having received the Silver Star, the Bronze Star, 2 Distinguished Flying Crosses, and 29 Air Medals that you have to be ashamed of some of the people in your country. Regardless of their behavior, I am proud of both of you now serving your country and know your brothers feel the same—

As always,
(The Old Man) C. R. PRESNELL, Jr.

Mr. President, I think this is an excellent illustration of how a father feels about two of his sons who are serving nobly and courageously in Vietnam, and perhaps in Cambodia. He does not know whether they are or not.

I also thank the distinguished Senator from Michigan for what he has had to say and the feelings that have been expressed in letters that have been written. I know all of us in Congress have received hundreds of letters illustrating tremendous support for what the President is doing.

He has taken a step only because he felt it would help us get out of this conflict in Southeast Asia and that it would assist in bringing our boys home, and at the same time it would greatly reduce the loss of life both so far as our courageous men are concerned and those who are serving with us, the South Vietnamese, and others.

I feel it is very appropriate that these letters be printed in the RECORD so that other Members of Congress may have the benefit of these remarks that have been made.

Mr. GRIFFIN. Mr. President, will the Senator yield for one further comment?

Mr. FANNIN. I yield.

Mr. GRIFFIN. Mr. President, other Senators have spent much time in the last 2 weeks talking and listening to various groups, mostly from campuses and from other organizations, who have come to Washington and who are unhappy with the President's decision.

Many times I have asked these people in these groups, "Do you think there is a possibility that the President could be right?" Quite often I am astounded and very disappointed to get the response that, no, they do not think there is even a possibility the President could be right. They do not acknowledge there is the slightest, remote possibility that he could be right. Then, I am forced to say, "It is very difficult under such circumstances and with the closed mind you have to carry on much of a dialogue when you do not even want to consider the remotest possibility that the President may be right."

But, thankfully, the response of many others is not that, and they will acknowledge that while they think the President is wrong, there is a possibility he might be right.

I have quite often said, "Well, if there is a possibility that the President is right, would it not serve a good purpose to wait a little while before you make up your mind? After all, as Commander in Chief, he has made a military decision, which is in the process of being carried out. He has indicated that all American troops will be out of Cambodia by the end of June. Certainly you and the country will be in a better position at that point to make a decision passing judgment on whether the President was right or not."

Certainly at this point it would seem that those who do not feel they can support the President—and I think he should be supported—at least should reserve judgment and at least should not make it more difficult. Unfortunately, I am not very successful in convincing those groups that that should be their approach, but it is the approach that I think people who agree could take in a constructive way.

I can understand that the President could be wrong, I concede that possibly he could be wrong. I think he is right. But, at the very least, we could reserve judgment until the end of June. I think it would be very helpful.

Mr. FANNIN. I certainly think, with the distinguished Senator from Michigan, that we should give the President a chance. I have had similar experience with the youngsters who have come into my office. A number of youngsters from Arizona who have been attending schools in the East have seen fit to come in and visit with me. I have been very pleased to have them visit the office, and to have the opportunity to discuss this problem with them. In many instances, they have closed minds. Fortunately, some of the young men understand that the President is entitled to be given a chance to carry out what he promised to do, but most of the youngsters, as the Senator from Michigan found out, responded adversely to the President's decision.

I believe that feeling is gradually changing. From my mail, I know it has changed, as far as our people are concerned. I do not like to classify college students as not being adults, because they are adult in their thinking, but some have closed minds regarding this subject. I am hopeful that they will read the statements made by some of our young men serving in Vietnam and their reaction and their support of the President of the United States. I think it is important that we pay attention not only to them but to the courageous men who are fighting the battle in Cambodia and other parts of Southeast Asia.

Mr. GRIFFIN. I think it is just as important that we listen to our young men in uniform in Southeast Asia as it is that we listen to young people here at home who want us to listen to them. I think we should listen to both groups.

Mr. FANNIN. I agree. We ourselves do not want to have closed minds to their beliefs, because most of them are very sincere. When we talk about our youth today, I personally feel that 95 percent of our young people are responsible. They are desirous of doing what is best for our country. They think that if they can force the President to withdraw from Vietnam, they will be doing something good for the country. They do not understand the complications of war. They do not have the information the President has. I have tried to convince many of the youngsters who have visited me that they do not have all the information. I had to admit that I did not have the facts available to the President. I tried to convince them by saying, "Why do you not give the President a chance? He has the information available which resulted in his decision. I have great confidence in the President. Whether you believe in him or not, certainly he is your President as he is my President. I hope you will think about this and see if you cannot convince yourselves and others that this is the patriotic position to take." Not only that, but it is going to mean so much to our men who are serving in Vietnam, to the saving of lives there, and in helping

to bring an end to the conflict over there. I hope they realize now what is happening and the importance of the success of the campaign in Cambodia. I think it should assist greatly in changing the minds of many of our young people.

Mr. GRIFFIN. I think the Senator from Arizona is making a very excellent contribution to the debate.

Mr. FANNIN. I thank the distinguished Senator from Michigan.

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

SENATE JOINT RESOLUTION 205—INTRODUCTION OF A JOINT RESOLUTION ESTABLISHING A COMMISSION ON SEEKING MEANS OF MODERNIZING AND REORGANIZING THE FEDERAL WELFARE PROGRAMS

Mr. BYRD of Virginia. Mr. President, one of the most important matters facing the Congress is the need to reform the Nation's welfare system. The present system is costly and full of inequities.

The Secretary of the Department of Health, Education, and Welfare, Mr. Robert Finch, has proposed a new family assistance plan, which he claims will solve our welfare problems.

This proposal was approved by the House of Representatives and was then submitted to the Senate Finance Committee, of which I am a member. During the committee's hearings, the following facts were established:

First. The proposal, for the first time, would establish the principle of a guaranteed annual wage. Mr. Finch suggests $1,600; the National Welfare Rights Organization demands $5,500.

Second. Mr. Finch admitted the cost of his program would be nearly double the cost of the present system—and evidence indicates that his estimates for the new proposal are low, being based on 1968 figures.

Third. The selling point in the Finch program is the so-called work incentive feature. But there is doubt that this incentive will work.

For example, a worker earning $9,000 with a family of four has a take-home pay of $7,615. But in New York, he could quit work and receive the same amount from welfare programs, in cash and other public benefits.

Fourth. Under questioning by me, Secretary Finch admitted his proposal would increase the welfare rolls from 10 million to 24 million. I then asked him this question, to which I received no satisfactory reply: "How can we reverse the trend toward the welfare state by increasing the welfare rolls from 10 million persons to 24 million persons?"

Fifth. Governor Reagan of California wrote to me that 8 percent of his State's population now on welfare would go to 14 percent under the Finch proposal.

I concluded that I could not support the Finch proposal in its present form. I worked with Finance Committee colleagues to have it sent back to the Department of Health, Education, and Welfare to be completely reworked.

I am not sure that it will be possible for Secretary Finch and his associates to come up with a satisfactory bill this year. Therefore, I am placing an alternative before the Senate.

I am today introducing a joint resolution which would create a Presidential commission, on the order of the Hoover Commission, to study the Federal welfare system and make recommendations for reorganizing it and modernizing it in an equitable way.

If the new version of the administration welfare bill is satisfactory, I shall not press my resolution. But if it is not—and I have grave doubts on this score—then my resolution will insure that the welfare system does not just remain on dead center. Constructive action can be undertaken at once.

I feel that we have a deep obligation to those who are physically or mentally unable to earn a living. I do not feel, however, that Congress has any right to turn over tax funds of hard-working citizens to able-bodied persons who refuse to work.

It is important that the present welfare program be reformed, but we must be sure we get something better.

Mr. President, I send to the desk a joint resolution, which would create a presidential commission for the purpose of seeking means of modernizing and reorganizing our present Federal welfare system. I ask that the joint resolution be appropriately referred.

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

The joint resolution (S. Res. 205) establishing a commission on seeking means of modernizing and reorganizing the Federal welfare programs, introduced by Mr. BYRD of Virginia, was received, read twice by its title, and referred to the Committee on Government Operations.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ALLEN. Mr. President, if there be no further business to come before the Senate, I move that the Senate now adjourn, in accordance with the previous order, until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 41 minutes p.m.) the Senate adjourned until tomorrow, Thursday, May 28, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 27, 1970:

DIPLOMATIC AND FOREIGN SERVICE

Roswell D. McClelland, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

IN THE ARMY

The Army National Guard of the United States officer named herein for promotion as a Reserve commissioned officer of the Army, under provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. Timothy J. Regan, Jr. xxx-xx-xxxx xxx-... Adjutant General's Corps.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

ARMY PROMOTION LIST

To be first lieutenant

Aanenson, James H. XXXX
Adami, Frederick W. xxx-xx-xxxx
Adams, Bruce W. xxx-xx-xxxx
Adams, Herbert P. xxx-xx-xxxx
Adams, Jerome xxx-xx-xxxx
Adams, Richard B. xxx-xx-xxxx
Adams, Robert H., Jr. xxx-xx-xxxx
Adams, Tommy D. xxx-xx-xxxx
Adamson, John E. xxx-xx-xxxx
Adkins, Richard C. xxx-xx-xxxx
Aiello, Michael J. xxx-xx-xxxx
Albers, Donald P. xxx-xx-xxxx
Alexander, Urey W. J. xxx-xx-xxxx
Alford, Lodwick K. xxx-xx-xxxx
Alich, James A. xxx-xx-xxxx
Allen, James B. xxx-xx-xxxx
Allen, Jefferson F. xxx-xx-xxxx
Allen, John G., Jr. xxx-xx-xxxx
Allen, Roderic D. xxx-xx-xxxx
Alley, James W., Jr. xxx-xx-xxxx
Altieri, Richard T. xxx-xx-xxxx
Altshuler, Herbert xxx-xx-xxxx
Ament, Robert J. xxx-xx-xxxx
Ammon, Richard W. xxx-xx-xxxx
Amstutz, Richard E. xxx-xx-xxxx
Anastasi, Richard W. xxx-xx-xxxx
Anderson, John C. xxx-xx-xxxx
Anderson, Leonard G. xxx-xx-xxxx
Anderson, Parker T. xxx-xx-xxxx
Anderson, Robert R. xxx-xx-xxxx
Anderson, Roger E. xxx-xx-xxxx
Anderson, Thomas W. xxx-xx-xxxx
Andrews, Michael A. xxx-xx-xxxx
Andriano, Frank D. xxx-xx-xxxx
Angeli, Robert R. xxx-xx-xxxx
Ansel, Raymond B. xxx-xx-xxxx
Antoniuc, Robert P. xxx-xx-xxxx
Applehans, Robert B. xxx-xx-xxxx
Arrango, Roger J., Jr. xxx-xx-xxxx
Archibald, David J. xxx-xx-xxxx
Armstrong, Frank W. xxx-xx-xxxx
Armstrong, Jack A. xxx-xx-xxxx
Arnold, Henry H., III xxx-xx-xxxx
Arnold, Lee H. xxx-xx-xxxx
Aronow, William F. xxx-xx-xxxx
Ashcraft, Jack G. xxx-xx-xxxx
Askman, Jan P. xxx-xx-xxxx
Atkins, Gary W. xxx-xx-xxxx
Atkinson, Terry O. xxx-xx-xxxx
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Roedel, Frederick C., xxx-xx-xxxx.
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Sasso, Claude R., xxx-xx-xxxx.
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Savory, Carlton G., xxx-xx-xxxx.
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Schlatter, Joseph A., xxx-xx-xxxx.
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Schrage, Danie P., xxx-xx-xxxx.
Schreiner, Steven C., xxx-xx-xxxx.
Schremp, Frederick, xxx-xx-xxxx.
Schulz, Rainer, xxx-xx-xxxx.
Schur, Ronald J., xxx-xx-xxxx.
Schwartz, Ferdinand, xxx-xx-xxxx.
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Scott, Leonard P., Jr., xxx-xx-xxxx.
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Shirilla, George, xxx-xx-xxxx
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Smith, James H. xxx-xx-xxxx
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Smith, Kenneth W. xxx-xx-xxxx
Smith, Kent M. xxx-xx-xxxx
Smith, Lawrence R., xxx-xx-xxxx
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Wideman, John C., Jr. [redacted]
Wikert, Gary A., [redacted]
Wilby, William L., [redacted]
Wilcomb, Bruce E., [redacted]
Wilcox, Reginald B., [redacted]
Wilgus, William D., [redacted]
Wilhelm, Thomas D. [redacted]
Wilkins, Daniel B. [redacted]
Wilkins, Kemper M., [redacted]
Wilkinson, William [redacted]
Williams, Forrest D. [redacted]
Williams, George F., [redacted]
Williams, Kenneth E. [redacted]
Williams, Michael J., [redacted]
Williams, Robert K. [redacted]
Willis, William W. J., [redacted]
Willoughby, Lonny R., [redacted]
Willoughby, Michael [redacted]
Wilson, Gerald P., [redacted]
Wilson, James L. [redacted]
Wimert, Michael C. [redacted]
Windeler, Jack A., [redacted]
Winkel, Raymond J. J. [redacted]
Winton, George B. [redacted]
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Wisdom, Jerry L., [redacted]
Witherspoon, Larry [redacted]
Witt, James B. [redacted]
Witt, Kay B., [redacted]
Wojciechowski, Henry, [redacted]
Wojcik, James A. [redacted]
Wolfe, Donis R., [redacted]
Wolke, Nelson L. [redacted]
Wood, Jack B., [redacted]
Wood, James H., [redacted]
Woodruff, Robert F. [redacted]
Worff, Herbert H., Jr., [redacted]
Wright, Nelson B., Jr. [redacted]
Wright, Thomas E. [redacted]
Wrisley, David B., Jr., [redacted]
Wynkoop, Ricky V., [redacted]
Wyro, Peter L., [redacted]
Wysocki, Robert A., [redacted]
Yambor, Steven P. [redacted]
Yankus, John A. [redacted]
Yap, Michael W. L., [redacted]
Yates, Clyde P., [redacted]
Yim, Gordon T. K. K. S., [redacted]
Young, John R., Jr. [redacted]
Young, Robert M., [redacted]
Young, Rodney W., [redacted]
Young, Stephen H., [redacted]
Young, Stephen T. [redacted]
Youngs, Larry A., [redacted]
Yuguchi, Tadashi G. [redacted]
Zapletal, Robert C. [redacted]
Ziemke, Jack A., [redacted]
Zimmer, Thomas E., [redacted]

WOMEN'S ARMY CORPS

To be first lieutenant

Kent, Elizabeth N. [redacted]
King, Karen K., [redacted]

MEDICAL SERVICE CORPS

To be first lieutenant

Andrews, Kevin R., [redacted]
Bakios, Stephen N. [redacted]
Barrett, John A. [redacted]
Bobb, Dale C., [redacted]
Bolyard, Marshall K. [redacted]
Bosworth, Anthony B. [redacted]
Bosworth, Weldon S., [redacted]
Braendel, Douglas A., [redacted]
Branyon, James S., [redacted]
Brown, Frederick B., [redacted]
Brown, Samuel A., Jr. [redacted]
Cage, Lee E., Jr., [redacted]
Caraway, William C. [redacted]
Casull, Brian H. [redacted]
Champion, Charles H. [redacted]
Cheek, Jack W., [redacted]
Childs, Ronald P., [redacted]
Clark, Jeffrey R. [redacted]
Clemons, Donald E., [redacted]
Coppin, David F., [redacted]
Cornett, Jesse R., [redacted]
Costanzo, Joseph J., [redacted]
Crow, James L., Jr. [redacted]
Dicey, Bruce B., [redacted]
Edgette, Peter J. [redacted]
Evans, Otis D., [redacted]
Fields, Richard S., [redacted]
Fleming, David C., [redacted]
Fox, John W., [redacted]
Fulbright, Larry R. [redacted]
Garden, David E., [redacted]
Gaston, Gary Wolfgang [redacted]
Griffin, Bruce N., [redacted]
Gunderson, Ronald B. [redacted]
Hanelt, Peter G. [redacted]
Hardman, James R. [redacted]
Herndon, Michael E. [redacted]
Holland, Frank B., [redacted]
Johnson, Thomas F. [redacted]
Jones, John K. [redacted]
King, Robert D., [redacted]
Kokubun, Raymond Y. [redacted]
Lavigne, Jeffrey E., [redacted]
Lavoie, Dennis M., [redacted]
Levenberg, Stephen [redacted]
Lewis, George E., Jr., [redacted]
Longley, Jack W., [redacted]
Lonon, James C., [redacted]
Manning, George S., [redacted]
Martin, Ronald S. [redacted]
McConnaughhay, Douglas [redacted]
Meier, Ernest L., [redacted]
Meyer, Dennis E., [redacted]
Miles, Ronald D., [redacted]
Miller, Allan J., [redacted]
Miller, Allan R., [redacted]
Nikolich, Francis M. [redacted]
Nowakowski, Robert, [redacted]
O'Byrne, Stuart A., [redacted]
Payne, Glen C., [redacted]
Peacock, Clayton W. [redacted]
Potter, Laurence A. [redacted]
Rawlings, James S. [redacted]
Scheer, Eddie F., [redacted]
Schmuck, Dale A., [redacted]
Serrani, William P. [redacted]
Spears, Emerson L. [redacted]
Stockand, David B. [redacted]
Stripling, Verlon [redacted]
Strobel, Fred H. [redacted]
Sullivan, Michael F. [redacted]
Taylor, Harvey G., Jr., [redacted]
Thompson, Jerry F. [redacted]
Tousignant, David P. [redacted]
Tyler, James M., [redacted]
Varnado, Jimmie W. [redacted]
Vinson, William W., [redacted]
Walters, Michael J. [redacted]
Weber, Stuart K. [redacted]
Weed, Roger I., [redacted]
Williams, James N. [redacted]
Wolcott, Barry W., [redacted]
Woodward, Ronald L., [redacted]
Zyski, Richard A., [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be first lieutenant

Bell, Clyde H., Jr., [redacted]
Guy, David P., [redacted]

ARMY NURSE CORPS

To be first lieutenant

Brown, Dorothy N., [redacted]
Burnett, Corrine [redacted]
Dollander, Lowell T., [redacted]
Kosik, Janet A. [redacted]
Maloney, Joseph P. [redacted]
McManus, John G., [redacted]
O'Connor, Stephen J. [redacted]
Poduszczak, Edward, [redacted]

IN THE ARMY

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be major

Jones, William D., [redacted]

To be captain

Butler, Eulous S., Jr., [redacted]
Howard, Jimmie B., [redacted]

To be first lieutenant

Bernier, Barre S., [redacted]
Casey, Elmer M., Jr., [redacted]
Herman, Claude P., [redacted]
Kinane, Thomas J., [redacted]
Piskun, Walter S., Jr., [redacted]
Redmond, John, III [redacted]
Salander, James M., [redacted]
Seyfer, Alan E., [redacted]

To be second lieutenant

Schweitzer, George W., [redacted]

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code sections 3283 through 3294 and 3311:

To be major

Dehrkoop, Clinton B., [redacted]
Hall, Everett R., [redacted]
Keilman, Richard A., [redacted]
Miller, Joe H., Jr., [redacted]
Wiegand, Lynn W., [redacted]

To be captain

Anderson, Warren T., [redacted]
Avery, Wesley B., [redacted]
Bellizzi, Ralph, [redacted]
Bird, Victor R., [redacted]
Black, Joel W., [redacted]
Boglarski, Stephen P., [redacted]
Booker, John P., Jr., [redacted]
Boznak, Rudolph G., Jr., [redacted]
Brock, Donald E., [redacted]
Bronshvag, Michael M., [redacted]
Brown, Bud R., [redacted]
Codd, David R., [redacted]
Denniston, Joseph C., Jr., [redacted]
Donahue, John J., [redacted]
Ferguson, William W., [redacted]
Gauze, James E., [redacted]
Goodbold, Gerard A., [redacted]
Grantham, Melvin M., Jr., [redacted]
Halvorson, Gerald W., [redacted]
Hart, James A., [redacted]
Hill, Dennis L., [redacted]
Hill, George F., [redacted]
Jamison, Richard C., [redacted]
Jernigan, Cecil L., [redacted]
Jordan, Clifton D., [redacted]
Kinard, Walter D., [redacted]
Lentino, Jorge A., [redacted]
Lewis, Marlin R., [redacted]
Mack, Margaret M., [redacted]
McMahan, William J., [redacted]
Pottle, Lloyd ES., [redacted]
Privette, William G., III. [redacted]
Reardon, Michael J., [redacted]
Schiermeier, John J., [redacted]
Sims, Donald J., [redacted]
Stewart, Thomas C., Jr., [redacted]
Toomey, Francis X., [redacted]
Ward, Stewart R., [redacted]
Webb, Arthur M., [redacted]
Whitehurst, Edward R., Jr., [redacted]
Woodyard, Stephen G., [redacted]

To be first lieutenant

Adams, Ben P., [redacted]
Ball, Roy, [redacted]
Bosetti, Larry G., [redacted]
Brooke, Paul P., Jr., [redacted]
Brown, Nolan H., [redacted]
Bumanglag, Carlos J. C., [redacted]
Cabot, O. H. Perry, [redacted]
Campbell, John D., [redacted]
Carr, Stewart D., [redacted]
Carter, Cleo, Jr., [redacted]
Churchwell, Thomas E., [redacted]
Clark, Michael R., [redacted]
Clegg, Douglas W., [redacted]
Coates, Edward J., [redacted]
Cote, William D., [redacted]
Daino, Gerald A., [redacted]
Daprato, Norman P., [redacted]
Davidson, Jay P., [redacted]
Defazio, Vincent G., [redacted]
Devoe, Smith A., [redacted]
Drolet, Robert A., [redacted]
Elley, George D., [redacted]
Filson, James W., [redacted]
Fite, Donald R., [redacted]
Kortner, Robert W., [redacted]
Gebott, Bradley W., [redacted]
Green, Louis C., [redacted]
Herbaugh, Marvin O., [redacted]
Hoff, Randy E., [redacted]
Holborn, Alden J., [redacted]

Hollowell, Paul C., II, xxx-xx-xxxx
Hutto, Robert W., xxx-xx-xxxx
Jacques, Stanley H., xxx-xx-xxxx
Kealy, James T., xxx-xx-xxxx
Keldsen, Donald L., xxx-xx-xxxx
Keller, Larry J., xxx-xx-xxxx
Kelley, Richard T., xxx-xx-xxxx
Kittredge, Albert A., xxx-xx-xxxx
Kraut, Richard A., xxx-xx-xxxx
Konkle, Thomas E., xxx-xx-xxxx
Kunz, Lawrence L., xxx-xx-xxxx
Landers, Curtis H., xxx-xx-xxxx
Leinen, Robert D., Sr., xxx-xx-xxxx
Lloyd, Herbert J., xxx-xx-xxxx
Marcotte, Jerome J., xxx-xx-xxxx
Marquitz, Robert E., xxx-xx-xxxx
McDowell, Earl C., xxx-xx-xxxx
Metcalf, Eugene E., xxx-xx-xxxx
Moster, Stephen A., xxx-xx-xxxx
Nelson, Carl C., xxx-xx-xxxx
Nicholas, Thomas J., xxx-xx-xxxx
Oatway, David M., xxx-xx-xxxx
Pescatore, Edward A., xxx-xx-xxxx
Pickens, William E., Jr., xxx-xx-xxxx
Place, Tyrus W., Jr., xxx-xx-xxxx
Potter, Luther L., Jr., xxx-xx-xxxx
Rudolph, Jack M., xxx-xx-xxxx
Sagar, Marvin E., xxx-xx-xxxx
Saul Joseph H., xxx-xx-xxxx
Schemm, Christopher M., xxx-xx-xxxx
Schneider, Richard L., xxx-xx-xxxx
Sellers, Maurice E., xxx-xx-xxxx
Silvas, George, Jr., xxx-xx-xxxx
Smith, Grady A., xxx-xx-xxxx
Smith, Riley J., xxx-xx-xxxx
Smith, Tommy R., xxx-xx-xxxx
Stanford, Thomas W., Jr., xxx-xx-xxxx
Stegura, Frank H., xxx-xx-xxxx
Steib, Mary E., xxx-xx-xxxx
Stepaniak, Frederick, xxx-xx-xxxx
Stephen, Edward L., xxx-xx-xxxx
Stephens, John C., Jr., xxx-xx-xxxx
Stout, Carl F., xxx-xx-xxxx
Stringer, John L., xxx-xx-xxxx
Suminski, Leonard T., Jr., xxx-xx-xxxx
Susko, Gerald D., xxx-xx-xxxx
Taylor, James A., xxx-xx-xxxx
Thomas, James H., Jr., xxx-xx-xxxx
Tonn, George W., xxx-xx-xxxx
Ward, Samuel R., Jr., xxx-xx-xxxx
White, Byron W., xxx-xx-xxxx
Wilkins, David G., xxx-xx-xxxx
Willis, Roy R., xxx-xx-xxxx
Wilson, Robert M., xxx-xx-xxxx
Yates, Walter H., Jr., xxx-xx-xxxx
Young, Keith L., xxx-xx-xxxx
Zamory, David A., xxx-xx-xxxx

To be second lieutenant

Apland, James P., xxx-xx-xxxx
Ayala, Isaac, xxx-xx-xxxx
Byers, Norman T., xxx-xx-xxxx
Dickey, Ronald, xxx-xx-xxxx
Dolan, Raymond J., xxx-xx-xxxx
Edwards, James W., Jr., xxx-xx-xxxx
Ellis, Randolph W., xxx-xx-xxxx
Gale, Bruce R., xxx-xx-xxxx
Garrett, Terry L., xxx-xx-xxxx
Gilpin, Harry D., Jr., xxx-xx-xxxx
Griffith, Stanley E., xxx-xx-xxxx
Hewitt, Eleanor V., xxx-xx-xxxx
Hinkle, Lawrence C., xxx-xx-xxxx
Kaiser, Fredrick G., xxx-xx-xxxx
Kiessling, Helmut R., xxx-xx-xxxx
Kudless, Laroline M., xxx-xx-xxxx
McCarthy, Arthur, xxx-xx-xxxx
Prescott, Alan K., xxx-xx-xxxx
Price, Richard R., xxx-xx-xxxx
Simms, James B., xxx-xx-xxxx

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Adams, Barry, xxx-xx-xxxx
Bates, Michael R., xxx-xx-xxxx
Bell, Tyrone V., xxx-xx-xxxx
Borum, Benton H., xxx-xx-xxxx
Brown, Douglas K., XXXX
Chappell, James H., xxx-xx-xxxx
Cross, William, xxx-xx-xxxx
Digby, Charles, xxx-xx-xxxx
Driver, Donald L., xxx-xx-xxxx
Edmond, Michael T., xxx-xx-xxxx
Ellett, Henry G., II, xxx-xx-xxxx
Faer, Michael J., xxx-xx-xxxx
Faulkner, David C., xxx-xx-xxxx
Flowers, Addison J., Jr., xxx-xx-xxxx
French, Leo H., III, xxx-xx-xxxx
George, Anthony, J., xxx-xx-xxxx
Gibson, Grover, L., xxx-xx-xxxx
Hannigan, Thomas F., III, xxx-xx-xxxx
Kay, Robert G., xxx-xx-xxxx
McCord, Charles M., xxx-xx-xxxx
McCune, Garen L., xxx-xx-xxxx
McGee, William D., xxx-xx-xxxx
Medkeff, Robert T., xxx-xx-xxxx
Milinovich, Thomas G., xxx-xx-xxxx
Patterson, James W., xxx-xx-xxxx
Richardson, Merrell B., xxx-xx-xxxx
Roetter, Robert J., xxx-xx-xxxx
Sanders, Charles W., Jr., xxx-xx-xxxx
Scott, James P., xxx-xx-xxxx
Shumpert, Edwin E., xxx-xx-xxxx
Smith, Robert A., xxx-xx-xxxx
Sneed, Joel M., xxx-xx-xxxx
Taylor, Jerry A., xxx-xx-xxxx
Van Schoorl, Robert A., xxx-xx-xxxx
West, Thomas I., xxx-xx-xxxx
White, Johnny L., xxx-xx-xxxx
Young, Richard C., xxx-xx-xxxx

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Boles, John K. III, xxx-xx-xxxx
De Jesus, Rafael, xxx-xx-xxxx
Emory, Derald E., xxx-xx-xxxx
Freeman, Stephen R., xxx-xx-xxxx
Fricker, Jon D., xxx-xx-xxxx
Hashimoto, James M., xxx-xx-xxxx
O'Donnell, Vincent M., xxx-xx-xxxx
Shumaker, Stephen C., xxx-xx-xxxx
Walker, Douglas L., xxx-xx-xxxx
Webster, Anthony W., Jr., xxx-xx-xxxx
Zimmerman, John A. III, xxx-xx-xxxx

IN THE MARINE CORPS

The following-named U.S. Military Academy graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Esmann, William J.
Swanda, Donald F. Jr.

The following-named platoon leaders class graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Armstrong, Charles L.
Eve, Jot.
Webster, David M.

The following-named Army Reserve Officer Training Corps graduate for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to qualifications therefor as provided by law:

Sandrick, Edward J.

The following-named warrant officer for temporary appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Thomas, Paul W.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of lieutenant colonel:

Thomas H. Allen, Jr.
Andrew E. Andersen, Jr.
Ernest J. Andersen
Thomas J. Ayers
Clarence M. Baker
John B. Bany, Jr.
Glen T. Beauchamp
Roy L. Belli
John H. Blair
Allan H. Bloom
Frank M. Boyd
Daniel Z. Boyd
Guy L. Brown
Richard E. Brown
Charles D. Bujan
Thomas K. Burk, Jr.
John W. Campbell
William G. Carson, Jr.
Curtis E. Caudill
Louis J. Cavallo
Don R. Christensen
Robert A. Christy
Bernard E. Clark
John Clatworthy
John M. Cockey
William F. Coffey
Clayton L. Comfort
John C. Conlin
Richard M. Cooke
Thomas J. Coyle
Winchell M. Craig, Jr.
John J. Daley, Jr.
Robert R. Darron
Darrell U. Davidson
Richard G. Deem
Godfrey S. Delcuze
Charles F. Dininger, Jr.
Charles E. Dorffeld
John W. Dresely
John A. Durham, Jr.
Arthur J. Eagan
Raymond W. Edwards
Robert J. Eitel
William R. Eleazer
Wilbur D. Everett
Patrick J. Fennell, Jr.
Thomas P. Ganey
John J. Giubilato
John W. Greene
Roger W. Greer
Francis W. Haskins
Charles F. Hammel
Thomas M. Hearn
Duwayne W. Hoffert
Stanley S. Houston
John Hubner
Walter P. Hutchins
John K. Hyatt, Jr.
Mannon A. Johnson, Jr.
Robert W. Jones
John Kovach, Jr.
John P. Kraynak
Rodney O. Lawrence
Richard J. Lee, Jr.
William G. Leftwich, Jr.
Bertram A. Maas
Byron E. Madden
Albert H. Manhard, Jr.
Robert W. Martin, Jr.
Donald J. McAdams
Jack D. McCreight
James J. McMonagle
William S. Miller, Jr.
Frank H. Mitchell, Jr.
Donald C. Morgan
John R. Muhlig, Jr.
Michael P. Murray
Ronald E. Nelson
Thomas F. Nugent
Gerald S. Pate
George L. Patrick, Jr.
Bob K. Peterson
Richard C. Pfeifle
Bert R. Picher, Jr.
Charles F. Pitchford
John E. Poindexter
George A. Porter
Robert G. Prebihalo
Ronald I. Rivard
John M. Roe, Jr.
Cledwyn P. Rowlands
Frederick P. Salzman, Jr.
Ernest R. Savoy
Donald E. Schenider
Robert R. Sheahan
Donald R. Simpson
Thomas H. Simpson
William A. Simpson
John E. Sinclair
Craig S. Smith
John H. Smith
Joseph N. Smith
Kenneth E. Smith
David A. Spurlock
Ray A. Stephens
Richard A. Sulik
William J. Sullivan
James T. Swinney
John L. Thatcher
Robert H. Thompson
Herbert R. Tiede
Charles Treble
Bruce A. Truesdale
David S. Twining
William A. Tyksinski
David H. Wagner
James H. Walker
Robert P. Walling
Leroy E. Watson
Robert P. Whalen
Robert G. Williams
Russell E. Wiltsie
Frank Zimolzak

The following-named officers of the Marine Corps for temporary appointment to the grade of first lieutenant:

John L. Almeida
James W. Anderson
Thomas L. Barrows
George B. Brown III
Richard F. Brown
James J. Burns
Michael A. Cardinale
Warren J. Cicerrella
Barry L. Denes
Dennis M. Dowd
Matthew W. Durney
Stephen F. Eyman
Ronald E. Fenn
Pete Florea
Zachery T. Forester III
Thomas E. Hampton
Michael J. Hart
Clinton V. Hester
Zachary T. Johnson
Sherman C. Jones III
Terrell T. Kelley
John P. Kline, Jr.
Richard B. Lieb
Roger C. Liesegang
Douglas E. Lindeman
William N. Lindsay III
Ricky L. Malone
Roger C. McElraft
James J. Moffett II
James P. Morgan
William T. Mundt
John K. Murphy
Charles S. Myers
James P. Newcomb
Frederick W. Nickel
Calvin K. Oram
Donald W. Pardue
John F. Reiner III
Gary W. Reynolds
Robert W. Rivers
Walter W. Sevon
Harry S. Steever
Anthony R. Stewart
Philip L. Tedder
Richard A. Walker
David G. Weiland
Stephen J. Williams