

tions Committee (Senator Green) as to whether the U.S. was "obliged to put down a revolutionary movement," Dulles stated: "No. If there is a revolutionary movement in

Vietnam or in Thailand, we would consult together as to what to do about it, because if that were a subversive movement that was in fact propagated by communism, it

would be a very grave threat to us. But we have no undertaking to put it down; all we have is an undertaking to consult together as to what to do about it."

## SENATE—Tuesday, June 2, 1970

The Senate met at 11 o'clock a.m. and was called to order by Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri.

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

O God, the source of our being, and the guide of our pilgrim days, we hush our busy thoughts that we may learn in silence what we cannot know by speaking. Put out all lesser lights that we may have Thy light upon our pathway. Subdue our pride, our passion, our sin, and all finite frailties and set our spirits free, in tune with the infinite, at home with the eternal. Give us faith to see behind the tangle of human affairs and beneath the collision of world forces, some mighty purpose working toward Thy coming kingdom, in the fulfillment of which we have a part.

O God, our life, our hope, our strength, make us sure of Thee. 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 (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., June 2, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,  
President pro tempore.

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

### THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 1, 1970, be dispensed with.

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

### VACATING OF ORDER FOR SENATOR HRUSKA TO SPEAK THIS MORNING

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order, under which the able Senator from Nebraska (Mr. HRUSKA) would be recognized for a period of 1 hour, be vacated.

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

### ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time prior to recognizing the able Senator from New York (Mr. GOODELL) at 12 o'clock be utilized for the transaction of routine morning business, with statements therein being limited to 3 minutes.

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

### COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. 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.

### SENATE RESOLUTION 415—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE ON THE GROWING THREAT POSED BY SOVIET PILOTS AND TECHNICIANS IN THE MIDDLE EAST

Mr. SCOTT. Mr. President, the distinguished Senator from Minnesota (Mr. MONDALE) is in the Chamber. I submit for appropriate reference a resolution on behalf of myself and the Senator from Minnesota (Mr. MONDALE).

It has been virtually axiomatic that the Middle East is the No. 1 trouble spot in a troubled world, and I submit that the presence of Soviet personnel in the cockpits of United Arab Republic aircraft and in the surface-to-air missile sites on the ground has turned a dangerous situation into a critical one.

The Russians already have done too much, and this resolution urges the President to call upon the Soviet Union—in the interest of peace and as a means of encouraging peace in the Middle East and in the world—to withdraw its personnel from the United Arab Republic.

Passage of this resolution, Mr. President, will enable the President to make such representations to the Soviet Union, and should the Russians comply, such action would aid immeasurably the cause of peace which we all seek.

Mr. President, I submit that this resolution—in which Senator MONDALE and I ask all our colleagues to join—could go a long way toward cooling down the hot spot of the Middle East and could lead to a deescalation of war activity. Indeed such action by the Soviet Union could avoid the confrontation which conceivably could lead to all-out war.

I cannot emphasize too strongly, Mr. President, that the balance of power in the Middle East is crucial to the security of the United States. The Soviets now

have warships in the warm waters of the Mediterranean in numbers which should alarm all of us.

And their entry into the missile picture is another example of the type of escalation we all decry.

Similarly, the presence of Soviet pilots in United Arab Republic aircraft is a situation which should not only be discouraged, but one which should be acted upon by the United States. It is the President who can best handle such a situation, and this resolution will express to President Nixon the sense of the Senate in this respect.

Mr. President, I ask unanimous consent that the resolution be printed at this point in the RECORD.

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

The resolution (S. Res. 415) expressing the sense of the Senate on the growing threat posed by Soviet pilots and technicians in the Middle East, was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

S. RES. 415

*Resolved*, That it is the sense of the Senate that the introduction of Russian pilots and the manning of missile sites by Russian technicians in the United Arab Republic is contributing to the increasing tension in the Middle East, and the President is strongly urged to call upon the Soviet Union to withdraw all Russian personnel as a major step toward the encouragement of peace in the Middle East.

Mr. MONDALE. Mr. President, I am proud to join the distinguished minority leader (Mr. SCOTT) in submitting this resolution, urging the President to call upon the Soviet Union to withdraw its pilots and technicians from the United Arab Republic.

It would be a tragic mistake if the current Senate debate over our involvement in Indochina were interpreted by any other nation as an indication of a growing isolationism or as a weakening of American determination to stand firm wherever our real interests and real commitments are at stake.

It is no secret that I strongly doubt whether either national interests or, by this stage, real commitments are at stake in Vietnam or Indochina. Upon this matter there is honest debate in the Senate, and that is a most healthy and encouraging development.

But there is no debate of which I am aware over our firm commitment to the balance of power in the Middle East or to the need to stand by the beleaguered nation of Israel. Here, at the crossroads of three continents, in the face of an aggressive Soviet move for Middle Eastern

hegemony—and in defense of one of the most democratic, progressive, enlightened, and courageous nations in the world—there should be no doubt of our national interest or our moral commitment.

I applaud the administration for its steadfast attempts to avoid a Middle Eastern arms race and to reach an accord with all nations in that part of the world. If there has perhaps been any excess of objectivity and neutrality, it has undoubtedly been with the very finest motives.

But it has been increasingly clear that our efforts to restrain the conflict have not been met with any corresponding restraint on the part of the Soviet Union. The Soviets, in fact, have met every conciliatory move on our part with actions which have only escalated the hostility and intransigence of the Arabs.

The introduction of Russian pilots flying air defense and Russian technicians manning the missile sites has severely destabilized what was only a precarious balance, at best. There is little doubt that the Arabs have no intention of negotiating with the Israelis, in spite of the continuing willingness of Israel to discuss any and all matters directly with the Arab States. There is little doubt that only Israel air superiority has prevented the Arab nations from launching a new Middle Eastern war. And there is no doubt that with such heavy Soviet assistance, both materials and men, the Arabs are only counting the days until they can once again try for the total elimination of Israel.

The introduction of Soviet pilots and technicians has not only affected the balance of power. It has seriously and dangerously changed the very nature of the conflict.

We know, from the very bitterest experience, how "a few technicians and defensive military advisers" can escalate into an enormous commitment which grows far out of any planned proportion. Have the Soviets thought about what they will do if the Arabs should launch a strike tomorrow across the canal? Can the Soviets keep their pilots and technicians in a purely defensive capacity if hostilities should break out? What will happen when the first Soviet pilot strays over the canal and is brought down by an Israel flyer? What have the Soviets done by their actions to the Arab's willingness to reach a reasonable accord on the basic issues that still divide the Middle East? Can the Soviets truly control the Arab nationalists? Or, will they wind up being slowly and tragically drawn into a great and prolonged conflict much as we were drawn into the Indochinese war?

These are reasons why the President must take all possible steps to get the Soviet Union to abandon this reckless course. No escalation of the arms race in the Middle East can bring peace any closer. But we will soon have—we may now have—no other choice but to respond by providing Israel with jets and other implements of war with which to protect herself.

Unless the Russians can be persuaded of our resolve to stand by Israel and of the futility and danger of their recent actions in Egypt, I see a new and more dangerous level in the Middle East confrontation.

So I repeat my plea to our President which is contained in the resolution introduced by the distinguished minority leader and myself: Bring all the power and prestige of your Office and your past record of statesmanship in the Middle East to bear upon the Soviet Union to reverse their dangerous policies. Know that we in the Senate stand behind you in that effort, prepared to uphold American interests in the Middle East and our moral commitments to the people of Israel.

#### AMENDMENT OF THE FOREIGN MILITARY SALES ACT—THE CHURCH-COOPER AMENDMENT

Mr. MONDALE. Mr. President, in newspaper advertisements and on the floor, I have been struck, during this past 2 weeks, by one interesting line of argument being raised by opponents of the Church-Cooper amendment. In these advertisements and statements by Senators on the floor a great deal is being made of the fact that several years ago the chairman of the Senate Foreign Relations Committee, Senator FULBRIGHT, made a number of statements in support of Presidential power as against congressional restriction, and supported the effort in Vietnam in 1964 at the time of the Tonkin Gulf resolution.

Mr. President, as everyone in this body knows, the chairman of the Foreign Relations Committee has in the course of the years changed his position on both of these points based on the performance of the President and the course of the war. He has readily confessed he was mistaken in both matters.

Those who seek to use his words today seek to imply that once a position is taken on matters affecting defense and foreign policy there should be no change.

I find this position ironic, particularly in the face of the sharp change that apparently has taken place both in the White House and here in the Senate with regard to the administration's attitude toward so-called limiting amendments.

On December 15, 1969, the Senate approved overwhelmingly an amendment which reads as follows:

In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

I listened to the debate of that amendment and at no time was mention made of any inhibition of the President's constitutional powers or his right as Commander in Chief to protect American troops in South Vietnam or anywhere else.

On the day following that vote, when faced with newspaper articles which referred to the Laos-Thailand amendment as a curbing of Presidential power, both the White House and the President's

supporters here in the Senate were quick to argue that the Senate action in no way inhibited the President and, in fact, was endorsed fully by the White House.

At this point I would like to read a statement made on the Senate floor by the distinguished minority whip (Mr. GRIFFIN) on the day after the passage of the Laos-Thailand amendment:

The Senate did not take any action to "curb" an Asian role. The intent and the plain meaning of the amendment ultimately adopted by the Senate yesterday was to reaffirm the existing role and existing policies of the United States with respect to Thailand and Laos.

Indeed, the amendment was drafted—and I think most of the people on the Senate floor and those who were watching from the gallery were aware of the fact that it was drafted right here in the Republican cloakroom. In fact, the principal Senators involved in its drafting, along with the Senator from Idaho (Mr. Church) were the Senator from Colorado (Mr. Allott) and the Senator from New York (Mr. Javits); . . .

Following a meeting with the President and others at the White House this morning, I can report to my fellow Senators that the President is pleased with the amendment, and he recognizes that it is in accordance with his announced policies.

White House Press Secretary Ronald Ziegler and the Senate minority leader, Senator SCOTT, were no less forceful in pressing the idea that the Laos-Thailand amendment was approved by the White House, in fact there is an indication that they sought to take partial credit for the effort:

This wording, it was disclosed today, was approved by the White House in advance of adoption.\*

I would like to point out that no limiting language was offered to that amendment and in January of this year that same language was included in this administration's requested appropriations language.

That brings us down to the Church-Cooper amendment which, as any reasonable person must agree, is drafted in the same context as last year's Laos-Thailand amendment. Though it has more sections than the initial effort by the Senate last fall to set outer limits in line with Presidential policy, the thrust of this Cambodian amendment clearly follows the precedent of Laos-Thailand.

It is, therefore, strange to see statements such as the one made on the Senate floor on May 14 by the minority whip, which reads as follows:

Even if we were to draft an amendment which was precisely tailored to the exact and actual intentions of the President, it seems to me that it would be a mistake to adopt such an amendment. We would be tying our own hands needlessly in a way that would serve the enemy, and would make it more difficult to negotiate with the enemy. I am sure the enemy would be delighted if we were to announce that we are going to tie our own hands in this way.

I would be interested in knowing what has occurred between the enthusiasm of

\*"President Backs Senators on Laos," by John W. Finney, *New York Times*, December 17, 1969, p. 12, column 4.



last December and the frostiness of the spring. Does the Senator from Michigan believe that we tied our own hands needlessly last December?

Was the enemy delighted with the Laos-Thailand amendment? May I remind the Senate that as with Laos-Thailand—which was framed to conform with the President's own statements—Church-Cooper also puts into Senate language the President's own statements. As has been noted on this floor before, does the enemy only become joyful when the Senate acts in line with the President's statements of limits, or does that joy begin when the President himself announces the limits under which he will act as Commander in Chief?

When did the great constitutional crisis develop that apparently was unseen last December, but appears to be overwhelmingly with us today?

Mr. President, I must suggest that this change of position of the White House and of the White House supporters here in the Senate on this amendment represents apparently arose from necessity to develop a rationale of what was close to an unconstitutional if clearly an unauthorized act by the President of the United States in sending troops over the border into Cambodia. The President himself recognized the situation when he sought to regain congressional support by arbitrarily setting a limit of 21.7 miles beyond which he would not go without congressional authority.

Is this some new refinement that the Constitution becomes applicable 21.7 miles over the border of South Vietnam or any country?

The President, I am afraid, does both himself and his office disservice by seeking to use the constitutional argument to protect himself from his own responsibilities to protect himself, not just from the public at large but from the public's representatives. And I think his supporters who refuse to look back at what they did in December are showing the same shortsightedness today that the administration itself showed in undertaking the Cambodian adventure in the first place.

I opened this statement by referring to Senator FULBRIGHT's change in mind on two key matters of Presidential and congressional responsibility. I would note that his changes were accompanied by continuous study and analysis which often has been shared with us on the floor and with the public at large. The fact that the President and his supporters wish to forget their support of Laos-Thailand at the same time they stress their opposition to Church-Cooper shows that they are suffering not from new understanding but from the practical necessity of making the best arguments that they can in what is otherwise an untenable position.

Therefore, I would hope that the Senate's position could be seen in the same light it was last December and that the Senate could follow the precedent so clearly set with Laos-Thailand and overwhelmingly approve the Church-Cooper

amendment without additional language. That language was unnecessary 6 months ago and is only necessary today to justify the President's Cambodian adventure and perhaps some other in the future.

#### APPOINTMENT BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Vice President, appoints the distinguished Senator from Maryland (Mr. MATHIAS) to attend the Washington Diplomatic Conference on the Patent Treaty being held from May 25 to June 19, 1970.

#### SOVIET INVOLVEMENT AND THE DELICATE BALANCE OF POWER IN THE MIDDLE EAST

Mr. BYRD of West Virginia. Mr. President, yesterday I addressed a letter to Secretary of State William Rogers. I quote the following extracts from that letter:

The recent escalation of Soviet involvement in the Middle East has seriously endangered the delicate balance of power in that part of the world, and has become a source of great concern to all Americans.

In light of this military buildup, and in light of the continuing hostilities between Israel and the Arab states, I urge that Israel's request be granted to purchase 125 jet combat aircraft from the United States.

In March, it was decided to postpone any action on the Israeli request, and, given the situation that prevailed at that time, the decision was understandable. However, in the past three months, the number of Soviet technicians in Egypt alone has grown from 3,000 to about 10,000; and reports indicate that an estimated 200 Soviet pilots are flying training missions in the area of the Nile River.

This increased military activity appears to be the Soviet Union's response to the decision to hold in abeyance the sale of jets to Israel.

I believe the best guarantee against a major eruption of hostilities—that could result in a confrontation between the super powers—is for the United States to do everything it can to maintain the balance of power in the Middle East; and, in view of the Soviet military buildup there, I feel that a balance of power can best be assured by selling the jets to Israel.

I also urge the renewal of your efforts to bring about direct peace talks between the Israelis and the Arabs, and that every channel be explored to bring the parties to the conference table where direct negotiations could, hopefully, lead to a stable peace in the Middle East.

#### ORDER OF BUSINESS

Mr. BYRD of West Virginia. 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. GRIFFIN. 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.

#### LETTERS FROM MICHIGAN SOLDIER SUPPORT PRESIDENT'S DECISION

Mr. GRIFFIN. Mr. President, on Sunday I was in Marquette and the editorial page of the Marquette, Mich., Mining Journal of Saturday, May 23, 1970, contained a letter from the parents of a young man assigned to combat duty in South Vietnam.

In it, Mr. and Mrs. Don D. Becker of Marquette, quote from portions of letters they have received from their son, David, relating to President Nixon's decision to clean out enemy sanctuaries in Cambodia.

I ask unanimous consent that the Beckers' letter to the editor of the newspaper be printed in the RECORD at this point.

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

#### FROM LIEUTENANT IN VIETNAM

DEAR SIR: With the recent campus uprisings and the discontent shown by those who are safe here at home, I would like to quote you some words written by our son, Lt. David M. Becker, now serving in Vietnam.

May 5: "I suppose you're wondering about Cambodia—I suppose it's the 'big' thing back there. I do believe the President has made the right decision—as long as we go in and then get out. That's where all the North Vietnamese army is coming from—through Cambodia."

May 10: "I wish all those so-called 'educated' demonstrators who create violence could be packed aboard a plane and flown over here and find out what it's like to be awakened in the middle of the night and be told you'd better get down to the hospital because one of your men has been shot while on patrol—or listen to the rockets hitting your base camp at night—or see some hootches blown up by sappers with American bodies lying around. Maybe then they'd realize why we here are anxious to return to the 'world' where freedom and democracy reign. No one here looks forward to a 'violent' life back there like it's happening. For those who disagree with the President's policy, let them disagree, but peacefully, and in an educated manner, like a free society as ours permits, whether it be by letters, books, magazine articles or politics—because they elected our politicians. A divided country is what the Communist world wants—because that's the only way they will ever reign over a free and democratic society as ours."

David is a four-year ROTC man, a graduate of St. Norbert's College. He recently received a citation which reads in part: "The Bronze Star Medal is presented to Lt. David M. Becker, who distinguished himself by outstanding meritorious service in connection with military operations against a hostile force in the Republic of Vietnam."

We, his parents, want to see the end of this war as do all right-thinking Americans. But we also feel that it is our place as Americans to stand by our President in these very difficult times.

Mr. and Mrs. DON D. BECKER.

MARQUETTE.

#### ORDER OF BUSINESS

Mr. GRIFFIN. 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. GRIFFIN. 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. BELLMON obtained the floor.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. BELLMON. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Oklahoma be recognized for not to exceed 25 minutes.

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

#### THE DEVELOPING CRISIS IN THE MIDDLE EAST

Mr. BELLMON. Mr. President, as debate on the Cambodian involvement has developed in the Senate, I have been impressed by what appears to be a widely held feeling among Members that our actions in Southeast Asia were begun and have continued without sufficient debate and full understanding of the ultimate results of our step-by-step involvement. I believe it is fair to assume that the present mood of the Senate is such that if we could turn back the pages of time to 1964, or 1960, or even 1954, we would have chosen a vastly different course of action in Southeast Asia.

In light of this feeling, Mr. President, I feel it is timely to call attention to certain aspects of the developing crisis in the Middle East, hoping that by doing so a more balanced debate on the situation there will result which could prevent the tardy second thoughts many now entertain about Southeast Asia.

My remarks this morning are precipitated by news reports that more than a majority of the Members of the Senate have joined together in signing a letter to the President urging immediate sale of additional planes to Israel.

Mr. President, as a marine combat veteran of World War II, I have deep admiration for fighting men who demonstrate skill and valor on the field of battle as the Israelis did in the 6-day war of June 1967. My personal admiration and the admiration of this Nation went out to the Israelis as a result of their defense of their country on this occasion. This feeling still persists.

However, I rise to question the feeling that seeking a military answer in the Arab-Israel conflict is in the long-range interest of any of the countries concerned.

The dispute between the Arab nations and the State of Israel over Palestine has embroiled that area of the world in military turmoil for over 20 years, resulting in great loss of life and property, causing economic stagnation because of the heavy expenditures for defense, postponing the economic and social development vital to the region's peoples, adding to world tension and creating in its course what may become insurmountable animosities. There is also the impending danger that

the Arab-Israel dispute will draw the great powers into a confrontation, perhaps even a nuclear war that could destroy human life on this planet.

Even though the United States has directed its efforts toward finding a peaceful settlement of this vexing and complex problem and has engaged in a series of discussions with the major powers and with the parties to the conflict, I feel that we have not exerted all of the means at our disposal in bringing this dispute to a just settlement. For this reason I rise to call attention to certain aspects of the Arab-Israel dispute which I feel deserve consideration.

It is necessary that the United States keep open all lines of communication with all of the interested and involved nations. No cause is served by reducing contacts or by turning a deaf ear to the entreaties and legitimate complaints of the Arabs or the Israelis and no peace will be found among nations whose leaders have closed minds.

It is essential to continue this search for peace, within the framework for a settlement as outlined in the United Nations Security Council resolution of November 22, 1967, along with every available avenue in the United Nations, through neutral mediation in consultation at every level, with every nation, until a reasonable and workable solution to the Arab-Israel problem is found.

The hour is late. Each day brings reports of clashes, of new battles, of more deaths, more injuries, more destruction, of innocent people sent fleeing from their homes, of an ever-increasing arms spiral that appears to have no upward limits of more hatred, more blood, more war.

A solution can be found, and that solution should include the following provisions:

As the first and foremost step, all troops and military equipment should be withdrawn to the armistice lines that existed prior to the war of June 5, 1967. This point is mentioned in the U.N. Security Council resolution of November 22, 1967, and it is clear that no peace can come as long as territory is being occupied as a result of conquest by armed forces. Both President Johnson and President Nixon have recognized that boundaries should not reflect the fruits of conquest.

Second, recognition of the State of Israel by the Arab nations and recognition of Israel's free right to transit the international waters of the Red Sea and the Gulf of Aqaba. The State of Israel exists and it must continue to exist. It is not enough to recognize the reality of Israel, as some Arab leaders have said, but all the Arab nations must recognize the State of Israel as a sovereign and free member of the family of nations. As a sovereign nation, Israel must have the right, as is guaranteed to every other nation, to use the waterways of the Suez Canal, the Red Sea, the Gulf of Aqaba, and the Strait of Tiran.

Third, the Gaza Strip and the Golan Heights should be neutralized and the city of Jerusalem should be interna-

tionalized. The Gaza Strip and the Golan Heights have long served as launching points from which attacks against Israel have originated. By neutralizing these crucial areas, the threat of Israel will be minimized.

The city of Jerusalem is sacred to the three great monotheistic religions of man and should be completely free of factional control. Only by internationalizing this great city and its venerated shrines can all people be assured that the city will remain an international center, open to all without discrimination and without fear of recrimination.

Fourth, the Arab refugees should be given the choice of returning to their former homes or receiving compensation for their losses. For over 20 years, the Palestinian Arab refugees have been confined to tents in squalid camps, waiting for justice, and it is in keeping with the United Nations resolutions on the matter that the refugees be offered the choice of repatriation or compensation. Since it is Israel that has realized the greatest advantage from the dispersal of the refugees, it is incumbent on Israel and in fact it is their duty to offer this choice of compensation or repatriation.

Most certainly, these ideas are not new. Many reasonable people, people in position of stature and power have said these same words more eloquently and in greater detail. Unfortunately, their efforts have fallen on deaf ears or have gone unheeded because each of the parties to the conflict continue to harbor certain illusions.

First is the illusion held by Israel that superior military power will overwhelm the Arab nations. Experience should show that this policy will not succeed. This was evidenced by the November 1956 Israel war. Nothing was settled by that war. The Government of Israel felt that because of the interference of the United States and the Soviet Union, Israel was denied the fruits of victory. More important, Israel seemed to think that its military superiority has not been clearly demonstrated, since the Arabs seemed convinced that the Arab defeat was caused by the intervention of British and French forces.

Again, in June of 1967, war was believed to have settled the issue once and for all. In the aftermath of the Israeli's 6-day victory there was euphoria generated by the belief that the Arabs had finally been convinced of the futility of armed confrontation with Israel, and that the Arabs would thereafter submit to the fate which had befallen them. However, we have seen that neither of these wars brought the desired settlement that Israel sought, they did not bring peace to the area, and ironically, the vanquished powers seemed even more determined to strike a belligerent pose and regain what they believe to be their just rights.

Mr. President, I submit that these assumptions by Israel are ill founded—that no war, regardless of the damage it may cause to the Arabs, will bring about tranquility and peace, that greater destruction wrought on Arab States will be fruit-



less. In the light of past history, the present policy of the Government of Israel is wholly unrealistic and it could in the long run cause great harm to the very fabric of the State of Israel. A country which was formed on the noblest ideals of Judeo-Christian tradition cannot forever withstand the daily stress and demands required in a perpetual armed camp environment. Indeed, there are many friends of Israel who are fearful that the constant need to demonstrate military prowess will render the nation into a modern Sparta, a nation devoid of a soul.

The Arabs have also entertained certain illusions. Regardless of the merits of the arguments of the Arabs concerning the establishment of the State of Israel, the Arabs must realize that Israel has a right to exist and no responsible country in the world would be prepared to relinquish its moral obligation to maintain the independence and existence of Israel.

In any analysis of the Middle East situation, a certain burden for the lack of resolution in this matter must rest with the world powers. The actions of the Soviet Union in this area have often been baffling and at times have shown a total lack of concern in using their influence to bring about a just and lasting settlement. At times it also appears that the Government of the United States, either through its preoccupation with other areas of the world or with unnecessary sensitivity toward domestic political issues, has missed opportunities to exercise its full powers and failed to maximize its efforts to bring about peace following the June 1967 war. Furthermore, our pronounced support of the November 1967 resolution has often not been pursued with sufficient resolve and diligence.

In the interest of peace, the leaders of the belligerent countries must act to dispel long held illusions and arrive at a settlement of the conflict. I, for one, was dismayed at the negative reaction of the Israelis toward the attempt of Nahum Goldman to visit Egypt. That visit would have served the interests of peace, and might have been a very effective first step. In this connection, I believe it is highly unrealistic for the Israelis to insist on direct confrontation prior to the implementation or at least a firm undertaking of the withdrawal to the pre-June 1967 armistice line.

If the Arab and Israel leaders are unable or unwilling to resolve this conflict, major power governments must vigorously seek a settlement. In this effort, it is incumbent on the Governments of the United States and the Soviet Union to use every reasonable means available to them to effect a settlement. Any successful settlement will require sincere efforts by both governments. There is some indication that this time has come, judging from apparent demonstration of good will on the part of the Soviet Union toward contributions to the success of the SALT talks.

It is with some optimism that we ob-

serve a decrease in the level of hostility and heightened prospects for peace in certain turbulent areas of the world. However, in the midst of these encouraging signs, it appears that the Middle East situation is getting worse. The present course, if followed, can only mean that the hostilities between Israel and the Arab world will not remain isolated, but may ultimately bring about direct involvement of the United States and the Soviet Union.

It is gratifying, however, to notice that certain countries in the Middle Eastern world which have not been embroiled in this self-destructive conflict have enjoyed a great measure of economic stability and prosperity. I refer to such nations as Iran and Turkey.

The policy suggested here will not inflict great hardships on the Arabs or the Israelis. Peaceful settlement demands compromise, and if peace is to be found, compromises must be made. Elements of these suggestions have appeared in statements by prominent leaders of the Middle Eastern nations as being necessary for peace: For example, the United Arab Republic has said that demilitarization of border zones is possible. Mr. President, at this point I ask unanimous consent that a recent interview with President Nasser of Egypt in U.S. News & World Report be printed in the RECORD.

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

[From U.S. News & World Report, May 18, 1970]

NEW CRISIS IN MIDEAST—EXCLUSIVE INTERVIEW WITH PRESIDENT NASSER OF EGYPT

Q. Mr. President, do you consider the recent attacks by the Egyptian Air Force the beginning of a military effort to recover the Arab territories lost to Israel?

A. Frankly, yes. The United Nations resolution of 1967 asked that Israel return these territories. Israel refused. We must accept the Israeli conquest or we must fight to get back these territories. This is what we are trying to do now—recover what all agree is ours.

Q. Do you think these Arab lands can be won by a war of attrition against Israel, by air attacks and raids and artillery fire? How long would that take?

A. Who knows how long it will take? We Arabs have no choice. Israel leaves us no choice.

Israel is trying to force a settlement. To win a victory is one thing, to force a settlement is another. A third and quite different thing is real peace. This cannot be attained by seizing a man's property and demanding that he come hat in hand to negotiate a settlement that pleases the one holding the property.

Q. Mr. President, the Arabs and the Israelis appear to be headed inevitably toward another all-out war—can't anything be done about it?

A. That depends entirely on the attitude of Israel on two very simple points—their continued occupation of Arab territory seized in the 1967 war and their refusal to do anything about the Arab refugees.

The United Nations Security Council resolution covered both points in 1967. The resolution also required us to grant Israel the status of a nonbelligerent, assumed our acceptance of Israel as a nation. We agreed to this, but Israel refused. The Israelis demanded direct negotiations, with no assur-

ances whatever either on withdrawal or on the matter of refugees.

Also, the Israelis will tell you that I said last year that the cease-fire was ended, that Egypt unilaterally declared an end to the cease-fire. This is not true. There never was a cease-fire. The shooting never stopped. Their attacks against us increased in magnitude. Now there is a difference. We can answer these attacks.

Recently Israel said that our planes attacked Israel. This is not so. Up to now we have not attacked Israel. We have attacked only the Arab territories occupied by Israel.

Q. Do you refrain from air attacks on Israel proper as a matter of policy?

A. Now, yes. But if Israel continues to refuse to withdraw from our territories or, as Mrs. Meir (Premier of Israel) says, to deny the very word "withdrawal," then what choice have we? Certainly we have the undeniable right to attempt to liberate our territory from Israeli occupation, to seek to recover lands which all agree are rightfully ours.

Q. Does Egypt accept the existence of a Jewish state in Palestine?

A. We are contesting that state's occupation of our territories, that state's refusal either to let Arab refugees return to their homes or to compensate them for the loss of these homes.

Q. Do you consider these points negotiable?

A. Why didn't the United States negotiate after Pearl Harbor? The Japanese asked you to do so, but you refused. You refused because you were being invited to a table of capitulation and surrender, not to negotiations.

That's just how we feel today. No Arab can negotiate with Israel when they occupy one seventh of our territory, our Egyptian territory. Every Arab knows that Israel wants to negotiate now directly as the victorious power, still in possession of our Arab territory. To accept negotiations under such conditions is not to negotiate, but to capitulate.

These lands the Israelis hold—they are not my personal property. They are the property of my people and have been so for thousands of years.

Q. Do you think some agreement can be found to meet Israel's concerns if these territories are returned to the Arabs? Could you guarantee freedom of passage in Sharm el Sheikh to Israel to their satisfaction?

A. Certainly—and you can add Suez to that. We will guarantee free Israeli passage of both Suez and Sharm el Sheikh.

Q. But the Israelis say you gave such guarantees before, and violated them—

A. Not so. We agreed that the United Nations forces should take their place in Sharm el Sheikh and in the area between us in 1957. In 1967, when we asked U.S. forces to withdraw, we cited specifically the area from Rafah to Elath. We did not ask U.N. troops to withdraw from Sharm el Sheikh, nor from all the other areas. Because they did withdraw, this created a problem.

Q. How about Jerusalem?

A. Nobody can give up Jerusalem. But if there is peace then all can have guaranteed freedom of access to the holy places.

Q. Would some international solution be acceptable for Jerusalem?

A. It's a strange thing that whenever there is talk of internationalizing Jerusalem the only part people seem to talk about is the Arab part. Nobody talks about internationalizing the Israeli part—new Jerusalem. Again, free access to the holy places could be guaranteed internationally to all.

Actually, Israel appears to think that they can withdraw from those Arab territories they do not particularly want and can remain in those they desire. This is not how we see things. Mrs. Meir has said there is

no problem about returning Egyptian Sinai—eventually, when it pleases her. As you have seen, we are now in a position to carry the war by air into Sinai.

Q. When you attack Sinai, aren't you attacking Arab territory—even though it is occupied?

A. Yes, but there is nothing there—only desert. In this whole area, roughly one seventh of Egyptian territory, there were only some 25,000 people in two or three towns. We are not attacking these towns. But to hold the area, the Israelis have established their own defense posts as strategic points—their own military settlements. These we are attacking.

Q. Can you or any Arab government leader be free to negotiate any sort of peace as long as the Arab commando leaders threaten to assassinate any Arab who tries to make peace?

A. First, we must understand who these commandos are. These are the people, or their sons, who were expelled from their homes in 1948 and in 1967. These are the Arabs who lived in the Palestine which Mrs. Meir says no longer exists. These are the people who want to go back to their homes or want to be given just recompense for the loss of their homes. The 1967 resolution of the Security Council of the United Nations says they have a right to this.

How can any Arab leader deny justice to these Arabs? You ask whether Arab governments can "control" them. We cannot seek to "control" them if this means denying them the right to seek justice. It is Israel alone that can right this wrong.

This is not a problem I created, but one I inherited, this problem of the refugees. It is Israel that has created this problem.

The United States, the greatest country in the world, cannot "control" the people who seek social and economic justice. Instead you seek to meet their needs, to right the wrongs.

So when the commandos find justice, they will no longer be a problem.

Q. Do you expect the Egyptians to learn how to handle all the advanced MIG's and to man the SAM-3s and other missiles now available to you so that the Russian technicians can all be withdrawn?

A. No. As long as the war lasts we will need Russian technicians here.

It was not the Russians who wanted to come here. There was a time when I wrote a letter every week to Brezhnev [Soviet Communist Party chief]. We desperately needed their help, their weapons, their technicians—and we said so.

We needed Russian help and we asked for it because the Americans gave Israel the equipment they needed to fight electronic warfare—something quite new in this part of the world—new to them, new to us. We were really surprised that the United States did this, for the obvious result was that we had to ask Russia for the technology to match it—and the technicians.

We were simply not equipped to fight that kind of warfare. But America gave such equipment to the Israelis. So, in the 1967 war, they jammed our radar equipment. They had the electronic means to interfere with our SAM-2s. That's why they did not work.

Now, of course, thanks to the Russians, we do have this technology. Now we have missiles that will work. But for this reason we cannot do without Russian technicians as long as we are at war with Israel, as long as there is no peace.

We have even asked the Russians for more such equipment, more technicians to operate it.

Q. Why more?

A. Before the 1967 war our army was 100,000 men. Now it is 600,000. Our defense budget used to run to 160 million Egyptian

pounds. Now it has reached 550 million pounds.

We learned in 1967 that we must not be conceited and think we know everything. So now we need to learn, and the Russians are our teachers.

Some say that the Russians interfere with the way we run things here, that they mix into other things. I have had many years of experience in dealing with them and I have not had such problems with them.

Q. Do you think that Egypt, with all this new Soviet equipment and the Soviet planes, will be able to keep Israeli planes out of its skies, off its territory?

A. Certainly not. Neither the U.S. nor the Soviet Union, the greatest powers in the world, can keep low-flying aircraft out of their territory.

The distance from Suez Canal is only about 65 kilometers [about 40 miles]—three minutes by jet. Such raids will continue if the Israelis desire to make them.

What we can do is to take similar raids to them. This we are doing now. We have shown that we are completely capable of attacking their positions in occupied Arab territories by air and by land. This is no longer a one-sided affair. This is quite likely to be escalated, and who can say what the end will be?

We would, of course, prefer a peaceful solution, but that may well be impossible if the United States continues to give full support to Israel in a military way.

Q. The Israelis say they need more U.S. arms to match those you are getting from Russia—

A. Of course they say that. But look at the record: In the two years since the 1967 war, in a period when Israel was refusing to return Arab territories or to seek an answer to the Arab refugee problem, as the U.N. requested, the United States gave Israel 150 warplanes—50 Phantom jets and 100 Skyhawks.

Now, because we are finally carrying the air war back into the Arab territory they occupy, Mrs. Meir wants still more arms from the U.S.

All this is done on the supposed basis of balancing out the power on each side, making Israeli strength equal to Arab strength. That is nonsense. It was the U.S., before 1967, that gave Israel the power to wage the electronic warfare that was so effective against us in 1967. It is the U.S. that gave Israel the Skyhawks one year after the 1967 war, the Phantoms two years later.

Q. How about an agreement between the U.S. and Russia on what really represents a balance of power between Egypt and Israel—would you go along with such an agreement, if it could be reached?

A. Not now. That would be an effort to freeze things as they are. This would delight the Israelis, who hold Arab territory and will not give it up, who have expelled Palestinian Arabs from their home so they work bitterly against this injustice in every Arab land.

Let the Israelis return the Arab lands and face the refugee problem. Then Egypt will offer all these arms for sale to anyone who will buy.

Q. Mr. President, how is this new round of war going to differ from the old in terms of arms and techniques? Will there be more emphasis on the new arms and air power?

A. Once again, I no longer consider myself a military man. Things have changed a great deal since my day. Oh, I do read up on things—your American military reviews, articles on strategy and such.

I would expect continued greater emphasis on air power, but there is nothing new in that. Germany was able to take Europe, including Crete, by air power and the Allies liberated Europe by air power. Right now, we in Egypt have been made aware of the need to develop strike air power and defensive antiaircraft weapons, including missiles that

are safe against the electronic weaponry you give Israel. Fortunately, thanks to the Soviet Union, we now have the capacity to match these. But there is, of course, still no substitute for the conventional tanks and men who must occupy land. In our case they must move back into liberated Arab lands.

Q. Do you think the U.S. and Russia might become involved in the next phase of all-out war between the Arabs and Israel?

A. I see no reason for it. This time we Arabs are trying to recover what all agree is lawfully ours and should be returned to us. We are not trying to crush Israel, to eliminate Israel. We want our lands. You would think the U.S. and Russia would help us recover these lands.

Q. Dr. Goldmann, president of the World Jewish Congress, said in Bonn that time was working for the Arabs, not for Israel—do you agree?

A. I certainly do. It would spare us all a lot of bloodshed and agony if Israel were to understand that fact and realize that the return of Arab territories and settlement of the refugee question are today the key to a period of real peace, a chance for reasonable agreement.

Q. Can Egypt continue indefinitely on a war basis and hope to develop its internal economy at the same time?

A. Our economy, as you can see, is a great deal stronger than everyone thought it could ever be. You in the West were writing us off as a hopeless case not so long ago. But if you look around our marketplaces you will find all the essential goods there at reasonable prices, with quite a few consumer goods that could be classed as nonessentials also available.

The Aswan Dam is finished and in operation. That opens vast areas to cultivation that were wastelands before. We are now exporting rice—currently second only to cotton as an export earner. Previously we imported rice.

A major factor is that we now are producing most essentials within Egypt. One new steel mill will soon be producing 1 million tons annually. That doubles our production and makes us nearly self-sufficient in steel. There is a new aluminum plant on the way, too, and many other plants.

True, our plan is not being fulfilled. There is a decrease in investments in industry. We have excess power going to waste in Aswan because the investment required for new industry to soak up this power is going into the armed forces, the war effort.

But we are getting along quite well—thanks in large part to Soviet help.

Q. Aren't you running up a pretty big debt to the Soviet Union—nearly 2 billion dollars? Doesn't that give the Soviets a pretty strong grip on your economy?

A. I think the one in debt is in a stronger position than the one who makes the loan. What is true of individuals is true of nations, too. The debtor just refuses to pay if he feels he is under unjust pressures.

We were in debt to the U.S. when our relations were strained. We just quit paying on those debts. Now we are renegotiating, but we went four or five years without paying anything.

There is a lot of nonsense written about the relation between a debtor country and the other. Europe's debts to the United States gave you no great hold over Europe. You have a lot of experience in that area.

Actually our experience with the Soviet Union has been very good. They built our high dam at Aswan. They give us large loans at low rates of interest. In many cases our repayment is in production from the plant that the Russians install for us. That steel mill, for example, costs 200 million Egyptian pounds, but we pay nothing until the mill begins producing. Then we pay less than the value of the production.

Look at the case of the Aswan Dam: From



1960 to 1970 there were 5,000 or more Soviet technicians and others working there. Much was made of this in the Western press. But only 70 Soviet citizens are there now. The rest have gone home.

Q. What are the chances of improving relations between the U.S. and the United Arab Republic?

A. Good, as far as we are concerned. There is no direct conflict between the U.S. and the U.A.R. The problem is that the U.S. supplies Israel with everything it needs to hold on to Arab lands and to keep war going.

The raids against our land are flown in American planes that kill our men, women and children. The electronic-warfare instrumentation in Israel's possession is not of Israeli manufacture—this is supplied to Israel by America. In the United Nations the American representative always supports the Israeli point of view, never ours.

Given a balanced U.S. policy toward the Arab states and Israel, our relations could return to normal. The U.S. view of Arabs is distorted.

Q. In what way?

A. The Israeli leaders always portray us as people who want war. This is not so. We not only want peace; we are the ones who accept U.N. resolutions about peace. They are the ones who reject them.

Understand this: Nasser wants peace, I want peace. I do not want war for war's sake. I am not a bloodthirsty military conqueror. I have not been an active soldier for 18 years. Before that time I learned to hate war as much as or more than any man.

In 1948 I saw enough war. I buried my Egyptian comrades in the field. I buried Israeli men, too. I do not like war, I hate it.

The Israelis tell you: Nasser does not want peace. I certainly do, but what I want is not the peace of capitulation and surrender to expanding Israeli power. I want peace with dignity, a peace that can be obtained between reasonable men.

All Arabs want peace no less than all Israelis, perhaps much more. But we cannot and will not reach any kind of just peace while the other man holds our lands under occupation and turns our people into angry refugees.

Mr. BELLMON. An Israel organization, the Movement for Security and Peace, has advocated the return of the occupied territories. King Hussein of Jordan said that free navigation through Suez and Tiran would be guaranteed to all. The time has come for the Governments of the Soviet Union and United States to use every reasonable means available to them in actively seeking the development and implementation of policies of peace in the Middle East.

Mr. President, my concern is that no exact balance of power suitable to both sides can soon be reached in the Middle East. An action-reaction syndrome is likely to develop that will escalate the war there, as has occurred in Southeast Asia. In Southeast Asia, our Nation gambled on the side of the war. We have paid an enormous price. In the Middle East, until the picture is more clear that the balance of power has shifted. I urge that this time we take a chance on the side of peace.

I yield the floor.

#### ANNOUNCEMENT OF JOINT MEETING OF THE TWO HOUSES TOMORROW

Mr. BYRD of West Virginia. Mr. President, the leadership wishes to announce that tomorrow, at 12:15 p.m., the Sen-

ate will proceed in a body to the Hall of the House of Representatives, to attend a joint meeting of the two Houses which will be addressed by the President of Venezuela.

#### ORDER OF BUSINESS

Mr. BYRD of West Virginia. 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. BYRD of West Virginia. 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.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

#### REPORT OF COMMODITY CREDIT CORPORATION—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. EAGLETON) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry:

*To the Congress of the United States:*

In accordance with the provisions of Section 13, Public Law 806, 80th Congress, I transmit herewith for the information of the Congress the report of the Commodity Credit Corporation for the fiscal year ended June 30, 1969.

RICHARD NIXON.

THE WHITE HOUSE, June 2, 1970.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 3339) to authorize the Public Printer to fix the subscription price of the daily CONGRESSIONAL RECORD.

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

H.R. 12758. An act to authorize the Secretary of the Interior to establish a volunteers in the park program, and for other purposes; and

H.R. 12860. An act to establish the Ford's Theatre National Historical Site, and for other purposes.

#### ENROLLED BILL AND JOINT RESOLUTION SIGNED

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

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; and

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.

#### HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Interior and Insular Affairs:

H.R. 12758. An act to authorize the Secretary of the Interior to establish a volunteers in the park program, and for other purposes; and

H.R. 12860. An act to establish the Ford's Theatre National Historical Site, and for other purposes.

#### COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED AMENDMENTS TO THE BUDGET FOR FISCAL YEAR 1971 (S. Doc. 91-87)

A communication from the President of the United States, transmitting amendments to the budget for fiscal year 1971 in the amount of \$750,000 in budget authority for the Council on Environmental Quality and Office of Environmental Quality and the Department of the Interior (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

APPROPRIATION REQUEST TO PAY CLAIMS AND JUDGMENTS RENDERED AGAINST THE UNITED STATES (S. Doc. 91-86)

A communication from the President of the United States asking for the consideration of an appropriation request of \$16,887,055 to pay claims and judgments rendered against the United States (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

APPROVAL OF LOAN TO CENTRAL ELECTRIC POWER COOPERATIVE OF JEFFERSON CITY, Mo.

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to Central Electric Power Cooperative of Jefferson City, Mo., in the amount of \$11,536,000 for the financing of certain transmission facilities (with an accompanying paper); to the Committee on Appropriations.

#### REPORT ON LOANS IN CONNECTION WITH U.S. EXPORTS TO YUGOSLAVIA

A letter from the Secretary, Export-Import Bank of the United States, Washington, D.C., reporting, pursuant to law, that the amount of loans in connection with U.S. exports to Yugoslavia, issued in January, February, and March 1970, totaled \$17,717,466; to the Committee on Banking and Currency.

#### AMENDMENT OF NORTHWEST ATLANTIC FISHERIES ACT OF 1950, AS AMENDED

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend the Northwest Atlantic Fisheries Act of 1950 as amended, the North Pacific Fisheries Act of 1954 as amended, and for other purposes (with an accompanying paper); to the Committee on Commerce.

MAP ENTITLED "MAJOR NATURAL GAS PIPELINES, AS OF DECEMBER 31, 1969"

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting, for the information of the Senate, a map

"Major Natural Gas Pipelines, as of December 31, 1969" (with an accompanying map); to the Committee on Commerce.

**PROPOSED AMENDMENT OF INTER-AMERICAN DEVELOPMENT BANK ACT**

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Inter-American Development Bank Act to authorize the United States to participate in increases in the authorized capital stock and resources of the Fund for Special Operations of the Inter-American Development Bank, and for other purposes (with an accompanying paper); to the Committee on Foreign Relations.

**REPORT ON PROPOSED U.S. PARTICIPATION IN A REPLENISHMENT OF THE RESOURCES OF THE INTER-AMERICAN DEVELOPMENT BANK**

A letter from the Secretary of the Treasury, and Chairman, National Advisory Council on International Monetary and Financial Policies, Washington, D.C., transmitting, pursuant to law, a report on proposed U.S. Participation in a replenishment of the Resources of the Inter-American Development Bank, dated May, 1970 (with an accompanying report); to the Committee on Foreign Relations.

**PETITION**

The ACTING PRESIDENT pro tempore (Mr. EAGLETON) laid before the Senate a resolution adopted by the City Council of Buffalo, N.Y., praying for the enactment of legislation (H.R. 15424) to amend the Merchant Marine Act to include the Great Lakes, which was referred to the Committee on Commerce.

**EXECUTIVE REPORTS OF COMMITTEES**

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

By Mr. ELLENDER, from the Committee on Agriculture and Forestry:

Kenneth N. Probasco, of Ohio, and E. G. Schuhart II, of Texas, to be members of the Federal Farm Credit Board, Farm Credit Administration.

By Mr. MAGNUSON, from the Committee on Commerce:

Rear Adm. Thomas R. Sargent III (1670), U. S. Coast Guard, to be Assistant Commandant of the U.S. Coast Guard with the rank of vice admiral; and

Helen D. Bentley, of Maryland, to be a Federal Maritime Commissioner (Reappointment).

**BILLS INTRODUCED**

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

By Mr. STEVENS:

S. 3899. A bill for the relief of Angelina R. Reyes; to the Committee on the Judiciary.

By Mr. METCALF:

S. 3900. A bill to amend section 14 of the Natural Gas Act; to the Committee on Commerce.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 3901. A bill to provide compensation to the Crow Tribe of Indians, Montana, for certain lands embraced within the present boundaries of the Crow Indian Reservation, for the validations of titles, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS:

S. 3902. A bill for the relief of Ana Leonor Lopez Rivera; to the Committee on the Judiciary.

By Mr. EAGLETON (by request):

S. 3903. A bill to provide additional revenue for the District of Columbia, and for other purposes;

S. 3904. A bill to authorize the District of Columbia to issue obligations to finance District capital programs, to provide Federal funds for District of Columbia institutions of higher education, and for other purposes;

S. 3905. A bill to authorize the District of Columbia Council to fix the rates charged by the District of Columbia for water and water services and for sanitary sewer services; and

S. 3906. A bill to authorize the Government of the District of Columbia to fix certain fees; to the Committee on the District of Columbia.

By Mr. CRANSTON:

S. 3907. A bill to amend section 3013 of title 38, United States Code, in order to provide that the effective date of any increase in a subsistence or educational assistance allowance award under chapter 31 or 34 of such title, because of a change in dependency status, shall be the date of such change without the necessity for an application if proof is timely filed; to the Committee on Labor and Public Welfare.

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

By Mr. STEVENS:

S. 3908. A bill for the relief of the widow and children of Thomas Pillifant; and

S. 3909. A bill for the relief of Marta Chvastasova and Josef Chvastasz (Joe Chvastas); to the Committee on the Judiciary.

S. 3910. A bill providing for minimum grades for U.S. deputy marshals under chapter 51 of title 5, United States Code; to the Committee on Post Office and Civil Service.

By Mr. BAKER:

S. 3911. A bill to amend the Internal Revenue Code of 1954 to provide an exemption from excise tax for certain boxes and containers used in connection with certain vehicles; to the Committee on Finance.

**S. 3907—INTRODUCTION OF BILL REGARDING EFFECTIVE DATE OF GI BILL ALLOWANCE INCREASES FOR ACQUISITION OF DEPENDENTS**

Mr. CRANSTON. Mr. President, I introduce today, for appropriate reference S. 3907, a bill to amend section 3013 of title 38, United States Code, in order to provide that the effective date of any increase in a subsistence or educational assistance allowance award under chapter 31 or 34 of such title, because of a change in dependency status, shall be the date of such change without the necessity for an application if proof is timely filed.

The purpose of this bill is more fully to effectuate congressional intent under chapters 31 and 34 with respect to the increase of an eligible veteran's GI bill allowance—either vocational rehabilitation subsistence allowance under chapter 31 or educational assistance allowance under chapter 34—by virtue of changes in dependency status. Presently, under section 3013 of title 38, United States Code, effective dates of such increases are to correspond, to the extent feasible, to those relating to awards of disability compensation under chapter 11 of that title. And section 3010(a) of title 38 provides that such claims for increased dependency compensation shall be payable no earlier than the date of application therefor. By regulation, the Veterans' Administration has required—by anal-

ogy to section 3010(b)—that proof of the dependency status be received within 1 year of acquisition of the dependent.

So application of this disability compensation rule would deprive a veteran of receiving the increase in his GI bill allowance, which Congress intended to help him meet the additional costs of maintaining a household with a wife or child, until such time as his application for such an increase was received. If, for example, a veteran is unaware of that requirement and delays a few months in filing an application for increased allowance, he will lose the amount Congress intended him to have to meet those additional dependency expenses. Since he has those expenses from the time he actually acquires those dependents—the date of marriage, birth, or adoption generally—not from the date he applies to the VA, it seems far more reasonable in effectuating the purpose of the dependency augmentation of GI bill allowance for such increases to be payable from the date the dependency status and expenses therefor actually arise, as long as he files timely notice of such status. Timely notice of such status under the bill I am introducing would retain the VA's regulatory determination that application received within 1 year from the acquisition of the dependency status.

Further evidence of the illogic of the present effective date is a ruling of the General Counsel's office of the Veterans' Administration that if a veteran, even casually, mentions in writing to the VA before he acquires a dependent, that he plans to do so in the future, his allowance will be increased for the change in dependency status from the time it actually occurs. Although I am not in any way criticizing this ruling—which is beneficial in giving the veteran every benefit of the doubt—there would seem to be no reason for distinguishing between such an advance notice case and the case in which notification is given and proof submitted 2 months after the dependent is acquired. For in neither case can the VA take any action to increase the allowance until it receives the actual proof of dependency—the copy of birth certificate, adoption decree, or marriage certificate.

The new effective date would also more nearly accord with a number of other effective date provisions for disability compensation which yield retroactive results. For example, the effective date of an award of disability compensation filed to begin from the date of discharge would be retroactive to that date as long as received within 1 year of discharge. The same retroactive treatment is accorded to a person disabled by VA medical treatment or while pursuing vocational rehabilitation under chapter 31; it is the date of the disablement or injury, not of the application, that governs in those instances. And the same is generally true with respect to death compensation and dependency and indemnity compensation effective on the first of the month in which death occurs if application therefor is received within 1 year of death.

Finally, the effective date rule in the bill I am introducing merely establishes the counterpart of the effective date al-



ready in section 3012(b)(2) of title 38, for a reduction of benefits by virtue of marriage, divorce, or death of a dependent. Such a reduction takes effect upon the actual disestablishment of the dependency status, not when the VA receives notice of it. Further examples of retroactive benefits and a strong brief for the approach taken in this bill are set forth in a December 15, 1969, letter to me from VA Adjudicator Robert Calvin, writing as a concerned citizen. Mr. President, I ask unanimous consent that the full text of this very public spirited letter be printed in the RECORD at this point.

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

DECEMBER 15, 1969.

DEAR SIR: I would like to bring to your attention a gross inequity which exists in our law.

I am an adjudicator for the Veterans Administration. As I administer the VA laws, almost daily I see an injustice occur. 38 U.S.C., paragraph 3010a provides that benefits for a new wife or child can only be paid from the date we receive a claim for that wife or child instead of from the date of marriage or of birth.

Would you consider sponsoring and supporting legislation to change this law so that benefits would be payable from the date of marriage or of birth if a claim is received within one year of the date of marriage or of birth?

Most of our veterans benefits are so payable. Some examples from C.F.R. 3.400-3.403 are:

1. Death benefits: benefits payable from first of month of death if a claim is received within one year of the date of death.
2. Posthumous child: benefits payable from date of birth if claim filed within one year of date of birth.
3. Increased pension: payable if claim is received within the same or the succeeding year.
4. Disability compensation: payable from day following separation from active duty if claim is received within one year after separation from service.
5. Claims for apportionment: where payments to vet have been interrupted, apportionment will be effective the day following the date of last payment if a claim is received within one year after that date.
6. Disability or death due to hospitalization: benefits payable from the date the injury was suffered or from the first of the month of death if claim is received within one year after that date.
7. Annulled marriage: death benefits are resumable from the date the annulment decree becomes final if a claim is filed within one year after that date.
8. Child's helplessness: in continuation of payments, from the 18th birthday if claim is received prior to or within one year after the 18th birthday.

Although this proposed change is a simple one, it is vital. I have seen hundreds of sad cases where veterans missed months of benefits for dependents because they did not realize they had to file a claim the day the event occurred in order to get benefits for that dependent from the earliest possible date.

When a guy is getting married or having a child, can you expect him to remember to send us a claim that day or even within the week thereafter? Yet the burden of financial support falls on the veteran from the date the event occurred.

It seems reasonable in the light of the

other similar VA laws that this law should be as considerate, so that benefits for a new wife or child would be payable from the day the dependency began, if a claim is filed within a year of the marriage or birth.

Please seriously consider this proposal to sponsor and support such a measure. I have no selfish ends in requesting this. Because of a physical disability I could not serve in the armed forces and so I am not a veteran. I only make this request because I am dedicated to helping veterans. The inequitable law which now exists rubs my conscience every day as I see it deprive veterans of benefits which they need due to dependents and which they deserve in the light of other similar Veterans Administration laws.

In sum, please help to change the law so that benefits for wives and children would be payable not from the date we receive the claim, but from the date of marriage or birth, if a claim is filed within one year of the marriage or birth.

Sincerely, A concerned citizen,

ROBERT COLVIN.

Mr. CRANSTON. Mr. President, I wish to point out that the bill I am introducing would change the dependency status effective date for GI bill purposes only and not for disability compensation purposes. Although I fully recognize the desirability of uniformity in these two areas, the Subcommittee on Veterans' Affairs, of which I am chairman, has no jurisdiction over the compensation program. I would urge, however, that the Veterans' Legislation Subcommittee of the Finance Committee and the House Veterans Affairs' Committee, give serious consideration to an amendment to section 3010 to change the dependency status effective date across the board, in which event my bill would not be needed.

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

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

The bill (S. 3907) to amend section 3013 of title 38, United States Code, in order to provide that the effective date of any increase in a subsistence or educational assistance allowance award under chapter 31 or 34 of such title, because of a change in dependency status, shall be the date of such change without the necessity for an application if proof is timely filed, introduced by Mr. CRANSTON, 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. 3907

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3013 of title 38, United States Code, is amended by deleting the period at the end thereof and inserting the following: "except that the effective date of an increase in the award of subsistence allowance under chapter 31 of this title, or of educational assistance allowance or training assistance allowance under chapter 34 of this title, by reason of marriage or the birth or adoption of a child, shall be the date of such event if proof thereof is received within one year from such marriage, birth or adoption.*

## ADDITIONAL COSPONSORS OF BILLS

S. 366

Mr. PELL. 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. 366, to extend the well-established concept of the free public school system to provide the broadest educational opportunities possible to all students as a matter of right by authorizing the U.S. Commissioner of Education to award scholarships to undergraduate students to enable them to complete 2 academic years of higher education.

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

S. 1969

Mr. PELL. 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. 1969, to amend the Higher Education Act of 1965 to provide for basic educational opportunity grants and for cost of instruction allowances, and for other purposes.

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

S. 1993

Mr. CASE. Mr. President, I ask unanimous consent that, at the next printing, the name of the junior Senator from California (Mr. CRANSTON) be added as a sponsor of S. 1993, a bill to require public disclosure of financial interests by top officials in all three branches of government.

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

Mr. CASE. The addition of Senator CRANSTON brings to 21 the number of Senators who sponsor this bill. All of us had hoped that by this time committee hearings could have been held on the bill. At one point the chairman of the Privileges and Elections Subcommittee did schedule hearings but they were subsequently canceled because of lack of availability of witnesses.

Since then the Senator from Michigan (Mr. HART) and I have been in touch with the other sponsors and more than half, including the majority leader, have indicated their interest in testifying for the bill.

S. 3354

Mr. KENNEDY. Mr. President, on behalf of the Senator from Washington (Mr. JACKSON), I ask unanimous consent that, at the next printing, the names of the Senator from Oklahoma (Mr. HARRIS), the Senator from Montana (Mr. METCALF), and the Senator from Texas (Mr. YARBOROUGH) be added as cosponsors of S. 3354, to amend the Water Resources Planning Act (79 Stat. 244) to establish a National Land Use Policy.

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

S. 3760

Mr. BAKER. Mr. President, I ask unanimous consent that at the next

printing the names of the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. SMITH), the Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. GOODELL), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), the Senator from Kansas (Mr. PEARSON), the Senator from Nevada (Mr. BIBLE), the Senator from New Hampshire (Mr. COTTON), and the Senator from Virginia (Mr. SPONG) be added as co-sponsors of S. 3760, to establish a commission to consider a merger of the transportation regulatory agencies.

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

S. 3835

Mr. BYRD of West Virginia. Mr. President, at the request of the able Senator from Iowa (Mr. HUGHES), I ask unanimous consent that, at the next printing, the names of the Senators from Maryland (Mr. TYDINGS and Mr. MATHIAS), and the Senator from Washington (Mr. JACKSON) be added as cosponsors of S. 3835, to provide a comprehensive Federal program for prevention and treatment of alcohol abuse and alcoholism.

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

#### SENATE RESOLUTION 415—SUBMISSION OF A RESOLUTION URGING THE PRESIDENT TO CALL UPON THE SOVIET UNION TO REMOVE ALL RUSSIAN PERSONNEL FROM THE UNITED ARAB REPUBLIC

Mr. SCOTT (for himself and Mr. MONDALE) submitted a resolution (S. Res. 415) urging the President to call upon the Soviet Union to remove all Russian personnel from the United Arab Republic, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. SCOTT when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

#### AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENTS

AMENDMENTS NOS. 667 AND 668

Mr. BYRD of West Virginia submitted two amendments intended to be proposed by him to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 670

Mr. BAYH submitted an amendment, intended to be proposed by him, to House bill 15628, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. BAYH when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 671

Mr. KENNEDY. Mr. President, on behalf of the Senator from Alaska (Mr. GRAVEL) I ask unanimous consent that an amendment submitted by him and other Senators to H.R. 15628, be printed,

together with some remarks prepared by him, in the RECORD at this point.

The PRESIDING OFFICER (Mr. BELLMON). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment and other material will be printed in the RECORD.

The amendment (No. 671) is as follows:

#### AMENDMENT No. 671

At the end of the bill, add the following new section:

"SEC. 14. No funds authorized or appropriated pursuant to this or any other law may be used to transport chemical munitions from the Island of Okinawa to the United States. Such funds as are necessary for the detoxification or destruction of the above described chemical munitions are hereby authorized and shall be used for the detoxification or destruction of chemical munitions only outside the United States."

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

#### STATEMENT INTRODUCING GRAVEL AMENDMENT RE: NERVE GAS LOCATION ISSUE

Mr. GRAVEL. Mr. President, I am sending to the desk an amendment to the bill pending before the Senate (H.R. 15628) and ask that it be read.

Mr. President, I have offered this amendment to the Military Sales Act (H.R. 15628) because I oppose any shipment of nerve gas from the storage depot in Okinawa to Alaska, Hawaii, or the continental United States.

My amendment differs significantly from amendment No. 649 to the act proposed by the distinguished senior Senator from Washington on May 21 of this year and on which I am a cosponsor. That amendment would prohibit the use of funds appropriated under the Military Sales Act for the "transport of chemical munitions from Okinawa to the United States."

My amendment does that, but goes an important step further by requiring the detoxification or other destruction of the chemical munitions now stored in Okinawa at a location outside the United States. In this way we would be rid of this particular stockpile of nerve gases once and for all. They cannot be of much priority in our weapons arsenal if the military itself has proposed to store them in Oregon or alternatively at Kodiak, Alaska. It is difficult to imagine just how this particular stockpile would thereby add to the defense posture of the Nation when it is located far from any point of possible usage.

Furthermore the one-way transport costs of moving the nerve gas has been estimated at \$6 to \$11 million. Add to this the ongoing storage costs in perpetuity and it is clear that the most efficient and least costly course to follow is to detoxify and dispose of these particular chemical materials now. Scientists tell us that this can easily be accomplished with no harmful effects on the air and water environments.

This ill considered decision on the part of the administration raises a still larger question; namely, Should the United States continue to maintain chemical weapons of this type in its arsenal?

On November 25, 1969 President Nixon issued a statement on chemical and biological defense policies and programs. He announced that the United States was renouncing the use of lethal biological agents, weapons, and all other methods of biological warfare.

He also called for the disposal of our existing stocks of bacteriological weapons and asked the Department of Defense to make the necessary recommendations for their disposal.

Six months have elapsed since the President's statement. However, no public statement has been issued as to the progress of the disposal of these bacteriological weapons stockpiles.

President Nixon further announced that the United States would not use lethal chemical weapons or incapacitating chemicals unless they were used against us first.

The President also advised that he would submit to the Senate, for its advice and consent to ratification, the Geneva protocol of 1925 which prohibits the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare.

Mr. President, I ask unanimous consent that the Geneva protocol of 1925 be printed in the RECORD at this point.

Surely six months is long enough to wait for the President to act. Therefore, I call upon the President to immediately submit the Geneva protocol of 1925 to the Senate for ratification and to extend his decision to dispose of our bacteriological weapons to include our chemical warfare agents.

I would further suggest that the military begin the detoxification and disposal of these chemical agents with the nerve gas inventories in Okinawa.

President Nixon stated in his November 25 statement, and I quote, "Mankind already carries in its own hands too many of the seeds of its own destruction."

President Nixon has the power to order the destruction of these lethal chemical weapons. He has not chosen to do so.

Yet it is generally recognized that chemical weapons are tactical in nature and cannot be used effectively and decisively on a strategic basis. It is questionable that we would ever risk the wrath of world public opinion by employing them merely for tactical considerations.

In other words, if we ever reached a crisis situation where chemical weapons might be considered, it is much more likely that the decision would be to use other types of weapons.

Although it is conceivable that some unusual strategic situation might call for the use of a mix of chemical and nuclear weapons, I believe our interests are better served and the cause of peace strengthened if we eliminate chemical weapons from our military stockpiles.

Therefore, I ask the Senate to support my amendment to destroy the deadly chemical warfare gases planned for movement to the United States from our Okinawa arsenal, and I urge the President, with our advice and consent, to implement the spirit of the Geneva protocol.

#### PROTOCOL FOR THE PROHIBITION OF THE USE IN WAR OF ASPHYXIATING, POISONOUS OR OTHER GASES, AND OF BACTERIOLOGICAL METHODS OF WARFARE—SIGNED AT GENEVA. JUNE 17, 1925

The undersigned plenipotentiaries, in the name of their respective Governments:

Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilized world;

Whereas the prohibition of such use has been declared in Treaties to which the majority of Powers of the world are Parties; and

To the end that this prohibition shall be universally accepted as a part of International Law, binding alike the conscience and the practice of nations;

Declare:

That the High Contracting Parties, so far as they are not already Parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and



agree to be bound as between themselves according to the terms of this declaration.

The High Contracting Parties will exert every effort to induce other States to accede to the present Protocol. Such accession will be notified to the Government of the French Republic, and by the latter to all signatory and acceding Powers, and will take effect on the date of the notification by the Government of the French Republic.

The present Protocol, of which the French and English texts are both authentic, shall be ratified as soon as possible. It shall bear today's date.

The ratifications of the present Protocol shall be addressed to the Government of the French Republic, which will at once notify the deposit of such ratification to each of the signatory and acceding Powers.

The instruments of ratification of and accession to the present Protocol will remain deposited in the archives of the Government of the French Republic.

The present Protocol will come into force for each signatory Power as from the date of deposit of its ratification, and, from that moment, each Power will be bound as regards other Powers which have already deposited their ratifications.

In witness whereof the Plenipotentiaries have signed the present Protocol.

Done at Geneva in a single copy, the seventeenth day of June, One Thousand Nine Hundred and Twenty-Five.

## SECOND SUPPLEMENTAL APPROPRIATIONS BILL, 1970—AMENDMENT

AMENDMENT NO. 669

Mr. JAVITS (for himself, Mr. BAKER, Mr. BROOKE, Mr. CRANSTON, Mr. EAGLETON, Mr. GOODELL, Mr. KENNEDY, Mr. MONDALE, Mr. MCGOVERN, Mr. NELSON, Mr. PACKWOOD, Mr. PELL, Mr. WILLIAMS of New Jersey, Mr. SCOTT, Mr. STEVENS, and Mr. TYDINGS) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 17399) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

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

## VA HOME LOANS—AMENDMENTS

AMENDMENT NO. 672

Mr. CRANSTON. Mr. President, on April 7, 1970, I introduced for myself and Senator SCHWEIKER, the ranking minority member of the Veterans Affairs Subcommittee of which I am chairman—by request—S. 3683, a bill to amend title 38 of the United States Code, in order to authorize the Administrator to make advance educational assistance payments to certain veterans; to make improvements in chapter 37 of such title; and for other purposes.

Today, I am submitting, for Senator SCHWEIKER and myself—by request—an amendment to that bill in order to remove time limitations on the duration of eligibility of veterans for guaranteed and direct loans. On April 16, 1970, the Veterans' Administration requested that a bill to this effect be introduced, and we are adding the requested provisions to

S. 3683 which already contains proposed amendments to chapter 37 of title 38, regarding home, farm, and business loans, by arrangement with the Veterans' Administration in order to include all Administration proposals within one bill—S. 3683.

There is presently pending before the Veterans' Affairs Subcommittee a bill, S. 3656, which I introduced on March 31 containing in sections 3, 5, and 6 provisions accomplishing the same result as would be achieved by the administration amendment we are introducing.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the full text of the amendment followed by the full text of the April 16, 1970, Administration transmittal letter and its enclosure.

The PRESIDING OFFICER (Mr. BELL-MON). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment and other material will be printed in the RECORD.

The amendment (No. 672) was referred to the Committee on Labor and Public Welfare, as follows:

### AMENDMENT NO. 672

On page 4, between lines 4 and 5, insert the following:

"Sec. 4. (a) Section 1802(b) of title 38, United States Code, is amended by striking out the last sentence thereof.

"(b) Section 1803 of such title is amended by striking out subsection (a) and inserting in lieu thereof the following:

"(a) Any loan to a World War II or Korean conflict veteran, if made for any of the purposes, and in compliance with the provisions, specified in this chapter is automatically guaranteed by the United States in an amount not more than 60 per centum of the loan if the loan is made for any of the purposes specified in section 1810 of this title and not more than 50 per centum of the loan if the loan is for any of the purposes specified in section 1812, 1813, or 1814 of this title."

(c) Subsection (h) of section 1811 of such title is amended to read as follows:

"(h) No loan may be made under this section to any veteran after January 31, 1975, except pursuant to a commitment issued by the Administrator before such date."

(d) Section 1818 of such title is amended (1) by striking out subsection (c); (2) by redesignating subsections (d) and (e) as (c) and (d), respectively; and (3) by amending subsection (e), as redesignated subsection (d) in (2) above, to read as follows:

"(d) Notwithstanding any of the provisions of this section, a veteran deriving entitlement under this section shall not be required to pay the fee prescribed by subsection (c) and such entitlement shall include eligibility for any of the purposes specified in sections 1813 and 1815, and business loans under section 1814 of this title, if (1) he derived entitlement to the benefits of this chapter based on service during World War II or the Korean conflict, and (2) he has not used any of his entitlement derived from such service."

On page 4, line 5, strike out "Sec. 4" and insert in lieu thereof "Sec. 5".

On page 8, strike out lines 16 through 19, and insert in lieu thereof the following:

"Sec. 6. Sections 2 and 3 of this Act shall become effective on the first day of the second month following the date of enactment of this Act, and section 5 shall become effective on the first day of the third month following the date of enactment of this Act."

The material presented by Mr. CRANSTON is as follows:

VETERANS' ADMINISTRATION,  
Washington, D.C., April 16, 1970.

Hon. SPIRO T. AGNEW,  
President of the Senate,  
Washington, D.C.

DEAR Mr. PRESIDENT: There is transmitted herewith a draft of a bill "To remove time limitations on the duration of eligibility of veterans for guaranteed and direct loans", with the request that it be introduced in order that it may be considered for enactment.

Prior to July 6, 1961, World War II veterans, as well as Korean veterans, were limited in their use of VA loan benefits to a period terminated by a fixed date. This terminal date had been extended several times so that as to World War II veterans it was then fixed at July 25, 1962, and as to Korean conflict veterans at January 31, 1965.

Public Law 87-84, approved July 6, 1961, established a phase-out formula, gearing the entitlement period to the length of the veteran's war service and the date of his discharge, with emphasis on those who served longest and were most recently discharged. Under the formula, each veteran was given entitlement of ten years from date of separation from his last period of duty which included service in the war period, plus an additional period of one year for each three months of active duty performed during the war or conflict. Under current law (38 U.S.C. 1803), the eligibility of World War II and Korean conflict veterans cannot extend beyond July 25, 1970 and January 31, 1975, respectively.

The foregoing entitlement formula applies also to veterans of the post-Korean period having loan entitlement under section 1818 of title 38, except that the final date within which the phase-out formula operates for that group is twenty years from the date of the veteran's separation from his last period of active duty.

Terminal dates for the eligibility of World War II veterans have been extended several times. Extensions have been made at or just prior to the statutory cut-off dates which has created a strong climate of uncertainty for veterans and other program participants. Removal of the phase-out criteria and the group cut-off dates would eliminate the element of urgency by veterans in using their eligibility, which becomes critical in periods of credit stringency.

Elimination of the delimiting dates on eligibility for the GI loan program would be in line with the eligibility criteria for the FHA veterans' loan program. Such a change would also simplify the administration of the VA loan programs. Further, veterans could adjust the timing of their home purchases and mortgage credit needs to coincide with favorable private market conditions, when sellers and lenders are willing to participate in the loan guaranty program. No veteran would be denied use of his entitlement because it had expired at a time when guaranteed loans were unavailable.

Our legislative proposal would amend 38 U.S.C. 1803(a) to eliminate the basic phase-out criteria and cut-off dates for World War II and Korean veterans and would make similar changes in 38 U.S.C. 1818(c) for veterans who serve after January 31, 1955. Corresponding changes would be made in sections 1802(b), 1811(h), and 1818(e) to delete secondary references to the entitlement expiration dates thus eliminated. The terminal date for the direct loan program (January 31, 1975) now prescribed in section 1818(c) has been retained by incorporation in section 1811(h) which deals specifically with the direct loan program.

If this proposal is enacted, it is estimated that in the first year there would be 35,000

loans closed which otherwise would not be made under the VA loan program. In five years, the cumulative additional loans would approximate 179,000. It is estimated that the additional cost for the first year, i.e., administrative expenses and operational losses and expenses, would be about \$5.3 million and that the aggregate cost for the five year period would approximate \$26.5 million.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this proposed legislation and that its enactment would be in accord with the program of the President.

Sincerely,

DONALD E. JOHNSON,  
Administrator.

S. —

A bill to remove time limitations on the duration of eligibility of veterans for guaranteed and direct loans

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1802(b) of title 38, United States Code, is amended by striking out the last sentence thereof.

SEC. 2. Section 1803 of title 38, United States Code, is amended by striking out subsection (a) and inserting in lieu thereof the following:

"(a) Any loan to a World War II or Korean conflict veteran, if made for any of the purposes, and in compliance with the provisions, specified in this chapter is automatically guaranteed by the United States in an amount not more than 60 per centum of the loan if the loan is made for any of the purposes specified in section 1810 of this title and not more than 50 per centum of the loan if the loan is for any of the purposes specified in section 1812, 1813, or 1814 of this title."

SEC. 3. Subsection (h) of section 1811 of title 38, United States Code, is amended to read as follows:

"(h) No loan may be made under this section to any veteran after January 31, 1975, except pursuant to a commitment issued by the Administrator before such date."

SEC. 4. Section 1818 of title 38, United States Code, is amended (1) by striking out subsection (c); (2) by redesignating subsections (d) and (e) as (c) and (d), respectively; and (3) by amending subsection (e), as redesignated subsection (d) in (2) above, to read as follows:

"(d) Notwithstanding any of the provisions of this section, a veteran deriving entitlement under this section shall not be required to pay the fee prescribed by subsection (c) and such entitlement shall include eligibility for any of the purposes specified in sections 1813 and 1815, and business loans under section 1814 of this title, if (1) he derived entitlement to the benefits of this chapter based on service during World War II or the Korean conflict, and (2) he has not used any of his entitlement derived from such service."

#### AMENDMENTS OF THE FOREIGN MILITARY SALES ACT—AMEND- MENT NO. 667

Mr. BYRD of West Virginia. Mr. President, on last Thursday, the majority leader asked unanimous consent that, immediately following the vote on the Dole amendment on tomorrow, I be recognized to call up an amendment.

That amendment—which I shall probably call up on tomorrow, under the previous order—will be No. 667.

#### MANPOWER TRAINING ACT OF 1969—ADDITIONAL COSPONSORS OF AMENDMENTS

NOS. 635, 636, AND 637

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Oklahoma (Mr. BELLMON), the Senator from Maine (Mr. MUSKIE), and the Senator from Pennsylvania (Mr. SCOTT) be added as cosponsors of amendments Nos. 635, 636, and 637 to S. 2833, the Manpower Training Act of 1969.

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

AMENDMENT NO. 656

Mr. CASE. Mr. President, I ask unanimous consent that at the next printing that names of the Senator from Missouri (Mr. EAGLETON), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), and the Senator from New Jersey (Mr. WILLIAMS) be added as cosponsors to my amendment, No. 656, to add \$28,050,000 to H.R. 16916, making appropriations for the Office of Education for construction of facilities at 4-year institutions of higher education.

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

#### NOTICE OF HEARING ON DISTRICT OF COLUMBIA BILLS S. 3828, H.R. 17711, H.R. 15381, S. 3903, S. 3904, S. 3905, and S. 3906

Mr. EAGLETON. Mr. President, as chairman of the Fiscal Affairs Subcommittee of the Senate Committee on the District of Columbia, I wish to give notice of a public hearing to be held at 12 o'clock noon on June 8, 1970, in room 6226, New Senate Office Building. At the hearing the subcommittee will hear testimony on the following legislation:

S. 3828 and H.R. 17711, bills to amend the District of Columbia Cooperative Association Act;

H.R. 15381, a bill to amend the District of Columbia Income and Franchise Tax Act of 1947 with respect to the taxation of regulated investment companies;

And on four bills I am introducing today at the request of the District of Columbia government:

S. 3903, a bill to provide additional revenue for the District of Columbia, and for other purposes;

S. 3904, a bill to authorize the District of Columbia to issue obligations to finance District capital programs, to provide Federal funds for District of Columbia institutions of higher education, and for other purposes;

S. 3905, a bill to authorize the District of Columbia Council to fix the rates charged by the District of Columbia for water and water services and for sanitary sewer services; and

S. 3906, a bill to authorize the government of the District of Columbia to fix certain fees.

Individuals and representatives of organizations who wish to testify at the hearing should notify Mr. Ted Maeder at 225-4161, prior to June 3, 1970.

Written statements, in lieu of personal appearance, are welcomed and may be submitted to the assistant chief clerk, room 6218, New Senate Office Building, Washington, D.C., 20510, for inclusion in the hearing record.

#### ADDITIONAL STATEMENTS OF SENATORS

##### PRIVATE INDUSTRIES ALERT TO POLLUTION DANGERS

Mr. COTTON. Mr. President, at long last our Nation has awakened to our environmental problem. There is a widespread feeling that industry which has been a substantial factor in causing pollution is inclined to be indifferent to its dangers and not prepared to make the necessary sacrifices to remedy conditions. This may be true in many cases, but there are outstanding exceptions. Some private industries were alert to the dangers of pollution long before the Government and the public became aware of them and were pioneers in striving to avert conditions that are so alarming to us today.

One such instance is the well-known pharmaceutical firm of Johnson & Johnson, which has its headquarters and original plant at New Brunswick, N.J. Recently my attention was called to a statement entitled "The Earth Is What We Make It," issued by Mr. Philip B. Hoffmann, chairman of the board, which traces the long struggle ever since 1886 by this corporation under the original leadership of General Johnson against pollution and filth in all its forms.

I found this message encouraging and inspiring. I ask unanimous consent that it be printed in the RECORD.

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

##### THE EARTH IS WHAT WE MAKE IT

Some observations on our environment are particularly in order on this April 22, 1970. These observations far exceed the realm of interested concern, however.

Since Johnson & Johnson was founded on the banks of the Raritan River 84 years ago, we have sterilized so many products essential to the protection of health and life that our desire for clean, wholesome surroundings is a long-standing preoccupation.

General Johnson stood strong for a clean and wholesome environment in every sense of the word. He would never settle for mediocrity—neither will I.

We are all aware of Johnson & Johnson's traditional and unexcelled standards of industrial environmental control. But let's take a close look at our record of participation in protecting three of the most vital elements of this earth of ours—our water, our air, and our land...

##### WATER QUALITY AND SUPPLY

Johnson & Johnson backed the campaign for the trunk sewer system with leadership, money and the film "River At Your Door." In 1958, after years of endeavor, we saw the system, which serves parts of Union and Somerset Counties and most of Middlesex, built and placed in operation in the lower Raritan River. Today, a Johnson & Johnson executive heads the sewerage authority as well as the current enlargement project for increasing the system's waste treatment capacity and trunk lines. At an estimated cost



of \$125 million, this project will be financed by grants from the federal and state governments in addition to local-user charges.

Johnson & Johnson refused to permit the Delaware and Raritan Canal to be abandoned or filled in before World War II, and together with other forward-looking organizations and individuals, we kept it open as a water supply. The Canal became a facility of the state in 1945 and will long be a vital asset to central New Jersey.

In 1958, Johnson & Johnson gave leadership and money to the Water Bond Referendum, which created, among others, the Round Valley and Spruce Run Reservoirs. Last November we filled a similar role of successful leadership in supporting a clean-water bond issue, which won \$242 million for pollution abatement and \$29 million for reservoir sites.

General Johnson always kept a watchful eye on the Delaware River, New Jersey's largest water resource. In 1954 his legal assistants contributed to the protection of the downstream states by stopping New York City from making huge withdrawals of water in New York State without being made to compensate the stream from stored water. Out of this came a four-state federal compact commission to develop the Delaware Basin's water resources. A Johnson & Johnson man has represented the Governor and the State of New Jersey on this commission for the past eight years.

It is particularly interesting to note that the Delaware River may now supply the Delaware and Raritan Canal with 100 million gallons of water daily, as authorized by law.

The Delaware's Tocks Island Reservoir will supply northern and central New Jersey with 300 million gallons of water daily. This can be delivered via the Raritan's Round Valley Reservoir and by open stream in the Raritan River to intake pipes at Manville.

Johnson & Johnson and our family of companies took a strong and adamant position against locating a major international jetport on the Solberg site, at the confluence of the South and North Branches of the Raritan. Some of the reasons for our positions are economic, but paramount in our thinking is the damaging effect such a jetport would have on the area's environment—particularly the obvious gross pollution of the drainage area and the streams themselves, as well as the extensive development a jetport would bring into this potable water area. For, remember, the Raritan River and its reservoirs will not only store and deliver Raritan water, but also 300 million gallons of Tocks Island water daily. We must keep this Solberg area clean . . .

#### AIR POLLUTION

Our company has fought filth in all its forms since 1886 . . . and this applies to air pollution. Our performance in the prevention of industrial air pollution is generally far ahead of any existing regulations.

Johnson & Johnson companies in the New Brunswick area were among the first to switch to low-sulfur fuel oils in the early 1960's. Fuel-burning controls have constantly been improved, and a number of plants have switched to gas service and installed metering devices to monitor emissions and equipment performance. The corporate program to upgrade air pollution control equipment is constantly reevaluated in the light of new technical developments.

In 1967, Governor Hughes requested that General Johnson have one of our executives set up task forces to revise and modernize the air and water pollution abatement structures in the state government. The basic expertise for this program was supplied by the federal government, and these combined efforts resulted in the establishment of the Division of Clean Air and Water in the New Jersey Department of Health under a strong

administrator. This structure has been recognized by federal officials as outstanding among the states.

#### LAND CONSERVATION

Johnson Park, known so well to so many of you and your families, extends from Highland Park along the Raritan River almost to Bound Brook. In the mid-1930's, this Middlesex County park originated through a land gift from Robert Wood Johnson and his family. The total acreage of the park has since been increased by the Johnson family, by the company, by other generous citizens and, more recently, by the Green Acres Program.

In Somerset County, it was Johnson & Johnson leadership that launched the successful Somerset County Park Commission.

It was a Johnson & Johnson man, on leave of absence from the company, who, as Commissioner of Conservation and Economic Development for the State of New Jersey, helped lead the Green Acres referendum campaign in 1961.

And one has only to eyewitness a plant built by the Johnson & Johnson family of companies in the last quarter century—impressive architecture on expensive landscaped grounds—to agree with General Johnson that "factories can be beautiful." A lot of other manufacturers now think so, too!

All of us in the Johnson & Johnson family may look with unqualified pride on our record to date and may be assured with certainty that our dedication to participating citizenship in the best interests of our environment will remain as firm as it has always been . . .

#### HEALTH BUDGET CRISIS MIGRANT HEALTH PROGRAM

Mr. KENNEDY. Mr. President, each year approximately 1 million agricultural workers and their families migrate from State to State in response to seasonal demands for farm labor. For brief periods they live and work in nearly one-third of the Nation's counties.

These migrant farmworkers are not commuters. They travel so far from their home that they are, in effect, temporary residents of the areas in which they work. These people are too poor to purchase the medical care they need. Yet, they generally fail to qualify as legal residents in their temporary work communities and are thus excluded from the community service available to other indigents.

The health problems of these migrants are much greater than those of the general public. The nature of their work and their migratory patterns result in a very high incidence of such ailments as ear infections, allergies, hernias, nutritional deficiencies, poisonings, diarrhea, and intestinal parasites. Despite the high incidence of disease, visits to health practitioners are much fewer for the migrants than for the general public. For example, visits to physicians are only about one-seventh the national average, and visits to dentists are only about one-twentieth the national average. More significantly, deaths among migrant workers and their families resulting from infectious diseases, accidents, and diseases of early infancy are from one and one-half to three times the national average.

To meet these obvious health needs,

Congress in 1962 enacted legislation providing for grants to State agencies for family health services. This program of aid now supports 117 single or multi-county projects located in 35 States and Puerto Rico. An estimated 325,000 migrants lived for at least part of last year in counties served by these projects. A total of 210,000 medical visits and 28,000 dental visits were made, 3,600 migrants were hospitalized, and 160,000 case-finding and health-counseling visits were made by nurses and other agencies.

Much more needs to be done, and with more money much more could be done, under this program. Less than one-third of this Nation's migrants have access to these health services, because there are simply not enough funds allocated to the program.

On March 12 of this year a bill was signed into law extending this program and authorizing increased appropriations for the next 3 fiscal years: \$20 million is authorized for fiscal year 1971, \$25 million for 1972, and \$30 million for 1973. Despite these increased authorizations, and despite the obvious need for more funds, the administration is proposing to keep the migrant health program at its current level. Only \$15 million is requested by the administration budget for 1971 instead of the \$20 million which is authorized.

Mr. President, the health needs of migrant agricultural workers and their families are among the greatest of any socioeconomic group in this Nation. I therefore urge that the migrant health program be fully funded for fiscal year 1971.

#### THE AMERICAN PRISONERS OF WAR

Mr. GRIFFIN. Mr. President, as representatives of the people of the United States, we must continue to exert every effort at our command in behalf of the 1,500 men who are held prisoners of war by North Vietnam, and in behalf of the suffering families here at home.

Our hearts and minds can never be closed to the tragedy of the situation which faces these people.

The men involved served their country and served it with devotion while on active duty with the Armed Forces of the United States in a far land and in a dirty war. Then they were captured by an enemy which has demonstrated over and over again that he is totally lacking in every common decency.

Now they are in the hands of the enemy and at the mercy of that enemy.

Over the past year private individuals, American citizens, have made a continuing and strong drive to help both the prisoners and their families. Some Americans have actually gone to Hanoi in an effort to bring about reason in the North Vietnamese attitude toward the prisoners they hold. The effort has not succeeded.

Other Americans, notably men like H. Ross Perot, of Texas, have tried in other ways to make contact with the prisoners, to get mail to the prisoners and from them to their families.

The Federal Government through its worldwide diplomatic corps has been making similar strong moves to get a more rational arrangement concerning war prisoners. At the Paris talks where our representatives have had a long series of face-to-face confrontations with the North Vietnamese and the Vietcong the subject has been raised repeatedly.

But our diplomats have not confined their efforts to Paris. In more informal discussions with Communist diplomats in other world capitals, our people have tried to bring pressure on the North Vietnamese to take a positive step to ease the situation.

Our diplomats in Moscow have also been at work in this area.

In short, every conceivable channel has been opened including direct discussions.

So far these attempts have not succeeded. But their lack of success is not due to a lack of trying.

All of us here recognize that we have not the same approaches to the problem open to us.

Because we are elected officials of the U.S. Government, we cannot do what men like Mr. Perot have done. We also do not have the same access to the enemy's representatives that our diplomats have in the normal course of their daily activities.

But our hands are not tied. There are things we can do, and there are doors which we can help to open.

Each of us has contact from time to time with citizens of other countries. In these conversations I suggest that we bring up the subject and help mold world opinion.

Each of us from time to time has contact with foreign journalists. In these contacts the idea of building a powerful world opinion in support of the American prisoners of war can be put forward.

Businessmen in our home States frequently have contact with their counterparts abroad. We can suggest to these people that they take part in this opinion-making process.

It is obvious that the Communists of North Vietnam care not one whit what the American people or the American Government think about them and what they are doing. However, they must have concern for their image held by the rest of the world, particularly by the so-called unaligned nations of the world from which they have in the past drawn considerable support.

It is possible for us, as Senators, and as citizens, to help foster in the minds of that unaligned populace the true picture of the situation in the prisoner of war camps.

I grant, Mr. President, that this is not a dramatic move. It is not a glamorous activity. It does not attract the attention that private citizens who do spectacular things attract. But it is nonetheless a helpful activity on our part.

And in a situation as extraordinarily delicate as this one, every ounce of weight placed on the scales tends to tip the balance in our favor. Eventually, I am convinced, world opinion can make the difference.

## RAILROAD RETIREMENT BENEFITS SHOULD BE PROMPTLY INCREASED

Mr. BYRD of West Virginia. Mr. President, on April 7 of this year, the House of Representatives passed H.R. 15733, which would amend the Railroad Retirement Act of 1937 by providing for a temporary increase in railroad retirement monthly benefits of 15 percent for a period of 2½ years ending June 30, 1972. The bill, which would be retroactive to January 1, 1970, is currently pending before the Senate Committee on Labor and Public Welfare, and I strongly endorse a benefit increase. The need for this legislation is very evident. Our retired railroad employees need an increase in their annuities to keep pace with the skyrocketing cost of living.

In the past, increases in railroad annuities have closely followed increases in social security benefits. But last year, social security benefits were increased by 15 percent, without any parallel increase in railroad retirement benefits.

Last month some 26 million Americans began receiving their regular social security checks which included this 15-percent increase, and in addition, they received a second check with the retroactive increase for the months of January and February. Retired railroad employees received no such increases, and this is unfair to them.

H.R. 15733 further provides that the Railroad Retirement Board make an overall study of the retirement system with recommendations to be made to Congress for restructuring the entire program. As the number of railroad employees continues to decrease, and the number of beneficiaries continues to increase, a new approach is needed, so that adequate benefits supported by a sound policy of investment can be continued for the benefit of present and future retirees. There are at present 1½ beneficiaries for every working employee in the railroad industry today, and this ratio is certain to increase in the years to come.

Mr. President, the bill will begin to correct the present inequities which now exist between the two retirement systems. By providing for an increase of 15 percent in benefits, railroad employees and their survivors will again receive the appropriate benefits when compared to their counterparts in the social security system. By providing for a major study, a realistic approach to meet the increased needs of present and future retirees may be found.

In conclusion, I would like to point out that in fiscal year 1969, an estimated 22,200 West Virginians received more than \$28.5 million in various benefits under the Railroad Retirement Act. I urge that the Senate promptly consider this most needed legislation.

## NATIONAL SECURITY: ISRAEL VERSUS VIETNAM

Mr. EAGLETON. Mr. President, I recently signed a letter, along with 70 other Senators, supporting the sale of jets to Israel. I did so because I believe it is important that the United States pur-

sue its interests throughout the world, when its interests are clear and apparent. As former Under Secretary of State George Ball stated recently before the House Foreign Affairs Committee of the Russian activity in Egypt:

For the United States, the implications of these possible developments are immensely serious; because apart from the sentimental ties of the United States to Israel or the support and encouragement we have given the Israeli people—and these cannot be disregarded—the prospect of the possible destruction of Israel with Soviet assistance is not one that we could in our national interest, accept. Such a disaster would turn the whole southern littoral of the Mediterranean into a Soviet sphere of influence; it would shift the balance of power catastrophically against the West.

Some constituents have asked why I support the sale of jets to Israel, but oppose continued American involvement in Southeast Asia. The reason is that I do not believe the war in Southeast Asia advances the national security of the United States; indeed, it detracts from it in other parts of the world.

I believe that the United States does have certain interests, and where they can reasonably be pursued, they should be. I believe the United States has an interest in the Middle East.

I ask unanimous consent that the text of the letter to the Secretary of State regarding the sale of jets to Israel be printed in the RECORD.

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

MAY 26, 1970.

DEAR MR. SECRETARY: We feel compelled to express our sense of urgency respecting the deteriorating situation in the Middle East. The decision by the Soviet Union to undertake a direct military role in the Arab-Israel conflict by flying combat planes over Egypt represents, in our judgment, a significant change and a challenge to American strategic interests and a growing threat to world peace. Recent Soviet moves have encouraged Arab belligerence, and are creating a growing military imbalance in favor of the Arab states.

Your decision in March to hold in abeyance the sale of additional jet combat aircraft to Israel under the then prevailing conditions has failed to induce the Soviet Union to exercise reciprocal restraint with respect to the arming of the UAR and the other Arab states. In addition, the Soviet Union has taken the unprecedented step of overtly involving an increasing number of its own military personnel in a state far from its own borders.

We believe, Mr. Secretary, that the United States should now announce its intention to provide Israel with the aircraft so urgently needed for its defense. Such action will serve as a significant element of a credible response to the reckless Soviet escalation of the Middle East conflict. We feel that the strengthening of Israel's military posture at this time is the best guarantee against the outbreak of major hostilities.

We also suggest prompt consultations with our NATO allies because of the dangers posed to their own security and economies by the Soviet build-up in the Middle East. We urge the United States to redouble its efforts to reestablish the cease fire as a preliminary step to eventual peace negotiations.

We would be grateful for an early opportunity to meet with you at your convenience, so that we may have a full exchange of views on all aspects of the issue which we believe



is warranted by the critical situation that has now developed.

Sincerely,

Kennedy, McGee, Ribicoff, Symington, Talmadge, Young of Ohio, Allen, Bayh, Bible, Burdick, Byrd of Virginia, Cannon, Church, Cranston, Dodd.

Eagleton, Gravel, Harris, Hart, Hartke, Holland, Hollings, Hughes, Inouye, Jackson, Magnuson, McGovern, McIntyre, Metcalf, Mondale.

Montoya, Moss, Muskie, Nelson, Pastore, Pell, Proxmire, Randolph, Spong, Tydings, Williams of New Jersey, Sparkman, Jordan of North Carolina, Yarborough, Stennis, Democrats.

Scott, Javits, Brooke, Dole, Gurney, Prouty, Schweiker, Packwood, Murphy, Goodell, Percy, Smith of Illinois, Boggs, Thurmond, Saxbe.

Tower, Goldwater, Mathias, Cooke, Bennett, Case, Hruska, Baker, Fannin, Stevens, Miller, Curtis, Fong, Republicans.

#### SENATOR SAM J. ERVIN, OF NORTH CAROLINA

Mr. MATHIAS. Mr. President, as a Nation and as individuals we cannot afford to lose sight of the fundamental principles on which America has been built. Often, in the course of our daily business, we encounter proposals or policies which seem to raise issues of basic rights or challenge the letter or spirit of our freedoms. When the matter at hand is small or attractively expedient, it can be tempting to brush such questions aside, or to give them little attention or emphasis.

One Senator who does not yield to such temptations is the distinguished senior Senator from North Carolina, Hon. SAM J. ERVIN. Throughout his long service, Senator ERVIN has been a consistent defender of the Constitution and a stern watchdog for the Bill of Rights. He is justly renowned as a brilliant lawyer, an articulate, persuasive advocate, and a formidable adversary.

As chairman of the Subcommittee on Constitutional Rights, Senator ERVIN has been the author of many intelligent, progressive bills, including the Bail Reform Act of 1966 and S. 782, the bill which I was proud to cosponsor to protect Federal employees' right to privacy.

In a column published in the Washington Sunday Star of May 31, Mr. James J. Kilpatrick applauded Senator ERVIN for his efforts in analyzing the question of preventive detention, one of the important criminal-law problems now before the Senate. Mr. Kilpatrick summarizes one of Senator ERVIN's recent speeches on the subject, a speech which is called "as brilliant as any senatorial statement to come along in months." Reviewing the Senator's arguments against preventive detention, Mr. Kilpatrick concludes:

The answer to the dangerous criminal, he is convinced, lies in speedy trials, and he argues persuasively that preventive detention hearings could only add to the delays that now occur.

Mr. President, Mr. Kilpatrick's column deserves wide attention and close reading, both for its review of this particular issue and for its timely accolade to

the senior Senator from North Carolina. 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:

SENATOR SAM ERVIN, FOUNDING FATHER

(By James J. Kilpatrick)

Another statement turned up in the mail the other day from Sen. Sam J. Ervin Jr., of North Carolina. For some time now, the Senator has been out in front of those who oppose the concept of "preventive detention" as an anti-crime weapon. Here he marshalled his arguments in a single speech as brilliant as any senatorial statement to come along in months. He has earned a band of laurels.

Senator Sam, I am minded to say, is perhaps the best we have on the Hill just now. There are Senators with greater expertise in particular fields—Stennis on defense, Pell on railroads, Russell on parliamentary law—and there are some walking encyclopedias in the House: Mills on taxation, Patman on foundations. But in his keen understanding of the meaning of a free society, Ervin of North Carolina stands alone.

The Senator's philosophy is cast in that fine 18th century mold that produced a Burke in England, a Jefferson here. If he had lived in their time, he would have ranked without question among the Founding Fathers. Ervin understands, just as they did, that the essence of wise civil government is constantly to keep in balance the powers of the state and the rights of free men. In any doubtful issue, the balance must be tipped toward freedom.

That is what Ervin is saying here. He is as concerned as any man in public life with the crime that plagues society today. Ervin knows crime at first hand: He was for 14 years a judge, serving on both trial and appellate courts. There is nothing soft in his view of the criminal who kills or rapes or burns.

But Ervin is above all else a man of the Constitution. The scheme of preventive detention, embodied in Senate Bill 2600, would permit trial judges to refuse bail to certain arrested defendants on a judge's finding that such defendants, if released, would be a danger to the community. At a preliminary detention hearing, the judge would have to find a "substantial probability" of the defendant's guilt. In this event, the defendant could be imprisoned for at least 60 days pending trial.

To the Justice Department, which has sponsored the bill, the measure seems a prudent device for protecting the law-abiding citizen from violent criminals. Preventive detention would be sought in a limited number of cases only. Defendants so held would be separated "to the extent practical" from convicted prisoners. The streets would be somewhat safer by night.

Ervin's statement of May 20 demolishes these arguments one by one. By the Department's own statistics, he notes, only five percent of those arrested for dangerous crimes commit new dangerous crimes while out on bail. The effect of preventive detention would be "to authorize the imprisonment and punishment of persons for crimes which they have not yet committed and may never commit."

"If America is to remain a free society," says Ervin, "it will have to take certain risks. One is the risk that a person admitted to bail may flee before trial. Another is the risk that a person admitted to bail may commit crime while free on bail."

It is better in Ervin's view to take such risks than to compromise great principles of our law: The principle that a defendant is presumed innocent until proved guilty, the principle that a man shall not be put twice

in jeopardy for the same offense, the principle that reasonable bail must be permitted except for capital crimes. The answer to the dangerous criminal, he is convinced, lies in speedy trials, and he argues persuasively that preventive detention hearings could only add to the delays that now occur.

Senator Sam's powerful cannonade is bound to have effect.

In the long history of man's struggle for due process of law, Ervin's effort may be no more than a skirmish, the merest footnote. But this is how that war is fought, in small engagements on the outer borders of freedom. At 73, the senator is fighting as boldly as he fought in France as a youth of 21; and he will yet earn from us all a palm for his Silver Star.

#### WATTS MANUFACTURING CO.

Mr. MONDALE. Mr. President, the decade just ended, one of the most turbulent in American history, was one in which national self-criticism became a dominant life-style. All of us recognize and are perplexed by the difficulties and divisions which have issued from the often strident criticism of the 1960's.

Yet I think it is interesting to note that even out of one of the earliest and most shocking of the urban explosions of the last few years—that which occurred in the Watts ghetto of Los Angeles in 1965—forward strides are still being made.

The Watts Manufacturing Co., created in the aftermath of the Watts riots, has become in recent years an outstanding example of ghetto enterprise. The purchase of the company by the Chase Manhattan Capital Corp., the small-business subsidiary of the Chase Manhattan Bank, further distinguishes the record of the Watts Manufacturing Co. The Chase Manhattan Capital Corp. has assured that 80 percent of the company's stock will be sold to the minority group employees of the company within the next 7 years. Thus, the Watts Manufacturing Co. will soon become the Nation's largest enterprise owned, managed and staffed by minority group members.

I commend the Chase Manhattan Bank for its foresight and for its continuing private sector leadership in the social action field. I ask unanimous consent that an article describing this program, written by Mr. Robert Wright, and published in the New York Times of May 8, be printed in the RECORD.

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

EMPLOYMENT AND MINORITIES: STAFF TO OWN WATTS COMPANY UNDER PLAN

(By Robert A. Wright)

LOS ANGELES, May 7.—The ownership of the Watts Manufacturing Company, which is managed and manned by minority-group employees, will be transferred to them under a plan announced today.

The first step will be the purchase of the company by the Chase Manhattan Capital Corporation, a subsidiary of the bank, from the Aerojet General Corporation. Chase will place 80 per cent of the stock into a trust fund for purchase by the employees of Watts over the next seven years.

The plan would make the company, which was founded by Aerojet in the wake of the Watts riots of 1965, the largest manufacturing enterprise in the nation owned and managed by minority-group employees.

## DESTRUCTIVE RIOT

Contracts for the sale were signed today in ceremonies at the Watts Manufacturing plant, situated on the edge of this city's Negro ghetto, the scene of one of the most destructive racial riots in recent years.

Signing the contracts were Leon O. Woods, president of Watts; James M. Woods, chairman of the company's executive committee; Louis L. Allen, president of Chase Manhattan Capital, and Jack H. Vollbrecht, president of Aerojet, a subsidiary of the General Tire and Rubber Company. Also participating in the ceremonies, which were witnessed by employees, were J. David Warfield, director of the Office of Business Development of the Economic Development Administration, and Robert J. Brown, special assistant to President Nixon.

Since its founding in August, 1966, Watts Manufacturing has received \$1.8-million in capital and many hours of management assistance from Aerojet. Watts, which makes postal equipment, canvas and metal products, packaging materials and housewares, employs more than 200 persons, about 85 per cent of them black and 10 per cent Mexican-American.

Sales last year reached \$3.9-million, with 70 per cent Government volume and 30 per cent commercial orders.

## A LEVEL OF MATURITY

In a joint statement, Mr. Allen and Mr. Vollbrecht noted that Watts Manufacturing was established after the riots demonstrated the despair of the community to provide jobs with the sole requirement of willingness to work. "We feel now," he said, "that the company has reached a level of maturity through which . . . it can become a productive institution in the community, turning out useful products, providing jobs and job training and serving as the significant portion of the economic base of the Watts community."

Under the financial arrangements signed today, Chase Manhattan capital will provide \$1.1-million, two-thirds as a 10-year loan and one-third as equity to be liquidated as the shares are sold to employees. A group of Watts Manufacturing managers will make an initial equity purchase totalling \$100,000. The Equitable Life Assurance Society of the United States will provide a 15-year mortgage of \$250,000.

Mr. Allen said the transaction was made possible by the cooperation of the Small Business Administration, which approved several exceptions to its guidelines.

Last month, the company received contracts totaling \$1.6-million from the Post Office Department and the General Services Administration, the largest contract awarded under the Government's minority business procurement program. Mr. Woods said today, however, that the company planned to emphasize diversification into commercial products, including proprietary items.

The ceremonies ended with the presentation by Watts Manufacturing employees of a sculpture dedicated to Aerojet employees.

## THE DISTRICT OF COLUMBIA ANATOMICAL GIFT ACT BECOMES LAW

Mr. GOODELL. Mr. President, on Tuesday, May 26, President Nixon signed into law, S. 2999, the District of Columbia Anatomical Gift Act. As the sponsor of this legislation, I am delighted by its swift passage by Congress.

The purpose of S. 2999 is to provide in the District of Columbia a comprehensive and uniform legal environment for organ donation and transplantation. The bill is based upon a model statute, known as the Uniform Anatomical Gift

Act, which was approved by the National Conference of Commissioners on Uniform State Laws in July 1968. This model statute has been approved by every major legal and medical association in the United States.

When I introduced the District of Columbia Anatomical Gift Act on October 7, 1969, 38 States had already passed legislation based directly on the model act. Since that time, nine other States have also passed such legislation, including my own State of New York. With the signing of S. 2999 by the President, the District of Columbia becomes the 48th jurisdiction to have passed such a law.

Nationwide uniformity of the laws governing organ donation and transplantation is vitally needed in order to further medical advances in this field. The passage of the Uniform Act in almost all of our States, in less than 2 years after its adoption by the National Conference of Commissioners on Uniform State Laws, is compelling evidence of its need and importance.

Mr. President, it is important to note that S. 2999 contains a model donor card which can be considered a valid form of organ donation under the bill. This card can be carried by an individual, and, therefore, has tremendous potentialities for facilitating donations.

Consider, for example, the situation of a person who is killed or rendered unconscious in an automobile accident and whose next of kin does not know whether the accident victim has made a will. If that person is carrying a duly witnessed donor card and there is an appropriate donee able to receive a donation in the vicinity of the accident, a transplant could be effected with a minimum amount of lost time.

A number of medical organizations—Eye Bank Association of America, Falconer Foundation, Inc., Living Bank, Medic Alert, National Kidney Foundation, National Pituitary Agency, U.S. Naval Tissue Bank, and United Health Foundations, Inc.—have now launched a nationwide campaign to distribute this card.

Mr. President, I am confident that the residents of the District of Columbia will benefit from the comprehensive legal framework provided by the act. At the same time, we have made a contribution toward the nationwide legal uniformity so needed in this field.

## A PRETENSE TO OMNISCIENCE

Mr. GRIFFIN. Mr. President, I was intrigued by a headline in the Washington Post this morning which said: "Postwar Budget To Free \$17 Billion."

This is a considerable sum of money, Mr. President, and naturally I was curious to see who in the White House had announced that the postwar budget would free \$17 billion.

I was surprised upon reading further down in the column to discover that the statement was made by the former Budget Director, Charles L. Schultze, while offering his valuable opinions to a congressional committee.

It will be remembered that Mr. Schultze was Director of the Bureau of

the Budget from June 1, 1965, to January 29, 1968.

The budget deficit for 1966 was \$3.796 billion.

The budget deficit for 1967 was \$8.702 billion.

The budget deficit for 1968 was \$25.161 billion.

Mr. President, I have no objection to the fact that former officials of the former administration come forth rather frequently to give us the benefit of their wisdom.

In this case, however, I am reminded of the ancient saying that no more pious man exists on earth than a reformed sinner.

I hope it will be possible to free a very large sum—perhaps as much as \$17 billion—when President Nixon's Vietnamization program is complete.

But I suggest that ex-officials of the very administrations which involved U.S. forces in the war, and which were responsible for those deficits, have very little claim to omniscience.

## CAMPUS LAWBREAKERS MUST BE TREATED AS SUCH

Mr. GURNEY. Mr. President, we were all saddened by the death of four young persons at Kent State University in Ohio earlier this month. I think it is fair to say that to a certain extent these deaths were avoidable and unnecessary. I fervently hope and pray that no such tragedy as this will occur in the future.

I confess that I am shocked by the statements of Dr. Benjamin Spock, recently reported in the press. At the funeral of one of the people who died at Kent, Dr. Spock is reported to have said that that young man's death was "the best thing" that ever happened for the antiwar movement in America. That statement is a new low even for Dr. Spock, who in the last few years has made a practice of coming out with outlandish and incredible statements.

While I very much sympathize with the families of the students who lost their lives in this tragedy, I am constrained to observe that it is not sufficient simply to brand the National Guardsmen as reckless and mark the file closed.

Kent State, in the days preceding the tragedy, was in a riotous condition. The building which housed the Reserve Officers' Training Unit had been burned. The hoses of the firemen who tried to put out the blaze were cut, and the firemen themselves were stoned. This is hardly the work of a band of youthful idealists. Bands of roving students had descended on the town of Kent, breaking windows and committing mayhem.

All the facts are not yet in: We do not know whether the troops were fired on, or if they were, by whom. It is not, as I say, an open-and-shut case of brutality and irresponsibility on the part of the National Guard. Ohio is not a police state. The view that these students are martyrs whose deaths are attributable to President Nixon or Vice President AGNEW, is a simplistic view and a wholly false view.

I suggest that were Mr. AGNEW to give



up public speaking for the duration of his term in office, the revolutionaries would still be with us on our campuses. So far as the revolutionaries are concerned, Cambodia is an excuse, a cause which they can rally around and exploit. Genuine criticism of President Nixon's Cambodian decision is acceptable and, to a degree, even understandable. But I suggest that the revolutionaries have bigger things in mind, and they are using the admittedly sincere dissent of many young people to further their revolutionary aims. In the process, they are willing and indeed anxious to intimidate other students and faculty members who disagree with them. They resort to intimidation, assaults, vandalism, and arson to prosper their sinister notions of virtue.

While I will continue to defend the right of students to dissent from official Government actions and to protest those actions peaceably, I must and will continue to resist the idea that violence is a necessary or proper form of protest. Criminal conduct is criminal conduct whether it is committed by a student or anyone else. We cannot tolerate arson or felonious assault on policemen simply because those depredations are committed by students who assure us that they are idealists or pacifists. Criminal conduct must cease on the campuses. To stop it, we must recognize that those responsible for criminal conduct are in fact criminals.

We must make no mistake about it: The revolutionaries are working for violent revolution. They are seeking to enlist the decent young people who are sincerely exercised about Vietnam and Cambodia. The revolutionaries are looking for violent confrontations, provoking them, contriving them. I suggest that the revolutionaries are utterly without compassion and have not the slightest feeling of guilt or sorrow for the deaths which in no small measure are and will be attributable to their madness.

It is, of course, a mistake to put all college students in the category of radicals; similarly, we cannot correctly classify them all as youthful zealots and idealists. Like most human institutions, we have good and bad. In my estimation the vast majority are reasonable and reasoning youth. In the months to come, we should try to separate and isolate the criminals and the advocates of violent revolution from the mass of responsible and thinking students.

The New York Times for May 21 reports that rampaging students at Fresno State College, Fresno, Calif., firebombed a building housing a new \$1 million computer center, causing \$750,000 worth of damages.

At Antioch College, in Yellow Springs, Colo., plateglass windows were smashed and other damage done after the college administration rejected striking students' demands for a \$50,000 contribution to the Black Panther defense fund. Each day we read of similar depredations, violence, arson, and mayhem.

In my judgment, college administrators must begin now to restore order. For openers, I would suggest the immediate expulsion of any student who engages in violence, arson, or unlawful physical occupation of any campus or portion

thereof. Similarly, students who disrupt classes, threaten, or intimidate their fellow students must be disciplined. There is nothing new or extraordinary in this proposal: the power of expulsion as a sanction and a means of enforcing order is as old as university life, dating at least from the 12th century.

Furthermore, criminal acts by students must be prosecuted as criminal acts. Additionally, offending students should be made to answer civilly for the harm they cause as individuals and by this I mean the payment of money damages.

#### AMERICAN ASSOCIATION FOR HIGHER EDUCATION GIVES ITS VIEWS ON CAMPUS UNREST AND THE WAR IN INDOCHINA

Mr. YARBOROUGH. Mr. President, the American Association for Higher Education is an independent organization, of faculty members, students, administrators, trustees, and others concerned with matters affecting the welfare of the academic community. Recently, the board of directors of this organization adopted a statement on campus unrest and the war which merits the attention of all of us. A key sentence in this statement, lucidly points out the central cause of current campus unrest; it reads in part:

The basic causes of these tragedies lie in the continuing war in Indochina and the lack of equal opportunity and full justice for individuals in our society.

Mr. President, I ask unanimous consent that the statement by the board of directors of AAHE on the war and campus violence of May 19, 1970, be printed in the RECORD.

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

#### STATEMENT BY THE BOARD OF DIRECTORS OF AAHE ON THE WAR AND CAMPUS VIOLENCE

The death of students at Jackson State College, following so closely similar violence at Kent State University, fills us with horror and revulsion and with foreboding about the future of colleges and universities. It is too late to save the lives of the young people who died on these campuses but it may be possible to prevent further tragedy and it is that possibility to which we speak.

Although we recognize and deplore the actions of lawless and irresponsible persons on some of our campuses, we believe that the basic causes of these tragedies lie in the continuing war in Indo-China and the lack of equal opportunity and full justice for individuals in our society.

Until the war in Indo-China is ended and the nation turns its will and its resources to a reordering of its priorities toward eliminating social injustices, the possibility of further disasters looms large, a prospect which must be avoided lest further destruction come both to the nation and to higher education. This Board therefore calls upon the President and the Congress to bring to an early end American participation in the war in Southeast Asia and to commit the nation to pursue the cause of human justice and equal opportunity.

#### DR. ROBERT MCCAN'S PLANS FOR A NEW COLLEGE IN COLUMBIA, MD.

Mr. MATHIAS. Mr. President, in the fall of 1971, it is anticipated that a

unique college will open in Columbia, Md. It will be an institution founded with the stated purpose of promoting peace and understanding in the world.

Its opening will be the result of the extensive planning of Dr. Robert McCan, who first conceived the idea in 1963 while a postdoctoral student in international higher education at Harvard University.

His hopes for an institution to aid in the promotion of peace have taken the shape of a college with an international faculty and student body. In his words, the school will "put considerable emphasis on learning rather than on teaching" in that it will rely on the students' own initiative to provide a maximum understanding of other cultures.

The new city of Columbia, Md., a planned "total environment," has been specifically selected as the site for Dag Hammarskjöld College. This city, designed by the Rouse Co., is seen as an exciting place for a new college because of its location near Washington, D.C., as well as its own creative nature.

Dr. McCan's plans for Dag Hammarskjöld College were discussed in an interview with the Reverend Wesley Yamaka in a recent issue of *Columbia Today*, a publication of the Rouse Co. The U.S. Information Agency chose to reprint the article in its own magazine, *Topic*, which is published each month for distribution in Africa.

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

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

#### A NEW KIND OF COLLEGE

Following World War II, Dr. Robert McCan began thinking that a lot had to be done to promote peace and understanding in the world. It was not until 1963, however, that he decided a college would be one of the best ways to accomplish this. Since that time, the 43-year-old former Baptist minister has been working to establish Dag Hammarskjöld College in Columbia, Maryland. In the following interview, conducted by the Rev. Wesley Yamaka, Dr. McCan, president of the innovative new college, answers questions about its structure and purpose.

YAMAKA. What can we anticipate about the styles of academic and campus life at Dag Hammarskjöld College when it opens its doors in autumn 1971?

MCCAN. There are many facets to the question, but basically we will be a four-year, co-educational, liberal arts college. Students from various parts of the world with many backgrounds will be living together on a campus and we will be teaching and learning from each other. We want to have a strong relationship with, and involvement in, the community of Columbia, Maryland.

For example, we are projecting the possibility that, for the first month students are in our college, they would live with families in the community. During this month, his community family would introduce the student into the life of the city and then, hopefully, serve as his family away from home. Also, we are hoping that at various times, students will have jobs in the community. We will have a strong academic program and a deep concern for aesthetic sensitivity and commitment to social purpose and social responsibility.

YAMAKA. How did you decide that this would be the style of college life you wanted to offer?

MCCAN. This grows out of a long period of

study, evaluation and planning. The inception of the idea for this college began when I went back to Harvard University in 1963 for two years of post-doctoral study in international higher education specifically to plan for this college.

Then I moved to Boston University and became a professor in the philosophy of higher education, comparative education and cultural foundations of education. There, many students prepared doctoral thesis and term papers and other projects on particular aspects of the college.

More recently, since coming to Washington, D.C., to organize under the sponsorship of the Church of the Saviour (Ecumenical), we've had 30 to 40 professional education consultants contribute to developing the design. Some 70 to 80 persons, whom I would call non-professionals in other fields, have also contributed on a regular, intensive basis to the planning. A large prospectus was developed and we sent it out to consultants for evaluation and suggestion. We studied creative colleges all over the world and selected facets of these colleges that we felt would fit into this design.

YAMAKA. Why did you choose Columbia as the site for Dag Hammarskjöld College?

McCAN. We decided that the most exciting and significant place for the new college to be near would be Washington, D.C. The new city of Columbia, just 25 miles from the capital, offered additional exciting prospects. We had the international community of Washington close at hand with all of the embassies and international associations and organizations. But in addition, Columbia is a new town, planned by architects and urban specialists in the context of "total environment." We could participate in all the creative structures of the new city, and we could use it as a teaching mechanism for our students. They would have the opportunity of dealing with and being involved in the problems of urbanization, new patterns and ways of living.

YAMAKA. In the past, you have spoken about Dag Hammarskjöld College having more of a "learning" environment than a "teaching" environment. What exactly do you mean by that?

McCAN. We plan to put considerable emphasis on learning rather than on teaching. We're saying first that students will use their own initiative in the learning experience—they will set their own goals and objectives regarding what they want to accomplish.

All students will be required to take courses in four general areas during their first year. The second part of their study will be aimed at vocational preparation. The final year is made up of completely independent study, so that during the final year, the student simply has a faculty advisor and tutor. He studies on his own. Then, it is almost completely a learning process as opposed to a teaching process. Higher education is moving in this direction rather rapidly.

YAMAKA. Students and faculty members will be coming from many countries. We understand these countries have been selected. On what basis were they chosen, and would you list them?

McCAN. We have chosen countries in widely scattered geographical areas. We are in the process, as a matter of fact, of re-evaluating the criteria for the selection of the countries, which means we may conceivably also re-evaluate some of the countries themselves and decide to change to others. We want to concentrate on a few countries in the beginning simply because we don't have the resources to be related to every country. We want to study their languages, their cultures and their histories. We want to have

centers in these countries for our students to go to for study, travel and work.

What were the criteria for selection? We have looked for widely scattered, representative countries that are world leaders and have a great sense of influence and power. We want others to be in the developing parts of the world. We looked to countries which had universities that were adequate for cross-exchanges of various kinds. As of the moment, the following countries are on our list: Colombia, Germany, Sweden, the Soviet Union, Yugoslavia, Nigeria, Israel, the Pan-Arab countries as a group, India and Japan. Forty percent of the students will be from the United States.

YAMAKA. Tell us more about the cross-cultural aspect of education.

McCAN. First, a cross-cultural life will immediately derive from the fact that 60 per cent of the faculty and students are from countries outside the United States. The whole structure of the curriculum and the co-curricular activities—work, travel and study-abroad programs—is designed to provide a maximum understanding of other cultures. Each student will be able to study about the problems and needs of his own culture and not simply that of American problems and needs. We expect that biased, ethnocentric ways of thinking will begin to disappear.

Each student will concentrate on understanding one culture in addition to his own. To do this, he will learn the language of that culture, live in a house on campus which will be designed and lived in by people from the other culture. There will be a Japanese house, for instance. A student who wants to concentrate in Japanese culture will live in this house, where Japanese students are hosts. He will have time there, before living in Japan, to absorb a great deal of the cross-cultural emphasis. On the other hand, there are specific courses designed to ground one in his own culture.

YAMAKA. Who are the students who will be attending and in what areas will they be studying?

McCAN. This is very much a liberal arts college, and we're proposing that every student would get a bachelor of arts degree. We also have two fields of vocational preparation: one is public-private management, which might be called business administration, and the other is education.

What kinds of students will come? Generally, those in the upper fourth of their graduating classes in secondary school, but not necessarily. We want a cross-section and we will expect some students to have lower academic standings.

YAMAKA. How is Dag Hammarskjöld College going to be financed?

McCAN. We've had, to date, a very impressive core of volunteer workers—professional and non-professional—who have given several thousands of hours of time over the last three years in bringing the school this far at a minimum of financial cost. We are projecting a capital gifts campaign which will operate over a two-year period and for which we have a goal of \$6.5 million. We are very confident that we can raise the money that is required.

YAMAKA. We understand that the goal is to open the school in the fall of 1971. Is that right?

McCAN. Yes. We are proposing to open in September 1971 with a class of 120 first-year students. Each of the permanent faculty members will specialize in one general area of study—communications, social relations, natural sciences and the humanities. Their work will be supplemented by other part-time faculty members and by outstanding guest speakers who will visit and lecture.

YAMAKA. How do you see the problem of student unrest, and are you planning any

built-in processes whereby students will actively participate in policies affecting the school?

McCAN. We believe that we are planning a school that deals with the basic causes of student unrest. On the other hand, the moods of a volatile society may very well affect our campus. There will be a strong degree of student participation in the life of the school. We will have an evaluation annually in which the students will participate and in which they can have an input into the way things are going and how they need to be changed.

We're deliberately building an academic community which will avoid the mass impersonal school. We believe the curriculum is relevant to real life and the interest of each of the students. They will have a large share of participation in policy and planning of our life together. Community will be important to us and we hope to deal with the problems of identity which are very important to students now as they seek to know who they are and what their role in our world is.

There will be work experiences related to the world beyond the college and we'll use creative educational techniques which are wide-ranging and personalized to help meet the particular needs of students. I am sure we will make some mistakes and there will be some unhappy students, but we do believe that this model which we have developed is extremely relevant in terms of student unrest.

YAMAKA. One final question. Why did you choose "Dag Hammarskjöld" as the name of your college?

McCAN. Dag Hammarskjöld's life was based upon a strong emphasis on his inner being, his personal inner resources, his spiritual strength, his at-homeness with himself, and, of course, he had a strong sense of public responsibility. We want to epitomize that style in our college.

#### GENOCIDE CONVENTION REMAINS AN ISSUE OF CURRENT IMPORTANCE

Mr. PROXMIRE. When the section of individual rights and responsibilities of the American Bar Association was working last year on various aspects of the Genocide Convention, it addressed the question of whether the convention was any longer of significance. The section concluded that, indeed, it was of current importance. The section included in its report a statement pointing out that although the Convention grew out of the international reaction to the Nazi atrocities, man's inhumanity to man did not cease with the cessation of World War II. Unfortunately, we cannot be assured that acts of "genocide," even though on a lesser scale, will never again be committed.

The statement goes on to point out that ratifications and accessions continue to be received in the United Nations, and lists the latest accession in early 1969. To bring the list of accessions up to date, yesterday I placed in the RECORD the listing of 75 nations which have now acceded to the Convention.

I ask unanimous consent that the statement of the committee, which highlights the reasons for the continuing importance of the Convention, be printed in the RECORD.

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



# THE GENOCIDE CONVENTION REMAINS AN ISSUE OF CURRENT IMPORTANCE

There may be some temptation to say of the Genocide Convention that it is "fighting the last war". It is, after all twenty years old, and it was stimulated by the atrocities of World War II. But both in political terms and in terms of the substance of the Convention, the issues are very current. . . .

Ratifications and accessions keep coming in all the time—Nepal was the latest in January of 1969. America's friends ask, "Where are you?" America's foes say, "You see what we mean." . . .

More important, more tragic, is the fact that threats and acts of genocide are in no sense remote. In Africa, in the Middle East, Southeast Asia, in the Mediterranean, and the Caribbean, it is clear that ethnic hatreds, war and hunger and depredation as weapons, brain-washing and torture are not of the past. If the excesses of World War II have not quite been repeated, the Genocide Convention may have had a part to play. No one can say that the concerns of that treaty are not the concerns of today and tomorrow.

It may well be that the Genocide Convention has already been violated, even by those who have joined it. Magna Carta was violated many times in English history; the American Bill of Rights was violated many times—indeed continues to be violated all too often. So are the Fourteenth Amendment and the Fifteenth Amendment. But none could gainsay their importance, and their overall effectiveness.

It is too early to tell whether the Genocide Convention will take its place alongside the Magna Carta and the Bill of Rights. It is too late to pretend it does not matter.

## AMERICAN FOUNDATION FOR AUTISTIC CHILDREN

Mr. MATHIAS. Mr. President, we seem to live in an age when far too many people are prepared to rely more and more on others for the answer to their problems. But Mrs. Leslie A. Grant of Somerset, Montgomery County, Md., has set an example which merits the attention of each of us.

She was faced within her own family with the challenge of helping two autistic teenage daughters. Instead of transferring the responsibility to someone else, she sought to aid her own children. Her efforts led to the founding of the American Foundation for Autistic Children, a nonprofit organization dedicated to promoting research and education for children with infantile autism.

Through the efforts of the foundation, the community of Somerset, and Mrs. Grant, a center for the treatment of a mental illness which has been called "the most severe and difficult to treat of all childhood disturbances" will soon be completed.

Recently, the Sentinel, of Montgomery County, Md., published a story on the progress to date of the American Foundation for Autistic Children. I ask unanimous consent that the article be printed in the RECORD.

<sup>1</sup> In June of 1969 the Economic and Social Council of the United Nations adopted a new resolution which invited all states which are parties to the Genocide Convention to transmit information regarding implementing measures, and calling upon states which have not yet become Parties to the Genocide Convention to do so as soon as possible. U.N. Doc. E/Res./1420/XLVI (June 17, 1969).

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

[From the Montgomery County (Md.) Sentinel, Apr. 23, 1970]

### MOTHER FACES CHALLENGE OF AUTISTIC CHILDREN

"What is more challenging than trying to create a human being?"

Mrs. Leslie A. Grant of Somerset, mother of two autistic teenage daughters, has spent her maternal lifetime responding to that challenge. A painter, musician and lover of beauty in all forms, she put aside these interests to harness her creativity into one mammoth undertaking: to make her daughters as close to normal as possible.

In helping Mooza, 19, and Lynda, 16, to learn to talk correctly and behave in a socially accepted way. Mrs. Grant has opened the door to hope for parents of similarly afflicted children.

Two years ago she founded the American Foundation for Autistic Children, a nonprofit organization dedicated to promoting research and education for children with infantile autism. This mysterious form of mental illness has been called "the most severe and difficult to treat of all childhood disturbances." The National Association for Mental Health estimates that some 500,000 children in the United States suffer from the syndrome which it classifies along with childhood schizophrenia and psychosis.

The foundation has established a center, which operates in rooms donated by the North Chevy Chase Christian Church. Here youngsters are given therapeutic training, parents are counseled and trained, research is accumulated and personnel are instructed in working with autistic children.

The Town of Somerset has recently made available to the center a house and grounds, strategically situated just two blocks from the National Institute of Mental Health. Before the program can become operational, funds are needed to complete repairs to the house.

"Our greatest need," said Mrs. Grant, "is a place to diagnose and service the child. Our hope is to establish a residential research clinical center patterned after the Warm Springs Center of the March of Dimes."

An additional \$8000 is needed to complete the cost of house repair. Persons interested in aiding this cause should contact Ann Brewer, assistant director, 966-6849.

"You must impart a sense of confidence to these children," Mrs. Grant declared. "At the Center we never raise our voices, get angry or use the word 'no'. A sense of composure plus optimistic thinking is the key to successful treatment."

But progress is so minute in working with autistic children that it discourages people. "There is always development . . . but it is like grass growing. You just don't see it," she explained.

The center admits children who are refused admission to other schools or expelled from private schools because of behavior problems.

The difficulties in finding help in caring for her autistic children led Mrs. Grant on her ceaseless quest for answers to the problem. "In the early years some pediatricians refused to take my children into the waiting room. We had to go through the back door after hours. Even when treating your child they often gave you the feeling that you were wasting your time. I went from pillar to post and worked with them at home, in the dark, intuitively."

Desperate for help and forced to face the problem alone, for local schools and agencies provided neither aid nor schooling for the girls, she took them to the Menninger Clinic and there they told her, "You are doing such a good job, why don't you go home and set up a school?"

Mrs. Grant served for two years as radio and TV chairman of the President's Committee on Mental Retardation. Dr. Leopold O. Walder, formerly of the University of Maryland, now professor of psychology at American University, saw her on a TV program and volunteered his services. For one year he worked with the girls and their mother, teaching them behavior modification. This comprised learning academics, socialization and occupations such as knitting, cooking, sewing and cleaning.

Somerset House is the setting within which these principles of behavior modification can be practiced and learned so that each disturbed child may reach the full fruition of his capabilities. "Through these techniques," said Mrs. Grant, "we hope that other less handicapped children will be helped as well."

## PRESERVING THE MODEL CITIES PROGRAM

Mr. GOODELL. Mr. President, the successful redevelopment of our Nation's cities, particularly the older ones, depends largely on the input of Federal funds.

Clearly, the epidemic blight in our cities can only be cured with a commitment of more financial resources and human energies, not less.

In fact, our cities, as never before, need massive help.

For that reason, I was most gratified to learn that the administration has decided against siphoning funds away from model cities and other urban programs.

The model cities program was conceived by the Congress in 1966 in an effort to improve the quality of life in urban areas of this country. The objective of the program was to provide block grants to local governments for alleviating urban blight and upgrading urban neighborhoods.

Despite my own initial reservations about the program, I have become convinced that model cities is working and has become an essential tool for upgrading our core cities.

Unlike other urban improvement programs, model cities requires community participation in the planning and action phases of the program. This new ingredient gives the residents of the target areas a "piece of the action"—an effective voice in the development of their own neighborhoods.

I believe strongly in this concept of decentralization. In fact, I sponsored in the House the Community Self-Determination Act, which provided for new, locally controlled community development corporations to promote the self-development of low-income urban and rural areas. The model cities program utilizes the same concepts of decentralized government—community action, popular control, local leadership and effective community choice.

No one can deny that the model cities program has met with delays in program planning and funding since its passage. The delays, however, have not been caused by any basic flaw in the program concept. Rather, they have been the result of unrealistic program deadlines. They have stemmed from a lack of coordination among the Federal agencies which contribute resources to the pro-

gram and bureaucratic redtape on all governmental levels.

Former Under Secretary of the Department of Housing and Urban Development, Dr. Robert Wood, reported after some study that model cities would be a 6-year program—one planning year and 5 years of implementation. Although a time limit was not included in the legislation, HUD subsequently promulgated regulations requiring a 5-year comprehensive plan. Although one planning year is normally sufficient for an urban renewal program, it is insufficient for the planning of a brandnew program involving the untried concepts of block grants and community participation. In New York City for example, the planning phases took between 1½ to 2 years to complete.

Despite these delays, the model cities program has served several critical functions since its inception. The program has succeeded in creating a new social institution to link the neighborhood to the city government. For the first time, the local community and the local government cooperatively decide on a plan for community services and development.

Equally important, the program has also provided the marginal dollars for services to the poor that cannot otherwise be provided by the city because of a decreasing municipal tax base.

As my colleagues know, many communities spent considerable time formulating comprehensive planning applications and State and local governments have committed considerable funds to the program. In New York City, for example, the Federal-State-local commitment for three model city neighborhoods totals \$390 million, of which \$90 million has already been committed by the city government.

I expressed my grave concern to HUD officials about the proposed diversion of funds from model cities. I felt that such an arbitrary shift of policy would have undermined the efforts of many people on the local level to make this meaningful program work in the cities. It would have undermined the constructive dialogue now going on between city hall and local communities. Furthermore, it would have undermined and eroded the credibility of the administration's commitment to urban programs.

The President and his staff are to be commended for their decision to preserve model cities and other urban programs.

#### BILINGUAL EDUCATION: TEACHERS COLLEGE RECORD REPORTS

Mr. YARBOROUGH. Mr. President, the May issue of the Teachers College Record of Columbia University contains an impressive account of the history and growth of bilingual education.

It was written by a prominent authority in the field of language and education. He is Francesco Cordasco, at present professor of education at Montclair State College, in Upper Montclair, N.J. Mr. Cordasco is also an educational consultant to the Commonwealth of Puerto Rico, and is author of several books in this field. Most recent among them are

"Minorities in the American City," published in 1970, "School in the Social Order," also published in 1970, "Puerto Rican Children in Mainland Schools," published in 1968, and "Jacob Riis Revisited: Poverty in the Slum in Another Era," published in 1968.

Mr. Cordasco's article is entitled: "Educational Enlightenment Out of Texas: Toward Bilingualism." The writer is principally interested in the difficulties encountered by children of Puerto Rican ancestry, but his observations and emphasis on the importance of bilingualism in teaching apply to every child from a non-English speaking home.

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

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

#### EDUCATIONAL ENLIGHTENMENT OUT OF TEXAS: TOWARD BILINGUALISM (By Francesco Cordasco)

It has long been an ethnocentric illusion in the United States that, for a child born in this country, English is not a foreign language and virtually all instruction in the schools must be through the medium of English. Some of our states (New York included) have mandated this ethnocentrism in a plethora of statutes which expressly forbid instruction in any language but English. Of course this is not difficult to understand. Despite the ideals of a democratic society in which the schools were to serve as a basic vehicle of cohesion, the schools instead became the agencies of social disaffection, cultural assault, and enforced assimilation. How could it have been otherwise, since the schools had to minister to children who brought with them myriad cultures and a multiplicity of tongues? More often than not (almost always in the urban immigrant citadels) the American schools found their children in poverty and neglect. If there is a common denominator which must be sought in the millions of American children who presented themselves to a society's schools, it is poverty. And its ingredients (within the parameters of this poverty) were cultural differences, language handicaps, social alienation, and disaffection. In this sense, the Negro huddled in the urban ghettos, the Puerto Rican poor in search of economic opportunity on the mainland, and the Mexican-American poor, largely an urban minority, are not newcomers to the American schools, nor do they present American educators with new problems. The American poor, traditionally, are the ingredients out of which our social institutions have fashioned the sinews of greatness.

In its efforts to "assimilate" all of its charges, the American school assimilated (and in consequence very often destroyed) the cultural identity of the child; it forced him to leave his ancestral language at the schoolhouse door; it developed in the child a haunting ambivalence of language, of culture, of ethnicity, and of self-affirmation. It held up to its children mirrors in which they saw not themselves, but the stereotyped middle-class, white, English-speaking child who embodied the essences of what the American child was (or ought) to be. For the minority child, the images which the school fashioned were cruel deceptions. In the enforced acculturation there were bitterness and confusion; but tragically, too, there was the rejection of the well-springs of identity, and more often than not, the failure of achievement. The ghettoization of the European immigrant is, in substance, exactly analogous to the ghettoization of the Negro, Puerto Rican, and Mexican-American poor. Louis Wirth, a long time ago, called attention

to the vitality of the ghetto in its maintenance of the life-styles, languages, and cultures of a minority people assaulted by the main institutions of a dominant society.

When the Congress discovered poverty in the enactment of the Economic Opportunity Act of 1964, and fashioned the cornucopia out of which the schools have plucked endless "goodies," the schools largely fashioned programs born out of this new federal largesse which reflected their continuing pursuit of the stereotyped middle-class, white, English-speaking child in whose image all of our children were to be cast. And so Head Start taught its children middle-class table manners; the Neighborhood Youth Corps took its social adventurers to museums and opera houses whenever they could be found; Upward Bound, too, became preoccupied with the cultural refurbishing of its charges and took for granted miraculous cognitive blossoming; and Title I Programs of the Elementary and Secondary Education Act did a whole host of things which were designed to elevate "culturally deprived" children to levels of middle-class conformism, *de rigueur*.

#### THE NON-ENGLISH SPEAKING CHILD

Those of us who have been concerned with Puerto Rican children in our major cities have for some time struggled with what was actually a very old problem. If all children presented themselves to the American schools with many differences, how graphic was the immediate difference epitomized in the non-English speaking child. The history of the American school has not been the evangelical triumph which the New England sage and historian Ellwood Cubberley sketched in such bold relief; rather, the non-English speaking child (almost inevitably in a context of poverty) was the easy victim of cultural assault, and his ancestral language was at once a target against which the school mounted relentless resources.

Against this tragic background and quixotic effort, largely unnoticed, has been a "sleeper" amendment to the Elementary and Secondary Education Act which in essence would propose that we wash away the haunting ghosts of ethnocentrism and cultural affection, and turn to the meaningful cultivation of individual differences which better reflect the pluralistic base out of which the children of an open society truly come.

#### THE SLEEPER AMENDMENT

The history of this "sleeper" amendment is a good illustration of what Kenneth Clark has characterized as "the dilemmas of power." Where would one have sought the power in the Congress to recognize the particular needs of Puerto Rican children, if previous Congresses had chosen largely to ignore those millions of children who were non-English speaking who had passed through the portals of the school? The tactic here was obviously to relate the Puerto Rican child to the needs of another group long indigenous in our society but equally long disenfranchised, and for whom English was not the native language. In the five state areas of the Southwest (Texas, New Mexico, Colorado, Arizona and California) there are at least 1.75 million school children with Spanish surnames, whose linguistic, cultural and psychological handicaps cause them to experience, in general, academic failure in our schools, or at best limit them to only mediocre success. The Mexican-American child classically demonstrated that an almost inevitable concomitant of poverty was low educational achievement. Thus, it was out of unlikely Texas that an extraordinary amendment to the ESEA was proposed: an unlikely provocation, since one would have expected that the provisions of this liberal and enlightened amendment would have been born in the great egalitarian citadels of the North.

On January 17, 1967 Ralph Yarborough (D.-Texas) introduced in the Senate of the



United States S. 428, which proposed "To amend the Elementary and Secondary Education Act of 1965 in order to provide assistance to local educational agencies in establishing bilingual American education programs and to provide certain other assistance to promote such programs." At long last the Congress had before it legislation which would legitimize the cultivation of individual differences in our schools. Understandably, Senator Yarborough was concerned with the problems of his Mexican-American constituents, but his bill explicitly noted that: "For the purpose of this Title, Spanish-speaking elementary and secondary students means elementary and secondary school students born in, or one or both of whose parents were born in, Mexico or Puerto Rico, and, in states for which such information is available, other students with Spanish surnames." The very proposal of the bill was tantamount to the recognition that Mexican-American children had been neglected by American schools. But Senator Yarborough's legislation went far beyond this elemental recognition. It proposed (1) bilingual educational programs; (2) the teaching of Spanish as the native language; (3) the teaching of English as a second language; (4) programs designed to impart to Spanish-speaking students a knowledge of and pride in their ancestral culture and language; (5) efforts to attract and retain as teachers promising individuals of Mexican or Puerto Rican descent; and (6) efforts to establish closer cooperation between the school and the home. What extraordinary proposals! Those millions of children who had been denied what a mature society was now proposing might well have served as a Greek chorus intoning social amens.

As was to be expected, Senator Yarborough's bill (which had as co-sponsors both Mr. Javits and Mr. Kennedy of New York) created a flurry of activity in the House (though largely unnoticed outside the Congress) and a veritable spate of companion House bills were proposed, chief amongst which was H.R. 9840 mounted by James H. Scheuer (D-New York). Congressman Scheuer would have everything that Senator Yarborough had proposed, but he chose not to accept the Yarborough bill's limitation of its provisions to Spanish-speaking students. For Congressman Scheuer the school would respond in much the fashion that Yarborough proposed, no matter what the student's native language might be, and Congressman Scheuer simply chose to increase five-fold the allocations which Senator Yarborough had proposed (\$25,000,000 as against \$5,000,000 for fiscal 1967-68), and further to allow participation by full-time nonpublic school students (children in parish schools).

#### TOWARDS BILINGUALISM

There are of course some objections which have been raised against the legislation. Some linguists have objected to the pegging of the bill to the poverty context, and have been adamant in proposing that the bill be unrestricted in its provisions and allow the cultivation of a vast bilingual resource. But this is truly another problem. What the legislation has really proposed (no matter how awkwardly, and with full cognizance of all the programming intricacies which will have to be worked out) is that the social institution which is the school and which serves the children of an open society must build on the cultural strengths which the child brings to the classroom: to cultivate in this child ancestral pride; to reinforce (not destroy) the language he natively speaks; to cultivate his inherent strengths; and to give this child the sense of personal identification so essential to his social maturation. We can only lament the lost opportunities of other eras. The legislation proposes that there is no excuse for failure at this juncture in our society. Senator Yarborough's "sleeper" legislation will have thrust greatness upon him, and Texas will

have become in educational history as illustrious as Massachusetts. In August, 1967 his Senate Bill 428 was unanimously reported out of the Senate Sub-Committee on Education, and in the closing sessions of the 90th Congress became law. In the long interim which followed, a reluctant Congress finally authorized \$7.5 million for fiscal 1969.

Secretary of Health, Education, and Welfare Robert H. Finch said on February 12, 1969, that he considered prompt, massive upgrading of bilingual education one of the major imperatives confronting HEW. He announced at the same time that he was establishing a new post, Special Assistant to the Commissioner of Education for Bilingual Education, as a first step in meeting this challenge. Proposals requesting some \$47 million were received prior to the December 20, 1968, deadline from local agencies in 40 states, the District of Columbia, and Puerto Rico. Following review of the proposals by a panel of outside experts, selected applicants were asked by the Office of Education to submit formal proposals by May 5, 1969, for final evaluation. From a \$7.5 million budget for the program for fiscal 1969, direct grants are to be made to those agencies that propose programs and activities which present innovative solutions to bilingual educational problems. Projects must focus on schools that have a high concentration of children of limited English-speaking ability and who come from families earning less than \$3,000 per year. Emphasis may be on planning and developing research projects; conducting pilot projects to test the effectiveness of plans; developing special instructional materials; and providing training for teachers, teacher aides, and counselors. Bilingual educational activities may be designed to impart to students a knowledge of the history and culture related to their languages; establish closer cooperation between the school and the home; and provide preschool and adult educational programs related to bilingual education.

Seventy-seven public school agencies in 27 states have been invited by the U.S. Office of Education to prepare formal proposals for grants under the authority of the \$7.5 million Bilingual Education Program, Title VII of the Elementary and Secondary Education Act, as amended. These education agencies were selected from 312 which submitted preliminary proposals to the U.S. Office of Education by the December 20, 1968 deadline. Approved projects will be operating during the 1969-70 school year.

#### COMMENCEMENT ADDRESS BY THE COMPTROLLER GENERAL

Mr. PEARSON. Mr. President, I recently had the opportunity to read the commencement address delivered at McPherson College, McPherson, Kans., on May 24, 1970, by the Comptroller General, Elmer B. Staats. It is an excellent statement. It deserves the attention of Senators.

Addressing the graduation seniors, Mr. Staats makes a very fundamental point:

The question is not where do you go from here—this day, from this campus—but where do we all go—as a people and as a nation.

This is a simple, but at the same time a profound observation. Youth too often think they must create a world which is somehow separate from their elders. Adults too often think of youth as being concerned with problems which are somehow unrelated to their own. We are all in the same boat, so to speak. We are all confronted with the most important and fundamental question: Can we, in-

deed, as Mr. Staats inquires, "govern ourselves—rationally, efficiently, and effectively"? This question is being tested as never before.

Mr. Staats' observations on the nature of this challenge and what we may do to meet it are appropriate and penetrating.

I ask unanimous consent that the address, entitled "Where Do We Go From Here?" be printed in the RECORD.

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

#### WHERE DO WE GO FROM HERE?

I appreciate the invitation to be here this afternoon, but I must confess to a slight element of surprise. I suppose I would have to be categorized these days as a member of the Establishment, coming as I do from Washington; being the head of an agency; being a member of the Board of Trustees; and, most important, being past the half-century mark, age-wise.

McPherson College is fortunate in having as its President a progressive, dedicated, and energetic leader. Come to think of it, any college is pretty lucky to have a president these days!

It's "in"—or should I say "Mod"—these days to criticize the college president if not actually to physically oust him from his office. That happened at the American University in Washington recently. Dr. Wesley Posvar, Chancellor of the University of Pittsburgh, remarked on this point, saying that it is easy for any college president to be criticized by the far left or the far right, for that matter. "If he is particularly adroit," Dr. Posvar added, "he can even manage to be criticized by both of them—simultaneously."

There may of course be no such thing as a typical college or a typical college president. But, if college presidents are restless these days, it is because they have a variety of publics and constituencies, nearly all of whom are restless: disturbed students, alarmed faculty, inquiring trustees, concerned alumni, annoyed parents, critical politicians, scolding news media, and a worried public which wonders—to put it mildly—what is going on out there on the American campus.

I suppose this is why one college president's wife recently stated: "The only people who should be university presidents are the friendless, the orphaned, and the bachelors."

The traditional commencement address designed to inspire, to congratulate, and to bid bon voyage has no place in this year—the beginning of what may be the most fateful decade in our Nation's history. President Kennedy once remarked that this generation—your generation—has within its power to be the best generation of all time or it can be the last generation. He was, of course, referring to the tools we have to create a great society if we will but find the way to use them.

These are puzzling, difficult, and sobering days for all of us. They seem to defy explanation, description, or rational analysis. Each day we are confronted with new evidence—carried in the press, on the radio and television, and even in the theater and arts—that not all is well, to put it mildly. Protests, riots, growth of crime and drug addiction, and the thwarting of mores of society have become familiar and almost standard daily news items, providing a subject of endless debate among commentators, psychologists, psychiatrists, sociologists, and commencement speakers, end on end.

It would be simple if we could explain all of this because of our frustration with the war in Vietnam. Vietnam is certainly a major factor, but similar unrest among younger people has extended to Japan, Mexico, Can-

ada, Europe, and elsewhere—countries which are only remotely if at all involved with Vietnam.

Some would say that the explanation lies with concern over a possible nuclear confrontation, a threat made more real because of the proposed deployment of the antiballistic missile. Yet, why should youth feel that it has a monopoly on this concern? Youth is joined in this audible concern by an estimated half of the United States Senate, led by men in their 60's—Fulbright of Arkansas, Gore of Tennessee, Symington of Missouri, and Cooper of Kentucky. And what about the President and faculty of McPherson College? And what about your parents? And what about the deep concern of the vast majority of the American people?

You on the college campus of today are of a different time and a different world. You were born and are being reared in the atomic age where science can be our salvation or our destruction. We are all in this highly complicated and technical age together. Your speaker is in it with you. Your parents and your friends are in it with you. Here we all are, together.

The question is not where do you go from here—this day, from this campus—but where do we all go—as a people and as a nation?

The ubiquitous atom knows no such thing as a generation gap. This point was well illustrated by the late Senator Robert F. Kennedy in his memoir of the Cuban missile crisis called "Thirteen Days." He recalls that when President Kennedy called together a group of advisors at the start of that crisis, General Shoup, then Commandant of the Marine Corps, said: "You are in a pretty bad fix, Mr. President." President Kennedy—who was then 45 years old—responded to the older man: "You are in it with me."

Perhaps some would blame today's wide unrest on the role of the news media—especially television—saying that the problem is that too much publicity is given to a fringe minority which, if ignored, would probably grow tired of what appears to a majority as senseless, juvenile acts designed to attract attention by rebellion against authority and encouraged to continue by the attention given by the mass media and the endless pictorial parade of these antics.

Still others would say that we are caught up in a generation gap and that the solution lies in placing students on advisory boards of universities, providing more opportunities for dialogue, and finding ways to make social improvement more responsive against the impersonality and unweildiness of big government, big universities, and just plain bigness, generally, which make democratic institutions slow to respond to change.

There are others who would explain the phenomena as stemming from the influences arising from the revolution in communications that has taken place since the close of World War II, and particularly the role of television. Former President James Perkins of Cornell, who was one of the first college presidents to experience the direct effects of unrest firsthand—commented sometime ago that today's student "has grown up eyeball to eyeball with the world through TV." It is easier to focus on what is happening in Chicago, Berkeley, Tokyo, or Paris than what is going on in our own communities. It is easier to listen to the philosophy of Martin Luther King or Eugene McCarthy or Abbie Hoffman firsthand on television than to concentrate on the writings of Socrates, Rousseau, or Thomas Jefferson. And don't minimize the influences that arise from the fact that we are more and more an urban society. This interpretation takes place when groups organize or come into conflict, frequently quite separate and apart from, and possibly having far more influence than, those influences of traditional institutions of family, church, bosses, or teachers.

Some or all of these explanations may be in order, and I have no clear-cut answers to give; but answers—and action—are essential. All of us are involved. And so must we all be involved in seeking solutions.

The experience of one group which became involved is revealing—all members under age 30—serving as assistant city managers in northern California. Now age 30 may strike some of you as a pretty ancient age; it seemed so to me when I was in college. Interestingly, in a survey of 76 members of this group—all only 3 or 4 years off the campus—of the priority problems and issues heading their list as needing attention, what do you suppose was the subject selected? You guessed it: the difficulty in fully comprehending what seems to be a change in the values and conditions of behavior of the "now" generation.

We all know that dissent is an American heritage running back to our 17th and 18th century beginnings. At the risk of oversimplification, let me mention that two of the most popular characteristics in American fiction, Tom Sawyer and Huckleberry Finn, were dissenters in their own ways—especially Huckleberry. Tom frequently ran away from his mentor, Aunt Polly. And Huckleberry had no use for Hannibal, Missouri, the Establishment of his day. Huck's enemy was civilization itself as is the case with some young people now.

And, of course, it's just possible you have heard of the Boston Tea Party, the Whisky Rebellion, and the labor riots of the 1870's. Sound familiar?

Dissent and protest have been present throughout history, going back to the reaches of time. Witness the following:

"Our youth now love luxury. They have bad manners and contempt for authority. They show disrespect for their elders and love idle chatter in place of exercise. Children now are tyrants—not the servants of the household. They no longer rise when elders enter the room. They contradict their parents, chatter before company, gobble up their food and tyrannize their teachers."

Yes, very familiar indeed! They are words attributed to Socrates about 450 B.C.

I was born in a world that never dreamed of space satellites, that would have never thought of a flight to the moon as even a remote possibility. Lindbergh's flight to Paris which seemed the acme of achievement took place when I was age 14, and only in books like George Orwell's "1984" was it imagined that pictures might be sent through the ether. No one conceived of a computer in a more advanced stage than a hand-operated adding machine or a Chinese abacus.

But you have never known a world without these things. In that sense you did not have to make radical adjustments in your acceptance of things that are. They were here when you got here. They are normal to you. You are making use of them already. You will make much greater use of them as your futures unfold. And those of your generation in the world community will, I predict, find ways to live in a world of nuclear weapons by keeping them in storage or by rendering them obsolete.

In this sense we all share the theme underlying Dr. Martin Luther King's "I have a dream" speech of 1964, for that was a speech about the future, too. We all place our hopes on our children and on youth. Those of us who have spent our lives working, whether in business, in Government, or in the universities, can never stop working for a better future.

So the real gap and the main thesis of my remarks this afternoon is not so much the generation gap as it is a "value" gap or an "institutional" gap. We have not yet found the counterpart to the Salk vaccine, the transistor, and the computer in our social institutions. We have learned how to transplant human hearts; we have not learned to transplant new social values into obsolete

forms of local government and rigid institutions.

It seems to me that the key must somehow rest not with protest, but with participation through organized society—Government and nongovernment—if we are to have a reasonable chance of defining our objectives acceptably for the diverse interests of society. There is a corollary, and that is a willingness to accept responsibility and a self-discipline both of individuals and of groups to work toward constructive solutions. Alexander Hamilton said in 1794 that "Government is that power by which individuals in society are kept from doing injury to each other, and are brought to cooperate to a common end." This is equally true—especially true—today.

For those who say that youth should work through established channels to achieve change, I say let's give the 18-year-old the right to vote.

And for those of us who have the right to vote, I say let's use it rather than having candidates nominated and elected by a small handful of voters.

And for those who want to get involved—there are places for volunteer hospital aides, social workers, assistants in juvenile courts, and literally thousands of other places where those with a sense of purpose can build—not destroy—a free society.

In the critical days of World War II, in May 1944, a vast "I am an American Day" ceremony was held in Central Park in New York City. The thousands there included many new citizens—escapees from Nazi Germany and Communist Russia. The speaker was Justice Learned Hand, who served for 40 years on the Federal Bench and who came to be known throughout the world for his defense of the principles of freedom and of the rights of individual citizens.

Mr. Justice Hand's comments on that occasion need to be reread by all people, but most of all by those who are engaging in the open dissent so prevalent today. He said in part:

"What do we mean when we say that first of all we seek liberty? I often wonder whether we do not rest our hopes too much upon constitutions, upon laws and upon courts. These are false hopes; believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it. While it lies there it needs no constitution, no law, no court to save it. And what is this liberty which must lie in the hearts of men and women? It is not the ruthless, the unbridled will; it is not freedom to do as one likes. That is the denial of liberty, and leads straight to its overthrow. A society in which men recognize no check upon their freedom soon becomes a society where freedom is the possession of only a savage few, as we have learned to our sorrow."

The liberty that Mr. Justice Hand describes will require better management of governments than anything the world has known in the past. If man can improve his circumstances through technological invention, it is logical to believe that he can—if he wishes and as he wishes—improve his capabilities in the art of government. The famous English poet and historian Samuel Coleridge wrote many years ago that "experience is like the stern lights on a ship. It illuminates only the past." We must understand where we have been if we are to know where we plan to go. Someone has said that we must look back to see the longer view when going uphill.

Many would agree that President Kennedy was not a great political leader and certainly not an experienced Government executive. Rather, his great contribution was that he symbolized and articulated a sense of dedication and of purpose not only for the United States, but also for the entire world. When he said in his inaugural address on that cold



day in January 1961, "And so, my fellow Americans, ask not what your country can do for you: Ask what you can do for your country," he voiced a goal for those who would build and not destroy. Out of this goal came the Peace Corps which now numbers more than 11,000, serving in 57 nations, nearly 450 of these young people, incidentally, came from the State of Kansas. Listen to the words of the head of a newly independent nation in Africa:

"... When I read and hear of the growing disenchantment in the developed nations over external aid and technical assistance, when I learn of the international resources which are being consumed in military confrontations, I cannot help wishing that there were a few more people who could recognize the impact which fifty-two young men and women are capable of making in a country such as mine..."

Testimonials, such as this, can be testimonials for those of us here at home in our communities, cities, and counties. Define these goals we must, because the problems of our society can only increase as we become more densely populated, more urbanized, more industrialized; and along with these go a need for mass transportation and better communication. These, in turn, create powerful forces that tend to weaken the traditional roles of family, church, and town hall as constructive disciplinary units in society.

In 1940, not long after I completed college, the population of the United States was about 130 million people. We are now a nation of 200 million. In the year 2000 we will have a population of nearly 340 million.

Accent on the positive that is a part of our national character will continue to create new products and new foods to meet the living requirements of some 200 to 300 million men, women, and children in the final decades of the 20th century. Our economic system can provide not just the necessities of life for so many people but also a satisfying degree of abundance as well.

Yet even in the United States with the highest average income in the world, more than 20 million people are living in poverty under the income definition used by the United States Department of Labor—40 percent of whom are children under age 18.

We must take action to limit population growth. The world's population of 3.5 billion will double in about 30 years unless drastic new and additional steps are taken. About one third of this total is already undernourished. One gloomy writer concludes from that: "the human race has, maybe, thirty-five years left. After that people will start eating plankton—or people."

The prospect and promise for more goods and services, less polluted rivers, fewer high-school dropouts, less racial tension, less-crowded cities, and better health are based on more than the explosion of science and technology symbolized by the success of the space program. They are related also to the phenomena noted by Alexis de Tocqueville, the French political observer of the American scene 130 years ago. He saw in it the pattern he called "political diffusion" and predicted that in the United States the many would demand what in other countries was reserved for the few. His prediction has been validated in mass prosperity, universal suffrage, mass literacy, and mass higher education.

Alfred North Whitehead, one of the great philosophers of our time, once remarked that science as we know it could have arisen only in the matrix of centuries of Christian civilization, since only a profound faith in the values of the natural order could have provided the motivation for its dedicated and total commitment to the elucidation of that order.

But I remain deeply concerned about our ability to govern ourselves—rationally, efficiently, and effectively. This is the more difficult problem. It will take all the excellence that we can accumulate to meet the chal-

lenge of mass society by maintaining sound and solvent governments—Federal, State, and local—capable of using our modern technology to meet our pressing social needs.

As John Gardner, Chairman of the National Urban Coalition, said the other day in a speech he was not allowed to deliver before the Illinois Constitutional Convention:

"But there is in us as Americans something better than fear and anger and prejudice, something better than selfishness, something better than the lazy, comfortable inclination to blame others."

"There is in us, if our leaders will ask for it, the courage and stamina to face our problems honestly, to admit that we ourselves are partly to blame for them, and to identify paths of constructive action."

"It is essential that we bring about a renascence of politics in this country. We must open up clogged channels. We must bring a vitality to political life that will attract good men and women. We must repair rusty and outworn machinery. We must renew the system."

Against this kind of background it is only natural that we think about the role of the public service and the public servant—not only the mayor, the governor, and the legislator, but all those in Government who hold particular responsibilities and have, therefore, a special opportunity to deal with the problems which have given rise to the unrest in our Nation.

Some of you undoubtedly will enter some branch of the public service. You may do so as administrators or in some technical or professional capacity. One of the areas of greatest need in the next decade will be in the expansion of professional and technical skills needed by Government. As we extend and improve as rapidly as possible urban renewal efforts, as we create new ground transportation systems to handle the growing population, and as we develop our ocean resources for new foods—as we do all these and many more things on expanding scales—there will be continuous and rising need for trained professionals.

There is a story told by Brooks Hays, the former Congressman from Arkansas, about President Lincoln, which illustrates the change in role of the Government employee. Lincoln told of the king in Africa who had a court minister whose main job was to forecast the weather. It was important to know what the weather would be when the king wanted to go hunting.

One day the king wanted to go hunting, and the minister told him it was a good day to go. They got down the road a little ways and came across a farmer. The farmer said, "King, I wouldn't advise you to go hunting today because it's going to rain." The king turned to the minister and said, "Is that right?" "No," the minister replied, "It's going to be a fine day." He got down to the hunting area and it started to rain. It was a terrible storm.

On the way back, the king found this farmer and said, "Look, how did you know it was going to rain? My minister was so sure it was going to be a good day." "Well," the farmer replied, "don't give me any credit. It was really my jackass who always forecasts the rain." "How can he tell?" "Well, whenever he's got those ears up forward, you know it's going to rain." The king thought about this for a while and decided he would dismiss his minister and hire the jackass as his weather forecaster.

Lincoln said that the moral of this story is that the king made a great mistake. Ever since that time, every jackass in the country has been looking for a Government job!

Having been in the public service 30 years, I know how necessary it is that the Federal Government be served by highly trained public servants. I don't want to suggest that Washington has or should attempt to monop-

olize talent. There must be able, devoted people at all governmental levels.

The problems and challenges of Government are legion. They require the talents of virtually all professional fields:

Conducting medical research at the laboratories at the National Institutes of Health, Bethesda, Maryland;

Controlling jet aircraft noise at NASA's Lewis Laboratory in Cleveland, Ohio;

Supervising the development of a giant air transport manufactured by the Lockheed Aircraft Company at Marietta, Georgia;

Supervising Peace Corps staff in a remote point in Africa;

Conducting operations research for a mass transportation program for the corridor between Boston and Washington;

Reviewing research grant applications for the National Science Foundation;

Developing experimental education programs for underprivileged children;

Providing nursing care in a veterans' hospital in Denver;

Teaching in an Indian school in Montana; or

Serving as a Forest Ranger in Idaho.

Each year the Junior Chamber of Commerce of the United States, more popularly known as the Jaycees, makes 10 awards for the outstanding young men in the Federal Government. I was pleased that one of the young men in our Office received the award this past year for the outstanding work that he did in a study of the effectiveness of the Government's anti-poverty programs. He is a graduate of Creighton University in Omaha and later earned a law degree.

Another winner, Robert Jordan, aged 33, Special Assistant to the Secretary of the Army, has responsibility for the administration of civil liberties within the Army. As if that isn't enough, he is responsible for supervising the work of the Corps of Engineers for the entire country.

Eugene Kranz, aged 33, is the Chief of the Flight Control Division of the space program.

Richard Deslattes is a young physicist who designed and constructed a device for measuring the distance between atoms and is one of the leaders in the field of X-ray spectroscopy.

Records such as these could be listed in the thousands—people doing important work, interesting work, and—above all—work which they find satisfying because they are involved in the solution of problems, the acute and difficult problems which we have been discussing.

All these illustrations involve the Federal Government, but the same challenges and problems exist in State government and local government, and a growing number of not-for-profit, voluntary, and industrial organizations are concerned with programs formerly reserved exclusively to Government.

Over the next 4 years, the Federal Government will need 30,000 more scientists and engineers and 6,000 more specialists in health, technology, and education.

Each year over the next decade, our Nation will need 200,000 new public school teachers to keep up with the growing population.

Whether we are concerned with Federal Government, State government, local government, or participation in nongovernmental agencies, we must have highly trained people and dedicated people.

These should be people who will work to improve society, not destroy it; they should be committed to the change of institutions by making them better and more responsive to the needs of people served by Government.

The meaning of what I have been trying to say today is nowhere better expressed than by John Gardner whom I quoted earlier. Here are his words from a recent commencement address:

"We now know beyond all doubt that na-

tions die from within, and they are attacked less often by traitors within the gate than by traitors within the heart—complacency, apathy, cynicism, intolerance, self-deception, and an unwillingness on the part of the individual to lend himself to any worthy common purpose."

H. G. Wells wrote in 1906 that Americans were addicted to "a sort of optimistic fatalism." He was saying that Americans looked upon difficulties and challenges as opportunities and not as obstacles.

This healthy philosophy is in sharp contrast to fatalistic statements heard too frequently today. One nuclear physicist recently defined an optimist as "someone who still believes the future is uncertain."

The responsible citizen is one who is willing to admit that he does not comprehend the future in this dangerous era, yet he knows he is called upon to deal with and solve what he may not fully understand. We can join, perhaps, with Charles Dickens in his more balanced, although seemingly paradoxical, opening lines of "A Tale of Two Cities":

"It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness; it was the epoch of belief, it was the epoch of incredulity; it was the season of light, it was the season of darkness; it was the spring of hope, it was the winter of despair."

Perhaps even more appropriate for you graduates is a quotation attributed to a Frenchman named de Grellet who died more than 100 years ago:

"I shall pass through this world but once. If, therefore, there be any kindness I can show, or any good thing I can do, let me do it now; let me not defer it or neglect it, for I shall not pass this way again."

In these days of discouragement and strife it is worth recalling an inscription on the wall of a bomb shelter, deep below the Cologne Cathedral in Germany, carved during the height of the allied bombing:

"There is love in this world though it cannot be shown;

"There is a yearning for peace if we can but find a way to express it;

"God is in the world even when He is silent."

#### DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, I wish to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to have printed in the RECORD a list of crimes committed within the District yesterday as reported by the Washington Post. Whether the list grows longer or shorter depends on Congress.

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

##### TWO GEORGE WASHINGTON COEDS RAPED, ROBBED

Two George Washington University coeds were raped and robbed at gunpoint early yesterday by four men who approached them at their home in Northwest Washington, police reported.

One of the victims, a 22 year old, told police the men began talking to her and a friend while they were sitting on the front porch of the house shortly after 1 a.m. yesterday.

One of the men pulled out a gun and ordered, "Take us to the bedroom," according to police. The woman led them to the bedroom

room where her 21-year-old roommate was in bed.

After forcing her friend to lie face down on a bed and covering him with a blanket, each of the four men raped the 22 year old, police said. One of them then raped the other coed, they said.

The victims told police their assailants looted their pocketbooks and took a hair dryer, a clock-radio, jewelry and other items.

In other serious crimes reported by area police up to 6 p.m. yesterday:

##### STOLEN

A man's wallet containing \$180 in cash and a pocketbook containing \$70 in cash and \$500 in traveler's checks were stolen sometime between 2 and 7 a.m. Sunday from a room at the Statler Hilton Hotel, 16th and K Streets NW., which was registered to Arthur Joseph and May Fox, of New York.

A cash register and a quantity of ice cream were stolen between 1 p.m. Saturday and 7 a.m. Sunday from Rabault Junior High School, Kansas and North Dakota Avenues NW., when the first-floor cafeteria was burglarized.

A \$1,150 gold chain with a ruby and diamond, a \$400 gold bracelet, three gold chains each worth \$150, a gold watch, an \$800 gold pendant, a \$350 diamond pin, an \$800 diamond ring and a \$1,000 diamond ring, with a total value of \$4,970, were stolen from the dresser in the upstairs bedroom at the home of Jerome Howitz, 3008 Corland Pl. NW.

Approximately \$515 in cash was stolen sometime between 11:30 p.m. Saturday and 5:30 a.m. Sunday from Lucia and Anthony Favuzzi, of Union City, N.J., when their room at the Lafayette Hotel, 16th and I Streets NW., was burglarized.

A television set and an adding machine were stolen between 1 p.m. Friday and 7:30 a.m. yesterday from Langston Elementary School, North Capitol and P Streets NW.

An amplifier and a tape recorder with a total value of \$900, were stolen sometime between 3:15 a.m. and 10 p.m. Sunday from Bixby's Warehouse, 1211 Connecticut Ave. NW.

A wall safe was looted, an office ransacked and the metal craft shop broken into sometime before 6 a.m. yesterday when burglars entered Hine Junior High School, 7th Street and Pennsylvania Ave. SE.

##### STABBED

James Richardson, of Washington, was treated at Freedman's Hospital for arm wounds he suffered during a fight with two young men about 11:50 a.m. Saturday in the 400 block of Neal Place NW. Richardson was wounded when one of the men held him while the other stabbed him with a razor.

##### ASSAULTED

Anthony Love, of Washington, was admitted unconscious to Hadley Hospital after he was hit in the face and head during a fight about 2 a.m. Sunday on Rte. 295 with a man who knocked him to the ground.

James S. Watkins, of 122 Tennessee Ave. NE, was admitted to Rogers Memorial Hospital with facial wounds he suffered when he was struck in the head by two women wielding an unidentified object during a fight about 3:05 a.m. Sunday at his home.

John Black, of Washington, was treated at Washington Hospital Center for injuries he suffered during an argument with a man shortly after 1 a.m. at the intersection of 3d and H Streets NW. Black was injured when a man with whom he was discussing a traffic accident struck him in the face and fled west in the 300 block of H Street.

Arthur Moore, of 1925 13th St. NW., was struck over the head with a pipe during a fight with a young man in his apartment shortly after 4 p.m. Sunday.

##### ROBBED

Tuesday's American gas station, 2501 Nichols Ave. SE, was held up about 5:30 a.m. by two youths. The pair approached the attendant and one of them drew a handgun demanding, "This is a holdup. Give me the money." The youths escaped with the cash.

Clyde Cecil Cassidy, of Washington, was robbed about 1:20 a.m. by three teen-agers who yoked him at 7th and O Streets NW. While they held Cassidy, one of the youths forced him to surrender his cash and radio, then they all fled on foot.

Joseph Borzi, of Washington, was held up shortly after midnight Sunday as he was standing at 25th and R Streets SE. Seven men surrounded Borzi, took his pants containing his wallet, money, papers and keys, and escaped.

A woman in the 1400 block of Kanawha Street, Langley Park, was robbed yesterday by a man who entered her apartment at 10:15 a.m. and attempted to rape her before fleeing with money from the apartment, Prince George's County police said.

Raymond S. Melvin, of Bradbury Heights, was beaten and robbed when he tried to escape from two bandits. The men approached Melvin from behind as he was walking in the 2400 block of Nichols Avenue SE and asked for his money. As Melvin tried to flee, the pair chased him and, when they caught him, began hitting him over the head. One of them drew a knife and forced Melvin to hand over his wallet. The pair then fled.

Donna Lombardo, of Landover, was held up about 7:15 p.m. Sunday as she was waiting for a traffic light at 6th and H Streets NE. Five men approached her and three of them stood in front of the car, blocking her path. The others reached through the car window and forced her to surrender her pocketbook.

Augustus Edwin Rogers, of Washington, was beaten and robbed by two youths who confronted him as he was walking west in the 300 block of E Street NE. One of them hit him across the back with a club and demanded his money and watch. The pair then fled on foot, heading north on 4th Street.

Lourdes Triana, of Washington, was held up about 6:30 p.m. Sunday by a youth brandishing a knife who approached her as she was walking in the 1100 block of 20th Street NW. The youth forced her to give him the bills she was carrying then fled into an alley in the 1000 block of 20th Street NW.

Roosevelt Morgan Hubbard, of Washington, a taxi driver for Eastern Cab Co., was held up by a man who hailed his cab about 4:30 a.m. Sunday at Minnesota and Deane Avenues NE. After the driver took him to the 1100 block of Neal Street NE, the passenger held a hard object at the back of the driver's head. He then removed the bills and change from Hubbard's pocket and the watch from his arm and escaped on foot.

John M. Schlabach, of Washington, was held up about 1:45 a.m. Sunday in the unit block of 9th Street NE by two young men who asked him for a match and then for directions. One of the men then drew a revolver and said, "Wait a minute," while two more men grabbed Schlabach from the rear and knocked him to the ground. After removing his wallet, the four fled on foot.

Bill Milton Shaw, of Washington, was treated at Rogers Memorial Hospital for injuries he suffered during a robbery shortly after midnight Sunday. As Shaw was removing clothes from the rear of his car at 3d and A Streets NE, two men jumped him from behind. After hitting Shaw in the face, his assailants took his wallet, money, travelers' checks and watch.

Willie Beard, of Washington, was held up about 9:40 a.m. by two young men who approached him from behind as he stepped off a bus at Nichols Avenue and Mellon Street SE. One of them pulled out a handgun and said, "Hold it right there and give



me all your money." While the gunman held Beard at bay, the other man took the cash from his pockets. Both men escaped into an alley off of Mellon Street.

Beatrice C. Haxton, of Washington, was treated at Providence Hospitals for injuries she suffered during a robbery about 5:15 p.m. on May 15. Two teen-agers approached her at 14th and Emerson Streets NW and tried to grab her pocketbook. When she resisted, one of them struck her over the head with an unidentified object.

Vincent Penna, of New York, was held up shortly after 3 a.m. by a youth concealing a gun under his sweater. The youth confronted Penna outside a building in the 1300 block of 10th Street NW, forced him into the building and led him to the second floor, where he was robbed of his cash and travelers' checks.

Hubbard House, 1900 M St. NW, was held up about 5:10 a.m. by four youths who ordered ice cream from the clerk. When he replied that he had none, one of the youths asked for change for a \$10 bill. As the clerk opened the cash drawer, the youth pulled out a handgun and said, "Give me the cash." The employee handed him the money, then the four entered a car occupied by two other youths and drove off.

Elizabeth Jane Connell of 240 M St. SW, was beaten and robbed Sunday by three boys who surrounded her near her home. One of them yoked her and knocked her to the ground. As a second assailant reached for her pocketbook, Miss Connell asked him to take the money but leave her wallet. Taking only the cash, the trio fled into the courtyard of a building in the 300 block of M Street.

Rosebud Mack, of Washington, was robbed about 10:45 p.m. Sunday as she was walking home from church in the 1100 block of Clifton Street NW. Two youths stopped her and forced her to hand over her pocketbook and Bible, then fled on foot.

## BIG THICKET OF SOUTHEAST TEXAS INSPIRES FILMMAKERS

Mr. YARBOROUGH. Mr. President, the Big Thicket of southeast Texas is the subject of a movie being prepared for the Texas State Historical Association. Two young men, Jim Seymour and James Vowell of Seymour Associates of Austin, Tex., are preparing the film under grant from the Moody Foundation of Galveston, Tex.

This film will be available for television, to schools, and nature, conservation, travel, and civic groups. This is certainly a commendable project, capturing the beauty of the Big Thicket on film for the enjoyment of all citizens. Seeing a film of the area is the next best thing to being there. With my bill, S. 4, to establish a 100,000-acre Big Thicket National Park, the area will be preserved so that people can enjoy this beautiful and unique part of America in person.

This film of the Big Thicket will inspire even more interest in this outstanding area. The makers of the film have caught the enthusiasm for the Big Thicket. A recent article in the Beaumont Enterprise describes this film project.

Mr. President, I ask unanimous consent to have printed in the RECORD the article by Kim McMurray, published in the Beaumont Enterprise of May 10, 1970.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

### THICKET IS APTLY NAMED PAIR FILMING PICTURE FOR HISTORY UNIT FIND OUT

(By Kim McMurray)

SOMEWHERE IN THE BIG THICKET—Two Austin men have found out in recent months that the Big Thicket is very aptly named.

The pair, Jim Seymour and James Vowell of Seymour Associates, are making a motion picture about the Thicket for the Texas State Historical Association under a grant from the Moody Foundation in Galveston.

#### SPENT WEEK

They have spent about a week and a half in recent months thrashing about in the wilderness filming flowers, birds, creeks and bayous and people and places.

It doesn't take anyone who accompanies them long to discover that film-making, especially of the Thicket, is a very tedious procedure.

It also creates sticky situations—especially when Seymour has to lie on the briar-covered ground to get just the right angle on a jack-in-the-pulpit or some other uncommon flower.

#### CAMERA, SOUND

Hauling 75 pounds of camera and sound equipment into the dense woods doesn't make things any too easy either, but it hasn't dampened their enthusiasm.

Seymour does the filming and Vowell the producing. The former is president of Seymour Associates and Vowell is vice president.

They have about two and one-half weeks of filming left, and release date for the film is tentatively set for Oct. 1. The movie will be available for television syndication, and to schools, nature, conservation, travel and civic groups.

As an example of how tedious the filming is, it takes five days to put 60 minutes on film. That 60 minutes will be cut to about 10 minutes in the final editing. The film will be 50 minutes long.

#### OLD DRAWINGS

Besides capturing the human, plant and animal life in today's Thicket, an important part of the film will also be a montage of old drawings and pictures dating from the early days of the Thicket up through the 1930s and 1940s.

The pair is very impressed with the Thicket. Seymour says, "It's an incredible place. It's hard sometimes to separate the lore and legend from the facts, but it is clear that the Thicket is a kind of ecological anachronism—a patch of wilderness that's unique in the U.S."

Although the film won't get embroiled in the park-size controversy, Seymour is inclined to go along with conservationists who favor one large park. "One large, contiguous area could be kept, or restored, as a wilderness; it's better ecology. But how big should the park be? Our film is not going to take sides on that."

What the film will be concerned with is the urgency for saving the Thicket, and there is little argument on that point.

## BETHESDA-CHEVY CHASE RESCUE SQUAD

Mr. MATHIAS. Mr. President, the Bethesda-Chevy Chase Rescue Squad is considered one of the outstanding volunteer units in the United States. Their story was carried in a recent issue of the U.S. Information Agency's magazine, Topic, which is published each month for distribution in Africa in English, French, and Arabic editions.

Far too often, the efforts of volunteers, working virtually an extra workweek to serve others, remain unnoticed. I am pleased that the debt of recognition can be paid to this group, which represents thousands of similar squads throughout the country.

In a story which I commend to every Senator, James W. Baker, of the USIA, follows the men on a rescue mission, traces the history of the Bethesda-Chevy Chase Rescue Squad, and describes the 10-year career of the group's chief, W. Donald Sheaffer.

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 RESCUE SQUAD: VOLUNTEERS REMAIN ON CONSTANT CALL TO HELP THEIR FELLOWMEN

(By James W. Baker)

It was a hot summer night in Bethesda, Maryland, a suburb of Washington, D.C. In the second floor bunk room of the Bethesda-Chevy Chase Rescue Squad building on Auburn Avenue, five young men slept. The hands on the big clock on the wall showed 12:48 A.M. That's when the call came into the switchboard downstairs.

Lights in the bunk room flashed on. The switchboard operator's voice boomed out over the intercom set: "Automobile accident with injuries! Southbound lane of Route 270 at Route 495."

Within seconds the five young men had scrambled into their clothes. Racing across the floor of the bunk room they slid in swift file down the big brass pole in the corner of the room, plunging in rapid succession to the emergency vehicle garage below.

David Dowling, 23, who works as a draftsman by day, ran to an ambulance and jumped in behind the steering wheel. He was quickly joined by Bill Eberlin, a stocky college student home for the summer, and Stanley Dameron, an off-duty sailor who is stationed in Washington.

Meanwhile, John Pearson, a tall, rangy county policeman who does volunteer duty with the rescue squad on his nights off, had climbed into the driver's seat of the 15-ton, heavy-duty squad truck. Joining him in the larger rescue vehicle was Leo Rosetta, a heavy-set young man who just three weeks earlier returned from Viet Nam where he served as a medical corpsman.

Rubbing the sleep from his eyes, Dowling touched the siren button on his ambulance, as the two emergency vehicles wheeled onto the avenue and headed at top speed northward toward the area of the accident.

Less than five minutes later, the five rescue squad volunteers surveyed the grisly scene at the intersection of two highways. An automobile was overturned on a grassy embankment, balancing precariously at a 45-degree angle. One man, who had been thrown clear of the vehicle, lay on the ground 10 feet away, his jaw, his right leg—and possibly his skull—fractured. His breathing was extremely labored.

John Pearson and Leo Rosetta, working silently and efficiently, inserted an airway in the man's throat and began administering oxygen. They splinted his leg, treated him for shock, and then gently eased the half-conscious victim onto a plywood backboard used for moving persons with fractured bones.

By this time, huge floodlights on the heavy-duty squad truck, operated by a generator with power enough to light a soccer field, were illuminating the scene of the accident.

An ambulance from another volunteer res-

cue squad in the area had arrived on the scene and roared off to Suburban Hospital, three miles away, with the first casualty.

Meanwhile, David Dowling and his two aides had been busy with the second injured man who was pinned beneath the tilted and overturned car, his arm crushed beneath the car's fender. In a few harrowing minutes, Dowling and the other two rescue squadmen gently edged the victim from under the auto as police and other rescuers on the scene lifted the teetering car, which threatened to tumble down the embankment.

Dowling discovered immediately that the man's breathing had stopped and began resuscitation. This was made doubly difficult by the fact that this man also had a fractured jaw. The rubber resuscitation mask had to be applied very carefully to his face. Once the victim's breathing was restored, Dowling noted his other injuries—broken right arm, broken right leg, a possible concussion—and decided it best to get him to the hospital without further on-the-scene first aid. The rescuers eased him into the ambulance and because there was practically no traffic at this time of morning, raced to the hospital at 90 miles an hour.

At the hospital emergency room, the rescue squadmen remained on the scene for more than an hour, assisting the doctors and nurses. It was 2:54 a.m. when the five rescuers signed in back at the squad's headquarters building, hosed down their vehicles, drank coffee and went back to bed to catch about three hours' sleep before the hot mid-summer sun streaked through their windows.

"I suppose you could call this a typical call, although many we get are much less serious than this one," says 26-year-old W. Donald Sheaffer, chief of the Bethesda-Chevy Chase Rescue Squad. And Sheaffer is more or less typical of the thousands of men from all walks of life who voluntarily serve in rescue squads throughout the United States. A plumber who says he does "a little bit of everything" for a local tile company, Shaffer joined the Bethesda squad in 1959, when he was 16, by giving a false age. (Normally the minimum age limit is 18.)

"My older brother was in the rescue squad and I sort of grew up hearing about the squad," he recalls. "There was never any question about my joining when I got old enough. I knew a lot of the boys in the squad. And they were short of members then. So I didn't wait until I was 18. By the time I completed my six-month probationary period, they discovered I was underage. I guess they figured it was too late then to kick me out."

During those six months of probation, Sheaffer, like all members of the Bethesda outfit, stood duty at least one night a week, going on scours of calls, both routine and emergency. But he did little at the scene other than observe the more experienced men and occasionally help them with some routine task. There were first aid and rescue training sessions every duty night. After six months, he completed his probationary period and was elected a private in the rescue squad.

As the months rolled by, Sheaffer completed the advanced first aid courses. As he developed more experience, he found himself involved in rendering first aid and filling other useful assignments when he went on rescue calls. By July 1962 he had qualified to drive a rescue vehicle and lead a team of less experienced men on emergency calls. It was then he was elected sergeant. Sheaffer found he was putting in more and more time at headquarters during his off hours, accompanying the squad members on more and more calls. As his proficiency and interest increased, he was elected to higher offices. Then, in 1968, he was elected chief of the 100-man rescue squad.

As Chief, Sheaffer finds he has little time to answer rescue calls. Leaving this aspect of the job to the younger, newer members of the squad, he devotes an increasing amount of his time—about 25 hours a week—to administrative matters.

Before he was elected head of the organization, Sheaffer figures he roared out of the garage in an emergency vehicle approximately 4,000 times, answering calls ranging from the routine transport of an invalid to a major disaster such as a plane crash. In between there were calls to rescue children from a raging river, give first aid to injured fire fighters, provide emergency treatment to auto accident victims, deliver babies and even rescue an occasional kitten from a tree. Over the years, most of the calls Sheaffer has responded to have merged in his mind, but a few experiences still stand out.

His most satisfying call?

"About seven years ago I answered a call to aid a man who had had a heart attack," he recalls. "We got there about 11 o'clock at night and began administering oxygen. When the doctor arrived he said the man was too ill to be moved. Two other squadmen and I stayed with the man until 7 o'clock the next morning, administering oxygen constantly. We had to send the ambulance back to headquarters several times for more oxygen. After eight hours the doctor said the man could be moved safely. We took him to the hospital then—and we got him there alive. We all felt pretty good about that."

Not all calls are so harrowing. Sheaffer said he once answered the telephone at the squad building and heard a woman say breathlessly: "Come quick! It's my baby!" Realizing that a choking baby can live only a few minutes without first aid, Sheaffer and two other squadmen raced to the home at breakneck speed. There they found the elderly mother with her "baby," a six-foot-two-inch, 30-year-old man with a nosebleed.

The rescue squad Sheaffer heads is considered one of the outstanding units in the United States. The Bethesda-Chevy Chase unit was formed right after World War II—in 1945—by a handful of veterans returning from the military service who saw the need for such a service in the rapidly-growing suburbs around America's capital. The squad started with two secondhand station wagons for ambulances and 10 volunteers. Today the unit has its own two-story brick headquarters building, seven fully equipped ambulances, two heavy-duty squad trucks, a mobile kitchen, a boat for river rescues, the loan of a helicopter and 100 volunteers.

The squad is run with military precision. Ranking officers give commands that are followed without question. The second-floor squad room is spotless. Work details are posted on the bulletin board. Duty rosters are prepared and a crew of five to 12 men is on duty each night from 7 p.m. until 7 a.m. (During the day two paid men are on duty and volunteers are on call at their jobs if needed; the squad recently mobilized 60 men at 5 a.m. when a fire broke out in an office building next door to the rescue squad headquarters. "Also," says Sheaffer, "we have salesmen, students and others with irregular hours who can take duty during the daytime when most people are at work.")

Despite the fact that practically all the manpower is volunteer work, it still costs the squad about \$150,000 a year to operate and maintain its building and fleet of vehicles. (Last year the squad answered 6,641 calls, an average of 127 a week, or about 18 a day, 365 days a year.) The entire budget of the rescue squad comes from contributions from residents of the community, some who have utilized the services of the squad, others who may someday, without warning, have to call upon them. Some donations are

as small as \$1. Others run into the hundreds. Each is acknowledged.

Why do men choose to volunteer their time and energy to work with the rescue squads?

No doubt some are attracted by the promise of excitement. But most, although they're reluctant to discuss it, have a more deep-seated, sometimes personal, reason for lending a hand to their fellowman in time of crisis.

One of the volunteers, David Dowling, says: "One afternoon, at a practice session when I was playing football for Walt Whitman High School in the fall of 1961, I was running out for a pass. I had my head turned, looking over my shoulder for the ball," he said. I didn't see the football sled (a piece of practice equipment) off to the side. I crashed into it running at full force. My face and head got cut up pretty badly."

Within a few minutes three members of the Bethesda-Chevy Chase Rescue Squad were on the scene. They gave first aid, stopped the bleeding and took him to the hospital to have his cuts sewed up.

"After I left the hospital, I kept thinking about those fellows from the squad," he said.

In December he walked into the squad headquarters on Auburn Avenue and said he'd like to join the unit. Today, eight years later, he's still answering the calls for help.

## RESULTS OF THE CAMBODIAN SANCTUARY OPERATION

Mr. GRIFFIN. Mr. President, I ask unanimous consent that a summary of the results of the Cambodian operation as of 8 a.m. June 2, 1970, be printed at this point 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.....	15,199	+97
Crew-served weapons.....	2,106	+23
Bunkers/structures destroyed.....	8,193	+100
Machinegun rounds.....	3,267,752	+30,910
Rifle rounds.....	6,910,336	+11,211
Total small arms ammunition (machine gun and rifle rounds).....	10,178,088	+42,121
Grenades.....	34,768	+101
Mines.....	3,925	+33
Satchel charge.....	500	(0)
Miscellaneous explosives (pounds).....	72,000	(0)
Anti-aircraft rounds.....	133,721	(0)
Mortar rounds.....	45,520	+48
Large rocket rounds.....	1,515	+39
Smaller rocket rounds.....	25,435	+250
Recoilless rifle rounds.....	21,555	+5
Rice (pounds).....	10,938,000	+50,000
Man months.....	240,636	+1,100
Vehicles.....	358	+10
Boats.....	40	(0)
Generators.....	36	(0)
Radios.....	185	(0)
Medical supplies (pounds).....	39,600	(0)
Enemy KIA.....	9,006	+62
POW's (includes detainees).....	1,900	+19

<sup>1</sup> Unchanged.

<sup>2</sup> Field adjustments.

## RUBELLA AND OTHER COMMUNICABLE DISEASE CONTROL—WALL STREET JOURNAL WARNS OF DANGER

Mr. YARBOROUGH. Mr. President, the Wall Street Journal of May 25, 1970, contains an excellent article written by Mr. Elliott Carlson, concerning the tragic consequences of the 1964 rubella epi-



demic. Rubella is a common, usually harmless, communicable disease. However, if contracted by a pregnant woman, particularly during her first trimester, it can produce catastrophic results. The fetus may be aborted, or be born with crippling mental or physical disorders, the most common disability being deafness.

The incidence of rubella peaks on roughly a 7-year cycle. This means that during the next year, unless action is taken by all concerned, we will be faced with a repeat of the 1964 epidemic which saw more than 20,000 children born with congenital abnormalities. In addition to deafness, these abnormalities include heart defects, blindness, and mental retardation. Approximately one-fourth of those pregnant women who contract the disease either abort the fetus or bear infants with these congenital anomalies. It goes without saying that the human suffering as well as the very special and expensive burden that these children place upon their families and society in terms of their education and rehabilitation are incalculable.

Mr. President, in 1964 there was little we could do to prevent what happened. That unfortunate circumstance no longer obtains. In the intervening years a vaccine has been developed which, if comprehensively and systematically administered to the prepubertal youngsters of this Nation, can create what the medical people call a "herd-immunity," which will all but wipe out rubella and thereby prevent a repetition of 1964. However, let me sound a caution. Rubella, like any communicable disease, knows no geographic boundaries. In a highly mobile society such as ours we cannot rely upon a hit-or-miss program. To have an effective vaccination program in one State, city, or county, but not in another, will not suffice. In order to insure a coordinated, national attack on rubella, as well as other communicable diseases, special Federal assistance will be required.

Both Houses of Congress have recognized this responsibility. Last October, the Senate passed S. 2264, the Communicable Disease Control and Vaccination Assistance Amendments of 1969, which would enable the States and localities to conquer rubella. Additionally, it would enable them to continue or initiate, as the case may be, programs to combat measles, polio, diphtheria, tuberculosis, venereal disease, tetanus, whooping cough, and hemolytic or RH disease. The Vaccination Assistance Act, under which many of these programs had been supported in the past, expired in the middle of 1968. Expectations that the States and localities would comprehensively and systematically continue those programs under the permissive partnership for health legislation has proven to be but a vain hope.

Mr. President, I understand that the House Committee on Interstate and Foreign Commerce has reported favorably a bill which is essentially similar to S. 2264. Their bill now awaits action by the Rules Committee, prior to being considered by the full House.

I am hopeful that the House will act expeditiously and favorably on the measure before that body. We can then quickly resolve any technical differences between the bills and thereby enable the appropriate public officials and health professionals to do their job. It is abundantly clear to me that the saying, "an ounce of prevention is worth a pound of cure," certainly applies in combating communicable diseases. And we in the Congress would be remiss if we were to not capitalize on this opportunity to both prevent disease and enhance the quality of life.

Mr. President, I ask unanimous consent that Mr. Carlson's article, entitled "Deaf Children, Born in Rubella Epidemic, Taxing Special Schools," be printed in the RECORD.

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

[From the Wall Street Journal, May 25, 1970]  
MEASLES AFTERMATH: DEAF CHILDREN, BORN IN RUBELLA EPIDEMIC, TAXING SPECIAL SCHOOLS; LIPREADING, SIGN LANGUAGE ADVOCATES DIFFER ON BEST WAY TO TEACH YOUNGSTERS; SOME HELP FROM TINY TIM

(By Elliott Carlson)

Mrs. Barbara Tommasi's kitchen sometimes sounds more like a boiler factory. She often bangs pots and pans and slams lids just to see how much noise she can make. There is, of course, a reason. Mrs. Tommasi is trying to teach her deaf four-year-old daughter to recognize a variety of sounds.

"I sit Diana near the sink while I clang the pans—anything to make her aware of common, ordinary noises," says the Nashville mother. By teaching Diana to connect sounds with their objects, Mrs. Tommasi is trying to give Diana a learning experience that most deaf youngsters miss.

Diana Tommasi is one of 16,000 youngsters born with hearing impairments resulting from their mothers' contracting German measles while pregnant during the measles epidemic of 1963 to 1965. These children are now of school age, and their education, at home and in public and private schools, is posing problems. Parents are sometimes unable to cope with the problems and, worse, even to recognize in time that their children have hearing problems. Public schools are by and large ill-equipped to deal with a deaf child, and private schools are finding it difficult to handle the large numbers resulting from the epidemic of German measles, or rubella.

Complicating the situation, the experts in education of the deaf are divided into two camps. There is a bitter controversy among them about the best way to teach the deaf. Some say the youngsters should be taught only to lipread; others insist the deaf should be taught sign language also.

#### A VACCINE FOR RUBELLA

Rubella itself is now preventable. A vaccine has been developed that is highly effective, and drives are under way in many communities to wipe out the disease completely. Deafness won't be wiped out, of course—rubella is a big cause but not the only cause of deafness—but the strain on the schools for the deaf probably will never again be what it is now.

Health officials warn that there may be another epidemic of rubella next year unless the vaccination program is broadened. But even if deafness does again increase, the parents of the children will have an advantage that parents of the 1965 rubella babies didn't have. Hospitals now routinely test the hearing of the newborn with various electronic

devices. If that had been done during the last rubella epidemic, many of today's children would be far better off.

"There are critical time periods. Unless you reach a deaf child when he is very young, you may further limit his capacity to learn and fit into society," says Kay Horton, chief of the language department of the Bill Wilkerson Hearing and Speech Center in Nashville. She and other experts say parents of some of the rubella babies didn't know the children were deaf until they were two years old or older.

#### RIISING ENROLLMENT

The rubella babies' hearing impairments range from moderate to severe. The thousands of these children with serious problems are now enrolled—or trying to enroll—in the nation's 1,180 schools and preschool facilities for the deaf. In all, these schools enrolled about 44,000 students in 1969, up from 32,000 in 1964.

At some schools, enrollment has risen nearly tenfold in recent years as a result of the rubella children. This year, for instance, the number of preschoolers at the San Francisco Hearing and Speech Center soared to 107, up from an average of 12 children before the epidemic. The New York City School for the Deaf, where preschool enrollment has jumped to 193 from 65 in 1965, recently introduced half-day, double sessions.

Once a child is admitted to a special school, he is hooked up, plugged in and turned on with various science fiction-like devices. The wealth of new electronic equipment is one of the few advantages that the young rubella children have over deaf youngsters of the past. They are given new hearing aids that can be worn in all kinds of situations—on the playground, for instance—and that also bring them a wider range of sound. Oscilloscopes enable them to watch sound gradations on TV-like screens and thus better control their voices. Videotapes enable them to watch themselves when they speak and thus better control their sometimes wild gyrations.

#### DANCES AND BASKETBALL GAMES

Typical of the schools is the Clarke School for the Deaf, a private, residential school founded 103 years ago in Massachusetts. A close look at Clarke reveals much about the problems of educating the deaf.

Situated on a bucolic 30-acre hillside overlooking Northampton, Clarke tries hard to resemble a school for ordinary children. The 220 children, once totally isolated, now mingle freely with townspeople. Students participate in sports and cultivate the social graces. Clark's basketball team regularly plays teams from local high schools (breaks are indicated by unusually loud buzzers and by flashing red lights). Older students attend dances. (They can't hear the music but pick up the vibrations.)

Most of Clarke's students are between six and 17 years old. They were lucky to get in—the school has room for only about 50% of the applicants—and their education is costing \$4,000 a year. (The students come from around the country, and their home states often pick up part or all of the bill; the school has scholarship funds that help students, too.) The fee is rising to \$5,000 next fall. When the Clarke students graduate at age 17, it is hoped their speech will be good enough to let them enter normal high schools as freshmen.

Clarke founded oralism—the lip-reading movement—for the deaf in America. School officials feel strongly that lip-reading is the best way for deaf people to get along in the world. "Our job is to equip deaf youngsters for the hearing world. You can't do this with manual techniques, which tend to isolate deaf persons from outside contacts," asserts George T. Pratt, president of the school. (Mr.

Pratt is not deaf and neither are any of the 50 teachers at the school.)

Most schools for the deaf favor the oral approach, in which youngsters first learn to read lips and then to mimic the action and try to speak like normal children. But critics say this deprives the deaf of their "natural and normal" language—sign language. Also, critics cite a 1969 study at Chicago hospitals that blamed the heavy emphasis on lip-reading for poor scholastic achievement among the deaf.

McCay Vernon, professor of psychology at Western Maryland College in Westminster, contends that few deaf persons can truly master lip-reading and speaking. Those who can't, he asserts, remain "social isolates" all their lives because of their inability to communicate. He maintains that "most deaf youngsters drop out of school at ages 14 to 17, functionally illiterate and unable to speak or use the language signs." He says the main problem is that so many English sounds look alike that accurate lip-reading is almost impossible.

#### LEARNING TO SPEAK

Most critics favor combining all methods in a single program, an approach already followed by some schools. In Washington, Galaudet College, the only college for the deaf in the world, practices "total communication" in which sign language and oral techniques are used together.

But advocates of oral training, such as the people at the Clarke school, argue that the combination doesn't work because youngsters tend to become dependent on the simpler manual methods, and, as a result, never learn to speak. The oralists reject the criticism of their methods and contend that their technique is getting better all the time as new equipment becomes available to help children learn to read lips and speak.

Normal children learn to speak by imitating the sounds of others. Deaf children, of course, can't hear these sounds, so at Clarke and other schools that believe in oralism the deaf children rely on powerful earphones or hearing aids. These still don't enable most youths to hear normally—or even close to normally—but they do at least let them hear some sounds. The teacher then tries to get the youngsters to watch the lip movements and facial expressions of those about him. Eventually, the teacher hopes, the child will begin to imitate, however, imperfectly, the movements in an attempt to express himself.

To speed the process, some schools use phonetic symbols. They also use cards that illustrate the manner and production of various sounds and models and diagrams that show the position and movement of speech organs. In time, children are taught vocabulary, multiple meanings of words and abstractions that are difficult to illustrate, such as hate and love.

Even when youngsters emit sounds resembling speech, they have a long way to go. "Many deaf children mimic their teachers in an exaggerated way. They try so hard to emphasize their words, they inadvertently wave their hands and bob their heads a lot," says Ralph White, audiovisual director at the Clarke school. Clarke has solved this problem by installing videotape machines that enable youngsters to see themselves making the unnecessary, wild gesticulations.

Many schools hope to motivate youngsters to improve their oral performance through closed-circuit TV shows in which the students star. At Clarke, students recently wrote and acted out a Walter Cronkite-type newscast, complete with an anchorman and roving reporters. At 10 o'clock one recent morning, classes were interrupted for the five-minute newscast, which brought a roundup of local news, weather and sports and even a commercial for a fictitious hearing aid.

"Reporters will have to do well or the students viewing won't be able to read their

lips," says Mr. White. "So you can bet they'll be motivated, because if they do poorly they'll get a terrible ribbing."

#### HELP FROM TINY TIM

One big problem after the youngsters learn to speak is that they tend to talk in a falsetto that is unpleasant to the ears of normal hearers. To get youngsters to speak in a more natural way, the Lexington School for the Deaf in New York uses a variety of techniques. Among other things, it has a youngster speak in front of a contraption in which 12 light bulbs are placed in a vertical row. As the voice ranges, different numbers of lights light up; if he lights up nine, he knows he is speaking properly.

But just getting some youngsters to speak at all can be the biggest problem. This year Lexington discovered it could spark chatter by mixing deaf preschoolers with normal children from the neighborhood. The preschoolers quickly acquired words like "hey" and "yeah" and, according to a teacher, sounded a lot more like typical kids. Another teacher found that deaf preschoolers became downright gabby after listening to highly amplified records of the Beatles and Tiny Tim.

"Tiny Tim is good because his voice has so many variations," says Marjorie Held, a Lexington teacher. "After hearing him, even babies begin making bubbly sounds of their own."

#### TRICENTENNIAL DEDICATION OF HUDSON'S BAY TRADING POST, GEORGETOWN, MINN.

Mr. MONDALE. Mr. President, on May 2, I had the privilege of participating in the tricentennial dedication of the Hudson's Bay Fur Trading Post at Georgetown, Minn.

Several hundred persons from Clay County and the surrounding area joined that day in recalling the colorful days of Clay County's past. Fur traders, steamboats, and the historic Red River oxcart trails—they all played a part in the development of this rich and beautiful farming area in the famed Red River Valley. The remarks appearing on the historical marker which was unveiled at the dedication give us a brief summary of Georgetown history, and I am asking that those remarks be printed in the RECORD.

The Clay County Historical Society, under the leadership of Mr. Glenn E. Johnson, has done a remarkable job of researching and preserving the history of this area. This is exemplified by the fine brochure Mr. Johnson prepared for the tricentennial dedication. I would also like to call attention to the remarks made at the dedication by Mrs. Evelyn Probstfeld Gesell. Mrs. Gesell is the granddaughter of Mr. Randolph Probstfeld, who in 1864 became the first postmaster in Clay County. Her statement gives us an exciting glimpse into the flavor of life in early Georgetown. I ask unanimous consent that Mrs. Gesell's remarks, the message on the historical marker and the tricentennial dedication brochure be printed in the RECORD.

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

REMARKS ON HISTORIC MARKER: HUDSON'S BAY FUR TRADING POST, GEORGETOWN, MINN.

Hudson's Bay Company was chartered by King Charles II of England on May 2, 1670 on its agreement to pay "two Elkes and two

Black Beaver" in rent for rights of trade, commerce, and governmental powers over the territories lying within the entrance of Hudson Strait. The region encompassed the drainage basin of the Red River of the North, an area equal to  $\frac{1}{2}$  North America. Rents were to be paid whenever the reigning sovereign of England set foot on "Rupert's Land." First immigrants to Minnesota were Scotchmen from Red River Settlement established near present day Winnipeg in 1812.

Fur trading and barter were the way of life of the territories. Five trading posts were built on Red River, the one on this site being erected in 1859. Reconstructed around this marker is the warehouse in which furs were stored for transportation by dog team, oxcart, piroque to York Factory on Hudson Bay and shipped by sailing vessels to London.

Georgetown was named after Sir George Simpson, Governor-in-Chief of Rupert's Land. It marks the confluence of the Red and Buffalo Rivers and a crossing of the first overland highways in Minnesota—the Red River Oxcart Trails.

REMARKS MADE AT THE TRICENTENNIAL DEDICATION OF THE HUDSON'S BAY FUR TRADING POST AT GEORGETOWN, MINN., MAY 2, 1970, AT THE UNVEILING OF THE COMMEMORATIVE TABLET IN THE RESTORED WAREHOUSE SHELFER

Mr. Chairman, Honorable Senator Mondale, Mayor Paseka, Mr. Johnson, Members of the Clergy, Pioneer Sons and Daughters and Distinguished Guests: About 40 years ago, I was privileged to help dedicate a monument to the memory of three men, who played an important role in the development of the early days of the Hudson Bay Trading Post here at Georgetown. The inspired concept for this granite monument with the engraved plaque upon it originated with Mrs. Alice Eastwood whose dream it was to perpetuate the memory of these three courageous, gallant pioneers and all the other valiant men who followed after them.

Picture, if you can, a vast area of prairie land inhabited by only a handful of settlers, Indians, French Canadians and oxcart trainmen—with buffalo grass as far as the eye could see—with the only man made sounds, the occasional squeaking of ox cart wheels or an infrequent river boat whistle—then gradually, when the terror of possible Indian attacks had subsided—the coming of the settlers—some of whom along with the United States Government were not as kind to the Indians as they should have been.

The three men whose names appear on that historic plaque are Edwin Hutchinson, Adam Stein, and Randolph Probstfeld. All of them came to the territory of Georgetown during the early part of 1859. Mr. Hutchinson was a ship builder and he did much of the constructing of the first steam boat on the Red River—the *Anson Northrup* and he helped to build a number of other steam boats. He was also employed by the Hudson Bay Company in various capacities at various times as late as 1871. Mr. Probstfeld was with the party which brought the steam boat boilers to Lafayette City—at the mouth of the Sheyenne in the early winter of 1859. The Sheyenne was where the *Anson Northrup* was assembled. Mr. Probstfeld was the first Postmaster of Georgetown and the Postoffice Desk which he built out of an old shipping crate is on display here today along with some of his records showing shipment of goods through the Company when he was in charge of the Company during the years 1865-1868. Adam Stein helped to build the first Hudson Bay Company Ware House and he assisted in cutting and fashioning the logs which are now incorporated in our present restored Hudson Bay Building.

Much could be said about the early days at the Post concerning these three men who faced danger and hardship—shoulder to shoulder during those trying years. It was a



case of dedicated togetherness for survival. For example, during the Indian uprising in 1862, Mr. Hutchinson came late at night with a horse and wagon to move the Probstfelds to the Post as he had been tipped off by an Indian that the Indians were planning an attack on the settlers. In addition to these three, there were many brave and stalwart pioneers who paved the way to the development of this great valley and their trials and accomplishments are a matter of History.

So 40 years later, continuing with that initial dream of Mrs. Eastwood, we find ourselves at the culmination of that dream—celebrating and commemorating the 300th anniversary of the establishment of the Hudson's Bay Company in Canada and in the Red River Valley.

It was the policy of this great company to instill honesty in all of its employees regarding its dealings with the Indians whose confidence they gained by keeping their word in all transactions with them. It was because of this policy that Georgetown though threatened by Indians was never attacked by them.

What a wonderful accomplishment it is that the people of Georgetown together with the Clay County Historical Association under the leadership of Mr. Glenn Johnson, the Clay County Commissioners and the State of Minnesota have had the foresight to establish this park—the Hudson's Bay Fur Trading Post at Georgetown—in order to preserve, to honor and to perpetuate the Trading Post of those early days. The people of Georgetown are to be commended for all the work they have done in making this Tricentennial Celebration a reality.

The spirit of those indomitable and intrepid pioneers is *within* us to-day. May that spirit remain with us to inspire and guide us in the years to come.

I think that our American poet, Henry Wadsworth Longfellow has expressed how we feel so well in the following words:

"Lives of great men all remind us  
We can make our lives sublime  
And departing leave behind us  
Footprints on the sands of time,  
Footprints that perhaps another  
Sailing o'er Life's solemn main  
A forlorn and shipwrecked brother  
Seeing shall take heart again"

#### GEORGETOWN

(By Glenn E. Johnson)

#### PREFACE

The design and purpose of this brochure is to accurately describe the origin, development, and place Georgetown, Minnesota occupied in the fur trading industry of Hudson's Bay Company and the development of the Red River Valley in Minnesota. In addition to the sources of information listed in the bibliography we have derived considerable knowledge from the records and biographies of early pioneers and settlers in Clay County.

In the preparation of this history of Georgetown, our efforts have been neither to state false things nor suppress the truth. To have done so would defeat the purpose for which Hudson's Bay Fur Trading Post Park at Georgetown, Minnesota is being dedicated.

GLENN E. JOHNSON,

President, Clay County Historical Society.

#### SITE AND NAME

Minnesota was organized as a territory in 1849 and admitted into the Union May 11, 1858. Hudson's Bay Fur Company with proprietary powers over its administrative officers and all the people living in "Rupert's Land," an area covering  $\frac{1}{2}$  of North America, was chartered by King Charles II of England May 2, 1670. The site at the confluence of the Buffalo and Red Rivers in Minnesota was chosen by James McKay, a

representative of Hudson's Bay Company in St. Paul. He established the post on August 12, 1859 and named it Georgetown after Sir George Simpson, Governor-in-Chief of Rupert's Land from 1821 until his death in 1860. Previous to having been named Georgetown, the area was referred to by the English as "Shayenne" and "Chienne Riviere." Mr. McKay was the named agent at the post. A year later, he was succeeded by Alexander H. Murray.

#### PURPOSE OF POST

Alexander Grant Dallas became Governor-in-Chief on Mr. Simpson's death. He arrived at Fort Garry (Winnipeg) on horseback from Georgetown on Sunday afternoon May 18, 1862. His family and servants came down the river later on a steamboat. One of the first administrative acts of Governor Dallas was to issue orders to his subordinates in the service directing them to discontinue the system of paying cash for "country produce." The latter was the general term used for all meat, agricultural produce, and other articles produced in the colony, with the exception of furs. Instead of cash, articles of English or American manufacture, imported by the Company and exposed for sale in their shops, were to be bartered. As the Company's notes composed the grand medium of local circulation, and had, till then, always been paid in exchange for the produce indicated, a vast quantity of which was annually bought, an immediate outcry from the settlers followed the promulgation of the new edict.

Up to the effective time of Governor Dallas' order Hudson's Bay Company post at Georgetown was "used as a storing place for their goods in process of transshipment from the carts running between it and St. Paul, on the one hand, and the steamer running on Red River, between it and Fort Garry, on the other." Mr. Murray was succeeded as agent for the post at Georgetown by Norman W. Kittson in June 1862. When Mr. Kittson moved to St. Paul in 1863, R. M. Probstfield was appointed agent in his stead and served continuously until 1870. W. J. S. Traill was placed in charge of the post in 1870 and so served until instructed to close the store in April 1875. The property belonging to the fur trade was transferred to Grand Forks and about a year later to Fort Gary.

It is said McKay selected the location for the post at the confluence of the Buffalo and Red Rivers because it was the place where the timber belts of each of the rivers joined. The trees protected the point from the west and south winds while to the north and east one could look over endless pasture and hay grounds for horses, cattle, and sheep. The fresh, cool waters from the Buffalo seemed pure, refreshing, and plentiful for both man and beast.

In 1817, Lord Selkirk who had acquired about 74,000,000 acres of land in the heart of America from Hudson's Bay Company visited the Red River Settlement near Fort Garry. He was particularly interested in extinguishing the Indian titles on that part of his property intended for immediate use as the American free trader was encroaching upon these territories. The areas in question belonged to the Chippewa and Cree Nations. On July 18, 1817 these nations through 5 chiefs signed a treaty with King George III of England for the benefit of Lord Selkirk ceding their rights to a long strip of country, 2 miles back from each bank of the Red and Assiniboine Rivers. The land ceded was from the mouth of the Red River to its confluence with the Red Lake River in the United States and on the Assiniboine from Fort Garry to Muskrat River.

Following Lord Selkirk's death April 8, 1820, his estate became involved in litigation over the ownership of the property with the American Government. In reports of 1872 and 1874 Hudson's Bay Company claimed 1133 acres of land surrounding the

Georgetown Post in "Chienne Riviere" country. There is no record of title to land in the name of Hudson's Bay Company in the Clay County Register of Deeds office. The company however, was assessed and paid a personal property tax of \$148.08 in 1873.

The idea of distance of 2 miles extending back from each bank of the rivers was impressed upon the 5 Indian Chiefs who signed the treaty in 1817 by describing it as "the greatest distance at which a horse on the level prairie could be distinctly seen or daylight seen under his belly between his legs."

#### PRAIRIE DU CHIEN TREATY

Despite the physical location and the financial interests of Hudson's Bay Company in "Chienne Riviere", Mr. McKay was principally influenced in establishing the post at Georgetown on the east side of the Red River and the north side of the Buffalo by the Prairie du Chien treaty in which well defined boundary lines were established to prevent encroachment of 9 Northwestern Indian tribes upon each other's hunting ground. The treaty was entered into on orders from Washington, D.C. at Prairie du Chien August 19, 1825. Governor Clark of Missouri and Governor Cass of Michigan presided at a grand congress of the Dakotahs, Ojibways, Sauks, Foxes, Menomones, Ioways, Winnebagoes, Pottawattamies, and Ottawas. The Dakotas (Sioux) and Ojibways agreed the line dividing their respective countries should "commence at Chippewa River half a day's march below the falls—to the portage of Otter Tail Lake; thence to the outlet of said lake; thence to the Buffalo River, midway between its source and mouth, and down said river to Red River, and down Red River to the mouth of the Outard Creek." The Sioux nation was a powerful confederation of North American Indians living on the Dakota prairies. They were hostile towards the white immigrant and settler. The Sioux occupied the territory south of the Buffalo and west of the Red River. The Chippewa were woodsmen living north of the Buffalo and east of the Red River as far as Lake Superior. They were friendly towards the early pioneers.

The Trading Post at Georgetown when established, was on the Ojibway (Chippewa) side of the Buffalo and Red Rivers. The boundaries were patrolled and protected by both the federal and state governments. During the war of 1812, the Sioux, Ojibways and Winnebagoes under the lead of hostile traders joined the British. There was no government in Dakota Territory on the west side of Red River when the post was established. The Prairie du Chien treaty in 1825 made the geographical location of Georgetown a landmark and as such is the village's rightful and greatest claim for recognition in our nation's history.

Interestingly, the Chippewa name for Red River is Miswagunnewesebee. Henry Kelsey called it the "River Mith", a contraction and corruption of the Chippewa name, in reporting his exploits to Hudson's Bay Company August 6, 1961: "Now, ye water wch runneth down this river is of a blood red colour by description of those Indians wch hath seen it, wch makes me to think it may run thru some mine or other".

#### FIRST PUBLIC ROADS IN MINNESOTA

The first public highways in the State of Minnesota were the historic Red River oxcart trails. In July 1823 Major Stephen Long, on orders from the government to locate and mark the boundary between Canada and the United States at Pembina, came upon 6 two-wheel carts each drawn by an ox at Lake Traverse. He joined the train and travelled with it on the east side of the Bois de Sioux and Red Rivers to Pembina. The site of of Georgetown was then marked by a huge oak tree. Its story is told in the poem by Alice Eastwood written shortly after the tree died in 1911.

## THE GEORGETOWN OAK

This old oak tree stood for years  
 Marking a place where smiles and tears  
 Have mingled together side by side  
 Overshadowing the joys of a lowly bride  
 Bending low as a mother weeps  
 For the soldier boy who nearby sleeps.  
 Its welcome shade, a memory dear  
 To those who crossed its path each year;  
 Long since they went to their earthly rest  
 While the brave old oak still did its best.  
 Now it stands a leafless tree  
 A last lone mark of history.  
 The Hudson Bay Post within its gaze  
 The log Post Office of early days  
 Even the old trail runs north no more  
 Do you wonder the old oak at heart grew  
 sore?

When no one loved it any more?  
 Good old oak tree what you could tell of men  
 Who struggled for our valley then,  
 We wonder if you and they a vision could  
 see

Of what our valley soon would be  
 With lovely homes and fertile fields  
 Which year by year a blessing yields.  
 We bow our heads as we pass you by  
 'Tis sad old oak that you should die.  
 We should mark the spot as your beauty  
 wanes,

We should embellish the place with stones  
 and names;

The names of men whom history made  
 As they stood beneath your welcome shade,  
 We should plant a vine with leaves of green  
 To cover the place where yours have been,  
 In loving memory of your life so great  
 And the Pioneers of our North Star State.

ALICE EASTWOOD,  
 Georgetown, Minn.

A bronze marker imbedded on a boulder  
 alongside the drive-in to Glen Gilbery's farm  
 approximates the place where the oak tree  
 stood in 1825. A portion of this trail still  
 can be ridden over along the north bank of  
 the Buffalo River from new Georgetown to  
 Hudson's Bay Fur Trading Post Park.

## DEVELOPMENT OF WHEAT IN RED RIVER VALLEY

Under the patronage of Lord Selkirk, seventy emigrants from Scotland arrived at a point about 5 miles below present day Winnipeg and started the Red River Settlement on September 4, 1812. German and Swiss immigrants followed. There were endless trials, hardships, and sorrows for these settlers the next 8 years. In the summer of 1819 grasshoppers ate everything that grew above the ground at the settlement. Desperate, several men on snowshoes left the colony in January 1820 to buy wheat at Prairie du Chien. They returned six months later with 250 bushels of wheat in flat bottomed boats. They paid 10 shillings per bushel. The wheat was planted late but produced a plentiful crop in the autumn. The settlement was never without wheat for bread from that time. It was the first wheat successfully grown in the Red River Valley. The trip also established the possibility of navigation during high water between the Red River settlement and St. Paul on the Minnesota and Red Rivers.

Many of the Swiss could not stand the rigors of the cold climate. Five families emigrated to Fort Snelling in 1821 which had been established as a military post in 1819. Several more of the families followed the first group over the next five years taking their cattle with them.

These families were the first pioneers and agriculturists to settle in Minnesota. They entered the territory over the three ox cart trails, the one through Georgetown being the shortest. There was a ferry cross-over from the trail on the west side of Red River to the east side at Georgetown.

## OX CART AND OXEN

In 1820 Alexis Bailly, a metis, drove a herd of 300 range cattle from Prairie du Chien to Fort Garry where he sold them at a high

price. Until that time the only cattle in the Red River settlement were an English bull and two cows purchased from the Northwest Fur Company. Milk cows in the herd sold for thirty pounds each and oxen broken for yoke for eighteen pounds per head. Oxen from this herd were the ones in use when Major Long came upon the ox cart train at Lake Traverse. Prior to that the ox carts were pulled by horses and Indian ponies. Alexander Henry wrote in his diary while on a buffalo hunt near Pembina, November 15, 1801, "Men now go again for meat with small carts, the wheels of which are of one solid piece sawed off the ends of trees whose diameter is three feet. Those carriages we find more convenient and advantageous than it is to load horses, the country being so smooth and level that we can use them in every direction". An ox was a castrated bull 3 years of age or more.

## "ANSON NORTUP" STEAMBOAT

The Chamber of Commerce of St. Paul made a bonus offer of \$2,000 to anyone who navigated the Red River by steamboat. Captain Anson Northup decided to try for it. In the fall of 1858 he purchased the "North Star" from Governor Alexander Ramsey and piloted it up the Mississippi to Crow Wing, Minnesota. He had the boat dismantled and hauled overland with the help of 40 men and 34 yoke of oxen to Lafayette, a paper townsite on the Red River opposite the mouth of the Sheyenne River laid out by prospectors in 1857. After rebuilding the hull of the ship at Lafayette, Anson Northup renamed the ship "Anson Northup" and steered it up river to McCauleyville. After a cabin was built, the Anson Northup left McCauleyville for Fort Garry on May 17, 1859. The boat arrived at the Fort June 5. On its return to McCauleyville the ship was tied up and not put into use until purchased by J. C. Burbank who with his associates had secured a contract to carry the mail by stage between St. Cloud and McCauleyville in 1858. The stage line had been extended to Lafayette and Georgetown in the spring of 1859. The mail line was extended further from Georgetown to Pembina in 1869, the mail being transported by ox cart in the summer; dog train in the winter.

Mr. Burbank and his associates under the name of Minnesota Stage Coach Company was given a contract by Governor-in-Chief Sir George Simpson of Hudson's Bay Company in the spring of 1860 to transport 500 tons of freight annually over a period of 5 years from St. Paul to Fort Garry. After refitting the Anson Northup, Mr. Burbank christened the ship "Pioneer" and put it on regular schedule hauling freight and passengers between Georgetown and Fort Garry. Ultimately the boat was purchased by Hudson's Bay Company, dismantled and its engines used to run a saw mill.

The "Anson Northup" was the first steamboat placed on the Red River of the North. It was a small vessel with four staterooms and two berths in each. Passengers in excess number of those accommodated in the staterooms slept in open berths along the main saloon separated only by curtains. The two log cabins at Lafayette when Anson Northup and his crew arrived with the machinery of the North Star were owned and occupied by R. M. Probstfield and Adam Stein. The land is presently farmed by Lloyd Fossum in Kragnes Township.

## "INTERNATIONAL" STEAMBOAT

The second steamboat on Red River was the International. Originally it was a flat-bottomed, square boat craft that had been run up the Minnesota River in the spring of 1859 by its captain on his way to seek his fortune in a reported gold strike in Saskatchewan. Unable to get the boat over land from Big Stone Lake to Lake Traverse, the Captain sold the ship on a sheriff's sale to

J. C. Burbank in 1860. In the fall of that year the machinery and boilers of the Freighter were hauled overland by oxen to Georgetown and installed in the International, the construction of which was done in the cleared area beneath the bridge between the Red River and the entrance road into Hudson's Bay Fur Trading Post at Georgetown. The International was 137 feet long; 26 feet wide, and rated at 133 tons capacity. It made irregular trips between Georgetown and Fort Garry. Hudson's Bay Company bought the boat from the Minnesota Stage Company in the summer of 1861 naming Norman W. Kittson its captain "as he could speak with the Indians in their own language". After all Hudson's Bay Company was in the fur business and the Indians and halfbreeds were still the best trappers, hunters, and traders in the Red River drainage basin.

The International was anchored at the Georgetown landing on the night of August 22, 1862 when the post heard of the Sioux outbreak and Indian Massacre of early settlers at Breckenridge. Captain Kittson was in charge of the ship. When the people at Georgetown decided to evacuate the area and seek protection for their families elsewhere, the women, children, and their personal belongings were loaded on the International September 5, 1862, and taken to Fort Garry. They returned to Georgetown in the middle of October. When the group returned, they found the Indians had not molested any of their belongings although they had entered the post. Apparently the Sioux raiders respected the territorial boundaries set out in the Prairie du Chien treaty.

At the time steamboating on the Red River ended for practical purposes in 1886, the International was purchased for use in Canadian waters.

## DEVELOPMENT OF MAIL CARRIER SYSTEM IN VALLEY

The first postoffice in Clay and Wilkin counties was established at Georgetown on May 20, 1864 with Randolph M. Probstfield, postmaster. The first postoffice in Wilkin County was established at McCauleyville June 4, 1867 with Judson Parker, postmaster.

In 1857 the American government established a postoffice at Pembina. Mail delivery was made once a month between Pembina and St. Paul until 1862 when a bi-weekly system was started. Letters and other mail matters arriving by sail and steamship from abroad at Fort Garry were bundled and dispatched by Hudson's Bay Company to the outlying posts for delivery. Outgoing mail forwarded to points in America were stamped with American postage and post-marked as having been sent from Pembina.

The mail was delivered by carrier, horseback and steamer in the summer; ox cart and dog sled in the winter. Mail carried by the stage coaches arrived on alternate days at Georgetown from St. Paul. The mail gig between Georgetown and Pembina was followed by a military escort of three soldiers to protect the mail against the Sioux. The journey from Georgetown to St. Paul made by stage coach was escorted by three soldiers from McCauleyville to "Old Crossing". The distance from Georgetown to St. Paul was transversible in five days when accomplished by relays of horses stationed in postal establishments situated at places 15 to 25 miles apart along the trail. Early maps of Minnesota show Sitomonee, Thompson, Burlington, Burbank, and Shaysville City as relay stations between McCauleyville and Georgetown, Minnesota, a distance of 45 miles.

A description of the night spent at Burbank (Moorhead) on Friday, November 3, 1865 by one of the four men enroute from McCauleyville to Georgetown is interesting: "—the morning we started thence, a bitter north wind began to blow and our party made very poor travelling. In the afternoon



the breeze increased and the weather got perceptibly colder. After a very poor day's ride of about 30 miles we encamped close to a deserted house (log cabins were called "houses" throughout the writers diary), untenable and lonely since the Sioux Massacre about eighteen miles from Georgetown. I remembered it as one where we had stopped to change horses—July 11, 1861—.

The stage coaches between St. Paul and McCauleyville had springs and were drawn by four horses. Those used between McCauleyville and Georgetown had no springs and drawn by two horses. Since there were no regular seats, passengers used their trunks.

The St. Paul Dispatch reported the arrival of fast mail from Pembina and Georgetown in 1864: "The fast mail arrived from Pembina this week. The train consisted of a single board, ten feet long and twelve inches wide, turned up at the end similar to a sleigh runner. To this three dogs were harnessed tandem". One man walked before, there being a strap fastened to the hindmost end for the purpose of holding back while descending a hill. In this way the two hardy voyageurs traveled 600 miles in eight days, carrying a heavy mail, guns, provisions, blankets, camp equipage, etc. They will leave for the north early next week, taking back a mail sack with them".

Prior to the establishment of its postoffice October 6, 1871, Moorhead mail was brought from Georgetown by James H. Sharp, a civil war veteran and an early settler in Clay County.

#### CLAY COUNTY'S PARTICIPATION IN CIVIL WAR OF 1861-65

Adam Stein was the only enlistee from Clay County to serve in the civil war. At the time of his enlistment he was a resident of Georgetown having pre-empted land there in December 1861. He enlisted December 1861 serving in Company G, 4th Regiment Minnesota volunteers until he was transferred to the Veteran Reserve Corps June 1, 1864. At that time he returned to his claim at Georgetown and remained there until his death. Mr. Stein was 39 years of age when he enlisted.

#### RELOCATION OF GEORGETOWN

The Moorhead and Northern Railway from Moorhead to Georgetown was built in 1884. When the Hudson's Bay Company abandoned its post in April 1875 it removed the property belonging to the Fur Trade, abandoning the buildings sketched and described in this brochure. Over the years all have disappeared except the warehouse and guard house. The warehouse was dismantled in 1964 and the salvage used in the construction of a pole type shelter erected over a bronze marker in Hudson's Bay Fur Trading Post Park which is to be dedicated on May 2, 1970. The date is the tricentennial anniversary of the signing of the Hudson's Bay Charter at London, England.

After "Old Georgetown" was abandoned in 1875 the postoffice was moved to "New Georgetown" platted on the Moorhead and Northern Railway 1 1/4 miles southeast from its original site. The village plat was completed October 18, 1883. C. B. Hill was the first postmaster in New Georgetown. The village was incorporated in 1904. Its elected officials for 1970 are: Leo P. Paseka, Mayor; Frank Mills, A. J. Wambach and Anton Sebesti, Trustees; John Stein, Village Clerk; Mrs. Don Miller, Treasurer; Mrs. Robert Quam, Assessor.

The Georgetown Community Club was organized to celebrate and help commemorate the tricentennial dedication of Hudson's Bay Fur Trading Post at Georgetown on March 24, 1970. Officers elected were: Robert Ziegler, President; Mrs. Morton (Janice) Brendemuhl, Secretary and Mrs. Milton (Sylvia) Oberg, Treasurer.

Officials of the Village and the Community Club are assisting three committees of the Clay County Historical Society in dedicating Hudson's Bay Fur Trading Post at Georgetown as an Historical Recreational and Educational Park on May 2, 1970. These three committees are: Budget and Finance of which Robert N. Litherland, assisted by Norman A. Nelson and Mrs. E. J. Murphy, is chairman; Park Grounds and Buildings of which Edgar E. Wright assisted by William Ziegler, Glen R. Gilbery, Agnes Stensrud, and Bennie Gunderson, is Chairman; and Name-Memorial-Dedication of which Maxine Fawbush assisted by Alice Corneliussen, Wilmer Bjorn Dahl, Harold Helmeke, Mrs. Leon (Anne) Hammett, Alfred Wiger, and Mrs. Ethel Hoefling, is Chairman.

Early settlers at Georgetown were E. R. Hutchinson, Adam Stein, R. M. Probstfield, Edwin Griffin, Jacob Wambach, J. M. Wilson, Hugh W. Green, Isalah Farier, J. C. Corbitt, Sam H. Nichols, R. O. Underdal, Charles Peterson, M. C. Lamb, John Lamb, George Dewey, George Eastwood, Horatio F. Wilson, E. F. VanDoosen, Isaac Farier, John P. Johnson, Andrew S. Dalen, Andrew Floberg, C. B. Hill, and Andrew E. Hoveland.

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#### WALTER REUTHER ON THE CRISIS IN HEALTH CARE

Mr. KENNEDY. Mr. President, one of the lasting gifts of Walter Reuther to the people of America was his dream of a better system of health care for the Nation. Although his voice is now suddenly and tragically stilled, his many fertile ideas for improving health care in America will be an incentive far into the future for all of us who seek a better health system for our citizens.

Two months ago, in a major address to the annual meeting of the New England Hospital Assembly in Boston, Walter Reuther very clearly set out his view of the inequities and waste of the existing system of health care, and his vision of a better system under a program of comprehensive national health insurance. Perhaps the most significant aspect of his address was his identification of a few of the areas of waste that are legion in our present \$60 billion health system—areas like the administrative costs of hundreds of separate health insurance

carriers, expensive reliance on acute hospital care, unnecessary surgical procedures, our failure to encourage group practice programs, unreasonable physicians' fees, and overlapping and competing public health programs. Together, the waste from these and similar current sources in the existing health system totals about \$14 billion, or 23 percent of the overall annual expenditures for health care in the United States.

Walter Reuther was among the first to recognize that the best way out of our current health crisis was through the adoption of a national health insurance plan that would stimulate the sort of improvement and greater efficiency that are urgently required if we are to meet the health needs of our people. Thanks to giants like Walter Reuther, we are well on our way to reaching this goal.

Mr. President, Walter Reuther's address to the New England Hospital Assembly will be of interest to all of us concerned with the quality of health care in America. 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:

#### UNIVERSAL HEALTH INSURANCE—A CONSTRUCTIVE APPROACH TO MEETING AMERICA'S HEALTH CARE CRISIS

(By Walter P. Reuther, President, International Union, United Auto Workers, Chairman, Committee for National Health Insurance)

I appreciate very deeply the kind invitation to participate in the 49th Annual Meeting of the New England Hospital Assembly. I should like first to commend you for the leadership which your group has provided over the years in the struggle to bring better health care to all Americans.

I come to you this afternoon with no professional credentials in the field of health care. I come rather as a spokesman for large numbers of consumers who have been paying for and using health services for years and who through the collective bargaining process and in the legislative halls have worked to strengthen these services. I come to express what I believe to be a deep and growing concern among Americans with the crisis in health care delivery. But first, I want to discuss some broader problems, because we cannot solve the crisis in health care in a vacuum. We must find the answers to this problem within the broad framework of dealing with other very real and very urgent human and social problems.

We live in a time of revolutionary change and challenge. This is, indeed, a time of testing for our free institutions. The central and overriding question before the human family is, "To what purpose are we going to commit the power and potential of the 20th Century Technological Revolution?" Are we going to continue to use our new knowledge for the insane escalation of the nuclear arms race and ultimately man's total destruction? Are we going to use its power and potential to pollute and destroy man's living environment? Or can we build a rational and responsible world community to harness the rising star of science and technology onto man's peaceful goals, to extend the frontiers of human progress and human betterment, and to open up new and exciting opportunities for human development and human fulfillment?

But the problem is not science and technology—the problem is man. For science and technology are neutral in the affairs of man; they have no ideology and no sense of morality. Science and technology have expanded man's wealth, but not his wisdom. They have

broadened man's power but not his understanding of man, his sense of compassion, or his sense of human solidarity and brotherhood. These are the essential elements out of which we must weave the fabric of man's survival.

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. It is this growing moral and cultural lag between increasing scientific and technical know-how and our failure to achieve equal human and moral know-why that creates the source of our basic problem. We have been too concerned with the quantity of our goods and too little with the quality of our goals.

We desperately need to re-order priorities. We must commit ourselves and our resources in a measure equal to the dimensions of the difficulties so we can complete the unfinished agenda of American democracy.

As we approach the 200th anniversary of the birth of our republic, we are faced with greater instability than at any other time in those 200 years. The affluent and advantaged are calling for order in America; the poor and the disadvantaged are crying for justice. Unless we achieve both, we shall achieve neither.

Looking at today's troubled time, I am reminded of the troubled times in which Abe Lincoln, one of the great political thinkers, sat in the White House. He watched this nation in its time of testing, saw it being torn asunder, and said,

"The dangerous dogmas of the quiet past are not adequate to the stormy present. Our cause is new and we must act anew."

In the present time of testing our cause is new; we, too, must think and act anew. We cannot solve tomorrow's problems with yesterday's obsolete concepts.

It is within this broad context that we must look upon the crisis in the field of health care, a crisis which worsens daily. It is not that we lack the scientific knowledge or medical competence, nor do the people in your field lack the capability to administer hospitals. It is not because we lack the resources—we are already spending more money for health care than any nation in the world. We are in trouble on the health care front because we remain wedded to an obsolete, disorganized non-system that stands in the way of developing a modern rational health care system.

I don't have to tell you what is happening to health care costs. They are skyrocketing at more than twice the rate of an otherwise inflationary price index. We spend in excess of 60 billion dollars a year for health care services, a figure second only to expenditures for military purposes in the gross national product. If we were spending 60 billion dollars a year and the costs of health care were going up, and the American people were getting the kind of services that they have a right to expect, one could say, "Well, the cost of everything is going up, and that's the price we must pay." But we are spending 60 billion dollars a year on second-rate, unacceptable health care services.

Therefore, I believe that the choice before the American people is clear. They have a decision to make, and that decision will be made in the immediate future, because they will not be willing to continue to pump billions and billions of dollars into subsidizing the waste and the inefficiencies of the present non-system. Americans must decide if they want to subsidize a system that has demonstrated such a total lack of ability to deal satisfactorily with health care, or to organize an up-to-date health care system that would eliminate the waste and provide comprehensive high-quality care to all Americans as a matter of right.

We are the only democratic nation in the world that continues to rely upon the marketplace to provide our essential health care services. The marketplace has the capacity for doing many exciting things in producing a volume of unprecedented gadgets, but it is not responsive to human needs, nor is it capable of providing essential services such as quality comprehensive health care at reasonable cost.

Let me state immediately that I do not believe money alone can solve our problems in this field. But the Committee for National Health Insurance which I have the honor of chairing, with Dr. Michael DeBakey, Mrs. Mary Lasker and Mr. Whitney M. Young Jr., as Co-Chairmen, and Senator Kennedy, who is with us today as one of our distinguished Committee members, believes in a higher national priority for health. We are convinced the creative use of finances can open new directions toward organized patient care. Money, by itself, cannot solve our problems. But money can give us the leverage to effect change. The changes that we see possible through national health insurance would create savings. More importantly, they would help bring good health care to all Americans.

The value of dollars lost to the family or to the national economy may be incalculable. But we can begin to identify the amount of sheer waste in the more than \$60 billion we spend annually for health purposes.<sup>1</sup> We estimate it exceeds \$14 billion.

That is a lot of money and I plan to go into detail and spend some time on the waste problem. Our estimate would mean that 23 percent<sup>2</sup> of all the billions spent for health last year was wasted in the sense these dollars were spent uneconomically, that they contributed to the escalation of costs and to inferior quality health service.

In recent months people of America have been profoundly, and frequently, shocked by the acute symptoms of the non-system in health care. Congressional committees, one after another, are reporting the symptoms. Their reports and our studies show the waste in the health field extends beyond inefficiencies invited by cost-plus over-rides or cost-reimbursement; beyond over-charging and under-control. People want to know why hospitals charge \$100 a day. And, why do most hospitals still run on a five-day week,<sup>3</sup> with patients admitted on Fridays to waste a week-end? And why don't the hospitals and doctors work together as teams? The people feel the physicians who found a quick way to rich new incomes in the Medicare and Medicaid programs ought to be called to account.

But the short hospital work week, the lack of teamwork in the hospital, and the relatively few big cheaters, though deplorable, are not the real problem. It is clear the real problem is the antiquated, semi-functional, non-system which is incapable of dealing with disorganization and disarray. And disorganization and disarray are synonymous with waste.

My thesis is that, properly applied, the funds we spend unwisely and self-defeatingly could go a long way toward meeting the costs of truly comprehensive health care for all. If we continue to subsidize the present non-system we will waste additional billions each year—billions of dollars that could expand and strengthen our capacity for better health care services.

We have long agreed that no single system of health service delivery is apt to satisfy all consumers. But we also agree that a system of national health insurance must be primarily directed toward creating organized programs of patient care. In this struggle to organize the best delivery system, the age of discovery has hardly begun. We need to develop and evaluate various models.

However, there do exist some models of what better systems look like. These are in

the group practice prepayment plans, which, unfortunately, are still relatively few among the great number of solo practitioners. And our estimates of the savings potential in the field of health rely heavily on the development of more group practice arrangements, particularly hospital-based programs.

#### THE SOURCES OF WASTE

We need to free ourselves from the mythology that solo practice and fee-for-service are divinely-conceived, divinely-inspired and therefore eternal. We need to recognize that the present mix and usage of health resources is not the most perfect configuration that man can achieve. There is much evidence that relying primarily on the solo, fee-for-service practitioner to decide and direct how we spend the bulk of \$60 billion a year results in substantial waste of resources. If the results were superb care or even average care for all, perhaps this waste of scarce resources and money would be tolerable.

But it isn't even true that at least the rich and the poor get good care. The poor often get poor care under demeaning conditions unless they have some exotic disease, and the rich get episodic care, perhaps luxuriously provided. The size, complexity and disorganization of the institutions of health care—the specialists and super-specialists as well as the facilities and their control agents—defeat the middle-income families attempting to deal with them. Freedom of choice of physicians assures high quality and economy of services to the same extent as freedom of choice of plumbers or used-car dealers.

The waste begins even before any money reaches the providers of services: it starts with the pluralistic financing system. Nobody has ever explained to my satisfaction the logic of having hundreds of insurance carriers providing thousands of different types of benefits, all for the same services. But if there is some value to all this, let me tell you we pay plenty for it. We channeled \$13.5 billion into the hands of the private insurance companies in the last fiscal year.<sup>4</sup> The benefits administered by all private carriers cover little over one-third<sup>5</sup> of all personal health care expenditures. Because these programs are primarily designed to pay for hospital related costs, they provide ballooning cost fragmented sickness insurance rather than comprehensive health insurance which our people require.

Private insurers took over \$1.7 billion as their costs of doing business.<sup>6</sup> Their business, to no significant extent, involved the development of programs leading to improved health care, and to longer life and reduced morbidity. The total administrative and acquisition costs of private health insurance—the \$1.7 billion annual take-out by the carriers—provides us with the most expensive mechanics of administration in the world.

I have worked with employers at the bargaining table and with the private insurers where we have negotiated billions and billions of dollars for increased resources to purchase health care programs. We have been privileged to initiate many of the new programs of coverage through the collective bargaining process. We have tried to help the insurance industry find more adequate answers to this problem of coverage and benefits. Our Union has pioneered in obtaining fully paid benefits on a national basis, in obtaining out-of-hospital psychiatric care, pre- and post-natal care, liberal skilled nursing home benefits and a national prescription drug program. But I think we have reached the point where we must recognize that despite all that has been done the dimensions of the health care crisis are beyond the capability of a fragmented private insurance industry.

We can do better under the right kind of national health insurance program. We could provide universal comprehensive coverage to the entire population, with built-

Footnotes at end of article.



in quality and cost controls. And we could operate such a program with no greater outlay for administration than is now required to cover part of the population for what are basically only hospital and surgical benefits. Selling costs, eligibility determinations costs, and surveillance of exclusions, limitations and hesitation clauses would all become unnecessary.

Alternatively, we can continue to increase waste by subsidizing the private carriers even further as some proposals for national health insurance invite us to do. *Last year we estimate \$1.1 billion of the \$1.7 billion I quoted earlier was wasted in unnecessary acquisition and administrative costs of health insurance.*

#### POSSIBLE SAVINGS IN HOSPITAL COSTS

The pluralistic financing system produces a waste factor threefold greater than the administrative costs alone. The competition among the hundreds of carriers does not serve to hold down the costs of health services; it drives them upward and puts greater pressure on the hospital system.

And the forms, forms, forms—the number of different types of forms that you people fill out must be about as welcome as used throwaway bottles at the Coca-Cola plant.

An effect of our existing types of health insurance has been to limit availability of lower cost facilities and programs while overloading the hospitals. This results in unnecessary construction of acute care beds and under-development of hospital-operated extended care facilities, skilled nursing home care, home health services and other forms of care for the chronic disease patients.

Our people estimate about \$6 billion in annual hospital costs and surgeons' fees could be saved by proper building programs and by having in effect a system that puts the right patient in the right bed at the right time. Obviously operating costs in the acute care hospital would be somewhat higher daily than at present since the care would be more intensive. But even with the added operating costs, and even with the development of the hospitals' extended care capacities, total costs to the system would be considerably lower in such systems of organized patient care.

And savings in capital expenditures achieved by matching each patient's intensity of care need with the appropriate health facility would be considerable.

The government estimates our capital needs for modernization of hospitals to exceed \$16.7 billion. We all know the most pressing needs are in the urban hospitals. The per bed costs of new hospital construction in the cities runs to about \$50,000 today. Modernization can exceed \$35,000 per acute bed. It is forecast by people close to the situation that we will have to build or replace three-quarters of a million acute care beds by the end of the century.

But why should we necessarily replace every outdated acute hospital bed with the same kind of bed? Or add acute beds where other kinds of beds would do better? Studies that we have examined indicate that one-fourth of the hospitals' patient days could be transferred to ambulatory facilities, extended care facilities or skilled nursing homes, and that 5% of patient days could be reduced by transferring patients to adequate home health programs.

We estimate we could save an average of \$575 million annually in construction costs by building an appropriate number of ambulatory care facilities, extended care facilities and services in place of acute beds.

This nation must come to some decisions rather quickly about planning and financing the urgent capital and service needs of hospitals. National health insurance can strengthen and support planning—not for the purpose of whittling down budgets and reducing essential services, but toward the

goal of a better mix of nonduplicating facilities and services, teamwork in and between hospitals, preservation of scarce resources and rationalization of capital and service requirements.

In our program we want to work with you and to encourage and support the hospitals in becoming focal points for comprehensive patient care services, including extended care and home health services where appropriate. Not only will this serve the interests of continuity and quality of care, but also of greater economy.

We believe that improved programs and services are compatible with various types of cost savings.

And the development of more comprehensive services will increase the opportunities for patients to be admitted earlier to hospitals when that is required. There are four specific areas of potentially large savings in hospital operating costs.

1. The hospital that is in full operation seven days a week rather than five has been able to reduce the average stay by half a day, a \$700 million saving.

2. Ambulatory testing for surgical patients prior to admission has shown it can save 118 hospital days per 100 patients, for a saving in excess of \$300 million each year.

3. The inappropriate design of insurance programs, with premiums placed on in-hospital care combined with ineffective utilization review results, our advisors tell us, in longer than necessary and inappropriate hospital stays. By reducing average hospital stays only one day, savings of approximately \$1.8 billion could be realized in this segment alone.

4. Another matter of waste at the additional price of inferior care has long been obvious. In communities all over the country, our maternity and pediatric services should be consolidated into fewer hospitals. Our economists and medical people all agree on this: the quality of care would be enhanced and the space now taken up by under-occupied services could be converted to adult beds. We believe at least 8,000 beds could be converted, if this kind of community planning for the delivery of services were actually functioning. There would be savings both in construction and staff costs. Even the obviously under-utilized maternity and pediatric services require constant staffing. A study by the Public Health Service of the Department of Health, Education and Welfare, indicated that as much as \$250 million could be saved by a consolidation of maternity and pediatric services wherever possible.

#### POSSIBLE SAVINGS IN HOSPITAL COSTS AND PHYSICIANS' FEES IN SURGERY

There are additional and substantial savings having to do with surgery. I imagine many of you have read Dr. John Bunker's article in the *New England Journal of Medicine* for January 15, 1970. He has pulled together a great deal of evidence that indicates we may well be a country providing luxurious accommodations but often unnecessary surgery for the well-to-do—while we cannot provide basic medical care for the indigent.

Our people have been doing some calculations. And if Dr. Bunker is correct that surgery could be reduced by 25 percent—or nearly four million operations—we could have lowered our national payments to surgeons last year by \$740 million and reduced our hospital bed requirements by an additional 26 million days, or another \$1.6 billion in savings or waste depending on your viewpoint.

We would be upgrading the overall quality of surgical services as well.

The differences in the rates of surgery in the United States and England, 74 per 1,000

population versus 38 per 1,000 population, certainly point to some impact from that large segment of surgeons not certified by a surgical board who do 50 percent of the surgery in our country. These differences support the thrust of Dr. Bunker's conclusions.

#### SAVINGS IN PHYSICIANS SERVICES THROUGH GROUP PRACTICE

It is generally recognized from studies of the Federal Employees Health Benefits Program and other programs that members of group practice prepayment plans use as little as 50 percent of the number of hospital days as other consumers covered by commercial insurance or the Blues. The savings thus effected, however, will not be taken into account in this section, which concerns possible savings in physicians' costs through the development of group practice.

As a nation we currently spend \$9.2 billion privately and \$2.7 billion through public programs for the services of private physicians. That's a total of nearly \$12 billion. Economists have expressed a number of ideas about increasing the efficiency of the nation's doctors. As our most valuable and scarcest form of health manpower, they are gatekeepers to most health services. They should be employed at their highest levels of skill, and not spend time on tasks equally well performed by less highly trained people. Professor Rashi Fein of Harvard University has demonstrated that a four percent increase in physician productivity can add the equivalent of one year's medical school graduating class to the medical market. It follows that if, by organizing the delivery system in which physicians work, we increased the capability for seeing patients, we would be stepping up physician productivity and saving a great deal of money.

We estimate the effective development of group practice programs would save \$3.6 billion annually, based on a per capita saving of \$60 for 60 million enrollees in group practice programs. By that I mean, if we could develop 2,000 group practice programs in the next five years and staff them with an average of 20 physicians, along with other members of the health team, they could serve a population of 60 million. The same 40,000 physicians in solo practice serve only 30 million people. Under a dual system of solo practice and expanding group practice programs, we could at least maintain the present ratio of physicians to patients until the population had increased by an additional 30 million.

Group practice produces other forms of savings that are not as readily measured—such things as available consultation when doubts exist about the need for hospitalization or surgery, and in the better use of medically-trained manpower.

#### PHYSICIAN SHORTAGES

We all know that there is a serious shortage of manpower in the medical professions. This occurs for the same reasons that create a shortage of manpower in the building trades in some parts of the country—both groups have worked on the theory that you can make more out of the economics of scarcity.

As the president of one group practice prepayment plan, I can testify that group practice does not provide cheaper care than solo practice. It does provide more comprehensive and better care. It makes more effective use of medical manpower. The hands and the skills of the physician are lengthened, and he is therefore more productive and able to serve nearly twice as many patients as the solo practitioner. Even so radical a publication as *Fortune Magazine* has recently concluded that health care teams offer the brightest opportunity for improvement of productivity. And the organized patient care program does result in better health for the patients.

The alternative to increasing productivity of physicians would be a more costly and unattainable goal of doubling or even tripling the number of physicians. At this time there is absolutely no evidence that the Federal Administration is prepared to seek the necessary resources to attempt to achieve their own stated objective of training an additional 50,000 physicians in the next ten years.

In Michigan alone, there are over 200 communities with populations over 1,000 who are looking for doctors and can't find them. Across the country entire counties are without the services of local physicians. The planned supply of physicians will not alleviate this crisis.

Organized medicine has proposed developing and using fee-for-service nurse-practitioners. Well, they forgot to ask the nurses. And they didn't seem to know something everybody else knows: the nurses are in even shorter supply than the doctors. And they choose to ignore the dissatisfaction with fee-for-service payments even to doctors. Half a dozen congressional committees already are having their say about things like fee-for-service, and "usual and customary," and I won't dwell on those matters. But the waste is obvious when you put out a barrel of money and tell the doctors to help themselves to as much as they want, and then fill it up again when they've emptied it.

#### PHYSICIANS' FEES

We estimate that *\$1.2 billion annually could be saved on physicians' fees* even under the present fee-for-service system by establishing controls that assure reasonable rather than "usual and customary" fees that rise faster than the consumer price index. You don't get reasonable fees through monopoly pricing, and the data indicate that physicians' costs have climbed 10% higher than the amount of inflation in the overall consumer price index<sup>10</sup> since the passage of Medicare.

#### REMOVING OBSTACLES TO GROUP PRACTICE

A dual system of organized group practice and solo practice should have been well-established by now. But there are still laws on the books which prevent the development of group practice prepayment plans in 20 states. Medical society opposition is a deterrent even in states with no restrictive legislation.

If people in powerful positions continue to discourage the development of organized groups we will waste untold additional billions on unnecessary hospitalization, unnecessary surgery, unnecessary utilization of physicians and unfortunate neglect of the health needs of our people.

The opposition continues today, perhaps in more subtle forms than in the past. People give lip service to the idea of improved organization for the delivery of services, and for increasing the supply of medical practitioners. But they contribute little to either effort.

#### NEED FOR EXPANDING MEDICAL EDUCATION

Even today, there are no places available for half of the fully-qualified students applying for medical school admission.

By the thousands, American students are enrolling in foreign schools. Though we desperately need more physicians of various types, the sorry history of the 1970 Federal appropriations for medical education and for medical research again reminds us that the medico-politicians are less interested in the intolerable inadequacies of medical education than they are in preserving the inviolability of fee-for-service payments to practitioners. Meanwhile, we should bow our heads in shame that we must import physicians from underdeveloped coun-

tries where they are far more desperately needed. But you know we could not run our hospitals without them.

#### WASTE IN THE DUAL OR TRIPARTITE SYSTEM

Up to this point in our discussion, we have not touched on the waste resulting from our dual private and public systems of health care. Twenty-five Federal departments or agencies run health programs of one kind or another, often competing with each other and with the private sector in their demands on scarce manpower and resources. In the Medicaid program alone, federal-state-and-local governments spent \$4.4 billion<sup>11</sup> for medical care last year, employing thousands to administer its provisions. More personnel time and energy was expended in checking on peoples' eligibility for care than on surveillance of the quality of the care or the reasonableness of the charges. Often too, where there was any surveillance of charges or quality, the effort duplicated rather than augmented similar activity under Medicare or in the private sector. Having already stated that the current administrative costs paid to private insurers would be ample to administer a comprehensive national health insurance program, there would be savings of at least \$400 million resulting from a unified system in which no one's eligibility for the national benefits had to be determined or redetermined every few months.

That means we wasted at least \$400 million on Medicaid administrative costs last year.

Rather than all the separate governmental programs, we propose a consolidation of programs wherever possible, so that the consumers served will have equal access to services of equal, adequate quality. This, in our opinion would save us at least another billion dollars a year.

For example, as a nation, we spent \$9.2 billion privately and \$2.7 billion through public programs for the services of our limited number of physicians. There was no program to coordinate the purchase of physicians' services or to provide them with incentives to increase their productivity. This is a costly way for the purchasers of services to do business.

The separate, often unequal and virtually uncoordinated systems of private and public hospital and medical care, results in a great many wasted dollars, both of taxpayers and of private patients, or, really, dollars extracted from separate pockets of the same individuals. The absorption into a national health insurance program of many of the existing governmental programs—such as Medicare, much of Medicaid, the civilian portion of Defense Department health programs, the maternal and child health programs, and so forth, could we estimate, save as much as ten percent of current Federal expenditures<sup>12</sup> under those public programs, which now run to about \$10 billion. The programs would not be competing with each other in their demands on limited resources but rather there would be a coordination, and the efforts for coordination with such separate systems as those of the Veterans Administration would be possible as well. *We estimate such coordination would equal a saving of \$1 billion.*

#### DRUGS, MEDICINES, AND APPLIANCES

Certainly, improvement of the delivery system along with the coordination of public and private programs, as appropriate, could be expected to reduce the costs of drugs and medicines as well, separate and apart from the debate over brand names versus generics. We estimate that our failure to act along the lines of organized patient care, caused a waste of between 7 and 10% of our personal care expenditures for medicine and appliances, or between \$550 million and \$750 million.<sup>13</sup>

#### DENTISTS

The outstanding dental leaders associated with our efforts on the Committee for National Health Insurance tell us that the failure to apply the knowledge we now have in the use of hygienists and Dental Assistants is depriving millions of people of necessary dental services. Restrictive laws on the use of these para-dental personnel are costly both in terms of lower productivity and higher rates of edentulousness due to diseases of the mouth that could have been neutralized. *We estimate the dollar waste in lowered dental productivity to be \$200 million.*

Another \$200 million in sheer waste represents, in our estimation our failures to move ahead in the coordination of mental health services with other health services. Everything we know about the treatment of the mental diseases of our times demands that the mentally ill receive treatment as part of their needs for comprehensive health services. We still insist on categorizing and compartmentalizing most of the mentally ill.

It is therefore our overall estimate that at least \$14 billion was wasted in the health field last year. And the future could be worse unless we act now to change our direction.

#### THE BRIGHTER SIDE

It is a risky business to try to predict what lies ahead in medicine. The inscription at the National Archives tells us the "Past is Prologue," and we hope so for we need to benefit from its mistakes.

I do not think it is nearly as important to have precise estimates of how much waste we might expect in the future as it is to do what we can to expand the brighter side of the picture. And there is a brighter side. Planning has lost what once may have seemed an unsavory quality to some of you. Now we need to strengthen the planning councils, create others where they do not exist, and back them up through legal franchising or some similar system. Prospective budgeting by hospitals and for physicians and other services are rapidly-emerging concepts, and none-too-soon. Particularly, your hospitals throughout most of this region, I know already are moving ahead on the design and acceptance of budgeting and not fighting rear guard actions. Utilization review and quality review activities have begun in most places, and can be made progressively more meaningful. A sense of economizing is overtaking the idea of muddling along while hoping for financial windfalls from the government or somewhere else, at least on the part of many hospital administrators and boards. Unfortunately, others still believe the absence of a sense of economy can be camouflaged by low salaries for some or can be made acceptable by cost reimbursement from whatever sources.

I recognize there is a great deal of joint purchasing by hospitals. Recovery rooms, intensive care units, electronic monitoring and other nurse-saving activities are becoming common where useful. All is not dark.

But are we ready to adjust to really dynamic change? Are we ready to work together to create systems of health services from the present non-system? Do we even all agree that adequate health care should be available to all as a matter of right?

These are the real questions we must ask ourselves.

In our opinion, real improvement is possible if we can work together to structure and organize health care for people in all communities . . . when the health system is integrated with education, recreation, employment, human relations—when our common goals have eliminated sheer hunger and malnutrition, and deplorable housing, and reversed environmental pollution . . . when we have reordered our priorities and begun to accomplish what we are capable of doing.

Footnotes at end of article.



## NATIONAL HEALTH INSURANCE: A BOON TO PROVIDERS AND CONSUMERS

In the Committee for National Health Insurance, we are convinced that the program we are developing sets forth the broad structure which can close that gap and create a uniquely American system for better service to consumers and more stable support to providers. By its very nature, our program is a health program and not just an insurance program. We want to move forward in health, not get bogged down in debates over old prerogatives that are hurting us all.

Doctors are entitled to the orderly arrangement of their family lives as well as their practice. Hospitals should be supported in reaching into greater community service, including opportunities in extended and ambulatory care. Medical schools are due relief from the intolerable debt in which, one after another, they find themselves. Those who pay for health insurance should be assured of effective cost and quality controls.

The national health insurance approach we are supporting would accept the challenge of creative changes. Many of the other health insurance proposals already publicly announced deal with the payment mechanism but not with how the services are delivered. They would only inflate further the costs of medical care.

We are not aiming to tear down. We want to salvage and use the best features of health care that are already available. But we want also to structure a new system that overcomes the present built-in waste and duplication and inefficiencies.

I would suggest there are five essential criteria of a viable health insurance program:

1. It must deal with the central fact—the disorganization and fragmentation of our non-system. To work, a health insurance plan must lay the foundation for creating organization out of disorganization.
2. It must provide for comprehensive benefits from prevention to diagnosis, to treatment, to rehabilitation.
3. It must control costs.
4. It must provide for control of quality.
5. Its programs and services must have built-in democratic controls.

National health insurance offers a new opportunity to eradicate the financial barriers to good health care and thus to reduce illness, disability and suffering. It offers to stimulate new efforts to focus health services on preventive care, early diagnosis and treatment. We believe that any national health insurance program should emphasize protection of health rather than merely payment for sickness.

We can save 14 billion dollars a year if we adopt a national health insurance program which restructures the delivery of health care and replaces the present non-system.

The figures cannot be arrived at with the precision of a slide rule or the delicacy of a surgeon's knife. They are cited, however, to give productive understanding of the dimensions of the present waste or possible savings in a properly structured system of health care in this country.

We are spending in wasteful ways about \$6 billion for hospital construction and care. Approximately \$3.6 billion could be saved in the more appropriate use of physicians through adequate use of organized modern group practice delivery methods. \$1.2 billion could be saved by controlling increases in physicians' fees so that they do not exceed the BLS increases in cost of living. \$400 million could be saved in needless Medicaid administrative costs and a billion dollars through effective coordination in use of physician services.

Over a billion dollars could be saved by eliminating wasteful practices in purchasing drugs, medicine and appliances and in the ways in which dental care and mental health services are offered to our people.

Finally, we should be able to administer such a program in a manner to save \$1.1 billion now clearly wasted.

I realize that all these savings cannot be achieved overnight. The waste in the present programs can however largely be eliminated on a rapidly progressing basis if we make the necessary changes in national financing and structure these changes to bring about better organized service delivery.

I feel strongly that all men and women of good will can and will harmonize their efforts to overcome the present shortcomings in the health care field and find adequate and acceptable answers to this very serious basic human need in America.

We recognize the inefficiencies and wastes in our present non-system and will weed them out of the garden. In their place, we need to plant a new and improved species, and give some of the better but undernourished clusters a chance to grow.

## FOOTNOTES

<sup>1</sup> *The Size and Shape of the Medical Care Dollar*. Department of Health, Education, and Welfare. Chart Book, 1969. Superintendent of Documents, p. 5.

<sup>2</sup> \$14 billion = 23% of \$60 billion.

<sup>3</sup> *Medical News Report*. Vol. 2, No. 6. February 9, 1970, p. 2.

<sup>4</sup> *Research and Statistics*. Department of Health, Education, and Welfare. Note # 18, 11/7/69.

<sup>5</sup> *The Size and Shape of the Medical Care Dollar*. p. 15.

<sup>6</sup> *Facts of Life, Health and Health Insurance*. Committee for National Health Insurance. November, 1969, p. 22.

<sup>7</sup> *Medical News Report*, p. 2.

<sup>8</sup> Bunker, John, M.D. "A Comparison of Operations and Surgeons in the U.S. and England and Wales." *New England Journal of Medicine*. Volume 282, January 15, 1970. pp. 135-144.

<sup>9</sup> *Research and Statistics*. Note # 18.

<sup>10</sup> *The Size and Shape of the Medical Care Dollar*. p. 11. *Research and Statistics*. Department of Health, Education, and Welfare. Note #2, 2/23/70.

<sup>11</sup> *Research and Statistics*. Note # 18.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

*How the development of a national health service delivery system under national health insurance could save as estimated \$14 billion wasted last year*

## CAPITAL SAVINGS

	Beds
Acute general hospital beds as a result of—	
(1) Ambulatory diagnosis (10-million days) -----	37,000
(2) Consolidating maternity and pediatric beds (1.5 million days) -----	8,000
(3) Shortening stays by use of extended care and skilled nursing home beds, home health services and 7-day operation of hospital (16% of acute days) (35 million days) -----	126,000
(4) Less surgery: 3.7 million fewer operations performed, 26 million fewer bed days required -----	87,000

Number of acute beds unnecessary and therefore not needing to be replaced or modernized over 30-year period under a new system.--- 258,000

*Annual Savings (Current Waste)*.—Capital cost for 258,000 unnecessary beds based on \$9 billion expenditure spread over 10 to 40 years. (Assumed 35,000 cost per bed, \$50,000 less cost of an equal number of skilled nursing home or ECF beds at \$15,000 construction cost), \$575 million.

## OPERATING COST SAVINGS

(In millions of dollars)

By reduction of 25 percent in surgery—

(a) Hospital bills (25 percent fewer surgical admissions and stays; 3.7 million cases) -----	1,600
(b) Surgeons' bills (average bill \$200 × 3.7 million unnecessary surgical procedures) -----	740
(c) Net savings by adopting 7-day week (half a day per admission times \$50 per day) -----	700
(d) Increase physician productivity through expanded group practice (develop groups serving 60 million consumers) -----	3,600
(e) Control fees of physicians (10 percent of \$11.9 billion expenditure for private physicians) -----	1,190
(f) Reduction of hospitalization by ambulatory testing (5 percent of 27 million short-term days at \$70 per day) -----	400
(g) Reduce hospitalization by shortening of stays (1 day per admission for all admissions) by redesign of benefit structure, and effective utilization review to include ECF and home health services -----	1,800
(h) Unnecessary administrative-overhead expense of private health insurance -----	1,100
(i) Improve selection and delivery of drugs and medicines -----	600
(j) Systemize maternity-pediatric services -----	250
(k) Extend paraprofessional support of dentists -----	200
(l) Coordinate mental health with other health services -----	200

## SAVINGS RESULTING FROM COORDINATION OF TRIPARTITE SYSTEMS

(In millions of dollars)

Medicaid administration improved -----	400
Reduction in uncoordinated demand on physicians -----	700
Reduction in uncoordinated use of facilities -----	500

## REA'S STARVATION DIET ADDS TO ADMINISTRATION'S DISMAL RURAL RECORD

Mr. MONDALE. Mr. President, I recently joined with 26 Senators to send a letter to President Nixon urging the release of \$20 million which the Congress appropriated for loans to rural electric cooperatives.

The need for these funds is reaching the crucial stage. The entire Nation is currently faced with the distinct possibility of electric blackouts and brown-outs this summer and beyond.

As of April 1 of this year, there was a backlog of REA loan applications of some \$377 million, and another \$182 million in applications are anticipated to be submitted by June 30, 1970. During fiscal year 1971 an additional \$464 million in applications will be submitted.

In Minnesota our figures include a current loan backlog of \$2 million; an additional \$18.6 million in applications will be submitted by June 30; and a State high of \$76 million in applications are to be submitted during fiscal year 1971.

Thus, Minnesota's total backlog through next year will be \$96,556,800—second only to the State of Kentucky.

Yet the administration continues to hold back \$20 million which could help

to alleviate this problem—\$20 million. I must repeat, which Congress has appropriated.

To underscore the seriousness of the situation, I ask unanimous consent that a table prepared by the National Rural Electric Cooperative Association be printed in the RECORD. Also, to reflect the Minnesota situation, I ask unanimous consent that a series of letters which I have received from various rural electric cooperatives be printed in the RECORD.

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

*Anticipated backlog of loan applications on June 30, 1970, and June 30, 1971*

[In millions of dollars]

Backlog of loan applications, April 1, 1970	377
Applications to be submitted April 1, 1970, to June 30, 1970	182
Total to be considered, last quarter of fiscal year 1970	559

Less—Balance of loan funds available from \$345 million loan program—126

Backlog of loan applications, July 1, 1970	433
Applications to be submitted, July 1, 1970, to June 30, 1971	464
Total applications to be considered in fiscal year 1971	897
REA loan fund budget request, fiscal 1971	345
Backlog of loan applications, July 1, 1971	552

BREAKDOWN OF LOAN REQUESTS BY STATE

State	Loan backlog Apr. 1, 1970	Applications to be submitted Apr. 1, 1970 to June 30, 1970	Applications to be submitted July 1, 1970 to June 30, 1971	Total	State	Loan backlog Apr. 1, 1970	Applications to be submitted Apr. 1, 1970 to June 30, 1970	Applications to be submitted July 1, 1970 to June 30, 1971	Total
Alabama	\$2,165,000	\$2,635,000	\$16,467,000	\$21,267,000	Montana	\$2,891,000		\$3,205,000	\$6,096,000
Alaska	11,284,000		10,090,000	21,374,000	Nebraska	3,395,000	\$11,629,903	5,004,363	20,029,271
Arizona	1,034,000	10,030,000	19,370,000	30,454,000	New Mexico	4,077,988		8,005,000	12,082,988
Arkansas	34,639,000	5,509,900	12,276,100	52,452,000	New York		800,000	500,000	1,300,000
California	130,000		981,000	1,111,000	North Carolina	14,542,000	6,026,000	13,788,000	34,556,000
Colorado	8,428,000	13,825,100	30,719,895	52,972,995	North Dakota	700,000	12,169,000	23,991,000	36,860,000
Florida	8,004,000	7,418,300	13,538,000	28,960,300	Ohio	4,265,000	2,502,000	3,610,000	10,377,000
Georgia	1,684,000	9,009,104	12,049,705	22,742,809	Oklahoma	52,723,000	4,983,685	7,096,000	64,802,685
Idaho	920,000		2,030,000	2,950,000	Oregon	667,000	2,016,000	3,298,800	5,981,800
Illinois	2,183,000	1,582,800	10,550,000	14,325,800	Pennsylvania	1,710,000	2,885,000	2,452,000	7,047,000
Indiana	3,848,000	3,158,400	5,123,450	12,130,850	South Carolina	19,507,000	3,356,000	5,630,000	28,493,000
Iowa	41,645,000	1,589,347	4,196,700	49,030,047	South Dakota	459,000	3,458,000	8,616,784	12,533,784
Kansas	2,031,000		4,411,600	6,442,600	Tennessee	2,625,000	550,000	9,168,000	12,343,000
Kentucky	90,867,536	8,782,464	11,662,400	111,312,400	Texas	22,286,736	15,362,815	48,854,500	86,504,051
Louisiana	1,390,000	3,000,000	9,517,266	13,907,266	Utah	2,276,000		1,460,000	3,736,000
Maine	17,000	2,316,000		2,333,000	Vermont	1,365,000	2,000,000	3,000,000	6,365,000
Maryland		2,010,000		2,010,000	Virginia	2,837,000	1,600,000	10,090,327	14,527,327
Michigan	10,179,000	3,584,000	13,648,000	27,411,000	Washington	596,000	5,243,000	2,796,700	8,635,700
Minnesota	2,057,000	18,617,000	75,882,800	96,556,800	West Virginia			100,000	100,000
Mississippi	2,917,000	1,158,000	18,785,193	22,860,193	Wisconsin	630,000	3,946,733	12,000,000	16,576,733
Missouri	13,969,000	5,665,400	15,991,410	35,625,810	Wyoming		2,670,000	4,059,000	6,729,000

BLUE EARTH-NICOLLET COOPERATIVE  
ELECTRIC ASSOCIATION,

Mankato, Minn., May 12, 1970.

HON. WALTER F. MONDALE,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR: I am writing to ask your support for an increase in the appropriations for the Rural Electrification loan program.

We have not had a loan for 17 years. We have had an application in for one for more than a year but none has been granted as yet because of the shortage of funds.

Our reserves are being depleted quite rapidly. We have in our office right now several plats of developments totaling 980 lots. There is also a 7-up bottling plant, a large high school, a small factory, two industrial sites and in addition 350 acres have been taken into the city limits with water and sewer now being put in. This area could have a lot of development and all of it is in our service area.

All of the above takes a lot of investment on our part. Orders for material have to be placed months in advance because of the long delivery problem. These materials are being delivered now, making considerable inroads on our cash reserves. Still there is no loan in sight and it would appear we will have quite a problem.

We are therefore hopeful you might look favorably on increasing the REA appropriations and the immediate release of the \$20 million now frozen by the Bureau of the Budget.

Sincerely,

CAL PALMERSTON.

TODD-WADENA ELECTRIC CO-OPERATIVE,  
Wadena, Minn., May 15, 1970.

HON. WALTER F. MONDALE,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR MONDALE: We are enclosing a copy of our letter which was sent to the President requesting his support for the rural electrification program.

We know that you have always supported our program in the past and are deeply appreciative of it. If there is anything that you can do for us in this particular situation, we know that we will have your support.

Best personal regards.

Cooperatively yours,

PAUL RICHTER,  
General Manager.

TODD-WADENA ELECTRIC CO-OPERATIVE,  
Wadena, Minn., May 15, 1970.

THE PRESIDENT,  
The White House,  
Washington, D.C.

MR. PRESIDENT: This letter is being written to ask your Administration's support in meeting the needs of the Rural Electrification Administration for adequate funds for an expanding rural electrification program.

Monetary requirements in the immediate years ahead will far exceed the demands of the past. Our own electric cooperative is a typical example. Since 1941 we have received loans totalling \$2,824,000. The last loan was made in 1959. Since 1959 our cooperative has invested \$723,000 of its earnings in its electric plant to meet the electric needs of its members.

Our most recent studies show that we will need \$666,000 to be invested in electric plant in 1970-71. An additional \$1,445,000 will be needed by January 1, 1979. These funds are needed for normal growth of the system—any unusual developments would increase the need sharply.

We request that immediate attention be given to two very important matters involved now in the rural electrification program:

1. Authorize release of \$20,000,000 which has already been authorized for fiscal 1970 but which is being retained by the Budget Bureau. While the retained amount is a small percentage of the total, its release would certainly help fill some of the critical loan requirements existing now.

2. We request support for the request now before Congressional Appropriations Committees for \$745 million for fiscal 1971. While this is a substantial increase over 1970 authorizations, it is not unreasonable when it is considered that total loan applications for 1971 will be \$897 million. Increased loan authorizations are particularly needed for fiscal 1971. It is expected that loan requirements after fiscal 1971 will be partially supplemented with funds from the newly formed Cooperative Finance Corporation.

Our nation's urban problems are directly intertwined with progress in rural America. If there be a revitalization in the country then a viable rural electrification program is essential to the progress and development of the rural areas.

We believe that your support for adequate loan funds as outlined in this letter will help relieve some of the pressures on our cities and also make possible a better life in rural America.

Thank you for your consideration.

Cooperatively yours,

PAUL RICHTER,  
General Manager.

ANOKA ELECTRIC COOPERATIVE,  
Anoka, Minn., May 12, 1970.

HON. WALTER MONDALE,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR MONDALE: My purpose in writing you is to express my concern about Rural Electrification appropriations and give you some information that may be helpful in making a decision on the current appropriations bill.

The Anoka Electric Cooperative, of which I am General Manager, serves an area north of the twin cities generally from Anoka west to St. Cloud and east to the St. Croix and this includes several suburban communities.

We are in a rapidly growing area where the electrical load has been doubling every five years and it takes a considerable amount of



capital and construction to meet the needs.

It is difficult to make an explanation in a few words so I am enclosing a copy of the talk I made to our members at the annual meeting in March which shows several of the points of concern. Also find enclosed a copy of our Annual Report.

Our projections show that it will be necessary to apply for an REA loan in about December of 1970 and it will be for about \$2,000,000.

Information that we get from REA in Washington and from surveys taken by NRECA show that there will be a backlog of loan applications on July 1, 1970 of over \$400,000,000.

Indications are that Congress is considering an appropriation of \$345,000,000 for fiscal year 7/1/70-6/30/71 and this will not be enough to meet the needs. Enclosed is an NRECA summary of the anticipated needs.

There is considerable emphasis on trying to cut down the trend of people moving to the cities and to encourage rural development and it doesn't seem consistent to have the people either stay in or move to the rural areas if we aren't able to take care of their needs in these areas. Electricity is an essential need.

As you know, the REA's have been working on a self financing plan which is progressing. We expect to obtain a request soon to make our initial investments in this organization. However, it is apparent that this supplemental financing will generate only about \$30,000,000 in the next fiscal year. Further, it is doubtful that there will be any money available for generating facilities. We purchase our electricity from Rural Cooperative Power Association at Ell River and estimates show that a new plant will be needed in 1976. Commitments to build this plant should be made during the next year. Every possible avenue of how to obtain the necessary capital is being explored, but so far a solution has not been found.

We are fully aware of the fact that there are many demands on the Federal Treasury and that priorities must be established. We know that it is difficult for you to determine where these priorities should be.

We are grateful for the loans and services we have received from REA. However, I felt that I should write and express our concern for the future.

A solution would be to influence the Bureau of the Budget to release a \$20,000,000 contingency fund appropriated for this present fiscal year and to increase the budget request of \$345,000,000 for next year.

I know that your attention and help on this will be appreciated.

Very truly,

MILTON S. OLBERG,  
General Manager.

ROSEAU ELECTRIC COOPERATIVE INC.,  
Roseau, Minn., May 14, 1970.

Subject: Rural Electrification Administration Loan Funds

HON. WALTER F. MONDALE,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR MONDALE: The Rural Electrification program is in serious need of additional funds, to be loaned to the electric cooperatives, throughout the nation.

Our own cooperative is in need of \$418,000, for which we expect to file application in the last half of 1970. Because of the large backlog of loan applications, new applications and limited funds available, REA will be way short in being able to take care of all of the needs.

I would therefore appreciate any assistance possible in releasing the \$20 million, which has been approved by congress and is now held up by the Bureau of the Budget. Also, your assistance will be appreciated for

increased appropriations for fiscal year of 1971 to \$745 million.

Sincerely,

M. A. HASLERUD,  
Manager.

RED LAKE ELECTRIC COOPERATIVE INC.,  
Red Lake Falls, Minn., May 13 1970.

HON. WALTER F. MONDALE,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR MONDALE: We are enclosing a copy of a letter mailed to the President regarding the status of REA loan funds. We urge your support in appropriating adequate funds for the program.

Yours very truly,

CHARLES M. KLEVEN,  
Manager.

MAY 12, 1970.

President RICHARD M. NIXON,  
The White House,  
Washington, D.C.

DEAR MR. PRESIDENT: Being a Rural Electric Cooperative, which serves 3500 rural member consumers with rural electric power in a 4 County area in northwestern Minnesota, we are vitally concerned with the current status of Rural Electrification loan funds. It is our understanding that only 345 million is being recommended for REA for 1970-71, whereas the NRECA indicates through their survey, that applications for loan funds for the fiscal year will exceed 550 million.

In our particular case we are at a point where we are forced to use our reserve funds and our advance payments to meet our quarterly loan payments. How long we will be able to continue to do this is questionable. REA has a regulation that Rural Electric Cooperatives whose liquidable reserve funds exceed 8% of plant are not eligible for loan funds. This, we understand, is forced on the Rural Electrification Administration due to the shortage of loan funds. We do not feel that our reserve funds are excessive. In fact, at the 10% level, which is our liquidable reserve at this time, there is a question in our mind if this is adequate far from being excessive.

We are in and serve an area that is much in need of development, having been declared a distressed area for a number of years and now with the economic situation improving we must be in a position to offer service to these people as they move into our service area.

Our current supply of adequate wholesale power is not questionable at the moment, however our future power supply will be in question if adequate funds are not appropriated for generation and transmission installations as well as distribution.

The records of the Rural Electric Cooperatives have been unmatched for payback to the Government. There are a number of Government programs that are outright grants and subsidies. However, the rural electric program is a payback program with interest. The records will show that the element of risk as far as the Government is concerned, is practically non-existent. We know of few Rural Electric Cooperatives who are in any way delinquent in their payments. However, if adequate loan funds are not appropriated you can see where this could become a serious problem with many of us.

May, we, therefore, as a Rural Electric power supplier, urge your support in recommendation that loan funds for the rural electrification program be increased to meet at the coming needs of the rural electric program.

Yours very truly,

CHARLES M. KLEVEN,  
Manager.

RED RIVER VALLEY COOPERATIVE POWER,  
Halstad, Minn., May 12, 1970.

The President,  
The White House,  
Washington, D.C.

MR. PRESIDENT: I am writing to you regarding the dire need for additional loan funds in our area and over the United States as a whole.

The Board of Directors of Red River Valley Cooperative Power Association have delayed making any additional requests for loans from REA during the past twelve years. We have been able to do this by investing as much as possible of our own funds and also delaying as much as possible, expansion and proper maintenance of our system.

We are very shortly approaching the point where we will have to ask REA for additional loan funds to serve our present consumers and others who decide to build homes in the rural areas. I would like to encourage you to release the twenty million dollars in loan funds appropriated by Congress for the current fiscal year, but frozen by bureau budget at the present time.

I would also like to request your support of the important power supply program for electric cooperatives, who at the present time, generate a very small percentage of their needed capacity through the lack of these loan funds to build facilities.

I want to thank you for your consideration of these requests.

Sincerely yours,

JAMES S. OGARD,  
General Manager.

STEARNS COOPERATIVE  
ELECTRIC ASSOCIATION,  
Melrose, Minn., May 18, 1970.

The President,  
The White House,  
Washington, D.C.

MY DEAR MR. PRESIDENT: As the general manager of a rural electric distribution cooperative, I would like to express my views on the vital need for the continued financial support of the cooperatives.

We all realize that government expenditures are of the utmost importance, and that they are continually growing, as are the problems of rural life. But consider what rural life would be like today, if it were not for the many rural electric cooperatives that serve the people in the rural areas. Therefore, I find it imperative that I ask for your assistance in obtaining the necessary funds, which have been appropriated, in order that we may keep up with the demand for electric service, which is growing so rapidly. In our local area there are numerous housing developments under construction, or they are in the process of being developed. The acquisition of funds, in order to keep up with these needs, is putting us in a very difficult situation.

NRECA has pointed out to the congressional committees that an appropriation of Seven Hundred and Forty-Five million is needed for the fiscal year of 1971, in order that the level of REA loan application backlog become more manageable.

In view of the fact that the REC's have made their loan and interest payments on time, in addition to advance payments on their loans, do you not think that the investment in the future of rural people is one which should merit your serious consideration?

In these times, when there is so much unrest among the young people of our country, the REC's are trying to get them back on an even keel, to educate them in the operation of the government of our country, and stop the strife which seems to be tearing our society apart.

We fully realize that we are but one spoke in a large wheel, but as in any wheel, each spoke strengthens the wheel. Thus, we believe it is a requisite that favorable consider-

ation be given to the granting of loan funds, which will greatly help in the needs of the people of the rural areas.

In closing, I have one more request to make, and that is that the Bureau of Budget be instructed to immediately release the Twenty Million appropriated by Congress for the fiscal year, which has been frozen, and is so desperately needed by the rural electric cooperatives.

Yours respectfully,  
BERNARD W. FEIERABEND,  
General Manager.

SOUTHWESTERN MINNESOTA  
COOPERATIVE ELECTRIC,  
Pipestone, Minn., May 20, 1970.

Hon. WALTER F. MONDALE,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR MONDALE: Your help and support is most urgently needed for increased appropriations for the Rural Electrification program for fiscal year 1971.

The backlog of electric loan applications is expected to be \$433,000,000 by the close of the current fiscal year 1970. It is anticipated that rural electric systems will be submitting loan applications totaling another \$464,000,000 during fiscal 1971. The President's budget requests a program of \$345,000,000 for the coming year. If REA has to consider applications totaling almost \$900,000,000 by the end of fiscal 1971, the backlog of applications will exceed \$550,000,000, leaving many cooperatives out of funds and facing the prospect of having to delay maintenance or postpone needed system improvements or delay new construction.

The immediate and long-term consequences of the shortage of REA loan funds could be disastrous to the nation as a whole. A rebuilding of the rural areas is vital if the migratory flow to the cities is to be slowed or reversed. Adequate and dependable electric power is a prime necessity in order to attract and hold the rural population.

Generation loans will be needed to ease the severe power shortages that will be facing the industry shortly. The restrictions placed on power supply loans is severely limiting the ability of power supply systems to adequately plan for meeting the growing needs of the distribution co-ops they serve.

We will appreciate assurances of your support in obtaining adequate loan funds for fiscal year 1971 and recognition of the Rural Electrification program needs.

Thank you.

Sincerely yours,  
MARVIN BEYERS,  
President.

Mr. MONDALE. Mr. President, a review of this correspondence reveals that the release of the frozen \$20 million is not the only problem facing rural electric cooperatives. The current administration has placed them on a starvation diet with other policies as well.

During the previous administration the Rural Electrification Administration tackled the crucial bottleneck of wholesale power supply.

The REA Administrator issued REA's "Third Criterion" on generation and transmission policy. This made clear that REA would fund G. & T. facilities in those situations where the co-ops needed their own wholesale power sources to protect their "security and effectiveness" as permanent parts of the electric utility industry to serve rural America.

In the 8 years of the Kennedy-Johnson administration the REA approved G. & T. loans totaling \$1,300,000,000—30 percent more than had been loaned for

such purposes during the entire 25 previous years of REA's history.

These loans nearly doubled the total generating capacity of REA-financed rural systems. Thirteen new power supply systems were financed for rural electric cooperatives.

Now we have an REA which has rescinded the "Third Criterion," and which has not approved one single generating loan of any significance. There are pending in REA today more than \$260 million in G. & T. applications.

The administration is also stretching loan dollars by various devices including drastically cutting back on the amounts of loan applications and by the imposition of extremely restrictive financial policies on borrowers.

As an illustration, one Minnesota loan application of \$560,000 was approved for only \$300,000, and two loan applications of \$490,000 and \$457,000 were simply dropped from the Rural Electrification Administration's listing.

Mr. President, despite the growing need for capital brought on by the constant rise in demand for electric service, the administration is severely cutting its loan fund authorization. These reductions, on the top of damage done by uncontrolled inflation, are threatening the very existence of some rural electric systems.

The Nixon administration is forcing rural electric systems to deplete their financial resources to dangerously low levels. This restrictive policy is forcing more and more systems to delay construction, postpone the heavying up of facilities, turn away new consumers, use hand-to-mouth operations which threaten credit rating, and pose problems in meeting payrolls.

The continuation of these practices will eventually bring about an erosion of the capability of rural electric systems to carry out their utility responsibilities in their service areas.

Mr. President, this entire situation is just another example of the Agriculture Department's retreat from its former leadership in the field of rural area development.

This is not an idle statement. The REA Administrator has announced, for example, that as a matter of policy, REA will no longer consider section 5 consumer loans for electrically operated machinery and equipment used for industrial purposes.

While this authority has always been used sparingly and only in cases of crucial necessity, it has been used to make possible significant industrial projects in the rural service areas of the REA-financed cooperatives.

All of the aforementioned is most disturbing to me since I know the value of rural electrification to the future well-being of rural America. I await the President's reaction to our letter with great interest since it might well set the record straight on his intentions for rural America.

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

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

U.S. SENATE, COMMITTEE ON GOVERNMENT OPERATIONS,  
Washington, D.C., May 11, 1970.

THE PRESIDENT,  
The White House,  
Washington, D.C.

DEAR MR. PRESIDENT: Congress last year appropriated \$365 million for fiscal year 1970 for REA loans to rural electric cooperatives. It has been brought to our attention that \$20 million of that appropriation has not yet been released by the Bureau of the Budget.

Inasmuch as the total appropriation for fiscal year 1970 for the rural electric program falls roughly \$400 million below the amount needed in order for the nearly one thousand rural electric cooperatives to meet growing demand for service, we feel that the release of the additional \$20 million appropriated by Congress is urgently necessary. The rural electric cooperatives, in an effort to meet their needs for additional growth capital, have undertaken the establishment and operation of the National Rural Utilities Cooperative Finance Corporation. It is anticipated that some funds will be available for lending by this corporation early next year. However, CFC is presently still in its formative stages and cannot contribute significantly to the capital requirements of rural electric cooperatives at the present time.

Because of the present shortage of loan funds, many rural electric systems throughout the United States are being forced to reduce their work force or cutback to a four-day work week, the result of which will be that residents of rural areas are not going to get the type of electric service to which they have become accustomed and to which they are entitled.

The release of the additional \$20 million now being held by the Bureau of the Budget certainly will not solve all of the capital requirements of these cooperatives. It will, however, allow the REA to make loans in those instances of pressing need. We, therefore, respectfully urge you to release this \$20 million at the earliest possible date before the close of this fiscal year.

Sincerely yours,  
Philip A. Hart, Joseph M. Montoya, Fred R. Harris, Ralph Yarborough, Quentin N. Burdick, Daniel K. Inouye, Vance Hartke, Herman E. Talmadge, Harrison A. Williams, Jr., J. W. Fulbright, Warren G. Magnuson, Frank Church, Thomas F. Eagleton, Walter F. Mondale, Mike Mansfield, Edmund S. Muskie, Frank E. Moss, Eugene J. McCarthy, Thomas J. McIntyre, Mike Gravel, Albert Gore, Henry M. Jackson, Gale W. McGee, Birch Bayh, George McGovern, Stuart Symington, William Proxmire, U.S. Senators.

#### TUCSON DAILY CITIZEN THIRD ANNUAL HIGH SCHOOL OPINION POLL

Mr. GOLDWATER. Mr. President, the Tucson Daily Citizen recently sponsored its third annual high school opinion poll. Once more the turnout of participating students was nothing short of phenomenal.

Nearly 12,000 ballots were cast by students from 15 Metropolitan Tucson high schools. These students represent almost 60 percent of the total student population in Tucson. This is an overwhelming response as anyone who studies polls will know, and I want to express here and now my great pride in the youth of Tucson for displaying such a mature interest in significant local, national, and international matters.

Their active and responsible participa-



tion in the Daily Citizen poll gives the lie to the distorted image of young Americans which the major TV networks and liberal eastern newspapers are feeding us. Mr. President, the answers given in response to this poll show that our young Americans do a pretty good job of thinking for themselves. There seems to be a fair distribution of opinion expressed by the students, and I fail to see any signs that these young people would flock to the polls in one mass block.

The questions asked are quite probing. They range across the board from inquiries that stay close to home to ones that explore leading national issues.

For example, the poll asked students:

Do Tucson area police enforce the law fairly?

Senators may be interested to know that 84 percent of the Tucson high school students responded that the police do carry out their duties fairly all the time or most of the time.

Another locally oriented question sought the students' opinions on what they believe might "be a sensible approach to future traffic problems in Tucson?" This is clearly a question which citizens in all cities should be asking themselves and again the students' varied responses indicate their awareness of the most important, contemporary issues.

On the national level, the Tucson students gave their views on such matters as what "poses the greatest threat to our natural environment," what is "the major factor leading to crime today," and "whether American courts are too easy or too hard."

One response, which holds enlightenment for those who doubt the feasibility of the voluntary military, bears out what

I have long been saying to anyone who will listen. There is a sufficient number of civic-minded and patriotic citizens who are ready to serve in the defense of their country, voluntarily, so that our national security would not be weakened by establishing a fully voluntary military service.

Twenty-eight percent of the young men who answered the Daily Citizen poll said that they felt "the best way to serve your country" is in the military. It is this kind of thinking that I believe will motivate enough men to volunteer for service in our military forces to maintain a force of some 2.5 to 3 million members. All that is called for, and indeed is demanded by reasons of equity, is that reasonable improvements in pay and conditions of service be put into effect to increase the attractiveness of a military career as compared with civilian opportunities.

Another response that is revealing to me is the fact that 67 percent of the students registered their lack of "sympathy with the SDS, Black Panthers, and other militants." Only 17 percent claimed to hold any sympathy with these groups.

Once again the reply repudiates the false picture which liberal reporters have created by their endless overexposure of the antics and anarchy committed by a small minority of young Americans. This response shows that the great majority of our young people refuse to be led along by demagogues.

The way our students in Tucson answered this question and the several others contained in the poll confirms my belief that this generation of young people is the finest one that has ever come along.

Their challenging, probing minds serve

them well in being able to analyze issues and to think things through for themselves. Unlike many of their elders, these students are obviously willing to question what they read and what they watch in the mass media.

In fact, their independent thinking goes so far that 38 percent of the students replied "no" to question No. 19, which reads:

"Will this poll accurately reflect the opinion of high school students in Tucson?"

With this kind of perceptiveness, I do not think anyone will be able to pull the wool over the eyes of these future voters.

Mr. President, at this point, I am ready to reveal that the questions used in the poll were prepared by and submitted to the paper by the students themselves. To my mind, this underscores the intense interest and concern with vital matters that students have today. It reveals a mature grasp of complex national issues and makes me have a great deal of confidence in our American educational system.

In summary, I want to commend the Tucson Daily Citizen for sponsoring the high school opinion poll and to express my gratitude to the many thousands of students who have let us in Government know of their positions on matters of vital interest.

Mr. President, in order that the Tucson poll may receive the wide audience that it warrants, and so that the general public might better be able to see the way responsible young citizens choose to express themselves, I ask unanimous consent that the poll be printed in the RECORD.

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

FINAL RESULTS—TUCSON DAILY CITIZEN'S 1970 HIGH SCHOOL OPINION POLL—11,769 BALLOTS CAST

	Total		Boys		Girls	
	Votes	Percent	Votes	Percent	Votes	Percent
1. Which do you think poses the greatest threat to our natural environment?						
Industry.....	2,303	19.99	1,321	23.07	982	16.95
Irresponsible citizens.....	3,629	31.51	1,678	29.31	1,951	33.69
Overpopulation.....	3,759	32.64	1,856	32.41	1,903	32.86
Automobiles.....	1,040	9.03	563	9.83	477	8.23
Uncertain.....	785	6.81	307	5.36	478	8.25
2. Do you have confidence in the integrity and competence of our city officials?						
Yes.....	3,355	28.97	1,579	27.37	1,776	30.55
No.....	5,741	49.58	3,056	52.99	2,685	46.19
No opinion.....	2,483	21.44	1,132	19.62	1,351	23.24
3. What is the best way to serve your country?						
Education.....	3,726	32.35	1,625	28.36	2,101	36.31
Military.....	2,423	21.04	1,597	27.87	826	14.27
Vista.....	1,093	9.49	411	7.17	682	11.78
Peace Corps.....	1,070	9.29	395	6.89	675	11.66
Business/industry.....	924	8.02	549	9.58	375	6.48
Civil service.....	672	5.83	342	5.96	330	5.70
No opinion.....	1,607	13.95	610	14.13	797	13.77
4. If you witness a crime or illegal act, including use of drugs, would you call Crime Check?						
Yes.....	5,572	48.12	2,662	46.16	2,910	50.06
No.....	3,871	33.43	1,990	34.51	1,881	32.36
No opinion.....	2,135	18.44	1,114	19.32	1,021	17.56
5. Do Tucson area police enforce the law fairly?						
All the time.....	673	5.80	422	7.32	251	4.30
Most of the time.....	9,064	78.13	4,412	76.53	4,652	79.72
Never.....	802	6.91	439	7.61	363	6.22
No opinion.....	1,061	9.14	492	8.53	569	9.75
6. Do you believe that Awareness House or other drug rehabilitation centers are of any value to teenagers?						
Yes.....	9,235	79.45	4,486	77.59	4,749	81.29
No.....	1,522	13.09	803	13.89	719	12.30
No opinion.....	866	7.45	492	8.51	374	6.40
7. Which one of these political figures do you admire the most?						
George Wallace.....	486	4.19	339	5.87	147	2.52
Richard Nixon.....	2,243	19.34	1,154	19.99	1,089	18.70
Ted Kennedy.....	3,587	30.93	1,527	26.45	2,060	35.37
Hubert Humphrey.....	1,111	9.58	561	9.72	550	9.44
Spiro Agnew.....	479	4.13	311	5.38	168	2.88
None.....	3,688	31.80	1,879	32.55	1,809	31.06
8. Are American courts:						
Too easy.....	3,707	31.95	2,021	34.98	1,686	28.94
Too hard.....	1,763	15.19	930	16.10	833	14.30
About right.....	4,125	35.56	1,929	33.39	2,196	37.70
No opinion.....	2,005	17.28	896	15.51	1,109	19.04
9. Do you sympathize with the S.D.S., Black Panthers, and other militants?						
Yes.....	2,050	17.66	1,020	17.66	1,030	17.66
No.....	7,787	67.10	4,030	69.85	3,754	64.36
No opinion.....	1,768	15.23	720	12.47	1,048	17.96
10. Do you think public employees (postal, garbage workers, teachers, police) should have the right to strike?						
Yes.....	7,900	67.99	3,943	68.19	3,957	67.80
No.....	2,976	25.61	1,500	25.94	1,476	25.29
No opinion.....	742	6.38	339	5.86	403	6.90
11. What do you believe to be a sensible approach to future traffic problems in Tucson?						
Freeway.....	2,287	19.70	1,086	18.81	1,201	20.58
Monorails or subway.....	4,269	36.78	2,305	39.93	1,964	33.67
1-way streets.....	1,014	8.73	559	9.68	455	7.80
Public transportation.....	1,609	13.86	790	13.68	819	14.04
Limited access streets.....	659	5.67	346	5.99	313	5.36
No opinion.....	1,767	15.22	686	11.88	1,081	18.53
12. The major factor leading to crime today is:						
Poor police protection.....	678	5.91	411	7.20	267	4.63
Too lenient courts.....	1,523	13.28	918	16.08	605	10.51
Poverty.....	2,122	17.51	1,164	20.39	958	16.64
Gun laws.....	249	2.17	130	2.27	119	2.06
Drugs.....	2,430	21.19	1,003	17.57	1,427	24.79
Unconcerned citizens.....	4,462	38.92	2,082	36.47	2,380	41.34

FINAL RESULTS—TUCSON DAILY CITIZEN'S 1970 HIGH SCHOOL OPINION POLL—11,769 BALLOTS CAST—Continued

	Total		Boys		Girls			Total		Boys		Girls	
	Votes	Percent	Votes	Percent	Votes	Percent		Votes	Percent	Votes	Percent	Votes	Percent
13. Should high schools place more emphasis on intramural sports and less on inter-scholastic sports?													
Yes.....	2,624	22.68	1,321	22.97	1,303	22.39							
No.....	6,139	53.06	3,255	56.61	2,884	49.56							
No opinion.....	2,805	24.24	1,173	20.40	1,632	28.04							
14. Should the schools take the lead in a movement to beautify America by controlling litter?													
Yes.....	9,432	81.22	4,527	78.32	4,905	84.10							
No.....	1,332	11.47	774	13.39	558	9.56							
No opinion.....	848	7.30	479	8.28	369	6.32							
15. In the Mideast crises, the United States should support—													
Arabs.....	232	1.99	140	2.42	92	1.57							
Israel.....	2,248	19.37	1,494	25.88	754	12.93							
Stay neutral.....	7,051	60.77	3,378	58.53	3,673	62.99							
No opinion.....	2,071	17.85	759	13.15	1,312	22.50							
16. Should the United States, to prevent Laos or Cambodia from being overrun by Communist forces, intervene with its ground forces in those countries?													
Yes.....	3,608	30.94	2,093	36.03	1,514	25.88							
No.....	5,008	42.95	2,568	44.21	2,440	41.70							
No opinion.....	3,043	26.10	1,147	19.74	1,896	32.41							
17. How many children do you plan to have when you get married?													
0.....	1,033	8.95	617	10.77	416	7.16							
1.....	431	3.73	218	3.80	213	3.66							
2.....	4,659	40.38	2,413	42.13	2,246	38.68							
3.....	2,353	20.39	1,171	20.44	1,182	20.34							
4.....	1,570	13.60	620	10.82	950	16.35							
Or more.....	1,490	12.91	688	12.01	802	13.80							
18. Has the past generation been hypocritical, as a group?													
Yes.....	6,501	55.87	3,201	55.30	3,300	56.43							
No.....	3,081	26.48	1,550	26.77	1,531	26.18							
No opinion.....	2,053	17.64	1,037	17.91	1,016	17.37							
19. Will this poll accurately reflect the opinion of high school students in Tucson?													
Yes.....	5,602	48.06	2,828	48.79	2,774	47.35							
No.....	4,451	38.19	2,136	36.85	2,315	39.51							
No opinion.....	1,601	13.73	832	14.35	769	13.12							
20. Is organized religion meaningful to the needs of youth?													
Yes.....	5,283	46.43	2,450	43.24	2,833	49.60							
No.....	4,542	39.92	2,418	42.68	2,124	37.19							
No opinion.....	1,551	13.63	797	14.06	754	13.20							
Number of students in opinion pool who are:													
Female.....	5,849	50.23											
Male.....	5,795	49.76											

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore (Mr. METCALF). Under the previous order, the Senator from New York (Mr. GOODELL) is recognized for a time not to exceed 30 minutes.

Mr. SCOTT. Mr. President, will the distinguished Senator from New York yield to me briefly?

Mr. GOODELL. I am happy to yield to the Senator from Pennsylvania.

## OPEN LETTER TO PRESIDENT NIXON FROM MILLER UPTON, PRESIDENT OF BELOIT COLLEGE

Mr. SCOTT. Mr. President, the President of the United States has made available to me a copy of an open letter written to him by the president of Beloit College in Beloit, Wis., Dr. Miller Upton states in the letter that he has been a conscientious objector and that his views on the ending of the war are similar to those of many in the academic community. However, in concluding his letter, he writes:

Last fall I joined with a number of other college presidents to urge your rapid withdrawal of troops from Vietnam. I reaffirm this plea. But when I consider the whole matter fully and objectively, I have to concede that you have been more faithful to your leadership responsibilities than we in Academe have been to our own.

With respect for the tremendous burdens you must bear for the rest of us and the conscientious way you are bearing them and with apology for the cruel injustices that have been foisted upon you by the professional community of which I am a part, I remain,

Respectfully yours,

MILLER UPTON.

## ORDER FOR RECOGNITION OF SENATOR FULBRIGHT TODAY AFTER REMARKS OF SENATOR GOODELL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the able

Senator from New York (Mr. GOODELL), the able Senator from Arkansas (Mr. FULBRIGHT) be recognized for not to exceed 15 minutes, beginning at 12:30 p.m. today.

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

## THE USE OF THE FRANKING PRIVILEGE

Mr. GOODELL. Mr. President, I have taken this time today because I am deeply troubled by the impact upon one of our colleagues over a situation which has largely been misunderstood by the public.

Each of us has deep views on the questions facing this country today—deep issues which divide our people. This is particularly true on the issue of the war in Vietnam, Cambodia, and Laos.

I am one of the five Senators who originally cosponsored the amendment to end the war.

Having cosponsored that amendment, we were inundated with mail and requests from all over the country for information with reference to the amendment to end the war.

My colleague from Oregon (Mr. HATFIELD) was asked if he would make available his frank in order to answer with a form letter, giving information with reference to the amendment to end the war, with specific details regarding the amendment.

The five Senators—myself, Mr. HATFIELD, Mr. McGOVERN, Mr. HUGHES, and Mr. CRANSTON—signed the form letter which was to be enclosed in the mailing under Senator HATFIELD's franking privilege, answering the letters that had come to each of us, and, in some instances, to all of us, asking for information with reference to this legislative issue.

Subsequent to permission being granted by Senator HATFIELD on the proper use of the franking privilege, two individuals, who were working as volun-

teers, inserted in the letter as an enclosure an appeal for funds to support the amendment to end the war.

This action was taken without the knowledge of Senator HATFIELD or any of the other four Senators who had authorized proper use of the frank.

As soon as the situation came to the attention of Senator HATFIELD, he stopped the procedure. He felt that it might be legal but, in his view, there was questionable propriety as to use of the frank for those purposes.

On May 21, 1970, the distinguished Senator from Nebraska (Mr. CURTIS) properly raised the question of the use of the frank.

This is a blurred area which has not been well defined.

In the past, there have been allegations of abuse of the franking privilege. The Post Office Department is charged with responsibility for enforcement. Several years ago, the Post Office Department declared that it was a matter of individual conscience, and was a matter for enforcement by Congress itself and, thus, the Post Office Department no longer attempts to pass upon the propriety of use of the franking privilege by Members of Congress.

When the distinguished Senator from Nebraska (Mr. CURTIS) raised the point, he made it very clear that:

I directed my remarks not at whose frank was involved nor at the other parts of the communication. I directed my remarks entirely to the communication signed by Sam Brown and David Hawk and primarily to the request for funds.

He went on to say:

The RECORD will show that I have singled out no Senator. I have not mentioned any Senator. My remarks were directed primarily at these outsiders and at the raising of funds behind the cloak of secrecy of a post office box.

Mr. President, when matters of this kind are raised—and properly so—there is the danger that they will be misinterpreted.



I believe that I speak for all my colleagues in the Senate when I say that Senator HATFIELD is a man of signal honor and probity. There is no other Member of the Senate who has a greater reputation for integrity, rectitude, and for conducting himself in an upright manner.

It is alien to his spirit and his lifetime in politics to say very much in his own defense.

When this matter came to his attention, he asked the Committee on Rules and Administration to give a clear rule. The committee declared that in its opinion an unauthorized use of Senator HATFIELD's frank was illegal. That decision was made by the Committee on Rules and Administration, at the request of Mr. HATFIELD, in an open and direct manner.

Mr. HATFIELD has since paid the postage involved in that mailing.

The fact that he is blameless, so far as his own intent and his own activities are concerned, is obvious.

His good offices were used in a manner that neither he condoned, nor would ever condone.

Mr. President, we must see to it that the RECORD is made clear. A mistake was made inadvertently by volunteers. The enclosures which should not have been included were mailed with a perfectly proper letter signed by five Senators, at a terribly busy time when great demands were being made upon us, including our staffs. It is a natural process that the mailing went out in that fashion.

Mr. HATFIELD's career in public life spans 18 years in elective office, including 8 years as Governor of Oregon. One can only think that the sense of decency and honor that he has brought to politics, but beyond the sense of decency and beyond the honor he has brought to politics, makes it a matter of great conscience here.

He has been a courageous public official, speaking out early as a lone voice upon his own conviction against the war.

I remember well his keynote address to the Republican National Convention in 1964 when he gave a courageous speech amid considerably hostile surroundings.

In 1966, the Senator from Oregon (Mr. HATFIELD) was the only Governor who refused at the National Governors Convention to join with the other 49 Governors in pledging his support in behalf of President Johnson's Vietnam policy.

He refused because as a matter of conscience and conviction he felt that the war was immoral and that regardless of the political thoughts involved, he could not speak out in support of policies which he felt were so grievously unjust and not in the American spirit.

The issue here, however, is not the war itself. I do not suppose that there is any other Senator in whom I would place greater trust than in Senator HATFIELD. His integrity is beyond question. He has brought a great deal to politics and asks for little in return.

I believe that we owe it to him to see that his integrity is recognized in this august body and that this message is carried to the American people and particularly to the people of Oregon that he so ably represents.

Mr. President, no one in the U.S. Senate, no action of any committee of the U.S. Senate, has in any way impugned the integrity of our colleague, Senator HATFIELD. That point should be made abundantly clear. What happened could have happened to any of us. Inundated by mail, with volunteers zealous, committed, idealistic, making a mistake unbeknownst to any of us, we could have been put in the same position.

Titles do not reflect honor on men, but, rather, men reflect honor on their titles. It can truly be said that Senator MARK HATFIELD has reflected honor upon all of us and on the U.S. Senate. His heart is as far from fraud as heaven from earth.

Mr. SCOTT. Mr. President, will the Senator from New York yield?

Mr. GOODELL. I yield.

Mr. SCOTT. Mr. President, I thank the distinguished Senator from New York very much. I want to affirm what the distinguished Senator has said about our great and beloved colleague from Oregon.

His probity and his keen sense of what is right and proper are well known and thoroughly recognized by all of us. And I suppose that there is no Senator whose confidence has not at one time or another been in some way betrayed by those who may have been overenthusiastic or overzealous or so devoted to a cause that they failed to see the implications of their efforts. That may have been the case with the young people who brought about this insertion of material in what was otherwise a perfectly proper and normal means of advising one's constituents.

Even though the subject matter of the letter had to do with an amendment which I have not indicated I could personally approve or accept, nevertheless the action taken by the distinguished Senator from Oregon was entirely proper in the first instance. He had every right to do what he did. And the fact that someone thereafter intervened to create a situation in what the Senator from New York has quite correctly called a gray area could hardly be the fault of the Senator from Oregon.

I can indeed also affirm his courage, his independence, and his willingness to stand alone if need be.

I remember the Republican convention to which the Senator refers. And I remember the time when the great roar rose from that convention of anger and indignation against the press of this country. It was one of the ugliest animal roars I have ever heard in public. It was a shocking thing. I could not applaud that demonstration. And I was on the platform in full view, and so were many others, including the then-Governor HATFIELD.

The then-Governor HATFIELD refused to applaud that demonstration. And I must say that I walked over to him and shook his hand. I said, "It looks like there are just two of us."

I am sure that there were many others. But if I can, to a modest degree, I associate myself with the remarks attesting to the courage under pressure of Senator HATFIELD. He has already exhibited this trait here, I believe very strongly, in something with which I hap-

pen to disagree. But he certainly acted with the utmost propriety. And what he did was proper. It was relevant. It was timely in the cause he was pursuing.

I want to make it extremely clear that any action taken by any Senate committee would have reference only to something that was done without his knowledge, approval, or consent, and something which he took prompt measures to stop.

Therefore, I am happy to join in a tribute to the probity, integrity, and the courage of the distinguished Senator from Oregon.

I thank the Senator from New York.

Mr. GOODELL. Mr. President, I thank the Senator from Pennsylvania for his very timely and, I think, very accurate comments with reference to our colleague.

Mr. President, I yield now to the Senator from Missouri.

Mr. EAGLETON. Mr. President, I too, wish to join with the distinguished Senator from New York (Mr. GOODELL) in publicly stating that I have the highest personal and professional confidence in the industry, intelligence, and integrity of our colleague, the Senator from Oregon (Mr. HATFIELD). As the Senator from New York (Mr. GOODELL) has pointed out, the whole question of the use of the frank is in a "gray area."

When the Senator from Oregon (Mr. HATFIELD) first learned that there might have been a questionable use of his frank, he stopped it immediately and asked the Committee on Rules and Administration to decide the issue.

The fact that a mistake was made by a volunteer worker without the knowledge of the Senator from Oregon should in no wise tarnish Senator HATFIELD's unchallenged reputation for decency, integrity, and courage.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

Mr. YOUNG of Ohio. Mr. President, very shortly following the election of MARK HATFIELD in 1966 by the people of Oregon to be their U.S. Senator, it was my good fortune to become personally acquainted with him. His first office, as well as his present office, have been on the same floor close to my office and we have frequently talked together not only in the Senate Office Building but in the Senate Chamber. Since I first made the acquaintance of Senator MARK HATFIELD, I concluded that he is an outstanding public servant who has over the years achieved a magnificent record in the service of his country in time of war and in the public service in Oregon as a State representative, State senator, secretary of State of Oregon and Governor of that sovereign State from 1959 to 1967.

Mr. President, I hold Senator MARK HATFIELD in the highest admiration and respect. I regard him as a very great American and personally I yield deference and devotion to him as a fine man and an excellent, personable individual and a Senator of great ability and unquestioned integrity. I know in my heart that Senator HATFIELD would never indulge in anything unethical.

Mr. President, a few weeks ago it be-

came known that certain individuals had been making unauthorized use of Senator HATFIELD's franking privilege. As soon as he discovered this, Senator HATFIELD halted the action immediately, made clear to the persons involved such activity was unauthorized, and came before the Senate to explain what had happened. He pledged himself to stand by whatever decision the Senate should make regarding the incident and even promised to reimburse the cost of the frank, should that course be deemed necessary—which, of course, it was not. It did not amount to a great deal.

Mr. President, the distinguished senior Senator from Oregon showed by his respect not only for the letter of the law, of which there was no actual infraction, but also for the spirit of the law, the integrity and honesty for which we have long known him. His open and candid presentation of this incident as well as his rapid handling of the matter are only two small examples of the character of this fine Senator. My colleague from Oregon has always stood out as a man of unassailable and admirable honesty, I hold him in the highest admiration and respect. The distinguished senior Senator from Oregon (Mr. HATFIELD) has demonstrated his courage and integrity time after time in this Senate Chamber.

Mr. President, there is much unrest in the country today, much talk of a "generation gap," a talk of a crisis of confidence and credibility being suffered by leadership, a questioning of the validity of our political system. Much is being demanded of us in the Senate and in the country. This is a time for the testing of leadership.

Mr. President, if one test of the quality of a political system is the leadership it generates, a system which could produce a man such as our distinguished colleague from Oregon surely has enduring value. Time and time again he has proven himself to be a man of unimpeachable integrity and impeccable honor. It is with men like the senior Senator from Oregon that the hopes of our country lie; it is to leaders such as he is that our youth will turn their eyes for example and help. I consider it an honor and a privilege to have served these past 3 years with him.

Finally, I wish to express my gratitude to the distinguished Senator from New York for yielding to me. I associate myself with the splendid statement he has made today regarding our colleague, Senator MARK HATFIELD of Oregon.

Mr. GOODELL. I thank the Senator very much.

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

Mr. GOODELL. I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I regret that I was not in the Chamber to hear all of the statement made by the distinguished junior Senator from New York. But I am very glad I did hear the statements by the distinguished minority leader (Mr. SCOTT), by the distinguished Senator from Missouri (Mr. EAGLETON), and by the distinguished senior Senator from Ohio (Mr. YOUNG).

Although my views concerning President Nixon's decision to send American troops into Cambodia temporarily, and my views concerning some of the amendments and resolutions relating to the war, differ from those of the Senator from Oregon as well as those of the junior Senator from New York, I am very pleased to be associated and do associate myself with what has been said here today concerning the Senator from Oregon (Mr. HATFIELD).

I know of no one who is more able and more courageous than the Senator from Oregon. He is a man of principle and a man of absolute integrity.

In addition to all that has already been said about the senior Senator from Oregon, I wish to focus attention on the fact that he is one of the Nation's most distinguished lay religious leaders. Here in the Washington area, my wife and I are privileged to attend the same church, the Fourth Presbyterian Church, attended by Senator and Mrs. Hatfield.

The words spoken here on the floor today are unnecessary, so far as the distinguished senior Senator from Oregon is concerned, but I believe it was very thoughtful and commendable of the junior Senator from New York to take the floor and lead this discussion. The tributes paid to the senior Senator from Oregon come from the bottoms of our hearts.

I thank the Senator from New York for yielding.

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

Mr. GOODELL. I yield.

Mr. HUGHES. Mr. President, I wish to associate myself with the comments of the distinguished junior Senator from New York and the statements I have heard made previously on the floor of the Senate this afternoon in support of the senior Senator from Oregon in this particular instance.

In the last few weeks since the introduction of amendment No. 609 in the Senate, all of us who are the original sponsors of this amendment have been simply inundated with mail, and all of us have had to rely to a great extent on volunteers in handling the mail. I think this is responsible for the incident here. In my opinion it bore no reflection on the distinguished senior Senator from Oregon.

I would like to recall just for a moment my earlier years in political life after I entered the office of Governor of the State of Iowa and first attended the National Governors' Conference. During that time we were in the heat of debate on the war in Vietnam also, under a different President of a different political party. At every Governors' Conference there were resolutions to endorse the position of the administration, and they were unanimously endorsed with the exception of one man—then-Governor HATFIELD of Oregon, who in those days was standing with the dictates of his conscience against the tide of opinion in America and almost every Governor on this issue. I, too, was on the other side of the issue from the then-Governor HATFIELD in those days.

Mr. President, I join Senators in pay-

ing tribute to a man of honesty, integrity, and, as the Senator from Michigan pointed out, religious depth. It is vital to remember that inquiries into this matter by committees of this august body have brought about by the request of the Senator from Oregon himself.

Although it is unnecessary that I say anything here today, I am pleased to have this opportunity to join on a bipartisan basis in stating my personal beliefs about the distinguished senior Senator from Oregon.

I thank the Senator from New York for yielding.

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

Mr. GOODELL. I yield.

Mr. STEVENS. Mr. President, I am sure we all feel grateful to the Senator from New York for raising this subject on the floor of the Senate. I serve on the Committee on Interior and Insular Affairs, as does the present Presiding Officer (Mr. METCALF), with the distinguished senior Senator from Oregon. It is my understanding that letterheads and envelopes of that committee were used in this instance.

Knowing Senator HATFIELD as I do, I am confident that he was not a party to even trying to test the gray area as it has been tested, and I think he was correct to refer the matter, as he did, for a ruling.

The Senator from Oregon has been very prompt in meeting what he considered his obligation to make payment for use of the frank, and, in fact, he has gone further in this regard than anyone did in the past.

I would say those of us who happen to be on the other side of some of these issues are slightly envious of you who have all these volunteers who can get you into this kind of situation. I find those who support the President are in the situation of trying to answer the mail with the small staffs that small States are given. If you have an abundance of volunteers I would like to put them to work.

In all the years I have known the senior Senator from Oregon, as a westerner. I have attended conferences in his State, and I have known him or about him for many years. I am certain he deserves the support he is getting today on the floor of the Senate from all of us who work to reassure the country of our faith in his honesty and integrity.

I would hope that he would be one of those who is in the forefront of reuniting the Senate because, as I have said before, I do not see how we can reunite the country if we do not get the Senate back together.

Mr. BAYH subsequently said: Mr. President, recently there has been some criticism of the distinguished Senator from Oregon (Mr. HATFIELD) over the use of his franking privilege. Senator HATFIELD and I do not agree on all issues. But, Mr. President, I have known the Senator from Oregon and I have always known him to be a man of highest integrity. I must admit that I am not familiar with the facts surrounding the instant franking incident, but I am certain that if there has indeed been any misuse



of the Senator's franking privilege it has been inadvertent and unintentional. I know, from my association with the Senator from Oregon over the years, that he has always had the highest respect for the rules of the Senate and has conducted himself in the best tradition of the Senate.

Mr. FULBRIGHT. Mr. President, before I make my own remarks, I would like to associate myself with the comments of the Senator from New York about the Senator from Oregon. There is no man in this body for whom I have a greater respect. Certainly, if a mistake at all, it was an inadvertent one. It is my opinion that if this type of material had been inserted in the CONGRESSIONAL RECORD by unanimous consent, it would have obviated any question. I think it is a technical infraction of the rules which is of minimal consequence. It has not the slightest reflection on the integrity of the Senator from Oregon. I do not know of any man who deserves respect and trust more than does the Senator from Oregon. I commend the Senator from New York for the comments he has made.

#### EQUAL TIME FOR EQUAL PARTNERS

Mr. FULBRIGHT. Mr. President, within the last year or so Senators have become increasingly concerned with the growth of Presidential power at the expense of the other, constitutionally co-equal branches of our Government. That concern was expressed in the national commitments resolution, adopted by the Senate last year by the vote of 70 to 16. Despite that overwhelming vote and an unassailable constitutional basis, the national commitments resolution has had no discernible effect upon the Executive and, as a result, we are compelled to grapple with the issue once again, now under more urgent and agitated circumstances. The initiation of a constitutionally unauthorized, Presidential war in Cambodia has brought the issue to a crisis, compelling the Congress to act in defense of its constitutional war powers. That is the principal significance of the Cooper-Church amendment and of other pending legislative proposals.

Unfortunately, the Congress is at a great disadvantage in the war powers debate, as it is in discussing most issues, because the Executive has a near monopoly on effective access to the public attention. The President can command a national television audience to hear his views on controversial matters at prime time, on short notice, at whatever length he chooses, and at no expense to the Federal Government or to his party. Other constitutional officeholders are compelled to rely on highly selective newspaper articles and television news spots, which at most will convey bits and snatches of their points of view, usually selected in such a way as to create an impression of cranky carping at an heroic and beleaguered President.

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

Mr. FULBRIGHT. I yield.

Mr. MUSKIE. Mr. President, I think the Senator from Arkansas is making a most important speech on a subject that

is of increasing concern to many Americans. I have had an opportunity to read the Senator's speech in advance of its delivery this morning. It places the emphasis on a most valid premise not on the question of equal time as between the major political parties but on the impact that television has on the checks and balances that were contemplated by the framers of the Constitution. On the important national issues, it is important that more than the Presidential view be presented to the country. The institution of Congress was intended by the constitutional founders to play at least an equal role in setting the policy of our Government. With the use of television by the executive branch almost exclusively, there exists no truly national dialog on the critical issues of our times.

If the Senator would pardon my reference to a later paragraph in his speech where he makes this point so very well, I read:

There is nothing in the Constitution which says that, of all elected officials, the President alone shall have the right to communicate with the American people. That privilege was a gift of modern technology, coming in an age when chronic war and crisis were already inflating the powers of the President.

That is a most important point. The critical issues of our times deserve a thoughtful national dialog. They do not lend themselves to easy and summary conclusion. Issues that deserve national attention usually are not one-sided questions. Actually most questions have more than two sides—which I think highlights the need of presenting the full spectrum of viewpoint on controversial questions, especially on those issues which have a capacity for dividing the country. The Nation should be permitted to understand not only the Presidential point of view on controversial national issues but also any prevailing and substantial point of view of elected members of the legislative branch.

Before the full development of television as the primary means of national communication on public issues, there was a tendency on the part of citizens, especially in the field of foreign policy and national security, to assume that the President, and perhaps key Members of Congress, were settling these issues and shaping the country's policies in a manner consistent with the constitutional process of checks and balances. Today, because of the direct exposure of our citizens to these vital national and international questions on television, the people rightfully believe they should be informed fully on these issues in order to have sufficient knowledge and information to form these judgments for themselves. That being the case, it seems to me that the television and radio media have a great responsibility for taking the initiative to insure that what the people hear and what they are told and the information they are given has, indeed, a broad and deep basis for the people to form their own judgments.

I think that technological fact of modern life highlights the institutional point which the Senator is making so very well in his speech this morning.

As the Senator knows somewhat accidentally, I was appointed by the majority leader as chairman of an ad hoc committee, of which the two other members are Senator JACKSON and Senator PROXMIER, to develop approaches to this problem. I want to say to the Senator from Arkansas, and to the Senate through means of this comment, that what we are concerned about is not simply the division of time between the two political parties for partisan purposes, but about the proper role of the Congress as an institution established by the Constitution to contribute to the determination of national policy jointly with the President. The President and the Congress share the responsibility of assuring that each citizen be afforded a true dialog on the national issues.

I want to take this opportunity to compliment the Senator on what I believe is a very important speech, and to assure him that our subcommittee is working in the same direction.

Mr. FULBRIGHT. I thank the Senator for his comment, and I am glad to know that they are working on it.

The problem for a Senator or Senate committee is not simply one of being heard. Anything that has the color of scandal, accusation, or prediction will command eager attention from the media. What you cannot easily interest them in is an idea, or a carefully expounded point of view, or an unfamiliar perspective, or a reasoned rebuttal to a highly controversial Presidential statement. In recent weeks, for example, the Foreign Relations Committee has heard thoughtful and significant statements on the war by eminent businessmen, political and military leaders, and theologians, but, owing to the lack of interest of the media, these proceedings have remained a well-kept secret between the witnesses and the members of the committee.

This morning we had the chairman of the board of one of the greatest industrial concerns in the world, the International Business Machines Corp., which does business in more than 100 countries, who gave extremely pertinent testimony, but I doubt that there will be anything in the press about it, or on the television, other than perhaps a short minute, or half minute or 40 seconds excerpt.

Why this is so is beyond my understanding. All I do know is that the only reliable way of getting the media to swallow an idea is by candy coating it with a prediction or accusation.

Take for example the issue now under discussion about the war powers of the Congress as against the President's authority as Commander in Chief. The whole country heard the President hold forth in his recent press conference about how he alone—and I emphasize he alone—as Commander in Chief was responsible for the conduct of the war, the expansion of the war into a neutral country, and the safety of our fighting men. The very words "Commander in Chief" are intoned with a reverential awe appropriate to 18th century courtiers speaking of "His Most Christian" or "Britannic" or "Imperial and Apostolic Majesty." Millions of people heard the President expound his inflated concept of

his role as Commander in Chief, but virtually no one outside of this Chamber has heard the thoughtful and learned expositions of Senators on constitutional doctrine and the intent of the framers. The result is that the country is suffused with the constitutional theories of Lyndon Johnson and Richard Nixon, while the contrasting views of Jefferson, Hamilton, and Madison remain buried in history. As fast as they are called up by Members of this body, they are laid again to rest in the pages of the CONGRESSIONAL RECORD.

There is nothing in the Constitution which says that, of all elected officials, the President alone shall have the right to communicate with the American people. That privilege was a gift of modern technology, coming in an age when chronic war and crisis were already inflating the powers of the Presidency. We all remember F. D. R.'s fireside chats on radio and his use of these to win the people to his viewpoints. I am not sure anyone ever did find out whether that battleship really was sent up to Alaska to pick up the President's "little dog Fala." No one cared after the President's skillful use of radio to ridicule the allegation.

Communication is power and exclusive access to it is a dangerous, unchecked power. If Roosevelt had had television, he might have been proclaimed emperor by acclamation. None of F. D. R.'s successors have matched his genius for mass communication, but each one has found television to be a powerful tool in the service of Presidential policies and opinions. Television has done as much to expand the powers of the President as would a constitutional amendment formally abolishing the coequality of the three branches of Government.

Because the Presidency is institutional and the political parties are not, the networks have not only denied the opposition equal time to reply to Presidential statements, but will not even permit the Democratic National Committee to purchase broadcasting time at commercial rates. CBS has said that it has a general rule against selling time for the presentation of controversial views except during election campaigns. The network of course sets itself up as the sole judge of what is "controversial." In my opinion the moon flights are controversial—I think them an extravagant waste—but the networks provide millions of dollars worth of time to permit us to view every last boring detail of these space flights in living color.

Whatever justification there may be for denying broadcast time to political parties, there can be no justification for denying equal time to the coequal branches of Government. Under our Constitution there is no paramount branch of the Federal Government; if indeed the framers regarded any branch as *primus inter pares*, it was not the executive but the Congress, whose powers are spelled out in the Constitution at greatest length and in the greatest detail. If the President is regarded as having the right to communicate with the people through the mass media whenever he wishes, the spirit and intent of our Constitution re-

quire that no less a privilege be accorded to the Senate and the House of Representatives, or, if it should claim it, to the judiciary.

With these thoughts in mind, Mr. President, I have recommended to the distinguished chairman of the Committee on Commerce (Mr. MAGNUSON) that he and his colleagues consider legislation which would require all television stations licensed by the Federal Communications Commission to provide broadcasting time on demand both to the Congress and the President. The current practice is that the networks provide free time to the President whenever he wishes it, but no statute or FCC regulation requires them to do so. Appropriate legislation might require the networks to provide broadcast time to the President whenever he wishes it and might give the same right to Congress, perhaps to be divided equally between the two Houses and the two parties.

The details of this proposed legislation might best be worked out by the Commerce Committee should they judge that it has merit. My purpose today is to develop and commend the general principle of a congressional right of access to the mass media. No less than the Executive, the Congress has the right—indeed, one could say the responsibility—to report to the Nation on matters that affect the national interest. The means of exercising that right should exist along with, but entirely independent of, the parallel Presidential right. Broadcast time should be available to the Congress at all times and not simply in order to reply when the President speaks to the Nation. The purpose is not to facilitate the expression of partisan views on national issues but to guarantee the right of the people to hear diverse and opposing views regardless of party.

Television is the most potent information medium in our country today. No other medium of communication in history has permitted the transmission of ideas and viewpoints to so many people simultaneously, so graphically and convincingly, whether the idea concerns environmental pollution, the war in Indochina, civil rights, poverty, or student dissent. According to recent surveys, the American public has more faith in the information it gets from television than from any other source, and it goes to this source more frequently and for longer periods of time than to any other. By latest count there are nearly 60 million television homes in the United States, and their sets are tuned in for an estimated average of 6 hours a day—which means approximately 360 million man-hours per day. This is too powerful and dangerous an instrument to be left to the exclusive use of the Executive.

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

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. FULBRIGHT. I ask unanimous consent that I may have 3 additional minutes to yield to the Senator from Iowa.

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

Mr. HUGHES. Mr. President, I have listened with a great deal of appreciation to the comments of the distinguished Senator from Arkansas.

I have been increasingly concerned, myself, about the very problems that he is setting out today on the great issues that the people of this Nation face—war and peace, poverty, hunger, education, health, or whatever the issue might be.

We are not talking from partisanship, nor do I think the distinguished Senator is saying that the President of the United States is not entitled to command the full facilities of the media of this country whenever he feels it is important to bring a message of magnitude to the American people; and I doubt that any Member of this body would have any part in considering anything that would greatly diminish that privilege.

But I do feel it is exceedingly important—and I agree with what the distinguished Senator has said—that this situation has come into being since television, with its ability to move into the living rooms of a majority of the homes in America during what is called prime listening and viewing time. To put forth in such circumstances a message on which there can be two points of view, or perhaps three or four, and to shut off one of those sides from the American viewing and listening public, so that they can only get bits and snatches, is to deny the American people a full basis on which they can make a valid judgment as to what the importance of the issue really is. I think, in retrospect, we can even see the critical importance of debate in campaigns, where we demand equal time to present the views of the various candidates. That is well considered on a partisan basis, though the issue may not be partisan at all, as the war is not.

I think that right now, with respect to many of the critical problems we are facing, the people of the country are unable to get a full and clear message from the other side, whatever that might be and whether I may agree with it or disagree with it.

So I express my appreciation to the distinguished Senator for focusing on what I feel is a critical problem which has recently arisen. I do not believe that anyone properly wants to deny the people of the United States the opportunity to get both sides of critical issues. I do not believe there is any sinister intent in the existing situation. I think it is a matter of a growth problem that, until now, we have refused to challenge or focus on. I think the Senator is proper in focusing on this problem and considering the possibility of requesting hearings on it.

Mr. FULBRIGHT. I thank the Senator. I have spoken to the Senator from Washington, and the staff is preparing a bill which I am informed they will consider. I thank the Senator from Iowa for his comments.

Certainly, the last thing I am suggesting is that the President not have access. All I am saying is that, in order to preserve our constitutional system, Congress, as a coequal branch, must have access.

This matter was never considered at



the time the FCC was set up. No one contemplated just how important television would become, and no one thought about this. Now that we see what has happened, it seems to me eminently in the public interest that this means of communication be made available to Congress as an institution—not to any individual or to any party. How that time is to be used is a matter for the Senate to work out internally.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may continue for 1 additional minute.

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

Mr. FULBRIGHT. I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "Fair Access to TV," published in the New York Times of Tuesday, June 2, 1970.

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

#### FAIR ACCESS TO TV

The President of the United States can rightly call upon the television networks whenever he wishes to speak about the Vietnam war or any other major matter. Tomorrow evening he will make an interim report on the Cambodian operation; another one is promised at the end of the month when all American troops are scheduled to have returned to South Vietnam.

It is in the interests of an informed public that the President be seen and heard, whether or not his speech or news conference has political overtones. Indeed there is often reason to regret that he does not make more frequent use of television to explain the Administration's policy to the American and world public.

Now a tough question has been placed before the Federal Communications Commission by a group of Yale law professors, calling themselves the Committee for Fair Broadcasting of Controversial Issues. It is: Does the venerable fairness doctrine apply to responsible opponents of Administration policy who seek TV time, without cost, to answer Presidential speeches on Vietnam? Under this doctrine—which was unanimously upheld by the Supreme Court last June—publicly licensed stations must afford a reasonable opportunity for the presentation of contrasting views on controversial issues of public importance. The doctrine applies only to issues; it is broader than the political "equal-time" requirements which only concern candidates.

The F.C.C. is being petitioned for a ruling in the wake of Presidential speeches which of course are on free time as well as prime time, and the refusal by the networks to allow five dissenting Senators—three Democratic, two Republican—to dispute Mr. Nixon's views on prime time. After being turned down by two networks, the Senators raised over \$70,000 to buy a half-hour in a less desirable 7:30 P.M. time slot on one network.

Supreme Court Justice Byron White wrote last year about the fairness doctrine: "[Its] rules enhance rather than abridge the freedoms of speech and press protected by the First Amendment . . . It is the right of the viewers and listeners and not the right of the broadcasters which is paramount." Admittedly, the Yale petition, calling for "access to the same wide audience during a substantial bloc of uninterrupted time" under the fairness doctrine, is a difficult matter to resolve; but it requires resolution, and the F.C.C. cannot afford to duck the issue.

Mr. FULBRIGHT. I also ask unanimous consent to have printed in the RECORD an article by Mr. Mankiewicz and Mr. Braden, published in this morning's Washington Post.

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

#### NIXON WILL TRY, BUT CAN'T DISGUISE THE FAILURE OF CAMBODIA OPERATION

The President could not wait until the troops were out of Cambodia—he opted for an "interim report" this week. It will confirm that the purpose of the Cambodian invasion has become, not to save the lives of American soldiers but the face of American generals and the seats of Republican congressmen.

Mr. Nixon will list the weapons, the ammunition and the rice we have taken and destroyed. But the weapons and the ammunition can be replaced by the Russians if necessary. The hundreds of Americans who will have died in Cambodia cannot. What cannot be avoided, once all the "success" language is cleared away, is that Cambodia was not only a political setback of major consequence for the administration, but a military failure as well.

Item: We do not even claim that the "central headquarters" for the Vietcong has been captured. On earlier offenses, such as Operation Cedar Falls and Operation Junction City in 1967, we reported it overrun, bunkers, communications equipment and all. This time, it seems to have passed to the control of the Scarlet Pimpernel and eluded us. No matter—six months after the last time we captured it the enemy launched the Tet offensive.

Item: Simultaneous leaks from what seems to be the same Pentagon source to selected newsmen last week indicate a major effort to mask the failure of Vietnamization which the Cambodian campaign revealed. In the first two weeks, while our casualties went sharply up, those of the South Vietnamese went as sharply down. Morale in the ARVN, it is reported, has never been higher. It is, apparently, an army which prefers bullying Cambodian civilians to fighting the Vietcong at home. It is no wonder that Thieu and Ky want to stay indefinitely.

Item: High South Vietnamese sources now say that the cost of remaining to "assist" the Cambodian army will run at the rate of \$200 million. This is a heavy cost for the American taxpayer, who may not understand why he must pay the South Vietnamese to Cambodianize one war while still paying something on the order of \$30 billion to Vietnamize the first one.

Item: Our military planners—eager to take advantage of Prince Sihanouk's overthrow—ignored the historic hatred between the Vietnamese and the Cambodians. The report that Thai "volunteers" will defend Phnom Penh merely increases the problem. Thais are also unwelcome in Cambodia. Furthermore, one wonders how much we will pay to provide the Thai volunteers.

Item: The new Cambodian government has imposed martial law and will crack down on its own citizens, understandably restive over the presence of the South Vietnamese and—more important—over the fact that since the invasion the North Vietnamese have taken over a number of provincial capitals and have tightened their grip in their areas they already held.

Item: The ease with which the enemy seized and briefly held Dalat, South Vietnam's ninth largest city, over the weekend suggests just what Vietnamization has come to. Areas once thought pacified have fallen again to the Vietcong, now that the South Vietnamese are off in Cambodia improving their morale by fighting women and children.

Item: Since the fighting began in Cambodia, American casualties in South Vietnam have remained above the earlier "tolerable" level.

Item: The Vietcong now control more of Laos than they did before the Cambodian invasion.

The President's interim report may boost his popularity for a while. It may even nudge a senator or two to vote against the Cooper-Church amendment to stop funds for more operations in Cambodia. But the facts remain. "Vietnamization" was always doubtful—an army which would not fight with Americans was a poor bet to fight without them. Now, the failure is plain through all of Indochina. The generals have never known what this war was about, and the President—like his predecessor—had no reason to believe that they did.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Senator from Arkansas may have 3 additional minutes, so that I may comment on his statement.

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

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

Mr. FULBRIGHT. I am glad to yield.

Mr. GRIFFIN. I have listened with great attention to the statement made by the Senator from Arkansas. I must say I find it rather interesting that he is joining hands with the Vice President of the United States, Mr. AGNEW, in directing criticism at the television networks and the fairness of their coverage.

Of course, each person is entitled to his own judgment concerning the extent to which television viewers have the opportunity to see and hear both sides of an issue. A good many of my constituents—I know the Senator from Arkansas will be surprised to hear this—write me or stop me on the street from time to time and say:

I'm always turning on my television set to find Senator Fulbright, criticizing the President of the United States. Can't they get somebody on the other side of the issue?

So, apparently, there are some who think that the Senator from Arkansas and his point of view receive a good deal of television coverage.

In some respects, I have shared the view of the Senator from Arkansas concerning television coverage available to the President—and I felt very strongly about it throughout the years of the Kennedy and Johnson administrations. I felt then that the Republican Party did not always have an opportunity to present its case. But, during that long 8-year period, when the party of the Senator from Arkansas controlled the White House, I do not recall hearing the Senator make the argument that he is making today.

Furthermore, allow me to say that one reason important speeches and debates in the Senate are not carried on television is because the rules of the Senate prohibit it. Of course, we could do something about that if we wish to change the rules of the Senate. As one Senator, I have favored changing the rules to allow proceedings in the Senate to be televised. I submit that would be the fairest way to make sure that this branch of the Government, particularly the Senate,

received adequate exposure on television.

Unlike the House, we do have a Senate rule which allows committee hearings to be televised. I think it is to the credit of the Senate that we have such a rule. As a result, many people have had the opportunity to view hearings held by the Foreign Relations Committee, of which the distinguished Senator from Arkansas is chairman. Many have watched the proceedings of his committee, have listened to the witnesses, and have learned a great deal about what the views are of various Senators who are members of that committee. However, I suggest that an expansion of the Senate rules so that debates and proceedings on the Senate floor might be televised would be a most constructive step to take, in line with the views expressed today by the Senator from Arkansas.

I thank the Senator for yielding.

Mr. FULBRIGHT. Mr. President, I wish to comment on the remarks of the Senator.

The ACTING PRESIDENT pro tempore. The time of the Senator from Arkansas has expired.

Mr. CHURCH. Mr. President, I ask unanimous consent that the Senator may have 5 additional minutes.

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

Mr. FULBRIGHT. I wish to comment on the remarks of the Senator from Michigan.

I appreciate that the Senator from Michigan is sympathetic to the objective. I regret that he has, in a very deft manner, seemed to turn this around as a partisan matter. What I have said here is not for the Democratic Party. It is for Congress as an institution.

I also wish to reject the idea that I had no criticism to offer of the Democratic President, President Johnson. If the Senator is at all aware of that period, he will recall that I had a good deal of criticism to offer about not only President Johnson's access to the public mind but also, because of his extreme skill and knowledge of the Senate, about how he subverted the Senate itself. I have said this many times publicly. There is nothing new about that.

I assure the Senator that this is not intended and should not be interpreted as a partisan matter.

Obviously, it is not going to take place tomorrow. If it is done at all, it will be permanent legislation which will apply in the future to all situations, regardless of who may control the Senate or the House. Of course, I am certain the Senator from Michigan has great hopes of controlling the Senate this fall. So, by the time this measure is enacted, he may be the one who will determine it. I do not care who is the spokesman for the Senate or the House or how that part of it is arranged. The legislation I am recommending does not attempt to decide the internal allocation of time. That is a highly complicated matter. I foresee that the most difficult part of this will be for the Senate to determine how the time at its disposal is to be used. I can think of many alternatives, but I do not want to take the time now to go into

them. I have thought about them, but have not resolved them. This is a matter that the Senate, as a whole, will decide at any given time, and it is very complicated. It will not be easy.

The question of televising the debates is another matter. It is extremely difficult to say we are going to televise them when only two or three Senators are in the Chamber. There are great difficulties about that.

Actually, committee meetings, except the highly controversial ones, are rarely televised in that manner. Very few have been televised, in my knowledge. I think that what the Senator has reference to are a few news excerpts, when a minute or two of the proceedings is shown on the newsreels. I am excluding the highly controversial hearings involving crime and the McCarthy hearings and two or three of my committee at the very beginning, which are the only ones I can recall that were televised in that manner—and not at prime time in every instance.

#### ORDER FOR CONTINUATION OF MORNING BUSINESS PAST THE EXPIRATION TIME OF 1 P.M.

Mr. BYRD of West Virginia. Mr. President, notwithstanding the fact that now, at 1 o'clock p.m., the morning hour has expired, and that under the rule the unfinished business would be laid before the Senate, I ask unanimous consent that the period for the transaction of routine morning business be continued for a short time, with statements limited therein to 3 minutes; and that then, at the conclusion thereof, the unfinished business be laid before the Senate.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

#### EQUAL TIME FOR EQUAL PARTNERS

Mr. FULBRIGHT. Mr. President, I would conclude by saying that this is a matter to be handled by the Commerce Committee, with both parties participating if they think well of it. The authorization does not require the Senate to do anything, if it does not want to take advantage of it. All I am saying, in effect, is that we have come to the realization recently that television is the only way to communicate directly with the American people. It is a new development. It is a technology, whose impact no one anticipated. Therefore, all we are trying to do is to update our own relationship to the public.

Personally, I feel that this move is entirely sympathetic and consistent with the commitments resolution. There again, the Senate was, in effect, expressing itself through the constitutional system under which we operate, that the Senate should play a role in the formulation of foreign policy, and that it should not be turned over entirely to any Executive.

I can assure the Senator from Michigan that this is not directed at this administration. The resolution was intro-

duced by me before this administration came in. It is not directed at this President at all. I made that clear last year. This arose out of the frustrations engendered by the previous administration—under a Democratic President.

Thus, I do not believe that the Senator from Michigan is fair in intimating or insinuating that this is a Democratic Party partisan move, in some way to inhibit President Nixon. We are in no way offering to inhibit the President. No one, as the Senator from Iowa suggested a moment ago, argues that the President should not have access to the public. Not at all. I can only say that, in order to keep some balance in our constitutional system, Congress should have that access, too.

It will be a difficult thing to work out. I do not minimize the practical difficulties of working it out. But it should be done, is all that I am saying.

#### FEET ON THE FLYPAPER

Mr. FULBRIGHT. Mr. President, a perceptive and straightforward editorial was published in the magazine *Aviation Week and Space Technology*, May 11. I do not agree with all the conclusions of the editorial. However, I believe that its major points are highly important and convey a sense of the feeling of many Americans today.

I think it is an editorial which should be widely circulated and closely read by those who are interested in the welfare of this Nation.

Mr. President, I ask unanimous consent that the editorial, "Feet on the Flypaper," be printed in the *RECORD*.

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

#### FEET ON THE FLYPAPER

President Richard M. Nixon put his feet firmly on the flypaper of Southeast Asia by authorizing U.S. military forces to invade Cambodia. Like his predecessor in the White House, he will find it far easier to get into this fray than to extricate himself.

Until then, the President had billed himself as firmly committed to a policy of extricating U.S. troops from Southeast Asia and had in fact reduced the troop strength in that area. His decision to widen the war, invade Cambodia, sent seismic political shock waves throughout the country, not only because of the Cambodian policy but also from the sense of betrayal that this shift conveyed.

It was natural that the deepest shocks were felt on the college campuses. There, after all, are the age groups who are being asked to do the dying in Southeast Asia. And asked without any attempt whatsoever to explain to them why their dying is deemed necessary and sneered at with epithets from both the President, who is ordering the dying, and his vice president. And so the college campuses across the nation were illuminated by burning ROTC buildings, and National Guardsmen killed four students at Kent State University in Ohio—two of them girls.

The war in Vietnam has become a thoroughly unpopular venture in this country, and President Nixon owes his election, in large measure, to his pledge to end U.S. participation. There seems to be no logical basis for supposing that its extension into Cambodia, Laos or elsewhere would broaden its public appeal at home.



The President accompanied his order sending U.S. troops across the border into Cambodia with assurances on the limitations of this effort that were later expanded by his aides to such precise dimensions as only 18.7 mi. penetration and withdrawal in seven weeks, et cetera, ad nauseum. Unfortunately for Mr. Nixon, the American people had heard the same type of reassurance from his predecessor, Lyndon B. Johnson, only a few years ago when he took them into a war that has now drained more than \$100 billion from their pockets directly, siphoned infinitely more with the galloping inflation it stimulated, and killed more than 41,000 of their sons and wounded more than 200,000 more.

Thus President Nixon's credibility on Cambodia hardly survived for 24 hr. after his television appearance. The reasoning he offered was the same as that of ex-President Johnson on the Tonkin Gulf incident. Even his language was horrifyingly similar.

The glare of historical hindsight on the 1964 Tonkin Gulf incident reveals no solid evidence that any North Vietnamese torpedo boat attack was made on U.S. destroyers that night nor any justification for the disastrous policy to which President Johnson so hastily committed this nation's blood and treasure. For a detailed examination of the flimsy facts on which the Tonkin Gulf incident was based and the elaborate fabrication of official lies later woven to justify it, we recommend a reading of Joseph Goulden's recent book "Truth is the First Casualty." Among other things, it contains a particularly perceptive and detailed analysis of the technique used by former Defense Secretary Robert S. McNamara to avoid the truth before congressional committees without actually lying.

The Nixon Cambodian policy has had an even sharper impact on Capitol Hill than in the academic groves. Combined with the rising inflation, unemployment and the slumping economy, it has cost the Republican Party any hopes it may have had for congressional victory in the fall elections. But, as President Nixon himself noted, that is an inconsequential result in the total tragedy.

Congress has more effective means of protesting what it believes to be executive perfidy than college students. It can cut off the President's money. What is being organized on the Hill right now is the most effective attack on the defense budget since before World War 2. The defense budget can always stand judicious pruning. But the assault with broad ax and butcher knife that is now in prospect could leave it in a dangerous condition indeed in meeting the growing Soviet technological threat (awast Apr. 27, p. 13; May 4, p. 11).

The five-year war in Southeast Asia has already drained so many defense dollars from the research and development effort that this country has lost nearly a decade of technical progress at the same time the Soviet Union has pushed the most massive new weapons development program in its history. If the increased involvement in Cambodia and elsewhere in Southeast Asia continues to siphon the lion's share of a badly chopped defense budget, the crisis will become acute during the mid-1970s.

But perhaps the biggest tragedy of all, thrown into sharp relief by the events of the past week, is the growing division between the elected leaders of this nation and the people who elected them and the growing unresponsiveness of the government policy-making bureaucracy to the needs and wishes of the inhabitants of this land.

We are coming dangerously close to a breakdown in the machinery of government and dangerously close to the end of the voters' and taxpayers' patience with the calloused, cumbersome inefficiency of the system.

John Glenn is a man who has served his country faithfully and well. He cannot be labeled a campus "bum" or an "effete snob." We think he expressed the current malaise of these United States as well as anybody can. Tired, sad and perceptive after a tough election campaign among the people of that same Ohio where the Kent State students were shot, he noted:

"Everyone is losing confidence in everything, our foreign policy, our universities, our electoral system—all because we haven't told the people the truth."

#### HOUSE JOINT RESOLUTION 1117— UNANIMOUS-CONSENT REQUEST TO PLACE ON THE TABLE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that House Joint Resolution 1117, to establish a Joint Committee on the Environment, which came over from the House on yesterday, be placed on the table.

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

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the previous order, placing on the table House Joint Resolution 1117, be negated for the present time.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

#### ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### SECOND SUPPLEMENTAL APPROPRIATIONS, 1970

AMENDMENT NO. 669

Mr. JAVITS. Mr. President, I submit today (for myself and Senators BAKER, BROOKE, CRANSTON, EAGLETON, GOODELL, KENNEDY, MONDALE, MCGOVERN, NELSON, PACKWOOD, PELL, WILLIAMS of New Jersey, SCOTT, STEVENS, and TYDINGS) an amendment to H.R. 17399, the second supplemental appropriations bill, designed to provide an additional \$100 million for the Neighborhood Youth Corps summer jobs programs.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, the amendment will be received and printed and appropriately referred.

The amendment (No. 669) was referred to the Committee on Appropriations and ordered to be printed.

Mr. JAVITS. Mr. President, under the proposed amendment the \$100 million would provide an additional 227,173 summer job opportunities which the U.S. Conference of Mayors has documented as the number which still could be effectively used this year if funds were made available. The opportunities provided by the amendment would supple-

ment the 328,000 summer jobs projected under the current total allocation of \$146,412,000 now planned for the program.

Mr. President, an additional appropriation of the magnitude proposed is clearly warranted in terms of the documented needs of the cities stemming from the very crucial unemployment situation in which we find ourselves this summer.

So urgent is the need that I believe that the administration should promptly send a budget estimate to the Congress increasing the funds for summer jobs for the Neighborhood Youth Corps by \$100 million and reallocating that amount from other programs which are not of as high priority. I hope that the President, and the Vice President, as chairman of the President's Council on Youth Opportunity will review the situation and act accordingly.

The Neighborhood Youth Corps summer program is administered by the Department of Labor, subject to strict administrative controls and was developed to enable 14- to 21-year-old disadvantaged youths to work with public and private nonprofit organizations during the summer months. A major purpose of the program has been to assist such youths to remain in high school by providing them with on-the-job training and useful work experience, enhancing their chances for later employment.

Since 1965 this vital program, which is funded under the authority of the Economic Opportunity Act and the Manpower Training Act of 1962, has provided more than 971,000 opportunities for disadvantaged youths.

We face a particularly serious situation in our cities this summer as a result of the special impact of high national unemployment in poverty areas. While the overall unemployment rate was 4.8 percent in April, the teenage jobless rate was 15.7 percent, compared with 13.9 percent in March.

And perhaps most critically, Mr. President, the unemployment rate among black teenagers during the first quarter of this year was 32.7 percent—or approximately one-third—compared with 20.9 percent in the first quarter of last year.

It is quite clear, then, that the "target group" for the Neighborhood Youth Corps program—which the Department of Labor indicated included 1.4 million youths last summer—will be substantially greater in the coming months in light of the overall unemployment situation.

While the Neighborhood Youth Corps summer program is not the only program that exists to meet this need, it is the largest. It is clear that the other programs will at best merely maintain last year's effort and will not be able to assume responsibility for the youth who could benefit from a summer program.

First, the Neighborhood Youth Corps summer program has been supplemented in recent years by the voluntary efforts of the National Alliance of Businessmen. Since the inception of that program in 1968, it has provided more than 300,000 opportunities in the private sector during the summer months. For this summer, the National Alliance of Businessmen has set a goal of 180,000 opportunities, just

2,000 positions above those actually provided last year. Hence, it is clear from experience that while the general unemployment situation will require more summer jobs for youth than in 1969, the private sector will not be able to absorb any appreciable numbers of disadvantaged youths this summer beyond the number employed last year; and this is not enough.

Second, the Office of Economic Opportunity summer youth programs—which once emphasized summer recreation, education, and employment, have been given a new direction for this year. Under a policy announced early this year by the Office of Economic Opportunity, the focus will be upon programs that are integrated into annual programs, and there will be a direct prohibition on the funding of programs devoted exclusively to recreation, camping, and cultural enrichment for the summer. While the desirability of this change may be debated, it is clear that resources from this program—approximately \$35 million—will accrue less to summer programs, as such, with the result that more youths will have to look to other programs, such as the Neighborhood Youth Corps summer program.

Mr. President, despite these factors—the excessive unemployment rate in the group affected, and the inability of other programs to meet the additional need—funding for the Neighborhood Youth Corps summer program has been set at \$146,412,000—which is less than last year's total funding level of \$147 million.

Moreover, the cost of an "annual training slot"—which would provide—as in the past years—for 10 weeks' work experience for 26 hours per week—has risen from \$413 in summer, 1969, to \$445 for this summer.

As a result of these two factors, the program will fall some 17,000 annual training opportunities short of even last year's level.

If we were to completely meet the needs of even last summer's "target group" of 1.4 million youths, an additional appropriation of more than \$500 million would be required.

But obviously, as an administrative matter, such funds could not be put to effective use by the time that the program commences in most localities—in the second week of June.

Accordingly, I ask the U.S. Conference of Mayors—which represents more than 600 cities in our Nation—to survey the situation and determine the number of additional slots that the cities could effectively utilize this summer if additional funds were made available.

On May 7, 1970, the U.S. Conference reported that the 227,173 additional slots could be used nationwide.

The survey indicated that the Nation's 50 largest cities alone can effectively use 165,298 slots.

For example, in my own city of New York, more than 37,081 additional slots over and above the 25,419 now proposed, could be put to effective use for this summer.

But it is not just a "big city" matter. The Conference of Mayors has indicated that in our smaller cities an additional 61,875 slots are required.

For example, in Little Rock, Ark., 200 additional slots are needed; New Haven, Conn., 550 slots; Des Moines, Iowa, 100 slots; and in Charleston, S.C., 300 slots are needed.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD, a copy of a letter dated May 7, 1970, from the Conference of Mayors, indicating the needs, together with a detailed table indicating the number of "slots" allocated to date and the additional number that could be effectively used in each of our major cities.

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

U.S. CONFERENCE OF MAYORS,  
Washington, D.C., May 7, 1970.

HON. JACOB K. JAVITS,  
Old Senate Office Building,  
Washington, D.C.

DEAR SENATOR JAVITS: In response to your request for information, we have made inquiries as to the cities' 1970 needs for the summer Neighborhood Youth Corps slots beyond those allocated to them to date. The information we have received from the fifty largest cities shows that the total number of additional slots that these cities could effectively utilize this summer is 165,298.

On the basis of our contacts with a sample of the smaller cities, we estimate their need and capacity to utilize additional slots to be approximately 30 percent above their present allocation. This would mean an additional 61,875 slots needed by the smaller cities.

Combining these figures, the present real need for summer 1970 is 227,173 additional slots nation-wide.

I trust that these statistics will be helpful to you in pointing up the critical need for an enlarged appropriation for the summer Neighborhood Youth Corps program.

Sincerely,

JOHN J. GUNTHER,  
Executive Director.

1970 SUMMER NEIGHBORHOOD YOUTH CORPS PROGRAM:  
THE NEEDS OF THE 50 LARGEST CITIES

City	1969 total need	1970 alloca- tion	Total city needs 1970	Additional required
Akron	612	378	765	387
Atlanta	2,267	1,460	2,840	1,380
Baltimore	7,000	4,255	8,000	3,745
Birmingham	1,390	894	1,738	844
Boston	2,200	1,588	2,750	1,162
Buffalo	2,845	1,750	3,557	1,807
Chicago	31,000	19,676	38,750	19,074
Cincinnati	1,935	1,198	2,419	1,221
Cleveland	6,900	4,211	8,000	3,789
Columbus	1,100	675	1,378	703
Dade County (Miami)	2,150	1,592	2,688	1,096
Dallas	1,520	986	1,900	914
Dayton	620	453	775	322
Denver	800	522	1,000	478
Detroit	7,780	5,873	9,725	3,852
El Paso	719	427	900	473
Fort Worth	785	499	981	482
Gary	1,380	1,073	1,725	652
Honolulu	1,461	889	1,826	937
Houston	2,844	1,739	3,555	1,816
Indianapolis	650	481	812	331
Jersey City	1,275	853	1,594	741
Kansas City, Mo.	1,400	989	2,225	1,236
Los Angeles				
(Including Long Beach)	12,828	9,629	16,000	6,371
Louisville	2,605	1,574	3,256	1,680
Memphis	1,500	993	1,875	882
Milwaukee	1,325	1,317	2,406	1,089
Minneapolis	1,750	1,080	2,188	1,108
Newark	4,180	2,707	12,000	9,293
New Orleans	8,490	1,136	10,613	9,477
New York	50,000	25,419	62,500	37,081
Norfolk	1,750	1,148	2,188	1,040
Oakland	3,857	2,407	4,821	2,414
Oklahoma City	1,270	782	1,588	806
Omaha	1,455	886	1,819	933
Philadelphia	41,050	3,380	12,500	9,120
Phoenix	3,285	2,005	4,106	2,101

City	1969 total need	1970 alloca- tion	Total city needs 1970	Additional required
Pittsburgh	3,915	3,366	4,894	1,528
Portland, Oreg.	1,006	777	1,328	551
Rochester	1,225	744	1,531	787
St. Louis	1,834	1,335	4,000	2,665
St. Paul	683	324	854	530
San Antonio	3,742	2,297	4,678	2,381
San Diego	2,689	1,679	2,616	937
San Francisco	2,625	1,663	3,291	1,618
Seattle	1,496	1,048	1,500	452
Tampa	1,925	1,523	2,406	883
Toledo	700	432	825	393
Tulsa	820	261	525	264
Washington, D.C.	12,805	8,530	30,000	21,470
Total	214,758	130,903	296,201	165,298

Mr. JAVITS. Mr. President, at an approximate cost of \$445 per opportunity, meeting this total need of 227,173 documented by the U.S. Conference of Mayors would require an additional supplemental appropriation of \$100 million.

I ask unanimous consent that there be printed in the RECORD also a copy of a letter dated May 25, 1970, from Secretary of Labor George Shultz, indicating that on the basis of the Department's own survey made through its regional offices, 76,036 more slots could be utilized at an additional cost of \$33,952,651 above the amounts already allocated to these programs.

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

DEPARTMENT OF LABOR,  
Washington, May 25, 1970.

HON. JACOB K. JAVITS,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR JAVITS: This is in reply to your letter of April 28, 1970, concerning the funding level of the summer Neighborhood Youth Corps (NYC) program.

The authorized NYC summer slot level for FY '70 of 328,000 slots is greater than the initial FY '69 level of 291,000 authorized slots.

In late May 1969, funds from the Job Opportunities in the Business Sector (JOBS) program were reprogrammed to NYC resulting in additional summer slots. Later in the summer, there was a Manpower Development and Training Act supplemental appropriation which provided for more summer NYC slots but only for a period of four weeks or less.

The unit cost in FY '69 was \$413 per slot. In FY '70 with rising costs, the unit cost rose to \$445.

In FY '69 with the availability of additional funds mainly from JOBS, it was decided that, in view of limited time, the additional funds were to be distributed to the 50 largest cities only. This gave cities a proportionately larger amount of money. In FY '70 with time for advanced planning, additional funds (12 percent increase or \$26 million) were distributed to all 50 States and the 50 largest cities. The general guideline for distribution was that all States and the 50 cities were to receive at least their FY '69 initial summer NYC allocation plus a 6 percent increase. The remaining 6 percent of funds available for distribution in FY '70 was distributed only to those States which are below their equitable distribution allocations in FY '69. Therefore, in some areas there may be a net gain and in others a loss over FY '69.

Regional offices were requested recently to provide us with estimates of how many additional youths could be served this summer through the summer NYC program if more funds materialized. In addition to cur-



rent level, 76,036 more slots could be utilized at an additional cost of \$33,952,651.

We trust this information will be useful and appreciate your continued interest in NYC.

Sincerely,

GEORGE P. SHULTZ,  
Secretary of Labor.

Mr. JAVITS. Mr. President, it is clear from these figures of the U.S. Conference of Mayors on the one hand, and from those provided by the Secretary of Labor on the other, that we face a very serious situation of a substantial magnitude this summer.

This is apparent from the fact that the Department indicated an additional supplemental need of \$7.5 million at this time last year—only one-quarter of the amount which they indicated this year as a necessary adjunct to funds which have already been allocated.

We face levels of high unemployment among the most frustrated group in our cities.

As we listen to the needs of the youth on our campuses, let us not forget the disadvantaged youth in our cities who will face these difficult domestic times with the anticipation of spending their summer on the streets instead of in meaningful employment.

Mr. President, although it is clear from the statement of the U.S. Conference of Mayors, that an additional \$100 million can be put effectively to work in this vital program if it would be forthcoming in the supplemental process, it is clear that the sooner such funds are made available, the greater the chance of the cities putting them to use in reaching disadvantaged youth.

It is for this reason that I hope that the administration will take the action which I have requested, of promptly sending a budget estimate to the Congress for the amount indicated as essential.

Mr. President, I ask unanimous consent that the text of the proposed amendment be printed at this point in the RECORD.

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

#### AMENDMENT No. 669

On page 10, after line 22, insert the following:

"MANPOWER ADMINISTRATION, MANPOWER DEVELOPMENT AND TRAINING ACTIVITIES

"For an additional amount to carry out the provisions of section 102 of the Manpower Development and Training Act of 1962, as amended, \$100,000,000 to remain available until September 30, 1970."

Mr. BYRD of West Virginia. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. BYRD of West Virginia. The Senator from New York performed a very great service by appearing before the Appropriations Subcommittee of which I have the honor to be chairman. He presented an excellent statement in support of the Neighborhood Youth Corps program.

I merely want to say to him that the subcommittee has now acted and has recommended an appropriation which, of

course, is not budgeted. But, on the strength of the Senator's presentation before the subcommittee, the subcommittee has submitted to the full committee a figure which I am not at liberty today to reveal—and it will not be revealed until such time as the full committee has reported the supplemental appropriations bill—but I wanted the distinguished Senator from New York to know that his actions have already borne fruit.

Mr. JAVITS. Mr. President, the Senator is most gracious. No Senator could ask for more courtesy, consideration, and sympathy than that expressed by the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I thank the able Senator.

#### AMERICA'S TRADE CHALLENGE FOR THE 1970'S: RESISTING PROTECTIONISM

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed as part of my remarks a speech on the U.S. tariff policy delivered by me at the 49th annual luncheon of the American Importers Association in New York. The speech is entitled "America's Trade Challenge for the 1970's: Resisting Protectionism."

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

#### AMERICA'S TRADE CHALLENGE FOR THE 1970'S: RESISTING PROTECTIONISM

The economic and political crises facing this nation are certain to effect our foreign economic policies. As our own focus as a nation and as a people turns increasingly inward in search of solutions to the growing national neurosis over Vietnam, other major trading areas of the world are turning outward; and western Europe, in particular, is entering a new era. There is a real danger that these major trading areas of the world—as they view both the inner turmoil of our nation and our unclear stance in the field of foreign economic policy—may decide to go their own way without giving appropriate consideration to the legitimate trade interests of the United States.

This Congress, if it passes an inward-looking, protectionist trade bill, could accelerate this process and could shape the world into warring trade blocs, rebounding to the detriment of all. The Congress and the Administration face a tremendous responsibility to insure that the United States does not turn its back on the liberal trade policies which have proved to be of such benefit to us and to the trading world during the past 25 years. Our seriously declining economy and rising rate of unemployment buttress already existing protectionist pressures—enormous pressures that are being brought to bear on the Congress and the administration in this election year.

Historic discussions soon will convene on the United Kingdom's renewed bid to enter the Common Market. Ireland, Denmark and Norway also will participate directly in these discussions. All the countries of the Commonwealth, in turn, have a direct interest in these talks as does the United States. If the talks proceed smoothly, a new trading bloc encompassing some 300-million people will be in place in Western Europe by early 1973. The omens for successful talks appear promising. On July 18, approximately two weeks before the talks are scheduled to open, the United Kingdom either will have elected a new Government or extended the mandate of the Wilson Government. In any case, it

will not be a lame-duck Government negotiating for the United Kingdom. The public position of the six member-nations of the present Common Market is in support of British entry, as is the public position of the United States.

Our interest in these talks can be rather simply stated: It is in the interest of the United States that the expanded Common Market maintain outward-looking policies. This is doubly important since the United States now gives every sign of turning inward. Europe should be urged to stand by the United States in this period of crisis just as we stood by Europe in the crisis of and after World War II.

As the negotiations progress and as the Common Market Expands, the United States will have a key interest in the policy decisions in at least four areas:

1. The conclusion of preferential trading agreements between the EEC and the countries bordering on the Mediterranean, as well as the renewal of preferential arrangements with African states. Both of these developments are not in the interest of a freer trading world.

2. The EEC's Common Agriculture Policy (CAP) which must be modified since such modification is not only in the interest of the European states themselves. Clearly, the CAP is the most crucial topic that the United Kingdom will face in the upcoming negotiations. The interest of the United States in maintaining market access for our agricultural products is clear and such access would lower European food prices. In this respect, the two major economic problems facing Europe and particularly a united Europe are the United Kingdom's sterling-debt problem and the EEC's Common Agriculture Policy. It would not be specious to suggest that the forthcoming negotiations could somehow link these problems and that the forthcoming heavy payments that the United Kingdom will be required to make to the Common Agricultural Fund—in addition to the higher food prices that would result from the United Kingdom's accession—could be partially offset by the absorption by the Common Market of the United Kingdom's sterling balances debt. This suggestion is made in the recognition that moves toward a common European Reserve Fund and an eventual common European currency are presently under discussion.

3. Unnecessary barriers should not be placed on capital and investment flows. In the coming decade, it is not at all inconceivable that "Le Defi Americain" will become "Le Defi European." We must not close out this possibility, as it would be a distinct benefit to our deteriorating balance of payments position.

4. The industrial countries of the world should extend meaningful global, non-discriminatory tariff preferences to the countries of the developing world. As the negotiations go forward in the OECD on this matter, the parties concerned should take cognizance of the fact that it is unlikely that the United States Congress would pass a scheme more liberal than the countries of Western Europe and Japan are willing to accept. It would be desirable for all industrialized countries to agree on a common or comparable scheme, and hopefully this would contain the liberal approach along the lines put forward by the United States. Failure to agree on such a common or comparable scheme in the OECD could have additional adverse effects in terms of U.S. Congressional action. In this regard, Congress should be reassured by Undersecretary Samuels' statement last week upon reaching a compromise within the OECD that "we all will strive to adopt systems of preferences which are harmonized as much as possible and can be expected to yield comparable results, but that they need not be uniform in all their technical elements."

Having given this brief overview, I would like to turn my attention to two specialized trade problems—textiles and East-West trade.

#### TEXTILES

The textile problem unfortunately occupies center stage, and much depends on the way this problem is resolved. In my view, the textile problem centers not on the question of whether textile imports into the United States should be further restricted. They should be further restricted. The central problem is what form these restrictions should take.

I have argued that restrictions on imports of woolen and man-made fibers and fabrics should be based on injury criteria. It is beyond any shadow of doubt that increased exports to the United States in certain categories are causing such injury and should be voluntarily restrained. However, I cannot support the position of the textile unions and the textile industry that the agreement be comprehensive, i.e., cover all items in the woolen and man-made field regardless of injury criteria. It is for this reason that I have supported the proposal submitted by Donald Kendall of the Emergency Committee for American Trade—a one year freeze on all textile imports at current levels while a special Presidential Commission makes determinations as to injury. I also have proposed that a standing committee be appointed—comprised of the United States, Japan and perhaps other supplier nations—continually to review developing trends in the textile trade and to negotiate restraint agreements on additional categories of imports as needed. The line between a "comprehensive mechanism" and a "comprehensive agreement" is a sophisticated one, but one well worth pursuing.

In making these proposals during the early months of this year for the defusing of the textile issue, my primary concern was that established principles of international trade should not be abrogated by unilateral action.

In some ways, the situation is made more difficult by the fact that Japanese exports lie at the root of our textile problem, because I have little sympathy with Japanese trade policies. The continuing Japanese surplus is a source of disequilibrium to the trading world and is directly attributable to the failure of Japan's trade liberalization policies to keep pace with the phenomenal rate of its economic growth over the past decade. Also, since Japan maintains residual import restrictions on 98 categories of products without any regard to "injury criteria," it is difficult to take seriously Japan's negotiating position that there should be proof of injury before textile exports are restrained.

But the textile issue involves our relations with many more nations than just Japan. It involves important principles of international trade and thus serves as the weather-vane for American foreign economic policies in the 1970's. On these grounds, the United States cannot afford to pass a rigid quota bill; rather, we should continue to seek a negotiated agreement.

#### EAST-WEST TRADE

I have been interested in the implementation of the new legislation covering East-West trade, and I have been hopeful that the liberalization of the Export Control Act—passed last December despite the Administration's objection—would have a material effect in expanding our East-West trade. Unfortunately, Administration policy to date does not fully recognize the Congressional intent in passing this law: namely, Congress was authorizing an increased two-way trade with the Soviet Union and Eastern Europe.

Assistant Secretary of Commerce Davis has been kind enough to provide me with a statistical breakdown of the trade effect of the law to date. In citing these figures, I agree with Mr. Davis' contention that "there

has not yet been sufficient time to judge its future general effect on U.S. exports to Eastern Europe and the Soviet Union." During the first quarter of 1970, license applications valued at \$73.1-million were approved for export to Eastern Europe, compared with \$61.5-million approved in the previous quarter, and \$36.5-million approved in the first quarter of 1969. Mr. Davis goes on to state that "on the basis of inquiries received by Commerce since January 1, the effect of the Act on U.S. exporters has been to stimulate some additional interest in exporting to Eastern Europe and has elicited comments that are generally favorable."

This is not an entirely discouraging picture, but against it I must place the letters that I have received from constituents which indicate that what is law is perhaps not yet policy. In a recent letter, a constituent wrote that "we find ourselves in the position of being prohibited from offering equipment to the same Eastern European countries which is being offered them by European firms." It was the intent of the Congress in passing the new liberalized law to do away with such an unnecessary penalization of U.S. exporters. Our balance of trade position, let alone our seriously deteriorating general international balance of payments, no longer permit this nation the luxury of such a policy.

It is also time for the Administration and the Congress to review the Dirksen-Fino amendment which makes it impossible to utilize the facilities of Export-Import credit for financing U.S. exports to Eastern European countries. Again, our deteriorating balance of payments position makes the maintenance of this law on the books a luxury that we as a nation can ill afford. In relaxing this law, we certainly would not be playing a pioneering role. For example, West Germany is prepared and does extend export financing to the countries of Eastern Europe.

A similar review is required of our policies concerning the wholesale denial of MFN treatment to the countries of Eastern Europe. The perpetuation of policies of the past does little to promote the real economic interests of our nation in the 1970's.

Regrettably, as in so many other areas of our national policy, the possibility of liberalizing our trade policies with Eastern Europe is apparently tied by the Administration to the Indochina war. In the years to come, I think historians will find vast amusement as they contemplate how American political leaders allowed the tail of tiny Vietnam to wag the dog—which also happened to be the most powerful nation this world has known.

The steps that have been taken toward liberalizing trade with Communist China are encouraging. Again, it would be unrealistic to expect American subsidiaries in third countries to take full advantage of liberalization in the regulations which permit them to sell to Communist China so long as the Vietnamese war continues. However, in saying this, it is encouraging to note that we are taking limited steps now that could be built upon in the future—assuming, of course, that the United States soon can enter a saner and less troubled age.

In my opening remarks I referred to the somewhat unclear stance of the United States in foreign economic relations. I share the publicly expressed concern of Commerce Assistant Secretary Davis that the Administration often does not speak with one consistent voice in the area of trade policy. At times, the cacophony of different Administration voices reminds one of a warm-up session of the New York Philharmonic before the conductor arrives on the scene.

In my view, the Office of the Special Representative for Trade Negotiations lacks the strong voice and coordinating role that it played in past Administrations. I do think it vital that this trade office of the President be strengthened. The recommendation of the Ash Committee on Government Re-

organization approximately to double the STR's meager staff should be adopted. The coordinating role of STR also should be strengthened toward the end of insuring that public statements on trade reflect our overall national interests.

When the Administration puts its mind to it, it does very well in this area—as witnessed by the opening parade of Administration witnesses before the House Ways and Means Committee on the Administration trade bill. But one gets the impression that the Administration seldom puts its mind to problems in the trade area until a crisis is imminent. Our political relations with another country or bloc of countries could be seriously damaged because of the malfunction of trade policy. This already has happened in the textile area and may be happening in the preferences area where the Administration may be underestimating the lack of Congressional support for this proposal.

Looking over the Administration's record in the trade area to date, I applaud the President's rhetoric. It has been very good indeed. However, if one looks at what has been done rather than what has been said, particularly in the area where trade policy collides head on with special interest groups, the record is less clear. Actions to date do not fully support the words. For example, the oil-import policies of this nation are in desperate need of review. The present policies not only contribute to higher fuel and gasoline prices in many of our States, but also give rise to increasingly severe supply problems. The blueprint for changing these policies—prepared by members of his own cabinet—has been on the President's desk for some time now, but we have yet to see a policy decision liberalizing the present, archaic oil-import system.

In the textile area, the Administration to date has abjured accepting and acting on compromise proposals. The Administration shares the blame with certain textile exporting nations that this matter has been allowed to drag on for so long at such high cost to our political relations with other countries and at such high cost to our domestic textile industry.

A third area concerns our meat-import policy. The consumer interest—which is not adequately represented in the high Government councils that make our decisions affecting trade—clearly dictates that our meat-import policies be liberalized, particularly as they affect second-grade meats such as hamburger meat. Our relations with Latin America similarly dictate that such liberalization be affected, as does our fight against inflation. But again, a negative decision apparently has been made.

In citing these three examples, I do not contend that they are necessarily a true indication of the President's intentions; but they do begin to set a pattern that should be closely watched.

It seems clear that 1970 will be a critical watershed year in terms of the foreign economic policy of the United States. The omens are most certainly mixed. It is ironic that as Congress now stands at the threshold of passing protectionist legislation, Western Europe is entering a new era of partnership and community. It is important to all of us that our foreign economic policies continue to move forward toward a freer, fairer, continued open-trading world. This is particularly vital in the context of the inflation that we and other industrialized nations are facing. Moreover, it is the key element in the leadership role of the United States in the free world.

#### SOVIET MIDEAST THREAT

Mr. JAVITS. Mr. President, Near East Report, a biweekly journal which comments on developments in that troubled



portion of the world, recently ran an article which I feel provides great insight into Israel's increasingly desperate situation at the hands of its radical Arab enemies and the U.S.S.R. The article, "May 1967-May 1970" points up the tragic similarity between the Soviet menace now and as it existed at the outbreak of the 6-day war 3 years ago this month. The only difference now is that the Soviet presence in the Middle East today is felt not simply in terms of Soviet arms provided without cost to the radical Arabs, but in terms of men—Soviet fighting men, not "technicians." Above all, this article focuses on Israel's growing deplorable sense of isolation in a world community that offers no treaties or alliances, no assistance except in the form of occasional sales of arms, no hearing of its grievances except the counsel of the United Nations. This article makes a brief but eloquent case for the United States to provide Israel with the jet fighters it needs for survival, and as such, I wish to call it to the attention of my colleagues. I, therefore, ask unanimous consent that the portion of the article I have just described be printed into the RECORD.

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

#### MAY 1967-MAY 1970

We must not shrink from the terrifying reality.

For all practical purposes, the Soviet Union has enlisted in the Arab war against Israel.

Russian pilots now fly the MIGs which Moscow has supplied to the Egyptian air force. Russian soldiers operate the new SAM-3 missile sites. They defend the Egyptian heartland and they provide air cover so that Egyptian artillery and planes may prosecute the War of Attrition against the outnumbered and outgunned Israel forces along the Suez Canal.

What is Moscow's purpose? Is it to destroy Israel? Is it to force her to her knees? Is it to compel the Israel army to withdraw so that Egyptian tanks may again roll across the Sinai desert to menace Israel cities—Jerusalem and Tel Aviv—as in May 1967? Is it to enhance Soviet prestige and power, to force open the Suez Canal, to undermine pro-Western governments in the area, to control the valves which regulate the flow of oil to Europe?

A tiny country of less than three million people now confronts not only the Arab armies but the mighty power of the Kremlin. The interests of hundreds of millions of people in Europe and on this continent are vitally affected by the bravery and skill of Israel's fighting men and women.

#### ONCE AGAIN, ISRAEL STANDS ALONE

Yet at this moment this little country stands alone.

She has no allies to come to her assistance. She has no treaties to invoke. There is no international tribunal to intervene; the machinery of the UN Security Council is geared and warped against her by the Soviet veto. The Great Powers are again strangely silent. No eloquent voices are raised in the foreign offices of Western capitals.

The only hope is for swift action by the United States.

Israel has not asked for the intervention of American soldiers. In a message to President Nixon, Premier Golda Meir renewed Israel's request for military and economic aid.

In the light of the new and shattering Soviet threat to the peace, the United States must move swiftly to grant Israel's requests.

When the United States rejected them in March, it was explained that if there were a change in the military balance, the Administration would reconsider.

Well, the balance has certainly been changed.

Israel has been compelled to suspend her deep penetration raids which had served to blunt the Egyptian offensive across the Suez Canal. Israel has refrained from bombing the SAM-3 sites which are now protected by Soviet pilots and there has been a sharp increase in Israel casualties because of heavy Egyptian bombardment. (27 dead, 63 wounded at the Canal in April.)

The PRESIDING OFFICER. What is the pleasure of the Senate?

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

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

#### GROWING SUPPORT FOR INCOMES POLICY

Mr. PROXMIER. Mr. President, last Thursday I introduced in the Senate a bill to bring informed public opinion to bear upon price, wage, and income behavior—a so-called wage-price guidelines bill.

Such an incomes policy is not a cure-all, but it can help. With the favorable action last week on the companion measure, I introduced Thursday—the Reuss bill—by a House subcommittee, the Congress seems now ready to move.

Both this year and last year the Joint Economic Committee has supported and urged the institution of wage-price guidelines. Both Arthur Burns, the Chairman of the Federal Reserve Board, and Secretary George Romney of HUD, have urged similar action.

But others have urged such a policy too. In the Washington Post for Sunday, May 31, 1970, Hobart Rowen quotes a number of economists, businessmen, and domestic and international organizations which have urged an "incomes policy" now.

In addition to myself, Representative Reuss, Chairman Burns, and Secretary Romney, Mr. Rowen details the views of the others. These include Gardner Ackley, Chairman of the Council of Economic Advisers from 1964 to 1968. The list includes Donald S. MacNaughton, president of the Prudential Insurance Co. of America. We find Fortune magazine, the Lionel D. Edie Co., a business advisory group in New York, the Organization for Economic Cooperation and Development—OECD—and many, many others, including the Republican minority members of the Joint Economic Committee.

This morning, in a most interesting turn of events, Mr. Murray Weidenbaum, the Assistant Secretary of the Treasury, testified before my Subcommittee on Economy in Government that he had been urging an "incomes policy"—unsuccessfully it would seem—on the Sec-

retary of the Treasury and the administration.

If there was ever almost universal support for a policy, there is now for an incomes policy. Almost everyone but the President and his key advisers are convinced it should happen.

I ask unanimous consent that Mr. Rowen's interesting and informative article be printed at this point in the RECORD.

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

#### INCOMES POLICIES GATHER BACKERS

(By Hobart Rowen)

It's often said that one of President Nixon's arguments against wage-price guideposts, or "incomes policies," or even jawboning is his memory of the horrible mess created by the formal controls administered by the Office of Price Administration during World War II.

Mr. Nixon was an OPA lawyer, and he recalls vividly, it is said, the mass of red-tape, the black markets, the inadequacy of regulations—and their basic interference with the free market mechanism. His fear, apparently, is that if he backs voluntary methods and they fail, there then would be a back-sliding into formal controls.

But another ex-OPA lawyer, equally aware of the hazards of a formal wage-price control system, takes a different view. Gardner Ackley, Chairman of the Council of Economic Advisers 1964-1968 said in a recent speech: "Both business and labor know by now that they are caught up in an inflationary rat race that's getting them nowhere; they want and need some leadership in slowing down the treadmill they're on, and eventually getting off it."

At his meeting the other night with financial leaders—an outgrowth of the stock market slide—Mr. Nixon indicated that he may finally be relaxing his opposition to a mild form of pressure, as suggested by Federal Reserve Chairman Arthur F. Burns.

In fact, there is a growing and impressive list of supporters for some kind of action on the wage-price front:

Donald S. MacNaughton, President of the Prudential Insurance Co. of America, suggested that the President should declare as a national objective that the rate of inflation "as measured by the broad GNP price index, should not exceed 4 percent by the end of 1970 and 2 percent by the end of 1971." The President would then bring public pressure to bear on business and labor by announcing a set of guidelines.

Fortune Magazine, "warily and reluctantly" would set up voluntary guideposts, similar to those of the early 1960's, built around a 5.5 percent figure for wages. This is designed to cover a partial catch-up for the previous year's inflation, plus a 3 percent productivity factor. Under the Fortune formula, the wage guidepost would edge down as inflation subsides. Price guidelines would not eliminate price increases, but force producers to absorb some part of their increased costs out of profits.

The Organization for Economic Co-operation and Development, in its annual assessment of the U.S. economy, politely suggested that an incomes policy might enhance "progress towards price stability and an earlier return to fuller employment."

The Lionel D. Edie Co., a business-oriented advisory company in New York, argued for selective controls, even if difficult to enforce. "At this time," the company says, "controls appear preferable to highly disruptive inflation, a confidence crisis and anarchy in the money markets."

Both Democrats and Republicans have come forward with specific proposals. One by Rep. Henry S. Reuss (D-Wis.) would require

the CEA to promulgate a set of guideposts. Another, by Senators Jacob Javits (R-N.Y.), Jack Miller (R-Iowa), and Len Jordan (R-Idaho) would direct the CEA to issue bi-weekly reports on the implications of important price decisions and wage agreements. For the first time, support of the Javits-Miller-Jordan proposal was offered within the Administration, in the person of Under Treasury Secretary Charles E. Walker.

Bitter and emotional arguments against any such proposals have been made by Labor Secretary George Shultz. The most reasoned case against plunging back into wage-price guidelines has been developed by Economic Council Chairman Paul W. McCracken. His position is that in the Johnson era, the strong-arm approach, so far as industry was concerned, was "discriminatory and inequitable." Moreover, he suggests, the guidepost approach has no impact on the area of prices where there has been the biggest inflation—services.

On the question of equity, most proponents of wage-price guideposts suggest that the consequences of the alternatives must be considered. Wilfred Lewis Jr., economist for the National Planning Association, puts it this way: "When unemployment increases from 4 to 4½ per cent because of fiscal and monetary policy . . . it's not as though everyone in the country went home from work a few minutes early and took a small cut in pay.

"Rather, some will be laid off altogether . . . while others are as busy as ever and even enjoying pay increases. Similarly, what's equitable about people on fixed incomes having their purchasing power and standards of living eroded by inflation while others are making out like bandits and repaying their debts in deflated currency?"

McCracken's insistence that an incomes policy is ineffective is contested by others. Walter Heller, for example, says: "I just plain and flatly disagree with his conclusion that guideposts didn't have a real impact from 1963 to 1966." Heller says that a study by George Perry "while not conclusive, is pretty damn persuasive."

But how, the McCracken supporters say, do you propose to handle the rising price of such things as doctor bills, haircuts, or dry-cleaning? Ackley responds that this argument misses the point: "The inflationary bias in our economy does not arise from such prices as these, which mainly reflect cost and price increases that have already occurred elsewhere. The bias arises from the decisions on wages and prices made by those who have a modicum of economic power—that is, some freedom from dictation by the general state of the market. Such firms and unions possess a degree of discretion as to their wage and price policies that can be exercised for good or for ill. Individually, this discretion is not great. Cumulatively, it is significant."

The Edie company's assertion that controls in fact can and do work seems convincing. Comparing consumer and wholesale prices during the Korean war period and recently, the difference is startling.

From 1951 to 1956, the consumer price index rose 4.6 per cent; from 1965 to 1970, the CPI jumped 22.8 per cent. From 1951 to 1956, the wholesale price index actually fell 0.5 per cent; from 1965 to 1970, it soared 14.1 per cent.

During the Korean war period, of course, prices and wages were frozen, taxes were raised, and consumer credit controls were applied. "Controls put a lid on inflation during the Korean war," Edie sums up. "There is no reason to doubt their effectiveness, although one would expect milder, more selective and perhaps only voluntary controls today."

The final "standard" argument against guideposts is that they don't get to the root of the inflation problem: the only true way,

this argument goes, is through a tough monetary and fiscal policy.

No doubt about it—by applying a crunch, we can lick inflation. But in the process, we will produce an unemployment level unacceptable in today's society. As Peter Kenen, Columbia University Provost, told the American Bankers Association some days ago, a 6 per cent unemployment rate this summer can mean a black teen-ager rate of 30 per cent. Do we want to face that?

Very sensibly, Arthur Burns has come around to an incomes policy instead of the crunch; perhaps the President will go along. He would have powerful support on Capitol Hill, and increasingly in the business community. One mutual fund manager here for the meeting with President Nixon says flatly that a wage-price guidepost policy "would be worth 100 points rise on the Dow-Jones index."

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I be permitted to continue for 2 additional minutes in the morning hour.

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

#### NO ACTION BY JUSTICE DEPARTMENT AFTER 190 DAYS IN THE CASE OF A. E. FITZGERALD

Mr. PROXMIRE. Mr. President, over the entrance to the Supreme Court there is a motto which we all know, "Equal Justice Under Law." But at this time the law appears to be—in the words of George Orwell—more equal for some than for others.

One hundred and ninety days ago I wrote to the Justice Department asking for an immediate investigation into the case of A. E. Fitzgerald—the Air Force efficiency expert who was "fired" by the Air Force because he revealed the huge cost overruns on the C-5A airplane.

Everything Fitzgerald told my subcommittee was true. The overrun was \$2 billion—or more. The plane has failed to meet its specifications. They have not only been degraded but now there appears to be a major defect in the wing which may jeopardize the entire project.

But A. E. Fitzgerald was harassed, ostracized, investigated, and fired. The way the Air Force acted was like some primitive society where the man who told the truth or brought bad news was sacrificed for stating it. If the Air Force and society as a whole follow such a course, the medical profession will soon vanish. Each time a doctor diagnoses a fatal disease, he will be charged with the responsibility for causing it.

Now the Justice Department has failed to act after 190 days. Yet there was a clear violation of the law on the face of it. A man was fired for testifying before a congressional committee. It is a crime to injure a witness because of his testimony. But still there is no action.

This Justice Department apparently holds a double standard. There is one standard for private citizens who do wrong. But there is another standard, apparently, for the bureaucracy or the heads of agencies and departments who break the law.

When will the Justice Department act? When will that Department begin to apply law and order to the Defense Department? Are not 190 days long

enough even for the machinery of the Justice Department to move?

When I learned that Mr. Will Wilson, the Assistant Attorney General was to appear before the Senate Banking Committee on June 8 on the issue of Swiss bank accounts, I wrote him a letter advising him that I intended to pursue the matter of the Fitzgerald investigation and the lack of action on it when he appeared before the Banking Committee.

I ask unanimous consent that the text of my letter to Assistant Attorney General Wilson be printed in the RECORD.

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

HON. WILL WILSON,  
Assistant Attorney General, Department of Justice, Washington, D.C.

DEAR MR. WILSON: It has now been 190 days since I first wrote to Attorney General Mitchell asking the Justice Department to take action against those who violated the Federal criminal code in connection with the firing of Mr. A. Ernest Fitzgerald. It has also been three months since I wrote you personally concerning this case. To date, no action has been taken. I have not even had the courtesy of a substantive reply to my letter of March 2, 1970.

Mr. Wilson, I do not take this matter lightly. There is no question that the statute (15 USC 1505) has been violated. Other than political considerations, I can think of no reason why the Justice Department has been so dilatory in bringing prosecutions in this case.

I look forward to your appearance before the Senate Banking and Currency Committee on June 8, 1970.

I hope we can pursue this further then.

Sincerely,

WILLIAM PROXMIRE,  
U.S. Senator.

#### MR. O'BRIEN SHOULD APOLOGIZE

Mr. CURTIS. Mr. President, the war in Vietnam did not start yesterday. It did not start on January 21, 1969. The war in Vietnam had been building up for 8 long years when President Nixon took office.

When the din and confusion which is enjoyed so thoroughly by Mr. Nixon's critics dies down, and a reasonable amount of time has elapsed, historians will then record what happened in 1969 and 1970. We do not know what the final verdict of the historians will be. There are some things about which we can be certain.

History will record the fact that after 8 years of sending more and more men to Vietnam, under President Nixon's leadership 115,000 of our troops have been brought home. It will further record that as of this date President Nixon has announced plans for a further withdrawal of 150,000 troops.

In order to carry on this withdrawal of troops from Vietnam, it became necessary for President Nixon to order the crossing of the Cambodian border to save the lives of Americans and to continue our troop withdrawal from Vietnam. The success of that venture will have to be recorded by the historians, based upon the facts as they develop in the future. I believe that that verdict of history will be in Mr. Nixon's favor. What he did involved a risk. We must keep in mind,



however, that to do nothing under the circumstances would involve a greater risk to American lives.

I know that history will credit Mr. Nixon with courage and will show that he acted with honesty and in the full belief that what he was doing was necessary to save the lives of American troops now in Vietnam. Can any reasonable person ask anything more?

History will record some other things too. It will record the fact that some of President Nixon's critics were unfair, unjust, harsh, and cruel. It will record the fact that some of Mr. Nixon's critics never once raised their voices in condemnation or criticism of North Vietnam, the Vietcong, or Communists generally. They found no fault with them. It will also be recorded that some of Mr. Nixon's critics continued and continued in their tirades without having one word of praise for the United States of America or for any President of the United States.

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

Mr. CURTIS. Mr. President, I ask unanimous consent that I may proceed for 10 additional minutes.

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

Mr. CURTIS. Mr. President, at this point I would like to read an editorial which was broadcast in the public interest by radio station KFOR of Lincoln, Nebr., on May 18, 1970:

#### EDITORIAL

Like Brothers we fight among ourselves. Not over the war . . . for we all want to end the war. But we fight over how the war should be ended. Like Brothers we fight, but let no outsider try to intervene for we'll turn on him and fight our enemy with unity. We all agree that the war in Indo-China should be brought to a complete halt as quickly as possible. We all believe there should be peace . . . not only in the Far East, but the Middle East and all the rest of the world. And we believe that all men should not only be born equal, but have equal opportunities. We express our differences in achieving these goals in many ways . . . some vocally, some demonstratively, and some violently. But all of our attention is centered on what the United States should do. We argue that the United States should get out of Cambodia and Vietnam. Yet we are there because of an aggressor . . . a Country that wants to capture and dominate all of Indo-China by whatever means necessary. Let us all unite as Brothers should, and instead of shouting about our differences so that our enemies can gloat and take comfort from them, let us call attention to the very reasons we are fighting among ourselves. Let us all raise our voices in unison and shout to the world what the real problem is. Then our enemies will note with different feeling than they have noted our headlines in the past. The world will point an accusing finger at them and tell them to withdraw their troops back to their own country. Let us unite as Brothers should and shout to all the world . . . Stop the War. North Vietnam get out of Cambodia. North Vietnam get out of Laos. North Vietnam get out of South Vietnam. Stop the War. Stop the Invasions. Let there be peace in all the world.

A KFOR Viewpoint written and recorded by John Hanlon.

Mr. President, if some historian has time to write in detail concerning the remarks of the critics of President Nixon, it will provide some interesting reading.

It will show that there were some who talked long and loud, preaching disunity and discord, and thereafter they grieved over the fact that the country was being torn apart.

Such remarks as "There is no end in sight" and the cry, "Disaster is overtaking us," have been made. Another pronouncement was, "This blood bath which is here now must be stopped." Mr. President, could it be that these modern Rip Van Winkles have been asleep for 8 solid years? Could it be that those who inflame with oratory honestly believe that they have a monopoly on the desire for peace?

Mr. President, substantially all Americans want America's involvement in the fighting in Vietnam to come to an end. The country is not divided on that. There is a difference of opinion on some details of how best to end America's participation in the war in Indochina. Now is the time for tolerance and unity. In times of trial for our nation, Republicans have faithfully stood by Presidents who were Democrats. In time of trial, Democrats have loyally supported Republican Presidents. The unreasonable and vicious attacks have been exceptions. The fact that they are exceptions does not render them harmless in the least. Mr. President, I wish to call the attention of the Senate and the country to the words and the acts of one who is such an exception. I refer to Democratic National Chairman Lawrence F. O'Brien. Mr. O'Brien's words are false, uncalled for, and dishonest. Mr. O'Brien has resorted to misrepresentation and mudslinging.

Lawrence F. O'Brien has gone so far as to say:

I can only speculate in sorrow whether these young people (at Kent) would have been killed were it not for the Nixon-Agnew-Mitchell inflammatory rhetoric—the rhetoric that appeals to the fears and prejudices and darker impulses that lurk within mankind.

In making this utterance, Mr. O'Brien was speaking without any foundation of fact whatever. He submitted no facts. He proved himself to be devoid of honesty and decency and truthfulness. He contributed nothing to the solution of our problems. It is evident he did not intend to do so. It is not any wonder that the Omaha World-Herald said editorially on May 22, "By any test that O'Brien statement is swinish."

Mr. O'Brien may be the Democratic National Chairman. I know a lot of Democrats and Larry O'Brien does not speak for any of them. I do not believe that Lawrence O'Brien spoke for the Democrats in the U.S. Senate or the Democrats in the House of Representatives. They are patriots. They have a sense of fairness. They abhor untruths and slander.

Mr. O'Brien should take a lesson from a very great statesman from Massachusetts. I refer to the distinguished Speaker of the House of Representatives who is retiring this year after a long and distinguished career. Speaker JOHN MCCORMACK is deserving of all the praise that he receives. He is a patriot in every sense of the word. He always places his country first. At the reception that was held honoring Speaker MCCORMACK but a few

days ago, the Speaker responded to the kind words of his colleagues in the House and the Senate and to the tribute paid to him by former President Johnson and by President Nixon with some very appropriate remarks. Among other things he said that he had served under many Presidents—some of them Democrat and some of them Republican; that he did not always agree with his President but that he always tried to so conduct himself that he didn't add to the burdens of the President.

Mr. President, Mr. O'Brien ought to apologize not only to President Nixon but to the country. This country is our country. It belongs to all the people. President Nixon is our President. He is President of all the people.

The PRESIDING OFFICER. What is the pleasure of the Senate?

#### RESIGNATION OF CLARK R. MOLLENHOFF AS DEPUTY COUNSEL TO THE PRESIDENT

Mr. WILLIAMS of Delaware. Mr. President, according to press reports over the weekend our friend, Clark Mollenhoff, has tendered his resignation as counsel to the President. As one who has had great respect both for Mr. Mollenhoff and the job he has been doing at the White House I state my regrets at news of his resignation. I think we are losing a great public servant. At the same time I hope whoever takes his place will exercise the same hard rules of fairness and the same discretion in the administration of this office as have been laid down by Mr. Mollenhoff. I have particular reference to his insistence that anyone holding this position with the White House who examines tax returns must file a written request stating why those tax returns are requested and why they are necessary. This rule applies whether it is in connection with prospective Government employment, or a charge of fraud involving an employee of the Government. By placing all requests for tax returns in writing, as has been done under Mr. Mollenhoff's administration of this office, it would be a matter of record, and if in later years it were shown that there had been abuse of this power both the public and the Congress could ascertain the extent and who was responsible for such abuse.

Prior to the initiation of this hard rule by Mr. Mollenhoff, loose practices under previous administrations made it possible for anyone in the White House who had curiosity to examine the tax returns of any John Doe or John Smith, and no records were kept. We were surprised to learn that no records had been kept by either the Kennedy or the Johnson administrations as to who had asked for tax returns or which returns had been requested. That was a rather haphazard method of operation and one which could be highly dangerous, and I am glad that Mr. Mollenhoff with the support of President Nixon corrected this loose procedure.

I emphasize that fact because I noticed that some of the persons who criticized Mr. Mollenhoff were a part of the previous Democratic administrations

which had condoned that haphazard procedure. I wonder whom they were trying to protect when they criticized Mr. Mollenhoff.

Nevertheless, I want to express the hope that whoever holds this position under this administration or in subsequent administrations will insist that from this day on he will continue the rules which were laid down by Commissioner Thrower and Mr. Mollenhoff as they worked them out together, that any tax return which is examined will be examined only after a signed request, stating all the reasons for the request and making it a matter of record.

I again compliment Mr. Mollenhoff for the job he has done and extend to him my very best wishes as he returns to journalism. I again express the thought that our Government is losing a distinguished public servant.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. Mr. President, I want to associate myself with the remarks of the distinguished Senator from Delaware (Mr. WILLIAMS).

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

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have 3 additional minutes.

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

Mr. CURTIS. I wish to add a word of praise to Clark Mollenhoff, who has displayed honor, integrity, and great ability. I hope the time comes when he will again consent to serve in public office. As a reporter, he was a diligent and thorough investigator. He is fair and he is honest. He would be a credit as an employee in any office, and I hope the time comes when his situation will be such that he can again render service within Government. I know the service he will render as a journalist will be in the interest of America.

I commend the Senator from Delaware for his remarks of praise of Mr. Mollenhoff.

Mr. WILLIAMS of Delaware. I thank the Senator.

I want to add further that I remember the suggestion was made that there would be those in certain quarters who would be glad Mr. Mollenhoff was leaving this position because they feared him. I have known Clark Mollenhoff for a number of years. I will state that no man in America need have any fear of Mr. Mollenhoff unless—I emphasize, unless—he had heretofore done—or had contemplated doing—something that was unethical as far as Government is concerned. In that instance Clark Mollenhoff would be a most dangerous man to have in public office because he would expose such activities, regardless of who or what political party would be involved. Yes, Clark Mollenhoff would not be feared by those who are honest and trying to do a good job in Government, but he would be feared by those who had done or who planned to do wrong.

## ORDER OF BUSINESS

The PRESIDING OFFICER. What is the pleasure of the Senate?

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. CHURCH. 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. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator wish the unfinished business to be laid before the Senate?

Mr. CHURCH. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

## CONCLUSION OF ADDITIONAL MORNING BUSINESS

The PRESIDING OFFICER. Without objection, morning business is closed.

## AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

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

The Senate resumed the consideration of the bill.

### DOLE AMENDMENT ON PRISONERS IN CAMBODIA, NO. 662

Mr. CHURCH. Mr. President, the Dole amendment is a travesty. Its adoption would not help a single American prisoner of war.

On the contrary, the passage of this amendment could only have the very opposite effect. By authorizing the President to keep U.S. forces in Cambodia indefinitely, or send troops back whenever he chooses as long as U.S. prisoners are held there, the amendment would be more likely to add to, than help reduce, the list of captured American soldiers. It would also arouse false expectations by the families of prisoners, hopes which simply cannot be fulfilled merely by passing a bill.

The truth is that the longer our forces stay in Cambodia the more vulnerable they will be to capture—and to being killed—by the enemy. We should insure that our forces get out of Cambodia by the deadline laid down by the President. Passage of this amendment will only encourage those in the bureaucracy who would like to see the United States stay in Cambodia indefinitely in order to prop up the Lon Nol government.

If the Senator from Kansas proposes waging war in Cambodia until American prisoners are freed, I wonder if he would suggest that we also invade North Vietnam or Laos to free the prisoners there? The number of Americans held prisoner in Cambodia is minuscule compared with the number held in North Vietnam.

I believe the Senator from Kansas voted for the amendment last December—supported by the White House—which prohibited the sending of ground troops to Laos or Thailand. He did not propose then, if my memory serves me correctly, that the prohibition not become operative until all U.S. prisoners in Laos were released. The principle involved here is the same.

I wonder also if the Senator from Kansas wishes to delay the withdrawal from South Vietnam of the 150,000 troops, as announced by the President on April 20, until the prisoners in Cambodia are released? If he is concerned about keeping the pressure on the enemy to force the release of prisoners, it would be logical for him to seek to delay the departure of any U.S. troops from Southeast Asia. Would the Senator consider revising his amendment along those lines?

The Senate should not endorse the theory that we should wage war in Cambodia indefinitely in order to try to bring about the release of U.S. prisoners held by the enemy. The best way to get U.S. prisoners released is to reach a political settlement in Paris.

Earlier this year, the Senate passed unanimously House Joint Resolution 454, which expressed the concern of the Congress over the treatment of U.S. prisoners of war and called for their release. There is no division among us when it comes to how we all feel about American prisoners of war—whether in Cambodia, Laos, or North Vietnam. But prisoners will not be released under threat of widening the war. There should be no illusions about that.

I urge that the amendment offered by the Senator from Kansas be defeated.

### AMENDMENT NO. 670

Mr. BAYH. Mr. President, listening to our distinguished colleague from Idaho, I am reminded, if indeed any of us need to be reminded, that for some time now the pending order of business before the Senate has been the Cooper-Church amendment to the Foreign Military Sales Act. The amendment, as revised by its sponsors and the Senate provides that "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"—a date set by the President himself—no funds may be spent after July 1 for the purpose of retaining U.S. forces in Cambodia; paying the compensation or supporting any American personnel furnishing military instruction to Cambodian forces or supporting Cambodian forces; contracting for military instruction in Cambodia or providing persons to support Cambodian forces; and conducting any air operations in support of Cambodian forces.

As the distinguished Senator from Kansas (Mr. DOLE) has said on a number of occasions during the past 2 weeks, the issues involved here are weighty ones. The Cooper-Church amendment raises important constitutional questions about the relationship between powers of Congress to declare war, to raise and support armies and to make rules for the regulation and governing of these forces



and the President's powers as Commander in Chief. I concur wholeheartedly with my colleague from Kansas on the need to debate these questions so that we in the Senate—and the American people—are fully aware of the meaning of the Cooper-Church amendment. But I do not believe that it should be debated to death.

Mr. President, a majority of Senators appear ready to support the Cooper-Church amendment. I support it. I believe the Senate of the United States should have an opportunity to express itself and to exercise its constitutional authority.

In the midst of the debate on the Cooper-Church amendment, the Senator from Kansas has introduced an amendment, which is certainly his right, that would nullify the effect of the Cooper-Church amendment whenever the President determines that any American is being held prisoner in Cambodia. Thus the issue of the treatment of American prisoners of war has been thrust into the midst of the debate over whether the expansion of the conflict into Cambodia is in the best interest of our country and a right and proper exercise of Presidential power.

I share the Senator from Kansas' concern about the inhumane treatment of U.S. prisoners of war. On a number of occasions in the past I have publicly expressed that concern. Last August, for example, I introduced a resolution expressing the sense of the Senate that our Government take appropriate action to insure that North Vietnam abides by the terms of the Geneva Convention of 1949.

I must admit, however, that the logic of interjecting the Dole amendment at this time in the debate escapes me. The Dole amendment does nothing to ease the plight of American prisoners of war. In fact, by sanctioning continued excursions into Cambodia we are likely to increase the number of Americans held prisoner by the North Vietnamese. Thus the amendment is self-defeating.

I fail to see how the amendment proposed by my colleague from Kansas (Mr. Dole) can in any way contribute to better treatment for American prisoners of war or hasten the release of those prisoners. To my knowledge, the President has not indicated any intention of returning U.S. forces to Cambodia after his self-imposed July 1 deadline in order to free American prisoners in Cambodia. And I think it would be short sighted to nullify the healthy effects of the Cooper-Church amendment by holding out this false hope.

Passage of the Cooper-Church amendment, is designed to prevent an expansion of the war and prevent an increase in the number of American prisoners. I believe passage of the Cooper-Church amendment would indeed contribute to an end to our involvement in Southeast Asia. If we can stop the war, we can secure the release of those Americans who have suffered so long as prisoners of war.

Mr. President, an end to the war does not appear to be in sight. As much as we dislike it, we must be realistic, and recognize that it is not going to end tomorrow. But regardless of the outcome of this debate over the Cooper-Church amendment, or indeed over the Dole amendment thereto, it seems to me that all of us need to speak out forcefully, saying that we are unalterably opposed to any attempt to make American prisoners of war a political issue in an effort to influence the policy of the United States toward the conflict in Southeast Asia. I am as opposed to this as I am opposed to Hanoi's policy of using American prisoners to bargain for political concessions, a practice specifically condemned by the Geneva Convention. It is important for the leaders of North Vietnam to know and for the entire world to know that the citizens of this country and the member of this body may differ over the direction of the war in Southeast Asia and the best means of bringing that war to a speedy and satisfactory conclusion, but in our concern for the welfare of those of our countrymen held prisoners of war whether in Laos, Cambodia, or North Vietnam, we are united. We stand firm in our insistence that North Vietnam abide by the Geneva Conventions in its treatment of prisoners of war.

Although the Hanoi government insists that American prisoners of war receive adequate and proper care they have not permitted impartial inspection which would substantiate and verify such claims. This is but one transgression on the part of North Vietnam which continues to violate the requirements of the Geneva convention. North Vietnam also refuses to release sick and wounded captives or to permit a regular flow of mail. It even refuses to provide a list of those being held captive. As a result, American families have lived in uncertainty and anguish for months and years, not knowing whether their loved ones are dead or alive. This callousness on the part of North Vietnam is the epitome of barbarism and absolutely inexcusable, it seems to me, under any rules which civilized men would normally abide by.

There has been evidence that those imprisoned in North Vietnam and in the jungles of Laos and South Vietnam by Pathet Lao and the Vietcong have frequently been subjected to torture. They have been deprived of sleep, refused food, hung from ceilings, tied with ropes until they developed infected sores. They have been burned with cigarettes and beaten. Some have been kept for months in solitary confinement and subjected to vicious techniques of psychological as well as physical abuse. Others have been held in bamboo cages and taunted like animals. Many suffer from malnutrition and are afflicted with intestinal parasites, particularly those held in jungle prison camps by the Vietcong and the Pathet Lao.

Mr. President, such inhumanity is unconscionable. I feel certain that I speak for all of us in the Senate when I urge our negotiators in Paris to do everything in their power to influence Hanoi to abide by the Geneva convention; when I urge all foreign governments, including the Soviet Union, to lend their assistance to the demands of the United States. I urge

that the American public voice its concern more loudly than ever in demanding that the North Vietnamese behave in a civilized manner toward prisoners. And I urge the North Vietnamese Government, the Vietcong, and the Pathet Lao to terminate their lack of concern for the welfare of prisoners and for the anguish of their families. I urge them to cooperate in an exchange of prisoners of war with South Vietnam and the United States and other parties to the conflict. Humanity demands nothing less.

The prisoner of war issue is not political, but humanitarian. It is an issue on which Americans are, I believe, of one mind, regardless of whether they support or oppose our current policy in Southeast Asia. Efforts to help our servicemen held by North Vietnam have been pursued vigorously by both Democratic and Republican administrations. There have been repeated efforts to obtain compliance with the provisions of the Geneva Convention. In particular, both Democratic and Republican administrations have urged such basic measures as the repatriation of sick and wounded prisoners as called for in article 108 of the Geneva Convention. There have been repeated attempts to persuade the North Vietnamese and the Vietcong to observe the convention's provisions for humane treatment of prisoners and to allow this to be verified by impartial international inspection. Attempts have been made again and again to get our adversaries to, at the very least, release the names of those held prisoner so wives, mothers, children and other loved ones of the more than 1,500 men listed as "missing" will not suffer the agony of not knowing whether they are dead or alive.

Mr. President, I have made no secret of the fact that I am opposed to the course being followed by the administration in Southeast Asia. But I have also made clear my concern for U.S. servicemen held prisoner in Southeast Asia and several other Members of this body have done so as well. On August 4, of last year, I expressed my deep concern about the welfare of American prisoners of war in a speech on the floor of the Senate. I subsequently introduced Senate Resolution 243, calling on the President to request the United Nations to take such steps as might be appropriate to bring about compliance by the Government of North Vietnam with its obligations under the Geneva Convention of August 12, 1949, relative to the treatment of prisoners of war.

Many other Members of this body have pursued a similar course of action, and I am certain that each Member of this body shares my concern for the welfare of U.S. prisoners of war regardless of whether or not they agree with our policy in Southeast Asia.

The question is, What can we do as individuals to ease the plight of these unfortunate men? Admittedly, our alternatives are limited. But today, Mr. President, I suggest that there are positive steps we might take. I am today proposing, therefore, one positive step—a small step—we should take immediately. I am submitting an amendment to the Foreign Military Sales Act, H.R.

15628, which would extend the War Claims Act of 1948 to American fighting men and civilians held as prisoners of war by the North Vietnamese, and to those held by the North Koreans as a result of the capture of the U.S.S. *Pueblo*. This amendment provides cash benefits to these prisoners at the same rates and under the same conditions as applied with respect to members of the Armed Forces held prisoner during the Korean conflict. I hasten to point out that these cash benefits are small. Indeed, even if they were much larger, I am sure they could never provide adequate compensation for the hardships suffered by these men. But I think that this measure is still needed, if only as a signal to our soldiers—and to all people around the world—that we accord our fighting men the highest esteem and respect, and of our determination to do everything in our power to see that they are released and sent home to their loved ones.

This amendment was originally proposed by Representative Rogers of Colorado, and was adopted in the House on May 28, 1969. It has been languishing here in the Senate for over a year. If we really mean what we say about our prisoners of war in Vietnam, here is a positive step we can take—and we should take now. I would like to see the Senate make an affirmative gesture to help these brave men and their families, and I hope this amendment will be successful.

The amendment's provisions are woefully inadequate and I feel certain Congress will want to move vigorously to provide more substantial benefits to our prisoners of war. But this amendment has been passed by the House and by passing it now in the Senate it can go into effect without further delay and serve as an admittedly inadequate symbol of our concern for the welfare of our prisoners of war until more meaningful legislation can be enacted.

Mr. President, I ask unanimous consent that the amendment be printed in its entirety in the RECORD, along with an excerpt of House Report No. 91-249, which accompanied H.R. 4204, the identical bill already enacted by the House.

The PRESIDING OFFICER (Mr. CRANSTON). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment and report will be printed in the RECORD.

The amendment (No. 670) is as follows:

#### AMENDMENT No. 670

At the end of the bill, add the following new sections:

Sec. 14. Section 6 of the War Claims Act of 1948 (50 App. U.S.C. 2005) is amended as follows:

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting immediately after subsection (e) the following new subsection:

"(f)(1) As used in this subsection—

"(A) the term 'Vietnam conflict' relates to the period beginning February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress; and

"(B) the term 'prisoner of war' means any regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces

of the United States who was held as a prisoner of war for any period of time during the Vietnam conflict by any force hostile to the United States, except any such member who, at any time, voluntarily, knowingly, and without duress, gave aid to or collaborated with, or in any manner served, such hostile force.

"(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by any prisoner of war for compensation for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to furnish him the quantity or quality of food prescribed for prisoners of war under the terms of the Geneva Convention of August 12, 1949. The compensation allowed to any prisoner of war under the provisions of this paragraph shall be at the rate of \$1 for each day on which he was held as a prisoner of war and on which such hostile force, or its agents, failed to furnish him such quantity or quality of food.

"(3) The Commission is authorized to receive and to determine, according to law, the amount and validity and provide for the payment of any claim filed by any prisoner of war for compensation—

"(A) for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to meet the conditions and requirements prescribed under chapter VIII, section III, of the Geneva Convention of August 12, 1949, relating to labor of prisoners of war; or

"(B) for inhumane treatment of by the hostile force by which he was held, or its agents. The term 'inhumane treatment' as used in this subparagraph shall include, but not be limited to, failure of such hostile force, or its agents, to meet the conditions and requirements of one or more the provisions of article 3, 12, 13, 14, 17, 19, 22, 23, 24, 25, 27, 29, 43, 44, 45, 46, 47, 48, 84, 85, 86, 87, 88, 89, 90, 97, or 98 of the Geneva Convention of August 12, 1949.

Compensation shall be allowed to any prisoner of war under this paragraph at the rate of \$1.50 per day for each day on which he was held as a prisoner of war and with respect to which he alleges and proves in a manner acceptable to the Commission the failure to meet the conditions and requirements described in subparagraph (A) of this paragraph or the inhumane treatment described in subparagraph (B) of this paragraph. In no event shall the compensation allowed to any prisoner of war under this paragraph exceed the sum of \$1.50 with respect to any one day.

"(4) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection and shall be paid by the Secretary of the Treasury to the person entitled thereto, and shall, in the case of death or determination of death of the persons who are entitled, be paid only to or for the benefit of the person specified, and in the order established, by subsection (d) (4) of this section.

"(5) Each claim filed under this subsection must be filed not later than three years from whichever of the following dates last occurs:

"(A) the date of enactment of this subsection;

"(B) the date the prisoner of war by whom the claim is filed returned to the jurisdiction of the Armed Forces of the United States; or

"(C) the date upon which the Department of Defense makes a determination that the prisoner of war has actually died or is presumed to be dead, in the case of any prisoner of war who has not returned to the jurisdiction of the Armed Forces of the United States.

The Commission shall complete its determi-

nations with respect to each claim filed under this subsection at the earliest practicable date, but in no event later than one year after the date on which such claim was filed.

"(6) Any claim allowed under the provisions of this subsection shall be paid from funds appropriated pursuant to paragraph (7) of this subsection.

"(7) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses."

Sec. 15. Section 6(e) of the War Claims Act of 1948 (50 App. U.S.C. 2005(e)) is amended as follows:

(1) In paragraph (1), strike out "except any such member" and insert in lieu thereof "or any person (military or civilian) assigned to duty in the U.S.S. *Pueblo* who was captured by the military forces of North Korea on January 23, 1968, and thereafter held prisoner by the Government of North Korea for any period of time ending on or before December 23, 1968, except any person".

(2) At the end of paragraph (5), add the following new subparagraph:

"(D) In the case of any person assigned to duty in the U.S.S. *Pueblo* referred to in paragraph (1) of this subsection, one year after the date of enactment of this subparagraph."

Sec. 16. Section 5 of the War Claims Act of 1948 (50 App. U.S.C. 2004) is amended—

(1) by striking out in subsection (e) "subsections (g) and (i)"; and

(2) by adding at the end thereof the following new subsection:

"(i) (1) As used in this subsection—

"(A) the term 'Vietnam conflict' relates to the period beginning on February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress; and

"(B) the term 'civilian American citizen' means any person who, being then a citizen of the United States, was captured in Southeast Asia during the Vietnam conflict by any force hostile to the United States, or who went into hiding in Southeast Asia in order to avoid capture or internment by any such hostile force, except (i) a person who voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force, or (ii) a regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States.

"(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by, or on behalf of, any civilian American citizen for detention benefits for any period of time subsequent to February 27, 1961, during which he was held by any such hostile force as a prisoner, internee, hostage, or in any other capacity, or remained in hiding to avoid capture or internment by any such hostile force.

"(3) The detention benefits allowed under paragraph (2) of this subsection shall be at the rate of \$60 for each calendar month.

"(4) The detention benefits allowed under paragraph (2) of this subsection shall be allowed to the civilian American citizen entitled thereto, or, in the event of his death, only to the following persons:

"(A) the widow or husband if there is no child or children of the deceased;

"(B) the widow or dependent husband and child or children of the deceased, one-half to the widow or dependent husband and the other half to the child or children in equal shares;

"(C) the child or children of the deceased in equal shares if there is no widow or dependent husband.



"(5) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection, and shall be paid to the person entitled thereto, except that if a person entitled to payment under this section is under any legal disability, payment shall be made in accordance with the provisions of subsection (e) of this section.

"(6) Each claim filed under this section must be filed not later than three years from whichever of the following dates last occurs:

"(A) the date of enactment of this subsection;

"(B) the date the civilian American citizen by whom the claim is filed returned to the jurisdiction of the United States; or

"(C) the date upon which the Commission, at the request of a potentially eligible survivor, makes a determination that the civilian American citizen has actually died or may be presumed to be dead, in the case of any civilian American citizen who has not returned to the jurisdiction of the United States.

The Commission shall complete its determinations for each claim filed under this subsection at the earliest practicable date, but not later than one year after the date on which such claim was filed.

"(7) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses."

The excerpt of the report, presented by Mr. BAYH, is as follows:

EXCERPT FROM HOUSE REPORT NO. 91-249

#### PRINCIPAL PURPOSE OF THE BILL

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

#### HEARINGS; AGENCY REPORTS; COST

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

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

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

The committee has considered the recommendations of the Commission, and has amended the bill appropriately; and has also considered the recommendation of the Department of Defense that enactment be deferred. The committee feels it is appropriate

for this legislation to be enacted at this time.

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

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

#### BACKGROUND

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

In 1954 the Congress amended the War Claims Act of 1948 to provide for the establishment of a similar program providing compensation to members of the Armed Forces held as prisoners of war by the forces of North Korea. The amounts and conditions for payment were the same as had been provided earlier for persons held prisoner during World War II, except that payments were to be made out of appropriated funds, since there were virtually no assets of North Korea in the United States available for this purpose. In addition, the 1954 amendments provided that no payments would be made to any individual who "voluntarily, knowingly, and without duress, gave aid to, collaborated with, or in any manner served" the forces of North Korea during his imprisonment. Payments were made under this program to 9,460 prisoners, or their survivors, totaling \$8,886,473.

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

Subsequent amendment to the Missing

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

#### PROVISIONS OF THE BILL

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

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

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

#### PROCEDURES OF THE COMMISSION

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

The test obviously excludes persons who voluntarily defect to the enemy, but does not exclude persons who surrender when faced with overwhelming odds. In addition, the legislation recognizes that through torture, whether physical or mental, and through deprivation of food, the will to resist of many, if not, most, men can be broken. Therefore, the legislation provides that, in order for benefits to be denied, the aid, collaboration, or service of the interests of the captors of the individual must have been

performed by the affected person voluntarily, knowingly, and without duress.

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

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

#### SECTION-BY-SECTION ANALYSIS

The first section of the reported bill would amend section 6 of the War Claims Act of 1948 by adding a new subsection (f) defining that terms "Vietnam conflict" and "prisoner of war." Paragraphs (2) and (3) of the new subsection (f) would prescribe the amounts of payment to individuals, and the conditions for payment of such benefits.

The subsection also provides for payments out of appropriations and requires that claims must be filed within 3 years from whichever occurs last, the date of enactment of the bill, the date of return of the prisoner to the jurisdiction of the United States, or in the event of death claims, the date of death as determined by the Department of Defense.

Section 2 of the bill provides for payment of war claims benefits to persons serving on board the U.S.S. *Pueblo* who were captured and held by the forces of North Korea during 1968. This covers not only the assigned members of the crew, but marines and civilians assigned to duty on board that vessel. Claims under this section must be filed within 1 year after date of enactment of the bill.

Section 3 of the bill provides for payment to civilians captured in Southeast Asia during the Vietnam conflict, who are held prisoner by the forces of North Vietnam. Bene-

fits are to be paid at the rate of \$60 per month, and are to be paid out of appropriated funds. Claims must be filed within 3 years from the date of enactment, the date of return to the jurisdiction of the United States, or the date determined to be the date of death, whichever last occurs.

#### DISCUSSION CONCERNING THE COST OF THE PRISONER-OF-WAR CLAIMS PROGRAM AS PROPOSED UNDER THE BILL

The total number of civilian internees and prisoners of war which will be covered under H.R. 4204, of course, will not be known until the end of the Vietnam conflict. Accordingly, the exact cost of the program cannot be estimated at this time.

The average number of prisoner-of-war days per prisoner during the Korean conflict was 556 days (approximately 1 year 6 months). Assuming 333 out of the 1,275 American military personnel who are classed as prisoners or missing were actually held as prisoners of war for the same number of days (556), the total number of prisoner-of-war days would be 185,148. Based on the foregoing figures, the estimated amount required to pay awards would be \$462,870.

With respect to the *Pueblo*, 81 members of the Armed Forces (of whom one died while in captivity) and two civilians were held prisoner for 11 months. The total cost of claims arising out of this incident should approximate \$68,675.

The Department of Defense listed a total of 8,818 members of the Armed Forces of the United States as having been originally reported as "missing in action" during the Korean conflict. Of this total, a determination of death was made in the case of approximately 7,000 individuals by the Department of Defense under the Missing Persons Act. Approximately 50 percent of the 7,000 presumptive death cases, or 3,500 military personnel, were determined to have died while in the hands of the opposing force. It was ascertained that virtually all deceased prisoners would have at least one survivor eligible to assert a claim authorized in the Korean conflict claims program.

In addition, the Department of Defense listed 4,953 members of the Armed Forces as having been captured or interned during the Korean conflict. Accordingly, the potential claim load was estimated at 8,500 eligible claimants. The average number of prisoner-of-war days per prisoner was estimated at 556, making a total of 4,723,000 compensable days at \$2.50 per day. The cost of the claims was estimated, therefore, at \$11,817,500.

Upon completion of the program, however, 9,460 awards had actually been made to prisoners or their survivors in the total amount of \$8,886,473, an amount approximately \$3 million less than had been previously estimated. The total amount included seven civilian internee claims amounting to \$16,774. The increased number of awards was due to the larger number of claims involving more than one survivor for deceased prisoners which had not been previously estimated.

Whether claims of prisoners of the Vietnam conflict will follow a similar pattern cannot be estimated at this time. Undoubtedly more detailed information concerning these prisoners will become available at some future date.

#### AGENCY REPORTS

##### FOREIGN CLAIMS SETTLEMENT, COMMISSION OF THE UNITED STATES, Washington, D.C., March 5, 1969.

HON. HARLEY O. STAGGERS,  
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Further reference is made to your request of February 12, 1969, for a report by the Foreign Claims Settlement Commission on the bill H.R. 4204, 91st

Congress, to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict.

In effect, the bill would provide for the payment of compensation at the rate of \$2.50 per day for every day a member of the Armed Forces of the United States was held as a prisoner of war by a hostile force from August 5, 1964, to some future date to be designated by the President or by the Congress.

In order to carry out the purpose of the bill certain amendments are proposed to subsection (e) of section 6 of title I of the War Claims Act of 1948, as amended, Subsection (e) of section 6 was added to the act by Public Law 83-615, approved August 21, 1954. Subsection (e) of section 6 authorized the Foreign Claims Settlement Commission to receive and determine the amount of any claim filed by any prisoner of war for compensation for the failure of the hostile force by which he was held as a prisoner of war during the Korean conflict, or its agents, to furnish him the quantity or quality of food prescribed for prisoners of war as prescribed under the terms of the Geneva Convention of July 27, 1929. Compensation is payable at the rate of \$1 for each day on which he was held as a prisoner of war and on which such hostile force, or its agents, failed to furnish him such quantity or quality of food.

Subsection (e) also provided an additional \$1.50 per day for each day on which he was held as a prisoner of war based on the failure of the hostile force to meet the conditions and requirements prescribed under the Geneva Convention of 1929 relating to the labor and treatment of such prisoners.

In case of death or determination of death of the person entitled to compensation, such compensation would be payable to certain specific survivors, including the widow, children, and parents of the deceased prisoner of war in that order of priority.

A "prisoner of war" is defined under the present provisions of subsection (e), paragraph (1), as "any regularly appointed, enrolled, enlisted or inducted member of the Armed Forces of the United States who was held as a prisoner of war for any period of time subsequent to June 25, 1950, by any hostile force with which the Armed Forces of the United States were actually engaged in armed conflict subsequent to such date and prior to the date of enactment of this subsection, except any such member who, at any time, voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force."

Payment of claims under subsection (e) of section 6 of the War Claims Act was authorized to be made out of appropriated funds.

The bill, H.R. 4204, proposes to amend the definition of a "prisoner of war" under subsection (e) (1) by making a technical change in the dates of coverage under the completed Korean prisoner of war program and those prisoners to be covered during the Vietnam conflict. Technical amendments are also proposed under subsection (e) (5) of the act to update the claims filing and completion provisions for the Vietnam prisoner-of-war claimants. In this connection, the Commission is required to complete its determinations with respect to each claim filed no later than 1 year after the date on which such claim was filed.

The Commission, after a study of the material contained in the State Department's so-called white paper on Vietnam prisoners of war ("Vietnam Information Notes," Office of Media Service, Bureau of Public Affairs, Department of State, No. 9, August 1967), the research material prepared by the Foreign Affairs Division, Legislative Reference Service, Library of Congress, as published in the CONGRESSIONAL RECORD, vol. 113, pt. 16, pp. 22041-48, and subsequent material, is of the



opinion that there has been a gross mistreatment of American servicemen who were captured and held as prisoners of war in Vietnam and that such servicemen be provided some measure of relief over and above their regular pay and allowances. Accordingly, the Commission would recommend that some measure of relief be provided to these individuals.

The Commission understands that there are estimated to be approximately 1,275 American servicemen who are either classed as prisoners of war or missing in North and South Vietnam. The total number of prisoners is not known because, generally, there has been no identification of such prisoners despite the provisions of the Geneva Conventions of 1929 and 1949 which require the detaining power to make such identity. It is known, however, that in addition to at least several eligible survivors, a few prisoners have been released or escaped their captors and they, therefore, would be in a position to file claims for benefits within a short time after the enactment of H.R. 4204.

The attention of the committee is also invited to the fact that a number of civilian American citizens have been stationed in Vietnam during the past 7 or 8 years. Although the Commission has no specific information concerning the approximate number of these civilians or their present status, it is known, however, that some of these civilians have been, or are being, held by hostile forces in Vietnam as well as in other areas in Southeast Asia.

Claims of civilian American citizens who were captured by the Japanese on U.S. territories and possessions and interned during World War II were provided for under section 5 (a) through (e) of title I of the War Claims Act of 1948, as amended. Section 5 (g) of the act also provided compensation to civilian American citizens who were captured in Korea on or after June 26, 1950, by a hostile force. Compensation for both the World War II and Korean conflict civilian internees was payable at the rate of \$60 for each calendar month during which a civilian American citizen was at least 18 years of age and at the rate of \$25 per month for each calendar month during which such citizen was under 18 years of age.

Precedents for these claims have long been established by the Congress. Accordingly, the Commission recommends that consideration be given to the inclusion of the claims of civilian American citizens under the bill.

The Commission also recommends to the committee that reference be made to the Geneva Convention of August 12, 1949, instead of the Geneva Convention of July 27, 1929. In this connection, the Commission understands that the Government in North Vietnam is a party to the Geneva Convention of August 12, 1949, having acceded to it on June 28, 1957. Consequently, the bases for payment would be violations of the convention of 1949 instead of the failure of a hostile force to meet the conditions and requirements prescribed in the 1929 convention as is presently provided under subsection (e) of section 6 of the act. The recommendation, therefore, would be to substitute language similar to that contained under subsections (d) (2) and (d) (3) of section 6 for subsection (e) of section 6 as well as the substitution of the 1949 convention for the 1929 convention. This would also require certain changes in the act to include the appropriate articles of the later convention.

The committee may also wish to consider the fact that the date of February 28, 1961, has been used in other legislation as the beginning date of the Vietnam conflict and marks the appropriate date when American military advisers began to accompany their Vietnamese counterparts on military operations. Accordingly, it is recommended that the date of "February 28, 1961" be sub-

stituted for the date of "August 5, 1964" as it appears on line 1, page 2 of the bill.

The committee's attention is also invited to the bill, H.R. 6295, which was introduced on February 5, 1969, by Representative Tunney. This bill proposed a payment of \$16 for each day a member of a uniformed service is in a "missing status." This would include members who were captured, beleaguered, or besieged by a hostile force, who were in such "missing status" before and after August 23, 1964. The bill which is presently pending before the Committee on Armed Services, would amend title 37 of the United States Code (Pay and Allowances of the Uniformed Services) to provide such compensation. Whether this bill would duplicate the purpose of H.R. 4204 the Commission cannot determine at this time.

While the Commission is in full agreement with the intent and purpose of H.R. 4204 and would recommend its enactment, it nevertheless favors a broader coverage of these claims as reflected in its recommendations outlined above.

Whether the committee may wish to consider the inclusion of these recommendations in the bill is, of course, a matter within the prerogative of the committee.

The committee is informed that time has not permitted securing advice from the Bureau of the Budget as to the relationship of the pending legislation or the report to the program of the President.

Sincerely yours,

LEONARD V.B. SUTTON,  
Chairman.

GENERAL COUNSEL OF THE  
DEPARTMENT OF DEFENSE,  
Washington, D.C., March 5, 1969.

HON. HARLEY O. STAGGERS,  
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of Defense on H.R. 4204, 91st Congress, a bill to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict.

The bill, if enacted, would grant any member of the Armed Forces of the United States who was held a prisoner of war for any period of time between August 5, 1964, and the official ending of the Vietnam conflict, the same benefits granted to authorized prisoners of war captured during World War II and the Korean conflict. Benefits under this bill would consist of \$1 per day of captivity for inadequate food and \$1.50 per day of captivity for forced labor or inhumane treatment contrary to the Geneva Convention. The prisoner must have been captured by a hostile force with which the United States was actually engaged in armed conflict.

The date of August 5, 1964, and the provision that the prisoner of war must have been captured "by a hostile force with which the Armed Forces of the United States were actually engaged in armed conflict" would exclude a number of men now prisoners of war and some of those who have returned from captivity who were captured prior to August 5, 1964. In the view of the Department of Defense, this would be unfair. It is understood that the Foreign Claims Settlement Commission is recommending the insertion of the date, February 28, 1961. The Department of Defense concurs in this recommendation.

The benefits of \$1 and \$1.50 per day (maximum total \$2.50 per day) under this bill would be the same as those authorized for World War II and the Korean conflict. These rates are relatively low by today's standards.

Payments such as these to prisoners of war of World War II and the Korean conflict were not authorized by law until after the cessation of hostilities. This bill, if enacted now,

would alter this precedent in that it would provide for payment before the hostilities in Vietnam are terminated. It is noted further that the bill does not cover civilian internees as has been the case in the past. It is believed that the procedure noted above; that is, enactment of such legislation after cessation of hostilities in Southeast Asia would be more appropriate. Accordingly the Department of Defense recommends that enactment of the proposed legislation be deferred.

The fiscal effects of this legislation cannot be calculated by the Department of Defense at this time.

The Bureau of the Budget advises that time has not permitted determination of the relationship of the proposal to the administration's program.

Sincerely,

L. NIEDERLEHNER,  
Acting General Counsel.

EXECUTIVE OFFICE OF  
THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D.C., March 12, 1969.

HON. HARLEY O. STAGGERS,  
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your February 12, 1969, letter requesting a report on H.R. 4204, a bill to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict.

In reporting to your committee, the Foreign Claims Settlement Commission stated that while in full agreement with the bill's intent and purpose, it favors broadening its coverage to include American civilians captured in Vietnam, and recommends that the effective date of the bill's coverage be February 28, 1961, rather than August 5, 1964, as in the introduced bill. The Department of Defense, in its report to your committee, held the same view as FCSC on a desirable effective date for the bill's coverage, questioned the appropriateness of the \$2.50 per day benefits rate, and noted that the bill does not cover civilian internees as in the past. Defense further stated that such payments in the past have not been authorized by law until after the cessation of hostilities, that such a procedure would be more appropriate with respect to the Vietnam conflict than enactment at this time, and the Department therefore recommended that the bill's enactment be deferred.

Subject to the committee's consideration of the points raised in the Foreign Claims Settlement Commission and Department of Defense reports, the Bureau of the Budget would not object to the enactment of H.R. 4204.

Sincerely yours,

WILFRED H. ROMMEL,  
Assistant Director for  
Legislative Reference.

OFFICE OF THE DEPUTY ATTORNEY  
GENERAL,  
Washington, D.C., March 17, 1969.

HON. HARLEY O. STAGGERS,  
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on H.R. 4204, a bill to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict.

Section 2005 of the War Claims Act of 1948 authorizes the Foreign Claims Settlement Commission to receive and adjudicate the claims of prisoners of war for compensation at the rate of \$1 a day for the violation by enemy governments of their obligation to furnish such prisoners of war with the quan-

tity or quality of food to which they are entitled under the terms of the Geneva Convention of July 27, 1929. By definition, the term "prisoner of war" is limited to members of the military and naval forces of the United States who were held as prisoners of war by enemy governments during World War II and the Korean war. The proposed bill would extend the benefits of section 2005 to members of the Armed Forces of the United States who have been held as prisoners of war at any time during the Vietnam conflict.

Whether this legislation should be enacted involves questions as to which the Department of Justice defers to the Foreign Claims Settlement Commission.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

RICHARD G. KLEINDIENST,  
Deputy Attorney General.

#### APPENDIX A

##### GENEVA CONVENTION OF AUGUST 12, 1949

For the information of the Members of the House, some of the relevant provisions of the Geneva Convention of August 12, 1949, referred to in this legislation are set forth below:

##### GENEVA CONVENTION OF AUGUST 12, 1949

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of revising the Convention concluded at Geneva on July 27, 1929, relative to the Treatment of Prisoners of War, have agreed as follows:

#### PART I

##### GENERAL PROVISIONS

##### ARTICLE 1

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

##### ARTICLE 2

In addition to the provisions which shall be implemented in peace time, the present Convention shall apply 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.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

##### ARTICLE 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(b) taking of hostages;

(c) outrages upon personal dignity, in particular, humiliating and degrading treatment;

(d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

#### ARTICLE 4

A. Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy:

(1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.

(2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfill the following conditions:

(a) that of being commanded by a person responsible for his subordinates;

(b) that of having a fixed distinctive sign recognizable at a distance;

(c) that of carrying arms openly;

(d) that of conducting their operations in accordance with the laws and customs of war.

(3) Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power.

(4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model.

#### PART II

##### GENERAL PROTECTION OF PRISONERS OF WAR

##### ARTICLE 12

Prisoners of war are in the hands of the enemy Power, but not of the individuals or military units who have captured them. Irrespective of the individual responsibilities that may exist, the Detaining Power is responsible for the treatment given them.

Prisoners of war may only be transferred by the Detaining Power to a Power which is a party to the Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the Convention. When prisoners of war are transferred under such circumstances, responsibility for the application of the Convention rests on the Power accepting them while they are in its custody.

Nevertheless, if that Power fails to carry out the provisions of the Convention in any important respect, the Power by whom the prisoners of war were transferred shall, upon being notified by the Protecting Power, take effective measures to correct the situation

or shall request the return of the prisoners of war. Such request must be complied with.

#### ARTICLE 13

Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest.

Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity.

Measures of reprisal against prisoners of war are prohibited.

#### ARTICLE 14

Prisoners of war are entitled in all circumstances to respect for their persons and their honour.

Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favourable as that granted to men.

Prisoners of war shall retain the full civil capacity which they enjoyed at the time of their capture. The Detaining Power may not restrict the exercise, either within or without its own territory, of the rights such capacity confers except in so far as the captivity requires.

#### ARTICLE 15

The Power detaining prisoners of war shall be bound to provide free of charge for their maintenance and for the medical attention required by their state of health.

#### ARTICLE 16

Taking into consideration the provisions of the present Convention relating to rank and sex, and subject to any privileged treatment which may be accorded to them by reason of their state of health, age or professional qualifications, all prisoners of war shall be treated alike by the Detaining Power, without any adverse distinction based on race, nationality, religious belief or political opinions, or any other distinction founded on similar criteria.

#### PART III

##### CAPTIVITY

##### SECTION I—BEGINNING OF CAPTIVITY

##### ARTICLE 17

Every prisoner of war, when questioned on the subject, is bound to give only his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information.

If he wilfully infringes this rule, he may render himself liable to a restriction of the privileges accorded to his rank or status.

Each Party to a conflict is required to furnish the persons under its jurisdiction who are liable to become prisoners of war, with an identity card showing the owner's surname, first names, rank, army, regimental, personal or serial number or equivalent information, and date of birth. The identity card may, furthermore, bear the signature or the fingerprints, or both, of the owner, and may bear, as well, any other information the Party to the conflict may wish to add concerning persons belonging to its armed forces. As far as possible the card shall measure 6.5 x 10 cm. and shall be issued in duplicate. The identity card shall be shown by the prisoner of war upon demand, but may in no case be taken away from him.

No physical or mental torture nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant



ant or disadvantageous treatment of any kind.

Prisoners of war who, owing to their physical or mental condition, are unable to state their identity, shall be handed over to the medical service. The identity of such prisoners shall be established by all possible means, subject to the provisions of the preceding paragraph.

The questioning of prisoners of war shall be carried out in a language which they understand.

#### ARTICLE 18

All effects and articles of personal use, except arms, horses, military equipment and military documents, shall remain in the possession of prisoners of war, likewise their metal helmets and gas masks and like articles issued for personal protection. Effects and articles used for their clothing or feeding shall likewise remain in their possession, even if such effects and articles belong to their regulation military equipment.

At no time should prisoners of war be without identity documents. The Detaining Power shall supply such documents to prisoners of war who possess none.

Badges of rank and nationality, decorations and articles having above all a personal or sentimental value may not be taken from prisoners of war.

Sums of money carried by prisoners of war may not be taken away from them except by order of an officer, and after the amount and particulars of the owner have been recorded in a special register and an itemized receipt has been given, legibly inscribed with the name, rank and unit of the person issuing the said receipt. Sums in the currency of the Detaining Power, or which are changed into such currency at the prisoner's request, shall be placed to the credit of the prisoner's account as provided in Article 64.

The Detaining Power may withdraw articles of value from prisoners of war only for reasons of security; when such articles are withdrawn, the procedure laid down for sums of money impounded shall apply.

Such objects, likewise sums taken away in any currency other than that of the Detaining Power and the conversion of which has not been asked for by the owners, shall be kept in the custody of the Detaining Power and shall be returned in their initial shape to prisoners of war at the end of their captivity.

#### ARTICLE 19

Prisoners of war shall be evacuated, as soon as possible after their capture, to camps situated in an area far enough from the combat zone for them to be out of danger.

Only those prisoners of war who, owing to wounds or sickness, would run greater risks by being evacuated than by remaining where they are, may be temporarily kept back in a danger zone.

Prisoners of war shall not be unnecessarily exposed to danger while awaiting evacuation from a fighting zone.

#### ARTICLE 20

The evacuation of prisoners of war shall always be effected humanely and in conditions similar to those for the forces of the Detaining Power in their changes of station.

The Detaining Power shall supply prisoners of war who are being evacuated with sufficient food and potable water, and with the necessary clothing and medical attention. The Detaining Power shall take all suitable precautions to ensure their safety during evacuation, and shall establish as soon as possible a list of the prisoners of war who are evacuated.

If prisoners of war must, during evacuation, pass through transit camps, their stay in such camps shall be as brief as possible.

### SECTION II—INTERNMENT OF PRISONERS OF WAR

#### Chapter I—General Observations

##### ARTICLE 21

The Detaining Power may subject prisoners of war to internment. It may impose on them the obligation of not leaving, beyond certain limits, the camp where they are interned, or if the said camp is fenced in, of not going outside its perimeter. Subject to the provisions of the present Convention relative to penal and disciplinary sanctions, prisoners of war may not be held in close confinement except where necessary to safeguard their health and then only during the continuation of the circumstances which make such confinement necessary.

Prisoners of war may be partially or wholly released on parole or promise, in so far as is allowed by the laws of the Power on which they depend. Such measures shall be taken particularly in cases where this may contribute to the improvement of their state of health. No prisoner of war shall be compelled to accept liberty on parole or promise.

Upon the outbreak of hostilities, each Party to the conflict shall notify the adverse Party of the laws and regulations allowing or forbidding its own nationals to accept liberty on parole or promise. Prisoners of war who are paroled or who have given their promise in conformity with the laws and regulations so notified, are bound on their personal honour scrupulously to fulfil, both towards the Power on which they depend and towards the Power which has captured them, the engagements of their paroles or promises. In such cases, the Power on which they depend is bound neither to require nor to accept from them any service incompatible with the parole or promise given.

##### ARTICLE 22

Prisoners of war may be interned only in premises located on land and affording every guarantee of hygiene and healthfulness. Except in particular cases which are justified by the interest of the prisoners themselves, they shall not be interned in penitentiaries.

Prisoners of war interned in unhealthy areas, or where the climate is injurious for them, shall be removed as soon as possible to a more favourable climate.

The Detaining Power shall assemble prisoners of war in camps or camp compounds according to their nationality, language and customs, provided that such prisoners shall not be separated from prisoners of war belonging to the armed forces with which they were serving at the time of their capture, except with their consent.

##### ARTICLE 23

No prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations.

Prisoners of war shall have shelters against air bombardment and other hazards of war, to the same extent as the local civilian population. With the exception of those engaged in the protection of their quarters against the aforesaid hazards, they may enter such shelters as soon as possible after the giving of the alarm. Any other protective measure taken in favour of the population shall also apply to them.

Detaining Powers shall give the Powers concerned, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of prisoner of war camps.

Whenever military considerations permit, prisoner of war camps shall be indicated in the day-time by the letters PW or PG, placed so as to be clearly visible from the Air. The Powers concerned may, however, agree upon

any other system of marking. Only prisoner of war camps shall be marked as such.

##### ARTICLE 24

Transit or screening camps of a permanent kind shall be fitted out under conditions similar to those described in the present Section, and the prisoners therein shall have the same treatment as in other camps.

#### Chapter II—Quarters, Food and Clothing of Prisoners of War

##### ARTICLE 25

Prisoners of war shall be quartered under conditions as favourable as those for the forces of the Detaining Power who are billeted in the same area. The said conditions shall make allowance for the habits and customs of the prisoners and shall in no case be prejudicial to their health.

The foregoing provisions shall apply in particular to the dormitories of prisoners of war as regards both total surface and minimum cubic space, and the general installations, bedding and blankets.

The premises provided for the use of prisoners of war individually or collectively, shall be entirely protected from dampness and adequately heated and lighted, in particular between dusk and lights out. All precautions must be taken against the danger of fire.

In any camps in which women prisoners of war, as well as men, are accommodated, separate dormitories shall be provided for them.

##### ARTICLE 26

The basic daily food rations shall be sufficient in quantity, quality and variety to keep prisoners of war in good health and to prevent loss of weight or the development of nutritional deficiencies. Account shall also be taken of the habitual diet of the prisoners.

The Detaining Power shall supply prisoners of war who work with such additional rations as are necessary for the labour on which they are employed.

Sufficient drinking water shall be supplied to prisoners of war. The use of tobacco shall be permitted.

Prisoners of war shall, as far as possible, be associated with the preparation of their meals; they may be employed for that purpose in the kitchens. Furthermore, they shall be given the means of preparing, themselves, the additional food in their possession.

Adequate premises shall be provided for messing.

Collective disciplinary measures affecting food are prohibited.

##### ARTICLE 27

Clothing, underwear and footwear shall be supplied to prisoners of war in sufficient quantities by the Detaining Power, which shall make allowance for the climate of the region where the prisoners are detained. Uniforms of enemy armed forces captured by the Detaining Power should, if suitable for the climate, be made available to clothe prisoners of war.

The regular replacement and repair of the above articles shall be assured by the Detaining Power. In addition, prisoners of war who work shall receive appropriate clothing, wherever the nature of the work demands.

#### Chapter III—Hygiene and Medical Attention

##### ARTICLE 28

The Detaining Power shall be bound to take all sanitary measures necessary to ensure the cleanliness and healthfulness of camps and to prevent epidemics.

Prisoners of war shall have for their use, day and night, conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness. In any camps in which women prisoners of war are accommodated, separate conveniences shall be provided for them.

Also, apart from the baths and showers with which the camps shall be furnished, prisoners of war shall be provided with sufficient water and soap for their personal toilet and for washing their personal laundry; the necessary installations, facilities and time shall be granted them for that purpose.

#### ARTICLE 30

Every camp shall have an adequate infirmary where prisoners of war may have the attention they require, as well as appropriate diet. Isolation wards, shall, if necessary, be set aside for cases of contagious or mental disease.

Prisoners of war suffering from serious disease, or whose condition necessitates special treatment, a surgical operation or hospital care, must be admitted to any military or civilian medical unit where such treatment can be given, even if their repatriation is contemplated in the near future. Special facilities shall be afforded for the care to be given to the disabled, in particular to the blind, and for their rehabilitation, pending repatriation.

Prisoners of war shall have the attention, preferably, of medical personnel of the Power on which they depend and, if possible, of their nationality.

Prisoners of war may not be prevented from presenting themselves to the medical authorities for examination. The detaining authorities shall, upon request, issue to every prisoner who has undergone treatment, an official certificate indicating the nature of his illness or injury, and the duration and kind of treatment received. A duplicate of this certificate shall be forwarded to the Central Prisoners of War Agency.

The costs of treatment, including those of any apparatus necessary for the maintenance of prisoners of war in good health, particularly dentures and other artificial appliances, and spectacles, shall be borne by the Detaining Power.

#### ARTICLE 31

Medical inspections of prisoners of war shall be held at least once a month. They shall include the checking and the recording of the weight of each prisoner of war.

#### ARTICLE 40

The wearing of badges of rank and nationality, as well as of decorations, shall be permitted.

#### ARTICLE 41

In every camp the text of the present Convention and its Annexes and the contents of any special agreement provided for in Article 6, shall be posted, in the prisoners' own language, in places where all may read them. Copies shall be supplied, on request, to the prisoners who cannot have access to the copy which has been posted.

Regulations, orders, notices and publications of every kind relating to the conduct of prisoners of war shall be issued to them in a language which they understand. Such regulations, orders and publications shall be posted in the manner described above and copies shall be handed to the prisoners' representative. Every order and command addressed to prisoners of war individually must likewise be given in a language which they understand.

#### ARTICLE 42

The use of weapons against prisoners of war, especially against those who are escaping or attempting to escape, shall constitute an extreme measure, which shall always be preceded by warnings appropriate to the circumstances.

#### Chapter VII—Rank of Prisoners of War

#### ARTICLE 43

Upon the outbreak of hostilities, the Parties to the conflict shall communicate to one

another the titles and ranks of all the persons mentioned in Article 4 of the present Convention, in order to ensure equality of treatment between prisoners of equivalent rank. Titles and ranks which are subsequently created shall form the subject of similar communications.

The Detaining Power shall recognize promotions in rank which have been accorded to prisoners of war and which have been duly notified by the Power on which these prisoners depend.

#### ARTICLE 44

Officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

In order to ensure service in officers' camps, other ranks of the same armed forces who, as far as possible, speak the same language, shall be assigned in sufficient numbers, account being taken of the rank of officers and prisoners of equivalent status. Such orderlies shall not be required to perform any other work.

Supervision of the mess by the officers themselves shall be facilitated in every way.

#### ARTICLE 45

Prisoners of war other than officers and prisoners of equivalent status shall be treated with the regard due to their rank and age.

Supervision of the mess by the prisoners themselves shall be facilitated in every way.

#### Chapter VIII—Transfer of Prisoners of War After Their Arrival in Camp

#### ARTICLE 46

The Detaining Power, when deciding upon the transfer of prisoners of war, shall take into account the interests of the prisoners themselves, more especially so as not to increase the difficulty of their repatriation.

The transfer of prisoners of war shall always be effected humanely and in conditions not less favourable than those under which the forces of the Detaining Power are transferred. Account shall always be taken of the climatic conditions to which the prisoners of war are accustomed and the conditions of transfer shall in no case be prejudicial to their health.

The Detaining Power shall supply prisoners of war during transfer with sufficient food and drinking water to keep them in good health, likewise with the necessary clothing, shelter and medical attention. The Detaining Power shall take adequate precautions especially in case of transport by sea or by air, to ensure their safety during transfer, and shall draw up a complete list of all transferred prisoners before their departure.

#### ARTICLE 47

Sick or wounded prisoners of war shall not be transferred as long as their recovery may be endangered by the journey, unless their safety imperatively demands it.

If the combat zone draws closer to a camp, the prisoners of war in the said camp shall not be transferred unless their transfer can be carried out in adequate conditions of safety, or unless they are exposed to greater risks by remaining on the spot than by being transferred.

#### ARTICLE 48

In the event of transfer, prisoners of war shall be officially advised of their departure and of their new postal address. Such notifications shall be given in time for them to pack their luggage and inform their next of kin.

They shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them. The weight of such baggage may be limited, if the conditions of transfer so require, to what each prisoner can reasonably carry, which shall in no case be more than twenty-five kilograms per head.

Mail and parcels addressed to their former camp shall be forwarded to them without delay. The camp commander shall take, in agreement with the prisoners' representative, any measures needed to ensure the transport of the prisoners' community property and of the luggage they are unable to take with them in consequence of restrictions imposed by virtue of the second paragraph of this Article.

The costs of transfers shall be borne by the Detaining Power.

#### SECTION III—LABOUR OF PRISONERS OF WAR

#### ARTICLE 49

The Detaining Power may utilize the labour of prisoners of war who are physically fit, taking into account their age, sex, rank and physical aptitude, and with a view particularly to maintaining them in a good state of physical and mental health.

Non-commissioned officers who are prisoners of war shall only be required to do supervisory work. Those not so required may ask for other suitable work which shall, so far as possible, be found for them.

If officers or persons of equivalent status ask for suitable work, it shall be found for them, so far as possible, but they may in no circumstances be compelled to work.

#### ARTICLE 50

Besides work connected with camp administration, installation or maintenance, prisoners of war may be compelled to do only such work as is included in the following classes:

- (a) agriculture;
- (b) industries connected with the production or the extraction of raw materials, and manufacturing industries, with the exception of metallurgical, machinery and chemical industries; public works and building operations which have no military character or purpose;
- (c) transport and handling of stores which are not military in character or purpose;
- (d) commercial business, and arts and crafts;
- (e) domestic service;
- (f) public utility services having no military character or purpose.

Should the above provisions be infringed, prisoners of war shall be allowed to exercise their right of complaint, in conformity with Article 78.

#### ARTICLE 51

Prisoners of war must be granted suitable working conditions, especially as regards accommodation, food, clothing and equipment; such conditions shall not be inferior to those enjoyed by nationals of the Detaining Power employed in similar work; account shall also be taken of climate conditions.

The Detaining Power, in utilizing the labour of prisoners of war, shall ensure that in areas in which such prisoners are employed, the national legislation concerning the protection of labour, and, more particularly, the regulations for the safety of workers, are duly applied.

Prisoners of war shall receive training and be provided with the means of protection suitable to the work they will have to do and similar to those accorded to the nationals of the Detaining Power. Subject to the provisions of Article 52, prisoners may be submitted to the normal risks run by these civilian workers.

Conditions of labour shall in no case be rendered more arduous by disciplinary measures.

#### ARTICLE 52

Unless he be a volunteer, no prisoner of war may be employed on labour which is of an unhealthy or dangerous nature.

No prisoner of war shall be assigned to labour which would be looked upon as humiliating for a member of the Detaining Power's own forces.



The removal of mines or similar devices shall be considered as dangerous labour.

## ARTICLE 53

The duration of the daily labour of prisoners of war, including the time of the journey to and fro, shall not be excessive, and must in no case exceed that permitted for civilian workers in the district, who are nationals of the Detaining Power and employed on the same work.

Prisoners of war must be allowed, in the middle of the day's work, a rest of not less than one hour. This rest will be the same as that to which workers of the Detaining Power are entitled, if the latter is of longer duration. They shall be allowed in addition a rest of twenty-four consecutive hours every week, preferably on Sunday or the day of rest in their country of origin. Furthermore, every prisoner who has worked for one year shall be granted a rest of eight consecutive days, during which his working pay shall be paid him.

If methods of labour such as piece work are employed, the length of the working period shall not be rendered excessive thereby.

## ARTICLE 54

The working pay due to prisoners of war shall be fixed in accordance with the provisions of Article 62 of the present Convention.

Prisoners of war who sustain accidents in connection with work, or who contract a disease in the course, or in consequence of their work, shall receive all the care their condition may require. The Detaining Power shall furthermore deliver to such prisoners of war a medical certificate enabling them to submit their claims to the Power on which they depend, and shall send a duplicate to the Central Prisoners of War Agency provided for in Article 123.

## ARTICLE 55

The fitness of prisoners of war for work shall be periodically verified by medical examinations at least once a month. The examinations shall have particular regard to the nature of the work which prisoners of war are required to do.

If any prisoner of war considers himself incapable of working, he shall be permitted to appear before the medical authorities of his camp. Physicians or surgeons may recommend that the prisoners who are, in their opinion, unfit for work, be exempted therefrom.

## ARTICLE 56

The organization and administration of labour detachments shall be similar to those of prisoner of war camps.

Every labour detachment shall remain under the control of and administratively part of a prisoner of war camp. The military authorities and the commander of the said camp shall be responsible, under the direction of their government, for the observance of the provisions of the present Convention in labour detachments.

The camp commander shall keep an up-to-date record of the labour detachments dependent on his camp, and shall communicate it to the delegates of the Protecting Power, of the International Committee of the Red Cross, or of other agencies giving relief to prisoners of war, who may visit the camp.

## ARTICLE 57

The treatment of prisoners of war who work for private persons, even of the latter are responsible for guarding and protecting them, shall not be inferior to that which is provided for by the present Convention. The Detaining Power, the military authorities and the commander of the camp to which such prisoners belong shall be entirely responsible for the maintenance, care, treatment, and payment of the working pay of such prisoners of war.

Such prisoners of war shall have the right to remain in communication with the pris-

oners' representatives in the camps on which they depend.

## CHAPTER III

## PENAL AND DISCIPLINARY SANCTIONS

## ARTICLE 58

A prisoner of war shall be tried only by a military court, unless the existing laws of the Detaining Power expressly permit the civil courts to try a member of the armed forces of the Detaining Power in respect of the particular offence alleged to have been committed by the prisoner of war.

In no circumstances whatever shall a prisoner of war be tried by a court of any kind which does not offer the essential guarantees of independence and impartiality as generally recognized, and, in particular, the procedure of which does not afford the accused the right and means of defence provided for in Article 105.

## ARTICLE 59

Prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture shall retain, even if convicted, the benefits of the present Convention.

## ARTICLE 60

No prisoner of war may be punished more than once for the same act or on the same charge.

## ARTICLE 61

Prisoners of war may not be sentenced by the military authorities and courts of the Detaining Power to any penalties except those provided for in respect of members of the armed forces of the said Power who have committed the same acts.

When fixing the penalty, the courts or authorities of the Detaining Power shall take into consideration, to the widest extent possible, the fact that the accused, not being a national of the Detaining Power, is not bound to it by any duty of allegiance, and that he is in its power as the result of circumstances independent of his own will. The said courts or authorities shall be at liberty to reduce the penalty provided for the violation of which the prisoner of war is accused, and shall therefore not be bound to apply the minimum penalty prescribed.

Collective punishment for individual acts, corporal punishment, imprisonment in premises without daylight and, in general, any form of torture or cruelty, are forbidden.

No prisoner of war may be deprived of his rank by the Detaining Power, or prevented from wearing his badges.

## ARTICLE 62

Officers, non-commissioned officers and men who are prisoners of war undergoing a disciplinary or judicial punishment, shall not be subjected to more severe treatment than that applied in respect of the same punishment to members of the armed forces of the Detaining Power of equivalent rank.

A woman prisoner of war shall not be awarded or sentenced to a punishment more severe, or treated whilst undergoing punishment more severely, than a woman member of the armed forces of the Detaining Power dealt with for a similar offence.

In no case may a woman prisoner of war be awarded or sentenced to a punishment more severe, or treated whilst undergoing punishment more severely, than a male member of the armed forces of the Detaining Power dealt with for a similar offence.

Prisoners of war who have served disciplinary or judicial sentences may not be treated differently from other prisoners of war.

## II. Disciplinary Sanctions

## ARTICLE 63

The disciplinary punishments applicable to prisoners of war are the following:

- (1) A fine which shall not exceed 50 per

cent of the advances of pay and working pay which the prisoners of war would otherwise receive under the provisions of Articles 60 and 62 during a period of not more than thirty days.

(2) Discontinuance of privileges granted over and above the treatment provided for by the present Convention.

(3) Fatigue duties not exceeding two hours daily.

(4) Confinement.

The punishment referred to under (3) shall not be applied to officers.

In no case shall disciplinary punishments be inhuman, brutal or dangerous to the health of prisoners of war.

## ARTICLE 64

The duration of any single punishment shall in no case exceed thirty days. Any period of confinement awaiting the hearing of a disciplinary offence or the award of disciplinary punishment shall be deducted from an award pronounced against a prisoner of war.

The maximum of thirty days provided above may not be exceeded, even if the prisoner of war is answerable for several acts at the same time when he is awarded punishment, whether such acts are related or not.

The period between the pronouncing of an award of disciplinary punishment and its execution shall not exceed one month.

When a prisoner of war is awarded a further disciplinary punishment, a period of at least three days shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

## ARTICLE 65

Prisoners of war shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishment therein.

All premises in which disciplinary punishments are undergone shall conform to the sanitary requirements set forth in Article 25. A prisoner of war undergoing punishment shall be enabled to keep himself in a state of cleanliness, in conformity with Article 29.

Officers and persons of equivalent status shall not be lodged in the same quarters as non-commissioned officers or men.

Women prisoners of war undergoing disciplinary punishment shall be confined in separate quarters from male prisoners of war and shall be under the immediate supervision of women.

## ARTICLE 66

A prisoner of war undergoing confinement as a disciplinary punishment, shall continue to enjoy the benefits of the provisions of this Convention except in so far as these are necessarily rendered inapplicable by the mere fact that he is confined. In no case may he be deprived of the benefits of the provisions of Articles 78 and 126.

A prisoner of war awarded disciplinary punishment may not be deprived of the prerogatives attached to his rank.

Prisoners of war awarded disciplinary punishment shall be allowed to exercise and to stay in the open air at least two hours daily.

They shall be allowed, on their request, to be present at the daily medical inspections. They shall receive the attention which their state of health requires and, if necessary, shall be removed to the camp infirmary or to a hospital.

They shall have permission to read and write, likewise to send and receive letters. Parcels and remittances of money, however, may be withheld from them until the completion of the punishment; they shall meanwhile be entrusted to the prisoners' representatives, who will hand over to the infirmary the perishable goods contained in such parcels.

## APPENDIX B

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## SECTIONS 5 AND 6 OF THE WAR CLAIMS ACT OF 1948 (50 APP. U.S.C. 2004 AND 2005)

## INTERNEES

Sec. 5. (a) As used in subsections (b) and (f) of this section, the term "civilian American citizen" means any person who, being then a citizen of the United States, was captured by the Imperial Japanese Government on or after December 7, 1941, at Midway, Guam, Wake Island, the Philippine Islands, or any Territory or possession of the United States attacked or invaded by such government, or while in transit to or from any such place, or who went into hiding at any such place in order to avoid capture or internment by such government; except (1) a person who at any time voluntarily gave aid to, collaborated with, or in any manner served such government, or (2) a person who at the time of his capture or entrance into hiding was a regularly appointed, enrolled, enlisted, or inducted member of any military or naval force.

(b) The Commission is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by, or on behalf of, any civilian American citizen for detention benefits for any period of time subsequent to December 6, 1941, during which he was held by the Imperial Japanese Government as a prisoner, internee, hostage, or in any other capacity, or remained in hiding to avoid being captured or interned by such Imperial Japanese Government.

(c) The detention benefit allowed to any person under the provisions of subsection (b) shall be at the rate of \$60 for each calendar month during which such person was at least eighteen years of age and at the rate of \$25 per month for each calendar month during which such person was less than eighteen years of age.

(d) The detention benefits allowed under subsection (b) shall be allowed to the person entitled thereto, or, in the event of his death, only to the following persons:

(1) Widow or husband if there is no child or children of the deceased;

(2) Widow or husband and child or children of the deceased, one-half to the widow or husband and the other half to the child or children in equal shares;

(3) Child or children of the deceased (in equal shares) if there is no widow or husband and;

(4) Parents (in equal shares) if there is no husband, or child.

(e) Any claim allowed by the Commission under this section (except under [subsection (g)] subsections (g) and (i)) shall be certified to the Secretary of the Treasury for payment out of the war claims funds established by section 13 of this Act, and shall be payable by the Secretary of the Treasury to the person entitled thereto; except that where the person entitled to payment is under any legal disability, any part of the amount payable may, in the discretion of the Commission, be paid for the use of the claimant, to the natural or legal guardian, committee, conservator, or curator of the claimant, or, if there is no such guardian, committee, conservator, or curator, then the Commission may, in its discretion, make payment to any other person, including the spouse of such claimant, whom the Commission may determine is vested with the care of the claimant or his estate for the use and benefit of such claimant or estate; and

if such person is a minor, any part of the amount payable may, in the discretion of the Commission, be paid to such minor.

(f) (1) Except as otherwise provided in this subsection, the provisions of titles I and II of the Act entitled "An Act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes", approved December 2, 1942, as amended, are extended and shall apply with respect to the injury, disability, or death resulting from injury of a civilian American citizen occurring while he was held by or in hiding from the Imperial Japanese Government, to the same extent as if such American citizen were an employee within the purview of such Act of December 2, 1942, as amended.

(2) For the purpose of determining the benefits extended and made applicable by paragraph (1)—

(A) the average weekly wage of any such civilian American citizen, whether employed, self-employed, or not employed, shall be deemed to have been \$37.50;

(B) the provisions of such Act shall be applicable whether or not any such civilian American citizen was employed;

(C) notice of injury or death shall not be required; and limitation provisions with respect to the filing of claims for injury, disability, or death shall not begin to run until the date of enactment of this section; and

(D) the monthly compensation in cases involving partial disability shall be determined by the percentage the degree of partial disability bears to total disability and shall not be determined with respect to the extent of loss of wage earning capacity.

(3) The following provisions of such Act of December 2, 1942, as amended, shall not apply in the case of such civilian American citizens: The last sentence of section 101(a), section 101(b), section 101(d), section 104, and section 105.

(4) Rights or benefits which, under this subsection, are to be determined with reference to other provisions of law shall be determined with reference to such provisions of law as in force on January 3, 1948.

(5) The money benefit for disability or death shall be paid only to the person entitled thereto, or to his legal or natural guardian if he has one, and shall not upon death of the person so entitled survive for the benefit of his estate or any other person.

(6) The benefit of a minor or of an incompetent person who has no natural or legal guardian may, in the discretion of the Federal Security Administrator, be paid, in whole or in such part as he may determine for and on behalf of such minor or incompetent directly to the person or institution caring for, supporting, or having custody of such minor or incompetent.

(7) No person, except a widow or a child, shall be entitled to benefits for disability with respect to himself, and to death benefits on account of the death of another.

(8) If a civilian American citizen or his dependent receives or has received from the United States any payments on account of the same injury or death, or from his employer, in the form of wages, or payments in lieu of wages, or in any form of support or compensation (including workmen's compensation) in respect to the same objects, the benefits under this section shall be diminished by the amount of such payments in the following manner: (A) Benefits on account of injury or disability shall be reduced by the amount of payments to the injured person on account of the same injury or disability; and (B) benefits on account of death shall be reduced by the amount of payments to the dependents of the deceased civilian American citizen on account of the same death.

(9) This subsection shall take effect as of December 7, 1941, and the right of indi-

viduals to benefits shall be held to have begun to accrue as though this subsection had been in effect as of such date.

(10) No benefits provided by this subsection for injury, disability, or death shall accrue to any person who, without regard to this subsection, is entitled to or has received benefits for the same injury, disability, or death under such Act of December 2, 1942, as amended.

(11) No benefits provided by this subsection shall accrue to any person to whom benefits have been paid, or are payable, under the Federal Employees' Compensation Act, or any extension thereof, by reason of disability or death of an employee of the United States suffered after capture, detention, or other restraint by an enemy of the United States, when such disability or death is deemed, in the administration of the Federal Employees' Compensation Act, to have resulted from injury occurring while in the performance of duty, under subsection (b) of section 5 of the Act entitled "An Act to amend the Act entitled 'An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', as amended", approved July 28, 1945, as amended.

(g) (1) As used in this subsection, the term "civilian American citizens" means any person who, being then a citizen of the United States, was captured in Korea on or after June 25, 1950, by any hostile force with which the Armed Forces of the United States were actually engaged in armed conflict subsequent to such date and prior to the date of enactment of this subsection, or who went into hiding in Korea in order to avoid capture or internment by any such hostile force; except (A) a person who at any time voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force, or (B) a regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States.

(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by, or on behalf of, any civilian American citizen for detention benefits for any period of time subsequent to June 25, 1950, during which he was held by any such hostile force as a prisoner, internee, hostage, or in any other capacity, or remaining in hiding to avoid being captured or interned by any such hostile force.

(3) The detention benefit allowed to any person under the provisions of paragraph (2) of this subsection shall be at the rate of 60 for each calendar month during which such person was at least eighteen years of age and at the rate of \$25 per month for each calendar month during which such person was less than eighteen years of age.

(4) The detention benefits allowed under paragraph (2) of this subsection shall be allowed to the person entitled thereto, or, in the event of his death, only to the following persons:

(A) widow or husband if there is no child or children of the deceased;

(B) widow or dependent husband and child or children of the deceased, one-half to the widow or dependent husband and the other half to the child or children in equal shares;

(C) child or children of the deceased (in equal shares) if there is no widow or dependent husband.

(5) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection, and shall be paid by the Secretary of the Treasury to the person entitled thereto, except that where any person entitled to payment under this subsection is



under any legal disability, payment may be made in accordance with the provisions of subsection (e) of this section.

(6) Each claim filed under this subsection must be filed not later than one year from whichever of the following dates last occurs:

(A) The date of enactment of this subsection;

(B) The date the civilian American citizen by whom the claim is filed returned to the jurisdiction of the United States; or

(C) The date upon which the Commission, at the request of a potentially eligible survivor, makes a determination that the civilian American citizen has actually died or may be presumed to be dead, in the case of any civilian American citizen who has not returned to the jurisdiction of the United States.

The Commission shall complete its determinations with respect to each claim filed under this subsection at the earliest practicable date, but in no event later than one year after the date on which such claim was filed.

(7) (A) There are hereby authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses.

(B) The Commission shall determine, from time to time, the share of its administrative expenses attributable to the performance of its functions under this subsection and make the appropriate adjustments in its accounts, and determinations and adjustments made pursuant to this subparagraph shall be final and conclusive.

(h) In the case of any Guamanian killed or captured by the Imperial Japanese Government on or after December 7, 1944, at Wake Island, benefits shall be granted under subsections (a) through (f) of this section in the same manner and to the same extent as apply in the case of civilian American citizens so killed or captured. Claims for benefits under subsections (a) through (e) of this section must be filed within six months after the date of enactment of this subsection, and the time limitation applicable to any individual by subsection (f) shall not begin to run until the date of enactment of this subsection, with respect to any individual who is entitled to such benefits solely by reason of this subsection. The preceding subsection shall not be construed to affect the right of any individual to receive such benefits with respect to any period prior to the date of enactment of this subsection.

(i) (1) As used in this subsection—

(A) the term "Vietnam conflict" relates to the period beginning on February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress; and

(B) the term "civilian American citizen" means any person who, being then a citizen of the United States, was captured in Southeast Asia during the Vietnam conflict by any force hostile to the United States, or who went into hiding in Southeast Asia in order to avoid capture or internment by any such hostile force, except (i) a person who voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force, or (ii) a regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States.

(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by, or on behalf of, any civilian American citizen for detention benefits for any period of time subsequent to February 27, 1961, during which he was held by any such hostile force as a prisoner, internee, hostage, or in any other capacity, or remained in hiding to avoid capture or internment by any such hostile force.

(3) The detention benefits allowed under paragraph (2) of this subsection shall be at the rate of \$60 for each calendar month.

(4) The detention benefits allowed under paragraph (2) of this subsection shall be allowed to the civilian American citizen entitled thereto, or, in the event of his death, only to the following persons:

(A) the widow or husband if there is no child or children of the deceased;

(B) the widow or dependent husband and child or children of the deceased, one-half to the widow or dependent husband and the other half to the child or children in equal shares;

(C) the child or children of the deceased in equal shares if there is no widow or dependent husband.

(5) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection, and shall be paid to the person entitled thereto, except that if a person entitled to payment under this section is under any legal disability, payment shall be made in accordance with the provisions of subsection (e) of this section.

(6) Each claim filed under this section must be filed not later than three years from whichever of the following dates last occurs:

(A) the date of enactment of this subsection;

(B) the date the civilian American citizen by whom the claim is filed returned to the jurisdiction of the United States; or

(C) the date upon which the Commission, at the request of a potentially eligible survivor, makes a determination that the civilian American citizen has actually died or may be presumed to be dead, in the case of any civilian American citizen who has not returned to the jurisdiction of the United States.

The Commission shall complete its determinations for each claim filed under this subsection at the earliest practicable date, but not later than one year after the date on which such claim was filed.

(7) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses.

#### PRISONERS OF WAR

SEC. 6. (a) As used in subsection (b) of this section, the term "prisoner of war" means any regular appointed, enrolled, enlisted, or inducted member of the military or naval forces of the United States who was held as a prisoner of war for any period of time subsequent to December 7, 1941, by any government of any nation with which the United States has been at war subsequent to such date.

(b) The Commission is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by any prisoner of war for compensation for the violation by the enemy government by which he was held as a prisoner of war, or its agents, of its obligation to furnish him the quantity or quality of food to which he was entitled as a prisoner of war under the terms of the Geneva Convention of July 27, 1929. The compensation allowed to any prisoner of war under the provisions of this subsection shall be at the rate of \$1 for each day he was held as a prisoner of war on which the enemy government or its agents failed to furnish him such quantity or quality of food. Any claim allowed under the provisions of this subsection shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this Act.

(c) Claims pursuant to subsection (b) shall be paid to the person entitled thereto, and shall in case of death of the persons who are entitled to be payable only to or for the benefit of the following persons:

(1) Widow or husband if there is no child or children of the deceased;

(2) Widow or husband and child or children of the deceased, one-half to the widow or husband and the other half to the child or children of the deceased in equal shares;

(3) Child or children of the deceased (in equal shares) if there is no widow or husband; and

(4) Parents (in equal shares) if there is no widow, husband, or child.

(d) (1) As used in this subsection the term "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military or naval forces of the United States who was held a prisoner of war for any period of time subsequent to December 7, 1941, by any government of any nation with which the United States has been at war subsequent to such date.

(2) The Commission is authorized to receive, adjudicate according to law, and to provide for the payment of any claim filed by any prisoner of war for compensation—

(A) for the violations by the enemy government by which he was held as a prisoner of war, or its agents, of such government's obligations under title III, section III, of the Geneva Convention of July 27, 1929, relating to labor of prisoners of war; or

(B) for inhumane treatment by the enemy government by which he was held, or its agents. The term "inhumane treatment" as used herein shall include, but not be limited to, violation by such enemy government, or its agents, of one or more of the provisions of articles 2, 3, 7, 10, 12, 13, 21, 22, 54, 56, or 57, of the Geneva Convention of July 27, 1929.

(3) Compensation shall be allowed to any prisoner of war under this subsection at the rate of \$1.50 per day for each day he was held as a prisoner of war on which he alleges and proves in a manner acceptable to the Commission—

(A) the violation by such enemy government or its agent of the provisions of title III, section III, of the Geneva Convention of July 27, 1929; or

(B) any inhumane treatment as defined herein.

Any claim allowed under the provisions of this subsection shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this Act. In no event shall the compensation allowed to any prisoner of war under this subsection exceed the sum of \$1.50 with respect to any one day.

(4) Claims pursuant to subsection (d) (2) shall be paid to the person entitled thereto, or to his legal or natural guardian if he has one, and shall, in case of death of the persons who are entitled to be payable only to or for the benefit of the following persons:

(A) widow or husband if there is no child or children of the deceased;

(B) widow or husband and child or children of the deceased, one-half to the widow or husband and the other half to the child or children of the deceased in equal shares;

(C) child or children of the deceased (in equal shares) if there is no widow or husband; and

(D) parents (in equal shares) if there is no widow, husband, or child.

(e) (1) As used in this subsection the term "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States who was held as a prisoner of war for any period of time subsequent to June 25, 1950, by any hostile force with which the Armed Forces of the United States were actually engaged in armed conflict subsequent to such date and prior to the date of enactment of this subsection, [except any such member] or any person (military or civilian) assigned to duty in the U.S.S. Pueblo who was captured by the military forces of North Korea on January 23, 1968,

and thereafter held prisoner by the Government of North Korea for any period of time ending on or before December 23, 1968, except any person who, at any time, voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force.

(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by any prisoner of war for compensation for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to furnish him the quantity or quality of food prescribed for prisoners of war under the terms of the Geneva Convention of July 27, 1929. The compensation allowed to any prisoner of war under the provisions of this paragraph shall be at the rate of \$1 for each day on which he was held as a prisoner of war and on which such hostile force, or its agents, failed to furnish him such quantity or quality of food.

(3) The Commission is authorized to receive and to determine, according to law, the amount and validity and provide for the payment of any claim filed by any prisoner of war for compensation—

(A) for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to meet the conditions and requirements prescribed under title III, section III, of the Geneva Convention of July 27, 1929, relating to labor of prisoners of war; or

(B) for inhumane treatment by the hostile force by which he was held, or its agents. The term "inhumane treatment" as used herein shall include, but not be limited to, failure of such hostile force, or its agents, to meet the conditions and requirements of one or more of the provisions of articles 2, 3, 7, 10, 12, 13, 21, 22, 54, 56, or 57 of the Geneva Convention of July 27, 1929.

Compensation shall be allowed to any prisoner of war under this paragraph at the rate of \$1.50 per day for each day on which he was held as a prisoner of war and with respect to which he alleges and proves in a manner acceptable to the Commission the failure to meet the conditions and requirements described in subparagraph (A) or the inhumane treatment described in subparagraph (B). In no event shall the compensation allowed to any prisoner of war under this paragraph exceed the sum of \$1.50 with respect to any one day.

(4) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection and shall be paid by the Secretary of the Treasury to the person entitled thereto, and shall, in case of death or determination of death of the persons who are entitled, be paid only to or for the benefit of the persons specified, and in the order established, by paragraph (4) of subsection (d) of this section.

(5) Each claim filed under this subsection must be filed not later than one year from whichever of the following dates last occurs:

(A) The date of enactment of this subsection;

(B) The date the prisoner of war by whom the claim is filed returned to the jurisdiction of the Armed Forces of the United States; or

(C) The date upon which the Department of Defense makes a determination that the prisoner of war has actually died or is presumed to be dead, in the case of any prisoner of war who has not returned to the jurisdiction of the Armed Forces of the United States.

(D) In the case of any person assigned to duty in the U.S.S. *Pueblo* referred to in paragraph (1) of this subsection, one year after the date of enactment of this subparagraph. The Commission shall complete its determinations with respect to each claim filed under this subsection at the earliest practi-

cable date, but in no event later than one year after the date on which such claim was filed.

(6) Any claim allowed under the provisions of this subsection shall be paid from funds appropriated pursuant to paragraph (7) of this subsection.

(7) (A) There are hereby authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses.

(B) The Commission shall determine, from time to time, the share of its administrative expenses attributable to the performance of its functions under this subsection and make the appropriate adjustments in its accounts, and determinations and adjustments made pursuant to this subparagraph shall be final and conclusive.

(f) (1) As used in this subsection—

(A) the term "Vietnam conflict" relates to the period beginning February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress; and

(B) the term "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States who was held as a prisoner of war for any period of time during the Vietnam conflict by any force hostile to the United States, except any such member who, at any time, voluntarily, knowingly, and without duress, gave aid to or collaborated with, or in any manner served, such hostile force.

(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by any prisoner of war for compensation for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to furnish him the quantity or quality of food prescribed for prisoners of war under the terms of the Geneva Convention of August 12, 1949. The compensation allowed to any prisoner of war under the provisions of this paragraph shall be at the rate of \$1 for each day on which he was held as a prisoner of war and on which such hostile force, or its agents, failed to furnish him such quantity or quality of food.

(3) The Commission is authorized to receive and to determine, according to law, the amount and validity and provide for the payment of any claim filed by any prisoner of war for compensation—

(A) for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to meet the conditions and requirements prescribed under chapter VIII, section III, of the Geneva Convention of August 12, 1949, relating to labor of prisoners of war; or

(B) for inhumane treatment by the hostile force by which he was held, or its agents. The term "inhumane treatment" as used in this subparagraph shall include, but not be limited to, failure of such hostile force, or its agents, to meet the conditions and requirements of one or more of the provisions of article 3, 12, 13, 14, 17, 19, 22, 23, 24, 25, 27, 29, 43, 44, 45, 46, 47, 48, 84, 85, 86, 87, 88, 89, 90, 97, or 98 of the Geneva Convention of August 12, 1949.

Compensation shall be allowed to any prisoner of war under this paragraph at the rate of \$1.50 per day for each day on which he was held as a prisoner of war and with respect to which he alleges and proves in a manner acceptable to the Commission the failure to meet the conditions and requirements described in subparagraph (A) of this paragraph or the inhumane treatment described in subparagraph (B) of this paragraph. In no event shall the compensation allowed to any prisoner of war under this paragraph exceed the sum of \$1.50 with respect to any one day.

(4) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection and shall be paid by the Secretary of the Treasury to the person entitled thereto, and shall, in the case of death or determination of death of the persons who are entitled, be paid only to or for the benefit of the persons specified, and in the order established, by subsection (d) (4) of this section.

(5) Each claim filed under this subsection must be filed not later than three years from whichever of the following dates last occurs:

(A) the date of enactment of this subsection;

(B) the date the prisoner of war by whom the claim is filed returned to the jurisdiction of the Armed Forces of the United States; or

(C) the date upon which the Department of Defense makes a determination that the prisoner of war has actually died or is presumed to be dead, in the case of any prisoner of war who has not returned to the jurisdiction of the Armed Forces of the United States.

The Commission shall complete its determinations with respect to each claim filed under this subsection at the earliest practicable date, but in no event later than one year after the date on which such claim was filed.

(6) Any claim allowed under the provisions of this subsection shall be paid from funds appropriated pursuant to paragraph (7) of this subsection.

(7) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses.

[(f)](g) Where any person entitled to payment under this section is under any legal disability, payment may be made in accordance with the provisions of subsection (e) of section 5.

Mr. BAYH. Mr. President, I should like to reemphasize my main purpose for rising, and that is to make clear that, regardless of our position on the amendment of the distinguished Senator from Kansas or, indeed, our positions on the direction in which the war has headed since the expansion into Cambodia, it would be folly for those in North Vietnam or in Moscow or any place else to misinterpret this expression in the traditional and best manner of free speech in this country as anything less than an expression of determination on our part to take whatever steps necessary to obtain the release of these prisoners. That is why I have spoken this afternoon. I am hopeful that many other Members of this body will express a similar concern about the future safety and well-being of those young men who have given so much for our country in North Vietnam.

Mr. CRANSTON. Mr. President, I came to the Chamber to join in this discussion of the pending amendment and the prisoner of war situation facing our country because of the deep concern all of us have over this unhappy matter. I am certain that virtually every Senator—if not all Senators—has constituents who are prisoners of war. I am certain that among our constituents are wives, mothers, children, or other loved ones who are deeply concerned over the fate of American prisoners of war in Southeast Asia.

So much has been so eloquently said by the Senator from Idaho and the Senator from Indiana that there is little



that one can add, except to say that all of us here, of course, share this concern. All of us are appalled at the incredibly awful treatment accorded prisoners of war by our enemy, most of all by their use of those prisoners for political purposes, and the heartless withholding of the names of those held, so that loved ones here are left in doubt as to whether people missing in action are alive or dead.

I support the efforts of this administration to deal with this problem in appropriate ways. I do not think that the pending amendment is an appropriate way. It collides not only with the spirit and intent of the Cooper-Church amendment but also, in effect, with the policy of the President, which the Cooper-Church amendment is designed to support and to share responsibility with, because the President has stated that he will not have American troops go more than 20 miles into Cambodia, that he will have them out by July 1. The implication of this amendment is that he should be free to go anywhere at any time in Cambodia as long as prisoners of war are there or elsewhere in Southeast Asia.

It is rather plain that the way to get American prisoners of war home is to first get our troops out of Southeast Asia. The developments will then make it quite possible to get all our prisoners home, also. The Cooper-Church amendment—and other moves afoot on Capitol Hill—are designed to bring that war to an end in a way consistent with the safety and systematic removal of American troops from Southeast Asia; and I believe that will be followed by the safe and systematic return to America of prisoners of war.

Therefore, I join with those who oppose the pending amendment.

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

Mr. CRANSTON. I yield.

Mr. DOLE. I have listened with interest to the Senator from California, the Senator from Idaho, and the Senator from Indiana, and I understand their concern—everyone's concern—for American prisoners of war and Americans missing in action. I applaud the statements by the Senator from Indiana, the Senator from California, the Senator from Idaho, and others who may speak this afternoon about prisoners of war or those missing in action. But I would suggest to my friend from California that I fail to see how we have any leverage if we wait until troops are withdrawn and then go to the enemy and say, "Please release our prisoners." If we have any leverage it is because we have some impact in that area and some strength. My amendment would give the President the right to rescue prisoners.

Would the Senator from California agree if the President had an opportunity to rescue prisoners he should take advantage of such an opportunity?

Mr. CRANSTON. We have been applying a great deal of leverage for a long time in Southeast Asia without achieving the results we are entitled to expect to achieve by that leverage, particularly when that leverage involves the deaths

of Americans, the maiming of Americans, and the spending of billions of dollars in that fruitless effort. We will have more prisoners of war to be concerned about as long as the war continues. I believe that the surest way to end the increasing numbers of prisoners of war is to get those back who are there now, and to turn in the direction of getting out of Southeast Asia.

Mr. DOLE. Does the Senator believe that the President, whoever he might be, has the right to rescue American prisoners, American newsmen, or any other American citizens, or should he be denied that right?

Mr. CRANSTON. I believe the soundest way to rescue those people from their very unhappy fate, those presently alive there, is to find a way to end the hostilities that presently divide us and make it possible, through a negotiated settlement, that we will include the release of our prisoners.

Mr. DOLE. Well, I do not want to belabor the point, but it appears that the Senator from California has not responded to the question of whether the President, whoever he may be, has the right to rescue American prisoners or Americans missing in action, whether they be members of the Armed Forces, newsmen, or civilians. Does the Senator believe that is a right the President should have, or should we in Congress tie the President's hands?

Mr. CRANSTON. I believe that the President has that right but I do not believe the way to achieve that right is to have open-ended, everlasting war, with the President permitted, without consultation with Congress, or proceeding without consultation with Congress, to send ground troops in all directions into any new land, without any invitation from those governments, and involving ourselves in invasion, unprecedented in American history, leading to more prisoners of war, more dead, more wounded, with no end in sight.

Mr. DOLE. Again I do not quarrel with the Senator from California. I understand his good intentions, but would say that if any measure would require the President, whoever he may be, to consult first with the Senate or Congress before he could take any action to rescue prisoners of war, I would not want to be a prisoner while the matter was being debated in Congress, not knowing how long it would take—2 or 3 weeks, a month, or longer. I believe that when Americans are imperiled and are in immediate danger, someone in this country should have the right to rescue them.

Why should we shackle the President? We have never done so in the past.

Mr. CHURCH. Mr. President, a false issue is being raised in this debate.

No one is questioning the right of the President of the United States, acting as Commander in Chief, to come to the rescue of captured Americans if he feels that a quick, surprise rescue operation is feasible.

We are all grown men. I cannot conceive of anyone standing here on the floor of the Senate and questioning the right of the President to order such a rescue mission if the opportunity pre-

sented itself; I cannot conceive of a serious challenge being raised to the President's inherent authority, as Commander in Chief, under such circumstances.

One can attempt to distort the Cooper-Church amendment, to read into it some imaginary prohibition that is not there. But if the amendment offered by the Senator from Kansas is affixed to the Cooper-Church amendment, it will have only one effect, and that will be to render meaningless the attempt on the part of the Senate to set the outer limits of American involvement in Cambodia.

What is the logic of the argument offered by the Senator from Kansas?

He argues that, as long as a prisoner of war is held in Cambodia, we should legislate what, in effect, is congressional consent to leaving an American Army in that country indefinitely.

The logic is that by applying relentless and unceasing military pressure, we somehow serve the interests of those Americans captured by the enemy and held in Cambodia.

If there is any sense to that proposition, then it is as sensible to apply it to North Vietnam or Laos as to Cambodia.

There are only a handful of American prisoners—if any at all—in Cambodia. But there are many hundreds of American prisoners in North Vietnam.

If the Senator is really serious about his amendment, if he actually believes that a continued American military presence helps our prisoners of war, then why does he not expand the amendment to include Laos and North Vietnam?

Mr. DOLE. Would the Senator from Idaho support it, if I made that addition?

Mr. CHURCH. I would not support it under any circumstances, because the whole proposition on which it rests is invalid. But anyone who believes the proposition, could hardly contend that the amendment should be restricted to Cambodia, if its purpose is really to serve the cause of American prisoners of war.

If one were to accept the logic with which the amendment is pressed, it would also follow that we should not withdraw another 150,000 American combat troops from South Vietnam, in the interest of helping American prisoners of war in North Vietnam.

Let the Senator from Kansas show me a logical distinction between the argument he makes on behalf of his amendment as it applies to Cambodia, and the application of the same argument as it would apply to the bulk of American prisoners in North Vietnam.

Yet, he does not come here to ask that we write into law some prohibition against the withdrawal of 150,000 American troops from South Vietnam.

What is really intended is to gouge out the substance and the core of the Cooper-Church amendment by playing on our deep concern over American prisoners of war.

Let the Senator from Kansas show how a single American prisoner of war will be helped, whether imprisoned in Cambodia, Laos, or North Vietnam, with the passage of his amendment.

It cannot be shown.

The only effect of the amendment, if

the President were ever to take it seriously—and one would assume that he would not—would be to keep us indefinitely engaged in Cambodia, where the number of American dead would continue to grow with each passing week, along with the number of Americans maimed and wounded, and where the list of American prisoners of war would also grow larger and larger.

The longer we stay in Southeast Asia, the more Americans there will be who will be imprisoned and mistreated.

I submit, Mr. President, that the real impact of the amendment would not be to help American prisoners of war in any way but, rather, if taken seriously by the President, to create a situation in which the numbers of Americans captured would increase with every passing day.

Mr. BAYH. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. BAYH. I would like to emphasize what the Senator from Idaho has said, that we do not know of any specific numbers of prisoners who are presently captured in Cambodia, but we do know of large numbers who are missing in action and presumed captured elsewhere.

And I would again like to return to the focal point, the fact that these men are being held contrary to the principles of the Geneva Convention that all civilized nations adhere to. Their names are not even published so that their loved ones will know whether they are alive and well. They are denied mail. They are denied proper physical and medical attention.

If this were not so, why would they not let the International Red Cross have an opportunity to inspect these camps so that the whole world would know they are being treated properly?

We are equally concerned, if not more concerned, with the barbarous manner in which they are treating prisoners of war.

Mr. President, I think this is adequately described in an editorial published in the May 5, 1970, issue of *Look* magazine entitled "What about the POW's?"

I ask unanimous consent to have this editorial printed at this point in the *Record* so that those who may not have seen it prior to this time will have an opportunity to read it.

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

[From *Look* magazine, May 5, 1970]

#### WHAT ABOUT THE POW'S?

The plight of American prisoners of war in Southeast Asia, as Diana O'Grady said on the preceding page, cannot be "a closed book." More than 1,500 men are missing or presumed captured: some 800 in North Vietnam, 500 in South Vietnam, and 200 in Laos. Their fate should concern every one of us, however we may feel—or differ—about U.S. intervention in Vietnam.

North Vietnam has never extended the POW's their rights under the Geneva Convention on Protection of Prisoners of War, which it signed in 1957. It has evaded this pledge through the fiction that the downed American pilots are criminals. Were this so—and we at *LOOK* do not believe it is—the men would still be entitled to humane treatment.

But the few returning POW's have told of Americans isolated, beaten, and humiliated in North Vietnam, hung by their wrists in Laos, led about like animals or summarily shot in South Vietnam. Such reports gain credence from North Vietnam's complete unconcern for its own prisoners held in the South and in Laos.

Nor can there be any justification for tormenting the wives and children of American prisoners. Why should a woman have to plead for the right to know if her husband is alive? Not until Diana O'Grady got tough did she get an answer. After months of despair, other wives have had to endure propaganda lectures. They have been told they will only get their husbands back if they demonstrate at home against the war. They have been promised information that has then been withheld or leaked only for propaganda purposes.

In 1968 and 1969, *LOOK* editorials called the Vietnam war a tragic and costly mistake—one that we should end as soon as possible. This does not diminish our concern for the Americans held captive.

That is why we now ask North Vietnam to disclose the names of all the POW's it holds and to urge the National Liberation Front and the Pathet Lao to do the same. We ask for assurance of proper detention facilities, food and medical care for the POW's. We ask for unhampered correspondence with their families. We ask for the repatriation of sick or wounded who might not survive captivity. In short, we ask that North Vietnam honor its legal obligations under the Geneva Convention.

We ask that the International Red Cross or International Control Commission be permitted to inspect the prison camps in North Vietnam, as has been done in the South. Refusal can only mean that North Vietnam is ashamed of the way it treats American POW's.

In addition, we have written the Hanoi government requesting that a *LOOK* team be allowed into North Vietnam to report directly on the condition of the POW's.

We now ask the American people, alone or in community groups, to express their concern for our men missing and captive in a letter to North Vietnam's Premier, Pham Van Dong. Letters sent to: *What About the POW's?*, c/o *LOOK*, P.O. Box 1, Des Moines, Iowa 50301 will be forwarded to Hanoi.

The welfare of these unfortunate men and the feelings of their families are matters of simple humanity—not politics.

North Vietnam has said in the Paris peace talks that discussion on the POW's cannot begin until the other issues of the war are resolved. This completely misreads the mood of the American people. Yes, we want peace in Vietnam, as much as anyone and as quickly as possible, but first we want assurance about the well-being of all our servicemen in captivity. The sooner Hanoi understands this, the easier it will be to end the war.

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

Mr. CHURCH. I yield.

Mr. HUGHES. Mr. President, I endorse the statement of the Senator from Idaho in his colloquy this afternoon with the Senator from Indiana.

I think that North Vietnam undoubtedly does misread the intention of those of us who oppose this war in Vietnam and the incursion into Cambodia.

I am afraid that perhaps the Senator from Kansas might misread our intent also, although I do not believe that he does.

Certainly none of us would wish to prohibit the President of the United States from taking whatever steps he

feels are necessary to negotiate and secure the humane treatment and the return of those American soldiers who are being held by the enemy.

I agree with the Senator from Idaho that this amendment may actually inhibit the negotiations that would bring about a release of these prisoners. I think that although none of us likes it, undoubtedly our invasion of Cambodia has increased the danger to those men being held prisoner in Vietnam as well as to those being taken prisoner now in Cambodia.

While certainly the North Vietnamese have defied all rules for handling prisoners of war and have refused to admit that our men are entitled to proper treatment, they have not conducted the public trials which they threatened to carry out in the early days of this war.

I believe that the proper and most efficient way to secure the release of these men is through the Paris peace negotiations. If the President would appoint a man of proper status to represent the United States in those talks, there would be a greater hope that we could obtain their release.

I certainly subscribe to the statement of the Senator from Idaho and the Senator from Indiana that those of us who oppose this war would hope that those in Peking, Moscow, or Hanoi would not misread our intentions. We desire to secure proper and humane treatment, exchange of those who are seriously wounded and ill, and negotiations for a general exchange of all prisoners of war.

I want to lend my voice, for whatever it is worth at this particular time, to the viewpoint expressed that the amendment of the Senator from Kansas would inhibit those negotiations rather than increase the prospects for such negotiations.

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

Mr. CHURCH. I yield.

Mr. McGOVERN. Mr. President, I came to the floor originally to speak in support of the concern expressed by the Senator from Indiana (Mr. BAYH) and also to say a word in opposition to the amendment offered by the Senator from Kansas (Mr. DOLE).

I think the difficulty with that amendment is that it leaves the impression that the keystone of the policy in Cambodia is the welfare of the American prisoners of war, which is of course not the reason that we entered Cambodia. Our staying there only prolongs the release of any prisoners of war who might be held by the enemy forces.

I think that what we have to keep in mind, whether we are talking about the prisoners of war in North Vietnam, where the main force of American prisoners are being held, or the prisoners who might have been taken in Cambodia, is that in all probability no matter how many speeches we make on the Senate floor or how many resolutions of concern we author, those prisoners will doubtless be held until hostilities cease.

The purpose of the basic amendment offered by the Senator from Idaho (Mr. CHURCH) and the Senator from Kentucky (Mr. COOPER), as well as the so-called amendment to end the war offered



by me and other Senators, is to bring the hostilities to an end, but to do it with an eye on the safety of our troops in Southeast Asia, and also to make what efforts we can to bring about a release of our prisoners of war.

If I were an American GI sitting in a prisoner of war camp, either in North Vietnam or in Cambodia, or if I were an American fighting man involved in this war, I think I would be praying every night that this amendment to make sure that our forces are taken out of Cambodia, as indicated by the President, and the additional amendment to bring the war in Vietnam to an early end, would pass.

I see no other way in which Congress can really be effective in serving those prisoners and effecting their release at an early date.

I want to add one final word. We need to keep in mind that if there is any one reason why the war continues in Southeast Asia, it is because of the opposition of the enemy forces to the government in Saigon and our insistence that we are going to sustain that government and maintain whatever forces are necessary to sustain it.

That really is the keystone of our policy, rather than the matter of prisoner exchange.

I suggest that as long as that policy is carried out, the war will continue.

We need to keep in mind at a time when we are shedding American blood to save the regime in Saigon that the record of that regime on the treatment of prisoners has not been entirely pure.

The military reports of the torture of prisoners on the part of our forces, on the part of the South Vietnamese Government, are not reassuring to me, considering our sacrifice in blood and treasure to safeguard and sustain that regime in Vietnam.

I think we would be in a stronger moral position to protest the objectionable treatment of our own prisoners of war on the part of North Vietnam and the North Vietnamese if the record of our own ally, South Vietnam, were somewhat better.

I conclude simply with another appeal for us to recognize that the only way to make sure that our prisoners are released and our fighting men saved is to bring this war to an orderly end.

And that, I know, is what the Senator from Idaho is trying to accomplish.

Mr. CHURCH. Mr. President, I concur with what the Senator has said. If this war were comparable to the kind of wars we have fought in the past, if our purpose were to conquer North Vietnam and impose unconditional surrender upon the enemy, it would then be possible to make, at least, a rational case for the amendment offered by the Senator from Kansas.

This is not, however, that kind of war. Nor was it ever intended to be, either on the part of the present occupant of the White House or any of his predecessors. No President, at any time, has indicated that our purpose in this war was to invade, conquer, or force the government in Hanoi to an unconditional surrender.

President Nixon has repeatedly ex-

plained to the American people that our participation in Vietnam is for a limited purpose. He has emphasized that our purpose is only to help the government in Saigon put down the insurrection against it.

Under these circumstances, it makes no sense to argue that by applying military pressure we can somehow come to the rescue of American prisoners of war. How can we possibly reach them if our military objective does not involve the occupation or conquest of the enemy's territory? There is no way, by military means, to serve or save American POW's in a limited war of this kind.

Moreover, as the Senator from South Dakota wisely pointed out, this is a war of deep hatreds; it entails the kind of bloodletting which occurs only in civil war situation, where brother turns against brother, where families split apart. Only once in our history have we suffered such a bloodletting in this country, and that occurred in the great War Between the States from 1861 to 1865, our Civil War.

But even if, under some unforeseen circumstance, the President were to cast aside all the limits we have imposed on this war, and suddenly were to declare that the United States had decided to conquer North Vietnam, even then I doubt that our prisoners of war would be well served by the more forcible application of our military might. For I am sure that, given the character of this war, by the time we finally reached the camps where our men are being held captive, we would never find them left alive.

No, Mr. President. There is only one way to serve the American prisoners of war. That is the way suggested by the distinguished Senator from South Dakota: To begin to set the outer limits of our involvement in this widening war by the adoption of the Cooper-Church amendment, and then to proceed to extricate the United States from its involvement in Southeast Asia through the adoption of the end-the-war amendment which the Senator from South Dakota, the Senator from Idaho, and others are urging. This would set into effect a train of events that would lead to the release of American prisoners of war and their safe return home.

Those of us who have opposed this war through the years have felt every bit as much compassion for American prisoners of war as those Members of the Senate who have constantly favored the war.

Mr. President, I went back over the RECORD to a time long before the Senator from Kansas was a Member of this body, back to July 15, 1966, when opinion in support of the war was nearly monolithic in the United States, when only a few of us in the Senate had spoken out against it. At that time, a very serious threat was posed to American prisoners, mostly airmen, who had been shot down while bombing North Vietnam. The threat took on a particularly ominous character, because the Hanoi government had announced it would treat the prisoners as common criminals. The North Vietnamese intended to proceed to their trial and public execution.

It was suggested to me, at that time, that I might, with the assistance of others in the Senate who had spoken out against the war, be of help to those American airmen.

Spokesmen for the previous administration, charged with the conduct of the war, admitted to me that their own appeals had fallen on deaf ears in Hanoi. They said, however, that if those Members of the Senate who had opposed the war would speak up, it might prove possible to save the American airmen who were faced with trial and execution.

On July 15, 1966, joined by 18 other Members of the Senate, I entered in the CONGRESSIONAL RECORD a statement entitled "A Plea for Sanity." That statement was translated into Vietnamese and brought to the attention of the Hanoi government. It read as follows:

#### A PLEA FOR SANITY

We, the undersigned, have previously protested the relentless escalation of the war in Vietnam. We have deplored those decisions, taken on both sides, which have steadily extended the dimensions of the war and intensified its fury.

The struggle in Vietnam now approaches a peril point of no return. Violence begets more violence; the fever of reprisal rises, feeding upon itself; reason is in danger of falling prisoner to blind passion. Then the war becomes a raging inferno, burning away the last barriers of restraint.

We apprehend that the execution of American prisoners, as threatened by the government of North Vietnam, would provoke the gravest reprisals, and further blacken the hopes for peace.

In the past, we have worked for an honorable settlement of this tragic war. We have publicly criticized the mounting involvement of our own country, and have sought to keep open the path of moderation that could lead to a negotiated peace.

So, before the last remnants of reason are irrevocably abandoned, we call upon the Hanoi government to refrain from any act of vengeance against the American airmen. They are prisoners of war, fully entitled to the protection extended to men in uniform when captured in the performance of their duty. Their execution would drastically reduce the influence of all those in the United States who have tried to curtail the fighting. It would incite a public demand for retaliation swift and sure, inflicting new levels of suffering and sorrow, and fixing more firmly still the seal of an implacable war.

Mr. President, that statement was signed by the following Senators, in addition to myself: GEORGE MCGOVERN, GAYLORD NELSON, E. L. BARTLETT, LEE METCALF, EUGENE J. MCCARTHY, MAURINE B. NEUBERGER, J. WILLIAM FULBRIGHT, QUENTIN N. BURDICK, FRANK E. MOSS, ERNEST GRUENING, STEPHEN M. YOUNG, VANCE HARTKE, WAYNE MORSE, WILLIAM PROXMIER, ABRAHAM RIBICOFF, JOSEPH CLARK, HARRISON A. WILLIAMS, JR., EDMUND S. MUSKIE.

Following the printing of the statement in the RECORD, there occurred a floor colloquy in which other Senators, who were not themselves signatories to the statement but nonetheless supported it in spirit, joined in a common expression of concern for these prisoners of war. They, too, entered statements of their own.

One such Senator is now our esteemed whip, the Senator from Massachusetts (Mr. KENNEDY), one was the Senator

from Ohio (Mr. YOUNG). One was the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD). And still another was the late Robert Kennedy, of New York.

Mr. President, I ask unanimous consent that the statement appearing in the CONGRESSIONAL RECORD of Friday, July 15, 1966, together with the colloquy to which I have referred, may appear at this point in the RECORD.

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

#### AMERICAN PRISONERS IN HANOI—A PLEA FOR SANITY

Mr. CHURCH. Mr. President, I have been gravely disturbed at persistent reports that the government in Hanoi has threatened to execute, as common criminals, American airmen who are now prisoners of war.

Accordingly, I have prepared a statement, "A Plea for Sanity," in which I am joined by 18 other Members of the Senate.

This declaration has been just released to the press, and I shall, at this time, read it into the RECORD.

#### "A PLEA FOR SANITY"

"We, the undersigned, have previously protested the relentless escalation of the war in Vietnam. We have deplored those decisions, taken on both sides, which have steadily extended the dimensions of the war and intensified its fury.

"The struggle in Vietnam now approaches a peril point of no return. Violence begets more violence; the fever of reprisal rises, feeding upon itself; reason is in danger of falling prisoner to blind passion. Then the war becomes a raging inferno, burning away the last barriers of restraint.

"We apprehend that the execution of American prisoners, as threatened by the government of North Vietnam, would provoke the gravest reprisals, and further blacken the hope for peace.

"In the past, we have worked for an honorable settlement of this tragic war. We have publicly criticized the mounting involvement of our own country, and have sought to keep open the path of moderation that could lead to a negotiated peace.

"So, before the last remnants of reason are irrevocably abandoned, we call upon the Hanoi government to refrain from any act of vengeance against the American airmen. They are prisoners of war, fully entitled to the protection extended to men in uniform when captured in the performance of their duty. Their execution would drastically reduce the influence of all those in the United States who have tried to curtail the fighting. It would incite a public demand for retaliation swift and sure, inflicting new levels of suffering and sorrow, and fixing more firmly still the seal of an implacable war.

"FRANK CHURCH, GEORGE MCGOVERN, GAYLORD NELSON, E. L. BARTLETT, LEE METCALF, EUGENE J. MCCARTHY, MAURINE B. NEUBERGER, J. WILLIAM FULBRIGHT, QUENTIN N. BURDICK, FRANK E. MOSS, ERNEST GRUENING, STEPHEN M. YOUNG, VANCE HARTKE, WAYNE MORSE, WILLIAM PROXMIER, ABRAHAM RIBICOFF, JOSEPH B. CLARK, HARRISON A. WILLIAMS, JR., EDMUND S. MUSKIE, U.S. Senators."

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. of Massachusetts. As the Senator is probably aware, yesterday morning the Subcommittee on Refugees and Escapees, which is conducting a series of hearings on the various refugee programs, heard testimony by the Secretary of State.

In the course of that hearing I asked the

Secretary of State directly what the attitude of the U.S. Government would be if these trials scheduled for the end of next week took place. The Secretary made an extremely forthright, strong, and vigorous policy statement. He indicated, first of all, that if these trials took place, that we, as a nation, would look upon such behavior by the North Vietnamese with the greatest degree of horror and revulsion. The Secretary stated that every effort was being made by the United States, by third countries, as well as by prominent individuals, to bring our very strong position on this matter to the attention of those in responsible positions in the Hanoi government. I was very much heartened by the Secretary's statement. I am sure that he is aware that we are all relying upon the administration's activities on this problem and hopeful that they will spare no effort to assist the prisoners.

Mr. President, the war in Vietnam is perhaps one of the most impersonal of conflicts undertaken by nations. I have had serious questions in the past concerning our activities in Vietnam and its effects upon the civilian population. On the other hand I have been appalled by the incidents of terror and assassination that the Vietcong have used to achieve their ends in this struggle. The possibility that prisoners of war will now be used to satisfy the frustrations of the north or in a vain attempt to affect our future military decisions is only a further reflection of the absence of considerations for the innocent and those now removed from this conflict. But this prospect of violence against helpless men, in violation of all traditional international agreements, is uppermost in the minds of all Americans today, regardless of their views of the overall conflict. I know of two American fighting men from my own State, Comdr. James Mulligan and Lt. Edward Brudno who, having faced and met their military obligations now find themselves the victims of retaliation in the larger political and ideological struggle of our day.

So I wish to join the Senator from Idaho [Mr. CHURCH] in his very strong declaration and statement of concern for the welfare and the well-being of the American servicemen who are being held as prisoners.

During the testimony by the Secretary of State we asked him about the South Vietnamese Government's observing the Geneva agreements on prisoners of war. He indicated that the names of prisoners in the hands of the South Vietnamese are now being turned over to the International Red Cross, that the Red Cross has access to all prisoners, and that the South Vietnamese Government is now in full cooperation with the International Red Cross.

I recall that on two occasions when I was in Geneva talking with the International Red Cross, they were, as of December of last year, expressing criticism of the South Vietnamese Government for their reluctance in turning over the names of the Vietcong and North Vietnamese prisoners that the South Vietnamese had taken. These lists were not available and the Red Cross indicated to me and the other members of the delegation who were at Geneva at that time their strong feeling that the United States should utilize its good offices with the South Vietnamese to have the South Vietnamese observe to the fullest extent the Geneva Convention.

The Secretary indicated on yesterday that he was firmly convinced that we are now observing these conventions in the fullest. This development, though late in coming is a source of satisfaction to those of us who have been concerned with prisoner indignities.

I also feel that the people of the free world have recognized the very strong effort recently made by the United States in attempting to insure that all in the south were respecting these Geneva agreements. On this

basis, we have every right to expect the north to act in accordance with the norms of civilized men. So little of human dignity survives war that we are justified in abhorring such regressive actions as contemplated by the north and to remind them that the beginnings of peace are found in civilized behavior toward their fellow man. I therefore want to say to the Senator from Idaho that he has performed a very useful service today, one for which he deserves great commendation.

Mr. CHURCH. I thank the Senator very much.

Mr. YOUNG of Ohio. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield to the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, this afternoon, in this Chamber, let me attest to my admiration for the distinguished Senator from Idaho [Mr. CHURCH] for the real public service he has rendered in presenting his statement today before the country and the world.

Earlier today, I was glad to be associated with him when he and I talked over the statement he was going to make.

Surely, the heads of state of the nations of the world, including those in Hanoi, Red China, and all other Asiatic countries, whether they be somewhat neutral in this matter or extremely hostile toward the United States because of its involvement in Vietnam, must know—and they should know—that all Americans regard the lives of their airmen who are now prisoners of war as precious lives. All Americans hold to the view that these airmen are prisoners of war. As fighting men in our Armed Forces, they were flying over the areas where they were shot down in North Vietnam pursuant to orders given them. They must, therefore, be treated as prisoners of war.

If the horrible act which is being threatened by the Hanoi regime against our airmen is carried out, let the rulers of the world know that all Americans will be united, because we regard those lives as so precious.

Let me repeat, I was glad to join with other colleagues in the statement of the Senator from Idaho. We want the rulers of the world over—friendly or unfriendly—to know our views and our determination.

Mr. CHURCH. I thank the Senator from Ohio, and fully share his sentiments. I appreciate the fact that he has joined in signing the statement which I have just read into the RECORD this afternoon.

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

Mr. CHURCH. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I commend the Senator from Idaho for the initiative he has just shown, and the initiative the other Senators have shown in signing the plea for sanity.

I would say that the sentiments expressed in the statement which has just been read would apply not only to the 18 signatories but also to the 100 Members of this body.

The Senator from Idaho has once more performed a public service on the question of Vietnam. I would express the hope that this plea for sanity would be a plea for sanity on all sides.

As Senators know, the Prime Minister of India, Mrs. Indira Gandhi, is just completing an official state visit to the Soviet Union. She will be leaving shortly, but during the course of this meeting she has placed before Messrs. Kossygin and Brezhnev the possibility of a seven-point peace program which could possibly lead to the negotiation table.

Mr. MANSFIELD. Mr. President, I know that there are those who find fault with anyone who uses the word "peace," or repeats the word "negotiations." However, somehow, some way, some time, the situation in Vietnam will be settled at the conference table



through negotiations. It is just not going to peter out. I would hope that in view of the proposal made by the Prime Minister of India, Mrs. Indira Gandhi, and tied in with the fact that the Prime Minister of the United Kingdom, Mr. Harold Wilson, will, next week, be visiting the Soviet Union, when Mr. Wilson and Messrs. Kosygin and Brezhnev meet, they will recognize their responsibilities as cochairmen of the Geneva Conventions of 1954 and 1962, and that they will exercise their authority and assume their responsibilities, and on their own initiative reconvene the Geneva Conference for the purpose of getting the situation in Vietnam to the negotiation table.

I think it is imperative. I know that so far as the President of the United States is concerned, no man is more eager to reach that table, to sit down with whoever may be there, and to arrive at a reasonable and an honorable settlement—a settlement which will give some degree of assurance to all of southeast Asia—not just Vietnam—a settlement which will be guaranteed by all the great powers, a settlement which will allow us to get out of Vietnam, not to withdraw hastily, and a settlement which will make it very apparent that we have no desire for bases such as Cam Ranh and others by means of which we could maintain a foothold for years and decades to come.

Every word I have stated, I am sure, fits in with what the President has been trying to do over this past year or more to bring this matter to a conclusion.

Accordingly, I hope that Mr. Wilson and Messrs. Brezhnev and Kosygin will take up the proposals laid down by Mrs. Indira Gandhi, Prime Minister of India, and that out of this meeting in Moscow next week will come some small ray of hope which will bring this matter to a conclusion and bring back to the world—especially to the Far East, and most especially to southeast Asia—a degree of stability and peace which it has not had for more than two decades.

So, again, I commend the distinguished Senator from Idaho and his colleagues for taking this initiative and express the hope that his efforts, which have been persistent, and accomplished under difficulties—because he has received his share of criticism—will continue.

I am delighted that this statement has been made, and again extend my commendation and thanks to him.

Mr. CHURCH. I thank the able Senator very much. I would only mention that nearly all of the Senators who have joined in the signing of this plea previously joined in a letter to the President, last January, expressing the hope that the suspension of the bombing, then in effect, would be continued, and that the new round of bombing would not be renewed.

Some Senators who joined in the signing of this plea were not parties to that letter, but are nonetheless identified as Senators who have resisted the acceleration of the war, who have sought to further the efforts for peace, and who have worked to keep open the path of moderation which might lead to negotiations.

As to the threatened execution of these American prisoners of war, we hope to make it unmistakably clear that the consequences of such an atrocity will be very grave. By adding our voices in timely warning, we seek to contribute to the saving of these lives, and to prevent further escalation of the war in southeast Asia, with all the dire results that could follow.

I yield now to the Senator from New York [Mr. KENNEDY].

Mr. KENNEDY of New York. First, Mr. President, I wish to commend the Senator for his efforts, and that of his fellow Senators.

Mr. President, regardless of one's opinion of the war, or of the bombings of North

Vietnam, there is no justification and no excuse for the personal reprisals now threatened by Hanoi against individual American pilots. These men, in the oldest tradition of war, were following the orders of superior officers to attack targets which to the best of their knowledge were military involving no loss or damage to civilian life. They were doing their duty for their country—just as the soldiers of North Vietnam are acting according to their duty as defined by their leaders.

I have dissented at many points from this war and its conduct. But I am at one with all Americans in regarding any reprisals against these young men and indirectly against their families, as an intolerable act—contrary to the laws of war, contrary to all past practices in this war, a plunge into barbarism which could serve the interest of no man and no nation.

Moreover, such reprisals would do terrible damage to the possibilities of reasoned discussions between our two countries—which is the only way to a peaceful solution of this conflict. Within our own countries, in international bodies, and in the world at large, the new bitterness and meanness which such reprisals represent would inevitably stifle debate and discussion and, perhaps, place our countries on a course of even-greater escalation, a course from which there is no return.

Mr. CHURCH. Mr. President, I appreciate the eloquent statement made by the distinguished Senator from New York and the general support he has given to the effort by this group of Senators for whom I have spoken. We hope the message will be very clear that the threatened execution of American prisoners of war may well carry this cruel conflict beyond the point of no return.

As one who has constantly sought to find an honorable settlement, who can speak with some measure of independence and objectivity, as one who has frequently disagreed with our own Vietnamese policy, I hope this message will get through.

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

Mr. CHURCH. Yes; I am very pleased to yield.

Mr. BAYH. I would like to salute my colleague from Idaho for the courageous position which he took. At that particular moment, it was not the most popular thing to do. Neither was it, politically, the most advantageous thing to do. The record will show that the Senator from Idaho and some others who were deeply concerned about the policy of our country at that time did in fact speak out about the callous attitude of the North Vietnamese in regard to the lives of our fliers, and that it had more to do than anything else with the fact that they were not executed as the North Vietnamese had threatened. I salute him for the tremendous contribution he made.

I would hope that perhaps other Senators might join in broadening this colloquy and that this might persuade the North Vietnamese, once again, of the error of their ways concerning the terrible manner in which they are treating American prisoners of war.

Mr. CHURCH. I fully share the sentiment of the Senator.

A few days after the statement to which I referred was released, the government in Hanoi decided against the trials. It did not proceed either to try or execute the American airmen. I was told later by spokesmen for the State Department who were close to the situa-

tion that they thought our timely statement had proved very effectively in Hanoi.

Now is another time for us to speak out, as the Senator from Indiana has done today, to let Hanoi know of our heartfelt concern for American prisoners of war, and the outrage we feel that these men have not received the kind of humane treatment to which they are entitled under the conventions that should govern the conduct of all civilized nations.

Regarding the earlier statement, and in order to make the RECORD complete, I ask unanimous consent that an article dealing with that statement, which appeared in the Boston Sunday Globe on July 17, 1966, may appear at this point in the RECORD.

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

#### THE PHONE RANG, WITH URGENT PLEA

(By Martin F. Nolan)

WASHINGTON.—The most dramatic, ironic hours in the administration's latest overture to Hanoi began last week when the phone rang in the Bethesda home of Sen. Frank Church of Idaho.

George Ball, the Undersecretary of State, was calling with an urgent plea. It was Thursday night, with the lives of American airmen hanging in the balance and what Church later called "a peril point of no return" approaching the Viet Nam war.

The North Vietnamese government reported ready to announce the trials and expected executions of downed fliers. Ball's message was desperate, acknowledging that all appeals from the President and the State Department through normal diplomatic channels had failed to convince Hanoi that the executions would further escalate the war; the administration's "credibility gap" had stretched across the Pacific.

Since Hanoi had always believed that internal political dissension in America had aided the cause, only a plea from Senate "doves" might save the airmen.

For Church, a member of the Foreign Relations Committee and one of the earliest advocates of de-escalating the war, Ball's telephone request represented supreme irony. Since late 1964, when he first criticized American policy in Viet Nam, the Idaho Democrat had been snubbed by the White House and ridiculed at the State Department. Now he was being asked to help rescue some of the administration's most agonizing chestnuts from a perilous fire.

Had the advice given by Church and other Senate critics been followed, the "very, very grave development"—as Secretary of State Dean Rusk called it—might not have been a threat today. Church and others had opposed bombing the north, claiming it would lead to unforeseen escalation and needless loss of life.

But now, with the deadline in Hanoi approaching, the situation was critical. Church agreed to make a statement and to ask other senatorial critics of the administration to join him.

The 41-year-old senator called several senators for advice and began writing his statement. A press conference was called for Friday afternoon at 2 p.m. for the widest possible "exposure". A special effort was made to get Communist country correspondents to attend; a reporter for Izvestia showed up.

After calling several senators, including Joseph S. Clark (D-Pa.), vacationing in Wyoming, Church was advised on the statement's preparation. He was advised to keep it short and easily translatable into French for Hanoi's benefit. The word "atrocities" was crossed out to avoid any provocative inference.

Most of the five-paragraph statement was Church's own, ringing with mountain-state Old Testament rhetoric: "Violence begets violence; the fever of reprisal rises, feeding upon itself; . . . then the war becomes a raging inferno, burning away the last barriers of restraint."

At 9 a.m. Friday, Church began to call as many senators as he could. He had to do it himself, since the scope of the subject was beyond the area of staff aides. Few Republicans were reached in the four-hour period although Sens. George Aiken of Vermont and John Sherman Cooper of Kentucky were certified "doves."

Church began with the most severe critics and worked down a list of 15 senators who had signed a request to President Johnson early this year asking a continued suspension of bombing North Viet Nam. He added three new recruits including Sen. J. William Fulbright.

The two Kennedy brothers and Majority Leader Mike Mansfield were reached less than an hour before Church's announcement. They later joined the appeal in spirit with separate statements.

Mr. CHURCH. Mr. President, also I ask unanimous consent that an editorial published in the Lewiston, Idaho, Tribune on July 27, 1966, may appear here in the RECORD.

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

#### CHURCH'S ROLE IN THE PILOT TRIALS

Idaho Sen. Frank Church played a key and perhaps decisive role in convincing North Viet Nam that American pilots should not be placed on trial as war criminals, according to a behind-the-scenes story in the *Boston Sunday Globe*.

The story goes a long way to explain why Church suddenly came forward with a statement from himself and fellow Senate doves against a threat from Hanoi that few Americans knew existed.

The *Globe* reports the Johnson administration had known about the threatened trials and probable executions and had been unable to dissuade Hanoi through normal channels. Assuming that the North Vietnamese leaders place too much stress on American dissenters as verbal allies, the administration sought to demonstrate that pilot trials would be harmful to Hanoi's cause.

Undersecretary of State George W. Ball called Church and enlisted his help. The *Globe* says this is what happened:

"The 41-year-old senator called several senators for advice and began writing his statement. A press conference was called for Friday afternoon . . . for the widest possible exposure. A special effort was made to get Communist country correspondents to attend; a reporter for *Izvestia* showed up.

"After calling several senators, including Joseph S. Clark, D-Pa., vacationing in Wyoming, Church was advised on the statement's preparation. He was advised to keep it short and easily translatable into French for Hanoi's benefit. The word 'atrocities' was crossed out to avoid any provocative inference. Most of the five-paragraph statement was Church's own, ringing with mountain-state Old Testament rhetoric: 'Violence begets violence; the fever of reprisal rises, feeding upon itself; . . . then the war becomes a raging inferno, burning away the last barriers of restraint.'

"At 9 a.m. Friday, Church began to call as many senators as he could . . . Church began with the most severe critics and worked down a list of 15 senators who had signed a request to President Johnson early this year, asking a continued suspension of bombing North Viet Nam. He added three new recruits including Sen. J. William Fulbright. The two Kennedy brothers and Majority

Leader Mike Mansfield were reached less than an hour before Church's announcement. They later joined the appeal in spirit with separate statements."

There is no way of knowing whether the statement by Church and his fellow doves was the persuading influence, but it didn't hurt anything, and it probably was a key factor.

Hanoi has been encouraged by the dissent on the war in America and has remained inflexible in the hope that the U.S. would—at the prodding of the dissenters—grow weary of the conflict. But there are signs Hanoi has placed the wrong emphasis on the dissent—somehow taking it as support for North Viet Nam, somehow equating Church and other senators with that insignificant band of radicals who wave the Viet Cong flag at protest rallies.

Church and the others have never excused the presence of North Vietnamese troops in South Viet Nam, nor do they believe Hanoi is right and America wrong. In the long run, they are unyielding enemies of international communism, especially the Red Chinese variety.

Church and his fellow critics question whether America's best interests are being served by becoming involved in an Asian land war. Certainly, the Red Chinese seems to be delighted by the presence of American troops in Asia as some sort of a confirmation of their propaganda.

In the long run, Church and the others may be wrong. It may be possible to prove something in Viet Nam. But it would be important for Hanoi and the hawks at home to remember that Church and other critics of the war are not taking sides in a struggle between America and international communism. They represent, instead, a third point of view. But when the chips are down and Hanoi or anyone else does force them to take sides, as it did in the case of the pilot trials, Church and the other critics will side with Washington over Hanoi any day.—B.H.

Mr. CHURCH. Mr. President, I also have news releases issued subsequently, which bear out the continuing concern I have felt for American prisoners of war. On May 1, 1970, I joined the distinguished Senator from Kansas as one of the co-sponsors of a resolution he introduced, which had, so far as I know, the unanimous support of the Senate, in which we expressed our strong feeling that these prisoners are entitled to better treatment than they have received from the North Vietnamese. I said at that time:

I hope that this latest Congressional resolution will focus additional attention upon the situation of American POW's and help to assure both humane treatment for them and speed the day of their safe return home.

I ask unanimous consent that the news release dated May 1, 1970, may appear at this point in the RECORD.

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

#### NEWS RELEASE FROM FRANK CHURCH

WASHINGTON, May 1, 1970.—Senator Frank Church has co-sponsored a Senate concurrent resolution designating today—May 1—as a day for an appeal for international justice for American prisoners of war and servicemen missing in action in Southeast Asia.

Church noted that American prisoners of war or those missing in action now number 1,500, including several from Idaho.

In remarks prepared for delivery in the Senate, Church said that "The treatment of American POW's in Southeast Asia has been a concern of mine for many years." The Idaho Senator noted that in 1966, he drafted a statement—in which he was joined by

many other Senators—which warned the Hanoi government against treating American prisoners as war criminals. As a result, Hanoi dropped its criminal charges against captured American pilots.

More recently, Church co-sponsored and helped move through the Foreign Relations Committee a Senate resolution calling on the United Nations to intervene on behalf of American prisoners to insure that the Geneva Convention covering treatment of POW's is obeyed and that prisoners received humane treatment.

"I hope," Church said, "that this latest Congressional resolution will focus additional attention upon the situation of American POW's and help to assure both humane treatment for them and speed the day of their safe return home."

Mr. CHURCH. Mr. President, again last year, in October of 1969, I issued another public statement calling the treatment accorded American prisoners of war by North Vietnam "indefensible." I described it as still another barrier to a successful settlement of the war. I said at that time:

As a Senator who has long objected to our involvement in Vietnam, I call on the North Vietnamese and the National Liberation Front to observe the canons of morality and international law.

I said further that:

No legalisms can absolve any government of its obligation to accord humane treatment to prisoners of war.

And I noted that the cruelty of the North Vietnamese policy:

Is felt most deeply by the prisoners' wives and families. For many, the pain of separation is worsened by the terrible uncertainty about whether their loved ones are alive.

I concluded with:

The obstinacy of the government of North Vietnam and the NLF increases bitterness and suspicion, and raises still another barrier to a successful settlement of the war. Without producing any military or diplomatic advantage, it multiplies grievances, spreads distrust and has much the same effect on progress toward peace as escalation on the battlefield.

Mr. President, I ask unanimous consent that the full statement, issued on October 1, 1969, appear in the RECORD.

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

#### NEWS RELEASE FROM FRANK CHURCH

WASHINGTON, October 1, 1969.—Senator Frank Church said today that the treatment accorded American prisoners of war by North Vietnam is "indefensible" and still another barrier to "a successful settlement of the war."

In remarks prepared for delivery in the Senate, the Idaho Senator said it is time "for Hanoi to recognize that its treatment of prisoners of war is morally repulsive to people of all shades of opinion in the United States and the world."

"As a Senator who has long objected to our involvement in Vietnam, I call on the North Vietnamese and the National Liberation Front to observe the canons of morality and international law."

Hanoi and the NLF, Church said, "should identify the prisoners of war, allow the free flow of mail, permit inspection of the detention facilities by the International Red Cross, and give real evidence that the captives are receiving adequate care. In the name of our common humanity, they should do so now."

At the same time, Church reiterated his



support for a pending Senate resolution urging the United Nations to act on behalf of American prisoners.

Noting the continued refusal of Hanoi and the NLF to abide by the Geneva Conventions of 1949 concerning treatment of prisoners, Church said that "No legalisms can absolve any government of its obligation to accord humane treatment to prisoners of war."

The cruelty of the North Vietnamese policy, the Idaho Democrat continued, "is felt most deeply by the prisoners' wives and families. For many, the pain of separation is worsened by the terrible uncertainty about whether their loved ones are alive."

And, Church said, "The obstinacy of the government of North Vietnam and the NLF increases bitterness and suspicion, and raises still another barrier to a successful settlement of the war. Without producing any military or diplomatic advantage, it multiplies grievances, spreads distrust and has much the same effect on progress toward peace as escalation on the battlefield."

In 1966, in an effort led by Church, several Senate opponents of the war in Vietnam warned the North Vietnamese against going ahead with their threat to execute captured American flyers as war criminals. A few days later, Hanoi dropped its plan for the war criminal trials.

Mr. CHURCH. So, Mr. President, I would hope that no one is led to conclude that those of us who oppose this amendment have any less feeling for the plight of American prisoners of war than those who vote for the amendment.

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

Mr. CHURCH. I yield.

Mr. DOLE. I just want to underscore the Senator's last statement. Certainly, as I tried to make it clear, I applaud those efforts of the distinguished Senator from Idaho and others who have spoken on the floor today. I do not question the motives of anyone. I do not question anyone's patriotism. I do not agree with the Senator from Idaho's assessment of this amendment but certainly do not intend to make an issue of anyone's patriotism, whether he opposes or supports the amendment offered by the Senator from Kansas. I believe it is an appropriate amendment and will speak to that later this afternoon. I have high regard for the Senator from Idaho and recognize his long and continuing interest, not only in opposition to the war, but in the status of American prisoners of war and those missing in action in Southeast Asia.

I hope the Senate will deal with the amendment, on its merits and not by way of some parliamentary procedure to table it. At least we should have a vote on the merits of the amendment.

Mr. CHURCH. I thank the Senator for his personal references.

I yield now to the Senator from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY. Mr. President, a great deal has been said and done in recent years regarding the young Americans being held as prisoners of war by the North Vietnamese and the Vietcong. Our own Government and others, private groups and individuals, Members of Congress, and the relatives of the prisoners themselves, have gone to extraordinary lengths and pursued every channel in the hope of at least finding out the names of the prisoners held.

My personal efforts in this regard go back to the fall of 1965, and have continued until the present time. In addition to a number of visits to the International Committee of the Red Cross in Geneva, and conversations with representatives of various governments and the United Nations, on three separate occasions, I have addressed letters to the President of North Vietnam. My primary concern was merely information on the identity and condition of the prisoners, and arrangements for the free flow of mail between these men and their families in the United States. The first letter, sent in 1966, was never answered. The second letter, sent in 1967, was acknowledged through an aide to the President of North Vietnam. The third letter, sent last year, was answered by President Ho Chi Minh's successor, Ton Duc Thang.

The negative response to my personal efforts are a matter of record—so I share the deep frustration of all Americans, on the lack of any meaningful progress relating to the prisoners of war issue.

Our duty to these men, of course, and to their families, is basically humanitarian. And I strongly feel, that if we are to successfully obtain humane and fair treatment for them, we must stop tying their rights to unrelated political controversies, both foreign and domestic. We must stop exploiting their helpless plight to beat the war drums in Southeast Asia. We must stop using them as pawns in the Paris talks, thereby evading the real issues involved in reaching a political settlement—a negotiated settlement—that will end the violence and war in Indochina.

It is this increasing politicization of the prisoners of war issue that concerns me today. And so I say, as I have said in this Chamber before, let us remove the political pressures from the prisoner issue. Let us give credibility to our legitimate humanitarian concerns. Let us stop the shouting and denunciations, and begin the quiet, private international initiatives necessary, I feel, to accomplish the objectives all of us seek.

A few months ago—in February—the American National Red Cross began such an effort. Chairman E. Roland Harriman wrote letters appealing for the help of Red Cross societies throughout the world. On April 9 I reported to Senators some progress on responses to his letters. Today I can report additional progress, but I also want to urge those National Red Cross societies that have not responded positively to do so now.

It is my understanding that at least 45 of the societies have communicated with Mr. Harriman. At least 30 of these have responded positively. Only three societies have been negative so far—those in the Soviet Union, Mainland China, and East Germany.

I would certainly hope and urge that other societies—the Red Cross being perhaps the most universal of humanitarian agencies—would respond positively to the pleas for help from their counterpart in their country, and in turn work together to generate some program on an issue of vital concern to the American people and humanitarians throughout the world.

It is my hope that other American voluntary organizations, with essentially humanitarian concerns, will support and join this effort of the Red Cross. I appeal to these other organizations—in the religious community and elsewhere—to encourage their counterparts and related agencies overseas, to raise the prisoners of war issue in other countries.

The fact remains, Mr. President, that there are a number of international agencies which have shown themselves to be interested in humanitarian efforts and concerns involving disadvantaged peoples—in Nigeria and elsewhere. Some are concerned with such things as the past massacres in Indonesia or political prisoners in Brazil, for example. I do not feel that these organizations have been sufficiently activated to this issue of prisoners of war, and I would certainly be hopeful that all the information that we have, that is available to the Government, could be presented to these groups, religious groups and others, and that we could actively implore the use of their good offices in trying to reach a solution to this very compelling humanitarian issue of the American prisoners in North Vietnam.

Perhaps such an internationalization of the prisoners of war issue, within the humanitarian context of these private organizations, will persuade Hanoi that even modest steps to ease the anguish felt in the hearts of so many Americans would be gratefully welcomed by people throughout the world as a measure of respect for the dignity of man and a meaningful contribution toward peace.

Mr. President, I want to commend the distinguished floor leader, the Senator from Idaho (Mr. CHURCH), the distinguished Senator from Indiana (Mr. BAYH) and a number of others for their statements this afternoon. I think they have reflected, as shown by their past efforts, a very true, deep, and passionate concern for the welfare and the well-being of these prisoners.

I think all of us feel the sense of frustration from the fact that even efforts made by well-intentioned people have failed to bring about the kind of solution to this problem which all of us in this body would like to see achieved.

The prisoner of war issue, in its real humanitarian aspects, has to be brought home even further throughout the world community. I think we have to be unrelenting in our efforts to achieve the aims which all of us would like to achieve. I think we can see that in the very recent months, there have been some very slight rays of light occasioned by the exchange of some mail and packages. Certainly this is not the whole story, but there have been certain kinds of indications which are a good deal more hopeful than we ever expected in the past.

So I would hope that if we can get international humanitarian agencies to make the necessary effort, we will have at least provided some additional and meaningful channels to meet what I know concerns every Member of this body.

I thank the Senator for yielding.

Mr. CHURCH. Mr. President, I express my gratitude to the Senator for the persuasive argument he has made.

I yield now to the Senator from New Jersey (Mr. CASE).

Mr. CASE. Mr. President, I thank my colleague for yielding. I asked him to do so only for the purpose of adding a little cumulative weight to what has been said already.

Those of us who do not believe that the pending amendment is the best way to proceed in the matter of helping prisoners of war are very much concerned that our opposition to it should not in any way be misunderstood. As the Senator from Idaho and other colleagues who have just spoken have clearly indicated, our concern for these men—and women, if there be any—who are in the hands of the enemy is in no way diminished by the action that we expect to take in regard to this amendment, and we do not want anyone to misunderstand this. We shall continue as strongly as we can in all the various ways that have been pursued, and in others, too, if they can be found, to ameliorate this situation and to bring, if it is possible in any way to do it, the force of world opinion to bear upon the North Vietnamese and upon the people who are holding Americans as prisoners of war in circumstances that are not tolerable.

I commend my colleague for having raised this issue, and other Senators as well.

Mr. PELL. Mr. President, I rise to say a word in support of the Senator from Idaho and other Senators who would not want what we say here to be construed as a message to Hanoi that we in any way sympathize with or excuse or condone their obnoxious treatment of our men who are prisoners of war.

I am reminded of World War II, when the Germans had two kinds of prisoners of war—those from nations that had signed the Geneva convention and those from nations that had not. The prisoners from nations that had not signed the convention were treated as nonprisoners and were treated very badly. I am thinking specifically of the Russians who were German prisoners of war. But even in that case, their treatment was better than the treatment that is accorded the prisoners of war held by North Vietnam. In World War II, the prisoners were not called criminals, they were not brutalized, and they were not brainwashed.

I think it is very important for Hanoi to recognize that those who oppose the war find far more obnoxious, from an individual viewpoint the treatment the North Vietnamese are according to American men held as prisoners of war.

I commend the Senator from Idaho for his statement.

Mr. CHURCH. Mr. President, no one abhors war more deeply than the Quakers. Those who devoutly believe in the Quaker faith must feel deep compassion toward American prisoners of war, and the condition in which they now find themselves.

I received today a letter from Mr. Edward F. Snyder, of the Friends Committee on National Legislation. It is an eloquent statement in opposition to the

enactment of the amendment offered by the Senator from Kansas. The letter points out how the adoption of this amendment could not possibly help our prisoners of war, indeed it might have the opposite effect.

Mr. Snyder concludes his letter with this statement:

If we are truly concerned for the welfare of prisoners of war in Vietnam, Cambodia and Laos, it seems to me the best way to secure their release is in the context of a general agreement to end the war in Indochina.

I ask unanimous consent that the full text of this 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:

FRIENDS COMMITTEE ON NATIONAL LEGISLATION,

Washington, D.C., June 2, 1970.

Senator FRANK CHURCH,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR CHURCH: During the early months of 1968 as Quaker International Affairs Representative in Southeast Asia I had occasion to talk with representatives of the DRVN and the National Liberation Front about the question of prisoner release. This was done in the context of seeking the release of one of our Quaker doctors taken prisoner at Hue during the Tet Offensive and of her friend who worked with International Volunteer Services. We also urged the release of other civilians and government personnel. In the course of these conversations I had the opportunity to form some opinion regarding the possibilities for releasing such prisoners and the conditions under which a general release might occur.

Having had personal friends who were or are now thought to be prisoners, I can sympathize deeply with the desire of those who seek to obtain their release. It does seem to me, however, that proposals such as those offered by Senator Dole of Kansas will be completely ineffectual in achieving that goal.

Two references arise from Senator Dole's proposal that the Church-Cooper Amendment "... 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."

One inference is that there is an implied threat to continue or escalate the military action in Cambodia if the North Vietnamese or the forces of the National Liberation Front hold U.S. prisoners of war there. Threats or the actuality of much stronger action such as massive bombing of North Vietnam have had no such effect and it seems practically inconceivable that the threat that U.S. troops will remain in or return to Cambodia will persuade them to release prisoners.

There is also an implication which may be unintended that, by leaving the way open for U.S. forces to remain in or return to Cambodia, some sort of armed column rescue operation might be carried out. Even if it were possible to locate the place where prisoners were being held in Cambodia, the risk to the lives and safety of the prisoners themselves in the course of such an operation would be, in my opinion, so great that this course of action is extremely difficult to justify.

The only real hope for securing a general release of prisoners lies in achievement of a final settlement such as occurred in the Geneva Accords of 1954. As you recall, Article 21 of the Agreement on the Cessation of

Hostilities in Vietnam of July 20, 1954, states:

"The liberation and repatriation of all prisoners of war and civilian internees detained by each of the two parties at the coming into force of the present Agreement shall be carried out under the following conditions:

"(a) All prisoners of war and civilian internees of Viet-Nam, French and other nationalities captured since the beginning of hostilities in Viet-Nam during military operations or in any other circumstances of war and in any part of the territory of Viet-Nam shall be liberated within a period of thirty (30) days after the date when the cease-fire becomes effective in each theatre.

"(b) The term 'civilian internees' is understood to mean all persons who, having in any way contributed to the political and armed struggle between the two parties, have been arrested for that reason and have been kept in detention by either party during the period of hostilities.

"(c) All prisoners of war and civilian internees held by either party shall be surrendered to the appropriate authorities of the other party, who shall give them all possible assistance in proceeding to their country of origin, place of habitual residence or the zone of their choice."

If we are truly concerned for the welfare of prisoners of war in Vietnam, Cambodia and Laos, it seems to me the best way to secure their release is in the context of a general agreement to end the war in Indochina.

Sincerely yours,

EDWARD F. SNYDER.

Mr. CHURCH. I yield now to the distinguished Senator from Indiana.

Mr. BAYH. I thank the Senator from Idaho.

In talking with a number of citizens of this country and other countries who have been in direct communication with the North Vietnamese, it appears that it is difficult for the North Vietnamese leaders to understand our system of government.

The Senator from Indiana wonders whether there is anything we can do, other than this type of colloquy, to try to drive this message home: that in our system it is entirely possible for the Senator from Indiana and the Senator from Idaho and some of the rest of us to disagree with vigor, but with respect, as to the proposition of our friend and colleague the Senator from Kansas, and yet, with equal fervor, to agree on a somewhat related point such as the prisoners of war.

The Senator from Idaho asked a moment ago whether there was anything else we could do. The Senator from Indiana is at a loss to suggest anything that can guarantee the return of our men.

It has been suggested by some that perhaps something dramatic might be done, a joint session of Congress, for example, for the purpose of dealing with the problems of prisoners of war. The Senator from Indiana feels that perhaps this should be explored with the Presiding Officer, the Vice President, or with the officials of the other body.

I ask the Senator from Idaho and the Senator from Kansas whether a message I just have penned might profitably be sent to the premier of the Democratic Republic of Vietnam, the North Vietnamese, to which we would try to get the



signatures of all Members of the Senate, indicating that we are deeply concerned. I am not wed to this language, and I am not certain it will do anything, but anything we can do to get the North Vietnamese to better understand the deep concern that the people of this country have, and that we as their representatives have, might be of some assistance. It could read as follows:

We the undersigned members of the United States Senate feel compelled to personally express our sense of outrage at the continuing inhumane treatment of United States prisoners of war held captive by the government of North Vietnam and National Liberation Front.

As a signatory to the Geneva Prisoner of War Convention of 1949—

Which I understand North Vietnam signed in 1957.

North Vietnam is bound to identify the persons held prisoner, release those who are ill or wounded, permit the regular flow of mail to and from the prisoners, and permit inspection of the prisoner of war facilities. In blatant disregard of these basic humanitarian requirements, the government of North Vietnam continually has refused to adhere to the terms of the Geneva Convention.

While we are not of one mind on the past and present policies of our government in Southeast Asia, we think it is important for North Vietnam to know that we are of one mind in insisting on the immediate release and proper treatment of our prisoners.

I suggest that we might pursue this. I further suggest to the Senator from Kansas that together—all of us on both sides of this issue—that this would be a telling point. If a message such as this, which could be drafted jointly by us, could arrive in North Vietnam with the signatures of 100 Senators affixed to it, it might have an impact.

It would seem to me that this would at least show a unanimity of purpose in this country relative to what is happening to our young men.

Mr. CHURCH. I would be proud to add my name to such a message. The unanimous endorsement of the Senate of such a message, conveyed to the Government of North Vietnam, could very possibly have a helpful effect.

I want to do anything I can that has some chance of being effective in helping our prisoners of war who are now held principally in North Vietnam—not Cambodia.

As the Senator himself has so well said earlier in this debate, the pending amendment offered by the Senator from Kansas cannot possibly be effective in helping American prisoners of war. By retaining American forces in Cambodia beyond the date the President himself has set for their withdrawal, our POW's in Indochina are not helped at all.

One cannot believe, even if the Dole amendment were adopted, that the President would ever invoke it.

I thus commend the Senator for his suggestion. I want to do something that could help. Yet, we must not raise false expectations, which would be the case if we adopted an amendment of the character offered.

Mr. BAYH. It seems to me—I see our distinguished colleague from Kansas ris-

ing so I shall be brief—that one thing that certainly could do no harm and might, as the Senator from Idaho has suggested, drive home the point that we are united on the issue of the humane treatment of U.S. prisoners, is a telegram from the 100 Members of the Senate.

I appreciate the Senator's yielding to me.

Mr. CHURCH. Mr. President, I yield the floor.

Mr. DOLE. Mr. President, let me say, first of all, in response to the suggestion of the Senator from Indiana, it is a good one. Certainly, I would be pleased to participate.

With reference to the debate this afternoon, if nothing else, my amendment has been successful, in that it has at least spurred some debate.

I do not impugn the motives of anyone but, to the contrary, applaud the statements made. I recognize the interest of many Senators in American prisoners of war and those missing in action extending back before I became a Member of this body.

Thus, to my friends who have risen to express their views, perhaps this activity in itself will be meaningful to the wives and children and mothers of Americans missing in action and our prisoners of war in Southeast Asia.

I have been told many times by the wives and parents of Americans missing in action, and prisoners of war, that any interest expressed on the Senate floor or on the floor of the House, or by the President is meaningful, because it may result in some way in better treatment for their husbands and sons.

Thus, I would hope that the debate today will have that meaning, notwithstanding the fate of my amendment, which will be voted on tomorrow at 11:30 a.m.

I would say to my friends from Idaho and Indiana that tomorrow, rather than moving to table the amendment, that we should have a vote on its merits.

I happen to believe this is one way we can express ourselves. I happen to believe that this is a responsible amendment. I do not consider it a travesty, as has been suggested by the Senator from Idaho. It says merely that—

(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.

All it says, in effect, is, if the President determines there are prisoners there, American citizens, or American nationals, that the sections are inoperative and American troops could go into Cambodia without the President first consulting or obtaining the consent of Congress.

Mr. CHURCH. Can the Senator from Kansas tell us how many prisoners of war there are in Cambodia?

Mr. DOLE. Not precisely. I think there are reports of 20 or more.

Mr. CHURCH. Can the Senator tell us how many prisoners of war there are in North Vietnam?

Mr. DOLE. Again, not precisely. I think

perhaps as many as 400—known prisoners.

Mr. CHURCH. Then why does not the Senator extend the amendment to cover North Vietnam and provide that there shall be no withdrawal of troops from South Vietnam as long as there are prisoners of war in North Vietnam?

Mr. DOLE. I would be very happy to add North Vietnam, Laos, and Thailand, but would not add the last section. I believe the President would exercise the right of rescue, notwithstanding the amendment, as has been expressed by the Senator from Idaho and many others. That is why I feel this amendment would be a positive step by the Senate, that the President should have that right. It underscores what has been said by every Senator speaking today, that we are concerned about our prisoners of war and those missing in action.

Why do we not say so in so many words? I would be very happy to accept the amendment, to include Laos, Thailand, and North Vietnam.

Mr. CHURCH. Last December, the Senator supported an amendment here that prohibited the introduction of American ground forces into Laos. At that time he did not raise any question concerning American prisoners of war held in Laos. Is that not true?

Mr. DOLE. That is true. It was a mistake, but I did not raise that question at that time.

Mr. CHURCH. Is not the principle involved in this amendment, as it applies to Cambodia, equally applicable to Laos and North Vietnam?

Mr. DOLE. There is no question about it. In fact, there are other amendments pending. They will all be offered in due course, some much broader than mine. I restricted mine to Cambodia because the Church-Cooper resolution was restricted to Cambodia. There are some 16 or 17 amendments pending. This is only the beginning. There will be others following this one. The Senator from Arizona (Mr. GOLDWATER) has an amendment which deals with prisoners of war in the entire area of Southeast Asia. I confess that I voted last December 15 for the Laos-Thailand amendment and perhaps at that time there should have been some recognition, that the President had that power in any event. Again, as has been stated by the Senator from Idaho, I feel the President has that right and he has that power. Thus, I hope the Senator from Idaho might agree to some language in the Church-Cooper resolution itself.

Mr. CHURCH. Whatever constitutional power the President has, irrespective of what language we put in the Cooper-Church amendment, he will retain.

Mr. President, I have here a tabulation from the Department of Defense on the prisoner of war situation as of May 26, 1970. I call it to the Senator's attention because it is highly pertinent to his amendment.

This compilation shows that of those Americans missing in action, 481 are listed as missing in action in South Vietnam, 405 are listed as missing in action in North Vietnam, 219 in Laos, none in

Cambodia—for a subtotal of 1,105. Of those believed to be captured by the enemy, 75 are believed to be in South Vietnam, 375 are believed to be in North Vietnam, three are believed to be in Laos, and none are believed to be in Cambodia. The total, 1,558, is the latest compilation furnished us by the Department of Defense.

Mr. President, I ask unanimous consent that this compilation be printed in the RECORD.

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

*American servicemen missing in action or believed captured—Southeast Asia, as of May 26, 1970*

1. Missing in action (location):	
a. South Vietnam	481
b. North Vietnam	405
c. Laos	219
d. Cambodia	---
Subtotal	1,105
2. Believed captured (location):	
a. South Vietnam	75
b. North Vietnam	375
c. Laos	3
d. Cambodia	---
Subtotal	453
Total	1,558

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

Mr. DOLE. I yield.

Mr. GOLDWATER. Mr. President, there are 18 or 20 American newsmen missing in action. They could be assumed to be prisoners of war in Cambodia.

Mr. DOLE. Mr. President, at this point in the RECORD, I ask unanimous consent to have printed a number of telegrams from the wives and mothers of American prisoners of war and Americans missing in action with reference to the amendment I have offered, and with reference to the other amendments dealing with prisoners of war and Americans missing in action, and the so-called Cooper-Church amendment.

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

LEWISTON, IDAHO,  
May 30, 1970.

Senator ROBERT DOLE,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR DOLE: My son, Lt. Roderick Mayer, U.S.N., has been a prisoner of war in North Vietnam since Oct. 17, 1965.

If President Nixon withdraws our troops from Vietnam before Hanoi releases our men, I will never see my son again.

Please use your influence to convince the President that he must negotiate the release of our prisoners of war by North Vietnam and the Vietcong before he withdraws any more troops from Vietnam.

Sincerely,

Mrs. JOE MAYER.

FORT MADISON, IOWA,  
June 1, 1970.

Senator ROBERT DOLE,  
Senate Office Building,  
Washington, D.C.:

We urge support of prisoner of war amendment to bill 609.

Mr. and Mrs. DARWIN CUTHBERT.

SEATTLE, WASH.,  
May 30, 1970.

Senator ROBERT DOLE,  
Senate Office Building,  
Washington, D.C.:

We strongly commend and support your proposed POW amendment to the Church-Cooper bill.

Mr. and Mrs. R. W. BALCOM.

SPOKANE, WASH.,  
May 30, 1970.

Senator ROBERT DOLE,  
Senate Office Building,  
Washington, D.C.:

Mrs. Jeanette Shively, Mrs. Faye Schlerman, and Mrs. Marie Bossio from Spokane, Wash., left this morning for Europe to seek information of their loved ones who are MIA POW. They join with me in gratitude for your constant concern of our POWs and in commending you on the recent amendment to the POW resolution.

Sincerely,

JOAN VISSOTZKY.

PUYALLUP, WASH.,  
May 30, 1970.

Senator ROBERT DOLE,  
Senate Office Building,  
Washington, D.C.:

I commend you on your POW amendment to Church-Cooper bill. Now is the time for expanding war legislation to include the prisoners and missing held by North Vietnam, Laos, and the National Liberation Front. We must be sure money and troops are not withdrawn before satisfactory negotiations of the prisoner question. We cannot abandon the 1,500 in Southeast Asia as we did the 389 in Korea.

Best personal wishes.

Mrs. ROBERT HAGERMAN,  
Washington Families Prisoners of War.

WALLA WALLA, WASH.,  
May 30, 1970.

Senator ROBERT DOLE,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR DOLE: We the parents of a son who is missing in action in Southeast Asia want to commend you on your amendment of the return of Americans including all prisoners of war in Southeast Asia. Your efforts are greatly appreciated.

Sincerely yours,

FLORENCE M. KLEINKNECHT.

TACOMA, WASH.,  
May 30, 1970.

Senator ROBERT DOLE,  
Senate Office Building,  
Washington, D.C.:

I commend you for your amendment to the Church-Cooper bill with consideration for the prisoners and missing in action. The families and loved ones of these men support you in your endeavor to show concern and are placing our confidence in you that the men in Cambodia and also those held as prisoners and missing in action category in the other areas of Southeast Asia shall not be forgotten in haste to withdraw funds and troops before these brave captives are returned home and a just peace is realized.

JOYCE KNISELY.

LAGUNA BEACH, CALIF.

Senator ROBERT DOLE,  
Senate Office Building,  
Washington, D.C.:

I support you in your amendment to the Church-Cooper bill which would prohibit the cutting off of funds to Cambodia until our prisoners of war are released.

Mrs. LILLIAN N. SMITH.

LAGUNA BEACH, CALIF.,  
June 1, 1970.

Senator ROBERT DOLE,  
Senate Office Building,  
Washington, D.C.:

You have of full support on your amendment to the Church-Cooper bill.

MARY A. WATERS.

ST. LOUIS, MO.,  
May 30, 1970.

Senator ROBERT DOLE,  
Senate Office Building,  
Washington, D.C.:

We back your move to reenter Cambodia if necessary to release American prisoners.

Mr. and Mrs. RICHARD VASEL.

OAK HARBOR, WASH.,  
May 29, 1970.

Senator BOB DOLE,  
Washington, D.C.:

Strongly support your stand for prisoner release on Cambodian bill. Vitally concerned citizen.

ALICE L. KANE.

OLYMPIA, WASH.,  
May 29, 1970.

Senator ROBERT DOLE,  
Senate Office Building,  
Washington, D.C.:

I commend and support your efforts on the POW's amendment to the Church-Cooper bill. We must not withdraw from Cambodia for it may mean leaving prisoners of war behind. I am one of many heart broken loved ones of those missing in action and our prayer is that men like you help for the return of all prisoner of war men all over in Southeast Asia. Thank you again for your every effort to help and our prayers are with you.

Mrs. PAUL L. VRAFFEE.

MERCER ISLAND, WASH.,  
May 29, 1970.

Senator DOLE,  
Washington, D.C.:

Commend and support your efforts. Behalf of prisoner of war amendment to Church-Cooper bill.

MELITTA JOHNSON.

SEATTLE, WASH.,  
May 29, 1970.

Senator DOLE,  
Senate Building,  
Washington, D.C.:

We are for our President and concur in his Cambodia action please support amendment to Church-Cooper bill our prisoners of war and missing in action must not be left behind and uncared.

Mr. and Mrs. GEORGE A. JENSEN.

OAK HARBOR, WASH.,  
May 29, 1970.

Senator BOB DOLE,  
Washington, D.C.:

Strongly support your stand for prisoner release on Cambodian bill.

GAIL ORELL.

LAGUNA BEACH, CALIF.,  
May 31, 1970.

Senator ROBERT DOLE,  
Senate Office Building,  
Washington, D.C.:

I support you in your amendment to the Church-Cooper bill which would prohibit the cutting off of funds to Cambodia until our prisoners of war are released.

Mrs. LILLIAN N. SMITH.  
PIQUA, OHIO,

June 1, 1970.

Senator ROBERT DOLE,  
Washington, D.C.:

We support the POW amendment.

MARY BAUGH.



LAGUNA BEACH, CALIF.,  
June 1, 1970.

Senator ROBERT DOLE,  
Senate Office Building,  
Washington, D.C.:

You have our full support on your amendment to the Church-Cooper bill.

VIRGINIA DAILEY.

OAK HARBOR, WASH.,  
May 30, 1970.

Senator ROBERT DOLE,  
Washington, D.C.:

As the wife of a navy lieutenant who is missing in action in Vietnam I heartily support your amendment to the Cambodian bill. I'm glad we have one very concerned Senator in Washington.

Mrs. BARBARA HUNT.

OAK HARBOR, WASH.

Senator ROBERT DOLE,  
U.S. Senate,  
Washington, D.C.:

I am the wife of Cdr. W. P. Yarbrough, MIA, North Vietnam, January 1, 1967. Before Congress considers the people who scream what can the United States do for them consider the people who said what can we do for the United States, the men who are missing in action and prisoners of war in Southeast Asia. The first have the voting power but the second have the courage. Stop the Cooper-Church bill from passage by the Senate. First make North Vietnam return all missing in action and prisoners of war.

BETTY E. YARBROUGH.

CHICAGO, ILL.,  
June 1, 1970.

Senator ROBERT DOLE,  
Washington, D.C.:

We support Robert J. Dole, Republican from Kansas, amendment for the POW.

Mr. and Mrs. GEORGE STARK.

PIQUA, OHIO,  
June 2, 1970.

Senator ROBERT DOLE,  
Senate Office Building,  
Washington, D.C.:

I support Senator Dole POW amendment.

Mr. and Mrs. EARL BAUGH.

Mr. DOLE. Mr. President, at the hour of 11:30 tomorrow morning, there will be a vote, hopefully, on the merits of the amendment I have offered, to page 5, lines 18 and 19 of the Military Sales Act.

I have no control over what motion might be offered ahead of any vote on the merits, but would assume and presume that there will be a motion to table. But I hope in view of the thoughts expressed by a number of distinguished Senators this afternoon that we will vote on the merits of the amendment and that the amendment will be adopted.

It is not very complicated. It is rather simple. It merely says that if the President determines that Americans are captives of the enemy in Cambodia, the provisions of the Cooper-Church amendment shall be inoperative.

The Senator from Idaho said and almost every other Senator believes, that the President has this right and power to effect the rescue of prisoners under the Constitution in any event, although it is not delineated clearly in the Constitution.

Some raise doubts about the powers that the President has under the Constitution. That is the sole and only purpose of offering the amendment, to make it crystal clear that if the President should determine that citizens or na-

tionals are held prisoners of war in Cambodia, the so-called Cooper-Church amendment would not be operative.

As the Senate has proceeded in its consideration of the Cooper-Church amendment, initial doubts held by many as to its timeliness and propriety have been confirmed, and other weaknesses have been disclosed.

The first flaw which was noted, and one which has remained unrepaired, is the amendment's imposition of legislative initiative in a situation where the President has taken action and is pursuing a well-defined and delimited objective, this legislative action is no less than an attempt to second-guess the President in his conduct of the Cambodian operations. Furthermore, despite assertions to the contrary, this legislative action amounts to a declaration of lack of confidence in the President's ability or intention to fulfill his timetable for termination of the Cambodian operations.

Although the amendment has been modified to take effect after the President's deadline for withdrawal of U.S. forces and to express the intent of acting in concert with the President's objectives, the underlying implications of the amendment have not been altered to any meaningful extent.

Another objectionable aspect of the Cooper-Church amendment, aside from the present considerations of Cambodia, is the actual or apparent limitation which would be placed on the President's Commander in Chief powers. As a matter of constitutional law and realistic understanding, the Congress cannot place limitations on any of the President's exclusive powers. However, in world politics, just as in the domestic variety, appearances, and impressions are often of equal importance with actuality. While we in the Senate and the American public would likely understand the boundaries of any legislative expressions in this field, we could not count on similar understanding by peoples of other countries, friends and enemies alike. If it were believed—falsely or not—that the President, in the conduct of this Nation's foreign policy and in the command of our troops throughout the world, was operating under legislatively directed limitations on his exclusive powers, the ramifications would be profound.

Our capacity and dedication to meeting our treaty and mutual security obligations would be subjected to considerable question. If the Congress were believed to have restricted the President in Cambodia what would allay suspicions that limits might not be imposed in situations which might arise in Korea, in Europe, or in Israel?

Our treaty partners throughout the world would be forced to reevaluate their positions within our alliances. If they could no longer place their firm reliance in our resolve to meet the spirit as well as the letter of these obligations, they could be expected to take fundamentally different views of their roles in world affairs. In pursuit of their own self-interest, they would have to seek accommodations with other powers and inter-

ests—perhaps against the wishes and positions of the United States.

Even those nations who are not bound to us by treaties would have to study their positions in the light of an apparently fettered U.S. President and restricted U.S. capacity to influence world events, and honor commitments.

Our enemies, too, would be given cause to consider what new ventures and policies they might undertake believing U.S. response to be encumbered by legislative directives.

As I said, Mr. President, in reality, the President's and the country's ability and intention to wield power and fulfill obligations would not be impaired by the Cooper-Church amendment. But if our friends, our enemies, and noncommitted peoples believed otherwise, the reality would be irrelevant.

Another objectionable aspect of any attempt to restrict the President's Commander in Chief authority has to do with the men he commands. As Commander in Chief the President has the immense burden and responsibility of protecting his troops to the utmost of his abilities. He is, of course, required to order them into hazardous duty. But to the maximum extent possible, he is charged with insuring their safety—and the safety of all Americans.

Mr. President, as I have done so many times before, let me indicate, underscore, and emphasize that President Nixon has kept his word to the American people. President Nixon has kept faith in the American people. President Nixon has reduced the troop level in South Vietnam by 115,500.

Every withdrawal announced by President Nixon has been on schedule or ahead of schedule. He has also announced the withdrawal of another 150,000 troops to be completed by next spring.

As I have stated before, I do not question the motives of the sponsors of the Cooper-Church amendment, but I question the timing of it.

Had President Nixon announced he would withdraw troops and then not followed through, we would have had occasion to question his credibility and integrity.

President Nixon has stated time and time again that all American troops would be withdrawn from Cambodia by June 30. I have faith in President Nixon. I believe President Nixon when he says the troops will be withdrawn from Cambodia on or before June 30.

I believe President Nixon when he says 150,000 additional American troops will be withdrawn by next May 1 or before.

I believe President Nixon when he says that the incursion into Cambodia was necessary for two purposes and two purposes only—first, to protect our American forces remaining in South Vietnam and, second, to keep our Vietnamization program on schedule or perhaps even ahead of schedule.

Mr. President, we are faced tomorrow with the initial vote, not a test vote by any means, but the initial vote on a series of amendments, many of which would improve the so-called Cooper-Church amendment.

Let me emphasize again that my

amendment is not intended to gut the Cooper-Church amendment. My amendment is not intended to delay consideration of the Cooper-Church amendment.

My amendment is intended to protect the lives of Americans who may be captives or prisoners of war in Cambodia.

I suggest to my friends who spoke today of their concern, and I have no doubt that their concern is real and sincere, that another way to express their concern is to vote for the amendment and against any motion to table.

This would be meaningful. It would be a signal to Hanoi and to the National Liberation Front that Americans do care, that Americans will not take these rights away from our President to protect the American prisoners.

It would be a signal of hope to American wives and mothers who have husbands and sons who are now prisoners of war in North and South Vietnam, Laos, and Cambodia.

Mr. President, I conclude by requesting that those who have spoken today in opposition to the amendment read it carefully, read it in its entirety. Read it as an effort to strengthen the Cooper-Church amendment, read it as an effort to strengthen the hand of the President, read it as an effort to give hope to those Americans who may be prisoners of war or who may be Americans missing in action anywhere in Southeast Asia.

Mr. President, I share the view expressed by the Senator from Idaho that perhaps the amendment should be broadened. Other amendments will be offered, one by the Senator from Arizona with reference to American prisoners of war and Americans missing in action in North Vietnam, South Vietnam, Laos, and other countries in Southeast Asia.

If we are truly concerned about American prisoners of war, wherever they may be in Southeast Asia, I know of no better way to express that concern than by voting for my amendment tomorrow.

Mr. GOLDWATER. Mr. President, in the past 10 days it has been my privilege to visit several widely separated sections of the country and to talk with the people in those areas. And during this time I made it a special point to ask for opinions on the Cambodian operation about which there has been so much discussion since the President moved to take forthright action to wipe out sanctuaries from which American fighting men were being attacked.

I have discovered, Mr. President, what I believe to be a rather interesting phenomenon. When I first began my questioning 10 days to 2 weeks ago, I encountered a large degree of confusion, a heavy percentage of doubt and a very, very large degree of total and almost complete misunderstanding of the problem and the geography of the part of the world with which we are so intimately and intricately concerned today.

During the latter part of my trip, however, I began to detect a change. I began to discover a new and better understanding of just what the situation is in the Far East. People seemed to be gaining a better grasp of just what it is that we are involved in in Vietnam and Cam-

bodia at the present time. By the same token, my mail is reflecting a similar change. Several weeks ago it was running about 5 to 2 in favor of the President's position. Now the ratio is more like 9 to 1 in the President's favor.

Mr. President, I believe that the people of this country are beginning to grasp the fact that they, at long last, have in the White House a President whose intentions and whose purpose is to bring the war in Southeast Asia to an honorable conclusion. I believe the people of this country are now beginning to understand that they finally have a President with the courage and the determination to overcome all obstacles and withstand all types of public criticism for the good of his country and for the good of peace. Heaven knows our President has been showered with plenty of abuse and criticism from all directions since his decision to move forthrightly in Cambodia and take advantage of a political situation in that country which could do nothing but help terminate the war in Southeast Asia and facilitate the withdrawal of more and more American troops.

Mr. President, it is my belief that we owe a debt of gratitude at this time to the advocates of peace, the so-called doves in our midst, who brought about this very, very vehement discussion of the situation in Southeast Asia. I believe that we owe them a debt of gratitude because without their criticism we could not have reached this point of understanding, generally speaking, with the American people. I do not believe that we could have, in so short a time, brought the people to a point where they more thoroughly and completely seem to understand just what it is we are attempting to do. I believe that many events have aided in this process. I believe that the "hard hat" demonstrations in New York were a large part of what went on. I believe these patriotic and determined men were able to open the people's eyes, figuratively and literally. I believe it amazed the American people over the length and breadth of this land to see and hear about 150,000 laboring men demonstrating in the streets of New York for a public position in support of their President. I believe it was a shock for many to find unionized working men out demonstrating for a Republican President on any issue. You will understand, I am sure, that for the past 30 years, Republicans were supposed to have been the enemy of all those people who worked with their hands.

This, of course, was a fallacy promulgated in the days of the depression and the days of F.D.R. and the days of the WPA and so forth. These were the days when it was popular to downgrade and to cast reflections on anybody and anything that stood forthrightly for the free enterprise system, who believed capitalism could still work, or who felt patriotism was not beneath them. These were the days, of course, when we began formulating the permissiveness and the intellectual approach to foreign affairs which has encouraged some people to believe that they themselves, if possessed of a college degree or several college de-

grees, could formulate foreign policy much better than anybody elected to do that job or anyone appointed and trained to do that job for the Government of the United States.

Now, Mr. President, today we find ourselves in a situation where a full-blown war exists in Southeast Asia and the United States of America is deeply involved. And I might add, again, we are involved through no fault of any Republican President. But we are involved and we are involved deeply and tragically. The problem is to become uninvolved in a way which will serve freedom best. I believe the President of the United States is doing this. I believe he is making progress at this, and I believe the war in Southeast Asia shows more signs of progress toward a successful conclusion, as far as we are concerned, than ever before. But at this very time, Mr. President, we find the Senate of the United States engaged in a heated, even a bitter, controversy and debate over whether or not we should pass legislation to restrict the President's actions in the field of foreign affairs; whether we should take action, legislative action, that is, to actually usurp Presidential and executive powers in this field because some people in the Senate of the United States disagree with the way the President is handling things.

Now, I am not a lawyer and I am not an expert on the Constitution. However, I do revere that document and have spent considerable time as a layman studying it and trying to make myself familiar with its various provisions. In that document the Congress of the United States is entrusted with the authority to declare war. Now, we seem here today to be trying to clarify, if you will, in a legislative fashion, just where congressional powers begin and leave off and where executive powers begin and leave off in the field of foreign relations generally. This whole area has been described by experts as a "twilight zone" in a legal sense; as a zone which is not carefully defined or exactly laid out.

I have an unhappy feeling when we approach this particular subject in anything but a constitutional sense. We keep hearing the charge that the President has usurped congressional war-making powers under the Constitution. We keep hearing the statement that this is an undeclared war. We keep hearing the charge that the President has overreached his power and that action by Congress is necessary to put the record straight.

Mr. President, let us assume for a moment that such is the case and that a clarification of the duties and responsibilities of the President under the Constitution for the conduct of foreign affairs is needed. Then I propose, Mr. President, that we forget this business of passing amendments and tacking things on to other bills and proceed in a forthright fashion. If people in this body believe that the President of the United States is acting in a questionable fashion, why do they not propose a constitutional amendment which will forever clarify where the powers of Congress begin and leave off and where the powers of the Executive begin and leave off in this very,



very important field—a field of vital concern to the very security and future of the United States as well as to the cause of freedom throughout the world? Why do we not have a constitutional amendment in this field, a constitutional amendment which can be submitted to the people of this country through their legislatures and assemblies?

As I said earlier, Mr. President, I get an unhappy feeling when I see us approaching legislatively the whole question of the conduct of foreign policy in an area where an actual state of a war exists. I get an unhappy feeling that we are here not only limiting or attempting to limit the power of the executive, but we are in effect announcing to the whole world that we question the wisdom of this policy and the course of action being followed by the United States of America.

Mr. President, I do not believe that this is the time or that it is ever the time when we are conducting armed conflict with an enemy to go about in a legislative fashion to question the actions of our President or the course of our Government. But for those who insist on some kind of action, I say to them the only kind of action which this body can take in the best interest of the American people and the American fighting men is an action which will have the effect of announcing to the world that we in the Senate of the United States and the Congress of the United States underwrite and support the Executive in everything he has done. This cannot be accomplished, I do believe, in the adoption of the Cooper-Church amendment. Nor do I believe it can be done through the more stringent McGovern-Hatfield amendment to end the war in Southeast Asia, or through any of the proposals to repeal the Gulf of Tonkin resolution.

No, Mr. President, I feel that only something that would underscore the President's action with approval and then try and accomplish some other objective connected with the war can perform properly the purpose which we have before us today. Therefore, I believe the amendment introduced by the gentleman from Kansas (Mr. DOLE), to the effect that no limitation upon the President voted by this body or this Congress shall be operative during any period when the President determines that U.S. nationals or citizens are being held prisoners by the North Vietnamese or Vietcong forces in Cambodia.

Mr. President, in that respect I listened to the distinguished Senator from Idaho (Mr. CHURCH) question the Senator from Kansas (Mr. DOLE) as to why he did not include the North Vietnamese, the Vietcong, or Laotians. I was satisfied with the Senator's explanation that we are talking about only Cambodia at the present time; but at the proper time in the course of this debate I shall call up my amendment to H.R. 15628 which states in effect that—

The provisions of subsection (a) of this section shall become effective as soon as the President (1) obtains the release and safe return to the jurisdiction of the United States of every United States prisoner of war held by the North Vietnamese and the forces of the National Liberation Front, and (2) notifies the Congress that the provisions of

clause (1) of this subsection have been satisfied.

Getting back to my discussion of the question on Senator DOLE's amendment, in this I believe we would, in effect, be telling the world that we would leave the area of Cambodia at a specific time provided we were assured that there were no American prisoners of war being left behind—and I include in those prisoners the 18 to 20 who, the morning papers told us, had disappeared in Cambodia.

This would have the effect, Mr. President, I believe, of hastening that time when we can get some kind of honest and humane action from our Communist enemy in Southeast Asia on the 1,500 American soldiers and fighting men who are held prisoners in that area of war, those prisoners about whom we can obtain no information on ways and means of obtaining their release and about whom we can get no details on their physical well-being, which are so important to their loved ones and parents and relatives.

Therefore, passage of the Dole amendment, it strikes me, would accomplish at least a step in the direction of impressing further upon our Communist enemy the fact that we hold the welfare of those 1,500 American prisoners as a very important factor in the conduct of the war.

I believe, therefore, that the Dole amendment, if it were passed, could completely alter the appearance of action taken in this body as it relates to the President and his authority in the field of foreign affairs.

Now, I understand, Mr. President, that if this particular amendment, about which I feel very personally involved, should happen to fail, an amendment will be proposed by Senator BYRD, my esteemed colleague from West Virginia, which states that nothing in the Cooper-Church amendment shall preclude the President from taking any action that may be necessary to protect the lives of U.S. forces in South Vietnam or to hasten withdrawal of U.S. forces from South Vietnam.

While I would prefer the Dole amendment, I would not object to the Byrd amendment, Mr. President, because I believe that the Byrd amendment would be one way of saying we hope the President can obtain the withdrawal of all American troops on the June 30 deadline which he fixed himself, but that if he cannot do that he may take any action that may be necessary to protect the lives of U.S. forces in South Vietnam or any action he may see fit to hasten the withdrawal of U.S. forces from South Vietnam.

In effect, I say the Byrd amendment would nullify the Cooper-Church amendment, and that, to my way of thinking, would be all to the best. However, suppose that both of these amendments fail, Mr. President. Where does that leave us? That leaves us confronted with a legislative proposal which would limit the options of the President in a specific field of foreign relations; namely, Cambodia. This proposal does not serve the cause of freedom. On the contrary, I believe either adoption would be injurious to our national interest.

Now, I have discussed previously the

Gulf of Tonkin resolution, which I like to think of in my own mind as the Fulbright resolution, giving it the name of its author, giving it the name of the Honorable Chairman of the Senate Foreign Relations Committee who sponsored the resolution, who steered it through the Senate Foreign Relations Committee and who insisted in its adoption on the floor of the Senate at the behest of a Democratic President.

Mr. President, it has been said, and I am one of those who believe it could be the case, that the Gulf of Tonkin resolution was, in effect, a contingent declaration of war. What the Gulf of Tonkin resolution did was place the Congress of the United States on record as approving any steps the President felt necessary to take to protect American forces in Southeast Asia. This, in effect, handed the President all the powers that he needed to do whatever is necessary in the Indochina war. It certainly covers the action which has been taken with respect to Cambodia. Now, before we begin tampering too seriously with the President's powers in Southeast Asia, I believe that we ought to ask ourselves a number of important questions. The most important of these to my way of thinking is that: Given the seriousness of the Gulf of Tonkin resolution and given the authority which it contains for Presidential action, I believe it behooves us to ask, "Has the Congress of the United States ever repealed a declaration of war?" Now, while we are thinking that one over I have another question, Mr. President, and it is this. Has the Congress of the United States ever declared war without a recommendation from the Executive?

Any way you figure it, Mr. President, the man who is elected Commander in Chief of the Armed Forces of the United States must necessarily have the authority to act in such a situation, must have the authority to do things to protect the entire Nation as well as our fighting men without the necessity of going through the congressional process.

Mr. President, I may not be an expert in this particular field but I have an interesting and authoritative source of reference for my last statement. I am speaking of Chairman FULBRIGHT of the Senate Foreign Relations Committee, who claimed in an article in the Cornell Law Quarterly, fall, 1961, that "the source of an effective foreign policy under our system is Presidential power."

I believe it might serve us well to consider more fully the Foreign Relations chairman's attitude on this important question in 1961. I quote him directly:

The pre-eminence of Presidential leadership overrides the most logical and ingenious administrative and organizational schemes. The essence of our "policymaking machinery" and of the "decisionmaking process"—concepts of current vogue in the academic world—is the President himself who is neither a machine nor a process, but a living human being whose effectiveness is principally a function of our own knowledge, wisdom, vision, and authority. It is not within our powers to confer wisdom or perception on the Presidential person. It is within our power to grant or deny him authority. It is my contention that for the existing requirements of American foreign policy

we have hobbled the President by too negligently a grant of power...

Senator FULBRIGHT went on to explain that it is difficult, if not impossible, to devise policies oriented to a clear and definite conception of national interest "through a system in which power and responsibility for foreign policy are 'shared and overlapping.'"

Mr. FULBRIGHT continued:

Policies thus evolved are likely to be ill-coordinated, short-ranged, and often unsuccessful, while the responsibility for failure is placed squarely on the President, neither "shared" nor "overlapping."

Further on in this same article Chairman FULBRIGHT pointed out that while Congress has many powers under the Constitution having to do with foreign affairs, they do not enable the Congress to initiate or shape foreign policy.

And now, in conclusion, let me answer one of my earlier questions. While under the Constitution Congress alone has the power to declare war, it has never exercised this power except as a consequence of a President's acts or recommendations.

And, according to the Historical Studies Division of the Department of State, the President, historically and without the prior approval of Congress, has repeatedly utilized the Armed Forces of this country in response to an immediate military situation.

In fact, if my memory is right, this country has had 137 military engagements which ranged from that to war, and we have had five declarations of war—The War of 1812, the Spanish American War, World War I, the declaration against Germany and another declaration against Japan in World War II.

As Commander in Chief, he has full control over the use of American Armed Forces, and he may on his own authority commit them to action beyond our borders to protect the national interests of this country. That at least is the way the State Department views the twilight zone in constitutional powers. I suggest that Members of Congress who want to alter that concept would do well to pursue their objective through an amendment to the Constitution. That is the proper way to proceed.

Mr. President, I yield the floor.

#### ESTABLISHMENT OF A NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Mr. YARBOROUGH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1519.

The PRESIDING OFFICER (Mr. BELLMON) laid before the Senate the amendment of the House of Representatives to the bill (S. 1519) to establish a National Commission on Libraries and Information Science, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "National Commission on Libraries and Information Science Act."

SEC. 2. The Congress hereby affirms that library and information services adequate

to meet the needs of the people of the United States are essential to achieve national goals and to utilize most effectively the Nation's educational resources and that the Federal Government will cooperate with State and local governments and public and private agencies in assuring optimum provision of such services.

SEC. 3. There is hereby established as an independent agency within the executive branch, a National Commission on Libraries and Information Science (hereinafter referred to as the "Commission").

SEC. 4. The Department of Health, Education, and Welfare shall provide the Commission with necessary administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Commission and the Secretary of Health, Education, and Welfare.

#### FUNCTIONS

SEC. 5. (a) The Commission shall have the primary responsibility for developing overall plans for, and advising the appropriate governments and agencies on, the policy set forth in section 2. In carrying out that responsibility, the Commission shall—

(1) advise the President and the Congress on the implementation of national policy by such statements, presentations, and reports as it deems appropriate;

(2) conduct studies, surveys, and analyses to the library and informational needs of the Nation, including the special library and informational needs of the economically, socially, or culturally deprived, and the means by which these needs may be met through information centers, through the libraries of elementary and secondary schools and institutions of higher education, and through public, research, special, and other types of libraries;

(3) appraise the adequacies and deficiencies of current library and information resources and evaluate the effectiveness of current library and information science programs;

(4) develop overall plans for meeting national library and informational needs and for the coordination of activities at the Federal, State, and local levels, taking into consideration all of the library and informational resources of the Nation to meet these needs;

(5) promote research and development activities which will extend and improve the Nation's library and information-handling capability as essential links in the national communications networks;

(6) submit to the President and the Congress (not later than January 1 of each year) a report on its activities during the preceding fiscal year; and

(7) make and publish such additional reports as it deems to be necessary, including, but not limited to, reports of consultants, transcripts of testimony, summary reports and reports of other Commission findings, studies, and recommendations.

(8) The Commission is authorized to contract with Federal agencies and other public and private agencies to carry out any of its functions under subsection (a) and to publish and disseminate such reports, findings, studies, and records as it deems appropriate.

(c) The Commission is further authorized to conduct such hearings at such times and places as it deems appropriate for carrying out the purposes of this Act.

(d) The heads of all Federal agencies are, to the extent not prohibited by law, directed to cooperate with the Commission in carrying out the purposes of this Act.

#### MEMBERSHIP

SEC. 6. (a) The Commission shall be composed of fifteen members appointed by the

President, by and with the advice and consent of the Senate. Five members of the Commission shall be professional librarians or information specialists, and the remainder shall be persons having special competence or interest in the needs of our society for library and information services. One of the members of the Commission shall be designated by the President as Chairman of the Commission. The terms of office of members of the Commission shall be five years, except that (1) the terms of office of the members first appointed shall commence on the date of enactment of this Act and shall expire three at the end of one year, three at the end of two years, three at the end of three years, three at the end of four years, and three at the end of five years, as designated by the President at the time of appointment, and (2) a member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

(b) Members of the Commission who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Commission or otherwise engaged in the business of the Commission, be entitled to receive compensation at a rate fixed by the Chairman, but not exceeding the rate specified at the time of such service for grade GS-18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the Commission away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, and authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(c) (1) The Commission is authorized to appoint, without regard to the provisions of title 5, United States Code, covering appointments in the competitive service, such professional and technical personnel as may be necessary to enable it to carry out its functions under this Act.

(2) The Commission may procure, without regard to the civil service or classification laws, temporary and intermittent services of such personnel as is necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS-18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the Commission 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, United States Code, for persons employed intermittently in the Government service.

#### AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There are hereby authorized to be appropriated \$500,000 for the fiscal year ending June 30, 1970, and for each succeeding fiscal year such sums as may be appropriated by the Congress for the purposes of carrying out the provisions of this Act.

Mr. YARBOROUGH. Mr. President, I move that the Senate disagree with the amendment of the House of Representatives on S. 1519 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, 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 appointed Mr. FELL, Mr. YARBOROUGH, Mr. RANDOLPH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. MONDALE, Mr. EAGLETON, Mr. PRUTY, Mr. JAVITS, Mr. DOMINICK, Mr. MURPHY, and Mr. SCHWEIKER conferees on the part of the Senate.



# ORDER AUTHORIZING STAR PRINT OF S. 3848

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that a star print be made of S. 3848, to correct certain inadvertent typographical errors and omissions.

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

## ORDER OF BUSINESS

The PRESIDING OFFICER. What is the will of the Senate?

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

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

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 614. An act for the relief of Franz Charles Feldmeier; and

S. 1786. An act for the relief of James Harry Martin.

## ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 3339) to authorize the Public Printer to fix the subscription price of the daily CONGRESSIONAL RECORD.

## COMMENCEMENT AT THE UNIVERSITY OF WYOMING

Mr. HANSEN. Mr. President, it was my privilege and distinct pleasure to be on the campus this past weekend for commencement exercises at the University of Wyoming at Laramie.

The message given to the graduating class of 1970 by Wyoming Governor Stanley Hathaway was most important and significant. I take this means, by asking unanimous consent that it be printed in the RECORD, to share it with Senators and other interested persons.

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

### ADDRESS BY GOV. STANLEY HATHAWAY

A renowned student of youth, Erik Erikson, has noted that young and old alike achieve mutual respect when, as Erikson put it, "Society recognizes the young individual as a bearer of fresh energy, and the youth recognizes society as a living process which inspires loyalty as it receives it, maintains allegiance as it extracts it, honors confidence as it demands it."

I don't believe we can truthfully say that our society today follows that philosophy.

In the existing atmosphere of polarization and alienation across this country, youth, all too often is suspect—and conversely youth too often fails to lend loyalty and allegiance to society or inspire society

to reciprocate. That, of course, is the result of polarization.

In recent times this alienation and polarization has had a very real—and, at times, very tragic impact upon American universities.

Student, and, often, faculty revolt against authority—the so-called "establishment"—or to use the currently popular phrase, the "system" which dissidents believe rule academia—is not a problem confined to the campus.

Student unrest—like the dissatisfaction found everywhere in our society, cannot be categorized as the result of any one cause—nor is there any single solution.

The disruptions scarring America today are symptomatic of deep-rooted problems within a society which has reached the heights of technology and come face to face with a situation which may be analogous to that of the agriculturist whose fields and crops win blue ribbons—but who has difficulty cleaning and improving his own backyard.

And this applies too, I think, to our institutions of higher learning—in their capacity as vital extensions of our total society.

From the very beginning of nationwide student activism the question of academic freedom has been debated.

As with all matters—there are various answers proffered. I do not propose to offer any concrete definition of academic freedom.

However, I do feel that in pursuing their historic role—one which has resulted in many benefits to mankind—as critics, thinkers, activists—pioneers, if you will—students and some members of university and college faculties have contributed to and are participating in the polarization threatening to split this nation into opposing camps.

And—they are certainly not deserving of the entire blame for this.

Americans everywhere must renew their support for and acceptance of peaceful dissent—acknowledge the right of students—of every American—to pursue this peaceful course in attempting to bring about constructive change. All of us—whether or not we are or consider ourselves to be numbered among the so-called "silent majority"—must call upon our abilities to distinguished between the type of dissent successfully utilized from the first days of this nation as a means of gaining support for necessary change—as opposed to violent, deliberately destructive disruption.

It is as vitally important that—for their part—students accept the validity of the basic structure of the American political system—that in their desire to improve its ability to activate performance of its professed ideals, they avoid violent tactics which will only prove again that violence feeds upon itself—and grows.

If the academic offerings of universities and colleges must be made more relevant to today's world—as many campus spokesmen maintain—and, I think, as many university administrations and faculty are endeavoring to achieve—by the same token dissidents must recognize that a burned-out campus complex is relevant to nothing progressive or beneficial to humanity—that a university, should it be allowed to fill the role of sanctuary for violent individuals of any political or philosophical persuasion, would be relevant only to violence, death and destruction. The relevancy of our educational system should be to the America we are determined to build and maintain—agreement on the kind of country we should be determined to build can be accomplished only through the kind of debate and reasonable demonstration of worth our universities have been noted for.

Academic freedom is not going to be preserved—nor can it be purchased by—gasoline bombs and rocks and riot squads.

Academic freedom is, in my opinion, the freedom of faculty and students to teach, learn, think new thoughts, innovate and experiment, dissent constructively against established or existing local, state, national and world policies and conditions, and to take non-violent action through educational, legal, political or civic or religious channels to achieve beneficial change. This has been done before—it can be done again.

Communication—sincere, consistent, objective liaison between youth and the older generation—universities and local and state government—can, I believe, contribute to the challenge we face in protecting the processes which we describe as academic freedom—to achieve the goals set forth in the statement by Erik Erikson with which I opened these remarks.

Government officials can do much to aid the public in recognizing the difference between peaceful opposition and dissent and violent disruption—between the non-conformity of those opposed to what they view as the inability of the system to "practice what it preaches"—and the terror tactics of extremists.

In the meantime—and I address this to all of us here today—I believe an effective way for us to help reduce unrest on the campuses and in the streets—as stated by the President's Special Commission on Violence in America—is to focus on the unfinished task of striving toward the goals of human life that all of us share and that young people—and, I might add—any truly concerned individual—admire and respect.

## THE AMERICAN LEGION, THE VETERANS OF FOREIGN WARS, AND THE SILENT MAJORITY

Mr. HANSEN. Mr. President, I speak today to again briefly commend the members of the American Legion and the Veterans of Foreign Wars, for their service as patriots to this country, both while they wear the uniform of the United States and in their effective veterans' organizations.

The Legion and the VFW, through statements by their respective commanders, J. Milton Patrick and Ray Gallagher, have strongly supported President Nixon's wise and courageous decisions concerning Cambodia, and the American troops who are serving our country in Indochina.

Mr. President, the Wyoming State Tribune, in an editorial of May 21 entitled "Senator McGovern's Outburst," defended the right of these veterans' organizations to support our President. The editorial points out that it definitely is the right of "the representatives of this country's two biggest veterans' organizations to speak out on this issue that affects the entire country."

It further states that the two commanders "both were given the mandate for their declarations of policy by their national executive committees."

### The article notes that—

It is incumbent on the veterans' groups to speak out on these issues and not relegate their roles in the nation's life merely to begging handouts from Congress.

Mr. President, some have chosen to doubt that there is a silent majority in the United States that supports our President, this Nation, and what it stands for. Some have criticized the majority because it has been silent, and now that the voices of the so-called silent majority

are beginning to be heard, and heard clearly, I believe that this is highly commendable and that these voices are due praise rather than criticism.

Mr. President, I ask unanimous consent that the Tribune editorial be printed in the RECORD.

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

#### SENATOR MCGOVERN'S OUTBURST

The indictment by the American Legion and Veterans of Foreign Wars national commanders of those senators seeking to tie President Nixon's hands in the Cambodian operation apparently hit the bullseye.

One of the targets, Sen. George McGovern, D., S.D., denounced Legion Commander J. Milton Patrick and VFW Commander Ray Gallagher in a Senate floor speech and demanded that they "quit playing politics with the veterans organizations and betraying the best interests of U.S. veterans."

McGovern especially singled out Gallagher in his attack, which was an ironic development because Gallagher campaigned for the senator in the latter's successful re-election effort two years ago.

Said McGovern: "These fellows claim to be speaking for more than 6,000,000 members of the American Legion and the VFW. I have been a member of both of these organizations for 25 years, and neither Patrick nor Gallagher speaks for me. Nor do they speak for large numbers of combat GI's who have communicated their views to me and other senators."

"I regard the views of these self-styled foreign policy experts as nonsense that no reasonable person would give a second thought," said McGovern. "Let them extol the virtues of the Nixon foreign policy if they wish. Let them distribute their political propaganda in the Senate Press Gallery escorted by the Republican floor leader, if they wish. But they ought to take off their veterans organization caps when they stop speaking for veterans and begin playing politics."

McGovern also hinted that if the two veterans organization leaders didn't "stop playing politics" their organizations might suffer in efforts to "secure bipartisan support for veterans programs."

In his and his fellow senators' efforts to impede the Vietnam war effort, however, Senator McGovern along with Senators Church, Cooper, Fulbright and others presume to speak out not only for their own constituencies but also all of the American people; it is proper, in McGovern's one-sided views, for himself and for the other senators to "play politics" with the war, but it is somehow wrong for the representatives of this country's two biggest veterans' organizations to speak out on this issue that affects the entire country.

This suggests McGovern believes no one has the right to speak on foreign policy but these senators; that he would deny the Legion and VFW leaders the right to enter the nation's debate on Vietnam and Cambodia. He says the two commanders speak only for themselves but he either does not know or refuses to recognize that both were given the mandate for their declarations of policy by their national executive committees. In the Legion's case, so we are told by one of this state's two representatives on this board, this involves 106 members who unanimously voted their approval of resolutions from which Commander Patrick spoke when he and Gallagher uttered their charges against McGovern and the other senators whom they listed.

McGovern has said that as a member of both the Legion and VFW neither of the two national commanders speaks for him; but it must be presumed that in his and the other dove senators' attacks on the Nixon Adminis-

tration's Vietnam policy, these senators do not speak for a majority of Americans including many of their constituents in their respective states.

It is these senators who have been recklessly playing politics, not the Legion and VFW commanders, and they have been doing so with the life of this country; it is incumbent on the veterans' groups to speak out on these issues and not relegate their roles in the nation's life merely to begging handouts from Congress, as McGovern so contemptuously suggests.

It is probable that in his bitter, emotional outburst, McGovern betrays the fear that he has alienated himself from the people who elected him.

There ultimately must come a day of reckoning for these senators and it is then that we will see who really plays politics.

#### GREETINGS FROM FORMER SENATOR CARL HAYDEN

Mr. GOLDWATER. Mr. President, for the information of the Senate, it was my pleasure this past weekend to have paid a visit to our former colleague, Senator Carl Hayden, and I wish to report that he is in fine health. He comes to his office at Arizona State University, in the Hayden Library, 4 days a week, and spends the afternoon working. He asked me to convey to all his former colleagues in this body his very best wishes and his continued interest in what we are doing here.

#### REVENUE SHARING

Mr. BAKER. Mr. President, on Sunday, May 17, the Los Angeles Times published an editorial entitled "Time for U.S. Revenue Sharing." The editorial is an excellent statement in support of the concept or revenue sharing.

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

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

#### TIME FOR U.S. REVENUE SHARING

(Issue: Given the taxpayers' revolt at local and state levels, has the time come for action on federal revenue sharing?)

In California as in the rest of the nation, the taxpayers' rebellion has reached the point that a high proportion of proposed bond issues and tax overrides are being shot down by the voters.

It is not that there is any lessening of demand for public services.

People want better schools and transit systems, and they are beginning to insist on more urgent attention to environmental problems. They balk, however, at paying the freight in the form of higher taxes.

Resistance is particularly strong to further increases in the property tax, which is the chief source of revenue available to local governments.

Obviously, the answer to the growing crisis in state and local government must be sought primarily at the state and local level. But there is a lot that Congress can do to help—and it is high time that it did so.

The first step should be enactment of President Nixon's welfare reform proposal.

Under this measure, which is now stalled in the Senate Finance Committee, the federal government would take over a greater share of the welfare burden. And it is soaring welfare costs, remember, which are the main reason for the prospective jump in Los Angeles County's property tax rate.

Even more imperative, however, is favorable congressional action on federal revenue sharing.

Under the proposal submitted last fall by the Administration, a certain percentage of federal income tax collections would automatically be transferred each year to the states. The states, in turn, would be obligated to pass on a substantial chunk to local governments.

Only \$500 million would be involved the first year. But by mid-1975 the appropriation for revenue sharing would reach \$5 billion—of which approximately 11% would come to California, by current estimates.

There is no reason, as Administration spokesmen have pointed out, that far greater resources could not be transferred if the plan lives up to expectations.

John G. Veneman, Undersecretary of Health, Education and Welfare, observes that education, which consistently takes more than two-fifths of all state and local revenues, should be "the major beneficiary of the new funds."

The case for revenue sharing is built on the proposition that we currently have a "fiscal mismatch." Our gravest and most expensive problems tend to be at the local and state level, while our most efficient revenue-producing machinery is at the federal level.

Washington has not been oblivious to the problem. Federal assistance to local and state governments, through grants-in-aid for specific purposes, is now running \$28 billion a year—more than a quarter of all domestic federal spending.

These programs, however, are threatening to strangle in their own red tape and inefficiency.

Instead of going farther down that road, there is strong support among the nation's governors and mayors (Republican and Democrat) for a system of revenue sharing which would allow state and local governments to decide for themselves how the money should be spent.

Mr. Nixon's approach seems eminently sensible; Sen. Edmund Muskie of Maine and other Democrats have introduced legislation which they believe would be better.

It is the job of the House Ways and Means Committee to look at alternative approaches and come up with a bill which will embody the best features of each.

Unfortunately, despite the strong support for revenue sharing in the country as a whole, the committee shows no interest in the matter.

Partly this is because of an overloaded calendar. But mostly it is because of a distinct lack of enthusiasm on the part of Chairman Wilbur Mills (D-Ark.) and Rep. John W. Byrnes of Wisconsin, the committee's ranking Republican.

The truth seems to be that they, and a lot of other congressmen, see no point in letting governors and mayors get the credit for spending money raised by Congress.

This may make political sense of a sort, but it is in sharp contradiction to the public interest.

Californians should let their elected representatives know they expect their help in persuading the congressional leadership that federal revenue sharing is too urgent a matter to be left on the back burner.

#### ORDER OF BUSINESS

Mr. KENNEDY. 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. BAYH. 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 resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. WILLIAMS of Delaware. Mr. President, I have an amendment which we could dispose of this afternoon. I would be willing to agree to a time limitation if the leadership wants to act on it, with no vote today. I will be guided entirely by their reasoning.

The Senator from Kansas (Mr. DOLE) has indicated he would have no objection, with the understanding that we would be able to dispose of the amendment this afternoon.

Mr. KENNEDY. Yesterday the Senator submitted the amendment. He indicated that he was willing to agree to a unanimous-consent agreement. The Senator's amendment would strike at the heart of the bill itself. The Cooper-Church amendment which is now pending, is one of the most important and basic amendments that could come up. Although the leadership is in favor of an early vote on the amendment to be offered by the Senator from Delaware, since it is such a basic and fundamental amendment there are those who have indicated that they need time to study the Senator's proposal and objection would be made if a unanimous-consent agreement were to be propounded to vote this afternoon.

Since the Senator from Delaware's amendment is so basic and fundamental, I know that Senators would be interested in studying it first. I am sure that if the Senator wanted to comment on it today and put information in the Record on it, it would be helpful to those who wish to give it serious consideration.

Mr. WILLIAMS of Delaware. I discussed this amendment at some length the other day. I understand there is some agreement as to what comes after the vote on the Dole amendment on tomorrow. The Senator from West Virginia and the Senator from Michigan have joined in an amendment, and after that is disposed of, perhaps we could have an agreement that my amendment would be taken up in order at that time.

Mr. KENNEDY. Well, it is my understanding, in conversation with the Senator from West Virginia, that he expects it would take some time for disposition of his amendment. I would feel at least that we should get started on that.

There are a number of other amendments that I am aware of. There are at least 12 to 15. A number of them which have been introduced will be called up.

I suggest we follow the usual procedure. I do not feel that tonight we could enter into any additional unanimous-consent agreement. Certainly, not without the Senator in charge of the bill being present in the Chamber.

Mr. WILLIAMS of Delaware. I will not press the amendment. I merely am trying to expedite the business of the Senate. We have been here for 2 days now with no action taken on any amendments. I was hoping, and other Senators were hoping, that we could have a vote on this and clear up the amendments. I shall be guided by the desires of the leadership, if he wishes to carry it over another day with no votes.

The PRESIDING OFFICER (Mr. BELLMON). What is the will of the Senate?

Mr. KENNEDY. Mr. President, we had hoped we could accept the committee amendments first which is the regular order. This was originally proposed by the leadership, but it was objected to. So we voted separately on the first two sections and are now considering the third. Disposing of the committee amendments in an orderly fashion is the best procedure to be followed. The leadership on this side has been hoping that we could get early action on the Church-Cooper amendment—on the whole bill, for that matter, and we will take every step we can to bring about early action.

Mr. WILLIAMS of Delaware. I shall cooperate with the leadership. I realize, since the amendment I have deals with the major bill itself that, generally speaking, the committee amendments take priority and that it would take unanimous consent to proceed out of order. I would hope that such unanimous consent would be granted so that we could expedite the business of the Senate. However, we will proceed later.

I will say now to the acting majority leader that the rules of the Senate do provide many ways to accomplish our objective. There is a way I can get this to vote even before the committee amendments, although it would be more orderly to do it the other way. But we are going to vote.

Mr. KENNEDY. The rules are available, certainly, to the distinguished Senator from Delaware as they are to all Senators. There has been objection filed. Since there has been objection filed I

would have to object to a unanimous-consent agreement to proceed now to consideration of the proposed amendment of the Senator from Delaware.

Mr. COOPER. Mr. President, I had the opportunity to read the record of the proposed measure my friend from Delaware (Mr. WILLIAMS) will offer, and I would suggest that he make his statement at the time we meet here on tomorrow and perhaps after the vote is taken.

A great many Members are away. Some of them are away in their States, where they are candidates for reelection. I know that the distinguished majority leader, who is a sponsor of the amendment, is away today, but he will be back tomorrow. The Senator from Vermont (Mr. AIKEN) is coming back from Vermont.

I, therefore, believe that tomorrow we will be able to have some debate on the amendment that has been offered by the Senator from Kansas. As it is the first vote of significance, I believe it would be better if we used tomorrow morning for debate upon that subject. I say that with all deference to and with great respect for my good friend from Delaware.

Mr. WILLIAMS of Delaware. I agree with the Senator. I was only suggesting that we bring it up this afternoon and dispose of it this afternoon. I will say that the amendment which I have offered, to make the record straight, does not in any way affect adversely, nor does it support the Cooper-Church amendment. It is nothing whatever to do with it. It does not deal with that subject at all.

I think that the leadership—some of it on the other side—I am not too sure—I understood that the Senator in charge of the bill would have no objection to doing this. But I will take this up tomorrow and see if we can reach agreement.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 7 minutes p.m.) the Senate adjourned until Wednesday, June 3, 1970, at 10 a.m.

## HOUSE OF REPRESENTATIVES—Tuesday, June 2, 1970

The House met at 12 o'clock noon.

Rev. William Gillies Kalaidjian, the Bedford Park Congregational Church, Bronx, N.Y., offered the following prayer:

Eternal God, in our abundant and beautiful Nation, we pause in prayer to recognize Thy presence. We have so much to be grateful for and yet we have not shown enough respect for You nor enough reverence for life.

Recognizing that we are all made in Your image, we have not lived up to the trust and faith You placed in us, making us different from all other living things.

We have fallen short of the purpose of spiritual ecology. Failure to understand the relationship of the human soul to its spiritual environment and motivation has all but destroyed our national purpose.

We pray this House of Representatives will bring this Nation together in a new

unity of purpose, placing the total welfare of the Nation above each and every group that seeks a lesser purpose. We pray O God, that no man or group will be above the law nor beneath it. Help this Congress to recognize that our Nation's basic problem is conduct, not color, and it is seen in crime rates, the family life crisis, the educational crisis, the high death rate on our highways, the tragic problems of alcoholism, drug