

ward on the contrast between yesterday's speech and the vigorous criticism of Supreme Court decisions by President Nixon in his 1968 campaign which was managed by Mitchell.

The attorney general listed controversial decisions of the Warren Court on school desegregation, school prayer, obscenity, reapportionment counsel for defendants and

confessions and said, "I do not believe that any lawyer here, or any responsible citizen in this country, does not agree with the fundamental principles" of these decisions.

He added:

"It seems to me that much of the popular dissatisfaction is ill-founded or maliciously motivated and that more people, especially

we who are lawyers, should point this out and come to the defense of the court."

Mitchell listed several things which he said "the Supreme Court did not say" despite popular misunderstanding of its pronouncements. "It did not say that private persons may not discriminate within the circle of their family, friends or social activities" or that juveniles may be subjected to pornographic material, he said.

## SENATE—Wednesday, June 3, 1970

The Senate met at 10 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:

Eternal God, who hast committed to us the swift and solemn trust of life, since we know not what a day may bring forth, but only that the hour for serving Thee is always present, make us ever responsive to the claims of Thy holy will.

Be with this Nation in these crucial days. May the right determine the use of our might. Make us strong and great in the fear of God, and in the love of righteousness; so that, being blessed of Thee, we may become a blessing to all nations, for Thine is the kingdom and the power and the glory forever. 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 legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., June 3, 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. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 2, 1970, be dispensed with.

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

### EXECUTIVE SESSION

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

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

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

### FEDERAL FARM CREDIT BOARD

The bill clerk proceeded to read the nominations in the Federal Farm Credit Board.

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

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

### FEDERAL MARITIME COMMISSION

The bill clerk read the nomination of Helen D. Bentley, of Maryland, to be a Federal Maritime Commissioner for the term expiring June 30, 1975.

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

### U.S. COAST GUARD

The bill clerk read the nomination of Rear Adm. Thomas R. Sargent III, to be Assistant Commandant of the U.S. Coast Guard with the rank of vice admiral.

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

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

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

### LEGISLATIVE SESSION

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

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

### COMMITTEE MEETINGS DURING SENATE SESSION

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

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

### POLICING OF BUILDINGS AND GROUNDS OF THE LIBRARY OF CONGRESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 899, H.R. 12619.

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

The LEGISLATIVE CLERK. H.R. 12619, to amend section 11 of an act approved August 4, 1950, entitled "An act relating to the policing of the buildings and grounds of the Library of Congress."

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

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-897), explaining the purposes of the measure.

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

H.R. 12619 would extend the present authority of the Library of Congress for policing the Library of Congress buildings to embrace the rental space it utilizes at certain other locations in Washington, D.C. The Library's present authority, expressed in the act of August 4, 1950 (64 Stat. 412; 2 U.S.C. 167-167j), does not extend beyond the streets surrounding its permanent buildings located on Capitol Hill.

The General Services Administration was requested by the Library of Congress to supply guards for the buildings leased for Library purposes at Taylor Street NW and 214 Massachusetts Avenue NE, locations, but was advised by GSA that it was administratively and physically unable to supply guards for the purpose. Consequently, the Library of Congress has had to recruit its own special policemen to protect the staff and contents of its leased buildings. H.R. 12619 would grant such special police the same authority exercised by the police guarding the permanent Library of Congress buildings. It also would provide for police jurisdiction in the proposed James Madison Memorial Building.

### CROWD CONTROL FOR A SMALL COMMUNITY

Mr. MANSFIELD. Mr. President, in the past several years, a great deal of attention has been given to the effect and control of large gatherings of people, whether it be for spectator sports, peaceful demonstrations, or riots. It has just come to my attention that one of the most effective programs of crowd control in small communities has been developed and put into operation in Bozeman, Mont.

The plan may not be suitable for our large metropolitan areas, but it is something that I think should be brought to the attention of the other areas of the Nation.

I ask unanimous consent to have the article written by C. Ron Cutting, chief of police in Bozeman, Mont., printed in the RECORD.

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

**CROWD CONTROL FOR A SMALL COMMUNITY**  
(By C. Ron Cutting)

Bozeman, Mont., was founded in 1864. It is the sixth largest city in the State with an estimated population of 15,000. Situated just east of the Continental Divide, it is the County Seat of Gallatin County and is 90 miles north of Yellowstone National Park.

The city's economic structure stems equally from agriculture, tourism, and the Montana State University. It is widely known in Montana for the annual Winter Fair and the Bridger Bowl ski resort. It is the home of the Montana State University with enrollment approaching 8,000, located on a 1,170-acre campus. A university complex includes a fieldhouse with a seating capacity of 12,500. This new and versatile building permits the staging of indoor rodeos and track meets and attracts the major sporting events coming to the State.

Bozeman's police department consists of 20 highly trained and well-equipped officers. Public support for the department is excellent. Like most other enforcement agencies, our department has a full policing workload; however, one of our main concerns is the matter of crowd control at the various events held in the university fieldhouse and, in particular, the emotion-charged athletic contests. These events attract a substantial number of people and traffic from out of town and place a tremendous amount of responsibility on our police force.

An in-depth study of our crowd-control problem was made by the department to determine its extent. The study covered such points as the number of people involved, anticipation of troubles that could occur, available men and equipment of the department, and what support other law enforcement agencies could give. This study indicated a need for special planning for the use of all personnel and equipment to the best advantage possible.

First, a command post and a chain of command were established so that all forces and efforts would be coordinated. Every officer was informed of his responsibilities and other pertinent information relating to the project. Next, a dependable communications network was established to maintain contact with all elements involved and to provide the command post with immediate and continuous information. Third, a plan was devised to use a special squad system by which personnel could be deployed in a manner where they would be most effective at the required place and time.

The initial step under this special squad system was to form and equip a 13-man squad and to train it to handle friendly or hostile crowds. Training was given in basic squad formations considered most effective to control crowds and teach the officers to act in concert rather than individually. Additional training was given in the use of police batons and in defensive tactics. The squad members soon developed a real esprit de corps and became a solid, reliable unit.

This plan was then adapted for the policing of special events on the university campus and specifically to control crowds attending major athletic events held in the fieldhouse. Success of the plan depended on prompt and decisive action to prevent a small disturbance from becoming a serious disorder. This necessity was emphasized throughout the training.

**KEY AREAS MANNED**

Key areas within the fieldhouse were designated and manned. Spotters were used

to keep a continuous surveillance over the crowd to note any circumstances that might generate trouble. The plan provided for the basic squad to be broken down into teams of two men each to be stationed in the key areas. They were to move quickly into a trouble spot as unobtrusively as possible, with a second team simultaneously moving into a backup position.

A communications control center was established at the command post in the fieldhouse. The center used a control board with an overlay of the fieldhouse to show the location of the spotters and squad teams at all times. All information from the spotters was relayed either by telephone or radio to the center and recorded by its operators. Based on the information, the officer dispatcher could notify the nearest squad team of the report and location of the trouble. Periodic radio checks are made with all teams to assure the proper function of communications.

The central control desk has been equipped with communications to the Gallatin County Sheriff's Office, Bozeman, Mont., which has a horse-mounted patrol readily available for security patrol of the parking areas adjacent to the fieldhouse and for traffic control to and from the parking areas. The sheriff's office is thoroughly knowledgeable of our crowd-control plan and is prepared to assist with its trained personnel whenever called upon. A special radio net to police headquarters is also maintained as well as a State radio net in contact with the Montana Highway Patrol and campus police. Each of the five divisions of the Montana Highway Patrol has specially-trained squads fully equipped and ready for immediate dispersal to assist on crowd control at any location within the State. The Montana Highway Patrol unit stationed at Bozeman, Mont., consists of a well-trained group which has been thoroughly briefed in our plan and stands ever ready for instant call.

University campus police work closely with the city force on all of the events requiring policing on campus. They, too, are included and are knowledgeable of our crowd-control plan. This force is also equipped for crowd control duty, including radio communications, portable and vehicular, compatible with the police radio system.

**PLAN OF OPERATION**

A log is maintained at the communications center recording any law enforcement officer on duty status who enters the fieldhouse, and he is immediately given a radio unit and a call number. This helps for direct communications for paging such officers and provides additional spotters and better support.

Each year, the State high school basketball tournament held in the fieldhouse attracts a huge crowd of exuberant fans. The first day of such events creates a great amount of activity at the control center. The few persons intent on creating disorder are soon identified and are ejected so that all in attendance may have an enjoyable time.

The crowd-control plan has been used successfully for the past 3 years, and we are confident it will continue to be effective, with such adjustments as new circumstances may dictate.

While our department in the past has been concerned primarily with crowd control, the possibility always exists that it may be required at some time in the future to stop a riot and bring a violent mob under control.

For this purpose, a set of guidelines has been established which would be used by our special police squad. A brief outline of the plan follows:

**1. Purpose:**

The purpose is to provide an equipped and trained unit to protect persons and property, preserve peace, and enforce the codes and statutes of the City of Bozeman and State of Montana in the control of unlawful as-

semblies, mobs or riots, or other similar conditions.

**2. Scope of Operation:**

This special unit will be under the command of the Bozeman Police Department Chief of Police or other properly designated authority.

**3. Personnel:**

A. This unit will be composed of trained officers of the Bozeman Police Department, equipped and readied for immediate mobilization.

The unit will be of squad size with flexibility to absorb additional trained and equipped supporting personnel. All personnel will be under direct supervision of the squad commanding officer.

B. Members of the squad will be required to be available in proper squad uniform at the designated place of assembly as quickly as possible upon notification.

C. Members of the squad will be required to report for all alerts, including training alerts.

D. Members of this squad will be held personally responsible for any acts or actions taken beyond the scope of commands and instructions of the commanding officers.

**4. Field Command:**

A. The commanding squad officer will be directly responsible to the operations commanding officer and will commit the squad only upon orders by the operations commander.

B. An assistant squad leader will be designated and will be responsible for the functions of the squad in absence of the squad commanding officer.

**5. Supporting Units:**

A. Supporting units will consist of personnel available from city street and road maintenance crews, Montana Power Co., Mountain Bell Telephone Co., and Bozeman's local ambulance service.

B. The city street and road maintenance crews have trucks available with radio communication that can be placed into service for hauling barricades, ropes, flares, wire, etc. The Montana Power Co. mobile units are equipped with radio communications to their headquarters, which in turn would relay messages to central control and are available to maintain lighting and electrical power. The Mountain Bell Telephone Co., also equipped with radio communications, has agreed to provide assistance in such emergencies in maintaining and establishing telephone communications as needed. The Bozeman Fire Department is included in the overall plan and has available a pumper unit that can be immediately dispatched whenever called. Additionally, the Bozeman local ambulance services have agreed to place in service ambulances when called upon to transport any injured persons from a troubled area. The plan includes arrangements with the medical profession, which has furnished names of doctors in such a number that one would always be available for immediate call if the necessity required. The designated authorities for these units will be responsible for the readiness and availability of materials, equipment, and personnel, if required.

**6. Procedure:**

A. Immediately upon notification of an unlawful assembly, mob, riot, or threat of any of these, and the location, the desk officer will notify the commanding officer. Patrols on duty will be instructed to check the vicinity and determine the nature of assembly, attitude of crowd, size of crowd, materials or weapons being used, location, buildings and areas involved, and any other information obtainable. This information will be immediately relayed to police headquarters, properly recorded and relayed to the commanding officer. The patrols will not attempt to take any action and will not commit or jeopardize police equipment without specific instructions.

Upon instruction of the commanding officer, the desk officer will alert all personnel of the special squad and instruct them to report to police headquarters as quickly as possible. Members of the squad will dress in proper uniform, load all special equipment into a bus, and stand by. Support forces will also be alerted.

B. Orientation of unit officers will be conducted by the commanding officer and, upon his orders, the special unit will be transported to a predetermined assembly area.

Upon arrival at the site, the headquarters officer will prepare a bus for use as operational headquarters. He will immediately put into operation all communications, roadblocks, and other devices as ordered by the commanding officer.

The squad commanding officer will assemble the squad and make inspection of squad to insure readiness.

Upon orders of operational commanding officer, the squad commanding officer will move the squad in proper formation into operational area.

C. The first phase of the squad operations will be to "contain, isolate, and disperse." Prior to any contact with riot or demonstration personnel, proper warning and announcement will be made to demonstrators, instructing them that all must disperse and leave the area in an orderly manner. Failure to comply will result in arrest. These instructions will be conveyed by the best audio method available. Proper time will be given for response, and available exit routes will be indicated.

Upon refusal to disperse, the commanding officer will instruct the squad commanding officer to commit the squad to direct action.

The squad will be committed to direct action when it can be reasonably assumed that the action will result in dispersal and control.

In the event the mob is too large to be properly handled by a squad, a holding phase will be instituted to contain and hold rather than disperse until proper enforcement support is received.

D. Upon completion of an operation, the squad will return to the assembly area and wait in a standby status until relieved or given further assignment.

#### CONCLUSION

Although it is recognized that a small force cannot be expected to curtail a major disturbance and can only operate within a limited scope, a well-organized unit working together under a plan stands a far better chance to handle an emergency than a large unorganized group without a plan.

#### ORDER OF BUSINESS

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

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

The bill 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.

#### AMENDMENT OF THE FOREIGN MILITARY SALES ACT

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

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

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The Chair would inform the Senate that the time between now and the vote at 11:30 a.m. this morning will be equally divided and controlled by the majority and minority leaders.

Mr. GRIFFIN. Mr. President, I yield 15 minutes to the distinguished Senator from Colorado (Mr. DOMINICK).

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized for 15 minutes.

Mr. DOMINICK. Mr. President, more than 1,500 U.S. servicemen in Southeast Asia are prisoners of war or missing in action. The gravity of this problem is readily apparent from a few basic statistics. Currently, only about 445 of the 1,500 men are, with varying degrees of certainty, believed to be prisoners of war. I hasten to point out, however, that this determination has been made without any official confirmation by the enemy. A few have been identified as prisoners because they have been allowed to write to their families. Others have been seen in propaganda photographs or heard in propaganda broadcasts from radio Hanoi.

Still others are thought to be prisoners because they are so identified by the few men who have been released from captivity. There remain more than 1,000 who are missing in action. At this time, there is no way of knowing whether any of these men are dead or alive. Some have been in this category for more than 5 years. Of the total who are missing or captured, almost 800 were downed in North Vietnam; 500 lost in South Vietnam; and 200 in Laos.

Around 150 of these men have been missing or captured for 4 or more years. Almost 400 have been missing for over 3½ years which is longer than any U.S. serviceman was held prisoner in World War II. Prior to 1969, little was said publicly about the prisoner issue. That approach brought no significant progress. As a result, Secretary Laird and the Nixon administration adopted a new policy of public condemnation of the North Vietnamese, the Vietcong, and Pathet Lao for their inhumane treatment of prisoners of war. This public effort started in the spring of 1969.

Today, the prisoner question is an issue at home and abroad. There are numerous indications to prove the growing alarm at Hanoi's continued inhumanity. Congress has adopted a resolution calling for proper treatment of our prisoners. I have introduced legislation to give their children GI benefits and their wives GI home loan benefits. The President, the Secretary of State, and the Secretary of Defense each have met with groups of wives and parents. Each has publicly expressed his deep concern for these men. I have met with more than 60 of these dependents in Colorado. The International Red Cross has voted without dissent in support of humane treatment of prisoners. The United Nations has debated the prisoner issue. Hundreds of organizations, service clubs, and business firms throughout the country have focused attention on this matter. Senator BOB DOLE of Kansas and I, along with five other Senators and six Members of

the House of Representatives sponsored a public rally in Constitution Hall on May 1 to demonstrate public support for the families of these men. We have had continued support from the various news media including newspaper editorials, magazine feature treatment, and television news coverage.

Even those sympathetic to the North Vietnamese government, have exhibited little patience for the enemy's cruel and inhuman treatment of our men and their families.

At home, critics of the Vietnam war policies have been hard pressed to justify Hanoi's handling of the prisoner question.

To the extent that the plight of our men is an issue, I believe the U.S. Government has made progress on this important issue. However, I must state that there have been no meaningful moves by the enemy to directly resolve what is basically a simple humanitarian question. Certainly, these public efforts have served as strong encouragement to the thousands of wives, parents, and children. But the tragedy endures; most do not even know whether their loved ones are dead or alive.

At least four wives of these men have suffered accidental death. A number of others are seriously ill or even terminally ill. It is not difficult to understand the severe emotional distress that results, particularly to children. Many of these children are now 3 and 4 years old and have never seen their fathers.

The provision for the treatment of prisoners of war is prescribed in the Geneva Convention of 1949, which has been signed by more than 120 nations including the United States, South Vietnam, and North Vietnam. The humanitarian standards spelled out in that document call for the immediate release of sick and injured prisoners, impartial inspections of prisoner facilities, the complete identification of men held, and the right of prisoners to correspond freely with their families.

The North Vietnamese, the Vietcong, and the Pathet Lao have consistently violated each one of these simple international standards of conduct.

Most men have never been allowed to write. There have been no impartial inspections of prisoner facilities. The enemy has never released a list of the men whom they hold. As a result, thousands of relatives have suffered anguish not knowing whether their loved ones are dead or alive.

The North Vietnamese and the Vietcong have repeatedly indicated that they are providing humane treatment to our men, but the contrary is true. Men have been held in isolation for prolonged periods of time. There have been instances of broken bones being rebroken, fingernails removed, medical attention being denied and proper diet ignored. We are aware of at least 19 American prisoners who have been murdered by the enemy or allowed to die from malnutrition and disease.

In recent weeks there has been considerable attention given to the receipt of a few letters from a few men, but this increase must be placed in perspec-

tive. In the first place, the mail received is not directly in letter form. It is a brief, patterned and undoubtedly censored six-line message on a flimsy form.

In the 5 years our men have been held captive, mail has been received from only about 200 individuals. Their families have received about 1,300 letters, usually not more than one or two a year.

If these men we believe to be prisoners were allowed to write, as dictated by the Geneva Convention, their families should receive some 6,000 to 8,000 letters per month, as compared with 1,300 letters per year.

As you may know, several dissenters have become involved in the prisoner issue. I use the word "involved" because they have not initiated any progress on the prisoner question. Rather, they have been used by the enemy for propaganda purposes to exploit further the prisoner matter. These individuals are hard pressed to explain the inhumane actions on the part of the North Vietnamese and the Vietcong. I believe the involvement of these groups must be kept in perspective because the information which has been deliberately funneled to them has been limited indeed.

Four brave ladies circled the globe visiting nine countries in an effort to learn whether they are wives or widows. They are among the more than 100 wives and parents who have had face-to-face meetings with North Vietnamese officials in Paris and other foreign capitals. They have been subjected to the heavy propaganda treatment of the North Vietnamese and their false promises. They have not yet received any of the information or assurances which they sought when they had the meeting with those officials.

How tragic it has been that the enemy has chosen to exploit these relatives. The North Vietnamese have made their uncertainty so difficult that these wives have found it necessary to travel to Paris at considerable expense simply to ask: "Is my husband alive or dead?" We deeply appreciate the dedication of these wives to their country and their personal faith which has carried them through so many tragic months. As I am sure you recognize, we are continuing to explore every possible means to resolve the prisoner question. We seek the earliest possible release of all prisoners. We are pursuing a policy that we hope will assure that these hundreds of American servicemen are not forgotten.

At the barest minimum we will continue to press the enemy to identify immediately all the men whom they hold, to release immediately the sick and injured, to permit the regular inspection of prisoner facilities, and we seek assurance that all prisoners will be allowed to send and receive mail regularly.

In summary, we feel a heavy burden of responsibility to these missing and captured men and to their families. We are going to continue to insist that everything possible be done to insure their proper treatment in captivity, to obtain their release and while they are gone, to give every possible assistance to their

wives, parents, and children. These men have served their country well. We are indebted to them for their dedication and sacrifice and they will not be forgotten.

Mr. President, as a cosponsor of the Dole amendment which we are debating this morning, I point out some of the factors which I think make this amendment particularly significant and important.

In the first place, as I have noted in my speech, over 200 men are missing in Laos. We have almost no information concerning them. We do not know whether they are being held in Laos. We do not know whether they are alive. We do not know whether they have been moved into North Vietnam or whether they have, in fact, been moved into Cambodia.

In view of the factors of interdiction which have been going on in Laos, it is not only possible that these men have been placed in Cambodia, but I might point out also that at this time some of the newsmen covering the situation in Cambodia have been either killed or captured or are being held in Cambodia.

It seems patently ridiculous to me to say that we cannot use any forces in that area if we have the opportunity to provide rescue for the people being held there, whether servicemen, newsmen, or consulate officials.

Consequently, I give strong support to the provisions of the pending amendment. It requires, as I have pointed out before, that the President must make an affirmative determination that citizens or nationals of the United States are being held as prisoners of war in Cambodia by the North Vietnamese or the forces of the National Liberation Front—namely, the Vietcong.

It does not refer to any action by Cambodia. It does not refer to any action by the Pathet Lao. It refers specifically to the North Vietnamese and the Vietcong.

It seems only right to me that we should give ourselves enough flexibility in the situation in which we are now engaged to be able to provide the necessary assurance to the men themselves and to their families that the United States will take such action as might be necessary in the event the President finds that those people are, in fact, prisoners of war.

I cannot for the life of me understand why we, as Americans, with our long history of dedication to our own citizens regardless of race, creed, or color, should all of a sudden say that we are going to put on iron-tight rules which will not give us the flexibility of launching rescue missions if we feel they are justifiable.

For those reasons, among many others, I urge strongly that the Senate adopt the amendment and show that it is still thinking in terms of the American heritage and American concern for Americans held as prisoners whether legally or illegally.

We should, therefore, give ourselves the flexibility in this bill to act wherever it be necessary.

Mr. President, I yield the floor.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. CHURCH. Mr. President, I yield 1 minute to the distinguished Senator from Missouri.

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

## ADDRESS BY SENATOR MUSKIE AT THE UNIVERSITY OF KANSAS

Mr. SYMINGTON. Mr. President, recently the distinguished Senator from Maine (Mr. MUSKIE) delivered a thought-provoking address at the University of Kansas, in Lawrence.

The Senator closed this address with the following comment:

The crucial ingredient in a Democracy is the identification, the instinctual trust that flows in thousands of minute and invisible currents through a society. It is this that makes a man feel that he belongs, that allows him to live at ease with his fellows without having to be watchful, competitive and tough.

I ask unanimous consent that this support address be inserted at this point in the RECORD.

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

SENATOR EDMUND S. MUSKIE AT UNIVERSITY OF KANSAS, LAWRENCE, KANS., MAY 8, 1970

I have come here today, not to foment violence or rebellion, but to incite political action.

I have come, not to lecture you on the disruption of college campuses, but to encourage you to pursue your convictions.

And I have come, not to offer excuses for what has been done in the past and what is being done now, but to work out with you a new basis for American politics so that we will no longer need excuses.

There was a time when students like yourselves would have been satisfied by symbolic moral expression. Winning or losing on an issue seemed less important than the symbolic outburst.

Now, this is not enough.

Moral action expressed in practical political terms, in winning votes, is the thing that counts. This is what we should talk about and this is what we should do.

In so doing, we must address ourselves to the young, the dissatisfied, the despairing—and to the powerful, the leaders, the men who make the rules: the battle for men's minds will be won with words, not stones and the quest for a whole society will be achieved only with love and understanding, not bayonets and bullets.

More than a century ago, there was bitter division among the citizens of this State. The question then was one between freedom and slavery. And the ensuing violence impressed the name "Bleeding Kansas" on our history.

Once again, there is division among us. The question today is between tolerance and intolerance, at all levels. And violence threatens to brand us anew in the harshest of terms.

James Russell Lowell stated a very simple truth some years ago which became terribly poignant early this week.

He said, "If youth be a defect, it is one that we outgrown only too soon."

Lowell was not speaking about youth on a campus as opposed to youth on a battlefield. He was not distinguishing between the

young student and the young worker or farmer. He was not drawing a line between young people who agreed with him and young people who disagreed with him.

Instead, Lowell was telling us that all young people share a passion for life which should not be ridiculed . . . and a dedication to action which should not be maligned.

He was telling us of young people like Allison Krause . . . a young girl of 19 who, her teachers said, was "more concerned about people than causes" . . . a young girl who was herself studying to be a teacher, and who opposed the war . . . a young girl who was shot to death on Monday in the spring of her freshman year.

Disparaging political remarks have been made all too frequently in recent months about young people, especially those of college age.

The consequences of this mean rhetoric are terrible and clear. A sullen mood of alienation has settled on our campuses. And a bitter feeling of resentment has been nurtured against our students. How lamentable then, for anyone to accept as inevitable the nine wounded and four dead at Kent State University.

That is why it is incumbent on those who lead in political life, who preside over our universities, who direct our industries . . . to call us together rather than order us apart.

That is why it is incumbent on all of us to speak out about our convictions rather than abide in silence to raise our sights rather than lower our profiles.

It is urgent that we prove to all Americans, young and old, how they can move us to deliberate seriously and to act responsibly.

We cannot remake the history of recent years: a war which has distorted all our lives for at least 5 years, and which threatens to continue doing so:

A spectre of racism which has bolted our doors and emptied our streets, while spreading suspicion and fear.

But we can decide—right now, all of us to restore to our lives and to the leadership of this nation the qualities of tolerance and dignity which have been too long ignored.

And we must decide that there are no second-class young Americans . . . whether at home or abroad at school or in a distant jungle. And it is up to the majority of Americans too long silent . . . the majority which cares about young America . . . to let them know it.

It is little wonder to me that young people today are more concerned with the freedom to escape, than with the freedom to become involved . . . that they are more conscious of the liberty to oppose, than of the liberty to support . . . that they are more familiar with the right to despair, than with the right to rejoice.

We forget too often that it has been the passion and the action of young people which has made us begin coming to grips with the fundamental problems that confront us all . . . an end to war and a beginning of peace . . . an end to prejudice and a beginning of mutual respect . . . an end to pollution and a beginning of a more livable world.

I submit that we cannot afford to forget the gathering of so many young people last autumn, impoloring us to disengage from Vietnam . . . or the teach-ins across the country last month, petitioning us to save our environment . . . or the brotherhood of students at Yale last weekend, urging us to overcome the hostility between white and black.

If we forget these manifestations of young America, it is at a risk to our very existence as a vital, creative and free society. For I believe that the vast majority of our young people are simply asking that we have the decency to listen to them, and the understanding to respond in an intelligent manner.

I believe further that our young people are not the only Americans who have been shocked in the last two weeks. They are not alone in their plea to make sense out of confusion to right our wrongs, to convert our grief into that greatness of spirit and purpose which has been the American ideal.

Millions of Americans have been shaken, are confused, and are looking for some answers—for something to do and ways to do it.

We must not let these questions go unanswered. We must not let these people down.

For the dangers to academic freedom and personal freedom in this land approach from two directions . . . from those who use their temporary sanctuaries of elective office to insult and intimidate the members of academic communities . . . and from those who use these same academic communities as verbal and physical battlefields to further their own ambitions for personal power and notoriety.

Vindictiveness and violence, no matter what cause they allegedly serve, are unacceptable and vicious codes of conduct. The intemperate public official and the intolerant young fanatic do not merit our esteem or support. They do not affirm life, they deny it. They do not kindle liberty, they extinguish it. They do not purify an ideal, they corrupt it.

Those who express instant and false indictments of students, faculty members and administrators must be repudiated in clear and frank language, and the repudiation plainly reported. And those who turn to the deliberate destruction of property, as a way of achieving their goals, must be held responsible for their acts.

We must not let our passion turn to hatred, or our action stoop to violence. I suggest, instead, that the problems of our times require from us the exercise of a good deal more discipline, responsibility and plain sense than our detractors would have us exhibit, and that our frenzied advocates would have us possess.

"Perseverance," as Plutarch expressed it long ago, "is more prevailing than violence, and many things which cannot be overcome when they are together, yield themselves up when taken little by little."

Change . . . necessary and beneficial change . . . can come from reasoned insistence and reasoned debate. The sudden turn to violent alternatives has come about, not because reason has failed, but because it requires a courage we seem to have misplaced . . . the courage to talk sense . . . the courage to refrain from senseless rage . . . the courage to preserve domestic tranquility without fixed bayonets or live ammunition.

Clearly, we do not lack for frontiers to engage our best energies. We are trying new life styles. We are defining new realities. But the dangers of vindictiveness and violence will remain, so long as our national conscience and our personal values are subjected to a "new uncertainty" of purpose.

I urge that we exhibit a "new spirit" . . . a spirit without arrogance, and without destructive impulse . . . a spirit of courage that counsels, "Do not do to others that which you would not have them do to you."

This means that we try out diplomacy before sending troops . . . that we call people neighbors, and not pigs or bums . . . that we dignify and sanctify life and not treat it lightly.

Without that spirit . . . with flagging enthusiasm . . . we shall only grow more distrustful of our institutions, and lose all confidence in ourselves.

The vital question then becomes, not whether governments, universities, corporations should change . . . but rather how they should change.

New and welcome directions are already emerging . . . as students achieve effective representation in matters which affect their stu-

dent lives . . . as university trustees express public concern at meetings of publicly-held corporations . . . as college communities improve their relationships with the larger communities of which they are a part.

Universities in particular can and should be catalysts for invigorating change in our body politic. The teach-ins during Earth Week, for example, educated not only the immediate participants, but also the many persons who read about and listen to these discussions and debates.

But such efforts are not enough. We have not yet learned the lessons of violence. We have not yet realized that killing will not heal a divided nation.

We must do more, not promise less. We must move, through hard work, toward a whole society, not, through intolerance, to a war against ourselves which we cannot win.

It seems too obvious to say that our institutions, in particular our universities, function in an atmosphere free from oppression by militant radicals and armed guards. Freedom of expression, uninhibited by threats of violence, is vital to the life of any community.

Yet increasingly, our alternatives are narrowed. In the fact of mistrust, intolerance and despair, we are told that we must choose—between more violence and more despair, between revolution and repression.

I am not ready to accept that choice, and I do not believe you are ready to accept that choice.

I do not believe most Americans are ready to accept that kind of a future for our country.

If we accept such a choice, we have given up tolerance—and we have admitted defeat in mending a broken society.

I think there is another way—a way that will work. A way in which every concerned American can help in healing the wounds of a divided America.

Bear in mind . . . there will be elections on November 3, in every State and in every Congressional district. There should be candidates, throughout this country, who are ready to listen and willing to act, in the pursuit of peace.

We have six months to convince Americans who believe in peace—at home and in Indochina—to join us. We have six months to talk and listen and persuade.

We have six months to put together a People to People Campaign to give America national leadership committed to peace and the problems of our people—leadership which will: end the war in Indochina; and the costly and endless arms race; encourage reform of our democratic institutions to make them more responsive to the people; and give priority to problems which demand our attention.

We have six months to assemble a coalition of concerned Americans, from all segments of society, to press for these policies.

Congress can remake these policies, but we must remake the Congress.

We have never focused on this electoral challenge before as we must focus on it now.

We can do it, but we cannot do it alone.

We need dearly the help of every American who is tired of war, who is sick of bitterness and hatred, and who despairs of intolerance and violence.

We need the help of every American who has faith in peace and tolerance, who is willing to talk to his fellow man, and who thinks there is a better road to peace than war and a better way for a nation to live than for its people to die.

You will recall that the preamble to our Constitution was as humble as it was eloquent . . . that it sought to offer not paradise, but a "more perfect Union."

The opportunity is still available to us, to form a more perfect Union . . . to shape a whole society. It is not, however, an opportunity easy to grasp.

A more perfect Union requires strict fidel-

ity, by the Government and by the people, to the constitutional rights of free, open and non-violent expression. A whole society requires the healthy exercise of those American instincts of fairness, compassion, understanding and cooperation which transcend differences in age, in geography, in political persuasion.

This is a very fleeting time. People are ready to help and to work, but you must ask for their help. You must show them that you want what they want—what we all want. And that *you want their help*.

More people are ready to listen than ever before. We *must not* waste this chance. We *must not* let them down.

It has been said: "The crucial ingredient in a Democracy is the identification, the instinctual trust that flows in thousands of minute and invisible currents through a society. It is this that makes a man feel that he belongs, that allows him to live at ease with his fellows without having to be watchful, competitive and tough."

#### STATEMENT OF THOMAS J. WATSON, JR., BEFORE COMMITTEE ON FOREIGN RELATIONS

Mr. SYMINGTON. Mr. President, yesterday morning in the Committee on Foreign Relations we heard testimony from Mr. Thomas J. Watson, Jr., considered by many the outstanding industrialist of our time. As everyone knows, he heads that great corporation in turn known by the initials IBM.

Especially in that the thoughts and constructive remarks of Mr. Watson were comparable to the point of similarity with those presented to the same committee by the head of the nation's largest bank, Mr. Louis B. Lundborg, chairman of the board of the Bank of America, I am sure my colleagues would be interested in Mr. Watson's remarks, and I ask unanimous consent that they be printed at this point in the RECORD.

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

##### STATEMENT OF THOMAS J. WATSON, JR.

You have asked me to discuss the economic impact of the war in Vietnam on the United States, and my views on the state of the nation and the world. This is a large order, and I shall be brief. As a matter of fact, since I received your invitation, a number of very highly qualified persons have made their views known—in the press or before this Committee—and I'm not sure there is much left to be said.

This is a personal statement which in no way reflects the policy or opinion of the IBM Company. You certainly know that I'm a layman in politics and international affairs. The only special inputs I get are from a large number of IBM installations throughout the free world.

Increasingly over the past four years, I have been concerned about our nation's course in Southeast Asia, and its effect on our country—especially young people.

The key fact, as I see it, is this: 50 percent of the population of this country is under age 25; and the longer the war continues, the more it broadens the gap between the elder generation, sometimes called the establishment, and our young men and women, who will soon be responsible for the leadership and destiny of this country. Indeed, the prolongation of the war may well set up a continuing revolution of our youth through which they may become sufficiently demoralized so that the progress of our country will be appreciably slowed.

So I have two main points for wanting a prompt end to the Vietnam undertaking. First I don't think we can afford not to heed the dissatisfaction of our youth. Second, it seems certain to me that continuing the war produces unacceptable costs: in the lives of our fighting men, in weakening of our institutions, and in the undermining of our national morale.

Furthermore, our actions in Vietnam are losing us valuable and traditional friends in the West. We present a picture of a terribly powerful, awe-inspiring nation unable to manage itself in a disciplined fashion.

Our prestige is suffering abroad. Let me illustrate the point concretely by giving you a rundown of actions against IBM properties in various parts of the world during the last six weeks. In West Berlin, nearly all the windows in one of our buildings were broken by young rioters. Then gasoline was poured about and it was set on fire. The windows in one of our Dutch facilities were broken by students. Our branch office in Cologne was attacked by protesters against the Vietnam War and the windows smashed. A powerful bomb was discovered just before it was timed to explode in an IBM Argentina office. Just a few days ago, we received bomb threats at our Amsterdam and Paris Data Centers.

And here at home, we've had many bomb threats and one actual bombing at 425 Park Avenue in New York City—our Eastern Regional Headquarters. It happened in the middle of the night and, fortunately, no one was hurt.

While I don't want to draw strong conclusions from random acts of unhappy young people around the world, I do think that if we don't draw some kind of conclusion from all of these things, we will be casting away facts which, if used correctly, can lead us to do intelligent things in the future to ameliorate the situation.

The President found this country in Vietnam and has pledged us to withdraw. I know, of course, of the deep concern and commitment he has to ending the bloodshed and the suffering. I applauded his decision for paced withdrawals as opposed to the earlier open-ended commitment. It is very important, I think, to recognize that once this policy of the President was announced to the country, the youth became quieter than at any time in the previous four years. It is significant that a plan for withdrawal brought about immediate calming and significant, too, that as soon as this timetable seemed to be interfered with by the Cambodian campaign, the violence flared up more strongly than ever before.

To continue as a great nation, our country must be drawn together again. I doubt that this can be done while we're in Vietnam. Once this is thoroughly understood, we can plan our strategy around this point.

Speaking first on the economic side, I want to make it clear that I see this country as the strongest country economically and in every other way that has ever been known to man. This is fundamentally as true today as it was a year ago or five years ago. We are just a bit out of gear. We have a crisis of confidence in ourselves. We wonder not only why we can't get out of Vietnam with dispatch, but how we ever got into it and stayed in it so long. Our children wonder about our leadership, and we wonder about their ideals.

The war in Vietnam is the major factor which has turned our healthy economy into an unhealthy one. Some years ago, many thought the United States could contain and support anti-Communist movements wherever they arose throughout the world and, at the same time, have an economy back here at home that would be almost unaffected. Obviously, this hasn't worked. The present economic prospects are discouraging.

Inflation may be slowing down—though very slowly—but unemployment is up and rising, and businessmen are showing great caution and concern about the future.

Inflation always accompanies war and distorts an economy. Inevitably it must be corrected; and this brings about some difficulties for all and disasters for those of the labor force who lose their jobs and don't quickly find new ones. During the first two years of escalation in Vietnam (1965-1966), we were in a period of rising prosperity. Sales and profits were strong, and the country was reaching full employment. The war and a very strong consumer market base at home combined to overcommit us economically. This overcommitment fueled inflationary pressures, and distortions began to occur. In short, we simply overtaxed our ability to produce, and since the supply of goods could not be increased sufficiently to avoid inflation, a way of cutting down on demand had to be found. Therefore, the Administration took courageous and very necessary fiscal and monetary steps—parts of the inevitable correction process. Nevertheless, as long as the demands on our economy from the Vietnam involvement remain, it will be difficult to contain inflation fully.

When we are completely out of Vietnam, much of our economic problem will be solved. But, in the meantime, inflation may progress, and wage settlements now being made in anticipation of future inflation or in an effort to catch up with the past loss of progress build an uncertainty which is hampering a turnaround. I would, therefore, suggest on the economic side that the Administration give serious consideration to resorting at once to the guideline approach to wages and prices that worked reasonably well in the early years of the Kennedy Administration. I know this method was not successful over the long-term period, but for two or three years, I think the record will show that the approach was helpful, and it has the advantage of being able to be put into effect at once.

In summary on the economic side, as long as our involvement in Vietnam continues, it will be a major obstacle to both the short and the long-term economic health of the country.

There are important reasons other than economic for leaving Vietnam. In the past year, I have spent over one hundred hours talking to young people on college campuses and elsewhere. Just recently, I spent a full day on the California Institute of Technology campus, talking first in private with the class officers of the graduating class, and then with students in their dormitories and at various campus gatherings. I've done the same thing at Brown, at Oberlin, and elsewhere. There is absolutely no question about the sincerity and intensity of the dissatisfaction of the vast majority of these young Americans with the direction in which we are going in Southeast Asia. World War II, with which I was intimately connected, welded the large majority of our country—young and old, rich and poor—together. This war has only lukewarm support from some and varying degrees of dissent from others. Most of it is fairly hot. The dissension is largely between the young and the old, so that it not only fractionates and polarizes, but does so at one of the fundamental roots of our society, the family.

Earlier this year at Oberlin in an open forum—a give and take session—I attempted to defend the United States, as so many of us do when we're talking to younger people. I said, "You young people are filled with criticism, but where on earth could you find a better country than the United States?" The answer was surprising and in some ways noble. It was simply this—"Of course the United States is the best place in the world, but do you argue with our desire and right to make it even better?"

A young man came into my office the other day to talk to me about a "Pause for Peace." This was an idea for getting people in the United States to stop whatever they were doing for a full hour to emphasize the great desire of most of America to get out of Vietnam rapidly. He spoke with such conviction and intelligence that I asked him to come back and address the whole management committee of IBM. In the course of his discussion, he said one thing that impressed all of us profoundly. He asked us: "How would you like to have a son killed during a paced withdrawal from a war which you had decided was a bad war in the first place?" I think this chap summarizes the reason for youth's current great dissatisfaction.

This intensity of feeling is a fact—one as real as body counts and defense budgets and the GNP. And it means simply this: As long as Vietnam continues, the polarization of youth and the elder generation will undoubtedly increase.

There will be more inevitable accidents which will engender still more violence. To quell this and keep the peace, more and more National Guard and military units will have to be called out. The longer we continue, the more chaotic the nation will become. The damage we have already seen will take decades to repair, and if we continue, I believe we will soon reach a point where much of the damage will be irreparable.

For all these reasons I believe we should withdraw all of our military activities, both operational and advisory, from Southeast Asia as soon as possible.

I'm sure this Committee has been given many specific suggested dates for complete withdrawal. I won't give a date—I'll simply say that I believe that time is running out and that the situation here at home deteriorates as each month goes by. Summer vacations may produce a misleading calm. Next fall the term may open on a cooler note because of the decision of a number of colleges to recess prior to elections to permit students to campaign for the candidates of their choice. And if it looks as though we really were getting out this fall, the situation on the campuses would be a good deal more peaceful. But if we're still there actively next spring, we'll see a heightened replay of this past spring's campus disorders. And if we remain in Vietnam through the fall of 1971, the situation will become more serious.

There's a syndrome in the United States which makes it very difficult for us to cope with a situation like Vietnam—Americans are efficient and orderly; and when those with responsibility try to find strategies and moves for the future, they try to find efficient and orderly ones. We do this same thing in business. It's impossible to figure out an efficient, orderly and dignified way of getting out of Vietnam. And therefore we continue year after year to compound the situation by staying there simply because we can't find a good, orderly way of disengaging.

There isn't any comfortable way to withdraw. It's always going to be easy for the Communists to interrupt our plans, to make us look ridiculous, and to profit through our loss.

Therefore, I believe we must exhaust every possibility—however novel, however imaginative—to disengage and save as many lives as possible in the process. It seems to me that there are two places we can start. We should take a hard look once again at the Paris negotiations to make certain that in our offers we have gone to the absolute outer limit of what we can give. If we can make a compromise there and succeed, we have the possibility of some dignity as we move out. I think it's vital that the Government assure itself that the truce efforts in Paris and the concessions being offered to North Vietnam are compatible with our aims. These concessions must in fact be balanced off

against what we have to lose by a continued stay in South Vietnam or by a confused and chaotic withdrawal.

Combined with our efforts in Paris, we should make major new efforts to get the United Nations involved in the work of ending the war and preserving the peace in Southeast Asia. I think this kind of third party intervention is absolutely essential if we are to have any kind of orderly departure.

We've done a lot of things outside the United Nations in the past decade and so have our opponents. There may come a time when the strength of the U.N. will be directly connected with the survival of the world. So we must help build its strength. Here is a way to let the world know that we continue to believe in the U.N. I recognize, of course, that the Security Council could reject this proposal, but I think we should initiate it.

Now, if we find a successful approach which results in real progress towards withdrawal, what will the results be? First, would be the resurgence of faith of our young people.

Second, we would have a better relationship between the Administration and Congress. I am concerned about the various legislative proposals now being considered to restrict the President's ability to move with dispatch for the security of the country. I hope that the Administration and Congress can find a common course of action so that such bills would not be necessary, and we would preserve the President's traditional freedom of action.

Third, the United States would be sufficiently united by these actions so that our governmental processes would receive the support of most of the elements in our society.

Fourth, there would be a renewal of our military flexibility—of our capacity to defend areas critical to our national security, and importantly, a regaining of national respect for our military establishment.

Fifth, a renewed respect and understanding from our oldest and staunchest free world friends and allies.

In conclusion, I do not wish to criticize any of the three presidents—Kennedy, Johnson and Nixon—who have struggled with this immensely difficult problem. I have no doubt that President Nixon—like Presidents Kennedy, and Johnson before him—sincerely seeks peace in Southeast Asia. In appearing here today I wish to do just one thing: To voice one man's conviction that we stand at a crossroads of decision, with all comfortable routes closed off; that we must end this tragedy before it overwhelms us; and that we must therefore face up squarely to a tough decision and see it through with courage and dispatch.

#### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MILLER. Mr. President, I yield myself 30 seconds.

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

#### OPEN LETTER TO PRESIDENT NIXON FROM MILLER UPTON, PRESIDENT OF BELOIT COLLEGE

Mr. MILLER. Mr. President, yesterday the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), submitted for the RECORD an excerpt from an open letter to the President of the United States from the president of Beloit College in Beloit, Wis.

I ask unanimous consent that the entire text of the letter may be printed in the RECORD.

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

BELOIT, WIS.,  
May 11, 1970.

President RICHARD M. NIXON,  
The White House,  
Washington, D.C.

DEAR MR. PRESIDENT: As a college president, a past scholar-teacher, and one who has consciously devoted his whole life to the cause of higher education in the conviction that it offers the greatest hope for social progress and the elevation of man to his highest potential, I wish to apologize to you and the nation for the grotesque failure of the academic community at this hour of national trial and turmoil.

I am fully aware of how extremely presumptuous it is for one to represent himself to apologize for the many, but I am constrained to do so nonetheless for the shame I feel for the community with which I have been so intimately related for so long and in which I have placed so much confidence in the past. Those who do not agree with me will, of course, be able and willing to speak for themselves.

Let me establish a point about myself at the outset so that my position can be more accurately interpreted. I was a conscientious objector during World War II, and were I of draft age now I would be a conscientious objector again. But my moral opposition to war, however deeply and conscientiously held, does not entitle me on any ethical or moral grounds to take violent action against those who disagree. I must bear witness to truth as I see it, but I must also respect the right of the other person to do the same. Certainly, I must never hurt or demean another simply because he won't go along with my own conviction.

This commitment to respect for the individual, intellectual openness, and freedom of inquiry is the transcendent value to which an academic community must be subservient. In fact, it is the only value to which the academy can pledge allegiance if it is to be consistent with itself. To elevate any other value is to break faith with this transcendent value and it is at this point that we have violated our public trust as professional educators: we have given in to violence and threats of violence in support of a particular point of view, and in doing so we have allowed the academic integrity of our individual institutions and the academic community at large to be violated.

Being a conscientious objector to war and one who would issue such an open letter as this, I clearly am not opposed to dissent and protest. But I am vigorously opposed to violence in any form and for any reason, and most of all I am opposed to would-be leaders capitulating to intimidation and violence. Those who respect violence when used against them will inevitably employ violence when it suits their cause.

We in the colleges and universities have tolerated unspeakable intimidation and thought control on the part of radical students, faculty and others, and yet when Vice President Agnew speaks out forcefully against such the only voices that are heard from the academy are those who castigate him and you for repressing dissent. There are few college campuses, if any, where Vice President Agnew, or any member of your cabinet for that matter, could speak without disruption and even physical abuse and intimidation. But a convicted murderer, dope peddler, or one committed to the forceful overthrow of the government will receive not only a respectful hearing, but will be paid a handsome honorarium in addition. In the

light of his high position, I have been embarrassed by some of the Vice President's intemperate language. But surely he has as much right to dissent and to be given a respectful hearing as any of the criminal element of our society.

Much of the academic community is now telling you how to settle the war in Vietnam and being critical of your effort to protect lives and shorten the war by moving troops into Cambodia. I find it highly unbecoming of us to presume to tell you how to fight the war in Vietnam when we aren't even able to settle the wars on our own campuses. Nor do I use the word *war* in this context lightly. The throwing of missiles to do physical harm, the throwing of firebombs to burn buildings, the use of guerrilla tactics via arson and vandalism, the shooting and killing of combatants and noncombatants is every bit as much war as that which prevails in Vietnam, Cambodia, and the Near East. I have often wondered sardonically how many protestors of napalm have themselves thrown fire bombs or engaged in arson.

I have also been appalled by a certain arrogance and inconsistency on our part with regard to the way we are free to tell you and others how to handle your jobs but become deeply resentful, insulted, and even hostile when there is any suggestion of your intrusion into "our" domain. I am quite sure that I am able to run Beloit College better than you, but by the same token I am sure that you are able to deal with the issues of the Presidency of the United States, including fighting the war in Vietnam, better than I. The widespread propensity of members of the "intellectual" community to make judgments without benefit of facts is one of my greatest disillusionments and embarrassments.

As a matter of fact, my early naivete led me to embrace the academic life because of my belief that members therein were committed to intellectual honesty, rational behavior and humanistic concern and compassion. Recent incidents have merely confirmed all the more what my life's experiences have suggested. Academic man is as much motivated by vested interest, is as much controlled by base emotion, and reasons as much from prejudice as any other mortal. My readings of Ecclesiastes, the New Testament and the life of Mahatma Gandhi should have prepared me for this, but they didn't.

We who work closely with young people and should know and understand them best have not been very helpful to them or to you and others of the adult community in serving as a vehicle of communication. We have too often taken sides ourselves and been critical of one group or the other and not been sufficiently discriminating in our communication role.

Maybe we can be forgiven on the grounds that the task is such a difficult one. I know that the great bulk of college students are genuinely concerned about the inhumanity and futility of war and deeply question the legitimacy of a life that sanctions and even glorifies indiscriminate killing and maiming. I also know that the great bulk of adults and members of the establishment are sincere, dedicated individuals with the same hopes and aspirations as the young. But I also know that in each group there are examples that support the worst stereotype of each. The great frustration of the day is that despite this great community of interest and concern there is a growing separation based upon the sinful tendency to judge by stereotype and preconception. We in the academic community are frequently party to this sin even though our training should particularly help us to know better.

Although my own sentiments are basically with the young people, I must admit that there is a general pandering to the young at the present time that is both disgusting and irresponsible. Disgusting because it prosti-

tutes normal respect and affection. Irresponsible because it is creating an unrealistic cleavage between age groups.

Of course, young people on the whole are wonderful, but what's new about that? The great reward of college work is the opportunity it affords to associate regularly with this age group. This idealism, absolutism, intellectual honesty and great aspiration of the young are the eternal attributes of this age group upon which society is dependent to preserve its vital, dynamic quality. These attributes are the standards of behavior to be expected, not glorified as unique in any narrow time span of human history.

Young people are first and foremost people. Those who are young today will be old tomorrow and having to relate to those who are younger then. As people they represent all types, some taller than others, some fatter than others, some with higher IQs than others, some more criminally inclined than others, some more saintly than others, some more hostile than others, some more vocal than others, etc. There is no general virtue attributable to youth any more than there is general evil. We have done all young people a great disservice in recent years by suggesting to them that they are of a different breed from the rest of us and beyond reproach. They are nothing more than the fresh blood being pumped into the human society, just as we were in the past and their children will be in the future. We in Academe should have known this better than anyone else and not have failed them and you in your common need for understanding.

We have been quick to tell you that you are alienating the youth of America, but we seem to pay little attention to the way we are alienating our own constituencies by our failure to protect the authentic academic integrity of our institutions. Implicitly we are also alienating the youth of America over the long run by our failure to be faithful to our leadership responsibilities.

The pain that hurts most of all is the realization that I bear partial responsibility for the unnecessary deaths of four young people on the campus of Kent State University. The National Guard troops should never have been there in the first place, because we should never have permitted the conditions to develop which necessitated the presence of troops. Once this die was cast, it was simply a matter of time before tragedy would strike. If fault lies anywhere for the Kent State deaths it lies not with you and the Vietnam War but with the radical acts and excesses we have tolerated in the name of dissent.

I am sure you know, Mr. President, that I do not say these things with tongue in cheek to placate others, to curry favor, to advance partisan interest, or to defend your war policies. 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 OF BUSINESS

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. CHURCH. Mr. President, how much time is remaining?

THE ACTING PRESIDENT pro tempore. The minority leader or his designee have 27 minutes remaining and the majority leader or his delegate have 40 minutes remaining.

Mr. CHURCH. Mr. President, I yield as much time as may be required to the distinguished Senator from Kentucky.

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

#### AMENDMENT OF THE FOREIGN MILITARY SALES ACT

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

Mr. COOPER. Mr. President, it is clear that the adoption of this amendment would vitiate the amendment which the Senator from Idaho (Mr. CHURCH), the Senator from Vermont (Mr. ARKEN), the majority leader (Mr. MANSFIELD), and I have presented. For a moment, I want to pass from that aspect of the amendment to discuss for a few minutes the American prisoners of war.

All of us have deep concern about the plight of American prisoners of war held by North Vietnam and the Vietcong, and now, perhaps, by the Pathet Lao in Laos and the Communist forces in Cambodia.

The treatment of these prisoners defies the convention to which North Vietnam is a party; it defies all international law and flies in the face of any decent standard of morality and humanity.

This is a matter of concern to all of us, but it is a matter of much deeper concern to the families, wives, parents, and children of these men. Many of them do not know whether their husbands, brothers or fathers are dead or alive.

I ask this question of the sponsors of the amendment. Do you believe that the adoption of your amendment would hasten, would further the goal which we all seek, the release of these prisoners? The prolonged war in Vietnam has not brought about the release, or better treatment, of the American prisoners held by North Vietnam. The logic of this amendment, if followed precisely, would mean that the United States could be at war in Cambodia for as long as forces outside our control would dictate. I refer to North Vietnamese and Vietcong action. The United States participation in war could continue until the last prisoner had been released, if the President so decided. I do not think he would so decide but, nevertheless, this is what the amendment provides. Again, if its logic is followed we would continue to be at war in Vietnam until the last of the prisoners held by the North Vietnamese would be released. The continued war in North Vietnam has not only caused the capture of more American prisoners, but has rendered their treatment more barbarous.

Recently I had the privilege of talking to Mr. Perot, of Texas, who in a humanitarian effort visited South Vietnam and Laos a few weeks ago and talked to American prisoners who had been released or escaped. The informa-

tion secured about the conditions under which American prisoners must live and the cruelty with which they are treated is very difficult to imagine.

I return to the amendment before us. If it should be adopted, is there true belief that it would cause the release of a single prisoner or improve their treatment? I do not think it would, appreciating as I do the good intentions of its sponsors. If these prisoners are to be released, they will be released because the International Red Cross and the international community persistently seek their release and bring to bear upon the North Vietnamese, if any opinion of the civilized world can be brought to bear upon them, that their treatment of our prisoners is against all standards of law and of humanity.

Perhaps if the people of the United States joined in a manifestation of concern about the prisoners as the concern for United States was expressed about the plight of the astronauts for days such concern might have some effect upon the North Vietnamese.

Finally, I see the best chance for the release of American prisoners is ending the war—a settlement of the war. With a settlement, we would hope there would be an international body, such as the International Red Cross, which would effect and supervise the release of those Americans still alive.

Do we have a right to take chances with the fate of these men in amendments upon the floor of the Senate when we know the amendments will have no effect? Do we have a right to cause a glimmer of hope to their wives, parents, and children, and then have it dashed, as it inevitably would be?

If Senators do not believe in the amendment which the Senator from Idaho and I have introduced, vote against it when the time comes, but I ask whether it is right and proper to use the prisoner of war issue in a political way, which I am afraid this amendment does, even though not intended by its sponsors, who for a long time have evidenced their concern for American prisoners of war.

Either way the Senate votes, it might have an adverse effect upon the situation of prisoners of war, and raise false hope in our country. The clearest opportunity for the release of the prisoners is a settlement, or the end of the war.

I hope very much the amendment will be defeated.

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

I concur wholeheartedly in what the distinguished Senator from Kentucky has said. By no means can the Dole amendment help any American prisoner of war. It can only raise false expectations. It creates, in fact, circumstances which could be very cruel for the families involved, and perhaps for the POW's themselves.

Everyone here in the Senate understands that we cannot save American prisoners of war by legislating amendments of this kind. Indeed, it is unfortunate that such an emotional issue should be interjected into this debate.

Moreover, Mr. President, if we were

to adopt the pending amendment, we would be taking action that is contrary to the expressed policy of the President himself. Nowhere has he so much as intimated that he has any intention to keep an American Army in Cambodia as long as an American prisoner of war might be held in that country. It would be inconceivable, even if this amendment were enacted, that he would ever invoke it. How could he stand before the world and say that he had decided to leave an American Army in Cambodia, prolonging the war on a new front indefinitely, upon the grounds that American prisoners had been taken and were being held in Cambodia?

The Senate would look ridiculous if it were to acquiesce in such a proposition.

Mr. President, yesterday, I spoke at considerable length about the Dole amendment. I do not want to reiterate today what I said then. I would like, however, to address myself to another aspect of this debate—its prolongation. The Senate needs to move with reasonable dispatch toward an ultimate resolution of this question. The President needs an act of Congress to backstop his policies. The Nation needs reassurance that our constitutional system of Government is still alive.

COOPER-CHURCH AMENDMENT—THE TIME HAS COME TO VOTE

The Cambodian operation is now being proclaimed a military success. American troops, we are told, will be leaving Cambodia on schedule, many of them returning to Vietnam even before the announced time limit of June 30. Already it is being said that because the President will have kept his withdrawal pledge, the need has evaporated for setting any legislative limits on the extent of our future involvement in Cambodia.

One line of argument holds that if all of our troops are withdrawn from Cambodia before a Senate vote is reached on the Cooper-Church amendment, events will have rendered the amendment "moot." At the opposite extreme, there are those who contend that the Senate, by its intensive debate on the Cambodian operation as a whole, deserves the credit for the early withdrawal of our forces.

I believe, however, that neither argument is valid. In fact, such arguments misconceive the purpose of the Cooper-Church amendment and distort the real reasons for our effort to enact it.

First, let me reemphasize the non-partisan character of the principle we have sought to serve in drafting and modifying our amendment. We assumed, at all times, that President Nixon would keep his pledge not to retain American forces in Cambodia beyond June 30. The President told his press conference on May 8 that "all Americans of all kinds, including advisers, will be out of Cambodia by the end of June," and that "our logistical air support will also come out with them." We took the President at his word. That is why we made the operative date of our amendment July 1, 1970.

We also took the President at his word when he said that the Cambodian operation was purely ancillary to our position in South Vietnam; that its objec-

tive was not to support or reinforce the new Cambodian Government; and that we would not deposit in Cambodia American military advisers, instructors, or related specialists to help Cambodians fight either the North Vietnamese or the Vietcong.

In sum, the Cooper-Church amendment was drafted in such a way that, if adopted, the Congress would provide the President legislative backstopping in his expressed desire not to retain American troops in Cambodia after June 30, or to stay there in support of the Phnompenh government in the manner we have supported the governments in Saigon and Vientiane. By enacting the amendment, we would be strengthening the President's hand, helping him overcome evasions and foot dragging by his own bureaucracy and foreign allies who are already attempting to compromise his limited designs. The intention of Saigon to retain ARVN forces in Cambodia after June 30, plus the announcement that Thai militia will be sent to fortify Phnompenh, are recent steps in this ominous direction. The evidence accumulates that the Cambodian operation could easily become an involvement of open ended dimensions, reaching far beyond the limited military goals the President announced on April 30.

Clearly what is needed now is the formation of a congressional-presidential partnership in which responsibility may be shared for extricating the United States from the war in Indochina. The Cooper-Church amendment is the opening move, setting the outer limits where the President himself has fixed them, to American involvement in Cambodia. Its adoption would also signal that the Congress recognizes and stands willing to reassert its share of the responsibility for bringing the war to a close.

Those who oppose the passage of this amendment may style themselves "conservatives," but it is not the Constitution they would conserve. In their views, the President not only possesses unlimited power to commit the United States to war but, thereafter, is free, as Commander in Chief, to conduct the war as he pleases. The only role these self-styled "conservatives" assign to Congress is that of doling out the money in such amounts as the President may, from time to time, require.

Such a view of the Presidency makes a mockery of the Constitution. In the vital matter of war and peace—where the life and death of the American people hang in the balance—the opponents of the Cooper-Church amendment would concede all power to the Presidency. They would reduce the Congress of the United States to impotence, while making the President an autocrat supreme. The Constitution furnishes no pedestal upon which to build the powers of the Presidency so large.

There is still another reason why the Senate should act now to adopt the Cooper-Church amendment. Many citizens are suggesting that our form of government is too sluggish for today's world, that our political system has become irrelevant. In a recently published treatise on this subject, the conservative political scientist, Andrew Hacker, calls

this "The End of the American Era." His conclusion, with which I disagree, echoes the famous opening of Livy's "History of Rome":

We are now at that turning point ancient philosophers called *stasis*, a juncture at which it becomes pointless to call for rehabilitation or renewal.

To prove this thesis wrong, to rebut those who loudly claim our system is no longer working, the Senate of the United States must not permit itself to fall prisoner of its own rules, the victim of procedural paralysis. This it can avoid only by moving with reasonable dispatch toward a vote on the Cooper-Church amendment.

In conclusion, let me reiterate that the amendment rests upon the assumption that President Nixon will keep his pledge to the Nation. It looks beyond July 1, 1970, the time the President has stated that all U.S. forces will be out of Cambodia. Its purpose is not to force the President's hand, not to compel the withdrawal of our troops prior to July 1, 1970, but to preclude their return to Cambodia after July 1, 1970, and to foreclose any entangling alliance with the Phnompenh regime thereafter, unless the President seeks and receives congressional consent.

Therefore, nothing can be accomplished by prolonging the debate or postponing a vote until the end of June. By then, the amendment, far from having been rendered "moot," will actually have become more timely than ever, its importance having been increased and its urgency enhanced by the imminence of its impending operating date. Nearly 3 weeks of debate have now elapsed. The principle posed by the amendment is well known to every Member of the Senate. The time has come for us to accept our responsibility and proceed to a vote.

The PRESIDING OFFICER. Who yields time?

#### THE TRIBUTE TO POW'S AND MIA'S

Mr. DOLE. Mr. President, on May 1, 1970, Constitution Hall was filled with Americans—concerned Americans. The gathering included over 1,000 relatives of prisoners of war and servicemen listed as "missing in action" in Vietnam. But more important, the hall was also filled with thousands of citizens who, although not directly affected by the prisoner-of-war problem, understand the agonies and anxieties of the POW and MIA relatives and their missing and captured loved ones.

All who attended this convocation, an "appeal for international justice," were there to pay tribute to brave Americans—Americans who have served their country, and in so doing, have been captured by the North Vietnamese and are now languishing in prisons or are missing in action half a world away.

I would like to share with my colleagues the many meaningful remarks that were made at Constitution Hall on May 1. Hopefully, anyone who reads them will also join the concerned Americans who participated in this "appeal for international justice."

The success of the program was due to the countless hours of planning, coordination, and hard work put in by dozens of individuals and organizations.

Robert Rebein of the House Interstate and Foreign Commerce Committee, had the tremendous task of coordinating the entire program.

Col. Al Goodson, of the Office of the Secretary of Defense and Col. Robert Work of the Air Force provided invaluable assistance.

Representatives of nearly every national veterans organization also lent their assistance and support.

However, the primary motivation, inspiration, and manpower behind the effort was provided by members of the National League of Families of American Prisoners in Southeast Asia. Mrs. James B. Stockdale is the national coordinator of this fine organization.

Mr. President, I ask unanimous consent that the program and speeches delivered at the Appeal for International Justice be printed in the RECORD at this point.

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

#### APPEAL FOR INTERNATIONAL JUSTICE

THE WHITE HOUSE,  
Washington, April 28, 1970.

The inspirational qualities of courage and endurance have been historically associated with American servicemen. Those same qualities have been demonstrated by the families of our men who are missing in action or known to be imprisoned in Southeast Asia. I want to take this opportunity to salute these families and to wholeheartedly reaffirm this Administration's deep concern about the fate of these brave men.

Few—if any—of the evils of war are more cruel than the deliberate withholding of information concerning prisoners. As I have in the past, I call upon the leaders of North Vietnam, the Viet Cong, and the Pathet Lao, as fellow human beings, to abide by the basic provisions of the Geneva Convention Relative to the Treatment of Prisoners of War, to which North Vietnam acceded in 1957. This Administration has no more urgent goal than to secure information about and eventual freedom for these Americans who have done so much for their country.

RICHARD NIXON.

#### PROGRAM

Master of ceremonies, Senator Bob Dole, Chairman, Senate-House "Appeal for International Justice" Committee.

Music, United States Air Force Ceremonial Band, Captain John D. Welsh, Directing.

Invocation, Dr. Edward L. R. Elson, Chaplain, United States Senate.

Welcome, Walter Washington, Mayor, Washington, D.C.

Remarks by Senator Robert J. Dole.

Appeals for international justice, Mrs. James B. Stockdale, POW Wife, Coronado, California, Honorary Co-Chairman and National Coordinator, National League of Families of American Prisoners in Southeast Asia (Introduction by Congresswoman Catherine May).

Mrs. Bruce G. Johnson, MIA Wife, Salina, Kansas (Introduction by Senator Robert P. Griffin).

Mrs. Jerry A. Singleton, POW Wife, Dallas, Texas (Introduction by Congressman Olin E. Teague).

Music, Jack Jones, "The Impossible Dream."

Presentation of resolutions, Resolution of the Amerikanish Kriegsgefangenen. Presented to Mrs. James A. Mulligan, POW Wife, Virginia Beach, Virginia, and Mrs. Iris Powers, MIA Mother, Orlando, Florida, by Congressman Burt L. Talcott, Former POW, World War II.

Concurrent Resolution of the 91st Con-

gress, April 28, 1970. Presented to Mrs. Charles C. Parish, MIA Wife, Alexandria, Virginia, and Mrs. James E. Plowman, MIA Wife, Arlington, Virginia, by Congressman Robert L. F. Sikes.

Faith in America, Robert Cummings, Hollywood, California.

Hope for Freedom, Lieutenant Robert E. Frishman, U.S.N., Former POW of the North Vietnamese (Introduction by Senator Jack Miller).

Petty Officer 2nd Class Douglas B. Hegdahl, U.S.N., Former POW of the North Vietnamese (Introduction by Senator Peter H. Dominick).

Message from absent dignitaries. United We Stand, H. Ross Perot, Dallas, Texas, Honorary Co-Chairman (Introduction by Mrs. Douglas Peterson, POW wife, Fort Walton Beach, Florida).

Introduction of distinguished guests, Senator Bob Dole.

Challenge to America, Captain James A. Lovell, Jr., Apollo 13 Command Pilot (Introduction by Senator Barry M. Goldwater).

Speech by Vice President Spiro Agnew. Music, United States Air Force Singing Sergeants, Captain Robert B. Kuzminski, Directing.

Benediction, Congressman Henry C. Schadeberg, Former Captain, U.S.N. Chaplain Corps.

#### SPONSORING MEMBERS OF CONGRESS

Senators: Peter H. Dominick, Barry Goldwater, Mike Mansfield, George Murphy, Edmund S. Muskie, John Stennis.

Representatives: W. C. Daniel, Martin B. McKeenly, Catherine May, Richard L. Roudebush, Robert L. F. Sikes, Olin E. Teague.

#### SENATE-HOUSE CONCURRENT RESOLUTION

Resolved, That it is the sense of Congress 1. That Friday, May 1, 1970, be commemorated as a day for an appeal for international justice for all the American prisoners of war and servicemen missing in action in Southeast Asia;

2. That men of compassion and good will throughout the world be urged to search all peaceful avenues available to insure that these men be treated humanely and fairly in accord with the standards established by the Geneva Convention;

3. That every possible effort be made to secure their early release from captivity;

4. That the President delegate Sunday, May 3, 1970, as a national day of prayer for humane treatment and the safe return of these brave Americans; and

5. That copies of this resolution be delivered to the appropriate representatives of the United States Government to the appropriate representatives of every nation of the world.

INVOCATION: APPEAL FOR INTERNATIONAL JUSTICE; CONSTITUTION HALL—LAW DAY, MAY 1, 1970, BY THE REV. EDWARD L. R. ELSON, D.D., CHAPLAIN OF THE UNITED STATES SENATE

Almighty God, who has made and preserved us a nation, unto whom in all ages men have lifted up their hearts in prayer, we thank Thee for the heroes' valor, the patriots' devotion, the scientists' skill, the business man's acumen and the toil of hand and brain by which we have become great and strong. Spare us from avoiding the hard and hazardous responsibility. Make us now a people obedient to Thy law, spiritually and morally equipped to be a servant people to the whole world.

We remember before Thee this night our countrymen, Prisoners of War in distant lands. Grant that by drawing near to Thee we may be drawn nearer to them in faith, in love, and in the fellowship of suffering. Imbue them with grace and strength to endure separation and privation. Enable them to put their trust in Thee whose mercy falleth not.

Be with their loved ones to give them comfort, strength and hope; and the assurance that nothing can ever separate them from the love of God.

Grant, O Lord, that their keepers may be guided by the Conventions of Geneva and by the universal laws of humanity.

Vouchsafe Thy presence to us here that we may be true as they are true, loyal as they are loyal, brave as they are brave, until the shadows flee away, and the dawn breaks and reunion comes in a new and better world of peace and justice.

Through Jesus Christ our Lord. Amen.

**WELCOMING REMARKS OF WALTER WASHINGTON, MAYOR, WASHINGTON, D.C.**

Thank you, Senator Dole, Members of the Senate, Members of the House of Representatives, Members of the Congress all, honored Clergy, most of all, friends, families, children, wives of prisoners of war, mine is but a simple task, that would be to say welcome. Welcome to your Nation's Capitol. I would like for you all to think that I say more than that to you tonight, if there are words that can be said, I would like for you to know that you are not alone. I would like to say that all of us, as we join together in a communion within America, have a special meaning for any one who may find himself or herself in trouble. I would like to think that we built this Nation and that I try to symbolize it tonight to you by saying welcome in something that has kept us together all of these years in a common purpose. Where when one is in trouble, the other seeks to help . . . and that is out of our mutual faith in each other, our mutual faith in America and all of its principles and doctrines that from the very Earth from which we all departed. I would like to think that for those mothers and children we would say that we all have faith in the Lord, who after all the earthly things have been brought to bear, is one that we must fall on our knees and seek to bring our men back home where they should be—beside their families, and in their communities, in their neighborhoods, in their schoolyards, in their churches, in their lodges. And if we look to this kind of faith, it is my belief that they will be back, and soon. There are those who would divide us and those that would separate us and those that would tell us that our institutions are not long enduring, but I say, as I said to the Daughters of the American Revolution two weeks ago in this hall, as we looked at each other, that we must reaffirm our faith in each other, and in our America and in our Lord. And I say that tonight, because there is not a better message of communion than that message. So it is when you are here to help focus world-wide attention on the fate of the men who are prisoners at this time. I am hopeful that this drive will ensure that at least at this moment, they are treated humanely. And you must know that this District, which is your Nation's Capitol, joins you and the citizens by holding out their hands to you through me as a symbol, and say to you, we are with you because you are of us, you are one of us, and we must be together. And this city offers its warmest welcome to you, the relatives and friends of these servicemen.

Men of good will everywhere should reflect tonight as we commune on man's inhumanity to man, and this transcends anything that we could talk about in worldly terms. If I could say something to you and hope that it would reach you tonight and aid in despair, and aid in discomfort and aid in trouble, I would say it. Most of all, I would hope that you would draw strength from this mission to your Nation's Capitol, strength that will permit all of us to go on with this issue, which is our issue. It does not belong alone to the women and the

families; it belongs to America because that's what we're about—a Nation united . . . that we move as one at all times in the interest of all. This is what America means to me. I would hope that those of us, who sit quietly by and let the others carry the burden, will be moved tonight to join with those who have been on the firing line, because it is not their battle alone.

My friends, since I was a little boy I have believed in this Nation, and I have believed that when we unite and come together, nothing is impossible. I want to continue to dream that way, and I want to continue to have all of our young people dream that way about America. It can be done if we move in unity and togetherness. It is in that background, that background, my friends, that I appear here tonight, symbolically, to say that you will never walk alone; America is with you, your Nation's Capitol holds its hand out. We are with you. We offer our prayers that our men will return safely to their families at the earliest possible moment. Carry with you the thought that in America no one should have to carry the cudgel by himself. We march and we travel our roads and streams and highways and byways together as a people and as a Nation, so that those of you who are here, who have wounds in your hearts tonight, must know that you are not alone. This is the message of welcome that I bring from your Nation's Capitol.

**REMARKS OF THE HONORABLE BOB DOLE**

In ancient Greece, a philosopher was once asked, "when will justice come to Athens?"

He replied, "justice will never come to Athens until those who are not injured start to become as indignant as those who are injured." Today we say that international justice will never come to Southeast Asia unless we who do not have loved ones missing or listed as prisoners of war start to become as indignant as those who do.

So we have assembled tonight to represent American indignation at the moral and legal enormity of the North Vietnamese and Viet Cong cruelty. And we call upon other nations to register their active protest, too. For today is law day—a time when we honor our belief in the rule of law. A time when we honor the common law here in America and also the law of nations in the world. Treaties and conventions are primary sources of international law. And the Geneva Convention of 1949 defines the proper treatment for prisoners of war. But, the North Vietnamese and National Liberation Front are callously violating this international law. They are mocking the treaty which they and 123 other nations signed. They refuse to identify all American prisoners of war. They refuse prisoners the right to exchange mail with their families. They refuse to give prisoners proper food. They refuse to give minimal medical treatment and to repatriate the seriously ill and wounded.

But this is more than a legal cause; it is the cause of humanity. It is not merely the rights of America, but the rights of mankind. For, every man who is unidentified has a wife, a child, or a parent frantically concerned with his fate. Every man who is denied the chance to write a letter has a despairing family. Every man who is denied proper medical care has a potential widow or orphan. We sense the anguish of these families in the repetition of the wives' question to the North Vietnamese in Paris, "Am I a wife or a widow?"

Humanitarians, even in Communist-run countries must sympathize with these families. But Americans must do more than sympathize—we must organize to demonstrate continuing American concern for captured and missing American servicemen. We must mobilize the court of world opinion against these atrocities. As patriots, we owe these

1,500 soldiers our hands as well as our hearts. We shall more than hearken to their needs. We shall answer them. We shall act.

Daniel Webster once wrote, "Heroes are the common property of all the Nation." Tonight those of us here claim these brave men for all America. As they have shown their devotion, let us show our resolution. As they stood ready to give their lives and security in support of us, the least we can do is to stand ready to give our voice and petition to support them. As they have fought the good fight, let us keep the faith.

Let us see to it that through our indignation and our voices that international justice does come to Southeast Asia.

In the words of a newspaper editor who more than a century ago spoke out against the abuses against humanity of slavery:

We are in earnest,  
We will not excuse,  
We will not equivocate,  
We will not retreat a single inch, and  
We shall be heard.

**APPEALS FOR INTERNATIONAL JUSTICE**

**HON. CATHERINE MAY: INTRODUCTION OF MRS. JAMES B. STOCKDALE**

In the Spring of 1969 a rather remarkable woman from Coronado, California, founded an organization which became known as the National League of Families of American Prisoners in Southeast Asia. Mrs. Stockdale is now full-time National Coordinator of the League which has 2800 members, all families of the more than 1500 servicemen listed as captured and missing in Southeast Asia.

By way of background on Mrs. Stockdale, her husband left this country from San Diego on April 5, 1965, as the Commander in the Naval Air Wing aboard the USS Oriskany. While on a mission over North Vietnam, Commander Stockdale was shot down on September 9, 1965. He was listed as missing in action for seven months. Then Mrs. Stockdale received two letters from him confirming the fact that he was being held prisoner in North Vietnam. Commander Stockdale has since been promoted to the rank of Captain and is the highest ranking Naval Officer held in North Vietnam.

Since Captain Stockdale's capture, his fine wife, on behalf not only of herself and their four sons, but for all the families of American prisoners, has been working toward the goal of persuading North Vietnam to accord the men, listed as captured and missing, the dignity and protection of the Geneva Convention. Mrs. Stockdale and all the League members have been devoting their time in dedicated effort to the cause of letting the peoples of the world know about the desperate plight of the men being held and of North Vietnam's violations of the minimum standards of decent and humane treatment that are recognized and applied by all civilized nations. Their cause has been—as ours is tonight—support for these brave Americans and the ideals of justice under law between nations. It was obviously fitting that Mrs. James B. Stockdale, wife of Captain James B. Stockdale, United States Navy and prisoner of war in Vietnam, be an Honorary Co-Chairman of this Appeal for International Justice rally we hold tonight.

I am deeply honored to have the privilege of introducing Mrs. Stockdale to you.

**REMARKS OF MRS. JAMES B. STOCKDALE, POW WIFE, CORONADO, CALIF., HONORARY CO-CHAIRMAN AND NATIONAL COORDINATOR, NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS IN SOUTHEAST ASIA**

Thank you very much. I want to begin by expressing in behalf of all the wives and families of captured and missing American servicemen, gratitude to Senator Dole and his committee and all those who have worked so hard to make it possible for all of us to pay

tribute here tonight to our men. We also thank all of you that have come here in person to show us that you do care and to demonstrate to the North Vietnamese that the American people do not condone their inhumane treatment to our loved ones.

I think there may be some questions in the minds of many about why the wives and families of American prisoners of war and Americans listed as missing in action remained silent so long about the desperate plight of our men, and then suddenly began to let the people of America and the free world know that truth about their circumstances. Many of our men have been listed as captured or missing for four, five and six years now. Where the major portion of that time, it was Government policy to counsel the wives and families that they felt it was in the best interest of the men for us to remain quiet about their situation, hoping in that way to soften the treatment our men were receiving at the hands of the Communists. Throughout that period of time, Hanoi repeatedly said that our men were being well-treated, and because of the nature of their closed society, it has taken years for evidence to the contrary to be accumulated. I, however, began accumulating my own evidence about the cruel and inhumane treatment of our loved ones more than four years ago. I am one of the very fortunate few who has ever heard from her husband, and, therefore, I am not representative of the majority of the wives and families more than 1,100 of whom do not know tonight, and have not known for years, whether their husbands and sons are alive or dead.

My husband was shot down over North Vietnam on September 9, 1965 and listed as missing in action. On April 15, 1966, I received two long four page letters from him—one written in December, 1965 and the other in February, 1966. He told me that he would like to report on other acquaintances in his straits, but that he had never seen another American since he was shot down. He told me he was injured, needed further medical treatment, had lost 30 to 40 pounds because it took energy to keep warm, and of ways he tried to occupy his mind while he was alone. He also said he had been told that he could expect to be given one letter a month from me and perhaps could write as often. In the subsequent total of fifteen letters and notes, he has reported that all is the same with him, and in his most recent note, which I received only a few days ago, he was either only physically able to complete four lines of a seven line form, a total of 38 words, or was only allowed to write that much. To the best of my knowledge, he has only been given five or six of the hundreds of letters I have sent to him.

I knew that the wives of many of our men were suffering dreadful daily torment because our men were not being accorded the basic standards of human decency in a civilized society. As a group of wives in similar circumstances in the San Diego area, we formed a local organization in 1967 to try to help our men. Several of us concluded that North Vietnam had demonstrated that it wanted to be regarded as a respectable and civilized society in the world community, because of their oft repeated claims that our men were being well-treated. We knew that the North Vietnamese were violating even the most basic standards of human decency and we felt that America, and the people of the free world, should know the truth about what was happening to our men. We began to speak out in the press in 1968 and were grateful when the United States Government expressed concern for our men in 1969. Through chain letter and word of mouth, we joined together across the nation and around the world in our efforts to make the world aware of the desperate plight

of our men. We have tried to act with the dignity which reflects that which we seek for our loved ones.

We have often asked U.S. Government officials for counsel and advice, but we have then made our own decisions independently. We have been appealing to people throughout the world by letter and in person to help us correct the deplorable situation imposed on our men and their families by the Communists. We have often paid our own expenses, and in some cases have been sponsored in our efforts by civic groups and concerned citizens who wanted to help in this way. We are far from professional in our efforts because most of us have several young children and our time and resources are severely limited. We feel that recently the North Vietnamese have begun to respond to pressure from world opinion, but the progress is painfully slow for so many who have waited so long. No one person alone can move the North Vietnamese, but through our combined efforts, hopefully, the North Vietnamese will soon see the short-sightedness of incurring world disrespect for the sake of using our men as political pawns in this conflict.

We hope that you will want to help and that you will write letters and encourage others to do the same. A vigorous letter writing campaign can be crucial in getting help to our men. We ask those who have written before to write again and again and those who have not yet written, to add their voices to those who have helped produce the progress that has been made thus far. We ask every citizen of America and the free world to let the leaders of North Vietnam know how they feel. When you ask yourself whether you have time to do this and whether it is worthy of your efforts, please remember that there may be as many as 1,500 United States servicemen who have plenty of time to spare as they languish in solitary confinement in Communist lands who are desperately dependent on your help. Thank you.

INTRODUCTION OF MRS. BRUCE JOHNSON BY  
SENATOR ROBERT P. GRIFFIN

Honored guests, ladies and gentlemen. You are about to meet a wonderful woman who is a study in quiet heroism. Who is an inspiring example to many brave wives of American prisoners of war. She is the wife of Major Bruce Johnson, missing in action since June of 1965. Mrs. Johnson has not seen her husband in six years. One of their children, a seven-year-old, cannot remember her daddy at all; the other two recall him only vaguely. Mrs. Johnson has just returned from her second trip to Europe where she has been seeking information from the North Vietnamese at Paris. While her odysseys of agony have not produced the desired information, they have helped focus world attention and opinion on the unbelievable inhumanity practiced by the Communist enemy. Ladies and gentlemen, I am privileged to present a very articulate, exceedingly brave and courageous woman who is listed on the program as being from Kansas, but who happens to be from Michigan, Mrs. Bruce Johnson.

MRS. BRUCE JOHNSON, MAY 1, 1970, APPEAL  
FOR INTERNATIONAL JUSTICE, CONSTITUTION  
HALL

It is indeed a privilege and an honor to share with each of you here tonight—this time of tribute to America's finest men—the missing in action and prisoners of war in Southeast Asia.

As a wife of one of those missing men, I am deeply grateful to the Senators and Representatives who have, out of their deep concern for the plight of our men, made tonight's tribute a reality.

I share with each other wife, mother, father and child of these our American men, a deep gratitude also to each one of you here, who has demonstrated by his presence, that they must not and they will not be forgotten—the missing in action and prisoners of war.

I hope and I pray that this tribute tonight will serve as an effective reminder to the North Vietnamese, the National Liberation Front and the Pathet Lao, that on this issue of our prisoners of war and missing in action—the hearts, the minds and the resolve of the American people will remain united until the accords of the Geneva Convention are properly respected and until each prisoner is home again. I am deeply convinced that until that day the terrible fate of our men must remain a matter of top priority, not only within the homes where that loved one is missing but it must become a matter of top priority within our nation—from each home and heart across our land reaching even to the highest levels of our government.

I know that this problem is a unique one and a terribly difficult one for our country, but I am completely confident that America has the talent, the dedication and the abilities from within her greatest natural resources, her people, to honorably find the solution to this problem.

There has never been a difficulty or problem too great for the American people to solve—and with all America joining in prayer and action, we will not fail these our men—nor will we fail America.

INTRODUCTION OF MRS. BONNIE SINGLETON  
BY THE HONORABLE OLIN E. TEAGUE, PRISONER  
OF WAR RALLY, MAY 1, 1970

A lot has been accomplished in the last year, but not enough will be accomplished until we have all our boys home. Meanwhile we work at least toward a just and decent treatment of American prisoners of war. I would like to introduce Mrs. Bonnie Singleton of Dallas, Texas whose husband, Jerry was shot down in 1965. Bonnie and three other women from Dallas and Fort Worth journeyed over a year ago to the Veterans of Foreign Wars Convention in Philadelphia to express their desire to go to Paris and ask the question that so many of you are still asking, "Are we wives or widows?" The V.F.W. started the ball rolling and made that desire a reality. They journeyed then to Paris soon after the death of Ho Chi Minh, and after beating down the door and demanding an interview were allowed to see the North Vietnamese delegation. I think it was this effort that brought the attention of the world press and the pressure of world opinion to the plight of our American wives and families. Not to be critical of our government—I love our government—but in this matter I do not think they have done enough. Through our Ambassadors and consulates we should be contacting every other government in the world and bring to their attention this travesty of international justice and agreement. Meanwhile, the ball has continued to keep rolling through individuals such as Ross Perot and the efforts of all of you. I hope you will keep it up—your men will one day know what you have done.

REMARKS OF MRS. JERRY A. SINGLETON,  
POW WIFE, DALLAS TEX.

Thank you, Congressman Teague, and thanks to all of you for the opportunity of coming here to meet with you. I'd like to quote for you a prayer that I say constantly, and although they may not use the same words I do, I'm sure that this is a prayer similar to the ones said by every family and every friend of every man who is listed as missing in action or prisoner of war.

"Dear God, thank you for the miraculous gift of human life, and thank you, too, for those who concern themselves with the preservation of human life and who spend at least a portion of their lives trying to save that precious gift that only You have the capacity to grant. To our men who are now languishing in Communist prison camps, provide them, Lord, with the strength and courage you gave them in the face of combat to survive the torture, anxiety and loneliness they must constantly endure. Give them the security of knowing that although theirs has been a long ordeal, the American people for whom they have sacrificed all, are determined not to betray the devotion they have so freely given. May your blessings be upon those in the United States Government, United We Stand, The Veterans of Foreign Wars and other organizations that have worked to bring relief to the American prisoners of war. May the vision necessary for seeing the way of freedom for our men be granted and a safe return for our loved ones in the short time remaining when their strength and spirit is still strong enough to sustain the inflictions imposed upon their bodies and Minds. Amen."

Thank you.

REMARKS OF U.S. CONGRESSMAN BURT L. TALCOTT—APPEAL FOR INTERNATIONAL JUSTICE FOR POW'S, CONSTITUTION HALL, WASHINGTON, D.C.

Mr. Chairman, Fellow Americans:

I am privileged to participate in this appeal for international justice for Prisoners of War.

Convocations, Resolutions and letters are not new to the odyssey of Prisoners of War and loved ones.

They may seem redundant and futile, but they are necessary and probably beneficial so I commend and thank the organizers and the participants.

I speak as a private citizen and a former prisoner of war. I would like briefly to make several points which have not been emphasized enough.

First, I have served with some extraordinary Americans—including recipients of the Congressional Medal of Honor—but never have I known a more patriotic, brave or devoted group than the wives and families of our prisoners of war and those missing in Action.

Never has a nation owed so much to so few. I hope that each of you will, at this moment, commit yourselves to their cause.

Next, we can be very proud of our country's policies and practices regarding treatment of prisoners. We have always been highly humanitarian and have always complied scrupulously with the Geneva Convention. No nation has performed more benevolently. This ought to impress the news media and world opinion; but it needs reiteration. Throughout the tragic history of warfare, the military have usually conducted themselves more honorably and humanely than the politicians or the populace.

I was a captive of the much maligned Nazis whose mentality ordered thousands of human beings to be gassed in ovens—and permitted lamp shades to be made of human skins. Hitler and Himmler ordered the extermination of all prisoners of war, including Americans; but their grisly orders were contravened, at great personal peril, by the military. A similar dichotomy may prevail in North Vietnam today. If so, we ought to exploit it by appeals to the basic honor of the military.

As evil as the Nazis may have seemed, the Communists are immeasurably more demonic. We were confined in groups—so we could at least lean on each other. We could, within restrictions, correspond with our families. I knew within three months that my son was born. But some of the

women here tonight whose husbands were shot down five years ago do not yet know whether they are wives or widows.

None of you can imagine their longing or anxiety. Some time ago an enemy photograph purporting to show an American prisoner was circulated among the wives—and 22 of them identified one man as their husband. Think of the poignancy of that episode.

Now, I have a serious message for Hanoi. If they are listening, I hope they will heed my suggestion. It is not made in rancor. Twenty-six years ago, we and the Germans were fierce diplomatic and military enemies. We bombed their cities and war plants; they shot us down and confined us. Today's rhetoric of "Gooks" and "War Criminals" is reminiscent to me; in my day the enemy were "goons" and we were "luft gangsters." But today, we and our German captors are friends. We are mutually welcome in each other's homes. This friendship is based upon individual mutual respect and appreciation because we treated each other's prisoners with dignity and humaneness. This treatment strongly influenced the free world to assist Germany in her economic and diplomatic rehabilitation.

Times and conditions change kaleidoscopically, but personal attitudes change more slowly. Twenty-six years from now, the North Vietnamese may need and want acceptance in the community of civilized and peaceful nations. The North Vietnamese government would be well-advised to emulate the United States, and other governments, who comply with the terms of the Geneva Convention and who treat their prisoners decently in spite of their diplomatic and military differences with enemy nations.

One more point—recently every rider on this planet shared the drama of the rescue from space of the crippled Apollo 13. (I salute Captain Lovel. I am honored to share this forum with such a great American serviceman.) The outpouring of prayer for the safety of the crew, and the general empathy with their families, was a splendid demonstration of the concern for which fellow human beings can hold for one another.

The fantastic rescue was possible partially because of the cool expertise of the flight and ground crews, but also because of the enormous sums of money we have spent, and the extraordinary care we have taken, to insure the safety of our Astronauts. We have, quite properly, "built in" redundancy upon redundancy to safeguard the men who fly in space. But the men who fly over Vietnam and Laos are also skilled, courageous, dedicated pilots—not much different from the astronauts, except that they fly under orders and out of camera range. The wives and families of both the combat pilot and the space pilot share similar risks and anxieties. If we had "built in" comparable safeguards for our combat crews; if we had cared as much for their safe return; if our news media had removed their wraps and had devoted as much attention to the plight of our combat crews, and their loved ones, as to our space program, I am certain that our prisoners would, by now, be receiving treatment in compliance with the Geneva Convention.

We must prod the news media to measure up to their responsibilities to report the POW and MIA phenomena and to help mobilize international public opinion to demand compliance with the Geneva Convention and to promote basic humaneness among all men.

I am convinced that our government, our military, and our Red Cross are doing everything possible to help our prisoners and to alleviate the torment of their families. But we can and must do more to mobilize world public opinion.

Recently at the 25th Annual Reunion of American Airforce Prisoners of War in Cin-

cinnati we conducted a seminar on the present POW and MIA situation. It was a moving, emotional session. We cried together for these wives and families. No one left their seat for two and one half hours. We unanimously adopted another Resolution urging humane treatment for prisoners of war. But it was different, in style and trust, because former prisoners joined to plead for today's prisoners—on a basis of decency and comradeship in the military tradition. We are being joined by former prisoners of the Japanese. I hope that we will soon be joined by German, Italian and Japanese Nationals, who were prisoners of the allies at another moment in time. Our appeal is for basic humanity and universal comradeship—without regard to color, nationality, charge, or station in life.

Let me read excerpts from the Resolution.

"We, as former Prisoners of War:

Knowing first-hand the agonies of prisoners of war and their loved ones;

Realizing that individual servicemen have no authority in determining the military or diplomatic decisions of their national governments;

Believing that humane treatment should be accorded every individual regardless of his race, nationality, station in life, or charge against him;

Shocked by the knowledge that the government of North Vietnam refuses to disclose to our government or to the next-of-kin information concerning the capture, condition or location of prisoners;

Appreciating the anxiety and loneliness of wives, parents and children who are not informed concerning the locations and conditions of their missing servicemen; and

Having uncontroverted evidence that prisoners now in the custody of the North Vietnamese government, Viet Cong and Pathet Lao are being mistreated and their families subjected to unimaginable torment in clear contradiction of the Geneva Convention and the fundamental rights of men;

Now, therefore, in the interests of basic humanity and universal comradeship, we: urgently urge that all civilized persons of all nations insist on the elemental judicial privilege of Habeas Corpus—which entitled any next-of-kin to have the person of a prisoner identified or produced or his place of burial known—for themselves and for all others;

Strongly advocate that all nations and governments comply fully with the Geneva Convention pertaining to prisoners of war; and

Earnestly implore every human being in every land to make their feelings known directly to the authorities of North Vietnam.

Executed in open convention during the 25th National Reunion of the Amerikanish Kriegsgefangenen (former American Prisoners of War) at Cincinnati, Ohio, U.S.A., April 25, 1970.

Our resolution is framed only in our hearts—we want only to share its spirit.

If you care to join us, if you want to help console these gallant ladies, if you care about our men in communist confinement, please write to Hanoi, to the United Nations, to private persons or public officials in other lands, and to our own news media. An international appeal for justice may end this horrendous travail.

MRS. JAMES A. MULLIGAN, POW WIFE, VIRGINIA BEACH, VA.

Senator Dole, I'd say there were a few more people here this evening than there were on February 21st at our first Rally. Thank you for all your effort and enthusiasm for our cause.

Two of our young wives in the Washington area are indeed worthy of praise. They have

worked many long arduous hours to make this evening a reality—words cannot express our gratitude. Kathy Plowman and Candy Parish! The reason we are here this evening is not a pleasant one. Scheduling this Rally for May 1st is indeed appropriate, for it is International Law Day. But May Day has many connotations, as many of our military men know, and the one that comes to my mind is the international call of distress—May Day—May Day—Help! Help!

This is our call, a call of distress for our thousands of sons—husbands and fathers who have been detained brutally for years in South Vietnam by the Viet Cong, in Hanoi by the North Vietnamese and in Laos by the Pathet Laos.

I wonder how many of you know just how many men are involved. In North Vietnam we have 357 men listed in a prisoner category and 423 in a missing status. In South Vietnam there are 74 in a prisoner status and 454 missing. In Laos there are 3 men in a prisoner status and 200 missing, and in China there are 2 prisoners and 5 men in a missing status for a total of 1518 men. Have we become so callous that these men are going to be written off? Our President has said, "A just peace is in sight!" Yet, no commitment has been made to our men languishing in prisoner camps.

It has taken the families of these men, who have given so much already, a year to educate the world as to the true facts of the prisoner situation. Ask yourselves: Why is it necessary for those who have given so much to continue to give? Why hasn't this cause been carried on by others? People have estimated that the normal lifetime for the world's great nations has been about two hundred years. The pattern of these civilizations or nations runs something like this: From bondage to spiritual faith, from such faith to courage, from courage to liberty, from liberty to abundance, from abundance to selfishness, from selfishness to complacency, from complacency to apathy, from apathy to dependency, and from dependency back again into bondage. This sequence may seem pessimistic, but there seems to be enough truth in the fact that nations do rise and fall and that prosperity seems to carry within it the seeds of selfishness, that we should ask ourselves, what of America? What can be done by us to turn the tide is a question. But to see the problem is itself half the battle. We must not let complacency and apathy reign and ruin our nation. We beg of you hear our call—May Day, May Day! Do not turn your back on the hundreds of mothers who want their sons returned. Do not ignore the children who cry out for the love and guidance of their fathers and the hundreds of wives who have grieved for years, some for husbands who will never return! Hear our call of distress and the cry from within the walls of the prison camps—May Day, May Day!!! Help. Please help!

#### REMARKS OF MRS. IRIS POWERS, MIA MOTHER

I'm really so overcome with emotion that it's difficult for me to say anything but thank you so much for being here.

#### INTRODUCTION OF MRS. PLOWMAN AND MRS. PARISH, POW WIVES, BY CONGRESSMAN ROBERT L. F. SIKES

I know that you in this great and wonderful audience want to join me at this moment in an especial show of appreciation to the moving spirit behind this great meeting tonight and this great appeal which has gone over the land, the man who heads the Senate-House Committee on Appeal for International Justice, Senator Bob Dole. Will you join me?

Wives, mothers, families of America's missing servicemen, ladies and gentlemen, distinguished guests. Tonight it is my high privilege to present a resolution that has passed the Congress and which has been signed by

the President; a Resolution in which you will have much interest. And it is my privilege to present it to Mrs. Charles C. Parish of Alexandria and Mrs. James E. Plowman of Arlington. And I think you will want to hear it, because this Resolution, which speaks for the Congress and has the approval of the President, was passed in record time. It says this:

#### SENATE-HOUSE CONCURRENT RESOLUTION

- Resolved, That it is the sense of Congress
1. That Friday, May 1, 1970, be commemorated as a day for an appeal for international justice for all the American prisoners of war and servicemen missing in action in Southeast Asia;
  2. That men of compassion and good will throughout the world be urged to search all peaceful avenues available to insure that these men be treated humanely and fairly in accord with the standards established by the Geneva Convention;
  3. That every possible effort be made to secure their early release from captivity;
  4. That the President designate Sunday, May 3, 1970, as a national day of prayer for humane treatment and the safe return of these brave Americans; and
  5. That copies of this resolution be delivered by the appropriate representatives of the United States Government to the appropriate representatives of every nation of the world.

Passed by the House of Representatives and by the Senate of the United States in record time, attested by the Clerk of the House and the Secretary of the Senate, signed by the President of the United States, and the proclamation issued that Sunday is a National Day of Prayer. Ladies and gentlemen, with our hope, our prayers, our determination, yes, our determination that these men shall be freed forthwith by whatever means are required and restored to their families and our country, I present to these wonderful young ladies this Resolution from the Congress.

#### APPEAL FOR INTERNATIONAL JUSTICE

(By Mrs. Charles Parish, MIA wife, Alexandria, Va.)

Please, please carry this message to your place of worship and to your fellow human beings.

Above all, when May 3 has come and gone, we beg of you to please remember these men in your hearts, in your deeds, and in your prayers, until they are home safe.

#### APPEAL FOR INTERNATIONAL JUSTICE

(By Mrs. James E. Plowman, MIA wife, Arlington, Va.)

It took 20 minutes for the Congress to pass this resolution. But when you consider the cause, it is not really such a feat.

Words cannot express my thanks to the Congress . . . especially to the Congressmen who have worked so hard to bring us together. And to their staffs and especially to Senator Dole.

#### FAITH IN AMERICA

(By Robert Cummings)

Senator Dole, distinguished leaders, Mrs. Stockdale, Mr. Perot, and families of America's captive and missing heroes.

I am proud to be with you this evening. For I feel I have the privilege of speaking on behalf of millions of Americans who cannot be here personally.

These Americans do not have:  
Missing or captive loved ones;  
They do not wait and wonder;  
Their children are not growing up under the question mark of their fathers' fates;  
And they do not suffer the remorseless taunting of the cynical captors.

But these millions do know your men are over there, and they do care.

Surely each of you with a missing or captured son, husband or father knows people in your own community who care—who want to help—who are not apathetic.

Well, I have travelled every section of this great country, and I know these people are everywhere.

And I feel I stand here tonight to say for them: We know, we care, we shall not forget.

Your men are not unlike the ancient Spartans at Thermopylae.

Few in number and surrounded by the enemy, those warriors waited for word of aid from their home forces.

Alone they waited, and alone they hoped. When at last—and too late—help did arrive, these words were found inscribed on the rocks where they had fallen:

"Go, passerby, and tell that we in faithful service fell."

Let us please resolve tonight:

That these words will not be found in the bamboo cells of our men;

That help will arrive; and

That the passersby of the world will know their story, not from the pathetic scratchings they left behind, but from the hearts and minds and voices of their fellow Americans.

And let us pray that God in his mercy will return them to us safe and well.

Let's make that great impossible dream really possible.

#### HOPE FOR FREEDOM

(Introduction of Lt. Robert E. Frishman, U.S. Navy, former POW of the North Vietnamese, by Senator JACK MILLER, of Iowa)

I first became, you might say, personally, acquainted with the prisoner of war problem when I visited Vietnam in January, 1966. After that, I went over to Khorat in Thailand and was the first member of Congress to spend the night over there. That evening I had dinner with the five Iowa pilots who were based there. The next morning I had breakfast with some 18 Iowa airmen. Within only a very few weeks afterwards, one of the Iowa boys whom I had talked to at that evening party was a POW in North Vietnam, and I might say that I ever since have thought about him and his parents in Iowa many times, and about many others, too.

I think the number one concern of most of us in the Congress is this war, and the POW problem is a very big part of that concern. And this is so because it points up the difference that stands out in a nation that is really moral.

All I can say is that my own peace of mind will never be achieved until these brave men come home. Now it is my privilege as an old Air Force man, to introduce one of our Navy heroes. Lt. Frishman comes from that great Iowa county of Long Beach, California, where his parents, Mr. and Mrs. Harry Frishman, still reside. Bob and his wife presently reside in La Jolla.

He was commissioned an ensign in June of 1964 and a Navy pilot in October of 1965. Two years later he was shot down on a combat mission over North Vietnam and became a prisoner of war.

Last August, he became one of the nine POW's to be released from North Vietnam during all of these years. You should know that his many decorations include the distinguished flying cross, the air medal, the Navy commendation medal and the purple heart.

Bob Frishman's hope for freedom came true. He is with us tonight to echo the hope for freedom for all others. Whose safe return we pray for. I present Lieutenant Robert Frishman.

## REMARKS OF LT. ROBERT E. FRISHMAN

Senator Miller, Mr. Chairman, ladies and gentlemen. We are here tonight asking what we and others can do to help the men languishing in Communist prison camps.

The answer is simple. Ask yourself, what he would want you to do for him. Think about it. Think about it hard. And then do it.

For these men were given a job to do by their country.

Now you must speak out on their behalf because their voices are now kept silent.

No matter what your political conviction, whether you think we should pull out of Vietnam today or bomb Hanoi tomorrow, we can all support humane treatment for prisoners of war. For these men were given a job to do by their country, and did it to the best of their ability.

They have given so much for you.

Now they need your help.

Thank you.

## INTRODUCTION OF PO2C. DOUGLAS B. HEGDAHL, U.S. NAVY

(By Senator PETER H. DOMINICK, of Colorado)

Bob Dole, distinguished friend in the House and the Senate, along with Jack Miller, I have a real joyous occasion. We have the opportunity to present to you two of the nine people who have become free again from prisons of war.

My particular friend and compatriot comes from South Dakota; Petty Officer Hegdahl. I call it a suburb of Colorado and we're happy to claim it.

I noticed in the process of the program, and I have not had enough chance to really talk with him about it, that he lost 60 pounds when he was in prison.

Sixty pounds. As an Air Force man, I always said the Navy ate well, but I don't know if that's very good. He seems to have put it back on, or most of it.

He was assigned to the U.S.S. *Cambara*. He was lost in 1967, captured and not released for two and one-half years.

He holds the meritorious unit commendation, the National Defense service medal, the Vietnam service medal, and the Republic of Vietnam campaign medal.

Ladies and gentlemen, I give to you one of our privileged characters that we hope will be joined by so many thousands more, one of our nine releasees, Petty Officer Hegdahl.

## REMARKS OF PO2C DOUGLAS B. HEGDAHL

Ladies and gentlemen, Senators, I am very happy to be here tonight.

I don't know what more I can say, but these men in prison have given their all for their country.

And their wives have waited for years and years.

And now it is our turn to do what we can for them.

I hope that all of us will let North Vietnam know that there will be no compromising on the prisoner of war situation.

Thank you.

## UNITED WE STAND

(Introduction of H. Ross Perot by Mrs. Douglas Peterson, POW wife, Fort Walton Beach, Fla.)

Thank you. Tonight I am here with three very special people. In June, 1966, my Pete left us. August of 1969 I found out that my husband was alive. My friends here brought my husband's name back. Thank you.

There is so much hope for us. I know I was in the same category as so many of you are now. I had the privilege of going on a trip with one of the most wonderful men in the world. When Doug Frishman came back they told us they'd help us to speak out. The wives took steps and then all of a sudden there was a hand reaching out for us. . . . guiding us.

As you know, we all need this. On the trip that we took, I rode with many wonderful people from "United We Stand".

Each wife knows how precious each moment is with her family. Mrs. Perot has been most unselfish, as her children, to share with us her husband who has taken us by the hand and has helped us to help our men and to show the world that we will fight for them with your backing.

Since my husband is a prisoner of war, of course, when we went into the POW camps in South Vietnam, the first thing that I saw that I will remember for the rest of my life is the day when the families could look at one another, even though they were behind a fence. They were only three feet apart; maybe they couldn't touch, but they could talk. . . . They could tell news.

I have a little boy who has not met his father as yet. I saw a father meet his son. There was a mother there who raised this very beautiful baby in her arms and showed the father his son. The others, the children could go and the father's could watch them grow. They could find out about all their families. They have religious services. I heard laughter. They ate well; they could even go and complain! Can you believe it, they had a right to sit and complain about food and many other things like not wanting to get out in the sunshine. Can you imagine it. . . . If only our men could be in the sun one second, one minute! If only they could look upon the eyes of one American. And this is what we went for. . . . not asking a great deal. We went with the man who knew how to help us; one who would stand behind us. It is indeed unbelievable when I say to you that there are no words. . . . Many friends, many are out there, and they know I talk a lot, and that's why I said "one minute" . . . you'll have to tell me when to stop, because I get so excited! I can't stop on this. I'm so thrilled! I'm so full of enthusiasm! And he gave it to us. He and his family. God bless this man with a gift. And this man gave us part of his gift; his knowledge, he shared it. His unselfishness and his real enthusiasm.

He wants families back together because of the love he has had in his family, the love he has had in the United States. And he says it's because of our wonderful men.

Ladies and gentlemen, from the bottom of my heart, and this is another thing, can I just add one thing? Can you imagine, me having to introduce to you, the wives, the mothers, the children of missing in action and POW's. . . . Mrs. H. Ross Perot? I do, and I'm so honored.

## REMARKS OF H. ROSS PEROT, DALLAS, TEX.

Thank you very much. Everything we've tried to do in the past and everything we'll try to do in the future is aimed at one point and that's the release of the prisoners.

It is important for everyone in this country to understand that a prisoner of war has no military value 48 hours after he is captured. From that point forward he becomes a burden to the enemy's economy. He's a user of food, clothing, medicine, facilities, guards and what-have-you.

So there's no military or national reason to keep these men as prisoners of war. Contrast to the attitude of the South Vietnamese who hold the North Vietnamese prisoners of war in South Vietnam. Repeatedly they have tried to give back the sick and wounded. Repeatedly they have tried to work out an exchange or release of prisoners. They have a continuing program underway at all times to return the Vietcong prisoners to their communities.

Literally, after several months in captivity, the procedure is almost as simple as a parent coming in and signing for the prisoner. So for people who say, "Well, Perot, you don't understand Asians, and Asians don't place any value on human life and what-have-you. . . ."

I say, "I've been in the camps in South Vietnam; they're Asians; they're Vietnamese. And I've seen the prisoners treated humanely. I've seen them and I've talked to them about their efforts to return the men to the North."

So I consider it a realistic goal. In order to accomplish this goal you have to understand the North Vietnamese. And much of what we've done up until this point was to get to know them, and here's what we found.

We found they're tough; they're resolute. They're like a ninety-pound fighter who's lasted 15 rounds with Rocky Marciano. They're battered, and really, that's the people I just described. . . . battered. The leadership is like the trainer in a boxing ring. The leadership is sitting in the corner with a towel over their shoulders. The leadership doesn't go into battle. The people don't have a voice in Vietnam. And the leadership is willing to hang on.

Now, logically, you can say, "Is this really true?" And I say, "Go to the POW camps in the south and see the age of the prisoners coming in those camps. . . . 14, 15, some 12-year-olds." When you've got men, boys, that age, going into battle, that's one of the most significant signs that the enemy is in serious trouble.

But they hang on, hang on. So we can count on the fact that they're tough; they're resolute.

Now let's come down to some things that are really significant. They keenly understand our Government. I contend they are better students of our Government than most of us. They feel that our Government is inherently weak, relative to theirs. And the reasons they feel this way are interesting. They're not too concerned about our leaders. They see them as transitory figures that pass in the night. They feel that our Government is inherently weak because the people select the leaders and the people select leaders who will carry out the mandate of the people. So in this inherently weak system, where the leadership is subject to change, on a fairly short cycle, they realize that the real power in the country is in the people. And that's the ticket to the release of the prisoners.

The North Vietnamese, from their cultural point of view, just can't conceive that 200 million Americans could care about 1500 men. I've talked with them on this subject in nearly every meeting we've had; my staff has, all over the world, talked to them and intermediaries that we've used confirm this. The North Vietnamese just can't believe that this could be a national problem.

Keep in mind that they place the prisoners on a very low priority. They do not consider the prisoners a significant factor. Keep in mind that they will not be moved by sentiment. They will not be moved by a concern for human life. And they will not be moved by emotion.

And if you don't believe that, look at the way they treat their own men who are prisoners in the South. They won't take their names from the International Red Cross and let the families in the North know. They won't let mail come up from the South. They don't notify the families when a man is wounded or killed on the battlefield. So if they're anything, they're consistent.

But I use that just as an example that they won't be moved by emotion or sentiment. They are among the most practical people I have ever met. At the point when the prisoners do in fact become a liability, they will not allow them to continue to be a liability. So what am I doing. . . . or trying to do? I am trying to arouse and inform the American people on this subject. I'm trying to get the level of concern to such a height that the North Vietnamese will become concerned that the attention of the American people is being diverted from what they consider to be the real issue, and that's the

war, to the concern for these 1500 men. And at the point when they see that as a distinct possibility, you are going to see big things happen so quickly because they are so practical. They will not run that risk.

Now, how do we make that happen? First, we have to go through the basic education phase. Christmas trips, the things we've done in between, were necessary to focus attention . . . the work that all of you wives have been doing, and you've done an outstanding job.

We've gotten the American people informed. The poll we took after the Christmas trip indicated that 68% of the population not only was aware of the plight of these men but understood the details. I think we have that up to about 80% now. I doubt if we could get it over 80%. But 80% is more than enough. And so using that base, we've got to reinforce what we've done and move forward from there. The North Vietnamese learned a long time ago that if America has your arm twisted, has you under pressure, the smartest thing to do is to say, "let's talk." He immediately releases the arm and you talk and talk and talk and talk. So in what we're doing, we twist and talk. They can't stand the pressure. As a nation they have an inferiority complex. And as a people they have an inferiority complex. It's terribly important for them to be recognized as a first-class nation. They can't take the risk of having the American people learn to hate them on the prisoner issue. Not only because the consequences it could come to, but more importantly, and this almost seems like a paradox, they're counting on us to protect them from China over the long pull. So that's the risk they can't take. They never refer to your husbands as 1500 men. They always refer to them as just 1500 men. That's a risk they can't take over just 1500 men.

We testified before the House Foreign Affairs Committee today. The gentlemen on the committee repeatedly asked, "What can Congress do? What can we do here?" And I'd like to tell you again what I suggested to them today.

One of these gentlemen suggested, as the wives were talking, that certainly something that every American citizen could do would be to remember these men in their family prayers at night. And I strongly recommend that, and I assure you that my family and my children remember your men every single night.

I asked Congress today to remember these men in the opening prayer of Congress that takes place each time Congress meets.

I asked these gentlemen today to do whatever it took and to call on us to help them in any way they needed help. To call a joint session of Congress and have the House and the Senate spend a part of a day hearing what this committee has heard today.

That will have an impact on the North Vietnamese that will be staggering. Because in the history of the United States, we go back through the events that cause the House and the Senate to meet together and they are among our most historic events. And when they see the House and Senate meet to express concern and to get information about and to find out how to bring about the release of just 1500 men, that will be a signal that can literally be seen halfway across the world. The North Vietnamese are even more sensitive to the 1970 elections than the people in this country. They are watching the political winds very very carefully. They're looking for signs. So I've asked every candidate for the House and every candidate for the Senate to take a formal position and make it part of his platform on the release of the prisoners of war. And when they see these gentlemen in joint session and when they see people taking this position in their platforms, and trust me, we don't leave this to chance, as these gentlemen take this position, we'll count on you as you read about it in newspapers across the country to clip it out

and mail it to Hanoi. And then I will prepare tabulations showing: "These are the men that are running, this is where they stand, here's the geographic distribution." I'll get this to the highest level in Hanoi through intermediaries. So don't worry when the positions are taken—the North Vietnamese will see it.

Next, I requested the Congress, the Defense Department, the State Department and the Executive Office Building to allow me to put in replicas of the bamboo cages the men live in in South Vietnam; the concrete cells that the men live in in Hanoi; the holes that some of the men are placed in in Laos, and a tree with a chain around the trunk that some of the men are attached to in South Vietnam and in Laos. So as they go about their daily routine, with literally the problems of the world and this great nation on their minds, they can never forget just 1500 men.

Finally, I asked the Congress to consider very seriously asking every American citizen, asking people like me, that are unaffected by the war directly, pass the necessary legislation so that every citizen in this country has to make a personal sacrifice every day we have men on the battlefield so that we can never forget it. I feel that in our Nation, a nation that belongs to its people, it's morally wrong for so few to make such a great sacrifice for all of us and the least we can expect to have imposed on us is small by our Government so that we can never forget your men.

In closing, I would like to say that in a nation that would rise up in indignation, if we'd ask a college quarterback to play without his helmet some Saturday afternoon, certainly, we as a people and we as a nation have an obligation when we ask a young man to go into battle for this country, to do everything in the world to protect him to insure his safe return again.

#### CHALLENGE TO AMERICA

(Introduction of Capt. James A. Lovell, Jr., by Senator BARRY M. GOLDWATER)

Mr. Chairman and families of the prisoners of war. I was just told that our special guest of the night will be here very shortly, so we'll speed it up. I want to apologize for being a little late, and I want to apologize, too, for having to leave as soon as I've introduced this distinguished gentleman, but I flew back here from Seattle, Washington, and I have to fly back tonight, and if I don't get off by eleven o'clock the FAA says I'll have to wait until morning.

I first became interested in this prisoner of war situation in talking to a rather large number of wives who are stationed at Luke Air Force Base and Williams and Davis-Monthan who wanted to talk about what we could do . . . we members of Congress. And I told them then that we felt rather futile; we felt rather hopeless. But after listening tonight, I'm not of that mind anymore.

I used to run mules down to the rainbow natural bridge, and I had an old cowboy that helped me, and he could get along with mules very well. He did everything but hit them with a two by four before he tried to harness them up. And I always said, "Bill, why do you always have to be so rough with them?" "Well", he said, "you have to get their attention." And I have a hunch that's what we have to do with the North Vietnamese. I frankly think the world, and particularly North Vietnam, are very confused about America. As we listen to the radio today and watch television; as we realize that there is a pack of idiots just a few miles north of here tearing down the ROTC headquarters and burning uniforms; when we hear about a man blowing his nose on an American flag at Yale, I'm not confused as to why the world is confused. I don't believe the world thinks America wants to win this war. And I think last night, our President hit the mule over the head with a two by four.

And if that doesn't work, I have an eight by eight I'll let him use next week.

Now, it's my extreme pleasure tonight to introduce one of the outstanding young men, not only in this country, but in the world. I say young because he was born in 1928. He was born in Cleveland, Ohio. He's married to his charming wife, Marilyn, and they have four children. He has so many honors that I would take the rest of the evening to go over them, but just to mention a few, he's a member of the Society of Experimental Test Pilots and the Explorer's Club. He's been awarded the NASA Distinguished Service Medal, the Navy Distinguished Service Medal and two Navy Distinguished Flying Crosses, and some of these others I can't even pronounce. They're from foreign countries. This gentleman graduated from Annapolis in 1952 and he's now a Captain in our Navy. He served a four year tour as a test pilot at Patuxent. And I remember the other day during the hearings, when he was there, Margaret Chase Smith of Maine asked these two astronauts, "How come you kept your cool?" And Jim said, "I got mine from being a test pilot."

He was assigned as an astronaut by NASA in September of 1962, and he has flown on the Gemini 7 Mission, the Gemini 12 Mission, and he was the command pilot for the epic journey of Apollo 8. This is man's maiden voyage to the moon. He was the command pilot of the Apollo 13, and did a remarkable job, along with the other two and the great team at NASA in Houston, in getting back to Earth. He has more time in space than any other astronaut. It's my extreme pleasure to introduce to you Captain James Lovell. And Jim you have the floor.

#### REMARKS BY CAPT. JAMES A. LOVELL

I thank you for inviting me here tonight. As one who has only recently felt and been made deeply aware of the concern of others, I now would like to express my own. It is a privilege to join my fellow Americans in focusing world attention to a subject of such deep importance—the returning to this country, under the accepted rules of conduct, those Americans who have been captured in battle.

It is both sobering and shocking to realize the incredible lack of humanity that is involved, and the suffering and sorrow that has been experienced not just by the men themselves, but by their loved ones. When we consider that in many cases there has been no confirmation by the enemy, and that the ultimate fate of these men has remained unknown for years, the need for action is clear. Out of 1450 missing, we do know with varying degrees of certainty that some 430 may be prisoners of war. There remain more than 1,000 who are missing in action and no one even knows if they are dead or alive.

More than 300 of these have been missing for three and a half years or more—that is longer than any U.S. serviceman was held prisoner in World War II. Some of these men have been missing for nearly six years.

We who are astronauts in the United States' space effort feel a close bond and kinship with these men. There are more than 50 of us; while we are civilians in our work today, many of us are still in the military service. A number of our group have flown in combat. We know the perils involved, but far beyond that, we appreciate and sympathize with the anxiety of loved ones at home.

The crew of Apollo 13 has good reason to appreciate these things, and I don't think I need to give any lengthy explanation why. And we know the anxiety that the wives and parents of our crew members felt when our mission suddenly worsened 186,000 miles away from home.

We prayed. Our loved ones prayed. And

we are told that people the world over prayed for our safe return.

Those of us in the space program realized long ago that prayers offered for us were not offered to us as individuals—they were offered because our endeavors were symbols of man's spirit, for no man's life can be worth more than another's.

From the many messages we have received from people everywhere, we have felt the warmth of human compassion and friendship. We cannot help feeling that for a few days the world may have been a little closer as we guided our spaceship home.

If this is indeed true, and I believe it is; if, as we have found, people can be united in these troubled times, I ask that now again the people of the world unite with prayer—and with pressure—to bring these brave Americans home.

#### REMARKS BY THE VICE PRESIDENT

Tonight's is an unusual gathering. The leadership of our country is divided, yet men of different opinions and of different philosophies are here to underline their common concern for the fates of hundreds of brave Americans who are prisoners of war or missing in action in Southeast Asia.

Not much more than two weeks ago, the hopes and fears of the Nation and of the world traveled back from the edge of eternity with three astronauts in a crippled spaceship. The rejoicing on their safe return was nearly universal—and it came from men with philosophies infinitely more varied than the opinions represented in this room tonight.

But we are here tonight to express an identical kind of hope and fear for the lives of hundred's of America's sons who are being held captive half-way around the world.

We are at war in Southeast Asia—2 basic ideologies of man are engaged against each other. We are on notice that the Communist government of North Vietnam is intransigent, totalitarian and callous. We have seen the efforts of three presidents to end this costly war with a reasonably negotiated peace rejected and ridiculed. We see continuing fresh violations of the neutrality of other nations and an endless onslaught of propaganda to justify indefensible outrages against humanity.

Above all, we see the character of the Hanoi government in the manner in which they have treated our sons—their prisoners of war. And we see the character of the constitutional system of the United States in the anguish and concern that millions of Americans feel daily about the imprisonment and treatment of your loved ones.

I know of no stronger indictment of what the enemy fights for and what we are fighting against than the manner in which North Vietnam has treated these prisoners of war.

Officially, they have not told us who these prisoners are or where they are. Our information comes from the exploitation of prisoners for propaganda films, propaganda broadcasts, staged photos and carefully selected interviews.

We do know from the handful already released that some of those remaining in captivity have been mistreated. They have been forced to live in isolation and to survive on near starvation diets; we know they have not been given adequate medical treatment and they have undergone many forms of physical torture.

Because of the enemy's refusal to provide us with the names of the captured, the sick and the wounded, many American wives and parents have traveled to foreign countries in the hope of finding that information. Almost all have come home with nothing.

As President Nixon stated ten days ago:

"No statement on Vietnam would be complete without an expression of our concern

for the fate of the American prisoners of war.

"The callous exploitation of the anxieties and anguish of the parents, the wives, the children of these brave men, as negotiating pawns, is an unforgivable breach of the elementary rules of conduct between civilized peoples...."

Let me say here tonight—we shall never forget those men and we shall never forget how they have been treated.

Officially, we have made every effort to persuade the enemy to be more forthcoming. Securing the release of our men held captive is fundamental to our negotiating position in Paris. And we have made every effort to bring the stark truth about our prisoners to the American people and to people of good will throughout the world. If you have ideas on how better your Government can act—we want them. We will hear them out, we will try them.

Some well-known spokesmen in our society say that the true heroes of this generation are those Americans who have fled to Canada or Sweden to sit out the war. They are not our heroes.

Our heroes are serving as soldiers; they are the prisoners of war and men separated from their units who continue to serve proudly as soldiers. These are the men to whom our prayers go out every night. They are the young men of this generation who are constantly on the mind of this administration.

My remarks are brief tonight; they are not partisan as this is not a forum where any American can be a partisan. I will only say that every decision our President makes is made in the belief that it can diminish the death and suffering in southeast Asia; that it can bring closer the day of peace when all your sons and husbands can come home again. I believe that deeply; and I ask you to believe it as well.

Good night and God bless you all.

#### BENEDICTION

(By Hon. HENRY C. SCHADEBERG)

May I again remind you that the President has designated Sunday, May 3rd, as a special day of prayer for our P.O.W.'s and men missing in action. Ask your friends and neighbors to join you.

Our God is not a "local" God. He is not just the God of Washington, D.C. or our home towns. He is the God over the earth—yea, the universe. He is present with our men in the prison camps and He is with us here.

When we pray to God we are with those we love and though we are removed from each other by thousands of miles for God is with them and with us. When we pray, we pray not only for them but with them. Let us pray:

God of our fathers—our God and Father, we ask that Thou wouldst dismiss us with Thy blessing.

Thou hast called us not to a life of ease, free of pain and sorrow, but to a life of service. Of ourselves we are helpless to bear our burdens but with Thee all things are possible.

Give us strength to meet the tasks of each new day; the courage to make our witness in what we believe to be Thy Will; give us the patience in suffering to know that life in the flesh is not the sum and substance of our being; give us comfort in our sorrow; but above all, Oh God, give us the determination and the wisdom and the will to use wisely to the extent of our capacity that strength, moral and spiritual and physical to bring justice and peace and freedom upon this earth, Thou hast entrusted to our care.

May we rededicate ourselves to serve the cause of the dignity of man whom Thou hast created in Thy image.

The Lord bless us and keep us. May He

cause his face to shine upon us and be gracious unto us. May he lift the light of His countenance upon us and give us the peace that passeth all understanding—the peace that comes to those who put themselves into Thy hands of love.

God of the far flung battle line be with us yet—be with us yet, lest we forget—lest we forget.

Mr. DOLE, Mr. President, much has been said on both sides of the issue regarding the Cooper-Church amendment to the Foreign Military Sales Act (H.R. 15628). Distinguished men from constitutional scholars to defense experts have taken opposing positions on the amendment.

During recent weeks, most of the members of this body have taken a stand on the power of the President to protect American forces in combat. Now, 50 members of the academic community—noted professors of government and political science—have drafted an excellent memorandum which discusses the Cooper-Church amendment as well as the McGovern-Hatfield amendment in concise fashion and emphasizes the absolute necessity to uphold the constitutional powers of the Commander in Chief.

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

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

#### MEMORANDUM

In regard to Senate amendments 620 and 609 to the act to amend the Foreign Military Sales Act (H.R. 15628) and the military procurement authorization Act (H.R. 17123)

During the last three weeks more than fifty Senators spoke or by adding their names as co-sponsors to amendments expressed their opinion on the constitutionality and/or the political practicality of the President's decision of deploying U.S. armed forces temporarily in Cambodia for the purpose of destroying North Vietnamese sanctuaries in Cambodia threatening the safety of U.S. and South Vietnamese forces in the Mekong Delta and northwest of Saigon.

Two major amendments are pending to the Foreign Military Sales Act and Military Procurement Authorization bills. The first one, Amendment 620, already cleared the Senate Foreign Relations Committee and is offered as a Committee amendment now in the Senate.

In the debates surrounding the introduction of the two amendments the constitutionality of the President's move was challenged and it was asserted that Congress had the right and duty to cut off funds for the above purpose. If Congress should cut off funds, it would interfere with the conduct of hostilities and of foreign relations in South East Asia, prerogatives which judicial and constitutional practices were heretofore declared to be vested in the President as the Commander-in-Chief and Chief Executive under the Constitution of the United States. Of course, Congress has a role in foreign policy but it is to debate the issues and charter future course of action, not to direct specific military operations.

The author and the signatories of the present memorandum express in general their support of the President's objectives as elaborated in his April 30, 1970 message and in his May 8 press conference. They would like to call the attention of members of the United States Senate and urge the

members of the United States Senate to reject them on the grounds that they violate the Constitution and constitute an encroachment upon the rights of the Executive by the Legislative branch of the government. We do believe in extended foreign policy debate, but we do not approve of ill-considerate, precipitate action.

#### 1. THE COOPER-CHURCH AMENDMENT (AMENDMENT 620)

This amendment states that—

(1) unless there is a specific legislative approval by Congress in the form of fund authorization and appropriation, the President may not retain United States ground and naval forces in Cambodia.

The above generalized ban creates both practical and constitutional problems. While President Nixon is preparing to withdraw United States forces from Cambodia by July 1 (which is probably the earliest effective date of any such amendment as it would have to pass the House-Senate conferees as well), exigencies may arise in the future in which the President may well deem necessary the use of ground and naval forces in order to protect the safety of United States forces in South Viet Nam. It could then prove an unnecessary and harmful constraint on the actions of the President.

More far-reaching is, however, the constitutional implication of the statutory restriction of the powers of the President as Commander-in-Chief guaranteed under Article II, paragraph 2, clause 1 of the Constitution.

The underlying issue had been dealt with by the courts several times in the past. With Supreme Court Justice Nelson presiding, the New York Circuit Court interpreted these powers of the President broadly in *Durend v. Holins*, 1860 CC N.Y. 4. Nelson stated:

"Citizens abroad must look for protection of person and property, and for the faithful execution of the laws existing and intended for their protection. For this purpose, the whole Executive power of the country is placed in his hands."

In *Russell Motor Car Co. v. United States*, 1923, 261 U.S. 514, 523, the United States Supreme Court held that "Executive power, in the main, must of necessity be exercised by the President through the various departments."

By denying certioraris in cases involving draftees ordered to be sent to Viet Nam who had petitioned that the war in Viet Nam was illegal (*Mora v. McNamara*, 389 U.S. 934), or in cases where petitioners claimed that the United States Government was violating the 1945 Treaty of London (better known as the Nuremberg Charter) and, therefore, had no right to force them to fight in an aggressive war (*Mitchell v. United States*, 1967, 386 U.S. 92), the Supreme Court effectively barred legal challenges to the powers of the President as Commander-in-Chief to engage United States armed forces in belligerent acts.

A well-known constitutional law authority, Bernard Schwarz, in his *Commentary on the Constitution of the United States* (New York: Macmillan, 1963), I; 196 defines these powers as follows:

"Is the Presidential power to make war dependent upon the existence of a Congressional declaration of war? Much of what has been said in sections 222-230 indicates the propriety of a negative answer to this query. The President . . . possesses the organic authority to resort to the use of force to protect American rights and interests abroad and to fulfill the commitments of the nation under international agreements. Presidential authority in this respect runs the full gamut from the dispatch of a gunboat . . . to the full-scale military intervention ordered by President Truman in Korea.

The main judicial pillar of the President's

powers as Commander-in-Chief and as Chief Executive in the foreign relations field remains, however, the Supreme Court decision in *United States v. Curtiss Wright Corp.* 1936, 299 U.S. 304. This clearly states that in relation to acts outside of the United States i.e., international relations, "the President alone has the power to speak or listen as the representative of the nation," and that "The powers to wage war, to conclude peace, to make treaties, to maintain diplomatic relations with other sovereignties, if they had never been mentioned in the Constitution, would have vested in the Federal government as necessary concomitants of nationality."

In view of these precedents of Court decisions and constitutional practice, the President does indeed have the power to commit the armed forces of the United States for the protection and safety of units already engaged in fighting and it must be concluded that the general ban in the Cooper-Church Amendment, even if modified by adding "except for the purposes of protecting United States armed forces from hostile acts emanating from Cambodian territory" would represent an unbearable usurpation of the President's inherent rights by Congress.

Article 2 of the Amendment impairs not only the powers of the Commander-in-Chief but also those of the Chief Executive in open contradiction of the above-cited *U.S. v. Curtiss Wright* decision which had clearly stated that the President is "the sole organ of the Federal Government in the field of international relations . . . The President . . . not Congress, has the better opportunity of knowing the conditions which prevail, in foreign countries and especially this is true in time of war."

However, section 2 not only bars compensation payment or even in direct support payments to American military advisors or instructors, but to any person who acts in the above capacity to Cambodian forces. This would prevent even payments or other support to Thai, South Vietnamese, Malayan, Indonesian or South Korean instructors or advisors willing to train Cambodian forces. This is in open contradiction of the Nixon Doctrine as enunciated at Guam. It constitutes a clear and flagrant violation of the powers of the President as Chief Executive and Commander-in-Chief.

Article 3 extends the previous ban to any material to be used for the purposes of military instruction in Cambodia, or to persons ("mercenaries?") to "engage in support of Cambodian forces." The restriction, an usurpation of Executive power by Congress, would render the United States Government a helpless by-stander in regard to Cambodia while North Vietnamese invaders take over that hapless country. The President could not even help indirectly by assisting our allies who are willing to support the Cambodians.

Article 4 forms a seeming contradiction. In it the President is permitted to bomb Cambodian territory though he is not allowed to assist Cambodia. The cynicism of the supporters of the amendment is colossal, indeed. Would there be any better way to make all Cambodians hate Americans and seek refuge with the North Vietnamese Communists than abandoning them and then bomb the occupied areas?

#### 2. THE M'GOVERN-HATFIELD AMENDMENT (AMENDMENT 609)

Also pending is the McGovern-Hatfield amendment which calls for:

(1) ending all appropriations in Viet Nam as of December 31, 1970 except for the purposes of

(a) safe and systematic withdrawal of all U.S. military personnel;

(b) termination of United States military operations;

(c) expressly approved Congressional assistance to South Viet Nam;

(d) exchange of prisoners;

(e) arrangement of asylum for Vietnamese endangered by U.S. withdrawal,

for a period of six months, unless Congress expressly approves a further delay at the request of the President.

The procedure suggested in (1) of the amendment constitutes an illegal interference with the rights of the President as Commander-in-Chief and as the Chief Executive under the decisions of the Supreme Court cited in analyzing the Cooper-Church Amendment.

It would also negate our previous mission in Viet Nam and the authors of the amendment logically assume the fall of South Viet Nam to the Communists and magnanimously are "arranging asylum" for those who have fought with us, as if they were our mercenaries.

(2) The provisions of this article are similar to those of Sections 2-3 of the Cooper-Church Amendment, but this time they refer to Laos. The United States should not even financially support any military operations of the Laotian or of any third governments in Laos, much less maintain any advisors or instructors. This article not only contravenes the separation of powers under the United States Constitution as elaborated in analyzing the former amendment, but also the obligations assumed by the United States Government in the 1962 Treaty of Neutralizing Laos, a treaty signed by President John F. Kennedy.

(3) The provisions of this article are almost identical with sections 2-3 of the Cooper-Church Amendment, except they are more explicit about barring even selling or furnishing Cambodia with "any defense article," so as to make sure that the people of that country should not escape Communist domination even if they were willing to fight alone.

As to Amendment 609, even the liberal *Washington Post*, in its May 5, 1970 editorial described the course advocated by those who sponsor this as "too reckless for serious consideration."

May this memorandum be concluded with the words of Senator Griffin, uttered on the Senate floor on May 5:

"President Nixon did not initiate this war; it was a fact of life when he took office. He is in the process of bringing our participation in that war to an end on an orderly basis. Up to now we have not been losing the war in Southeast Asia. But unfortunately and to the delight of the enemy, there is some danger that we could lose, in the United States, a war that the enemy has been unable to win on the battlefield in Southeast Asia.

"Surely, this is no time to pull the rug out from under the President of the United States. It would be unconscionable for the Senate to do so by following the course set forth by this resolution."

*Signers of the memorandum on Senate amendments 609 and 620 to the Foreign Military Sales Act and to the Military Procurement Authorization Act*

1. Professor James D. Atkinson, Dept. of Government, Georgetown Univ., Washington, D.C.

2. Professor Anthony T. Bouscaren, Dept. of History and Political Science, LeMoyne University, Syracuse, N.Y.

3. Professor Joseph Bufill, George Mason College of the University of Virginia, Fairfax, Va.

4. Professor Leonard F. Colwell, Montgomery College, Rockville, Md.

5. Professor Brutus Coste, Fairleigh Dickinson University, Rutherford, N.J.

6. Professor Maurice Czikkann-Zichy, Department of Economics, Immaculata College, Immaculata, Pa.

7. Professor Boris de Balla, Dept. of History, St. John's University, Jamaica, N.Y.

8. Professor Donald Devine, Dept. of Gov-

ernment, University of Maryland, College Park, Md.

9. Professor Joseph Dunner, Dept. of Government, Yeshiva University, New York, N.Y.

10. Professor John P. East, Dept. of Political Science, East Carolina State College, Greenville, N.C.

11. Professor Franz Michael, President-Designate, Sino-Soviet Institute, George Washington University.

12. Professor Jerzy Hauptmann, Chairman, Dept. of Political Science, Park College.

13. Professor Tibor Horanyi, Dept. of Political Science, St. John's University, Jamaica, N.Y.

14. Professor Walter Jacobs, Dept. of Government, University of Maryland, College Park, Md.

15. Professor William L. Kintner, Dept. of Political Science, University of Pennsylvania, Philadelphia, Pa.

16. Professor Joseph A. Mikus, Georgian Court College, Lakewood, N.J.

17. Professor Charles A. Mosher, Dept. of Slavic Languages, George Washington Univ., Washington, D.C.

18. Professor Nicholas Nyarady, Graduate School of International Studies, Bradley University, Peoria, Ill.

19. Professor Richard O'Keefe, George Mason College of the University of Virginia, Fairfax, Va.

20. Professor Theodore Ferros, Dept. of Chemistry, George Washington University, Washington, D.C.

21. Professor Vladimir Petrov, Sino-Soviet Institute, George Washington University, Washington, D.C.

22. Professor Robert L. Pfaltzgraff, Department of Political Science, University of Pennsylvania, Philadelphia, Pa.

23. Professor Andras H. Pogany, Associate Librarian, Seton Hall University, South Orange, N.J.

24. Professor Stephan Possony, Director of International Studies, The Hoover Institution, Stanford, Calif.

25. Professor William H. Roberts, Catholic University of America, Washington, D.C.

26. Professor O. Carlos Stoetzer, Department of History, Fordham University, Bronx, N.Y.

27. Professor Z. Michael Szaz, Executive Director, American Institute on Problems of European Unity, Washington, D.C.

28. Professor Ernest van den Haag, New York University, New York, N.Y.

29. Professor Justus van den Kroef, Department of Political Science, University of Bridgeport, Bridgeport, Conn.

30. Professor Laszlo von Gorgey, Dept. of International Studies, University of South Carolina, Columbia, S.C.

31. Professor William T. Avery, Chairman, Dairy Department, University of Maryland.

32. Professor Donald H. Ackerman, Coordinator of Research, Graduate School, State University of New York at Stony Brook.

33. Professor Sandor Balogh, Hudson Valley Community College, Department of Political Science.

34. Professor George W. Carey, Georgetown University, Washington, D.C.

35. Professor Collins D. Campbell, Department of Political Science, Dartmouth College, Hanover, N.H.

36. Professor William Y. Elliott, emeritus, Harvard University.

37. Professor Kurt Glaser, Department of Political Science, Southern Illinois University, Edwardsville, Ill.

38. Professor Dennis Brennan, Department of Political Science, Rockford College, Rockford, Ill.

39. Professor Anthony Kubek, Chairman, Department of History, University of Dallas.

40. Professor Kurt London, Director, Sino-Soviet Institute, George Washington University, Washington, D.C.

41. Professor Robert McCaule, Department of Economics, Hudson Valley Community College.

42. Professor Henry Paolucci, Department of History, St. John's University, Jamaica, N.Y.

43. Professor Raymond Polin, Department of Political Science, St. John's University, Jamaica, N.Y.

44. Professor Thomas Remelkis, Department of Government, St. Joseph's College, Ind.

45. Professor William Scheibel, Department of Slavic Languages, Georgetown University.

46. Professor James Dornan, Catholic University of America.

47. Professor Gerhart Niemeyer, Department of Political Science, Notre Dame University.

48. Professor John Tierney, Catholic University of America, Department of Politics.

49. Professor Richard F. Staar, The Hoover Institution, Stanford, Calif.

50. Professor Frank N. Trager, Professor of International Relations, New York University.

51. Professor Goetz Briefs, Department of Political Science, Georgetown University, Washington, D.C.

52. Professor Libor Brom, Department of Modern Languages, University of Denver, Denver, Colorado.

53. Professor Alfonso Lengyel, Department of Art, Wayne State University, Detroit, Michigan.

54. Professor Robert McHenry, Department of Political Science, Montgomery College, Rockville, Md.

55. Professor Robert W. Miller, School of Business, The American University, Washington, D.C.

56. Professor Alois Nowotny, School of Medicine, Temple University, Philadelphia, Pa.

57. Professor Theresa Quinn, Department of Mathematics, American University, Washington, D.C.

58. Professor William C. Stickler, Department of Chemistry, University of Denver, Colorado.

59. Professor Emery G. Szekely, School of Medicine, Temple University, Philadelphia, Pa.

60. Professor Alexander Woroniak, Department of Economics, Catholic University of America.

61. Professor Basil Yananakis, Suffolk Law School, Boston, Mass.

62. Professor Jung-Gun Kim, Department of Political Sciences, East Carolina University, Greenville, N.C.

Mr. GRIFFIN. Mr. President, will the distinguished Senator from Kansas yield?

Mr. DOLE. I yield.

Mr. GRIFFIN. Mr. President, news reports carried this morning indicated that the driver of the car in which Wells Hangen, NBC network reporter, was riding had escaped, and has reported that Wells Hangen indeed was captured by the Vietcong, and is held in Cambodia. It is well known that other TV network correspondents and newspaper reporters have been captured and are being held in Cambodia.

Unfortunately, we have less information about the U.S. military personnel who are being held captive by the enemy in Cambodia. Of course, if the Vietnamese would live up to their obligations under the Geneva convention, we would have information concerning the U.S. personnel held captive in Cambodia and elsewhere in Indochina.

I wish to indicate my strong support for the pending amendment offered by the distinguished Senator from Kansas. I do not know whether it would be wise, or under what circumstances it might be appropriate for the President as Commander in Chief to initiate an operation

to rescue TV and newspaper reporters or military personnel held captive. I do not know whether it would be a practicable possibility or not. But I know I do not want to be a party to any amendment that would tie the hands of the President and preclude him from initiating such an action if, at any time, he believed it might be possible to rescue those who are held prisoners.

There are strong moral reasons, in my view, why we should make sure that the President, as Commander in Chief of our Armed Forces, has that option available. It is important, at least, that the enemy not be guaranteed we would not take action to rescue those who are held prisoner by the Communists in Cambodia.

I hope that those who oppose the Dole amendment will at least allow the Senate to vote on the merits of the issue. This is not a frivolous amendment. Senators ought to have the opportunity to vote it up or down.

I thank the Senator from Kansas for yielding.

Mr. DOLE. Mr. President, I appreciate the comments of the distinguished Senator from Michigan.

I cannot say, as others have said, that by offering such amendment, we are playing on the sympathies for the men who are captured in Southeast Asia—whether they be in Cambodia, Thailand, Laos, or North or South Vietnam. But, as I stated yesterday—yes, this may raise some hopes for wives, mothers, and children of these men. Many of these wives, mothers, and children have lived on nothing else for the past 3, 4, or 5 years. All they have had is hope. They are today looking for hope from this body.

I have asked those who are so strongly opposed to the amendment, what harm can it do to say that the President of the United States, if he determines there are American captives in Cambodia, has a right to go after them? Some would say he has that right in any event. If he has the right, what harm does it do to spell it out in the Cooper-Church amendment?

I do not believe it vitiates the amendment. That is not the intent. On the contrary it adds strength to the Cooper-Church amendment. It gives the President added strength. Yes, it does give the wives, mothers, and children some hope. And I confess to wanting to give the wives, children, and mothers some hope.

Had the Members of this body who oppose this amendment been present on the night of May 1, and had they seen 1,000 wives, mothers, and children stand, when next of kin were asked to stand—and had they talked to the wives, mothers, and children, they might better understand what hope means to these Americans.

Let me make it very clear, as I have attempted to do on many occasions, that I do not question the motives or the patriotism of anyone but do believe this is a very serious amendment. It was offered in that spirit, and I hope the Senate will consider it in that spirit, on its merits, not on some parliamentary maneuver to avoid facing up to the issue.

Let me reassert: It is not the intent of the amendment to vitiate or to nullify or to gut the Cooper-Church amendment. My intent—and the only intent

and purpose—is to make it possible for the President, if he determines that Americans are in Cambodia, captives of the Vietcong or the North Vietnamese, to do what he should do. There has been some disagreement as to what the President could do, in any event, without first consulting Congress. Some say he has that right. If he has that right, why not include a statement of it in the amendment; why not adopt my amendment; why not accept the amendment? But if the President does not have that right, then arises a serious question: What happens to an American, whether he is a newsman or a GI, if he is in immediate peril in Cambodia and the President cannot act until he comes to Congress? I would guess that any President, whether it be President Nixon or his successor, would act, in any event, and then brace for the confrontation with the Senate. He would have a responsibility to act and then notify Congress.

The preamble of this resolution states that we are working in concert with the President. It has been said time after time that we are not trying to strip away any power the President may have. So, if he does in fact have the power to rescue Americans a statement of it should be included in the Cooper-Church amendment.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I yield such time as he desires to the distinguished Senator from Kentucky (Mr. COOPER).

Mr. COOPER. I thank the Senator from Idaho.

Mr. President, I have heard the Senator from Kansas speak on the floor and in the news media, and I know his great interest in the issues that our amendment raises. In order to get the amendment in perspective, I ask that Members keep in mind what the amendment actually proposes, and the purpose of its sponsors, and the way the opponents look at it.

The sponsors believe that our amendment does not deny to the President of the United States the choices he may have in any situation. We say only that if the situation in Cambodia becomes so dangerous to the security of the United States, to the security of our forces that the President considers that it is necessary to remain in, or return to Cambodia—he should come to Congress. I think that is a good constitutional position.

I do not in any way challenge the motives of the opponents. I wish at times that I were in their position, because no one likes to challenge the President of the United States, his President. The amendments offered in opposition have the purpose—it is clear—to open to the President of the United States any action he may want to take, without resort to Congress, in situations where, at least we believe, it is constitutional for the President to come to Congress for support.

The pending amendment is one which appeals to our deep concern for American prisoners of war and men missing in action, but I believe it is unwise to bring this issue to the floor of the Senate when

it cannot effect the release of the prisoners and when it could have an entirely different result.

If prisoners in Cambodia are in a position where they could be rescued, then the President, through the commander of our forces, can send in troops to rescue them. There is no question about that.

But I believe it is unwise to plead that adoption of the pending amendment will bring about the release of our prisoners of war held in Cambodia, or effect their release from North Vietnam.

Mr. President, the best way to secure their release is to proceed with the position of the President, that of ending the war in Cambodia and Vietnam as quickly as possible, consistent with the safety of our troops, and to remove our forces from Vietnam.

I believe the pending amendment will have no practical effect regarding the rescue of a single prisoner. The commander in the field, in the immediate area, can take action.

The purpose of the pending amendment is to establish an adverse vote and then another until we reach again the position that the President, as Commander in Chief, may take any action he believes proper, under the principle of the protection of the troops. In saying this, I do not censure the President. I simply say that the Congress has the duty to assert its joint responsibility.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum and ask that the time be equally charged to both sides.

The PRESIDING OFFICER (Mr. McGOVERN). 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. CHURCH. Mr. President, I yield 3 minutes to the distinguished majority leader.

The PRESIDING OFFICER. The Senator from Montana is recognized for 3 minutes.

Mr. MANSFIELD. Mr. President, shortly we will vote on the Dole amendment which makes the provisions of subsection (a) of this section 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.

To the best of my knowledge, we have no prisoners of war in Cambodia at the present time. That does not mean that they could not be shifted there from Laos or from North Vietnam or from anywhere else where they may be incarcerated at the moment, shifted for the purpose of keeping us involved in Cambodia, which would go contrary to the basic tenets of the Cooper-Church amendment; shifted for the purpose of continuing to keep us entrapped in an enlarged and an extended war; shifted for the purpose of keeping us in Southeast Asia rather than getting us out as the President has indicated he would. A withdrawal of our forces could be prevented by this amendment, not only

from Cambodia by the 1st of July—and it is my thought that it will be well before the 1st of July that all the Americans will be withdrawn from Cambodia—but also from Vietnam.

Mr. President, this tragic war, this mistaken war, has to be brought to a close somehow. It will not be brought to a close by giving the President additional powers beyond the superordinary powers which he asserts at the present time.

I do not recall that the President has indicated he wants an amendment of this nature. I do not recall that the military have indicated that they want an amendment of this nature.

If we put an amendment of this kind into force, why not the same thing for North Vietnam where numbers of American prisoners of war are being held or Laos where additional numbers of American prisoners of war are being held, and perhaps, who knows, there may even be a few in China.

So, I think we ought to look at this matter in a logical and reasonable way and recognize that what the Cooper-Church amendment attempts is to strengthen and underwrite the President's determination, not to give him additional powers, to make certain that there will not be a reiteration of a sudden invasion, not incursion, but an invasion of Cambodia as was the case with the present undertaking.

There are, of course, a number of newsmen, TV people, newspaper reporters, and the like who have disappeared in Cambodia. I would assume that they would come under the definition of nationals in this proposed amendment which, I think, is a late addition.

May I point out, though, that those newsmen went into Cambodia voluntarily and that as far as the soldiery of this country is concerned, they went into Cambodia at the direction of their government. Maybe they wanted to go, as I am sure some did. Maybe they did not want to go. But they had no choice, and they carried out their obligations as good citizens should.

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

Mr. CHURCH. Mr. President, I yield 1 additional minute to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 1 additional minute.

Mr. MANSFIELD. So, I would hope that we could give this matter the most serious consideration. If the principle of the Senator's amendment is valid in Cambodia, it should have been offered last December to the amendment which he supported, the Cooper-Church amendment at that time, to prohibit the sending of ground troops into Laos.

Neither the Senator nor the White House then was desirous of introducing any amendment proposing to leave the option for the President to send ground troops into Laos to free United States prisoners held there.

This is a most important amendment, the whole Cooper-Church amendment, because it tries to bring back into the Senate the responsible exercise of at least some of the powers which it has under the Constitution. It will allow the

Senate at least to express its will to the end that there will be no further sudden invasions with their additional casualties and costs, as was the case in Cambodia some weeks ago.

I hope that the pending amendment to the Church-Cooper amendment will be rejected.

Mr. CHURCH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Idaho has 3 minutes remaining. The proponents of the amendment have 9 minutes remaining.

Mr. CHURCH. Mr. President, I understand that the Senator from Kansas would like to make a final argument on behalf of his amendment. At this time I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

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 go to the rescue of captured Americans if he feels a quick surprise rescue operation is feasible. The rights he possesses under the Constitution, as Commander in Chief, cannot be compromised by Congress. It is, therefore, unfair to assert that Americans who may be captured in Cambodia might somehow suffer if this amendment is rejected. That is a false issue.

The truth is that the President himself set the limits on the Cambodian operation. He himself said American forces would not penetrate into Cambodia more than 21.7 miles. He himself said these forces will be withdrawn by the end of June.

If we were to agree to the amendment offered by the Senator from Kansas, the Senate would be exceeding the limits set on the Cambodian operation by the President himself. We would be authorizing him, despite his own limitations, to retain American forces in Cambodia indefinitely as long as he made a finding that American prisoners of war remained in this country.

Mr. President, if this amendment were agreed to, President Nixon would never invoke it. To invoke it would be to repudiate his own Cambodian policy. Moreover, if he were ever to invoke it, it would not be to serve the best interests of American prisoners of war. By prolonging our occupation of Cambodian territory, he would be increasing, rather than reducing the number of Americans captured by the enemy and made prisoners of war.

If the Senate wants to serve the best interests of American prisoners of war, we should comply with the policy the President himself set down. It is, thus, incumbent upon us to vote against the amendment offered by the Senator from Kansas. I trust that the Senate will reject the amendment.

Mr. MUSKIE. Mr. President, by no means the least grievous aspect of the war in Vietnam is the inhumane treatment of American prisoners of war by the North Vietnamese. Such treatment, and the continued refusal by the North Vietnamese to even identify those pris-

oners they are holding, is intolerable and offensive to the civilized conscience.

It is equally inexcusable for us to attempt to play politics with the feelings of anguish and despair of those related to American servicemen either missing in action or being held as prisoners of war. Such would be the effect of the Dole amendment, No. 662, to the Foreign Military Sales Act.

This amendment is irrelevant both to the substance of the Cooper-Church amendment and, more importantly, to our future success in negotiating the release of American prisoners of war.

It is an obvious attempt to eradicate any meaning which the Cooper-Church amendment might have.

I am troubled, as we all are, over the POW situation, and I recognize the need to focus concern on this issue. But I will not support a proposal which plays on the emotions of the many Americans deeply concerned over this tragic situation for the stated purpose of freeing the President's hands to continue our involvement in Cambodia.

Mr. THURMOND. Mr. President, I am pleased to take this opportunity to indicate my full support for the pending amendment, No. 662, introduced by my able friend Bob Dole; further, I would like to commend Senator Dole for introducing this vital measure and for presenting it so well.

As we know, Senator Dole has long been a champion for our boys who are being held prisoner in Southeast Asia and for their families and friends who have been so frustrated in their attempts to get word of them. In offering the amendment which we will vote on shortly, the distinguished Senator from Kansas has come through again, not only for that relatively small group, but also for millions of concerned and compassionate individuals throughout the world.

Mr. President, the amendment is very simple. It states in effect that the President shall have the power to operate inside Cambodia in order to protect or rescue American prisoners of war there, notwithstanding the provisions of the Cooper-Church amendment.

Mr. President, this is only a restatement and reaffirmation of constitutional powers which the President now possesses; but considering the temper of the times, it is very necessary that such a restatement be confirmed by the Senate today. As the world watches us closely, we must show that the U.S. Senate does not intend to knuckle under to pressure and abandon our boys who have fought so valiantly for us.

Mr. President, I am proud to be a cosponsor of the Dole prisoner of war amendment, and I urge its overwhelming approval by this body.

Mr. DOLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOLE. Mr. President, I wish to state again that the amendment we are about to vote on was offered in dead seriousness. It is not a frivolous amendment; it is not a travesty. Some say we are holding out hope to wives, mothers, and children of prisoners of war and

those missing in action. Yes, we are holding out hope to the wives, mothers, and children. That is all many of the wives, mothers, and children of American prisoners of war and Americans missing in action have had.

My friends, last night most of us went home and we played with our children and we had dinner. Yes, it was life as usual in this country. It was life as usual for us, but what about the American prisoner of war? What about Americans missing in action?

I do not stand in the Senate today and say that if we agree to the amendment there will be freed one, 10, or 50 American prisoners of war tomorrow or the next day. But at least we would not deprive the President of that right. If we have faith in the President, and many of us do, the amendment provides that if 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, then the so-called Church-Cooper amendment shall be inoperative. That is all it provides. It would not vitiate the Church-Cooper amendment, and it would not nullify it.

It does strengthen the amendment. It says to American prisoners of war and Americans missing in action that the U.S. Senate on the 3d day of June 1970 strengthened the hand of the President.

To those who say the President has this right in any event, let me say if the President has that right it does no harm to underscore and emphasize that right and make it a part of the Church-Cooper amendment.

Mr. President, to those who say the amendment is limited and should include North Vietnam, Laos, and Thailand, I would hope that other amendments may be offered to so provide. But above all let us hold out some hope for the mothers, wives, and children of the 1,529 American prisoners of war and Americans missing in action. It is a small group and if one adds to this group the 20 or 30 news commentators and camera crews it is still a small group; it does not represent many votes, it cannot mount much pressure, nor is it a lobby organization; but they are Americans and to my friends in the Senate on both sides of the aisle today we can vote for the American prisoners of war and Americans missing in action. We can do no less.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, on this amendment, I ask for the yeas and nays.

The yeas and nays were ordered. The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas (Mr. Dole). The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. HARTKE. On this vote, I have a pair with the senior Senator from Alabama (Mr. SPARKMAN). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Connecticut (Mr. DODD), the Senator from Alabama (Mr. SPARKMAN), the Senator from Louisiana (Mr. LONG), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

On this vote, the Senator from Georgia (Mr. RUSSELL) is paired with the Senator from New Mexico (Mr. ANDERSON).

If present and voting, the Senator from Georgia would vote "yea" and the Senator from New Mexico would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG) is necessarily absent.

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

The Senator from Delaware (Mr. BOGGS) and the Senator from California (Mr. MURPHY) are absent on official business.

If present and voting, the Senator from Delaware (Mr. Boggs), the Senator from Hawaii (Mr. FONG), the Senator from South Dakota (Mr. MUNDT), and the Senator from California (Mr. MURPHY) would each vote "yea."

The result was announced—yeas 36, nays 54, as follows:

[No. 152 Leg.]

YEAS—36

Allen	Eastland	McClellan
Allott	Ellender	McGee
Baker	Ervin	Miller
Bellmon	Fannin	Scott
Bennett	Goldwater	Smith, Ill.
Byrd, Va.	Griffin	Stennis
Cannon	Gurney	Stevens
Cook	Hansen	Talmadge
Cotton	Holland	Thurmond
Curtis	Hollings	Tower
Dole	Hruska	Williams, Del.
Dominick	Jordan, Idaho	Young, N. Dak.

NAYS—54

Aiken	Hughes	Packwood
Bayh	Inouye	Pastore
Bible	Jackson	Pearson
Brooke	Javits	Pell
Burdick	Jordan, N.C.	Percy
Byrd, W. Va.	Kennedy	Prouty
Case	Magnuson	Proxmire
Church	Mansfield	Randolph
Cooper	Mathias	Ribicoff
Cranston	McCarthy	Saxbe
Eagleton	McGovern	Schweiker
Fulbright	McIntyre	Smith, Maine
Goodell	Metcalf	Spong
Gore	Mondale	Symington
Gravel	Montoya	Tydings
Harris	Moss	Williams, N.J.
Hart	Muskie	Yarborough
Hatfield	Nelson	Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Hartke, against.

NOT VOTING—9

Anderson	Fong	Murphy
Boggs	Long	Russell
Dodd	Mundt	Sparkman

So Mr. DOLE's amendment No. 662 was rejected.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, yesterday afternoon I sent a news release to the West Virginia media, as follows:

SENATOR RANDOLPH OPPOSES DOLE AMENDMENT—IS AGAINST TABLING

WASHINGTON.—Senator Jennings Randolph (D-W. Va.), a supporter of the Cooper-Church amendment to the Military Sales Act calling for a pullout from Cambodia, said Tuesday night that he will oppose any motion to table amendments to the Cooper-Church proposition. This, he said, includes the probable tabling motion on an amendment by Senator Robert Dole (R-Kans.) expected Wednesday. "I want amendments voted up or down on their merit, not disposed of by an indirect procedure," Randolph declared.

Randolph said he opposes and will vote against the Dole amendment if the tabling motion is defeated or fails to materialize. The West Virginia Senator said he fears the Dole proposal to change the Cooper-Church amendment and permit the President to send armed forces across international boundaries into countries presumed to hold prisoner our country's military personnel "would be too sweeping." He remarked that it "possibly could spread the air and land war in South Vietnam beyond Cambodia and Laos even into North Vietnam and Red China. It has already gone too far—from a Vietnamese war into an Indochina war."

Mr. President, I am gratified that the amendment was voted on, without an attempt to table it. We need to face these challenging votes with our direct support or opposition on rollcalls.

THE COOPER-CHURCH AMENDMENT

Mr. MILLER. Mr. President, the Wall Street JOURNAL today published a very timely editorial relating to the so-called Cooper-Church amendment.

The editorialist warns that—

It is not a matter of writing a law but of building an ongoing process; a specific piece of legislation is important only to the extent it helps build the basis for a continuing process.

He concludes that the Cooper-Church amendment is not serving this purpose, that—

As it now stands, the amendment casts an ambiguous shadow both on the President's power as Commander in Chief and on the Nixon doctrine of U.S. assistance for self-help.

He pointedly underscores that the amendment "Will not build but undermine the process."

This perceptive editorial merits the attention of the Senate, and 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:

THE COOPER-CHURCH AMENDMENT

As the Senate debates the Cooper-Church amendment to cut off funds for certain types of military operations in Cambodia, our biggest headache is trying to figure out what its words mean. Its passage would do more

harm than good unless something is done to clarify what it says, first, about the President's power to strike into Cambodia in protection of American troops already in the field, and second, about policies intended to bolster the non-Communist government in Cambodia.

On its face the amendment seems to say that despite the President's powers as Commander in Chief he cannot undertake military operations in Cambodia even if enemy forces there are attacking or about to attack American troops already in South Vietnam. Either the amendment means this or it means nothing at all with regard to this question; its sponsors seem confused as to which is the case. Witness Senator Church on the Senate floor:

"We do not raise into question here the power the President has as Commander in Chief. He derives that authority from the Constitution itself. We could not deny him his powers under the Constitution if we tried. Nothing in our amendment would interfere with his right to protect American troops in the field or to provide for their immediate needs."

If the amendment does fully preserve the President's right to protect American troops, then it does not change his right to act within Cambodia if his purpose is to protect American troops, as it is in the current operations. If the amendment denies him the right to act in Cambodia regardless of his purpose, then it interferes with his right to protect American troops in ways the Commander in Chief deems necessary. The amendment's sponsors cannot have it both ways.

Both the Constitution and common sense dictate that Congress cannot act as Commander in Chief of troops actually in the field, as it would be doing when it draws lines on military maps in a theater long since drawn into the war by the enemy. It does not wish to say it's different because international boundaries are involved when the enemy constantly violates these boundaries and when the nation involved does not object. Nor does it wish to say Congress is only formalizing limits the President himself has established, since limits are one thing when drawn by the Commander in Chief and another thing when etched into law.

At the amendment's second level, we find another set of considerations. We think it entirely appropriate that Congress concern itself with the broad question of American policy toward the Cambodian government, and in fact we think the Administration should seek to involve Congress here. But once again we are left unsure what policy the Cooper-Church amendment seeks to promote. There is quite a difference between a policy of "no American troops" and a policy of "let the place sink."

The general thrust—and the ostensible defense—of the amendment is to implement a policy of no American troops. It has a sleeper section, however, that could undercut any effort whatever to aid Cambodia in its self-defense. This section prohibits U.S. participation in any agreement to provide military instruction in Cambodia. In other words, the U.S. could not provide technical or financial assistance if the South Vietnamese, Indonesians, Thais, Koreans or others undertook to help Cambodia train its army.

It's difficult to conceive a more wrong-headed provision. If we want to reduce our presence in Asia, regional cooperation is what we should try to promote, not inhibit. Also, the section makes hash of the sponsors' arguments that they only want to help the President follow the policy he has already set, for nothing could be more contradictory to the Nixon doctrine.

Despite all this, the Cooper-Church amendment is directed at a concern with

which we sympathize—that Congress be more involved in foreign policy. What is needed is the type of Congressional-Executive consultation that helped prevent an Indochina expedition in support of the French during the Eisenhower years. But it is not a matter of writing a law but of building an on-going process; a specific piece of legislation is important only to the extent it helps build the basis for a continuing process. As it now stands, casting an ambiguous shadow both on the President's powers as Commander in Chief and on the Nixon doctrine of U.S. assistance for self-help, the Cooper-Church amendment will not build but undermine the process.

Yet it could conceivably be turned into something else if the Senate and the Administration can work together to clarify what it says about the Commander in Chief's powers and to remove the sleeper section. In the process of working out those problems, perhaps the two branches could make a small start toward the trust, understanding and cooperation necessary to truly meaningful consultation on future policy.

#### AMENDMENT NO. 667

Mr. BYRD of West Virginia. Mr. President, I call up my amendment No. 667 and ask for its immediate consideration. The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from West Virginia (Mr. Byrd) proposes an amendment as follows:

On page 5, line 7, before the semicolon insert a comma and the following: "except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam or to hasten the withdrawal of United States forces from South Vietnam".

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, without relinquishing my right to the floor, I yield to the able assistant Republican leader, the Senator from Michigan (Mr. GRIFFIN).

Mr. GRIFFIN. Mr. President, I shall take only a moment to commend the Senator from West Virginia for offering his amendment. I have examined it very carefully.

Mr. NELSON. Mr. President, may we have order? Senators cannot hear.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Michigan may proceed.

#### ADDITION OF COSPONSOR

Mr. GRIFFIN. I intend to support it. At this time, I ask if the Senator from West Virginia will kindly permit my name to be added as a cosponsor of his amendment.

Mr. BYRD of West Virginia. Mr. President, I would be highly favored to have the cosponsorship of the Senator from Michigan, and I ask unanimous consent that his name be added as a cosponsor of the amendment.

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

#### ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside until after the joint meeting of the two Houses; that there be a period for

the transaction of routine morning business from now until the Senate recesses to go in a body to the Hall of the House of Representatives, with statements therein limited to 3 minutes; and that following the reconvening of the Senate after the joint meeting, I be recognized immediately.

The PRESIDING OFFICER. If there be no objection to the several requests of the Senator from West Virginia, it is so ordered.

#### MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on May 28, 1970, the President had approved and signed the following acts:

S. 19, An act to reimburse certain persons for amounts contributed to the Department of the Interior.

S. 1934, An act for the relief of Michel M. Goutmann.

#### EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. EAGLETON) laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

#### COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

#### PROPOSED AMENDMENTS TO THE BUDGET FOR FISCAL YEAR 1971

(S. Doc. 91-88)

A communication from the President of the United States, transmitting an amendment to the budget for fiscal year 1971 in the amount of \$600,000 for the Office of Emergency Preparedness (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

#### REPORT ON PROPOSED FACILITIES PROJECTS FOR THE ARMY RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Army Reserve subsequent to June 30, 1970 (with an accompanying report); to the Committee on Armed Services.

#### REPORT ON DISBURSEMENTS OF SMALL BUSINESS ADMINISTRATION

A letter from the Administrator, Small Business Administration, reporting, pursuant to law, on disbursements made by the Administration; to the Committee on Banking and Currency.

#### REPORT OF PROJECT PROPOSAL FROM THE ROY WATER CONSERVANCY SUBDISTRICT OF ROY, UTAH

A letter from the Assistant Secretary of the Interior, reporting pursuant to law, the application for a loan in the amount of \$4,845,000 from the Roy Water Conservancy Subdistrict of Roy, Utah; to the Committee on Interior and Insular Affairs.

#### TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

#### THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

#### SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

#### REPORTS OF THE PROCEEDINGS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES, 1969, AND ANNUAL REPORT OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS, 1969

A letter from the Acting Director, Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report of the proceedings of the Judicial Conference of the United States, 1969, and the annual report of the Director of the Administrative Office of the U.S. Courts, 1969 (with accompanying reports); to the Committee on the Judiciary.

#### PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. EAGLETON):

A joint resolution of the Legislature of the State of California; to the Committee on Commerce:

"ASSEMBLY JOINT RESOLUTION No. 14

"Relative to motor vehicle license plates

"Whereas, The law enforcement agencies of California and other states are increasingly faced with the problem of theft and misuse of automobile license plates; and

"Whereas, Law enforcement agencies rely greatly on license plates for identification of motor vehicles; and

"Whereas, The present method of each state manufacturing a separate metal license plate, with appropriate validation devices, most of which are readily detachable from the vehicle, compounds, in the opinion of most law enforcement executives, the problems of theft and misuse; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly. That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to direct an appropriate agency of the federal government, or form an ad hoc body, to study the feasibility of adopting a permanent numbering device, in the general size and shape as the current standardized motor vehicle license plate, to be permanently affixed to all motor vehicles manufactured for domestic use in the United States, with provision for validation by the several states to satisfy their licensing and registration statutes; and be it further

"Resolved, That the numbering system adopted be in conformance with data processing requirements of the National Crime Information Center and similar law enforcement data processing facilities; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the United States Attorney General, to the Secretary of Commerce, to the Secretary of Transportation, and to the attorney general of each state."

A joint resolution of the Legislature of the State of California; to the Committee on Public Works:

**"ASSEMBLY JOINT RESOLUTION NO. 21**

"Relative to flood control projects on the San Joaquin-Kings River Interstream Group

"Whereas, During the months of January and February, 1969, Fresno County experienced record rainfall which produced heavy runoff into the streams of the San Joaquin-Kings River Interstream Group, resulting in largely uncontrolled flows into the Fresno Clovis metropolitan area, as well as other urban and farming areas, the County of Fresno; and

"Whereas, This unprecedented runoff resulted in millions of dollars of damage in the Fresno-Clovis metropolitan area, and the President of the United States has declared Fresno County a disaster area by reason of the severity of the flooding and the resulting damage; and

"Whereas, It is necessary that dams and other facilities be constructed upon the streams in the San Joaquin-Kings River Interstream Group to control such floodwaters during periods of extreme rainfall, so as to avoid a repetition of disastrous floods in the future; and

"Whereas, Congress has made available funds for the conduct of studies by the U.S. Army Corps of Engineers on the need for flood control projects on the San Joaquin-Kings River Interstream Group, but the President has refused to release funds for the conduct of such studies during this fiscal year; and

"Whereas, Due to the urgent need for flood control projects on the San Joaquin-Kings River Interstream Group together with rapidly rising costs, the public interest requires that such studies concerning flood control needs be undertaken at the earliest possible time; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to release for immediate expenditure funds available for the conduct of studies by the U.S. Army Corps of Engineers on the need for flood control projects on the San Joaquin-Kings River Interstream Group; and be it further

"Resolved, by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to release for immediate expenditure funds available for the conduct of studies by the U.S. Army Corps of Engineers on the need for flood control projects on the San Joaquin-Kings River Interstream Group; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A Senate concurrent resolution of the

Legislature of the State of Louisiana; to the Committee on Commerce:

"S. CON. RES. 27

"A concurrent resolution to urge Congress to take favorable action on H.R. 16933, which will exempt the riverboat Delta Queen from the restrictions of the Safety at Sea law, thereby enabling this picturesque reminder of bygone days to continue to cruise the Mississippi, Ohio and Tennessee Rivers

"Whereas, the Safety at Sea Law enacted by Congress in 1966 sets ship construction standards for vessels carrying over fifty overnight passengers and Congress has exempted the riverboat Delta Queen from the provisions thereof but said exemption will soon expire and unless affirmative action is taken to exempt the Delta Queen from the Safety at Sea Law, she will be retired from service in November, 1970; and

"Whereas, the Delta Queen is the only remaining riverboat that cruises the Mississippi, Ohio and Tennessee Rivers, and is the source of fond nostalgic memories for those who remember the glorious days of river travel, and also serves as an example of our historic past and American heritage to the younger generation; and

"Whereas, this vessel is solidly constructed, composed of a steel hull and a superstructure containing fine woods of oak, mahogany, teak, walnut and ironwood, and this vessel is equipped with modern safety devices, and in fact, in her forty-two years of service has never been involved in a serious accident; and

"Whereas, the continued operation of the Delta Queen will promote and encourage tourism in this state since the vessel makes more than one stop in this state, and affords passengers who would not otherwise come into this state the opportunity to view the scenic wonders of the state of Louisiana; and

"Whereas, it is within the power of Congress to preserve this living museum so that future generations will have the benefit and joy of seeing and riding on the last real overnight steamboat in America.

"Therefore, be it resolved by the Senate of the Legislature of the state of Louisiana, the House of Representatives thereof concurring, that the Congress of the United States is hereby respectfully urged and requested to take favorable action to enact into law H.R. 16933, or similar legislation proposed in the Congress to exempt the Delta Queen from the Safety at Sea Law thereby enabling this vessel to continue on the American waterways.

"Be it further resolved that copies of this Resolution shall be transmitted to the presiding officers of the two houses of the Congress, to the Chairman of the House Merchant Marine & Fisheries, to the Chairman of the Senate Commerce Committee and to each member of the Louisiana Delegation in Congress.

"Lieutenant Governor and President of the Senate.

"JOHN S. GARRETT,

"Speaker of the House of Representatives."

A resolution adopted by the City Council of the City of Philadelphia, memorializing the President of the United States to authorize the immediate and safe withdrawal of all American forces from Southeast Asia; to the Committee on Foreign Relations.

A letter in the nature of a petition from the Kelly United Methodist Church, Park Manor, Chicago, Ill., praying for the enactment of legislation declaring that each January 15, the birthday of Dr. Martin Luther King, Jr., shall be a national holiday in honor and memory of Dr. King; to the Committee on the Judiciary.

**POSTAL REORGANIZATION ACT—  
REPORT OF A COMMITTEE—  
SUPPLEMENTAL AND INDIVIDUAL  
VIEWS (S. REPT. NO. 91-912)**

Mr. MCGEE, Mr. President, from the Committee on Post Office and Civil Service, I report favorably, with an amendment, the bill (S. 3842) to improve and modernize the postal service, and to establish the U.S. postal service. I ask unanimous consent that the report be printed, together with the supplemental views of the Senator from Indiana (Mr. HARTKE) and individual views of the Senator from Texas (Mr. YARBOROUGH).

The ACTING PRESIDENT pro tempore (Mr. EAGLETON). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Wyoming.

**REPORTS OF COMMITTEES**

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, without amendment:

H.R. 14306. An act to amend the tobacco marketing provisions of the Agricultural Adjustment Act of 1938, as amended (Rept. No. 91-913).

By Mr. MCGEE, from the Committee on Post Office and Civil Service, with amendments:

H.R. 14300. An act to amend title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes (Rept. No. 91-914).

**BILLS INTRODUCED**

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

By Mr. MCGOVERN:

S. 3912. A bill for the relief of Doan Huu Khan, Nguyen Kim Lan, Doan Kim Bao; to the Committee on the Judiciary.

By Mr. INOUE:

S. 3913. A bill to amend title 10, United States Code, to establish the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral, and for other purposes; to the Committee on Armed Services.

S. 3914. A bill for the relief of Satya Harjadi Pujanegara; to the Committee on the Judiciary.

(The remarks of Mr. INOUE when he introduced S. 3913 appear later in the RECORD under the appropriate heading.)

By Mr. CURTIS:

S. 3915. A bill to amend the Public Works and Economic Development Act of 1965 to authorize the Secretary of Commerce to designate areas in which there has been a loss of population as redevelopment areas; to the Committee on Public Works.

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

By Mr. TYDINGS (for himself and Mr. HRUSKA):

S. 3916. A bill to improve judicial machinery by providing for the appointment of a circuit executive for each judicial circuit; to the Committee on the Judiciary.

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

By Mr. JAVITS:

S. 3917. A bill to authorize assistance to the States in establishing and carrying out programs of higher education student aid; to the Committee on Labor and Public Welfare. (The remarks of Mr. JAVITS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MAGNUSON (by request):

S. 3918. A bill to promote the safety of ports, harbors, waterfront areas and navigable waters of the United States;

S. 3919. A bill to provide for the reporting of weather modification activities to the Federal Government; to the Committee on Commerce.

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

By Mr. JORDAN of North Carolina:

S. 3920. A bill for the relief of Eduardo Borda Abastoflor; to the Committee on the Judiciary.

By Mr. MOSS:

S. 3921. A bill to authorize emergency loans under subtitle C of the Consolidated Farmers Home Administration Act of 1961 to milk farmers who suffer severe losses caused by economic conditions; to the Committee on Agriculture and Forestry.

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

**S. 3913—INTRODUCTION OF A BILL TO ESTABLISH THE AUTHORIZED STRENGTH OF THE NAVAL RESERVE IN OFFICERS IN THE JUDGE ADVOCATE GENERAL'S CORPS IN THE GRADE OF REAR ADMIRAL**

Mr. INOUE. Mr. President, I introduce, for appropriate reference, a bill that will amend title 10, United States Code, to increase the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral.

My bill would authorize the creation of billets for two flag officers of the Naval Reserve. Under current law, Naval Reserve judge advocates do not have any opportunity to advance further than captain because there is no provision for JAG reservists to have admiral's billets. Prior to the establishment of the Judge Advocate General's Corps as a staff corps of the Navy in 1967, officers who were law specialists could attain flag rank as a line officer. Under the operation of the old law, this opportunity was severely limited since only one reserve law specialist had been promoted as a line officer to the rank of rear admiral. Now even this possibility is foreclosed to them.

Title 10 presently authorizes medical reservists seven flag officers, supply reservists eight flag officers, chaplains one flag officer, civil engineers two, and dental reservists two. The corps with the closest authorized strength, the civil engineer reservists, has two flags; this is precisely the number which this bill will provide.

The two reserve flag officers will occupy mobilization billets in the Office of the Judge Advocate General, one as the director of personnel and reserve and the other as director of claims and litigation. In the event of mobilization, these billets will warrant flag rank for the incumbents.

The proposed legislation would correct this failure to provide the JAG Corps

with flag billets, provide a career incentive for officers of the JAG Corps, and satisfy mobilization requirements. I urge the support of my colleagues for this bill that would correct this long-standing inequity.

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

The bill (S. 3913) to amend title 10, United States Code, to establish the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral, and for other purposes, introduced by Mr. INOUE, was received, read twice by its title, and referred to the Committee on Armed Services.

**S. 3915—INTRODUCTION OF A BILL TO AUTHORIZE THE SECRETARY OF COMMERCE TO DESIGNATE AREAS IN WHICH THERE HAS BEEN A LOSS OF POPULATION AS REDEVELOPMENT AREAS**

Mr. CURTIS. Mr. President, I am introducing today a bill which is important in the program for rural development. It is a bill which would guarantee that population decline be given at least equal weight with unemployment as a basis for designating Economic Development Administration assistance areas throughout the United States.

My bill would amend the Public Works and Economic Development Act of 1965.

At present, the Secretary of Commerce has authority to designate as "redevelopment areas" those areas where he deems that "there has been a substantial loss of population due to lack of employment opportunity."

By administrative regulation, however, it has been stipulated that to qualify for designation on this basis the outmigration of people from an area must reflect a population loss of 25 percent or more between the 1950 and the 1960 censuses.

I respectfully submit that census figures which are 5, 10, or more years old are outmoded as a basis for responding to economic declines. I further submit that this regulation discriminates against rural areas because of the very nature of the rural-to-urban movement of people and the resulting unemployment and welfare problems which then occur in the urban areas.

Figures on unemployment are far more readily available and much more current than those for population decline as a basis for qualifying for Economic Development Administration assistance. The requirement of a 25-percent population decline is too stiff to enable the problem to be met before an unemployment crisis is created elsewhere.

I submit, Mr. President, that population decline in rural America is the first tell-tale sign that an unemployment problem is developing in an urban area. When people are eased out of work in the small towns and rural areas, they do not stay there to wait for new jobs. They look around, and if a job is not available locally or in the immediate vicinity they migrate to the large cities. If they do not find work, or if they find only temporary work, or if they displace someone else in a job in the urban areas,

they soon produce unemployment statistics which ultimately become rising welfare, crime and urban decay problems.

The Nixon administration has pledged itself to try to reverse the rural-to-urban population movement as the only logical and practical means of solving some of the immediate problems and many of the long-range problems of the cities. In order to carry out this pledge the administration, working with the Congress, must encourage the development of industry in the rural areas to provide jobs not only to hold people there but also to attract them there from the overcrowded urban areas.

My bill is a step in that direction.

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

The bill (S. 3915) to amend the Public Works and Economic Development Act of 1965 to authorize the Secretary of Commerce to designate areas in which there has been a loss of population as redevelopment areas, introduced by Mr. CURTIS, was received, read twice by its title, and referred to the Committee on Public Works.

**S. 3916—INTRODUCTION OF A BILL TO PROVIDE FOR THE APPOINTMENT OF A CIRCUIT EXECUTIVE FOR EACH JUDICIAL CIRCUIT**

Mr. TYDINGS. Mr. President, today, on behalf of myself and the senior Senator from Nebraska (Mr. HRUSKA), I introduce, for appropriate reference, legislation authorizing the circuit council of each of the 11 Federal judicial circuits to appoint a circuit court executive. The proposed legislation would, for the first time, provide modern managerial knowledge and experience at the operating level of the Federal courts.

Last week, Congress passed legislation that would create 61 new judgeships for the Federal district courts. These additional judgeships are needed if the Federal courts are to cope with their ever increasing workload. We should, however, be aware that a 40-percent increase in the number of Federal district judgeships since 1959 has resulted in only a 9-percent increase in the number of civil and criminal dispositions.

Clearly, the creation of additional judgeships alone will not solve the problems of backlog and delay. As cases in the Federal courts become more complex and more numerous, the need becomes ever more pressing for modern administrative techniques to assist the courts to perform their judicial functions expeditiously and thoroughly.

Mindful of that fact, in 1968, I introduced legislation similar to that which I am introducing today that would have provided the circuit councils with the aid of court administrators skilled in managerial techniques.

Similarly, last year when the Subcommittee on Improvements in Judicial Machinery, which I chair and upon which Senator HRUSKA is ranking minority member, held hearings on the omnibus judgeship bill, the subcommittee was receptive to the testimony of many of the witnesses, including the chief judges of

a number of the circuits, as to the need for court executives.

Moreover, last summer in an address to the American Bar Association, Chief Justice Warren Burger spoke eloquently of the need for court administrators. Indeed in December, the Chief Justice and the president of the American Bar Association, Bernard G. Segal, jointly announced the establishment of a pilot project to train a corps of qualified executive officers.

Court executives or administrative managers are not unknown to the Federal courts. Such personnel have been used with success in a number of State courts, most prominently the Superior Court of Los Angeles County, Calif. Their utility has also been recognized by various competent legal study groups.

The court executive for the circuit can develop the information and make the suggestions necessary to vitalize the statutory powers held by the judicial councils. In addition the court executive will relieve the chief judge of the circuit of numerous administrative chores and burdens, thus enabling the chief judge to conserve his time for the exercise of the paramount judicial function; that is, judging and deciding cases. The court executive will not make judicial decisions. He will be responsible for seeing that cases are moved to a point where the judges' art can be employed to hear and decide the matter.

Convinced of the value of court executives, the Subcommittee on Improvements in Judicial Machinery amended the omnibus judgeship bill last year to provide for court executives at the circuit level and in district courts with six or more permanent judges. The proposed amendment was accepted by the Senate, but was deleted from the bill by the House of Representatives. The report of the House Judiciary Committee, however, indicated that the House committee was not opposed to the concept of supplying the Federal courts with court executives, only with the inclusion of such a provision in the omnibus judgeship bill.

Subsequently, with the assistance of the American Bar Association, Senator HRUSKA, Congressman CELLER, Congressman McCULLOCH, and I developed the legislation that we are introducing in both Houses today.

Under the proposed legislation, the judicial council of each circuit would be authorized to appoint a circuit executive from among persons certified as qualified by a board of certification. The circuit executive would be subject to the supervision of the chief judge of the circuit and would exercise only such administrative powers and perform only such duties as may be delegated to him by the council. The legislation lists a number of duties that might be delegated to the circuit executive.

To insure that those appointed to the court executive positions are well qualified to perform the functions anticipated for them, a board of certification is created to establish standards for the positions and to certify those who meet the standards. The board of certification would consist of five members, three of whom would be elected by the Judicial

Conference of the United States. The other two members of the board would be the Director of the Administrative Office of the U.S. Courts and the Director of the Federal Judicial Center. A recertification procedure has also been provided.

The proposed legislation is the product of careful study and drafting. I am hopeful that it will be enacted this year.

I ask that the text of the bill be printed in the RECORD at this point.

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

The bill (S. 3916) to improve judicial machinery by providing for the appointment of a circuit executive for each judicial circuit, introduced by Mr. TYDINGS, for himself and Mr. HRUSKA, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3916

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 332 of title 28, United States Code, is amended (a) by designating each of the existing paragraphs thereof as subsections (a), (b), (c), and (d), respectively; and (b) by inserting new subsections (e) and (f) to read:*

"(e) The judicial council of each circuit may appoint a circuit executive from among persons certified by the Board of Certification. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated to him by the circuit council. The duties delegated to the circuit executive of each circuit may include but need not be limited to:

"(1) Exercising administrative control of all non-judicial activities of the Court of Appeals of the circuit in which he is appointed.

"(2) Formulating and administering a system of personnel administration subject to guidelines established by the circuit council and subject to limitations established by the Judicial Conference of the United States.

"(3) Preparing and administering the budget of the circuit, including coordinating the circuit budget with guidelines and controls laid down by the Administrative Office of the United States Courts.

"(4) Maintaining a modern accounting system.

"(5) Establishing and maintaining property control records and undertaking a space-management program.

"(6) Conducting studies relating to the business and administration of the courts within the circuit and preparing appropriate recommendations and reports to the chief judge, the circuit council, and the Judicial Conference.

"(7) Collecting, compiling, and analyzing statistical data with a view to the preparation and presentation of reports based on such data as may be directed by the chief judge, the circuit council, and the Administrative Office of the United States Courts.

"(8) Representing the circuit as its liaison to the courts of the various states in which the circuit is located, the Marshal's Office, state and local bar associations, civic groups, news media, and other private and public groups having a reasonable interest in the administration of the circuit.

"(9) Arranging and attending meetings of the judges of the circuit and of the circuit council, including preparing the agenda and serving as secretary in all such meetings.

"(10) Preparing an annual report to the circuit and to the Administrative Office of

the United States Courts for the preceding calendar year, including recommendations for more expeditious disposition of the business of the circuit.

"All duties delegated to the circuit executive shall be subject to the general supervision of the chief judge of the circuit.

"(f) The standards for certification as qualified to be a circuit executive shall be set by a Board of Certification. These standards shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The Board of Certification shall consist of five members, three of whom shall be elected by the Judicial Conference of the United States, and at least one of these three shall be selected from among persons experienced in executive recruitment and selection. The additional two members shall be the Director of the Administrative Office of the United States Courts and the Director of the Federal Judicial Center. The members of the Board elected by the Judicial Conference shall each serve for three years except that upon appointment of the first members, one member shall serve for one year, one for two years, and one for three years. The Board shall consider all applicants who apply for certification, shall maintain a roster of all persons certified, and shall publish the standards for certification. A person's name shall be removed from the roster after three years unless he is re-certified. Three members of the Board shall constitute a quorum for purposes of fixing standards and for certifying applicants, but no action of the Board shall be taken unless three of the members are in agreement. The Director of the Administrative Office of the United States Courts shall provide staff assistance in support of the operation of the Board. Expenses of the Board of Certification shall be borne by the travel and miscellaneous expense funds appropriated to the federal judiciary. Any member of the Board who is an officer or employee of the United States shall serve without compensation. Other members shall receive the daily equivalent of the rate provided for GS-18 of the General Schedule contained in section 5332 of title 5, United States Code, when actually engaged in service for the Board.

"Each circuit executive shall be paid at a salary to be established by the Judicial Conference of the United States not to exceed the annual rate of Level V of the Executive Schedule Pay Rates (Section 5316, Title 5, U.S. Code).

"The circuit executive shall serve at the pleasure of the judicial council of the circuit.

"The circuit executive may appoint, with the approval of the council, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

"The circuit executive and his staff shall be deemed to be officers and employees of the judicial branch of the United States Government within the meaning of subchapter III of chapter 83 (relating to civil service retirement), chapter 87 (relating to Federal employees' life insurance program), and chapter 89 (relating to Federal employees' health benefits program) of title 5, United States Code.

Mr. HRUSKA. Mr. President, today I am pleased to cosponsor a bill introduced by the Senator from Maryland to provide for the appointment of a circuit executive for each of the 11 Federal circuit courts of appeals. It is my hope that the Judiciary Committee will give prompt and favorable consideration to this matter.

Court executives were once before considered and approved by the Senate during this Congress—as a portion of the omnibus district court judgeship bill (S.

952)—now with the President for signature. Unfortunately, the other body saw fit to delete this provision when it approved S. 952.

The Judicial Conference of the United States originally proposed a plan for court executives to improve the administration of the courts of appeals. The American Bar Association and the Department of Justice endorsed the proposal during hearings on the judgeship bill.

The increasing backlog of cases in our Federal courts is not caused alone by the need for additional judges. Antiquated machinery and lack of coordinated administration have meant that inefficient practices in the filing, hearing, and deciding of cases have been permitted to slow the judicial process. With the amount of judicial business increasing yearly, these practices are resulting in more serious problems with each succeeding session of the courts.

In 1969 appeals filed in the courts of appeals went above 10,000 for the first time. New cases docketed numbered 10,248, up 12.4 percent over 1968. The cases disposed of during 1969 rose to 9,014, also the highest on record, but because of the increased filings, the pending caseload reached an all-time high of over 7,800. This is an increase of 18.1 percent in just 1 year. In the last 7 years both the number of cases docketed and the number pending have more than doubled. However, almost without exception procedures for the administration of these cases have remained the same, under the supervision of already overburdened chief judges.

The bill as introduced by the Senator from Maryland and which I cosponsor would authorize the judicial councils of each circuit to appoint a circuit executive to oversee such activities as personnel management, budget, accounting, space allocation, statistical collection and compilation, and liaison with bar associations, other courts, the media, and the Administrative Office of the U.S. Courts. In other words, these executives would have responsibility for all nonjudicial activities of the circuits. The end result of the institution of such a program would be to free judicial manpower for judicial functions, and to bring to the circuits professional personnel able to institute efficient and modern procedures of court administration.

#### S. 3917—INTRODUCTION OF THE STATE HIGHER EDUCATION STUDENT AID ACT OF 1970

Mr. JAVITS. Mr. President, I introduce for appropriate reference the State Higher Education Student Aid Act of 1970.

This measure has two principal provisions.

First, the bill would provide student incentive grants to the States on a matching basis to assist young people from families of substantial need to obtain a higher education. This provision is designed to encourage the States to expand their present programs of grant assistance to students, and complements the administration bill and existing stu-

dent aid programs of Federal educational opportunity grants, direct and guaranteed loans, and work-study. States would receive funds only when they expand their present efforts. Thus, this money would supplement and not supplant existing programs.

Second, the bill would provide for educational opportunity centers to serve areas with major concentrations of low-income population to facilitate the recruiting of disadvantaged children into higher education. These centers would provide information concerning financial and academic support available at colleges, assistance in applying for admittance to such schools, including preparing detailed documentation for use by admissions and financial aid officers, provide counselling services and tutorial help. This second part follows recent recommendations of the Carnegie Commission on Education, which has emphasized that—

To make recruiting programs fully effective, there is an urgent need for institutions to coordinate planning and combine resources.

Thus, programs such as New York State's Urban Centers would be encouraged throughout the Nation by this provision.

For the first year, the bill authorizes \$50 million for the student incentive grant program and \$20 million for the educational opportunity center program.

What is being done now by my own State of New York to assist individual students to attend college serves as an example of what this measure seeks to develop. During the school year just completed, some 245,500 young New Yorkers held State scholarships and grants worth about \$69.9 million, a tenfold increase over the past decade. And just as New York is being confronted with pressures due to increased enrollments and rising tuition costs to still further expand its program, so are other States similarly beset. In New York, the dollar amount of Regents Scholarships ranges from \$250 to \$1,000 yearly, depending upon the financial resources of the student. My bill would provide up to 750 Federal dollars for each student in equal matching funds from the State.

College enrollments, now at about 7 million and double that of a decade ago, is expected to increase 50 percent by 1976-77. Today 40 percent of young Americans enter college; a century ago, shortly after President Lincoln had signed the land-grant college law, only 2 percent were so privileged.

And while enrollments have increased, so have costs. The average amount an undergraduate pays for tuition and required fees has doubled in the past 10 years. The Office of Education indicates that the estimated average amounts for tuition and required fees, board and dormitory rooms is \$1,117 in 4-year public colleges and \$2,993 in private universities.

It is obvious that, if we are to achieve the goal iterated by President Nixon in his March 19 message on higher education that "no qualified student who wants to go to college should be barred by lack of money," not only must the Federal Government enlarge its efforts, but the

States must also do so. This bill seeks to encourage the States to do just that.

Mr. President, I shall do my utmost, as the ranking minority member of the Committee on Education and Labor, to get early consideration of this measure.

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

The bill (S. 3917) to authorize assistance to the States in establishing and carrying out programs of higher education student aid, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

#### S. 3918—INTRODUCTION OF A BILL TO PROMOTE THE SAFETY OF PORTS, HARBORS, WATERFRONT AREAS, AND NAVIGABLE WATERS OF THE UNITED STATES

Mr. MAGNUSON. Mr. President, at the request of the Secretary of Transportation, I introduce for appropriate reference a bill to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States. I ask unanimous consent that the bill and the letter of transmittal from the Secretary of Transportation be printed in the RECORD.

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

The bill (S. 3918) to promote the safety of ports, harbors, waterfront areas and navigable waters of the United States, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

#### S. 3918

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Ports and Waterways Safety Act of 1970.*

SEC. 2 (a) To promote safe and efficient maritime transportation or to promote the safety and environmental quality of the ports, harbors, and navigable waters of the United States, the Secretary of the Department in which the Coast Guard is operating (hereinafter referred to as the Secretary) may prescribe standards, procedures, regulations, or other measures designed (1) to prevent damage to, or the destruction or loss of any vessel, structure or facility on or in such waters, or any structure or facility on land adjacent to such waters; and (2) to protect navigable waters, the resources therein and adjoining land areas.

(b) In carrying out his responsibilities under this section, the Secretary may:

(1) prescribe or approve marine traffic control procedures and methods, and establish, operate, maintain, require or approve marine traffic control services, systems and devices for commercial vessels, including but not limited to size and speed limitations, operating capabilities, and pilotage where pilotage is not required by State law;

(2) direct, regulate, and control the anchorage, mooring or movement of any vessel, including the taking of full or partial possession and control, if necessary, to prevent damage to or by the vessel or to or by its cargo, stores, supplies, or fuel;

(3) establish or approve procedures, measures, and standards for handling, loading,

discharge, storage, stowage, and movement, including the emergency removal, control and disposition of:

(1) any explosives or other dangerous articles or substances, the transportation of which is subject to regulation by the Secretary; and

(2) any dangerous articles for use as vessel stores, supplies or fuel;

(3) prescribe minimum equipment requirements for structures and facilities to assure adequate protection from fire, explosion, natural disasters, and other serious accidents or casualties;

(4) establish safety zones or otherwise control the use of or regulate access to vessels, structures, facilities, waters, waterfront and shoreline areas as may be necessary for their protection; and

(5) establish procedures for inspection and approval to assure compliance with standards, procedures, regulations, or other measures prescribed pursuant to this Act.

(b) For the purpose of this Act, the term "United States" means the 50 States, the District of Columbia, Puerto Rico, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

Sec. 3. (a) This Act does not apply to foreign vessels in transit through straits used for international navigation; nor is it to be applied in other territorial seas to hamper the right of innocent passage as recognized under international law.

(b) Nothing contained in this Act is intended to supplant or modify any treaty or Federal statute or authority granted thereunder, nor is it intended to prevent a state or political subdivision thereof, in the exercise of its lawful authority, from prescribing higher equipment requirements or safety standards than those which may be prescribed for structures and facilities pursuant to section 2 of this Act.

(c) In the exercise of his authority under this Act, the Secretary shall consult with other Federal agencies, as appropriate, in order to give due consideration to their statutory and other responsibilities, and to assure consistency of regulations applicable to the vessels, structures and facilities covered by this Act. The Secretary may also consider, utilize, or incorporate regulations or similar directory materials issued by port or other state and local authorities.

Sec. 4. The Secretary is authorized to investigate any incident, accident, or willful or negligent act involving the loss or destruction of, or damage to, any facility or structure subject to section 2 of this Act, or which affects or may affect safety of, on or in the ports, harbors, or navigable waters of the United States. In any investigation under this Act, the Secretary may issue a subpoena to require the attendance of witnesses and the production of documents and other evidence. In case of refusal to obey a subpoena issued to any person, the Secretary may request the Attorney General to invoke the aid of any district court of the United States to compel compliance. Witnesses may be paid fees for travel and attendance at rates not exceeding those allowed in a district court of the United States. The Secretary may prescribe such regulations as necessary to carry out this section.

Sec. 5. Whoever violates a regulation issued under this Act shall be liable to a civil penalty of not more than \$1,000. The Secretary may assess and collect any civil penalty incurred under this Act and, in his discretion, remit, mitigate, or compromise any penalty. Upon failure to collect or compromise a penalty, the Secretary may request the Attorney General to commence an action for collection in any district court of the United States. Any vessel used or employed in a violation of any regulation under this Act shall be liable in rem and may be proceeded against in any district court of the United States having jurisdiction.

Sec. 6. Whoever willfully violates a regulation issued under this Act shall be fined not less than \$1,000 nor more than \$10,000 or imprisoned for not more than 10 years, or both.

The material presented by Mr. MAGNUSON is as follows:

THE SECRETARY OF TRANSPORTATION,

Washington, D.C., May 19, 1970.

HON. SPIRO T. AGNEW,

President of the Senate,

Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill,

"To promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States."

The proposed bill, which would implement a recommendation set forth in the President's message on oil spills, would authorize the Secretary of the Department in which the Coast Guard is operating to institute measures and issue regulations to safeguard vessels, harbors, ports, waterfront areas, waterfront facilities, and navigable waters from loss or damage or the threat thereof resulting from the operation of vessels and facilities, and to investigate accidents and casualties occurring on or involving such facilities.

In 1950 the President, acting pursuant to the Magnuson Act, 50 United States Code 191, which authorizes him to make rules governing the movement, inspection and guarding of vessels, harbors, ports, and waterfront facilities in the United States upon a determination that our national security is endangered, issued Executive Order 10173. This order, as subsequently modified, is currently the basic authority for the Coast Guard's port security and safety programs.

During the past twenty years ports, waterways, and waterfront facilities have continued to expand and tankers and other vessels have grown in size to accommodate an increasing flow of dangerous cargoes. New and complex problems resulting from these changes have gradually made it evident that action must be taken to improve our port security programs from the standpoint of public safety and environmental protection. Although Executive Order 10173 is manifestly linked with prevention of sabotage and subversive activity in our waterfront areas, there are numerous safety functions as well which are now carried out by the Coast Guard in its port security programs and which rest solely upon that Executive Order as the source of authority. These include, but are not limited to, the supervision and control of vessel movements to prevent damage to vessels or waterfront facilities, the imposition of conditions and restrictions regarding inspection, operation, maintenance, guarding, manning, and fire prevention aboard vessels and in waterfront facilities, and the important task of supervision and control of the transportation, handling, loading, discharging, stowage and storage of explosives, inflammable or combustible materials and other dangerous articles or cargo. It is important that such functions be performed regardless of the international situation and that they be based upon permanent statutory authority which adequately reflects that need.

The draft bill is designed to provide continuing general authority to protect vessels, structures, harbors, ports, and waterways from damage or loss resulting from causes other than subversive activity. Recent incidents such as vessels grounding or colliding with bridges and other structures, with the attendant risk of release of oil or other harmful substance points up the need for the legislation. The favorable impact that more carefully supervised vessel traffic can have on the environment, specifically consonant with the recently enacted National Environmental Policy Act of 1969, Public Law 91-190,

is apparent. The best possible solution to the oil pollution problem in the waterways of the United States, for example, is, of course, to prevent the oil from being discharged into the water in the first place. Reduction of vessel casualty risks through closer attention to vessel control and equipment in congested waters can make a significant contribution in that regard.

The bill would also permit the establishment of safety zones wherein vessel traffic or other activities could be prohibited or curtailed for a particular reason or purpose, and usually for brief periods. A need might arise, for example, in the area of a collision or other accident, or to assure safety at a vessel launching or in connection with other special occasions.

The draft bill contains provisions which make it clear that it will not hamper the right of innocent passage, as recognized in international law, in the territorial seas of the United States and that it would not apply in straits used for international navigation.

The proposal would also streamline present enforcement procedures by authorizing investigations and hearings (including the power to subpoena witnesses and documents) and by instituting a system of civil penalties to supplement the criminal penalties. Such investigations would not only serve to determine the causes of casualties but would also contribute to the important functions of critically reviewing existing safety regulations with a view of modernizing them as needed and of making other recommendations to enhance the overall safety posture of our port facilities.

Cities and municipalities which border on ports and harbors have placed considerable reliance on the Coast Guard's continuing ability to prevent and eliminate dangers which represent potential major disasters. This proposed legislation is necessary to insure continued justification for that reliance. At the same time, we would expect to continue to encourage greater involvement and allocation of resources by state and local port authorities. Though the regulatory authority of our proposal will assure appropriate federal coordination and general uniformity, the scope of the port safety task as well as unique local conditions and problems virtually compels local as well as federal effort. Because the Coast Guard is now involved, in varying degree, in all of the functional areas addressed, enactment of the bill would have no immediate budgetary impact. Future costs will, of course, depend on the extent of activities found necessary to implement further the port safety function defined in the proposed bill.

It would be appreciated if you would lay this proposal before the Senate. A similar proposal has been submitted to the Speaker of the House of Representatives.

The Bureau of the Budget has advised that enactment of this proposed legislation is in accord with the President's program.

Sincerely,

#### S. 3919—THE INTRODUCTION OF WEATHER MODIFICATION ACT OF 1970

Mr. MAGNUSON. Mr. President, at the request of the Secretary of Commerce, I introduce for appropriate reference a bill to provide for the reporting of weather modification activities to the Federal Government. I ask unanimous consent that the letter of transmittal and statement of purpose and need be printed in the RECORD along with the bill.

The PRESIDING OFFICER (Mr. McCARTHY). The bill will be received and

appropriately referred; and, without objection, the bill, letter of transmittal and statement of purpose and need will be printed in the RECORD.

The bill (S. 3919) to provide for the reporting of weather modification activities to the Federal Government, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

## S. 3919

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

SEC. 1. In order to provide for the acquisition and compilation of information concerning actual or attempted weather modification activities, each person, before engaging in and upon completion of any form of weather modification activity, including attempts, within the United States, including any possession or territory thereof and the Commonwealth of Puerto Rico, shall submit to the Secretary of Commerce a report at such time, in such form and containing such information as the Secretary may prescribe.

## SEC. 2. As used in this Act—

(a) The term "person" includes any individual, corporation, company, association, firm, partnership, society, joint stock company, and any other organization, whether commercial or non-profit, including State and local governments and agencies thereof, who is not performing weather modification activities as an employee, agent, or independent contractor of the Federal Government.

(b) The term "weather modification" means any intentional, artificially produced changes in the composition, behavior, or dynamics of the atmosphere.

(c) The term "territory" includes the insular possessions of the United States and also any territory of the United States.

SEC. 3. The Secretary of Commerce shall maintain a continuous record of weather modification activities, including attempts, and shall disseminate summaries periodically.

SEC. 4. The Secretary of Commerce may obtain from any person by regulation, subpoena, or otherwise such information in the form of testimony, books, records, or other writings, may require the keeping and furnishing of such reports and records, and may make such inspection of the books, records, and other writings and premises or property of any person as may be deemed necessary or appropriate by him to carry out the provisions of this Act, but this authority shall not be exercised if adequate and authoritative data are available from any Federal agency. In case of contumacy by, or refusal to obey a subpoena served upon any person referred to in this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the Attorney General, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

SEC. 5. Any person who knowingly and willfully performs any act prohibited or knowingly and willfully fails to perform any act required by the provisions of this Act, or any regulation issued thereunder, shall upon conviction be fined not more than \$10,000.

SEC. 6. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The material presented by Mr. MAGNUSON is as follows:

THE SECRETARY OF COMMERCE,  
Washington, D.C., May 20, 1970.

HON. SPIRO T. AGNEW,  
President of the Senate, U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill "To provide for the reporting of weather modification activities to the Federal Government," together with a statement of purpose and need in support thereof.

We have been advised by the Bureau of the Budget that there would be no objection to the submission of this legislation to the Congress from the standpoint of the Administration's program.

Sincerely,

MAURICE H. STANS.

The Statement of Purpose and Need for Legislation Providing for the Reporting of Weather Modification Activities.

The purpose of this bill is to require that non-Federally sponsored weather modification activities within the U.S. be reported to the Secretary of Commerce both before and after taking place and to give the Secretary the authority and responsibility for compiling and maintaining records of weather modification activities.

Prior to September 1, 1968, the National Science Foundation had the authority to compel reporting of non-Federal weather modification activities (42 U.S.C. 1872a(f), and other specific authority to promote weather modification activities (42 U.S.C. 1862(a) (9), 1872a). A Congressional reassessment of the function of N.S.F. resulted in enactment of P.L. 90-407 which repealed the Foundation's special authority in weather modification, including the reporting of weather modification activities. This authority was not reassigned to another Agency. The Senate Committee on Labor and Public Welfare emphasized in Senate Report No. 1137, however, "the necessity for legislation to continue elsewhere in the executive branch the development and reporting activities which N.S.F. will not have authority to support after September 1, 1968." This bill will reestablish that part of the repealed N.S.F. authority which provided for the reporting of weather modification activities to the Federal Government.

This legislation is needed in order that the Federal Government may: (1) maintain a record of all weather modification activities in the United States that might affect the public welfare or might affect on-going weather modification research projects; (2) be kept aware of all releases of pollutants in the atmosphere in connection with weather modification activities, and (3) keep the public informed regarding weather modification activities.

Section 1 of the bill establishes the authority for requiring the reporting of weather modification activities within the United States in the Secretary of Commerce. Similar requirements were contained in the National Science Foundation regulations published in the Federal Register (30 F.R. 16202, December 29, 1965).

Section 2 includes definitions of the terms "person", "weather modification", and "territory". The definition of person in subsection (a) is based on 1 U.S.C. 1. However, it is broadened to encompass State and local governments and agencies thereof in order to be more comprehensive.

Section 3 will require the Secretary of Commerce to maintain a record of weather modification activities reported pursuant to the provisions of the bill and to disseminate summaries of such information periodically.

Sections 4 and 5 are reenactments of subsections (f) (1) and (3) of the repealed Section 14 of the National Science Foundation Act (former 42 U.S.C. 1872a(f) (1) and (3)). The only significant change being that the limitation of the monetary fine in Section 4

is raised from \$500 to \$10,000 in order to provide a more effective sanction.

Section 6 is included in this bill to ensure that the Secretary of Commerce has sufficient funds to carry out the purposes of this bill.

### S. 3921—INTRODUCTION OF A BILL TO AUTHORIZE EMERGENCY LOANS FOR MINK FARMERS

Mr. MOSS. Mr. President, the mink farmers of the country are in a financial crisis. They are in both a credit squeeze and a price squeeze. They cannot borrow money at prices they can afford, and their mink pelts are being sold at prices on the New York market far below those of previous years. If swift action is not taken, hundreds of mink operators will be out of business before the end of the year.

There are a number of bills now before Congress to limit mink imports. These will help, but will by no means solve the problems of the mink industry because much of their present difficulties arise out of our own economic conditions.

I am therefore introducing a bill which will expand the authority of the Farmers Home Administration to make emergency loans to mink farmers who suffer severe losses caused by economic conditions. My bill would amend subtitle C of the Consolidated Farmers Home Administration Act of 1961, which presently authorizes emergency loans to farmers and ranchers who have suffered severe losses caused by natural disasters, to extend the same loan opportunities to mink farmers who are in trouble because of disastrous economic conditions.

I ask that a series of questions and answers which explain how the emergency loan program for mink farmers would operate be carried in the CONGRESSIONAL RECORD at the close of these remarks.

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

The bill (S. 3921) to authorize emergency loans under subtitle C of the Consolidated Farmers Home Administration Act of 1961 to mink farmers who suffer severe losses caused by economic conditions, introduced by Mr. Moss, was received, read twice by its title and referred to the Committee on Agriculture and Forestry.

The material presented by Mr. Moss is as follows:

#### EMERGENCY LOANS FOR MINK FARMERS

##### Who would be eligible?

It would be required that an applicant must be (1) a citizen of the United States, (2) an established mink farmer having severe losses caused by serious economic conditions for fur farmers resulting from price received from the sale of pelts being substantially less than production and marketing costs, (3) of good character and with the industry, ability, and experience required to carry out his proposed mink farming operations, (4) the manager of his mink farming operations, with a reasonably successful past record, and (5) unable to supply the needed funds from his own resources or with loans from the usual sources of credit available to mink farmers. In addition, the appli-

cant must have reasonable repayment prospects from his milk farming operations.

*For what purposes would these loans be made?*

For essential operating and living expenses. Also, for the purchase of essential replacement equipment and essential replacement breeding stock. These loans would not be made to pay secured debts but could include funds to pay not more than one year's reasonable interest on debts secured by liens on essential equipment and real estate.

*What would be the terms of these loans?*

Amounts loaned for annual operating and living expenses would be repayable from the year's income. Amounts loaned for the purchase of replacement equipment or breeding stock would be repayable over the shortest period consistent with repayment ability, generally not to exceed five years or the useful life of the purchased items, whichever is the shorter period.

*What would be the security requirements?*

Amounts loaned for annual operating and living expenses would be secured by first liens on the year's fur crop and the best lien obtainable on equipment and breeding stock. Amounts loaned for the purchase of replacement equipment and replacement breeding stock would be secured by first liens on the purchased items and the best lien obtainable on other equipment and breeding stock owned by the applicant. Also, these loans would be secured additionally by the best lien obtainable on real estate where necessary to provide adequate security.

*What would be the source of loan funds?*

These loans would be made out of the Emergency Credit Revolving Fund from which Emergency loans are made. The Revolving Fund does not receive annual appropriations.

*Where would loan applications be received?*

At County Offices of the Farmers Home Administration.

#### ADDITIONAL COSPONSORS OF BILLS

S. 1788

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Minnesota (Mr. MONDALE), 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. 1788, to assist in removing financial barriers to the acquisition of a post-secondary education by all those capable of benefiting from it.

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

S. 3671

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Texas (Mr. TOWER), I ask unanimous consent that, at the next printing, the name of the Senator from Florida (Mr. GURNEY), be added as a cosponsor of S. 3671, to remove unfair labor practices cases from the jurisdiction of the National Labor Relations Board.

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

#### BILINGUAL MANPOWER TRAINING ACT—AMENDMENT

AMENDMENT NO. 673

Mr. YARBOROUGH. Mr. President, on behalf of myself and Senators NELSON, KENNEDY, CRANSTON, MONTOYA, and

WILLIAMS of New Jersey, I submit for appropriate reference my Bilingual Manpower Training Act.

As first author and principal sponsor of the Bilingual Education Act, I spoke many times about the great disparity in educational achievement among Mexican Americans. I spoke about the tragic waste of manpower that resulted because 70 percent of the Mexican American children who entered the first grade were pushed out of school before they could graduate from high school.

The Congress acted and now the Bilingual Education Act is law, and because of this, thousands of children throughout the Nation have a greater opportunity for a better education.

However, the school children of a few years ago that provided the statistics that convinced the Congress to act, are out of school. They did not have an opportunity to take advantage of my bilingual bill. Most of them are underemployed in jobs that offer little opportunity for advancement. Many are unemployed and have a poor chance to get a good job, not because of inferior skills or lack of ability, but simply because they have difficulty with the English language. According to 1966 figures published by the Equal Employment Opportunity Commission, 70 percent of all employed male Spanish surnamed Americans were working as operatives, laborers or service workers, the lowest three occupational categories. A 1966 Department of Labor sample survey showed that 47 percent of the men in a Mexican American district in San Antonio were either unemployed, underemployed or earning less than \$60 per week. Across the Nation, more than one-half of Mexican American families exist on an income of less than \$3,000 per year.

The manpower programs that we have passed to alleviate poverty, unemployment, and underemployment simply do not reach the Mexican-American who needs help the most: The unskilled worker with minimal education and limited English.

Mr. President, today I submit the Bilingual Manpower Training Act as an amendment to S. 3867, which is intended to make available to persons with limited command of the English language, special bilingual programs to increase their opportunities for employment and promotion.

The great need for this amendment, Mr. President, can be illustrated rather easily. It is common knowledge that a person does not need to speak English to be a good welder or an auto mechanic or to perform a host of other trades that are in demand and pay a good wage. However, the present manpower training programs are conducted in English, and so poor people who have the skills and the ability to learn to be good welders cannot take the training because they do not know enough English to tell what is going on in class; and the welder or mechanic does need to understand a manual written in English.

My amendment provides for the development of training courses and materials in the enrollees primary language to teach skills and occupations that do not require a high proficiency in English.

Second, my amendment provides for courses and materials to teach the specialized technical English vocabulary that is necessary for the performance of specific occupations. This is aimed at another segment of this population whose ability and skills cannot be fully utilized because in their limited education, their poverty background, and their language limitations, they have not learned the technical vocabulary which is necessary to perform certain jobs. Our present manpower programs do not provide this special English background, and consequently most of these trainees are assigned training in the very basic low paying skills.

A third gap in manpower training that my amendment aims to close is the present lack of manpower programs that assist persons to capitalize on their bilingual abilities in the job market. Presently, airline companies, travel agencies, law firms, and other international businesses recruit employees from other countries to fill their jobs that require bilingual skills. During the 6-month period July-December 1969, for example, the Department of Labor issued certifications allowing airlines to hire 258 bilingual airline stewardesses from abroad. These are jobs that should have gone to our own people.

My amendment also provides for programs to be developed in cooperation with employers to increase the English speaking ability of their employees in order to enhance their opportunities for promotion.

Other provisions of the amendment include special training for instructors and others, who will participate in bilingual manpower training and placement programs, and provides for the development of specialized supportive services to encourage employers to hire persons trained under this program and provide followup after they are employed.

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

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

The amendment (No. 673) was referred to the Committee on Labor and Public Welfare, as follows:

#### AMENDMENT NO. 673

On page 6, line 18, strike out the word "For" and insert in lieu thereof "Except as otherwise provided, for".

On page 73, after line 21, add the following new title:

#### "TITLE VII—BILINGUAL MANPOWER TRAINING PROGRAMS

##### "SHORT TITLE

"Sec. 701. That this title may be cited as the 'Bilingual Manpower Training Act'.

##### "DECLARATION OF POLICY

"Sec. 702. In recognition of the difficulties and limitations of large numbers of persons of limited English-speaking ability in the United States in finding employment and in learning the technology required for employment today, Congress hereby declares it to be the policy of the United States to provide financial assistance to public agencies and nonprofit private organizations to develop

and carry out imaginative programs to increase the employment opportunities and opportunities for promotion of persons with limited English-speaking ability who are unemployed or underemployed.

#### AUTHORIZATION AND DISTRIBUTION OF FUNDS

"SEC. 703. (a) For the purpose of making grants under this title, there is authorized to be appropriated the sum of \$25,000,000 for the fiscal year ending June 30, 1971, \$50,000,000 for the fiscal year ending June 30, 1972, and \$75,000,000 for the fiscal year ending June 30, 1973.

"(b) In determining the distribution of funds under this title the Secretary shall give the highest priority to States and areas within States having the greatest need for programs authorized by this title. Such priorities shall take into consideration the number of persons of limited English-speaking ability who are unemployed or underemployed as determined pursuant to criteria established by the Secretary after consideration of the the latest data available to him.

#### USES OF FUNDS

"SEC. 704. Grants under this title may be used, in accordance with applications approved under section 705, for—

"(1) planning for and developing programs designed to meet the special manpower needs of persons with limited English-speaking ability including—

"(A) the development of training courses and materials to teach skills and occupations that do not require a high proficiency in English, particularly the development of course materials in languages other than English; and

"(B) the development of training courses and materials designed to increase the technical English vocabulary necessary for the performance of specific occupations likely to provide employment opportunities for such persons;

"(2) providing preservice training designed to prepare persons to participate in bilingual manpower training and placement programs such as instructors, interviewers, counselors, and placement specialists; and

"(3) the establishment, maintenance, and operation of programs, including acquisition of necessary teaching materials and equipment, designed to increase the employment opportunities and the opportunities for promotion of persons with limited English-speaking ability, which may include—

"(A) programs to teach occupational skills in the primary language of any such persons for occupations that do not require a high proficiency in English;

"(B) programs designed to teach specific technical English vocabulary necessary in the performance of specific skills and occupations in demand and which such persons may be reasonably expected to perform;

"(C) programs developed in cooperation with employers designed to increase the English-speaking ability of such persons in order to enhance their opportunities for promotion;

"(D) programs designed to assist any such person to further develop and capitalize on their bilingual abilities for jobs that require such skills; and

"(E) specialized placement programs including supportive services to encourage persons with limited English-speaking ability to find employment and to encourage employers to hire such persons.

#### APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

"SEC. 705. (a) A grant under this title may be made to any State or local public agency or to any private non-profit organization, or to any such agency or organization applying jointly, or to any such agency or organization applying with a private employer, upon application to the Secretary at such time, in such manner, and containing or accompanied

by such information as the Secretary deems necessary. Such application shall—

"(1) provide that the programs and projects for which assistance under this title is sought will be administered by, or under the supervision of, the applicant and set forth assurances that the applicant is qualified to administer or supervise such programs or projects;

"(2) set forth a program for carrying out the purposes set forth in section 704 and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

"(3) provide for such fiscal control and fund-accounting procedures as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the applicant under this title;

"(4) provide assurances that provision has been made for the maximum participation in the projects for which the application is made of persons with limited English-speaking ability who are unemployed or underemployed and who reside in the area to be served by the project; and

"(5) provide for making an annual report and such other reports as the Secretary may reasonably require and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

"(b) Applications for grants under this title may be approved by the Secretary only if—

"(1) the application meets the requirements set forth in subsection (a); and

"(2) the programs set forth in the application are consistent with criteria established by the Secretary for the purpose of achieving an equitable distribution of assistance under this title within each State, which criteria shall be developed by him on the basis of a consideration of (A) the geographic distribution of persons of limited English-speaking ability who are unemployed or underemployed, (B) the relative need of such persons in different geographic areas within the State for the kind of programs described in section 704, and (C) the relative ability of particular public agencies and private non-profit organizations within the State to carry out those programs.

"(c) Amendments of applications shall, except as the Secretary may otherwise provide, be subject to approval in the same manner as original applications.

#### PAYMENTS AND WITHHOLDING

"SEC. 706. (a) The Secretary shall pay to each applicant which has an application approved under this title an amount equal to the total sum expended by the applicant for the purposes set forth therein.

"(b) Whenever the Secretary, after giving reasonable notice and opportunity for hearing to a grant recipient under this title, finds—

"(1) that the program or project for which such grant was made has been so changed that it no longer complies with the provisions of this title; or

"(2) that in the operation of the program or project there is failure to comply substantially with any such provision;

the Secretary shall notify such recipient of his findings and no further payments may be made to such recipient by the Secretary until he is satisfied that such noncompliance has been, or will promptly be, corrected. The Secretary may authorize the continuance of payments with respect to any projects pursuant to this title which are being carried out by such recipient and which are not involved in the noncompliance.

#### DEFINITIONS

"SEC. 707. As used in this title—

"(1) the term 'persons of limited English-speaking ability' means persons who come

from environments where the dominant language is other than English; and

"(2) the term 'State' means each of the several States and the District of Columbia."

### STUDY OF USES OF SOLID WASTES RESULTING FROM MINING AND PROCESSING OF COAL—AMENDMENT

AMENDMENT NO. 674

Mr. ALLOTT. Mr. President, I am submitting an amendment intended to be proposed by me to S. 3112, a bill that promises to strengthen our national effort on behalf of a better environment. The bill, as introduced by the Senator from West Virginia (Mr. BYRD), requires an investigation and study, including research, into possible uses of solid wastes resulting from mining and processing of coal.

In my opinion, this bill is sound, and incorporates the vital principles of cooperation between the public and the private sectors. My only purpose and concern in amending the bill is to expand its scope in order to bring these vital principles to bear on a wider variety of environmental problems. I am happy to say that Senator BYRD agrees with this observation and has consented to cosponsor this amendment.

S. 3112 requires the Secretary of the Interior to investigate and study possible uses of solid wastes resulting from mining and processing coal. As the bill stands, such investigation and study shall include, but not be limited to two vital matters. First, it shall concern the possible use of such waste as fuel, in manufacturing, industrial or chemical processes, as road building material and as fill material. Second, the study shall consider the possible acquisition of land on which such waste is located through the power of eminent domain and the subsequent use of such land for public purposes.

It is my opinion that S. 3112 should include not only coal but all forms of mining; and it should not limit the Secretary of the Interior to working through the Office of Coal Research. The Department has many experts in other relevant areas, and they should all be used as the Secretary finds necessary.

The amendment I am submitting would also include two other topics of study: the economic recovery of mining wastes and the use of systems and processes which have been developed by private individuals or companies.

I have long been convinced that our environment problem will be solved not by more policemen, but rather by new knowledge. This is especially true if we are to make our environmental concern compatible with the workings of a strong and productive economy. Mining in its many forms is a vital part of our economic life. It is essential that we become more skillful at reducing the environmental hazards from mining.

In a series of environment statements which I delivered in this Chamber a few months ago I stressed the need for new knowledge.

I remain convinced that the great task of public policy regarding the environment is to shape a creative partnership

between government and the private sector. The private sector has great reservoirs of talent and inventiveness and the Government can help elicit this. In this regard, it is the task of creative government to devise incentive mechanisms that will encourage industry to turn its inventive genius, research talents and managerial techniques toward solution of the environmental problems that are directly and indirectly related to industrial processes.

The mining industry in the United States has always been progressive as well as vital. It does have a problem of environmental costs relating to production. This does not make the mining industry unique. Many—indeed most—industries have such costs incidental to their normal operations. As the President has said:

To the extent possible, the price of goods should be made to include the costs of producing and disposing of them without damage to the environment.

It is in all of our interests to avoid unnecessary price rises. To this end, we should welcome any advancements that make it efficient and inexpensive to reduce the monetary costs of avoiding or repairing the environmental damages of all kinds of enterprises. The kinds of study that this bill will encourage will add to the public stock of useful knowledge in this increasingly vital area.

Mr. President, this is why I hope S. 3112 will be amended as I propose, and will become law as part of a growing national drive for a better environment.

Mr. President, I ask that the amendment be printed at this point in the RECORD.

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

The amendment (No. 674) was referred to the Committee on Interior and Insular Affairs, as follows:

AMENDMENT NO. 674

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior shall make a full and complete investigation and study (including necessary research) of methods of utilizing wastes resulting from mining and the processing of minerals and metals recovered.

"Such investigation and study shall include, but not be limited to: (1) the possible use of such waste as fuel, in manufacturing, industrial or chemical processing, as road-building material and as fill material, (2) the possible acquisition of land on which such waste is located through the power of eminent domain and the subsequent use of such land for public purposes, (3) the possible economic recovery of such wastes, and (4) the possible use of systems and processes which have been developed or are being studied by private individuals or companies.

"SEC. 2. The Secretary shall report to Congress not later than one year after the date of enactment of this Act, the results of such investigation and study together with recommendations, as well as those of the affected States (including any necessary legislation), and to uses for, and ways and means of removing, such wastes.

"SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act."

Amend the title so as to read: "A bill to require an investigation and study, including research, into possible uses of solid wastes resulting from mining and the processing of minerals recovered."

FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 675

Mr. GOLDWATER. Mr. President, I submit an amendment, intended to be proposed by me, to H.R. 15628, to amend the Foreign Military Sales Act, and ask unanimous consent to have the amendment printed in the RECORD.

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

The amendment (No. 675) is as follows:

AMENDMENT NO. 675

On page 4, line 25, before "In" insert "(a)". On page 5, between lines 18 and 19, insert a new subsection as follows:

"(b) In order to clarify its purpose to support the declared policies of the President toward Southeast Asia, the Congress hereby extends to the President its high commendation and praise for the recent courageous and timely action which he has taken toward an honorable settlement of the Vietnam conflict. The Congress expressly finds that the limited action across the Cambodian border by the United States Armed Forces has been extremely successful as a means—

"(1) to destroy and remove tremendous amounts of enemy military supplies, and seriously disrupt enemy staging and supply bases, illegally located within Cambodia in violation of that nation's neutral status and territorial integrity as guaranteed in the Geneva Accords of 1954, and

"(2) thereby to advance the President's efforts to achieve an honorable peace through Vietnamization by contributing to the establishment of conditions in which (A) the President can make continued major troop withdrawals from Southeast Asia, and (B) the South Vietnamese forces can maintain speedy progress in assuming full responsibility for protecting the security of the South Vietnamese people and their right to determine their future free of outside interference."

EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970—AMENDMENT

AMENDMENT NO. 676

Mr. MONDALE. Mr. President, on behalf of myself and the Senator from New Jersey (Mr. WILLIAMS), I submit the migrant and seasonal farmworker amendment to S. 3867, the Employment and Training Opportunities Act of 1970.

As a member of the Subcommittee on Employment, Manpower, and Poverty, chaired by the Senator from Wisconsin (Mr. NELSON), and as the chairman of the Migratory Labor Subcommittee, I am particularly aware of the need to develop legislation to help assure that our Nation's manpower programs are meeting the needs of migrant and seasonal farmworkers. The Senator from New Jersey (Mr. WILLIAMS), who for 10 years chaired the Migratory Labor Subcommittee, knows, as well as many of my colleagues, firsthand the need to specifically include

farmworkers in the Nation's manpower programs.

The amendment that I submit today is designed to help guarantee that public service employment and training opportunities reach farmworkers, as well as to provide a focus for a comprehensive analysis of migrant and seasonal farmworker problems and needs.

The Migratory Labor Subcommittee, of which I am chairman, has been conducting a comprehensive investigation of migrant and seasonal farmworker problems during the 91st Congress. From these hearings, it is readily apparent that while the American economic system has worked reasonably well for everyone except the poor, it has abysmally failed the migrant farmworker. In fact, the migrant is practically excluded from the mainstream of our economic system. He is only a limited participant in manpower programs today, and his power to participate in, affect, or improve present manpower development and training programs is severely restricted.

My proposal deals specifically with traditional manpower and economic issues. Migrants have little or no income; their ability to earn is impaired; and their stream of earnings is sporadic and uncertain. More important, however, they lack or are denied the ability to control their income. Unemployment is high, and subemployment and underemployment are pervasive. Their ability to increase their economic power is restricted. Information about jobs is limited and faulty; skill, ability, educational, and motivational levels are low. The demand for their services in agriculture is diminishing due to developing technology and mechanization. Benefits of government programs designed to raise income and make it more certain now, and in the future, are limited or denied. Instead of controlling the economic system, the system controls them.

It is, therefore, not surprising that residents of rural areas lag far behind those in cities in employment, income, schooling, housing, and health care. The unemployment rate of agricultural workers was 6.5 percent in 1966, compared with an unemployment rate of 3.4 percent for workers in other industries. Farmworkers had a median yearly income of less than \$1,000 in 1968, compared with city income of close to \$7,000. Farmworkers had an average of 6.9 years of schooling in 1968, compared with 12.2 years for all men workers. The data on rural health is in like vein.

The causes of this tenuous economic position of farmworkers must be probed, and their exclusion from manpower programs to date must be corrected. There is a great need to carefully assess in detail the extent and nature of this situation and to arrive at solutions. When we know the specific causes and the scope of the economic and manpower problems of migratory farmworkers, we can better suggest remedies for improving the situation. With more complete knowledge and understanding we can hope to guarantee to migrant and seasonal farmworkers the individual sovereignty in our economy to which they are entitled.

The amendment that I submit today

will provide an opportunity for migrant and seasonal farmworkers to obtain their fair share of our Nation's efforts to permit and encourage the maximum development of our human resources. For a variety of reasons including their economic and political powerlessness, farmworkers have been excluded, explicitly or implicitly, from major social and worker benefit programs, and my amendment should lead the way toward correcting this injustice. It also provides for a national council to focus manpower programs on farmworkers, as well as requiring a yearly comprehensive evaluation of the causes and possible remedies of the economic and manpower problems of farmworkers. To accomplish the evaluation, a national advisory council composed of representatives from the agricultural industry, farmworkers, experts in the fields of rural health, education, and housing, and State and Federal officials is established.

The Council is directed to investigate various aspects of migrant work and develop demographic information with which to accurately describe this class of worker, including an analysis of who are migrant workers, and what constitutes migrancy. Also, data indicative of past and projected future trends in the size and demographic composition and comparative employment and earnings data of this group will be sought. The effect of the open border policy between Mexico and the United States on farmworker economic and manpower problems will also be studied.

The Council will also identify, collect, and appraise specific information, unfortunately not yet available, necessary to effectively and comprehensively analyze the migratory farm labor market. Level and variability of earnings and hours of work, nature and location of agricultural and nonagricultural jobs, other sources of income, as well as specific unemployment, underemployment, and subemployment data, and employment patterns of migratory farmworkers are included within the scope of the Council's responsibilities.

But, Mr. President, an analysis of farmworker economic and manpower problems that consists only of a theoretical overview of the migrant's plight in relation to our economy generally, and a collection of relevant demographic data and specification of areas where data are sorely needed is not enough. Neither is a description of the so readily apparent manifestations of existent economic and manpower problems sufficient, for it is necessarily incomplete without an effort to define what the causes of farmworker economic condition might be. It is the intention of my proposal to set in motion the processes which might once and for all define what is required to bring migrancy to an end.

And finally, Mr. President, the need for directing the kind of study proposed by my amendment, in view of the severe hardships, such as unemployment, high costs, and wasteful misuse of manpower resources, is that it was conclusively shown at the Migratory Labor Subcommittee hearings in April 1970 that no such effort is yet being made by any governmental or private unit. An annual

study authorized by my amendment will no doubt be valuable for the work of the Congress, as well as the public and private sector, in finding answers to the problems of seasonal unemployment in the construction industry.

Mr. President, if anything is indicative of farmworker manpower and economic problems, it is that no serious consideration has been given to a sophisticated analysis of the causes of their continued powerlessness. This explains, at least in part, why this Nation appears to have no overall economic or manpower policy to effect change in the economic condition of migrants.

Only by attempting to pinpoint and define the causes can we work toward solution of the problem. Perhaps one benefit of our effort will be to stimulate public and private resources to assign priorities to one or more causes, in order that this Nation can proclaim and implement a commitment to incorporating migrants into the mainstream of the American economic life.

It is for this reason that I submit this amendment. I think it is imperative that farmworkers, who have so long been excluded from this Nation's social and worker benefit programs, be guaranteed the employment and training opportunities provided by this important legislation. I think it is urgent that a national council be established, and that an annual study of this nature be made.

Mr. President, I ask unanimous consent that a copy of my amendment be printed in the RECORD at the close of my remarks.

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

The amendment (No. 676) was referred to the Committee on Labor and Public Welfare, as follows:

#### AMENDMENT NO. 676

At the end thereof add the following:

#### TITLE VII—MIGRANT AND SEASONAL FARMWORKER MANPOWER SERVICES

##### STATEMENT OF FINDINGS AND PURPOSE

Sec. 701. The Congress finds and declares that—

(1) chronic seasonal unemployment, underemployment, and subemployment in the agricultural industry substantially affected by recent advances in technology and mechanization, constitutes a substantial portion of the Nation's rural manpower problem, and substantially affect the entire National economy;

(2) this severe employment pattern has led to below poverty level family incomes, with resulting hardships and adverse effects on the health, education, and welfare of families and particularly of children;

(3) much of the migrant and seasonal farmwork force is untrained, unaccustomed to, and ill-equipped for, the requirements of steady, gainful employment;

(4) there is a compelling need for the modification and adaptation of manpower training and employment programs that have heretofore not included migrant and seasonal farmworkers within their scope;

(5) because of the special nature of certain farmworker manpower problems, particularly those which are interstate in nature, such programs can best be administered at the National level.

#### ESTABLISHMENT OF AN OFFICE OF MIGRANT AND SEASONAL FARMWORKER MANPOWER SERVICES

Sec. 702. There is hereby established in the Department of Labor an Office of Migrant and Seasonal Farmworker Manpower Services which, under the direction of the Secretary of Labor, shall have responsibility for administering the Migrant and Seasonal Farmworker Manpower Services Program authorized by this title.

#### ELIGIBLE ACTIVITIES

Sec. 703. The programs and activities for which funds under this title may be expended shall include but not be limited to the programs and activities authorized under other titles of this Act, and such other programs and activities as the Secretary deems necessary to carry out the purposes of this title.

#### MIGRANT AND SEASONAL FARMWORKER MANPOWER NATIONAL ADVISORY COUNCIL

Sec. 704. (a) The Secretary shall appoint a Migrant and Seasonal Farmworker Manpower National Advisory Council which shall consist of—

(1) four individuals, appointed from private life, to represent the farmer who shall be individuals actively engaged in, and whose livelihoods are dependent upon agriculture, and who employ labor in connection therewith;

(2) four individuals, appointed from private life, to represent the migratory agricultural workers;

(3) four individuals, appointed from private life, who shall have a demonstrated interest in and knowledge of the problems relating to agricultural labor, including the problems of the seasonal agricultural worker, his employer, and the community;

(4) four individuals, appointed from private life, who are or have been actively engaged in activities aimed at determining and solving the health, education, housing and welfare problems of the agriculture worker and his family; and

(5) three individuals who have had experience as State officials and who are knowledgeable of the problems relating to agricultural labor.

(6) The Secretary of Labor, the Secretary of Agriculture, the Secretary of Health, Education, and Welfare, the Secretary of the Interior, the Secretary of Housing and Urban Development, and the Director of the Office of Economic Opportunity shall be non-voting members of the Council, and are authorized to use, in connection with the Council's work, whatever technical and support personnel from their agencies as they deem necessary.

(b) From the members appointed to such Council, the Secretary shall designate a Chairman and a Vice-Chairman. Such Council shall hold not less than twelve meetings during each calendar year. The appointed members of the Council shall be paid compensation at a rate not to exceed the per diem equivalent of GS-18 while engaged in the work of the Council, including travel time and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem when actually employed basis.

#### DUTIES OF COUNCIL

Sec. 705(a) Such Council or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary concerning problems and policies relating to employment and manpower and to the carrying out of his duties under this title.

(b) For the purposes of assessing and meeting migrant and seasonal farmworkers' manpower needs, developing necessary resources, and involving local citizens in the development and implementation of manpower programs authorized by this Act, the

Secretary must be satisfied, upon the basis of evidence supplied by each applicant, and evaluated and approved by the Council, that persons broadly representative of all elements of the population to be served have been given an opportunity to participate in the development of such programs, and will be given an opportunity to participate in the implementation of such programs.

## ANNUAL REPORT

SEC. 706. (a) It shall be the duty of the Council to advise the President, the Secretary, and the Congress, with respect to (1) the operation of Federal, State, and local laws, regulations, programs, and policies relating to any and all aspects of agricultural labor; and (2) any and all other matters relating to agricultural labor.

(b) It shall also be the duty of the Council to consider, analyze, and evaluate the problems relating to agricultural labor with a view to devising plans and making recommendations for the establishment of policies and programs designed to meet such problems effectively. In carrying out such duty, the Council shall consider, among others, the following matters:

(1) the effect of existing laws, regulations, programs, and policies on the various problems relating to agricultural labor, including the problems of the migratory agricultural workers, his employer, and the local area in which he is employed;

(2) the effect of the open border policy between Mexico and the United States upon such problems as: (a) the labor supply; (b) the living and working conditions in border areas; (c) the need for American residents along the border to migrate north in search of better paying jobs; and, (d) the entire National farm labor and rural economy;

(3) the extent that adequate labor market information: (a) improves or limits farmworkers' opportunities to find jobs and to increase earnings; (b) alleviates the problems of underemployment and unemployment; and, (c) provides the means for improving coordination of Federal, state, county and local public and private policies and programs relating to agricultural labor;

(4) the need for more effective programs for the recruitment, transportation, housing, and full employment, on and off season, of the farm work force;

(5) the provision of a non-profit manpower corporation and other ways to help regularize the employment of hired farmworkers, particularly seasonal farmworkers, including the provision of employment opportunities in rural areas that complement the seasonal job demands of agriculture;

(6) the development of a comprehensive manpower program to train and develop workers for increased mechanization of farm jobs, for non-farm jobs in rural areas, and, for meeting urban job opportunities;

(7) the future demand for farmwork including an accurate appraisal of the changing levels of demands and requirements for employees, particularly in the face of increasing impact of mechanization;

(8) the relationship of such factors as poor worker ability, employer attitudes, low skill levels, and inadequate educational levels to the entire manpower problem;

(9) the effect of farmworkers' substantial exclusion from major social and worker benefit programs enacted into law;

(10) the means to familiarize farmworkers with program benefits, or basic civil rights, such as voting, that might be available to help them participate in the American economic mainstream;

(11) the policies that have been developed, and efforts made to implement, or that must be made to implement those policies by the government, in the area of rural to urban migration and relocation and resettlement programs;

(12) the effect of the exclusion of farmworkers from legislation protecting the right to organize and encourage collective bargaining; and,

(13) the relationship to the institution of migrancy, and those factors which cause it, to overall poverty in this country.

(c) The Council shall study, investigate, conduct research, and prepare a report containing its findings and recommendations, and shall transmit such report to the Secretary and the President no later than August 1, and to the Congress no later than October 1, of each year.

## SECOND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR ENDING JUNE 30, 1970—AMENDMENTS

AMENDMENTS NOS. 677 AND 678

Mr. MONDALE. Mr. President, as the national unemployment rate continues to climb, employment opportunities for youth become more and more scarce. The situation this summer promises to be particularly serious, with responsible predictions of hundreds of thousands of unemployed students. In view of the crisis in the lack of summer jobs for students, I am submitting two amendments intended to be proposed by me to the second supplemental bill of 1970 to increase funding of the summer components of the college work-study program and of the vocational education work study program by \$20 and \$10 million respectively.

The unemployment rate among college-aged youth in April was 10 percent, a 25-percent increase over the 7.5 percent unemployed last year at the same time. With students looking for summer work, the unemployment rate in their age group will probably go up to 11.5 percent, meaning over one million college-aged youth seeking but not finding the work often essential to their ability to return to college in the fall.

Increasing the appropriations to the college work-study and vocational education work-study programs will help to alleviate the plight of these students. Both programs have substantial summer employment components. Under the former, colleges pay students directly to work for them or to work for a public or private nonprofit institution in the community. During the school year, students may only work 15 hours per week, but during vacation periods, the program has been set up to give the students full-time employment. The \$20 million for this program would go directly to the colleges and universities participating in the program, and could provide up to 30,000 jobs.

The \$10 million for the vocational education work-study program would be given to the State vocational education institutions responsible for the State program, and would provide summer employment for youths participating in a vocational education program. Most of these youth would be high school age. This amount could fund well upward of 15,000 jobs.

Every effort must be made to employ our youth this summer, and the passage of these supplemental appropriations

would be two more steps in the right direction. But more can and must be done, even at this late date. I am cosponsoring the amendment of the Senator from New York (Mr. JAVITS), increasing appropriations for the Neighborhood Youth Corps summer employment program by \$100 million, and I will shortly introduce a bill to establish a Senate student intern employment program enabling Senators to hire students for work on projects which will have both educational relevance and public service value.

These are the efforts that we in the legislative branch can make to soften this crisis. We must also call upon the executive branch to redouble its efforts and the scale of its already significant programs to hire youth in the summer. The President can do much to increase such hiring by the executive agencies. The largest potential employer, as always, is the business sector, and I call upon the business community to join in this effort to find meaningful summer employment for college students seeking to finance their education and to gain experience in business, industry, and public service.

The PRESIDING OFFICER (Mr. SCHWEIKER). The amendments will be received, and printed and appropriately referred.

The amendments (Nos. 677 and 678) were referred to the Committee on Appropriations.

## ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 648

Mr. HARTKE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from California (Mr. CRANSTON), the Senator from Michigan (Mr. HART), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PELL), and the Senator from Ohio (Mr. YOUNG) be added as cosponsors of amendment No. 648 to H.R. 15628, a bill to amend the Foreign Military Sales Act.

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

## COMPREHENSIVE HIGHWAY HEARINGS WILL BEGIN JUNE 9—SENATOR RANDOLPH OUTLINES AREAS OF CONSIDERATION

Mr. RANDOLPH. Mr. President, the Subcommittee on Roads of the Committee on Public Works has scheduled 2 weeks of general highway hearings to gather information on which to base new highway legislation.

These hearings will be conducted June 9 through 12 and July 13 through 16. We anticipate receiving testimony from individuals and organizations with a wide range of experience and varying viewpoints.

The major goal of these hearings will be to reassert the concept of highways as a means by which other broader public objectives can be achieved. We shall discuss numerous aspects of the subject, but we must keep in mind the philosophy

that highways, like so many other facilities of our country, cannot be considered in isolation but must be viewed in terms of their place in our total national life.

The Interstate Highway System, the Nation's primary roadbuilding concern for the past 14 years, is now 70-percent complete. The next few years will be important, not only with respect to completing that System but also in regard to initiating a new highway program that, with the Interstates, will have a profound effect on national transportation patterns for the remainder of the 20th century.

For these reasons, the Subcommittee on Roads is beginning to explore thoroughly the numerous aspects of current and anticipated highway requirements in the United States. We will evaluate a number of newly developed facets of roadbuilding, including social, environment, and political concerns, as well as the physical process of construction. In some instances we will examine entirely new areas, and in others we will look at problems with which we have had only modest experience in recent years.

The subcommittee has received from the Department of Transportation a stewardship report on the administration of the Federal aid highway program. In addition, there has been follow-up correspondence to seek clarification of some points in that report.

As mentioned, one of the major tasks remaining unfilled is completion of the Interstate System. The Highway Act of 1968 increased authorization for the system to its present level of \$50.6 billion in Federal participation. The most recent estimate by the Department of Transportation, however, places the total cost at \$69.870 billion, including \$62.5 billion in Federal aid.

Obviously, a review of the Interstate expenditure and appropriations authorization is a priority matter for the subcommittee and the full committee this year. In correspondence with our committee, Secretary John A. Volpe has indicated that the cost estimate could be reduced approximately \$4 billion by the elimination of certain proposed routes or segments of routes from the Interstate System.

In all but one case, these routes are in heavily populated urban areas where there has been considerable controversy over the construction of freeways.

I have requested that Secretary Volpe contact the Governors and mayors concerned to ascertain their views as to the desirability of removing these high-cost, troublesome routes from the designated Interstate System. We must remember that it is the responsibility of the States to decide, with Federal concurrence, where to build these highways. It is the responsibility of the States to recommend their deletion or omission from the system if they are not wanted.

I would expect that Secretary Volpe will have information available to present to us on these matters when he testifies before the subcommittee in July.

Relevant to the cost of the Interstate System, or any future highway program, are the social and environmental costs

which we now recognize are integral parts of our roadway planning.

The 1968 Highway Act mandated the strictest environmental and social considerations in the history of highway construction. Experience since then shows that further refinement is necessary. The Congress, I believe, must be specific in declaring what it expects to be done in this area and provide guidelines as to procedure for doing it.

Urgently needed is a more precisely prescribed list of environmental factors, particularly since there is no known way to place a cost figure on some of them. The Congress should make it clear in law that the environmental factors it places on the list must be considered and that the cost of dealing with them will be included as a cost of building the highway.

To gain maximum utilization of the highway dollar, there should be increased emphasis on the use of roadways for mass transit purposes. In such a context, this means buses. As a move in this direction, I have introduced a bill, S. 3293, that would allow use of money from the Highway Trust Fund to support the development of such transportation systems, hopefully reducing the pressure for building more and more very expensive highways in urban areas. Hearings have already been held on this proposal, but I know that our witnesses will want to further discuss the whole range of problems relating to highways and mass transit.

The highway trust fund, the financing mechanism for Federal participation in highway programs, is due to expire in 1972. Numerous suggestions have been made as to the future of this fund that has provided a convenient, reliable, and efficient method of meeting highway commitments. I am sure that the subcommittee will evaluate the trust fund's performance and future in considering any new highway program.

I cannot conceive, however, of any substantial changes in the trust fund at this time or in the near future. The Congress is obligated to continue support of the Interstate program on the 90-10 matching ratio that was established in 1956 until the Interstate System is completed as authorized.

I favor a thorough review of Federal aid and the setting of a single matching ratio for all types of highways. But my view at this time is that the trust fund is too important and too successful to be abandoned.

State highway officials, through their nationwide organization, estimate that the national highway needs for the next 15 years will cost \$320 billion. Financing provided through the highway trust fund must be available if we are to meet even a portion of this gigantic need.

While the highway trust fund does not fall within the jurisdiction of the Committee on Public Works, we must consider it in planning highway programs.

In recent years, I have become convinced that highway planning can no longer be carried forward without considering its relationship to other factors in the development of communities and States. Just as we now give weight to

environmental considerations, so must we broaden the total planning concept.

The experience of the past 5 years with the Appalachian Regional Development Act has shown that States have the capacity for comprehensive economic and social planning and should use it more extensively.

The planning lessons learned from the Appalachian program could help make transportation a more effective tool in achieving community goals.

One possible means to achieve this would be to tie the future highway construction program in with a planning process that would require each State to devise its own master plan for development. Such plan would consider economic, social, and environmental improvement of the State.

We expect a number of witnesses to address the question of State development planning and I hope that a number of alternative approaches are suggested for our consideration.

Citizen concern with highway decisions that affect them has grown rapidly and was recognized in the 1968 act. Public involvement in highway decisions should be refined, and there should be assurances that citizen suggestions are given the attention and weight they deserve. Placing hearing responsibility with a development board instead of the State highway agency perhaps would help provide greater assurance and possibly would place more responsibility on the Governor for decisionmaking in these matters.

I am also greatly concerned about what appears to be an excessive number of uncoordinated reviews of highway plans at the Federal level. While I understand that we are striving to reach the ideal in highway construction, I am confident that a more rational review procedure can be established. Present procedures are causing undue delays in beginning construction. A result is that projects are delayed, costs rise, and public frustration increases. This is another area that the subcommittee will examine during the hearings.

I have discussed some of the major considerations affecting highways that the Subcommittee on Roads will explore with witnesses during the hearings this month and in July; namely, completion of Interstate System, the highway trust fund, environmental and social factors, mass transit, highway planning, citizen involvement in highway decisions and review procedures.

This does not mean, however, that the door will be closed. We shall not discuss other topics at the hearings. To the contrary, I expect testimony on such other highway-related topics of equal employment training programs, housing, relocation, highway-railroad grade crossings, bridge replacement, urban freeways, highway beautification, the effect of highways on population patterns and the expectation of future demands on motor vehicles.

It is my intention to defer the introduction of highway legislation until the completion of these hearings. For this reason, I hope witnesses will have the widest possible latitude to share with us

their thoughts and suggestions on any subject that concerns highways.

Only in this manner can the subcommittee and the full committee gain the information that it must have on producing the kind of legislation we must have for the years ahead—years of change and challenge.

#### ANNOUNCEMENT OF HEARINGS ON VETERANS' BILLS

Mr. CRANSTON. Mr. President, for the information of Senators, I announce that on June 9 hearings will be held on the following five bills: S. 3656, the proposed Veterans' Housing Loan Amendments Act of 1970, a bill to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans for mobile homes if used as permanent dwellings, to authorize the Administrator to pay certain closing costs for, and interest on, certain guaranteed and direct loans made under such chapter, to remove the time limitation on the use of entitlement to benefits under such chapter and to restore such entitlements which have lapsed prior to use or expiration, to eliminate the guaranteed and direct loan fee collected under such chapter, and for other purposes; S. 3657, the proposed Veterans Educational Assistance Allowance Advance and Work-Study Program Act of 1970, a bill to amend chapter 34 of title 38, United States Code, to authorize advance educational assistance allowance payments to eligible veterans at the beginning of any school year to assist such veterans in meeting educational and living expenses during the first 2 months of school, and to establish a veterans' work-study program through cancellation of such advance payment repayment obligations under certain circumstances; 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; S. 3683, and an amendment thereto, the proposed Vietnam Veterans Assistance Act of 1970, a bill to amend title 38, 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; to remove time limitations on the duration of eligibility of veterans for guaranteed or direct loans, and for other purposes.

I introduced S. 3656 and S. 3657 on March 31, S. 3683 on April 7—on behalf of the Veterans' Administration—and on June 2, S. 3907 and the amendment to S. 3683—also on behalf of the Veterans' Administration.

The hearings will begin at 9 a.m., in the New Senate Office Building, with the Administrator of Veterans' Affairs as the first witness.

#### ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore (Mr. EAGLETON) announced that on today, June 3, 1970, he signed the enrolled bill (S. 3339) to authorize the Public Printer to fix the subscription price of the daily CONGRESSIONAL RECORD, which had previously been signed by the Speaker of the House of Representatives.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 3, 1970, he presented to the President of the United States the enrolled bill (S. 3339) to authorize the Public Printer to fix the price of the daily CONGRESSIONAL RECORD.

#### SENATOR HATFIELD

Mr. JAVITS. Mr. President, yesterday a number of Senators rose in the Chamber and stated their judgment of the character and intentions of the Senator from Oregon (Mr. HATFIELD). At that time, I was unaware of their statements and did not have the opportunity to join them and, in fact, had no knowledge of the particular circumstances involved.

I have since had an opportunity to read into the matter, and wish to associate myself with the statement of my colleague from New York (Mr. GOODELL)—who said he had written me about it, but the letter never caught up with me—and other Senators, as reported in the press, who affirmed their feeling with respect to the integrity and high character and standing of MARK HATFIELD of Oregon. I feel exactly as they do, and wish to associate myself with them.

I ask unanimous consent to have printed in the RECORD an article entitled, "Hatfield Absolved of Franking Misuse by a United Senate," published in today's New York Times.

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

#### HATFIELD ABSOLVED OF FRANKING MISUSE BY A UNITED SENATE

WASHINGTON, June 2.—Members of the Senate—Republicans and Democrats, hawks and doves—rallied today around Senator Mark O. Hatfield, Republican of Oregon, in a rare display of unity.

They absolved him of all guilt and complicity in the use of \$2,175 in free mail privileges.

Senator Charles E. Goodell, Republican of New York, said "his heart is as far from fraud as heaven from earth."

Senator Hatfield's troubles started when he became a major sponsor of an amendment to withdraw all United States troops from Southeast Asia by June 30, 1971.

He and co-sponsors of the amendment were flooded with mail. They decided to write a form reply and to use Senator Hatfield's Frank on the mail, enabling the letters to be sent without cost.

To help with the mailing, Mr. Hatfield's office used volunteers, described by Senator Goodell as "zealous, committed, idealistic."

The volunteers, however, also stuffed the envelopes with a plea for money to back the antiwar amendment. It was signed by Sam Browne and David Hawk, leader of the war protest movement.

When Senator Carl Curtis, Republican of Nebraska, brought the mailing to public attention, Senator Hatfield asked the Rules Committee to make a ruling. The committee held that the frank had been illegal use, and Senator Hatfield paid \$2,175.

Today, Senator Goodell came to the floor in Senator Hatfield's defense. Senator Goodell said the plea for money had been included without Senator Hatfield's knowledge and "as soon as it came to his attention, he stopped it."

The Senate Republican leader Hugh Scott, was so anxious to join in he did not even wait for Senator Goodell to finish his speech.

"His total probity and keen sense of what is right and proper is well-known," Senator Scott said.

The assistant Republican leader, Senator Robert P. Griffin, said "I know of no man in the Senate who is more able, a greater man of principle, a greater man of integrity."

Senator J. W. Fulbright, Democrat of Arkansas; Harold Hughes, Democrat of Iowa; Thomas F. Eagleton, Democrat of Missouri, and Stephen M. Young, Democrat of Ohio, agreed.

Senator Goodell summed it up by saying, "What happened could have happened to any of us."

#### NEWARK, N.J., GRAND JURY REPORT AND TITLE I OF S. 30, THE "ORGANIZED CRIME CONTROL ACT OF 1969"

Mr. McCLELLAN. Mr. President, on January 23, 1970, the Senate passed S. 30, the "Organized Crime Control Act of 1969." Title I of S. 30 strengthens the powers of Federal grand juries in the investigation of organized crime. Increased terms for grand juries are authorized, so that there will be time available to deal with the complexity of organized crime investigations. Provision is also made for grand jury reports on organized crime conditions, on governmental misconduct, and to make legislative or executive recommendations.

Mr. President, the passage of this act by the Senate constituted a legislative recognition that a powerful and dangerous organized crime conspiracy is operating in our country. It also underlined the stark fact that ordinary measures are not adequate to handle so widespread and so powerful a conspiracy as the Mafia and that if we are to be successful in this attempt to turn the tide of lawlessness, it will be necessary to enlist the aid and support of the community. In this connection, the new grand jury reporting power of title I of S. 30 should play an important role.

Mr. President, a recent use of a reporting procedure similar to that envisioned by title I occurred in the State of New Jersey. There, a grand jury was established to look into the enforcement of the State's gambling laws in the city of Newark. The grand jury returned no indictments, but did issue a report criticizing Newark Mayor Hugh Addonizio for evident sympathy with and tolerance of widespread gambling in that city. In addition, the grand jury called upon him to dismiss Newark Police Director Dominick Spina. Following its issuance, Mayor Addonizio sought, through judicial proceed-

ings, to have all references to him removed from the grand jury report. The law division of the Essex County Superior Court, however, denied his request. Adonizio appealed this decision to the appellate division of the Superior Court of New Jersey, and there, in an opinion handed down April 23 of this year, Judge Victor S. Kilkenny upheld the decision of the lower court.

Judge Kilkenny stated in his opinion that—

[O]ur Supreme Court has never doubted the power of a grand jury to make a presentment of matters of public concern unaccompanied by indictments. . . . The contents of presentments have been challenged on motions to expunge them or parts of them. But, the Supreme Court decisions have never questioned the grand jury's function in this regard.

Judge Kilkenny further noted that—

A grand jury, by means of a presentment, may call to the attention of the public conditions within the County which ought to be remedied.

The judge did note, however, that the presentment was not to be a substitute for an indictment. The grand jury, the judge indicated, is obligated to indict, if the evidence suggests that that would be the proper action to take. He also observed:

The condition requiring public attention, and noted in the instant presentment, was the widespread existence of gambling activities in the city of Newark and the lack of adequate law enforcement to stamp out this evil. . . . Censure of the Mayor for his public minimizing of violation of the gambling laws did not exceed the permissible censure of a public official as permitted in a presentment.

Mr. President, this State grand jury's action in censuring Mayor Adonizio, now upheld as proper by the New Jersey courts, is precisely the type of action contemplated by title I of S. 30. These reports, issued on a State or Federal level, without doubt, significantly increase public awareness of organized criminal activity in the community. State reports fit well, too, with the suggestion of the final report of the Kefauver Committee on Organized Crime in 1951. Americans should not rely, the committee concluded, solely upon the Central Government to control racketeering and organized crime, but should rather use local grand juries to attack the conditions in their own communities. The courage of this State grand jury in speaking out against crime and the conditions that led to it, therefore, is to be commended.

Mr. President, I recognize that objections were raised here in the Senate, and are being raised in the House, that public officials criticized by these reports will have been held up to public defamation by possibly false accusations carrying the weight of official findings, but made after an unfair, one-sided proceeding and that such individuals will be unable to reply effectively to such allegations. I suggest, however, that this fear for the safety of the individual, and this specter of an inquisition, cannot be justified in light of the careful safeguards incorporated in title I, safeguards, I note, that are in addition to those found in the New Jersey practice, which was sustained against these same sort of objections by Judge Kilkenny's decision.

Where grand jury reports under title I of S. 30 are critical of identified public officials, elaborate protections are afforded, including notice, opportunity to present evidence and judicial review prior to publication of the report. It is to be emphasized that reports on private individuals, possible under New Jersey law, will not be permitted under title I. To place these reports in a proper context, I note, too, that individuals appearing before the Civil Rights Commission, whose hearing and report writing power have remained largely unattacked by those who now attack title I, are not protected to an extent comparable to the protection afforded individuals under title I of S. 30. My point is that when the Senate has passed title I of S. 30, a measure designed to strengthen the ability of the forces of law and justice to deal with the frightening menace of the Mafia to our society, we wrote into the measure protections for the individual, which were neglected in the drafting and passage of the Civil Rights Act of 1957, a measure explicitly designed to protect civil rights. It is hardly consistent, I suggest, for those who supported the Civil Rights Act in 1957 to oppose now title I.

Mr. President, we are dealing with criminality on a scale that literally staggers the imagination. The cost to our society of this combine of brains, terror, business and bloodshed runs into the billions—yes, billions—of dollars each year. The Mafia has in several areas invaded the political arena and promises to expand rather than decrease this beachhead against the American public. Thus, through its great wealth, the Mafia can corrupt those public officials charged with the enforcement of the law and exist unchallenged and free of restraint to corrupt other officials, to terrorize more victims, and, increasingly, to fortify itself beyond the reach of law.

Mr. President, there is another little-appreciated effect of the Mafia on our deprived young people, especially in our great urban areas, which Congressman PORR pointed out in the House only a few days ago. The Congressman from Virginia noted that there is the natural desire on the part of the young people to emulate success, but the tragedy in these circumstances is that the most successful person whom the poor urban youth, particularly the youth of minority race or ethnic background, is likely to know will be a Mafia underling—the well-dressed pushers, pimps, and numbers runners who drive shiny new cars. The message to these young people is all too clear—crime is profitable, criminality is a successful way of life. The message and its promise of the material things offered by a career of crime provide the Mafia with willing ranks of volunteer young people. It is this corruption of our youth that may be, in the long run, the most costly aspect of the Mafia's ominous threat to our country.

Mr. President, the provisions of title I are designed to expose and help control the syndicate and its influence on our society and our daily lives. The magnitude of the Mafia's menace to our country and its institutions makes it imperative that our citizens become aware of

that menace through participation and reports of grand juries as in the Adonizio case in New Jersey. I would hope that the House Judiciary Committee will move expeditiously to afford Federal grand juries the powers they need to help in this war on crime.

Mr. President, I ask unanimous consent to have the full text of the New Jersey grand jury report and of the opinion of Judge Kilkenny printed in the RECORD at this point.

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

EXHIBIT I

PRESENTMENT OF ESSEX COUNTY GRAND JURY OF JANUARY 9, 1969

TO HONORABLE JAMES R. GIULIANO, Assignment Judge, Superior Court of New Jersey, in the County of Essex

On May 27, 1968, the 15th Grand Jury of the 1967 term was empaneled and charged. In the charge to this Jury it was made clear that one of the Jury's duties would be to determine from the evidence presented whether there has been a breakdown in the enforcement of gambling laws and specifically to inquire into the reasons for disbanding of the Special Gambling Squad established in Newark in February 1968 and disbanded in April of the same year. This jury was also charged with the responsibility for determining whether recommendations of an Essex County Grand Jury made in November 1965 with respect to enforcement of the gambling laws had been complied with by the Newark Police Department. We were further instructed that "there can be no compromise with crime or criminals. All of us charged with the administration of the law in this County must be vigilant to eradicate crime. Complacency of the community and those charged with the administration of the criminal law therein is not to be tolerated. Fair and impartial enforcement of all criminals is the keystone of preservation of order and decency. Of utmost importance, in the scheme of law enforcement, is the strenuous and vigilant enforcement of the gambling laws." For as the courts of this State have often said and as we do find, "The gambling racket is an ancient foe of society. It bilks the weak, it wrecks homes and destroys men. It spawns embezzlement, larceny, and crimes of violence. It corrupts officialdom. It is reputed to be allied with other illegal traffic. The 'easy' money it yields doubtless finds its way under cover into legitimate fields, there to continue its polluting course."

Two prior Grand Juries conducted inquiries into gambling activities in the City of Newark and into the nature and effectiveness of the enforcement of gambling laws by the Newark Police Department. Their conclusions were that gambling indeed existed in the City and further that the illegal traffic in gambling was highly organized. Those juries found the Newark Police Department lacking in organization and ill equipped to wage an effective and vigorous war against organized crime. The most telling finding of both juries was that the Department from the top to the bottom lacked the vigor and desire to effectively enforce the gambling laws. The grand jury made specific recommendations for changes in the Newark Department designed to increase the efficiency and effectiveness of the department's enforcement program. We will address ourselves to those recommendations at another point in this presentment.

Regretfully, we find that the circumstances found to exist by our predecessors with respect to enforcement of the gambling laws still exists. We are compelled to conclude that organized gambling activities in the City of Newark have increased since 1965

to such an extent that organized gambling is open, extensive and insidious, further, those engaged in violations of the gambling laws do so with no apparent fear of being apprehended. There continues to be a lack of vigor on the part of those in the Newark Police Department charged with enforcing the gambling law and this lack of vigor still extends from the top of the department to the bottom.

These findings are not to be taken lightly! This jury has found ample evidence that as organized gambling activities increase so do its by-products of bilking the weak, wrecking homes and destroying men. As it increases, so do crimes of embezzlement, larceny and crimes of violence and result in official corruption. This increase has produced increased profits which have found their way into legitimate business through direct investment and loan shark racket.

The evidence of the enforcement breakdown in Newark is ample and clear. The total number of gambling raids for lottery and bookmaking in 1965 stood at 142. In 1966 that number dropped to 85 and in 1967 to 48. Of the total raids 8 were for bookmaking in 1965, seven in 1966 and only 1 in 1967. The effectiveness of gambling enforcement can also be measured by the amount of play and cash confiscated during raids. In 1965 the entire Newark Police Department confiscated approximately \$8,000.00 in lottery and bookmaking play; in 1966 during the first three months of the year approximately \$9,000.00 and for the remaining nine months approximately \$6,000.00; and in 1967 approximately \$4,000.00. In 1965 the department confiscated approximately \$5,000.00 in cash, in 1966 approximately \$2,000.00 in cash and in 1967 approximately \$1,000.00 in cash.

The following chart shows the typical decline in raids on a precinct basis:

Precinct	1965	1966	1967
1st.....	23	11	7
2d.....	16	18	7
3d.....	19	19	11
4th.....	50	13	17
5th.....	34	13	12

It might be logical to conclude from the startling decline in the above performance figures that there had been a decline of organized gambling activities within the City. However, as we pointed out above, organized gambling activities in the City have clearly increased. Some estimates based upon evidence seized in two raids in the City by agencies other than the Newark Police Department should serve to demonstrate the extensive and organized activities in the City.

One of these raids conducted in early 1966 in the Second Precinct showed that for a lottery operation limited to approximately one quarter of the City the weekly lottery take was \$130,000.00 and was collected by nearly 400 lottery writers. Thus, the yearly take from that operation alone stands at \$6,700,000.00. Expert witnesses testified that this figure projected for the entire City reveals that the yearly lottery take in the City of Newark approaches \$27,000,000.00. It is to be emphasized that these figures involve only lottery and do not include the yearly take and profit from the large bookmaking operations now existing in the City of Newark. Other raids that same year on the same operation by a federal agency confirmed these figures. As a result of these raids it is also clear that widely known organized gambling figures come and go in the City while trafficking in the illicit business of organized gambling. So broad is the license to operate within the City that lottery pick-up men make very little effort to conceal their activities and in one instance a pick-up man was arrested making pick-ups totaling \$7,000.00 in lottery play on a busy corner in the Fourth precinct.

Further, illustrations of the breakdown of law enforcement, as testified to before the Jury, is the attitude displayed by professional gamblers. At a preliminary hearing in court one widely known professional gambler predicted to the arresting officers, members of the Special Gambling Squad, that there would be changes within a week. There were changes within a week. Another professional gambler freely stated that he takes care of the cops every month because somebody has to pay.

On February 29, 1965, the 4th Grand Jury of the 1965 term in their presentment reviewed the 13 recommendations made in a presentment by the 8th Grand Jury of the 1964 term. They commented and made further recommendations pertinent to the non-compliance by the Newark Police Department and the Director of Police with the recommendations made by the 8th Grand Jury of the 1964 term.

From the evidence submitted to this Grand Jury, it appears that the recommendation concerning the need for coordination of intelligence and efforts between investigation groups has not been complied with. An officer in the Intelligence Division testified that any information gathered by his division is submitted to the Director and to the best of his knowledge there is no communication between the Intelligence Division and the Bureau of Investigation. He testified that if the Bureau of Investigation receives any of the information received by the Intelligence Division, it would be submitted to the Intelligence Division by the Director.

It is evident from testimony given that the recommendation pertinent to selection of personnel has not been complied with. This recommendation deals with the selection and transfer of personnel being made solely by the Director, the Commanding Officer of the Division having no voice in the selection of men assigned to him or men transferred from his division. This policy was continued despite the obvious decline in performance by the men of the Investigation Division during 1966 and 1967. The responsibility for laxity and inefficiency of the division rests squarely on the shoulders of the Director and is the result of his neglect and a reflection of his policies toward enforcement of gambling laws.

In 1968, the newly assigned Deputy Chief, of the Bureau of Investigation, testified that within a month after he took command of the Bureau he analyzed the productivity of the Bureau in connection with raids and arrests relating to the enforcement of gambling laws. He testified further that he recommended that 15 to 20 detectives and 5 lieutenants be transferred out of his division. This represented approximately half of the men assigned to him. He testified that his recommendation was made orally and in writing to the director in order to beef up his squad and to more diligently enforce the gambling laws. According to the testimony, no action has been taken on these recommendations.

The observation of this jury is that such inaction on the part of the Director certainly has a demoralizing effect on any high ranking officer held responsible for enforcing law and order in the City of Newark. In contrast to this the one exception that came to our attention where there was outstanding success in the enforcement of the gambling laws was the case of the short-lived Special Gambling Squad where the Deputy Chief was permitted to select capable and dedicated men to work with him in this area of law enforcement. It is evident to this Jury that the recommendations of prior Grand Juries concerning consultation with superior officers prior to individual transfers have not been complied with.

No evidence was given this Grand Jury that the recommendation pertinent to centralization has been complied with. The Mayor testified before this Jury that the

matter of housing, a centralized department, would have to be authorized by the governing body of the City. If this or any other action has been taken to move in this direction, there is no evidence that product action has been taken.

Another recommendation of the prior Grand Juries was that the Director be alert to lax methods, neglect of duty, etc. Testimony was given that the records of the Bureau of Investigation was forwarded to the Director of Police on a regular schedule. It is a matter of record that arrests by the Bureau of Investigation in connection with organized crime and gambling deteriorated from 1965 to the end of 1967. Normal review, by the Director, of reports from the Bureau of Investigation in connection with the enforcement of gambling laws, brought to his attention the laxity and inefficiency in the Investigation Division. Despite this knowledge, no personnel changes were made in the division by the Director. We conclude that tolerance of such performance constitutes neglect of duty.

It is evident to this Jury that the formation of the Special Gambling Squad in February 1968, resulted only because of embarrassing publicity which followed certain public statements dealing with the extent of organized gambling in the City of Newark. It is also evident to us, as it should have been evident to the Administration of the City and to the Director of the Police Department, that the Squad was selected and operated in accordance with recommendations made in 1965 and by Grand Juries of Essex County. This considered, the obvious success of the Special Squad should be sufficient evidence to all concerned that the recommendations made by Grand Juries of this County were indeed sound.

The Special Squad was chosen to perform a function requiring dedication and vigor. The leader of that squad was allowed to select his men according to those requirements. His success in choosing the men and the success of the men chosen by him is evident from even a cursory examination of the results of their efforts. In 26 days the Special Squad, with little previous investigative experience, made 14 raids resulting in the confiscation of approximately \$15,500 of lottery and bookmaking play and in the confiscating of approximately \$16,500 in cash. A simple comparison of these results to the performance of the Investigation Division with an average manpower in excess of 25 men per day, should have led to but one conclusion when considering whether to maintain the Special Gambling Squad.

On April 16, 1968, while the Special Gambling Squad was on a raid, a teletype order was issued by the Director disbanding the Special Gambling Squad. It is further evident from the testimony of the Mayor that the director disbanded the Squad without the agreement of or notification to the Mayor of the City. The summary and impersonal manner in which this effective squad was disbanded, without explanation or personal word to the individuals involved, is, at the very least, an inept and dispiriting personnel policy.

The testimony before this Jury and public utterances reported in the press lead us to conclude that the only reason given for disbandment of the Squad was the need of the Director to assign more patrolmen to street patrol duties. This Jury cannot be satisfied that, in a department consisting of more than 1,300 men the Director was unable to retain 8 of those men in a Squad which experienced such monumental success. Such action is even less understandable in light of the fact that the Squad, in 26 days confiscated more cash than the entire Newark Police Department had in the previous three years and which confiscated more play than the entire police department had in any other of the three preceding years.

It is evident that there has been a break-

down of gambling laws; that the Bureau responsible for the enforcement of these laws has neglected its duty; that the Director is aware of the dereliction of duty and has been negligent because he did not take positive action to see to it that the gambling laws were enforced by the Bureau responsible for such enforcement. There is no evidence that the reasons for disbanding the Special Gambling Squad were valid.

The police department in the City of Newark is sadly lacking in good organization. High ranking officers in the department have testified to a feeling of frustration because they were unable to communicate with the Director to the end that enforcement of the gambling laws could not be accomplished in accordance with their assigned responsibility.

Let it not be said that the laxity and inefficiency of the Newark Police Department in enforcing the gambling laws is the result of public apathy. We have found the public reacts favorably and energetically when they observe a vigorous enforcement program. When the Special Gambling Squad began to make arrests the public flooded the Squad with information. Other agencies are never at a loss for reliable information delivered to them by the public. We must therefore conclude that the lack of public response to the Newark Police Department is the direct result of its laxity and inefficiency.

We reiterate, it is the obligation and sworn duty of public officials as charged, to enforce all the laws regardless of personal feeling. It is utterly reprehensible, in our view, for such officials publicly to make invidious comparisons between legal and illegal gambling in this State.

This Grand Jury, charged with overcoming the complacency of the community and those charged with the administration of its laws, finds the testimony and public utterances of the Mayor of Newark supporting gambling as a way of life and encouraging legalized gambling a contributing cause of his subordinate's laxity in enforcing gambling laws. A public official who decides arbitrarily which laws he will enforce becomes a model for the misguided citizen who decides which laws he will obey.

Therefore, this Grand Jury makes the following recommendations:

1. That since the Director of the Newark Police Department is either incapable or unwilling to perform his duties in such a way as to promote vigorous and effective enforcement of the gambling laws, it is in the best interest of the public that he be removed from the position of Director and that he be replaced by a man capable and willing to perform his sworn duty.

2. That the Special Gambling Squad be reconstituted under the direction of a capable and willing commanding officer who will be allowed to select the men to be assigned to his squad.

3. That the Special Gambling Squad remain active until such time as the Investigation Division has been placed under the direction of a full time commanding officer who is willing and capable to direct a vigorous and effective campaign against organized gambling in the City of Newark.

4. That those men in the Investigation Division who its commanding officers chooses to remove be removed immediately, that they be replaced by men chosen by the commanding officer from a list of qualified personnel and that the commanding officer be given full power to remove men who are not performing satisfactorily.

5. That the Director of the department establish two-way and open communications with the commanding officer of the Investigation Division so that he and other personnel of the Investigation Division are fully aware of the Director's policies in the area of gambling law enforcement.

6. That the Director and commanding officer of the Investigation Division continually review the records and performance of the men assigned to the Division and that they take appropriate action when the men fail to meet performance standards.

7. That the Director institute a system of examinations for promotion to detective and that he provide mechanics for promotion to these ranks and assignment after promotion which include consultation with the commanding officers of the various divisions of the department.

8. That the Legislature examine N.J.S. 2A:135-1 and provide legislation which will clearly define the crime of non-feasance. It should not be required that a public officer have direct or actual knowledge of existing criminal activity in order for a charge of non-feasance to prevail. To this end it is most urgently recommended that N.J.S. 2A:135-1 be amended to clearly provide that gross neglect of duty is criminal non-feasance.

9. That the Legislature examine the present prohibition placed upon the prosecution from taking appeals from directed verdicts of acquittal and provide appropriate mechanics to allow such appeals.

10. It is recommended that the Assignment Judge of this County charge a Grand Jury with the responsibility of examining the performance of the Newark Police Department in the enforcement of gambling laws.

Respectfully submitted,

Foreman.

It is requested that the County Clerk forward copies of this presentment to the following:

1. Governor Richard J. Hughes.
2. Attorney General Arthur J. Sills.
3. Members of the New Jersey Legislature.
4. Mayor Hugh J. Addonizio.
5. Director Dominick A. Spina.
6. All news media with circulation in the County of Essex.

#### EXHIBIT II

SUPERIOR COURT OF NEW JERSEY APPELLATE DIVISION: IN THE MATTER OF THE PRESENTMENT OF THE ESSEX COUNTY GRAND JURY; HUGH J. ADDONIZIO, PETITIONER-APPELLANT

Argued March 9, 1970—Decided April 23, 1970.

Before Judge Kilkenny, Labrecque and Leonard.

On appeal from Superior Court of New Jersey, Law Division, Essex County.

Mr. Bernard Helling argued the cause for appellant (Messrs. Helling, Lindeman & Landau, attorneys; Mr. Edwin H. Stern on the brief).

Mr. Robert L. Podvey, Assistant Prosecutor, argued the cause for respondent (Mr. Joseph P. Lordi, Essex County Prosecutor, attorney).

The opinion of the court was delivered by Kilkenny, P.J.A.D.

Petitioner Mayor of Newark appeals from an order made by Judge Giuliano, Assignment Judge of Essex County, denying his application to expunge from a presentment returned by the Essex County Grand Jury all references therein to the Mayor. He also appeals from the denial of his application to examine all the minutes of this Grand Jury, although he was given permission to examine fully all the minutes relating to him.

We have been advised by the Mayor's attorney that he has received a copy of the Mayor's testimony given on September 17, 1968 before the 15th Essex County Grand Jury of the 1967 term.

The Mayor makes a fundamental challenge as to the propriety of a grand jury making any presentment of the kind herein. We find no merit in this contention. Our present 1947

State Constitution expressly provides for the "presentment or indictment of a grand jury." Article I, paragraph 8. The word "presentment" therein was construed by our Supreme Court to mean "presentments of public affairs as they had been known in New Jersey from earliest Colonial times." *In re Camden County Grand Jury*, 10 N.J. 23, 65 (1952).

Our Supreme Court has never doubted the power of a grand jury to make a presentment of matters of public concern unaccompanied by indictments. Its 1969 Rules contain express provisions regarding presentments. R. 3:6-9. So did the prior rules. R.R. 3:3-9. The contents of presentments have been challenged on motions to expunge them or parts of them. But, the Supreme Court decisions have never questioned the grand jury's function in this regard. For the history of presentments, see *In re Camden County Grand Jury*, *supra*. For some other cases recognizing the right of a grand jury to make presentments, such as that involved herein, see *In re Messano*, 16 N.J. 142 (1954); *In re Monmouth Grand Jury*, 24 N.J. 318 (1957); *In re Presentment of Camden County Grand Jury*, 34 N.J. 378 (1961); *In re Presentment of Essex County Grand Jury*, 46 N.J. 467 (1966).

Despite all this, we are asked by the Mayor to declare it beyond the power of a grand jury to return a presentment of the kind involved herein and to declare unconstitutional the rule of our Supreme Court prescribing the procedure to be followed on the return of a presentment. Even were we free to do so—which we are not—we observe no valid meritorious basis for any such declaration of invalidity.

A grand jury, by means of a presentment, may call to the attention of the public conditions within the county which, in its view, ought to be remedied. All the cases and the rule of court cited above attest thereto. It may not substitute a presentment for an indictment. If the condition complained of and the person or persons involved therein ought properly to be the subject of an indictment, the grand jury's duty is to indict. *In re Messano*, *supra*, 16 N.J. at 147; *In re Monmouth County Grand Jury*, *supra*, 24 N.J. at 323. A grand jury, in presentment, may censure a public official for some non-indictable conduct on his part. R.R. 3:3-9(c), now R. 3:6-9 (Rules of 1969), expressly so provides.

R. 3:6-9 (1969) and its predecessor is simply an expression of the rule of law theretofore recognized by our Supreme Court in the several cases hereinbefore mentioned. It provides, *inter alia*:

(a) Finding. A presentment may be made only upon the concurrence of 12 or more jurors. It may refer to public affairs or conditions, but it may censure a public official only where his association with the deprecated public affairs or conditions is intimately and inescapably a part of them.

The Assignment Judge shall examine the presentment. If it appears that a crime has been committed for which an indictment may be had, he must refer the presentment back to the grand jury with appropriate instructions. If a public official is censured the proof must be conclusive that the condemned matter is inextricably related to non-criminal failure to discharge his public duty.

The condition, requiring public attention and noted in the instant presentment, was the widespread existence of gambling activities in the City of Newark and the lack of adequate law enforcement to stamp out this evil. It noted that a Special Gambling Squad had been set up by the Police Director, had done very effective work for about six weeks and then, for some unknown reason, had been disbanded. It noted that the Mayor had told it that he had not been notified of the disbanding of this special squad and had nothing to do with this ac-

tion. It suggested that the Mayor should seek a dismissal of the Police Director, against whom an indictment for nonfeasance had been returned, which, following a jury trial, had been dismissed by the trial judge for want of sufficient evidence. The reference in the presentment was to a "non-criminal" failure on the Mayor's part to discharge his public duty. The grand jury would have the Mayor bring about the dismissal of the Director of Public Safety.

The presentment criticized the Mayor for a public utterance in which he more or less minimized illegal gambling, in the light of the public recognition of various forms of legal gambling at racetracks and the like. In brief, he played down gambling as a grave evil. It was the grand jury's opinion that such public utterances by the Mayor could have some contributory effect upon a lack of vigorous law enforcement on the local level.

No charge of indictable conduct by the Mayor was made in the presentment. At most, there was criticism and public censure. Many people entertain conflicting views as to gambling. Some see in it no evil, while others entertain an opposite view. The broad prohibition in our State Constitution, forbidding the Legislature from enacting laws authorizing gambling (*Art. IV, Sect. VII, par. 2*), has been modified by amendments to the Constitution, approved at the polls by the people, authorizing gambling at the racetracks, bingo, raffles and boardwalk games of chance. We have presently before our Legislature a proposal to amend the State Constitution further, to convert Atlantic City, which describes itself as "The Playground of America," into the "Las Vegas of the East." The averred purpose is to gain additional State revenue.

Thus, the Mayor's admitted and publicly expressed views on gambling did not involve indictable conduct. The grand jury's expression of opinion as to the potential effect of the Mayor's admitted public utterance on police enforcement of gambling laws was legitimate criticism. There was testimony before the grand jury of illegal gambling of great magnitude in the city. The Mayor is fully aware of those assertions. Censure of the Mayor for his public minimizing of violation of the gambling laws did not exceed the permissible censure of a public official, as permitted in a presentment.

We pause to note that various deletions were made by the Assignment Judge in the language of the presentment, where the language employed was deemed to exceed the bounds of propriety. These deletions safeguarded the Mayor from any adverse inference of personal involvement.

We inquired at oral argument of the Mayor's counsel as to what crime, if any, the Mayor was being charged with in the presentment. He responded: "*N.J.S.A. 2A:135-1*." This statute provides:

"A public officer who willfully refuses or neglects to perform any duty imposed upon him by law, is guilty of a misdemeanor."

When pressed for a specification of what duty imposed by law the Mayor was being charged with having willfully refused or neglected to perform, no specification was presented. In fact, the Mayor's counsel sent us a letter, after oral argument, in which he advised us:

"The Petitioner-Appellant did not claim below and does not claim here that the Presentment charges the Petitioner-Appellant with any indictable offense."

In brief, the response to our inquiry at oral argument should have been simply, "None."

Thus, the facts herein cannot be equated with *In re Messano, supra*, where the presentment charged an indictable offense and was improperly used by reason thereof. Ultimately, upon a remand to the grand jury in that case, a "no bill" was returned.

Here, the criticism was directed toward the Mayor's attitude regarding gambling in the city. But misconduct in office "is not just an attitude. It is an action; or it is non-action with respect to specific incidents." *State v. Jenkins*, 136 N.J.L. 112, 113 (Sup. Ct. 1947). (Emphasis added).

The Mayor argues that the Assignment Judge erroneously denied him a full and adequate examination of the grand jury minutes and a hearing.

The judgment under review granted the Mayor "the opportunity to examine his own testimony before the Fifteenth Essex County Grand Jury of the 1967 Term." This was the grand jury which returned the presentment, after evidence presented to it on the subject of gambling in Newark. Two prior grand juries had conducted inquiries into gambling activities in the city of Newark and into the effectiveness of the enforcement of the gambling laws. Those juries had found the Newark Police Department lacking in organization and ill-equipped to wage an effective and vigorous war against organized crime. The instant grand jury found that the circumstances referred to by its predecessors still existed. It recited a multiplicity of facts in support of its conclusions.

The thrust of the grand jury condemnation was directed toward the Director of the Police Department. It pointed to the Mayor's testimony before it that the Director's disbanding of the Special Gambling Squad was "without the agreement of or notification to the Mayor of the City." In its specific recommendations, no mention was made of the Mayor specifically. The only possible inferential reference was in that part of recommendation 1, wherein the grand jury stated, *inter alia*, "it is in the best interest of the public that he [Director of the Police Department] be removed from the position of Director \* \* \*." There was no recital as to who would do the removing or whether the Mayor had the power, by himself and without more, to remove the director.

We appreciate that R.E. 3:3-9(c), now R. 3:6-9, provides that, if a presentment censure a public official and the Assignment Judge determines not to strike, the censured official "may examine the grand jury minutes fully, under such reasonable supervision as the court deems advisable, and be permitted to introduce additional evidence to expose any deficiency." But here, the Assignment Judge did strike those passages from the presentment deemed by him to be improper or undue public censure, if such it could be called. Moreover, he gave the Mayor the right to examine the minutes so far as they related to the Mayor. Those references were to the Mayor's own testimony and his admitted public utterance, of which he had full knowledge. No valid reason for a roving examination of all the minutes has been demonstrated.

The order under review is in all respects affirmed.

#### SUBSCRIPTION TELEVISION

Mr. HARTKE. Mr. President, as a member of the Communications Subcommittee of the Senate Commerce Committee I have followed closely all new developments in the communications field. CATV, public television, and educational television are just a few of the areas which have grown to provide greater program variety and improved service to the viewing and listening audience.

Now there is another new frontier on the communications horizon—one that has passed the tough tests of administrative procedure and judicial review by the U.S. court of appeals and the Supreme Court itself. It is subscription tel-

evision—or STV as it is popularly called. The Federal Communications Commission has authorized STV and steps are being taken to implement that authorization. Some 90 market areas over the country will ultimately be eligible for this new service under the FCC rules. After more than 20 years of extensive research and on-the-air testing, including 6½ years of an experimental operation in Hartford, Conn., STV is ready for its public.

Nearly 25 bills have been introduced in the House of Representatives which, if enacted, would simply prohibit STV by withdrawing from the Federal Communications Commission authority to authorize such a form of broadcast service. Following the hearings on these proposals, the subcommittee met in executive sessions to determine a course of action.

It is understood the subcommittee rejected all legislative proposals which would ban subscription television and adopted a resolution, to be reported to the full committee, endorsing the FCC rule authorizing subscription under conditions designed to protect the public's vital interest in "free" television, but at the same time requesting the FCC to amend the rule in certain respects to further increase the security of "free" television.

The subcommittee's recommendations and report out a bill which would impose conditions upon subscription television. This bill was never referred to the subcommittee having jurisdiction over communications matters.

Any legislation which would deprive the American people of free choice in the type of programming they want should have a thorough hearing and the most intensive study in order to insure that there is an overriding public interest involved. In the absence of that kind of overriding public interest to the contrary, freedom should prevail in the communications market.

#### U.S. ARMY OFFICERS REPORT ON LOCAL ADMINISTRATIONS INADEQUACIES IN FEDERAL FOOD ASSISTANCE PROGRAMS

Mr. YARBOROUGH. Mr. President, yesterday it was my privilege to hear a fine statement by two young officers in the U.S. Military Academy on the problems of local administration of the food assistance programs currently being funded by the U.S. Government.

This report—which was presented before the Special Committee on Malnutrition and Hunger while it was being presided over by the able Senator from South Dakota (Mr. McGOVERN), who now occupies the chair as the Presiding Officer—was originally commissioned by the President's Council on Urban Affairs. I was most impressed by what appeared to me to be a thorough, conscientious, and thoughtful job of research in the finest tradition of the U.S. Army by these two young officers, Capt. Terrence P. Goggin, and Capt. Walter C. Hendrix, both assistant professors in the U.S. Military Academy. They point out that it will take a minimal amount of money, compared

with the other vast expenditures we make, to end hunger in America.

Mr. President, I ask unanimous consent that the full text of their fine report to the Urban Affairs Council entitled, "Final Report, Food Assistance Programs: A View From the Field," be printed in its entirety at this point in the RECORD.

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

FINAL REPORT, FOOD ASSISTANCE PROGRAMS:  
A VIEW FROM THE FIELD, JANUARY 1970

I. SUMMARY

Origin and basis of the report

The following constitutes the final report of a field study conducted on behalf of the White House Urban Affairs Council during the months of July and August 1969. This study was commissioned to determine how food distribution systems are operated at the state and local level and to identify some of the critical administrative factors which prevent effective food distribution to the poor. To make this determination we visited fifteen counties in four states located in different areas of the country: New York in the East, Mississippi in the South, Missouri in the Midwest, and California in the Far West. Some of the counties operated direct distribution programs; others issued food stamps. We make no claim that these fifteen counties constitute a representative national sample, but we do think that they are diverse enough in social attitudes, financial capability, industrial development, and degree of urbanization to give rough outlines of national performance.

This report attempts to analyze only the structure of the food distribution system and does not consider the many obvious problems caused solely by inadequate appropriations. The administrative problems which we discuss in this report cannot be solved by open-ended appropriations alone. To be solved they require carefully drafted legislation and vigorous Federal supervision and enforcement at the local level to insure that commodity foods or food stamps are effectively distributed to those who need them.

General conclusions

During our stay in each county we interviewed welfare officials, county commissioners and supervisors, members of local welfare rights organizations, Community Action Agency personnel, food recipients, and would-be recipients. From these interviews and our own observations we have reached the following general conclusions:

(1) *Parochial attitudes and prejudices of local officials and their constituencies directly influence the structure and operation of food assistance programs.*

(2) *The food assistance programs are vulnerable to these parochial attitudes because the shape and substance of the food assistance effort is determined by local decisions.*

Recommendations

In light of these conclusions, we make the following observations and recommendations:

(1) We commend the Administration's decision to establish food assistance programs in the some two hundred counties that have refused to participate in the food assistance effort; nevertheless we fear that this reform will have minimal impact unless strong measures are taken to deal with the problem of the "paper program" county (i.e., a program which has an absurdly low participation rate). We feel that the only feasible solution is for the Federal government to establish minimum participation levels which local programs must meet.

(2) We commend the recommendation of the recent White House Conference that a uniform, objective, and self-certifying na-

tional eligibility standard be adopted for food stamp recipients. However, this national eligibility standard will not be self-enforcing. Many communities are capable of distorting the most simplistic eligibility criteria, even those which permit self-certification. To deal with this problem the Federal government must either assume responsibility for operating the program or provide strict on-going supervision of the local administration by sympathetic Federal agencies.

General administrative problems

In addition to a detailed discussion of the major conclusions and recommendations mentioned above, this report will analyze a number of general administrative problems which, though not as critical as "paper programs" and "eligibility criteria," must be solved for the food assistance effort to be truly effective. These problems include:

(A) inadequate numbers of distribution points

(B) inadequate outreach capability

(C) current obstacles to the simultaneous operation of food stamp and direct distribution programs

(D) limitations on the number of commodity distribution items

(E) limitations on the willingness or ability of local governments to bear administrative costs.

II. THE "PAPER PROGRAM" COUNTY

Definition

The problem of the "paper program" county is quite easy to understand. The county either cannot or will not invest the resources necessary to meet the food assistance needs of its population. The present law requires that local funds and facilities be used to support the administrative costs of any food assistance program. It can readily be seen then, that the investment of considerable local resources is required for an effective program. In terms of a substantive impact on the problem of malnutrition and hunger, there is little difference between the paper program county and the county with no program because counties are generally reluctant to invest adequate resources. Therefore, merely requiring a county to have a program does not necessarily solve the principle problem. It may only construct a cruel facade. The same fears and hostilities that motivated a county to resist the establishment of food programs in the past will prompt that county to limit substantially the effects of a mandated program.

An example

Mendocino County, California offers an example of the paper program. With 4,000 persons on public assistance, the county provides 200-400 persons with commodity foods each month. (The Legal Aid Services Foundation of Mendocino County states that 50 persons each month would be a better estimate.)

The general situation

There are obvious difficulties in combating the paper program problem. Perhaps the most serious impediment to an effective solution is the difficulty in determining the cut-off point between a paper program and a truly effective program. Just as the distance between Mendocino County and a "no program" county may be small, so the gap between the Mendocino situation and the "average" program is similarly narrow. The Interim Report of the Senate Select Committee on Nutrition and Human Needs observes that "the average participation rate for all poor persons living in food stamp counties is 16% and in commodity counties is 22%." This is a shocking conclusion which our own field studies support.

A solution: Mandatory participation rates

The similarity between a country such as Mendocino and the average county's program makes difficult any effort to distinguish between the two. Yet this same similarity sug-

gests that the best way to solve the problem is, in one sense, to ignore it, i.e., to propose a solution that will deal with the low participation rates in both the "paper" and "average" counties. We suggest that participation rates, like eligibility criteria, be made to conform to national standards. Naturally such a proposal will be criticized for the arbitrariness inherent in such criteria. Yet it is crucially important to set minimum participation levels. Only by defining such goals can those counties already making a good faith effort be given guidance as to how closely they approximate a minimum acceptable target. At the same time, those counties which are not really interested in a meaningful program will have their shortcomings revealed.

In the manner of specific recommendations, we suggest the following:

(a) In each county in which a Community Action Agency (hereafter CAA) is operating (and for which there exists some reasonably accurate estimate of the number of poor persons within the county) the food assistance program will be required to serve, as a minimum, a number equal to 70% of the poor;

(b) In a county which lacks a CAA, the food assistance program will be required to cover 90% of the public assistance recipients.

Alternative Sanctions for Enforcement

If a particular county refuses to comply after a brief transition period, two alternatives could be employed:

(a) The Congress could authorize the Secretary of Agriculture and/or the Secretary of HEW<sup>1</sup> to discontinue all Federal aid to food assistance programs within a state in which one or more counties refused to meet the minimum participation level. [This is similar to a provision in the Nixon Administration's "Food Stamp Amendments" submitted in June 1968, Section 9.] Under this sanction, if a county failed to meet the minimum participation level specified above, it would be considered to have "no program" and the state would be in danger of losing all its food assistance programs under the "all or none" provision contained in the June 1969 Bill; or

(b) The Congress could authorize the responsible Federal agencies to assume complete funding and administrative responsibility for the program in order that the minimum participation levels might be attained. To reduce the motivation for counties to seek Federal assumption of food programs simply as a means of freeing themselves from the associated costs, the agency involved would retain the option to bill the counties for all administrative expenses incurred.

Of these two alternative sanctions, we recommend the first. On the basis of our field studies, we believe that, faced with the choice between (a) pressuring holdouts to establish programs or (b) seeing all their state's programs terminated, officials in a given state would take the former option. The political and social repercussions of Statewide termination should be seen as too damaging to risk. In Mississippi and Missouri, for example, we found little sentiment for eliminating programs already in operation. Indeed,

<sup>1</sup>While this report was being prepared, Secretaries Hardin and Finch revealed in testimony before the House Agriculture Committee that their Departments are preparing to shift the Food Stamp program to HEW at the same time that the Administration's Family Assistance program goes into effect. Although this date lies somewhere in the future, we thought it prudent to proceed on the assumption that in time both the Departments of Agriculture and HEW will be involved in the food assistance effort. In the report we will use the term "responsible Federal agencies" to denote these and other units of the national Government which have such an involvement.

the Missourians expressed a certain pride in the success of their programs. Even in Mississippi, the resistance we encountered was not to the programs *per se* but to any loss of program control by those wishing to promote the social status quo. The same may be said for Mendocino, California, where the county welfare department was the least sympathetic of any county we visited. The economic and social benefits of a Federally subsidized food program to California as a whole will provide the necessary incentive to state officials to keep their programs, even if it means pressuring recalcitrants such as Mendocino to conform.

At this point a cautionary note is in order. The general acceptance which we encountered is not any guarantee that state and local officials will permit significant upgrading of the programs rather than see the programs eliminated. The momentum which the programs have achieved may not be enough to insure their continuation should the first sanction be applied. Yet, on the basis of our interviews, we feel that most state officials will perceive more political and social problems in discontinuing all food assistance programs than in meeting the minimum participation levels.

The second alternative, on the other hand, could increase the bureaucratic complexity that already hampers the food assistance effort. Under this alternative some responsible Federal agency would be empowered to take over food programs where local officials refuse to comply with minimum participation levels. While the Federal agency would have the option of seeking local reimbursement for administrative costs, efforts to secure such reimbursements would almost inevitably lead to further conflict, to court actions, and perhaps to disastrous delays.

For all these reasons, therefore, we recommend that the first alternative be tried initially. If this alternative fails, i.e., if states eliminate their programs rather than coerce recalcitrant communities to comply with the minimum participation requirements, the responsible Federal agency could always utilize the second option. If this proves ineffective, the Federal government can only be prepared to assume full responsibility for operating all programs directly. Under such circumstances no other means are available to force the states and counties to implement meaningful programs.

Finally, the establishment of target figures would not mean that the counties need certify only enough persons to meet their quotas. All counties would still be liable to redressive action by would-be recipients despite the fact that they, the counties, had achieved the required level of participation.

Mandatory participation rates would help overcome a number of other problems associated with the food assistance efforts. In order to attain the required quotas, many counties would have to switch from an indifferent to an aggressive attitude in the matter of outreach. More adequate provisions for distribution would have to be made by those counties which operate bankers' hours at the commodity distribution facility or which operate an insufficient number of stamp issue points. Mandatory participation rates will not, however, insure that the commodity counties issue an adequate number of food items. In fact, some counties might attempt to economize by cutting down on the number of different items they issue. This problem should be anticipated and can be combated by requiring each county to maintain its current level of effort when the mandatory rates take effect.

### III. ELIGIBILITY CRITERIA

#### General

The standards by which eligibility for participation in food assistance programs is determined comprise one of the most troublesome and sensitive aspects of the whole anti-hunger effort. If the income qualifica-

tions are too low (as they seem to be in most areas of the country) some families with inadequate diets will be excluded. Eligibility criteria, moreover, are easily manipulated by local welfare departments. The more subjective the criteria, the easier it is for such manipulation to go unchecked. In our view the most effective remedies for this second cluster of problems will be (a) nationally established, objective eligibility standards and (b) vigorous and continued Federal enforcement.

#### Criteria manipulation: Dimensions of the problem

The rationale for a realistic income qualification level needs little explanation. However, the need for simple criteria based only on income and capable of easy and objective determination is, perhaps, not so obvious. Our field studies uncovered clear and unmistakable evidence of manipulation of present qualification criteria to exclude certain families. In some areas, such as Mississippi, adults in a family who were seen as a political or social threat would frequently be dropped from food stamp rolls for a month or so. In Natchez, Mississippi black women who refused to sit in the segregated waiting room of the local welfare office were either ignored or told that they "failed to comply" with certain "recently amended" regulations. Finally, in a personal interview, the Mississippi Commissioner of Public Welfare, Arthur Winstead, told us that his state would be happy to accept additional federal funds for food programs, but that it was mandatory that these funds come through official state channels, as opposed to OEO, so that the food programs would not be used to "disturb the social status quo." He implied that to preserve that status quo, it was necessary for the state to determine who would receive the bounty of the government and that only those who "deserved" to be recipients should qualify.

What Commissioner Winstead seemed to be saying was that state officials should be permitted subjectively to evaluate recipients and that income level was only one of many criteria that should be used to make this determination. From the practices we observed in Mississippi, other criteria would include whether a black was willing to sit in a Jim Crow waiting room in a welfare office and whether the local community perceived him or her as a "troublemaker."

In other areas that we visited such as California's Mendocino and Fresno Counties, flagrant violations of welfare and food distribution laws and guidelines exist. Mendocino County is able to exclude all but 50 people from the food distribution rolls only by an arbitrary and irrational interpretation of whether a person is employable and how much income he may have to qualify. It seems that the County Supervisors have determined that if an individual has any income at all, that in itself proves he is employable and hence cannot qualify for free food. This interpretation, of course, excludes all of the working poor and most AFDC mothers. Affidavits supporting these allegations have been filed in a recent suit brought by the Mendocino Legal Aid Society.

The motivations for county officials to violate or intentionally misinterpret regulations vary. Racial prejudice, such as we found in the South, has already been discussed. In Mendocino County the Supervisors have a nearly paranoid fear of effective welfare and food distribution programs attracting "hippies." The poor are perceived by many officials as lazy, indolent, or otherwise unwilling to work and hence "unworthy" of assistance. But a common motivation is the necessity for these counties to bear the cost of administering the food and welfare programs. Administrative costs such as transporting commodity foods from the rail head to a distribution center, the maintenance of storage and refrigeration facilities, and the

processing of applications are relatively small compared to the Federal government's burden. But these costs constitute a significant motivation for local officials to restrict the coverage of their food distribution program. If we wish to improve coverage, the motivation to violate guidelines in order to reduce administrative costs can be attacked only if the Federal Government is willing to share these administrative costs, at least in counties with a relatively small tax base.

Self certification on the basis of simple and objective criteria (as recommended by the recent White House Conference) and the minimum participation levels we have proposed will do much to eliminate the problem of manipulated eligibility criteria. But the hostility and suspicion which frequently exist within a local community toward the poor will not disappear. It seems likely that this hostility will encourage local officials to keep participation levels as low as permissible, excluding otherwise eligible recipients.

#### Need for "referees"

To reduce the likelihood of labor "objective" eligibility criteria being manipulated, we recommend that the Secretary of HEW, and specifically the Social Security Administration, be empowered to appoint referees who will supervise certification practices in a given community. Referees need not be assigned in all communities. Rather, such assignments should be made when the Secretary has reason to suspect that systematic criteria manipulation exists. These referees need not assume the bureaucratic functions of certification; rather they would be empowered to overrule local determinations in any given case.

### IV. GENERAL ADMINISTRATIVE PROBLEMS

#### Inadequate number of distribution points

Hopefully, minimum participation requirements will encourage local agencies to develop new and innovative means of reducing the participants' significant transportation difficulties. During our field investigations we encountered a number of situations which abundantly confirmed the frequent allegations concerning the great physical problems which recipients face in getting to the commodity or food stamp distribution point. In Tulare County, California, which is the size of Connecticut, there is but one distribution point. Mendocino County, with its 3,500 square miles, is smaller in area but its terrain is mountainous and the transportation problems are thus compounded. Yet it, too, has only one distribution point. Los Angeles County, which has more persons on food stamps than any other in the country, has less than 25% of those eligible participating. This is due to poorly placed and inadequate numbers of distribution points (banks) as well as to an inexplicable failure to publicize the program properly.

Encouragingly, some of the areas we visited have responded to the distance problem with solutions of varying creativity. Kern County, California, the third largest in the state (8,100 square miles) distributes commodities at several different locations. Distribution at the issue points is not con-

\* The food assistance recipients, would-be recipients, and CAA personnel whom we interviewed reserved most of their criticisms for the welfare agencies that operate the programs at the local level. However, such criticism of Federal agencies as we did encounter suggests that the USDA was perceived as less than wholly sympathetic to the food assistance effort. This rather slim bit of evidence is not the only basis for our suggestion that the SSA rather than USDA be responsible for appointing referees. The SSA will be charged with operating the Family Assistance program and should, therefore, be in a good position to make accurate determinations of aggrieved persons' income levels.

tinuous, however. Thus, if a recipient is unable to get to the nearest issue point during the 2-3 days when distribution takes place there, he must arrange to go to some more distant location unless he is to miss that month's supply of commodity foods. Nassau County, New York is only a fraction of the size (289 square miles of the mammoth California counties. Yet even with (because of?) the 13 different bus companies operating in the county, transportation within Nassau's constricted land area is a serious problem. The county had attempted to deal with the problem in a manner similar to the method employed by Kern County, i.e., by rotating distribution to different target areas. In June of last year, fearing that state-mandated welfare cuts would increase malnutrition among the poor, the county sought to strengthen the existing delivery system by establishing a number of neighborhood distribution centers. Nassau now has 30 such centers in operation. The "stores" are open 4½ days each week. A recipient, moreover, need not pick up all the household's allotment on a particular day. A computerized record-keeping system allows the charges against the household's allotment to be maintained in so detailed a fashion that the family can pick up its complement one item at a time if it finds this more convenient.

Truck delivery of commodity food items to shut-in or housebound families is another possible response to the distance problem. This method is being utilized by the Delta Area Economic Opportunity Corporation (DAEOC), which operates a Community Action program in six counties of the Missouri "Bootheel." Under an Emergency Food and Medical Services grant DAEOC has leased nine step van trucks which together deliver commodity foods to 3600 housebound families. No effort, however, is made to deliver to all 50,000 commodity recipients in the six counties which DAEOC serves. Truck delivery is provided only to those families which have no private means of getting to the county warehouses.

To cope with the problem of distance and transportation difficulties for the poor, we recommend that the responsible Federal agencies be authorized to require a participating county to operate a minimum number of distribution points consistent with the local poverty population and the physical size of the jurisdiction involved. In addition, it should be realized that hours of operation are a critical factor and that the working poor are seriously handicapped when distribution points (as is the general custom) are open only from 8:00 A.M. to 5:00 P.M. Therefore, distribution points should be required to operate in the evening as well as during the day, for example, from noon to 9:00 P.M.

#### *Inadequate outreach capability*

It is a truism today that the poor are invisible and so they are, but in the vast majority of programs which we visited, the attempts to find the poor are disorganized at best and more often than not, non-existent. We did, however, see one outstanding attempt to find the poor in the DAEOC Program. There the CAA Director insisted that his 400 employees participate in a systematic survey of the six counties in DAEOC's area of responsibility. In addition the Director assigned 12 full time outreach workers, hired from the ranks of the poor, and working solely to find food recipients. But even this effort, as the Director readily admits, is far from adequate.

The DAEOC Program is the exception; the more common approach is for a CAA to have two or three part-time outreach workers assigned to find potential food recipients and no insistence that other employees aid in this effort. In counties without a CAA, the outreach program is non-existent.

The critical part that an outreach program plays in an effective food distribution system

cannot be overemphasized. For example, in the DAEOC Program, outreach increased coverage by over 100%, and the Director believes he is only scratching the surface. In addition, it should be noted that the most effective outreach is accomplished by the poor themselves, i.e., people who are known and trusted by the poverty community. *Every effort should be made to employ the poor in the outreach effort.*

An additional part of an effective outreach program is *extensive publicity* concerning participant qualification for the food program and location of distribution centers. During our visit to Nassau County, New York, we learned that the Department of Social Services had enclosed information concerning the commodity foods program in mailings sent to Medicaid participants. This sort of publicity is the exception, however. We recommend that the responsible Federal agency require local communities to include vigorous publicity efforts as part of their overall food assistance programs.

#### *The current obstacle to the simultaneous operation of direct distribution and food stamp programs*

Under current interpretation of existing law, the Secretary of Agriculture has little clear-cut authority to provide USDA support for more than one of the two basic food programs in a single county. We feel that this restriction seriously limits the effectiveness of the entire food assistance effort. The great diversity in the conditions that beset the poor renders doubtful the notion that any one program could adequately meet the needs in a given area.

The data gathered during our field trip confirm this basically intuitive judgment. In the Missouri "Bootheel," for example, the numerous housebound families would benefit little, if at all, if food stamps replaced the commodity programs because the innovative delivery system, discussed above, could not be readily adapted to food stamps. Yet there are certainly many individuals in the "Bootheel" area who could use the stamp program quite effectively.

Testimony from officials we interviewed also attest to the desirability of the simultaneous operation option. Mrs. Lena Rigby, who supervises food assistance programs for the Mississippi State Department of Welfare, observed that food stamp programs seem best suited for areas in which shopping facilities are accessible. Commodity distribution programs are more appropriate for areas which have few stores. Yet areas with adequate and inadequate shopping facilities are often found in the same county. Mr. Joseph Barbaro, Commissioner of Social Services in Nassau County, New York indicated that in his area, in which a highly innovative commodity distribution program is operating, food stamps would provide a useful complement to the existing effort. Similar sentiments were voiced by Mr. William Kiley who, until September of last year, was director of an eight-county Emergency Food Program in California's San Joaquin Valley.

In addition to diversifying the complement of weapons which local officials could employ in the fight against malnutrition, the dual operation proviso would help overcome the falloff in participation that occurs when a county shifts from direct commodity distribution to food stamps. Commonly, those who withdraw after stamps are substituted for commodities are at the extreme ends of the low income spectrum. The poorest direct distribution recipients often cannot afford to purchase stamps. (Hopefully, the liberalized stamp schedule now being implemented will help rectify this problem.) Those in the "upper income" bracket of the poverty stratum withdraw because of the small size of the stamp bonus. If such families could elect to continue in the commodity distribution program after the stamp program is established, it would mean that the latter

would no longer undercut the food assistance effort among the "working" or "near" poor.

The question of where to lodge the authority to institute a second program is a difficult one. Certainly those county officials who have basic responsibility for operating food assistance programs should have the prerogative of requesting a second project from the responsible Federal agencies. However, to limit the initiative to local officials will not guarantee that second programs will be established in all counties that need them. Many local officials we interviewed expressed skepticism at the administrative feasibility of operating two programs simultaneously (a fairly predictable bureaucratic response). Only one official really seemed enthusiastic about taking on a second program in his county.

In view of this lack of local bureaucratic support for simultaneous operation, this option will be grossly under-utilized unless responsible Federal officials have the authority to initiate second programs. Such a stipulation would, however, offer a real incentive to local officials to sit back and let the Federal government undertake the project at its expense. The responsible Federal agency could relieve the dilemma by confining their simultaneous operation initiatives to the poorest counties, just as the USDA currently restricts its direct operation of commodity programs to such areas. An even more effective way would be for the Federal government simply to assume all second program costs. However, under these circumstances counties might be tempted to shift as many food assistance recipients to the second program as possible in order to reduce the local contribution to the first program. The Federal government could prevent this by requiring each county to maintain the level of support accorded the first program in order to achieve compliance with the minimum participation rates after the second program is established.

The administration's food stamp reforms specified a detailed number of specific conditions under which simultaneous operation would be possible. These include: (a) "disaster" conditions when normal food distribution "channels" were not functioning; (b) during the transition period from a direct distribution to food stamp program; (c) at the request and expense of the state/local officials. S2547, passed by the Senate on September 24, authorizes simultaneous operation during the period in which a county shifts from commodities to stamps. Operation of both programs may continue until participation in the stamp program equals participation in the commodities program prior to the start of the transition period. These proposals are certainly commendable as far as they go. However, we recommend that the Federal agencies be granted the authority to initiate second programs in areas of real need and that consideration be given to the possibility of federal funding for all second programs.

#### *Limitations on the number of commodity distribution items*

In recent testimony before the Senate Agriculture Committee, Mrs. Fred R. Harris reported that only 380 of 1400 counties in the direct distribution program offered more than 20 food items each month.<sup>3</sup> (At the time of Mrs. Harris' testimony, the USDA offered a maximum of 22 items.) Our investigation certainly corroborates Mrs. Harris' findings. In the twelve commodity distribution counties we visited, only two (New Madrid County, Missouri and Tulare County, California) offered recipients more than 20 items. In fairness it should be noted that prior to its switch to food stamps Fresno County, California had offered more than 20 items. Similarly, Nassau County, New York,

<sup>3</sup>Senate Agriculture Committee Hearings, May 23, 1969, p. 235.

which was distributing twelve items at the time of our visit, now offers 24.)

In order to protect the poor in counties which currently distribute only a portion of the items available, we suggest that the Federal agencies should establish some minimum number (e.g., 20) of items which a direct distribution county must offer. Those counties which fail to meet this standard will be considered as having "no program." The rest of the programs in that particular state will then be jeopardized in accordance with the all-or-none provision discussed in Section II.<sup>4</sup>

Our travels in California also indicated how the direct distribution program can discriminate against minority groups. The Chicano recipients reported that the absence of Spanish-language instructions on the food packages meant that for the Mexican-American poor, the difficulties encountered in preparing the commodity foods are even greater than for the English-speaking poor. Moreover, the specific components are often incompatible with the traditional Chicano diet. For example, the Chicanos are more likely to use red (pinto) beans than the navy beans which are often distributed to California counties. Moreover, the flour issued by the USDA cannot be utilized in preparing tortillas and other bread items that are central to the Mexican-American diet. The mild cheddar cheese, on the other hand, is quite well received.<sup>5</sup>

#### *Limitation on the willingness or ability of local governments to bear administrative costs*

As noted in Section III, the requirement that the local government bear the cost of administering food and welfare programs constitutes a significant motivation to restrict coverage and reduce the rolls. All state and county officials that we interviewed emphasized this in our discussions with them.

To assist the communities in meeting the administrative costs that effective food assistance efforts will incur and to remove a substantial motivation to exclude otherwise qualified recipients, we propose that the Federal government relax its insistence that these costs be met by the local government. In many counties the excuse that more meaningful programs are too expensive is no more than a rationalization for distorted priorities. Yet there is much evidence available concerning the serious financial difficulties which confront local governments. Therefore we cannot dismiss these pleas as wholly suspect.

While these financial burdens may be serious for a given community, they are relatively small for the Federal government. Our investigations turned up only fragmentary data on actual administrative costs. Yet the evidence we did secure indicates that Federal assistance in this area would not create a serious problem for the national budget. We were told in Mendocino County that the commodity distribution program costs the county roughly \$1 per year per enrollee. The figures for the Missouri Bootheel would be closer to \$2 per year per person. (This does not include the funds expended for the delivery of food to the 3,600 shut-in families.) We were given no specific data on the administrative expenses of the food stamp program, but according to one source it costs 60c to issue one enrollee's monthly allotment (\$7.20 per year).

<sup>4</sup> Again, fairness requires us to note that not all shortages are the result of a particular county's unwillingness to pay for the handling of more food items. In Missouri it was reported that flour shipments to Viet Nam often affected the availability of flour for local distribution.

<sup>5</sup> Some CAA personnel we interviewed in California reported that the black recipients did not find the cheddar cheese congenial. We did not encounter this complaint anywhere else.

As fragmentary as these data are, however, they do indicate that the expenditures of relatively small sums by the Federal government could allow the local communities to expand significantly their food programs. For example, let us assume that the \$2 per person per year expended by the Bootheel commodity program is a somewhat representative figure. On that basis we could estimate that a Federal allocation of \$36,000,000 annually could underwrite the administrative costs of bringing all 18,000,000 poor Americans not currently under either food program into the commodity distribution effort. The food stamp program is apparently more expensive to administer. Nevertheless, with the expenditure of \$50,000,000 the Federal government could assume the costs of adding several million more persons to the food stamp rolls. (The cost of issuing the stamps is not the only administrative expense associated with this program. Therefore, we have not concluded that \$50,000,000 would be sufficient to cover the costs of an additional 7,000,000 persons, as would be the case if the \$7.20/enrollee/year figure represented all the administrative costs.)

The Administration's food stamp reform proposals included provisions for liberalized Federal support for certain administrative costs. Because of the tremendous leverage which modest expenditure by the Federal government would provide in removing the administrative cost obstacle to program expansion we recommend that the Administration assume the administrative costs incurred when programs are enlarged. Such support would provide the local communities with powerful incentives to increase participation in their respective food assistance projects while at the same time reducing the credibility of the "we can't afford to do more" excuse.

#### V. CONCLUSION

The current Federal effort to end hunger and the passionless destruction of human life is limited. It is limited by two factors: (1) inadequate funding and (2) the dependence of food assistance programs on the support of local agencies and often unsympathetic bureaucrats. In this brief report we have given primary attention to the second factor, having assumed the first to be so obvious as to preclude the need for detailed discussion.<sup>6</sup>

It is equally obvious, however, that additional funding will not insure the success of the food assistance programs as they are currently constituted. No amount of Federal funding for the current programs is going to change the mind of the Acting Welfare Director in Mendocino County, California who feels that the needs of his county's hungry are being met, despite the fact that the number receiving commodity foods is equal, at most, to only 10% of the number now on public assistance. Similarly, increased Federal funding for the current food stamp or commodity program will not reduce a Mississippi officials' desire to harass and drive out the poor blacks or a midwestern county judge's conviction that food programs should remain a low priority item in the county budget.

The Federal government can, however, structure the programs so that they rely less on local cooperation and support for success. This, at first glance, may seem undesirable and a slap at the "New Federalism". However,

<sup>6</sup> At present less than one third of the poor participate in the two basic food assistance programs. It is quite true that in past years certain funds which some contend could have been used for food programs have not been spent. Yet even if all Sect 32 funds which theoretically are available for food programs were spent, the programs would still be inadequately funded. The percentage of the food stamp appropriation which was unspent last year constituted an even smaller drop in the bucket.

by taking the steps recommended in this report, the government can create built-in safeguards against local hostility, indifference, or financial inadequacy. The revisions that we have suggested will not result in the complete federalization of the food assistance effort. Neither is there anything punitive in what we recommend. Those counties, and there are many, which have sought to operate adequate programs in the past will be given additional tools with which to do an even better job. Those counties, and again there are many, which have been laggard in their food assistance effort, will be given increased incentive and encouragement to make more adequate provision for the poor among their citizens. In the end, the effort to stop the untold physical and mental destruction caused by hunger will cost more than money. Toes must be stepped on, if the effective local barriers of hostility and indifference are to be overcome.

Throughout this report we have attempted to maintain the customary academic detachment. We close, however, on a less dispassionate note, calling attention to our sincere conviction that hunger and malnutrition are a national disgrace of the greatest magnitude. Our very ability to correct the problems with only a modest mobilization of resolve and an even more modest outlay of cash makes the scandal of hunger in America all the more intolerable. Our youth see something wrong with a society which blinds itself to hunger by lavishing millions of dollars on an aircraft that will allow its luckiest citizens to fly from Watts to Harlem in two hours, seeing only clouds, completely isolated from cities, slums and people. From a political standpoint, dramatic and effective action in this area would quickly demonstrate that the nation is properly reordering its agenda and is putting the concern for human beings before its concern for machines, vested interests, and old policies.

America is faced with great pressures for more orderly change, for a more livable environment. But the urgency of the hunger problem is, in our view, paramount. The problem has been caused primarily by massive economic dislocation brought about by the mechanization of rural and urban America. We have eagerly sought the benefits of that automation; we are now morally bound to bear its burdens. When America has seen what is right, she has responded with compassion, generosity, and sacrifice. To paraphrase the late Mr. Churchill, seldom in the history of social reform could so much be done for so many with so little. President Nixon has said "the time has come to put an end to hunger in America." Let us hope that we have the compassion and determination to heed this challenge.

#### TWO DISTINGUISHED COLUMNISTS COMMENT ON THE WAR IN INDOCHINA

Mr. YARBOROUGH. Mr. President, on Tuesday, June 2, 1970, the Frank Mankiewicz and Tom Braden column in the Washington Post was devoted to our current invasion of Cambodia and expansion of the war in Indochina. This column makes many eloquent and forceful points about the futility of expanding war into still another part of Indochina in the same name of ending it in Vietnam. One point, however, seems to me to take precedent over all others. I quote from the column:

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 avoiled, 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.

Mr. President, I ask unanimous consent that the full text of the column entitled "Nixon Will Try, But Can't Disguise the Failure of Cambodia Operation," by Frank Mankiewicz and Tom Braden, published in the Tuesday, June 2, 1970, edition of the Washington Post, be printed at this point in the RECORD.

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**

(By Frank Mankiewicz and Tom Braden)

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 had been captured. On earlier offensives, 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 the areas they already held.

Item: The ease with which the many

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 about 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.

**INDIANS IN THE BIG THICKET**

Mr. YARBOROUGH. Mr. President, Texas' only Indian reservation is in the Big Thicket. The Alabama and Coshatta Indian Tribes have developed a great tourism business and conduct tours through parts of the Big Thicket.

My bill to establish a 100,000-acre Big Thicket National Park will preserve this beautiful and unique area, so rich in history and in natural wonders. There is great interest throughout Texas and the Nation in preserving the Big Thicket.

A recent article in the Amarillo Sunday News-Globe extolled the wonders of the Big Thicket. This excellent article by Georgia Swift appeared in the Sunday, May 17, 1970, issue of the Amarillo Sunday News-Globe.

This article appears in a section of the paper devoted to outstanding vacation areas. The remarkable thing about this is that the proposed Big Thicket National Park is over 650 miles from Amarillo, Tex. This indicates the tremendous popularity and attractiveness of the Big Thicket to people all over Texas and the Nation.

Mr. President, I ask unanimous consent to have this article printed in the RECORD.

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

**TEXAS ALABAMA AND COUSHATTA INDIANS MAKE TOURISM PAY**

(By Georgia Swift)

Amidst the exotic flora and fauna of the Big Thicket of East Texas, and adding to the region's unique natural wonders, is this state's only Indian reservation, home of nearly 400 Alabama and Coshatta Indians.

Clinging to the woodlands they love, the Indians share the remarkable forest of cypress, magnolia, black hickory and palmetto with a great variety of wildlife including mink, otter, muskrat, coons, possums, bobcats, foxes and wolves.

And here, deep in the forest the Alabama and Coshatta Indians are developing a tourist program unlike any other.

Begun five years ago with a program of dances and demonstrations, the program has expanded to include enough activities to occupy a visitor for a full day.

A Big Thicket tour takes guests into the deep forest in four-wheel drive vehicles. Into the virgin timberland and swampland where trees are so thick one can scarcely see the sky, the driver goes through the Tupelo Swamp and points out many species of plant life.

The site where Gen. Sam Houston met with the Alabama and Coshatta Tribal Council to help them obtain their land is pointed out in a historical tour which operates into the eastern part of the reservation where the Indians used to grow corn, melons and vegetables. Known as the "Wash Springs" area because the women washed clothes along the running water from several springs, points of interest include an old grist mill, syrup mill and old farm implements. Sometimes, young Indian boys simulate an attack on the tourists as an added color event.

A mini animal kingdom is accessible on the Red Indian Chief Railroad. Buffalo, Texas longhorn cattle, deer, geese and ponies are penned along the way and the engineer lectures as the five-car-train chugs down the tracks.

A picture in a history book comes alive in the Living Indian Village, replica of the village of 150 years ago. Older Indian craftsmen demonstrate bead work, pink straw basket weaving, making of pottery, ceremonial sashes, arrowhead making, dance costume preparation, and use of the blowgun. Corn is prepared for sofkee, Indian bread, which is then cooked and offered to visitors to taste.

In the yard is a little log cabin, a smokehouse, garden and stream of water.

Largest building in the square is the combined museum, arts and crafts shop and restaurant. Tribal artifacts are housed in the museum. A night scene in the Big Thicket complete with plants and animals is featured. The arts and crafts shop offers straw baskets, weaving, beaded items, silver work and pottery. One side of the counter is reserved for items made by the Alabamas and Coshattas. The other stock items are imported from other Indian tribes to help keep pace with the demand.

A Nature Trail has been opened providing more entertainment and education for outdoor enthusiasts. Over 80 shrubs, trees, flowers and other natural wonders are identified along the scenic path.

Other entertainment offered includes an archery range where one can use bow and arrow Indian style and a pony ride. A campground is also maintained for visitors.

And, highlight of the entertainment, the Na-Ski-La dancers, who started it all, still perform in the Tribal Dance Square. To the beat of the big drum and the chant of Indian songs, boys in colorful plumes and girls in buckskin dresses perform traditional rituals in groups and in solo presentations.

Behind the creation of this fascinatingly authentic, historical and natural attraction lies a background of Indian struggle to adapt to the fast-paced, technological demands of the 20th century.

Peace-loving, woodland Indians throughout their history, the Alabamas and Coshattas suffered years of deprivation, hardship and second-class citizenship as their hunting ranges shrank and farming became harder.

Gradually driven west by the encroachment of the white man, the Indians settled in Texas about 1800. They assisted the colonists in the war with Mexico and, in gratitude, the Texas Congress granted them four leagues of land on the Trinity River during the first half of the 19th century. White settlers took the land away from them, however, and they were again homeless and landless until 1854 when, upon the recommendation of General Sam Houston, the State of Texas purchased for the Alabamas 1,280 acres of land.

For the next 74 years they lived on these

acres without assistance from either state or federal government. Their pine-covered forest land was not productive for crops or grazing. Their chief means of livelihood was hunting, which became prohibited. Undernourishment, disease and deprivation hit hard and diminished the tribe by half.

In 1928, their plight became known and the federal government purchased just over 3,000 acres of land adjoining the original reservation to be held in trust for the Alabama and Coushatta Indians living on the reservation. Small frame houses replaced the log cabins and shallow wells replaced long treks to a spring for water.

In 1948, they gained the right to vote, by opinion of the Attorney General of Texas and in 1957 they were given the right to manage the timber of the reservation and to use the revenue. In 1959, a bill was passed by the legislature enabling the Tribal Council to lease for mineral rights.

Federal trusteeship was relinquished in 1954. Since 1965, the reservation has been under the joint jurisdiction of the Texas Commission for Indian Affairs, a newly created agency, and the Tribal Council, a seven-man governing body elected by the tribe from its members.

About 10 years ago, the Indian community took a long, hard look at its situation. In the heavily wooded timberland that they loved, there was no way to make farming pay. They had neither the education nor the capital to compete industrially.

Undereducated and with limited ability to speak English, they could hardly hold jobs. Many still commute daily to work in Texas Foundry in Lufkin, 65 miles from the reservation, or to Champion Paper Co. in Camden, 20 miles away.

But they were able to pick out one possible way—they were Indians, owners of Texas' only Indian reservation which included 600 acres of virgin timberland, and Texas tourist business was beginning to boom.

Grappling with the problem, assisted by reservation superintendent Walter W. Broemer, the Tribal Council established The Tribal Enterprises to promote tourist attractions on the reservation. With some financial help from the Texas legislature, which farsightedly took the position that funds to help the Indians become self-supporting were well spent, The Tribal Enterprises began its program. It now provides employment for more than 100 members of the tribes during the busy season.

Located between Livingston and Woodville on U.S. Highway 190, the Indian reservation has begun to effect the economy of neighboring towns. The Indians themselves now have more money to spend and guests who visit the reservation often buy gasoline and food in nearby areas.

Success of the project has enabled the vision to grow bigger. Construction of an amphitheatre, a 600-acre lake and rustic cabins are planned soon, opening such attractions as canoe trips, covered wagon rides, boat docks and fishing areas.

Some 400 Alabama and Coushatta Indians have found a niche in the White Man's World.

#### THE GREAT CENTER OF OUR PEOPLE

Mr. ALLOTT. Mr. President, to my great regret, I was detained in Colorado by the funeral of Gov. Ed Johnson and for that reason was unable to be present on Monday when the esteemed and distinguished Senator from Maine (Mrs. SMITH) delivered her thoughtful speech on the 20th anniversary of her denunciation of McCarthyism.

I have read most of the very favorable news reports on the speech which she delivered on Monday. This country already has many reasons to be grateful to the senior Senator from Maine for the quality of her intellect, the strength of her convictions, and her unwavering devotion to our country.

I am sure there have already been a number of encomiums placed in the RECORD relative to her remarks on Monday, but one of them which appeared in the Baltimore Sun this morning is particularly appropriate. It points out the dangers inherent in the extreme polarization of politics and rightly praises Senator SMITH for having so correctly and quietly pointed out the danger.

Mr. President, I ask unanimous consent that the editorial in the Baltimore Sun for June 3, 1970, entitled "The Great Center" be printed in the RECORD.

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

#### THE "GREAT CENTER"

Senator Margaret Chase Smith of Maine finds a national sickness in the United States, similar in its extent and pernicious effect although not in its source to the sickness of McCarthyism which she diagnosed and denounced so courageously two decades ago. McCarthyism was an ailment spread by the "know nothing" extreme right. The late Senator McCarthy of Wisconsin was a clever and unscrupulous politician who promoted himself into the status of a national figure on a wave of fear of communism but who was deflated as it became apparent that there was no substance to him or to most of his accusations. Mrs. Smith, to her lasting credit, was one of the first senators to speak out against his tactics of bluster and intimidation.

The nation's problems were never as simple as Senator McCarthy made them appear to be, although the craving for an easy cure existed then as it does today. And our national sickness is surely more complex than it was 20 years ago. The extreme left, which Mrs. Smith identifies as the chief source of the sickness, preaches and practices violence and anarchy that are new even to left-wing American politics, and in its various forms and shadings of communism it has gone far beyond even the widest thoughts of the McCarthy era.

As Mrs. Smith points out, the extreme left has been operating on some college campuses, and she is correct in declaring that "the campus cannot degenerate into a politically privileged sanctuary for obscenity, trespass, violence, arson and killing, with special immunity for participants." She is correct again in warning that the excesses of dissent on the extreme left can result in the repression of dissent, and that to most Americans repression is preferable to anarchy and nihilism.

Senators like Mrs. Smith can help the country now, as was the case in 1950, to keep a sense of perspective. All college students and teachers are not extremists, nor should the right of orderly dissent on the campus and elsewhere be put down because some extremists abuse it. The cure for leftist violence on the part of the young does not lie in rightist violence on the part of the supposedly mature. Those persons who try to polarize the national politics into extremes of left vs. right inflame the sickness and court disaster. The national strength is in what Mrs. Smith calls "the great center of our people." This was shown to be true in the McCarthy era and is equally true today.

#### DEATH OF FORMER SENATOR EDWIN C. JOHNSON, OF COLORADO

Mr. ALLOTT. Mr. President, one of the country's great citizens, Edwin C. Johnson, and certainly one of Colorado's greatest citizens, passed away last Saturday morning after an operation in Denver.

Edwin C. Johnson, of Colorado, served as Governor for two terms from 1932 to 1936. He was elected to the U.S. Senate and served from 1936 to 1954. He then returned to Colorado and was thereafter elected to his third term as Governor of our State.

It is actually his seat which the senior Senator from Colorado now occupies in the Senate.

I would be remiss not to use this opportunity to say that our State, and the whole area of that part of the country particularly have lost one of its greatest citizens.

Ed Johnson was not of my party, yet during all these years, I can say that we developed a warm and lasting friendship. No partisanship ever entered the constructive work he did for the great West which he loved so well, and his own State of Colorado which he loved equally as well.

Particularly was this true in the area of the development of our water resources, on which he was an outstanding authority.

One of the heartwarming things about Ed Johnson's life was that up until almost the last week or so, when he had to enter the hospital for surgery, he was active physically. No one can deny the great mental qualities which he retained until the end of his life, when he expired at the age of 86.

Mr. President, we in Colorado have lost a great citizen. I believe that America also has lost a great citizen. Certainly everyone in the Western States will have cause to remember Ed Johnson with gratitude for the valuable contributions he made in the development of its resources.

Today I merely wish to express on behalf of my wife and myself our deep sympathy to his wife, Fern, and his wonderful family, because here, indeed, was a great American whose contributions have probably not been exceeded in the West by any other one man.

Mr. DOMINICK. Mr. President, I wish to associate myself with the tribute my distinguished senior colleague has just paid to Ed Johnson.

He really was a warm human being, as well as a fine Senator and Governor.

I knew Ed Johnson for well over 20 years on a personal basis. I remember, I would come into my office and find a note written in green ink, saying:

If you want a good secretary, why don't you give me a ring?

He always had a great sense of humor. He also had great humility and a sense of compassion for people.

My distinguished colleague and I attended his funeral yesterday. It was an impressive ceremony attended by Americans from all walks of life and from all

parties. No partisanship of any kind was exhibited.

All I can say is that the State of Colorado will miss him. America will miss him, too.

My wife and I will miss him very deeply on a personal basis. I join my colleague in extending to Mrs. Johnson and her family our deepest sympathies and our broad feeling of the sincere warmth we feel for the friendship we had with Ed Johnson, which will always live in our hearts and minds.

Mr. HANSEN. Mr. President, I, too, join my colleagues from Colorado in paying tribute to a truly great American, who represented not only the State of Colorado and the West, but also the Nation.

It was my privilege to know and admire Senator and Governor Johnson for many years. Some of his important duties were performed in Wyoming, as my colleagues from Colorado know. He was a railroader; he was a telegrapher. He certainly knew the West very well. Because of his intimate acquaintance with the West he was able better to serve the West and to know its problems, as he served so admirably in the Senate and as a Governor in the State of Colorado.

He spoke for all the West. His understanding of the problems of water was one of the things that distinguished him most in the eyes of many of us in the West.

He was well regarded. He gave strong support to all of us as we worked together in developing the western part of the United States.

It is with a real sense of personal loss that I note his passing.

Mr. MAGNUSON. Mr. President, I associate myself with the very appropriate remarks made by both Senators from Colorado, and the Senator from Wyoming, about Ed Johnson.

It is true, he made a great contribution toward developing the natural resources of the West.

I remember another facet of Ed Johnson. For some time he was chairman of the Committee on Commerce and I literally served at his feet. He had more commonsense about transportation problems of this country than any man I know.

Railroad presidents would come to testify before the committee and they would ask him for his advice rather than testifying. They would say to him, "What do you think we should say about this particular problem?"

Ed Johnson once said to me, when I had to leave and I asked him to be my proxy for a particular bill which I knew a little bit about:

I will tell you about this bill right now. The railroads want to strike out one section. The inland waterways are opposed to 2 or 3 words in it. The airlines want to wait a while.

He went through all the transportation modes in the country and then he said:

You know, I think that makes a real good bill.

I will always remember that.

Mr. President, I recall a personal experience with him. I was in Denver a

few weeks ago, attending a transportation meeting, and I thought I would telephone him. There were two Edwin Johnsons in the telephone book, and they both had the same initials. I took a chance and dialed the first one. I said, "Hello, Mr. Johnson?" I do not know why I did not say, "Hello, Senator," or "Hello, Governor." Then I added, "Which Johnson is this?"

He replied, "This is big Ed talking." He must have received several calls that way, but that is the way we affectionately knew him in Colorado, as "Big Ed," and we will always remember him that way.

The people of Colorado will sorely miss him. He was a voice of reason all the time. Ed Johnson could be in a bitter controversy in the Senate and he was always a voice of reason.

I will miss him as a personal friend, and I am sure that the people of Colorado will miss him.

Mr. ALLOTT. Mr. President, I thank the distinguished Senator from Washington. I know that the Senators from Colorado and other parts of the West appreciate his remarks, as will his family.

Ed Johnson was chairman of the Commerce Committee prior to the time that the Senator from Washington was chairman. He was in fact a very good friend of us all.

I could stand here, as could my colleague, for hours and talk about the extremely interesting things that happened to him during his life.

One of the things he was very fond of doing all his life was making eternal notes in green ink, as my colleague mentioned. I received many of those green-ink notes. One would just look at the letter and know who had written it.

Mr. AIKEN. Mr. President, I want to join in the tributes being paid to Ed Johnson.

Ed Johnson and I both lived at the Carroll Arms, across the street from the Senate Office Building, for many years.

I found him to be one of the most conscientious Senators I have known during the many years I have been a Member of the Senate.

That is why I want to join in all of the tributes that have been paid to him.

Ed Johnson was one of the best men we have ever had serve in the Senate.

Mr. ALLOTT. Mr. President, I thank my distinguished colleague. Ed Johnson was indeed a unique man.

We in Colorado will always respect his memory and respect the great work which he did.

Mr. President, I yield the floor.

#### RECESS

The PRESIDING OFFICER. What is the will of the Senate?

Mr. KENNEDY. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The motion was agreed to; and (at 12 o'clock and 12 minutes p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 12:13 p.m. when called to order by the Presiding Officer (Mr. McCARTHY).

#### THE HIGHER EDUCATION AND ELEMENTARY AND SECONDARY EDUCATION ACTS

Mr. MAGNUSON. Mr. President, I would like to take advantage of the time to make an announcement.

Last year we had a great deal of trouble with the HEW appropriations bill. There was a long delay. I am not pointing the finger at anyone. It was due to a combination of circumstances—late authorizations and a veto by the President. We took the matter up again.

The result was that the school people of the United States were in a quandary. They could not make up their budgets because the bill had not been passed. They had no definitive idea as to what the Federal contribution would be on higher education.

They said that they would like to have these bills passed early so that they could make up their budgets for the following school year.

I want to report to the Senate that the Senator from New Hampshire (Mr. COTTON) and I and other members of the subcommittee and the full committee have had the bill ready for 3 long weeks. We are perfectly willing to bring it up on the floor if we can get an agreement with everyone that we will not take up too much time.

We should not require too much time on the so-called money items in the bill. However, the bill still contains the so-called Whitten amendments.

I hope that we can take care of this measure now so that the school people all over the country, both in higher education and elementary and secondary schools, can make up their budgets and sign contracts with the teachers and know the extent to which we will participate in the next year.

The Senator from New Hampshire and I held long hearings. We held the hearings early. We have had the material printed and have been ready for 3 weeks.

I want to make this announcement in the event that someone might suggest that there has been an unusual delay such as happened last year.

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

Mr. MAGNUSON. I yield.

Mr. COTTON. Mr. President, I will not take much time since we have to take a recess in order to go to the other body.

I am thoroughly in agreement with everything the Senator has said. I think that it is highly imperative that we try to get an agreement to vote on this particular bill as soon as possible.

Mr. MAGNUSON. And also, this is the education part of the HEW bill. It deals only with the education features of the bill.

#### ADDITIONAL STATEMENTS OF SENATORS

##### THE SEAS' RESOURCES EXCEED THE MOON'S

Mr. HOLLINGS. Mr. President, an article entitled "Seas' Resources Exceed Moon's," written by the distinguished Senator from West Virginia, Hon. ROBERT

C. BYRD, was published in the Lewisburg, W. Va., Independent of May 7, 1970.

As chairman of the Subcommittee on Oceanography of the Committee on Commerce, I was extremely pleased to note Senator BYRD's understanding of the importance of a national commitment by the United States for the exploration and exploitation of the resources of the seas.

I commend Senator BYRD on his observations and recommended his article to the attention of the Senate.

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:

SEA'S RESOURCES EXCEED MOON'S  
(By U.S. Senator ROBERT C. BYRD)

Our country has spent billions of dollars on going to the moon and relatively little to learn about the resources that exist in our oceans.

Space flight is thrilling and dramatic. But there is some strange misplacement of priorities that leads us to send men to explore a sterile Sea of Tranquility while leaving unexplored the treasure-rich seas around us on earth.

There is no food on the moon to help feed the earth's increasing millions who are hungry; yet, earth's seas teem with protein that a soaring population urgently needs.

The moon has no tides to harness for power; no water that we can tap; yet, the oceans may one day have to help us produce our power, and—through desalinization—serve as a major source of fresh water for an urban civilization.

The moon may be as rich in minerals as some say it is. However, there is no way in which we can utilize them. But we can utilize the mineral wealth known to be available in the oceans' depths.

It is perhaps the nature of man to look up instead of down. The fiery descent of a vehicle from outer space is admittedly more spectacular than the less dramatic emergence of a bathysphere from the sea.

But what we can learn from the pervasive waters which cover three-fourths of the earth—beneath which so much that is unknown to mankind lies hidden—can be far more important to the future of the human race than anything that now conceivably could come from the void of outer space.

We probably knew more about space before our moon program was even started than we have ever known about the oceans. Going to the moon gave us great national prestige, and I was as thrilled as anyone else to see American astronauts first set foot on the moon; yet, despite beneficial side effects and technological spin-off, the value of additional moon missions to the average person must be debatable. Unlocking the secrets of the seas, however, and making them more productive for the people of the earth could be a vastly significant contribution to the welfare of all mankind.

Our country should make a far greater effort to explore, research, farm, and mine the oceans. A national commitment to that end is needed. If only a small portion of the vast amount we have spent on space were diverted to oceanography, astonishing results of beneficial economic and humanitarian impact could almost surely be achieved.

Thus far the United States has spent nearly \$40 billion on its space efforts. By comparison only slightly more than \$3 billion has been expended on oceanographic research.

This serious imbalance must be corrected.

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SENATOR RANDOLPH QUESTIONS  
LOGIC OF TAX ON LEADED  
GASOLINE; PREFERS TAX ON  
HIGH COMPRESSION ENGINES

Mr. RANDOLPH. Mr. President, we are in the midst of severe national economic problems. Yet the administration has demonstrated its economic confusion; its "backing and filling" on the causes inherent in a nonproductive economy; its difficulty in understanding the true silent majority—the American consumer.

The administration has asked us to add—and, I think, with a failure to assess the possible adverse results—approximately 7 percent to the cost of gasoline. This, we are told, is an antipollution tax, specifically a 2.3 cents a gallon levy on gasoline containing lead additives.

Who would pay this tax if, through some incredible lack of judgement, we were to enact such legislation?

We are told this proposed impost would not only bail the administration out of its fiscal problems, but would act also as an incentive to speed the elimination of lead from gasoline and thereby cure the pollution problems caused by automobiles.

This is highly questionable.

Automobile pollution comes from the cars on the road today—nearly 100,000,000 of them. These are vehicles with high-compression engines that must have high-octane, leaded gasoline—or they will not run with satisfactory results.

It is true that Detroit has promised us cars that will operate on unleaded gasoline next year—cars that will have lower compression engines that are predicted to be capable of performing well without lead in the gasoline they will use.

I ask this question: Who, in the name of Ford and Chrysler and General Motors, is going to be able to afford a new car in the midst of the prevailing inflationary spiral?

The answer is that fewer and fewer of the people who elected us to look after their interests are likely to be in the new-car market. Most of them are going to be driving their present cars, or, perhaps, cars bought from a used-car lot. All of these cars have high-compression engines designed to run economically on high-octane gasoline, made with lead additives.

Shall we ask these people to pay 2.3 cents a gallon more for gasoline because they cannot afford a new car? Are we going to increase inflation under the false banner of fighting pollution when that banner is flying false colors?

The administration should take another hard look at the 2.3-cent tax product of its thinking. It is today's modern automobiles with their big engines that pollute our air, our streets, our parking facilities. Why then does not the administration work to reduce pollution by going directly to the source of the problem, which is the automobile that requires high lead content, high-octane gasoline.

It would be more logical to tax the high-compression engines.

I suggest that such a tax would cause the automobile manufacturers to lower compression ratios. Favorable results would be lower cost gasoline for these lower compression engines, gasoline that can be produced without the inflationary cost of new refineries. Such a gasoline of low octane does not require the addition of lead additives. So this type of tax would help the fight against pollution and would help the consumers, too.

U.S. PRISONERS OF NORTH  
VIETNAM

Mr. PEARSON. Mr. President, without a doubt, the most tragic aspect of this tragic war in Vietnam has been the treatment received by the American prisoners of war at the hands of their captors. The North Vietnamese and the Vietcong, defying international agreements and basic codes of humanitarianism and decency, have consistently refused to discuss the whereabouts of the missing American men. Similarly, they have dribbled out only limited and distorted information about selected prisoners in infrequent propaganda movies tailored to their own purposes.

On the shoddy pretext that U.S. captives are not prisoners of war but "criminals," North Vietnam will not allow neutral inspections of its prisons. Yet, such inspections are required under the Geneva Conventions, signed by North Vietnam in 1957 and by 119 other governments. Using the "criminal" charge to mask its defiance, Hanoi not only has rejected inspection of its camps, but has also refused to identify the prisoners it holds; release the sick and wounded; allow proper flow of letters and packages; or protect U.S. prisoners from public abuse.

More than 1,400 American families do not know whether their sons or husbands in Vietnam are dead or alive, physically well or ill. More than 300 U.S. servicemen are known to be prisoners of the Communists. More than 1,000 are missing and believed to be prisoners. Their fate remains unknown because North Vietnam continued its brutal refusal to live up to the Geneva Convention relative to the treatment of prisoners of war. At least 54 of these men have relatives in Kansas.

The families of these American fighting men live each day in uncertainty and dread. Our Government, under both this administration and the preceding one, has repeatedly protested mistreatment of prisoners and urged that those basic steps provided by the Geneva Convention be taken. But the response from Hanoi has been insolently negative. The Communist regime has refused even to identify the men held in captivity.

However, the Nixon administration has been more willing to bring this tragic problem out in the open. Under this administration, the U.S. Government has opened up some of its previously closed files of information on the imprisoned and missing men. New initiatives and a tougher approach are being exhibited.

and, for the first time, administration officials are waging an open fight for the prisoners. The United States has been speaking out on this situation more vocally.

Two of President Nixon's top Cabinet officers have embarked on a strong public offensive. Both Secretary of State William P. Rogers and Secretary of Defense Melvin R. Laird have led this fight. Rallies have been held to marshal public opinion against this inhumane treatment. Resolutions condemning the North Vietnamese for this treatment have overwhelmingly passed both Houses of the Congress.

North Vietnam's consistent refusal to abide by the 1949 Geneva convention on the treatment of prisoners of war is viewed by American and world public opinion with dismay. And, it is only through further pressure brought by world opinion that there is any hope of changing the situation.

Serious indignation arises when issues are avoided rather than discussed. Serious indignation arises when prisoners of war and their families are not accorded the treatment called for by all accepted international standards.

May such indignation soon inflame world opinion so that even the North Vietnamese will be unable to withstand the onslaught. May our prisoners of war soon be granted the treatment which is theirs by right, by reason, and by international practice. And, may the time be short when all American prisoners of war are home again.

#### HOW IT WAS IN 1936

Mr. McGEE. Mr. President, as a member of the class of 1936 at Nebraska State Teachers College in Wayne, I was struck by the title of an article published in the Washington Sunday Star of May 31. The article, written by Rudolph Kauffmann II, was headlined "In 1936: Would We Have Done the Same?"

Indeed we would have. As Mr. Kauffmann points out, the class of 1936 and its contemporaries would have demonstrated and protested had any President in that year or any year leading up to Pearl Harbor suggested we go forth and confront Hitler, Tojo, or Mussolini. We were not asked, really, until Pearl Harbor caused the Nation's adrenal gland to respond. But we can understand why those who are the same age today as we were then are doing and saying what they are doing and saying, as Mr. Kauffmann puts it. Understanding, however, does not mean we agree, for we experienced the fruits of a policy that permitted German and Japanese imperialism to go unchecked in the thirties.

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

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

IN 1936: WOULD WE HAVE DONE THE SAME?  
(By Rudolph Kauffmann II)

We have to admit it to ourselves, we of the "Establishment." The details would have been different: There might well not have been a splash-in, or so much undressing, or dirty words shouted quite so publicly.

We might even have kept our ties and coats on. But the embryo of protest was there.

We could remember dancing ring-around-the-rosie at pre-kindergarten to celebrate the 1918 Armistice. As kids we had tasted some of the affluence of the 1920's. That the United States had fought and won the "War to End War," the "War to Save Democracy," was an article of faith. America had paid its debt to Lafayette, and his friend George Washington's remark about avoiding foreign entanglements came often to the nation's lips. We wouldn't have to fight again, ever again.

The 1929 Crash and subsequent Depression shattered the dream of affluence. As we entered college in 1932, there was widespread disillusionment. The capitalist system, with its booms and busts, had fallen once again. The then-existing "Establishment," domestically at least, had made a mess of things. We would change all that.

Civil rights weren't the "big issue" then, although, of course, the lack of them in the case of many Americans was apparent. The big issue was the right of a man to gain a decent livelihood, and acceptance of this right by the "system" as having the same validity as the right to property.

Franklin Roosevelt, however, was pointing the nation in the direction of upholding this right. Some of the "Establishment" tried to blunt his efforts, but the majority of adult Americans agreed with what he was trying to do. We were left in the position of concurring rather than protesting.

But, war? That was a problem for Europe, perhaps, or Asia—not for us. The wealth of the nation, such as it was, actually was then being used for domestic reforms. That military concerns might conflict or siphon off the funds needed to attack economic and social problems was unthinkable to us. It was also unthinkable to the majority of adult Americans. There was nothing there to protest.

Then the "victory" of 1918 began to fall apart at the seams. Hitler came to power. Mussolini announced his intention of making the Mediterranean an "Italian lake." The Japanese annexed Manchuria and attacked China proper. Germany reoccupied the Rhineland without Great Britain or France even trying to oppose. But the idea that we might send an American expeditionary force to confront German or Japanese imperialism was unthinkable. If our World War I allies, still great powers, saw no need for a confrontation, why should we?

So we watched these things happen with a certain detachment. It never occurred to us that we might be directly concerned. It wasn't our problem. Again, the majority of adult Americans agreed.

Most of us refrained from taking ROTC courses, although roommates and close friends did. But most of them didn't seem to take them very seriously, and the whole business was regarded with amused tolerance. We spoofed war by organizing a thing called "The Veterans of Future Wars," and one of our sister colleges cooperated by founding "The Future Gold Star Mothers of America." But we were trying to kid the American Legion, then lobbying for a one-shot payment of future pensions. We had no thought of being veterans of any future war.

We graduated in 1936 and went our separate ways, destined, however, to live only briefly in our fool's paradise. Anschluss with Austria, the annexation of the Sudetenland, peace at any price at Munich and the Japanese military buildup came in rapid succession. And America began, but only just began, to see the threat to American national security that these things implied.

Then Poland, France and England at war. The handwriting on the wall became clearer; but still the Draft was enacted by a single vote in the House. Then Pearl Harbor. The nation's adrenal gland responded. The rest is history.

Now let us consider some "supposes."

Suppose England and France had confronted the early manifestations of German imperialism. And suppose the President of the United States, when the war clouds first began to gather and knowing full well that if he didn't act World War II also must surely come, had sent American expeditionary forces to confront Japanese imperialism, or German imperialism, or both. Would we have protested? Assuredly, we would have. Would we have demonstrated? Yes. Would this have been because we didn't understand what the stakes were? Yes.

But suppose the President had gone ahead anyway and done then what five successive post-World War II presidents have tried to do; and suppose Great Britain and France had done the same thing. Would this have prevented World War II? Yes, it probably would have. But would we have acknowledged that we were preventing World War II by going out and getting shot at? The answer, of course, is: Hell, no.

Now we are the "Establishment" and we have fought our world war and won it, at least in a military sense and thanks, in great part, to an uneasy and dangerous alliance and the atom bomb. But millions, rather than thousands, paid with their lives for what has proven once again to be fleeting victory.

Imperialism under different names now confronts us—has confronted us, whether we like to admit it or not, from the time the last World War II shot was fired. This time, however, there has been no Britain and no France, just us—the only nation capable of confronting an aggregate of power that seeks to impose its political and economic theories on other nations, including our own, by use of military force. This time the Presidents of the United States have not waited. They have not waited because they and a majority of their contemporaries see that we cannot afford the luxury of making the same miscalculations, cannot wait to be attacked ourselves, cannot pursue a policy of peace in our time, else World War III could well become reality.

Yet we understand why those who are the same age as we were then are doing and saying what they are doing and saying. In their shoes—let's be honest with ourselves—we would do the same thing. Only the details would be different.

There are many more of them than there were of us—enough, perhaps, to impose politically a change in national policy. If they succeed, they will find eventually that they, too, have miscalculated. And the price—to them—of their miscalculation may be even greater than ours was to us.

#### AN IMPORTANT DAY FOR SENATOR SMITH OF MAINE

Mr. MUSKIE. Mr. President, on Monday, my senior colleague from Maine (Mrs. SMITH) was involved in three noteworthy events.

The day was the 20th anniversary of her justly celebrated "Declaration of Conscience" speech.

Monday evening, she was honored at a dinner given by the American Newspaper Woman's Club.

Finally, she delivered another timely speech, pleading for "civilized public discourse."

It was a memorable day for Senator SMITH, for the State of Maine, and for the country. It is a pleasure to add my compliments and congratulations to the many she is receiving from both sides of the political aisle.

Senator SMITH has had a remarkable political career, without parallel in the annals of Maine politics.

It is appropriate that the RECORD include selected news coverage of her day. I ask unanimous consent that stories from the Washington Post and New York Times be printed in the RECORD.

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

**MRS. SMITH WARNS OF REPRESSION—SHE ASSAILS MILITANT STUDENTS AND THEIR CRITICS IN CAPITAL**

WASHINGTON, June 1.—Senator Margaret Chase Smith spoke today of a "national sickness" pervading the land, and she denounced both protesting student militants and their critics in the Administration.

It was the 20th anniversary of a speech in which the Maine Republican, speaking from the same Senate desk, attacked the late Senator Joseph R. McCarthy of Wisconsin for irresponsible political tactics, and she recalled some of that speech today.

"I spoke as I did 20 years ago because of what I considered to be the great threat from the radical right—the threat of a government of repression," Senator Smith declared.

"I speak today," she said, "because of what I consider to be the great threat from the radical left that advocates and practices violence and defiance of the law—again, the threat of the ultimate result of a reaction of repression."

While she was sharply critical of student demonstrators who commit crimes, the 72-year-old Senator indicated her belief that overreaction by Administration officials—she declined to name names—contributed substantially to the problem.

The Senator said she was "not proud of the way in which our national television networks and campuses have been made publicity platforms for irresponsible sensationalism—nor am I proud of the counter-criticism against the networks and the campuses that has gone beyond the bounds of reasonableness and propriety and fanned, instead of drenching, the fires of division."

Asked after the speech if this had been a reference to Vice President Agnew, Mrs. Smith replied that she was "not going in personalities" now although she might at a later date.

"Extremism bent upon polarization of our people is increasingly forcing upon the American people the narrow choice between anarchy and repression," the Senator warned. "And make no mistake about it, if that narrow choice has to be made, the American people, even if with reluctance and misgiving, will choose repression."

"Ironically, the excesses of dissent in the extreme left can result in repression of dissent," she added. "For repression is preferable to anarchy and nihilism to most Americans."

Mrs. Smith indicated that she regarded today's conflicts and criticism just as seriously as she did the excesses of McCarthyism 20 years earlier, whatever the official stance of the Administration may be.

"The President denies we are in a revolution," she said. "There are many who would not agree with his appraisal. Anarchy may seem nearer to many of us than it really is."

The Senator said that just as in the 1950's "the Senate was silenced and politically intimidated by one of its own members, so today many Americans are intimidated and made mute by the emotional violence of the extreme left."

"It is time that the greater center of our people," she continued, "those who reject the violence and unreasonableness of both the extreme right and extreme left, searched their consciences, mustered their moral and physical courage, shed their intimidated silence and declared their consciences."

Three weeks ago at Colby College in Waterville, Me., Mrs. Smith reported today, her

efforts to answer questions were greeted in some instances with hisses and obscenities.

Mrs. Smith's speech was well received by the small group of Senators on the floor to hear it. They ranged from liberals—Senators Edward M. Kennedy, Democrat of Massachusetts, and Charles H. Percy, Republican of Illinois, to conservatives, Senators John C. Stennis, Democrat of Mississippi, and John J. Williams, Republican of Delaware.

**A ROSY SALUTE FOR SENATOR SMITH  
(By Dorothy McCordle)**

Democrats and Republicans joined in a rose-strewn love-in for Maine's Sen. Margaret Chase Smith last night at a dinner in her honor given by the American Newspaper Woman's Club.

The occasion for the dinner at the Shoreham Hotel was the 20th anniversary of the Senator's 1950 "declaration of conscience" speech on the Senate floor in which she took a strong stand against the Red-hunting tactics of the late Sen. Joseph McCarthy.

Yesterday, the 72-year-old Senator again took the floor to deliver her 1970 version of that declaration. In it, she criticized extremists of both the Left and Right and called both the McCarthy era and the present, a time of "national sickness."

Sen. Smith, who is the ranking Republican on the Senate Armed Services Committee, was saluted by Secretary of Defense Melvin R. Laird as "the first of her sex to achieve leadership on the Hill."

"There is no other person in Congress who understands how important it is to maintain a strong America, as she does," said Secretary Laird.

Sen. Smith had arrived without her usual trademark, a single rose pinned to her gown. This lack was soon remedied when Secretary Laird gave her a sheath of roses to carry to the platform. Roses centered every table and there was a special basket of roses for Mrs. Smith with a card from President Nixon.

In this rose-strewn setting, the compliments for Sen. Smith were spoken with tough and sincere masculine admiration.

Sen. Hugh Scott of Pennsylvania, Republican leader of the Senate, said that Mrs. Smith had delivered a thunderbolt 20 years ago for her declaration of conscience against McCarthy tactics.

"For balance and rectitude, Sen. Smith's speech was one of the greatest documents ever presented to the Senate in my time," said Sen. Scott. "She tells it like it is, she knows when to speak up."

"Now she has issued thunder on the Right and on the Left again today."

Sen. Scott said that the United States Senate is "singularly fortunate to have a viable, visible, and articulate conscience in Margaret Chase Smith."

Sen. John Stennis (D-Miss.) who is chairman of the Senate Armed Services Committee, said that "no other woman and few men have achieved her position of power and recognition in the Senate, which she has today."

He saluted her for having an all-time record of roll-call votes in the Senate. He said that every man and woman in all the military services owe a debt of gratitude to Mrs. Smith for all she has done for them over the years.

"Her work will bear fruit for decades to come." He said that Sen. Scott had stolen his thunder of compliments for Mrs. Smith, but he wanted to add one more word.

"Sen. Smith, you have overcome all of my prejudices. I have seen a good number of ladies in public office who thought they had to act mannish to get things done. But Sen. Smith has carried a full load and done more than her share of the work and yet she continues to be in every way a lady."

Sen. Stennis wound up by saying that "so long as honor, character and dedication have

a value in American life, just so long will her influence be felt.

"There is one word for Margaret Chase Smith," said Sen. Stennis. "She has quality, genuine quality."

After tributes from ABC news commentator Howard K. Smith and Esther Van Wagoner Tufty, president of the American Newspaper Woman's Club, Sen. Smith stood to receive an ovation.

In a few short words she said she had alternately laughed and cried at all the encomiums tossed her way. She saluted the month of June, the month of roses, as her own special month. Thirty years ago in June she had come first to Capitol Hill, and 20 years ago on June 1 she had made her declaration of conscience.

"If I'm remembered at all in history," said the slight silver-haired woman, "it will be for that declaration of conscience which I made 20 years ago today."

**A PLEA FOR CIVILITY—LEFT'S EXTREMISM FORESHADOWS REPRESSION, MRS. SMITH WARNS  
(By Spencer Rich)**

Sen. Margaret Chase Smith (R-Maine), speaking 20 years to the day after her famed 1950 "declaration of conscience" against the witch-hunting tactics of the late Sen. Joseph McCarthy (R-Wis.), warned yesterday that a new era of right-wing repression could occur in the United States in reaction to the "anti-democratic arrogance and nihilism from the political extreme left."

Likening the current atmosphere to that which prevailed a generation ago when McCarthy's Red-hunting methods threw the nation into turmoil, Mrs. Smith told the Senate, "We had a national sickness then from which we recovered. We have a national sickness now from which I pray we will recover."

In what could best be described as a plea for a return to civilized public discourse, Mrs. Smith struck out at "militant intellectuals" guilty of "refusing to listen while demanding communication" and at "the way the campus has been made a rendezvous for obscenity, for trespass, for violence, for arson and for killing."

She praised the "candid and justified defense of our government" by Nixon administration spokesmen but added that "some of the defense has been too extreme and unfair and too repetitive." Asked if she were referring to Vice President Agnew, she responded, "I'm not going into personalities; I may later on if it continues."

Mrs. Smith's 1950 speech against McCarthy was one of the most dramatic in Senate history. McCarthy, riding the Communist-in-government issue hard in the atmosphere of the Cold War, had risen to national attention as a result of his sensational charges and was deeply feared by members of both parties.

Without naming him, Mrs. Smith in the 1950 speech attacked McCarthy for making unfounded charges and for character assassination. She survived a later attempt by McCarthy backers to purge her from the Senate, she recalled yesterday.

The Maine senator's thesis yesterday was that the extremism of the political left confronted the country with a choice between "anarchy and repression," and that, given such a choice, the nation would choose repression because "repression is preferable to anarchy and nihilism to most Americans."

"And make no mistake about it," she said, "if that narrow choice has to be made, the American people, even with reluctance and misgiving, will choose repression. For an overwhelming majority of Americans believe that trespass is trespass—whether on campus or off; violence is violence—whether on campus or off; arson is arson—whether on campus or off. . . . Criminal acts, active or by negligence, cannot be condoned or excused because of panic, whether the offender be a policeman, a National Guardsman, a student, or one of us in this legislative body."

Mrs. Smith's address was the only major speech yesterday in a brief Senate session in which debate continued on the Cooper-Church amendment, denying funds for further U.S. operations in Cambodia after July 1.

Sen. Stuart Symington (D-Mo) complained that the Pentagon is denying information not only to the public but to Congress. He said the General Accounting Office, trying to learn who in the Philippines received some \$38.3 million from the United States to support Philippine forces sent to Vietnam, is being refused access to needed Defense Department documents.

In the House Rep. Charles A. Vanik (D-Ohio) said that on Wednesday he would take to the floor his fight to hold the new national debt ceiling to \$389 billion instead of the \$395 billion sought by the Nixon administration. He wants the \$6 billion difference cut from planned military spending. He was refused permission to offer such an amendment in the Rules Committee.

#### JETS FOR ISRAEL

Mr. SYMINGTON. Mr. President, I ask unanimous consent that a joint press release from the offices of the distinguished minority leader (Mr. SCOTT) and myself, as of June 1, be printed in the RECORD.

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

#### SEVENTY-THREE SENATORS URGE U.S. JETS FOR ISRAEL

WASHINGTON, D.C.—A bipartisan group of 73 Senators today sent a letter to Secretary of State William Rogers requesting a meeting to discuss recent Soviet moves in the Middle East and urging the United States to provide additional jet aircraft to Israel in response to Soviet escalation of the Middle East conflict.

The letter was circulated by a group of ten Senators including Stuart Symington (D-Mo) and Republican Minority Leader Hugh Scott (R-Pa). Others circulating the letter, in order of seniority, were, for the Democrats: Sen. Herman E. Talmadge (D-Ga), Sen. Gale W. McGee (D-Wyo), Sen. Edward M. Kennedy (D-Mass), and Sen. Abe Ribicoff (D-Conn); for the Republicans: Sen. Jacob K. Javits (R-N.Y.), Sen. Edward W. Brooke (R-Mass), Sen. Robert J. Dole (R-Kan), and Sen. Edward J. Gurney (R-Fla).

In a joint statement issued at the time they released the letter, Senators Symington and Scott said: "This letter, signed by nearly three-fourths of the Senate, represents an unprecedented expression of support of a policy that seeks to protect vital United States strategic interest and to further the cause of peace."

In addition to those who circulated the letter, the following Senators signed the letter: James B. Allen (D-Ala.).

Howard H. Baker, Jr. (R-Tenn).  
 Birch Bayh (D-Ind).  
 Wallace F. Bennett (R-Utah).  
 Alan Bible (D-Nev).  
 J. Caleb Boggs (R-Del).  
 Quentin N. Burdick (D-N. Dakota).  
 Harry F. Byrd, Jr. (D-Va).  
 Howard W. Cannon (D-Nev).  
 Clifford P. Case (R-N.J.).  
 Frank Church (D-Idaho).  
 Marlow W. Cook (R-Ky).  
 Alan Cranston (D-Calif).  
 Carl T. Curtis (R-Nebr).  
 Thomas J. Dodd (D-Conn).  
 Thomas F. Eagleton (D-Mo).  
 Paul J. Fannin (R-Ariz).  
 Hiram L. Fong (R-Hawaii).  
 Barry M. Goldwater (R-Ariz).  
 Charles E. Goodell (R-N.Y.).  
 Mike Gravel (D-Alaska).  
 Fred R. Harris (D-Okla).

Phillip A. Hart (D-Mich).  
 Vance Hartke (D-Ind).  
 Spessard L. Holland (D-Fla).  
 Ernest F. Hollings (D-S.C.).  
 Roman L. Hruska (R-Nebr).  
 Harold E. Hughes (D-Iowa).  
 Daniel K. Inouye (D-Hawaii).  
 Henry M. Jackson (D-Wash).  
 B. Everett Jordan (D-N.C.).  
 Warren G. Magnuson (D-Wash).  
 Charles McC. Mathias, Jr. (R-Md).  
 George S. McGovern (D-S. Dak.).  
 Thomas J. McIntyre (D-N.H.).  
 Lee Metcalf (D-Mont).  
 Jack Miller (R-Iowa).  
 Walter F. Mondale (D-Minn).  
 Joseph M. Montoya (D-N. Mex).  
 Frank E. Moss (D-Utah).  
 George Murphy (R-Calif).  
 Edmund S. Muskie (D-Me).  
 Gaylord Nelson (D-Wisc).  
 Robert W. Packwood (R-Oreg).  
 John O. Pastore (D-R.I.).  
 Claiborne Pell (D-R.I.).  
 Charles H. Percy (R-Ill).  
 Winston L. Prouty (R-Vt).  
 William Proxmire (D-Wisc).  
 Jennings Randolph (D-W. Va).  
 William B. Saxbe (R-Ohio).  
 Richard S. Schweiker (R-Pa).  
 Ralph T. Smith (R-Ill).  
 John Sparkman (D-Ala).  
 William B. Spong, Jr. (D-Va).  
 John Stennis (D-Miss).  
 Ted Stevens (R-Alaska).  
 Strom Thurmond (R-S.C.).  
 John G. Tower (R-Tex).  
 Joseph D. Tydings (D-Md).  
 Harrison A. Williams (D-N.J.).  
 Ralph Yarborough (D-Tex).  
 Stephen M. Young (D-Ohio).

Following is the text of the letter to Secretary Rogers:

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 Mideast 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.

#### THE ECONOMY

Mr. DOLE. Mr. President, the state of the Nation's economy has been a much-discussed topic during the past few weeks. The Nation's economic activity, now in a period of readjustment, is a source of concern for us all. However, there are now encouraging signs of an improving economy. Budget Director Robert Mayo predicts that we will see an upturn in business activity the second half of this year.

Still, President Nixon is being blamed for every slight fluctuation in economic activity. The National Observer of May 25 correctly points, I believe, to the tight predicament the administration faced when it entered office after years of deficit spending by the previous administration.

Mr. President, I ask unanimous consent that the editorial, entitled "The Course of the Economy," be printed in the RECORD.

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

#### THE COURSE OF THE ECONOMY

Pessimism, like optimism, feeds on itself. The current downturn of the economy, which now appears to be sharper than most experts anticipated, has Government and business decision-makers saying and doing the things that inadvertently reduce public confidence in the nation's immediate economic prospects.

When the President of the United States, taking note of what was developing into the worst bear market since Depression days, says he would buy stocks if he had the money, people begin to get nervous. Ever since Herbert Hoover spoke enthusiastically of the soundness of the economy shortly after the Crash, Americans suspect trouble when a President feels the need to deliver an upbeat economic pronouncement.

When important newspapers run editorials explaining why 1970 is very different from 1929, Americans begin to perspire. Many readers probably never even considered the serious possibility of economic disaster until reading that such a disaster is not a serious possibility.

Most importantly, there is the evidence of recession that the people can clearly see and that prompted the cheerful-tearful statements in the first place. Unemployment is rising, profits are falling, hopes for a balanced Federal budget are put aside, corporate expansion plans are trimmed or shelved, consumers postpone the purchase of automobiles and other big-ticket items, and a recession psychology gradually insinuates itself.

And all the while prices keep going up. The Nixon Administration's effort to bring inflation under control has apparently succeeded in cooling the economy without achieving the main goal of stabilizing prices. The average American has a right to wonder what is happening and why.

The high inflation rate was caused by the combined bad judgment of the Johnson Administration and the Federal Reserve Board. Between mid-1965 and mid-1968, for instance, Federal expenditures increased \$53 billion, with somewhat less than half the increase attributable to the Vietnam War. But President Johnson didn't even ask for a tax increase until January 1967, although the wholesale price level had been climbing steadily for the previous 30 months.

Meantime, while the Johnson fiscal policies were creating massive inflationary pressures, the Federal Reserve unaccountably adopted a more liberal monetary policy with the result that the money supply during

1967 increased more than 7 per cent. That amounted to the fastest rate of growth in the money supply anytime since World War II.

The policies of the Government in the late 1960s guaranteed the high inflation rates of the past few years. So fierce were the inflationary pressures that measures such as the surtax on income were much too little, much too late. President Nixon knew he had to take far stronger action if the wage-price spiral was to be brought under control.

This being the case, his Administration began the difficult—and politically thankless—task of moderating the nation's economic activity. Unfortunately, America's binge during the Johnson years was such a whopper that the hangover has turned out to be unexpectedly painful.

In this period of economic readjustment, everyone looks to the stock market to see how it's reacting to the treatment. And, the market being the market, it's reacting like a cranky patient. The market is feeling rotten, thank you, but it keeps everyone acutely interested by mixing in an occasional good day with its more frequent sessions of moaning and groaning.

There is such a thing, we believe, as taking the stock market far too seriously as an economic indicator. Since November 1968, the Dow Jones Industrial Average has declined more than 300 points. Just since the beginning of this year, the market value of equities traded on all exchanges in the country has dropped some \$150 billion. This unquestionably works a fearful hardship on investors, but does it really reflect the health of the economy?

It would be absurd to think so. The market, as a matter of fact, is often wrong. Attorney General John Mitchell last week quoted someone's comment that the stock market has predicted "1 out of the last 4 recessions."

It is the nature of the mechanism to overreact, to make specific bad events seem like general bad events. It is as if you took a room thermometer that was registering 72 degrees and held a cake of ice next to it. The instrument would soon show a reading of 60 degrees or less. But you would hardly infer from the experiment that the temperature of the whole room was 60 degrees.

We don't think it's necessary to list in detail the reasons why we believe the nation's economy is in a relatively steep but temporary decline. Most Americans are aware that it is the deliberate policy of the Administration to cool things off so that the value of the dollar can again be relatively stable. Most Americans, too, are aware of the tremendous leverage the Government has to ignite a boom in the 1970s once the recession has put the brakes on inflation. Actually, it is more likely that the energy and self-confidence of the people will handle the job in natural fashion.

The United States is today paying the price for the ill-considered fiscal and monetary policies of the late 1960s. As for the stock market, it will go back up again. And if you doubt that, you're likely to lose money.

### "POPULATION"

Mr. MCGEE. Mr. President, we are all becoming increasingly aware of a pair of problems which are closely associated; namely, the problems of overpopulation and pollution. One gives rise to the other, surely. Dr. Charles M. Stebner, of Laramie, Wyo., is a man deeply concerned with our environment and with the quality of life. He has coined a word which fits the very special problem shared by all men in the 1970's. I ask unanimous consent that a brief explanation by Dr. Stebner of his word—"population"—be printed in the RECORD.

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

#### NEED FOR A NEW WORD

We remember the statement, "The Greeks had a word for it." Well, we need a new word for a very special problem to be shared by all men in the 1970's.

There are two selfish drives of man that threaten our environment. First, man's exploitation of the blessings of earth in the name of something called progress; and the abuse of the sex drive which was designed to perpetuate the species rather than destroy it. These drives are responsible for the multitude of problems that we could call *Population*.

If we read, listen, look, smell, and finally think, we must become aware of an alarming growth in both population and pollution. They are inseparable in thought and in the symbol—a new word.

Yes, we need it! How else can we effectively discuss the urgent problems of population?

CHARLES M. STEBNER, D.D.S.

LARAMIE, WYO., April 20, 1970.

#### STRUGGLE IN THE MIDDLE EAST

Mr. HATFIELD. Mr. President, today we face yet another crisis in the continuing struggle in the Middle East. Dr. John H. Davis, president of American Near East Refugee Aid, Inc.—ANERA— and former Commissioner General of the United Nations Relief and Works Agency for Palestine—UNRWA—is a man who has had a personal and professional involvement in that troubled land for many years. In light of the continuing escalation of military confrontation in the Middle East and two visits which I have made to the area within the past 18 months, I ask unanimous consent that a speech delivered by Dr. Davis at St. Anselm's College be printed in the RECORD. It is a most perceptive and poignant statement regarding the various aspects of the Middle East crisis. I hope that it will help give added insight to those concerned with this issue.

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

#### AMERICA'S INTEREST IN THE MIDDLE EAST

(By Dr. John H. Davis)

As I revisited the Middle East in October of this year, after an absence of only seven months, I felt like I was in a different Middle East. The confrontation between the Arabs and Israelis had mounted in tempo; the commando strength was noticeably greater; Israel's response to commando exploits was becoming more massive; refugee well-being had deteriorated—particularly in the Gaza Strip, Jerusalem and on the West Bank, America's standing in the Arab world had significantly deteriorated while that of the Soviet Union correspondingly increased and the commando movement was having marked political impact in numerous Arab countries—notably Lebanon and Jordan, but to some extent all Arab countries.

The cause of change on so great a scale was not hard to find—the dominant innovating force was the rising spirit and identity of the Palestine people. For eighteen years the Palestinian Arabs had depended on Arab states and the world community of nations, working through the United Nations and the great powers, to resolve their conflict with Israel, but this had not worked in terms of bringing peace. The shock of Arab defeat in June 1967 and the subsequent occupation of Arab territory by Israel has changed all of this. The Palestinian Arabs were awakened to the fact that if

they want redress for the injustices that they believed they had suffered, they must begin doing things for themselves. This they have now begun to do and with increasing vigor. The most visible aspect of the developing Palestinian movement is the commando action against Israel, and of increasing significance is its political impact on Arab governments.

I shall return to the commandos later. Let us now look at the basic cause of conflict in the Middle East. This story of conflict is a story of the tragedies that have beset two great peoples—Jews and Arabs—and of the struggles that these peoples have made and are now making to find a future for themselves that will be without tragedy. The problem is that in their quest for a future without tragedy, these two people have moved in directions that have brought them into violent confrontation. Today the situation is made the more ominous by the fact that each side is now "locked on course," so to speak, in a manner that compels its national leadership to pursue the course it is on, even when it is obvious to all concerned that this is a collision course. Each side seems to assume that it will survive the collision, and each prefers this to compromise.

Before proceeding further, may I explain that in referring to Zionism, which I shall do, I have in mind political Zionism, which is distinct from Judaism or traditional Jewish culture. Zionism, today, is a form of aggressive nationalism and as such must not be equated with Judaism. Zionism is the force that now dominates Israel.

Let us next consider just how the dreadful confrontation to which I have referred came about. You already know in a general way how the Israeli position took form—how Zionist leadership, after long years of Jewish persecution and dispersion, decided that the Jewish people must have a Homeland, a Jewish State, and that this state must be in Palestine. That the persecution that led them to this conclusion was great and tragic, at times even barbaric, needs no elaboration by me—memories of the savage and wanton slaughter of Jews during the Hitler era are still vivid with us. Nor need one quarrel, necessarily, with the idea of a state for the Jewish people, so long as in creating that state the basic rights of other people are not put in jeopardy.

But this brings us to the very heart of the problem—the creation of Israel has interfered with the basic rights of other people—the indigenous Arabs of Palestine—and it is this interference that is the basic cause of conflict. The thesis put forward by certain Zionist leaders about the time of the Balfour Declaration, "that Palestine was a land without people, waiting for a people without land", and was not true then, and it was not true in 1948 when Israel was created. In 1917, the year of the Balfour Declaration, Palestine was a settled state in which Jews made up only thirteen per cent of the total population. Considering the technology of that day, Palestine was quite fully settled, with concentrations of people already living on the best and most available land and in cities and major villages located at strategic points such as crossroads, harbors, and where the climate was most favorable.

The tragedy is that Zionist leadership decided to settle Jews in Palestine anyway, even when they knew full well that it was not a "land without people". In retrospect, it is apparent that from the start there never was any way at all by which an autonomous Jewish State, could have been implanted in Palestine without doing violence to the basic rights of the indigenous Arab inhabitants.

Thus, it is not surprising that when Israel became a state more than 700,000 Palestinian Arabs were suddenly made homeless refugees. There has been much debate as to whether Israel or the Arab States were responsible for this exodus of Arab people, but it is now quite clear that Israel had strong incentive for encouraging the Arabs

to leave and that, in fact, she did much to move them out. Consider, for instance, that within the land area that was governed by Israel from 1949 to 1967, the Arab people, before their exodus as refugees, constituted sixty-four per cent of the total population. Israel's dilemma was that she could not establish a Jewish State in an area in which Jews constituted only a one-third minority. Indeed she could not! Hence, if the new state were to carry out the purpose of its Zionist founders, the Arab population had to be reduced; and it was. Thus, by midyear 1949, the Jews actually constituted a majority within the area that Israel then governed, and in consequence, almost three quarters of a million Arabs had become refugees.

However, it is not just the initial exodus of the Palestinian Arabs that has left the Arab people so embittered, it is the fact that they are still an exiled people, after a period of more than twenty years. They are still an exiled people because Israel has aggressively and effectively blocked their return home. Not only is this true for the refugees of 1948 and 1949 but also for those of 1967. The crux of the matter is that the Palestinian Arabs have been refugees for more than twenty years not because they are Palestinians or because they are Arabs—not at all. It is because they are not Jews. The point is that because they are not Jews they do not fit into a Jewish State.

If you find these statements startling, even to the point of being shocking and unbelievable, I am not surprised. The fact is that the whole truth has not been and is not now being well reported to the American people. This being so, I shall now attempt to highlight other points which I suspect you do not know, but must know if you are to understand the cause and nature of Arab-Israeli conflict.

To sharpen understanding, let us attempt to look at the problem of conflict as the Arab people see it. They see the people of Palestine as having been driven from their homes, their return then blocked by force, their property seized and given to new Jewish immigrants, and their homeland of Palestine turned into a new state in which the new immigrants were granted the status of legal citizens while most of the native-born Arabs were reduced to the status of foreigners doomed to live in exile. In consequence, the Palestinian Arabs see themselves as a people without a homeland where they might live together—a people without a country that they can call their own. Today there are about 2.5 million Palestinians in the world. Ironically, this is the number of Jews that now reside in Israel. The sad truth is that every single one of these 2.5 million Palestinian Arabs is today living as an exile in someone else's country; or living under occupation which he finds increasingly galling; or living as a citizen of Israel who has restricted rights, privileges and opportunities. In short, the creators of Israel have placed the Palestinian Arabs in a position similar to that which the Jews of history have experienced and which they have lamented with respect to themselves since Biblical times.

One would think that the Jewish people, who themselves have suffered such brutal persecution, would have been the first to champion the cause of justice for the Palestinian Arabs. Under different circumstances this probably would have been true. But Israel's dilemma is that she could not have championed the rights of the Palestinian Arabs and at the same time have fulfilled the Zionist goal for which she was created. By the term Zionist goal I refer to the Israel mission to unite the Jewish people of the world into a "Jewish peoplehood" based on nationality. The point is that the principle of Jewish exclusiveness is inherent in the very concept of a Jewish State. Hence, Israel has regarded efforts to repatriate the Palestine Arab refugees, in conformity with

United Nations resolutions, as incompatible with her responsibilities to the Jewish people of the world.

From what I have said it is apparent that there is deep motivation on both sides of Arab-Israeli conflict. The Israelis are fighting for the existence of their state and with the belief that the destiny of the Jewish people is tied to that of their state. Their answer to the Arabs is that Arab territories and resources are vast and that the answer to the refugee problem is for Arab states to absorb the refugees. Israel further points out that she, too, has settled refugees—many even from Arab states.

These arguments are not accepted by the Arab people. The Arabs argue in terms of elemental justice and human rights for the Palestine Arabs whom Israel has made a people without a country. They regard Israel as a colonial entity, created by major powers at the precise point in history when colonialism was crumbling elsewhere over the world. Moreover, they do not believe that a state that bases citizenship on religion and nationality has a place in the Middle East—particularly when such a state under the Israeli law of "Return", has granted latent citizenship to all of the 15 million Jews in the world. For these and related reasons the Arabs are determined to destroy Israel as a Jewish state. In taking this position they distinguish between Israel as a Jewish state and Judaism as a religion and the latter they accept. Moreover, they distinguish between Jews who support Israel and those who do not, and the latter they regard as friends.

To date Israel has demonstrated marked technological superiority in the use of modern weapons. This, combined with the knowledge on the part of every Israeli soldier and civilian that one defeat means the end of Israel as a state has fired the Israeli people to heroic performances in battle.

Israel may hold this advantage for some time, but Israel has a fundamental weakness that in the long run is likely to prove serious and even fatal. This weakness is that, in fact, a grave injustice was committed against the people of Palestine when Israel was created. Israel's refusal to admit this truth and then make appropriate redress will weaken her ultimate capacity to survive.

To be sure, Israel and the World Zionist Organization have to date had marked success in uniting the Jewish people in spirit and action—both those inside and outside of Israel. However, they are uniting them more behind a form of Zionist Nationalism than of Judaism. This nationalism, in fact, has thrived in the climate created by Israel's struggle for existence. But so, now is an expanding Arab resistance movement, as its counterpart.

Israel's continued occupation of the West Bank of the Jordan and other Arab lands is rapidly making the Palestinian resistance movement into a force of real significance. It is my judgment that the commando movement will grow as long as occupation continues and that through it, the Palestinian Arabs will ultimately demand and receive a voice in any meaningful peace talks that may take place. Israel has been most unrealistic in expecting the neighboring Arab states to control the commandos, Arab sympathy in these states being too much in support of the commandos. The commando movement, together with Israel's policy of trying to combat it through massive retaliatory strikes, is today the major factor moving the Middle East towards war.

A related force pressing towards hostility is Israeli annexation of Arab Jerusalem. Already it is becoming clear that Israel will not be able to administer Jerusalem to the satisfaction of the adherents of the three great faiths—Judaism, Christianity, and Islam. There are about ten million Christian Arabs in the Middle East—two-thirds as

many Christian Arabs as there are Jews in the world. Except for a very few, they now have no access to Jerusalem. Then there are some seven hundred million Moslems, most of whom do not now have access to Jerusalem. The point is that today, there are at least forty times more adherents to the three great faiths who do not have access to Holy Places in the Old City than was even true from 1948 to 1967. I cite these figures not to indicate that the status of Jerusalem between 1948 and 1967 was good—it was not—but to show that now it is becoming far more explosive. Even if Western Christians continue to tolerate Israel's seizure of Jerusalem, which I doubt, one can be sure that Arab Christians and Moslems will vigorously oppose it. Just one month ago I observed in Arab Jerusalem how Arab properties had been seized and Arab homes demolished to make way for new Jewish apartments and government buildings; all for the purpose of quickly integrating the Arab sector into the State of Israel. This, I submit, is hardly the way for Israel to seek the friendship of her Arab neighbors.

So much for background. Let us now take our bearings and then look towards the future. It is my belief that events since June 1967 have rendered obsolete, even dangerous, much of the present policy of the West towards the Middle East. Basically, Western policy has rested on the premise that, rightly or wrongly, the State of Israel exists, and that ultimately the Arabs will have to recognize this fact. Accordingly, Western strategy has centered on finding ways to facilitate and expedite, if not force, Arab acceptance of Israel.

I submit that this basic premise is fallacious and always has been. The policy of insisting on Arab acceptance of Israel in the absence of rectifying past injustices is not only morally wrong, it is strategically dangerous, in that the Arab people have the alternative of resisting Israel until ultimately they can defeat her, even if this takes years.

The point is that Israel's so-called Victory of June 1967 has awakened the Arab people—particularly the Palestine Arabs—and Israel's continuing occupation of Arab territory is deepening their determination to get their lands back and to achieve justice for the Palestinian people.

If you question whether the Arabs will ever be capable of winning a war against Israel, I urge you to take a close look at the generation of Arab youth now reaching maturity. They are a new breed. They are learning skills and gaining competence, and the spirit of the commandos is fast becoming the spirit of Arab youth everywhere.

In this connection it is significant that war can actually bring an end to Arab-Israeli conflict. But to end conflict, such war must end either in the defeat of Israel or in a nuclear holocaust that virtually devastates the region. Neither of these is acceptable to the world—yet Western policy, including that of the United States, is today pressing hard to this direction.

Why do I say that a localized war—one between Arabs and Israelis—must end in Israel's defeat if it is to bring an end to conflict? Because Israel cannot achieve peace through a military victory. Arab territory and population is too vast and scattered for her to win a total victory, and a limited victory such as that of June 1967 merely has the effect of increasing Arab bitterness, opposition, and determination.

What about America's record in the Middle East during the past twenty years? It leaves much to be desired. We mostly have not acted in our own national self-interest—we have encouraged Israel to do things that in the long run will not be in her self-interest, and we have now become a party to the injustices that have been committed against the Arabs of Palestine. This we have done by pursuing an ambivalent policy and

by deviating from the basic principles on which our country was founded. We have denied the Palestinian people a homeland and the right of self-determination; we have voted twenty times in the United Nations for solving the refugee problem through repatriation and compensation, but have taken no effective steps to follow through; we have opposed an arms race and then been a principal supplier of arms. During the past two years, much, if not most, of what has happened in the Middle East has been the very opposite of what America has sought. 750,000 more Arabs have been caused to flee their homes or have been placed under Israeli occupation; Old Jerusalem has been made a part of Israel; and America's standing among the Arab people has plummeted to almost zero, while that of the Soviet Union has dramatically increased. We want none of these things; yet our own policy has been a major force contributing to these consequences.

In brief, America's problem is that she has permitted herself to become tied to a special interest policy that doesn't work. In large measure this is because policymakers have permitted themselves to become subservient to pressures—Zionist pressures.

The time has come when those who want to end conflict in the Middle East by means other than war must act with boldness. They must put first things first, which means coming to grips with the question of redress for Arab grievances. If one puts this first, then all other parts of the peace puzzle will fall into place; without it, the Middle East will continue to be driven towards war.

The Arab grievances which must be dealt with fall into two categories, (1) appropriate redress for the displaced Arab refugees and (2) subordination of the actions of Israel to unify the Jewish people where such efforts conflict with the basic rights of the Arab people—particularly the Arabs of Palestine who have been made a people without a country.

Obviously this is not the time or place to delve deeply into the complex subject of how past injustices to the Arab people can be redressed, but a few points can be made. The initial impetus must come from the two great powers. Israel, herself, must become directly involved if she is to gain Arab forgiveness or even tolerance. The world community, particularly the developed world, must assist Israel with the cost of redress, and it must be anticipated that this cost will be high—certainly in excess of ten billion dollars. Emphasis and priority must be placed on the well-being of people rather than of states. This must include all peoples in the Middle East, but particularly the Palestinian Arabs and the Jews in Israel. This time every effort must be made to mete out justice to both Jews and Arabs.

Inherent in any settlement of conflict without war is the necessity that certain basic changes take place in the nature of the state of Israel. Particularly, she must subordinate her efforts to unify the Jewish people where such effort conflicts with her responsibility to the non-Jewish people within her borders and to those Arabs who have every moral and legal right to be there, but are not there because their return has been blocked. This is to say that basic Arab rights must be respected and honored. I believe that the people of Israel must in time become reconciled to becoming members of a unified state—one that includes both Jews and Arabs, and ultimately one in which the Arabs will constitute a majority. In the long run, this, it seems to me, will be inevitable. Once the wrongs committed against the Palestinian Arabs are redressed, the two peoples should be able to live together and without hostilities. However, logic would indicate that the longer hostilities continue the deeper will become the feelings on both sides. In any event, the transition of Israel to a conventional type state need not mean

that the Jewish people cannot be united. By using modern means of instantaneous communication, the Jewish people of the world can be in touch with one another—even more satisfactorily than when working from a state that is continuously at war.

You may say, but look at the persecution that the Jewish people have suffered in the past. Are they not now entitled to a state as they want it, and should not the world support them in their effort? Again, granting that the Jewish people have suffered in a manner that is shameful, their persecution has been perpetrated mostly by Western Christians and not by Arabs. Gentile persecution of Jews in the past cannot justify the persecution of Arabs by Jewish Nationalists today.

What about the Arab threat of driving the Jews into the sea? This, of course, is unacceptable. However, anyone who knows the Arab people well will realize that this is more talk than threat. Anyway, it can only happen if roadblocks to peace are not removed and if conflict is ultimately resolved by a war that Israel loses. Even then, there is reason to believe that Arab concentration would be on ending the rule of Israel as a Zionist state rather than on wanton killing of people.

Suitable guidelines for what I am suggesting exist in United Nations resolutions, some of which extend back for more than twenty years. A basic resolution is that of 11 December 1948, which encompasses the principles set forth by Count Bernadotte, and a companion piece is the Security Council Resolution of 22 November 1967.

In closing, may I say that I am pessimistic about the chances of peace in the Middle East. I fear that present policies are too deeply entrenched and pressures too great to permit change except at the brink of a crisis of terrifying proportion—one that threatens the future of mankind. We must hope that there will be a moment of pause at the brink during which a peaceful settlement can be worked out or even imposed if necessary. Meanwhile, let us remember that while those forces that might act for peace remain inert, those that press toward war will be active.

#### STUDENT WORK-STUDY PROGRAM

Mr. McGOVERN. Mr. President, I invite the attention of Congress to an article published in the Rapid City Journal of March 22, 1970, relative to the National College of Business in Rapid City, S. Dak.

The article concerns the efforts the school has made in making available to the students interesting and rewarding part-time jobs to assist students in defraying the costs of their school program. I consider this a splendid example of the work-study program, in which Congress has evidenced a continuing interest. The National College of Business has as its president the very able H. D. Buckingham and as its executive vice president Mr. John W. Hauer.

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

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

[From the Rapid City Journal, Mar. 22, 1970]

#### NCB'S MANY WORK-STUDY STUDENTS ARE CONTRIBUTING TO 'QUALITY OF LIFE'

Offbeat jobs have been the trademark of college students for ages, but seldom has a worthwhile collection of part-time jobs been found to match those of National College of Business students taking part in the college's federally financed work-study program.

Take NCB's Mary Clark, for example. She

makes arrangements for clothing, groceries, and meal tickets for the needy at the Salvation Army office.

Three persons staff the Salvation Army office, and NCB's Mary is very much a part of the team. She is in charge of distributing welfare assistance to the needy—a job which includes assigning recipients the work the Army requires in return for the assistance it gives.

"The only part of the job I don't like is when I have to turn somebody away," Mary said. "We are not allowed to give welfare to a person more often than once every 30 days and not at all if they are drunk. I hate to have to tell these people that we can't help them. It's the hardest work I do."

Contact with welfare recipients is not the only responsibility Mary has. She also takes charge of the file system for the Army's welfare activities, types letters, mimeographs newsletters and wrote all 430 thank you notes and receipts for donations made to the organization's Christmas welfare program.

All this in 15 hours a week—a busy part-time job for anyone, especially a college freshman who must take a full load of courses toward her clerical and office machines diploma. (It's a requirement that participants must be full-time students and maintain at least a "C" average in order to qualify for the work-study program.)

Mary is fairly typical of the 27 NCB students who work under the work-study program. Others can be found meeting the public for the YMCA; charting the abilities of the retarded student-workers at the Black Hills Workshop; or teaching cooking, sewing or ceramics classes and organizing the library at the Girls Club.

These student jobs are possible because the public agency pays only 20 per cent of the wages. The remaining 80 per cent is provided through a federal grant to the NCB administered by Mrs. Arletta Dailey, NCB's placement director.

Not just any business can qualify for the program. The federal government requires the business to be non-profit and public service. It also specifies that it cannot be political, religious or a service club, but must serve the entire public.

"The Salvation Army is the only exception to this directive," Mrs. Dailey explained. "Since the Army deals with welfare services, we are allowed to place students there as long as they work in the Army's public service area, not religious areas."

In addition, NCB students are employed at the Red Cross, Western South Dakota Traffic Bureau, Boys Club, Central States Fair, Pennington County Agricultural Extension office, Social Security office, Boy Scouts, Game, Fish and Parks Department and the Black Hills Conservancy Subdistrict.

Inflation has been especially hard on these agencies. Faced with cutbacks of funds and increased demand for public services, they view with relief such a program which offers them dependable, regular help—even on a part-time basis.

"Work-study students spend only a few hours a day at our office, but on a regular schedule," Milton Evans, director of the Traffic Bureau, explained. "I know I can count on their presence and the quality of their work, so I plan my schedule accordingly."

Evans employs three NCB students under this program. Henry Mullenburg handles all the accounting work; Susan Splitter does all the secretarial work and helps out with duties throughout the office; and Cindy Stalder assists in keeping the library or tariff contracts up to date and properly cataloged.

These students are getting a little extra out of this job because Evans holds a degree in business education and doesn't hesitate to give his student workers on-the-job training in his profession of tariff negotiation and control.

Incidentally, he obtained his degree a few years ago from Black Hills State College with the help of a work-study grant.

Students employed by these agencies have one thing in common. They know they are badly needed for the agency's basic workings, and they know they are part of the organization—not an outsider who merely puts in his or her hours.

At the Girls Club, work-study students provide the background organization for each program offered. Each of four NCB girls is in charge of arrangements, purchasing and organization of her own program area. It might be teaching sewing, cooking, ceramics or grooming for the girls who range in age from 7 to 17, or putting the library into workable order.

"Volunteer workers and funds are vital to the Girls Club, but it is just as vital to know there will be somebody in regularly to get the job done," Mrs. Barbara Plerro, director, emphasized. "Our NCB work-study girls provide the needed consistency to back up the volunteer teachers who make up most of the staff."

Lloyd Thompson of the Rapid City office of the state Game, Fish and Parks Department explained, "Before we entered the work-study program, we had more work to be done than manpower and hours to do it. As a result, jobs low on the priority list kept getting put off, and the list was growing longer and longer."

"Now, since we have NCB student Glen Albert working for us, we can assign some of these tasks to him, or with his assistance in other areas, professional employees have time to get them done," he said. "This program has not solved all our problems, we are still under-staffed, but it helps."

"In our office, Glen may find himself one week marking trees for harvesting or feeding hatchery trout, the next week he may go out on patrol with the game wardens—wherever he's most needed. This summer he might even find himself fighting forest fires," said Thompson.

"We did not spell out any particular qualifications because we felt college students had demonstrated their ability to learn by their very presence in college. Thus, we were sure we could satisfactorily train interested students," Thompson added.

Several of the agencies entered the program not really sure if they would benefit from it or if they were just doing the students a favor. They have changed their minds, and the responsibilities they have delegated to these students are amazing.

An illustration of this responsibility is the Social Security card that the majority of Americans carry around with them. If you live in the West River area and have registered for a number recently or had a name changed on the card, it was an NCB girl who handled the request.

The West River office of the Social Security Administration is caught up in the governmental freeze on federal employee hiring and their fulltime staff has dropped from 20 to 14 over the last four years. To help make up the difference, the office employs two NCB work-study girls.

At the Black Hills Workshop Schools for the mentally retarded, one NCB student helps out with the secretarial and bookkeeping duties, while others evaluate the working skill potential of the school's student-clients. They work alongside the clients in the wood shop and ceramics shop, keeping the assembly lines moving smoothly or supervising work on power tools so that no one is injured.

Work-study students also take regular inventory of the ceramics shop which maintains an amazing volume of sale. During breaks, they make friends and play basketball with the student clients.

It is not an easy job, physically or temperamentally. Not every NCB work-study stu-

dent who accepts a job there stays very long. But the young men who do undertake the responsibility seem to thrive on the challenge and enjoy the variety of the job.

The YMCA expects the students to be their face before the public as well as staff the game rooms, the check-out counters and the front desk.

"Our full-time staff members include myself and several secretaries and accountants," George Zeise, director of the YMCA, said. "We are usually tied down to our administrative duties, so the NCB work-study boys meet the public for us and have done a very good job. Thus, many people identify the 'Y' with them."

Mrs. Dailey said the program is funded throughout the summer of 1971, so NCB can count on it until then. However, since the grant is awarded on a year-to-year basis, there is no long-range guarantee.

#### DISTRICT OF COLUMBIA REPRESENTATION IN CONGRESS

Mr. NELSON. Mr. President, Monday established another landmark in our long struggle to bring democracy to the citizens of the Nation's Capital. Hearings were held Monday by the Subcommittee on Constitutional Amendments, presided over by the distinguished Senator from Indiana (Mr. BAYH), on what I believe is one of the major defects of democracy in America—our failure to give full voting representation in Congress to the District of Columbia.

I am hopeful that these hearings will generate the sort of new momentum we need if we are to achieve our goal of bringing the 800,000 citizens of the District into full participation in the political processes of our Nation.

The need for District of Columbia representation in Congress was ably set out on Monday morning in the extensive testimony by the Senator from Massachusetts (Mr. KENNEDY). Because of the broad interest in the issue and the urgency of achieving this long-overdue reform, I ask unanimous consent for Senator KENNEDY's testimony to be printed in the RECORD at the conclusion of my remarks. I also ask unanimous consent that the testimony of Mrs. Lucy Wilson Benson, the president of the League of Women Voters in the United States, be printed in the RECORD. One of the most significant recent efforts in the cause of District of Columbia representation in Congress was the league's immensely successful petition drive this spring, which demonstrated the broad nationwide support in all parts of the Nation for District of Columbia representation. Because of efforts like these, all of us in Congress are now closer to achieving the long-overdue reform we seek.

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

#### TESTIMONY OF SENATOR EDWARD M. KENNEDY ON FULL VOTING REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA

I am pleased to have the opportunity to appear before this distinguished Subcommittee and to give my strong support to a constitutional amendment for full congressional representation for the District of Columbia. For many years, the Chairman of this Subcommittee—Senator Bayh—has been in the forefront of the continuing efforts by Con-

gress to achieve this goal. The two days of hearings he chaired on this question in the fall of 1967 were one of the high water marks of our efforts in the recent past.

I also commend the extraordinary recent work of the League of Women Voters on behalf of the District of Columbia. For four decades, the National League has made D.C. representation in Congress one of its primary goals. This spring, the League's dramatic petition drive showed all of us in the Senate and House of Representatives that the goal has broad grass-roots support in all parts of the nation.

For years, the cause of the District has also been strongly championed by many public and private groups and their able leaders in the nation's capital. I am pleased to know that so many of them are here to testify today. I hope that these hearings will give our efforts the new momentum they need to be successful.

One of the most glaring injustices in our democracy today is our failure to give full representation in Congress to the people of the nation's Capital. In recent years, we have made substantial progress toward extending the franchise and broadening the base of representative government in America. Most recently in the Senate, we voted overwhelmingly to lower the voting age to 18, and thereby bring millions of young Americans into the mainstream of the political process.

I believe that the opportunity is now at hand to take another major step forward in our long march toward fulfilling the promise of representative government for all our people. The time has come for prompt action to eliminate the injustice to which the people of the nation's Capital have been so unfairly subjected for so long. Later this month, when the pending resolution for popular election of the President is debated on the Senate floor, I intend to offer as an amendment to the resolution a provision giving full voting representation in Congress to the District of Columbia.

Although the inhabitants of the District of Columbia have now been made eligible to vote for President and Vice President, there is still a barrier against their fair participation in the national legislature. There is no reasonable basis to continue to exclude from them the right to representation in Congress. We can no longer afford to ignore that it is the power of a legislative vote which represents the ultimate means of participation in national decisions. Without that power, the people of the District are still mandated to abide by all the obligations of citizenship. At the same time they are relegated to the slavery of colonialism.

The residents of the Federal City are as intimately concerned about their city's conditions and their city's future as are the residents of Boston, Miami, Chicago or any other American metropolis. But Washingtonians do not share equally with other Americans in the opportunity to make decisions about their future. The proposal I support will help to assure that residents in the Capital City can more fully exercise each of the rights granted to all Americans by the Constitution.

#### A PROPOSAL FOR FULL DISTRICT OF COLUMBIA REPRESENTATION IN CONGRESS

The constitutional amendment I support would provide full voting representation in Congress for the District of Columbia. The amendment would contain six principal provisions:

D.C. voters would elect two Senators and the number of Representatives in Congress (probably two) to which the District would be entitled on the basis of its population.

Each Senator or Representative would be an inhabitant of the District.

Each Senator or Representative would possess the same qualifications as to age and citizenship and have the same rights, privi-

leges and obligations as other Senators or Representatives.

A vacancy in the representation of the District in the House or Senate would be filled by a special election by D.C. voters.

The amendment would have no effect on the provision in the Twenty-third amendment for determining the number of electors for President and Vice-President to be appointed for the District. However, until such time as our system of choosing the President is changed, each Representative or Senator from the District would be entitled to participate in the choosing of the President or Vice-President in the House of Representatives or Senate under the Twelfth Amendment.

The Congress would have the power to implement the amendment by appropriate legislation.

The proposed amendment deals only with D.C. representation in Congress. It is not a proposal for "Home Rule" in the District of Columbia. Citizens of the nation's capital have never had representation in Congress. Ironically, however, in times past, they have had home rule—the right to choose their local government. For almost a century—from 1790, when the District of Columbia was first established by Congress, until 1874, when Congress eliminated all elective offices for the District—D.C. citizens had at least some form of home rule.

I strongly support the principle of home rule for D.C., and I hope that Congress will soon end our years of frustrating efforts to achieve this basic reform. Whatever the result of these efforts, however, at least we can agree now that representation in Congress for the District of Columbia is both well-deserved and justified.

THE NEED FOR D.C. REPRESENTATION IN CONGRESS

Washington, D.C. today is a city of 815,000 people. It has a population greater than that of eleven states and those eleven states have a total of 39 representatives in the House and Senate. Yet, the people of Washington have no voice whatever in Congress. By contrast, those eleven states are represented as follows:

	Population (1969)
No Senators, no Representatives:	
District of Columbia	815,000
Two Senators, two Representatives:	
Hawaii	775,000
Montana	700,000
Idaho	702,000
South Dakota	670,000
New Hampshire	701,000
North Dakota	633,000
Two Senators, one Representative:	
Delaware	538,000
Nevada	465,000
Vermont	417,000
Wyoming	314,000
Alaska	281,000

Washingtonians, as viewed by our official national policy, are equal for the purposes of taxation, but not for the purposes of representation. Each year, they are taxed for hundreds of millions of dollars without representation and their sons are drafted to fight and die in Vietnam. In countless ways, the people of Washington bear the manifold responsibilities of Federal citizenship, but they are denied the opportunity to shape the laws by which they are governed.

To deny District citizens a voice and a vote in the Congress is not only to deny 815,000 people their rightful representation in the Senate or House, but it is also to deny more than 35 million people in sixteen different states the full attention of their own Senators and Representatives. These are the people represented by the seven Senators and 25 Representatives serving on the Senate and House Committees on the District of Columbia. Although it cannot be expected that D.C. representation in the Congress will

end the participation of other members on the Senate and House District Committees, it may reasonably be expected that at least Senators from the most populous states, like New York, would be more free to devote their attention to their own constituents if they are not also assigned the responsibilities of the detailed local work at a D.C. Committee. Obviously, in the present situation, Senators and Representatives on the D.C. Committees tend to put their work on national legislation ahead of their work on D.C. legislation. Clearly, it would be desirable to have Senators and Representatives on those committees whose primary loyalty is to citizens of the District.

The right of representative government is fundamental to democracy in America. Nowhere in America should the principle of representative government be more firmly established than in the nation's capital. In Washington today, however, democracy is weakest where it should be strongest. In this city where the principles of representative government should be practiced with pride as a symbol of freedom to the rest of the country and to the entire free world, democracy is shamefully lacking. By some cruel irony, a nation founded as a haven from oppression and tyranny denies to the citizens of its capital the blessings of democracy. Indeed, it is fairly said that Washington, D.C. is America's Last Colony.

Of course, in the early years of our republic the status of the District of Columbia was not the same urgent problem that it is today. Our founding fathers had no idea that the pastures, marshes and cornfields along the Potomac River would one day become the metropolitan residence for nearly a million people.

Today, however, the situation is different. The nation's capital has expanded into a vast and complex society, the heart of democracy in America. Washingtonians live with precisely the same issues that face every other part of the nation. Problems like war, race, poverty, crime, education, health and pollution are the great issues of our time, and they vitally affect all our people. Only in Washington, however, are American citizens denied a voice in solving these problems. The laws and policies that personally affect the daily lives of Washington residents are entirely dictated by us in Congress. Yet, not one of us in Congress is a direct representative of the people of the Capital City.

Equally important, the vast political changes in our society in recent years have placed extraordinary emphasis on fair and equal participation of every citizen in the most basic right of all in our democratic society—the right to vote. The decade of the Sixties brought enormous progress in this area to millions of Americans. The voting rights acts, the abolition of the poll tax, the reapportionment decisions of the Supreme Court, and now the 18 year old vote, are just a few of the great steps we have taken in recent years to achieve the ideal stated so eloquently in the Declaration of Independence, that "Governments are instituted among men, deriving their just powers from the consent of the governed."

At the same time, the remarkable advances we have secured in this area demonstrate even more clearly the injustice to which hundreds of thousands of Washington citizens are condemned. By denying them the right to representation in Congress, we rob them of one of the basic birthrights of American citizens. We relegate them to second class status in our society.

I fully understand the concerns of those who probe for an explanation of the true relationship of the Federal Government and the Congress to the District. We all know that this is not and has not been a static relationship. Rather, it has been a process of continual evolution through the years.

Agonizing debates have produced a wide variety of proposals to resolve this question. Some have suggested a federal enclave, withholding most or all federal property

from municipal jurisdiction, but restoring all the rest to local control. Others call for complete local self-government, subject only to such controls as may be needed to preserve the seat of Federal government.

I recognize, therefore, that it is not easy to define an entirely satisfactory relationship between the Congress and the District of Columbia. To me, however, there is at least one contemporary need that is clear—a need to which Congress can and should respond. The people of Washington are entitled to full voting representation in the United States Senate and House of Representatives. It is long past time for Congress to demonstrate to our own people and to people throughout the world that in America, democracy exists for all.

PREVIOUS PROPOSALS FOR DISTRICT OF COLUMBIA REPRESENTATION IN CONGRESS

Although a large number of proposed constitutional amendments providing full D.C. representation in Congress have been introduced over the years, none has yet come to a direct vote in either the Senate or the House. One of the most significant recent developments occurred in 1967, when the Johnson Administration proposed a constitutional amendment to provide a single D.C. voting representative in the House of Representatives. The proposal would have authorized Congress to act by statute to enlarge D.C. representation in either the Senate or the House of Representatives, up to the representation to which the District's population entitles it. Hearings were held before both the House and Senate Judiciary Committees in the 90th Congress.

No further action was taken in the Senate, but the House Judiciary Committee reported the proposal in a much more far-reaching form. As reported, the proposal—essentially the same proposal that I favor—would provide for election by the voters of the District of two Senators, and the number of representatives based on the city's population. Unfortunately, the House Rules Committee failed to act on the proposal, and no further action could be taken by the House.

A decade ago, in 1960, the full Senate itself accepted the principle of D.C. representation in Congress. By a vote of 63-25, the Senate passed a constitutional amendment, sponsored by Senator Kenneth Keating, which would have given citizens of the District of Columbia the right not only to vote in Presidential elections, but also to have nonvoting delegates in the House. Under the provisions of the amendment, Congress was authorized to determine by statute whether the delegates should have voting privileges in the House. The provision for DC voting in Presidential elections went on to become the 23d Amendment, but the provision for DC representation in the House died in the House Judiciary Committee. Today, however, a decade later, the climate in that Committee is obviously far more favorable toward DC representation in Congress.

In addition, it is worth emphasizing that the principle of D.C. representation in Congress has broad and bipartisan support. In his message to Congress on the District of Columbia in April 1969, President Nixon expressed the Administration's strong support for D.C. representation in Congress. As the President stated:

"It should offend the democratic sense of this nation that the 850,000 citizens of its capital comprising a population larger than eleven of its states have no voice in Congress."

As long ago as December 1952, President-elect Eisenhower spoke eloquently of the need for D.C. representation. As he put it, taxation without representation was contrary to the principles of our nation. He specifically expressed his strong feeling that something was basically wrong in America if we tax the citizens of the District and draft their children for military service, but do not give them the right to vote.

POSSIBLE ARGUMENTS AGAINST DISTRICT OF COLUMBIA REPRESENTATION

In the past, D.C. representation in Congress has been the subject of a number of unconvincing arguments. Because they are so unconvincing, most of us who favor D.C. representation dismiss these arguments as a cover for partisan politics or, worse, as a cover for racism.

Some opponents of D.C. representation claim that the amendment would treat D.C. as a state. They say that D.C. is not a State, but a city, smaller than at least eight other cities in the nation, and that there is no greater reason for this city to be represented in Congress than larger cities which are denied the right. This argument ignores the obvious fact that other American cities are political subdivisions of States, which are already represented in Congress. In any event, for years, D.C. has traditionally been treated as a state in virtually every major Federal grant program.

Another, even less persuasive objection to D.C. representation rests on the proviso in Article V of the Constitution, which declares that "no State, without its consent, shall be deprived of its equal Suffrage in the Senate." It is far too late in our history to argue that the admission of the District of Columbia to representation in Congress would deprive any state of its "equal Suffrage in the Senate." In light of the history of the Constitution and the precedents under it, the meaning of Article V is clear—no single State may be given a larger number of Senators than any other State.

In other words, it was the intention of the founding fathers in the proviso of Article V to make clear that the Senate should never—even by Constitutional amendment—be apportioned by population or any other basis that would give one State more representatives in the Senate than any other State. This was the essence of the Federal compromise at the Constitutional Convention in 1787. It has guided us for two hundred years, and it is intended to endure throughout our history. This is all that Art. V means, and all that it requires.

Nothing in the history of Article V or any other provision of the Constitution supports the interpretation that the District of Columbia was not intended to be entitled to representation in Congress. Indeed, in the *Federalist*, No. 43, James Madison, one of the principal architects of the Constitution, wrote that the prospective inhabitants of the Federal City "will have their voice in the election of the (National) Government which is to exercise authority over them." Clearly, Madison was assuming that the citizens of the Nation's capital would be represented in Congress.

In addition, Article V has never been read as prohibiting the representation of *new* States in the Senate, even though—obviously—the admission of a new State dilutes the voice and power of the existing states in the Senate. Indeed, since the ratification of the Constitution by the original 13 States, 37 new states have been admitted to the Union. As a result, the power of the original 13 states in the Senate has been diluted nearly fourfold from 2/26 to 2/100. Yet, no one has ever argued that any of the original States has been deprived of its equal suffrage in the Senate.

The principle is clear. So long as the District of Columbia is treated in the Senate on the same basis as any State, it cannot be said that representation for the District deprives any State of its equal suffrage in the Senate. Each State will still have two votes in the Senate, and each State will still have the same proportionate vote as any other State.

S.J. Res. 1 (Popular Election of the President) as an Appropriation Vehicle for Achieving D.C. Representation in Congress.

Six weeks ago, by a narrow vote, the Senate

Judiciary Committee voted to send to the full Senate a proposed constitutional Amendment (S.J. Res. 1) for popular election of the President. I believe that this resolution is an entirely appropriate vehicle for a provision giving full voting representation in Congress to the District of Columbia. At a time when we in Congress are considering a change in one of the fundamental aspects of our democracy—the way we choose our President—it is fitting that we also consider one of the most glaring flaws in our democracy—the lack of representation in Congress for the citizens of the nation's capital.

I emphasize at the outset that no action we take on the amendment for D.C. representation should be permitted to jeopardize the pending amendment for popular election of the President. For far too long, we have failed to act to insure that our President is the peoples' President, not a minority President chosen by the Electoral College or by the House of Representatives. Therefore, our first priority must be to insure prompt action by the Senate on the pending resolution, which has already passed the House, so that it may be sent quickly to the States for ratification.

Obviously, before proceeding with the amendment for D.C. representation, we must be certain that we will not jeopardize the popular election amendment. It is my belief that there will be no such jeopardy, and that the Senate and House procedures are fully adequate to insure this result.

Two months ago, similar arguments were made against our effort to lower the voting age to 18 by amending the Voting Rights Bill on the Senate Floor. To do so, it was said, might endanger passage of the Voting Rights Bill itself. We know now that those arguments were wrong. By the overwhelming vote of 64-17, the Senate passed the amendment to lower the voting age, and there is every indication that it will also pass the House.

Indeed, it seems clear in retrospect that far from jeopardizing the Voting Rights Bill, the Voting Age amendment actually contributed to the overall passage of the bill. Similarly, I believe, the amendment for D.C. representation may actually contribute to passage of the pending amendment for popular election of the President.

Of course, no argument can be made that the D.C. amendment will jeopardize ratification of the popular election amendment by the States. Under clearly established precedents, it is possible for Congress to pass a single resolution submitting a series of constitutional amendments to the States, with the provision that each of the amendments is to become effective as soon as it is separately ratified by the required number of states.

This was the procedure followed with respect to the Bill of Rights, the first ten amendments to the Constitution. In September 1789, the First Congress approved a resolution submitting twelve proposed constitutional amendments to the States. Ratification of amendments 3 through 12, which became the Bill of Rights, was completed in 1791. But the first two amendments, one dealing with representation in the House and the other affecting the compensation of members of Congress, were never ratified.

Similarly, in the 86th Congress, the full Senate approved a resolution containing three separate constitutional amendments. In 1959, the Senate Judiciary Committee had favorably reported a resolution with an amendment authorizing State Governors to fill vacancies in the House of Representatives, whenever the total number of vacancies exceeded half the membership of the House. Under the 17th Amendment, State Governors already had the power to fill vacancies in the Senate, and the proposed amendment was designed to enable the House to be reconstituted in the event of devastating nuclear attack. In the course of

the Senate floor debate on that amendment in 1960, two additional, unrelated amendments were added to the resolution:

The first, offered by Senator Spessard Holland, would have repealed the poll tax in Federal elections.

The second, the amendment offered by Senator Keating to which I have already referred, would have given citizens of the District of Columbia the right to vote in Presidential elections, and a delegate in the House of Representatives.

The House refused to accept the three-part resolution passed by the Senate. Instead, the House passed a resolution containing only the provision for D.C. voting in Presidential elections. The House version was accepted by the Senate, and eventually became the 23rd Amendment. Thus, the 23rd Amendment to the Constitution began as a Senate floor amendment.

In closing, it is worth mentioning what I think is already clear. Over the past 40 years, more than 100 different resolutions have been introduced in Congress to establish congressional representation for the District of Columbia, but all efforts to achieve this goal have met with uniform frustration and defeat. Just as in the case of the 18 year old voting provision, there is no realistic possibility that a proposal for D.C. representation in Congress will be reported from the Senate Judiciary Committee at any time in the foreseeable future. Our goal of bringing a greater measure of democracy to the people of Washington can be accomplished, if at all, only by a floor amendment. I am hopeful, therefore, that all of us in the Senate will give the most careful consideration to the opportunity that is at hand.

STATEMENT BEFORE THE SENATE JUDICIARY SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS IN SUPPORT OF FULL REPRESENTATION IN CONGRESS FOR THE CITIZENS OF THE DISTRICT OF COLUMBIA

(By Lucy Wilson Benson)

The message that I wish to bring to you today from the League of Women Voters of the United States is that a million and a quarter people from all over the country have petitioned the Congress for a constitutional amendment to provide full voting representation in Congress for the District of Columbia.

For fifty years the League has maintained its commitment to the importance of citizen participation in politics and government. For almost all of those fifty years our organization has supported representation for the citizens of the District—a goal not yet achieved because not enough people in enough states of this Union understood or cared that residents of the city of Washington have no representation in the body which governs them.

The League decided that 1970 was the year to take this important but neglected issue directly to the citizens of this country. So we initiated a nationwide D.C. petition drive. This drive has had a two-fold purpose: 1) to communicate to men and women and to youth all over the country the almost unbelievable fact that District citizens are not represented in Congress; and 2) to demonstrate to the Congress that citizens from every state support representation in Congress for the District of Columbia.

Through the work of the League and a number of cooperating national organizations, the word has gone out far and wide that citizens living in our nation's capital are being taxed without representation—that Washington D.C. is indeed the "Last Colony". A great many people approached during the Petition Drive had no idea that District residents had no representation in the Congress.

Thousands and thousands of citizens throughout the country, from the South as well as the North, from small communities as well as big cities, have requested a Re-

sponse from their Senators and Representatives to their petition for the redress of grievances of District residents. The response they seek is action now to achieve full representation for the residents of the District in the Congress.

As national President of the League, I led on May 6 a rally of League delegates to our 50th Anniversary national Convention. The rally, which was held in the courtyard of the Old Senate Office building, was the climax of our nationwide petition drive. League leaders gathered in the Senate courtyard represented nearly 1300 communities over the country. They brought with them their bundles of petitions, with the million and a quarter signatures, which they later delivered to their senior Senators. Though the petition drive lasted only one week, we are still receiving petitions in our national office.

The petition drive has clearly demonstrated nationwide concern over the plight of the citizens of the District. Delegates to the League's national Convention in early May expressed explicitly and emphatically their determination to continue working in high gear on this issue. It is now time for Congress to show sufficient concern to approve a constitutional amendment for full representation for the residents of the District.

The American Revolution was fought for the right of citizens to have a voice and a vote in their government. But the citizens of the District of Columbia do not have any voice or vote in the Congress. The Declaration of Independence speaks of the "right of representation in the legislature, a right inestimable [to the people] and formidable to tyrants only." The same document also says that, "Governments are instituted among men, deriving their just powers from the consent of the governed." But District of Columbia residents cannot give either consent or dissent to what Congress does or does not do for the District or for the nation (of which its residents are a part). No U.S. Senator or Representative can or should have the interests of the District of Columbia as his prime concern. The District needs its own voice and vote.

It is a matter of great concern to us that this basic right, related to the principle of representation for taxpayers, one of the foundations of American democracy, has not yet been granted to citizens in the nation's capital. It is unconscionable to us that Congress has failed to act on this matter. Recent Presidents of both major parties have supported a constitutional amendment for representation in Congress for the citizens of the District. Both the Republican and Democratic national parties affirmed their support for such an amendment in their 1968 National Platforms. Yet this issue has been allowed by the members of Congress to lie dormant.

We are confident that the League petition drive is accomplishing its purposes with striking success. Its nationwide impact on public opinion is clearly demonstrated by public response to the signature campaign, and by the remarkable press coverage and editorial space devoted to it in newspapers from coast to coast. I have brought with me today a sampling from newspapers across the country which I would like to have included in the record.

I would like to read to you an excerpt from an editorial in the Greensburg, Pa., Tribune Review:

"We add our collective editorial voice to that petition for redress of an injustice that has prevailed for a long time . . . Over the years, various arguments have been advanced in support of keeping the nation's capital subservient to Congress, without a voice in that body. None of these arguments weighs much against the fundamental point that in a representative government it is plain wrong for people not to be represented."

Another example I would like to mention is a column by Martin F. Nolan in the Boston Globe, which concludes with a succinct statement: "Democracy for America's last colony is after all an exquisitely uncomplicated issue."

The one and a quarter million signers of our petition have asked for a response from the Congress. And the only reply that will satisfy these voters who are now aware of the true plight of the District and the disgrace such a plight is to the entire nation will be a constitutional amendment passed by Congress to provide for full representation for the District.

#### STATEMENT ON CONGRESSIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA

(By Lucy Wilson Benson)

On behalf of the citizens of Washington, D.C. and the League of Women Voters I'd like to welcome all of you to this rally.

We are here, today, for one simple reason—to petition Congress for a redress of grievances. A grievance that might seem slight in relation to today's headlines—but a grievance that actually expresses a very fundamental point in our system of government. We are asking that the citizens of Washington, D.C. have the same right afforded to all Americans. We are asking that they have full representation in Congress, that they be given a voice and a vote in the affairs of their government.

This nation has always prided itself on having a government which represents the will of the people. Yet at a time of national and international crisis, there are 800,000 individuals, the residents of Washington, the nation's capital, who are denied a voice and a vote in determining national policy.

I have no idea about the political or social ideologies of D.C. residents. I do know that they currently have no opportunity to express them on matters of national or local importance.

The League of Women Voters believes that this is an untenable situation. That is why we have taken the issue of D.C. representation to the American people; why we have just completed a national petition drive asking the members of Congress for a resolution for a constitutional amendment which would give full representation to the citizens of Washington, D.C.

Last month, members of the League of Women Voters conducted a nationwide petition drive asking for signatures in support of congressional representation. They found citizens across the country cared about the plight of residents of Washington—they also found that many people were shocked and surprised to learn that there were no Congressmen to speak for the District. Today, the 1600 delegates to the League's national Convention will present these petitions to their Senators. They, who have a voice in Congress, will be talking to their Senators and Congressmen—telling them that more than one and one quarter million individuals who signed the petition want congressional representation.

During the campaign, the League has used the slogan "Washington, D.C., the Last Colony." We think it is shameful that in 1970, the citizens of the District are governed by a Congress in which they are denied a voice and a vote.

The League believes that this rally today is a beginning, not an end. We, and many, many others, are going to continue our efforts for the District's citizens.

#### MEMORIAL DAY

Mr. MILLER. Mr. President, Memorial Day is a time set aside each year for Americans to pause and remember those

who have served and died in the cause of our Nation.

Too often, unfortunately, what is said is soon forgotten or shunted to that limbo of our national conscience where things unpleasant abide.

This should not be so, for it should be a time when we rededicate ourselves to the tasks of remaining—and there are many—and to carry out the goals for which these men and women died.

With our Nation in so much agony this year, torn and troubled as it has but rarely been in our history, we need more than ever to carry with us the year around the thoughts and feelings of Memorial Day.

One whose remarks should not be soon forgotten are those of a fellow Iowan, Donald E. Johnson, head of the U.S. Veterans' Administration.

Delivered at the Memorial Day observance of U.S. Department of Agriculture Post 36 of the American Legion, Don Johnson's comments were a moving tribute to America's servicemen who have fallen in behalf of this Nation.

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

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

ADDRESS BY HON. DONALD E. JOHNSON

(Text of remarks by the Honorable Donald E. Johnson, Administrator of Veterans' Affairs at the Memorial Day observance of U.S. Department of Agriculture Post 36, the American Legion, Department of the District of Columbia, Washington, D.C., May 28, 1970)

Commander Boratenski, members and guests of the Department of Agriculture Post 36 of the American Legion: It is an honor and a pleasure to join with you in this annual Memorial Day observance.

But for me . . . and I am sure for each of you . . . a ceremony such as this is also a humbling experience.

For it reminds us once again that we are met here . . . and we live in freedom . . . individually and as a nation . . . only because of the selfless service and supreme sacrifice of the patriotic, heroic Americans whom we honor today.

It is most fitting . . . I think . . . that the members of the Department of Agriculture Post of the American Legion . . . whose work is directed toward the cultivation and conservation of our heaven-blessed land . . . should pause to remember those . . . whose lifeblood nourishes and enriches our nation as surely as the products of our soil sustain and strengthen our people.

From Concord to Cambodia . . . for nearly two centuries . . . Americans . . . more than 42 million of them . . . have fought . . . and more than one million have died . . . not for glory . . . not for conquest . . . but . . . as President Nixon said in his Memorial Day Proclamation . . . "for those concepts that bind the people together in nationhood—and brotherhood."

The President's proclamation . . . in its title, its purpose, and its words . . . is a "Prayer for Peace, Memorial Day, 1970."

But even "to express our gratitude to the heroic dead by thought and prayer with special reverence" today is not enough . . . the proclamation reminds us.

"A more fitting memorial" . . . President Nixon has suggested . . . "would be the creation of a peaceful world, free of the destructive conflicts which have plagued man's history."

The proclamation continues:

"We must, therefore, as individuals and as a nation, continue the difficult quest for tranquility among all peoples and the reasoned solution of our differences."

As a special mark of respect for those Americans who have given their lives in the tragic struggle in Vietnam . . . the President has directed that the flag of the United States be flown at half-staff all day on Memorial Day, instead of during the forenoon period, on all buildings, grounds, and naval vessels of the Federal Government throughout the United States and all areas under its jurisdiction and control.

War . . . any war . . . is hell.  
But peace . . . at the price of freedom . . . would be hell on earth.

Bill Galbraith and I share the honor of having served the American Legion as National Commander. With you members of Department of Agriculture Post No. 36 . . . we also share the honor of being Legionnaires and veterans.

As veterans . . . you and I know that to forsake the cause of freedom for which more than one million Americans have died . . . and for which more than 42,000 of our countrymen have given their lives in Vietnam . . . would be to mock their sacrifice . . . and deny their silent plea that they shall not have died in vain.

Memorial Day 1970 finds America in agony. Our colleges and universities . . . far too many of them, certainly . . . have been transformed from institutions of higher learning into battlegrounds where young men and women have tragically died.

We have yet to cleanse our waters and our air.

Inflation has not been fully curbed.  
Crime still endangers the lives and property of millions of our people.

Degrading, grinding poverty remains the dead-end future for Americans who deserve better.

Our cities have not been rid of their ghettos.

The concerns of rural America . . . as the President said in establishing the Rural Affairs Council last November . . . and as you officials of the Department of Agriculture so well know . . . deserve more careful consideration.

Discrimination is still an ugly fact.  
So is unemployment.

And so are the other ills that beset us.  
Involved as we are in the affairs of the nation . . . whether they concern America's farmers or America's veterans . . . we sometimes don't seem to have the time . . . or . . . because we're so close to a particular problem . . . the objectivity to ask:

Can tomorrow be made better?  
I think it can.

Because Cambodia and Vietnam will end.  
And with their end . . . I believe . . . and I'm sure you do, too . . . that we can then meet courageously, effectively, and unitedly the many challenges that confront us.

I don't have to tell this audience that the attack on the evils . . . the problems . . . which we all know exist . . . need not await . . . and indeed has not awaited . . . the end of hostilities in Cambodia and Vietnam.

Being aware of what must be done . . . and what is now being done . . . to solve these critical problems . . . I think you will also agree that the American people consider the disengagement of American fighting men from Cambodia and Vietnam as our first national priority.

Not until President Nixon's pledge to withdraw American combat forces from Cambodia by the end of June . . . and to withdraw an additional 150,000 American servicemen from Vietnam within the next year . . . on top of the 115,000 who have already been pulled out . . . not until this pledge has been fully redeemed . . . in my opinion . . . will the American people have

the desire and the will and the determination to make the massive commitment needed to solve our domestic crises.

As citizens . . . as parents of servicemen . . . and my oldest son just recently returned home from combat in Vietnam . . . one question . . . I believe . . . is uppermost in the minds of all of us today.

Will the President's timetable for the withdrawal of American troops from Cambodia and Vietnam be met?

I dare to state this question . . . not as a rhetorical one requiring no answer . . . nor as one to which there can only be an affirmative answer . . . but rather because you and I did not abdicate our citizenship or our rights to free speech when we became Federal employees.

As Federal Government officials . . . however . . . I think that it is especially incumbent upon us to remain informed on developments in Vietnam and Cambodia because the resolution of that crisis . . . the end of fighting there by American G.I.s . . . will certainly affect the funding, the planning, and the operations of those Federal programs for which we have responsibility.

There is yet another reason why we officials of the Federal Government should be as fully and as currently informed on developments in Cambodia and Vietnam as possible.

Our opinions and our knowledge are sought by sincere citizens . . . be they relatives or friends from back home or total strangers . . . who believe that because we are in the government . . . no matter what department or agency . . . and especially because we work in the nation's capital . . . we are aware of what is happening . . . even in Cambodia or Vietnam.

I'm not being facetious.  
We may not know the answers . . . and certainly we would be foolish to pose as military experts . . . but we dare not be indifferent . . . to what is happening in Cambodia or Vietnam . . . and to why it is happening.

We need only follow the newscasts on radio or television . . . or read the daily newspapers . . . to know what . . . according to reports from our military commanders in Cambodia and Vietnam . . . the President's timetable for withdrawal of American combat troops from Cambodia by the end of June will be met.

Certainly, we have every reason to be encouraged by reports which tell of the capture of enough rifles and heavy weapons to outfit almost 70 enemy battalions of 500 men each . . . of more mortar and artillery shells, rockets and rifle bullets than the Communists would use in two years . . . of enough medical supplies to support a 320-bed hospital for four months . . . and of enough rice to feed more than 10,000 troops for a year.

Apparently the drive into Cambodia has set back the Communists' ability to launch a major offensive in the southern half of South Vietnam by six months . . . or more.

This is what is happening.  
As to why it is happening . . . we need only re-read certain passages of President Nixon's April 30th nationwide televised speech on Cambodia.

You will recall that the President said . . . and I quote:

"This is not an invasion of Cambodia. The areas in which these attacks will be launched are completely occupied and controlled by North Vietnamese forces. Our purpose is not to occupy the areas. Once the enemy forces are driven out of these sanctuaries and once their military supplies are destroyed, we will withdraw.

"Now let me give you the reasons for my decision.

"A majority of the American people . . .

are for the withdrawal of our forces from Vietnam.

"The action I have taken tonight is indispensable for the continuing success of that withdrawal program.

"A majority of the American people want to end this war rather than to have it drag on interminably. The action I have taken tonight will serve that purpose.

"A majority of the American people want to keep the casualties of our brave men in Vietnam at an absolute minimum. The action I have taken tonight is essential if we are to accomplish that goal.

"We take this action not for the purposes of expanding the war into Cambodia, but for the purpose of ending the war in Vietnam and winning the just peace we all desire. We have made and we will continue to make any possible effort to end this war through negotiations at the conference table rather than through more fighting on the battlefield."

Unquote.  
I am sure you know that the National Executive Committee of the American Legion . . . meeting in Indianapolis earlier this month . . . adopted a resolution expressing the Legion's whole-hearted support of the President's decision to eliminate Communist military sanctuaries.

This resolution also calls upon the members of Congress and the American people as a whole to give the President's decision the same support.

In another resolution . . . the Legion National Executive Committee expressed your organization's "total opposition" to the amendment proposed by U.S. Representative Ogden Reid of New York to prohibit the use of appropriated funds to finance the introduction of American ground combat forces into Laos, Thailand or Cambodia. A day or two after adoption of this NEC resolution . . . the House of Representatives overwhelmingly defeated Congressman Reid's proposal.

As Legionnaires . . . I'm certain that you members of the Department of Agriculture Post No. 36 of the District of Columbia Department of the American Legion concur in the NEC's conclusion that such restrictive legislative proposals "would seriously inhibit this nation's ability to counter aggressive moves by enemy forces and place the enemy on notice that it has complete freedom to carry out its aggressive designs from Cambodia without fear of reprisal."

I do not suggest . . . even for a minute . . . that the Congress should not carry out its own Constitutional responsibilities vigorously and promptly.

But I sincerely believe that the President should be given the opportunity to carry out his Constitutional responsibility . . . as Commander-in-Chief . . . to protect the lives of American servicemen in Vietnam . . . and should be given the opportunity to make good on his pledge to withdraw American combat forces from Cambodia by June 30th.

I hope that the Congress will give him this opportunity . . . and not act prematurely.

We all know and love . . . even if we cannot sing well . . . the Star Spangled Banner. Its last lines call America "the land of the free and the home of the brave."

I would not quarrel with these lyrics . . . but I would suggest today a slight variation.

I would suggest that our beloved America is still the land of the free because . . . for nearly two hundred years . . . it has been the home of the brave.

No where has this truth been more eloquently expressed than on the Confederate War Memorial in Arlington National Cemetery.

Perhaps you have seen this inscription . . . and been as moved and inspired by it as I have.

Permit me to quote it.

"Not for fame or reward  
Not for place or for rank  
Not lured by ambition  
Or goaded by necessity  
But in simple obedience to duty  
As they understood it  
These men suffered all  
Sacrificed all  
Dared all  
And died."

I am sure you will agree that this tribute can be paid appropriately . . . with unashamed love and gratitude . . . to all of America's honored war dead.

It has been said that a nation is really its people.

I believe this is true.

In moments of sorrow and grief . . . people . . . families . . . unite to comfort and strengthen one another.

Memorial Day is not entirely a moment of sorrow and grief . . . for we remember fondly . . . even joyfully . . . those happy hours and years we shared with our loved ones before they answered freedom's call . . . and paid freedom's price.

We do no violence to these happy memories . . . however . . . if on Memorial Day we seek to unite the American people . . . our national family . . . so that we might comfort and strengthen one another.

In life . . . our honored war dead were the providers and protectors of their families.

If . . . on Memorial Day 1970 . . . the American family could once again unite . . . as it honors their memory . . . to provide for the future of our great nation . . . and to protect our priceless freedom . . . then our heroic war dead could truly rest in peace.

For they would then know that they have not died in vain.

Thank you.

#### SOUTH BALTIMORE'S STRAIGHT-TALKING MARY AVARA

Mr. TYDINGS. Mr. President, many Senators, intrigued by the fact that Maryland is the only State which still has a movie censor board, no doubt tuned in to the three late-night television talk shows to watch our three Maryland ladies discuss their work. Overnight, Mrs. Mary Avara became a celebrity. Mrs. Avara is a straight-talking South Baltimore gal who does not pull any punches. What the general public does not know is what a great person she is, what a hard worker, and how versatile are the many areas of her activities.

I ask unanimous consent that the article from the Baltimore Sun of Sunday, May 24, be printed in the RECORD to give Senators another view of a grand lady.

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

A BONDSWOMAN WHO CALLS BINGO—SOUTH BALTIMORE'S STRAIGHT TALKING MARY AVARA IS A WARD LEADER AND FILM CENSOR, TOO  
(By Ralph Reppert)

Mary Avara can cut your hair or get you out of jail, help you make your will or fill out your income tax form, arrange your wedding and reception or your grandmother's funeral.

If you're a political candidate with a fair chance, Mrs. Avara can deliver an election precinct in your favor. If you have a son or nephew going wayward, Mary can talk to him like a Dutch uncle.

She can call a Bingo game for 300 women without using a microphone. In her deal-

ings with people, as a bail bondswoman, as a member of the Maryland Board of Motion Picture Censors, and as a fireball volunteer in most of her church, community and neighborhood political doings, she speaks her mind—row and number—as if she were calling a Bingo game.

Mrs. Avara made her debut on television in March. Producers of the Dick Cavett show invited her and the board's other two members, Mrs. Margery Shriver and Mrs. Rosalyn Schector, to discuss the workings of Maryland's Board of Motion Picture Censors, the only such state board in the land. This board attracted national attention last year when it banned "I Am Curious (Yellow)," and it became topical again in March after *Time* published an interview with the three censors.

On television, Dick Cavett's panel discussion began decorously enough, and then TV viewers sat up and turned up the volume. They knew they were hearing something different, but they didn't know what it was.

It was, among other things, South Baltimore Straight Talk.

There was something different about Mrs. Avara, and a lot of that difference comes out in her talk. Political candidates may speak in suave generalities, but the precinct, ward and district workers speak in plain language. Mrs. Avara talks that way because she is a political worker.

The language of policemen is just as blunt. She knows their lingo, too. Detective Lt. Vincent Serio, who retired three years ago from the Baltimore Police Department, is her brother. And since 1947, when she became a registered bail bondswoman, Mrs. Avara's business has taken her almost every day and night to jails and police stations.

There's an inner strength that shows through in her talk. She is a shrewd business woman, with confidence in her abilities and conviction in her judgment. "I been a widow for 24 years," she has been heard to remark. "I'm not afraid of nothing." So when she says something—although she may pronounce it more in the manner Dizzy Dean than Allstar Cooke—her meaning stands out as plain and honest as a patch on the seat of the pants.

Without meaning to, Mrs. Avara stole the Dick Cavett show. She sat there with her dour expression, a sort of cross between Thelma Ritter and Ned Sparks, and with a what-the-hell-did-I-say-wrong? look on her face, broke up the panel with almost every answer.

Probably her most outstanding attribute is candor.

Complimented on her pretty dress, she may smile a thank-you, then tell you confidentially she got it, two for \$11, on sale at Hecht's.

"You think that's a bargain? How about the shoes? A buck, on sale at Korvette's."

Mrs. Avara talked about Baltimore, her grandchildren, the 18 children her mother had, how to get people out of jail.

Dick Cavett was fascinated by her being a bondswoman, going into jails and police stations to get people out on bail, and he had many questions about the business. When he asked if she felt at ease in front of a TV camera, she said she would feel more at home talking to him if he were behind bars.

Harry Belafonte and Jack Carter, also guests on the panel, broke up. So did the MC.

Mrs. Avara registered not only with show people as a natural comedienne, but also with TV viewers. She went back before the TV cameras as a guest on the Johnny Carson and Merv Griffin shows. One MC told her she could go into show business with his organization any time she felt like it.

Russell Baker, the New York *Times* columnist, sent her flowers. An anonymous viewer sent her a dozen red roses. The fol-

lowing Sunday nine corsages, from both local and out of town admirers came to her home.

Governor Mandel wrote his congratulations and urged her to keep up the good work, spreading the word on the joys of motherhood and Maryland.

At her office there were notes of telephone calls from Steve Allen and Mike Douglas. Suspicious of practical jokes, she didn't answer either.

A Detroit (Mich.) TV viewer, an elderly woman, thought Mrs. Avara has a sympathetic face, and wrote for advice on some personal problems.

A New York city man had seen her on TV and was impressed with her honesty. A few days later the man's son was arrested in Baltimore, and the man asked Mrs. Avara by phone to bail him out.

Mrs. Avara inherits her independence from people who have had to make it the hard way and on their own. Her father was Samuel Serio, who was born in Sicily. He became a sailor, and after a few years at sea came home to marry Concetta, a childhood sweetheart. The two came to this country in 1895, when the bride was 18. Serio opened a fruit and vegetable stall in Hollins Market in Baltimore.

They had 18 children, 6 of whom died in infancy. All of the children helped their parents at the market and two brothers, Charles and Frank, still operate produce stalls there.

The other children went into a variety of professions. Vincent was a prizefighter before he retired from the ring to become a career policeman. Dominick wrestled under the name of Benito Guardino and was billed as "The Little Flower." Joseph, the youngest, is a hefty guard at the City Jail. Among his friends he answers to the name of "Baby Joe."

Mrs. Avara came seventh, as her mother did. There's a belief that the seventh child of a seventh child is born with a clairvoyance which in the Old Country is called "second sight." Mrs. Avara believes she has a strong streak of it.

"I can walk into a room where there's a phony, and know he's a phony the split-second I see him. I know things around the neighborhood are going to happen before they happen. Lots of times I know what a judge is going to say before he says it."

The sixth sense serves her well in her business. In posting bail for hundreds of prisoners every year, for 24 years, she's never put her trust in one who skipped bail.

She grew up a member of the St. Peter the Apostle Church ("I came with the fixtures there") and from her 6th through 14th year attended St. Peter's School on Poppleton street. She had to quit after the 8th grade to help her folks in the market.

In her late teens she became a helper in the organization of Julian B. "Chicken" Carrick, a Hollins Market poultry dealer and Sixth district political leader. Sharp and willing, she moved from precinct runner to odd jobs at the ward level, and then became a utility campaign worker for the whole district.

In 1929 she married Vincent Joseph Avara, who had come over from her parents' birthplace in 1920. Avara, a blacksmith in Sicily, learned barbering in Baltimore, and set up his own shop at Lombard street and Carrollton avenue.

Mrs. Avara was widowed in 1946 when her husband was killed in an automobile accident. Ten years later her 14-year-old daughter, Concetta, died the same way.

An uncle, Joe Serio, was a bail bondswoman, and Mrs. Avara often allowed him to list her home as a security to his business. Widowed, and with four children to support, Mary went into the business herself. An astute businesswoman, she has since bought

a number of additional properties to pledge as collateral in her profession.

Life is a bit easier now that the children are grown and on their own. Her son, Simon, has become a barber, operates a barber school, and is national president of all state barber boards. Her daughter, Carmelita, is married. Her son, Samuel, is a regional claims manager for Montgomery Ward.

The bail bond business earns Mrs. Avara a comfortable living, but it is a demanding job that keeps the telephone ringing late at night. Her most usual clients are shoplifters, numbers writers, bookmakers, with now and then charges as serious as manslaughter. For the bail she puts up, she is allowed a bonds-woman's fees of 7 per cent in the city, 10 per cent in the county. Thus a shoplifter she gets out on \$500 bail might produce a fee of \$35 in town, \$50 in the county. She has been known to shave her fee in distress cases.

Most of her clients seek her out, either because they are long-time customers or because friends mention her name. She has so many contacts that she doesn't find it necessary to list her name in the telephone directory or the classified section.

She doesn't like to handle some of the cases she does, but can't turn them down if they're good risks because business is business. She feels a genuine sympathy for the transgressors she calls "the little people," shoplifters, bookies and the like.

"It's easy to be honest," she says, "when you've got a dollar in your pocket. But can you hate a woman who doesn't have a dime, and who wants a pretty pink dress for her little girl so bad she'll steal it if she has to?"

In every neighborhood there are two types of people who want to help in emergencies. One type asks, "Is there anything I can do?" The other type spots what needs doing and does it. Mrs. Avara is a doer.

In South Baltimore Mrs. Avara is the guiding force of the Sixth District Ladies Civic and Improvement Association, Inc., an organization of more than 200 women of the Hollins Market area. Its headquarters is over a self-service food store. It's a plain but clean hall with walls displaying the American flag, a picture of Governor Mandel, and a sign which reads, Smile! God Loves You!

There every Sunday its members get together for an afternoon of Bingo, with Mrs. Avara calling the game. Each meeting opens with a prayer and the Pledge of Allegiance. The ladies have soft drinks and play all afternoon for a dollar, then take a break over sweet buns and coffee. Each woman brings something she baked or canned. Mrs. Avara beeps up the prizes with cartons of groceries she has collected from manufacturers and from her many friends in Hollins Market. Thus, most of the one-dollar admissions go into the club kitty. Periodically the ladies use the money for bus excursions to New York City, Atlantic City, and historical points in Maryland.

Once, while Mrs. Avara was with the group of members in a big city, a group in another part of the city was drawn into an auction in a vacant store. The women, whom the auctioneer insisted had raised their hands to bid, came out with shoddy purses and other cheap items for which they were bullied into paying exorbitant prices.

Mrs. Avara, her mouth set in a tight line, gathered up the merchandise and took it back to the auctioneer. She came back to the bus in a few minutes with the money.

Members of the Sixth District Ladies Civic and Improvement Association, Inc., plus Mrs. Avara's friends in Hollins Market, plus her political contacts, plus grateful clients she has in years past bailed out of jail, from what might be termed a benevolent sort of South Baltimore Mafia. It has always been able to deliver when asked for help.

If somebody's house burns, the ladies round up food, clothing, furniture. If an elderly woman becomes crippled or infirm, there's somebody to help her with shopping

and housework. If there's a death in the neighborhood and no money in the family for a funeral, the women take up a collection and make the arrangements.

In her formstone fronted rowhouse at 105 South Carrollton avenue, Mrs. Avara finds herself in the middle of somebody's problem almost every night. As a part of her business, she is a notary public and can use a typewriter. Her neighbors, many of whom speak little English, come to her with census forms, income tax forms, wills and for letters of recommendation. Between these good turns, she sells program ads for the church carnivals and promotes the Bingo games. Eight years ago she helped to form a bowling league for the blind.

Her day begins at 6.30 A.M. She does her housework, and reports to work with the censor board at 8.30 A.M. If somebody needs her to post bail, word gets to her at work, and she handles it as her schedule allows. She doesn't drive, and so gets around by bus in the daytime, a cab at night.

For their \$4,000 to \$4,500 salaries, the board members view between 600 to 700 films a year, the multi-million-dollar Walt Disney productions along with sex pictures which seem to have been shot with only a camera, a man, a woman, and a bed.

Board members do not have the final word on whether a movie or one of its scenes is fit to be shown in Maryland. The board merely screens the productions and marks each of those portions it believes come under the legal interpretation of pornography.

If a distributor accepts the cuts suggested by the board, as most do, the movie moves into public circulation. If a producer challenges the cuts, then a board which may include a psychiatrist, an artist, an educator among other recognized professionals, is formed to judge the picture.

"My mother had 18 children," Mrs. Avara says. "I got a family myself. I'd be pretty stupid if I didn't know what sex was. The love between a man and his wife is a beautiful thing. A beautiful secret to be shared by them alone.

"But when love is expressed in front of a crowd on the street, or on top of an automobile, it becomes as ugly as it is ridiculous.

"You can call that kind of stuff art or culture until you're blue in the face, but you won't change my mind on it."

#### THE 20TH ANNIVERSARY OF "DECLARATION OF CONSCIENCE" SPEECH BY SENATOR MARGARET CHASE SMITH OF MAINE

Mr. TOWER. Mr. President, I shall engage the Senate's attention only long enough to speak in commendation of the remarks of the senior Senator from Maine (Mrs. SMITH) made on the floor of the Senate Monday about noon. The thoughts she expressed are my thoughts, but she expressed them with an eloquence I shall not try to match.

When this country was floundering and wrestling with a similar threat to our honorable and just traditions 20 years ago, the Senator from Maine spoke in similar measured tones of her own conscience and her intellectual commitments. She helped awake the conscience of the Nation so that the American people would not founder into the Scylla of civil repression while avoiding the Charybdis of social despotism.

So it was more than a routine matter when our colleague stood Monday to warn of the latest threat to the American tradition of libertarian values. Violence, arson, destruction, and threat of

death employed for the ideals of peace, individual rights, and social prosperity is a contradiction. Civil rights can be destroyed by mobs even more quickly than they can be by governments.

It was no error that civilization came of age in the 19th century. Coincident with the dramatic material change which occurred between the years 1800 and 1899 was the flowering of the thought process known as liberalism, rooted in the Renaissance and propagated by the enlightenment of the 18th century. Liberalism during the 19th century was not a static set of beliefs. It was a method of looking at and dealing with reality. It was observation rather than precommitment; it was reason used to achieve knowledge. It was commitment to bring order to government, to commit science to the discovery of truth.

Our 20th century prosperity is a product of the liberal ideals of the 19th century. We are riding a crest of abundance traceable to those enlightened attitudes. But in 1970, reason is threatened by irrationality, personal freedom and safety by violence; creation by destruction. Optimism in the bigger and better future—a characteristic particularly of Americans I am told—has been replaced by pessimism.

In the finest sense of the term—in its 19th century definition—Senator SMITH's remarks of Monday were liberal. She pleaded for reason, for disagreement without violence. I commend her for her remarks and express the hope that they receive the contemporary attention they deserve, as well as the historical respect which the perspective of 20 years has accorded her warning of June 1, 1950.

#### RETIREMENT OF LAURENCE C. EKLUND, MILWAUKEE JOURNAL WASHINGTON BUREAU CHIEF

Mr. NELSON. Mr. President, after 23 years of distinguished service to the Milwaukee Journal and the people of Wisconsin, Laurence C. Eklund is retiring as the Journal's Washington bureau chief.

The loss is one that will not easily be replaced because Eklund brought nearly a half century of newspapering experience to the hundreds of thousands of daily readers of the Milwaukee Journal.

Eklund began his journalistic career as associate editor of the Daily Cardinal, the campus newspaper at the University of Wisconsin. From there he worked briefly for the Madison, Wis., Capital Times until he joined the Journal staff on August 27, 1927.

For 20 years thereafter, Eklund covered a wide variety of reporting assignments, including the Milwaukee courthouse, city hall, and the Federal Building. He also covered the State legislature and capital in Madison and very quickly became known for his political reporting.

He began his political reporting less than a year after joining the Milwaukee Journal staff covering the 1928 campaign, when Herbert Hoover defeated New York Gov. Alfred E. Smith.

But it was for his Washington coverage that Eklund will be best remembered. He came to set up the Journal's first Washington bureau in 1947, and

through the years covered the activities of a number of men whose names would remain a part of the history of this country.

Throughout those 23 years he covered John F. Kennedy, Richard M. Nixon, Harry S. Truman, Dwight D. Eisenhower, Senator Joseph McCarthy, Senator Alexander Wiley, and a number of other men well known in Wisconsin and across the Nation.

Con Eklund represented the best qualities of journalistic integrity and objectivity during his years in Washington and fulfilled the vital function of the profession by acting as an overseer and critic of the functions of government and the elected representatives of the people.

I ask unanimous consent that three articles about Mr. Eklund, published in the Milwaukee Journal, be printed in the RECORD.

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

[From the Milwaukee (Wis.) Journal,  
May 17, 1970]

#### JOURNAL'S EKLUND WILL GET AWARD

The 1970 Ted Carpenter Award of the Milwaukee chapter of Sigma Delta Chi, professional journalism society, will be presented Tuesday to Laurence C. Eklund, chief of The Milwaukee Journal's Washington Bureau.

Eklund who is retiring at the end of May after 43 years as a Journal reporter, will accept the award at the chapter's meeting at 7 p.m. at the Milwaukee Press Club.

The award, which includes a \$200 prize donated by the Miller Brewing Co., is a memorial to Carpenter, who was a charter member of the Milwaukee chapter of Sigma Delta Chi and director of the Marquette University News Bureau for more than 40 years.

Eklund who has spent 23 years in The Journal's Washington Bureau, was honored in Washington last month by the Wisconsin State Society, a group of former Wisconsin residents living in Washington.

The Sigma Delta Chi chapter scholarship award also will be presented at the Tuesday meeting.

William R. Bechtel, staff director of the Senate Employment, Manpower and Poverty Subcommittee, will speak. Bechtel is a former reporter for The Journal and a former staff director for Sen. Gaylord Nelson (D-Wis.)

[From the Milwaukee (Wis.) Journal,  
May 24, 1970]

#### EKLUND GOT TOUCH OF POLITICS EARLY

(By Robert W. Wells)

It was a summer of more than 50 years ago in Tomahawk, a northern Wisconsin community that had been a lumberjack town, with the sawdust piling up at the Bill Bradley mill, and the "shanty boys" hurrying into town on Saturday nights to spend a week's pay in the 30 saloons.

But now the times were changing and culture was not ignored. The Chautauqua movement, which brought lectures on art, religion and world affairs even to such northwoods communities, was going strong. A Chautauqua meeting was scheduled at Bradley Park, and the Eklund family had a picnic lunch packed and was heading toward this highlight of the Tomahawk social season.

#### A FLORID SOUTHERNER

Laurence C. Eklund, who is retiring as head of The Milwaukee Journal's Washington Bureau, has traveled widely and known famous men since that day in his early boyhood. But he remembers walking across the pine needles in the park named for his father's boss to listen to his first live politician.

"He was a florid southerner," Con Eklund said. "I don't remember his name but I recall how he broke down and cried over how much money the United States had spent to build the Panama Canal. I think my interest in politics stemmed from that speech."

Eklund was born in Tomahawk, a fact which he had taken for granted until recently when he had to prove it to the satisfaction of the social security bureaucracy.

Record keeping was more informal in Lincoln County then than now and Eklund discovered some years ago, when he wanted to apply for a passport, that there was no record of his birth at the courthouse in Merrill.

Eklund had his older brother, Oscar, go with him to the State Department and testify that Con was a native Tomahawker, which satisfied the passport people. But Oscar is now dead and the social security office wanted written proof that a Swedish carpenter named John Eklund and his wife had increased Tomahawk's population by one on May 16, 1905.

#### 1905 FILES CHECKED

Eklund called Graham Foster Jr., editor of the Tomahawk Leader, who checked the newspaper's 1905 files and found an item mentioning the birth. But it failed to give the baby's name.

The Eklunds had been members of what was then called the Norwegian Lutheran Church—"there weren't enough Swedes for us to have our own," Eklund explained, apologetically—so Foster got in touch with the Rev. Bruce Hanstedt of what is now called Grace Lutheran Church.

The 1905 church records were written in Norwegian, but the pastor got one of Con's old friends, Mrs. Della Newborg, to translate. Not only Eklund's May 16 birth but the fact that he was duly baptized on Aug. 8, 1905, was recorded. The minister dispatched a document which satisfied Washington that there really was a Con Eklund and that he'd been born in Tomahawk.

Eklund's father arrived in that community in 1889 and built its first skyscraper—a frame building which rose to a full two stories, a Tomahawk record for the time. As a boy, Con tried his hand at carpentry but soon gave it up.

#### WENT TO UW

"I was a wood butcher," he said. "So I went to the University of Wisconsin and majored in journalism instead."

In his senior year, Eklund was associate editor of the Daily Cardinal, which meant semester had hardly begun before he was being denounced by the Janesville Gazette as a "harebrained adolescent" and being scolded by The Milwaukee Journal for daring to say editorially that "Prohibition has been an incentive to student drinking."

The Capital Times, however, defended Eklund's editorial and the following June offered him a job. The Journal hired him away from the Madison paper, raising its initial offer of \$25 a week to a princely \$30 when Eklund pointed out that this was what he was already making.

#### JOINED JOURNAL IN 1927

Eklund joined The Journal on Aug. 27, 1927, so his retirement ends an association of nearly 43 years with the paper.

He helped cover the 1928 campaign in which Herbert Hoover beat Alfred E. Smith, but like most young reporters he worked on a variety of other assignments, including the Courthouse, City Hall, the Federal Building and an occasional police story, such as a fruitless FBI chase through the north woods for gangster John Dillinger.

While Eklund was a university student, Philip La Follette, then a young district attorney, had noticed one of his editorials and invited him to a series of Sunday night suppers. When Eklund was assigned to report the activities of the Legislature in 1935, La Follette was governor.

"He was one of the most colorful guys I've covered," Eklund said. "There are some others on that list—Gov. Julius Heil, Walter Goodland, Alexander Wiley and, of course, Joe McCarthy. I got to Washington shortly after McCarthy went there as senator."

Eklund continued to specialize in politics in Wisconsin until 1947, when he became The Journal's first full time Washington correspondent. Two future presidents arrived as congressmen that year—John F. Kennedy and Richard M. Nixon. The latter headed a list of dignitaries and old friends who sent telegrams wishing Eklund well after his retirement was announced.

Eklund manned the bureau alone until 1963, when a second man was added. He continued to specialize in reporting political news, helping cover national political conventions in nine presidential election years.

In 1949, 1959 and 1965, Eklund went on reporting trips to Scandinavia. During the last such visit, the Swedish Tourist office found relatives he never knew he had in the province of Varmland where his father was born.

In 1960, he went to Antarctica. His younger brother, Carl, was a widely known polar explorer for whom the Eklund Islands in the Antarctic were named.

#### JOINED GRIDIRON CLUB

Four years ago, Eklund was elected to Washington's Gridiron Club, a newspapermen's organization limited to 50 active resident members.

Last month, the Wisconsin State Society of Washington, composed of former Wisconsin residents, presented Eklund with a certificate of merit for distinguished service.

Eklund has been married for 39 years to the former Ethel Chipman, the daughter of a rural Columbia County state legislator whom he met while she was working with a private welfare organization in Milwaukee. They have a son, John, who is with the Post Office Department in Washington.

Eklund's last day on the job will be Tuesday. He will continue to live in a Washington suburb, Bethesda, Md.

#### PARTY TO BE GIVEN

A cocktail party for about 200 persons, including his fellow members of the Gridiron Club, other Washington news colleagues and federal officials, will be given in Eklund's honor by The Journal Monday evening at a Washington hotel. The newspaper will be represented by Irwin Malar, chairman of the board of The Journal Company, and Arville Schaleben, associate editor.

John W. Kobe, a member of The Journal's Washington Bureau who will succeed Eklund, and Frank Aukofer, who is moving from the paper's Milwaukee staff to the bureau, will be introduced.

In his new status as a man of leisure, Eklund plans to do some traveling, including a trip to Tomahawk, which he hasn't visited in 30 years. While there, he's going to stroll under the virgin pines in Bradley Park, remembering what it was like to be a small boy listening to a politician from the outside world who could shed tears over the cost of the Panama Canal.

[From the Milwaukee (Wis.) Journal,  
May 17, 1970]

#### A WASHINGTON MEMOIR

(By Laurence C. Eklund)

(The writer is retiring this spring after 43 years as a Journal reporter, the last 23 as its Washington bureau chief. In the article he reminisces about his years in the capital and people and events he wrote about.)

President Nixon, whose phenomenal memory amazes reporters, reminded me not long ago that he and I had arrived in Washington about the same time.

The president's recollection was correct. He began serving in January, 1947, as a 34

year old congressman from California. I came here the following month to establish the Milwaukee Journal's Washington bureau.

As it happened, I saw a lot of Nixon and another future president, the 29 year old congressman from Massachusetts, John F. Kennedy, while covering my first big story for the Journal's fledgling, one man bureau.

They were members of the House Committee on Education and Labor. It was holding hearings on the Taft-Hartley bill which, passed over President Truman's veto, amended labor relations laws in favor of management. Nixon was the lowest ranking Republican on the committee and Kennedy ranked next to the bottom on the Democratic side. The hearings involved testimony of many Milwaukeeans.

One of those witnesses, Harold R. Christoffel, former president of United Auto Workers Local 248 at Allis-Chalmers, went to jail for perjury after he testified before the committee that he was not a Communist. Both Nixon and Kennedy played a role in the long drawn out legal battle that was taken twice to the United States Supreme Court.

Nixon's testimony that he was present when the alleged perjury was committed was important in producing a conviction at Christoffel's second trial.

Kennedy made the motion to cite Christoffel for perjury. And he journeyed to Milwaukee as a member of a three man subcommittee that helped compile the case against the former union leader.

Another newcomer to Washington early in 1947 was Joseph R. McCarthy, who had toppled the 41 year La Follette senatorial dynasty by beating Sen. Robert M. La Follette Jr. in the Republican primary. He then went on to defeat Democrat Howard J. McMurray in the general election.

McCarthy had a way, even then, of attracting colorful acquaintances.

When Paul Ringler, now an associate editor of The Journal, and I went to lunch at the Carroll Arms Hotel the first day I arrived in Washington, we found McCarthy eating with Prince Otto, pretender to the throne of Austria. The archduke, a pleasant young man of 34, was seeking the new senator's support on a project.

Before coming to Washington, I had interviewed McCarthy at length as he relaxed at the King's Gateway Hotel at Land o' Lakes after his victory in the Senate race.

It wasn't until years after that northern Wisconsin interview that McCarthy, buoyed by material from a friend on a Chicago newspaper, hit political paydirt with his speech at Wheeling, W. Va., against alleged Communists in government.

On Feb. 6, 1954, by which time there had been ample evidence that McCarthy was not a standard bearer for the liberal Republicans, The New Yorker magazine tossed back at me a portion of that northern interview, under this chiding headline:

"The Clouded Crystal Ball."

(From a Story by Laurence C. Eklund in The Milwaukee Journal, Nov. 10, 1946.)

"In talking with McCarthy one gets the impression that he will make a record as a liberal Republican, and that he will be closer to Republicans of the type of former Gov. Harold E. Stassen of Minnesota and Senators Wayne Morse of Oregon and Joseph Ball of Minnesota than he will be to Sen. Robert Taft of Ohio, the apparent conservative choice for president in 1948. Evidently, he will not be satisfied with a Republican program that calls for 'free enterprise.'"

That's what I wrote, all right.

But McCarthy chose to ignore my predictions and gleefully pursued the nonexistent Communists in the State Department—with the active support and connivance of Taft, although it apparently was not love at first sight.

In 1946, when McCarthy was seeking Republican support for his primary battle

against La Follette, I obtained a letter from Taft to Lester J. Bradshaw, then of Milwaukee, in which Taft revealed a close political kinship with La Follette.

Publication of the letter in The Journal caused a sensation. Taft got it back from Bradshaw and denied having written it, but fortunately I had taken the precaution of having it photostated. The Journal also published the photostat.

And in Washington, when McCarthy and his administrative assistant, Victor Johnston, walked into Taft's office to meet the Ohio senator for the first time, Taft jumped up, pumped Johnston's hand, and exclaimed "Glad to meet you, senator." The white maned Johnston looked more like a senator than his boss did.

Personally, I would rather remember McCarthy for his kind way with children and his home cooked chicken dinners (his secret was to use a lot of butter) than for his repeated attacks on The Journal as the "Daily Worker of Wisconsin." He never could understand that such attacks also were attacks on me as one of several hundred employers of a rather successful capitalistic enterprise. That is a point that other politicians, some long forgotten, have been equally unable to grasp.

It was over McCarthy that President Truman began his long feud with Dwight D. Eisenhower that didn't end until Nov. 25, 1963, at the funeral of President Kennedy.

The peppery Missourian excoriated Eisenhower for yielding to pressure to delete from a 1952 Milwaukee campaign speech praise of Gen. George C. Marshall, who McCarthy had attacked as a captive of a conspiracy to abet Soviet designs.

Sen. Wiley's usual greeting to me during his years as senator often included the complaint, boomed out at a cocktail party or across a crowded restaurant, that he wasn't getting enough ink in The Journal. I usually retorted mildly that his activities weren't exactly ignored by the newspaper and that, in fact, he was written up rather frequently. It got to be kind of a joke.

The fact is that Wiley, for all his backslapping ebullience, was a good and gutsy senator, as well as a great story teller with whom a luncheon in the Senate restaurant was a most jolly affair.

In his switch from isolationism to internationalism in the midst of World War II, and in his opposition to the Bricker amendment limiting the treaty making power of the president, he showed courage in the face of bitter opposition from the right wing of his own party.

And his long, successful fight for the St. Lawrence Seaway was a crowning achievement.

Wiley, 78, lost his cool during his disastrous 1962 re-election campaign against Democrat Gaylord Nelson when he told me that Nelson was "stupid" and a "nit-wit" and only "half a Viking" who couldn't speak Norwegian while he (Wiley) was a full Viking who spoke Norwegian fluently.

What a pity he didn't retire voluntarily at the age of 78.

Besides recording national politics, the conscientious Washington reporter tries to stay in contact with visitors from his home state. He gets invited to a variety of semi-social events sponsored by home organizations; for instance, a chamber of commerce, a bankers' association or a rural electric cooperative.

These events occasionally produce news stories. But since 1949, the annual congressional dinner of the Wisconsin State Chamber of Commerce has been mainly social and predictably nonnewsworthy. That was the year that the guests turned on their hosts, and I reported it.

Democratic Rep. Andrew J. Biemiller of Milwaukee tangled with a sizable delegation of Wisconsin doctors who had flown to Wash-

ington to lobby against the Truman administration's compulsory health insurance bill, of which Biemiller was a sponsor.

And Rep. Frank B. Keefe of Oshkosh, a big man with an impressive voice, chided his hosts for demanding cuts in federal expenditures while seeking funds for such things as local airports.

"Every single chamber of commerce in the country wants that federal dough we're appropriating and you'll be the first ones to squawk and bombard us if we take it away," thundered Keefe.

"Hatchet Buried (In Skulls) at State Delegation Fete," proclaimed the headline over my front page story the next day. That did it. There hasn't been a good news story out of a state chamber dinner in the last 20 years.

Keeping in circulation in a town obsessed with propriety can be an amusing course in social studies.

Newspapermen generally have status in Washington, but socially they still rank below official people, including congressional secretaries. There even are social pecking orders among newsmen.

I brushed up against this in Navy protocol when I went with an official party to Norfolk, Va., to get the silver service off the battleship Wisconsin for display in the state capitol at Madison.

At a luncheon on board the battleship, the ranking guest was Rep. Glenn R. Davis, Waukesha Republican, who sat beside the captain. Next in the order of precedence that had been worked out by the Navy several days in advance was Davis' secretary, Jack Cory, who more recently retired as editor of a chain of Milwaukee suburban weekly newspapers.

In the seating arrangement I ranked below Cory, but I was placed closer to the captain than was the reporter from Madison's Wisconsin State Journal, apparently because The Milwaukee Journal had a larger circulation.

And down at the end of the table, way beyond the salt, was the news photographer.

On three reporting trips to protocol conscious Scandinavia I fared a little better socially than I did around Washington.

In Sweden especially, presumably because I am of Swedish extraction, I occasionally got to sit next to the host or hostess and was called upon to make the "thank you" speech. And in the royal palace in Stockholm, the crown prince—now the 87 year old King Gustav VI Adolph—singled out me and three of my journalistic colleagues, also of Swedish ancestry, for special, warm greetings. I have tried not to let all this go to my head.

The Scandinavian trips meant much more to me than just another assignment, because they gave me an opportunity to learn about my family background.

Searching the records at Sunne, the Swedish community in provincial Varmland where my father was born, I was started to learn that he began life as Jan Jansson, not John Eklund. My father, who emigrated to Tomahawk, Wis., in 1888, never happened to mention to us that he had changed to a surname meaning "oak park."

My brother Oscar feared there had been a scandal in the family. But Pastor Victor Rydinge of the Sunne church explained that it was customary to change one's name as my father had done when he went to Stockholm to become a carpenter for the king.

Orville Freeman, former secretary of agriculture, told me that a grandfather, also a Swedish immigrant, changed his name from Johnson to Freeman because there were too many Johnsons in the Minnesota lumber camp where he worked.

Freeman figures that his forebearer's name change cost him 50,000 votes when he ran for governor of Minnesota in 1954, because

many voters in the heavily Scandinavian state probably didn't know he was a Swede. Through the church records, the Swedish Tourist Traffic Association located two sets of relatives on my father's side I never knew I had. I met them in 1965 when the Swedish government selected me as the American journalist to announce plans for Sweden's homecoming year, aimed at getting Swedish Americans to visit the homeland.

It was a sentimental journey indeed when I went to Rada, near Sunne, to be feted by my newly discovered cousin, Kark David Eriksson, and his daughter's family.

I gave a bright new Kennedy half dollar to Hans Backman, my cousin's 6 year old grandson. It was worth the entire trip to see the excited boy, a towheaded Swede if there ever was one, study the coin for a long time and then hear him exclaim to himself in Swedish: "God, what a fine coin!"

I like to think that my young kinsman still cherishes it.

**RESULTS OF THE CAMBODIAN SANCTUARY OPERATION**

Mr. GRIFFIN. Mr. President, I ask unanimous consent that a summary of the results of the Cambodian sanctuary operation as of 8 a.m. June 3, 1970, be printed in the RECORD.

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

**SUMMARY**

Total operations	Number	24-hour change
Individual weapons.....	15,259	+60
Crew-served weapons.....	2,114	+8
Bunkers/structures destroyed.....	8,293	+100
<b>Machinegun rounds.....</b>	<b>3,267,952</b>	<b>+200</b>
Rifle rounds.....	6,910,376	+40
<b>Total small arms ammunition (machinegun and rifle rounds).....</b>	<b>10,178,328</b>	<b>+240</b>
Grenades.....	34,803	+35
Mines.....	3,960	+35
Satchel charge.....	500	(?)
Miscellaneous explosives (pounds).....	72,000	(?)
Anti-aircraft rounds.....	132,694	-1,027
Mortar rounds.....	48,198	+2,678
Large rocket rounds.....	1,585	+70
Smaller rocket rounds.....	26,179	+744
Recoilless rifle rounds.....	22,166	+611
Rice (pounds).....	11,080,000	+142,000
Man months.....	243,760	+3,124
Vehicles.....	359	+1
Boats.....	40	(?)
Generators.....	36	(?)
Radlos.....	186	+1
Medical supplies (pounds).....	39,600	(?)
Enemy KIA.....	9,139	+133
POW's (includes detainees).....	1,913	+13

<sup>1</sup> Field adjustment.  
<sup>2</sup> Unchanged.

**ST. LAWRENCE SEAWAY HEARINGS IN DULUTH**

Mr. MONDALE. Mr. President, on Friday, May 22, the Special Subcommittee on Great Lakes—St. Lawrence Transportation of the Committee on Commerce, presided over by the Senator from Indiana (Mr. HARTKE), held hearings on S. 3137 in Duluth, Minn. The bill was introduced by 15 Senators from both parties from all the States in the upper Midwest.

A number of editorials were published by leading newspapers in my State commenting on the hearings and on the bill. On May 14, the Minneapolis Star pointed out that the Administrator of the St.

Lawrence Seaway Development Corp., Mr. David Oberlin, had noted that the seaway had already repaid \$36 million to the U.S. Treasury and that no other inland waterway in the country has even paid its operation and maintenance costs, let alone returning something to the Treasury. If the seaway is a failure, Mr. Oberlin said, "We should have more failures."

The Minneapolis Tribune on May 15, 1970, pointed out that the penalty which was imposed on the seaway—requiring it to pay for the cost of its construction, including interest, and for maintenance and operations—was the price for getting the seaway bill. As the Tribune observed:

There is no doubt that the Seaway's self-sustaining requirement is discriminatory. Tolls are imposed on no other portion of the nation's 25,000-mile system of navigable waters, despite a large and continuing Federal outlay for construction and maintenance of this system.

Some Senators opposing S. 3137 have recommended that tolls be increased and have argued that such increases would not necessarily reduce traffic on the Seaway. But a number of witnesses in Duluth pointed out that shipments of commodities such as grain are quite sensitive to toll levels. Even as little a cost differential as one-eighth cent a bushel would dictate the route by which grain would be shipped, observed one of the witnesses. As the Duluth News-Tribune said in its May 22 editorial:

A substantial increase in tolls clearly could diminish those economic advantages. In turn, traffic would diminish and the Seaway Corporation would be in a position to repay the government even less than it can pay now.

The St. Paul Pioneer Press in an editorial of May 25 also observed that:

Enemies of the Seaway want . . . tolls to be sharply increased to continue meeting the construction debts, but this would only drive present shipping off the Great Lakes, diverting the traffic to railroads and East Coast seaports.

It is quite understandable that representatives of east coast interests and railroad interests would like to see the discrimination which was written into the seaway legislation in 1954 continued. But I think the interest of the Nation requires us to take a new look at the unfair treatment which the Great Lakes region has been suffering from.

I think that the record will show that the Nation has benefited from the construction of the St. Lawrence Seaway, and I believe it is time to remove this unfair burden from the seaway. We are prepared to continue to pay operating and maintenance costs out of toll revenues, but it seems to me to be unconscionable to expect the seaway, alone among waterways in the United States, to pay not only these operating and maintenance costs but construction and interest costs as well.

Mr. President, I ask unanimous consent that the editorials be printed in the RECORD.

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

[From the Minneapolis (Minn.) Star, May 14, 1970]

**DROP SEAWAY DEBT**

Because the Great Lakes-St. Lawrence Seaway didn't produce all the economic benefits its most enthusiastic pre-construction boosters had predicted, it has been rated by many as a failure.

But, as Seaway Director David Oberlin told a group of Minnesota legislators in Washington recently, the seaway has in its 10 years of existence paid its operation and maintenance costs plus \$36 million into the Treasury.

No other inland waterway in the country has even paid its operation and maintenance costs, let alone returning something to the Treasury, Oberlin noted. If the seaway is a failure, he added, "we should have more failures."

But it is true that the seaway has been running behind projections of volume and that it has not been able to keep up with payments on its debt, which, as a result, has risen from \$125 million in 1960 to \$157 million at present. That in turn has brought pressure for an increase in the tolls which, seaway backers fear, would make the seaway still more unattractive to users.

A special Senate Commerce Subcommittee on Great Lakes-St. Lawrence Transportation will hold hearings May 22 in Duluth on a bill introduced by Sen. Walter Mondale, D-Minn., to forgive the seaway debt. Canada also is considering a similar move.

Just removing the debt will not solve the seaway's problems; there would still be the need for a longer shipping season, for action against discriminatory rail freight rates, for a change in regulations requiring shipments of government cargoes to move totally or partially in American ships.

The same political and commercial interests that opposed the seaway in the first place can be expected to oppose any easing of its financial burden. The issue, as State Sen. Gordon Rosenmeier has pointed out, is not so much a moral one of paying off a debt as it is a deliberate political handicap to commerce. In all fairness, that handicap should be removed.

[From The Minneapolis (Minn.) Tribune, May 15, 1970]

**DISCRIMINATORY TOLLS ON THE SEAWAY**

The St. Lawrence Seaway is in trouble. Unlike other inland waterways, it must (by law) pay for itself—construction, interest, maintenance and operations. This penalty was imposed by Eastern ports, railroads and other anti-seaway interests as the price for getting the seaway built. But present tolls cannot do the job—in fact, the seaway is falling behind. An original debt of \$123 million has risen to \$157 million, and the seaway is nearly \$20 million behind interest payment.

A moratorium on toll increases expires this year. Charles Baker, assistant U.S. secretary of transportation, told Congress in March the tolls must be increased or the seaway refinanced, but the administration has yet to propose any action. Sen. Mondale has a better alternative. He argues that higher tolls would be even more discriminatory against the Upper Midwest and would only discourage use of the seaway. Mondale is sponsoring a bill to cancel the seaway debt. A field hearing on the proposal, which is languishing in a Senate Commerce subcommittee, is scheduled May 22 in Duluth. Mondale's bill would not reduce toll charges—that requires agreement with Canada. But it represents a step away from increases. And it would allow a two-thirds reduction in tolls should Canada agree, which seems unlikely.

There's no doubt that the seaway's self-sustaining requirement is discriminatory. Tolls are imposed on no other portion of the nation's 25,000-mile system of navigable wa-

ters, despite a large and continuing federal outlay for construction and maintenance of this system. But some of the steam has been taken from Mondale's bill by the Nixon administration's attempt to impose user charges on all inland waterways.

This latter approach, which puts waterway users in roughly the same category as highway and air-transport users, makes sense. It would recapture a small portion of the federal investment in waterways projects, and it would help to even the differential created by seaway tolls.

But the administration's user-charge bill is no answer to the seaway problem. That bill is stalled in the House Ways and Means Committee, and even if it became law the seaway-financing issue would not be resolved. The Mondale bill, which offers a realistic and, we believe, fair way to help the seaway realize its potential, ought to be passed.

[From the St. Paul (Minn.) Pioneer Press, May 25, 1970]

#### UNFAIR SEAWAY BURDENS

No other inland waterway system in the United States can equal the record of the St. Lawrence Seaway in payment of operating and maintenance costs. Not only has it met these expenses in full but it has in addition paid \$36 million into the federal treasury to apply against original construction costs.

Despite this remarkable success, the Seaway is in financial trouble because it has from the beginning been the victim of an economic discrimination policy of unparalleled severity. It has been saddled with the wholly unjustified burden of repaying the entire original cost of its construction to the government plus interest. No other federal waterway project of this nature is subject to such a handicap and penalty.

The only fair way to resolve this problem is for Congress to lift the \$156 million construction debt off the back of the Seaway and thus free it to serve the Upper Midwest economy the way other public waterways serve the rest of the country.

Efforts in this direction were strengthened by hearings conducted at Duluth last week by a special subcommittee of the Senate Commerce Committee. The sessions received testimony from numerous groups supporting a bill by Senator Walter Mondale of Minnesota and 14 other senators from both parties which would remove the debt obligations from the Seaway Development Corporation. This is the organization responsible for operating the American section of the Seaway.

Under the Mondale bill the Seaway would continue to pay all its operating and maintenance costs, but would be relieved of the impossible burden of paying back original construction costs plus interest, as required by present law.

Shipping tolls now being collected on Seaway traffic are sufficient to meet the ongoing expenses of the waterway. Enemies of the Seaway want these tolls to be sharply increased to continue meeting the construction debts, but this would only drive present shipping off the Great Lakes, diverting the traffic to railroads and East Coast seaports. These interests have fought the St. Lawrence development for many years and don't want it to succeed.

Mondale pointed out at the Duluth hearings that if his proposal is approved and the Seaway Development Corporation's liabilities are restricted to operating and maintenance costs, the Seaway "still would be treated unfavorably with respect to all other waterways in the United States." Waterways throughout the rest of the nation have been built and operated entirely from general tax revenues. They have not been required even to pay for upkeep, to say nothing of capital debt charges.

Senator Vance Hartke of Indiana chaired the Duluth hearings. He and most other senators from Great Lakes states are backing the Mondale bill.

One of the witnesses, E. L. Slaughter, vice president of the International Longshoremen's Association, put his finger on one of the fundamentals of the situation. He said the present toll and debt charge system "is deliberately discriminatory and is maintained to give coastal seaports and inland transportation interests such as the railroads a competitive edge over Great Lakes shipping."

It was political influence from such interests which forced the original congressional approval of the anti-Seaway self-financing program now in effect. It has always been unfair to the Midwest and still is. The situation should be cured by passage of the Mondale bill by the Senate and House.

[From the Duluth (Minn.) News Tribune, May 22, 1970]

#### FAIR BREAK FOR SEAWAY

As a special Senate subcommittee conducts hearings in Duluth today on legislation affecting the St. Lawrence Seaway, it should become apparent that without a fair financial break, the Seaway may flounder.

The Senate Commerce Special Subcommittee on Great Lakes-St. Lawrence Transportation will hear testimony relevant to a bill (introduced by Sen. Walter Mondale and 13 other senators from Great Lakes states) which would relieve the Seaway from repaying to the federal government the investment, plus interest, the government made in construction of the Seaway.

This investment was \$124 million. Since the 2,342-mile waterway was opened, the Seaway Corp. has paid \$33 million in interest to the federal government. Yet, the Seaway Corp. has fallen in arrears \$12½ million in interest charges, and owing to other unexpected costs, now owes the government \$155.9 million. If this pattern continues, by 2009, when the original debt is to be paid, the total debt will have increased to about \$800 million.

Supposedly to give the Seaway Corp. an edge on repaying its debt, consideration has been given to increasing toll charges from 25 to 50 per cent. Such a plan might work, of course, if our seacoast was our only seacoast and if there were no other means of transportation to the heartland.

But the St. Lawrence Seaway has no such competitive advantage, and a substantial increase in tolls only would force a rerouting of much Seaway commerce into other coastal ports.

If the Seaway, in fact, were a transportation luxury, economic sense would dictate that it be closed as an avenue for commerce. But merely from the evidence that the annual cargo volume on the Seaway increased from 12 million tons to 48 million tons in 10 years, it may be concluded that this waterway provides definite economic advantages to many shippers.

A substantial increase in tolls clearly could diminish these economic advantages. In turn, traffic would diminish, and the Seaway Corp. would be in a position of being able to repay the government even less than it can pay now.

A sounder economic move, both for the Seaway and the government, would be to write off the debt, treating it instead of a permanent investment in a commercial waterway. Such an action wouldn't be an act of favoritism toward the Seaway interests. Rather, it would amount to giving the Seaway a concession granted other major waterways in the nation that have been built at government expense.

The government, for example, paid \$56 million to develop the Gulf Intercoastal Waterway, and \$50 million for maintenance and op-

eration—\$62 million to develop the Mississippi River-Gulf Outlet, and \$11 million for maintenance and operation—\$33 million to develop the Houston Ship Channel, and \$37 million for maintenance and operation—\$130 million to develop the Delaware River Channel, and \$140 million for maintenance and operation.

Mondale's bill doesn't seek such gratuitous treatment from the government. It calls only for canceling the debt and interest for the Seaway construction. Maintenance and operation costs would continue to be borne by the Seaway Corp. and any revenues in excess of these costs would be returned each year to the U.S. Treasury.

In light of concessions made to other waterways, Mondale's requests are not unreasonable. More to the point, if it is return on investment that the government is interested in the government can best assure returns by lifting the construction cost debt and allowing the Seaway to grow, rather than strangling it with an unc customary and unfair financial obligation.

#### RETIREMENT OF ROBERT J. MYERS, CHIEF ACTUARY, SOCIAL SECURITY ADMINISTRATION

Mr. CURTIS. Mr. President, it was with a great deal of regret that I learned that Mr. Robert J. Myers, Chief Actuary of the Social Security Administration, is no longer in Government service. Mr. Myers is an outstanding public servant. As a Government employee he was competent, honest, and loyal.

It is unfortunate that the higher authorities in the Department of Health, Education, and Welfare did not take the necessary steps to keep Mr. Myers in that Department. Mr. Myers was intensely loyal to the Nixon administration. His departure from Government is a loss to the Nixon administration and to the Government. It is a loss for all those who want to make social security better and who want social security financing to be sound.

Mr. Robert J. Myers has the gratitude of all Senators and Representatives who dealt with social security matters. He has the gratitude of the committee which had jurisdiction over social security legislation. He has performed his job well. He is entitled to great credit and high esteem.

Mr. President, I ask unanimous consent to have printed in the RECORD Mr. Myers' letter of resignation dated April 14, 1970, together with a brief biographical sketch which partially shows his outstanding record.

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, SOCIAL SECURITY ADMINISTRATION,  
Washington, D.C., April 14, 1970.  
HON. ROBERT H. FINCH,  
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: It is with the utmost regret that I am constrained to submit my resignation as Chief Actuary of the Social Security Administration.

I am deeply concerned about the welfare of the Nation, and I wish to serve the Nixon Administration and the Congress to the best of my ability. I believe that I can best serve these causes by remaining in my present position until the President signs the Social Security bill which will result from the

pending Congressional deliberations. Therefore, I have not set a definite date for my resignation. If you believe that my continued presence is not in the best interests of the Department, I will be glad to make my resignation effective at any earlier date. I would appreciate your informing me as to your views on this matter.

I wish to make it clear that my resignation is by no means related to my views on the pending Social Security legislation. In fact, the situation is quite the opposite. I strongly believe that the President's proposal is an excellent one, including its sound financing. It is certainly the most progressive, forward step taken in the Social Security field in many years.

I believe that the President's proposal very well conforms with, and implements, the moderate philosophy of Social Security. It is a progressive, forward step that would prevent future over-expansion of the program, which would destroy private efforts in the economic security field and thus lead to serious consequences insofar as our national economy is concerned.

I should also add that now—as at all previous times during my 35 years of actuarial service with the Social Security program—no one has made any attempt whatsoever to influence or sway the technical actuarial cost estimates for the existing program or any proposed changes therein.

The question might well be raised as to why I believe, in all conscience and integrity, that I must resign. I have previously talked with you about my strong personal beliefs and have given you much supporting factual evidence to substantiate my views—namely, that certain of the top policy-making officials of the Social Security Administration (who are holdovers from the Johnson Administration) have strong beliefs in the desirability—even the necessity—of the public sector taking over virtually all economic security provisions for the entire population and thus eliminating private efforts in this area. It seems to me that this viewpoint is completely alien to that of the Nixon Administration.

Further, and equally important, it is my deeply-held conviction, as I have expressed to you a number of times in the past, that these officials of the Social Security Administration have not—and will not—faithfully and vigorously serve the Nixon Administration. Rather, they will exert their efforts to expand the Social Security program as much as possible by aiding and supporting any individuals and organizations that are of this expansionist conviction. Such anachronistic actions took place extensively during the Eisenhower Administration—against its political views. Such working at cross purposes with the Nixon Administration has occurred in the past year, and is still occurring, although to a somewhat limited extent so far. I have brought to your attention, on several occasions, the fact that the Social Security Administration is excessively wasteful by spending far too much time and money in performing research, conducting program planning, and collecting statistics in a manner that is not only nonproductive of sufficient worthwhile results; but also inimical to what I understand to be the philosophy and goals of the Nixon Administration.

Undoubtedly, there will be those who will say that I am taking this action solely or largely because I seek enhanced personal recognition. This is not the case. There is no position of any type that I would rather serve in than my present one, and I am not happy to have to leave it.

Evidently, no credence is placed in what I have related to you personally or in other evidence that I have furnished you on this matter, which has such an important effect on the future of the Social Security program. Therefore, I must, in good conscience

and personal integrity, resign. It is especially dismaying to me to have to take this action, because I had hoped to serve the Nixon Administration not only with competence and integrity—as I had tried to serve all previous Administrations—but also with great enthusiasm, since I strongly believe in its philosophy and goals.

Sincerely yours,

ROBERT J. MYERS, F.S.A.,  
Chief Actuary.

BRIEF PROFESSIONAL BIOGRAPHICAL DATA ON  
ROBERT J. MYERS

DEGREES

B.S. in Engineering Physics, Lehigh University, 1933. M.S. in Actuarial Mathematics, University of Iowa, 1934. LL.D., Muhlenberg College, 1964.

PROFESSIONAL EXPERIENCE

Various actuarial positions with U.S. Social Security Administration since 1934; Chief Actuary since 1947. Actuarial consultant to various Congressional Committees and to Federal Judiciary.

Missions of technical assistance in connection with Social Security or pension programs in Bermuda, Bolivia, Colombia, Cyprus, Greece, Honduras, Iran, Israel, Japan, Jordan, Liberia, New Caledonia, Nicaragua, Panama, Peru, Puerto Rico, Saudi Arabia, Trust Territory of the Pacific Islands, Venezuela, Viet-Nam (South), and West Germany.

Missions to study Social Security systems of Ceylon, England, Greece, Lebanon, New Zealand, Philippines, Soviet Union, Sweden, Turkey, and United Arab Republic.

PROFESSIONAL RELATIONS WITH INTERNATIONAL ORGANIZATIONS

Committee of Social Security Experts, International Labor Office.

Vice-Chairman, Committee of Social Security Actuaries, International Social Security Association (Chairman, American Regional Committee of Social Security Actuaries).

Pension Review Group, United Nations (1958-60). Committee of Actuaries, UN Joint Staff Pension Fund. President, Int. Fisheries Commissions Pension Society. Actuarial Consultant, Organization of American States.

PROFESSIONAL RELATIONS WITH OTHER ORGANIZATIONS

Board of Pensions, Lutheran Churches in America (1956-68). Pensions Committee, National Council of Churches. Board of Trustees, Group Health Associations (1962-65).

PROFESSIONAL SOCIETIES

Fellow, Society of Actuaries (Vice President, 1968-70).

Fellow, Casualty Actuarial Society.

Fellow, Conference of Actuaries in Public Practice.

Member, American Academy of Actuaries (Vice President, 1969-71).

Fellow, American Statistical Association.

Fellow, American Association for the Advancement of Science.

Fellow, Royal Statistical Society (England).

Corresponding Member, Spanish Institute of Actuaries.

Corresponding Member, French Institute of Actuaries.

Associate, Institute of Actuaries (England).

Member, International Union for Scientific Study of Population.

Member, International Actuarial Association (member of Council).

President, Inter-American Association of Social Security Actuaries.

Population Association of America (1st Vice President, 1962).

PROFESSIONAL AWARDS

Distinguished Service Award, Dept. of Health, Education, and Welfare.

Career Service Award, National Civil Service League.

PUBLICATION OF BOOKS

"Social Insurance and Allied Government Programs," Richard D. Irwin, Inc., 1965.

"Medicare," Richard D. Irwin, Inc., 1970.

MILITARY SERVICE

Captain, Army of the United States, 1943-45 (Medical Statistics Division, Office of Surgeon General).

CHICKEN PLANT LOSES PLEA

Mr. MUSKIE, Mr. President, I invite the attention of the Senate to the Supreme Court's rejection of a final appeal by the Bishop Processing Co., of Bishop, Md., which had been ordered shut down because of air pollution. The decision is, I believe, a significant step forward in our fight against environmental pollution and the implementation of the Clean Air Act of 1963. I ask unanimous consent that an article published in the Washington Post be printed in the RECORD.

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

CHICKEN PLANT'S PLEA DENIED BY HIGH COURT  
(By John Hanrahan)

The Supreme Court has rejected the final appeal of a chicken rendering plant on Maryland's Eastern Shore that has been ordered closed because it has been wafting obnoxious odors across the nearby Delaware state line for 15 years.

According to the Justice Department, the rejection means that the firm, the Bishop Processing Co. of Bishop, Md., will be forced to close in June.

If it actually is closed, it will be the first plant in the nation forced to shut down under the Clean Air Act of 1963.

A company spokesman said yesterday that he knew little about the Supreme Court rejection, announced Monday, and said he knew of no plans to close the plant. Company attorneys could not be reached for comment.

The plant was ordered closed last October by U.S. District Court Judge Roszel C. Thomsen, of Baltimore, after he heard complaints that unpleasant odors were drifting across the Delaware line near the plant.

Thomsen's ruling also cited repeated violations by the plant of an earlier consent agreement to stop discharging odors.

The company's appeal was rejected in March by the Fourth U.S. Circuit Court of Appeals. This decision then was appealed to the Supreme Court, which has never ruled on a case involving air pollution laws.

The Bishop firm employs some 40 persons in a \$350,000 plant. It cooks animal wastes and then extracts fats to make fertilizers and poultry feed.

Justice Department attorney Robert Lynch said yesterday that the court mandate to close the plant should be issued about June 12. Lynch said the company could reopen the plant if it could show that it had installed equipment to eliminate the odors, described by witnesses at hearings as "worse than dead bodies" and "a smell like nothing else on earth."

The Bishop plant was singled out in the recent report by consumer advocate Ralph Nader's Center for Responsive Law as a prime example of the failure of the Department of Health, Education and Welfare and the National Pollution Control Administration to get tough with air polluters.

The report said that the company's president, Harold Pollin, for 15 years "has managed to outsmart and out-manuever three governments and two courts."

The report noted that the circuit court first enjoined the company in 1956 from emitting "noxious . . . offensive . . . odors."

The company appealed that order, lost and continued to pollute, the report charges, and eventually was fined \$5,000 for contempt of court. Within three months, the report states, "the stench returned."

In 1967, the company was permanently enjoined from discharging "malodorous air pollutants." Within a short time, the report states, the firm "returned to its old tricks."

"Whether or not Harold Polin continues to render chickens, he has already achieved a minor victory for polluters everywhere," the report states. "He has demonstrated how one stout-hearted man can make monkeys out of a confused administration operating under a self-defeating law passed by a gun-shy Congress. . . ."

#### SPEECH BY DR. EDMUND A. MENNIS AT MEETING OF INVESTMENT BANKERS ASSOCIATION OF AMERICA

Mr. TOWER. Mr. President, I ask unanimous consent to have printed in the RECORD an article concerning the question of institutional membership on the stock exchanges, a question which will no doubt be before us in legislative form in the foreseeable future. The article was prepared by Dr. Edmund Mennis, a vice president of one of the banks in my State, who discusses the disadvantages that would accrue to the advent of institutional membership in our exchange systems.

I offer the article merely as an issue-raising vehicle and not as a statement of my own position on this matter, which I will reserve until it is eventually considered in the Committee on Banking and Currency and until all sides of the question have been explored.

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

#### YOUR INSTITUTIONAL CUSTOMER AND EXCHANGE MEMBERSHIP

(By Edmund A. Mennis)

Security investments, particularly in equities, has increased appreciably in the post-war period. This has occurred for several reasons. Compared with the economic stagnation between World War I and World War II, the American economy has grown significantly since 1946, and the average individual wants to participate in this growth. Recently, particularly since 1965, an additional reason has been the search for protection against inflation through the purchase of equities. Rising incomes, increased savings and the automatic provisions for retirement through Government and private pension plans have not only made more savings available for investment but have also increased the willingness of the individual investor to incur greater risks. Consequently, he has been turning more from the traditional fixed income savings to equity securities.

#### I. GROWTH OF THE INSTITUTIONAL INVESTOR

This growing flow of funds into the investment markets has been channeled more and more through institutions. Investors are less interested in the direct ownership of securities and more concerned with the benefits of such ownership. Therefore, they have been willing to seek professional investment management rather than invest for themselves. As a result, greater concentrations of investment funds have come into the hands of a relatively small number of financial managers.

Because they are so well known and publicized, I shall not weary you with a long

recitation of statistics on the size and importance of the institutional investor. More important from your point of view than the size of financial institutions is the amount of trading now accounted for by institutional investors. Institutional activity now accounts for about 56% of the value of public trading on the New York Stock Exchange and for 47% of the value of New York Stock Exchange member trades in all markets including the N.Y.S.E., regional exchanges and over-the-counter markets. Not only has institutional trading increased on the New York, American and regional exchanges but it has caused the creation of special third and fourth markets that cater almost entirely to institutional customers.

Concentrating on institutional business is more profitable for a brokerage firm than dealing with a large number of smaller customers. The recent New York Stock Exchange study made in conjunction with the new recommended commission structure makes this point quite clear. In fact, the growing importance of the institutional customer has raised a host of questions not only about the commission structure but also about institutional membership on securities exchanges, the relationship between the institutional member, its parent, and exchanges, and the regulation of security markets themselves either by the exchanges or by agencies of the Federal government.

One aspect of this subject, institutional membership on securities exchanges, is your primary interest at this meeting. However, prior to discussing this issue, I think it is important to consider the characteristics of the institutional investor and how he is organized to achieve his objectives.

#### II. CHARACTERISTICS OF THE INSTITUTIONAL INVESTOR

Although institutions vary considerably in their structure and in their aims, they have two characteristics in common. The first characteristic is that they are subject to competition, not only from institutions of the same type but also from other types of institutions. Life insurance companies have gone into the mutual fund field, and mutual funds have purchased or formed life insurance subsidiaries. Banks are active competitors of the life insurance companies in the pension field. Life insurance companies have established segregated accounts to permit larger equity holdings for pension funds. Many corporations have self-administered pension plans rather than use the services of a professional investment organization. Investment counseling firms have become subsidiaries of stock exchange firms, and investment managers have left stock exchange firms to form investment counseling firms. Both investment counseling firms and stock exchange firms have entered the mutual fund field and I would not be surprised to see the banks in this area in the next year or so. The lines of demarcation among institutions are no longer clear; every type of institutional investor is an actual or potential competitor for the individual and corporate savings dollar.

A second characteristic of investment institutions stems from the first. As the individual has entrusted his savings to institutions, he has become much more interested in the results that the institution can obtain. Consequently the word "performance" has become one of the most important in the investment field.

It might be worthwhile for a moment to examine the generally accepted meaning of "performance". Originally, performance meant meeting the objectives of an account, that is, examining the investment results over a period of time in order to determine whether the objectives of a particular investment fund have been met. These objectives would include such things as achieving some income requirement or conserving

dollar principal or obtaining some degree of capital appreciation. In recent years, however, performance has come to mean something different. It is now related almost exclusively to capital appreciation, that is, how much did an account gain absolutely or relative to some market average or some other fund. Frequently the period over which this performance is to be attained is relatively short, and accomplishments are measured not over several years but annually or monthly or even weekly. Funds are shifted on the basis of recent appreciation results, with little consideration given to the risks assumed or the objectives for which the fund is invested.

I do not intend to debate here which of these two approaches to performance measurement is correct except to state that, in my judgment, achieving the objectives of the account over a reasonably extended period of time seems most appropriate. Whether this is true or not, however, the facts of life clearly indicate that capital appreciation over a short period of time apparently is what the average investor wants, and even a long-term investment manager must keep careful watch over his short-term performance or he will be faced with liquidations or the transfer of accounts from dissatisfied investors.

The increase in competition in the institutional investment field and the emphasis on performance have led to major changes in the investment policies of institutions and also in the method of organization used to arrive at investment decisions. The changes in these two areas are sufficiently important to warrant a thorough understanding of them by any organization that seeks to service the institutional investor.

The changes in institutional investment policies might be listed briefly as follows:

- (1) An increasing emphasis on common stocks in portfolios.
- (2) A greater aggressiveness in managing common stocks instead of broad diversification. Investment is concentrated in industries and companies where the outlook is considered most favorable.
- (3) An increase in portfolio turnover in almost every institutional portfolio.
- (4) As a result, increased trading activity and a significant increase in the size of blocks of stock traded.

(5) Impelled by a desire to conceal their investment movements or to trade large blocks at either more favorable prices or at lower commissions, institutions conduct their trading activities more and more away from the floor of the New York Stock Exchange.

As a result of these changes in investment tactics, there has been a considerable alteration in the organizational structure of institutions so that decisions can be reached promptly and executions can follow quickly thereafter. The greatest change has been in the simplification of the decision making process, with a very small group or perhaps one man responsible for making the final decision rather than a cumbersome committee process. As a result, the portfolio manager has emerged as a key individual in most institutional investment organizations.

Changing investment policies have also had an impact on the security analyst. Because of the scarcity of good analysts and the excessive costs involved, more and more institutions have been moving away from the practice of building up a large staff of highly specialized men. Many institutions are willing to rely on the institutional research firms in Wall Street and elsewhere that have such industry specialists. The institution itself will have a small group of analysts with a general knowledge of industries and companies who will make comparative evaluations of securities to be used by the portfolio managers. Alternatively, many organizations have eliminated security an-

analysts altogether, and the portfolio managers rely almost exclusively on the analytical input of institutional brokerage firms.

Another change that I suspect is taking place among institutional investors is a return to more fundamental security analysis than has been typical of a lot of investing in the past few years. The day of the "story" and the "concept" is over, at least for a large number of institutional investors. I expect to see more reliance on economic analysis, the relationship of this analysis to the profitability of industries and companies and finally the search for relative values. Therefore the nature of the analysis that institutional investors need is undergoing a change, and firms that can meet these new requirements will obtain a larger share of institutional business.

### III. CUSTOMER SERVICES

Assuming that my interpretation of the policies and organization of the institutional investor is reasonably accurate, it might be helpful to discuss in specific terms what services are provided by broker and dealer firms seeking institutional customers. The usual procedure is to provide written reports on companies and industries and, to a lesser extent, comments on the economic outlook, the securities markets and investment policy. This written material is often supplemented by personal visits or telephone calls. Although extremely useful, this type of information is frequently organized and disseminated from the point of view of the convenience of the originator rather than the needs of the institutional investor. It might be helpful to comment briefly on certain types of services or certain modifications of present services that an institutional investor would find even more useful than present methods and reports.

The most important point in serving an institutional customer, in my judgment, is to see that the man assigned to the institution, be he an analyst or a salesman, takes the time and trouble to know the institution he is serving. He should be thoroughly familiar with his own firm, its trading and research personnel, and its strengths and weaknesses. Although institutional investors have many characteristics in common, each of them is to a certain extent unique in its organization and in its approach to investment. Most institutions are willing to explain the structure of their organization and the needs of their various sections. If the institutional salesman can take this information and match it with the best services available in his own firm, he can be sure that the right people get what they need and the time of busy people is not wasted on matters in which they have limited interest.

Let me summarize briefly some of the additional services that an institution can use in the specific areas of portfolio management, security analysis and trading.

In portfolio management, the manager is concerned with broad portfolio strategy, involving the outlook for the economy and the securities markets, the composition of investment portfolios and the selection of individual securities. He would therefore be interested in economic analysis that deals primarily with expectations for the future, emphasizing the investment significance of these developments for bond and stock markets and also particular industries and companies. Secondly, the portfolio manager would be interested in brief, concise reports that describe factually what is happening in the stock market, giving not only the performance of particular market indexes but also the market action of particular industries. It also would be helpful to know what large blocks have been traded and what other institutions are doing in the market. The third service of interest would be recommendations for portfolio strategy by institutional customers. Such recommendations would include comments about suggested

equity ratios, reserve positions, areas of portfolio emphasis and why, and recommended industry diversification. Finally, the portfolio manager does not have time to read the lengthy analyses that are of greater interest to his security analysts. Brief summaries of company reports or visits or recommendations would be more helpful.

How can institutional securities firms help security analysts employed by institutional investors? Since they are held responsible for the assessment of comparative values and for the recommendations of specific securities to portfolio managers, institutional security analysts are more "generalists" than their industry counterparts in Wall Street. The greatest need is for detailed and expert information and specific conclusions about particular companies. Personal contacts between the analysts of the brokerage firm and the analysts of the institutional investors are much more important than the prepared story of an institutional salesman who cannot answer the questions the analysts want to ask.

The greatest need of the analyst is for new investment ideas. However, these recommendations would be more useful if they contained more analysis and less reporting. It would be helpful to have not just an indication of what a company has told an analyst during a recent visit but also an evaluation of the accuracy of the company's statements within the economic and industry framework that a particular investment firm anticipates. We should like to see long-term as well as short-term forecasts, and we should like to see the method by which these estimates are derived, with specifics as to sales, margins, tax rates and number of shares. We should like to see critical factors highlighted, including the negatives as well as the positives, the risks as well as the rewards. We should also like to have some description of the valuation technique used, so that we can understand why a stock is considered relatively attractive or unattractive in the current market. Finally, some consideration should be given to the trading volume and the floating supply of the stock, so that the problem of obtaining a position can be evaluated.

An area where a firm not located in New York can be of major help is covering regional companies with which the local firm is usually much more familiar than is the occasional visitor from New York City. Several regional firms have capitalized heavily on their ability to follow local situations, and the results in many instances have been extremely satisfactory both from their point of view and that of their customers.

I have reserved the trading and execution area for the last, recognizing that this is probably the most important and also that of greatest interest to you. After all, if an institutional customer has been serviced well, the rewards will come in orders received. Moreover, the firm that has an effective trading capability will do far more business than a firm that does not. Given the competitive pressures under which institutional investors operate, they demand efficient executions and will even sacrifice the fine research help given by a firm if their orders cannot be well executed.

I can cover briefly the mechanical parts of trading that an institutional investor requires. Efficient execution and fast reports of transactions made as well as correct confirmations are essential. We should like to be notified promptly of changes in the supply and demand situation of a stock, and we appreciate a professional exploration of the market. We should like to be shown realistic lists of blocks that are available rather than those "we are in touch with". We are, of course, partial to firms that can handle blocks and are willing either to position them or are capable of finding the other side of the order quickly. We should also like to have our account covered by professional

traders who know the various kinds of orders and how to handle them rather than those who do not understand the trading function particularly well.

### IV. INSTITUTIONAL EXCHANGE MEMBERSHIP

My discussion thus far has been aimed at giving you an idea of the investment policies and organization of an institutional investor and to describe for you his particular needs in portfolio management, security analysis and trading. With this perspective, we can now turn to the question of how effectively institutions can meet their needs by becoming members of stock exchanges. I have some rather strong views on the subject that may not be shared by many of my institutional counterparts, and I welcome this opportunity to present these thoughts to you.

The question of institutional membership is extremely controversial, seemingly with as many different viewpoints as there are participants in the discussion. In addition, the question of institutional membership is intertwined with consideration of things such as a fixed commission structure, the need of additional capital by many stock exchange firms, the potential loss of institutional commission business and its impact on member firms, and the regulation of institutional members and their parents should they be a subsidiary of another firm. Considerable disagreement exists over the percent of business that an institutional member can do with its parent and also the percent of a member firm's stock that can be publicly owned.

While I am sure that these are all very important questions and deserve your careful consideration, I hear little or no discussion of what I consider to be the central issue in this controversy. What is the primary responsibility of the institutional investor? It should be to obtain the best possible executions and the best possible service for his customers for whom he acts in a fiduciary capacity. Critical to performing his duties effectively, the institutional investor needs a broad central market for the larger and larger blocks of securities he trades, with depth, liquidity and open reporting of transactions, bids and asks, and market size. He also wants to deal with firms sufficiently capitalized and profitable to provide him with the services he needs.

As mentioned earlier, institutional business over the last several years has been drifting away from the New York Stock Exchange. The growth of regional exchanges, the third market, the fourth market and now various computer systems are all responsive to the growth of institutional trading and have encouraged movement away from the central Exchange.

Part of this movement may represent a desire on the part of institutional investors to conceal or disguise their movements of large blocks of stock. A major portion of the movement is an attempt to obtain either lower commissions or a market for large blocks of stock that cannot be handled effectively and efficiently on the Exchange floor.

Whatever the cause, as one institutional investor I can only express my dismay over this fragmentation of markets. I feel very strongly a need for a central market place where large blocks of stock can be traded, where the transactions occur in the open and where everyone knows what is going on. I cannot tell you how frustrating it is when an analyst comes in with an attractive recommendation, it is turned over to the trading department, and we get a report on the condition of the market in half a dozen different market places. We still do not have any idea whether an order for a fairly large block of stock can be executed efficiently. The best we can do is try and we often wind up with only a partial position, having worked thoroughly not only the floor of the New York Stock Exchange but all of the other markets available to us. The more that

trading by institutions can be centered in one large central market place, the more do I believe that the interests of both institutional and individual investors would be served.

Whether this central market place is the floor of the New York Stock Exchange or is some central communication system to which all participants in the institutional market have access is a matter I leave to your deliberations and decisions. I recognize that there is considerable disagreement in this area. I can no more tell you how to solve these problems or forecast how they will be solved than I can tell General Motors how to make a safe car. But I want a safe car, just as I want a large, open market for stocks with depth, liquidity and efficient executions. I only hope as an institutional investor that the decisions ultimately reached will result in the overwhelming bulk of institutional business being done on a central exchange rather than proliferating the present dispersion of the securities markets.

Let me turn now to some specific questions about institutional membership on exchanges. From the point of view of an institutional investor who is a bank I think the following points are significant.

In the first place, a bank is only one of several types of financial intermediaries that serve the investing public. Under current Federal legislation banks cannot be members of an exchange. Therefore, if other types of institutions such as insurance companies and mutual funds are permitted to become members, banks are placed at a competitive disadvantage because the lower commissions accorded exchanged members will be available to their competitors and not to themselves. I object to this discrimination among financial institutions.

Secondly, if Federal legislation were changed and banks were permitted to join the exchanges, a competitive disadvantage would still be present. A large bank whose trust department assets are five or six times the size of ours might find it desirable to join an exchange, but we would have to analyze carefully the costs of such a membership versus the benefits derived. I am sure that smaller banks would find the decision not a marginal one but a clear case of the costs outweighing the benefits. My second objection therefore is again on the basis of discriminating among institutional investors through affording some lower commissions and others none.

The third objection, which may not be of particular significance to those institutions who now seek membership, is the potential loss of the other services in addition to executions that many firms provide institutional investors. Institutional research and security pricing are examples. Commissions are considered compensation for the total services provided and not just a fee to cover the cost of execution with some additional modest profit on top of that. As I mentioned earlier, many institutional investors have not developed the detailed expertise provided by the research firms that serve the institutional market. This expensive institutional assistance is paid for by commissions, and the fee structure of many institutions such as banks reflects this fact. If this research had to be paid for in cash, it would require a significant upward revision in the customer fees of many institutions to cover the additional cost of creating an internal research staff to duplicate the work that is now obtained outside. Aside from increased costs, such a procedure would result in an inefficient use of scarce research personnel.

The only argument that I have heard for institutional membership is the desirability of lower commissions on large orders. The fixed commission structure, it is contended, places an excessive charge on the institu-

tional investor, and if he were a member of an exchange he could get the benefit of the lower commissions accorded these members. It is not quite clear in the discussions on this point whether these reduced commissions will all accrue to the benefit of the institution's customer or whether some of these commission reductions are designed to produce a greater profit for the institution itself. Regardless of this point, a more reasonable solution would seem to be to change the commission structure rather than create the inequity that will result by letting some institutions become exchange members while others are for all practical purposes excluded. The fixed commission structure can be lowered, or on large blocks commissions between institutional investors and market makers could be negotiated, with the commission reflecting payment for the total services performed by the market maker for the institution.

#### V. SUMMARY

Let me summarize briefly the major points I have tried to make in this paper:

1. As institutions have grown in size and importance, competition among them for the individual and corporate savings dollar has increased, and investment performance is critical to obtain and retain customers.

2. Investment policies and the organization of institutional investors have changed. Changing policies include higher common stock ratios, greater investment concentration and increased portfolio turnover. Investment decisions are concentrated in fewer hands, and increased reliance is placed on outside services that can be purchased with commission dollars.

3. Although the services rendered have been helpful, a need exists for more and better services rather than less, and some of these were described.

4. The question of institutional membership on stock exchanges has focused on lower commissions for institutional orders and not on the primary issue, which is the institutional investor's need for efficient executions and the best possible services for his customer.

5. The institutional investor's primary needs are a broad central market for large blocks of stock with open reporting, and firms sufficiently capitalized and profitable to provide the services required.

6. Institutional exchange membership will result in discrimination against institutional firms that cannot or do not join exchanges and may result in the loss of other services that institutional broker-dealer firms provide.

7. If the argument for institutional membership is to provide lower commissions, the solution is to change the commission structure, not to permit some institutions to join exchanges.

We are in the midst of the most turbulent times I can remember in the investment business. Decisions made now will shape the nature of the business for years to come. I urge you to concentrate your attention on the primary needs of all of your institutional customers, not just on answering the clamor of a few. If their needs are met, your institutional customers can successfully satisfy the demands of his customers, he will be a profitable organization to deal with, and the benefits to you will be substantial.

#### AMERICA AND THE AUTOMOBILE: A FADING ROMANCE

Mr. NELSON. Mr. President, there are signs that the longest, hottest, most extravagant love affair in human history is cooling off. Some will say: There are more and larger signs that it is still going strong and could last forever. But the smart money, the long-term money,

will soon be on the bet that the colossal romance really is going to end.

My reference, of course, is to the love affair, now 60 years old, more or less, between America and the automobile.

In a recent series of seven articles published in the Minneapolis Tribune, Mr. Al McConagha of the Tribune's Washington bureau, has described the great romance and the signs of its fading. The articles are worthy of attention not only for the information they contain but as perceptive social commentary. I ask unanimous consent that they be printed in the RECORD.

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

[From the Minneapolis Tribune, May 3, 1970]  
AMERICAN LOVE FOR CAR MAY BE COOLING OFF  
(By Al McConagha)

WASHINGTON, D.C.—The United States has been shaped beyond imagination by a single, all-consuming American passion—the national love affair with the automobile.

"No woman, whether wife or mistress, could command the same sacrifice of money and energy that the American regularly lavishes on his car," a congressional transportation expert mused recently.

But today there are signs that the romance is cooling—precisely because the auto has been such a demanding mistress and domineering wife to American society.

In the past half century, the car became central to the American experience, a fixture in the American dream. "For better or worse," says one former Ford executive, "the automobile remade the world in its own image."

Cars so completely pervaded our existence that they even became extensions of our social status and sex lives. It can be argued persuasively that our morals dramatically changed with the introduction of the closed sedan.

Some critics contend the auto likewise helped reduce church attendance. Others point to its convenience for criminals. Certainly, it produced new frictions within families and new jealousies between neighbors.

While still president of Princeton University, Woodrow Wilson was so concerned about the advent of the Ford that he predicted nothing would spread "socialist feeling in this country more than the automobile."

Of course, he was wrong. Americans did not want socialism; they wanted automobiles. And they got them. Today 80 percent of the nation's families possess at least one car.

Basically, it all began in 1903. That year Henry Ford presented the Model T, a reliable machine priced for general sales. It rolled down the window on the creation of a whole new motor culture:

Car salesmen. Meter maids. Parking lots. Gas stations. Diners. Roadside stands. Hitchhikers. No-parking signs. Used-car lots. Traffic lights. Freeways. Drunken drivers. Teamsters. Traffic cops. Women drivers.

Cars roamed America. The auto made this nation the most mobile in the world. It ended the isolation of the farmer, whose wife could now shop downtown nearly as often as the banker's daughter.

Later the automobile made it possible to flee from the ugliness of urban life to the greener havens of the suburbs. Buses and trucks carried contemporary life to thousands of towns bypassed by railroads.

At the same time the automobile industry contributed immeasurably to the nation's general, growing wealth. Now one worker in seven is connected directly or indirectly with the building and maintenance of motor vehicles.

But along with the convenience, flexibility, and prosperity brought by the car to the nation's life came a variety of evils. Autos created traffic jams, accidents—and deaths. They fouled the air and spawned acres of junk.

In 1966 John W. Gardner, then secretary of the Department of Health, Education, and Welfare, warned, "The internal combustion engine is on a collision course with the interests of the American people."

Now there is evidence of an advancing awareness of the destructive aspects of the motor vehicle, a spreading feeling that the social cost of our automobiles may be more than we should pay.

Rep. Clark MacGregor recently met students of Cooper High School in New Hope, Minn., who had walked to a meeting to protest motor vehicles. He returned to Congress with the astonishing report that youngsters are disenchanted with cars.

"The long-standing romance is starting to fade," the 3rd District Republican said. "And I do not think it is a transitory concern."

In Washington, Lowell Dodge, head of the Center for Auto Safety, remarked that, "There simply is going to be a major re-evaluation of the role of the automobile in American life."

#### SAFETY, POLLUTION CONCERNS GROWING

The chill in America's admiration for the auto is supported by anxiety over highway safety (56,400 traffic deaths in the nation last year) and deepening annoyance with motor vehicle pollution.

Politicians respond to the growing apprehension. Congress passed the Motor Vehicle Safety Act in 1966—the first major federal legislation affecting the makers of automobiles.

This year the motor vehicle is being violently attacked as a source of noise and air pollution. President Nixon told a joint session of Congress that "The automobile is our worst polluter of air."

The fading passion for the auto is accompanied by rising consumer awareness. There is increasing dissatisfaction with the car—its high price and short life, its often defective quality.

"We feel it is entirely within the reasonable expectation of a buyer that his car should perform in a minimum way," says Casper W. Weinberger, chairman of the Federal Trade Commission.

"That is, it should run and it should be fit for the purpose for which it is sold," he adds. "There have been, we feel, too many cases in which that has not been the case."

No consideration of automobiles can be separated from highways. As the nation continues to throw down mile after mile of roadway and parking lot, new social and esthetic issues are generated.

Former Interior Secretary Stewart Udall, speaking of "wastelands of asphalt," warned: "Businessmen who persist in uglification are going to find themselves bucking the tide."

A. Q. Mowbray, who investigated the American propensity for turning landscape into concrete motorway, deplors a willingness to even dig up the buried dead to make way for more roads.

"This nation has apparently dedicated itself to the proposition that there is no higher good than the unimpeded movement of automobiles," Mowbray contends.

Freeways have adversely affected the housing environment of the urban poor. Favoritism toward the auto, at the expense of other modes of transportation, has discriminated against poverty-level families without cars.

#### DETROIT FEELING CHANGE IN ATTITUDE

The thrust of this accumulating discomfort and disgust is felt in Detroit, Mich., the center of what is still the most unregulated transportation industry in the nation. As Ford executive Lee Iacocca observes:

"We're not only in a new ball park but we are playing under new rules. And for the first time, the rules are being written to a large extent outside the industry."

Sermon E. Knudsen, recently fired from the presidency of Ford, says "Aside from World War II, I cannot remember the time when forces external to Detroit played such a commanding role in shaping products and policies."

At least some of these forces favor extreme solutions. And whatever happens, Detroit will change more in the coming 10 years than it has since the industry took its present shape in the 1930s.

One reason why this development is being watched so intently is the belief that the motor vehicle represents a manageable microcosm of many of the environmental ills that confront the nation.

Its pollution can be moderated, possibly even eliminated. Its operation can be made safer, its consumer abuses corrected, its social utility balanced, its giant arrays of vested interests fought.

But all that will be expensive. It will affect profoundly a machine Americans have loved well but perhaps not too wisely. It will have influences scarcely foreseen on an industry that is a pillar of America's standard of living.

How these questions will be resolved—what direction the motor vehicle will take in our lives—may be one of the most interesting and dramatic national issues of the decade before us.

#### AMERICANS SHIFT CAR ACCIDENT BLAME FROM DRIVERS TO DETROIT (By Al McConagha)

WASHINGTON, D.C.—In 1769 the driver of Nicholas Cugnoy's three-wheeled, steam-drive carriage really turned up the heat and, rounding a curve at 3 miles an hour, went off a French road.

That was the first self-propelled highway vehicle in the first motor traffic accident. It was only the beginning. Motor vehicles ever since have been unsafe at any speed.

For years accidents were customarily (and often accurately) blamed on the driver. For a generation, comparatively little effort went into making the vehicles themselves safer for their occupants.

But in the 1960s the national mood began to shift, propelled perhaps by a staggering highway mortality rate that annually reached the level of all American battle deaths in World War I.

This freshening sensibility, initially emerging as the suspicion that Detroit was not doing what it could or should to minimize highway suffering, may mark the beginning of the decline of America's romance with the auto.

Suspicion hardened into accusation during the 1966 Senate hearings on auto safety. Panel Chairman Abraham Ribicoff, D-Conn., and the late Sen. Robert F. Kennedy, D-N.Y., were barely civil to auto industry leaders.

At those same hearings James M. Roche, then president of General Motors, made a singular public apology. His statement, perhaps more than any other factor, made safer autos a headline sensation.

Roche, now General Motors chairman, admitted that his company had hired private detectives to spy intimately into the life of a little-known safety crusader named Ralph Nader.

Overnight Nader, a shy Harvard-trained lawyer of boundless energy and hair-shirt social conscience, became a national figure. Overnight his campaign for safer autos gained attention and credibility.

Nader argued that America's infatuation with the automobile was cursed with love's blindness and that for decades Detroit knowingly had visited unnecessary suffering and expense on its customers.

Nader did not deny that drivers had something to do with accidents or that consumers had voiced slight demand for safety features. He was not so concerned with what caused accidents as what happened after they occurred.

Nader claimed that you can't change human nature, but you can reduce the severity of accident injury. On this point, he charged the automotive industry with a failing of corporate conscience.

Nader's reputation grew. Scores of young idealists were drawn to his cause of advocating the public interest. One of these was a young lawyer named Lowell Dodge.

By experience and inclination a civil-rights activist, Dodge now employs his moral outrage and 14-hour work day in the continuing effort to make automobiles safer.

"Ralph works all the time, 20-hours a day, and it is contagious as hell," Dodge recently remarked. "He is successful just often enough, gets things done just often enough, that you want to make the same effort."

Unlike most of "Naders Raiders," Dodge, 29, receives an income as director of the Center for Auto Safety. The money comes from a fellowship granted by Consumers Union, a widely respected consumer protection group. The center's direction, however, comes from Nader.

#### DODGE HAD "ESTABLISHMENT" EDUCATION

A product of the kind of education that frequently identifies the Eastern establishment, Dodge went to prep school at Hotchkiss, college at Yale and law school at Harvard.

His solicitude for social problems derives from a year's study in Britain, his freshman experience at Yale, and a tour as a lifeguard at a California resort ranch.

He was not called upon to save any lives that summer. But he talked seriously with such clients as Arthur Goldberg, the former United Nations ambassador, and Supreme Court Justice William O. Douglas.

There was one other formative experience: Dodge believes his father's overcommitment to the business ethic (as an officer of an Eastern manufacturing firm) caused his premature death when his son was 14.

After graduation from Yale in 1963, Dodge entered the day's major social confrontation. He taught black children in Watts, before that Los Angeles, Calif., neighborhood blew up. As a law student, he worked in the civil rights movement in Mississippi.

Ready to leave Harvard as a lawyer in 1969, he heard Nader was hiring. "Why not?" Dodge asked himself. He got the job—and enough income to keep groceries on the table for his wife and 15-month-old daughter.

Now, from his offices in Washington's National Press Building, he continues to work for safer autos. At the moment his focus is on strengthening the Motor Vehicle Safety Act and National Highway Safety Bureau.

As authorized by law, the safety bureau initially provided for 29 mandatory vehicle safety features. Only two more have been added since December 1969. Dodge regards that rate as much too slow.

#### "AIR BAG" IS NEWEST SAFETY FEATURE

Dodge says the next major safety addition will be the air bag, a cushion that automatically inflates in a crash. The bag absorbs the impact of bodies hurled against it. It may be included in some 1972 cars.

Meanwhile auto makers voluntarily have added safety items that Dodge considers useful but not revolutionary. General Motors has provided stronger doors; Ford is to add reinforced sides.

Dodge wants the federal safety bureau to be given power to force recall of defective vehicles for repair at manufacturer's expense. The bureau now can only require auto makers to notify owners of safety shortcomings.

The Nixon administration wants the bureau expanded from the present 450 persons to 700. But this would still be less than the 2,000-man agency Congress hoped would be seeking safer motor vehicles.

Dodge also wants to enlarge the bureau's research facilities. He is concerned about what he views as the bureau's unwillingness to ardently support the research results of its safety engineers.

Meanwhile highway deaths continue upward. The 1969 nationwide toll was up 1,200 to a record 56,400 fatalities. But the number of deaths per 100 million miles of driving did decline by 2 percent to 5.3 last year.

"At least this is a sign that we are not losing ground," said Dodge. "One of the problems is that the enforced safety features apply only to new cars and it takes about 10 years to have full effect.

"The existing safety standards are absurd. They only codify the existing state of the art. They don't go nearly far enough. At the same time there is regressive design by manufacturers.

"Some specialty cars have only partial bumpers. Some windows are still tinted. At night this cuts visibility by as much as 50 percent. Some cars now have smaller back windows.

"We are always faced with lack of human motivation—sitting on seat belts instead of using them, for instance. What we need are things that don't require human participation—like the air bag.

Dodge admires Nader for what Dodge thinks of as his moral perception of public issues.

"I liked being in Mississippi," Dodge said. "There was no doubt who the good guys were and who were the bad guys. I like that kind of moral precision.

"Moral clarity is what Ralph brings to these questions. In civil rights the moral culprits are racists. In safer cars the culprit is still the auto industry."

#### AMERICA AND THE AUTO: END OF THE AFFAIR?

(By Al McConagha)

WASHINGTON, D.C.—Early this year hundreds of howling students pushed a factory-new Ford Maverick (\$2,500) into its final resting place, 10 feet under the campus of San Jose, Calif., State College.

The sacrificial auto never polluted the air. It was never driven. Pushed and pulled from the showroom of the astonished dealer to its grave, it rests in peace under a flower garden.

That was the most dramatic—and expensive—moment during a week's protest of threats to the American environment. According to its sponsors, the ceremony symbolized the need to "kill the car before it kills us."

Since then scores of internal combustion engines have disappeared into hastily dug holes around American campuses as students vented the opposition to motor vehicle pollution.

Nor is this discontent confined to youth. On Earth Day last month Minneapolis residents saw some of their civic and business leaders bicycling to work in the name of a purer environment.

Air pollution is part of the reason for America's fading romance with automobiles. Even Detroit has received the message. "It is clear the American people want cleaner air," said Henry Ford II, "and want it very much."

No one is really sure yet how air pollution affects us. But the suggestion of the autopsy table is unmistakable: The countryman has pink lungs. The lungs of the city resident are black.

Pulmonary emphysema is the fastest growing cause of death in New York City. It is up 500 percent in 10 years. During that time, death by chronic bronchitis increased by 200 percent.

Doctors will not say flatly these deaths were from air pollution. Firmer proof is needed. But the presumption is present. And there is no doubt about the contribution of the motor vehicle to poisonous air.

In 1968 the motor vehicle generated 58 percent of the nation's polluted air. Industry was a distant second as the source of 11 percent. In some cities vehicles produced up to 90 percent of the fouled air.

The first detailed scientific report issued by the federal government disclosed that carbon monoxide from auto exhausts in American cities is frequently above the level of potential damage to health.

The study also revealed that persons exposed to less than two hours of emissions similar to those found in metropolitan rush hours suffered eye-sight impairment and a disturbed sense of the passage of time.

There is evidence as well that prolonged exposure to high concentrations of carbon monoxide may increase chances of fatal heart attacks in persons with cardiac conditions.

The federal report said hydrocarbons, another exhaust gas, passed the threshold of possible harm in Los Angeles, Calif., Philadelphia, Pa., and Denver, Colo.—the only three cities where data was available.

Nitrogen oxides, a third auto pollutant, are also harmful. University of California research indicates this gas reduces the oxygen carrying capacity of laboratory animals and induces respiratory inflammation.

Particulates are a fourth pollutant broadcast by automobiles. Solid particles, they are largely caused by lead added to gasoline. Removal of this no-knock additive is a particularly popular target.

The precise human cost of the increased amount of lead in the air is under debate. Some scientists contend man carries sizable quantities of this substance in his body as a result.

#### NOISE ALSO IS FACTOR

The auto also pollutes in terms of noise and waste. Traffic is one of the prime reasons the nation is getting noisier. Not a threat to the physical environment, it nevertheless lowers its quality.

The nation now seems to be at least approaching an acceptable solution for the estimated 10 million vehicle hulks scattered across the American landscape.

The Interior Department recently announced development of a cheap incinerator for junked cars. This process does not itself pollute the air and produces a profitable salvage.

Rep. Donald M. Fraser of Minneapolis is cosponsor of a bill that would provide \$19 million a year in grants to states to collect abandoned vehicles, improve auto title programs and find means to prevent car dumping.

Auto exhaust, however, excites the most insistent public outcry. And this unrest is fueled by comments from such eminent ecologists as Prof. Barry Commoner of the University of Washington:

"I think it unlikely that the gasoline driven automobile can long continue to serve as the chief vehicle of urban and suburban transportation without imposing a health hazard most of us would be unwilling to accept.

"Added to the current demands for highway-safe cars, the demand for smog-free transportation is going to have an impact on the powerful and deeply entrenched automobile industry."

Unquestionably that kind of talk has impact on auto builders. For unlike the addition of safety features for new styling, auto emission correction involves far more than change in machinery details.

The pollution issue hits the industry where it really smarts—right in the power plant. It is the internal combustion engine itself that is under attack, and the implications are staggering.

Billions of dollars were invested to develop today's motor vehicle engines. The auto industry is the largest American business success story of this century. Its social and economic influence is incalculable.

#### OTHER POWER SOURCE IS YEARS AWAY

So although the industry may be forced to contemplate radical change in the internal combustion engine to meet new antipollution standards, it cannot be expected to abandon that investment without a fight.

"Insofar as we can see, there is nothing in the foreseeable future that is going to be competitive with the internal combustion engine," said James M. Roche, chairman of General Motors.

GM President Edward N. Cole added, "In a desire for a quick solution let us be careful not to give up the highly developed, efficient internal combustion engine for a power plant of unknown and unproved qualities."

Just in case, however, the industry is increasing research on other sources of power such as steam-driven autos, gas turbine engines (now reported as the most promising) and electric cars.

"We have a strong vested interest in the survival of the internal combustion engine," Henry Ford II said recently. "But we have a far stronger vested interest in the survival of our company."

So alternative power is a final resort. Even if sought, it is years away. For example, the nation is expected to need twice the electricity it now produces to drive vehicles by that means.

Lee A. Dubridge, presidential science adviser, said, "No one has yet invented a replacement for the internal combustion engine which has adequate performance, reliability and safety, or which can be produced at a reasonable cost and requires a minimum of maintenance."

As the question of the future of the internal combustion engine has evolved, the public has had the unaccustomed experience of hearing the auto and petroleum industries quarreling in public.

#### CARS WILL BECOME INFERIOR

Detroit has suggested that lead in gasoline be put under scrutiny. A representative of Ethyl Corp. snapped back, "What do they care if we go out of business? Let's get perspective on who is doing the damage."

In the final analysis two results seem certain from the current reshaping of the existing motor to meet the Nixon administration's guideline of a 93 percent reduction of exhaust poisons by 1980.

Cars will cost more. They will cost more to buy. They will cost more to run—fuel consumption, for instance, will increase. Cars also will not be as efficient. They will have less zip and will be less easy to maintain.

Donald A. Jensen, Ford's top pollution official, said, "From here on out the public is going to feel the effects of pollution control—both in their cars and in their pocket books."

How efficient emission controls will be is already a matter of controversy. Henry Ford II, contending there is no feasible substitute for today's engine, said it will be virtually emission-free by 1975.

"Hypocrisy," snorted Rep. Leonard Farbstein, D-N.Y., an advocate of unconventional motors. "It is more than a coincidence that suddenly the industry is claiming all kinds of pollution breakthrough."

President Nixon told Congress, moreover that possibly by 1980 the sheer numbers of vehicles on the road will overrun the technical capacity to reduce pollution from the internal combustion engine.

He hoped this would not happen, Mr. Nixon added. But if it did, prudence dictated that research on alternatives to the internal combustion engine should get under way promptly.

Meanwhile, lumberjacks continued felling

the towering Ponderosa pines in California's San Bernardino Mountains despite federal regulations prohibiting commercial exploitation of the celebrated trees.

Not even the government of the United States was able to protect the forest giants from fatal affliction by the poisonous smog drifting up the pinegreen slopes from the freeways of Los Angeles 80 miles away.

#### REPAIR JOBS OFTEN IGNORED

(By Al McConagha)

"There is no question about it. At the moment the automobile industry is trading dissatisfied customers."—John J. Nevin, vice-president, Ford Motor Co.

"The car buyer has been led down a primrose path . . . a defect-free car has not been provided."—Federal Trade Commission Report.

WASHINGTON, D.C.—The practice of not doing car repairs guaranteed by manufacturers has become so common that there are words for it in the lexicon of the garage.

There is the "wall job," in which the car simply is parked by the wall until reclaimed by the customer. In the "sunbath," the auto is left in the sun, there to remain untouched by repairman's hands until the owner's return.

The theory is, of course, that the motorist may suppose the car actually is fixed. Or perhaps he will just go away and forget about it. Two or three successive wall jobs are reported to have discouraging effect.

"Wall jobs" and "sunbaths" represent only a fragment of spreading skepticism toward auto manufacturers and their business allies. That fabled blackguard, the used car salesman, is no longer the exclusive focus of mistrust.

Something deeper than the present tendency to regulate auto safety and pollution suggests that the long, largely uncritical American romance with the motor vehicle is beginning to chill.

In the age of the consumer movement, many Americans have come to think of their autos as a bad buy. As author Eric Hoffer remarks, "The social landscape has begun to tilt away from business."

The times have already impelled Henry Ford II to warn his firm's shareholders that "There is a radical change in the environment in which your company operates."

General Motors likewise has been put on notice of the shifting business ambience by a minority stockholder campaign to make the industrial giant more "responsible."

Car prices are up again. Consumer Reports magazine revealed that sticker prices on the 1970 models were up an average of \$121—"The steepest car increase in 13 years . . . Our tests show no broad pattern of improvement."

New cars seem to deteriorate quickly. Indeed, they are not always very well put together to begin with. Consumers Union research indicates that 1969 model autos averaged 36 defects each on delivery.

The Federal Trade Commission (FTC) has found that one-third of the new cars sold in the United States have something wrong with them when they are delivered.

Caspar W. Weinberger, FTC chairman, says flatly, "Automobiles being sold today are not meeting minimum standards of quality which the purchaser has a right to expect."

There are other irritating money matters. Insurance costs keep rising though a recent government study shows auto coverage met only one-fifth of the \$5-billion highway death and injury bill in 1967.

Repair costs continue to climb. One reason is the price increases on sheet-metal parts obtainable only from auto manufacturers. Another is the extreme fragility of vehicle exteriors.

Dr. William Haddon Jr., former head of the National Traffic Safety Bureau and now presi-

dent of the Insurance Institute for Highway Safety, recently testified before a Senate committee investigating high repair costs.

"There are speeds," he said of the ease with which repair bills escalate, "at which humans—but not their cars—regularly crash without such extensive, expensive damage."

There is also the repossession controversy. A University of Connecticut legal scholar contends that banks, finance companies and auto dealers are combining to fleece the poor of millions of dollars a year.

Prof. Phillip Shuchman, reporting on a study of auto repossession cases, maintains that the only person who frequently loses in these situations is the customer who falls behind in his payments.

The original owner can lose more than he should because the dealer only credits him with the below-market price paid the finance company for its repossessed automobile. The defaulting owner is then sued for an unfairly large balance.

Consumer advocate Ralph Nader calls this widespread procedure a "shocking distortion of the legal process," permitting "the most severe assaults on equitable dealing between buyer and seller imaginable."

The FTC also has been investigating price stickers on new cars—initially ordered as a protection for the consumer. Charges are made that these prices are deceptive.

#### WARRANTIES LENGTHENED, THEN SHORTENED

But for the auto industry itself, all these issues pale in contrast to current efforts to pass federal laws that will force Detroit to make good its warranty promises.

There has always been some form of automobile warranty. At first it was simply a 60-day guarantee on parts and workmanship. As the dealer franchise system developed, it became a 90-day or 4,000-mile warranty.

Present warranty practices began in the fall of 1960, when the four leading manufacturers announced that the 1961 models would be guaranteed for 12,000 miles or 12 months, whichever came first.

In August 1962 Chrysler, desperate over steeply falling sales, announced that power-related features of its 1963 models would be guaranteed for five years or 50,000 miles, whichever came first.

Some industry observers contend that Chrysler made the step with little consideration of its eventual cost implications. At any rate the move resulted in a substantial increase in sales for the faltering firm.

In a few years other auto makers accepted the general outline of the Chrysler standard. Then, when costs became more apparent, all four firms took their warranties back to about what they were in 1960.

Generally the 1970 models are guaranteed for 12 months or 12,000 miles. Ford is an exception. It guarantees its vehicles for a year without reference to mileage.

The manufacturers now differ on power-train guarantees. Ford, for instance, offers it for \$15 to original owners. There are also company variations on used-car warranties.

An FTC report contended that "The manner in which the warranty developed clearly shows that the automobile manufacturers considered and used it as a device to promote sales."

The commission maintained that auto manufacturers had "indoctrinated the public to believe it would receive a defect-free product; that if defects should be discovered, they would be promptly repaired."

But the cars were so far from being defect free, the FTC calculated from its investigation, that on average 262,000 customers become badly dissatisfied each year.

These defects are assigned to poor design, lack of effective manufacturing quality control and insufficient predelivery inspection of automobiles by the dealers.

#### WARRANTY REPAIRS TOO OFTEN UNSATISFACTORY

The commission added, "The evidence distinctly points to the conclusion that there is an unreasonable incidence of failure to make warranty-covered repairs."

Twenty percent of warranty repair jobs were unsatisfactory, the commission claimed. It ascribed this to inadequate compensation to dealers for warranty work and overemphasis on profit-making sales.

The Chevrolet Motor Division wrote its dealers recently—though the letter was quickly revised after it was made public—that there had been "an alarming increase in warranty costs."

Unless safety defects were involved, the letter ordered dealers not to do warranty work until requested by the customer. Anything discovered by the dealer's mechanics to which the buyer was oblivious was to remain unrepaired.

A study done for the National Highway Safety Bureau on auto safety features found repairs adequately completed in 88.6 percent of the cases when the work was not done under warranty.

But when the same kinds of jobs were done in the same shops under warranty coverage, the researchers ascertained that only 77.2 percent of the jobs were satisfactory.

Senate action is expected shortly on a bill intended to clarify warranties and to give consumers legal redress when these guarantees are not met.

This is viewed by the industry's severest critics as the initial step toward broader action recommended by the FTC. A second step, minimum performance standards, is waiting in reserve.

"A purchaser," FTC Chairman Weinberger told Congress the other day, "is far from certain of getting a vehicle which will perform as he may reasonably expect it to do."

Mrs. Virginia Knauer, the President's special assistant for consumer affairs, says the bulk of her complaints are related to autos.

"Unless industry corrects abuses," she adds, "Congress will do it for them."

#### FREEWAY FOES RISE IN CITIES

(By Al McConagha)

WASHINGTON, D.C.—Although it is often a motorist's delight, the nation's freeway system contributes hugely to the melancholy burden of life in American inner cities.

As its urban disadvantages become increasingly apparent, voices of dissent (so indistinct and eccentric when first detected 15 years ago) are more frequently heard in forceful assault on the freeways.

Almost as if by natural law, motor vehicles seem to multiply to fill the paved-over space available: more cars beget more miles of highway; more concrete generates more autos. Congestion is never solved.

People living in the core of great cities find freeways gorging on their too-deficient land. In their minds, an already despoiled human environment is being sacrificed to the greater glory of the auto.

"Highways have reached the saturation point, if they haven't gone beyond it, in many cities," says Sen. Walter M. Mondale, a champion of what he calls balanced transportation.

"The whole fight between concrete and mass transit," adds the Minnesota Democrat, "is an exploding issue that is going to overwhelm us shortly—and rightly so."

A congressional transportation expert says, "Surrender of the cities to the automobile has caused incalculable harm—from pollution of the air to loss of business and isolation of the poor."

This anxiety over the urban implications of freeways and the downtown confusion that they create is another reason that the automobile has started to roll downhill in the affections of the American people.

That concern is coupled with the fear that highway-building has so much internal momentum and so many people already economically dependent on its perpetuation that it is too late to moderate the tendency.

Freeways have some virtues. No one, for instance, accustomed to driving on University Av. from Minneapolis to St. Paul would reject the pleasures of passage on the present freeway between the two cities.

Freeways added mobility, convenience and safety to American life. Their construction provided countless jobs. It is now customary to say the interstate system is the greatest public-works program in history.

But the social, aesthetic and commercial costs of freeways are just beginning to be realistically assessed. And to many conservationists, roadways continue to threaten unique rustic environments.

Minneapolis experienced these consequences in the threat of the freeway to Minnehaha Park and in the conversion of the city's commercial area into a sea of parking lots.

#### "ATMOSPHERE OF COMPLETE DESOLATION"

The Minneapolis Downtown Council recently got this warning in a report made for it by Lawrence Halpern and associates, an urban planning and architectural firm:

"To continue this pattern will soon produce an atmosphere of complete desolation and decay in the minds of the people as well as a totally inefficient parking system."

That kind of thinking is beginning to have effect. Secretary of Transportation John A. Volpe last month told Earth Day audiences, "Freeways that affect our environment cannot be built."

Volpe, a former contractor once described as a compulsive builder of highways, even told the Highway Transportation Congress: "We must forever abandon the idea that highway transportation alone will solve America's needs."

"If we fail to provide America's cities with alternatives to highway transportation," said the onetime federal highway administrator, "highway users of this nation will be faced with congestion of unimaginable proportions."

The greatest traffic-parking-paving jam, of course, will occur in the cities. And it is the nation's metropolitan areas that the freeways already have damaged the most—along with the urban poor, uprooted and left behind.

Wilfred Owen of the Brookings Institution says, "One of the most significant factors in the declining tax base of the city is the liquidation of properties being absorbed by major highway projects."

As the tax base shrinks, freeways help lure the affluent to the suburban sprawl beyond the city limits. The poor remain behind to support the community.

Moreover, when freeway systems are mapped, there is a strong temptation to run them through the most unprepossessing residential and business properties.

#### "CHEAPER TO GO THROUGH THE SLUMS"

"It is pretty clear that a lot of highways are routed through the lowest real estate areas," says Mondale. "It is cheaper to go through the slums—and far less dangerous politically."

These freeways uproot neighborhoods, displace the businesses least likely to recover elsewhere, and breed bitterness toward a commuting establishment that gobbles up half of the center city for parking lots.

Still another urban problem derives from the development of the nation's interstate system: as the money is poured into freeways, other transportation modes, public and private, deteriorate.

Freeways favor auto owners; they discriminate against those who do not own cars. Less than half the persons with poverty-level incomes possess automobiles.

Yet most new job opportunities for the unskilled and semiskilled are in the suburbs. Urban unemployed are dependent on public transit that, because of the auto's dominion, now offers speedier service for higher fares.

A Senate committee also discovered that in some areas, public transit simply didn't exist at all. And the group concluded that the nation's favoritism towards autos intensified the social and economic segregation of its poor.

"There is little doubt that the lack of adequate transportation has been an important factor in the growing unrest in our cities," the Senate Banking Committee said in its report.

"Most students of highway traffic," it added, "now believe that no conceivable increase in capital investment in highways during the foreseeable future will cure the congestion problem."

#### AFTER THE INTERSTATES, WHAT?

But there is already evidence of gathering, powerful pressures for a second round of freeway building after the interstate system under way is finished in the mid-1970s at a total cost now estimated at nearly \$70 billion.

More will be said later in this series about the potent lobby associated with the automotive industry, its industrial cohorts and advocates of extended highway programs.

Suffice it to say here that the American Road Builders Association is one of the strongest pressure groups in the nation. Its monument is the Highway Trust Fund.

Congress established the fund in 1956. It is supported chiefly by a tax on oil and gasoline. Unlike other federal revenues that go into the general treasury, this money can be used only for road building.

The fund will collect and spend \$4.9 billion this year. According to the Bureau of Public Roads, the total expenditures on roads in 1970 by all units of the nation's governments will be nearly \$20 billion.

This is more than the federal government spends on space, poverty, education and agriculture combined. It is more than the estimated \$17 billion to be spent this year on the Vietnam War.

"That large an inducement is hard to resist," Helen Leavitt, an outspoken critic of the freeway system, says with understatement. "Add a strong dash of lobbying . . . and the nation ends up with a massive road-building program."

Certainly road lobbyists have thus far fought off all comers with the temerity to propose defecting the Highway Trust Fund to other purposes. The real issue is, basically, what happens next?

The fund expires with the Freeway Act in 1972. Congress is likely to renew both this year. The critical question will revolve around how it treats this enormous snowball of money.

The answer will indicate whether that student of cities, Lewis Mumford, is still ahead of his time as he was in 1958:

"When the American people, through their Congress, voted a little while ago for a \$26-billion highway program," he wrote, "the most charitable thing to assume is they hadn't the faintest notion of what they were doing."

"Within the next 15 years they will doubtless find out."

"But by that time it will be too late to correct all the damage to our cities and our countryside, not least to the efficient organization of industry and transportation, that this ill-conceived and preposterously unbalanced program will have wrought."

#### NELSON FIGHTS AUTO INDUSTRY

(By Al McConagha)

WASHINGTON, D.C.—Although some of his friends felt it was hardly necessary, Sen. Gaylord Nelson recently served formal notice that he is the auto industry's public enemy No. 1 in the Upper Midwest.

Public enemy No. 1 in the Upper Midwest.

To affirm his role as the man in the black hat to the Dodge boys, the Wisconsin Democrat strode into the Senate, reached for a bill and fired a shot calling for replacement of the internal combustion engine.

Nelson did propose to give the auto industry time and money to do this. But an attack on the internal combustion engine is an assault so fundamental to automaking that it shakes Detroit to its very chassis.

"We have for too long been breathing the exhaust fumes of a technological society," Nelson declared. "It is time we introduced legislation for a consumer's society."

In a later speech, Nelson added, "The heart of the problem is the internal combustion engine, which has powered America into unparalleled affluence, but now may drive it to unprecedented environmental disaster."

"If we are really serious about a nationwide commitment to cleaning up the environment," he told a convention of the United Auto Workers, "the automobile internal combustion engine may have to be the first to go."

Last month he proposed creation of a \$4 billion a year "transportation for people fund" to finance alternative to urban auto use and to forestall a second round of interstate freeway building.

Nelson said it was time to stop paving the nation with highways, tearing communities apart and destroying scenic resources, in order to accommodate autos that would produce more pollution and congestion.

So he called for a "fundamental step in dealing with the gigantic environmental, social and human consequences of the American automobiles and its ever-expanding highway system."

Nelson's efforts to supplant the internal combustion engine have about as much hope of success at the moment as the Edsel.

But the fact that a politician of Nelson's astuteness made a proposal that six months ago would have been viewed as a form of lunacy indicates changing American attitudes toward motor vehicles.

Issues of safety, air pollution, consumers rights, and the proliferation of highways and vehicles have begun to erode America's legendary passion for its automobiles.

When Nelson began his drive, he knew there would be no shortage of political opposition. For one thing, automotive production is the nation's leading manufacturing industry.

Total sales of the industry's big four—General Motors, Ford, Chrysler, American Motors—came to some \$45 billion in 1968 with 90 percent of that from motor vehicles and parts.

Last year General Motors led all of the nation's firms in sales. Ford was third and Chrysler fifth.

It is claimed that one out of every seven workers in the nation is dependent directly or indirectly on the automotive industry.

The array of human authority backing the automobile is even more impressive when one includes such allied industries as petroleum, glass, rubber, steel and parts manufacturing.

That component of American economic life has some natural common ground with lending agencies such as banks, auto finance firms and insurance companies.

These forces become transcendent when you add those business elements concerned with highways: road builders, cement makers, highway equipment firms, truckers and billboard companies.

On a statewide level, the political potency of the motor vehicle industry is demonstrated in part by a survey made by the Automobile Manufacturers Association, using 1967 Census Bureau data.

That year there were 893 new car and truck dealers in Minnesota. They paid \$90 million in wages and salaries to 14,500 employees, the association said.

Employment in highway transportation industries in Minnesota was set at 256,183. That included road construction and maintenance workers and gas station attendants.

If insurance men and bankers are counted, at least 12 of the 67 members of the Minnesota State Senate have an economic interest in highway transportation, according to the State Blue Book.

#### ROAD-RELATED INDUSTRIES TIED TOGETHER

Highway related industries are bound together in associations at a variety of levels. One of the most prestigious is the newly formed Highway Users Federation for Safety and Mobility.

The federation serves as a general promoter of highway transportation. It contends it is not a lobbying organization and has no registered lobbyist in Washington, D.C.

A recent consolidation of the Automotive Safety Foundation, National Highway Users Conference and Auto Industries Highway Safety Committee, it shows the compatibility of seemingly unrelated businesses.

And a look at its officers suggests how important enhancement of motor vehicle transportation is for an enormous, interwoven segment of American business.

The chairman is Harry Heltzer, president of Minnesota Mining and Manufacturing Co. The St. Paul firm manufactures reflective material used on highway signs.

Vice-chairman is J. N. Bauman, chairman of the White Motor Corp., a Cleveland, Ohio, truck manufacturing firm. Another vice-chairman is Warner Shelly, chairman of N. W. Ayer & Son Inc., a New York City advertising agency.

Harry Holt, president of the American Automobile Association, is secretary of the federation. Oscar Lundin, executive vice-president of General Motors, is treasurer.

They are only a perceptible fraction of one of the largest pressure groups operating in Washington. The auto-trucking-petroleum-rubber-highway lobby is said to be as formidable as oil and defense.

Sen. Walter Mondale said, "In my opinion it is still probably the strongest lobby in Washington. I think the ineffectiveness of the Highway Safety Office and the Highway Beautification Act show that."

"They block appropriations, influence appointments and the nature of regulations," said the Minnesota Democrat, who sponsored Auto Safety Act provisions requiring manufacturers to notify owners of potential defects.

#### THEIR COMBINED VOICE CARRIES WEIGHT

A congressional committee expert on transportation added, "From time to time they bicker among themselves. But when they all want the same thing it is difficult to say no to them."

"In fact, I would contend it is impossible to say no to them under those circumstances," he went on. "Unified they are the most puissant political force in America."

By all accounts, the No. 1 auto lobbyist is Lloyd Cutler. He is a Washington lawyer of impeccable credentials—eastern education, government service, civic leadership, the right clubs.

Cutler, 52, is credited with softening congressional criticism of auto firms during the Senate safety hearings in 1966 and with keeping criminal penalties out of the resulting legislation.

More recently he represented auto makers in obtaining a consent decree on charges that Detroit conspired for 15 years to limit development and installation of motor vehicle antipollution devices.

The order was negotiated with the Justice Department. In it, the four auto firms and the Auto Manufacturers Association neither admitted or denied the allegations—though they agreed not to engage in such activity in the future.

All this muscle on the other side doesn't bother Nelson at all. He has already op-

posed the pesticide interests and the tire manufacturers, he said, so what's one more industry?

Despite the fact that the largest corporate payroll in his state is paid by American Motors to its factory workers in Kenosha, Nelson said he has never had any personal collision with auto firms.

The only directly related conversations he remembers were with members of the United Auto Workers, who were understandably interested in the employment future in Detroit.

"I really don't think it takes a lot of courage to go ahead and slug away," Nelson said in an interview. "I think this kind of thing is a problem to some people, of course."

"They say, 'I'm sorry, but I can't take on the whole industry.' But I contend that if you have a sufficient case, you can fight. And when you consider the question of clean air, there is no other answer."

"People are beginning to say that this machine is creating more problems than it solves. In the next 10 years there is going to be a complete turn-around on the question of the auto."

"I think this may be the critical political fight of the next decade."

#### AUTO GLAMOUR IS DECREASING

(By Al McConagha)

WASHINGTON, D.C.—When the Minnesota Legislature passed its first motor vehicle law in 1903, it ordered motorists to stop on signal from buggy drivers and wait until the horse went down the road.

That may have been the last time the automobile was under control in this country.

"Over the past 50 years we have stood by and watched as the car tore apart our cultural life, razed our cities, despoiled our countryside and befouled our air," writes Iowa journalist Donald Kaul.

"And we have not merely stood and watched; we have cheered," he muses. "It is a curious phenomenon, a madness, something akin to 15th-century Europeans rooting for the plague."

Sen. Walter F. Mondale, D-Minn., is more explicit. "There is a feeling," he says, "that cars are too dangerous to use, contribute too much pollution, cost too much, are not fairly serviced—and all the rest."

Clouds of exhaust fumes, record traffic-fatality tolls, consumer annoyance and the steady advance of paving asphalt are beginning to have an impact on the American consciousness.

"The glamor of the automobile is decreasing," says Henry Ford II, who makes them. Says comedian Mort Sahl, an auto buff who has bought them in epic quantities, "The car isn't a romance any more."

As more and more people looked about for villains in this period of cooling passion for the auto, their critical gaze has focused on Detroit's auto makers in a wholly unprecedented way.

The wave of public skepticism seems to have begun in 1966 when General Motors first denied and then confessed responsibility for engaging private detectives to spy on safety advocate Ralph Nader.

"There is a feeling that the industry is not concerned with safety, environment or the consumer," says Mondale. "Critics think reform can only be forced on it. There is a good bit of cynicism about the industry."

As a result Detroit is not merely faced with an unfamiliar shift in public affection (an attitude once described by author Lewis Mumford as the "religion of the motor car"). It also has more immediate problems.

Because of a troubled national economy, sales are declining. And this fall management will be confronted again by the contract demand of Walter Reuther's 1.5 million United Auto Workers.

All of these adversities tend to obscure the industry's past glories. Not the least of these

is the phenomenon of raising production from five to ten million units in a decade.

In that forced march to meet a voracious demand, Detroit also added five major, and now relatively ordinary, accessories: power steering, power brakes, power windows, air conditioning and automatic temperature control.

The average car leaving the assembly line these days has 15,000 parts. In purely engineering terms, it is decidedly more complicated than the general light airplane.

As the Federal Trade Commission said in Detroit's defense, "It is extremely doubtful that perfection can be achieved in the mass production of such quantities of anything."

Some aspects of product life also improved during the auto explosion. Valves no longer need to be repeatedly reground. Some parts are now lubricated for the life of the car.

During this period of expansion, manufacturers were almost exclusively absorbed with sales. According to students of the industry, such questions as durability and service capability were regarded as merely troublesome details.

In those years of extraordinary activity the industry took its present highly competitive shape—one characterized by high costs, prodigious advertising campaigns and incessant efforts at market penetration.

In fairness it might be pointed out that auto manufacturers are not wholly at fault because a lot of people like chrome and fins and are disinclined to buy seat belts and head rests.

It is also sometimes forgotten that auto firms pay taxes—some \$4 billion to all units of government in 1968. That is enough to buy a couple of buses if someone wants to.

But Detroit was so engrossed in responding to what it saw as consumer desires that it was sadly unprepared for the ultimate social question now being asked: How are we going to live with the auto?

With respect to safety, most critics want a better-financed, more powerful, more consumer-oriented National Traffic Safety Bureau. As presently constituted the bureau has disappointed many safe-auto advocates.

On the question of reasonable consumer expectation, the Federal Trade Commission is calling for enactment of a comprehensive auto quality control act to help stem the sale of defective vehicles.

Safety and consumer considerations aside, however, the car is a city problem. Wilfred Owen of the Brookings Institution asks "whether it is possible to be urbanized and motorized and at the same time civilized."

By the end of the decade Detroit expects to expand production enormously. The 100 million motor vehicles in America today will be joined by 83 million more by the year 2000, says the Federal Highway Administration.

Officials are already talking about more miles of roadways to handle this traffic. Some want to double our interstate freeway system, which will total 42,500 miles when finished.

Detroit has indicated that it has received the message on pollution.

Millions are going into research, but Ralph Nader persuasively points out that the present emission-testing system is ludicrous.

At the moment the government only examines specially prepared "prototypes" to see whether they conform with pollution standards. Emission controls in production-line cars may be substantially less effective.

Even with the hoped-for progress in cleaning up the internal combustion engine, President Nixon has warned that the increase in sheer numbers of autos may cancel these efforts by 1980.

Mr. Nixon talked of alternatives to the gasoline engine. The possibilities range from special city cars without conventional motors to mass transit to ease commuting pressure on parking lots and highways.

"As far as cities are concerned," says Laura Fermi in the Bulletin of Atomic Scientists, "the first obvious step to abate auto pollution is to halt construction of highways and develop good mass transportation."

Some adherents debate the merits of the various kinds of mass transit, from fixed-rail forms to dial-a-bus proposals. It has become conventional wisdom to say each urban area needs its own peculiar mix of transit.

Author Helen Leavitt estimates that we spend, publicly and privately, more than \$100 billion a year on highway transportation—more than twice our annual outlay for all kinds of education.

Clearly some of this money must be deflected into mass transit on a crash priority. Just as obviously the nation must be tougher in its regulation of the automotive manufacturing industry.

This is what Henry Ford II implied recently when he remarked, "It is futile to rely entirely on corporate good citizenship if the system encourages the poorest corporate citizen."

That has the sound of an industrial captain seeking help. The reply must be shaped with great innovation and intelligence if we are not to become merely the creatures of our automobiles.

#### HOW COMBAT SOLDIERS FEEL ABOUT ACTION IN CAMBODIA

Mr. TOWER. Mr. President, in the continuing discussion of the President's decision to take what I believe to be a militarily logical and necessary action against enemy sanctuaries in Cambodia a great deal of attention has been given to the constitutional powers of the President as Commander in Chief, the role of Congress in waging war, the origins of our involvement in Southeast Asia and the objectives of our policy there, the sharp divisions among our people at home, and so forth. All of these are, of course, important matters. But one question which seems to have been neglected and which I believe bears on our discussion is how do those most immediately involved—our soldiers in the field—how do they feel about the action in Cambodia?

I ask unanimous consent to have printed in the RECORD a letter from Vietnam. This is a firsthand report from a man who is neither a military leader nor an administration official but one who has had the opportunity to talk directly with the men who are fighting in Vietnam. Entertainer Johnny Grant of station KTLA in Los Angeles has made 11 trips to Vietnam to entertain the troops and is no stranger to the situation there or to the feelings of our soldiers. I ask unanimous consent that Mr. Grant's letter be printed in the RECORD.

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

##### A SIGNIFICANT LETTER FROM VIETNAM

Noted entertainer, Johnny Grant of Los Angeles Station KTLA posted a letter from Vietnam to a White House friend on May 7th concerning the morale of American troops stationed there. The letter is especially significant because Grant has made some 38 trips to meet with and entertain troops all over the world. This is his 11th trip to Vietnam.

MAY 7, 1970.

A short note from a touring gypsy in Vietnam.

In view of the bitter attacks on the President in recent days by the public and the

press, I thought you might pass on a few words of support and encouragement.

The young men who are fighting the war and stand to lose the most—their lives—are solidly behind the President's decision to go into the Vietcong sanctuary in Cambodia. Morale here was good but went to an all time high when the announcement was made.

They feel they now have an even chance at fighting Charlie at his own game.

They also feel that in the end lives will be saved and a quicker victory will be achieved on the battlefield or at the peace talks. They honestly feel they can win this thing and now have the support to do it.

They are greatly disappointed in the reaction of the back home press, public and some of the politicians. As one young GI put it, "Fulbright must be worth 3 Divisions to the enemy." It's really hard for a young soldier to understand this kind of reaction to a White House announcement of more support for him and his buddies. These are outstanding young men and they deserve all the help and encouragement we can give them.

This letter was prompted by a young GI at the 3rd Field Hospital this morning when he said, "For God's sake let the President know somebody's behind him—us."

As I have toured the area the past few days many others have expressed the same feelings. I have not found one man against the Cambodian move.

I promised the troops I would pass their support on to the President and figured this would be the fastest way.

Will be back in the states on the 16th or 17th and will do all I can to help the situation.

Regards to all.  
Sincerely,

JOHNNY GRANT.

P.S.—The men really love and respect General Abrams. They would walk to Cambodia if he asked them to.

#### FIRE RESEARCH AND SAFETY ACT—RESOLUTION OF CITY COMMISSIONERS OF FARGO, N.D.

Mr. BURDICK. Mr. President, the Board of City Commissioners of Fargo, N. Dak., recently adopted a resolution requesting Congress to fund the Fire Research and Safety Act, Public Law 90-259, that the President appoint members to the National Commission on Fire Prevention and Controls, and that the fire chief of Fargo, William T. Stewart, be appointed to the Commission.

I ask unanimous consent that the materials furnished me by the mayor of Fargo, the Honorable Herschel Lashkowitz, be printed in the RECORD.

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

CITY OF FARGO, N. DAK.,  
May 21, 1970.

HON. QUENTIN N. BURDICK,  
U.S. Senator,  
State of North Dakota,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR BURDICK: I am enclosing herein a certified copy of a Resolution adopted by the Fargo City Commission memorializing the Congress of the United States to take the necessary action to fund the Fire Research and Safety Act; respectfully requesting that the President of the United States appoint the National Commission on Fire Prevention and Controls and requesting that Fargo Fire Chief, William T. Stewart, be appointed to the National Commission on Fire Prevention and Controls.

I am also enclosing herein a copy of the

letter written to the Honorable Richard Nixon, President of the United States, in regard to this matter.

It is with deep pride that we advance the name of the Honorable William T. Stewart for appointment. We regard Mr. Stewart as one of the most outstanding professional fire fighters in the United States. We feel that he would bring outstanding qualifications to this assignment.

We trust that the Resolution, the letter to yourself, and the letter to the President of the United States will be introduced into the Congressional Record, and further we respectfully ask that the Congress of the United States take the necessary action so that we can enhance the fire fighting standards of this very vital service by the necessary funding.

It is imperative that we act promptly because the expiration date is at hand.

Respectfully,

HERSCHEL LASHKOWITZ,  
Mayor and President, Board of City  
Commissioners.

CITY OF FARGO,  
May 21, 1970.

HON. RICHARD NIXON,  
President of the United States of America,  
White House,  
Washington, D.C.

DEAR MR. PRESIDENT: I am respectfully forwarding to you a certified copy of a Resolution unanimously adopted by the Fargo City Commission, memorializing the Congress of the United States to take the necessary action to fund the Fire Research and Safety Act; and respectfully requesting that the President of the United States appoint the National Commission on Fire Prevention and Controls; and further requesting that Fargo Fire Chief, the Honorable William T. Stewart, be appointed to the National Commission on Fire Prevention and Controls.

It is with great pride that we respectfully and enthusiastically recommend Fire Chief William T. Stewart to this important position. Mr. Stewart is one of the most highly respected professional fire fighters in the United States and we sincerely hope that his talents and background will be utilized in behalf of the entire country.

Respectfully,

HERSCHEL LASHKOWITZ,  
Mayor and President Board of City  
Commissioners.

CITY OF FARGO, N. DAK.,  
May 19, 1970.

The Regular Meeting of the Board of City Commissioners of the City of Fargo, North Dakota was held in the City Commissioners' Room at the City Hall at 7:00 o'clock p.m., Tuesday, May 19, 1970.

The Commissioners present or absent were as shown following:

Present: Markey, Bromenschenkel, Schuster, See, Lashkowitz.

Absent: None.

President Lashkowitz presiding.

Resolution Adopted Memorializing the Congress of the United States to Take the Necessary Action to Fund the Fire Research and Safety Act; Respectfully Requesting that the President of the United States Appoint the National Commission on Fire Prevention and Controls; and Requesting that Fargo Fire Chief, William T. Stewart, Be Appointed to the National Commission on Fire Prevention and Controls:

President Lashkowitz relinquished the Chair to offer the following Resolution and move its adoption: (Vice President Markey presiding)

Be it resolved by the Board of City Commissioners of the City of Fargo:

Whereas, The International Association of Fire Chiefs and other similar professional organizations are deeply concerned that there has been no action taken at the Federal level on the Fire Research and Safety Act (Public Law 90-259); and

Whereas, The International Association of Fire Chiefs and other similar professional organizations are deeply concerned that, as of the present, the National Commission on Fire Prevention and Controls has not been appointed by the President of the United States; and

Whereas, The International Association of Fire Chiefs and other similar professional organizations are deeply concerned that, as of the present, Congress has appropriated no funds for the Fire Research and Safety Act, even though the law (Public Law 90-259) was passed and signed by President Johnson on May 19, 1968.

Now, Therefore, be it resolved that the Board of City Commissioners of the City of Fargo does hereby memorialize the Congress of the United States to take the necessary action to fund the Fire Research and Safety Act; and

Be it further resolved, That the Board of City Commissioners of the City of Fargo does hereby respectfully request that the President of the United States appoint the National Commission on Fire Prevention and Controls; and

Be it further resolved, That the Board of City Commissioners of the City of Fargo does hereby request that its Fire Chief, William T. Stewart, be appointed to serve on the National Commission on Fire Prevention and Controls; and

Be it further resolved, That this Resolution be inscribed upon the permanent records of the proceedings of the Board and certified copies forwarded to the Congressional Delegation and the President of the United States of America.

Second by Schuster. On the vote being taken on the question of the adoption of the Resolution Commissioners See, Lashkowitz and Markey voted aye.

Commissioner Bromenschenkel voted nay. The Vice President declared the Resolution to have been duly passed and adopted and returned the Chair. (President Lashkowitz presiding)

HERSCHEL LASHKOWITZ,  
Mayor and President.

#### CERTIFICATE OF CITY AUDITOR

State of North Dakota, County of Cass, ss.  
I, F. R. Fahrlander, do hereby certify that I am the duly appointed, qualified and acting City Auditor of the City of Fargo, North Dakota; and

That the foregoing is a full, true and correct copy of a Resolution adopted by the Board of City Commissioners of the City of Fargo at a Regular Meeting of the Board held on Tuesday, May 19, 1970; and

That such Resolution is now a part of the permanent records of the City of Fargo, North Dakota, as such records are filed in the office of the City Auditor.

F. R. FAHRLANDER,  
City Auditor.

#### INFLATION: CAUSES AND CURES

Mr. PERCY. Mr. President, J. Sinclair Armstrong, executive vice president of United States Trust Company of New York, who served as Chairman of the Securities and Exchange Commission, Comptroller of the Navy, and Assistant Secretary of the Navy during the Eisenhower administration, recently addressed the Chicago Mortgage Bankers Association on the subject "Inflation: Causes and Cures."

Because Mr. Armstrong is so well qualified to speak on the issues involved in the crisis of inflation, I ask unanimous consent that his speech be printed in the RECORD.

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

#### INFLATION—CAUSES AND CURES

##### I. Causes of Inflation—Defense, or Domestic Programs?

The President and his Council of Economic Advisers attribute to the \$57 billion Federal deficit for the decade 1960-1969 the cause of inflation. (State of the Union Message, January 22, 1970).

What Federal programs brought about that deficit? Let us look at Defense.

In the ten years (1961-1970), Defense expenditures were almost two-thirds of a trillion dollars (\$622 billion). If the rate of defense spending had continued at the 1960 rate, \$163 billion less would have been spent, of which \$139 billion occurred in the five years 1966-1970. A large portion of this was for the Vietnam War. At \$73.6 billion, President Nixon's budget request for Defense for fiscal 1971 is \$28 billion more than the 1960 base year. Southeast Asia Operations are no longer separately stated (as they were in 1970 and previous budget documents), but it is reasonable to assume, with large forces remaining in Vietnam, and recent developments in Laos and Cambodia, that Southeast Asia Operations will cost at least \$25 billion.

Have domestic programs of economic and social importance caused the deficit? Let us look at five, Natural Resources, Commerce and Transportation, Community Development and Housing, Education and Manpower, and Health. In the aggregate, for the decade 1961-1970, \$196 billion will have been spent on these, and, if the 1960 base rate had been adhered to, the figure would have been \$108 billion less.

Proportionately, the increase over the 1960 base for Defense has been less, 35% compared to 122% for these five domestic programs of economic and social importance.

However, who would argue that the \$8.8 billion level would be adequate for these domestic programs today for our national requirements? Even fitting them into an austere war-time budget, President Nixon has requested an aggregate of \$38 billion for Natural Resources, Transportation, Community and Housing Development, Education and Manpower and Health. Clearly, if the premise is true that Federal deficits cause inflation, Defense should be on trial. The Vietnam War is Exhibit A in the inflation case.

##### II. Who Pays for the Increased Spending by Government?

The taxpayer, of course.

The expenditure figures just cited are so gigantic and the increases so impressive that it will be no surprise to find that Federal revenue has enormously increased over the decade 1961-1970.

Principal sources of revenue in 1960 were the individual income tax, \$40,791 million, the corporate income tax, \$21,494 million and excises, \$11,676 million, total \$73,961 million. Ten years later, 1970, these revenues were estimated at individual income tax \$92,000 million, corporate income tax, \$37,000 million, excise taxes, \$15,940 million, total \$145,940 million, about double the revenue of ten years ago. The increased revenue became dramatic in the years 1967 to 1970, as higher personal earnings were taxed at surtax rates, and there was a sizable increase in corporate income tax revenue in those recent years too. Make no mistake. A heavy burden falls on taxpayers.

Over the decade, a trillion dollars (\$1,013,441 million) of revenue was raised by individual and corporate income taxes and excises. If the amounts of revenue raised by these three taxes in 1960 had been raised in each year throughout the decade, a quarter

of a trillion dollars (\$273,831 million) less would have been raised. This additional quarter of a trillion was more than enough to pay for the increases in the five domestic programs of economic and social importance mentioned above, which increased \$108 billion, and also a good part, though not all, of the decade's \$163 billion increase in Defense. The bunching up of the Defense costs in the last five years caused acute budget imbalance, and certainly fueled the inflation in 1966 and subsequent years.

##### III. Who Pays for Inflation?

1. Consumers. That means everyone.

The consumer price index—all items—1957-1959 base 100—has risen from 103.1 in 1960 to 131.3 in December 1969, but 21.4 of this was during 1966-70, the Vietnam War years. The rate of increase was 7.5 in December 1969. The wholesale price index—all commodities rose from 100.7 in 1960 to 113 in 1969 and was at 115.1 at December. Of this rise, 12.6 occurred in 1966-1969. Everything costs more.

2. Workers.

Earnings are up too. Over the decade, against stable or declining average weekly hours of work, 38.6 to 37.5, non-agricultural workers have gained almost 50% in average gross hourly earnings, up from \$2.09 to \$3.11.

But do rising wages keep pace with rising prices? Not by much, for the worker. Average weekly gross earnings for workers in non-agricultural industries have increased almost 50%, from \$80.67 to \$117.25, but measured by 1957-1959 prices, these figures become \$78 and \$89.30, an increase of only 13%. In the four years 1966-1969, the progress has been about 2% from \$87.37 to \$89.30.

The worker has been on a treadmill during the Vietnam War years. It is important to understand this in assessing the recent very much larger demands and settlements in labor contract disputes, including those with Government itself, and the implications for the future of prices as well as wages. For example, after the recent transit settlement in New York City, the Transit Authority raised the fare 50%, from 20 cents to 30 cents. In the present postal workers settlement, the President is asking Congress for a two-third's increase in the first-class mail rate, from 6 cents to 10 cents an ounce.

3. Investors.

Investors pay for inflation too. Average stock and bond prices have seriously fallen. The Dow-Jones average of 30 leading industrial corporations touched the magic thousand figure several years ago, but recently has been 20 to 25% below that figure. Fixed income securities, too, have depreciated in value as interest rates have increased to historic highs. Borrowers of all kinds have been compelled to pay more, and credit has been less available, curtailed over most of the past five years by restrictive monetary policy wisely applied by the Federal Reserve System. Only recently has the "Fed" released the pressure a little, recognizing the "cooling" of the economy and a small rise in unemployment, despite continued price increases and wage demands.

4. Home-buyers and the Housing Industry.

High interest and unavailability of credit has particularly hurt the housing industry. Yields on FHA new home mortgages rose from 5.46% in 1965 to 8.4% in December 1969. New housing starts—farm and non-farm—had some spotty years, sinking from 1,510,000 units in 1965, to 1,196,000 the next year, then rising to 1,547,000 in 1968, but dropping to 1,245,000 annual rate at December 1969. The increase in mortgage debt outstanding for housing has been far below an adequate rate: from 1966 to the third quarter of 1969, the increase of FHA insured loans \$11.4 billion, VA \$4.4 billion, conventional loans \$34.8, represented rates of increase of mortgage financing nowhere nearly sufficient to finance the 26,000,000 family units stated

as the Government homebuilding goal for the decade of the 1970's.

It is possible to become extremely depressed about housing. In New York City, where I live, there are one million human beings living in buildings over one hundred years old. Conditions in the ghetto are dangerous, unsanitary, alienating to young and old, breeding of vice, crime and drug addiction. The New York construction industry for low, middle income and high income housing alike, is virtually at a standstill. Vacancies are lower than since World War II. The City Council has reenacted rent control, fearful of the consequences of freeing a rental market when there are no vacancies. Investors and builders have no inducement to build under conditions of rent control and tight money. There is a vicious cycle. Only a massive infusion of money, relaxation of restrictive building code practices, introduction of modern construction methods, and a planned phase-out of rent control can arrest the deterioration of New York City housing. There is an opportunity here and a need for a gigantic financing program. Only the Federal Government has the resources to make this possible.

The housing problem is one of the acute national problems not met because of the vast call on Federal resources by Defense.

#### IV. Is it sound economic analysis to blame high defense spending for inflation?

Economists generally include defense expenditures as part of the gross national product. This is a fallacy. Money spent for defense, for personnel, operation and maintenance, procurement and research and development, indeed, for space, and what goes for military applications of atomic energy, leaves the economy. It contributes nothing to the economic life of the nation.

True it is that wages are earned and goods are procured and paid for. But the services rendered and the goods procured make no contribution to economic life or future economic activity. Indeed, they have a multiplier effect—two for one—because the dollar earned by the serviceman or the defense contractor will be paid into the civilian economy to purchase the needs of the serviceman and supplier, thus taking goods and services out of the civilian economy without putting anything back in exchange.

It is not accidental that throughout history, wars have been marked and followed by acute inflation. French currency collapsed after years of supporting Napoleon Bonaparte's Armies. Most major allied nations' currencies except ours suffered devaluations after World War I. (Our involvement in that war was short, and we became a major creditor nation.) U.S. currency declined about half in purchasing power through World War II and the Korean War, though the erosion was masked by wage and price controls, material allocations and selective credit controls, as well as support of government bonds by the Federal Reserve System. In the recent Vietnam War period, none of these devices has been used to reduce the pressure of defense and war spending on the civilian economy. Inflation during periods of war should be no surprise.

The impact of expanded defense spending on the civilian economy affects some sectors more than others. When the build-up began in 1965-1966, it pressed against a civilian economy going full blast, with high utilization of plant, professional and technical personnel and work force. "Guns and butter" (President Johnson's 1966 State of the Union message) was a fallacy. Something had to give way. It was "butter."

Bruce M. Russett, director of World Data Analysis Program and professor of political science at Yale University has analyzed the effect of defense spending on various civilian activities, relating pressures of defense to various categories. He concludes that consumer durables, services, investment, balance

of payments (because of military expenditures abroad), and residential structures (housing) are major casualties, along with health and hospital services and education in the public sector.

The damage to future industrial capacity and output is regrettable when investment is curtailed. "Proportionately, . . . Investment is much harder hit by an expansion of the armed services than consumption . . . if an extra billion dollars of defense in one year reduced investment by \$292 million, the level of output in the economy would be permanently diminished by a figure of the order of \$65 million per year." (Bruce M. Russett, "The Price of War," *Trans-Action*, October, 1969, pages 28-35.)

Seymour Melman, professor of industrial economics at Columbia University, has analyzed the consequences of the defense spending in his new book, "Pentagon Capitalism—The Political Economy of War," just published this month (McGraw-Hill Book Company, 1970). A reading of this book is a "must" for any student of this subject. Let me mention a few points briefly, bearing on inflation.

Through its Defense Contract Administration procedures, a large part of all procurement is without competition through sole source suppliers. The Pentagon managers take part in the hiring, deploying and paying of employees, entering into labor negotiations, and specifying permissible overtime. A major part of military purchases involve goods for which no market exists, hence there is no benchmark for setting prices, hence the Pentagon sets prices on the basis of "cost analysis." Procedures for cost analysis are very complex, but are freed from various legal restrictions so that production costs will be compensated. A substantial portion of capital invested in military-industry work is supplied by the Government, through "GFE," and loans, advances, and progress payments. Contrary to popular impression, earnings on private industry's capital invested in defense work are higher than on capital devoted to civilian production.

Vast cost overruns are permitted. "Studies performed by the federal government's General Accounting Office found \$500 million of waste in military industrial contracts during the period May 1963-May 1964. Since these studies were done on a sample representing 5 percent of Department of Defense and NASA payments, it is reasonable to infer that there was approximately \$10 billion of questionable charges to the government during that one-year period, taking the population of military and space contractors as a whole."

Two classic examples of massive cost overruns are in the news. In May, 1969, it was announced that the 120 C-5A intercontinental jet transports would cost \$5.2 billion, instead of the original estimate of \$3.1 billion, and recently the contractor has applied to the Pentagon for financial aid of half a billion dollars to keep it in production on this and other contracts. "The original calculated cost of the F-111 program was \$4.9 billion. By 1968 the cost of a 1,700 plane program would have been \$14.6 billion on the basis of official testimony to the Senate Armed Services Committee reporting cost per plane to be \$8.6 million. This implied a cost overrun of \$9.7 billion by 1968, against the original 1963 estimates. . . . The 1962 studies of Peck and Scherer (Merton J. Peck and Frederic M. Scherer, "The Weapons Acquisition Program," Graduate School of Business, Harvard University, 1962) disclosed that, on the average, final prices on large military systems had been 3.2 times initial cost estimates." (Melman, p. 64).

Defense spending's cost to society, its inflationary consequence, must be judged by what it replaces that could otherwise be accomplished. The scale and quality of research

and development and the quality of the physical plant affect the development of productivity of both capital and labor. The deterioration of these in the United States is of great concern. McGraw Hill's regular five year inventory of metal-working machinery in U.S. industry, taken in November, 1968, "disclosed that 64% of the metal-working machine tools used in U.S. industry were ten years or older. The age of this industrial equipment (drills, lathes, etc.) marks the United States' machine tool stock as the oldest among all major industrial nations. . . . This deterioration at the base of the industrial system certifies to the continuous debilitating and depleting effect that the military use of capital and research and development talent has had on American industry." (Melman, pages 186-187). In 1967 of the 700,000 scientists engaged in research and development in the U.S., 63% were working for the military. The 259,000 "R&D" personnel engaged in civilian work compare "most unfavorably with the western European research and development staff which totals 466,000, an overwhelming part of which is engaged in civilian research and development." (Melman, page 187)

The depletion of our society by the excessive and wasteful military spending is a central element of inflation.

#### V. Cures for Inflation.

1. Short range, restrictive fiscal and monetary policy continue essential. The President and the Federal Reserve System must maintain their courageous and not always popular stand for balanced budget and restrictive though flexible monetary policy—particularly to dampen the "expectation of inflation" which persists among businessmen, labor leaders and rank and file and Government officials. This "expectation of inflation" is well described by my colleague, James J. O'Leary, in his talk at the Federal Reserve Bank of Dallas on March 17. "The expectation of inflation remains very strong," he concluded. "Despite sincere and determined anti-inflationary efforts by the Administration and the Federal Reserve, the 'credibility gap' is still wide."

A Nation Incomes Policy should, in my opinion, be considered. The President has expressed himself opposed to wage and price controls. But wage and price controls, materials allocations and selective credit controls, helped stem inflation in 1942-45, and national incomes policies have assisted economies of debtor nations such as the United Kingdom. A distinguished Chicago banker, Mr. Allen P. Stults, Chairman of American National Corporation, spoke along these lines at its stockholders meeting, January 27.

As a matter of economic education and discipline, the Gross National Product figures should be revised to subtract from the totals all Defense, Space and Military Atomic Energy spending, as they do not increase the "product," and an equal amount should be subtracted to reflect the civilian goods and services taken out of the economy by those spending dollars earned in Defense. The result will be a more accurate estimate of "gross national product."

A writer in yesterday's *Wall Street Journal* (April 6, page 1, Column 5) put it this way: "The GNP misguides us as unblinkingly adding up as 'goods' such 'bads' as ABM's or bullets dealing out death in Vietnam. . . . The \$41 billion a year is double counted . . . due to a conceptual dilemma which causes this to show up both as government spending and as consumer spending. Last year's output . . . deflated to strip away the illusory gains of price increases . . . as measured in 1958 prices, was \$727.5 billion, a staggering 204.6 billion below the commonly cited figure."

Revision and better understanding of what constitutes "National Product" is urgently needed if inflation is to be understood and cured.

Long range, here the problems are of immense difficulty, militarily, politically, and economically. Let me cite a few:

1. Missile development and the nuclear deterrent. At present, the U.S. and U.S.S.R. each has nuclear deterrent capability but lacks a "first strike" capability. If either alters this delicate strategic balance of terror, the consequences are unimaginable.

The Strategic Arms Limitation Talks (SALT) are of immense importance to both sides. If they fail, and each goes into a new phase of offensive and defensive missile development and deployment, the costs to each are likewise impossible to estimate. Senator Mansfield has mentioned \$50 billion for "Safeguard" ABM, but there are no real estimates. If new offensive (MIRV) and "ethic" defensive (ABM) weapons programs and shelters for civilian population should be embarked on, the figure \$650 billion has been suggested. (Melman, page 121). What security would be achieved? Then as now the Americans and Soviets could still destroy each other's civilization. Surely, another round of the "missile race" must be avoided by both powers. The economic future of both countries depends on success of the SALT talks.

2. Conventional War. President Nixon announced a new and wise Asian foreign policy at Guam. But, can he succeed in withdrawing U.S. forces promptly and completely from Vietnam and avoid military involvement in Laos, Cambodia, and other countries out there? Who can tell? Meanwhile, the nation pays the price—the most costly mistake of our national history.

Business leaders are beginning publicly to recognize the damage to the U.S. that the Vietnam War has inflicted. The distinguished Chairman of the IBM Corporation recently said, "Our call to stop Communism anywhere—despite the price—drifted us into an unattainable goal in Vietnam. Since we have no formal mechanism to study, adjust and reset our national priorities in an integrated fashion, we pursued the Vietnam goal to a costly point. The lives of 40,000 of our men have been lost, vast resources have been wasted, and the morale of our youth eroded." (Thomas J. Watson, Jr., address before the Bond Club of New York, January 7, 1970). Mr. Watson called for the formation of a completely new governmental body, perhaps a Senate-House-Citizen group, to study, set and reset annually the national goals, "costed and readjusted on an integrated basis," reporting to the President.

Another distinguished American, Chairman of the Bank of America, the nation's largest bank, recently had this to say: "The war distorts the American economy; it is a major contributor to inflation; it draws off resources that could be put to work solving imperative problems facing this nation at home. Because the war distorts the economy and contributes substantially towards inflation, this bank has consistently pointed out that an end to the war in Vietnam would be good, not bad, for American business." (Louis B. Lundborg, letter to A. R. Appleby, Chairman, Los Angeles Chapter, Business Executives Move for Vietnam Peace, March 11, 1970).

So, if inflation is to be cured, the budget for strategic offense and defensive weaponry, and the budget for conventional war such as the one we have been waging since 1965 must be brought under control. Obviously, this is not the paper in which to develop a model defense budget. As a starting point for study, I recommend to you Professor Melman's Memorandum to the U.S. Senate Armed Services Committee, May 2, 1969, which would maintain 2,300,000 men in the armed services, "operate missile, aircraft and naval forces of staggering power" and provide savings from the \$81 billion 1970 estimates of \$54,794 million. If inflation is to be arrested

and cured, proposals seriously to curtail the Defense budget but maintain deterrence and adequate manning must become the province of all sections of society, not just the Defense Department and the Armed Services Committees of the Congress. I personally hope that the President and the Congress will establish a Permanent Committee to take up this work as Mr. Watson proposed.

J. SINCLAIR ARMSTRONG.

### TREATY, THE MOST SUITABLE FORM FOR ADDRESSING THE DANGERS OF GENOCIDE

Mr. PROXMIRE. Mr. President, because so much concern is voiced about the use of a treaty to deal with problems of genocide, it is useful to review the thinking contained in the 1969 report by the section of individual rights and responsibilities of the American Bar Association. This report includes a discussion which points out that treaties are today the normal means for entering into mutual commitments for common purposes. This discussion briefly describes the role of the treaty power as it has evolved through the 1940's, 1950's, and 1960's.

As pointed out in this discussion, the main interest of a treaty is focused on a common concern to all mankind. Certainly, genocide is a matter of common concern to all mankind. It is of common concern because genocide generates massive horror and disrupts international peace and security.

Certainly, no one would argue that the problems of genocide should not be addressed. Yet, other than a treaty, what means are available to all nations and all mankind to attempt to express revulsion of genocide and attempt to provide a means to deal with the perpetrators of genocide? Of the tools available, the treaty is the most appropriate way for the United States to add its voice to the past and current efforts to deal with the evils of genocide. U.S. ratification, Mr. President, is long overdue.

Mr. President, I ask unanimous consent that the ABA section's report be printed in the RECORD.

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

#### AN INTERNATIONAL CONVENTION OR TREATY IS THE MOST SUITABLE FORM FOR ADDRESSING THE DANGERS OF GENOCIDE

A. Treaties Are Today the Normal Means for Entering into Mutual Commitments for Common Purposes.

Until the twentieth century, there were comparatively few general multinational treaties. The treaty power, both in the United States and other countries, was used primarily to settle boundaries, and to formalize certain limited kinds of commercial arrangements, especially with respect to shipping and fishing. Thus, not until the Versailles Treaty and the League of Nations Covenant did the United States, along with other countries, have to consider the feasibility and desirability of establishing international rules of conduct through treaties. Such concern as the United States—and others—had with treaties in the 1920's and 1930's was settled in 1945.

The United Nations Charter became not just a document creating an organization and establishing its internal rules, more im-

portant, the United Nations Charter became a general code of conduct, first for the victorious states in World War II, and now for nearly all states. In the Charter, drafted with the prominent participation of the United States, the signatory states agreed to join together "... to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and in encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion. . . ." [Art. 1(3)]; "to refrain in their international relations from the threat or use of force against the territorial dignity or political independence of any state. . . ." [Art. 2(4)]; "to settle their international disputes by peaceful means. . . ." [Article 2(3)]; and to "promote higher standards of living, full employment, and conditions of economic and social progress and development" among all nations [Article 55(1)]. All of these provisions (and as many more could be cited) involved, to some extent, limitations on sovereign states' absolute freedom of action; nearly all of them might involve matters typically thought of as subjects of internal legislation. But the decision was taken in Washington and in the chanceries and parliaments of now more than a hundred nations, that the limitations on one's own freedom of action was well repaid in the commitments of other countries to likewise recognize that each country's action affects all other countries and the peace and welfare of all mankind.

The successes and disappointments of the United Nations are not pertinent to this discussion. Certain it is that no nation—the United States included—has lived up fully to all the engagements in the United Nations Charter; but neither has any member state denounced the Charter or acted in deliberate defiance of the commitments it entered into. The point here, however, is a different one. The idea that treaties are the most solemn of international commitments, that they may and should be used to limit the actions of states and engage them in common pursuits, has been accepted, in the United States and universally. Further, and most relevant here, the idea has been accepted that treaties may and should be used to define what areas of individual and governmental activity are matters of international concern. In other words, nothing in the United Nations Charter nor in the many subsequent treaties—including the Genocide Convention—alters the basic principle that matters essentially within the domestic jurisdiction of states must be left to the states without outside intervention. What the Charter, and some of the treaties—including the Genocide Convention—do, is to say that certain kinds of activity are now the concern of all.

B. The Genocide Convention deals with a subject of common concern to all mankind.

The "principle" of international law, and of United States constitutional law that a treaty may only deal with matter of international concern<sup>22</sup> is, for all practical purposes,

<sup>22</sup>See also, Article 13(1)(b).

<sup>23</sup>See, e.g., American Law Institute, Restatement of the Law, Foreign Relations Law of the United States, § 117 (1965):

"(1) The United States has the power under the constitution to make an international agreement if

(a) the matter is of international concern, and

(b) the agreement does not contravene any of the limitations of the Constitution applicable to all powers of the United States."

See also, *Geofroy v. Riggs*, 133 U.S. 258, 266 (1890); *Santo Vincenzo v. Egan*, 284 U.S. 30, 40 (1931).

a tautology.<sup>24</sup> When some states—or as in this case, 75 states—consider a matter to be of sufficient concern to make a treaty about it, then realistically it is of international concern. The practical significance of the rule might be to inhibit a President who has been unsuccessful in securing passage of a bill of local content, say a rise in the minimum wage laws, from putting the substance into a treaty with a foreign country, and then attempting to assert it as national law. The Genocide Convention presents, from the point of view of the United States, just the opposite picture. Far from attempting to achieve internal reform by international treaty, the Genocide Convention would turn a set of rules already followed in the United States into obligations binding on other states and individuals as well.

But the argument in favor of the Genocide Convention does not rest on these almost grammatical or verbal points. Genocide is of international concern, and for two equally compelling reasons. One, massive horror anywhere on earth affects everyone and every country; and two, the kind of issue comprehended within the definition of genocide<sup>25</sup> is nearly always associated with threats to or breaches of international peace and security. The chief instance, of course, which gave rise to the Convention is associated with—indeed was an integral part of—the greatest holocaust that man has yet seen. Just a glance at more recent disputes, such as between India and Pakistan, between Nigeria and Biafra, Greeks and Turks on Cyprus, between Black and White in Rhodesia and South Africa, between Arab and Jew in the Middle East, shows how closely ethnic hatreds, national combat, and world peace are tied together. Whatever restraint an international document or treaty can have on the eruption or conduct of such disputes, on the behavior of victors or the revenge of vanquished is repaid a hundredfold in the overall prevention of world war. No one, of course, expects any treaty or indeed any law to be one hundred percent effective as a restraint on conduct of aroused peoples. But the relevance to the international community—in technical terms the subject of international concern—cannot be doubted. Seen in terms of a threat to international peace and security, the occurrence of genocide anywhere in the world is as much a matter of international concern as, for example, the spread of nuclear weapons.<sup>26</sup>

#### A VIEW FROM SOUTHERN AFRICA

Mr. BROOKE. Mr. President, for well over a month the Africa correspondent of the Christian Science Monitor, Mr. Frederic Hunter, has been living and traveling in Southern Africa. He has talked with men and women representing all points of view in this most troubled section of the continent. The result has been an exceptionally fine and balanced presentation of the issues and the views of the participants.

Though I do not necessarily agree with all of Mr. Hunter's observations, I believe his series of six articles represent an important contribution to our under-

<sup>24</sup> For a full development of this point, plus tracing of various conceptions of the treaty power in the United States constitutional history, see Henkin, *The Constitution, Treaties, and International Human Rights*, 116 U. Pa. L. Rev. 1012, esp. 1016-1026 (1968).

<sup>25</sup> See pp. 4-5 and ante.

<sup>26</sup> Compare the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, July 1, 1968, S. Exec. H. 90th Cong. 2d Sess. (1968).

standing of conditions in South Africa, Rhodesia, Angola, and Mozambique.

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

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

[From the Christian Science Monitor, Apr. 29, 1970]

#### BLACK-WHITE LINES HARDEN IN AFRICA

(By Frederic Hunter)

(NOTE.—Consolidation of white power in southern Africa was the dominant trend of the 1960's. It significantly influenced policies of newly independent black-ruled nations to the north. One result has been formation of black-liberation movements. These have instigated ambushes, small-scale attacks, and acts of sabotage. They do not threaten whites at present but are a salutary warning of what could come.)

LUSAKA, ZAMBIA.—Armed black-white conflict looms as a distinct possibility in southern Africa during the 1970's.

Wide-ranging interviews with spokesmen from five African liberation movements convince this correspondent of that likelihood.

It is based on the assumption that no change alters the overriding influence of the dominant trend—the consolidation of white power in the south—of the past decade. That decade opened with the Sharpeville shooting incident of late March, 1960, when South African police fired into a crowd of demonstrating Africans, killing 69. It ended in early March, 1970, when the Rhodesian Government announced its republican status.

This trend of consolidation of white power significantly influenced the policies of the newly independent black-ruled nations immediately to the north. It resulted in the organization of some liberation movements.

#### U.S. BACKING COULD TIP SCALES

At this point the outcome of the conflict cannot be accurately predicted. To some observers the armed strength of the south, particularly that of South Africa, appears invincible. Movement supporters, however, take heart in the example provided by the Vietnam war and note the initiative lies with them.

In addition, a number of scholars, analysts, and guerrillas note that once the decolonization process has been set in motion—and they regard South Africa's Bantustan policy in this light—it has never been reversed.

The end of the conflict—when it comes—will depend on a variety of factors. These include the success of the liberation movements in organizing and politically motivating Africans in the white-ruled areas and in their ability to create momentum. It also will involve the response they meet, the strength of white morale and, most importantly perhaps, the play of international pressures.

Eventual American backing for one side or the other could decisively influence the outcome. Given the way the conflict is shaping up, many observers doubt the United States can indefinitely escape committing its support.

At present contradictory claims made by the opponents complicate reporting. So does the fact these claims may be tainted by propaganda intent.

The minority-ruled governments seek to minimize guerrilla activities to maintain the confidence of their white citizens. Conversely, the liberation movements wish to bolster supporters' morale by creating an impression of capacity and momentum.

In trying to sort out the conflicting claims, one might attempt the following assessment. At present guerrilla activities seriously threaten none of the white-minority governments. These activities—ambushes, small-scale attacks, and acts of sabotage—form an

annoying harassment, however, and represent a challenge to white morale.

At this stage more important aspects of guerrilla activity are extending political education and military training, locating bases of operations; setting up arms caches for use at a later stage of the conflict; and securing the help of reliable villages. These constitute important preparatory moves for the establishment of "secure areas" inside "enemy" territory. Liberation movement spokesmen contend that these activities are meeting with success.

At present only Frelimo (Mozambique Liberation Front), operating in Portuguese Mozambique, and three movements working in Angola have established secure areas. According to spokesmen, guerrillas move inside Rhodesia with considerable ease, even wearing uniforms on some occasions. Operations within South Africa and South West Africa apparently continue to involve extreme risk.

Rhodesia and the Portuguese have countered these incursions with varying success. Rhodesian armed forces are importantly reinforced by South African troops, and two battalions of them also have strengthened Portuguese defenses near the Cabora Bassa dam site in Mozambique's Tete Province.

According to the liberation movements, the present strategy of South Africa appears to involve helping to fight—and thus containing—the armed conflict on the territory of buffer states. It also seeks to commit Western support to its cause through increased Western economic investment in southern Africa.

Here is a brief checklist of the liberation movements, their activities, and their plans, as presented by their spokesmen:

Frelimo, headquartered in Dar es Salaam, Tanzania, claims to have about 20,000 men in Mozambique. Of these more than 10,000 are trained and armed. It also claims to control virtually all of Niassa and Cobo Delgado Provinces except the towns and a number of fortified posts from which Portuguese troops patrol.

#### FORTIFIED POSTS ASSAULTED

Frelimo's present military activities include not only staging ambushes and mining roads, but also mounting attacks against fortified posts.

These "second-phase" activities involve the planning and coordination of several guerrilla camps. They also result in the capture of both arms and other supplies including beds, food, and soap. Occasionally soldiers or deserters are taken prisoner; some have been released to the Red Cross.

In territory under its control Frelimo also has established an administration. It fosters growing of food crops to sustain villagers and guerrillas and encourages production of export goods. These include cashew nuts, oilseeds, rubber, beeswax, and Makonde carvings. These are exported through "friendly countries."

The administration also maintains schools for 20,000 children and clinics for both guerrilla wounded and local health care.

Frelimo faces an important test in Tete Province where construction now has begun on the mammoth Cabora Bassa dam and hydroelectric project. One goal of this project is to attract a million white settlers to the area before 2000.

Given the numbers of Portuguese and South African troops guarding the construction site, a Frelimo spokesman questions the movement's capacity to stop the dam. But he pledges sustained efforts to hamper progress. Cabora Bassa thus could become an important battleground in the black-white confrontation.

ZAPU (Zimbabwe African People's Union), headquartered in Lusaka, Zambia, operates in Rhodesia, known as Zimbabwe to the liberation movements. ZAPU spokesmen state they are in the "preparatory cum initial stages" of their revolution.

Activities involve maintaining and extending the political consciousness of the African masses in Rhodesia as well as fostering local military training. Like Frelimo, ZAPU also trains guerrillas in southern Tanzania and "other African states north of Zambia."

Given the apparent quiescence of the Rhodesian front over the past year, these activities would seem to form the bulk of ZAPU's present work.

#### CREDIT CLAIMED FOR ATTACKS

But it is also engaged in armed conflict and sabotage. The movement claims credit for two mid-January attacks in the western Zambesi valley. In one a band of guerrillas fired on the Victoria Falls airport; in the other fighters attacked a detachment of South African police, wounding four.

ZAPU also maintains an alliance with the African National Congress (ANC) of South Africa. Its partisans escort ANC members across Rhodesian territory and act as interpreters for them.

ZANU (Zimbabwe African National Union), also headquartered in Lusaka, originally splintered off from ZAPU. Its approach appears to be somewhat more radical than ZAPU's.

Over the last year ZANU has concentrated on small-scale sabotage activities. These buy time to organize and train supporters, the movement's present priority activities. Given Rhodesia's 20-1 black-white ratio, says, a ZANU spokesman, certain tangible results—possibly even secure areas—should be achieved in the next three years.

In the past 24 months ZANU claims to have recruited and trained several thousand persons across Rhodesia. The fact that the cadres conducting these activities have been fed, sheltered, and given information by people who do not know them indicates the level of organization ZANU has achieved, notes a spokesman. So does the fact that relatively few of them have been caught.

ZAPU and ZANU spokesmen acknowledge these claims do not necessarily amount to a great deal in terms of specifics. A better gauge of their success, they suggest, lies in the Rhodesian response, including use of the Air Force and the call-up of some reservists, and in the addition of some 700 South Africans to the estimated 1,500 to 2,000 already lent to the Rhodesian forces.

They also note that a newly passed Rhodesian law authorizes 20-year sentences for recruiting and training guerrillas and 5 years for harboring a trained man.

ANC, headquartered in Morogoro, Tanzania, was originally organized in 1912 to unite the African peoples of South Africa. In the 1950's it organized a variety of passive resistance activities such as boycotts and strikes.

After the South African Government banned it in 1960, it found no channel other than armed resistance "to voice our grievances to the people in power."

The ANC finds itself in the peculiar position of trying to wage guerrilla warfare in a country for which it lacks a physical point of access. Geographically South Africa is protected from the black-ruled nations supporting the liberation movements by a buffer of other states. All of these states are to some extent dependent on South Africa for their survival.

The ANC also faces the difficulty of trying to conduct resistance activities in areas where laws and an efficient police force considerably heighten the element of risk.

It claims to organize occasional acts of sabotage. Its main activities, however, involve political education and training in the use of weapons.

"We are teaching Africans how to make bombs," says an ANC spokesman. "We teach them the mechanism of a gun. South Africa is the only country which has never taught

its indigenous people about guns. So we are teaching them."

A spokesman acknowledges the ANC's struggle is likely to be a protracted one ending in compromise.

SWAPO (South West Africa People's Organization) is headquartered in Dar es Salaam, Tanzania. In terms of armed struggle and political education SWAPO may well be the least developed of the liberation movements. The vastness and sparse population of South West Africa, known as Namibia to the liberation movements, hamper its activities.

#### DYNAMITE SMUGGLED OUT

Its guerrillas must be almost completely self-reliant, say SWAPO spokesmen, after they have infiltrated into South West Africa. Of necessity much of their equipment comes from the enemy, although supporters sometimes smuggle dynamite and explosives out of the mines. SWAPO claims more successes than the outside world hears about.

The Cunene River dam project on the South Africa-Angola border represents a likely target for future SWAPO activities. Its capacity to hinder construction must be rated even less than Frelimo's at Cabora Bassa.

In one respect SWAPO's struggle differs from that of other liberation movements. The legal status of South West Africa, formerly a trust territory of the League of Nations, remains unsettled. SWAPO thus seeks to marshal international pressure against South Africa on this issue.

At the moment, despite numerous United Nations resolutions on Namibia, this effort does not appear to be having much effect. The South African Government continues to integrate South West Africa as part of its national territory.

In addition, three movements are seeking to liberate the Portuguese territory of Angola—the Angolan Revolutionary Government in Exile, the Popular Angolan Liberation Movement, and Unita. The African Independence Party for Guinea and Cape Verde is also seeking to push Portugal out of its tiny, triangular enclave in West Africa.

Internal rivalries and strife between the movements themselves have seriously hampered their progress. But some recent events suggest the movements are attempting to patch things up.

If they do, the changes they will work in southern Africa during the coming decade could be revolutionary and far-reaching.

#### EVOLUTION OR REVOLUTION IN SOUTHERN AFRICA? BOTH TRIED IN CLIMATE OF RACIAL CONFLICT

(By Frederic Hunter)

LIVINGSTONE, ZAMBIA.—Can evolutionary change avert possible armed black-white conflict in southern Africa?

This question forces itself on an observer of African affairs who stands here and watches the peaceful, smooth-flowing Zambezi slide by. The river marks the border between black, majority-ruled and white, minority-ruled Africa.

The question is difficult. From one viewpoint the prospects of a gradual solution seem infinitesimal. From another viewpoint so do those of forced change.

#### EXPERIMENTS BEGUN

But one thing seems certain. The situation will not remain static. There is too much being contemplated—and attempted—for that.

Experiments in gradual change are taking place in Malawi, Zambia's small, slim neighbor to the east. There the black government of President H. Kamuzu Banda has a close association with South Africa. It involves considerable South African development aid; officers lent from the South African Government are also filling important government posts.

#### REPRESSION CHARGED

In a way this relationship is testing South Africa's "outward policy." The results so far show two things: first, that Malawi has not become a client state; second, that the South Africans will probably not make a success of their outward policy until they learn more about dealing with Africans as equals.

Meanwhile, other Africans are bent on armed confrontation. A number of liberation movements have organized for this purpose. Most of them charge that original efforts to conduct a peaceful dialogue were answered with repression.

Though their efforts do not appear to amount to much yet, some have wrested control of territory inside white-ruled borders. Others are conducting political education and guerrilla training and making other preparatory moves; they also carry out occasional small-scale attacks or acts of sabotage.

#### FOR AND AGAINST

These movements receive important aid, including arms, from the socialist countries. A number of African states also render tangible support. The most important of these is Tanzania, which allows the movements to conduct guerrilla training on its territory.

Thus, action leading to both evolutionary and revolutionary change has been initiated. In broad terms the arguments for and against this action look like this:

National vs. pan-Africanist interests. Malawi's Dr. Banda and its cooperation with South Africa have been roundly denounced by many Africa nationalists. But to most Malawians they appear neither traitorous nor naïve. Dr. Banda takes pride in his practicality and political realism. "I do not idealize the world," he says. "I take the world as it is. My first concern is for my people here."

Pan-Africanists, on the other hand, take a larger view, one which Dr. Banda would probably consider romantic. They are interested in all of Africa and in all Africans.

Most liberation-movement leaders also appear to be pan-Africanists. Unlike Dr. Banda, they would not be willing to work simply for the national good. They are interested in farther-reaching results.

Nationalism vs. ideology. Understandably, liberation movements have developed their own ideologies. These borrow heavily from the works of Ernesto (Ché) Guevara, Ho Chi Minh, and Mao Tse-tung, all of whose portraits adorn their offices. Most of the movements define the enemy as a system of exploitation. This system is not confined to national boundaries. The failure of the movements to change the system through peaceful means has made them opt for violent ones.

By contrast, Dr. Banda's pragmatism is not bound by ideological imperatives. Still, it seems doubtful that liberation leaders would adopt his attitude if they gained control of their homelands. At present, anyway, most of these leaders wish to contribute to the overthrow of the system of exploitation in South Africa. For many of them it is a goal beyond the liberation of their native lands.

The futility of force. This argument has a variety of facets.

First of all, say its proponents, force tends to unite a people and strengthen its capacity and will to resist. In addition, it facilitates reactionary moves and blocks evolutionary ferment. They point to Rhodesia as the prime example of their thesis.

Second, the argument runs, force is futile because liberation movements are in no position to challenge the armed might of southern Africa's white-ruled governments.

Thirdly, it continues, apartheid contains the seeds of its own destruction: Its impracticalities will become manifest as South African industrial expansion continues and as it builds bridges to the north. Moreover, certain analysts contend, Portugal's racial policies vary considerably from those of

Rhodesia and South Africa. Thus they are not natural allies; their alliance is a response to pressure.

Fourth, some observers believe evolution will preserve what has already been achieved in the white-ruled areas, especially in South Africa. Revolution, they argue, is likely to destroy it all.

The futility of gradualism. If force appears futile, say adherents of this view, gradualism has already been proved so. Armed pressure alone can produce change, they hold. These observers also note that racial change did not occur in the United States—where the racial situation was less exacerbated than in southern Africa—until Negro militancy made armed conflict seem probable.

In fact, however, the issue may be decided by what might be called historical momentum. The idea of racial equality appears to have come into its time. Its power cannot be denied. Only 25 years ago this idea was still largely foreign to much of the white world: to the United States and to the European colonial powers. The difference today seems to demonstrate the power of that idea and the pace of change in today's world.

On the basis of these facts some observers deny that the opportunity still exists for an evolutionary, gradualist settlement of the conflict looming between black and white Africa.

[From the Christian Science Monitor,  
May 13, 1970]

**GOALS, FOES, AND STRATEGY: BLACK AFRICA  
LIBERATION PARTIES STRESS GUERRILLA  
TACTICS**

(By Frederic Hunter)

**DAR ES SALAAM, TANZANIA.**—African liberation movements, seeking the overthrow of southern Africa's white-ruled governments, focus their activities on the pursuit of and training for guerrilla warfare inside white governed territories.

They also maintain administrative headquarters and offices for the dissemination of information in Zambia and Tanzania. There, sitting on straight-backed chairs under watchful portraits of Mao Tse-tung and Ernesto (Ché) Guevara, Ho Chi Minh and Patrice Lumumba, correspondent can hear the liberation movement's point of view.

As one talks to bureaucratized revolutionaries one senses that hope, frustration, and delusion may influence their comments. A tendency to slant, exaggerate, or even alter the facts may also come into play. But they appear to operate in the Information Ministry offices of the white-ruled territories as well.

**QUOTATIONS SAMPLED**

Here is a sampling of liberation-movement thinking. The quotations—or in some cases close paraphrases—have been culled from interviews with spokesmen of five liberation movements: the African National Congress of South Africa (ANC), the Mozambique Liberation Front (Frelimo), the South-West Africa People's Organization (SWAPO), the Zimbabwe African National Union (ZANU), and the Zimbabwe African People's Union (ZAPU). The latter two seek to overturn the government of Rhodesia.

**Q:** What is your goal?

**ZANU:** The issue is not one of establishing a nonracial society [in Rhodesia]. That is a matter of course. The operation is colorless. If you don't understand that, you will have to fight the revolution twice.

**ANC:** The seizure of political power to create a nonracial democracy in South Africa for the benefit of all its inhabitants.

**SWAPO:** To liberate Namibia . . . SWAPO is not waiting for the UN to bring about a settlement.

**ZAPU:** The establishment of a free Zimbabwe based on one-man, one-vote.

**SELF-DETERMINATION ASKED**

**Q:** How do you define the enemy?

**ANC:** The enemy are those who deny the right of self-determination to Africans. . . . We feel that a white man is not bad. We are fighting the injustices which the white man inflicts upon us. This is a very difficult thing to explain to ordinary Africans.

**ZAPU:** It is unfortunate in Zimbabwe as in South Africa that our enemies are the white people. This is a racial problem. . . . You can't remove exploitation without removing political suppression.

**ZANU:** The system is the enemy. . . . The enemy is the capitalist who is using color differences to fulfill the capitalist equation. . . . Racism as an issue appeals to the educated African because he knows he will benefit once independence is achieved if the issue is left at that. This tends to turn him into a black exploiter.

**Frelimo:** Frelimo defines the enemy as the exploiter. It's not the white man; it's his system. (Discussing a possible alliance between Frelimo and black American revolutionary groups): We would want to know: What are their aims? Who do they define as the enemy? If they defined the enemy as the white man, Frelimo would reject their help.

**DIALOG DISMISSED**

**Q:** Must the struggle be a violent one?

**SWAPO:** During most of the party's existence it sought a dialogue with South Africa. The dialogue was answered with suppression. SWAPO was banned in 1967; the party went underground. We don't believe in a dialogue anymore.

**ANC:** (The spokesman detailed ANC activities since its original founding in 1912.) After the ANC was banned [following the Sharpeville massacre of March, 1960], we had no other channel to voice our grievances to the people in power. We decided we would have to resort to armed struggle.

**Frelimo:** There cannot be a partial or peaceful struggle against colonialism. . . . It must be a war, because our enemies want it to be a war, they would not come to consider us men in any other way (Mozambique Revolution, Frelimo's official organ).

**ORGANIZATION STRESSED**

**Q:** What is your present situation, your training and tactics?

**ZANU:** Zimbabweans know there is a liberation struggle and that it is both just and necessary. To what extent they are willing to help in the struggle depends on the level of organization which ZANU has achieved.

**ZAPU:** To be effective training must be local. People in their own areas must organize their own camps. The training must not be imported.

**ANC:** We are teaching our people how to make bombs. We teach them the mechanism of a gun. South Africa is the only African country that never taught its indigenous people about guns.

**Frelimo:** In addition to the armed struggle we have three main activities in the liberated areas of Mozambique. There is food production for self-reliance. There is education. We are educating cadres to staff the liberated areas: administrators, teachers, and trainers of guerrillas. And there are health services.

**STRATEGIES DISCUSSED**

**Q:** What about the strategies of the other side?

**SWAPO:** We have more successes than you ever hear about. (The spokesman claimed the recent downing of two South African helicopters by SWAPO guerrillas.) You never hear about this from South Africa.

**ANC:** [John] Vorster [Prime Minister of South Africa] will never admit there are guerrillas in South Africa. . . . Rhodesia announces that ZAPU attacks are done by the

ANC in order not to let people know that sons of Zimbabwe are there fighting.

**Q:** What are your sources of outside help?  
**ZAPU:** We train our people wherever we can find the necessary facilities and offers.

**ANC:** We accept help from every quarter.  
**ZANU:** China has experience very relevant to Africa. We accept Chinese help because China has done nothing to make us think it is the enemy.

**AMBITIONS RECOGNIZED**

**Q:** Your opponents claim that most guerrillas are reported by the very Africans they seek to liberate. Is this true? Who are the informers?

**ZAPU:** Traitors are inevitable in revolutionary situations. . . . There are the greedy who wish to make fortunes overnight. There are the chiefs, those who fear to lose their positions after a successful revolution. There are African policemen who are heavily indoctrinated. Then there are the deliberately mischievous.

**ZANU:** Some people inform due to fear of reprisals. Others are deliberate informers, paid informers. . . . The allegiance of people depends on the balance of terror. . . . Terror is no good except when absolutely necessary and called for. This puts ZANU in a difficult situation.

**Q:** The liberation movements have been consistently hampered by internal strife. What about this?

**Frelimo:** It's a normal and inevitable situation in a movement like ours. Sometimes exploiters join the struggle. . . . There is the problem of personal ambition.

**ZANU:** There is a problem between liberation movements and fighters of defining programs and goals. You are united for what purpose?

**ZAPU:** At the moment we don't have quarrels with other liberation movements. We don't see reason for them to exist in the future.

**U.S. ROLE ASSESSED**

**Q:** What about the American role in affecting the outcome of this struggle?

**ZAPU:** The Nixon administration has not made its stand clear. . . . We don't believe the assertion that the U.S. will under no circumstances recognize the [Ian] Smith regime.

**SWAPO:** Africans in Namibia feel very, very sorry about the American support of South Africa. And particularly the mining companies. Their activities are just to make profits and help South African financially.

**Frelimo:** It would be foolish to deny the possibility of U.S. intervention and aggression against the people of Mozambique, knowing how far they have already gone through NATO to aid Portugal (Mozambique Revolution).

**ZANU:** The United States is a racist country. (The spokesman had lived for a time in Indiana.) Nixon is a conservative, even a reactionary. . . . The U.S. has done nothing for us because it despises our efforts. When the struggle becomes clearer, the U.S. will choose to side with the winners. I think the U.S. will back away from supporting South Africa, but not yet.

**PROSPECTS OUTLINED**

**Q:** What are your future prospects? How long is the struggle likely to last?

**ANC:** We are out of physical contact with South Africa here. It will take a very long time.

**ZAPU:** In a revolution you must never have a time limit. . . . We are committed to continue our struggle to its logical end. We should have gone many steps ahead by the end of the decade.

**ZANU:** It will take years to win this struggle. . . . No, it will not take decades. We will liberate Mozambique, Angola, and Zimbabwe within this decade.

[From the Christian Science Monitor, May 18, 1970]

**ECONOMIC AND POLITICAL INFLUENCE: VAST AFRICAN POWER GRID MAY MOLD MOZAMBIQUE'S FUTURE**

(By Frederic Hunter)

**DAR ES SALAAM, TANZANIA.**—Mozambique's future may hinge on the outcome of the Cabora Bassa hydroelectric project.

Its success could entrench white rule in Portugal's East African territory for the foreseeable future. Its failure would almost certainly signal the eventual victory of African nationalists over the Western world's last colonial state. As one liberation-movement magazine notes: There are very "high stakes at Cabora Bassa."

The project is a vast, interlocking development scheme of gigantic proportions. It involves damming the Zambezi River in a narrow gorge 86 miles northwest of Tete, the largest town in the province which bears its name, and building an underground power station with an ultimate generating capacity of 4,000 megawatts, almost twice that planned for Egypt's Aswan High Dam.

Project planners see the dam and power station as stimulating the establishment of mines and factories; prospecting has revealed an abundance of minerals; coal, nickel, copper, chrome, and asbestos as well as iron deposits which could produce a million tons a year. These, plus cheap power, could lead to a Mozambique steel industry.

**AGRICULTURE TO BENEFIT**

The dam also will irrigate 3.7 million acres. Grains, citrus fruit, vegetables, jute, and cotton will be grown on them. In addition, subsidiary dams, locks and canals will significantly extend navigation on the Zambezi, now navigable less than 100 miles from its mouth.

Despite these rosy predictions, Cabora Bassa is a prime target of liberation-movement guerrillas. They have pledged to do all within their power to stop or hinder its construction.

Frelimo, the Tanzania-based Mozambique Liberation Front, recently claimed to have killed 350 Portuguese soldiers in the Cabora Bassa region over a four-month period. The movement already controls large portions of Niassa and Cabo Delgado provinces. While these claims cannot be verified, the introduction of South African troops into areas near the construction sites gives some indication of Frelimo's capacity to hamper operations.

The liberation movements do not, however, regard Cabora Bassa as a means of developing a largely neglected population and province of Mozambique.

**OTHER OBJECTIVES SEEN**

They see it designed to:

Consolidate white rule in southern Africa. According to the December, 1969, issue of *Sechaba*, the official organ of the African National Congress of South Africa, "South African political thinking has been moving toward creating extramilitary supports for its objective to consolidate white colonialist power in Southern Africa. The Cabora Bassa scheme has been shown to fulfill these supports. (Its) most crucial element (is) the plan to settle some one million white settlers in the lower Zambezi by the end of the century."

To the liberation movements, in other words, Cabora Bassa is not designed to improve the living standards of Tete Province's African inhabitants. It is meant to offer a high degree of material well-being to white settlers who would maintain colonialism and white rule.

"The white settler will import into Mozambique," *Sechaba* contends, "the interest of defending the privileges ensuing from the colonial subjection of the local African population."

**FORMIDABLE SUPPORT**

The magazine adds: "A million such defenders not only strengthen the capitalist-imperialist framework in which Mozambique is destined to develop under South Africa's aegis but creates a formidable front of support for apartheid."

To create an economic bloc in southern Africa.

At the moment none of the white-ruled countries of the region needs the power that can be generated by Cabora Bassa. South Africa has developed a series of power stations situated close to coal mines and is not dependent on outside sources. Mozambique's power needs are only one two-hundredths of the republic's.

Ultimately, however, Cabora Bassa may generate the cheapest power in the world and feed it into the electricity grids of South Africa, Mozambique, and Rhodesia. South Africa has agreed to buy the bulk of the power generated in the dam's first stage. South African companies are heavily involved in the construction of the project. Its successful completion will lead to increased economic interdependence between southern Africa's white-ruled nations.

To strengthen South Africa's buffer zones. The liberation movements regard Cabora Bassa and the similar Cunene River project on the border between Portuguese Angola and South-West Africa as devices to protect apartheid's heartland. They serve as a kind of hydroelectric Maginot Line.

Because of the economic stakes involved, the projects become military bastions as well. Guerrilla activity against them acts as an excuse for South Africa to step in militarily—its troops are already there—and engage the guerrillas far from South Africa's borders.

**FUNCTION ACKNOWLEDGED**

White southern Africans acknowledge this function. A writer in the *Rhodesia Herald* notes, for instance, that Cabora Bassa was designed "to put a stable buffer between the eastern borders of Rhodesia and South Africa and the guerrillas from Zambia and Tanzania."

To commit the West to the project's success.

This goal, say the liberation movements, will be achieved through the involvement of massive Western capital in the dam's construction. The granting of economic concessions to "some of the world's major monopolies" also will play a role, they contend.

These factors, they argue, will eventually dictate "a policy on the Western major imperialist countries of safeguarding and enforcing the status quo in Mozambique."

Frelimo's official organ *Mozambique Revolution* declares: "The involvement of foreign capital in Cabora Bassa and any other scheme in Mozambique is a hostile act against the people of Mozambique."

*Sechaba* concludes that "Cabora Bassa emerges as a comprehensive economic and political device to ensure white domination and colonialist rule in southern Africa."

Reasoning of this kind may strike some as far-fetched or doctrinaire. But because an East-West, Marxist-capitalist confrontation could develop over the future of southern Africa, to dismiss such reasoning as insignificant might prove to be dangerous.

[From the Christian Science Monitor, May 21, 1970]

**COMPLEX INTERPLAY: AFRICAN NATIONALISTS STRUGGLE**

(By Frederic Hunter)

**DAR ES SALAAM, TANZANIA.**—Spokesmen for African nationalist liberation movements striving to seize control of Rhodesia and Portuguese territories confidently predict either success or significant gains by the end of this decade.

What sort of prospects do they actually have?

The question is not easy to answer. First, the confrontation is still in its early stages. A complex interplay of factors will determine its outcome.

Second, analysts have difficulty getting accurate information. Committed spokesmen from both sides emphasize different sets of facts and tend to slant assessments in their own favor. In addition, the disparity between these sets of facts suggests that elements of self-delusion exist on both sides of the conflict.

Many observers believe Rhodesia will provide the liberation movements with their first success—if they achieve any successes at all.

The outcome there probably depends on how the following situations develop and interact:

Whether or not Rhodesia can ultimately restore normal trading relations with the outside world. Without these it appears unlikely that it can in the long run finance the rural development on which its African majority's acquiescence to white rule probably depends.

Whether or not Rhodesia can surmount its present diplomatic isolation. This tends to work in the liberation movements favor. Portugal's recent equivocation about its representation in Salisbury suggests things may get worse for Rhodesia on this front before they improve.

Whether South Africa eventually decides to commit itself totally to a defense of white rule in Rhodesia or to write it off as too great a liability. At present South Africa's leadership appears uncertain about how completely it wishes to assume the role of Rhodesia's protector. A total commitment to that role might endanger South Africa.

How Africans react to the white regime's push toward apartheid. Frustration and discontent could produce rebellion (a response requiring both organizing skill and opportunity), unorganized violence against whites, or undirected violence and antisocial behavior. This would most damage the Africans themselves.

The extent to which African police remain loyal to their white commanders also could be an important factor.

Which side in the long run proves better able to react and learn from mistakes. As the confrontation continues, both sides will face the need to reassess strategy and preconceptions about the human elements involved.

**ASSUMPTIONS CHALLENGED**

Naïveté seems to have characterized many guerrilla probes so far. These have evoked the scorn of whites. But the guerrillas are probably learning more and faster from their mistakes than most whites realize. But power struggles inside the movements continue to be a debilitating factor, as recent friction within ZAPU and Frelimo ranks attests.

Another important need for guerrillas—perhaps the crucial one in terms of eliciting African support—is to find a proper balance between persuasion and intimidation. Some evidence suggests that guerrillas have so far shown too much faith in terror as a device for securing support.

Whites will have to reassess assumptions about the underpinnings of their rule. Most appear to assume that Africans are docile and largely contented with white rule, that the chiefs will uphold that rule even if it tends to undermine their authority.

But events already have called these assumptions into question. For example, the eight men recently chosen by the electoral college of chiefs to represent their interests in the national House of Assembly already have formed a political party, the Rhodesian Electoral Union.

The capacity to learn and react will play

a crucial role when—and if—internal order ever collapses. An advantage to Africans in this situation will be their numbers, the fact that they outnumber whites 20 to 1.

The whites will have the advantage of the South African experience and a successful model to duplicate. The layout of African townships around Salisbury suggests that Rhodesian planners already are using techniques employed successfully in South Africa.

The position of the Portuguese territories is quite different. Despite the designation "overseas provinces" they are, in effect, colonies; a European state rules them, not a home-grown oligarchy. Moreover, Portugal does not base its rule on race; it rejects the color bar—at least in principle.

#### DEFENSE IN VASTNESS

The current military situations in Angola and Mozambique are unquestionably more acute than those in Rhodesia or South Africa. Ironically, however, the vastness of those territories has thus far soaked up guerrillas without seriously threatening Portuguese rule.

Even so, almost half of Portugal's budget presently goes to the military, most of it to the expenditures involved in trying to maintain control in the three African territories, all of which are under severe guerrilla pressure. How long Portugal can sustain this level of expense and also try to finance the economic development of both the metropole and the overseas territories is one of the crucial unknowns.

Factors determining the outcome of pressure against the Portuguese in Africa may be these:

Whether Portugal or the liberation movements gain the upper hand militarily.

Whether or not Portugal can tap the as yet largely unexploited resources of Angola and Mozambique quickly and broadly enough to raise African living standards and thus seek to win the loyalty of the population.

Whether or not Portugal can defuse the explosive racial odium attached to white rule in Africa. Portuguese assert that their rule is integrationist in contrast to that of South Africa and Rhodesia. But they have yet to make this assertion credible through activation of presently existing assimilation mechanisms.

Widespread acceptance of Africans into assimilated status might lessen some external pressures against Portugal's continued presence in Africa. This action would, however, constitute a kind of revolution and might trigger a power grab by local whites.

How Portugal ultimately allies itself with the other countries of southern Africa.

Considerable short-term dangers appear to exist if Portugal decides to maintain its separateness from Rhodesia and South Africa. The latter has, for instance, offered significant aid in helping to finance development projects such as the Cabora Bassa and Cunene River hydroelectric projects.

But long-term dangers await if Portugal decides to commit itself to a southern African bloc designed to perpetuate white rule in the subcontinent. Such a commitment would probably erase the distinctions between Portugal and its white-supremacist neighbors.

Those very distinctions might, if coupled with internal change and considerable public relations, still save the Portuguese future in Africa.

**SOUTH AFRICA SIMMERS: REPUBLIC BRACED AGAINST OVERTHROW, BUT QUIET FORCES WORK FOR CHANGE**

(By Frederic Hunter)

CAPE TOWN.—All of Africa's nationalist guerrilla fighters probably cherish a dream of overturning white rule in South Africa, the heartland of apartheid.

At present, however, almost no one acquainted with the situation here and the means available to the liberation movements believes they can succeed in the near future. Perhaps not at all.

Possibly the best that can be said of their efforts is that they serve to remind South Africans of the odium with which virtually the entire outside world regards a social system based on racial prejudice.

Some observers would even contend that greater effectiveness might disserve the movements' ultimate goals; it might unify white resistance in South Africa to the threat of violence. The sanctions policy has had this effect in Rhodesia. It was thwarted—even blocked—processes of evolutionary change there.

#### BASIC DILEMMA ETCHED

If the guerrilla movements are unlikely to produce change in South Africa, what will?

The question returns one to the situation's most basic dilemma. One opinion holds that no politically dominant cultural minority has ever voluntarily surrendered its privileges. Therefore, goes this argument, violence and revolution, are necessary and inevitable.

The opposite view contends that the past decade has demonstrated South Africa's mastery of attempts at revolution. It is just not possible here, this argument runs. Thus, evolution alone can bring change.

Most white South Africans believe the latter is true. "Give us time," they often plead.

Just what this means is not always apparent. It may mean that time will prove (a) that separate development—apartheid—is the right answer for South Africa; (b) that apartheid's internal contradictions will prove it unworkable and that other solutions, such as racial federation or a qualified franchise, can then be investigated; or (c) that in any case South Africa's economic boom will eventually force integration.

Interestingly, some diplomats here believe that time can bring about a just solution.

These and other informed observers consider that quiet revolutions are already under way in white South Africa. Sir de Villiers Graaf, leader of the opposition United Party, points to new thinking in the universities and in the Dutch Reformed Churches. Almost all analysts are struck by South Africa's economic vitality and by the roles played in it by young, go-ahead Afrikaner entrepreneurs and by Africans, both in production and consumption.

The leftward shift in the April 22 election suggests that these quiet revolutions are, in fact, making gains. But there is little likelihood at present that they will lead to the goal sought by the liberation movements: equal political rights for Africans.

#### OUTSIDE POTENTIAL MINIMIZED

Unfortunately, there does not appear to be a great deal that external forces can do to produce a climate of change here.

One diplomat believes that only the United States can influence local events. Its capacity to do this is severely limited, however, he says. He suggests a program of "positive and negative inputs" to keep South Africans reminded of their internal situation.

But "positive inputs"—such as the recent Nixon endorsement of self-determination—involve difficulties. They are immediately and often unthinkingly interpreted here as expressing approval of South Africa's present course.

Some "negative inputs" appear to have positive results; they stimulate local reappraisal of the country's social system. Demonstrations against or the banning of visiting South African sports teams serve this function.

Threatening to blockade South Africa tends, on the other hand, to have a negative effect. It blocks reappraisal by inducing emotional responses.

In the final analysis organizations within South Africa will have to effect the reappraisals and bring the climate for change. Some are already doing this.

Speaking at the annual meeting of the South Africa Foundation earlier this year, its president, Major Gen. Sir Francis de Guingand, said: "Our chief dangers are no longer subversion and external intervention. They are perhaps complacency and materialism."

In answering the question "What can be done to assist South Africa at this particular time?" Sir Francis enumerated six points:

Increase trade with as many countries as possible.

Demonstrate that the "outward" policy does not threaten Africa's new nations, but can aid their development.

Recognize the importance of increasing living standards and opportunities of the Bantu peoples.

Take all possible steps to spread greater knowledge of South Africa's problems and achievements.

Remain flexible. "No plan should be too rigid," said Sir Francis, "and changes in direction may prove necessary."

Avoid public utterances that can be interpreted as inhuman or out of line with either the outward policy or the government's declared intention of fostering racial understanding.

These proposals seem sensible, even obvious. Still, in the South African context they contain revolutionary potential. Their implementation could mean the climate for change.

#### HOW TO LIBERATE THE PUBLIC SCHOOL

Mr. TYDINGS, Mr. President, recently the Honorable Walter S. Orlinsky, a distinguished member from Baltimore of the Maryland House of Delegates, led a panel at the Maryland State New Democratic Coalition Convention entitled "How to Liberate the Public School System."

I have just had occasion to review the remarks Mr. Orlinsky prepared as a focal point for the panel and was intrigued by this position. I thought that it would be valuable to have these remarks journalized so that Members of Congress and others might be exposed to Mr. Orlinsky's perceptive analysis of means to achieve a quality public education system.

I ask unanimous consent that Mr. Orlinsky's remarks be printed in the RECORD.

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

#### HOW TO LIBERATE THE PUBLIC SCHOOL SYSTEM

(By Delegate Walter S. Orlinsky)

America today is committed to a task in education far more complex and far more ambitious than ever before attempted by any other society. We seek to be able to give each and every child in this society an equal education, but the method we must follow to achieve this goal is proving far from simple. Dr. James S. Coleman stated the problem in this fashion, "Our society is committed to overcoming, not merely inequalities in the distribution of educational resources (classrooms, teachers, libraries, etc.), but inequities in the opportunity for educational achievement." (See "Toward Open Schools," James S. Coleman, *The Public Interest*, p. 20-21.) So what we are really talking about is not just liberating the public school system, *per se*, but, more precisely, liberating the

children of our society from the manifold inequalities imposed upon them by the accident of birth which places them in one social environment rather than another.

Today, all of us concerned with education must understand that the generalized rhetoric used in the current debates is less than helpful in solving the grave problem facing us. Catch phrases, such as "community control," "cultural genocide" and a host of other popular cries, do not really meet the problem.

White and Black "liberals" must face the fact that it is the almost total withdrawal of upper-class Whites and Blacks from the public educational system of our urban communities that may well have been a major contributing factor to its collapse or state of disrepair. There has also been a tendency for fancy White schools to remove bright, poor children from public education in order to prove their liberalism, robbing the ghettos of one of their only hopes for self-improvement. It has been shown that by mixing children of strong educational backgrounds with those of weak, we can increase the achievement level of the children with weak educational backgrounds with no measurable damage to the strong children.

However, we must face the fact, like it or not, that integration of schools, though important in its own right to our society, will not, in and of itself, solve the problem and cannot realistically be achieved in the near future. We should realize that its achievement will not *ipso facto* create equal educational opportunity for our children.

We must understand that in talking about liberating the public school system we are attacking what is the real crisis in education. It should also be clear that this crisis assumes more than one posture at the same time. The crisis that middle and higher classes of Whites and Blacks identify with is not the same crisis that the poor Whites and Blacks of our inner-cities face. It is more particularly to this latter situation that we direct ourselves.

We must face squarely our responsibility to the Black people who are huddled in our segregated, inner-city areas. The failure of prior generations to permit the Negro full and equal access to our society has made his problem unique to America. This is no longer a matter of just another immigrant group. The history of our country is, unfortunately, one of continued White denial to Negroes and not of Negro rejection of opportunity proffered. For Black people, and at least an equal number of forgotten Whites in our inner-cities, an equal education opportunity means something very different from giving them the same tools of education in terms of books, buildings, staff, "ratio," etc. as the average, middle-class White child. Such action is like giving a man with one leg a crutch and then asking him to enter an Olympic high hurdles contest.

Professor Coleman, who headed a United States Office of Education study, the largest single study ever undertaken in America to understand our educational system, summarizes his findings thusly:

"First, the inequality in results of elementary and secondary schooling for different ethnic groups, as measured by standardized tests, is very large for Negroes, Puerto Ricans, American Indians, and Mexican Americans. At the beginning of the twelfth grade, these groups were, on the average, three, four, or five grade levels behind whites in reading comprehension, and four, five, or six grade levels behind in mathematics achievement. Second, the evidence revealed that within broad geographic regions, and for each racial or ethnic group, the physical and economic resources going into a school had very little relation to the achievement coming out of it. This was perhaps the most surprising result to some persons; that variations in teacher salaries, library facilities, laboratories, school size, guidance facilities

had little relation to student achievement—when the family backgrounds of the students were roughly equated. Such equating of background is necessary because, within each racial or ethnic group, the factor that showed the clearest relation to a child's achievement was his home background—the educational and economic resources provided within his home."

The impact of this observation cannot be minimized. What we need to do today in order to liberate the children of our inner-city areas is to evolve an educational policy which meets their real needs. It is senseless to talk about liberating children, unless and until they can read, speak and write. I suspect that these children, once able to read, speak and write, will do their own liberating quite well. Witness our suburban children who are today concerned with a wide range of ethical and moral problems. Let's face it, these kids are able to grapple with these issues because they are able to read and communicate to one another what they feel and see.

I realize that no matter what the educational input, kids whose environments stress earning a living, supporting a family and staying out of trouble produce the non-involved child as a rule and the children whose environments are not so hampered and more concerned with broader issues of our existence produce the outspoken kids of this generation. Those who say that schools do not motivate kids to face those broad moral and ethical issues may well be looking at the wrong villain. Perhaps the adult home environment is what is really "corrupting" the current generation. Education seems to succeed in giving people who want it as a primary value, the tools they need to think and communicate. The schools seem to have little influence on what their products think one way or another.

Compounding the problem is the fact that our public school system is, I fear, still programmed to educate children who have long since graduated school or fled to suburban or parochial schools. The innovation and imagination necessary to stimulate today's urban school child is stifled by the overdone educational bureaucracy which seeks protection in a rigid orthodoxy. The fact that public education is suffering from organizational sclerosis is a plain fact of life.

Before we can move forward and create a workable program of education which offers every child an equal educational opportunity, it is very important that we recognize that the education which was good enough for our parents, or for us, is no longer good enough for our children. Modern education offers so much more than anything we knew even fifteen years ago that it amounts to wanton neglect for a city to expend large sums of money on education without making sure they are taking optimum advantage of these advances.

The real tragedy in urban education today is that the children who must endure it are not being given the tools necessary to become whole human beings in this society.

When then is a proper educational policy for our cities? I believe a positive first premise would be the acceptance of the fact that no one pedagogical theory has proven itself to the exclusion of all other theories. This is not surprising if we constantly keep in mind the plain fact that we are dealing with human beings and it is senseless to seek one way to help them all learn. Different children respond to different stimuli. A recognition of this excludes a simple solution to this problem.

I believe that a sound educational philosophy must be based on a belief that every child has the right to be educated as an individual. Therefore, all efforts at educational reform must be oriented to fulfilling our obligation to provide for our children's individual differences. For example, we know

that in Baltimore City each of its 192,000 children has different mental, physical and emotional qualities; each one has different abilities and weaknesses. The teaching process should be one of first assessing a child's educational capacities and needs and then utilizing those capabilities to meet the child's individual needs.

I believe that two of the major cornerstones of an educational policy may well be: (1) providing large enough groupings of children to insure a maximum utility of the wide range of educational tools now available to our children; and (2) freeing the schools from the orthodoxies of the present educational bureaucracy.

From these generalities I would like to move into a specific example of what I think we can do in urban education if we want to. Parenthetically, I believe that what follows is equally good for the already motivated child who also suffers from current educational orthodoxies in a different sense and with a much less significant result. I am taking a Baltimore City school as my example.

Briefly, City Springs Elementary School, located in the heart of Baltimore's inner-city and one of six schools in Baltimore's Model School Project, is such an example. A Model School has a class size of twenty-four, instead of a city-wide average of thirty-five, children per teacher. Although the majority of children in a Model School come from the school's neighborhood, a small portion of the students travel from other areas of the City. The members of the staff of a Model School are selected on the basis of their interest in participating in an innovative experiment while there is thus some self-selection, there is nothing extraordinary about a Model School staff. The staff and administration of a Model School have considerable autonomy to innovate in all areas of school activities. Supplies and equipment for a Model School are given an extra priority.

Statistically, ninety per cent of the children at City Springs live in neighboring low-income, public housing projects; ninety-five per cent of the children are from low-income families. Approximately two-thirds of the students receive Aid for Dependent Children. About eighty-eight per cent of the children are Black; about twelve per cent are White, almost all of which come from low income families. I believe that in this environment of economic deprivation, the techniques of individualized instruction face the ultimate test of their validity.

The school is non-graded, which means that for each subject each child is placed in a class with students at his own level. For example, a nine-year-old may be reading at a second grade level and doing math at a fifth grade level. In this way the non-graded school tries to provide the flexibility to respond to the different individual needs of each child.

Special services are provided some of the children at City Springs who need help just to reach the level of physical well-being at which learning can take place. Money has been invested, for example, in health service. Children with eye or ear defects or with some kind of physical ailment that would impair their learning abilities are given appropriate medical attention by a public health nurse. Emergency clothing—winter coats, dresses, pants, shirts and shoes—are provided for children at City Springs who thus can keep their minds on work and can enjoy school rather than have to worry about the cold. Young children who are hungry or undernourished receive a free lunch.

The typical activities in a classroom at City Springs are somewhat different from those you would expect to see in a traditional school. Although the class often works together as a group, a more typical educational environment is one in which the twenty-four children are performing different edu-

ational operations which are appropriate for their different educational needs. The following activities go on during a reading skills class:

In the middle of the classroom there is a Reading Round Table. On the table are sets of books; each set contains books of varying difficulty. Five students are sitting around the table, each child reading a different book. The teacher has started each child off on a different set, and the child is capable of moving from one book in the set to the next at his own individual speed. No child is left behind or held back.

In one corner of the room a Children's Aide is working with two students who have had difficulty reading. These students' particular reading difficulty has been diagnosed by a highly trained master reading specialist who works full-time at City Springs. The specialist has diagnosed that due to the speaking patterns of the students' out-of-school environment, they have trouble distinguishing between similar sounds; thus they cannot distinguish between different letters in the alphabet as they appear in different words, and the words themselves make no sense. The Children's Aide is using a Language Master, a machine which looks like a tape recorder. Instead of tapes, large cards are run through the machine. The card has a picture of an object and the object's name on it. As the card goes through the machine, a recorded voice pronounces the word correctly. Then the child says the same word. When the card is run through the Language Master a second time, the child hears the correct pronunciation and then his own recorded pronunciation. The Children's Aide can point out the difference. While learning correct pronunciation, the child also is learning to read from the word on the card.

In another corner of the room three advanced children are using a Controlled Reader to improve their reading speed. A strip of text is projected on a screen and is fed through the reader at prescribed rate. At given intervals the children stop and take a comprehension test to see if they understand what they have read. If they pass the comprehension test, they go on, patting the text through at a faster pace.

The teacher, with all this individualized learning going on in her classroom, is free to give her full attention to an older student who has repeatedly failed in his attempts to learn to read, but who now—with the help of diagnostic techniques from the master reading specialist, individualized exercises, and encouragement from his teacher—may be on the verge of a breakthrough.

Quite a few children are in the library selecting books with the help of a Library Aide. The library also contains several Rolling References, sets of reference books on wheels that can be moved into whichever classroom has a need for them at a particular time.

City Springs Elementary School is one of several schools and programs in the Baltimore City Public School System which has proven a capacity for success. During its first year of operation, a non-graded group of 24 children, eight through ten years old, formed a special reading skill class. All the children were completely unable to read a word; many did not know the letters of the alphabet. At the end of one year, sixteen of these children were reading at second grade level. Students who began school in City Springs Early Admission or kindergarten programs are presently achieving at the level of the national average. About half the members of the kindergarten class have begun to read before first grade. Other specific indications of success are reflected in the extremely low vandalism rate at City Springs, compared with other schools in similar areas of the City, and in the high rate of parent involvement and interest in the school. This indicates that a direct attack on the major

source of inequality of educational opportunity identified by Dr. Coleman can, in fact, succeed.

The elements which allow a teacher in a Model School to respond to the individual needs of each child in his class are small class size, trained paraprofessionals working with the teacher in the classroom; auxiliary specialists in the school in reading, speech, health, psychology and social work; a substantial variety of audio-visual equipment permanently assigned to each classroom; ample quantities of published, individualized learning packages and sets of graded readers; and, full-time specialists in music and art with an adequate supply of musical instruments and art supplies. These elements increase the adult-pupil ratio in the school, provide for early diagnosis and professional correction of academic, physical and psychological problems that influence learning, and make possible individualized learning processes which have success, and hence, motivation and achievement, programmed into the materials.

The first question that comes to mind is, "Can we afford to provide this kind of education process?" While it is easy to answer the question with a question and say, "How can we not afford to do this," it is no answer at all. It must be recognized that within the current tax framework of our nation, it is impossible to expect any dramatic increase in taxes for anything, let alone education. It is, of course, barely possible that some substantial amounts of money will be available from the Federal government if and when the senseless war in Viet Nam ends. However, I personally do not believe that we can realistically pin our hopes on that possibility, and Presidential advisor Patrick Moynihan's recent public utterances on the subject re-enforce this view.

What I do believe we can and must do is, first of all, examine our educational priorities. Are we spending money in the right places today. Is, for example, the money to be spent on new school construction in Baltimore as necessary as other possible uses for the money. The Mayor seems to think that his commitment to a major capital program will, in and of itself, make a major change in educational achievement. I do not.

There is, very simply, a need to establish an educational policy which can lead to educating children and which assigns relative values to each of the procedural alternatives to be considered. If we can do that much and then constantly crosscheck ourselves, I believe we will be well on the road to the liberation this session is addressing itself to.

For example, one significant breakthrough in education which is independent of policy alternatives which we can and should work for is the establishment of two separate career ladders for education, one teaching and the other administration. We are faced today with a situation where for legitimate monetary reasons the best teachers advance into the administrative structure of education and this is not good. Good teachers are too rare to waste on administration, much of which requires different skills in any event.

The problem of how to make an urban school responsive to the needs of its community is considered by many to be the central issue in urban education today. If the problem is discussed in terms of meaningless generalities and absolutes, then we are brought no closer to a real solution to the problem of increasing a school's responsiveness. Instead of discussing "community control" and "decentralization", emotion-laden terms which often lead to proposals that are presently illegal and/or politically and educationally unrealistic, it is much more constructive to discuss precisely what a current school system can do to make its schools responsive to the needs of their communities. Citing the unresponsiveness of a school

system to the needs of local communities does not mean decentralization of authority and community control are the answers. We must realize that no society, least of all our own, will permit one group to set standards and a second group to automatically pay the bills. The decisions must be joint decisions or we have a stalemate which in the end hurts our children. Assuming a commitment to meeting the individual needs of students and, hence, the individual needs of communities, there are many prescriptions for improvement of the school system which are far more feasible and appropriate than community control a la New York.

A school system could involve a community in the planning of its school, providing expertise, access to information and essential materials, while a community group gathers and organizes the community's input into the plans for the new school. In this way, the community's aspirations for its children and its local needs could be programmed into the architectural specifications and curriculum development for the new school. Secondly, a school system could provide for a community's participation in the selection of the principal, the educational leader, of an existing school. This could be accomplished without serious violation to existing promotional policies by having the community group establish its criteria for its new principal, submit the criteria to the school system, and have the school system choose the person who most closely meets the community's criteria from the established list of persons eligible under existing promotional processes.

Thirdly, a community could participate in the daily operations of its school through influence on the basic policy tool, the budget. Instead of establishing educational priorities at a central office, a school system can have its budget developed from the ground up, at the local school level. The principal can be directed to assimilate the input of faculty, students, and parents into the school's budget for the next year. The school may want to give priority to a new boiler rather than a new music teacher, to an expanded cafeteria rather than to more supplies for students, and so on.

During Dr. Sheldon's first year with the Baltimore City Public Schools, the above three policies on community involvement in the planning of the school, in the selection of the principal, and in the development of the budget, were instituted. The Dunbar Charette is an example of what can be done using this philosophy. We must, however, breakdown many internal hang-ups in the educational establishment if we can broaden this idea.

Baltimore is also presently developing a plan for the decentralization of the administration, which will bring all administrative services down into the communities where they can respond quickly to the needs of a particular teacher in a particular classroom. The lesson should be that Baltimore's School System and most others can take many concrete steps toward increasing its responsiveness to the varying needs of local communities, toward involving parents and community groups in the managements of their schools, without the need for a New York-type confrontation.

It is only in a context of good educational policy that we can move forward in solving our current problems. There really is a very little need for the kind of emotional rhetoric which all too often is the hallmark of what is passed off as solving our educational crisis.

The solution to this crisis is very painful because it takes a personal commitment from each of us as individuals. The rhetoric is a way to absolve ourselves personally from responsibility and to shove the blame on institutions and society generally. If we continue to play millennium politics (i.e. all or nothing), we will continue to segregate our school

system and make it increasingly unlikely that our children can get a good public education. The situation is tense and we must establish beachheads like City Springs Elementary School and then move to expand them. Anything else involves the cynical use of children as cannon fodder for a meaningless debate.

ADDRESS BY MRS. EVERETT  
MCKINLEY DIRKSEN

Mr. TOWER. Mr. President, the participation by our Nation's young people in riots, demonstrations, and displays of violence are a cause of serious concern not only to their parents, but also to citizens interested in the future good health of our country. Mrs. Everett McKinley Dirksen, wife of the late Senate minority leader, recently expressed her sentiments on this situation. I ask unanimous consent that her address to the Capitol Hill Club be printed in the RECORD.

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

ADDRESS BY MRS. EVERETT MCKINLEY DIRKSEN  
BEFORE CAPITOL HILL CLUB WOMEN'S  
LUNCHEON

Members of the Capitol Hill Club and your guests. When Lou Tower called me in Florida last February and asked if I would say a few words to the Capitol Hill Club in May, I tried to convince her that I felt quite inadequate to present any ideas, now that I am a part of the "silent majority."

I think I almost miss the Senator more in the early evenings than at any other time, because when he came home we'd sit and relax, and would give and take about the events of the day. And from these sessions I felt I could go out and speak with some authority.

I didn't realize until only a few days ago that Lou had not taken me seriously and so here I am with a few ideas of my own. These ideas are on fundamentals and words which I think we are going to have to put back in our vocabulary if we are going to solve the problems of today.

The one word I am going to talk about is "discipline." The dictionary defines it as "training, which corrects, molds, strengthens and perfects." (I wonder if we might even find the little word "obsolete" in the new edition of Webster.) It is awfully important to that we think of the word "love" when we talk about and exercise discipline. Because while you are attempting to train and mold, there must be love and understanding.

I recall years ago when some of the first schools of free thinking were tried out in Evanston, Illinois. The kindergarten children were not disciplined in any way. They would break up boxes, destroy furniture, throw paints, and it was all put under the term of aggressiveness or freedom of expression. These children have now grown and are still expressing themselves in words and actions but with more authority and more violence. Also they are listening to professors, taking notes and going out and repeating what they have heard. It seems so much easier than to read a history book and try to think a few things out for themselves.

I also quarrel with the mothers and fathers who feel inadequate and who feel they have lost control over their children. They say this is the computer age and the television age and their children know so much more about these things than they do. But parents have background and experience that far outweighs all of this computer age. And this is where the discipline in the home must be exercised.

As I watched the young people descend on Washington the other Saturday I said to my-

self, Where did they get the money to come to Washington? How long are they going to be away from home? And most of all, where are they going to spend the night and with whom? And do their parents know this?

And then I stood in the window of a shop on Connecticut Avenue and watched them come from the Mall up to DuPont Circle. They were dirty. They were unkempt. Not one boy had on anything above his waist. I thought "Where is their sense of pride. They can't all be from broken homes or from the streets. Weren't they taught any of the decencies at home?" Didn't you have to scrape your feet before you came into the house and didn't you have to wash your hands before you came to the table? And weren't there a lot of other things that you had to learn that had to do with cleanliness?

Only in the atmosphere of cleanliness is the mind free to do constructive things, and the things these young people were doing were destructive things.

As I watched them I was thinking "they are away from their schools and their classrooms and it is nearing the end of the school year." Do you remember when you graduated from high school or college? Do you remember when you walked up to the platform and received your diploma? This year many of the schools are closed and the graduates are receiving their diplomas by mail and many of them couldn't care less. When they go to seek employment is the employer going to ask for a high school, or trade school or college diploma? Or is that discipline gone also?

The schools that are adopting this method are catering to a small minority of students and many of the noisy ones are not students, but this discipline of which I have been speaking not only belongs in the home, it belongs in the school as well.

Last Sunday I was listening to a TV program. It was titled Religion in the Schools and because this was so close to the heart of my Senator and still is in mine, I was anxious to hear it. The panel was composed of a Democrat Congressman, a member of the D.C. school board and a young girl from Cathedral School. This girl was deploring that the students had to take religion in the school. She said there were more important things to do. People are hungry and they need food. She continuously referred to the "society" and how the "society" should take care of these people who were hungry and the "society" should see that they were clothed and fed. I was disappointed that no one asked her to define "society". I am sure it would have a hollow sound because it could only be a word that she had glibly picked up in the classroom. The program left me with a very troubled mind because in conclusion this young girl said that if the "society" didn't take care of her people and they were hungry they had every right to go out and steal to get what they wanted. The moderator asked the Congressman what he thought about this and he said he was very disturbed but that if his family was hungry he might be forced to steal. That is where they left the program that had started out to be Religion in the schools.

I think the real breakdown in the morals of this country was when we all repeated Franklin Roosevelt's Four Freedoms, "Freedom from fear, freedom from want etc". It all had a negative sound. There was no freedom for anything. And as the government gives more and more it takes away more and more.

There are fine children all over this country and all over the world who are brought up with discipline in the home and there is plenty of love that is sprinkled in with this discipline. These young people will find in the homes the freedom to do constructive things. Through conversation with their elders they will develop a sense of pride in their country and will realize their elders have great faith in their President.

As I conclude I want to talk about the

marigold. David Burpee developed and named one particular marigold "Senator Dirksen, the smiling marigold." Many of you have planted seeds this year and are watching them grow. With the help of God who will send the rain and the sunshine these smiling faces will look up to the heavens and will bring you joy.

I want to plant another seed with you today. There are forces in this country that want to destroy us. There are forces in the Republican Party that want to tear us apart. You people have always been a united force in our party and let me tell you, there is no more "silent majority". You will have to read the papers and watch TV, and act. First get down on your knees and ask God to give you the judgement to speak wisely and then talk to your friends. But most of all take your pen in hand. If you feel that what you have listened to or read is going to destroy this country, then voice your objections. If there are enough letters of disapproval they will listen.

But there is one thing more. The bible says "If a man asks you to go with him a mile, go with him two". Don't stop after the first mile. If someone is doing or saying what you feel in your heart is right, tell him so. The Senator used to say "It is only the ones who want to tear me apart who write letters. The ones who agree with me don't bother to tell me so." Let's go this second mile and we'll find it is these seeds which will bring forth blossoms.

CANADIAN OIL CONTROLS CAUSE  
TROUBLE

Mr. MONDALE. Mr. President, on March 25, a bipartisan group of 25 Senators from Northern States wrote to the President and strongly urged that he "direct representatives of the Department of State to enter into immediate negotiations with Canada looking toward the prompt establishment of a 'freer exchange of petroleum.'" The 25 Senators included both the majority leader and the minority leader, and I hoped that we would receive a prompt and thoughtful reply from the President.

On April 22, 1970, Mr. William E. Timmons, an assistant to the President, responded to the 25 Senators in a letter which gave no indication that the United States was prepared to enter into serious and bona fide negotiations with Canada. In fact, the letter contained a virtual ultimatum to Canada that a comprehensive agreement "with respect to all energy matters" was required if the United States was to remove the quantitative controls on Canadian oil imports which had been represented as merely temporary.

In writing to the President, the 25 Senators observed that the proclamation had caused dismay on the part of our Canadian friends and neighbors. The New York Times for May 31 contained a very interesting article in which the Canadian Minister of Energy, Mines, and Resources, the Honorable J. J. Greene, was described as believing that the Canadians could not be blackmailed into an agreement which was contrary to their interests by such unilateral actions as had been taken by the United States. As he said:

Canadians are just not the kind of people to negotiate anything with a gun at the head.

The experience of our country with Canadian imports gives every reason to believe that the source of supply is as

secure as any other which we could rely on in a national emergency. Even the President's own Cabinet Task Force on Oil Import Controls reached substantially this conclusion. Nevertheless, it did raise the extraneous question of the dependence of Canada's eastern provinces on imports of oil from abroad. In this connection, we had already pointed out to the President in March that this issue was irrelevant to the security of Canadian supply to the United States because there would be no practical means for diverting Canada's western oil to the east if eastern supplies should be cut off.

Indeed, Minister Greene has publicly committed his government to the security of export deliveries to the United States on at least two occasions. I was glad to see that the Senator from Oklahoma (Mr. BELLMON) placed in the CONGRESSIONAL RECORD for May 21, 1970, the full text of Minister Greene's address on May 12 to the Independent Petroleum Association at Denver, Colo. In doing so, the Senator called attention to a few of the Minister's remarks which described Canada's resolve to pursue an independent course in its own economic development and trade policy.

I wish that the Senator had also drawn attention to the Minister's remarks in which he addressed the issue of the security of Canadian exports to the United States. In the same speech, Minister Greene said:

Specifically, there have been suggestions that in an emergency western Canadian oil might be diverted from U.S. markets to meet needs in eastern Canada if adequate tankerborne supplies were not available to that area.

Secondly, it has been suggested that the U.S. would have to be prepared to make emergency deliveries of its domestic oil to eastern Canada if overseas supplies to the whole eastern seaboard of North America were curtailed.

As to the security of our export deliveries to the United States markets, this has surely never been seriously challenged. Indeed, the work of the U.S. Cabinet Task Force on oil import control tended, if anything, to confirm the reliability of Canadian supply. Diversion to eastern Canadian markets of oil flowing to the U.S. would not at present be possible because of the absence of the necessary pipeline connections. And having regard to the long standing arrangements between our two countries in defence, trade, and other areas, I cannot find it credible that we would divert such supplies unless by mutual agreement for a common purpose, or that we would violate trading agreements that were in effect between us.

Mr. Greene made many of the same points in a speech in Washington, D.C., on April 23. In addressing the spring conference for corporation executives at Johns Hopkins University, he said also that he "would like to suggest that it should be left to us to evaluate the matter of oil supply security in eastern Canada and to take any appropriate action." But he also pointed out that Canada had the matter of eastern oil supply security under active review and would be prepared to revise its oil policy if it concluded that a problem did, in fact, exist. Since U.S. supplies are the only alternative to the import of foreign oil for Canada's eastern provinces, it is interesting to note that such supplies are also shipped by many

of the same coastal routes that are used by oil from South America. Thus, it is not obvious that substituting American oil for Venezuelan oil would in any way contribute to the security of eastern Canada's supplies in an emergency.

On May 26, I wrote the President of the United States again on this vital subject. I pointed out that Mr. Timmons' reply was not at all responsive to the letter which the 25 Senators had written in March. Specifically, Mr. Timmons' reply was limited to the national security basis for the proclamation and it was not satisfactory on that point. But our letter had raised a number of other points including the question of relationships with Canada and the problem of fuel shortages and cost increases which would confront consumers in the United States.

We have seen that the control program has, indeed, resulted in just the shortages and price increases which we predicted. Not only have such shortages been felt in the northern tier of the United States but States in the midcontinent have also been adversely affected. They have found that the cutback in Canadian supplies has resulted in the draining off of domestic oil to refineries in the North. Price increases have occurred in many of these States, both in the midcontinent and in the upper Midwest.

Referring to the two recent speeches of Minister Greene in Denver and in Washington, I suggested that the President "promptly review the new controls in the light of his remarks." I pointed out that these speeches should "provide whatever additional assurance the President might have thought necessary in regard to our ability to depend on Canadian oil in an emergency."

Mr. President, I note that negotiations between the United States and Canada have come to a virtual standstill since the unilateral action which the United States took. I believe it is up to our Government to initiate discussions promptly. Minister Greene has indicated that the Canadians are prepared to talk in a reasonable atmosphere where they are not subject to unacceptable preconditions. In these troubled times, when the United States is plagued with inflation at home and can ill afford to antagonize one of our best friends in the international arena, it is troubling that our Government would act in such a way as to inhibit free and constructive discussions with our Canadian neighbors. I hope that our Government will accept the welcomed indications that Canada is prepared to be reasonable.

I ask unanimous consent that the New York Times article, the March 25 letter to the President from 25 Senators, the April 22 reply by Mr. Timmons, the May 26 letter from me to the President, and the speech by Minister Greene in Washington, D.C., on April 23 be printed in the RECORD.

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

#### CANADA RESENTS U.S. FUEL POLICY

(By Jay Walz)

OTTAWA, May 30.—Persistent demands by the Nixon Administration that Canada negotiate a common policy for the use of North

American energy sources—oil, coal, gas, uranium and hydropower—are meeting increasing resistance here. They are also causing a rare outburst of nationalism that Canadians normally hold in reserve.

Recent White House tactics prompted J. J. Greene, the Minister of Energy, Mines and Resources, to scold an American audience in Denver for taking Canadians for granted.

Addressing a meeting of the Independent Petroleum Association of America two weeks ago, Mr. Greene said that the United States must prepare for a much more nationalistic Canada, "in which there will be firm control of all foreign investment, particularly in the resources industry."

At present, United States companies own or control about two-thirds of all oil and mineral production in Canada.

While several high-ranking officials of the State Department listened, Mr. Greene said that Canada wanted to be herself, and to avoid "the malaise that exists in your land." He cited the United States involvement in Southeast Asia, campus unrest, disorder in the streets and problems of pollution as major reasons for Canada's desire "to be different."

#### LETTERS SUPPORT STAND

He said the current round of bargaining between Ottawa and Washington on the continental resources must lead to "Canadian solutions in a Canadian interest."

Mr. Greene's office reports that since the speech he has received an avalanche of mail showing a 10-to-1 ratio of approval of his strong "nationalist" words.

Canadian hackles have been rising since last March when President Nixon ordered a reduction in the amount of Canadian oil flowing into United States markets from an average 634,692 barrels a day to 395,000 barrels. This action, which Canadian officials say was taken without Canada's consent, was interpreted here as an effort to prod Canada into talks on other forms of energy.

Canada at present can use only about one-half of the oil coming from the rich Alberta fields and is eager to sell the other half to the United States. Ottawa officials, however, are reluctant to commit Canada to long-term arrangements on the other fuels, which are largely undeveloped, because, as Mr. Greene said on Thursday, "we don't know what Canada is going to need 25 or 50 years from now."

#### MOVE LINKED TO ACCORD

The White House at first indicated that the cutback would be temporary. But a recent letter signed by a Presidential assistant suggests that the restriction on imports is tied to an agreement on general policy.

The letter, answering the protest of 25 United States senators to the cutback, said that the national security of the United States required the conclusion of a "comprehensive agreement with Canada with respect to all energy matters and imposition of some qualitative limitations on the entry of Canadian petroleum pending the conclusion of such a pact."

Mr. Greene charged at a news conference that this was blackmail. "Canadians are just not the kind of people to negotiate anything with a gun at the head," he said. "It's very difficult to set up talks with respect to long-term policies when this unilateral action of cutting back has been taken by the Americans without Canadian consent."

Prime Minister Pierre Elliott Trudeau told newsmen in Vancouver yesterday that his Government was trying to ascertain whether the letter was just an opinion or represented a new policy. Mr. Greene told the House of Commons that the letter contained contradictions that created doubts that it was a statement of national policy.

[In San Clemente, Calif., Gerald L. Warren, White House deputy press secretary acknowledged that the letter had been sent and said

that the Administration "has always said the controls, voluntary or mandatory, were necessary until an agreement is reached on all energy matters."]

While Mr. Greene said he had given Mr. Trudeau's office a copy of his Denver speech before he delivered it. It remains to be seen whether the Prime Minister will support him in the coming talks with Washington.

While letters to newspaper editors suggest the Minister may have struck a vein of popular support, some Western politicians have taken him to task for "childish diplomacy."

Eldon Wooliams, a Conservative representing an oil-conscious district of Calgary, said that Mr. Greene was "ruining the Canadian oil market." George Hees, a former Conservative Minister of Trade and Commerce, called on Mr. Greene to formally apologize for parts of his Denver speech as a first step in restoring good relations with the United States.

MARCH 25, 1970.

HON. RICHARD M. NIXON,  
The White House  
Washington, D.C.

DEAR MR. PRESIDENT: As Senators from northern states, whose consumers have a strong interest in oil policy, we were all heartened by your statement on February 20, 1970, in which you referred to the "unique degree of security (which) can be afforded by moving toward an integrated North American energy market."

We were gratified by your directive to the Department of State "to continue to examine with Canada measures looking toward a freer exchange of petroleum, natural gas and other energy resources between the two countries."

Understandably, we were quite disturbed by your announcement, only 18 days later, of the establishment of mandatory controls on Canadian oil imports. This seems to be a backward step and an affront to Canada.

We believe that these controls will result in increased costs and, in some cases, fuel shortages and curtailed operations. In the face of inflationary pressures, we feel that only the most compelling reasons could justify an action which will raise prices.

At the same time, the Proclamation has caused dismay—if not resentment—on the part of our Canadian friends and neighbors. After all, Canada is a natural source of supply for the northern United States.

We know there was a substantial increase in imports in January, when Chicago began to draw oil from the Interprovincial Pipeline. We also are aware of the pattern of imports in excess of the voluntary control program. It was these factors which led to your conclusion to establish a mandatory control program. However, we cannot agree that the 395,000 average barrels per day limit will be "adequate to meet the needs of the U.S. refineries and consumers," as stated in the White House announcement of March 10.

We also have some doubt as to the statutory authority for this action. As you know, the authority to restrict imports which "threaten to impair the national security" has been used only in the case of the Oil Import Control program established in 1959. This control program has specifically exempted Canadian oil.

The fact that the authority has been used but once underscores the narrow interpretation that you and your three predecessors have previously put upon this provision. Clearly, the test of a threat to the national security is, and was intended to be a difficult one to meet.

We do not find in the report of your Cabinet Task Force on Oil Import Control, or elsewhere, any logical case that even substantially increased imports of Canadian oil would adversely affect our national security interests. Indeed, we note that the Task

Force concluded on page 94 of its report, that "the risk of political instability or animosity is generally conceded to be very low in Canada. The risk of physical interruption or diversion of Canadian oil to other export markets in an emergency is also minimal. . . ."

The Task Force discussion of Canada's policy on importing oil for its eastern provinces seems entirely irrelevant to the amount of exports from the western provinces to the U.S. As you know, Canada's western oil is not transported to the eastern provinces. Even in an emergency situation, there would be no practical means for diverting such oil to eastern Canada. With respect to the risk of depletion of Canadian oil reserves, we note that such depletion would be offset by preservation of U.S. reserves.

The Proclamation issued by President Eisenhower in 1959 expressly relied on the statutory criterion that crude oil and related products were being imported "in such quantities and under such circumstances as to threaten to impair the national security". In contrast, your Proclamation of March 10 concludes that the existing exemption of Canadian oil imports "does not effectively serve our national security interests" and that the control program is necessary "for the accomplishment of the national security purposes of Proclamation 3279". In order to justify such a significant new action as this, we think an explicit finding of a threat to the national security must be made.

We recognize that the United States has some significant interests in what are, in the final analysis, Canada's own policies regarding oil and related matters. But we do not believe that either a voluntary control program, or a mandatory program is an appropriate vehicle for asserting those interests. Accordingly, we strongly urge that you direct representatives of the Department of State to enter into immediate negotiations with Canada looking toward the prompt establishment of a "freer exchange of petroleum. . . ." In the meantime, we believe the best interests of both countries would be served by deferring the effective date of the March 10th Proclamation, pending a determination as to whether suitable agreements can be worked out.

Inasmuch as the effects of this new order are already being felt by our consumers and refineries, we would appreciate your early response.

Sincerely,

Jacob Javits, Clairborne Pell, Abe Ribicoff, Eugene McCarthy, Thomas McIntyre, Lee Metcalf, Thomas J. Dodd, Quentin Burdick, Charles H. Percy, Charlie Goodell, Vance Hartke, Stephen Young, Philip Hart.

Walter F. Mondale, George McGovern, Gaylord Nelson, Edward Kennedy, Edward W. Brooke, Edmund Muskie, Hugh Scott, John O. Pastore, Bill Proxmire, Mike Mansfield, Harrison Williams, Birch Bayh.

THE WHITE HOUSE,  
Washington, D.C., April 22, 1970.

HON. WALTER F. MONDALE,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR MONDALE: This is in further response to your March 25 letter, which was co-signed by 24 Senators, concerning Canadian oil imports.

We agree with the basic premise of your letter that, since Proclamation 3969 has been issued pursuant to the authority of section 232 of the Trade Expansion Act, it presupposes that imports of Canadian oil threaten to impair the national security. Of course, such a threat may be posed in an indirect as well as in a direct manner. In our view, these imports create at least an indirect threat to the national security for two reasons.

First, in the announcement of the issuance of the proclamation it was stated

that the recent steep increase in the flow of petroleum imports from Canada was impairing the entire petroleum import control program. Since the protection of the national security is the very goal of that program, imports having the effect of crippling it necessarily threaten the national security.

Second, the report of the Cabinet Task Force on Oil Import Control supports the imposition of quantitative controls on the import of Canadian petroleum. It indicates (pars. 335b, c, 343b) that while the risk of physical interruption of the inland delivery of Canadian petroleum may be slight, a serious and disturbing element arises from the circumstance that Eastern Canada imports all of its petroleum requirements from potentially insecure sources overseas. In the event of an interruption of that supply, Canada would either compete with the United States for the supplies available or turn to the United States to furnish the necessary imports. Those contingencies detract from the security value of U.S. petroleum imports from Western Canada and demonstrate the dangers to the national security involved in excessive reliance on the imports. In this context the national security of the United States requires the conclusion of a comprehensive agreement with Canada with respect to all energy matters, and the imposition of some quantitative limitations on the entry of Canadian petroleum pending the conclusion of such a pact.

Your letter also takes the position that the proclamation is defective because it lacks an explicit finding of a threat to the national security. It will be noted that the recitals of the proclamation contain the following pertinent findings: (1) the present system "does not effectively serve our national security interests"; (2) petroleum imports from Canada should be limited "in order to institute a more effective system of import control for the accomplishment of the national security purposes of Proclamation No. 3279, as amended"; and (3) the President's approval of the preceding finding and his own statement that the limitation of imports of Canadian oil into Districts I-IV is "necessary in the interest of the national security objectives of Proclamation 3279."

These repeated references to the national security plainly demonstrate that the President's action was taken so that unlimited imports of Canadian petroleum will not threaten the national security. Section 232, of course, does not make the validity of a proclamation issued under it dependent upon the use of any specific formula. Nor does it require the President to spell out in his proclamation the precise manner in which the import threatens to impair the national security. Proclamation No. 3279 is no more specific on that score than Proclamation No. 3969.

I hope that the foregoing is fully responsive to the points you raised.

Sincerely,

WILLIAM E. TIMMONS,  
Assistant to the President.

MAY 26, 1970.

THE PRESIDENT,  
The White House,  
Washington, D.C.

DEAR MR. PRESIDENT: On March 25, 1970, twenty-five Senators from northern states wrote to you to protest your recent order imposing mandatory controls on Canadian oil imports. On April 22, one of your assistants, Mr. William E. Timmons, responded to me and to the other twenty-four Senators who had signed the letter. He closed with the hope that "the foregoing is fully responsive to the points" in our letter.

I must regretfully advise you that his letter is not responsive at all to the subjects which we covered. It deals almost exclusively with the national security issue and is not satisfactory in that regard.

Our letter also made the following points

which are not touched upon in Mr. Timmons' reply:

1. The control program "seems to be a backward step and an affront to Canada." This point is underscored by a statement made by the Honorable J. J. Greene, Canadian Minister of Energy, Mines and Resources, in a speech in Washington, D.C. in April:

"Similarly, we are convinced that the unilateral decision on the part of the U.S. to cut back imports of Canadian oil is a mistake for both countries."

Mr. Greene also stated in a speech in May in Denver, Colorado that Canada does not "consider that these controls are in keeping with the conditions of trade in oil which both our countries have sought to preserve over the years."

2. We commented that "These controls will result in increased costs and, in some cases, fuel shortages and curtailed operations." Shortages have already occurred in a great many states and prices have been raised.

3. We disagreed that the 395,000 average barrels per day limit would be "adequate to meet the needs of the U.S. refineries and consumers" as stated in the White House announcement of March 10. In fact, the shortages we predicted have been felt even beyond the northern tier of states which most of those who signed the March letter represent in the Senate.

4. We questioned whether a control program on Canadian oil imports, whether voluntary or mandatory, is an appropriate vehicle for asserting our interests in Canada's policies regarding oil and related matters. Mr. Greene said in his May speech in Denver, "I am convinced that the solutions which will prove to best serve our joint interests will be those very solutions we come to as being the Canadian solutions in the Canadian interest."

These issues are of great significance to our millions of constituents and threaten to impair our relationship with our Canadian friends and neighbors. As United States Senators, and especially as Senators from northern states, those who signed the letter to you of March 25 assumed that you would comment on these vital matters.

It is also disturbing that Mr. Timmons' letter, even with respect to the national security issue, is not responsive to our comments. Specifically, he states that the Cabinet Task Force on Oil Import Control recommends the imposition of quantitative controls on Canadian petroleum. But this recommendation was predicated on the need for such controls during a transition to greatly expanded imports of oil from the Middle East and Venezuela. In the absence of a liberalized import program, which the majority of the Task Force proposed, there is no recommendation (or justification) in the Task Force report for controls on Canadian oil.

Moreover, the Task Force discussion of the purported problems which stem from the dependence of eastern Canada on imports from potentially insecure sources overseas cannot stand the test of logic. As we pointed out in our letter, Canada's western oil is not transported to the eastern provinces. Thus, the connection between the sale of western Canadian oil to the United States and the reliance on overseas oil by eastern Canada is, at best, obscure from the national security viewpoint.

Minister Greene stated in his Washington speech in April that "The security of our export deliveries to the United States markets . . . has surely never been seriously challenged." He continued, "Diversion to eastern Canadian markets of oil flowing to the United States would not at present be possible because of the absence of the necessary pipeline connections. And having regard to the long-standing arrangements between our two countries in defense, trade and other

areas, I cannot find it credible that we would divert such supplies unless by mutual agreement for a common purpose or that we would violate trading agreements that were in effect between us." (Emphasis added.) The same points were repeated in his Denver speech in May.

I would also point out that the national security justification for curtailing Canadian imports is weak on other grounds. For example, during the 1967 crisis precipitated by the closing of the Suez Canal, we were quite anxious to get additional oil from Canada. The absence of sufficient pipeline capacity prevented our importing the oil from that secure source which was available to us. The effect of your control program will be to continue to inhibit the development of such pipeline systems which could serve us well in an emergency.

Surely the two speeches which Minister Greene made recently should provide whatever additional assurance you might have thought necessary in regard to our ability to depend on Canadian oil in an emergency. Therefore, I hope that you will promptly review the new controls in the light of his remarks. I feel confident that he would be prepared to confirm them in some formal exchange of instruments between the two governments. In the meantime, we cannot accept the continuation of these new restrictions at the demonstrably inadequate level of 395,000 barrels per day for the second half of this year.

Finally, Mr. Timmons' letter notes that the Trade Expansion Act authority for the oil import control program does not require the use of any specific formula nor the spelling out of the precise manner in which the threat occurs. He points out that Proclamation No. 3279 is not very specific either. It may be of interest that a number of members of the Senate have strongly criticized the proclamation and the statute on precisely that basis. Moreover, Section 232(d) of the law requires that a report be made. I do not believe that Proclamation No. 3969 adequately fulfills this requirement.

Because this subject is of the utmost importance to our constituents across the northern tier of the United States, and because it is of such great significance to our friend and neighbor to the north, I urgently request that you reconsider this matter at your earliest opportunity. I am sending a copy of this letter to the other twenty-four Senators who signed our letter of March 25. I am sure that they would also appreciate your early attention to these vital issues.

With warmest regards.

Sincerely,

WALTER F. MONDALE.

#### THE DEVELOPMENT OF CANADIAN RESOURCES WITH SPECIAL REFERENCE TO OIL

(By the Honorable J. J. Greene, Minister of Energy, Mines, and Resources, Canada)

##### 1. INTRODUCTION

"Canada", as Jacques Cartier said to the Montreal Rotarians in 1535, "must develop its natural resources".

Since the days of the fur trade, development of natural resources has played a vitally-important role in Canadian economic growth.

A country heavily dependent on international trade, Canada experiences a "compulsion to export" to a unique degree. The products of our mines and of our oil and gas wells contribute significantly to our exports.

Regional development across the country has been stimulated by the opening up of mineral wealth. Today, it is hard to imagine the Prairies without oil and gas.

Finally, employment in and spending by our resource industries has a "multiplier effect" which reaches through the whole economy.

The resource industries then play a role in Canadian economic growth and development which is out of proportion to their size as measured by conventional economic indicators. I think there is a case for regarding these industries as a "psychological catalyst" in the Canadian economy. When they are expanding and innovating, developing new domestic and export markets, then confidence in the economy as a whole is at a high level.

Canadians today are more keenly aware than ever of the national importance of resource development. This awareness is related in part to the emphasis being given to opening up of the North, where development must be based largely on energy and mineral resources. It is coupled with a strong desire to ensure that the benefit to Canada of this development is maximized and that it proceeds in such a way that danger to the natural environment is minimized.

The result is greater government involvement in furthering resource development and in shaping the direction of that development in accordance with national aspirations.

My job as Minister of Energy, Mines and Resources is to ensure, as far as Government can, that we have healthy mining and energy industries. We want these industries to provide for increasing use of national resources and to continue to contribute their share to the realization of our economic and social goals.

We seek to achieve this purpose by fostering conditions favourable to sound expansion and by implementing policies directed at fuller, safer, and more efficient use of national resources. Moreover, my Department is justly renowned for its contribution to the appraisal of the extent of Canada's resources.

In implementing our policies, there is of course the need to strike a balance between consumer and producer interests, and between the different regions of Canada. Current desires have to be set against future needs. And purely economic criteria at times have to be subordinated to national political aims.

##### 2. INTERDEPENDENCE IN RESOURCE DEVELOPMENT

Canadian energy and mineral resources are large. Quite how large, we are still finding out. Certainly their extent and variety is much greater than seemed possible just a few decades ago.

But once discovered, development is not always easy. Historically, some Canadian resources have proved particularly resistant to exploitation.

We have encountered technical problems: the tar sands are a particular example.

Transportation difficulties, a recurring theme in Canadian history, have been a frequent restraint. The natural-gas industry furnishes an example.

And availability of domestic capital has seldom been adequate to our resource development needs.

Characteristically, however, it is market access which has represented the ultimate limiting factor to the pace of Canadian resource development. Domestic markets are small and dispersed. It is logical, therefore, that Canada should look south for large and concentrated markets.

It is equally logical that the United States should look north for fuels and minerals to help supplement its domestic supplies. Take oil for example. Canadian resources are still at an early stage of development. I am told that we have found perhaps 10% of our total potential reserves of 120 billion barrels of crude oil. By contrast oil resources in the lower 48 states of the U.S.A. are in a late stage of development—perhaps half or more of total ultimate reserves have been found and the oil industry is finding it difficult to maintain its "inventory" of proven reserves.

In this setting of "complementarity", it makes common sense to me that trade between the two countries is in the interest of both. Much has been said and written about a "continental oil or energy policy". Much has been written by those who neither understood the question nor the factors and yet have instant and certain answers. When the time comes to sit down with the United States, we shall want to find out more about what they have in mind and what trade arrangements can be achieved which are in the Canadian interest and yet of benefit to the United States. We would not be prepared to talk water in this context. With this exclusion, we are prepared to discuss energy matters on a "no holds barred" basis, always assuming that the existence of constitutional and statutory restraints on trade in energy sources is recognized in both countries.

In both these areas where there exists a serious difference of opinion it would be an easy thing to assume "tough stands" which might delight the jingoist or win quick political approval. But I suggest that such reaction which could render our positions rigid and inflexible would serve neither of our interests. I believe that the record of our past relations where we resolved differences at the bargaining table, negotiating in good will, and to the end of achieving resolutions which made the best economic sense is the pattern we should once again follow.

Of course, there is a place where a nation must stand. If a nation has no beliefs or concepts which it holds sacred, it is not a nation at all but merely a group of people living under a single political roof. Canada is standing at the place of its sovereignty in the Arctic, and at the place of assuring ecological control of its northern environment. So much of our future lies in northern development. So much of our Canadian dream of our particular "new frontier" is in this great north of ours. We are determined that the mistakes of the past will not be repeated in these areas where the ecology is so sensitive. I note that already some of your own statesmen, and at least one of your great newspapers, have supported our stand, though your State Department has taken exception to our conclusion. I note that prior to our declaration as to our 100-mile pollution control zone in the Arctic, President Nixon had signed a bill extending U.S. jurisdiction beyond the 3-mile territorial sea for the purpose of prevention of pollution. We do not believe our initiative to be narrow, petty or empty gestures of sovereignty. It was a necessary and meaningful initiative to protect and ensure Canada's future in the north.

But we are equally certain that to achieve real and lasting results in maintaining the pristine purity of the northern ecology, we must and should work with you in bilateral or multilateral agreements and arrangements which will make pollution control effective. We are anxious to work with the United States to achieve such arrangements. And so, while the position we have declared is a firm and inviolable one, we know full well that practical results assuring the fulfillment of our purpose must be achieved by international understanding and arrangements. We believe this to be a realistic position, which fulfills our national responsibility, and yet is sufficiently flexible to allow discussions with the United States and other nations to enable satisfactory arrangements to be achieved.

Similarly, we are convinced that the unilateral decision on the part of the U.S. to cut back imports of Canadian oil is a mistake for both countries. We believe realistic trade arrangements in oil based on economic good sense to be the real answer. The resource studies done to date clearly show that we have existing and potential oil resources well beyond the need of Canada and Canadians in the present or in the foreseeable future,

and that we thus have surplus to Canadian needs for the marketplace. It is, of course, for the U.S. to determine whether they in turn have a need for a growing supply of Canadian oil. If the need is there, such actions as the unilateral cutback are not conducive to the achievement of trading arrangements which will be good for both countries. On both these issues, where we have differences, the danger is that of rigidity, and that we will end up doing the wrong things in economic terms because we have reached positions from which we cannot later move.

I have in mind, for example, the fact that if the bureaucracy set up to enforce the unilateral oil cutback remains too long in place, what were to be temporary restrictions might well become a permanent way of life. I think we have all experienced in the past the fact that the bureaucratic structure and bureaucratic rules, once they are firm in the cement of time, become as immovable as the mountain.

### 3. OIL POLICIES—SOME UNDERLYING DIFFERENCES

An important question from the Canadian viewpoint, is the extent to which a trade agreement in respect of petroleum resources would involve adoption of "common policies."

For a decade or more the development of the Canadian oil industry has occurred within a framework basically different from that existing in the United States. Our policy has been voluntary rather than mandatory and its flexibility has contrasted with the relative rigidity of the United States Oil Import Control Program. Particularly striking has been the continued dependence of eastern Canada on imported oil while western Canadian oil has been shipped in large volumes to United States markets. To understand this policy, certain factual differences between our two countries need to be brought out.

There is the fact of Canadian geography—the great east-west extent of our country with presently-known oil resources landlocked in the western interior. United States oil policy might have taken a different course if United States oil reserves were all in the Rocky Mountain states.

There is the fact of regionalism within the Canadian federal system. The United States certainly has its regional differences too, but because of our "ribbon development" and our less definitive historical resolution of inter-regional conflicts the possibility of regional differences pulling the Canadian federal state apart cannot be ignored.

The issue of domestic versus imported oil has caused considerable fuss in New England. Had a similar issue developed in eastern Canada it could have been an extremely serious national problem because of that strong sense of regionalism which exists.

There is also the fact that western Canadian oil is already being shipped more than 2,000 miles to Ontario markets, a greater distance than any pipe line movement in the United States.

### 4. SECURITY OF SUPPLY

I am aware of the concerns which have been expressed in some circles that dependence of eastern Canada on imported oil carries unfavourable implications for the security of deliveries of oil to eastern Canada and to the United States in conditions of world oil supply emergency.

We have the matter of eastern Canadian oil supply security under active review, as any responsible government should. Hitherto, we have not considered the danger of supply interruption to be such as to require revision of our oil policy. But there are changing circumstances and if we conclude that a problem exists, then we shall seek to apply solutions to it.

Possible solutions might include storage in eastern Canada, arrangements to exchange

Canadian for United States oil in an emergency or the supply of some western Canadian oil to our eastern provinces. A complete answer could, of course, come with discovery of large oil resources on the Atlantic Shelf or in the Canadian Arctic.

I would like to suggest that it should be left to us to evaluate the matter of oil supply security in eastern Canada and to take any appropriate action. I am convinced that in the particular circumstances, the solutions which will best serve our joint interests are Canadian ones.

As to the security of our export deliveries to United States markets, this has surely never been seriously challenged. Indeed, the work of the U.S. Cabinet Task Force on oil import control tended, if anything, to confirm the reliability of Canadian supply. Diversion to eastern Canadian markets of oil flowing to the United States would not at present be possible because of the absence of the necessary pipe line connections. And having regard to the long standing arrangements between our two countries in defence, trade and other areas, I cannot find it credible that we would divert such supplies unless by mutual agreement for a common purpose or that we would violate trading agreements that were in effect between us.

### 5. SUMMING UP

We have in the past achieved accord and the resolution of our differences on the basis of economic good sense which accrued to the benefit of the standard of living of both of our peoples, rather than relied on chauvinistic posturing which in the end would have helped no one. I firmly believe that the same course which has served so well in the past should prevail in the future.

But there is perhaps a new factor which will require an even deeper understanding, a more determined decision to stay on that same sane road. Until fairly recently it appeared that Canada and the U.S.A. were going to be in the end almost identical in their make-up. We had but to cross the border at any given point for the affirmation of this fact. True, this impression of similarity may have been somewhat superficial. Be that as it may, it now appears quite clear that Canada is going to build on this northern half of the continent, a political entity which may in fact have a different appearance from that of the U.S.A. There is a great resurgence of Canadian nationalism. A nationalism that is not directed against anyone, or any nation, or any people. It is expressed in a determination to build something different, something uniquely Canadian. Because we are new, we are young, we are relatively undeveloped in industrial and technological terms, we believe that we can profit from the mistakes that have been made in the evolution of other states in building that unique Canada. The spirit is manifesting itself in many ways. The massive participation and determined involvement of many people, and particular young people on the questions of ecology. Their unwavering insistence that so-called economic progress be not at the expense of the environment. And on questions concerning foreign control of our economy, and the Canadian ethic becoming clear that the rules of the future permit maximum participation by Canadians in the international corporate conglomerates which will dominate the open marketplaces of the tomorrows. They are not satisfied to be a mere branch plant economy. The new nationalism manifests itself in the desire for an independent and uniquely Canadian foreign policy which will enable Canada and Canadians to play their full part in the world at large, bearing in mind the bilingual and bicultural nature of our own country.

This then will be the test. Whether we can still travel the same sound and sane road

of economic good sense in our relationship, despite the fact that we are not going to look as much alike in the political-national sense as appeared at one time to be the case. This, of course, is the real mark and the real test of friendship. Whether or not it can survive—yes, and strengthen—in difference. The friendship that crumbles or diminishes in difference is not much of a friendship. I am convinced that the past record, the warmth of personal feelings which exists between our people, the burdens and joys we have shared previously, in the fact that in the vast majority of things we will continue to see eye to eye, in the common denominator our people, their sense of decency and humanity is the most cogent and certain evidence to me that we will stay on that tried and good road of accord. That in those areas where we do not see eye to eye we will sit down and talk, as we have done before, and work out solutions that are in the best economic interest of both our countries. On this sane, though perhaps not very exciting path, lies the real interest of our two peoples. The record of our past one hundred and fifty-six years has been a good one. It will require patience and goodwill to reconcile our respective interests, to develop and use our resources consistently with those interests, and to ensure that our differences do not obscure those interests that we share in common. These things can be done and will be done.

#### NEED FOR RESTRAINT IN WAGE AND PRICE INCREASES

Mr. PERCY. Mr. President, the United States is actually suffering from an epidemic, and its name is inflation. It cannot be controlled by quarantine, because all are infected. It cannot be cured by half measures, especially half measures which ignore the facts of international competition. It will not "just go away."

What is the extent and intensity of this epidemic? To merely equal the buying power that he had in 1960, a worker with three dependents must earn 30 percent more in 1970. Even more alarming, the place of inflation is accelerating. In March 1970, the Consumer Price Index was up 6.1 percent from a year ago. In terms of the 1957-59 dollar, the March 1970 dollar was worth 75 cents. Food, clothing, and medical care all cost more. The American housewife may not be familiar with every statistic, but she knows what life is like at the grocery store checkout counter.

One reason why the slowdown in inflation has not yet come about is the common expectation that the Government will not stick to its anti-inflationary policy. Some businessmen still think they can safely raise prices because they think that Government deficits and easy money will be pumping the economy up again and they will be able to sell all they can produce at higher prices. On the labor side, in the first quarter of 1970, major union settlements have on the average provided for annual increases of over 8 percent in compensation, often for several years to come. In the construction industry, the increases have averaged more than 12.5 percent.

Why do workers think they can demand such increases without even further unemployment? How do employers expect to be able to pay them? It is simply because they think that inflation is going to continue at a rapid rate.

Few things reveal the extent of the inflationary disease and its basic causes more vividly than our declining position in international trade. As inflation has accelerated, our manufactured goods have become less and less competitive in the world market. Since 1958, our imports of manufactured goods have quadrupled while our exports have only doubled. And in recent years, our merchandise trade surplus has dwindled from over \$7 billion to virtually nothing in 1969. Why? One major reason for this disastrous decline is the great disparity between our labor costs and those in competing countries.

It is precisely this fact of world trade competition that limits our options on how to deal with inflation. Our global economy will no longer permit us to rationalize away inflationary wage and price increases as an internal phenomenon that will eventually equalize out.

The labor rate aspect of the problem of inflation is a subject which is understandably avoided by politicians but which now requires frank discussion. Let me repeat, the average major labor settlement in the first quarter of 1970 provided for an average pay increase of over 8 percent with the average increase in the construction industry over 12.5 percent.

These statistics, together with other cost increases in land, interest, and materials, show that it will be virtually impossible for the United States to meet its housing goals over the next decade.

Labor leaders are understandably negotiating contracts to take into account future expected cost-of-living increases. While increases of this kind seem most attractive to those who receive them, they should ask themselves, as we all must ask ourselves, what such settlements are doing to our economy in general and to the job security of American workmen in particular.

It is difficult to blame the leaders and members of labor unions for wanting more, just as it is difficult to blame business leaders for passing their increased labor costs on to their customers, whenever possible. Yet, sooner rather than later, we must face up to the facts that these inflationary wage increases:

- Rob us all of purchasing power;
- Pick the pockets of those who are on fixed incomes;
- Seriously damage our position in competitive world markets; and
- Undermine the job security of American workers.

How should we deal with this corrosive problem? Wage and price controls? I sincerely hope not. The destruction of free collective bargaining and the ending of business decisions made free of Government coercion would be a bitter price to pay.

But Government must take firm action, where appropriate, to stop inflation. I am very worried about estimates that indicate that the fiscal 1971 budget may be in deficit by \$6 billion against an original forecast of \$1.3 billion surplus. The administration and Congress must work together to find revenue and cut expenditures to have a budget surplus. Otherwise, the fires of inflation will be fanned even more.

What is now needed in the struggle against the disease of inflation is another national commitment, a moral commitment, if you like: A commitment by labor leaders to practice restraint and lead their members responsibly; a commitment by business to hold prices in line; a commitment by workers to produce more and earn every dollar of increased wages; and a commitment by the administration and Congress to do everything in their power to foster productivity, equity, stability, and hold down the cost of Government.

To subdue inflation will require what has been called a spirit of creative collaboration among business, labor, and Government. We dare wait no longer. We need wait no longer. We must act now.

#### SECRETARY GENERAL U THANT'S IDEA PARALLELS WORLD ENVIRONMENTAL INSTITUTE PROPOSAL OF SENATOR MAGNUSON

Mr. MAGNUSON. Mr. President, on April 27, with 40 cosponsors, I submitted Senate Resolution 399, to facilitate creation of World Environmental Institute. As visualized in the resolution, the Institute would serve as a research center for global environmental problems and as a central clearinghouse on environmental knowledge. The goal of the Institute is to develop and provide information on environmental problems to all nations of the world in a cooperative manner.

Mr. President, since April 27 I have frequently called attention to similar environmental proposals by scientists and statesmen. On May 6, I inserted into the RECORD two fine proposals by Dr. George N. Kennan and Dr. Richard Gardner, respectively. I have also inserted the report of the Ad Hoc Committee of the International Council of Scientific Unions, which recommends creation of an International Center for the Environment.

Today I also have the honor and privilege of providing to the Senate a speech made recently by U Thant, the Secretary General of the United Nations. In his fine address, the Secretary General also recommends a global environmental authority. Calling attention to the urgent international environmental crisis, U Thant says:

If effective measures are to be taken in time, we need something new—and we need it speedily—a global authority . . . In the matter of environmental pollution it seems to me absolutely essential that all countries and peoples should be associated from the outset with the effort to face what may well prove to be the gravest threat that mankind as a whole has ever encountered . . . For the task of saving the environment, nothing less than a new step toward world order will do.

Mr. President, the Secretary General's words echo those of my address on April 27, and his concern echoes not only my concern, but the concern of thousands of scientists and statesmen from throughout the world. Out of this concern has come the beginning of action—Senate Resolution 399. The resolution is now before the Foreign Relations Committee, awaiting the views of the State Depart-

ment. I have asked both the Secretary of State, Mr. Rogers, and the Special Assistant to the Secretary of State for Environmental Affairs, Mr. Christian Herter, Jr., to speed their communication of views so that needed action may be taken on this resolution.

Mr. President, I am under no illusion that the adoption of Senate Resolution 399 alone will create an international environmental agency overnight. Obviously, the resolution will have to be followed by substantive legislation and by a concerted diplomatic effort. The resolution serves, however, to initiate needed action in preparation for the 1972 United Nations Conference on the Human Environment. It also serves to put the Senate on record as advocating this international concept, and it facilitates the refinement of the various proposals that have already been made. Most important, however, it serves to advise the President and the Department of State that we in the Senate consider the World Environmental Institute concept to be vitally important and a proper subject for diplomatic negotiation.

Let us remember what Secretary General U Thant has called the international environmental crisis—"the gravest threat that mankind as a whole has ever encountered." Let us act appropriately.

Mr. President, I ask unanimous consent that the fine speech by Secretary General U Thant be printed in the RECORD.

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

#### HUMAN ENVIRONMENT AND WORLD ORDER

It is a thrilling experience to come to Texas and to the South West for the first time. To outsiders Texas is an almost legendary place, and for us in the United Nations this is particularly true. Texas, after all, is larger, both in area and in population, than most of the Member States of the United Nations. In fact, Texas has more inhabitants than 86 out of the 126 Member States of the United Nations. Its history, though comparatively short, has been dramatic and adventurous, as well as providing the unusual case of a truly independent republic which became part of a larger union. In an increasingly crowded world, the name of Texas evokes a vision of wide open spaces and vast horizons, of individualism and self-reliance. These, in our time, are the qualities of romance. I have been told that in the original agreement between the Republic of Texas and the United States Government, Texas reserved the right to split into five separate states. I sincerely hope that this temptation will be resisted. The world has enough trouble already with two Chinas, two Germanys, two Vietnams and two Koreas. A five-Texas problem might well be the last straw. But I have come here to talk with you about quite different matters.

Real life, in our time, has shown an alarming tendency to overtake science-fiction, and this tendency is nowhere more evident than in the subject I am going to talk about today—the problem of the human environment. It is a problem which, although it is by no means new, has suddenly taken on the quality of a nightmare.

Although experts may disagree on this or that detail, there can be no doubt that we are faced with an unprecedented situation. This is the first time in its history that mankind faces not merely a threat, but an actual world-wide crisis involving all living creatures, all vegetable life, the entire system in

which we live, and all nations large or small, advanced or developing. It is a crisis which concerns literally everyone, and involves, directly or indirectly, almost everything. It underlines, as no other phenomenon can, the fact that ours is the first global civilization and that, as such, it can make global mistakes which can wreck not just one nation or society, but the very earth itself. We have, of course, also *invented* the means—nuclear, chemical and biological—of actually destroying our global society as well, but today I shall concentrate on the ways in which we may wreck it not intentionally, but by mistake, by selfishness and by stupidity.

The exploration of outer space has given us a new appreciation of our planet and of its unique and bountiful nature. Through the eyes of space explorers we have seen the earth as a jewel of the universe—with its great oceans, its incredible variety of terrain and vegetation, and its astonishing crew of animal and human life, sailing in space and wreathed with the clouds and the air of its life-giving atmosphere. The Soviet cosmonauts movingly expressed our newly found earth-patriotism when they wished their stricken American colleagues on Apollo 13 a safe return to "our native earth."

The drama of Apollo 13 also gave us an exhibition on a small scale of what might easily become the problem of spaceship earth. The problem in those agonizing days of Apollo 13's return from the moon was basically the uncertain balance between the capacity of the spaceship to support life and the demands made on it by its inhabitants. Until recently, the earth could, without difficulty, meet the needs of its passengers and could also absorb the various waste products which they produced. But now we face a rapidly increasing imbalance between the life-sustaining systems of the earth and the demands, industrial, agricultural, technological and demographic, which its inhabitants put upon it. This is an unprecedented challenge to all earth-people here and now. If we fail to meet that challenge, it could become an unthinkable disaster for our children.

Apollo 13 had behind it a vast and brilliant research and planning organization and a dedicated and decisive Mission Control—stationed here in Texas—whose authority was unquestioned. It also had a home base to return to. On spaceship earth we do not as yet have any of these advantages. Indeed, it is strange that while we marvel at, and pride ourselves on, the miracles of invention, planning, technique, courage and team work which sustain our space explorers, we still accept for our own spaceship earth the most antiquated systems, the most wretched mismanagement and a level of profiteering, sabotage, self-seeking and indiscipline which would not be tolerated for a second in the Manned Space Flight Center or at the Soviet Cosmodrome. Today I propose to consider briefly how we may begin to achieve for spaceship earth, on the necessary scale, the kind of planning, organization and authority which brought Apollo 13 safely home. Our problem, of course, is infinitely vaster and more complex, but the basic necessity is the same.

The symptoms of our problem are too well known to need description. We see, hear and smell them all around us, and, belatedly perhaps, the environmental problem is becoming the most widely discussed and written about question of our time all over the world. This sudden interest and concern over the environment cannot be allowed to be merely a passing whim, and it is also essential to avoid any temptation to make the problem into some sort of cult. Clear and honest thinking, organization and hard work are vital. The environment must become a subject of lifelong dedication for many people everywhere, especially among our most promising young men and women. This is

one branch of human endeavor in which we dare not permit ourselves to fail.

The causes of our problem are also generally well known. Man's technological achievements in the past two hundred years have allowed for, and encouraged a fantastic growth of population which has increased the number of the earth's inhabitants sevenfold since 1600 A.D. and may well double it again in the next 38 years. This population increase has been accompanied by a process of urbanization which has already brought 40 per cent of the world's people to live in cities, and the urbanization process continues apace.

Urbanization on this scale was neither foreseen nor planned by the presiding wizards of the industrial revolution—nor apparently did it worry them at all—and the appalling results are clear for all to see. Urbanization has become, in social and economic terms an almost universal problem producing vast social and political difficulties as well as being a major source of pollution. At the same time the spread of industrialization and the inexorable advance of technology, of which the human and environmental consequences have so far been largely ignored, have produced a new and global range of problems which now threaten the very fabric and atmosphere of the earth itself.

You are all acquainted with striking examples of this horrible accident of history, and certainly we have already produced some irreversible disasters and have lost beyond redemption some precious parts of our common heritage. But there is no basic reason why technology, urbanization and industrialization, properly planned and controlled, should not be made to enrich the life of mankind rather than to deplete it, just as, at its best, the industrial revolution has, in some areas of the world, put an end to the drudgery and servility in which, for most of its history, a majority of the human race has lived. It is the aims, methods and organization of technology, industrialization and urbanization which must urgently be reviewed and, where necessary, changed, before we suffer larger and more fatally irreversible disasters.

Why has the environmental problem, which has been evident for so long in different ways and in different parts of the world, suddenly assumed the dramatic and global proportions of which men speak today? It is mainly I suppose, because the accelerated growth of population and technology have compounded themselves in a progression which was mathematically predictable, but to which, until very recently, short-sightedness and self-interest blinded the authorities and interests mainly responsible. One statistic, quoted recently in *The New York Times*, may give an idea of the speed of this progression and of the size of the problems we face. In 1957 the gross national product of the United States was 453 billion dollars. In 1969 it was 728 billion dollars, an increase of 60 per cent, and by 1980 it is estimated that it will again have increased by 50 per cent. The output of goods and services in the United States grew as much between 1950 and 1970 as it did in the entire period between 1620, when the Pilgrims landed, and 1950. An increasing gross national product was, until recently, regarded as an entirely desirable goal, but now we must also see this goal in terms of demands on resources, in terms of waste disposal and pollution problems and of other serious consequences, social as well as economic.

The question of the growth of the gross national product as a national aim is only one of many areas in which a reconsideration of attitudes and ideas, which until lately have been generally accepted, is urgently required.

Obviously, the environmental problem looks very different according to the state

of development of the country one happens to live in, and this makes a global approach all the more essential. A simple example is the question of DDT, the use of which is vitally important to the agricultural development of a number of developing countries at precisely the moment when some advanced countries are taking steps to curb, or even abolish, its use. It is clear also that the whole question of the pace and the goals of economic development must be examined in the light of environmental problems. The developing nations should not be encouraged to repeat the mistakes of the advanced countries. Nor should they be the victims either of the abuses of the environment committed by advanced countries, or of the measures which their new awareness of their mistakes may cause the advanced nations suddenly to take. In the interest of all people of the world, it is essential to evolve a new balance between economic development and the increase of the gross national product on the one hand and the human and social requirements of men and a reasonable use and conservation of the world's resources on the other.

This is only one of a whole range of broad questions which will need to be re-examined urgently in the light of the environmental crisis. On a national level there are many others. In some countries the whole system of profits, of sales promotion and of the nature of commercial enterprise, as part of a national way of life, clearly have an important bearing on the environmental problem. The attitudes of consumers as well as of producers must be looked at anew from the environmental point of view. In other countries, which are not committed to the free enterprise system, national economic aims and policies will require a similar examination.

It also seems probable to me that the results of the habit of thinking primarily in national terms will be found to be closely connected with some of the problems of the environment. I think, for example, of the large numbers of aircraft from scores of national airlines which fly about the earth, often with a small complement of passengers, and of the 35 tons of oxygen which each of them is said to replace with gases and fumes in every six-hour flight. One may be forgiven for wondering if a more rational and efficient scheme of international civil aviation could not be devised which would reduce this major source of pollution, as well as lessening the overcrowding of the world's airports.

These are only a few of the general problems on which we urgently need a searching and responsible international dialogue. No one can say what the results of such a debate might be, but I believe that we should not be too pessimistic. Many of the questions to be discussed are overdue for discussion anyway, and it is even possible that out of this exchange we might evolve new aims, attitudes and styles of life which would in themselves constitute a positive improvement in the human conditions. We might, for example, begin to find a balance between the material craving of man and other nobler aspirations which have tended to be overshadowed by the appetites cultivated by the technological age.

On more specific problems there is no shortage of evidence. The main areas of our concern are clear. The desperate conjunction of explosive population increase and food shortage has haunted us for many years. The effects of existing technology put a increasing strain on natural resources and now also threaten, through unabsorbable or undisposable waste products, not only the surface of the earth but the very integrity of the atmospheric envelope in which we live. We now hear much, for example, of the "green house effect" caused by the steadily increasing excess of unabsorbed carbon di-

oxide which we heedlessly release into the atmosphere each year. This could cause an increase in the mean annual temperature all over the world with a series of catastrophic results—the melting of the polar ice caps, radical changes in the ecology of the sea, and even floods on a scale hitherto undreamed of. There is also the emerging problem of new techniques which actually destroy the environment.

The most dramatic of these is, of course, the thermonuclear explosion, but others less spectacular, and benevolent in the short-term, may prove to be long-term disasters. Some chemical pesticides, some fertilizers, and the internal combustion engine—although this may not be the happiest place to say it—are obvious examples, not to mention the unknown effects on earth and in the atmosphere of innovations such as the supersonic transport plane. Here again we have to reach a proper balance between new goals and real human requirements. To reach this balance we have to develop our knowledge of the results of technological change and our thinking as to what men really want and need.

There is indeed no shortage of problems to discuss, and it is my hope that the United Nations Conference on the Human Environment, which, at the initiative of the Government of Sweden, is to meet in Stockholm in 1972 and for which we are now actively preparing, may serve as an occasion for organizing, sharing and deploying knowledge and expertise, identifying priority problems and co-ordinating national measures within an effective global framework. I do not propose to speak now in detail about the work of that Conference. There is, however, one aspect of it which we must consider realistically and with care—I refer to the question of effective organization to meet this first truly global crisis. What is to be the nature of the institutional arrangements for planning, programing and researching for the rescue of spaceship earth? And who, if things go wrong, will be our Mission Control, with the wisdom and the authority to ensure that the agreed measures are the right ones and that they are actually carried out?

There is already a huge mass of information on the threat to the environment, and many organizations and Governments all over the world are concerned with this or that aspect of the problem. There are even efforts to set international standards in some areas and to make international rules for the preservation of parts of our threatened environment. But the situation is now sufficiently urgent to demand a great deal more than this. The unthinking exploitation and abuse of the world's natural resources, and the plunder, befouling and destruction of our native earth, have already gone too far for us to rely any more on pious hopes, belated promises, and tardy efforts at self-discipline.

Only last year Thor Heyerdahl, in his papyrus ship, encountered a 200-mile oil slick in the mid-equatorial Atlantic. It was the contribution of countless tanker captains, and sometime soon it may begin to approach the shores of South America. There is no necessity for comment on an outrage such as this, but it underlines the fact that we do not have the time for an educational campaign to divert men from centuries of destructive or thoughtless habit.

If effective measures are to be taken in time, we need something new—and we need it speedily—a global authority with the support and agreement of Governments and of other powerful interests, which can pull together all the piecemeal efforts now being made and which can fill in the gaps where something needs to be done. This authority must embark expeditiously, with the good of all men in mind, on the delicate process of reaching a workable compromise among Governments and interests on matters affecting the environment. It should be able, if neces-

sary, to police and enforce its decisions. Apart from the general support of Governments, such an agency will have to rely, as Mr. George Kennan has rightly observed, on experts, scientists and scholars who will be "true international servants, bound by no national or political mandate, by nothing, in fact, other than dedication to the work in hand". The immediate question is this: Do the sovereign nations of the world have the courage and the vision to set up and support such an agency now, and thus, in the interest of future generations of life on earth, depart radically from the hitherto sacred paths of national sovereignty? I sincerely hope that they do have this courage and wisdom, for I increasingly doubt whether any lesser measures will suffice to meet the challenge which faces us. Certainly the clouds and currents of pollution ceased to respect national sovereignty long ago.

There is a secondary question which relates to the nature of this new global agency. Mr. Kennan has suggested, for reasons which he considers cogent and practical, that, to begin with at any rate, it should be constituted by a small group of leading industrial and maritime nations, whose economies are largely responsible for the environmental problem in the first place. With all respect for Mr. Kennan's judgment, I profoundly disagree with this idea. It has always seemed to me ironical that the Powers who had created, or who owned, nuclear weapons were precisely those who were so insistent that others should forswear them, although, from a practical point of view, they were unquestionably right in seeking to curb the spread of nuclear weapons.

But in the matter of environmental pollution it seems to me to be absolutely essential that all countries and peoples should be associated from the outset with the effort to face what may well prove to be the gravest threat that mankind as a whole has ever encountered. As I said earlier, a balance has to be reached between economic development and human and social needs, and between population, development and environmental control. The developing countries are intimately concerned in these problems, which are crucial both to their own future and to the future of the environment. Their voices must be heard, and listened to, even if at the outset their technical contribution may be relatively small. Their confidence and their co-operation, as representing the largest part of the world's population, are vital. Otherwise we shall once again increase the gap between advanced and developing nations which is already one of the major sources of tension in the world.

I further venture to say that I believe that a global authority for the protection of the environment should be closely associated with the United Nations. I hasten to add that in saying this I am motivated by no impulse for empire-building. The United Nations has no shortage of great and difficult problems on its agenda. But the United Nations, for all its shortcomings, is the nearest thing we have to a world organization, and it suffers from all the difficulties of a world organization. If the United Nations has so far failed to develop the degree of world order and the kind of international authority and responsibility which many of us believe the present state of the world demands, it is perhaps because the challenges it has faced hitherto have not seemed compelling enough to persuade its sovereign members to advance sufficiently fast from self-centered nationalism to internationalism. The fact remains, however, that the United Nations is still the only forum where the development of world order is continuously discussed and actively striven for. For the task of saving the environment, nothing less than a new step toward world order will do. Any new and separate universal agency set up for this purpose will have to face the same hard facts of international life which

the United Nations faces, without the advantages of the accrued experience and existing organization of the United Nations.

One of the standard plots of science-fiction is the overwhelming and mysterious threat from outer space which unites all men on earth to defend their planet and which makes them forget at last their petty, earth-bound differences. If much of what we now hear about environmental problems is true, we may well, on our own, have provided the overriding incentive to unite and to cooperate, and we shall not be needing help from outer space. If that is so, I can only hope that we have the imagination and the strength to react in time and in a fitting manner. If we do, our present near-disaster could be turned, like the flight of Apollo 13, into a triumph of the human spirit and of human ingenuity. Every cloud, even if it consists of smog, may have a silver lining. The crisis of the environment could be the challenge which might show us the way forward to a responsible and a just world society—a path which, for all the efforts of the United Nations in the political crises of our time, has so far eluded us.

Is it wholly fantastic and utopian to ask that some of the ingenuity and the vast sums of money now spent on armaments might be diverted to the saving of our native earth? Is it silly to believe that man can find within himself the generosity and the imagination to put the common good before self-interest? Is it naive to hope that ideological struggles might give way to the struggle for survival and for a decent future? Is it unrealistic to suggest that the undoubted global challenge we now face might become the basis for a new start in world order and a more civilized and generous way of life for the peoples of the earth?

A great American public servant recently observed that "invariably the right things get done for the wrong reasons, so the organizer looks for the wrong reasons to get the right things done". While this dictum may err on the side of scepticism, there is a great deal of wisdom in it. As Secretary-General of the United Nations, I am deeply concerned with the threat to the environment, but I cannot let this concern overshadow all of the other objectives for which the United Nations has striven and will strive. All of these aims—peace, disarmament, justice, human rights, world order, improved conditions for all peoples, the development of international law—are interrelated, and an advance in one area benefits all the others. If the threat to our environment proves to be as great and as imminent as many experts now say it is, and as I believe it to be, and if the concern now being expressed all over the world is sincere, I would hope with all my heart that the lessons we can learn from this bitter experience may also find a wider application. I would hope that in saving ourselves by preserving our environment, we might also find a new solidarity and a new spirit among the Governments and peoples of the earth, and so look to the future with greater courage and confidence.

#### U.S. ACTIONS FOR PEACE IN VIETNAM AND THE COMMUNIST RESPONSE

Mr. THURMOND. Mr. President, it is amazing to me to find Americans here at home protesting a major American victory on the battlefield in Southeast Asia. It is even more difficult to believe that some of my colleagues here in the Senate would undertake a legislative means to weaken our President's authority. To me, this is a breach of faith with the President and a gross violation of the faith of the American people who voted him into office. Before we go much

further with this cowardly blow against our Commander in Chief, I should like to document the record with some White House facts about the U.S. action for peace in Vietnam and the Communist response.

Mr. President, I ask unanimous consent that the White House fact sheet, which fully justifies the President's decision, be printed in the RECORD.

There being no objection, the fact sheet ordered to be printed in the RECORD, as follows:

#### FACT SHEET: U.S. ACTIONS FOR PEACE IN VIETNAM AND THE COMMUNIST RESPONSE

##### U.S. ACTIONS

##### Military

We have instituted a Vietnamization program which envisages South Vietnamese responsibility for all aspects of the war—coping with both Viet Cong insurgency and regular North Vietnamese forces—even if we cannot make progress in the political negotiations.

We have offered the withdrawal of U.S. and Allied forces over a 12-month period, if North Vietnamese forces also withdraw. On April 20 the President reaffirmed our acceptance of eventual total withdrawal of U.S. troops, in return for the permanent withdrawal of North Vietnamese troops.

We have declared that we would retain no military bases.

We have reduced our presence in South Vietnam through lowering our force ceiling there by 115,500. On April 20, the President announced the withdrawal of another 150,000 American troops to be completed during the spring of next year, making a total reduction of 265,500 men since this Administration took office. He also said that more than 150,000 would be withdrawn if we make progress on the negotiating front.

We have reduced air operations in South Vietnam by over 20% since January, 1969.

There has been a halt to the bombing of North Vietnam since November, 1968.

We have emphasized to our military commanders the requirement that losses be held to a minimum, consistent with their mission to protect allied forces and the civilian population. (In the first three months of this year, the number of Americans killed in action was lower than in the same three months during any of the past five years.)

##### Political

We have made concrete and comprehensive political proposals for settlement of the war. In addition to the military steps listed above, we have taken political steps which many had advised us would lead to serious negotiations.

We have proposed free elections organized by Joint Commissions under international supervision.

We and the Government of South Vietnam have announced that we are prepared to abide by the outcome of the political process agreed upon.

We have offered to negotiate supervised ceasefires under international supervision to facilitate the process of withdrawal.

We have expressed willingness to discuss the 10-point program of the other side, together with plans put forward by the other parties.

We have dealt with the National Liberation Front at meetings in Paris.

In short, the only item which has not been declared negotiable is the right of the people of South Vietnam to determine their future, free of outside interference.

On April 20, the President affirmed our belief that a fair political settlement should reflect the existing relationship of political forces within South Vietnam. He also said, "We recognize the complexity of shaping machinery that would fairly apportion political power in South Vietnam. We are flexible; we

have offered nothing on a take-it-or-leave-it basis."

The President also noted with interest the recent remarks by Soviet Deputy Foreign Minister Malik concerning a possible new Geneva Conference on Indochina.

On November 3, 1969, the President described extraordinary efforts we have made to engage the other side in serious negotiations. On April 20 he reaffirmed that we are willing to explore any reasonable path to peace.

#### THE ENEMY RESPONSE

##### Military

Enemy activity in Vietnam has increased in several areas over the past few months. In April they stepped up their attacks.

Their 40,000 troops in Cambodia and 67,000 troops in Laos are actively engaging in aggression in violation of the legally recognized neutrality of those countries.

While the U.S. is withdrawing troops, North Vietnamese infiltration into South Vietnam continues.

##### Political

Hanoi has consistently rejected our forthcoming proposals. The North Vietnamese continue to demand that we unilaterally and unconditionally withdraw all American forces, that we first overthrow the elected government of South Vietnam, and that we accept a political settlement that would in practice mean the imposition by force of a Communist government in South Vietnam.

Hanoi has rejected a ceasefire proposal for Laos and has shown no real interest in discussing ceasefires in Vietnam.

Hanoi refuses to provide information about the whereabouts of all U.S. prisoners of war, to allow them to communicate with their families, or otherwise to conform with elementary standards of decency in caring for captured U.S. personnel.

#### HANOI'S USE OF CAMBODIA IN THE VIETNAM WAR

Since late 1965, Cambodia has played a major role in Hanoi's strategy for taking over South Vietnam. The Vietnamese Communists have made use of its territory for tactical sanctuary, for base areas, for infiltration of personnel, and for shipment of supplies. They have also procured arms, food and other supplies from Cambodian sources.

##### Sanctuary

The utility of Cambodia to Hanoi became crucial in 1969, when the North Vietnamese decided after the defeat of their Tet offensive and two subsequent offensives in 1968 that they would shift to a strategy of "protracted struggle." This strategy, as outlined in detail in a document issued in August 1969 by COSVN (the "Central Office for South Vietnam," which is Hanoi's main headquarters in the southern part of South Vietnam), called for the withdrawal of the bulk of the Communist main forces into the Cambodian base areas, from which they would wait out the U.S. troop withdrawals under Vietnamization, stage occasional forays, or "high points," to maintain military pressure on the allies, and support the Communist infrastructure and local forces left behind in South Vietnam. Here the Communist forces enjoyed sanctuary, a particularly important feature for the forces operating adjacent to the relatively open, densely-populated, and heavily-garrisoned areas of IV Corps and southern III Corps—the Delta and the Saigon region. (Safe haven in Cambodia is less important further north where the rugged, densely-forested, and lightly-held South Vietnamese highlands provide more elbow room for Communist forces on the move or at rest.)

These base areas have now been turned by the NVA/VC elements into comprehensive military installations where troops and new recruits are received, supplied, and trained; military and political staffs maintain their headquarters; and fighting forces

receive refuge and medical treatment. Some base areas contain sizeable ordnance depots, weapons and ammunition factories, petroleum storage facilities, truck parks, and POW camps. Clearly, the base areas provide the foundation upon which rest Communist expectations of maintaining an effective military-political apparatus in southern South Vietnam while the U.S. withdrawal proceeds.

The more northerly base areas, opposite II Corps and northern III Corps, serve as safe havens for Communist troops operating into these areas, and also facilitate the southward movement of North Vietnamese troops and supplies toward COSVN and eastward into the highlands of South Vietnam. They constitute, in effect, an extension of the Laos corridor—but a sector in which the NVA has enjoyed virtual immunity from Allied attack. To the extent that the Communists were denied free use of these areas, their forces in the highlands of South Vietnam could suffer a loss in combat effectiveness and increased casualties.

The southerly base areas, opposite the Delta and the Saigon region, have grown rapidly in size and importance since August 1969 as Hanoi has sought to limit exposure of its main force units and reduce casualties while attempting to halt the erosion of its political-military base in the populous and decisive theater. The bases are situated in well populated areas, many in villages and plantations inhabited by ethnic Vietnamese and controlled by Communists since the days of the Viet Minh.

The Cambodian sanctuaries play a key role in Hanoi's response to the Vietnamization and pacification programs. Because of their existence, especially the sanctuaries in southern Cambodia along the III and IV Corps frontiers, Hanoi can always mass large hostile forces in close proximity to major South Vietnamese population concentrations. This ability enables Hanoi to pose a continuing threat to South Vietnam's internal security that progress in pacification or Vietnamization cannot eradicate.

#### *Infiltration*

The Cambodian base structure, as noted above, supports infiltration of NVA personnel into South Vietnam, and the shift of units from one portion of South Vietnam to another, as in the case of the movement of NVA regiments into the Delta last year. The infiltration system through Cambodia handled nearly 55,000-70,000 NVA personnel in 1969, an estimated 60 percent of total NVA infiltration into South Vietnam that year. About 45,000-55,000 of these enemy troops moved as far as the southerly base areas subordinate to COSVN. The foot trails used lie very close to the border and occasionally cross into South Vietnamese territory; they are, for the most part, heavily canopied and secure from aerial observation. The trip from the Laos border to the "Parrot's Beak" opposite Saigon takes 45 to 60 days.

The Communists' north-south logistic route through Cambodia has few motorable segments and is mainly a network of trails and waterways. Occasionally, it utilizes the same trails as the personnel infiltration system. It has never been possible to quantify the north-south movement of supplies to VC-NVA forces in South Vietnam via Cambodia, but there is evidence that the trails are being constantly improved and that supplies are being moved.

Large quantities of heavy weapons and bulk supplies have moved until recently through the port of Sihanoukville and along West-East routes to III and IV Corps in South Vietnam.

Over the past year the demands of the new NVA force in the Delta would have greatly increased Communist supply requirements there. These increased supply requirements probably account in part for the actions of the Communist forces in attacking Cambodian police and military posts in provinces

adjacent to the Delta region of South Vietnam. Food needs had evidently been met in part earlier by clandestine shipments of rice to the NVA/VC forces through Cambodia, but the recent decision of the Cambodian Government to halt such shipments has evidently induced the Communists to drive the Cambodian authorities entirely out of large sections of the country so that the Communists can then draw directly on the civilian population for their food supplies. Other purposes which the Communists undoubtedly have in mind in attacking the Cambodian forces are to strengthen and deepen the area from which they can threaten the allied forces in South Vietnam, as well as to threaten the overthrow of the neutral Government of Cambodia.

#### U.S. POSITIONS ON CAMBODIA

On April 16, 1969 the Australian Ambassador in Phnom Penh, representing United States interests in Cambodia, delivered to the Cambodian Government the following U.S. declaration:

"In conformity with the United Nations Charter, the United States of America respects the sovereignty, independence, neutrality, and territorial integrity of the Kingdom of Cambodia within its present frontiers."

July 2, 1969—U.S. resumes diplomatic relations with Cambodia and appointment of Chargé announced.

In a March 21, 1970 Press Conference, President Nixon stated that the U.S. would deal with the Government selected by the Cambodian Parliament and that:

"We respect Cambodia's neutrality. We would hope that North Vietnam would take that same position in respecting its neutrality."

In his April 20, 1970 speech, President Nixon warned Hanoi about the risks of North Vietnamese escalation in Vietnam, Laos and Cambodia as follows:

"But I again remind the leaders of North Vietnam that while we are taking these risks for peace, they will be taking grave risks should they attempt to use the occasion to jeopardize the security of our remaining forces in Vietnam by increased military action in Vietnam, in Cambodia or in Laos.

"I repeat what I said November 3 and December 15: if I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation.

"My responsibility as Commander in Chief of our Armed Forces is for the safety of our men, and I shall meet that responsibility."

#### CHARLES BAILEY'S STORY ON THE PRESIDENT'S DECISION TO INVADE CAMBODIA

Mr. MONDALE. Mr. President, one of the great tragedies of the Cambodian adventure is how it has undermined the credibility of the current administration and the faith of so many people in the manner of Presidential decisionmaking.

Given the administration's adherence to a military victory and its total commitment to propping up the Thieu-Ky government, the escalation of the war into Cambodia may well turn out to be tactically advantageous. The real question, of course, has never been in the tactic of Cambodia as much as the Indo-Chinese strategy which this adventure revealed.

But whatever comes of Cambodia, America stands to lose if the credibility of the President is lost along the way. It has been recently revealed that the story we were told on April 30 of the

decision to invade Cambodia was far, far from the complete story. In fact, the decision to invade Cambodia had been in progress for more than a month—far in advance of the April 20 speech, for example, when the President told the American people how well Vietnamization was proceeding.

Charles Bailey, Washington bureau chief for the Minneapolis Tribune, has done a remarkable job in piecing together this story. He describes in detail the elaborate background of the Cambodian invasion and how long this decision was in the making. He points out—vividly but objectively—the inconsistencies which have emanated from the White House since the Cambodian plan began.

Mr. Bailey has done a great service by this reporting. I commend his article to the Senate, and I ask unanimous consent that it be printed in the RECORD.

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

[From the Minneapolis Tribune, May 17, 1970]

UNITED STATES ENDS ONE OPERATION IN CAMBODIA, WITHDRAWS—WHEN DID NIXON DECIDE?

(By Charles W. Bailey)

WASHINGTON, D.C.—Despite President Nixon's claim that a sudden increase in North Vietnamese military activity was the reason he ordered U.S. troops into Cambodia, plans for that attack were under top-level study for more than a month before it began.

This fact, now stated flatly by top officials, runs counter to Mr. Nixon's public assertion that he ordered the attack because of a step-up in enemy action between April 20 and April 30, when the operation was launched.

The contrast between public explanation and private action also provides new support for the growing belief here that the President and his military advisers viewed the Cambodian situation more as an opportunity than as a threat—as a chance for military gain rather than a danger which had to be checked.

This picture of the behind-the-scenes action in the Cambodian drama emerged Saturday on the basis of comments by Defense Secretary Melvin Laird, who revealed additional details of the planning that preceded Mr. Nixon's April 30 order to strike into Cambodia.

On that night, the President told a nationwide television audience that he had warned the enemy 10 days earlier not to take advantage of U.S. troop withdrawals to increase its own military activity.

Mr. Nixon asserted in the April 30 speech that "North Vietnam has increased its military aggression . . . particularly in Cambodia" and that "the actions of the enemy in the last 10 days clearly endanger the lives of Americans who are in Vietnam now."

The President also said that "in the past two weeks" the enemy had stepped up guerrilla actions and was "concentrating its forces in these sanctuaries . . . where they are building up to launch massive attacks on our forces."

Finally, Mr. Nixon pinpointed "the last two weeks" as the period when the Communists had "stripped away all pretenses of respecting the sovereignty or the neutrality of Cambodia."

Nothing in Mr. Nixon's April 30 speech suggested that he had been considering an attack into Cambodia prior to April 20, when he issued his "warning." In fact, he went out of his way to say that "even after the Vietnamese Communists began to expand these sanctuaries four weeks ago, we counseled

patience to our South Vietnamese allies and imposed restraints on our own commanders."

Actually, according to Laird, U.S. military commanders were put to work in late March planning possible actions in Cambodia.

"When the change in government came about in Cambodia, I requested planning to be done at that time on various courses of action that could be taken by our government," Laird said.

"Planning was started in the latter part of March. Various proposals were presented to me. I approved certain actions, and made certain other recommendations to the National Security Council and the President

"The plan that is currently going forward is a plan submitted to me by the NSC, and supported by me."

The NSC (National Security Council) met at the White House on March 24 and again the next day, March 25. The next NSC session was on April 8.

Laird's comments make clear that Mr. Nixon began to study the plan for the Cambodian attack early in April.

The defense secretary said he had given the plan to the President probably more than a week before Mr. Nixon's trip to Hawaii on April 18.

While in Honolulu, where he flew to greet the returning Apollo 13 astronauts, Mr. Nixon received a briefing on the invasion plan from Adm. John McCain, U.S. commander in chief in the Pacific.

Laird said that McCain's briefing "did give the (Cambodian) plan as presented by Gen. Abrams, modified by discussions we had had here."

But, he added, Mr. Nixon had seen the plan before:

"I had given him the plan. The plan had been transmitted to him."

When a reporter asked if that had occurred "the previous week," Laird replied:

"Well, before that, I think. But it had not been approved."

Mr. Nixon returned from Hawaii to his California home on April 19 and the next day announced to the nation that another 150,000 U.S. troops would be withdrawn from Vietnam in the coming year.

In that announcement, he noted a recent step-up in Communist attacks in Vietnam but added that, "despite this new enemy activity, there has been an over all decline in enemy force levels in South Vietnam since December."

Mr. Nixon referred specifically to Cambodia at one point, charging that "almost 40,000 communist troops are now conducting overt aggression there."

And he said that the leaders of North Vietnam "will be taking grave risks should they attempt to use the occasion (of more U.S. withdrawals) to jeopardize the security of our remaining forces in Vietnam by increased military action in Vietnam, in Cambodia or in Laos. . . . If I conclude that increased enemy action jeopardizes our remaining forces. I shall not hesitate to take strong and effective measures to deal with that situation."

Except for these two passages, Mr. Nixon did not refer to Cambodia in his April 20 speech. At no point in that talk did he discuss the border sanctuaries which only 10 days later became the target of U.S. attack.

Indeed, the tone of April 20 was upbeat—and obviously purposely so. Mr. Nixon said, "We shall not be defeated in Vietnam," that "we finally have in sight the just peace we are seeking" and that "we can say with confidence that all American combat forces will be withdrawn."

At that moment, however, Mr. Nixon's military planners were in the midst of a decision-making process that would send U.S. combat forces to new territory.

Laird said last week he had initially opposed the use of American troops to attack the Cambodian sanctuary areas—because of

his concern that strong enemy resistance could lead to heavy fighting and high U.S. casualties.

But in mid-April, he said, the situation changed. North Vietnamese troops began moving westward out of the sanctuaries and further into Cambodia—thus reducing the force in the base area so that "the risk involved militarily" in the proposed attack "became much less."

At that point, Laird said, he changed his mind and supported the use of U.S. troops in the Cambodian attacks. "This was the time to hit them," he said.

Laird told reporters last week that about one-third of the estimated 40,000 Communist troops in Cambodia had moved out of the sanctuaries and were "facing the other direction" when the U.S. attack began.

Laird's statement that the North Vietnamese had moved something like 13,000 men out of the sanctuaries and away from South Vietnam contrasts with Mr. Nixon's claim in the April 30 speech that "the enemy . . . is concentrating his main forces in these sanctuaries where they are building up to launch massive attacks on our forces in South Vietnam."

This was not the only contradiction between official accounts.

On the same night that Mr. Nixon spoke publicly of the enemy "concentrating" in the sanctuaries, a high White House official, who briefed reporters, said Communist forces had moved out of the sanctuary.

There have also been signs that the administration rationale for the attacks has shifted. Originally—as in the President's speech—the strikes were depicted as basically defensive, as a response to a new and growing threat caused by Communist moves to connect the sanctuaries and thus form a 600-mile-long base for attacks on South Vietnam.

More recently, however, there has been a new tone to the explanations.

Laird put it bluntly to a congressional committee last week:

The President, he said, saw the operation as "an opportunity."

The military has seen it that way all along, and weeks ago authoritative military figures were arguing—anonymously that the overthrow of the neutralist Sihanouk government provided a good excuse for letting them do what had been forbidden previously for diplomatic reasons.

The "opportunity" argument is being advanced more openly now that the operation against the sanctuaries seems to be going smoothly with low casualties and a high box score of captured enemy materiel.

This may prove to be a politically advantageous line. But the disclosure that the attacks had been in preparation long before the time cited by Mr. Nixon in his April 30 speech could create problems for an administration seeking to preserve its credibility with a troubled and divided public.

#### LUBBOCK AVALANCHE-JOURNAL EDITORIAL ON SBA

MR. TOWER. Mr. President, I invite the attention of Senators to an editorial published in the Lubbock Avalanche-Journal of May 14 which describes the quick and effective response of the Small Business Administration and its Administrator, Hilary Sandoval, to the recent tornado disaster which occurred in the Lubbock, Tex., area.

Mr. Sandoval was on the scene shortly after the tornado hit and quickly brought the resources of the SBA to bear on the reconstruction of the shattered businesses and homes of the area. This is the type of flexible and responsive Government action to a natural disaster which

the people of this country deserve, wherever they may live. I commend the service performed by the Administrator in this situation and in other disaster situations in Texas and around the country. I also want to express my confidence that this same public service ethic will continue to make the SBA an outstanding model of a truly effective and functional Government agency.

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

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

#### OFFICIALS SPEEDING FINANCIAL AID—LIKE HILARY SANDOVAL

Whatever the final figure may show, it is safe to say that the tornado damage to construction in Lubbock—homes and business buildings—will be tremendous.

Whether the overall figure of losses will run \$100 million, \$150 million, or what, a great deal of money has gone down the drain and rebuilding and repairs will demand terrific expenditures.

Therefore, it is important to note that money in massive quantity will be quickly available. Whether it will be enough, or come cheaply enough, cannot be said at the moment. But a lot of it will be available through both private and public sources.

Sen. John Tower, Rep. George Mahon and Gen. George Lincoln, who heads the President's Office of Emergency Preparedness, all said during a flying visit here Tuesday that money would be made quickly available from Washington. Sen. Ralph Yarborough wired the same statement. But more important, Hilary Sandoval, the perceptive and indefatigable young head of the Small Business Administration, echoed those words. In the final analysis, it will be Mr. Sandoval and his organization who'll tote the wood and water and who will get the money where it needs to go and soonest.

Mr. Sandoval flew here with the others to view the situation both on the ground and, by helicopter over the city. He told *The Avalanche-Journal*: "There will be no delays. I've told Fred Neumann, our divisional supervisor stationed in Lubbock, that he can have all the loan officers here, he needs. He can have 100 of them tomorrow if that's necessary."

Sad as the situation is in many homes and business concerns, there will be financial help and much of it. That is the best kind of news as the rubble is being cleared away.

Mr. Sandoval's personal visit to view the tornado's damage here is the second of its kind he has made to West Texas in recent weeks. He was Johnny-on-the-spot then in Plainview, Clarendon and other points hit by a savage storm, taking a personal hand in solving the problem, not leaving it to a subordinate. As was said on this page then, we say again: El Paso's Hilary Sandoval is a take-charge guy of the type the Government needs more of. A native West Texan and former Texas Tech student, he gives his whole home area a sense of pride in the way he works, *really works*, at his job.

#### AUTO SAFETY—AN INTERNATIONAL ENVIRONMENTAL PROBLEM

MR. MAGNUSON. Mr. President, the distinguished Secretary of Transportation, Hon. John A. Volpe, is a man whose public pronouncements are almost always worthy of note. He has spoken with vision about future developments in the field of transportation, from low-emission engines to adoption of intermodal transportation systems. Even though the

Secretary has frequently disagreed with me and other members of the Commerce Committee concerning methodology. I think it is fair to say that we share with him substantial agreement about the basic concepts of all facets of transportation. Whenever his speeches are particularly perceptive, my hopes for the Department of Transportation—which we labored so long to establish—are reaffirmed.

Recently, the Secretary made a fine speech at the 1970 International Auto Safety Conference in Detroit. In his speech, he noted:

We all know that the world faces an environmental crisis of almost epidemic proportions. One aspect of this crisis can be seen in transportation safety.

Secretary Volpe also pledged that the United States stands ready to share with other nations our knowledge and our technology in the field of automotive safety.

Mr. President, these statements by Secretary Volpe speak directly to two issues that my colleagues know have long been of concern to me. The first is that transportation is a process with profound environmental significance. Simple as this may seem, it is a fact that has long been overlooked by the makers of transportation policy and by the public as a whole. On February 20 of this year, in announcing the commencement of hearings on my National Transportation Act, I outlined for the Senate some of the far-reaching environmental and social consequences of transportation generally and of individual modes of transportation particularly. The Secretary, although he has some reservations about the National Transportation Act, has nonetheless clearly stated the importance of the social and environmental factors that this legislation endeavors to take into account in making future transportation policy.

The second issue raised by the Secretary is that of pooling knowledge among nations on common environmental problems—including, but not limited to, auto safety. This sharing of environmental information, as my colleagues know, is the underlying principle of my proposed World Environmental Institute, which is outlined in Senate Resolution 399. The Secretary's speech in Detroit, it seems to me, emphasizes that auto safety would be an appropriate concern of the World Environmental Institute—something I emphasized specifically when I introduced Senate Resolution 399 on April 27.

I can applaud, therefore, both the Secretary's fine remarks and the conference that provided him his forum, but I think the conference and the Secretary's speech serve to emphasize that such exchanges should be regularized and centralized. The institutionalization of informational exchange on environmental problems is urgently needed in a world that is fast succumbing to overpopulation, hunger, and befouling of the air and water. The World Environmental Institute would not put an end to conferences such as the one Secretary Volpe addressed, but it would insure that the information compiled for and between such conferences would achieve

maximum dispersion among the nations of the world.

If exchanges can be successful in the fields of auto safety, oceanography, outer space, and others, cannot a central exchange facilitate the application of knowledge in these and many other fields? I believe that it can, and that it must. I hope the spirit of cooperation that led to the International Auto Safety Conference can be maintained long enough and by a sufficient number of countries to see the World Environmental Institute established.

Mr. President, I ask unanimous consent that the very fine speech by the Secretary of Transportation be printed in the RECORD.

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

REMARKS BY SECRETARY OF TRANSPORTATION  
JOHN A. VOLPE

I am delighted to be here with you for this annual mid-year meeting of the International Automobile Safety Conference. Both FISITA and the Society of Automotive Engineers deserve wholehearted commendation for this continuing effort to save human lives.

I applaud your guidelines for the conference: first, that the automotive engineer have as much information available to him as possible; and second, that public officials concerned with establishing vehicle safety regulations have a full understanding of the need for, and feasibility of, meaningful and responsible regulations.

This 1970 Conference has been—and will be—unlike the typical automotive engineering meeting. This is not a hardware-oriented meeting.

Much of what is to be gained from this conference lies in an assessment of exactly where we stand technologically. I think you will agree that in almost all instances, we have the technology to do just about anything we want. The challenge now is to "get off the dime" and do something.

We all know that the world faces an environmental crisis of almost epidemic proportions. One aspect of this crisis can be seen in transportation safety. I am encouraged by growing public awareness that death and mutilation in car crashes is a public health problem of major proportions.

The people are really concerned now because they know the toll can be cut. We no longer believe that folklore about so-called "accidents"—phenomena of nature that can't be prevented. People realize that the machine which has given the common man greater mobility than ever before has also brought more misery than ever before.

We are waging a kind of war against ourselves on the highways. Auto crashes have killed off more Americans than all our violent crimes and all the wars in our history. In about five years at present rates we will reach the all-time mark of two million people killed and countless tens of millions injured. The economic loss in this year alone will be more than \$16 billion, and the cost in suffering is incalculable.

An extra dimension of the tragedy is that among the 150 lives needlessly lost every day are many young people and others in the prime of their years who might have made a great contribution to our society. It is a startling fact that in this country, automobile accidents are the chief cause of death among young people between the ages of 16 and 24.

Sir George Scott, Deputy President of Great Britain's Royal Society for the Prevention of Accidents recently pointed out that, if the pattern holds, children and young

people will be the principal victims of the crashes that will occur during the decade ahead.

This dismal equation between mobility and mortality *must* be balanced out on the side of life. I have confidence that these sessions will take us a long way down the road toward a sane and sensible use of our fabulous technology. We surely have no excuse for not trying.

We have solid statistical proof that laminated windshields, safety harnesses, collapsible steering columns, better brakes and reinforced fuel tanks really do work. The faith that the United States Congress showed in human reason when it passed the two historic highway and vehicle safety acts in 1966 has been full justified. Seat belts alone probably saved three thousand lives in 1969.

From 1962 through 1966, the average increase in fatalities was 6.9 percent per year. However, since the expanded Federal safety program got under way two years ago, this dreadful increment has dropped to 2.3 percent—in spite of a 6.4 percent rise in vehicle registrations and an 8.6 percent jump in total miles driven. These figures represent a startling drop when you consider that only 10 percent of all cars on the road have the new safety features.

Our projections show that the gross number of crash victims will start to decline around 1972 or 1973. By 1980 we could be within range of an annual traffic loss of only 41 thousand lives—even though there will be 37 million more vehicles on the road.

We intend to go all out to make these projections a reality. We are examining every conceivable aspect of vehicle safety from anti-skid devices, approach-rate detectors and proximity brakes to energy-absorbing bumpers and periscope rear view mirrors—from better tires and tire grading systems to non-flammable fabrics for car interiors.

Some safety systems can produce multiple social benefits. Improved bumpers, for example, could cut \$1 billion from car insurance premiums and repair costs every year. That would help us fight inflation and cut the waste of our resources.

The main emphasis, of course, must be on occupant restraint systems. The Cornell Crash Injury Research Program analyzed over 14 thousand crashes and found that failure to wear safety-belts increase the risk of death or severe injury by at least 100 percent. And yet, only 25 percent of car occupants use lap belts and only 5 percent use their lifesaving shoulder harnesses. Even 5 percent is an overestimate if what I see on the streets of Washington indicates their popularity. We have concluded that if we are to have occupant restraint systems, our best results will come from so-called "passive" systems—systems that require no extra effort from the occupant of that seat.

When I came out here to Detroit in January for two full days of briefings, I saw demonstrations which indicate that the money and effort being poured into air bags are fully justified. I was highly pleased to see the enthusiastic acceptance of the air bag concept by industry leaders and to know that European car makers are also interested in these and other passive restraint systems.

As you probably know—and some of you were there—on Monday and Tuesday of this week the Department of Transportation, in cooperation with the U.S. automobile industry, co-sponsored the first international conference on passive restraints at G.M.'s proving grounds.

We—in this country—have pledged to share our expertise with other nations. We recognize that if we are to move ahead with all feasible speed in perfecting these new devices, such as the air bag, then we must work together to a degree that is extraordinary.

I am delighted to say that the conference

was a tremendous success. We look forward eagerly to breakthroughs and progress in the very near future.

Naturally, we can't wait for ideal answers. Doug Toms, Director of the National Highway Safety Bureau, tells me that within five to seven years after we begin to install air bags in both new and used cars, we could achieve a 50 percent reduction in highway deaths and injuries.

That's enough of a reason for me, at least, to justify the commitment in engineering time and money that is involved.

Sure—the air bag is a new and different sort of device! But don't anyone try to tell me that John Q. Public or John Bull or Plerre or Heinrich or Mario won't accept a punch in the face in order to save his neck. The explosive air bag is going to be a part of our automotive lifestyle from now on; in fact, we propose to make them mandatory for the 1973 models. I'd be willing to wager that within a couple of years car makers will be out-shouting each other in ads claiming bag "X" is better than bag "Z".

Granted, present day automobiles are complex and there may be a limit to how much you can tinker with them. The U.S. Congress recognized that ultimately—after treating the emergency symptoms—we would have to build an experimental safety car from scratch. As you probably know, Congress has mandated that the Department of Transportation do so. That program is now building up a head of steam—(if you'll pardon the phrase—I don't want to show any bias against the internal combustion engine.)

We hope to award contracts on or about June 30 and could—optimistically—get delivery of the first prototypes from within the industry and outside by October 31 of next year.

What we are hoping is to preserve the integrity of the passenger compartment in crashes at speeds up to 50 miles per hour. The safety car will be able to roll over at 70 miles per hour and leave the passenger compartment intact. It will brake and handle better than any car ever built before. It will provide vastly better visibility, be fire-resistant and—as an extra added attraction—be powered by low-pollution engine. It will be designed from bumper to bumper with the ideal of safety uppermost.

I might also note that I think we can make it look good as well, so it will appeal to the consumer. We will build and test a total of 14 of these cars by the end of 1972. We believe that the automobile industry will recognize the value of the innovations and quickly incorporate them into production models.

These all-new vehicles will enable us to set definitive future safety standards for all automobiles offered for sale in this country. The information gathered will, of course, be available to automobile makers in other countries. We can't afford duplication in this field because it would only delay the time of safe passage on the streets and highways of the world.

The air bag and the experimental safety car represent one of the three legs of our current emphasis on automobile and highway safety in this country. The second is to get the problem of the drunken driver under control. In the United States more than half of all traffic fatalities are caused directly or indirectly by alcohol.

People are getting sick and tired of doing battle with drunks on roads their taxes pay for. As the Providence, Rhode Island, Journal pointed out in a recent editorial, "The lethal potential of automobiles is such that any public safety expert would rather take his chances with a gunslinging maniac than with a drunken or incompetent driver."

We estimate that the use of alcohol by drivers and pedestrians causes at least 25 thousand deaths and 800 thousand injuries each year. The sickening aspect of this tragedy is that so much of the loss of life, limb

and property is suffered by people who are completely innocent.

However, public myth has always held that you can't really do very much about the drunken driver. Well, the time has come—in fact, it's overdue—for us to demolish this defeatist attitude. But it will take more than a simple breathalyzer test.

We have just set up an office of alcohol countermeasures to direct our top-priority campaign in this area. The job of this office will be to identify the chronic drinker before he becomes a statistic in the morgue—or kills an innocent victim. The alcoholic, contrary to legend, does have an identity. He is on somebody's book, either as a patient, a bad employment risk, a trouble-maker or a poor insurance risk. Most heavy drinkers are already known to family counselors, welfare agencies, local traffic courts and their long-suffering neighbors.

So, whenever a man is convicted for drunk driving his entire background should be investigated before he is sentenced. The judge should determine whether the offender has ever been arrested before for drunkenness—on or off the highway. Then he can confront him with two options—either get treatment and dry out, or stop driving. Period. No leniency, no excuses, no extenuating circumstances. The tough approach has paid off in countries as diverse as Sweden and Great Britain.

It goes without saying that the success of such a program depends crucially upon implementing and enforcing tough implied consent laws. Forty-six of our states now have such laws on their books.

A related safety approach is to demand periodic testing of driver competence—his eyes, his ears, his reaction time and his knowledge of road rules and signs. That is what Florida is doing a new driver licensing law which goes into effect July 1.

We also need better licensing enforcement measures, for the American Association of Motor Vehicle Administrators estimates that about 10 million motorists are driving blissfully along our highways without a driver's license. Many are dangerous, impulsive, even psychopathic personalities.

It is obvious, too, that no safety program would be complete without considering the third leg of the man, machine, and highway complex. And that is the road itself. Modern highways do return safety dividends in a big way. Since our Federal Interstate Highway Program began in 1956, it has saved one life for each five miles built—a total of 35,515 lives over 13 years. And the system is not yet complete. We still have 12,900 miles to go and many lives to save. The Interstate System is now a major factor in the better American environment which this Administration is dedicated to.

In an after-dinner speech, such as this, I can only begin to sketch the outlines of the auto safety problem remaining before us in the advanced nations. We need a multifaceted, sophisticated, systems approach. I don't have projections for Europe or Asia, but I do know that if the trend in this country continues, and we get no further reductions in the death rate per 10 thousand vehicles, some 85 thousand American men, women, and children will die on our streets and thoroughways in the year 1980.

Can any civilized people tolerate such losses? I say no. We have to press forward with all the resources of engineering talent, money, executive commitment and governmental leadership we can muster in this "campaign for life". We certainly have a long way to go. Most people who are well informed in this field would say that a 10 percent reduction in the death rate per 100 million miles would be remarkable, and yet even if we do that well, we in this country will still lose 43 thousand people per year a decade hence.

The first automotive fatality happened on

the streets of New York in the year 1899 when a little girl was run over by a delivery truck. Though there was an immediate outcry and a demand that cars be banned from the streets or be preceded by a man waving a red flag, not enough has been done to stem the ever-rising tide of massacre through mobility.

Until now. Now it will be turned back. It will be turned back by the application of science and common sense, as in this conference. Your published analyses of impact tolerance, interior design, program management and many other technical aspects will take us a long way toward effective information sharing and improved performance in each of our countries.

I am personally convinced that cooperation among the technical societies, the manufacturers and governments can end this long-running nightmare of death and mutilation. But we must be committed to the long haul—for there is no easier way.

I want to thank you for having come here for this historic conference. I believe it will be fruitful. The hard work you invest here will pay off in a better life for all our peoples.

I wish you all possible success as you return to better and safer streets, highways, vehicles and drivers throughout the world.

#### MARK HATFIELD: MAN OF INTEGRITY

Mr. BROOKE. Mr. President, I was not present in the Senate earlier this week when several Senators joined in paying tribute to one of our most distinguished Members, the Senator from Oregon, MARK HATFIELD, but I take this opportunity now to add my voice to theirs.

MARK HATFIELD is a man of integrity, widely respected by colleagues and countrymen alike, and soundly deserving of that respect. His handling of the recent incident involving his use of the franking privilege is further proof, if such is needed, of his esteem for the office he holds and his determination to use it wisely.

As I understand the incident in question, Senator HATFIELD and several other Senators were cosigners of a letter explaining the Hatfield-McGovern amendment on the war in Vietnam. This letter and the approved enclosures were legitimately classified as Government business, and Senator HATFIELD was within his rights in allowing the material to be sent out under his mailing privileges.

Senator HATFIELD did not know that volunteers, working out of another office where the actual physical work of folding and stuffing the mail was taking place, had decided to enclose an additional piece of literature soliciting funds for a nationwide advertising campaign designed to win public support for the amendment. As soon as this fact was brought to light, Senator HATFIELD stopped the mailing and consulted with the Committee on Rules and Administration to determine whether the additional enclosure constituted an infringement of his franking privilege. When the committee ruled that it was an illegal use of the frank, Senator HATFIELD immediately forbade its further use and reimbursed the Post Office for all of the letters which had previously been mailed.

Mr. President, such behavior is the mark of an honorable man. The entire incident has occurred in full view of the public, and those who know the facts are

free to draw the appropriate conclusions. For my part, I find the Senator a completely innocent party to an unintentional infringement by others of his senatorial privilege. He deserves our understanding and our continued high regard for his courage and commitment to high ideals.

### GUN CRIME PREVENTION

Mr. TYDINGS. Mr. President, from time to time, Members of Congress and the public make inquiries about the gun crime control proposal, which is one of 45 anticrime measures I have introduced in the 91st Congress. To answer the questions most frequently asked about my gun crime prevention proposal, S. 977, I have prepared a brief document entitled "Questions and Answers on the Anticrime Gun Control Proposals of Senator TYDINGS." I ask unanimous consent that it be printed in the RECORD.

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

#### QUESTIONS AND ANSWERS ON THE ANTICRIME GUN CONTROL PROPOSALS OF SENATOR TYDINGS

##### 1. What is Senator Tydings' gun-crime proposal?

Senator Tydings' gun-crime bill, S. 977, is a moderate and rational proposal to curb the escalating rate of crimes committed by firearms in the United States. It provides law enforcement officials with the tools they need to help detect and deter gun crime.

Senator Tydings' gun-crime proposal would disarm the criminal element by preventing convicted felons, drug addicts, alcoholics, mental incompetents, and juveniles under 18 from purchasing or possessing guns. It would protect the right of sportsmen and all law-abiding citizens to purchase and possess firearms. It would provide law enforcement officials with an effective means of tracing stolen weapons and firearms used in crime.

Senator Tydings' proposal provides for registration of all firearms and licensing of all firearms owners and ammunition users. It encourages state action by providing for state preemption of the federal law. Where a state enacts its own licensing and registration law, the federal law would not apply. Where a state fails to act to protect its own citizens, the bill would provide a minimum floor of federal protection in that state.

Registration of firearms will give the police the means to trace quickly to their owners guns used in crime.

Licensing gun users will weed out persons who, by reason of criminal record, drug addiction, alcoholism, mental incompetence, or age, should not be entrusted with a gun in the first place.

##### 2. Congress passed a new gun law in 1968. Why is the Tydings' gun-crime bill still needed?

The new law passed by Congress in 1968 was a watered-down compromise which, while worthwhile, for practical purposes can do little to curb the escalating gun-crime rate in the nation without additional state or federal action. The 1968 law was designed to make state-passed gun laws enforceable by requiring that gun purchases be made in the purchaser's home state. Prior to 1968, the state gun-crime laws which did exist were easily avoided by people who either simply went to another state to buy guns or just ordered them from another state through the mail.

The Gun Control Act of 1968 does not provide any way to trace a gun lost, stolen, or used in crime. It forbids mail order and

interstate gun shipments to individuals, the importation of cheap foreign guns, and gun ownership by the criminally convicted. But it provides no effective means to actually keep guns out of the hands of felons, addicts, mental patients, or persons otherwise disqualified from gun ownership.

The 1968 law does make it illegal to transport or possess a gun if you are under indictment, a fugitive, a felon, an adjudged mental incompetent, an illegally-entered alien, have renounced U.S. citizenship, or have been dishonorably discharged from the armed forces, but provides no means to actually prevent such persons from making firearms purchases.

The 1968 law provides no way for gun dealers to determine whether the man they are selling to is who he says he is, does not intend to use the gun in crime, is not a felon, addict, or mental patient, or otherwise disqualified from gun ownership. These dangerous people can still get guns by simply lying.

To make the laws passed in 1968 enforceable, we need firearms registration and licensing. Firearms user licensing would prevent criminals, addicts, lunatics, and juveniles from purchasing firearms. Registration would help find them if they used a gun in a crime.

##### 3. Why not just enforce existing state gun laws?

Most states' gun laws are totally inadequate to protect their citizens. Many states have practically no gun laws at all. Eight states have no law against felons buying firearms. In 35 states, lunatics can legally own guns. Only three states require a license to own or possess a gun.

Most state gun laws are either obsolete or meaningless, such as a Texas law forbidding carrying guns in a satchel except when one is travelling; Vermont's law forbidding schoolchildren to have guns in the classroom; or Arkansas' law forbidding using a machine gun for offensive purposes. Clearly, existing state firearms laws are totally inadequate to protect the public.

##### 4. Are registration and licensing proposals merely steps toward confiscation of all firearms?

Certainly not. Firearms ownership and use by law-abiding citizens is a healthful recreation and does not contribute to the gun-crime problem.

But we urgently need adequate records of gun ownership to help trace guns used in crime to their criminal users. Registration of all firearms is the only way to gather these records.

And we urgently need to deny access to firearms by criminals, addicts, and mental incompetents. A licensing system, in which all law-abiding citizens automatically are entitled to licenses and all criminals, addicts, and mental incompetents are automatically denied licenses, and which punishes purchase, possession, or use of a firearm without a license, will severely inhibit criminal access to guns:

Those who oppose reasonable firearms control because they fear "confiscation" should be much more concerned that the rapidly-rising gun-crime rate may well lead to public demand for confiscation if reasonable measures to stem the gun-crime rate are not taken now.

The threat of confiscation arises not from reasonable action to stem the gun-crime rate, but rather from no action at all.

##### 5. Aren't registration and licensing bills actually just taxation measures?

No. The Tydings proposal contains no fee at all for either licensing or registration. It would be paid for out of the general revenues because the Tydings bill is a law enforcement measure. Direct controls against criminal access to guns and good records for tracing guns used in crime—not taxes—are the best way to control the gun-crime rate.

##### 6. Are registration and licensing constitutional?

Yes, without question. Here's what the Library of Congress says about the Tydings proposal and the Second Amendment's "right to bear arms": "From what we know of the history and construction of the Second Amendment, it would seem that the major current proposals for gun control are not subject to any serious Second Amendment challenges." (Library of Congress Study UC460B, 450/77 A-251: "The Second Amendment as a Limitation on Federal Firearms Legislation," July 8, 1968.)

In July, 1968, the U.S. Attorney General stated: "A federal system requiring the registration and licensing of firearms is a necessary and proper means to two legitimate goals, the regulation and protection of interstate commerce and the preservation of the peace of the United States . . . it is within the power of Congress to enact."

The Tydings bill also contains a special provision, to conform to recent Supreme Court decisions (Haynes v. U.S.) dealing with the constitutionality of firearms registration laws.

##### 7. What would the Tydings bill cost the gun owner?

Nothing. The bill imposes no fees. The operation of the licensing and registration system proposed by the Tydings bill would be paid for out of the general tax receipts of the country. As a law enforcement and public safety measure, the cost of the Act should be borne by all citizens.

##### 8. How does registration work?

A gun owner simply sends a law enforcement agency the makes, models, and serial numbers of his guns and his own name and address. It can be done completely by mail. Then, when a lost or stolen gun is found, its true owner can be discovered and his gun returned to him. If a gun is found at the scene of a crime, its last known owner can be quickly traced. When a suspicious character is arrested with a gun in his possession, its ownership can be quickly determined. If the gun has been stolen or is unregistered, the suspect can be booked for possession of stolen goods or possession of an unregistered weapon.

Under the Tydings bill, if a state enacts its own registration law, guns would be registered with whatever state agency the law designated. If the state failed to act, guns would be registered with the federal government.

##### 9. Must every firearm be registered?

Yes, otherwise many guns lost, stolen, or used in crime could not be traced.

##### 10. Would private firearms sales be registered, too?

Yes. All firearms transfers, by dealers and private persons, would be registered so that up-to-date records of actual gun ownership could be maintained.

##### 11. Doesn't registration impose a burden on the law-abiding citizen?

No. Everything can be done by mail on a form like this:

#### FIREARMS REGISTRATION FORM

Name -----  
Address -----  
Firearm -----  
Make -----  
Model -----  
Serial # -----

The registration would be free and permanent. No fees. No renewals.

##### 12. But won't criminals refuse to register their guns?

Some criminals may refuse to register their guns and risk being jailed for having an unregistered gun. But any suspected criminal found with an unregistered weapon can be jailed on that charge alone, even if no other crime can be proved. So it will become very risky for a criminal to have an unregistered weapon.

13. *Must an owner of several guns register each of them?*

He must supply the make, model, and serial number of each, but could do so for all his guns on a single form.

14. *What about weapons which have no serial number?*

The bill provides that firearms dealers can imprint serial numbers on such weapons for identification purposes.

15. *What about antiques?*

No firearm manufactured prior to 1898 is covered by the bill.

16. *How does licensing work?*

Licensing is simply a way of denying fugitives, criminals, addicts, and mental defectives access to firearms and ammunition by refusing to give them firearms licenses. Every purchaser, possessor, or user of firearms or ammunition would have to have a license, except for juveniles with their parents' consent and hunters or sportsmen who have borrowed a weapon for temporary use.

Issuance of licenses would be automatic to all law-abiding citizens, without any discretion on the part of the issuing officer. Denial of a license would be automatic in the case of felons, fugitives, adjudged alcoholics, addicts, and mental incompetents, and those under 18.

To get a license, you would simply submit a statement affirming that you are over 18, have never been convicted of a felony or committed to an institution by a court on the grounds of alcoholism, narcotics addiction, or mental incompetence, that you are not under indictment or a fugitive, and are not otherwise prohibited by law from obtaining a weapon. In addition, you would supply a physical description like that required for a driver's license and proof of identity (in the form of a draft card, driver's license, social security card, etc.).

If a state enacted a licensing law, the statement and identification would be supplied to whatever agency the state prescribed, but if the state does not act, then to any federal firearms dealer. The entire transaction could be conducted by mail.

17. *How about my son under 18 years old? Could he still hunt and shoot?*

Yes, definitely. Although he could not own a gun in his own name, the bill expressly provides that he will be able to hunt and shoot with his parents' consent.

18. *What is the difference between registration and licensing? Do we need both?*

Registration is a means of tracing guns used in crime. Licensing is a means of reducing the gun crime rate itself by denying access to guns by known criminals, addicts, and mental defectives. Registration is a means to solve gun crime once it has been committed. Licensing is a means to prevent gun crime from being committed in the first place.

19. *Must every gun be separately licensed?*

No. Firearms purchasers, owners, and users are licensed, not the guns themselves. The purpose is to deny licenses to criminals, addicts, and mental defectives.

20. *Would there be any discretion to deny a license?*

Not where the federal law applies. If the applicant is not under indictment, or a fugitive, a felon, an adjudged addict, alcoholic, or mental incompetent, or under 18, the license must be issued. The state could establish a different system, if it wishes, just as any state can today.

21. *But won't criminals get guns anyway?*

If a licensing law were in effect, a criminal, addict, or mental defective could not legally purchase, own, or use a gun, because he would not be entitled to a license. Thus, lawful channels of purchase would be cut off to him. Today they are not.

Today, in most states, criminals, addicts, and idiots have access to guns on the same basis as the law-abiding. Even if, after enactment of the Tydings Bill hard-core

criminals may be able to get some guns, the small-time but frequently deadly crook who holds up liquor stores, bus drivers, and filling stations or housebreaks will find it much harder and much riskier to possess a gun.

No one claims gun laws are airtight or foolproof. The question is whether we should do what we can to detect and prevent gun crime or continue to do nothing, as we do today.

22. *Why not just punish gun crimes more severely?*

Heavier penalties for gun crimes already exist but haven't answered the gun crime problem. Armed robbery is a more serious offense than simple robbery; aggravated assault is more heavily punished than simple assault. Murder is the most heavily punished crime of all. Yet the commission rates of all these crimes are climbing intolerably. Armed robbery with guns increased from 42,600 crimes a year in 1964 to 99,000 in 1968; aggravated assaults by gun increased from 27,700 cases in 1964 to 65,000 in 1968; murder by gun increased from 5,000 in 1964 to 9,000 in 1968.

Gun crimes should be more heavily punished. But clearly, heavier penalties do not answer the gun crime epidemic. They do not help solve gun crimes, as registration would. They do not prevent criminal access to guns, as licensing would. They do not bring gun crime victims back to life, repair their wounds, or return their property. Only disarming the criminal can do that.

23. *What about the argument that "guns don't commit crimes, people do"?*

Of course, guns don't commit crimes, but people using guns certainly do. People using guns in 1968 alone robbed 99,000 Americans. People using guns murdered John Kennedy, Martin Luther King, and Robert Kennedy, along with more than 34,000 other Americans between 1963 and 1968.

24. *What about the argument that "No dictatorship has ever been imposed on a nation of free men who have not just been required to register their privately owned firearms"?*

That argument is baloney. It is unsupported by fact and refuted by history. For example, regarding the German occupations of Europe, the Library of Congress has concluded:

"We can make no positive correlation between gun laws and dictatorships, as the following examples will show.

"First, four countries were examined which are democracies now, but in recent history came under Nazi dictatorships (Germany, Italy, France, and Austria). One may reasonably assume that if gun registration laws constituted a primary factor in the rise of dictatorships, these countries would have since revised their laws to prevent future dictatorships. This has not been the case. The four countries today have substantially the same gun laws as those in force prior to the advent of dictatorships. In fact, in Italy, where gun laws were relaxed by Mussolini, they have recently been restrengthened approximately to their pre-Mussolini level.

"Secondly, two democracies were examined which have not suffered dictatorships in their recent history (England and Switzerland). Switzerland has had gun registration laws since 1874, England since 1831.

"It would be inaccurate, of course, to suggest that a dictatorship would be unconcerned about the possession of firearms by its populace. Nevertheless, these few examples would seem to indicate fairly conclusively that there is no significant relationship between gun laws and the rise of dictatorships, at least in these countries."

In his book, *The Right to Bear Arms*, author Carl Bakal thoroughly demolishes this hysterical argument most frequently made by National Rifle Association propagandists, that firearms laws threaten democracy. He writes:

"In resorting to such sophistry, the NRA is as casual with history as it is with statistics. It makes much of the alleged Nazi use of firearms registration lists to disarm and conquer Europe. However, if such a tactic were employed, it must be accounted one of the best-kept secrets of the war, for I could find no reference to it whatever in the histories of that era. I have spoken to correspondents with an intimate knowledge of German affairs, and they too disabused me of the notion that this was an element in the Nazi invasion tactics or, as is also said, in Hitler's rise to power. Said Sigrid Schultz, a journalist in Germany since 1919: 'Hitler used lists to take over Germany? Why, that's perfectly silly, absolutely ridiculous. He didn't need the guns of the people. He had virtually all the people. He had the Storm Troopers and he had the Army. His forces were literally armed to the teeth. If Hitler had any list of guns, he didn't need them.'

"Another veteran correspondent, Norbert Muhlen, with a half dozen books on Germany to his credit, told me of a German friend of his: 'He was a vehement anti-Nazi, but they never took away his gun. In fact, he even became a hunting inspector.'

"I also wrote to the American Embassy in each of the countries who so supposedly succumbed to the Nazis. From Denmark came this typical reply: 'The Germans did not disarm Danish civilians and so facilitate the German invasion and occupation of Denmark.' From Finland: 'The Library of War Sciences has not heard of any such activity.'

"Even if any lists of firearms owners would be useful to an enemy of the United States, undoubtedly the single largest and most useful such master list would be that of the more than one million names and addresses conveniently maintained on Remington Rand tabulating cards in the membership division of NRA headquarters. (New York City's list of 17,000 registered handgun owners is minuscule compared to this.) Vastly larger collectively are the lists of about 19 million hunting licenses on file with the conservation (or fish and game) departments in the capital cities of our fifty states."

25. *How do law enforcement officials feel about gun licensing and registration?*

They want both. At the 1968 hearings on the Tydings Bill, New Jersey Attorney General Arthur Sills testified regarding the National Gun Crime Prevention Act:

"Again, I repeat my plea and the plea of all New Jerseyans. Congress must enact a law to register all firearms, create licensing safeguards to prohibit the distribution of firearms to undesirable persons, ban all mail order sales of firearms, and prohibit the purchases of firearms by non-residents of a state. Few, if any efforts are more important to the future safety and security of the American people."

California Attorney General Thomas C. Lynch testified:

"I wish to endorse national firearms registration and licensing procedures . . . Registration and licensing of firearms would be a tremendous tool for law enforcement—a major protection for the honest citizen."

Mr. Quinn Tamm, Executive Director of the International Association of Chiefs of Police, testified:

"I support Federal legislation that will assist state and Federal enforcement agencies in preventing and solving gun crimes through Federal registration and licensing activities. The additional administrative workload that will be placed on local law enforcement agencies through the implementation of such legislation will be considerable, but it is my sincere belief that the cost will be inconceivable compared to the lives that will be saved. Finally, enactment of legislation that will expedite a nationwide system of reporting firearms data will materially aid local law enforcement agencies in bringing to justice

those who use such weapons in the commission of crimes."

Mayor Richard Daley of Chicago testified: "I believe this to be one of the most important pieces of legislation to be considered by the United States Senate. It is long overdue. The need for such legislation has long been apparent."

Mayor John Lindsay of New York testified: "Congress should pass legislation requiring the registration of firearms—with the specific recognition—as provided in Senate 3634 (the number of the Tydings bill in 1968) that the primary responsibility for registration rests with the individual states. Registration of ownership, serial number, and type of weapon can give enormous assistance to crime prevention and detection.

"The Congress should enact legislation providing that in the absence of state and local regulations limiting access to firearms, the federal government should assume responsibility for enforcing reasonable licensing regulations for the possession of firearms."

U.S. Attorney General Ramsey Clark testified:

"After all we have suffered, it would be terribly disillusioning if we failed to act to control guns. Interstate control, registration and licensing are all essential.

"The people want strict gun control. Their safety demands it. The Congress is fully empowered to act. The time is now."

#### ASTM AND THE LATE TOM MARSHALL

Mr. MAGNUSON. Mr. President, I wish to speak briefly about the American Society for Testing & Materials, a society of great significance to our economy, whose interests are international, nonprofit, technical, scientific, and educational. ASTM has been engaged in furthering scientific knowledge, developing standards, and other important functions since 1898. We commend the society for its years of service.

As we all know, of late standards for use by both industry and consumers have received attention from the Congress, Federal agencies, the consumer movement, and the standards associations and institutes themselves. We understand the importance of standards work for the vitality of our economy which produces such an abundance of goods for all Americans. We understand as well the need for standards to insure that the goods we all use are as safe as possible.

The American Society for Testing & Materials under the able direction of the late Thomas A. Marshall, Jr., its managing director, responded to the challenge posed for voluntary standards. The society recently published, "ASTM in the 1970's," which outlines the changed demands society has made on the voluntary standardsmaking associations, and ASTM's bold plans to take account of them.

To meet the challenges now facing voluntary standardization, ASTM has formulated a program which will deeply affect its organization of technical operations, meetings, publications, and districts. ASTM has taken steps to speed the standardsmaking process by relieving the committees responsible for making standards of much of the burden of paperwork required to maintain membership lists, prepare and distribute agenda and minutes, and write reports.

The national office, which will substantially increase its staff, will take over these functions. The financial burden also will shift from the committees to the national headquarters; by this means the individuals and organizations who benefit from committee work will share the costs more equitably.

The post of associate technical director—administration—has been created within the national headquarters to oversee the increased administrative work. His reorganization of the staff and application of modern recordkeeping and reproducing devices for standards will greatly increase the speed with which standards will become available.

To maintain effective communication between the technical committees and the national office, the staff of the national office devoted to technical operations will be organized into a number of technical divisions, each comprising an area of technology and each headed by a division manager reporting to the director of technical operations. All divisions will receive administrative support from the associate technical director—administration—and his staff. The divisions are metals and ceramics; construction; chemicals; electrical, electronics, nuclear aerospace, polymer and fabric; general tests; and consumer—public oriented. The introduction of a division devoted entirely to consumer products and standards is an especially promising indication of ASTM's attitude in the 1970's. Each division manager is expected to keep aware of current technical developments and to anticipate future ones in his special area. Thus he will be better able to plan activities for the technical committees which set standards.

To speed the formulation of standards, ASTM has decided to implement a plan by which committees would hold a "committee week" each month from September through May. This procedure assures that a technical committee will deliberate more often and at a pace suited to its members. To make information immediately available on standards, ASTM has also decided to print a newsletter. It will be printed as a part of "Materials Research and Standards" and for separate distribution to any interested person.

All Americans depend in some measure on groups like ASTM to facilitate the growth of our economy and assist the cause of consumer safety. Though the Government must, in the future, acquire expanded responsibilities for consumer safety, much of the technical knowledge utilized will continue to come from societies like ASTM. ASTM's plans for seeking solutions to difficult problems in the new decade are encouraging. In discharging its basic responsibilities to consumers the Federal Government can certainly look to groups like ASTM for advice and assistance.

Thomas A. Marshall, Jr., was an important contributor to these new programs. Those who are committed to strong standards programs in the public interest will sorely miss him.

#### SENATOR MUSKIE SPEAKS ON THE ROLE OF DISSENT AND THE NEED FOR TOLERANCE IN AMERICA TODAY

Mr. MONDALE. Mr. President, our Nation today faces an enormous task of reconstructing the unity, the harmony, and the shared visions which have made our Nation great.

The specter of violence and repression is growing ever greater as frustrations rise and as faith diminishes in the ability of reason and the democratic process to solve our problems and bring us together again.

In a remarkable speech to the graduating class of William and Mary College, the Senator from Maine (Mr. MUSKIE) challenged us to hold fast to our conviction and, at the same time, "to learn to tolerate a little."

Unity and vision cannot arise from a forced conformity or a repression of dissent. As Senator MUSKIE said:

Civilization has benefited whenever men had the courage to hold to their human convictions in the face of reprisal, and our country will not endure as a free society unless men are willing to do so.

But conviction and ideology must be tempered not with "caution" or "moderation" but, rather, with tolerance and respect.

The alternative is frightening to contemplate. Already, we have seen Kent State, Augusta, Jackson, new violence on the streets—now from the right—and an increasing tempo of intolerance.

I commend Senator MUSKIE's words to the attention of the Senate because I think they portray very vividly the need to retain commitment, conviction, and a passion for justice along with tolerance and respect for the ideas and ideals of others.

I ask unanimous consent that his speech to the graduating class of William and Mary be printed in the RECORD.

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

#### A TIME TO SEEK A TRUCE

It is not hard to imagine the topics most commencement speakers will choose this year. In one form or another, it is dissent on the American campus.

Some will find it good per se, and will content themselves with praising those who mount it. Others will warn of its consequences, as did the President after the shooting at Kent State, without commenting on the justice of the dissent, or the madness of the means used to suppress it.

Perhaps some will look beyond the phenomenon of dissent to its causes and effects in the America of 1970. I hope to do that today.

It ought to be said, at the beginning, that dissent is an activity, and not a value. There has been widespread dissent in our country, and the verdict of history upon it is very mixed.

The patriots who questioned the authority of the British Parliament to govern the American colonies two hundred years ago in this very city were dissenters.

A great many military coups in Latin America and Africa have been, in a sense, forceful dissents against the policies of democratically elected governments.

In our own country, governors have dis-

sented against the decisions of the Supreme Court, and have interposed their authority, on behalf of some of the people of their states, against their enforcement. The object of that dissent was not social justice, but the preservation of the status quo.

On the other hand, the dissent of thousands of brave blacks and whites—in Birmingham, in Selma, and in Mississippi—stirred the conscience of the nation and produced three civil rights laws after a century of inaction.

And I believe the dissent of millions of young Americans has had much to do with turning our government away from its policy of escalation in Vietnam.

So history teaches us to judge dissent, not as a thing in itself, but as an activity to be measured by what it opposes, and by what it forwards in its place.

Second, it should be remembered always that in much of the world, questions about the value of dissent are academic. The expression of dissent is simply impossible or fraught with such hazards to life and liberty as to sharply restrict its effect.

The suppression of Russian writers and scientists, and of the students in Prague, is testimony to this; so is the puritanical terror of the Red Guards, which has reached into the life of every Chinese village to attack the thoughts, as well as the deeds, of unenthusiastic citizens. So, to our consternation, are the arrests of South Vietnamese who have dared to take positions contrary to those of the government in Saigon.

Therefore, if we are often divided and angry about the merits of dissent in this country, it is not our way to settle the argument finally by becoming a police state, and enforcing, upon the conflict of minds, the resolution of the gun and club.

Third, we should understand that even in a society of free institutions, such as ours, there is a constant pressure on all to conform to the opinions of the majority. And the price of non-conformity has often been very high.

To be an abolitionist in the South, or a pro-slavery man in the North during the Civil War, was an invitation to suffering.

Simply to have been a German-American during the First World War was enough to have your patriotism suspected, your language and culture abhorred, and your every move watched by vigilante groups of your fellow citizens.

In the early 1950's, the nation endured a Salem witch-hunt led by the late Senator Joseph McCarthy, in the course of which otherwise sensible Americans began to suspect their neighbors of harboring treacherous thoughts.

And today, in the bumper stickers that read "America—Love It or Leave It," one can see the bitter impatience with which many people regard those who challenge the system for the injustice and hypocrisy they see in it. The Vice President has given more articulate voice to the same defensive sentiments.

Indeed, the air today is alive with pressures to conform to the opinions or behavior of one group or another.

From the spokesmen of the Administration, there is pressure to become part of, or at least yield to, a "silent majority." It is commonly assumed that this majority is white, which makes it impossible for a substantial portion of our population to join it; that it is middle-class, which leaves out what begins to look like a preponderance of the electorate.

But as it may no longer be a majority, it is also becoming less silent. We saw that in lower Manhattan recently, when construction workers let out their pent-up fury against young demonstrators who had shouted their rage against the country and all its works—and who, for their part, demand an equally rigid conformity to their

opinions from all with whom they come in contact.

At the heart of that struggle, there was the issue of our country's basic worth and direction. The demonstrators, many of them students who had enjoyed the unparalleled economic well-being of middle-class youth, were saying No! with signs and epithets to the society that had provided it; the construction workers, who had struggled for a share in American abundance and won it, were saying Yes! with their fists.

The workers could not understand the desperation of the students, some of whom face the possibility of serving in a war they find unconscionable and futile.

The students could not understand that the workers have an investment in the American system that they are willing to die for.

There was, and is, a tremendous chasm between the two. They were united only in violence—the one verbal, the other physical, each of them alternate steps up the ladder to confrontation.

If that violence—between those who challenge and those who affirm the American system—broke out only in Manhattan that day, it is latent throughout the land.

The young dissenters fear that the government will be deaf to their cries, and will continue heedlessly to commit their lives to military adventures abroad. Those who have an investment in the society fear that the dissenters will bury it in the rubble of the institutions they seek to destroy.

And that fear turns each group inward, making it at once more hostile to the other, and more demanding of the total commitment of its own members. Rocks are thrown, and the clubs come out. Rhetoric becomes inflamed—"effete snobs", "fascist pigs", "bums", "murderers"—until finally political dialogue disappears, and the two sides lob grenades of verbal abuse over the walls of their encampments. There is no quarter given, no attempt to understand, no capacity to feel what the other side feels.

Then triggers are pulled at Kent State, Augusta, and Jackson State. They are pulled out of fear—fear that has so cauterized the sensibilities that at last a man cannot imagine what it is for another man to take a bullet in the flesh.

For a moment, the country is shocked out of its trauma of fear. People begin to wonder what will happen, if we go on this way. Kent State had that effect, because the dead students were white and middle-class. Blacks have been asking that question for many years before Jackson State.

But there is no answer from the White House, nor any suggestion of an alternative. And after a while, the shock passes—as it passed after Watts, and Newark, and Detroit, and Chicago. The country returns to its various encampments—its separate fears.

Is that the way it must be?

Must we live in fear of "those others"? Must we demand that they conform to our opinions and interests, or face our eternal hostility? Must we arm ourselves in readiness for civil war, and speak only through bullhorns across the lines of class or race or age?

I believe this to be possible in America in the 1970's. I do not believe it is inevitable—not if we set our minds against it and our wills to work.

I think it is time we sent our emissaries to those "others". I think it is time to seek a truce, and to use that time to learn to feel for the other—and finally, hopefully, to learn to tolerate a little.

No one should expect that any man, or event, or policy, can "bring us together" in the sense that we all might come to share a common opinion or interest. America is too diverse for that, and the winds of change are so strong now that we are bound to be divided in our response of them. But we can expect and should demand from our na-

tional leadership—and from ourselves—tolerance for others when they dissent from us, tolerance for non-conformity to our chosen views.

For most graduates in this tumultuous year, the time of street demonstrations and violent dissent is ending. Most of you will, in the next few years, marry and take on family responsibilities. You will still have opinions, but you will also have jobs. You will be thinking less about student revolution, and more about how to live useful and productive lives.

You may become—indeed, you may already be—members of the "silent majority". Or you may hold views that do not conform to those prevailing in your community.

You may find yourself believing that the treatment of black citizens in your community is an outrage to the human spirit. And you may find the expression of that belief to be costly.

You may find yourself in strong opposition to the course your country is taking abroad. And you may suffer because of that at the hands of your employer, your fellow workers, or your neighbors.

You may be so increased by the pollution of your environment that you must speak out against an industry which your community believes is essential to its economic growth. And you may pay a price for that.

When the tide of emotionalism about crime is on the rise in your community, you may resist the simple solution of repressive laws, because you believe them ultimately ineffective and a threat to personal liberty. That may have its costs as well.

If your dissent has enjoyed a limited immunity during your college years, that immunity will end as you leave.

Then the question will be, whether you have the power of intellectual discrimination, and the moral integrity, to stand against what you believe to be wrong, to fight for what you believe to be right, and to pay the price of your dissent.

It will be far easier to conform, far more comfortable to join one of the embattled camps. It was easier to hate German-Americans in the First War, than to defend them from the attacks of their fellow citizens. It was easier to indulge Joe McCarthy in the early fifties, than to resist him publicly. It was easier for Southerners to vilify civil rights workers in the sixties, than to speak out against the abuse of blacks in the South. It was easier for students to join in demolishing university offices, than to stand against that vandalism.

Conforming to the prevailing views of one's community is always easier—on everything but one's conscience.

Non-conformity is nearly always costly—to everything but one's conscience.

And the men and women who, while holding to their own convictions, are willing to step out of the encampments of their class or race, and seek out those "others" who oppose them—will be doing more than a favor for their conscience. They will be beginning a dialogue that may result in a more tolerant America, one where people can feel some part of the fear and hope and need that others feel.

There is a practical reason why men and women must step out of their encampments—it is not possible for any one group to exercise enough influence or leadership to initiate change; coalitions make change. Perhaps we need new kinds of coalitions. But since it is coalitions that can bring about the changes that are required in our society, we must learn to work together apart from our encampments.

This is extremely difficult to do in times of crisis, at home or abroad. Many student dissenters view those who have engaged the nation in Vietnam as war criminals; many supporters of the war regard the dissenters as cowardly traitors. Many blacks feel, in

the light of events such as the shootings at Augusta, and Jackson, that there is no hope for them in America save through their violent retaliation. Many whites believe their jobs, property, and even lives to be threatened by blacks.

In such a time, there is a tremendous pressure on the members of each group to conform to the group's opinions—to share the group's fears, its hates, its attitudes and enemies. A student is a cop-out who doubts the moral guilt of those in office; a man is unpatriotic who says the war must end tomorrow; those who try to work with the other race are either Uncle Toms or negro-lovers.

All that one can say to those who endure such pressure is that civilization has benefited whenever men had the courage to hold to their human convictions in the face of reprisal; and that our country will not endure as a free society unless enough men are willing to do so.

War between the fearful, a silent conformity enforced by the state, or a dialogue marked by tolerance—three very different futures for America. The men who worked here two centuries ago were brave enough, and intellectually disciplined enough, to choose, the last. They believed in the right to dissent, and protected it; and they judged the value of dissent by what it opposed, and what it espoused. They believed the open commerce of ideas preferable to divisions of opinion into hostile camps. The democracy they devised presumed that men could be able to communicate with each other in a reasonable way, and not only through slogans and force. It presumed that accommodation, and not fear, would characterize the American society.

One would hope that their descendants on this green today would so live as to do them honor.

#### THE CAMBODIAN INVASION

Mr. PEARSON. Mr. President, a few days ago I had the opportunity to meet with several students of the University of Kansas Law School. All were critical of the President's move into the Cambodian sanctuaries.

In encouraging their continued interest and participation in public affairs, I sought to persuade them that their positions, particularly as future lawyers, should be based upon reason, logic, and precedent, rather than emotion. I encouraged them to prepare and, if they wished, to submit a brief on the constitutional law questions that they raised.

Mr. President, I have recently received such a memorandum from William R. Sampson, a student at the Law School of the University of Kansas, which represents the kind of sensible and reasonable dialogue which the students of today rightfully seek.

Mr. President, regardless of how Senators may feel concerning the President's action in South Vietnam and Cambodia, I offer one student's responsible discussion of the issue.

Mr. President, I ask unanimous consent that the statement prepared by William R. Sampson be printed in the RECORD.

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

#### STATEMENT BY WILLIAM R. SAMPSON

The nature of the Cambodian invasion and its stated purpose—to safeguard U.S. troops against future attacks from the Viet Cong—

suggest the conclusion that the President acted improperly. International law is well settled concerning action against anticipatory attack. The attacking party must show a "necessity for self-defense, instant, overwhelming, and leaving no choice of means, and no moment for deliberation."<sup>1</sup> The United States certainly had other means of resolving the sanctuary problem. It had time to deliberate. The stores of ammunition and supplies could not have been easily used or transported during the ensuing monsoon season. The United States could have asked permission of the Cambodian government for its actions in the likely event that Cambodian forces would not or could not expel the Viet Cong from the sanctuaries. If that permission had been denied, the President could have protested the matter to the United Nations. And if his response there had proved unsatisfactory to his desire to invade and clean out the area, the President could then have gone to the Congress. However, the President did none of those things. To the extent that the President chose to ignore the accepted channels for resolving the problems with the Cambodian sanctuaries and chose to engage large numbers of U.S. troops in a new theatre of operation without the consent of anyone in the Congress, one can argue that the President acted improperly and exceeded his discretion as Commander in Chief.

However, international law as clearly supports the position that should a neutral accede to the impositions of one of two belligerents, the other may, in certain circumstances, disregard the neutral's sovereignty and attack the enemy within the neutral state. The Cambodian invasion can be profitably compared with United States' actions in three similar situations in which hostile forces used neutral territory as a base for recurring raids against the United States. General Jackson pursued Seminole Indians into Florida when that territory was owned by the Spanish. The Indians had frequently attacked American positions in Georgia. Jackson seized several Spanish forts in the operation; after the Indians were subdued, the forts were returned to the Spanish and reparations were made for injuries to Spanish property.

From 1870 to 1877, Mexican bandits frequently crossed into Texas to pillage American settlements. The Mexican central government made little effort to prevent the raids, so in the spring of 1877, the United States gave its commanding officer in Texas the authority "when in pursuit of a band of the marauders, and when his troops are either in sight of them or upon a fresh trail, to follow them across the Rio Grande, and to overtake and punish them. . . ."<sup>2</sup>

During the "Cortina War," Mexico acquiesced in the action of the United States against Juan de Cortina who had used Mexico as a sanctuary to avoid capture by American troops after raiding the Texas territory. American forces crossed the Mexican border on February 4, 1860, and broke up the Cortina outlaws. No complaint against the action was made by the Mexican central government, and the Mexican military commander in the area concurred that the American forces should be empowered to pursue and arrest Cortina and his men wherever found.<sup>3</sup>

These examples fit well within the thesis advanced by the author of a Note in the Columbia Law Review that "defensive actions which infringe the sovereignty of a neutral state should be justifiable under international law if . . . they are necessary to end repeated raids from a neutral sanctuary, or if they are required to protect the safety of troops under actual attack."<sup>4</sup> However, as that author also points out: "A point is reached in which self-defense becomes aggression under any well developed system

of law." It is at this point that I would take issue with President Nixon's action of 30 April. I believe that the enormous size of our movement into Cambodia coupled with the clear indication that the President had the time to go to Congress and secure its approval render that unilateral action by the President an improper exercise of his powers as Commander in Chief.

The debates of the Constitutional Convention show the reluctance of the delegates to vest in the chief executive great discretionary authority to commit U.S. troops to combat. "The debates suggest that one of the prerequisites for unilateral presidential response even in defense of the country is that the attack be so 'sudden' that resort to Congress is militarily precluded."<sup>5</sup> The factor most persuasive to the conclusion that the President acted improperly is that he clearly *did* have the time to go to Congress with his request to send troops into the Cambodian sanctuaries. General Abrams had known of the sanctuaries for years and has repeatedly asked for permission to destroy them. The President could not have been wholly candid when he referred to the "sudden" buildup of supplies in the sanctuary area. Our military intelligence, as reported in the newspapers, indicated that substantial quantities of supplies have laid within the Cambodian jungles for many months. The only "sudden" development in Cambodia was the deposing of Prince Sihanouk by Lon Nol and the "sudden" political changeover which made an invasion much less likely to stir up adverse reaction from the Cambodian government. Too, Mr. Nixon may have been motivated by the belief that Congress would not have given him the authority to conduct the invasion of Cambodia had he asked them for it. Neither factor is sufficient to justify the large-scale movement of U.S. troops across the Cambodian border and their deployment in Cambodia for a substantial period of time.

Cambodia never recognized that the United States had the right to pursue Viet Cong forces into its territory.<sup>6</sup> Nevertheless, had Mr. Nixon authorized the pursuit of attacking bands of Viet Cong by individual squads or companies, his action would follow the precedents of his predecessors in Florida and Mexico. But Mr. Nixon has so vastly expanded the Vietnamese War and has so seriously infringed upon the sovereignty of the Cambodian state that the precedents previously mentioned have virtually no relevance.

In conclusion, I do not believe that the President's action was "blatantly unconstitutional," as it has been called in a resolution by a Canadian conference of international lawyers. There is evidence that some kind of response to the sanctuary situation in Cambodia was justified. I believe, however, that the refusal of the President to work within the existing channels of international law, the massive nature of our response, and the virtual annexation of a substantial portion of Cambodia for 60 days was improper without Congressional approval. For these reasons I urge you to continue your efforts to secure the passage of the Cooper-Church bill. The President's action, although not clearly unconstitutional, is an unfortunate precedent which the Congress should disapprove in the strongest manner possible.

#### FOOTNOTES

<sup>1</sup> See 2 J. Moore, *Digest of International Law* 412 (1906).

<sup>2</sup> H.R. Rep. No. 701, 45th Cong., 2d Sess., App. B, at 241 (1878).

<sup>3</sup> See H.R. Exec. Doc. No. 81, 36th Cong., 1st Sess., 102-04 (1860).

<sup>4</sup> *International Law and Military Operations Against Insurgents in Neutral Territory*, 68 Colum. L. Rev. 1127-48 (1968).

<sup>5</sup> Note, *Congress, the President, and the Power to Commit Forces to Combat*, 81 Harv.

L. Rev. 1771-1805 (1968); see 2 M. Farrand, *The Records of the Federal Convention of 1787*, at 313, 318-19 (rev. ed. 1937). Hamilton's commentary similarly reflects the deliberate choice by the framers to vest in the legislature—the representatives of the people—the power to engage the Nation in war: "The President will have only the occasional command of such part of the militia of the Nation as by legislative provision may be called into the actual service of the Union." *The Federalist* No. 69 (emphasis added).

<sup>6</sup> See, e.g., the statement of the Royal Cambodian Government, reproduced in *N.Y. Times*, Dec. 28, 1967, at 17, col. 2.

#### THE GOVERNMENT'S POSITION ON THE C-5A PROGRAM

Mr. BYRD of Virginia. Mr. President, I am greatly concerned as to the Government's position in regard to the Lockheed Aircraft Corp.—and specifically the C-5A program.

The C-5A program was initiated in 1963 when Robert S. McNamara was Secretary of Defense.

As of June 1969, no production aircraft had been delivered.

As of May 25, 1970, only six production aircraft have been delivered, plus eight research and development aircraft.

Yet through April 30, 1970, the Government has paid Lockheed Aircraft Corp. on the C-5A contract more than \$2 billion.

The Department of Defense is seeking an additional appropriation of \$544 million for fiscal 1971.

Of this amount, \$200 million is labeled "contingency."

This \$200 million exceeds by that amount the Government's obligation to Lockheed.

The Department of Defense seeks this additional \$200 million as the best way to protect the Government's investment in the C-5A aircraft.

Admittedly, the Government and Lockheed face a very difficult problem in regard to the C-5A contract. Under the Air Force Department interpretation of the contract the loss to Lockheed will exceed \$640 million.

I have great confidence in Deputy Secretary of Defense David Packard. He had no responsibility for the original contract and is making an effort to bring some order out of a rather chaotic condition.

He has not yet presented an overall solution. He does recommend the appropriation of the additional \$200 million, which amount goes beyond the amount the Department of Defense contends it owes to Lockheed.

Lockheed has been operating almost entirely on Government funds. It has put up very little of its own money. The contract between Lockheed and the Government is an ambiguous one and apparently is subject to varying interpretation.

I am willing to support the \$344 million authorization which the Department of Defense recommends as being within its contractual obligation, but I have considerable doubt about the additional \$200 million which goes beyond what the Government contends is owed to Lockheed.

I shall vote to eliminate this \$200 million item from the budget.

#### SENATOR SCOTT GUEST ON METROMEDIA PROGRAM "PROFILE"

Mr. GRIFFIN. Mr. President, on Sunday, May 31, 1970, the distinguished Senate Republican leader (Mr. SCOTT) appeared as a guest on the Metromedia Radio News program "Profile." On the panel asking questions were the program host, Dan Blackburn, national editor of Metromedia Radio News, and Sam Shaffer, of *Newsweek* magazine. I ask unanimous consent that the transcript of the program be printed in the RECORD.

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

##### PROFILE

Mr. BLACKBURN. Senator Scott, for all practical purposes, is there any real likelihood left of an acceptable compromise on the Cooper-Church Amendment to impose a deadline on American involvement in Cambodia?

Senator SCOTT. Yes, there is. Following a vote on the Dole Amendment pertaining to the release of prisoners of war, probably Wednesday morning, I would expect that Senator Byrd of West Virginia will introduce a resolution which may contain language protective of the power of the Commander in Chief to protect the armed forces abroad.

I am not sure whether such an amendment has the approval of the White House as of this time, but some progress is being made.

Mr. BLACKBURN. This is Dan Blackburn in Washington. My fellow reporter is Sam Shaffer of *Newsweek* Magazine. Our guest on this edition of Profile is Senate Republican Leader Hugh Scott.

We'll be right back after this message.

Mr. BLACKBURN. Senator, you say that you are not sure whether or not the resolution to be offered by Senator Byrd has the White House backing. Has getting White House backing for any compromise that might be accepted by supporters of the Cooper-Church Amendment proven to be a more formidable task than you had originally expected?

Senator SCOTT. Well, it is of course difficult when the Senate in effect challenges the President. The President tends to react to preserve his Constitutional functions; the Senate doggedly holds to its, so that of course it's a problem. But it is far better for someone, like myself, to continue to seek to conciliate, if possible, and to secure for the Commander in Chief a clear recognition of his authority, while recognizing, as I also do, that the Senate wishes to be heard with regard to Cambodia and the Vietnamese war, and, of course, all Senators, like all Americans, are extremely anxious for this dreadful war to be ended.

We're all agreed on the principles and the goals. The obsession of Senators is with techniques, and that is also true of the White House.

Mr. SHAFFER. Senator Scott, you have been defending the President's actions in going into Cambodia. Doesn't it trouble you that a President can make a unilateral decision to invade another country? Has Congress become irrelevant on such a vital matter as waging war?

Senator SCOTT. The relevance of Congress, I think, is shown by Congressional reaction. The wish to be consulted; they have the power of the purse; they have the right to authorize the use of defense funds. At the same time, what the President has done is to recognize that the war was always being waged for more than five years from certain sanctuaries across the border from South Vietnam. The President has also recognized that without the removal of that menace he was unable to remove 150,000 troops from Vietnam during the next 10 or 12 months.

Therefore, it becomes—it became essential

for this to be done. I have said quite clearly and plainly that it would have been better had Senator Mansfield, the Majority Leader, and I been consulted in advance, because we might have been able to better prepare public opinion for what proved to be a shock with regard to what they thought was a widening of the war, which the President firmly believes is a shortening of the war.

Mr. SHAFFER. Well, Senator, in connection with preparing public opinion, as you put it, Senator Hughes of Iowa told the Senate just the other day that the invasion of Cambodia—and I quote him—distinctly polarized the nation beyond anything I have observed in my lifetime, and so I ask you, was it worth it, the military gains that will unquestionably be achieved and trumpeted at the White House?

Senator SCOTT. Well, Mr. Shaffer, I as a Senator am so used to the apocalyptic type of statement, that "never in my lifetime," or "the world is about to come to an end," or the Chicken Little philosophy that, "The sky is falling." I have learned that all things pass. This is a serious situation. It did indeed divide the country, but I think it divided the country more through misunderstanding of the common desire of both Congress and the President to find a quickening end to this war, and I think that misunderstanding has been contributed to by various eminent Senators who are themselves, or at least fancy themselves, candidates for President of the United States.

Mr. BLACKBURN. In what way do you feel it's been contributed to?

Senator SCOTT. Why, by the hot rhetoric, the excited language, the end of the world is coming, the ship is sinking, let's everyone run for cover, I've never seen such a disaster in my life, gloom, doom, disaster, and so forth.

Of course the times are serious; no one discounts that, but, as Adlai Stevenson once said, the world lives on the razor edge of terror, and all of us ought to devote our attention somewhat more coolly to getting off that razor edge.

Mr. BLACKBURN. You pointed, Senator, to a number of Democrats, without naming them, who may or may not be running for President in 1970—

Senator SCOTT. Oh, they all are. They all are. Don't worry about that.

Mr. BLACKBURN. I'm wondering if you feel that there has been an overindulgence in hot rhetoric on the other side of the fence too, and I'm thinking particularly of Vice President Agnew.

Senator SCOTT. Oh, I think rhetoric is always well fertilized and cross fertilized and tends to breed rhetoric. That's why I'm trying to be a rational and reasoning person in the center. I was reading this week that the difficulty of the center at the time of polarization is that instead of being a meeting ground for extremes, it's a no-man's land where men and ideas are caught in a withering crossfire. I'm one of those people presently caught out in no-man's land. But it says that precisely that quality of being a reasoning man in the center in a time of transition is needed because it's so scarce. Those are the qualities of patience, good temper and a skeptical willingness to wait and see.

Mr. SHAFFER. Senator, I'd like to ask you a question on another aspect of foreign policy. Now, you have been a leading and very vocal advocate for planes for Israel, but the Administration appears to be dragging its feet on Israel's request. In your speech before the American Zionist Federation you said, "I have reason to believe that our prayers and our petitions to the President and the Secretary of State will be answered fairly soon." Can you be any more specific than that?

Senator SCOTT. Well, I am not in a position without revealing some of the things that I've been told, but I can say that the

pressures for jets to Israel have increased mightily and on Monday Senators Javits and Ribicoff will send a letter to the Secretary of State signed by more than 50 Senators urging that jets be made available on long-term credit to counter the Russian introduction of Mig pilots and SAM-3 missiles, and inquiries on the Javits-Ribicoff move will be referred to Senator Symington and myself.

On Tuesday I will introduce with Senator Mondale of Minnesota a bipartisan resolution urging the President to get the Soviet Union to withdraw all Russian personnel from the United Arab Republic.

There is reason to believe that the Secretary of State is considering, now more seriously than ever, the need for some U.S. action to convince the Russians that it is not profitable to continue their dangerous creeping game of escalation of danger in the Middle East.

Mr. SHAFFER. But meanwhile, how about this question of planes for Israel? What's your judgment?

Senator SCOTT. My judgment is that planes for Israel on long-term credit will indeed be provided. We are trying to expedite the matter of time. I would like to see—I think time is of the essence. I would like to see it done promptly. I believe that it is a necessary step to convince the Russians that they are seriously risking the spread of war in the Middle East by arming so mightily the Egyptian forces.

Mr. BLACKBURN. Senator, you said that the Secretary of State is considering some action to convince the Russians that their presence is not good for peace in Egypt. What kind of action could a Secretary of State, or any member of the Administration, this Administration, take that would be convincing to the Soviets?

Senator SCOTT. I have suggested two possibilities, the Scott-Mondale resolution to make the strongest of representations to the Soviet Union to withdraw its Russian personnel and to stop sending in SAM-3 missiles, even to withdraw those they have emplaced there.

Then the second approach is the Javits-Ribicoff approach to send the jets to Israel on a long-term credit basis. Of course, there is always diplomacy, but diplomacy hasn't worked since the United Nations has eight times condemned Israel and has never had the guts to condemn the Arab Republic for their aggressions.

Mr. SHAFFER. Well, Senator, are we rendered any less effective by our involvement in Indo-China? In other words, do our words carry weight in the Middle East while we're bogged down in the swamps and the jungles of Cambodia?

Senator SCOTT. Well, I think that if we proceed by the President's schedule of withdrawal, and even accelerate that schedule of withdrawal, which I would favor, then we are maintaining our trustworthiness as a nation which keeps its promises. If we do that, then our credibility in the Middle East will be strengthened, but it makes no sense for some people to argue that the United States must be weak in one part of the world and strong in another.

Mr. BLACKBURN. Our guest on Profile is Senate Republican Leader Hugh Scott. My fellow reporter is Sam Shaffer of Newsweek magazine. This is Dan Blackburn and we will continue after this brief pause.

Mr. BLACKBURN. Senator Scott, to come full circle to what you were talking about with regard to both the Javits-Ribicoff letter and the Scott-Mondale resolution, is it your feeling that one of these two steps, if not both, will be adopted in some form close to what is outlined by the Administration?

Senator SCOTT. In—somewhere within the area for which we are pressing it is my feeling that the State Department will act. I think it important that they act promptly. I cannot give you a date.

Mr. BLACKBURN. Senator, I'd like to come back to another subject we touched on earlier, before pursuing something else, and this is this question of rhetoric. Vice President Agnew has said, and in fact has made such a comment on this program, that he does not feel he can go on to a campus at this time. Do you feel that this is a problem that should concern the Vice President, and would it concern you if you were in his position?

Senator SCOTT. Well, rather than responding directly to the Vice President's expressions which must be left to him, it is my view that the First Amendment ought to be observed by all good citizens, and that guarantees the freedom of the press and the freedom of assembly and the freedom of people to petition for redress of grievances and so on, and I would think that if people are genuinely devoted to these freedoms that they would make it possible for anyone, whether it be the Vice President or the ubiquitous poet, Gene McCarthy, or anyone in between, to address student audiences.

One would think that students would be interested in the educative process, namely to learn. It is preferable, believe me, to shout, because when you shout you can't hear what the other fellow's saying, and he just might say something worth hearing.

Mr. SHAFFER. Senator, in connection with the business of hearing and listening, the youth of America, the Interior Secretary, Hickey, as you know, complains that the Administration is not listening to the youth of America. Now, do you agree with this?

Senator SCOTT. Well, I think at the time that he said it it was a salutary statement and I am glad he said it, and I so conveyed my views to him. I believe people should listen. I listen a lot myself. We've had loads of delegations come to see me. I haven't been able to see them all, and some go away a little miffed, but they don't realize that you can't see 10,000 people in 10 hours, for example, and there's a little unreasonableness in that.

There is, however, strong evidence now that the Administration is listening. It has sent out most of its younger staff members, a dozen, more or less, to listen to anyone who has the thought or desire to be heard. The Cabinet officers are listening. The young children, the sons and daughters of Cabinet officers, have been perhaps the most effective force in government in bringing to the high levels of government the importance of listening to what young people are saying. Their concern is real; their compassion is real; their desire to get out of the war is real.

One young lady said to me the other day in my home in Philadelphia she was very much concerned about Vietnam. I said, "I represent 12 million people, Bunny, and I'm 12 million times as concerned as you are."

Mr. SHAFFER. Senator, you have an excellent record on civil rights, so I feel quite free to ask you, what is your Administration doing to woo the black voters? For instance, aren't you alienating the blacks when Attorney General Mitchell goes to Cleveland, Mississippi, at a time of great tension and crisis and talks to a lily-white audience, despite the black protests?

Senator SCOTT. Well, I have no say over where the Vice President—where the Attorney General goes or what he says. I recall that he at least delivered a balanced judgment in which he was critical of violence on one side or repression on the other, or of—on other occasions he has recently moved strongly to continue desegregation processes, even to suing the whole state of Georgia, so there's a good side to it too.

The Administration has also recently notified me, as they did in the last time this bill came around, that they are opposed to the Whitten anti-busing amendments and the Jonas amendment to one of the important bills, and I have been authorized to con-

tinue my fight in the Senate to strike these objectionable amendments out. If they're struck out that will be an important civil rights action.

I have succeeded 14 times in this 91st Congress in pro-civil rights amendments; the first three or four the Administration was a little ambivalent and uncertain of itself, but lately they've been giving me good solid support on it.

Mr. SHAFFER. Then you're satisfied that the Administration is moving in the direction of wooing black votes?

Senator SCOTT. I am satisfied that they are concerned about black votes, but they're anxious that blacks be treated on an absolutely even and equal basis with whites, that they are not to be treated as an ethnic voting bloc, but rather as a group of Americans with very serious problems which need to be redressed.

For example, the extension of credit by this Administration to black businessmen, small proprietors, the opening of storefront headquarters for blacks to be able to get loans, the President's meeting with the heads of the black colleges, his naming the president of one of these colleges as his advisor, the fact that this Administration has named more black men and women to positions in government than any previous Administration, the fact that the new general counsel to the Department of the Treasury is a black, a former judge in New York, a friend of mine, formerly a protege of Senator Keating, all these things are steps in the right direction, but I think those who are seeking to have this Administration do what some Administrations do, and that is to make pleas, appeals, both overt and covert, to one ethnic group or another in the county is not a policy of the Administration. They are trying to treat all Americans as equally entitled to the benefits of government.

Mr. SHAFFER. Senator, a little earlier in this program you spoke about the problems of the man in the center. Now, you were elected leader of the Senate Republicans by a four vote margin after—

Senator SCOTT. Five, Sam.

Mr. SHAFFER. Five, was it? I'm sorry—after the death of your predecessor. Now there's talk about another challenge to you next January here in the Senate, and the firing is coming from the extreme right wing of your party. Now, it's my impression, as one who covers the Senate, that your strength is growing, but I may be misreading the situation. How do you, in all objectivity, read it?

Senator SCOTT. Well, so far as one can be objective about himself, Sam, I am pretty well known in Washington as a man who counts accurately. I have never given the press gallery a wrong count as to where I stand. Now, the support for me in my judgment at the present time is about 27-16, 28-15, and insofar as any new Senators are concerned, I'm sure that a majority would support me. Therefore, there has been a very strong and definite accretion of support for which I am most grateful since my road has been a very difficult one in seeking to be just and fair to all of my colleagues.

Mr. BLACKBURN. Yet the sniping at you seems to be escalating at the same time Senator.

Senator SCOTT. Well, that's partly due, I may say, to the press and media, if I don't get in wrong with you fellows, but—

Mr. SHAFFER. You will.

Senator SCOTT. I'm sure I will, but I am candid, and I think part of it is because anything that sounds like bad news is better news than good news, but there's no justification for it.

The sniping, I think, results from the fact that I am a strong leader, as Bryce Harlow noted in introducing me once. The Senate prefers strong leaders, and the stronger you are, the more certain individuals are liable to snipe at you, but the interesting thing is

they're always anonymous. None of them would quite dare invoke the wrath of their colleagues by making open attacks, because I think it would be a losing game.

Mr. BLACKBURN. Well, Senator, if I may follow up on this for a second, it has been reported that relations between you and your Whip, Senator Griffin, have become increasingly strained during recent weeks, that Senator Griffin has ambitions to sit in your seat and you have ambitions to keep him from doing that while you hold it. Could you enlighten us as to just what your relationship is with the Whip?

Senator SCOTT. Sure I will, Dan. You guys created that whole situation. It never happened. It's the most utter nonsense, total hogwash, completely incredible, and wholly and absolutely and utterly and totally false. Now, I've spent hours with Bob Griffin today and yesterday and the day before. We are in complete agreement and complete harmony. He is trying to do exactly what I'm trying to do, which is to work out an accord between the Senate and the White House. There has never been the slightest variance.

Now, Bob Griffin is the Senator from Michigan, and as Senator from Michigan, he has a constituency and he responds to it. I'm the Senator from Pennsylvania, and I respond to that. But I'll bet you'll find that Bob Griffin's and Hugh Scott's votes are about as close together as any two Senators here, and I want to nail this now for what it is, a total absolute falsehood.

Mr. BLACKBURN. I don't want to suggest for a second that you've left any doubt.

Senator SCOTT. Thank you, Dan. There never was any doubt, but I am constantly fighting ghosts and situations which never did exist.

Mr. BLACKBURN. We'll have some final thoughts right after this word.

Mr. BLACKBURN. Sam, I think you had a question you wanted to bring up.

Mr. SHAFFER. Yes, Senator; how do you account for the economic situation the country is in with the stock market in a bad slump despite temporary recoveries in the past day or so and with inflationary forces still on the rampage?

Senator SCOTT. Well, Sam, a battle to control inflation has its painful intervals. The country was allowed to run wild under the previous Administration of President Johnson, who tried to finance the war in Vietnam without paying for it in taxes and building up enormous budget deficits. We're paying for that now. As Kipling said once, "the things that we do by two and by two we pay for one by one" and this is happening.

However, I am personally of the opinion, after talking to leading economists in the Administration and out, that we will have a very good third quarter, a remarkably good fourth quarter and that the goal of the Administration's economic report of \$985 billion in the Gross National Product has every reasonable expectation of being reached, and the present GNP is 932. That means that we will go up \$53 billion between now and the end of the year. I do not expect unemployment at the end of the year to be higher than now. I hope it will be lower. It should be.

And therefore, while I am not an arrant optimist, I am, again, one of those who is convinced that definitely better times are on the way.

Mr. SHAFFER. Senator, if time allows for a parochial question, everybody in Pennsylvania says you'll have an easy ride in your race for reelection in the Senate. How does the campaign look to you?

Senator SCOTT. Sam, nobody as firm as I am, as candid as I am and as positive as I am is every assured of anything easy in this world, including election. All the surveys indicate that I am ahead. I assume that it will be a difficult race. I've never met my opponent. I do have a little trouble remembering

his name, but I am sure that he will become more visible.

Mr. BLACKBURN. Senator, I'm going to try and work in two questions here before time gets away from us altogether. The first one is in connection with elections. Do you think there is any possibility that Hugh Scott might become Majority rather than Minority Leader in the next Senate?

Senator SCOTT. It's a consummation devoutly to be desired, as the late Senator Dirksen would have enunciated. I would hope that it would happen. If the economy is good and if the President has kept his promises, as I expect him to do, to get out of Cambodia, to accelerate withdrawal from Vietnam, to assure people we aren't going to leave anybody there ultimately, as the Secretary of Defense assured me yesterday it was his intention, then I would assume, with a better economy, that we could be the majority party. If we deserve to win, we will. If we deserve to win, I would then be the Majority Leader.

Mr. BLACKBURN. Are you as optimistic now as you were, say—or as you might have been, say, two months ago?

Senator SCOTT. Well, with the Dow-Jones up 32 points I feel a little better about it.

Mr. BLACKBURN. Senator, one final question, and that is, with debate over Cambodia and a number of other of that type of debate in prospect, do you anticipate a lengthy session of Congress this year?

Senator SCOTT. Well, here I'm the optimist, Mike Mansfield is the pessimist. Both of us expected to be out before Labor Day. I still hold to that prediction.

Mr. BLACKBURN. Which would make it a lot easier for people who are running for reelection.

Senator SCOTT. Yes, namely me.

Mr. BLACKBURN. Our guest has been Senate Republican Leader Hugh Scott. My fellow reporter has been Sam Shaffer of Newsweek magazine.

Next week our guest will be Doctor John Hannah, Administrator of the Foreign Aid Program.

This is Dan Blackburn in Washington. Thank you for listening.

#### INTERNATIONAL COUNCIL OF SCIENTIFIC UNIONS IDEA PARALLELS WORLD ENVIRONMENTAL INSTITUTE RESOLUTION OF SENATOR MAGNUSON

Mr. MAGNUSON. Mr. President, on April 27 I submitted Senate Resolution 399, to facilitate the creation of a World Environmental Institute. The resolution, which has 40 cosponsors, is now pending before the Committee on Foreign Relations. The committee has requested, and is waiting for, the views of the Department of State.

At the time I submitted Senate Resolution 399, I said it was "a practical proposal, one that can be achieved if we dedicate ourselves to the task. The resolution is intended to produce action, not more rhetoric. And it will produce that action if the Congress, the President, and the leaders of foreign nations accept it with the seriousness and urgency in which more than a third of the Senate has offered it."

Mr. President, despite my complete commitment to the World Environmental Institute concept, I suspect that some people may have doubted the feasibility of this idea. Since I introduced the resolution, however, both the feasibility of such an institute and the urgency behind it have become clear. Seldom have I seen

such a response to a legislative proposal. Scientists, ecologists, statesmen and laymen from this country and around the world have written to me offering support and suggestions.

I have learned, for example, that my concern for treating environmental problems on a world-wide basis is not unique: Organizations and individuals throughout the world are urging similar proposals. On May 6, for example, I inserted in the RECORD two fine proposals by Dr. George Kennan and Dr. Richard Gardner. I will also insert a magnificent address on the same subject by U.N. Secretary General U Thant.

Today I want to share with the Senate another fine proposal—one that closely parallels my own, and has been worked out in great detail. The material I am inserting is a "Report of the Ad Hoc Committee of the International Council of Scientific Unions—ICSU—on Problems of the Human Environment." The ICSU is one of the most highly respected international scientific organizations, and the report of its Ad Hoc Committee clearly reflects the tremendous dedication and skill that its members possess.

This report not only catalogs the global environmental problems to which I alluded in my April 27 address to the Senate, but it comes to a strikingly similar conclusion concerning the recommended form of action that should be taken at the international level. Specifically, the ICSU Committee recommends creation of an "International Centre for the Environment." Like my proposed World Environmental Institute, the Centre would be both a research center on global environmental problems and a central "intelligence service" or clearinghouse on environmental knowledge. In addition, the ICSU Committee recommends that the Centre administer the global monitoring activities on the environmental front.

I cannot commend this report too strongly to the attention of my colleagues. It is an excellent, in-depth product of scientists throughout the world. It demonstrates the soundness of the international concept—whether it is called the World Environmental Institute or the International Centre for the Environment.

Mr. President, my concern in this matter is not restricted to making speeches. I do not care what the international organization is called or who gets credit for its creation. I simply want—as do U Thant, Dr. Kennan, Dr. Gardner, and ICSU, and countless others—real action on a proposal of this sort. And I want the United States to take the leadership in establishing an international authority to deal with global environmental problems.

I will not minimize the difficulty of this task—it is an enormous one and still far from completion. The urgency of the matter, however, and the consensus of opinion regarding it should signal that action is needed now. I am committed to that action; 40 cosponsors of Senate Resolution 399 are committed to that action; and I hope that the administration and the scientific community here in the United States will be committed as well.

I ask unanimous consent that the report of the Ad Hoc Committee of the ICSU on Problems of the Human Environment be printed in the RECORD.

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

REPORT OF THE AD HOC COMMITTEE OF ICSU ON PROBLEMS OF THE HUMAN ENVIRONMENT

ABSTRACT

The ad hoc Committee has considered in detail the following ways in which man is altering the environment:

1. Increase in human population density.
2. Increase in atmospheric carbon dioxide from the combustion of fossil fuels.
3. Increase in turbidity (particulate content) of the atmosphere.
4. Pollution of the oceans and coastal waters.
5. Radioactivity in the atmosphere, natural waters, soils and living organisms.
6. Deliberate and inadvertent modification of the atmosphere, including the effects of cloud seeding and jet contrails.
7. Effects of introduced species.
8. Pressures on available water resources.
9. Eutrophication of international waters.
10. Soil erosion and destruction.
11. Noise as a pollutant.
12. Dissemination of pollutants in air, soils, water and living organisms (including industrial and domestic wastes, pesticides, reactions in the atmosphere, biological molecules).
13. Degradation of natural ecosystems with the loss of gene pools.
14. Thermal pollution (atmosphere and international waters).

There is a wide variability in the scale of these effects, in the urgency of environmental threats, in the ways in which man could be affected. The Committee considered these facts, and also took note of the other international organizations which are involved.

The principal conclusion of the Committee is the ICSU has a responsibility to provide objective scientific leadership in this field.

The ad hoc Committee recommends that ICSU set up a Scientific Committee on Problems of the Environment (SCOPE), which would bring together the various disciplines, and which, through its Commissions, would be responsible for the promotion of environmental monitoring, evaluation of the effects of environmental disturbances, simulation modeling and predictions, and the study of the social effects of man-made change in the environment.

It is recommended that SCOPE be provided with a secretariat which should be developed into an International Centre for the Environment.

The ad hoc Committee recommends that SCOPE and the International Centre for the Environment cooperate fully with other groups, outside of ICSU, including all involved UN Agencies, regional intergovernmental bodies, and international non-governmental bodies.

TERMS OF REFERENCE

The ad hoc Committee was set up as a result of the resolution adopted by the 12th General Assembly of ICSU (Paris, 28 September-2 October 1968):

"The IUGG, and IUBS in consultation with SCIBP, are invited to appoint three members each to an ad hoc Committee of ICSU on Problems of Human Environment, for the purpose of preparing a report upon those characteristics of the environment which man himself is altering. The report will emphasize those problems which are of international concern, and will state if there are those toward the solution of which the scientific competence represented by ICSU could effectively be applied and it will be sub-

mitted, with all possible speed, to the Presidents of IUGG and of IUBS, in the first instance who will examine it and forward it with their comments to the Officers of ICSU. The Assembly authorizes the Officers and Executive Committee to give the necessary financial help for the preparation of the Report and further recommends that the Officers take prompt action on the Report when it is presented to them."

SUBSEQUENT ACTION

IUBS, acting with SCIBP, and IUGG appointed the following six members:

IUBS

Professor D. S. Farner, Dept. of Zoology, Univ. of Washington, Seattle, Wash. 98105, U.S.A.

Dr. B. Lundholm, Ecological Research Committee, Natural Science Research Council, Wenner-Gren Center, Sveavägen 166, VIII, S 113 46, Stockholm, Sweden.

Dr. J. E. Smith, Marine Biological Association, The Laboratory, Citadel Hill, Plymouth, U.K.

IUGG

Dr. K. Grasshof, Institut fuer Meereskunde an der Universitaet Kiel, Niemannsweg 11, 23 Kiel, Germany.

Dr. W. Laszloffy, Racoczi ut. 41, Budapest VIII, Hungary.

Dr. E. Munn, Meteorological Service of Canada, 315 Bloor Street West, Toronto 5, Ontario, Canada.

The ad hoc Committee met for the first time in Washington, D.C. (1-2 March 1969, at the kind invitation of the U.S. National Academy of Sciences). Dr. J. E. Smith and Dr. K. Laszloffy were unable to attend but were represented by Dr. L. H. N. Cooper (Plymouth Laboratory) and Dr. K. Szesztay (Budapest) respectively.

At this meeting Dr. B. Lundholm was appointed Chairman and Professor G. D. Garland (Secretary-General of IUGG) who had assisted in convening the ad hoc Committee, was made Secretary.

The Committee held its second meeting in Stockholm, June 10-11, 1969. On this occasion, Dr. Szesztay again replaced Dr. Laszloffy and Dr. Cooper was present in addition to Dr. Smith. At the suggestion of IUPAC, Dr. R. Truhaut (Université de Paris, Faculté de Pharmacie, Chaire de Toxicologie, 4 avenue de l'Observatoire, Paris 6, France) and Dr. G. Widmark (Institute of Analytical Chemistry, University of Stockholm, Roslagsvagen 90, Stockholm, Sweden) attended as experts in the field of chemistry and at the suggestion of IGU, Dr. I. Burton (Department of Geography, University of Toronto, Toronto 5, Ontario, Canada) attended as an expert in geography. Mr. F. W. G. Baker, Executive Secretary of ICSU, was present on June 11. Mr. G. T. Goodman who had given considerable assistance in preparing the working paper was present as well.

THE BASIC PROBLEM

In what qualitative ways and by how much quantitatively is the global environment of man being adversely affected by the technological revolution begun during the 19th century? The growth of population and the per capita capability of modification and exploitation of the environment are accelerating at such rapid rates that unforeseen and often unwanted side effects are continually arising. How serious are the consequences of these for the future life of man on earth?

MAN INDUCED ALTERATIONS OF THE ENVIRONMENT

Observing its charge to prepare "a report upon those characteristics of the environment that man himself is altering", the Committee has considered in detail the environmental alterations listed below. Later in this report the individual topics are further discussed, with proposals for desirable scientific research and international action in each case.

The list below is not intended to be exhaustive. Rather, the ad hoc Committee felt that it should examine a sufficient number of problems to indicate the seriousness of the situation, and the extent to which the scientific interests represented in ICSU could be applied to alleviate it. It is believed that the following list does illustrate these points. On the other hand, the Committee wishes to make clear that it is not proposing that an attack could be made upon all problems at once. If ICSU accepts the recommendations of this report, and engages in a programme on the environment, careful consideration would have to be given to the number of problems which could be initially included.

This raises the question of priorities, and the grouping of problems. Possible threats to the environment could be arranged in different ways: by the region of the planet that they affect (e.g. atmosphere, oceans); by the particular pollutant (e.g. hydrocarbons); by the way in which the threat would affect man (e.g. economics, health, aesthetics); by the urgency of the problem and by the irreversibility of the environmental change. Because of overlapping, it is impossible to draw up a completely logical classification system on these grounds.

The ad hoc Committee has ordered the problems under three headings. The first consists of threats that are global, in that some aspect of the environment of the planet as a whole is involved, and, as a corollary, research covering the entire globe is required. The second category involves problems of less-than-global significance, but ones in which a wide measure of international cooperation, and even confrontation, is required. The third category consists of problems, whose effect may be local, but which depend upon international cooperation by virtue of the volume of research, and exchange of information, which is required.

The topics which have been considered are arranged as follows; not necessarily in order of urgency or recommended priority:

Global

1. Increase in human population density.
2. Increase in atmospheric carbon dioxide from the combustion of fossil fuels.
3. Increase in turbidity (particulate content) of the atmosphere.
4. Pollution of the oceans and coastal waters.
5. Radioactivity in the atmosphere, natural waters, soils and living organisms.
6. Deliberate and inadvertent modification of the atmosphere, including the effects of cloud seeding and jet contrails.

Confrontation

7. Effects of introduced species.
8. Pressures on available water resources.
9. Eutrophication of international waters.
10. Soil erosion and destruction.
11. Noise as a pollutant.

International by virtue of research cooperation

12. Dissemination of pollutants in air, soils, water and living organisms (including industrial and domestic wastes, pesticides, reactions in the atmosphere, biological molecules).
13. Degradation of natural ecosystems with the loss of gene pools.
14. Thermal pollution (atmosphere and international waters).

GENERAL CONSIDERATIONS

It is known but often not acknowledged that the earth has a strictly limited set of material and energy resources, interlocking and partly renewable via geophysical, geochemical and ecological cycles, to form a unitary global environment. It is in this milieu that man must survive, now and in the future. The human race today has the power to transform this environment and by

skillful design, to adjust it to the needs of man. But lack of skill or foresight may lead to unwanted environmental side-effects which might be harmful to man and also irreparable, or at least, extremely costly to cure. We must ensure that design prevails over accident so that future generations do not inherit a seriously degraded environment where their living conditions are restricted or even hazardous.

Apart from this strictly practical consideration, there are in addition important cultural and esthetic considerations.

There are those who have likened man's environment to a great painting or sculpture whose damage or destruction would be a saddening act of cultural vandalism. Perhaps the 20th century is not the greatest age of cultural sensitivity, but we do not like to think of ourselves as a feckless generation. We know too that unfortunately, more people on earth today are forced to concern themselves with survival rather than sensibility, but it is our own age that has developed the power to mould the environment, and people in the future may blame us for the irreversible damage we caused.

These two considerations are nowhere more important than in the developing countries where the local environment is as yet relatively undamaged. It should be the special responsibility of developed countries to ensure that any industrial enterprise which they may finance should have a high degree of ecological control. In the absence of local legislation, a situation may develop which is far worse than would be tolerated at home by the industrial nations; man simply cannot afford to repeat mistakes of this kind. Properly qualified ecological advisers should be consulted before technical assistance is granted. This is particularly relevant to international projects, and, of especial importance in the tropical areas where the increasing technological impact of little-known ecosystems might have far reaching effects.

It is now clear that any study of the environment adequate enough to be of use in helping the human race to avoid future hazards must involve competence of the highest order in the sciences, sociology economics and law. Is man's intellectual achievement in these fields adequate to the task? It is believed that we have the theoretical competence to achieve it and that there is an opportunity for ICSU to bring about the collaboration of sectional interests.

From the details considered under the individual environmental changes that have been considered, it is clear that the following broad conclusions emerge:

1. It is urgent that man must learn everything possible about the present state, and rate of change of this state of the environment.

2. An international, non-governmental body of scientific objectivity and with the capacity for effective executive action is required to draw up a plan and timetable of action which should include the existing research activities in these fields. The best available body for this task is ICSU. Environmental problems will become so pressing in the next few decades, that governments will be forced to take some sort of scientific advice from whatever body is prepared to give it; the involvement of ICSU would ensure that the scientific component was of the highest quality.

ICSU has at present little experience or involvement in social science; nor has it competence in economics and law. It should be noted however that ICSU has considered the establishment of a committee on the "Social Implications of Science," which could well remedy this by recommending the liaison with ICSU of the appropriate sociological, economic and legal organizations. In addition, ICSU should consider establishing

liaison with these fields of science and engineering at present outside its competence.

3. The following points underly the rectification of many of the individual environmental problems:

(i) A need to monitor the present level of man's interference with the environment, in such a way that the rate of change of this disturbance can be determined. The Committee recognizes that the required methodology will be extremely varied, depending upon the substance to be monitored, but consideration must be given to the use of the most advanced techniques possible in each case. This would include, for example, the use of remote sensing for certain parameters, and research on the development of completely new techniques.

(ii) the evaluation of the effects of particular man-made changes upon biota, including the prediction of future trends.

(iii) the prompt recognition of potential hazards.

(iv) the close relationship of the traditional scientific aspects with human affairs, including man's perception of undesirable change in his environment, and the recognition of the social, economic and cultural consequences of such change.

4. ICSU should be constantly aware of the possibility of using science to improve the environment, as well as to prevent deterioration.

5. The ad hoc Committee urges developments in education along the following lines:

(i) the stimulation of improved public awareness of environmental problems

(ii) the necessity to encourage young scientists to consider interdisciplinary research on the environment as an exciting and challenging problem

(iii) the desirability of including some environmental science in the training of scientists and engineers who, because of their future activities in technological developments, may become involved in environmental modification.

6. There is an urgent need for an international mechanism by which expert advice may be made available rapidly to any group or country requiring it.

#### RECOMMENDATIONS

In the light of the foregoing General Considerations the ad hoc Committee recommends the following actions:

##### 1(a) SCOPE

It is recommended that ICSU create a Scientific Committee on Problems of the Environment (SCOPE).

The Committee should be composed of experts, who have worked in areas of importance to environmental science, proposed by all interested bodies of ICSU, including in particular persons competent to deal with the atmosphere and hydrosphere, and with aquatic and terrestrial ecology. SCOPE should have the authority to seek expert advice as required by co-opting temporary members, particularly from interests not represented in ICSU (e.g. aspects of agriculture, demography, forestry, conservation, medicine, toxicology, engineering, social and behavioral sciences, international forensic science).

The functions of SCOPE should be:

(i) to promote and coordinate research relevant to environmental quality control and rational use of natural resources by means of appropriate commissions.

(ii) to advise ICSU on policies concerning man's interaction with the environment.

(iii) to advise UN, UN agencies, regional, intergovernmental and other international non-governmental bodies, when requested.

(iv) to be responsible for the operation of the International Centre for the Environment (ICE). (see below)

(v) to promote a public awareness of the importance of environmental problems through education and all available media.

(This could well include the publication of an authoritative book, for the general public, on the state of the environment).

SCOPE should be served by a small executive group and a permanent secretariat based on ICE Headquarters.

##### (b) Commissions

SCOPE should receive expert advice from commissions, of a number appropriate to deal with the main elements of environmental quality control. The commissions should in the first instance include:

(i) commission on monitoring

(ii) commission on biosphere and technosphere evaluation

(iii) commission on quantitative predictions

(iv) Commission on social and economic evaluation

It is expected that SCOPE will continually review the adequacy of the commission structure, to ensure that all aspects of the problem, including those produced by technological changes, are sufficiently covered.

Suggested functions of the Commissions are as follows:

(i) *Monitoring* to promote investigations into the methodology of monitoring, including the selection of suitable parameters, to ensure compatibility of methods and the co-ordination of monitoring systems; to develop in the future and be responsible for, appropriate broad-based monitoring systems for air, water soils and biota, including man; to investigate the usefulness of studying past changes in selected parameters; to establish Environment Archives. In the first instance monitoring should be for integrated global values obtained from satellites or networks of background stations far from population centres. However, the problem of cities should not be neglected and commissions should consider methods of monitoring the urban environment.

(ii) *Biosphere and technosphere evaluation* to promote and be responsible for a scientific interpretation and evaluation of changes in the biosphere as a result of human activity; to promote the testing of substances entering the biosphere from the technosphere for their acute, delayed and chronic toxicity, including the development of new techniques and basic research in toxicological evaluation; to promote the collection of data on the production, use and subsequent fate of technosphere substances entering the biosphere, including the recognition of new or potential environmental hazards.

(iii) *Quantitative predictions* to promote and facilitate research on simulation models, quantitative forecasting and prediction methods, using computer techniques for the study of geophysical and ecosystem changes.

(iv) *Social and economic evaluation* to promote and facilitate research and other activities in the social and behavioral science aspects of environment; to examine environmental quality alternatives and their perception, the full range of theoretical adjustments and to assist in the study and formation of criteria (including engineering and economic criteria) for the selection of adjustments; to advise on appropriate forms of action and assist international legal bodies in their consideration of environmental quality control; to conduct retrospective studies of the course of population growth and environmental deterioration and improvement in representative areas at different stages of technology, including the evaluation of past changes both anticipated and unanticipated; to carry out these functions in collaboration with other relevant groups both governmental and nongovernmental.

Commissions should be served by a number of working groups dealing with special aspects. It is not possible to make firm recommendations about their composition at this stage, but they would probably follow the main items listed under the activities of

each commission above and be in active contact with national groups in their field.

#### 2. ICE

It is recommended that ICSU promote the establishment of an International Centre for the Environment. This would be the headquarters of the SCOPE permanent secretariat and the following three special permanent services, serving the commissions:

- (i) Monitoring service.
- (ii) Research and planning service.
- (iii) Intelligence service.

The functions of these Services could be:

(i) *Monitoring Service* to administer the activities of the Monitoring Commission.

(ii) *Research and Planning Service* to administer the activities of the other Commissions; to be responsible for reviewing specific environmental problems and for coordinating current research projects; to organize symposia.

(iii) *Intelligence Service* to gather information and intelligence relevant to the environment from all sources; to keep abreast of inter-governmental activities (e.g. current international research projects) and non-governmental activities (e.g. current research work, etc.) in the environmental fields, and to disseminate the information on request to SCOPE, the Commissions as well as to UN and its agencies. The Committee calls attention to the fact that no such office now exists at the international level, and that only by developing this Office can ICSU expect to discharge its responsibility to make available authoritative advice on environmental matters.

3. In order to promote the rapid realization of items 1 and 2 above in an effective form, the ad hoc Committee strongly urges ICSU to set up immediately the core group for SCOPE and to make possible the establishment of the Commissions. These core groups should be small and should consist of acknowledged experts in each field. Each Commission would produce a detailed, practical report as soon as possible and in any case before the UN 1972 Conference, appraising the scientific, organizational and financial considerations inherent in developing the programme. It should also be the task of SCOPE to examine the practical feasibility of establishing ICE.

Initial funding for this stage should come from ICSU and should be sought from private foundations, but if recommendations 1 and 2 are to be realized in full, costs will be of quite a different scale and financial support should be sought from UN, its agencies and member governments.

4. The Committee recommends that ICSU investigate the possibility of a resolution being submitted to the UN General Assembly following the UN Conference on the Human Environment 1972. The resolution should be appropriately worded to express the following ideas:

(a) that member states recognize that the human environment is global and indivisible and that deterioration in the environment of any member state frequently deteriorates the environment of other states.

(b) that member states resolve not only to take corrective measures concerning deterioration caused by existing technological practices and human population pressures but that they agree to examine new technological practices in industry, mining, agriculture, transportation, etc., in terms of potential degradation of the human environment and that, if significant potential degradation is foreseen, the proposed practice be appropriately modified or abandoned.

(c) that member states in assisting other member states or non member states assume the responsibility of ascertaining that the assistance does not result in the deterioration of the environment.

(d) That the UN establish a plan through which its agencies and member countries

would support an International Center for the Environment.

5. When ICSU considers that the ad hoc Committee has discharged its responsibility the Committee asks to be disbanded.

#### APPENDIX I—ENVIRONMENTAL CHANGES CONSIDERED BY THE AD HOC COMMITTEE

##### Item 1. Environmental effects of human population change

###### A. General Comments

The Committee recognizes this as a very large and important problem but one which is somewhat beyond the present competence of ICSU. It cannot be adequately defined and broken up into manageable components without the help of demographers, social scientists, economists and planners. The Committee urges that ICSU associate its appropriate competences with those necessary for the definition and analysis of this problem, and further, that a very high priority should be placed upon it.

###### B. Related Scientific Research

Effects of rapid population growth and rapid urbanization on the environment: over-utilization of land, deterioration of natural areas, ecological imbalance, depletion of natural resources, dietary deterioration, increase of urban pathology, increased wastes, deprivation and lowered performance of children.

Consequences of national policies to reduce fertility: there are different time lags for different effects.

Studies of the ways in which population growth has altered the environment in the past.

Experiences of nations in dealing with natural hazards (floods, etc.)

###### C. Related International Actions (in Progress or Required)

"Case" studies of countries or areas with stable populations.

Improved collection and analysis of demographic data and vital statistics, especially from less developed countries.

Analysis and planning of resource development needed to support future populations in different countries with minimum damage to the environment.

Measures for global stabilization of the human population within available resources.

###### D. International Organizations Known by the Committee to be Involved

ICSU: IUBS; IBP; and IGU.  
Intergovernmental: WHO; UNESCO; U.N.; and FAO.  
Other: IUCN.

##### Item 2. Increase in atmospheric CO<sub>2</sub>

###### A. General Comments

Concern over the possible effects of an increase in CO<sub>2</sub> in the atmosphere as a result of man's burning of fossil fuel is not new. It was considered at least as early as 1940 and has formed a major topic of discussion at symposia of IAMAP. Very briefly, the natural carbon cycle involves exchanges between plants and the atmosphere, and between the oceans and the atmosphere. Burning of fossil fuels in large quantities increases the input of carbon to the atmosphere. The ocean can act as a buffer in this process and tend to maintain the concentration of CO<sub>2</sub> in the atmosphere constant, but it has been shown that the efficiency of buffering is very dependent upon the temperature of the ocean surface. The effect of increased CO<sub>2</sub> that has been most often stressed is the "greenhouse effect", that is carbon dioxide admits the incoming short-wave radiation from the sun, but absorbs the longer wavelength outgoing radiation and an increase in its concentration may produce an increase in the earth's surface temperature. There may be other, more direct, effects in the biosphere.

In reviewing the extensive literature on

the subject, it is clear that there is a need for both more representative data on the global concentration of CO<sub>2</sub> and its change with time, for basic research on the carbon cycle, particularly on air-sea interaction, and for research on the direct biological effects of carbon dioxide. There is, at present, great difference of opinion on the secular change of CO<sub>2</sub> concentration, simply because there has not been an adequate network of monitoring stations. Similarly, the calculations on the possible future modification of climate have suffered from a lack of information on the atmosphere-ocean exchange. The role of the green plants of the earth, and the possible effect of the reduction in the area of green cover by growing urbanization, or by unintentional poisoning, are also of prime importance.

The double need for both more representative monitoring, and for fundamental interdisciplinary research, that appeared in this problem, was found to be pertinent to many of the global problems. Specific recommendations on both aspects will be made below. It is recognized, of course, that an increase of other gases, such as SO<sub>2</sub>, H<sub>2</sub>O, in the atmosphere may be taking place, and the remarks concerning monitoring and research upon their effect applies to them also.

###### B. Related Scientific Research

Rate of increase of average CO<sub>2</sub> content in the global atmosphere.

Partition of added CO<sub>2</sub> among atmosphere, ocean, and biosphere.

Oceanic release and absorption of CO<sub>2</sub> in high latitudes.

Effects of added CO<sub>2</sub> on the biosphere.

Effects of added CO<sub>2</sub> on weather and climate (relative to water vapour, CO<sub>2</sub> will be more important at high latitudes, high altitudes, and in winter).

Atmosphere-sea interaction and oceanic uptake of CO<sub>2</sub>.

Relation between energy exchange and gas exchange.

###### C. Related International Actions (in Progress or Required)

Worldwide monitoring of atmospheric CO<sub>2</sub> content, probably at a few carefully selected stations in both Northern and Southern Hemispheres where the atmosphere is thoroughly mixed (e.g. South Pole, summit of Mauna Loa).

Investigation of mechanisms of CO<sub>2</sub> exchange between atmosphere and ocean.

Simulation modelling of general atmospheric circulation related to changes in radiation balance and water vapour content of the atmosphere.

Bench-mark studies of photosynthetic production of organic matter at selected locations.

Remote sensing of CO<sub>2</sub> (aircraft, satellites).

###### D. International Organizations known by the Committee to be Involved:

ICSU: IUBS; IUPAC; IBP; IUGG; SCAR, SCOR; and GARP.  
Intergovernmental: WMO; IOC; and FAO.

##### Item 3. Atmospheric Turbidity

###### A. General Comments

This aspect of pollution has received a great deal of attention at the local level, and it is only the global consequences which will be emphasized here. Increase in the content of solid particulate matter in the atmosphere may have important climatological effects, by changing the transparency of the atmosphere to radiation, and also by providing an increased density of condensation nuclei. Increased precipitation tends to remove the pollutants, so that the interrelations are complicated. The problem is further complicated by the fact that man changes the radiation balance of the atmosphere, not only by altering its CO<sub>2</sub>, water, and particulate content, but also by altering the reflectivity of the surface through irrigation, urbanization,

zation, etc. It is clear that basic information is needed on the sources and sinks of particles, and on the lifetimes of particles in the atmosphere. The aim should then be able to predict quantitatively the effect of changes in turbidity on climate. Both IAMAP within ICSU, and WMO, are involved in the monitoring and research aspects of this problem.

#### B. Related Scientific Research

Rate of increase and geographic extent of atmospheric turbidity.

Size, composition and origin of particles being added to the atmosphere over large areas.

Residence times of particles in the air.

Mechanisms of removal of particles from the air.

Effects on climate and weather through changes in earth's albedo and atmospheric radiation budget.

Relation to changes in land-surface albedo.

#### C. Related International Actions (In Progress and Required)

Worldwide monitoring of atmospheric turbidity and albedo (by weather satellites, from a network of vertical sounding stations and aircraft).

Simulation modelling and theoretical analysis of atmospheric phenomena believed to be affected by increased turbidity (cloudiness, precipitation, changes in temperature, and in circulation patterns).

#### D. Interested international organizations

ICSU, SCAR, COSPAR, GARP, IUGG. Intergovernmental, WMO.

#### Item 4. Pollution of the oceans and coastal waters

##### A. General Comments

The sea is the ultimate repository of almost every kind of pollutant material created by man's industrialized society. Industrial effluents, biocides and sewage are discharged either directly into coastal waters or carried to the sea by rivers. Highly toxic materials are often dumped in quantity on the sea bed or into the open waters of the ocean. Hazardous cargoes, transported by ships as freight or fuel, are released, day by day, either by accident or design onto the sea surface or into the sea; and pollutants carried in the atmosphere are continuously transferred by rain or by direct diffusion into the surface waters.

Pollution of the marine environment may put at hazard amenities valued for their aesthetic and recreational enjoyment, as when oil is cast upon coastlines; and may put at risk (e.g. oil emulsifiers) economically exploited resources such as fisheries. Every kind of pollutant—physical (e.g. thermal pollution), chemical and particulate—in some measure affects the character of an ecosystem, damaging or killing sensitive (indicator) species and altering the ecosystem balance by decreasing the species diversity. And, perhaps most important, man's health may be endangered directly or by the passage and accumulation of toxic substances through food chains.

##### B. Related Scientific Research

The great variety of pollutant materials cast into the sea, and their widespread transport by currents and (in the case of oil) by wind drift, poses peculiar difficulties of assay and monitoring. The essential elements of the problem of the identification of the character of pollutants and of the assay of their effects involves the questions: what is the nature of each kind of material; in what quantity does it occur; where is it transported; how does it change with the passage of time through the action of physical, chemical and biological processes; what is its toxicity initially and after dilution and change; in what ways and in what degree does it affect acutely or chronically individual species of plants and animals (indicator

species) and the balance of ecosystems; and how are the materials transferred through food chains? A solution of these problems inevitably involves the expertise of a wide range of scientific disciplines including analytical chemistry, oceanography, plant and animal ecology, physiology, and biochemistry, and in particular calls for the development of methods of bioassay as a means to effective monitoring of the actual and potential conditions of economic and biological hazard and of environmental deterioration.

#### C. Related International Action (In Progress or Required)

International agreement on exchange of information on the nature and quantities of materials discharged into the sea.

Agreement on permitted levels of toxic material discharge and on measures of enforcement.

Agreement and enforcement of measures relating to the transport of hazardous cargoes and the discharge of fuels and cargoes at sea, and of the procedures for undersea drilling and production of oil and gas.

Multidisciplinary studies by economists, political scientists, producers of raw material and manufactured products, engineers, lawyers, shippers and scientists of all relevant disciplines in producing a rational and workable system of conditions for the operation of the above agreements. An international institute devoted to applied oceanography may be desirable.

The development of environmental monitoring systems.

#### D. International Organizations known by the committee to be involved

ICSU: IUGG (IAPSO); IUBS; IUGS; SCOR; and IUPAC.

Intergovernmental: UNESCO and IOC.

Other: ICES; IMCO; and OECD.

#### Item 5. Radioactivity

##### A. General Comments

This should be more properly regarded as one of the pollutants to be considered under Item 1 above, but there is such a high degree of international, national, public understanding of this problem, that it has been considered separately, as an area in lesser need of attention.

##### B. Related Scientific Research

Possibility of radioactivity monitoring by international agreement using satellites travelling N-S.

Radionuclide partitioning in selected high risk ecosystems, e.g. in mountainous developing countries with high rainfall, i.e. internationally agreed 'reference areas.'

Radioactivity sampling in ice, snow, peat and mud profiles, tree rings, museum specimens.

#### C. Related International Actions (In Progress or Required)

Co-operation to agree on the scientific problems listed under B above.

International data bank on radionuclide accumulation in air, waters, soils, biota and on the toxicological effects on biota, including man, i.e. collation of existing data and addition of new material.

#### D. International Organizations Known by the Committee To Be Involved

ICSU: IAMAP; JCAR; SCOR; SCAR; and COWAR.

Intergovernmental: IAEA; WHO; FAO; and UN SCEAR.

#### Item 6. Deliberate and inadvertent modification of the atmosphere, including the effects of cloud seeding and contrails

##### A. General Comments

It is well-known that, on a local scale, man is altering the atmosphere by cloud-seeding, to produce rain or prevent hail. There appears to be a possibility that similar meth-

ods can affect the path of tornadoes. So far, the effects produced have not been of global significance, but the energy balance of the atmosphere may be sufficiently critical that inputs of energy within the capability of man could produce large-scale effects. There has also been mentioned the possibility of producing climatic change by altering the reflectivity of the earth's surface, in snow or ice-covered areas.

The condensation trails of jet aircraft produce a local increase in cloudiness. It is possible that, in the future, significant atmospheric effects from this input of water could arise.

##### B. Related Scientific Research

Determination of the global pattern of atmospheric circulation and energy balance (the objective of GARP).

Study of the total effect of seeding under various conditions.

Research through simulation and numerical models of the atmosphere, on the effort of various stimuli.

Study of the effect of surface reflectivity modification.

Study of the ecological changes following artificial weather modification.

#### C. Related International Action (In Progress or Required)

Development of the World Weather Watch, based on the results of GARP.

International agreement on the use of weather modification procedures.

#### D. International Organizations Known by the Committee to be Involved

ICSU: IUGG and COSPAR.

Intergovernmental: WMO.

Joint Organizing Committee for GARP.

#### Item 7. Effects of introduced species

##### A. General Comments

Species invading new territories often undergo population "explosions" because their natural predators, competitors, and pathogens may not be present (e.g. Bubonic Plague pandemic transmitted round the world by ship rats; African Malarial Mosquito *Anopheles gambiae* in Brazil, etc.). Air and ocean travel, canal building and human penetration of wilderness areas all contribute to this problem which may have serious economic consequences in terms of disease or ecosystems modification.

##### B. Related Scientific Research

Effects of removing or lowering biological barriers, e.g., by sealevel canal across Central America.

Effects of human introduction of species into areas where they had not previously existed, e.g., Mexican bees in Brazil, salmon in Great Lakes, giant snails in Pacific Islands.

#### C. Related International Actions (In Progress or Required)

Biological and ecological surveys of separated areas before and after barriers are removed, e.g., Atlantic and Pacific across Central American Isthmus.

Development of methods of predicting consequences of removing biological barriers or introducing species into new habitats.

Advice to planners and engineers on means of minimizing unwanted biological effects.

#### D. International Organizations known by the Committee to be Involved

ICSU: IUBS; SCAR; and SCIBP.

International: UNESCO and FAO.

Other: IUCN.

#### Item 8. Pressures on Available Water Resources

##### A. General Comments

The availability of fresh water of high quality is becoming an increasingly acute problem in many countries. Water requirements will continue to increase with the growth of population and increase in living standards. At present, large numbers of people are without piped supplies in urban areas

in developing countries. Lack of adequately developed fresh water supplies is an inhibiting factor in the economic development of many regions. Water is needed for power generation, irrigation, navigation and community water supply. Often it is drawn from international rivers or lakes and in many instances international cooperation is needed in the allocation of water, the financing of water resource development projects and the technical aspects of their evaluation, design and construction. This cooperation is frequently made more difficult by declining water quality and lack of scientific information about the various elements of the hydrological cycle.

#### B. Related Scientific Research

Estimates of future water needs and the distribution of these between municipal, agricultural and industrial requirements.

Continuous evaluation of regional water availability so as to be able to detect periods of water shortage more precisely.

More detailed estimates of per capita river flow/per capita water use, for different regions.

Identification of "aerial units", computation of "representative water balances" for the globe and recommendations to governments on the water-resources distribution of international river basins.

Pollution control, in particular liaison with water pollution programmes.

Application of systems analysis and simulation models to water allocation problems.

Evaluation of impact of water development projects on the environment.

Studies on acceptable withdrawals from rivers, lakes and aquifers.

Remote sensing techniques (satellites) in the study of soil water changes, snow cover, progress of drought, salt/fresh water interfaces.

Age determination of ground waters by radiocarbon and tritium dating techniques.

Watershed management studies, desired surface vegetation, etc.

Desalination studies.

Alternative means of water conservation, including re-use and cycling and methods of reducing requirements for agricultural and community purposes.

#### C. International Actions (In Progress or Required)

International cooperation in research and exchange of results on the above scientific problems.

Global evaluation of water needs and water resources.

International actions to improve the regulation of international water supplies.

International liaison with UN Law Commission and International Law Association to improve water law.

#### D. International Organizations Known by the Committee To Be Involved

ICSU: SCAR; COWAR; IASH; IUPAC, and IUBS.

Intergovernmental: WHO; UNESCO; FAO, and WMO.

Other: ICID; IWSA; ICLD; PIAN; IUTA; OECD; ILA, and IAWPR.

#### Item 9. Eutrophication of international waters

##### A. General Comments

It is apparent that the oxygen content of some seas, such as the Baltic, has decreased very markedly in historic time. Similarly, manmade and other lakes are known to have suffered. The effect on marine life is serious, and there may be particularly harmful synergistic effects, for example, if the oxidation of oil in the sea is biologically controlled. ICSU, through COWAR, is already involved in the study of manmade lakes.

##### B. Related Scientific Research

Species composition, rates of growth, interactions, and decay of phytoplankton and bottom-living flora.

Nutrient requirements and utilization of nutrients by principal plant species.

Addition or subtraction of nutrients necessary for desirable changes in composition of phytoplankton, e.g. higher nitrate/phosphate ratio may suppress blue-green algae and encourage diatoms—N & P régimes.

Development of anoxic conditions in deeper waters.

Desirable changes in density stratification or other physical properties of lake waters to improve biological conditions.

Poisons from industrial wastes or other sources which may inhibit growth of desired phytoplankton species.

#### C. Related International Actions (In Progress or Required)

International cooperation in research and exchange of results on the above scientific problems.

International actions to improve conditions on international lakes and other water bodies.

Monitoring of major river systems and international "inland" waters, e.g. Baltic Sea, Mediterranean.

#### D. International Organizations known by the Committee To Be Involved

ICSU: COWAR; SCOR; IUBS; IUGG; and IBP.

Intergovernmental: UNESCO.  
Other: OECD and EGE.

#### Item 10. Soil erosion, destruction, conservation and improvement

##### A. General Comments

In many parts of the world this is a major problem, the solution of which will require the combined efforts of scientists including geographers, geologists, hydrologists, meteorologists. While the problem is not a global one, a great deal of assistance could be given, particularly to developing countries, by the dissemination of information on means of preventing or combating soil erosion and destruction. Intergovernment agencies, particularly FAO, are involved.

##### B. Related Scientific Research

Soil-water relationships, especially in humid and sub-humid tropics.

Climate and other factors determining soil characteristics.

Mapping of soil erosion by satellites.

Prevention of soil erosion.

Sources and transport of dust from soils.

Prevention of water logging and salinity.

Erosion of watersheds for artificial reservoirs.

Silting of international rivers and lakes.

Improvement of soil characteristics by adding lime and other substances.

Soil erosion and its relation to atmospheric turbidity.

#### C. Related International Acts (In Progress or Required)

Worldwide surveys of soil characteristics, perhaps using satellite, multi-spectrum sensing and combining these data with histories of soil use.

"Confrontation" among countries on their programs for soil maintenance and improvement.

Additional international technical assistance in soil conservation and land use planning.

#### D. International Organizations Known by the Committee to be Involved

ICSU: COWAR; GARP; IUGS; IGU; and IUBS.

Intergovernmental: FAO; UNDP; WMO, and UNESCO.

Other: IBRD; IADB, and ADB.

#### Item 11. Noise as a pollutant

##### A. General Comments

Growing levels of noise appear to be of international concern, ICSU might promote research in this field, e.g. on noise as part of

environmental stress or on ways of reducing noise levels.

##### B. Related Scientific Research

Sources and perceived levels of high intensity noise near airports (jet take-offs and landings), supersonic aircraft (sonic booms along flight paths).

Effects of sonic booms and other high-intensity noise on people, on domestic animals and wildlife, on structures.

Methods of lowering noise levels; lower noise production at source, acoustic treatment of environment.

#### C. Related International Actions (In Progress or Required)

Geographic study of permissible flight paths for supersonic aircraft.

Research on noise reduction at source and on acoustic treatment of environment.

#### D. International Agencies Known by the Committee To Be Involved

ICSU: IUBS; IUGG; IGU; and IUPAP.  
Intergovernmental: ICAO; WMO; and WHO.

Other: OECD.

#### Item 12. Pollutants in air, water, soil and organisms

##### A. General comments

This is by far the largest and most diffuse of the problems because there are some half a million potential contaminants involved, with the list growing each year. Ultimately it is hoped that we shall be able to classify these substances according to their biochemical and/or physiological mode of action upon target organisms. This emphasizes the need for intensive biochemical and toxicological research.

There are three stages in progress towards the ultimate aim:

1. Urgent attention to well-known pollutants.

2. Search in the biosphere for compounds released by the technosphere which might constitute a future hazard.

3. Chronic (acute and delayed) toxicity testing on substances before they are produced industrially so that their output can be controlled if necessary.

*Recognized pollutants.*—These include S as SO<sub>2</sub> and H<sub>2</sub>S, the oxides of nitrogen, peroxy-acetyl nitrates, O<sub>3</sub>, CO, F, Cl, Hg, Cd, As, Be, Cr, Pb, Zn, Cu, Ni, Mn, Se, organochlorine pesticides, aromatic hydrocarbons, polychlorinated biphenyls, oil emulsifiers, solvents, detergents and pesticides containing P and their metabolites, rubber vapour and dust, asbestos dust, sewage, other organic compounds. Also complex organic molecules, e.g. mycotoxins, and sex hormones, antibiotics, enzymes, if misused.

##### B. Related Scientific Research

The basic procedural pattern should be the same for all substances under 1 & 2 above, but will differ in detail:

##### 1. Environment monitoring

(a) The collection of all data on the quantities of various substances being put out by the technosphere (e.g. via trade statistics, industrial enquiries, etc.). The drawing up of a balance sheet for import, loss during industrial processes, export, home consumption and fate after use. Particular attention should be paid to impurities e.g. Hg, Cd in zinc ores.

(b) The monitoring of endangered ecosystems for the distribution of each contaminant as between air, water, soil and biota. Examine food web partitioning. To start with, these studies are best done for ecosystems near output effluents. These will be extreme cases which when understood will help with the solution of existing "background" spread.

(c) The monitoring of historical background from museum specimens or from Environment Bank specimens.

(d) Worldwide monitoring of "background" levels.

## 2. Toxicity testing

(a) Determining if the substance is cumulative in organs, species, food-webs? Calculating ingestion/excretion ratios and concentration factors in target species and ecosystems.

(b) Testing for acute delayed and chronic toxicity using all known criteria in individuals, population and ecosystems.

(c) Calculations to establish threshold toxicity to tolerable limits if applicable and recommendations of adjustment of technosphere's output to give this figure in ecosystems.

(d) Synergistic effects.

(e) Biological adaptation.

## 3. Pollution dynamics

Study of the specific physical, chemical and biological processes for the dissemination (transportation) and accumulation of pollutants in waters, soil and atmosphere.

## C. Related International Actions (in Progress or Required)

The next logical stage will be to move from specific pollution situations to examine "background" levels by worldwide monitoring. For certain pollutants, where the movement of the substance through the ecosystem into various target organisms is well understood, this can be done at once. For other substances, worldwide monitoring may have to wait until a thorough understanding of the dynamics of the pollutant in ecosystems is obtained. As further knowledge accumulates, synergistic effects can be examined.

This programme presupposes an efficient process of data banking and retrieval and also, literature abstracting and rapid research communication. An international reporting system is required, that would collect and disseminate data on environmental quality, including the economic and social effects, with facilities for rapid communication when emergencies arise.

It also assumes a standardized sampling and analysis procedure for each substance and/or ecosystem. Another problem is the supply of trained scientists. It is felt that this 'project' approach to the environment as an indivisible whole calls for a specially trained environmental scientist with statistical, biological, chemical and toxicological competence. It is suggested that this unitary approach to the environment be fostered by special training courses in institutes of tertiary education. There is also a need to foster the development of laws regarding pollution.

## D. International Agencies Known by the Committee To Be Involved

ICSU: IUBS; IUGG; IUPAC; IUB; IBP; and SCOR.

Intergovernmental: FAO; UNESCO; WHO; UNIDO; IOC; IMCO; and WMO.

Other: IUCN; I. I. Occ. Health; and IUC.

## Item 13. Degradation of ecosystems

## A. General Comments

Chronic pollutions lead to the reduction of species diversity of ecosystems. Military or tourist developments on oceanic islands, as well as the drainage of wetlands are among the additional hazards. The CT Committee of IBP have already collected a great deal of information in this field and should be consulted as early as possible to avoid overlap. Species of plants and animals may be regarded as gene pools in which individual plants and animals carry varying complements of the alleles of the species. In each population the relative abundances of the alleles are held in delicate equilibria by the selective pressures of the environment. Man-induced changes in the environment (effect of pesticides, alteration of habitat, and introduction of exotic species) can induce striking effects in the elimination of species or populations, with the loss of all genetic information of the gene pool, or more insidious effects in changing the selection pres-

ures of the environment, thus altering the relative abundances of alleles in the pool, including the complete loss of some; again, a loss of genetic information. Once a gene or one of its alleles is lost, it may well be lost forever. It should be emphasized that the establishment of plant germ-plasm pools, and animal germ-plasm pools, as valuable as they may be, still involve altered environments and selective effects; the same is true in the "preservation" of species in zoological parks and botanical gardens. None of these devices provide assurance against the loss of genetic information. Furthermore, these devices require contemporary decisions concerning the species and populations, and hence, genetic information, that should or should not be preserved. Decisions that appear logical today may prove to be tragically illogical at some time in the future.

Although the importance of artificial preservation of plant and animal germ pools is heartily endorsed, the best assurance against the further loss of genetic information lies in the preservation of natural ecosystems.

The importance of the conservation of ecosystems in order to preserve genetic information is clear on at least two bases (a) the esthetic and cultural values of the species, and (b) the resource value of the genetic information for improvement of existing domestic species, for the useful domestication of additional species and as reservoirs of species for specially arising purposes, e.g. recolonization of derelict land. It may be pointed out that human activities tend to produce more simple ecosystems. These may be intentional, as in agriculture, or unintentional. These simplified ecosystems may become unstable so that drastic changes in the environment are possible.

The preservation of natural ecosystems, has further importance in the enrichment of our, as yet meager, knowledge of the kinetics and energetics of the biosphere. These subsystems of the biosphere are of enormous importance as sources of essential information.

## B. Related Scientific Research

Study of flora and fauna of oceanic islands. Examples: Hawaii, Galapagos, Trust Territory of the Pacific Azores.

Study of national areas with unique species or ecosystems.

Examples: Everglades, Nairobi, isolated lakes and river systems, Redwood groves.

Study of oceanic areas with unique species or ecosystems.

Example: Phosphorescent Bay in Puerto Rico.

Studies on reduced homeostasis in simplified ecosystems.

## C. Related International Actions (In Progress or Required)

Making of worldwide inventories of threatened species and unique ecosystems. Obtaining of greater understanding of necessary conditions to maintain pre-existing ecological balance in scientifically significant areas.

Developing methods for preservation of gene pools.

Increasing taxonomic and ecological competence in both developed and less developed countries.

## D. International Organizations Known by the Committee To Be Involved

ICSU: SCAR; IBP (CT); and IUBS.

Intergovernmental: UNESCO and FAO.

Other: IUCN.

## Item 14. Thermal pollution of the atmosphere and international waters

## A. General Comments

Thermal pollution of air over big cities or of water by waste heat from nuclear and conventional power stations may pose local climatic problems or problems in the survival of thermophilic biota (particularly pests, e.g. Teredo worm can survive and

cause serious damage to marine installations in northern waters near warm effluents). Synergistic effects with other pollutants, particularly nutrients are also very important.

## B. Related Scientific Research

Ecological effects of disposing of waste heat in streams, rivers, lakes, estuaries and coastal waters.

Possible uses of waste heat as a resource to make recreational waters more "swimmable", bring about desired ecological changes in rivers, lakes, estuaries, and coastal waters, or to provide warm water for irrigation.

Meteorological effects of heating of air over cities.

## C. Related International Actions (In Progress or Required)

Control of heating of international rivers, lakes or coastal areas.

Exchange of information and research results on ecological effects and use of waste heat as a resource.

## D. International Organizations Known by the Committee to Be Involved

ICSU: IUBS; COWAR; and GARP.

Intergovernmental: WMO; IOC; FAO; UNESCO; and WHO.

Other: WFEO.

## APPENDIX II—ABBREVIATIONS

COSPAR.—Committee on Space Research.  
COWAR.—Scientific Committee on Water Research.

FAO.—Food and Agriculture Organization.  
GARP.—Global Atmospheric Research Programme.

LADB.—Inter American Defense Board.  
IAEA.—International Atomic Energy Agency.

LAMAP.—International Association of Meteorology and Atmospheric Physics.  
IAMS.—International Association of Microbiological Societies.

IASH.—International Association of Scientific Hydrology.  
IATA.—International Air Transport Association.

IBP.—International Biological Programme.  
IBP (CT)—International Biological Programme (Terrestrial Conservation).

IBRD.—International Bank for Reconstructional Development.  
ICAO.—International Civil Aviation Organization.

ICES.—International Council for the Exploration of the Sea.  
ICED.—International Commission on Irrigation and Drainage.

ICSU.—International Council of Scientific Unions.  
IGU.—International Geographical Union.

IHD.—International Hydrological Decade.  
IMCO.—International Maritime Consultative Organization.

IOC.—Intergovernmental Oceanographic Commission.  
ISSC.—International Social Sciences Council.

IUB.—International Union of Biochemistry.  
IUBS.—International Union of Biological Sciences.

IUCN.—International Union for the Conservation of Nature.  
IUGG.—International Union of Geodesy and Geophysics.

IUPAC.—International Union of Pure and Applied Chemistry.  
IWSA.—International Water Supply Association.

IUTAM.—International Union of Theoretical and Applied Mechanisms.  
JCAR.—Joint Committee for Applied Radioactivity.

OECD.—Organization for economic co-operation and development.  
PIANC.—Permanent International Committee of Navigation Congresses.

SCAR.—Scientific Committee on Antarctic Research.

SCOR.—Scientific Committee on Oceanic Research.

UN.—United Nations.

UNDP.—United Nations, Development Project.

UNESCO.—United Nations, Educational Scientific Cultural Organization.

WHO.—World Health Organization.

WMO.—World Meteorological Organization.

## TWO WHO QUIT—THE FULL STORY

Mr. GRIFFIN. Mr. President, most Americans rely heavily, of course on our newspapers to keep informed. Consequently, it is always distressing when one learns that some newspapers do not provide a full and accurate account of news events.

For instance, a story was carried recently about the resignation of Dr. Joseph T. English as head of the Health Services and Mental Health Administration. He was described in at least one news account as the "ranking career health official of the U.S. Government."

The truth, as revealed by Willard Edwards of the Chicago Tribune, goes a little deeper than that. In a column published on June 2, Mr. Edwards pointed out that Dr. English was not truly a civil service employee at all; rather, he was a political appointee of the Johnson-Kennedy era who was brought under civil service status just 10 days before the inauguration of President Nixon.

Because he did not measure up to the job, Mr. Edwards reports, the administration tried for a year to get rid of him but was blocked until April by civil service regulations. Finally, when told to resign or face dismissal, Dr. English quit in a flurry of anti-Nixon publicity.

Another case is that of Anthony J. Moffett, who, according to some press reports, resigned in May because he was upset over the Cambodia operation; he seized as a pretext the President's remark about students who destroyed a researcher's life work at Stanford University.

Actually, as pointed out in the Edwards column, Mr. Moffett had been told to pack up as head of the office of youth in the U.S. Office of Education. In fact, as Mr. Edwards reported, this young man had already lent his name to a fund-raising effort in behalf of Arthur Goldberg who is seeking the Democratic nomination for the governorship of New York.

He, too, left with a flurry of criticism of the Nixon administration which again was widely reported in the press.

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

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

[From the Chicago Tribune, June 2, 1970]

### THE TRUTH ABOUT TWO WHO QUIT

(By Willard Edwards)

WASHINGTON, June 1.—It is time to strip away the hypocrisy from so-called resignations of government officials given recent prominence in the press.

Two of these departures, in particular, caused editorial lamentations in the Wash-

ington-New York press. Both men were described as high-minded civil servants who quit because they could no longer tolerate the repressive policies of the Nixon administration.

The truth: Both resignations were forced. They were tendered only to avoid the stigma of dismissal. These holdover appointees from the Kennedy-Johnson regimes had been found not only hostile to administration programs but unfit for the offices they held. They clung to their positions as long as they could, then timed their resignations for the maximum political propaganda effect.

When Dr. Joseph English, 37, resigned as head of the health services and mental health administration, department of health, education, and welfare, he was described as "the ranking career health official in the United States government."

Not mentioned in the accounts of English's departure was the fact that he was hastily given this civil service stature just 10 days before the Nixon inauguration on Jan. 20, 1968. He had been a political appointee, subject to removal by the new administration, until then.

English entered government employ at the age of 29. He was known to have friendly associations with the Kennedy family and advanced rapidly. He was chief psychiatrist for the peace corps, became head of health services for the office of economic opportunity in 1968. From that post, he was elevated to directorship of the huge health services branch which has a budget of 1.5 billions annually and a work force of 25,000.

"He simply didn't measure up to that job," said a high official. "To put it plainly, he was a lousy administrator."

It took more than a year to remove English. He was finally told in April to quit—or else. He resigned to take a position with Mayor John Lindsay of New York as head of an experimental health and hospital corporation.

The second resignation involved a lesser figure, Anthony J. [Toby] Moffett, 25. His leavetaking also was described by administration critics as a grievous loss to the government.

Moffett was head of the office of students and youth, the personal selection of Education Commissioner James E. Allen. [The betting on Capitol Hill is that Allen will also be "resigning" before the end of the year.]

Moffett used his office openly to undermine the administration's standing with youth groups. He, too, was told to leave but it took more than nine months to get him out. Suddenly, on May 7, ostensibly because of anger over Nixon's description of property-destroying students as "bums," he announced his resignation.

Not until later was it learned that Moffett, long before May 7, had lined himself up with Arthur Goldberg, Democratic gubernatorial candidate in New York, in an anti-war, anti-Nixon movement with a 10 million dollar fund-raising goal. Literature issued by the Goldberg committee listed Moffett as "former Presidential advisor on youth."

"He was merely biding his time at taxpayers' expense to see when he could most effectively hurt the administration," remarked Sen. Robert Dole [R., Kans.]. "We will have political betrayals until all the holdovers are removed."

## VICE PRESIDENT AGNEW GIVES VIEWS TO NEWSPAPER

Mr. GRIFFIN. Mr. President, Vice President SPIRO T. AGNEW recently sat down with editorial staff members of the Miami Herald, a member of the Knight Newspapers Group which include the Detroit Free Press.

The interview covered a broad range of subjects and provides, I think, interest-

ing reading and added insight into the man the people elected to preside over this body.

I ask unanimous consent that the article, printed in the Sunday, May 31, 1970, edition of the Detroit Free Press, be printed in the RECORD.

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

### AGNEW MEETS THE PRESS, SAYS HE'S A "SAFETY VALVE"

Vice-President Spiro Agnew, describing himself as a "safety valve" for frustrated Americans, has suggested a return to "traditional debate" as an alternative to more violent protests and demonstrations.

In an unusual interview, Agnew met with members of the editorial staff of the Miami Herald, a member of the Knight Newspapers group which includes the Detroit Free Press. He answered questions freely and seemed pleased with his role as interviewee, saying at one point:

"I'm enjoying these questions so much. I wonder if we could go another 15 minutes?"

Agnew's meetings with the press have been rare and he has generally made his views known through more formal speeches and public addresses.

During the exclusive interview, Agnew spelled out his views on such issues as campus disorders, the war in Southeast Asia and politics.

Agnew reaffirmed the administration's policy that all U.S. combat forces will be withdrawn from Southeast Asia by the middle of next year.

However, he said it would be unrealistic "to think that the United States won't have some forces in some places in Asia," especially where essential to maintain strategic bases such as in the Philippines.

Agnew said the Nixon administration plans to initiate talks with lower-level professors—those closest to the students—in an effort to improve communications between youth and government.

He disputed a labor union charge accusing him of staging a campaign of repression against dissenters.

"Never has public opinion been so frank and full as it is at the present time," he said.

As the son of a Greek immigrant, Agnew said he has a built-in understanding of the frustrations of the minorities.

Following is a partial transcript of the interview. Persons asking questions included Miami Herald editor Donald Shoemaker; reporter Janes Chusmir; editorial writer Jeanne Bellamy; political writer John McDermott; senior managing editor George Beebe; managing editor Larry Jinks; news editor Robert Ingle; and editorial writer Al Burt.

AGNEW. I am very happy to have the opportunity to have a reasonable extended session to get into a little more depth on subjects with you. Sometimes I think the big problem about communications between people in politics and people in the media is that they don't talk unless there is a particular subject for the interview.

SHOEMAKER. I think when you were at Miami Beach you said you were not then a household word but you would be. How does it feel to be a household word?

AGNEW. Well, it has its ups and downs. I think one of the things about the instant recognition factor is that a person in public life misses the wonderful feeling of anonymity—when you are able to walk through a shop and buy a tie off the rack without having people attempting to give you some special kind of service. But, of course, it's nice to be known, too, and anyone who is candid would have to say that it's flattering to be recognized.

## NOT "EMOTIONAL" JOB, BUT WORK TO DO

CHUSMR. Mr. Vice-President, would you be able to pinpoint it emotionally as to what the frustrations and disappointments and revelations have been?

AGNEW. I don't look at the job as an emotional job. I suppose I could best say I look at it the same way you probably look at your job on the newspaper. There's a certain amount of work that has to be accomplished. It is not a great emotional experience.

SHOEMAKER. Would you say, sir, that your position perhaps has been misunderstood then and misinterpreted in regards to minorities?

AGNEW. I would say so, definitely. I've always felt very aware and responsive to the needs of minorities. In my early political days, I said the strongest base of support that I had was minority-based because as a minority person myself—I say that because, of course, as you know, my father was not born in this country. He was born in Greece and he came here when he was, I think, about 21 years old. He suffered some of the disabilities that minority groups have traditionally suffered. . . . Of course, none of it is quite so tough as the traditional mistreatments of the Negro minority in this country. I recognize that.

McDERMOTT. Mr. Vice-President, what would you recommend as a solution to the disturbances on the campuses?

AGNEW. The tack that I think would quiet most of the difficulties we see constantly erupting or re-erupting would be a better way for communications through debate and dialogue with less attention to demonstration. Of course, the big problem is that even though 80 percent of the student body might like very much to hear a controversial public figure—generally considered hostile to the movement, as it is characterized—debate with someone selected by them in a college forum, there always is that hard-core revolutionary minority that will refuse to let that happen. . . .

I want to start with the faculty, what you might call the lower faculty, the graduate instructors and the assistant professor level, where, I think, the greatest affinity for student views exist and yet they have been there long enough to crystalize some thinking.

I think one of the things we lose sight of in discussing matters with students is that the undergraduate program is four years and a quarter of that turns over every year. You may achieve great rapport with the members of the junior class and then two years from now there's no one left that you have an agreement with.

But I think if you are going to get into the point where there's going to be a permanent effect on the attitudes on the campus, you first have to convince the faculty, and particularly the faculty that is recently from the student body and is closest to the student body.

McDERMOTT. Mr. Vice-President, you have referred to the criminal left as being responsible for much of the unrest. How would you define this criminal left?

AGNEW. Well, the criminal left is a hard core of revolutionary types—some of those who have already left the country—the Cleavers, and people of that type. Convicted felons who have a very appealing political posture to some who see them as the most stalwart and strong critics of the system they regard as oppressive.

## REBELS MOVE FREELY WITH FAT BANKROLL

McDERMOTT. Are they a cohesive unit?

AGNEW. Oh yes. I think they are cohesive—they travel frequently together and the reports I get through the FBI indicate that they move about the country with great impunity and also with heavy funding which I'd love to know the source of. I'm not implying that it necessarily comes from some

foreign communist capital but I am implying that there are subversive groups in this country that are very ready to fund such expeditions.

BELLAMY. Well, if they are criminals, Mr. Vice-President and law breakers, why are they not prosecuted?

AGNEW. Well, some of them have been. We took care of a few of the Chicago 7 or 8 or whatever it was. Cleaver was prosecuted, convicted and now he's fled to Algiers by our best information.

And a lot more of them would be prosecuted if the Supreme Court would reverse some of its trends and emphasis on the absolute requirement of individual constitutional protection and balance that against, to some extent, the needs of the whole of the citizenry. Constitutional rights have never been absolute, the traditional case of free speech being restricted by the damage it can do to others.

JINKS. You have, since then, on occasion said that you thought the speech had some salutary results, that and the one a week following. And I believe about a week ago, I think in Houston you found a great deal in the press to criticize even more severely than you had six or seven months ago.

AGNEW. Well, there were two speeches, one was devoted to the networks and the other was devoted to the newspapers, and particularly to syndicated writers and editorialists. The purpose of the speech in Houston was very limited. I had been lambasted editorially in many areas for my inflammatory language and all I attempted to do in that speech was to show that, in comparison to the language of some of my critics in print, mine was rather mild. That was a limited purpose speech, and all I was saying is let's forget about deescalating rhetoric until you're ready to cool yours a little bit.

## YOUTH HAS ENERGY BUT LACKS ANSWERS

JINKS. Mr. Vice-President, I'd like to return for a moment to the question of communications with faculty members which you mentioned earlier. Will you and the administration in general be making an increased effort to deal with the growing problem of college campuses through this kind of communication? Is there a plan or a program or a movement to do this?

AGNEW. Certainly, as far as I'm concerned, I have always been interested in what happens with young people because they are the real activists in our society and it's tremendously important that they be involved in the political process. There are people who have the energy and capability, unfettered by the old prejudices, to move the country forward.

But they must be made to realize that—in a flash of revealed truth—they are not able to run roughshod over the experience and judgment of people who have been on the scene a long time. I felt at that age that I had the answers to everything. I guess most of us did. We found as we were in the arena a little while that some of the answers that we had weren't really quite as good as we thought they were. And we also found there is a great difference between thinking you know what to do when you are on the outside and putting it into effect when you are on the inside.

I can still remember coming into my first elective office, which was an executive position in the country, and thinking I had the solution to everything and then suddenly discovering all the impediments and all of the little things that I didn't know about that were in the way to the immediate solution of these problems.

So the youth is important. But we must stop this business of telling our young people that they are infinitely superior to the adult community. This is a gross mistake in my judgment. They are not infinitely superior. As a matter of fact, it's questionable whether

they are superior to any other group of youths that ever came along.

They may be technologically beginning at a higher plateau because each generation stands on the shoulders of that that goes before. But to vest in them some sense of total superiority to the rest of the world is asking for trouble because, very frankly, they just don't have it.

In some ways, they have much greater potential. If they have, it's because my generation and yours and your father's and my father's gave them the higher starting point. Yes, they are ideological and yes, they are altruistic. But they need to be brought to confront the practicalities of life, and I think in too many cases the adult community has abdicated its responsibility to stand firm on the principle that it fought for and that it believes in. And this brings out some of the trouble we now have.

JINKS. Do you feel you have been effective in reaching any large proportion of the young people the college-age people?

AGNEW. Yes, I do. And you'd be surprised how many letters I get from young people who are concerned that the total public thrust of what youth is doing is all in one direction. They don't feel that way. There are people on campuses who believe very strongly in our system, and I get many, many letters saying, "Don't stop saying what you're saying; there are many of us on campus who believe as you believe."

## REPRESSION CHARGE "TOTALLY INACCURATE"

McDERMOTT. Mr. Vice-President, how would you answer the UAW charges that you and Attorney General Mitchell are staging a campaign of repression against Americans who espouse unpopular causes?

AGNEW. I think this fashionable attitude that there is repression in the country is totally inaccurate. I've often asked people who talk about repression to give me an example of someone who is being suppressed or impeded in his ability to say what he wants to say. They just can't give me an example. There isn't any repression in this country. Never has public opinion been as frank and full as it is at the present time.

JINKS. If there has been a constant theme in your speeches it has had to do with dissent and what you feel are excessive displays of dissent. If you were a U.S. senator, or a college faculty member, or a newspaper editor for that matter, and you felt strongly not only that the war is wrong but that the administration's policy toward it is wrong. How should you express your dissent?

AGNEW. The same way that we've always done it. If you're a newspaper editor you write editorials. If you're a college professor you make speeches if you like. I don't think the campus is the place for partisan politics—and most of the college presidents would agree that if anything is going to impair academic freedom it's too much expression of partisan political viewpoints on the campus.

## YOUTH CAN DISSENT IN PRINT, POLITICS

INGLE. Mr. Vice-President, what is the proper way for a student to dissent, or to express opposition to the war? He doesn't have the vote. . . .

AGNEW. They have campus publications to contribute to, in writing. They can certainly work through the established institutions of government. They can band together in groups to work for candidates who support their point of view. That sort of thing. That traditionally has been the way.

Now I have been in advocate of the 18-year-old vote since I was governor, and I still believe 18 years old is probably a good age for a person to be able to vote. But this doesn't mean that people between 16 and 18 should attack the system because they can't vote. . . .

Now let me go into my feelings about dis-

sent. I have thought very carefully about this.

Dissent can basically be divided into four categories.

The first category is the traditional debate and argument where if you and I disagree, we sit down together to discuss the matter. Generally we move closer together because you inescapably will make a point to impress me and maybe I'll make a few that impress you. And so when we complete argument maybe we haven't reached accord but we are closer together than when we began.

Hopefully, over a period of time, a compromise solution will be reached whereby both parties go away with a feeling that at least some of their ideas are being incorporated into a course of action. That's the way in our history we usually operate. Debates in the Congress, debates among organizations, etc.

Now it has been only recently that the tactic of demonstration has come into such favor. It began in a very proper fashion. It began in an area where there was no way for a voice to be had in debate—where Negro citizens were suffering really outrageous deprivations of liberty in accommodations, in the bus thing in Montgomery, and in the lunch rooms.

But I call your attention to how they differ from the demonstrations today. In those demonstrations the action was related directly to the unconstitutional act that was being committed against them. It was the fact that they couldn't ride on the bus that made them boycott the buses. It was the fact that they couldn't eat in the lunch room that made them sit in at the counters. Now that is the non-violent demonstration directly related to the problem that is being attacked and I can't quarrel with that—where the law they are protesting is later found to be unconstitutional. What else could they have done?

But we have gone so far beyond that now. We've gone from acts that relate to the law they are protesting to acts that are completely divorced from it. I don't like, let's say, the Agriculture Department's food program. So how do I demonstrate? Go lie down in the middle of the street in Washington? That has nothing to do with the food program. All it does is inconvenience thousands of other citizens in their basic freedom of locomotion. That is the point at which non-violent demonstration departs from the rationale that makes it acceptable.

You have this tactic I mentioned to dramatize it. Suppose a bunch of people disagree with your editorial policy and they came rushing into your shop and just nonviolently stationed themselves around so that your people couldn't get the paper out. The same way the people walked into Secretary Finch's office and took it over so he couldn't do his work there.

This is a kind of non-violent demonstration that involves breaking the law and interfering with other people's freedom. I don't agree with that kind of dissent.

Then, of course, you move from there to violent dissent. The window-breaking, the hordes of people who simply mass for the purpose of general disruption and, of course, I disagree with that. And then, fourth, there is violence between individuals. These are the different kinds of dissent as I see them.

The dissent that is involved in debates is much more productive than demonstration. When a demonstration takes place, the two competing parties instead of trying to get to an accord, one disengages completely from the debate, goes out and attempts to recruit uncommitted people to his point of view. It's a widening of the gap that this kind of demonstration causes.

If 50,000 peace demonstrators walk down the street en masse in Washington, it really does nothing to bring their point of view any closer to those of maybe 50,000 people

who would mass in support of the administration approach.

I feel that demonstrations are really anti-intellectual. I feel a little sad for the demonstrators I've seen over the country. When they line up along the street and shout their obscene slogans, they are nothing more than inarticulate, frustrated people who have to find some release to reveal their displeasure because they can't frame their opinions in any logical fashion. And we've gone too far in this direction. I say it is time to come back and start arguing and debating and hearing each other again.

McDERMOTT. Do you think all the troops will be out of southeast Asia prior to the 1972 campaign? Would this be a political factor?

AGNEW. Yes, of course it would be a political factor. I would say it would be unreasonable to think we wouldn't have some support troops. I think we'll be totally out of ground combat operations by the middle of next year. That's the objective the secretary of defense has announced and there is no reason we shouldn't be able to do that, with the additional time the Cambodian venture has given the process of Vietnamization. So all ground forces out of combat—yes. All forces out of Asia—I would say that's unrealistic.

I don't think we'll ever get to the point where we don't have some forces in some places in Asia.

SHOEMAKER. Mr. Vice-President, we appreciate your coming so much. We've enjoyed this—

AGNEW. I'm enjoying these questions so much—I wonder if we could go another 15 minutes?

SHOEMAKER. Indeed, yes . . . I'm curious—are you going to do this with any other newspapers?

AGNEW. I'm not going to go thundering around the country for newspaper interviews. But I'm going to select a few newspapers where I think we are not so far apart in viewpoint as it seems we've become through a lack of communication, and try to do this kind of interview.

BURT. In your Stone Mountain speech, you seemed to stress unity more than you had in the past. Is this something we can expect more of?

AGNEW. I always have stressed unity. And yet, when the President said "bring us together" he meant the functioning, contributing portions of the American citizenry. He certainly didn't mean that there's any chance of bringing the violent criminal left—or right, either—into this accommodation that we are seeking.

BURT. Do you think you're being successful with this?

AGNEW. I think I've done a lot. I talked to a gentleman the other day who said, "aren't you really inflaming the country by saying the things you're saying?" I said no. I think what I'm doing is providing a safety-valve for a great many people who are terribly frustrated that they're not hearing this point of view. And it at least lets them know that someone else has the same concerns they have with regard to the need for a strong stance on protecting the American system.

How can you feel comfortable about saying anything in support of people who rush down the street with the Vietcong flag attempting to give aid and comfort to an enemy that's over there killing American men every day? I can't feel good about those people. I don't want them in a society that I'm part of. If they really feel that strongly about the position of the Vietcong and the North Vietnamese, or the Cubans, or the Russians, or anybody else, I honestly think they ought to go and live with that system, if that's the system they want . . .

BEEBE. Mr. Vice President, Harry Truman one time when he was annoyed at the press said he'd like a chance just one day to edit

a metropolitan newspaper. So John Knight invited him to come to the Herald. So Truman came. He sat at the desk and we gave him lots of telegraphy copy and he pored over it a little bit and he then said: "Hell, I don't know a damned thing about editing newspapers." (Laughter)

AGNEW. That reminds me of what happened to one of my critics who was a very conservative man on fiscal matters after I had been a county executive (in Maryland) for a while. He came in one day and said, "You've got to stop this spending, you've got to stop it." I said: "All right, how do I stop it?"

So I brought the budgets out, you know, the budgetary books. I said, "I'll take you into this room. Here is all the budget information, the staff's bills—I'll answer any questions you might ask. Now would you please sit down here and spend the rest of this day and tell me exactly how I'm supposed to cut this spending the way you want me to." And I walked out and left him sitting there.

I came back in about an hour and he had books all around. He looked up at me and said, "Dammit, I don't know how to do it, but just cut the spending." (Laughter)

#### EMERGENCY SCHOOL AID ACT OF 1970

Mr. PERCY. Mr. President, I was most pleased when President Nixon in his March 24 address on desegregation announced plans for submitting to Congress some affirmative proposals to facilitate the smooth implementation of desegregation and quality education in America. I am equally pleased that the Subcommittee on Education has responded to the President's request for speedy consideration of the plan by holding hearings. The benefits of the Emergency School Aid Act should become effective and operative as soon as possible in order to relieve those districts designated as eligible for relief funds in the coming school year.

The President has responded meaningfully to the cause of desegregation by submitting the Emergency School Aid Act for consideration. It has been made clear that along with strict compliance to desegregation orders, the emphasis in this administration is also on quality education for all American children. The authorization of \$1.5 billion over the next 2-year period will assist greatly those school districts suffering de jure segregation which are now fulfilling desegregation plans according to Federal court order. It will also provide assistance to districts experiencing de facto segregation which need additional revenues in order to reduce or eliminate racial isolation, and to racially impacted districts which want to undertake special programs to reduce the social and educational disadvantages of racial isolation. By allowing such funds to be used for teacher training, curriculum revision, materials, renovation, and planning, the States and local education agencies have an opportunity to respond adequately to their own special problems of desegregation without fear of endangering other programs or the quality of education offered in the process.

Also, this act has the advantage of encouraging local leadership in school decisions. By setting out three categories for qualification of funds and a wide

variety of ways in which such funds can be utilized, the President's proposal allows flexibility and innovation at the local level. It is important, I believe, for us to recognize that each school district—whether it be in the North, South, East or West—faces a multitude of special, but different, needs and difficulties. Local education agencies can best pinpoint those areas for concentration, and with the backup support of federal funds can have some assurance that their plans will be carried out.

Finally, the Emergency School Aid Act indicates a commitment on the part of this administration in reordering our spending priorities. As the President said on March 24, "it represents a heightened priority for making school desegregation work, and for helping the victims of racial isolation learn." It is important to note that the funds are to come from a new allocation rather than a shifting over from other programs.

This is, in my opinion, a vital step in the desegregation process and an important aspect of quality education for our children. I look forward to Senate consideration of the bill.

I ask unanimous consent that the President's message of May 21, 1970, on this subject be printed in the RECORD.

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

#### EMERGENCY SCHOOL AID ACT OF 1970

To the Congress of the United States:

Successfully desegregating the nation's schools requires more than the enforcement of laws. It also requires an investment of money.

In my statement on school desegregation on March 24, I said that I would recommend expenditure of an additional \$1.5 billion—\$500 million in fiscal 1971, and \$1 billion in fiscal 1972—to assist local school authorities in meeting four special categories of need:

"The special needs of desegregating (or recently desegregated) districts for additional facilities, personnel and training required to get the new, unitary system successfully started.

"The special needs of racially impacted schools where *de facto* segregation persists—and where immediate infusions of money can make a real difference in terms of educational effectiveness.

"The special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation.

"The financing of innovative techniques for providing educationally sound interracial experiences for children in racially isolated schools."

To achieve these purposes, I now propose the Emergency School Aid Act of 1970.

Under the terms of this Act, the four categories of need I outlined would be met through three categories of aid:

(I) Aid to districts now eliminating *de jure* segregation either pursuant to direct Federal court orders or in accordance with plans approved by the Secretary of Health, Education, and Welfare, for special needs incident to compliance.

(II) Aid to districts that wish to undertake voluntary efforts to eliminate, reduce or prevent *de facto* racial isolation, with such aid specifically targeted for those purposes.

(III) Aid to districts in the *de facto* racial separation persists, for the purpose of helping establish special inter-racial or inter-cultural educational programs, or where such programs are impracticable, programs designed to overcome the educational disadvantages that stem from racial isolation.

In all three categories, administrative priority will be given to what I described on March 24 as "the special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation." In all three, also, three will be special attention; given to the development of innovative techniques that hold promise not only of helping the children immediately involved, but also of increasing our understanding of how these special needs can best be met.

#### THE BACKGROUND

The process of putting an end to what formerly were deliberately segregated schools has been long and difficult. The job is largely done, but it is not yet completed. In many districts the changes needed to produce desegregation place a heavy strain on the local school systems, and stretch thin the resources of those districts required to desegregate. The Federal Government should assist in meeting the additional costs of transition. This Act would do so, not only for those now desegregating but also for those that have desegregated within the past two years but still face additional needs as a result of the change.

The educational effects of racial isolation, however, are not confined to those districts that previously operated dual systems. In most of our large cities, and in many smaller communities, housing patterns have produced racial separation in the schools which in turn has had an adverse effect on the education of the children. It is in the national interest that where such isolation exists, even though it is not of a kind that violates the law, we should do our best to assist local school districts attempting to overcome its effects.

In some cases this can best be done by reducing or eliminating the isolation itself. In some cases it can best be done through interracial educational programs involving the children of two or more different schools. In some cases, where these measures are not practicable or feasible, it requires special measures to upgrade education within particular schools or to provide learning experiences of a type that can enlarge the perspective of children whose lives have been racially circumscribed.

This Act deals specifically with problems which arise from racial separation, whether deliberate or not, and whether past or present. It is clear that racial isolation ordinarily has an adverse effect on education. Conversely, we also know that desegregation is vital to quality education—not only from the standpoint of raising the achievement levels of the disadvantaged, but also from the standpoint of helping all children achieve the broad-based human understanding that increasingly is essential in today's world.

This Act is addressed both to helping overcome the adverse effects of racial isolation, and to helping attain the positive benefits of integrated education. It is concerned not with the long range, broad-gauge needs of the educational system as a whole, but rather with these special and immediate needs.

#### HOW IT WORKS

The procedures under this Act are designed to put the money where the needs are greatest and where it can most effectively be used, and to provide both local initiative and Federal review in each case.

Two-thirds of the funds would be allotted among the states on the basis of a special formula. One-third would be reserved for use by the Secretary of Health, Education and Welfare for especially promising projects in any eligible district. In all cases, whether under the State allotment or not, the grants would be made for specific individual projects with each project requiring approval by the Secretary. Application for grants would be made by local education agencies, with the State given an opportunity to review and comment on the grant application.

The State allotment formula begins by providing a basic minimum of \$100,000 in each fiscal year for each State. The remainder of formula funds for each fiscal year would be allotted among the States according to the proportion of the nation's minority students in each State, with those in districts required by law to desegregate and implementing a desegregation plan double-counted. This double counting is designed to put extra money where the most urgent needs are, recognizing that there is a priority need at the present time for the ending of *de jure* segregation swiftly, completely, and in a manner that does not sacrifice the quality of education.

If any given State's allocation of funds is not fully utilized under the terms of this Act, the remainder of those funds would then be reallocated on the same formula basis for use in other States.

Under Category I (*de jure* desegregating), any district would be eligible which is now implementing an approved desegregation plan, or which had completed implementing one within two years prior to its application. Those not yet doing so would become eligible upon submission of an acceptable plan. Funds would be available to help meet the additional costs of implementing the desegregation plan itself, and also for special programs or projects designed to make desegregation succeed in educational terms.

Under Category II (*de facto* desegregating), any district would be eligible if it has one or more schools in which minority pupils now constitute more than half the enrollment, or appear likely to in the near future. Funds could be provided to help carry out a comprehensive program for the elimination, reduction or prevention of racial isolation in one or more such schools within the district.

Under Category III (special programs in racially impacted areas), a district would be eligible if it has 10,000 or more minority students, or if minority students constitute 50 percent or more of its public school enrollment. Funds could be provided under this category for special interracial or inter-cultural educational programs or, where these proved impracticable, for unusually promising pilot or demonstration programs designed to help overcome the adverse educational impact of racial isolation.

In connection with this Category III aid, it is worth noting that such research data as is available suggests strongly that from an educational standpoint what matters most is not the integrated school but the integrated classroom. This might, at first glance, seem a distinction without a difference. But it can make a great deal of difference, especially where full integration of schools is infeasible. It means that, by arranging to have certain activities integrated—for example, by bringing students from a mostly black school and from a mostly white school together for special training in a third location—the educational benefits of integration can be achieved, at least in significant part, even though the schools themselves remain preponderantly white or black.

In a number of communities, experiments are already under way or being planned with a variety of interracial learning experiences. These have included joint field trips, educational exchanges between inner-city and suburban schools, city-wide art and music festivals, and enriched curricula in inner-city schools that serve as a "magnet" for white students in special courses. Other innovative approaches have included attitude training for teachers, guidance and counseling by interracial teams, and after-hour programs in which parents participated. I cite these not as an inclusive catalogue, but merely as a few examples of the kinds of experimental approaches that are being tried, and that give some indication of the range of activities that could and should be further experimented with.

Examples of the kinds of activities which could be funded under all categories are teacher training, special remedial programs, guidance and counseling, development of curriculum materials, renovation of buildings, lease or purchase of temporary classrooms, and special community activities associated with projects funded under the Act.

#### THE URGENCY OF ACTION NOW

It now is late in the legislative year, and very soon it will be the beginning of the next school year.

In the life of the desegregation process, the fall of 1970 has special significance and presents extraordinary problems, inasmuch as all of the school districts which have not yet desegregated must do so by then. The educational problems they confront are enormous, and the related problems of community social and economic adjustments are equally so.

Some 220 school districts are now under court order calling for complete desegregation by this September; 496 districts have submitted, are negotiating or are likely to be negotiating desegregation plans under HEW auspices for total desegregation by this September; another 278 districts are operating under plans begun in 1968 or 1969; more than 500 Northern districts are now under review or likely soon to be under review for possible violations of Title VI of the Civil Rights Act of 1964. Quite beyond these matters of enforcement, we also must come seriously to grips with the fact that of the nation's 8.7 million public school students of minority races, almost 50 percent are in schools with student populations made up 95 percent or more of minority pupils.

Desegregating districts face urgent needs for teachers, education specialists, materials, curriculum revision, equipment and renovation.

Teachers and education specialists for the fall of 1970 are being recruited now. Materials and equipment must be purchased this summer to be on hand for the opening of school. Curriculum revision requires months of preparation. Contracts for renovation must be entered into and work commenced soon.

Administration representatives are now discussing with members of Congress possible ways of making the first of the funds for the purposes of this Act available when they are needed, which is now, through the use of existing legislative authorities.

Five hundred million dollars will be spent in fiscal 1971. I recommend that \$150 million be appropriated under these existing authorities, on an emergency basis, as "start-up" money.

I recommend that the remaining \$350 million for fiscal 1971 and \$1 billion for fiscal 1972 be appropriated under the Emergency School Aid Act itself. It is this Administration's firm intention to spend these funds—\$500 million in fiscal 1971 and \$1 billion in fiscal 1972—in the years for which they are appropriated.

#### QUALITY AND EQUALITY

If money provided under this Act were spread too thinly, it would have very little impact at all on the specific problems toward which it is addressed. Therefore, the criteria laid down in the Act are designed to insure its use in a manner sufficiently concentrated to produce a significant and measurable effect in those places where it is used.

This is not, and should not be, simply another device for pumping additional money into the public school system. We face educational needs that go far beyond the range or the reach of this Act. But the specific needs the Act addresses are immediate and acute. It represents a shift of priorities. It places a greater share of our resources behind the goal of making the desegregation process work, and making it work now. It also represents a measured step toward the larger goal of extending the proven educa-

tional benefits of integrated education to all children, wherever they live.

Properly used, this \$1.5 billion can represent an enormous contribution to both quality and equality of education in the United States.

With this help, the process of ending *de jure* segregation can be brought to a swift completion with minimum disruption to the process of education. It is in the interest of all of us—North and South alike—to insure that the desegregation process is carried out in a manner that raises the educational standards of the affected schools.

Beyond this, our goal is a system in which education throughout the nation is both equal and excellent, and in which racial barriers cease to exist. This does not mean imposing an arbitrary "racial balance" throughout the nation's school systems. But it should mean aiding and encouraging voluntary efforts by communities which seek to promote a greater degree of racial integration, and to undo the educational effects of racial isolation.

Nothing in this Act is intended either to punish or to reward. Rather, it recognizes that a time of transition, during which local districts bring their practices into accord with national policy, is a time when a special partnership is needed between the Federal Government and the districts most directly affected. It also recognizes that doing a better job of overcoming the adverse educational effects of racial isolation, wherever it exists, benefits not only the community but the nation.

This legislative recommendation should be read in the context of my comprehensive public statement of March 24 on school desegregation. In that, I dealt with questions of philosophy and of policy. Here, I am dealing with two aspects of the process of implementation: aiding the desegregation process required by law, and supporting voluntary community efforts to extend the social and educational benefits of interracial education.

The issues involved in desegregating schools, reducing racial isolation and providing equal educational opportunity are not simple. Many of the questions are profound, the factors complex, the legitimate considerations in conflict, and the answers elusive. Our continuing search, therefore, must be not for the perfect set of answers, but for the most nearly perfect and the most constructive.

Few issues facing us as a nation are of such transcendent importance: important because of the vital role that our public schools play in the nation's life and in its future; because the welfare of our children is at stake; because our national conscience is at stake; and because it presents us a test of our capacity to live together in one nation, in brotherhood and understanding.

The tensions and difficulties of a time of great social change require us to take actions that move beyond the daily debate. This legislation is a first major step in that essential direction.

The education of each of our children affects us all. Time lost in the educational process may never be recovered. I urge that this measure be acted on speedily, because the needs to which it is addressed are uniquely and compellingly needs of the present moment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF VENEZUELA

Mr. KENNEDY. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to; and (at 12 o'clock and 16 minutes p.m.) the Senate took a recess subject to the call of the Chair.

Thereupon, the Senate, preceded by William H. Wannall, Deputy Sergeant at Arms, and Darrell St. Claire, Chief Clerk, proceeded to the Hall of the House of Representatives to hear an address delivered by His Excellency, Rafael Caldera, the President of Venezuela.

The address delivered by the President of Venezuela appears in the proceedings in the House of Representatives in today's RECORD.

At 1 o'clock and 48 minutes p.m., the Senate, having returned to its Chamber, reassembled, and was called to order by the Presiding Officer (Mr. CRANSTON).

#### 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 the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 12128. An act for the relief of William Heidman, Jr.;

H.R. 12173. An act for the relief of Mrs. Francine W. Welch;

H.R. 12960. An act to validate the conveyance of certain lands in the State of California by the Southern Pacific Co.;

H.R. 13810. An act for the relief of Lt. Col. Robert L. Poehlein; and

H.J. Res. 746. Joint resolution to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Institute of Geography and History.

#### ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 614. An act for the relief of Franz Charles Feldmeier; and

S. 1786. An act for the relief of James Harry Martin.

#### HOUSE BILLS AND JOINT RESOLUTION REFERRED

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

H.R. 12128. An act for the relief of William Heidman, Jr.;

H.R. 12173. An act for the relief of Mrs. Francine M. Welch; and

H.R. 13810. An act for the relief of Lt. Col. Robert L. Poehlein; to the Committee on the Judiciary.

H.R. 12960. An act to validate the conveyance of certain land in the State of California by the Southern Pacific Co.; to the Committee on Interior and Insular Affairs.

H.J. Res. 746. Joint resolution to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Institute of Geography and History; to the Committee on Foreign Relations.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD of West Virginia. Mr. President, is morning business closed?

The PRESIDING OFFICER. Pursuant to the previous order, morning business is closed.

Mr. BYRD of West Virginia. What is the pending question, Mr. President?

The PRESIDING OFFICER. The question is on agreeing to amendment No. 667, offered by the Senator from West Virginia.

Mr. BYRD of West Virginia. I thank the Presiding Officer.

Mr. President, I modify my amendment on line 5 by deleting the word "hasten" and inserting in lieu thereof the word "facilitate."

The PRESIDING OFFICER. The amendment is so modified.

The modified amendment is as follows:

On page 5, line 7, before the semicolon insert a comma and the following: "except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam."

Mr. BYRD of West Virginia. Mr. President, my amendment is a perfecting one, and it is designed to amend paragraph 1 of the Cooper-Church language.

Paragraph 1 now reads as follows: "retaining United States forces in Cambodia;".

Together with certain words in the preamble, the Cooper-Church language in paragraph 1 now states:

No funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of—

(1) retaining United States forces in Cambodia;

My amendment would add the following words to the language of paragraph 1:

Except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam, or to facilitate the withdrawal of United States forces from South Vietnam.

Mr. President, if the Senate accepts my perfecting language, the Cooper-Church amendment would then read as follows, beginning at the comma on line 4 on page 5 of H.R. 15628,

No funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of—

(1) retaining United States forces in Cambodia, except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be

necessary to protect the lives of United States forces in South Vietnam, or to facilitate withdrawal of United States forces from South Vietnam;

Mr. President, Edward S. Corwin, in his book, "The President—Office and Powers, 1787–1957," made this statement:

Actually, Congress has never adopted any legislation that would seriously cramp the style of a President attempting to break the resistance of an enemy or seeking to assure the safety of the national forces.

It is my opinion, Mr. President, that the Cooper-Church amendment, as now written, would, for the first time in history, dangerously "cramp" the President who seeks to "assure the safety" of American military forces stationed abroad and to expedite and facilitate their ultimate withdrawal from South Vietnam.

Consequently, I have today offered this amendment—No. 669, as modified—to the Cooper-Church language, so as to make it clear that the President, acting as Commander in Chief, will retain his full powers to act to "assure the safety" of our fighting men still stationed in Southeast Asia.

My amendment, I think, is quite clear in its intent. It is also quite clear in its meaning and should require but little explanation by me today. Before addressing my remarks to it, however, I wish to make some comments which I consider relevant to the subject of the constitutional powers of the Congress and the constitutional powers of the President in relation to this whole matter and with particular reference to the Cooper-Church amendment which I seek to change, in part.

For more than a decade now—and under four Presidents, representing both political parties—we have been involved, in varying degrees, in a war in South Vietnam. Our actual participation, insofar as the loss of American fighting men is concerned, dates back to March 1965—although our active involvement began earlier, as I have indicated. Our heaviest losses occurred during the years 1967 to 1968. In those years, we lost 27,569 men. American casualties—as well as those of the enemy—accelerated sharply during the Tet offensive in January 1968. In the month of March 1968, President Johnson made his surprise announcement that he would not be a candidate for re-election, and he announced a halt to the bombing over most of North Vietnam. The peak of American participation, with respect to total American personnel involvement, was 543,482 men—in the month of April 1969.

President Nixon, as did President Johnson before him, has made a sincere effort to enter into meaningful negotiations for peace, but, like his predecessor, has met with no measurable success in this regard. Meanwhile, Mr. Nixon has announced a policy of gradual withdrawal of military personnel, and, in pursuance of that announced policy, has reduced the number of American servicemen in Vietnam from 543,482 men in April 1969 to 428,050 men as of yesterday, June 2, 1970—a total reduction of 115,432 men. Only a few weeks ago, the Pres-

ident announced that 150,000 additional men would be withdrawn by the spring of 1971. President Nixon continues to support a policy leading to the Vietnamization of the war and to a decrease in American involvement. This policy has met with fairly general acceptance throughout the country, and in the Congress, apparently, if we are to judge by the diminution of rhetoric regarding the war in recent months. The President's April 30 televised announcement concerning the incursion into Cambodia triggered a sharp reaction and a mercurial escalation of both rhetoric and protests around the country, and particularly on some of the college and university campuses of the Nation.

Here on the Senate floor we are witnessing a renewed and vigorous debate, which, for some weeks, has been centered upon the so-called Cooper-Church amendment to the Foreign Military Sales Act, H.R. 15628.

Before directing my attention to the Cooper-Church amendment, I wish briefly to state the position I have maintained during the years of American involvement in South Vietnam. Throughout my service in the Senate—the beginning of which service antedates the start of direct American participation in the fighting—I have said very little on the Senate floor or in West Virginia or anywhere else concerning the war in South Vietnam. I have considered myself neither "hawk" nor "dove," to use the common labels. I have, however, supported all appropriations bills providing for the support, the equipping, and the pay of American servicemen in Vietnam. If this makes me a "hawk," it would also characterize practically every sitting Senator as a "hawk" inasmuch as those Senators who have opposed appropriations for the conduct of the war can be numbered on the fingers of one hand, and at least two of these Senators were defeated in subsequent elections.

In supporting appropriations for the war in Vietnam, I have taken the position—and most Senators have apparently viewed the matter likewise—that as long as our country sends men to fight in a foreign land, we ought not be niggardly in appropriating adequate funds for clothing, military pay, ammunition, weapons, and other military hardware, because the least we can do in fulfilling our duty to those fighting men is to provide them with the kind of financial and military support that will enable them to fulfill their military responsibilities and to return home safely.

As to whether or not our country was right in becoming involved, perhaps only future historians will be able to render an objective and fair judgment. It was the view of our leaders—meaning the Chief Executive and his military and civilian advisers—in the previous administrations of Presidents Eisenhower, Kennedy, and Johnson, and now under the administration of President Nixon, that it was in America's best interest that South Vietnam not be taken over by the Communists. Our Government took the position that if South Vietnam were to fall to the Communists, then all of Southeast Asia could, and probably

would, eventually fall, thus turning over to the Communists a vast area of 200 million people and rich mineral resources.

It was the view of our leaders that the fall of Southeast Asia to the Communists would be a blow to the free world and that America should help to prevent this from happening.

It was also stated that if America did not act, the Communists would interpret this failure to act as a sign of weakness and that wars of so-called "national liberation" would break out in various other parts of the world.

Gen. Vo Nguyen Giap, the top commander of the North Vietnam military forces, was quoted as saying:

South Vietnam is the model of the national liberation movement of our time. If the United States can be defeated in South Vietnam, it can be defeated everywhere in the world.

The Peiping Peoples Daily, the foremost Chinese Communist newspaper, was quoted as saying that the Vietnamese conflict "is the focal point of the international class struggle" and is the "acid test for all political forces in the world." Thus, it was made to appear that South Vietnam was a "test" case, a landmark case.

The leaders of our Government, moreover, have proceeded on the premise that we had made commitments to go to the aid of South Vietnam. In 1954, President Eisenhower wrote to President Diem of South Vietnam assuring him of American assistance in "developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means."

Mr. COOPER. Mr. President, will the Senator yield? I want to hear the Senator's entire speech. However, I will have to be away for 15 or 20 minutes. Will the Senator be speaking when I return?

Mr. BYRD of West Virginia. Yes, I hope to, if the Senator is away no longer than 15 or 20 minutes.

Mr. COOPER. Mr. President, I know the Senator mentioned the statement of President Eisenhower. I refer to him because he was President at the time of the Geneva Accords and when the United States did not become a party to the accords.

Several years ago, in fact every year, I have tried to read the entire record of our involvement in Vietnam. I cannot be sure that I have read every document, but I have tried to do so.

In reading the communications of President Eisenhower to North Vietnam, I could never find one statement by President Eisenhower to the effect that he would give military support to South Vietnam except in the way of advisers.

Mr. BYRD of West Virginia. Mr. President, I do not challenge the statement of the Senator from Kentucky. The Senator is a very knowledgeable and astute student of this subject.

I would have to say that I, too, have not read or heard of any such statement by Mr. Eisenhower.

I merely at this point quote the verbiage from the President's letter to President Diem in 1954. Although it made no reference to military support, it would

indicate that it was the intention of our Government to support the Government of South Vietnam in developing and maintaining a strong, viable state, capable of withstanding aggression from without and subversion from within.

I merely make this reference here to say that as far back as 16 years ago, under the administration of the late President Dwight D. Eisenhower, there was this strong expression of support for the Government of South Vietnam and an indication that our Government was willing to support that Government although, as the Senator from Kentucky has said, no reference was made by Mr. Eisenhower to military support.

The Southeast Asian treaty, which created the organization called SEATO, was signed at Manila in September 1954 by the United States, Great Britain, France, Australia, New Zealand, Pakistan, Thailand, and the Philippines, and was approved by the U.S. Senate in 1955 by a vote of 82 to 1. That treaty protects against Communist aggression not only its members, but also any one of the three non-Communist states growing out of former French Indochina which asks for protection.

Article IV of the SEATO treaty provides in section 1 as follows:

#### ARTICLE IV

1. Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

Section 2 of Article IV of the SEATO treaty states that—

2. If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the treaty area or of any other State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

Section 3 of Article IV of the SEATO treaty states:

3. It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.

Mr. President, the treaty provisions made it plain that the territory covered by the treaty embraced Southeast Asia.

A protocol was adopted by the parties to the SEATO Treaty. The protocol states that—

The Parties to the Southeast Asia Collective Defense Treaty unanimously designate for the purposes of Article IV of the Treaty the States of Cambodia and Laos and the free territory under the jurisdiction of the State of Vietnam.

The Parties further agree that the above mentioned states and territory shall be

eligible in respect of the economic measures contemplated by Article III.

This Protocol shall enter into force simultaneously with the coming into force of the Treaty.

Thus, Mr. President, the protocol term "free territory under the jurisdiction of the State of Vietnam" describes and includes what we now refer to as South Vietnam.

I have quoted these excerpts from the SEATO Treaty in order to recall the background against which our leaders in various administrations under both political parties took the position that a binding commitment had been made to assist the Government of South Vietnam in meeting aggression and subversion endangering the peace of the treaty area.

On September 29, 1954, 3 weeks after the signing of the SEATO Treaty, the U.S. Department of State issued a communique concerning conversations conducted between representatives of the United States and France regarding Southeast Asia. Excerpts from that communique are as follows:

Representatives of the two Governments have had very frank and useful talks which have shown the community of their views, and are in full agreement on the objectives to be attained.

The conclusion of the Southeast Asia Collective Defense Treaty in Manila on September 8, 1954, has provided a firmer basis than heretofore to assist the free nations of Asia in developing and maintaining their independence and security. The representatives of France and the United States wish to reaffirm the support of their Governments for the principles of self-government, independence, justice and liberty proclaimed by the Pacific Charter in Manila on September 8, 1954.

The representatives of France and the United States reaffirm the intention of their governments to support the complete independence of Cambodia, Laos, and Viet-Nam. Both France and the United States will continue to assist Cambodia, Laos, and Viet-Nam in their effort to safeguard their freedom and independence and to advance the welfare of their people.

So, Mr. President, the United States had, in the viewpoint of our national leaders, pledged its assistance to Vietnam, which assistance, in the course of history and events, took the form, first, of financial aid, and, eventually, of armed support for the Government and for the people of South Vietnam, the division of Vietnam having been formally accomplished through the Geneva accords of 1954.

Beginning in 1955 the U.S. Congress has appropriated moneys for economic and military assistance to South Vietnam, thus underwriting the pledge.

In 1960, Mr. Eisenhower again wrote to President Diem assuring him that—

For so long as our strength can be useful, the United States will continue to assist Vietnam in the difficult yet hopeful struggle ahead.

In 1961, the late President John F. Kennedy wrote to President Diem pledging that our Government was "prepared to help the Republic of Vietnam to protect its people and to preserve its independence." President Kennedy went on to say that we would promptly increase our assistance to the defense effort of the Republic of Vietnam.

In August of 1964, Congress, by a combined vote of 504 to 2, passed the Gulf of Tonkin resolution expressing its support for actions by the President "including the use of armed force" to meet aggression in Southeast Asia.

These commitments were iterated and reiterated by President Lyndon B. Johnson.

Again, perhaps only future historians will be able to render a just and objective verdict as to whether or not these premises for American involvement were sound.

My position throughout the years has been not so much that of an advocate of these predicates for American involvement, but, rather, it has been one of supporting our fighting men who are in South Vietnam—through no choice, in most cases, of their own—and also, I have consistently taken the position that, although I may differ with the President on domestic matters, it was my duty—as long as I felt the President to be acting wisely, reasonably, and responsibly, based on the circumstances—to support him as Commander in Chief, regardless of his political party, in a situation involving the Nation at war. This is no place for partisan politics.

When our country is at war—and we are at war, even though not by a strictly formal declaration by the Congress—politics should end at the water's edge, and we should stand together as a nation and back up our leaders and our fighting men. It has always seemed to me that a policy of support for our leaders and a policy of support for our fighting men in time of war is a policy best calculated to shorten the war, keep down the casualties, and bring the fighting men home. This is not to say that I will agree with every tactical decision of the Commander in Chief. I probably will not. But I do not have the responsibility and the duty to make tactical decisions. The President carries this burden; I do not.

But, the price of disunity and division at home is loss of morale on the part of our troops in the field and, ultimately, the possible loss of whatever cause those American troops may be engaged in. A cardinal example of this principle can be seen, if we will but review recent history, in the failure of the French effort in Indochina.

France's defeat at Dienbienphu was characterized not only by the incompetence of the French high command, but also—and probably more so—by the monstrous indifference of a nation. It can be said of France that she showed the most complete indifference toward her army, and that, in the case of individuals, this crime of omission is known as "failure to assist persons in danger." Punishable by law in the case of ordinary citizens, it leads, when the whole nation is guilty, to that resignation from which a people never recovers, and which it pays for, sooner or later, with its own death.

There were reasons why Dienbienphu was a victory for the less well equipped of the two armies. At the bottom of everything was faith or the lack of faith, the will of a people or its decline. The

corruption of conscience, the cowardice of Government leaders in the face of a truth which they refused to see because it would have called for virtues they did not practice—everything predisposed the unhappy country of France for one of the greatest abominations of the century. Napoleon could well have had such in mind when he said:

In war, a great disaster always indicates a great culprit.

The French people—not the French armies—were the first culprits.

The Vietminh commander, General Giap, said to a French journalist in 1963 as he was leaving Hanoi for a visit to the old battleground at Dienbienphu:

If you were defeated, you were defeated by yourselves.

I hope that General Giap will not be able to make a similar remark to an American writer some day—not that I expect victory in this war so much. It is just that defeat—or the essence of it—is not wholly beyond the pale of possibility.

Whether our involvement in Vietnam was, from the first, premised on a sound foundation, is not the question now. In retrospect, one may say that it was a mistake. Future historians may say, however—based upon the full consequences and the clear results, of which we are not privileged to see at this moment—that it was not a mistake. Our efforts may yet prove to have thwarted the Communists in their plan to take over South Vietnam. Our sacrifices, painful and written in blood as they have been and as they continue to be, may, in the judgment of history, have thwarted Communist conquest in Southeast Asia. It is difficult to see even the past clearly, at the present moment, to say nothing of what may lie beyond the present.

I am not a military man, but I suppose I can afford the luxury of expressing one man's opinion. It is this. We have already spent more than \$100 billion and we have lost more than 40,000 American lives. From the beginning, we fought this war with one hand tied behind our back.

Perhaps that is the way we should have fought it. As I say, I am no military man. But, expressing one man's opinion, I think we should have hit the enemy with all our conventional power, with enough of it to have destroyed his dikes and to have forced him to negotiate in good faith.

Our fighting men did not ask to go to Vietnam. But having sent them, we should have done everything within the bounds of reason to give them every protection we could offer in order to get them back alive. I think that every parent in America who saw a son, and every grandparent in America who saw a grandson, go marching off to that war in South Vietnam, would certainly share this viewpoint, that, having sent those sons and grandsons, we should have done everything within the bounds of reason to give them every protection we could offer, in order to protect them and to get them back alive.

We did not do this. Not having done it, it seems to me that we should now

support the President's policy, it makes no difference what his political party may be—the Commander in Chief's policy, may I say—of Vietnamization and gradual withdrawal, and we should get out of Vietnam.

In view of the fact that our country is so greatly divided on this question, and in view of the fact that it has demonstrated a lack of unified will, I believe that this is the only course that we can now follow. I believe we can yet extricate ourselves by gradually withdrawing as we continue to prepare the South Vietnamese to defend themselves. In the long run, perhaps a Communist takeover of Southeast Asia will have been prevented.

Incidentally, the Vietnamization program reportedly is helping to thwart Communist aims in Southeast Asia. The Vietnamization program is enabling South Vietnam to gain a defense posture sufficient to assure, hopefully, her independence, and the Vietnamization program is giving encouragement to other free nations in Asia.

Writing in today's Washington Post, Mr. Joseph Alsop, in a column entitled "Vietnamization Greatly Aided by Bold Stroke in Cambodia," says this:

What the President will do about it, remains to be seen as these words are written. But it can already be said with confidence that the report he got from Gen. Creighton W. Abrams "would have sounded damn near euphoric, if it hadn't come from a man who never goes in for euphoria."

Among other things, Gen. Abrams is known to have told the President that the Cambodian operations might easily turn out to put forward the Vietnamization program by a year or more. And this came from the same great field commander who was, quite justifiably, asking Mr. Nixon for "a pause" in Vietnamization only three months ago!

Although pacification was going great guns, III Corps was still threatened from two directions only three months ago. One threat was from the Parrot's Beak in the south, where the Cambodian border thrusts up and out towards Saigon like a dagger. The Parrot's Beak was bulging with enemy supplies, and contained over a regiment of North Vietnamese troops plus the in-sanctuary higher headquarters for the Vietcong for about half of III Corps.

The other threat was from the very empty, very wild provinces on the northern fringe of III Corps. Here three more North Vietnamese regiments were lurking in jungle hide-outs, well forward from the Cambodian border. So what has happened now to these threats?

The supply lines of the North Vietnamese regiments in northern III Corps have been cut at the source by the Cambodian operations. It is a down-to-earth estimate that they cannot stay where they are for more than about a month and a half. Almost certainly, they will then have to begin seeping back towards the northeastern part of Cambodia, where the North Vietnamese still have semi-dependable sanctuaries.

The Parrot's Beak, meanwhile, has been cleared of enemy troops and supplies, as have the other enemy sanctuaries on III Corps' borders, like the Fishhook. In this process, the entire Vietcong high command for about half of III Corps has been just about abolished. Thus the total enemy threat in III Corps has been drastically reduced.

This is why the Vietnamization program can eventually take a great leap forward. \* \* \* Even in IV Corps, similar albeit

smaller dividends are in prospect. With IV Corps' border sanctuaries cleaned out, the excellent South Vietnamese units of the 44th Tactical Zone—nearly equivalent to a division in all—should aid that task greatly. That will happen when the North Vietnamese regiments now stranded in the Seven Mountains are successfully dealt with. Want of supply should aid that task greatly.

Thus these South Vietnamese units will also be set free, once again for use in either I Corps, or perhaps in II Corps. The potential enemy threat in these two northern corps areas, so much nearer to North Vietnam and to the supply line through Laos, is still considerable. The job is not over yet.

But it is staggering, all the same, to hear solid, responsible, extremely knowledgeable men who want no defeat in South Vietnam—for one has to note that, nowadays!—talking about "taking care of III Corps with two brigades, and on an interim basis at that."

If these men have not gone off their rockers, in fact, the whole pattern of the war has been radically transformed by one bold stroke in Cambodia.

Mr. President, although there have been many questionable aspects of our involvement in Southeast Asia, there have also been a number of positive effects from our presence there, according to many observers, one of these effects being the increasingly successful Vietnamization effort to which Mr. Alsop alludes.

Indonesia, moreover, overthrew its repressive Communist regime in 1965, a feat that many experts said could not have been accomplished without our presence in Southeast Asia. Our presence in South Vietnam has also enabled Thailand to build up its own defenses, and Burma has been able to strengthen its position of neutrality largely because of American troops fighting in South Vietnam.

Now, as to Cambodia. Several weeks ago, there were rumblings which indicated that the President might be called upon to make a decision with respect to going to the aid of the Cambodian Government following the ouster of Prince Norodom Sihanouk. I urged the President not to involve American fighting men in what I felt might become another Vietnam—in other words, a war to support the government of Cambodia. In a Senate floor speech on April 4, I stated:

The United States should not become involved in the fighting in Cambodia. The new rulers of Cambodia have been hinting that they may seek American help in fighting the communists. For too long now, American troops and the American people have shouldered a heavy burden in fighting in Southeast Asia. To fight in Cambodia would only add to that burden.

Mr. President, I still feel today as I did on April 4. The United States should not become involved in fighting in Cambodia for Cambodia, or in support of any Cambodian Government.

Mr. President, on April 30, the President announced his decision to attack North Vietnamese and Vietcong sanctuaries along the Cambodian-South Vietnamese border. In a televised address to the Nation, the President stated that his purpose was to destroy the enemy's capability in inflicting, from nearby Cambodia, great casualties upon American troops and of hampering the pacification and Vietnamization programs. The Pres-

ident stated that the incursion into Cambodia on the part of American troops would only be temporary and that all American fighting men would be out of Cambodia by the end of June.

To date, I have not commented on the President's action. I am still opposed—I repeat—and will continue to be opposed to the use of American troops in Cambodia in any war to support any government of that country. Let Asians carry the manpower burden of keeping Asia free.

But the President's action, as he explained it, did not contemplate the use of American forces to fight for Cambodia. The invasion into Cambodia was, he said, for the limited purpose of giving protection to our men in South Vietnam, destroying enemy sanctuaries—some of which were within 35 miles of Saigon—and gaining additional time for South Vietnamese takeover of their own defense, thus enabling more Americans to return home.

And according to information furnished us, the Cambodian operation may have gone far in accomplishing the objectives sought.

Mr. President, as of yesterday June 2, 1970, 8,193 enemy bunkers had been destroyed; 15,199 individual weapons and 2,106 crew-served weapons had been captured; 133,721 antiaircraft rounds, 45,520 mortar rounds, 358 vehicles, 39,600 pounds of medical supplies, 3,925 mines, 34,768 grenades, 72,000 pounds of miscellaneous explosives, 10,178,088 rounds of small arms ammunition, 10,938,000 pounds of rice, 500 satchel charges, 1,515 large rocket rounds, 25,435 smaller rocket rounds, 21,555 recoilless rifle rounds, 40 boats, 36 generators, and 185 radios had been confiscated. The enemy had lost 10,906 men.

Can anyone say rightly, Mr. President, that this is not a serious setback to the enemy, or that it will not result in a major saving of American lives?

Let me go a step further. Allied sweeps into the Cambodian-Vietnam border area have located a number of major base complexes used by the North Vietnamese and Vietcong troops. One of the largest of these bases taken by allied forces was discovered by elements of the U.S. 1st Air Cavalry Division, on May 5, in the Cambodian Fishhook area. It is an immense complex, some 3 square kilometers in area, dubbed "The City" by U.S. cavalrymen.

A thorough analysis of what was found there now confirms that in overrunning this base, United States and South Vietnamese forces have dealt the enemy a serious blow.

The logistical part of "The City" was located in three separate areas and included approximately 182 storage bunkers. About 80 percent of the bunkers, each measuring 16 by 10 by 8 feet, were being utilized and contained enemy war supplies. Sixty percent or 87 of the 145 bunkers were filled to capacity. The bunkers contained munitions, weapons, food stocks, medical supplies, and quartermaster clothing and equipment.

While there were large stores of many kinds of materiel, the big find was ammunition—including more than 1½ mil-

lion rounds for AK-47 rifles. Generally, all types of equipment and supplies were in an excellent state of preparation and in good operating condition when captured. All bunkers were serviced by bamboo matted trails from 3 to 8 feet in width. "The City" was well organized and was capable of rapid receipt and issuance of large quantities of supplies.

Judging from the general condition of the oldest bunkers and from captured supply documents found in the area, it appears that the storage depot had been in operation for some 2½ years.

The bunkers in the northern part of the complex appeared to have been constructed within the last 6 months. An analysis of the documents indicates that this complex was a supply depot with the primary mission of obtaining supplies and equipment within Cambodia and then delivering the supplies to Communist forces in South Vietnam.

In addition, this depot provided supplies to a number of training and headquarters elements. In addition to the logistical storage facilities, the complex contained a training area consisting of a large classroom, small arms firing range, and mess facilities to support the training area. Also located in the southeastern part of the complex was a small animal farm.

These facilities and these training aids, including silhouette targets and dummy grenades as well as a large stock of items of personal clothing and equipment, indicates that a portion of this base area was used to provide refresher and political training to recent replacements from Vietnam.

Colocated with the supply depot, the training center could also readily outfit the replacements by providing refresher training.

Can anyone deny, Mr. President, that the capture of "The City" was not a major blow to the enemy?

Can anyone deny or can anyone say that the capture of "The City" did not in the long run result in the saving of American limbs and of American lives?

An article by William J. Coughlin, a Los Angeles Times reporter in Saigon, tells us more.

He writes as follows:

Communist forces, including two of North Vietnam's best divisions, are scattered, disorganized, and on the run, leaving behind them thousands of dead and a year's worth of arms, ammunition, and food.

Since May 1 they have not been able to mount a single counteroffensive in either Cambodia or South Vietnam.

Continuing to read from Mr. Coughlin's Los Angeles Times article:

More than in Vietnam, the initiative will remain with the allies since the North Vietnamese have no local popular support in Cambodia and the Vietcong can not hide its weapons and vanish among the population of Cambodia as it does in Vietnam.

Thus, in the face of the statistics and the various reports, the incursion has in the opinion of many, been very successful to date. Whether in the end we will have gained, remains to be seen. But it would appear, at the moment, that the mission's objective will have been accomplished in large part.

The President will address the Nation this evening on the progress of the Cambodian operation and the current status of the Vietnamization program. It is possible, because of the apparent success of the move into Cambodia, that the President will be able to announce plans for the withdrawal of American forces sooner than the original timetable called for. I cannot say that he will. I do not know. I would only hope so.

As to the Cooper-Church amendment to the Foreign Military Sales Act, the amendment provides, among other things, that "in order to avoid the involvement of the United States in a wider war in Indochina and expedite the withdrawal of American forces from Vietnam" no funds may be expended after June 30 for retention of U.S. ground forces in Cambodia or for conducting any air combat activity over Cambodia except to interdict the movement of enemy supplies or personnel into South Vietnam. This is, in essence, as I recall, the intent of the language.

I have listened to the debate on the amendment and have found no issue during my 12 years in the Senate to be more vexing, no decision to be more difficult. I have read the mail from constituents, and I have talked with as many of them as possible. I have carefully studied the issue in an effort to reach a judgment on this question which, to say the least, has troubled me greatly.

I do not question the sincerity of those who support the Cooper-Church amendment, and, in my judgment, most of the arguments in support of the amendment, though not altogether necessarily persuasive, are not without some substance.

Although I would not presume to substitute my judgment for that of others, I do have a responsibility as a Senator from the State of West Virginia to study the arguments on both sides, evaluate the facts, and reach a judgment and then to vote my convictions. It is each Senator's duty to act in the best interest of his country—as God gives him the wisdom to determine the direction in which those good interests lie.

I favor some of the provisions in the amendment. As a matter of fact, I favor most of the provisions in the amendment. I would like to vote for the Cooper-Church amendment, but I have reached a decision to vote against the amendment unless it can be changed to make it clear that the President has the power, the authority, and the flexibility to provide protection for our military forces still stationed in South Vietnam.

Proponents of the Cooper-Church amendment argue, I believe, that the limitations imposed by the amendment are no greater than what the President has already stated his intentions to be—to withdraw all American forces from Cambodia by June 30.

It is true that the President has said U.S. forces would be out of Cambodia by the end of June. It is also true that the enactment into law of the Cooper-Church amendment—if such enactment were to be successful—would provide for a June 30 deadline on the retention of U.S. troops in Cambodia. It is conceivable that circumstances could prevent the removal of the last American from Cam-

bodia by the June 30 dateline, but I believe the President means to do this. The operation—in the opinion of many of the experts—has been successful in destroying vast stores of military provisions, weapons and materiel; the monsoon rains will begin to fall within a few days; and some of the U.S. personnel are already withdrawing and have already been withdrawn from Cambodia. The danger of the amendment, as it is now written, I believe, arises not so much from any effect it might have on the present operation, but, rather, it would appear to guarantee to the enemy complete freedom to return to the border sanctuaries without fear of future attack from U.S. ground forces. I do not believe that such immunity should ever be assured to the enemy as long as American fighting men are stationed in South Vietnam.

The President, as Commander in Chief, must retain a free hand to do what is necessary to protect American lives in Vietnam, and the President, as Commander in Chief, has a duty to do so. As presently written, the amendment would, therefore, appear or attempt to tie his hands to this extent, it seems to me.

The proponents also argue that the President should have consulted Congress before going into Cambodia, and I agree that it might have been better had he done so. I share the concern of those Senators who feel that congressional leaders should be consulted about such matters beforehand, but I can conceive of circumstances where the element of surprise may be considered vital to the success of such an operation as the incursion into Cambodia. The President may have felt that to have announced his plans to Congress far in advance of the action taken in this instance could have sacrificed this advantage of surprise, and, to that extent, the operation's chances of success might have been compromised. Yet, I believe that the President would have been spared certain criticisms had he consulted more than was done. We were informed just within the hour prior to his telecast to the American people.

Some people argue that the Cambodian operation constituted the invasion of a neutral country, and, thus, opened a new undeclared war. American forces did, indeed move into a country which had claimed neutrality. However, according to the principles of international law, any country claiming neutrality has a concomitant duty to prevent a belligerent from moving troops or supplies onto its territory. If the neutral country fails or is unable to prevent such movement of troops or supplies onto its territory, then another belligerent has a right, in its own defense, to invade the so-called neutral territory and to destroy the enemy.

For years, the North Vietnamese and Vietcong had used Cambodia as a privileged sanctuary from which vicious attacks were repeatedly launched against American and South Vietnamese forces, but because of Cambodia's claimed neutrality, the enemy had enjoyed immunity from retaliation. But a duty rested upon Cambodia to resist the use of her ter-

ritory by the North Vietnamese and Vietcong. For one reason or another—perhaps she was too weak to act—she did not do this. Consequently, the United States and South Vietnam had a right, under international law, to invade Cambodia in order to put an end to the use of Cambodian territory by the enemy.

As to the contention that a new war had been initiated without a congressional declaration, this is completely without substance. As far as U.S. forces are concerned, it is the same war and the same enemy. United States forces were not attacking Cambodia—they were but temporarily—according to the President—extending the battlefield in order to attack the same forces with which they had been engaged, and from whom they had suffered great casualties, for years.

Based on the President's statement, the Cambodian exercise, insofar as American troops are concerned, is meant to be only a temporary expansion of the South Vietnamese battleground. The operation has a limited objective, and the President so indicated, and that objective was and is to destroy the enemy's sanctuaries on the Cambodian-South Vietnamese border and his capability to wage war on American forces and their allies in South Vietnam. There is no escalation of the fighting in the overall sense—the only escalation being that of hitting the enemy in a privileged sanctuary heretofore immune from attack, but a sanctuary nevertheless from which the enemy has been able to inflict casualties upon American and South Vietnamese forces and from which the enemy has been able to harass and impede the pacification and Vietnamization effort.

For at least 5 years the North Vietnamese and the Vietcong have operated out of those privileged sanctuaries, moving freely back and forth across the Cambodia-South Vietnamese border, while Americans and their South Vietnamese allies have scrupulously stopped at that border. Nobody can say how many thousands of Americans have died during those years because of the fact that the border served better than any Maginot Line would have served as a protection for the enemy. The Cambodian action appears to have minimized the chances of any great numbers of Americans being killed by a sudden sally from the sanctuaries in the immediate months ahead, when the President is reducing or has reduced significantly the number of American fighting troops in South Vietnam.

Supporters of the Cooper-Church amendment say that its adoption is necessary to protect the United States from a deepening involvement in an expanding Indochina war. This argument is an appealing one. However, the President has, upon numerous occasions, announced his intention not to deepen the involvement but, rather, to gradually withdraw from involvement. The Cambodian exercise, according to the President, is meant to hasten American withdrawal from South Vietnam in the long run.

In reality, the amendment's adoption, as it is now written, could, in my judgment, have the undesired effect of making more difficult our withdrawal of

troops over the long pull because it would, in effect, appear to limit the President's power to protect American forces in South Vietnam.

The amendment's backers claim that Congress must reassert its constitutional authority to declare war and reestablish a constitutional balance in the division of powers between the legislative and the executive branches. This argument is a strong one. It is a cogent one. It is an appealing one.

According to the Constitution, only Congress can declare war. Down to the present, however, Congress has never exercised this prerogative, except as a consequence of the President's acts or recommendations. The President, who is designated in article II, section 2, of the U.S. Constitution as "Commander in Chief of the Army and Navy of the United States," has full control over the use of the Armed Forces.

On his own authority, the President may, and the President frequently has, acting as Commander in Chief, committed the Armed Forces to armed action in order to protect the national interest beyond the borders of the United States.

Historically, the President, without the prior approval of Congress, has utilized the Armed Forces in response to an immediate military situation. Occasionally, prior congressional approval has been sought. Thus, President Adams requested congressional approval before committing Armed Forces in the quasi-war with France, 1798-1800. President Wilson likewise requested congressional authorization in 1914 to occupy Vera Cruz, Mexico, but ordered the Armed Forces into action before Congress voted its approval. In other instances, commitments in the form of, or commitments based on, existing international treaties, or commitments deriving from membership in international organizations, have occasionally provided legal support for Executive action. United States interventions in Cuba, 1906-33, and actions of the United States in its capacity as the United Nations Command in Korea, 1950-53, fall into this category.

So the President has used his authority as Commander in Chief in a great variety of situations. He has ordered the Armed Forces to resist attacks against the national territory; he has ordered the Armed Forces to protect American lives and to protect American property in foreign countries; he has ordered the Armed Forces to suppress piracy at sea, to enforce collection of indemnities, to pursue lawless bands, and to combat Communist aggression.

The constitutional authority to formally declare a war has always rested with the Congress and it rests with the Congress now. I see nothing in the Cooper-Church amendment which would amount to a reassertion by Congress of its authority to declare war. In the first place, the action in Cambodia does not constitute a new war, as I have already said. It is the same war against the same enemy which our forces have been fighting for the past few years. Hence, there is no occasion for any declaration of war

by the Congress in this situation. If the supporters of the amendment have in mind a declaration of war against North Vietnam, it would appear to be too late for a formal declaration, with no good purpose to be served whatsoever. One cannot repeal history, and, hopefully, we are on our way out of, rather than our way into, a very real war in which we have been directly engaged at least since early 1965 and indirectly engaged for years prior thereto.

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

Mr. BYRD of West Virginia. I yield.

Mr. COOPER. I, unfortunately, missed part of the Senator's speech, but I have listened with great interest to the part I have heard. It is well-reasoned and well-documented, and I know it is the subject of much study on his part.

On the last question the Senator raised, whether or not the sponsors want the Congress to declare war against North Vietnam, the answer is, "No." We are engaged in a war, and have been engaged in a war, in a way, since 1950. We supported the French until 1954 and gave them about \$2 billion to fight a war which never should have been fought. Now we find them one of our strongest critics. The French started the war in 1949.

But to repeat, the answer is "No," there is no desire on the part of the sponsors for a declaration of war against North Vietnam.

Much discussion has been had in the past about the Tonkin Gulf resolution and its effect. I must say that I knew, when I voted for it, that it might be used to bring us into war. I said so on the Senate floor. I did not think at the time that it would bring us into this great war, but the possibility was there. When I left the floor a few minutes ago the Senator was talking about statements made by President Eisenhower. I assume the Senator went ahead and talked about declarations made by President Kennedy and President Johnson and the action they undertook—

Mr. BYRD of West Virginia. Yes, I did.

Mr. COOPER. With respect to sending troops into South Vietnam. I think the record very pertinent to our case. I doubt that President Truman, President Eisenhower, and President Kennedy and, until 1965 or late 1964, President Johnson, ever considered that we would ever become involved in a large-scale war on the land mass of Asia.

But by a series of actions and a series of statements throughout those years, the President and Congress were foreclosed from being able to make a clearcut decision as to whether the war in Vietnam really affected our security interests and was necessary for the security of this country.

I do not believe it is necessary for the security of this country. But the point, we acted in such a way that, of course, South Vietnam believed United States would not support them. President after President made statements that "we will stand by the Government of South Vietnam," and beginning in 1962 our country began to send large bodies of troops to Vietnam. The governments believed it.

But Congress never made a clearcut

decision—it never had an opportunity to do so—as to whether we believed it was necessary for the security of our country.

This is the point of our amendment. We do not want our President—and he is my President; he is of my party—to find himself in such a position that, through force of circumstances beyond his control, we would find ourselves as a new war in Cambodia. I am sure the people of this country do not want this to happen and neither does the President.

I believe that if our amendment were analyzed in this way, the majority of Senators would support it. It is not a question of declaring war. I do not believe any of us do—against Cambodia or Vietnam. But we do not want to let steps, taken one by one, lead us to the point of no return.

That is the whole point of the amendment.

Mr. BYRD of West Virginia. Mr. President, I agree with the Senator that no President, no Secretary of Defense, no Member of the House of Representatives or of the Senate could foresee in the beginning what there was at the end. No one could have foreseen 10 years ago, or 8 years ago, what these little steps, one by one, would eventually lead us into.

But I do say that there is nothing in the amendment, as I see it, which reasserts the constitutional authority of Congress to declare war.

Mr. COOPER. Will the Senator yield?

Mr. BYRD of West Virginia. As I shall say later in my speech, and as I believe I have already indicated heretofore, there are some provisions in the Cooper-Church amendment that I think we need. I favor the amendment, if we can only amend the first paragraph, which I think is necessary and in fact imperative.

I yield to the Senator from Kentucky.

Mr. COOPER. I understand the Senator's position, but I wish to respond to his statement that there is nothing in this amendment which would assert the congressional authority. Its sponsors certainly do not want to assert the congressional authority to declare war. But the Constitution, in the section which the Senator quoted, provides that Congress shall have power to declare war and to raise and support armies and navies. We have the power to provide the forces which must fight the war. That is our constitutional authority. We exercise that by the denial of funds to support a war which Congress never approved, if such a war should occur.

I have never voted, in all the time I have been in the Senate and all during this Vietnam war, for any resolutions or amendments to deny funds for the men who are fighting in Vietnam. I shall vote for this one, because I must vote to deny funds for a new war, if we should become engaged in one without the consent of Congress.

We do not take away from the President any of his options. This amendment only says, "If you determine by your judgment and best information that we should continue in Cambodia longer than June 30, or feel that it has become necessary to be involved in a war there, come to Congress."

I think that is a perfectly reasonable position. I do not think the President wants us to get into war there. In answer to a direct question I addressed to him at the White House, in a public meeting, he said, "No, I do not intend that this country should become involved in a war in Cambodia."

But circumstances and events occur over which he has no control, over which no one in this country has any control, and that is where I think our authority comes—to assure that we shall not become engaged in a war without Congress having the opportunity to speak on it.

Mr. BYRD of West Virginia. Mr. President, I share the views of the able Senator from Kentucky to the effect that the President does not want to become involved in a new war. I do not think any of us wants to become involved in a new war. Moreover, I certainly recognize the constitutional powers of Congress with respect to the appropriation of funds. There is no question that Congress has the power over the purse, and it can utilize that power, and very effectively.

What I am trying to say, Mr. President, is that it would be unwise for Congress to attempt to utilize that power of the purse at a time when, in doing so, it would impair the President's capability of protecting our military forces already stationed in South Vietnam.

I should like to vote for the Cooper-Church amendment. As to paragraphs (2), (3), and (4), I think they have loopholes in them as big as Union Station, but I still think that they are directed to keeping U.S. military forces out of a war for Cambodia or in support of any government of Cambodia. I am with the Senator from Kentucky 100 percent on that.

As I say, I want to vote for the Cooper-Church amendment. I do not want us to get involved in another Vietnam. But at the same time, I want to leave the President's hands unshackled with respect to the protection of American fighting men who are still in South Vietnam, who will be there for yet some time through no choice of their own, and who were sent there by the U.S. Government in the first place. They will still be there beyond the June 30 date.

Very frankly, as I shall say a little later in this statement, I do not think that the Cooper-Church amendment is going to become law—certainly not as it is now written. If the Senate should approve the amendment, I think it would be by a very closely divided vote, and it would then express only a very closely divided Senate sentiment. I do not think the House of Representatives would accept it. It might, but I do not believe so. Even if it did so, I think the President would veto it; and if he did veto it, certainly two-thirds of this body are not going to vote to override his veto, and two-thirds of the other body are not going to vote to override his veto.

So we are spending a lot of time discussing something which really is not going to become law as it is written, in my judgment. That is one man's opinion. But even so, I feel that we ought to do whatever we can to make the lan-

guage clear in its intent that the President is not going to be straitjacketed if he determines it to be necessary to utilize American forces in Cambodia after June 30 in the protection of U.S. military forces still stationed in South Vietnam, or, if he deems it necessary in order to facilitate the withdrawal of American forces from South Vietnam. That is where the Senator and I differ.

I want to vote for the amendment. I am offering a perfecting amendment which I think will improve it. If the perfecting amendment is adopted, I have reason to believe that this body might accept more readily the Cooper-Church language. In that case, the proponents of the Cooper-Church language would have achieved a great deal. I think they would have won a clear victory insofar as voicing the sentiment of the Senate against American involvement in a war for Cambodia or in support of any Cambodian Government is concerned. But I would not want the enemy to misread this intention and to suffer under any illusions that any words we write into this particular amendment are going to negate the constitutional power of the Commander in Chief to act in whatever way he deems necessary to protect American fighting men stationed in Vietnam.

I do not think we can take that power away from him, as I shall indicate later. I think he has this constitutional power, and I think Congress gave him authority to move into the Cambodian sanctuaries—if he needed additional authority—in advance when it passed the Gulf of Tonkin joint resolution in August 1964 for which all of us here at the moment—myself and the Senator from Kentucky included—voted.

Mr. COOPER. I assume that we will be talking about this amendment for several days, will we not?

Mr. BYRD of West Virginia. I should think we might be.

Mr. COOPER. I thought so. Perhaps a week?

Mr. BYRD of West Virginia. This is an amendment which has great merit, in my judgment. I think it is the key amendment. I think that this amendment clearly will indicate whether we believe what the Constitution says, whether we believe that it means what it says, or that it does not. I would certainly hope that there would be an up-or-down vote on this amendment, based on the merits of the amendment. That being the case, it would seem to me that we ought to discuss it a while; and I would personally hope that Senators who have gone to Cambodia today might be able to return by the time we vote.

Mr. COOPER. I think that is good. I do not think there will be any effort to table the amendment. I would not favor any effort to table the amendment. It is an important amendment. Perhaps, beyond the efforts of the Senator from West Virginia, some effort may be made to continue the debate for days and days.

Mr. BYRD of West Virginia. I have no desire to do that.

Mr. COOPER. It is an important amendment. In my judgment, it could be the decisive vote.

Mr. BYRD of West Virginia. If I may say at that point—I do not mean to interrupt the Senator—I think we ought to discuss it long enough for the American people to know what this amendment is all about before we vote on it. That should not take more than a few days.

Mr. COOPER. I think that is right. We differ on it. The Senator from West Virginia believes that the amendment is necessary to assert the constitutional power of the President to protect the troops. Of course, I do not believe so, and I do not believe the Senator does, altogether, because he said a few minutes ago that we could not take that power away from him. We cannot give it to him, either. He has it. The extent to which he may use it is a matter for his judgment. Even if the amendment were agreed to, he might ignore it. It might not be agreed to by the House; it might not become law. But if it is adopted by the Senate, it will have some persuasive influence, I would think, upon the President.

We will be talking about this matter tomorrow, I assume, and the day after tomorrow, and will have more opportunity to develop the question of whether the President needs action of Congress to enable him to protect the troops and whether we can take that power away from him. There is a gray area. I think I can explain what my views are about these powers.

I have received a great deal of mail about this amendment—approximately 12,000 letters. Some of those who oppose it believe that the sponsors intend to take away from the President the power to protect the men in Vietnam. Of course, that is incorrect.

I listened very carefully to the Senator's quotation of some of the authorities about the power of the President to protect the forces. Sudden attack, imminent danger—that is as far as the authorities go. I do not believe it means that the President can determine that a far-reaching operation, where the consequences would be in the dark, is within the power to protect the troops.

I will not stretch it to some foolish extreme; but, certainly, to take that viewpoint, there would be no point in logic where the President's power could be halted. That is what Abraham Lincoln said in the House of Representatives in 1848. If we take that view, that there is no point at which that authority cannot be exercised. He said there is absolutely no limit against the President's use of that power. That was Abraham Lincoln's view in 1848. He was not sustained by Congress, but I think it is a pretty good viewpoint.

I thank the Senator for yielding.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. President, as to the reestablishment of a constitutional balance in the division of powers between the legislative and executive branches, I feel that this is long overdue, especially in many of the domestic areas. But with respect to the constitutional authority of Congress to declare war, that authority has not been challenged by the President nor

has it been usurped, as some people claim. "To declare war" is to be distinguished from "to make war." As I have already indicated, many Presidents have exercised authority "to make war" under their constitutional powers as Commander in Chief, and they have done so without any congressional declaration of war.

The Cooper-Church amendment, though paying recognition—and I say this with the utmost respect for the sponsors and authors of the amendment—to the idea that the Congress acts in conjunction and in cooperation with the President, actually seems to me to attempt to supervene the powers of the Congress into matters which are, by authority of the Constitution, the responsibility of the President as Commander in Chief. Although stating that such action is "in concert" with the President's objectives in Cambodia—to wit, of achieving certain tactical goals and then withdrawing U.S. forces—the Cooper-Church amendment goes beyond this and actually, in force and effect, places grave restrictions on the President's authority and powers as Commander in Chief of the Armed Forces of the United States.

The Cooper-Church amendment, it is recalled, prohibits as now modified, after June 30, 1970, the use of any appropriated funds for the purpose of, among other things, "retaining U.S. forces in Cambodia."

Some have said that the Cooper-Church amendment is "a small, but important step" in the direction of bringing the Vietnam war to an end. This objective—to end the war—is a laudable one that I share with the movers of that amendment. I also share with them the fervent hope and expectation that the hostilities will be brought to an end and that no more American blood will be shed on that already stained ground known as Southeast Asia. The question, however, is whether this is an effective way to end the war, and whether, in the light of the Constitution and our history, the Cooper-Church amendment makes the very mistake that some have charged against the President; namely, crossing the barrier that marks the division of powers between the executive and the legislative branches of our Government.

As I said a little earlier in my colloquy with the Senator from Kentucky (Mr. COOPER), no one doubts the authority of Congress to take the steps of cutting off funds as suggested by the Cooper-Church amendment, for Congress is specifically designated by the Constitution as having within its province the power "to pay the debts and provide for the common defence," as well as "to raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years." Further, Congress is empowered to "declare war," Congress is empowered to "provide and maintain a Navy," Congress is empowered to "make rules for the Government and regulation of the land and naval forces" and Congress is empowered "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." There can be no

doubt at all, I repeat, of the power of Congress over the purse, whether for defense or for any other purpose.

Yet to urge the passage of this amendment on the ground that the President exceeded his own powers as Commander in Chief in moving U.S. forces into Cambodia—for the purpose of attacking and destroying certain enemy quarters, enemy supplies, and enemy troops—in my judgment, entirely misconceives the division of constitutional responsibilities as between Congress and the President.

Those provisions of the Constitution that are relevant to the matter under discussion are those vesting the executive power in the President, those making him Commander in Chief of the Army and Navy, and those enjoining him to "take care that the laws be faithfully executed." The President, as is also well known, is empowered to make treaties by and with the advice and consent of the Senate.

I think the President had every right to order U.S. Armed Forces into Cambodia for the purposes which he stated. I do not, by this, mean to applaud the fact that the Vietnam war has now spread—openly, even though temporarily as it is hoped—to another country. In fact, I deplore strongly the necessity for this development. But one may do that, and one may also concede the power of Congress to control the purse strings in this and in other matters, without having to yield to the argument that the President exceeded his powers in taking this action.

Despite the fact that during the Constitutional Convention, the phrase "make war" was changed to "declare war"—with the intention of leaving to the President only the power to repel sudden attacks—in truth the Constitution does not spell out at all under what circumstances forces can be sent into battle or by whose decision, when Congress has not declared war and when no State has been "actually invaded" or is in "such imminent danger as will not admit of delay." Note that under article I of the Constitution, even a State among the several States may engage in war, under certain conditions, without a declaration by Congress.

Indeed, the constitutional conception of declaring war has, in actuality, probably been outstripped by the age in which we live, keeping in mind the speed, the secrecy, and the techniques and technologies which are the realities of today. Ironically, it is some of these very factors, according to John Jay writing in the *Federalist*, which give certain advantages to placing the warmaking power—as distinguished from war-declaring power—in the hands of the President—that is, the unity of the office, its capacity for secrecy and dispatch, and its superior sources of information. To this is added the fact that the executive office is always on hand and always ready for action, which may not be true of Congress during an adjournment. Thus, it is now widely conceded that the President may, without a declaration of war or other congressional action, use Armed Forces abroad to protect American lives and American property. No such con-

sensus, however, has been reached with respect to the broader question of the President's authority to use such forces to protect American interests as such, or to promote U.S. foreign policy.

We need not, however, reach such a question here and now, since Congress itself has, long ago and on numerous occasions, affirmed its support of the South Vietnamese people and Government, rightly or wrongly. The President's actions in going into Cambodia may also rest on the conceded power which he has to "protect American lives," it having been recognized for several years past that the enemy was using that country of Cambodia as a haven and sanctuary in attacking United States and South Vietnamese forces.

The constitutional question before us, then, is not whether Congress has the authority to cut off funds for Cambodia, but the question is whether it shall choose to exercise that authority to cut off funds. By the same token, as I have indicated, it seems clear that the President, acting under his powers as Commander in Chief of the Armed Forces, was legally and constitutionally well within his rights in making the action he did. Beyond this, there is little doubt in my mind that, even without regard to the Constitution, the President, acting under the Gulf of Tonkin joint resolution, has been fully and completely supported by Congress in this latest action and in prior actions.

By way of review, Mr. President, on August 2, 1964, North Vietnamese torpedo boats attacked a U.S. destroyer, the *Maddox*, operating in international waters, in the Gulf of Tonkin. The next day, the United States protested to the Hanoi regime, and President Johnson instructed the Navy to issue orders to the commanders of U.S. aircraft and the two U.S. destroyers in the vicinity—the *Maddox* and the *G. Turner Joy*—to attack and destroy any force that attacked them in international waters. When the two ships were again attacked by North Vietnamese PT boats on August 4, "at least" two of the attacking PT boats were promptly sunk and U.S. air action was taken against North Vietnamese "gunboats and supporting facilities."

President Lyndon Johnson informed the Nation of this action that night. The next day, August 5, he asked Congress for a resolution "expressing the unity and determination of the United States in supporting freedom and in protecting peace in Southeast Asia." The President recommended a resolution "expressing the support of Congress for all necessary action to protect our Armed Forces and to assist nations covered by the SEATO Treaty." He added that it could be based upon similar resolutions enacted by Congress to meet the threat to Formosa in 1955, the Middle East in 1957, and Cuba in 1962.

Congress responded on August 7, 1964, with a joint resolution—the so-called Gulf of Tonkin resolution—adopted unanimously in the House and by a vote of 88 to 2 in the Senate, that expressed the approval and support of "the determination of the President, as Commander

in Chief to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." It was signed into law by the President on August 10 and became Public Law 88-408.

Mr. President, the Gulf of Tonkin resolution was brief, and it was unambiguous. I shall read it in its entirety:

JOINT RESOLUTION TO PROMOTE THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY IN SOUTHEAST ASIA

Whereas naval units of the Communist regime in Vietnam in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia, to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Sec. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonable assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

Approved Aug. 10, 1964.

Public Law 88-408 has never been declared unconstitutional, and it has never been repealed or amended. The President, therefore, in sending American forces into Cambodia to protect American fighting men in South Vietnam from armed attack, acted within the present law which "approves and supports" the President in taking "all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." Anyone reading the plain language of Public Law 88-408 would clearly discern this fact. I am surprised to hear charges, even by Members of Congress, that the President acted illegally, or that he acted unconstitutionally, or that he usurped the powers of Congress in going into Cambodia under the circumstances as he explained them. The truth of the matter is that he acted with congressional approval given in advance.

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

Mr. BYRD of West Virginia. Mr. President, I yield to the able Senator from Idaho.

Mr. CHURCH. First of all, I wish to compliment the Senator on his thorough exposition of the legal history of our involvement in Vietnam, as well as on the very careful constitutional argument he is making.

Let me say, at the outset, that insofar as I am concerned, my sponsorship of the so-called Cooper-Church amendment is not based on the belief that the President acted illegally, or that he exceeded his authority under the Constitution. I have not made that argument, nor do I believe the Senator from Kentucky (Mr. COOPER) has made that argument.

As the Senator quite correctly points out, Congress, through the appropriation of public money, has underwritten this war, in the absence of a formal declaration; and, furthermore, very broad authority was conferred upon the President by the Gulf of Tonkin resolution. All of this is undisputable.

The real question with which we are faced, it seems to me, is not legal, nor even constitutional in character. The Senator from West Virginia himself has acknowledged that it lies within the power of Congress either to furnish or withhold public money for the prosecution of this war. The control of Congress over the public purse is hardly contestable.

We are in one of those situations where everyone concedes, I should think, that Congress has the power to impose limitations on the future use of public funds respecting the war in Southeast Asia, just as everyone concedes that the President has certain inherent powers as Commander in Chief.

The real question is what the policy should be under present circumstances. The real question is whether the time has not come, after so many years of inconclusive warfare in Southeast Asia, for Congress to begin to assume some of the responsibility for bringing this war to a close. As a matter of policy, I think we should. I think it has become important for Congress to strengthen the President's position against all the forces which are pressuring him toward ever deeper involvement in Southeast Asia, by giving legislative definition to the outer limits of our Cambodian incursion.

We have fixed those limits, as the Senator knows, at the very place the President himself set them. I see the Cooper-Church amendment as an effort to give legislative backstopping to the President, to undergird his own expressed determination to make this Cambodian operation one of limited character, to bring all American troops out of Cambodia by the end of June, and not to return to Cambodia thereafter. As the President himself declared, if it ever becomes necessary to again attack these sanctuaries, after the enemy returns to them, he is confident this could be accomplished by the South Vietnamese alone.

I want to emphasize that I do not base my arguments for enactment of the Cooper-Church amendment upon the ground that the President exceeded his

constitutional authority when he sent American troops into Cambodia. There really is no basic disagreement between the Senator from West Virginia and the Senator from Idaho on the constitutional propositions he has discussed, nor on the legal history he has faithfully reviewed.

The question is policy; and on that ground I believe the time has come for Congress to begin to share with the President the responsibility for bringing this war to a close. I see the Cooper-Church amendment as a first move in that direction.

Mr. BYRD of West Virginia. I thank the Senator.

In stating that there are those who have charged that the President acted illegally or unconstitutionally, I did not mean to refer to the able Senator from Idaho, and I am glad that the able Senator from Idaho raised this point, because it gives me an opportunity to reassure him and buttress his statement to that effect. No, I have not heard the Senator from Idaho say that, but many people have said it in their letters to me, and I think I am correct in saying that some Members of Congress have indicated that in their belief—and it is a sincere belief, no doubt—the President acted illegally and certainly unconstitutionally, and that he usurped powers of Congress in going into Cambodia under the circumstances as he explained them.

Moreover, I stated before the Senator came into the Chamber that the question before us is not whether Congress has the authority to cut off funds, but, rather, whether it shall choose to exercise that authority and whether it would be wise to do so as suggested by paragraph 1.

Now, the Senator has said that the authors of this amendment have acted as they have in an effort to give legislative backstopping to the President. With all respect for the able Senator from Idaho—and I do respect him, he is my friend, and I have the highest regard for him—I cannot see how cutting off funds beyond June 30 for the utilization of American forces in Cambodia—if the President so determines that to be necessary for the protection of our military forces stationed in South Vietnam—can be backstopping for the President. To the contrary, I think it attempts to tie his hands. It says, "All right, Mr. President, until June 30 we will not cut off any funds, but after June 30 do not send any more men into Cambodia no matter whether or not you believe it is necessary to protect our armed services who are stationed in South Vietnam. Do not do it. You cannot spend any funds under this act or under any other act unless it is hereafter authorized by law."

I do not see that as backstopping the President. I do see my effort, however, if I may say so respectfully, and the effort of those who join me in supporting this amendment, as an effort to backstop the Commander in Chief—not the President so much—regardless of political party, but it is an effort to make clear that the Commander in Chief is not to be strait-jacketed, that he is not to be inhibited,

but that he will truly be backstopped down the road beyond June 30 if he determines it necessary, for the safety and protection of our troops in South Vietnam, to utilize U.S. Armed Forces in Cambodia, and for nothing else.

As I stated a number of times earlier today, I support the intent and meaning of the Cooper-Church amendment—as I interpret it—insofar as paragraphs (2), (3), and (4) are concerned, and I want to vote for that language. But I want to see paragraph (1) perfected first.

So, it is rather late in the day for anyone, especially those of us who voted for the Tonkin Gulf resolution, to say that the President acted without authority or that he usurped the power of Congress in this instance. Future historians might have charged him with being recreant in his duty if he had not acted to protect our fighting men.

There are those who believe that the President's action should have been taken a long time ago, but, of course, notwithstanding the sound principle that, under international law, the United States would have been acting appropriately and justifiably in attacking the Cambodian sanctuaries—the circumstances being as I have already explained with respect to the responsibility of a neutral power to prevent the use of its territory by a belligerent—the opportunity and the advisability of launching an attack upon the Cambodian-South Vietnamese border's sanctuaries were greatly enhanced by the overthrow of Prince Sihanouk a few weeks ago.

I share the deep concern of everyone at the course of events in Vietnam and Cambodia. Let there be no mistake about that. I would hope—and I urge—that the President take us into his confidence wherever possible, with the view that together the Congress and the President may deliberate and decide these momentous questions of war and peace. The function of Congress does, indeed, go beyond that of appropriating money.

I believe, however, that the Cooper-Church amendment represents perhaps an over-reaction to the former actions of Congress in supporting and authorizing various presidential moves in Vietnam and elsewhere. It seems to me that such a step as cutting off funds in the midst of a shooting war, and restricting the President from attacking the enemy in Cambodian sanctuaries should of necessity require it again in the future, not only is highly dangerous to the security of our armed forces in Vietnam and Cambodia, but also constitutes an act which though certainly within the power of Congress, is unwise in principle. It comes very close to a tactical direction of troops in wartime—a duty which can only rest with the Commander in Chief, under the Constitution, and one that must be carried out by him personally, in response to his own constitutional obligations. Obviously Congress, while constitutionally empowered to declare a formal war, cannot direct battlefield tactics—and the Founding Fathers never envisioned its role as such. To claim that 535 Members of the House and Senate could assume such a responsibility would be sheer folly. This responsibility was vested in one

man—the President—and he was given the title Commander in Chief.

There is another argument that says, or at least implies, that adoption of the Cooper-Church amendment is necessary to calm the unrest in our country. I personally would never vote for the amendment on such a dubious ground; namely, that it would calm the unrest on college campuses and elsewhere in the Nation. Congress must not be stampeded into unwise action in an attempt to appease mobs on campuses or anywhere else. To do so would be to capitulate to mob rule. I will never do this.

Moreover, it is a mistake to interpret the campus protests as being representative of majority thinking on the part of students and faculties. There is no doubt that all students are concerned about the war in Vietnam, but the students are not by themselves in this regard. Adults, too, are concerned. Parents are concerned. Grandparents are concerned. But, while the press makes a big thing out of a protest gathering on the Ellipse by an estimated 60,000 to 100,000 students—and those of us in public life who are accustomed to crowd estimates should know by now that such estimates nearly always tend to be substantially overblown—it should be remembered that there are 7 million students throughout the country in colleges and universities who did not come to the recent Washington demonstration.

We should not, therefore, allow ourselves to be influenced by demonstrations and acts of violence on the part of radical extremists. Of course this is not to imply that all persons who participate in these demonstrations are extremists.

I have been genuinely impressed by the concern expressed in letters received from students and other persons who have written earnestly and thoughtfully. But I have not been impressed or persuaded by the small minority of students and others who have written threateningly. If the Cooper-Church amendment is to be adopted, I say let it be approved on its merits, because only then will it stand the test of time. Let this Senate never be driven to act unwisely through threats of unrest and violence. We have laws and we have security forces which can be used to deal with those who engage in fomenting unrest and violence. Let the laws be enforced.

Mr. President, it was Clemenceau who warned us that, "War is much too serious a matter to be entrusted to the military"—which may have been a sound warning in his age and perhaps even more so in our own age.

But it was Walter Lippmann who cautioned those of us that, "War is too serious a matter to be entrusted to public opinion."

I have previously stated that I believe a vast majority of citizens, both adults and students alike, are in general agreement with the goals of our Nation, but even if that small minority of students bent on destroying our society were truly representative of public opinion in America, Mr. Lippmann's warning would still apply.

In his book "The Public Philosophy," the noted columnist called our attention

to the "failure of public opinion in foreign affairs," and he said this:

The unhappy truth is that the prevailing public opinion has been destructively wrong at the critical junctures. The people have imposed a veto upon the judgments of informed and responsible officials. They have compelled the governments, which usually knew what would have been wiser, or was necessary, to be too late with too little, or too long with too much.

Mr. President, Lippmann noted that public opinion "has required mounting power in this century," and he concluded that "It has shown itself to be a dangerous master of decisions when the stakes are life and death."

Mr. President, the stakes are life and death for the young Americans now fighting in Southeast Asia. My amendment is offered with the intention of allowing the President to retain the power to take whatever steps he deems necessary to protect those men.

Mr. President, there is a great deal of pressure from the small radical elements in our society for Congress to pass an extensive amendment that would serve to bind the President's hands not only in this present action in Cambodia but also in future actions that may be called for. There may be a certain temptation for some to accede to the reckless desires of this vocal minority. But again, if I may quote Mr. Lippmann, he warns against assigning "too much importance to the vocal minority. Relying too heavily on misguided public opinion," he says, "democratic officials have been compelled to make the big mistakes that public opinion has insisted upon." He continues that such total reliance "can be deadly to the very survival of the state as a free society if, when the great and hard issues of war and peace, of security and solvency, of revolution and order are up for decision, the executive and judicial departments, with their civil servants and technicians, have lost their power to decide."

When we attempt to take from the Commander in Chief his power to decide what action is needed to protect our fighting men, then we are, to a certain extent, threatening the security of our country, and to a larger extent we are giving a measure of security and comfort to the enemy.

Mr. President, I want, as much as anyone else to withdraw our men from South Vietnam. But they cannot be withdrawn overnight. This would be physically impossible. The President has been following a policy of gradual withdrawal, and I have supported that policy of gradual withdrawal. I have supported the President's policy of Vietnamization, a policy which will allow the South Vietnamese to take over the fighting as they more and more become able to do so. I have supported appropriations for training and equipping the South Vietnamese to defend themselves, so that our American fighting men can return home.

The President stated that it was to expedite this withdrawal that he decided on the Cambodian action. He felt that it would buy time for the South Vietnamese in which to prepare to defend themselves. He indicated that it would weaken the

enemy along the Cambodian-South Vietnamese border, thus enhancing the prospects for success of the pacification of the countryside and for success of the Vietnamization program. He said that, by destroying the enemy sanctuaries, several months would be required, in view of the impending monsoons, for the North Vietnamese and Vietcong to rebuild those sanctuaries, and that, as a result, American casualties would be fewer in the long run, and American withdrawal of troops would be made more sure.

I hope that the President is right in his words and in his action. I certainly do not believe that it would be wise for the Senate to attempt to stay his hand in the protection of our men who are stationed in South Vietnam and in the President's desire to facilitate their eventual withdrawal from Southeast Asia.

I think the President as Commander in Chief should be given a chance to accomplish his objectives. If he is able to do this, and if he is able to pull all American fighting men out of Cambodia by June 30, as he promised, the outlook for American withdrawal from South Vietnam, hopefully, will have been enhanced. If it ever becomes necessary to cut off funds to prohibit the use of U.S. forces in Cambodia, to fight for Cambodia, then we can do this later and at such time as it is evident that there is a clear and determined intention to involve American troops in a second and different Asian war in Cambodia and for Cambodia.

I would like to vote for other provisions that are included in the Cooper-Church amendment, but unless this restriction of the President's power to protect our own fighting men still stationed in South Vietnam is removed, I shall vote against it.

It is for this purpose, therefore, of eliminating such a restriction that I have offered this amendment today.

The Cooper-Church amendment states that, "unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended" for certain purposes which are set forth in four paragraphs numbered 1, 2, 3, and 4.

I personally have no great objections to paragraphs 2, 3, and 4, for the most part, and, in fact, I want to emphasize I would vote for the Cooper-Church amendment were its thrust confined to those three paragraphs. Senators will note that each of paragraphs 2, 3, and 4 ends with the phrase "in support of Cambodian forces," whereas paragraph 1 makes no reference to "support of Cambodian forces."

In other words, the Cooper-Church amendment prohibits the use of funds for purposes enumerated in paragraphs 2, 3, and 4, all of which purposes are "in support of Cambodian forces." This suits me fine because I do not want, for example, to provide funds to pay the compensation of any U.S. personnel in Cambodia who—in the language of paragraph 2—"engage in any combat activity in support of Cambodian forces." I emphasize the words "in support of Cambodian forces." This is what got us so

deeply involved in Vietnam in the first place.

But, as I have stated, paragraph 1 omits the phrase "in support of Cambodian forces," so common to the other three paragraphs.

Paragraph 1 of the Cooper-Church amendment, is confined to the retention of U.S. forces in Cambodia. Simply stated, it prohibits the use of funds for the purpose of "retaining United States forces in Cambodia." Period. Nothing is said here about cutting off funds for retaining U.S. forces in Cambodia "in support of Cambodian forces"—and, parenthetically, I would be against the use of U.S. forces in Cambodia to support Cambodian forces. What is said here is that funds are prohibited for retaining U.S. forces in Cambodia for any purpose. For any purpose, I repeat, whatsoever. To put it another way, the Cooper-Church amendment says, in paragraph 1, that the President, acting as Commander in Chief, is forbidden from sending any American soldier, any American sailor, or any American marine across the boundary line between South Vietnam and Cambodia or up the Mekong River in Cambodia after June 30, no matter what the existing conditions may be at that time, no matter how necessary to the safety of our military forces in Vietnam such action may be. The North Vietnamese and the Viet Cong would, in effect, be given an open invitation after June 30 to rebuild the sanctuaries which have recently been destroyed, with assurance that they would not need fear a resumption of attacks in the future from American ground forces.

This paragraph—paragraph 1—goes too far, in my judgment, regardless of the good intent—and I do not question the good intent—of the Senators who are sponsoring it.

The amendment I am offering would modify paragraph 1—and paragraph 1 only—to make it clear that the Cooper-Church language would not preclude the President from taking such action as may be necessary to protect the lives of U.S. forces in South Vietnam or to facilitate the withdrawal of U.S. forces from South Vietnam.

I believe mine is a reasonable amendment. I believe it is a necessary amendment. I do not see how anyone would want to oppose it, because surely every one of us wants to secure the full protection of our servicemen while they are stationed in Vietnam, and wants to facilitate and expedite the eventual withdrawal of every American serviceman from South Vietnam.

Frankly, Mr. President, any realistic evaluation of the parliamentary situation must lead to the conclusion that the Cooper-Church language, as presently written, will not likely become law.

At most, if it should clear the Senate as written, it will be but an expression of Senate sentiment—and a closely divided sentiment at that.

Even so, it could be wrongly interpreted by the enemy of our troops stationed in South Vietnam.

Mr. President, as of yesterday, Tuesday, June 2, 1970, there were still 428,050 U.S. servicemen in South Vietnam. I

am quite sure that no Member of this body would like to subject even one of these men to the risk of further ventures by the enemy from Cambodian sanctuaries heretofore immune from attack by U.S. forces. The amendment which I have proposed aims to prevent that danger—it makes clear that the President is authorized to take action to protect the lives of those men or, in an effort to completely remove them from the hostilities, to take action to facilitate their withdrawal from South Vietnam. The amendment has no other purpose than this: its real goal is to assist in winding us up in South Vietnam, and in the meantime to protect the lives of our men who are still stationed there. And I urge its adoption.

#### AMENDMENT NO. 667

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that my amendment No. 667, as modified, be printed in the RECORD, with the names of the cosponsors thereof shown.

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

Amendment No. 667, as modified, is as follows:

On page 5, line 7, before the semicolon insert a comma and the following: "except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam."

#### VIETNAMIZATION PAYS OFF

Mr. BYRD of West Virginia. Mr. President, one of the plus aspects of the Cambodian maneuver which may not have been fully expected is the establishment of the fact that South Vietnamese fighting units have come a long way in their ability to deal with their Communist foes. This is an integral part of the Vietnamization program. The training which these forces have been undergoing is paying off—and this, too, should help to speed up the withdrawal of our own forces. Reports from Cambodia indicate that the ARVN's new efforts in its own behalf have been uniformly excellent.

I ask unanimous consent that the following articles be printed in the RECORD at the conclusion of my prepared remarks:

A column entitled "South Vietnamese Servicemen Have Now Proved Their Mettle," written by Joseph Alsop, and published in the Washington Post of May 29, 1970.

A column entitled "Viet Troops' Splendid Performance in Cambodia Surprises U.S. Generals," written by Rowland Evans and Robert Novak, and published in the Washington Post of May 29, 1970.

An editorial entitled "The Cooper-Church Amendment," published in the Wall Street Journal of Tuesday, June 2, 1970.

An editorial entitled "The Results in Cambodia," published in the Houston, Tex., Chronicle of Friday, May 15, 1970.

An editorial entitled "Strategy in Cambodia," published in the North Orlando, Fla. Sentinel of May 15, 1970.

An editorial entitled, "It's Never Unpopular to Win," published in the Daily Oklahoman of Oklahoma City, Okla., of May 20, 1970.

A column entitled, "Danger Seen in Cambodia Curb Plan," written by David Lawrence and published in the Washington Star of May 21, 1970.

A column entitled, "Nixon's Gamble in Cambodia Shows Tremendous Promise," written by Joseph Alsop and published in the Washington Post of May 22, 1970.

An editorial entitled, "Cooler Look at Cambodia," published in the Christian Science Monitor of May 22, 1970.

A column entitled, "U.S. Wins More Than Military Victory in Cambodia," written by Russell Kirk and published in the Baltimore Sun of May 25, 1970.

An article entitled, "A Different Scene," published in Newsweek of June 8, 1970.

An article entitled, "House Traditions Make Vote on War Unlikely," written by Shirley Elder and published in the Washington Sunday Star of May 31, 1970.

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

**SOUTH VIETNAMESE SERVICEMEN HAVE NOW PROVED THEIR METTLE**

(By Joseph Alsop)

In common fairness, something more needs to be said about the performance of the South Vietnamese units in Cambodia. It is a crucial measurement of the practicality of the President's Vietnamization program; and above all, it gives the lie to a good many biased people who have made a lot of noise in this country.

From their first day across the border, the ARVN units' performance has continuously moved Gen. Creighton W. Abrams to the highest flights of praise. He is a man sparing of praise in normal circumstances; but he has used every adjective in the military book, from "outstanding" upwards, to characterize the dash and efficiency the South Vietnamese have shown.

More importantly perhaps, he is known to have described the success of the South Vietnamese in Cambodia as a "stunning psychological victory," in and of itself. This is because it has infused a quite new spirit of confidence and pride in all the South Vietnamese under arms. Until Cambodia, they had never been fully tested. Now they have been tested, and they have passed the test exceptionally well.

"Every Asian wants to be with the winner," Gen. Abrams is said to have concluded. "And now we are the winners."

The facts of the Cambodian campaign amply substantiate Gen. Abrams' assessment. Five ARVN divisions, the 9th, 21st, 22d, 23d and 25th, have been engaged, along with ARVN rangers, marines and paratroopers from the reserve. Every one of these divisions has been portrayed, at various times, as a mere horde of cowardly scoundrels commanded by corrupt incompetents.

The corrupt incompetents have now proved to be first-rate leaders in the field, and the cowardly scoundrel have fought with relentless aggressiveness. And it must be remembered that they have been fighting the most famous North Vietnamese units assigned to duty in South Vietnam.

For example, the ARVN 25th division has successively taken on, and briskly decimated, the 88th, 271st and 272d regiments. That means that this South Vietnamese division, customarily labeled "the worst," has by now defeated all the main components of the

enemy's 9th division, formerly labeled "the best."

The secret of this seeming-magical reversal of roles comes in two separate parts. "The best," obviously, was not nearly so good as every one had come to believe, in the long period when the enemy's 9th division had no real mission beyond occasional hit-and-run attacks.

"The worst," equally obviously, has been radically altered by being given an offensive role, at long last. ARVN, one must remember, was a defeated army at the time of the U.S. intervention on the ground; and since that time ARVN has been an army mainly committed to a purely defensive role. Taking the offensive, and with great success, has naturally made a lot of difference.

You can see the difference in the Pentagon arguments about the U.S. advisers with ARVN in Cambodia. At first, it was argued that the U.S. advisers really had to go along, to "provide stiffening." But now, somewhat ironically, the same people are just as passionately arguing that the U.S. advisers are still needed, to insure reasonable prudence.

Another remarkable fact, closely linked to the foregoing, also deserves attention—which it has not been getting. After all, two South Vietnamese divisions, plus other troops, have plunged out of IV Corps; one South Vietnamese division and one American division have moved out of III Corps; and at different times, two South Vietnamese divisions have marched into Cambodia from II Corps.

For the Vietcong and North Vietnamese units inside South Vietnam, these departures of their strongest opponents should have offered a golden opportunity. With the cats away, the mice ought to have played—and played a pretty murderous game, at that. But instead, the level of enemy efforts in III Corps and IV Corps has dropped by more than a half since the Cambodian venture began.

Since the beginning of the Cambodian venture, in fact, the one fairly conspicuous enemy effort has been a probe by elements of the 2d North Vietnamese division, up in I Corps. The 2d ARVN division, defending the little district town that was under attack, has thus far just about abolished one of the regiments making the probe. Meanwhile the people of Hiepduc, the isolated mountain town that was in danger, are still tilling their fields as before.

Altogether, the Cambodian venture has given President Nixon's Vietnamization program a new look. For the South Vietnamese have now proven their mettle, while the enemy has suffered what should prove a crippling setback.

**VIET TROOPS' SPLENDID PERFORMANCE IN CAMBODIA SURPRISES U.S. GENERALS**

(By Rowland Evans and Robert Novak)

The splendid combat performance by South Vietnamese troops in Cambodia not only strengthens the Vietnamization program but casts dark clouds over the U.S. military advice going to President Nixon.

The way ARVN (Army of the Republic of Vietnam) outfits have handled North Vietnamese regulars in Cambodia's Parrot's Beak has evoked raves from the very U.S. generals who insisted they could not do the job. Gen. Creighton Abrams, U.S. commander in Vietnam, has personally expressed his surprise to the Pentagon. What's more, high officials privately make this blunt admission: The South Vietnamese could have performed the Cambodian operation *alone*, without U.S. troops.

The implications of this are staggering. It means Mr. Nixon could have enjoyed the military fruits of entering Cambodia without the calamitous political and economic consequences he now endures and without reactivating the dormant peace movement. The President could have avoided his present crisis of confidence had he rejected the

counsel of the Joint Chiefs of Staff and instead heeded the advice of Secretary of Defense Melvin R. Laird, who wanted an all-ARVN operation in Cambodia.

This Cambodian dispute between Laird and the Joint Chiefs is the culmination of sharp backstage disagreement over Vietnamization between civilian and military at all levels which we observed during our recent reporting trip to Vietnam. Even before Mr. Nixon's April 20 announcement of another 150,000 U.S. troops to be withdrawn, the military felt he was pulling out too rapidly.

Adding respectability to this view was Gen. Abrams himself. No Colonel Blimp, Abrams is the most sophisticated American commander during 16 years in Vietnam. Moreover, Abrahams knows all about the training of ARVN, having been originally assigned to Vietnam as Gen. William Westmoreland's deputy for that purpose.

Yet one high-ranking civilian official told us in Vietnam: "Abe just doesn't understand Vietnamization." He and other civilians feel Abrams and the uniformed military are missing an essential point of Vietnamization—that South Vietnamese troops must take over from the Americans not when they are ready, but *ready or not*. Otherwise, the South Vietnamese never will be ready.

This is best illustrated in the strategic Mekong River delta. The mighty U.S. 9th Division, only American ground troops in the delta, pulled out last August amid nervous prostration by the U.S. high command. The generals feared the 7th ARVN Division simply could not handle the job in troublesome Kienhoa and Dinhhuong provinces.

Superficially, their fears have been realized. Communist military activity in those two provinces has increased, and nobody claims the 7th ARVN performs nearly as well as the Americans. Nevertheless, since the Americans left, pacification—the Saigon government's control of the countryside—has moved steadily forward. In sum, the Vietcong are losing the delta guerrilla war.

It can even be argued that the heavy-handed U.S. 9th in the delta actually retarded pacification. Certainly had Washington granted Gen. Westmoreland's 1966 request to send three U.S. divisions into the delta, the damage wrought by American troops—as we pointed out at the time—would have played into Vietcong hands.

That indicates the U.S. military still has not fully grasped the political complexities of guerrilla warfare. Beyond this, U.S. generals, noting that ARVN units are led by Vietnamese officers made cautious by 20 years of constant warfare, express preference for U.S. units led by venturesome young officers out to make a record in six months of combat.

Save for the fateful exception of Cambodia, however, Laird has prevailed with the President against this military resistance. For instance, this summer's offensive against North Vietnamese encampments in Vietnam's bloody Ashau Valley near the Demilitarized Zone will be borne for the first time by South Vietnamese troops. Indeed, South Vietnamese are doing most of the fighting in Cambodia.

Contrary to the uninformed contention by U.S. doves that it has failed, Vietnamization is a success from a strictly military standpoint. Its basic problem is economic, the reduced flow of dollars into the country threatening runaway inflation by increasing Saigon's war costs.

With these economic problems still unsolved, Laird is pushing ahead for even faster Vietnamization—his hand strengthened by Cambodian events. Having proved themselves in the Parrot's Beak, the ARVN troops are at a peak of battlefield morale. And military doubts about their worth will carry considerably less weight in the White House henceforth.

## THE COOPER-CHURCH AMENDMENT

As the Senate debates the Cooper-Church amendment to cut off funds for certain types of military operations in Cambodia, our biggest headache is trying to figure out what its words mean. Its passage would do more harm than good unless something is done to clarify what it says, first, about the President's power to strike into Cambodia in protection of American troops already in the field, and second, about policies intended to bolster the non-Communist government in Cambodia.

On its face the amendment seems to say that despite the President's powers as Commander in Chief he cannot undertake military operations in Cambodia even if enemy forces there are attacking or about to attack American troops already in South Vietnam. Either the amendment means this or it means nothing at all with regard to this question; its sponsors seem confused as to which is the case. Witness Senator Church on the Senate floor:

"We do not raise into question here the power the President has as Commander in Chief. He derives that authority from the Constitution itself. We could not deny him his powers under the Constitution if we tried. Nothing in our amendment would interfere with his right to protect American troops in the field or to provide for their immediate needs."

If the amendment does fully preserve the President's right to protect American troops, then it does not change his right to act within Cambodia if his purpose is to protect American troops, as it is in the current operations. If the amendment denies him the right to act in Cambodia regardless of his purpose, then it interferes with his right to protect American troops in ways the Commander in Chief deems necessary. The amendment's sponsors cannot have it both ways.

Both the Constitution and common sense dictate that Congress cannot act as Commander in Chief of troops actually in the field, as it would be doing when it draws lines of military maps in a theater long since drawn into the war by the enemy. It does not wish to say it's different because international boundaries are involved when the enemy constantly violates these boundaries and when the nation involved does not object. Nor does it wish to say Congress is only formalizing limits the President himself has established, since limits are one thing when drawn by the Commander in Chief and another thing when etched into law.

At the amendment's second level, we find another set of considerations. We think it entirely appropriate that Congress concern itself with the broad question of American policy toward the Cambodian government, and in fact, we think the Administration should seek to involve Congress here. But once again we are left unsure what policy the Cooper-Church amendment seeks to promote. There is quite a difference between a policy of "no American troops" and a policy of "let the place sink."

The general thrust—and the ostensible defense—of the amendment is to implement a policy of no American troops. It has a sleeper section, however, that could undercut any effort whatever to aid Cambodia in its self-defense. This section prohibits U.S. participation in any agreement to provide military instruction in Cambodia. In other words, the U.S. could not provide technical or financial assistance if the South Vietnamese, Indonesians, Thais, Koreans or others undertook to help Cambodia train its army.

It's difficult to conceive a more wrong-headed provision. If we want to reduce our presence in Asia, regional cooperation is what we should try to promote, not inhibit. Also, the section makes hash of the sponsors' arguments that they only want to help the President follow the policy he has already set, for

nothing could be more contradictory to the Nixon doctrine.

Despite all this, the Cooper-Church amendment is directed at a concern with which we sympathize—that Congress be more involved in foreign policy. What is needed is the type of Congressional-Executive consultation that helped prevent an Indochina expedition in support of the French during the Eisenhower years. But it is not a matter of writing a law but of building an ongoing process; a specific piece of legislation is important only to the extent it helps build the basis for a continuing process. As it now stands, casting an ambiguous shadow both on the President's powers as Commander in Chief and on the Nixon doctrine of U.S. assistance for self-help, the Cooper-Church amendment will not build but undermine the process.

Yet it could conceivably be turned into something else if the Senate and the Administration can work together to clarify what it says about the Commander in Chief's powers and to remove the sleeper section. In the process of working out those problems, perhaps the two branches could make a small start toward the trust, understanding and cooperation necessary to truly meaningful consultation on future policy.

## THE RESULTS IN CAMBODIA

With the eye toward justifying the mission, allied headquarters in South Vietnam has released the following summary of the results of the incursion into Cambodia by United States and South Vietnamese troops:

The count now stands at 6212 North Vietnamese Army and Viet Cong troops killed; 9559 weapons, 2090 tons of rice and hundreds of tons of ammunition captured.

It's an impressive list. And it will be even more impressive if this action has weakened the ability of the North Vietnamese and the Vietcong to wage war in South Vietnam.

We hope the results will enable the United States to quickly carry out its mission in South Vietnam—Vietnamization, i.e., pacification, and training of the South Vietnamese Army. And then get out.

If that's accomplished, it is hard to be against the plan. But that's the big uncertainty—even among the plan's staunchest supporters.

It has been reported that it took the enemy a year to assemble this amount of war materiel. But there's no agreement on how long it will take to replenish it. Or for what length of time their war effort will be conducted at less than normal intensity. Or how long they'll stay out of the sanctuaries.

The price of the incursion has not been cheap. U.S. losses for the Cambodian operation have been reported as 104 killed and 446 wounded. A cruel rule of military operations is that sometimes lives must be sacrificed so that many more lives ultimately will be saved. This is the President's rationale for the move into Cambodia.

Still speculation rages as to why President Nixon ordered the mission, aware of all the risks involved and the reproach sure to come from so many quarters. Opinions vary and the real reason may be a long time coming.

As a purely tactical move, however, it already appears to be a partial success. Barring some unforeseen and tragic turn of events, it should gain us some time and room to breathe in South Vietnam. Moreover, the Communists can't be sure the South Vietnamese, with our support, wouldn't take a similar action again, if they return to the sanctuaries now under attack. Now that we know the countryside better, air strikes no doubt will prove to be particularly effective.

One thing is sure, the sanctuaries will not be as secure as they were prior to April 29. For President Nixon's concept of Vietnamization and more importantly, for the American fighting men left in South Vietnam, that may prove to be an increasingly important factor.

## STRATEGY IN CAMBODIA

There are compelling reasons why Richard Nixon should be given his two months in Cambodia other than that of cleaning out the Communist sanctuaries which have fueled the attacks on South Vietnam.

In the past year, the government in Hanoi has diverted a large proportion of its dwindling economic resources from the war in the south to the reconstruction of North Vietnam itself.

It has theorized that it could afford to provide less for the war during the American withdrawal. So Hanoi was feeling reasonably hale and hearty and its general optimism over eventual victory has been reflected in the stagnated Paris peace talks.

But if the Americans can now destroy a large part of the stocks in the Cambodian sanctuaries, the North Vietnamese will have to do one of three things:

(1) They can replace their losses, which would delay the rebuilding of North Vietnam to the dismay and irritation of the people there—unless Hanoi can successfully go hat in hand to the Russians for more money.

(2) They can maintain their present balance of economic priorities, even though they know this would reduce their chances of beating the South Vietnamese when the Americans have left.

(3) They can negotiate on the terms Mr. Nixon has been offering.

Informed guessers abroad believe the most likely explanation of the President's surprise invasion of Cambodia is that he thinks he can push the North Vietnamese into one of the two latter courses perhaps with a helping hand from Alexei Kosygin, although admittedly the Russian has not been sounding as though he would cooperate.

However, it goes, President Nixon has hit the enemy hard in a place designed to hurt them in several ways. His strategy is sound and it should be given an opportunity to work without the anguished screams of those who don't understand what is he trying to achieve.

## IT'S NEVER UNPOPULAR TO WIN

Instead of the "extended debate" some of them are promising, the senatorial doves trying to tie the president's hands in Cambodia ought to be anxious to get a vote as soon as possible.

For their case is weakening perceptibly with mounting evidence that the Cambodian venture is turning out to be a huge military success. Up to mid-May, the allied sweep through the Communist sanctuaries had collected more than 10,000 rifles and more than a thousand heavy weapons.

The nearly 2,000 tons of mortar and artillery shells, rockets and small arms ammunition seized would have kept the Communist armies supplied for two years. These are weapons, shells and bullets that won't be used in any attempted Dunkerque type onslaught the Communists may have had in store for the dwindling numbers of Americans who will remain in South Vietnam as the planned withdrawal continues.

In addition to the arms, the Communists have lost thousands of tons of rice. They must rebuild their stores of arms and food before they can undertake another large-scale offensive in South Vietnam. The time required for restocking is estimated at anywhere from six months to a year. From Communist sources in Phnom Penh comes conjecture that Hanoi's timetable may have been knocked back by years because of the loss of supplies and disrupted communications.

The Communists suffered a crippling blow to their communications in their precipitate retreat. Their Central Office for South Vietnam was out of radio contact with its troops in the field, and many Communist units were

left to wander leaderless throughout eastern Cambodia.

The inconsolable doves at home will try to minimize the operation's success, of course. But consider what an agitated fluttering would have seized them if American and South Vietnamese forces had suffered a comparable disaster.

The wailing that would have gone up from the campuses and congressional halls would have been deafening. There would have been shrill demands for capitulation without further ado and for congressional investigations of the administration's military ineptitude.

But in view of the gathering indications of success, it's going to be hard for the dissenters in Congress and elsewhere to maintain that the decision was a mistake. The critics who continue to berate the administration for an undertaking that is paying off militarily are beginning to sound foolish.

Those who argue that the venture was sound militarily but in error politically are spreading a contradiction. For the political consequences of any military decision respond in the long run to the sole test of its success or failure. In war, there's no such thing as a politically unpopular victory.

Therefore the senatorial doves who hope to limit the funds available to the president through such devices as the Church-Cooper amendment had best make haste. The longer they argue against success, the sillier their arguments sound.

#### DANGER SEEN IN CAMBODIA CURB PLAN

Lots of people throughout the country—including some members of the Senate and House—seem to think that only Congress can "declare war." They construe the words "declare war" to mean that the United States cannot defend itself without the consent of Congress. But how would they answer this question:

Supposing a foreign government fired in this nuclear age an intercontinental ballistic missile and destroyed many American lives? Would the president of the United States, who is also commander in chief of our armed forces, have to wait for Congress to be called into session—it might actually be in recess—before he would have authority to take the necessary steps to defend the American people?

Incidentally, Daniel Henkin, assistant secretary of defense, told a meeting of the Aviation and Space Writers Association on Tuesday that the launching of a satellite confirms the technological progress of the Red Chinese. He warned that "prudence requires that we continue to credit them with near-term capability to fire their first intercontinental ballistic missile."

All presidents have adhered to the doctrine that it is the duty of the commander in chief to guard the territory of the United States and also to protect American lives and property abroad whenever endangered, without obtaining the consent of Congress beforehand. The Senate, however, is debating a measure which would prohibit federal funds from being used by the President in any way for U.S. ground or naval operations in Cambodia after a certain date, presumably June 30. President Nixon has already announced his intention of removing American forces by that time.

This action could do more than just affect the Cambodian situation. It could have an impact on America's military operations in the future. It could raise doubts whether American citizens abroad, who hitherto have been assured of protection when hostile countries have threatened them can depend upon such a safeguard in the future. It also could mean that aggressor countries could attack smaller nations without fear of immediate counter-moves by the United States, because of the long delay that might ensue before Congress could give its consent to a military action.

The controversy is basically political, and those who are espousing the idea of limiting the President's powers think they are making votes at home. Actually, they are building up obstacles to the exercise of American military strength where it may be needed in other parts of the world to halt aggression and fulfill American commitments.

The Senate, for instance, has ratified both the Southeast Asia Treaty and the North Atlantic Treaty, under which the United States has made commitments to aid allied countries that are the victims of aggression. If the pending measure in regard to Cambodia is passed, however, there may be doubts whether the United States will honor its pledges. In other words, all treaties will be subject to considerable question as to their effectiveness if Congress now undertakes to limit the power of the commander in chief to initiate military steps when he deems them necessary to carry out American obligations.

There has always been a close interrelationship between Congress and the President when military operations start. As the war in Vietnam began to expand, former President Lyndon B. Johnson asked Congress for specific authority. Both Houses, by an overwhelming majority, passed the Gulf of Tonkin Resolution to permit the United States to help Southeast Asian countries to fight against the "systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors."

Once the Cambodian operation is completed, which probably will be by the end of June, the anti-war sentiment may stimulate groups in Congress to push legislation to require the termination of our participation in the Vietnam war itself by compelling a withdrawal of all our troops by a certain date. This would be a risky step for the United States, and could encourage aggressors to start more trouble in Southeast Asia and elsewhere. The Administration will certainly oppose any such legislative moves and will point out to the American people the dangers involved.

#### NIXON'S GAMBLE IN CAMBODIA SHOWS TREMENDOUS PROMISE

First, some facts:

Item: The South Vietnamese and U.S. troops in Cambodia have taken above 10,000 individual and crew-served weapons—or about two years of resupply for all the 101 enemy battalions in the southern half of South Vietnam.

Item: They have also taken above 11.5 million rounds of rifle and machine-gun ammunition—or about a year and a half's supply for all these enemy battalions in III and IV Corps.

Item: Of rocket, mortar and recoilless rifle rounds, they have taken well above 50,000—or enough for about 6,000 of the little attacks by fire which are customarily reported as great enemy "offensives" when they are bunched together in a "high point." By the standards of the high points of the last six months, the North Vietnamese have therefore lost the essential ingredients for over eight years of these pseudo-offensives.

Item: Some 7,000 enemy troops have also been killed, and 1,731 have been taken prisoner, against negligible U.S. losses and quite small South Vietnamese losses. In numbers, the enemy losses are nearly equivalent to the whole of one of the three North Vietnamese divisions Hanoi had stationed in the Cambodian sanctuaries.

To these remarkable totals, far more could be added. But there is enough here, first of all, to prove that President Nixon's courageous gamble in Cambodia is currently being as grossly misrepresented as the enemy's desperate offensive at Tet, in 1968. One case is in fact the reverse of the other.

Tet was initially portrayed as gigantic disaster for the United States and its allies.

In the outcome, it proved to be a gigantic disaster for Hanoi. As to the Cambodian gamble, although the final outcome must be awaited, it is currently being portrayed as a sad failure. Yet on the basis of the results to date, it promises to be the most brilliant feat of U.S. arms since the Inchon landing in Korea.

Almost better still, it promises to be a brilliant feat of South Vietnamese arms. Here there is another irony. The same disaster-mongers who misrepresented Tet and are now misrepresenting Cambodia, used to have an easy way of spending a dull day. On such days, they would describe the cowardice and incompetence of the South Vietnamese 25th Division.

In the present offensive, this was the point division, and its officers and men have fought with conspicuous courage and efficiency. But so far as one knows, none of the disaster-mongers has made a public apology to the ARVN 25th, or indeed to any of the other South Vietnamese troops who have been doing equally well. Yet the general excellence of ARVN's performance in Cambodia again ought to be news by any standard, especially in view of the President's Vietnamization program.

There are some pretty ugly things one is tempted to say about all this. But it is perhaps better to examine the reasons the Cambodian gamble now has such tremendous promise.

It will no doubt come as news to many senators, but the fact is that even the enemy's troops really cannot go on fighting without guns and ammunition. In Cambodia, we have now scooped up all the guns and ammunition and many other things that were destined to nourish the enemy's war in III and IV Corps for much more than a year.

Unless Hanoi can perform miracles of resupply, therefore, the war in the lower half of South Vietnam should now begin to wither away by stages. Genuine miracles will be needed to avert this result, moreover, because there is no doubt, any longer, that virtually all the supply for III and IV Corps has been coming by sea, through the Cambodian ports, for a very long time.

This is proved by the labels in the caches in the sanctuaries; and this lends enormous significance to another crucial fact. The President's gamble has decisively closed the Cambodian ports to the enemy, and it can be flatly predicted they will be kept closed, no matter what happens.

No increase of effort on the Laos trails can possibly compensate the enemy for the loss of Sihanoukville. This loss, in fact, should be even more upsetting to the Hanoi war-planners than their loss of far more than a year's supply for their units in III and IV Corps.

The North Vietnamese troops in Cambodia, finally, have been giving every sign of desperate disorganization, to the point of repeated disobedience of the anguished orders of the high command. Despite further misrepresentation on this head, moreover, there is no shadow of a present threat to Phnom Penh.

But the future of the Lon Nol government at Phnom Penh remains the uncertain factor. This is what makes it needful to wait and see whether the Cambodian gamble will finally fulfill all of its present promise.

#### COOLER LOOK AT CAMBODIA

"The Americans and the South Vietnamese have scored a major, perhaps a decisive victory with their combined operations in Cambodia . . .

"The scale of the victory could even lead to some sort of genuine peace negotiations—but on very different terms from those being discussed three weeks ago, when the offensive began."

This is not the reporting of some gung-ho American correspondent or the conclusion of some "brainwashed" American politician

desperately clutching for something to justify his support of White House policy. It is the opening of a dispatch from Murray Sayle, perhaps the most outstanding and seasoned of the stable of younger correspondents maintained by The Times newspapers in London. He was filing from Phnom Penh. His assessment is all the more remarkable because there is a perhaps built-in British tendency to be astringent in judging American actions overseas, and because The Times initially voiced the opinion that President Nixon's Cambodian decision was "one more step to disaster."

Of course none of this means the United States or the South Vietnamese are out of the woods in the struggle in Indo-China. The other side is still too resourceful for that. Neither does it mean President Nixon's confrontation with the protest movement is likely to be over by the end of the summer. What it does mean—as Mr. Sayle says—is that there could now be "some sort of genuine peace negotiations." But where?

There is already the forum of the talks in Paris, involving Hanoi, Washington, Saigon and the South Vietnamese National Liberation Front (NLF). The Hanoi/NLF team called off last week's session of the talks in protest against American/South Vietnamese operations in Cambodia. Significantly, however, the other side gave no indication of breaking off the talks for good—perhaps because they recognize that, with their setbacks in Cambodia, they might now be better served by a compromise solution than by continued stalling.

But the Paris talks are concerned only with Vietnam, and the war has now clearly become an all Indo-China war and not just a Vietnam war. Should the forum then be a revival of the 1954 Geneva conference on Indo-China? For many reasons this would be better than Paris. It is in fact what Washington has intermittently suggested and what one of the conference cochairmen (Britain) has sought to interest the other (Russia) in. But the Russians have repeatedly stalled. In any case, there is some doubt, in today's circumstances, whether China—whose participation is essential—would join in a meeting under part-Russian sponsorship to settle the affairs of Southeast Asia. So what else?

Well, there is always the team of three—Indonesia, Japan, and Malaysia—set up at last week's 12-nation Jakarta conference on Cambodia. The conference had its ups and downs from the moment the Indonesian Government proposed it. Communist countries, although invited, boycotted it. But the gathering wisely kept itself in a low key and ended up by establishing the team of three to work for peace. If both Indonesia and the three-man team can be seen to be working independently of the Americans, this modest initiative in Jakarta could yet prove one of the little acorns out of which great oak trees grow.

#### U.S. WINS MORE THAN MILITARY VICTORY IN CAMBODIA

What militant doves fail to understand, just now, is this: by taking the Communist bases along the frontier of Cambodia, President Nixon has won the greatest victory of our decade-long involvement in Southeastern Asia. But perhaps some of those doves don't desire American victories; perhaps they smile upon the ideologies of Hanoi and the terrorists of the Viet Cong.

At the end of the third week of the Cambodian campaign, American and South Vietnamese forces had beaten the enemy dramatically, at small cost. More than 7,000 Communist troops had been killed, and an unknown number wounded or captured: this is the equivalent of destroying two divisions of North Vietnamese and Viet Cong. American and South Vietnamese losses were slight.

But this military achievement is only incidental to several larger successes achieved by taking the offensive along the frontier. Those other gains exceed anything accomplished by the Americans and their allies in all the long Vietnamese struggle.

First, the Nixon offensive against the Communist bases in Cambodia has made it far easier to withdraw 150,000 more American troops by the end of this year—without exposing South Vietnam to Communist conquest. Hard hit and bewildered, Hanoi's troops will be unable to undertake a counter-attack along the Cambodian front for many months to come—during which time American disengagement can proceed as Mr. Nixon has scheduled it.

Second, the government and the army of South Vietnam have been mightily heartened by this victory, and can act with more confidence and better prospect of continuing success than ever they enjoyed before. They soon should be able to assume most of their own defense.

Third, the Cambodian government at Phnom Penh, headed by Gen. Lon Nol, has been saved from the Communist onslaught. That government has been given precious time in which to organize effective resistance to Viet Cong and North Vietnamese forces. Time was mostly what the Cambodians needed; for the Kymers, detestation of Vietnamese should suffice to squelch a guerrilla war like that in Vietnam, provided that Lon Nol is able to repulse in this hour of crisis the 40,000 Communist troops that have invaded his country.

Fourth, the Communists' stocks of munitions and food have been captured, in vast quantity, and their bases in eastern Cambodia have been overrun. Withdrawn to the interior of Cambodia, the enemy soon will be desperately short of ammunition and rice. And our forces have cut, at least temporarily, the routes by which supplies come down through Laos.

Fifth, the Nixon offensive has made it virtually impossible for the Communists to mount any assault upon the neighborhood of Saigon until the monsoons are over. And the Viet Cong in the Mekong Delta are cut off from reinforcements and supplies.

Sixth, Hanoi and the Viet Cong have suffered a vast loss of face throughout Southeastern Asia. Not only Cambodia, but Thailand and other states are heartened to resist the Communists—who now clearly are vulnerable, when one carries the war to them.

Finally, Soviet Russia has been informed, through this Cambodian action, that the United States is not a feeble giant; that America can strike promptly and with great power, when necessary. This will diminish the Russian proclivity to aid the Arab states against Israel; and it should incline Moscow toward more serious negotiations in the SALT talks and elsewhere. In the long run, President Nixon's decision to act in Cambodia will be understood as a bold measure that improved the prospects for peace.

#### A DIFFERENT SCENE

Just before the drive in Cambodia began, a South Vietnamese colonel released some long-pent-up anger on his chief U.S. adviser. "You Americans think the North Vietnamese are gods!" he shouted. "You should give us a chance to fight as they do—on someone else's land. We would amaze you." By last week, after a month of campaigning on Cambodian soil, the colonel's words were beginning to sound prophetic. For many U.S. military men, if not exactly amazed, were extremely pleased with the performance of the South Vietnamese armed forces in Cambodia. "The rabbits," observed one American, "have turned into tigers."

Not that the South Vietnamese have chewed up the North Vietnamese or their Viet Cong and local Communist allies in any

conclusive fashion. Indeed, the Communist troops, in accord with the Maoist guerrilla maxim to retreat in the face of superior forces, have chosen to avoid major confrontations. But nevertheless, the South Vietnamese have done exceedingly well when the enemy has elected to stand and fight. In the process, the South Vietnamese have moved steadily into Cambodia, and last week—with the capture of the important rubber plantation town of Chup and the consolidation of their positions south of Phnom Penh—they were in control of vast stretches of rice-rich, densely populated land to the east and south of the Cambodian capital.

One of the ironies in this, according to a high-level U.S. military source, is that the South Vietnamese Joint General Staff was originally horrified at the idea of engaging in a massive thrust into Cambodia. It was only after the General Staff was given direct orders from President Nguyen Van Thieu that it reluctantly prepared the battle plans. "Not only were they excellent plans," said the American, "but they were brilliantly carried out." Those plans called for (1) a multi-division ground operation and (2) a search-and-clear sweep up the Mekong River all the way to Phnom Penh by a combined force of all four of Saigon's military services—the army, navy, marines and air force. Such complicated, large-scale maneuvers were new to the South Vietnamese. But both, so far, have been carried out in Cambodia with hardly a hitch.

Route: The aggressiveness of the South Vietnamese troops, once a sore point with U.S. advisers, is also getting better marks. In one case, a company of South Vietnamese hiked a risky 10 kilometers at night to surprise and rout a bigger force of North Vietnamese the next morning. Such a maneuver would have taken the South Vietnamese Army of yesteryear several days and a regiment to execute. And there is no concealing the pleasure that Saigon is taking in its recent military achievements. "No one can say now that we lack fighting spirit," says Minister of State Phan Quang Dan.

If the willingness of the South Vietnamese to seek the enemy and join him in battle has been impressive, so too has been their impeccable military discipline. In the South Vietnamese encampments near Cambodian towns, tents are pitched symmetrically, trucks are lined up, latrines are dug and garbage is actually buried. And despite earlier fears in Phnom Penh, the South Vietnamese have behaved with remarkable restraint toward the Cambodians. Rape and looting have been rare, and for the most part South Vietnamese troops have carried out orders not to display their own national flag unnecessarily. "Can you imagine," asks one U.S. major, "Americans strolling into a country where other Americans had been slaughtered and not even flying their flag?"

What has happened to transform the once-maligned South Vietnamese troops? It is simple," says an American military adviser. "After twenty years of what has always been essentially a defensive war, the southerners have finally gone on the offensive. They are fighting in someone else's backyard and happy to be there." Morale has soared, and truckloads of South Vietnamese have roared into battle in almost a holiday mood. Moreover, there is little doubt that the South Vietnamese—after years of being condescended to by the Americans—are delighted to show the ragamuffin Cambodian Army what real fighting men are like. Echoing U.S. views of the ARVN, South Vietnamese Brig. Gen. Nguyen Ba Di remarks: "These Cambodians wouldn't be bad fighters if they had the right equipment and good leaders."

But the leadership and equipment, as well as high morale, do not fully explain the South Vietnamese success. There is also the very major factor that the Cambodian campaign is exactly the kind of conventional

operation—capturing towns, ferry crossings and rubber plantations—that the South Vietnamese Army has been trained for but has rarely had the chance to carry out. In Cambodia, the South Vietnamese do not have to worry about the effect that blowing up a town will have on the pacification program. And they can take to the paved roads with tanks and armored personnel carriers and highball from one Cambodian town to another just as their Yankee mentors did in World War II. An added joy is that the enemy has not had the time to seed the roads and jungle with mines and booby traps.

All this, of course, raises the question of just how relevant the South Vietnamese military experience in Cambodia is to the situation at home, where fighting conditions are vastly different. "The fact that the South Vietnamese are good at this type of operation," says one Western diplomat, "doesn't mean they'll do a good job back in Vietnam." Nor, for that matter, does it mean that they will ultimately emerge triumphant from Cambodia. So far, the South Vietnamese have done their job in Cambodia with considerable flair and effectiveness. But they have not by any means destroyed the enemy, only driven him to cover. The North Vietnamese still have powerful forces in the Cambodian countryside surrounding many of the South Vietnamese positions. And if the South Vietnamese should become bogged down in the monsoon rains expected this month, then the North Vietnamese might well try to deflate the newly puffed-up ego of their enemies.

#### HOUSE TRADITIONS MAKE VOTE ON WAR UNLIKELY

(By Shirley Elder)

Unless some major changes occur in the next few months, it is doubtful that there will be a recorded vote in the House on the issue of the Vietnam war, no matter what the Senate does or what happens in Southeast Asia.

This is not because the issue will not be raised. It certainly will, both in House anti-war efforts as appropriations bills come to the floor, and in House consideration of whatever Senate amendments are adopted.

But House rules and traditions are so rigid that nothing short of a minor revolution is going to change them.

A chief factor is that most House business is conducted in what's known as the "committee of the whole," where no record is made of the votes of individual congressmen.

#### BORROWED FROM BRITISH

The procedure was lifted from the British parliamentary system, where informal votes were designed to protect legislators from the king's recriminations.

There are three kinds of votes in the committee of the whole: voice, where each side hollers "aye" or "no"; a division, where the members stand to be counted, and tellers, where each congressman files down the center aisle to be tallied.

A recorded vote, with all names listed in the Congressional Record for all to see, is possible in only two situations.

First, if an unfriendly amendment is adopted in the committee of the whole, a bill's floor manager can demand a roll call when the House resumes regular business.

Second, a roll call is possible on a motion to recommit, which traditionally is handled by the minority party as a last chance to kill or alter legislation by sending it back to the original committee.

On the question of the war, however, Republican and Democratic leaders join in support of the President. The minority party does not, in this case, represent the "opposition" viewpoint. The motion to recommit becomes meaningless, and liberal war foes are frustrated to the point of rage.

Grumbling that war backers lack the courage to be counted publicly on the war, the doves have turned to a confusing alternative, something known as the "previous question."

Normally, the previous question is ordered routinely, without challenge. It simply clears the way for a vote on the pending legislation. The speaker announces: "The previous question (namely, the vote on the bill) is ordered"—and the House votes.

However, if the House refused to order that vote, by not agreeing to the previous question, the bill again would be open to amendment, this time without the protections of the committee of the whole: votes would be recorded.

So, liberals have begun demanding roll calls on this procedural move: a "no" vote is interpreted as support of whatever liberal amendment is being pushed. Thus, the only record vote supporting the supersonic transport the other day actually came on a previous-question tally. Liberals, trying to kill SST funds, came closer than they ever have, losing 176 to 163.

Similarly, the only vote on whether to restrict funds for sending American troops into Cambodia came on a move to order the previous question. Doves lost, 248 to 146, but in losing, they hit a new high in anti-war sentiment.

Critics of the war find it difficult to explain why the House is more hawkish than the Senate. Part of the answer rests with the leadership. Both Democratic Speaker John W. McCormack and GOP Leader Gerald R. Ford feel Congress should do nothing to tie the hands of the chief executive on matters of national security.

Leading House doves argue the leadership is running behind the country. They say they sense a changing mood throughout the nation and they warn that House members who refuse to see this will find the voters refusing to send them back to Congress.

Still, the doves mustered only those 146 votes on a major test of sentiment shortly after President Nixon appeared to escalate the conflict by sending U.S. troops into Cambodia.

Of the 146, 116 were Democrats, a minority of the House Democrats.

War foes protest, however, that these test votes, coming on procedural questions, never really come to grips with basic issues.

Rep. Donald M. Fraser, D-Minn., chairman of the liberal Democratic Study Group and a spokesman for those who oppose the war, has launched a campaign against these rules, which he says deprive the liberal minority of an opportunity to force a Vietnam vote.

There are three main targets—the refusal to record teller votes, the fact that motions to recommit are offered by top minority members of a committee who often do not represent the true minority, and the practice of permitting those same senior members to allocate debate time.

As ranking Democrats and Republicans on each committee grow old together, their philosophies often blend into uniformity. Four come to mind: Armed Services, Appropriations, Judiciary, Foreign Affairs.

Fraser tried and failed to alter the time-honored procedures when the House took up the military construction authorization bill. He wanted discussion time reserved specifically for the true "minority" on military matters—in this case, the liberals from both parties—and he wanted the House to permit a dissenter to offer the motion to recommit, or kill certain portions of, the bill.

It didn't work.

Fraser's followers had to turn to the "previous question." They lost, as anticipated.

The maneuver certainly is not the simplest way of legislating, but it's all the out-voted and out-ranked liberals have. It still leaves doubt over how the House really feels. Presumably, some vote for or against the previous question because of their personal

feelings on using procedural matters as test votes.

Clearly, a majority of House members do not want to vote on whether to support Nixon in Southeast Asia and, almost as clearly, a majority do support the President. By failing to permit a clear yes-no vote, however, the House allows the question to remain muddy and lets the President interpret its actions anyway he wants.

Mr. STENNIS. Mr. President, is it convenient for the Senator to yield to me?

Mr. BYRD of West Virginia. Yes, it is.

Mr. STENNIS. I thank the Senator.

Mr. President, I would request, if the Senator could, and if it is agreeable to him, that he yield to me for 10 or 12 minutes so that I may comment on the amendment.

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from Mississippi with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered, and the Senator from Mississippi is recognized.

Mr. STENNIS. I thank the Senator from West Virginia, and I thank the Senate, too, for permitting this interruption.

Mr. President, I have been vitally interested in this entire subject since the highly important Church-Cooper amendment became the pending question. It represents the thought of two of our very finest and among our most able Senators. We all cherish them and appreciate their efforts in trying to get this problem solved. I am delighted with the way they have carried on this debate.

But to me, as I see the operation of this war, how we got into it, how we have carried it on, and what a prominent part the sanctuaries have played, it looks as though, if we are going to stay there—and I do not believe in turning and running—it is fortunate that we had the decision made by the President as Commander in Chief, and also as President of the United States, that this sanctuary in particular had to be destroyed.

Mr. President, I have been satisfied for years that the sanctuary system there is our primary obstacle in bringing this conflict to a termination; of bringing this conflict—and it is an unfortunate conflict—to a successful termination of some kind. I think the success of taking over this sanctuary has proven beyond all doubt the practical wisdom of the President's decision to go in there. He did not know how it would result. No one else did. But that was one of those cases in which a decision had to be made, and he made the hard one. Without going into the figures again, I think the action is highly successful.

As one who has been fairly close to this war all the way through, I think the movement of our troops in going in and destroying the sanctuary made the difference, for the time being, with respect to continuing with our withdrawal program. In other words, I believe the plan was in jeopardy. I had the feeling, before I ever heard about the invasion of Cambodia, that we were getting down to a narrow margin of being able to withdraw safely, leaving the men who were still there able to protect themselves. So for those reasons I greatly welcome what was done.

On the very practical side of this question, I do think a constitutional question is involved, and in this way: I have said before on the floor of the Senate that Congress certainly has the power to appropriate money or to withhold money. But if we are already in a war and men are going forth to battle—and certainly this matter has jelled into 4 or 5 years of actual fighting—then, so long as the battle is going on and boys are ordered to go in and sacrifice their lives, if necessary, in battles there every day, I do not believe any proviso Congress puts in a bill, appropriation, or otherwise, is binding on the President or the Commander in Chief. I do not conceive that we could have the authority to say, "Go on with the battle, the money is here, but don't hit the other fellow back." That is about all we are doing in the sanctuaries.

I do not believe the President ought to be put in a position of having to decide whether that proviso is valid or not. Every President wants to obey whatever Congress enacts. I am not suggesting that the President would fail to obey it—the very opposite of that—but it proves to me that he could not be bound by it, within the laws of reason and carrying on a war in a battlefield there in which we are trying to proscribe or limit him. To me, that is not only a question of great concern, but it involves a precedent that would plague our country and future Presidents. In all the ups and downs and wars we have had, there has never been a Congress that undertook to pass a law that proscribed and limited the President of the United States as to a battle that was already going on. That certainly is a physical fact.

I highly commend the Senator from West Virginia. I have been groping all the time as to just what would be the proper amendment to offer on the point that I am discussing, in order to put this whole matter in issue and make it decisive. I think the Senator from West Virginia has come up with the exact language, the proper language, the language with the proper meaning. It does not go too far, but it goes far enough.

ADDITIONAL COSPONSOR

Mr. STENNIS. Mr. President, I heartily support the amendment; and, if I am in order now, I ask unanimous consent that I be permitted to join the Senator from West Virginia as a cosponsor of his amendment.

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

Mr. STENNIS. I thank the Senator. I had asked him a few hours ago if that would be all right. I thank the Senator for his attitude.

Mr. BYRD of West Virginia. Mr. President, if the Senator from Mississippi will allow me, I thank him for his support of the amendment, and I am grateful for his cosponsorship. He is a great Senator, a powerful Senator, a highly respected Senator. I am pleased that he has asked to join as a cosponsor and that this request has been granted.

Mr. STENNIS. I certainly am grateful, and I thank the Senator very much.

Mr. President, to continue, other Senators are as much concerned about the

Constitution as I am, of course. But I point out again that phrase in the Constitution, "the Commander in Chief," has a real meaning.

The question was, as I gather from what I have read about the Constitutional Convention, that the delegates could not agree upon how they would select, particularly in wartime, a commander in chief; and they never did agree upon a system of selecting a commander in chief. They finally settled on the idea that the Chief Executive of our Nation would be the Commander in Chief.

The argument was made that while everyone had in mind George Washington for our first President, we would have future Presidents who were not militarily trained. However, they decided it did not make any difference. They wanted the authority placed there, and the President could act on the advice and counsel of others.

So this is a constitutional office, to the same degree that the Presidency is a constitutional office, though the same man occupies both.

To be frank about it, can anyone imagine the First Congress putting limitations on George Washington with reference to a battle that was already in progress? More recently, we can hardly imagine Congress putting limitations upon the late President Eisenhower as Commander in Chief of all allied forces in World War II. Such thoughts the mind rejects immediately.

But the principle is just the same. I do not think this is an attack on President Nixon personally; I want to make that clear. I do not think so at all. But I am not pleading for President Nixon. I am pleading for the office of the Presidency of the United States and for the office of Commander in Chief.

Moreover, there is no doubt in my mind that continued use of this power is necessary for our withdrawal program, which I pray will be successful, and I have some belief that it will.

Frankly, I never have flatly stated that I believed unconditionally this is the way, and the only way. But I want to back it, and I shall back it as long as I can. I believe that we are on the way to success. But we ought not to stop here and argue too long, now, about whether the Commander in Chief should have gone in here or gone in there. If we are going to back this war that we have been in for 5 years, we have got to have somebody to make those decisions.

Going over into another country, though, is a serious matter. Crossing a boundary line for any reason is a serious matter, and should give pause for a second thought. I am sure it did in this instance.

But, what is that territory there that we have been in and may have to go into again after we retire? That territory lost its neutrality years ago. It has lost all of its normal characteristics of being a part of an independent nation. The Cambodian Government was either willing for this sanctuary to be there, or else could not prevent it. So it had lost all aspects of its neutrality. It had long ago lost all aspects of its independence as a nation;

instead, it was an arsenal—an arsenal for supplies, of weapons, military hardware of all kinds, essential ammunition for replenishment of the army, retraining—well, I do not know that there was much retraining done there, but there was a reconstituting of the fighting units. Virtually everything that needed to be done in making a war was done there except the basic training and, of course, the industrial production that has to be behind it.

So it lost its neutrality. It lost its identification as a part of a nation that could maintain its sovereignty. It was an arsenal for the production of war. Against whom? Against us. Against our men that we were having to send into those battles day after day after day—including, of course, our other allies.

Can we say now, on the floor of the Senate, regardless of our good intentions, that we are going to reach out, stay the hand of the President, and say to him, "Oh, we are going to back you, except that on this battlefield we are not going to let you have freedom of judgment, in this very vital spot"?

I know we accept in good faith the intentions of the President to come out of there by a certain date. But what President can guarantee, in a war, that he will be able to carry out exactly what his plans are? What President, at any time, has ever been able to guarantee that this same problem will not redevelop? Of course no one can.

If we adopt the Church-Cooper amendment, regardless of the fine words that are in it, it is going to tie the Commander in Chief down to where, regardless of what develops in that sanctuary or anywhere else that has these countries' names tied to it, he cannot move, even during a battle, to protect men who are engaged in that battle, and he cannot move into such areas to continue our withdrawal program.

So in those circumstances I say we must, in some way, stay the legislative arm until we have taken a second thought. I am willing to go as far as anyone else with trying to maintain and protect the legislative power; but that is not the issue here now. We are already in war. We are already in those battles, and we are not demanding that all those men be brought home. Few, if any, Senators have taken the responsibility of advocating that. Instead, over and over again, nearly all of us have approved continuation of the war.

I am not casting any "I-told-you-so's," or saying to any Senator that he should have voted a different way. Senators voted the way they thought they should have voted at the time. Over and over, we have passed authorization bills and appropriation bills to do what we, in our hearts, did not favor or did not want to do. But, as is almost always true, the law of necessity operated on us, and we went ahead and did these things.

To that extent, we cannot say now that we did not give the former Presidents the authority to do the very things that they have been doing, in a general way. I do not refer only to the Tonkin Gulf resolution. Suppose we had not passed it. We have given this consent over and over

again, and now it is certainly not very—well, I do not like to use the word “consistent,” but it is not in keeping, I submit, with our responsibilities in view of what we have already done, to approach this problem in this way.

I would rather see a resolution demanding a complete and immediate withdrawal than to see one that would keep our men on the battlefield, but still not give their Commander in Chief some freedom of judgment in their protection.

I am choosing my words carefully now. I think it would be better, even, to set a future date for a complete withdrawal than it would be to say to the President, in effect, “Keep on fighting, keep on sending our men in.”

“You can do it, but don’t dare step over that imaginary line to destroy the sanctuaries which they not only have built up as an arsenal of supply but also have used as a refuge to hit and run.” That has been our drawback, as almost everyone knows, all during this war.

I have no more knowledge about the sentiment of the people than anyone else. As chairman of the committee, I have received a great deal of mail—mail from my home State and other mail. I am not thinking in terms of any particular letter. I am thinking now in terms of the way I interpret the feeling, the expression, on the street, in the buses, at the crossroads, at the ball games. I have traveled somewhat throughout the country while this amendment has been pending. With their good, old common-sense, the American people, by and large, know that if we are in war, someone has to direct the war. They know that. We cannot fool them. We cannot fool the people at the crossroads in the United States on that point. We cannot fool the housewives and the mothers of these boys. They know someone must direct the war if you were going to be in it. They know, too, that it cannot be directed by a multiheaded body such as Congress. They understand that fully.

They may not know exactly what “Commander in Chief” means. Many of them may not realize, without being reminded, that this is a constitutional function. But they know that a government must have a head, a war must be run, and someone must have the final say. If they do not realize the wording of the Constitution, they know what the custom is, and it is that the President has the final say.

Another thought goes with that, just as night follows day, and it is this: If we are going to stay in that war and are going to send our boys into battle, we want the President to have the authority necessary to carry out the combined judgment of himself and his advisers. There is no escape from that.

There has been talk about the mass of mail and the marching. I am distressed, too, that we are in war and that our people are disturbed, and I do not blame them. But when we allow for the x percent of them who are making the noise and doing the marching—much of it in good faith—the great body of the people have the capacity to come to a judgment based on common sense. They know, as I have said, that in a war some-

one must be in charge. They know that it cannot be Congress. They do not want us interfering and limiting and restricting this power as it relates to carrying out the function, the fighting, the planning, and the activities on the battlefield.

I believe that time will prove whether we should adopt this amendment. I do not think it will be adopted. I do not believe Congress will ever adopt the concept of the Cooper-Church amendment in whatever wording. But in the event the Senate should adopt it, I believe it would prove to be a mistake; that just that much would be an injurious precedent. The injury would start flowing to us immediately. It would start more quickly than on the battlefield—in the embassies and the chancelleries and with the heads of government all over the world, both friend and foe. It would be unprecedented that a responsible body such as Congress, when we are in this predicament, would try to restrict, by words and limitations, the authority, the judgment, and the discretion of the Commander in Chief.

I think there would be great glee around the council tables of our enemies, our adversaries, and those who are not in sympathy with us and against us, and it would be a victory for them. I think we would immediately start taking a downward turn in any chance to get a settlement, a reasonable settlement of any kind, in this unfortunate war. I believe it would create doubt among our friends. But I am more concerned about the formidable strength and determination it would give to our adversaries, to keep up their plan to continue this war as long as they can, with as much cost to us as they can. Every day they are able to do that, it is a victory for them. They do not expect to annihilate us and to overrun our armies. They want to take a toll of a different kind.

As long as we are going to stay in, instead of thinking of ways to restrict the President of the United States, I think we should be thinking of ways to back him and support him. That is the American way. Like him or not, that is another question. Support him or not at the polls, that is another question. But when the pressure is on us and the crisis is on and our boys are going into battle, God save us from the day that we try to decide things both ways—to be in a war but to be wishing ourselves out of it.

War is war, a noted journalist said, but there are much worse things than that about war. It is bad at best. But certainly this amendment is not the way out.

I believe that the Senator from West Virginia has hit the nail on the head. Regardless of what may happen to the rest of this amendment, the law, of necessity, requires that this proviso be put in: Nothing in subsection (a)(1) shall preclude the President from taking such action as may be necessary—of course, that means in his judgment—“to protect the lives of U.S. forces in South Vietnam or to hasten the withdrawal of U.S. forces from South Vietnam.”

The last part is the hope of our Nation today, and if we are going to re-

strict that, we ought to abandon the withdrawal program entirely and say we will try it another way.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. BYRD of West Virginia. Will the distinguished Senator allow me to state that the word “hasten” has been deleted and the amendment has now been modified, at my request, to read “facilitate.” The word “hasten” has been deleted, and the word “facilitate” has been inserted in lieu thereof.

Mr. STENNIS. I thank the Senator. I did not know of that change. I think it is a better word.

Mr. President, I have concluded my thoughts for the time being. I thank the Senator from West Virginia for yielding to me. It is a privilege to join in cosponsoring his amendment.

Mr. BYRD of West Virginia. I thank the Senator for his very able statement and I thank him again for cosponsorship of the perfecting amendment.

Mr. President, I ask unanimous consent that my amendment, as modified, be reprinted. I make this request as a result of the colloquy which I have just engaged in with the Senator from Mississippi.

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

Mr. BYRD of West Virginia. Mr. President, I would also ask that the pages take off the desks of Senators all my previous versions of amendments, so that tomorrow only the reprinted version of amendment No. 667, as modified, will lie on their desks as an amendment by the junior Senator from West Virginia.

The PRESIDING OFFICER. Without objection, that will be done.

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

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

Mr. GOLDWATER. Mr. President, I commend the Senator on the excellent amendment he is offering. I think that the acceptance of this amendment will do much to undo the damage that can be done by the Cooper-Church amendment not only in regard to the waging of this particular war, but also because of the precedent it can set.

My personal feeling is that if we are concerned about the Constitution’s charges to the Congress relevant to raising and maintaining armies and navies and providing for them and governing, and so forth, if some Senators believe that this power does include strategic and tactical decisions and the strength to enforce decisions, we should approach the matter with a constitutional amendment so that we do not establish a precedent that can be used any time the President uses his power as Commander in Chief.

Likewise, on the amendments that will be offered after we decide the pending amendment relative to the power of the President, I think we should also approach that question with a constitutional amendment and allow the Senate to act on it and then have it go

through the several legislatures for action by the people.

The Senator from West Virginia has offered an amendment that I think is absolutely necessary. I think we would destroy not only the confidence of our own people in the presidential power, but we would also destroy the confidence of our friends around the world if we were to willy-nilly pull out of Cambodia on June 30 and then have the Cooper-Church amendment apply and the President not be able to go back in to protect the lives of American servicemen or American nationals who might be in that country on missions of state or business or otherwise.

#### ADDITIONAL COSPONSORS

Mr. GOLDWATER. Mr. President, I congratulate the Senator. I intend to support him on this amendment. If the Senator would not object, I would like to have my name included as a cosponsor.

Mr. BYRD of West Virginia. Mr. President, I am grateful for the statement by the Senator from Arizona (Mr. GOLDWATER). I welcome his support.

Mr. President, I ask that the name of the Senator from Arizona (Mr. GOLDWATER) be included as a cosponsor of amendment No. 667.

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

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

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

Mr. DOLE. Mr. President, if the Senator from West Virginia has no objection, I, too, would wish to become a cosponsor of the amendment.

Let me say, as the Senator said some time ago, that I think I hold about the same views with reference to the Cambodian incursion as the Senator from West Virginia.

I have said publicly, as the Senator has, that I would not support the incursion into Cambodia if the purpose was to shore up the Lon Nol government or to become engaged in another land war in Cambodia, as much sympathy as I might feel for the Cambodians.

I do share the views of the Senator from West Virginia that it is necessary to protect American forces and is necessary to continue the withdrawal from Southeast Asia and, if possible, to expedite these withdrawals.

These worthy objectives have been stated by President Nixon many times.

I view the Senator's amendment as the key amendment of all that have been offered or printed to date.

I think very clearly that we are now down to the area with reference to the Cooper-Church amendment where we decided who is the Commander in Chief, whether it will be the President, as stated in the Constitution, or whether it will be, as the Senator from Mississippi said a few moments ago, a body of men in Congress.

I share the views expressed by the Senator from Mississippi that most Americans understand that some one person must have that power, some one

person must have that right. I believe that the amendment proposed by the Senator from West Virginia strengthens the Church-Cooper amendment. I do not believe that it vitiates it.

I believe that it makes it very clear, as many Senators have said on the floor time and time again—in fact, many sponsors of the Church-Cooper amendment have said so—that the President has the right to protect American troops in any event.

If he has that right, if that is a clear-cut right and power that the President has in accordance with the Constitution, then, it does no harm to the Church-Cooper amendment to write that in the amendment.

As the Senator suggests, it strengthens the hand of the President and indicates to the American people that Congress does share the responsibility. I believe that it would offer a very appropriate and very reasonable and very legitimate compromise.

Mr. President, I strongly support the amendment offered by the Senator from West Virginia. I think that with reference to the amendment voted on earlier today, the amendment of the Senator from West Virginia is broad enough to provide the protection necessary to Americans who may be prisoners of war or Americans who may be missing in action.

I know that the Senator from West Virginia shares the same views as every other Senator with reference to these unfortunate men.

If the Senator has no objection, I would appreciate the opportunity of joining him as a cosponsor.

Mr. BYRD of West Virginia. Mr. President, I not only have no objection, but I also welcome the cosponsorship by the able Senator.

Mr. President, I ask unanimous consent that the name of the Senator from Kansas (Mr. DOLE) may be included as a cosponsor of my amendment No. 667, as modified.

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

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

Mr. BYRD of West Virginia. I yield to the distinguished Senator from Wyoming (Mr. HANSEN).

Mr. HANSEN. Mr. President, it has been my great privilege to admire the diligence and the understanding that the Senator from West Virginia has brought to the Senate since I have been a Member.

It has given me great pleasure and satisfaction to note from time to time his eagerness always to place the interest of our country above those of any partisan considerations.

I have supported the Senator on more than one occasion, as he knows.

If it is in accord with the wishes of the Senator, I, too, would like to ask that my name be added as a cosponsor.

Mr. BYRD of West Virginia. Mr. President, I had hoped that the Senator would ask that his name be included as a cosponsor.

Mr. President, I ask unanimous consent that the name of the able Senator from Wyoming (Mr. HANSEN) be added as a cosponsor of my amendment No. 667.

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

Mr. HANSEN. Mr. President, if the Senator would yield further, let me say at the risk of being repetitious that I think the Senator's amendment spells out very clearly, and precisely, exactly the thoughts that have motivated the President of the United States in taking the actions he has taken in Cambodia.

As I have said from time to time, it seems obvious to me that if we will but reflect objectively upon the involvement of this country in Southeast Asia, we cannot escape the conclusion that we are fighting the same enemy that we have been fighting over there for a number of years. There is no difference. It is the same enemy that we have fought all along.

The only thing that I can see that has changed is that for the first time we have taken from the enemy the exclusive right he has had of deciding where the battleground will be.

We did not go into Cambodia seeking to violate the integrity of that nation. It was only through long patience that we permitted the enemy to use sanctuaries in Cambodia as a base from which he could make attacks upon our forces in Vietnam, take American lives, and bring about great destruction of the country of Vietnam, and when the going got tough, retreat back across the border and be given the protection and asylum that a neutral country, so to speak, afforded the enemy.

I think that our incursion into Cambodia will accomplish both the objectives that the Senator's amendment calls for.

It will protect the lives of American men in uniform in South Vietnam and it will hasten and make more orderly the withdrawal of American forces from South Vietnam. It does one other thing, in my judgment. It will give the South Vietnamese added time in which to assume the full burden of responsibility for their own defense on the one hand and to bring about a viable government on the other so as to accomplish as best we can the purposes which motivated President Kennedy when he first committed forces to that part of the world. It will help achieve the objective that I am certain President Johnson had in mind when he further pursued that war. No further purpose would be served in my recounting what has happened in the past 10 years. But none of us should take exception to and be against the sort of amendment to which I now subscribe.

It occurs to me that if we want to be sincere, as I am certain Members of this body are in trying to legislate here, how could we possibly take exception to an amendment that spells out our purposes as clearly and as unequivocally as does the amendment of the distinguished Senator from West Virginia. So long as the President is trying to pursue these twin objectives spelled out here, this amend-

ment will give meaning to the Cooper-Church amendment by making it abundantly clear there is no other intention on the part of anyone who may later have the opportunity to vote up or down on this amendment. If it is agreed to I am certain it will gain for the Cooper-Church amendment much support it does not now have. By incorporating this amendment in the Cooper-Church amendment Senators will be better able to support the Cooper-Church amendment and they can do so with the clear feeling that we are not equivocating with respect to Cambodia insofar as our objectives and the President's objectives are concerned.

In conclusion, I wish to express my appreciation for the opportunity to cosponsor such a worthwhile amendment.

#### ADDITIONAL COSPONSOR

Mr. BYRD of West Virginia. Mr. President, at the request of the able Senator from South Carolina (Mr. HOLLINGS), I ask unanimous consent that his name be included as a cosponsor of amendment 667, as modified.

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

Mr. BYRD of West Virginia. Mr. President, I yield the floor.

#### ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

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

#### ORDER TO HOLD HOUSE JOINT RESOLUTION 1117 AT DESK UNTIL CLOSE OF BUSINESS FRIDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent—I understand that this request has been cleared on both sides of the aisle—that the message from the House concerning House Joint Resolution 1117 be held at the desk until the close of business on Friday next.

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

#### HIT-AND-RUN REPORTING

Mr. DOLE. Mr. President, Daniel Schorr of CBS never has a kind word for the Nixon administration, nor for

that matter any word for those who do not share his liberal views. In his repeated attempts to criticize the administration, facts are secondary. The most recent example of bias was his report on CBS morning news Tuesday, June 2.

Mr. Schorr introduced his subject matter in the following way:

The Nixon Administration says it will solve the hunger problem by the end of this month when it has a food program working in every county. But the White House is sitting on a report that found many counties running only "paper programs".

Two West Point instructors, Captains Terrence Goggin and Walter Hendrix, were commissioned last summer by the Urban Affairs Council to make a survey. They say they filed their report in January and that it was suppressed as "politically sensitive." Now, they are ready—though forbidden to appear in uniform—to tell their story today to Senator McGovern's Nutrition Committee. Captain Goggin summed it up for CBS News.

This introduction was followed by rather objective remarks of Captain Goggin, and his comments were followed by this closing statement of Mr. Schorr:

White House News Secretary Ron Ziegler says he knows of no such report . . . I have a copy of it here, and it appears to be on White House stationery, saying, "A survey commissioned by the Urban Affairs Council for the President." As to the charge of discrimination in food distribution in the South, Ziegler says, and I quote, "There is none." Unquote.

There is nothing particularly disturbing in the remarks by Captain Goggin, but Mr. Schorr, in his customary manner, dealt several body blows to the administration before and after Goggin's statement. Of course, the CBS viewing public will never know the facts because Mr. Schorr will never admit his bias, nor that he made false and misleading statements on the morning of June 2.

He knows for a fact that no one in this administration has ever stated it could solve the hunger problem by the end of June. He knows that the report referred to was not suppressed. He knows, since he was present at the Nutrition and Human Needs Committee hearing on the morning of June 2, that Captain Goggin appeared in uniform.

He knows that Mr. Ziegler, the President's press secretary, cannot be expected to be aware of every report forwarded to or filed with the White House, and he would have known, had he checked, that the report was typed on White House stationery by Captains Goggin and Hendrix, and that this matter was never in dispute.

CBS viewers are, unfortunately, subjected to the biased views of Mr. Schorr. One can wonder if he is not less concerned about malnutrition in America than about constant harping at the administration's efforts to solve this nagging problem.

As expected, the CBS evening news on June 2, and the morning news of June 3, made no reference to my comments about Schorr's biased report, so CBS viewers are left with the impression that President Nixon promised to end hunger

by the end of June, that the President is suppressing reports, and, presumably, that this administration forbids military men to appear before a committee in uniform.

There are serious inadequacies in both the commodity and food stamp programs, and no one in this administration, nor the previous one, has ever claimed that every person in America suffering from an inadequate diet was receiving appropriate relief.

President Nixon is providing strong leadership, in an effort to solve the many, many problems in America, and this is to his credit. However, one need only review the comments made by Daniel Schorr over the past 2 years concerning malnutrition in America, to really understand that his first interest is in discrediting the Nixon administration, while he promotes those who share his liberal views.

It is, perhaps, not wise to criticize the media, especially a giant like CBS, but when those who report the news are irresponsible, someone must alert the viewing public.

#### LAWRENCE O'BRIEN

Mr. DOLE. Mr. President, the shame of the Democratic Party is Lawrence O'Brien. His recent implied accusation that the President was responsible for the deaths of the four Kent State students is beneath contempt.

Surely those Democrats who sought leadership for their party when they selected him to be their national chairman had a right to expect better.

Slander is not leadership.

Vituperation is not statesmanship.

But Mr. O'Brien does not appear to know this.

Mr. President, we all recognize that in the heat of the moment any man can utter words he wishes he had never said and does not really mean.

But real men face up to their mistakes. They retract or they apologize.

Mr. O'Brien is not the first Democratic national chairman to falsely accuse a President. But the last one who did so was gracious and courageous, man enough to confess his error.

He was Paul Butler.

That story begins on February 25, 1960, when a U.S. Navy plane collided with a Brazilian airliner over Rio De Janeiro.

Thirty-five Americans lost their lives in that collision, many of them members of a Navy band that was to have played in Rio for President Eisenhower who was on a State visit to Brazil.

In the wake of that tragedy, Mr. Butler engaged in a debate with a gentleman who was and is a Republican Senator from Pennsylvania, the Honorable HUGH SCOTT.

The New York Times of March 7, 1960, in a story by W. H. Lawrence, carries the following paragraph:

In a bitter exchange, Mr. Butler said it was time someone mentioned that—

And here the Times quoted Mr. Butler—

"President Eisenhower has something to answer for to the wives and children of the Navy men"—

The quote of Butler's ends here— who died in the air collision over Rio de Janeiro on February 25.

Mr. Lawrence then resumes his quote of Mr. Butler:

What right has he (the President) to take the Navy band on a trip around the world? Was this trip a political show or something?

Mr. President, to this Senator Scott replied—and his reply applies to Mr. O'Brien today as well:

This attempt on your part to bloody the hands of the President is not very creditable.

Following this episode, Mr. Butler quickly retracted. He told the world that "for any such inference, I want to apologize to the President and the American people."

He went on to say:

I want to make it perfectly clear that I am not blaming the President for the tragic accident or the decision which brought the Navy band to Brazil.

Mr. President, Paul Butler, a Democratic national chairman, said a wrong thing in anger. But he had the courage

and the integrity and the decency to apologize. We have waited in vain for Mr. O'Brien to follow suit.

It is to the shame of the Democratic Party that Lawrence O'Brien lacks those qualities of courage, and integrity and decency held by Paul Butler.

The Democratic Party and the Nation are the poorer for it.

#### ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 50 minutes p.m.) the Senate adjourned until tomorrow, Thursday, June 4, 1970, at 12 o'clock noon.

#### NOMINATIONS

Executive nominations received by the Senate June 3, 1970:

##### U.S. ARMY

The following-named officers to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. James Dyce Alger, **xxx-xx-xxxx**, Army of the United States (major general, U.S. Army).

Lt. Gen. Andrew Jackson Boyle, **xxx-xx-x...**, Army of the United States (major general, U.S. Army).

Lt. Gen. John Edward Kelly, **xxxx**, Army of the United States (major general, U.S. Army).

Lt. Gen. Charles Wythe Gleaves Rich, **xxx-xx-xxxx**, Army of the United States (major general, U.S. Army).

#### CONFIRMATIONS

Executive nominations confirmed by the Senate June 3, 1970:

##### FEDERAL FARM CREDIT BOARD

The following-named persons to be members of the Federal Farm Credit Board, Farm Credit Administration, for terms expiring March 31, 1976:

Kenneth N. Probasco, of Ohio.  
E. G. Schuhart II, of Texas.

##### FEDERAL MARITIME COMMISSION

Helen D. Bentley, of Maryland, to be a Federal Maritime Commissioner for the term expiring June 30, 1975.

##### U.S. COAST GUARD

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.

## HOUSE OF REPRESENTATIVES—Wednesday, June 3, 1970

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Let all the ends of the earth remember and turn again to the Lord.—Psalms 22: 27.*

Almighty and eternal God, who exaltest the nations that follow the way of righteousness, we pray for our President, our Speaker, Members of Congress, and all to whom have been committed the government of this Nation. Grant unto them wisdom, understanding, and strength that, upholding what is right, supporting what is good, and following what is true, they may fulfill Thy purpose for mankind.

We pray for the President of Venezuela and the people of that great land. May we be one in spirit as we seek to promote peace in the world, cooperation between the nations, and good will among all people.

In the spirit of the Prince of Peace, we offer our morning prayer. Amen.

#### THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 12619. An act to amend section 11 of an act approved August 4, 1950, entitled "An act relating to the policing of the buildings and grounds of the Library of Congress."

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1519) entitled "An act to establish a National Commission on Libraries and Information Science, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PELL, Mr. YARBOROUGH, Mr. RANDOLPH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. MONDALE, Mr. EAGLETON, Mr. PROUTY, Mr. JAVITS, Mr. DOMINICK, Mr. MURPHY, and Mr. SCHWEIKER to be the conferees on the part of the Senate.

#### RECESS

The SPEAKER. The House will stand in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 2 minutes p.m.), the House stood in recess subject to the call of the Chair.

#### JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF VENEZUELA, DR. RAFAEL CALDERA

The SPEAKER of the House presided. The Doorkeeper (Hon. William M. Miller) announced the President pro tempore and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the left of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to conduct the President of the Republic of Venezuela into the

Chamber: the gentleman from Oklahoma, Mr. ALBERT; the gentleman from Louisiana, Mr. BOGGS; the gentleman from Pennsylvania, Mr. MORGAN; the gentleman from Michigan, Mr. GERALD R. FORD; the gentleman from Illinois, Mr. ARENDT; and the gentleman from Indiana, Mr. ADAIR.

The PRESIDENT pro tempore. On behalf of the Senate, the Chair appoints as members of the committee to escort the President of the Republic of Venezuela into the Chamber the Senator from Massachusetts, Mr. KENNEDY; the Senator from West Virginia, Mr. BYRD; the Senator from Arkansas, Mr. FULBRIGHT; the Senator from Idaho, Mr. CHURCH; the Senator from Pennsylvania, Mr. SCOTT; the Senator from Michigan, Mr. GRIFFIN; the Senator from Colorado, Mr. ALLOTT; the Senator from North Dakota, Mr. YOUNG; and the Senator from Vermont, Mr. AIKEN.

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 12 o'clock and 32 minutes p.m., the Doorkeeper announced the President of the Republic of Venezuela.

The President of the Republic of Venezuela, escorted by the committee of Sena-