

## SENATE—Friday, June 5, 1970

The Senate met at 12 o'clock noon and was called to order by Hon. WILLIAM B. SPONG, JR., a Senator from the State of Virginia.

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

Eternal God, the same yesterday, today, and forever, who hast made our bodies to be a temple of Thy spirit, guide us now by Thy truth. Look not upon our pretensions but upon the reality of our inmost being. Direct our actions which are seen and control our thoughts which are unseen. Strengthen us with the realization that in testing times the supreme test is always a test of character and spirit. So help us to walk and work with Thee and be guided by Thy clear light this day and unto the end.

In Thy holy name we pray. Amen.

## DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., June 5, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. WILLIAM B. SPONG, JR., a Senator from the State of Virginia, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,  
President pro tempore.

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

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 15166) authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes.

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

H.R. 17867. An act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes; and

H.R. 17868. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes.

## HOUSE BILLS REFERRED

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

H.R. 17867. An act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes; and

H.R. 17868. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes.

## 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 June 2, 1970, the President had approved and signed the following acts:

S. 952. An act to provide for the appointment of additional district judges, and for other purposes;

S. 2624. An act to improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes; and

S. 3818. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. SPONG) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

## ORDER OF BUSINESS

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

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

The bill clerk proceeded to call the roll.

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

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

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 4, 1970, be dispensed with.

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

## TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, in view of the fact that the distinguished Senator from Ohio (Mr. YOUNG) has vacated his order for recognition for 20 minutes today, I ask unanimous consent that there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes,

pending the arrival of the distinguished Senator from Wisconsin (Mr. PROXMIRE).

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

## COMMITTEE MEETINGS DURING SENATE SESSION

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

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

## ORDER FOR ADJOURNMENT UNTIL 11:30 A.M. ON MONDAY, JUNE 8, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 a.m. on Monday next.

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

## ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, immediately after the disposition of the reading of the Journal on Monday, the distinguished Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes.

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

## ORDER FOR RECOGNITION OF SENATOR PERCY ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Ohio (Mr. YOUNG) on Monday morning next, the distinguished Senator from Illinois (Mr. PERCY) be recognized for not to exceed 30 minutes.

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

## ORDER FOR RECOGNITION OF SENATOR THURMOND ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Illinois (Mr. PERCY) on Monday morning next, the distinguished Senator from South Carolina (Mr. THURMOND) be recognized for not to exceed 30 minutes.

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

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from South Carolina (Mr. THUR-

MOND) on Monday morning next, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

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

#### ORDER OF BUSINESS

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

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

The bill clerk proceeded to call the roll.

Mr. 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.

#### PRESIDENT NIXON SUPPORTS THE BYRD AMENDMENT

Mr. GRIFFIN. Mr. President, the distinguished Republican leader, the Senator from Pennsylvania (Mr. SCOTT), is attending the funeral of an outstanding Pennsylvania citizen, Mr. Richard K. Mellon, and cannot be in attendance today.

Last night, the Senator from Pennsylvania (Mr. SCOTT) received a letter from the President regarding the pending Byrd amendment to the Cooper-Church amendment.

I ask unanimous consent that the letter from the President to the Republican leader be printed at this point in the RECORD.

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

THE WHITE HOUSE,  
Washington, June 4, 1970.

Hon. HUGH SCOTT,  
U.S. Senate,  
Washington, D.C.

DEAR HUGH: You have requested my views on an amendment offered by Senator Robert Byrd of West Virginia to the Cooper-Church amendment to the Foreign Military Sales bill now being considered by the Senate.

As you know, I am opposed to the language of the Cooper-Church provision in its present form. Nevertheless, I fully appreciate the concerns of many Senators anxious that the Cambodian expedition not involve our nation in another Vietnam-type conflict. As I reported to the American people last night, this has been the most successful operation of this long and difficult war and will be completed by June 30. The results will be fewer casualties and continued withdrawals from Vietnam—objectives that Senators share with me.

The Byrd amendment reaffirms the Constitutional duty of the Commander in Chief to take actions necessary to protect the lives of United States forces and is consistent with the responsibilities of my office. Therefore, it goes a long way toward eliminating my more serious objections to the Cooper-Church amendment.

You will recall that last year in Guam I outlined the Nixon doctrine establishing a policy for Asian nations to defend themselves, with American material assistance and technical help. If a stable lasting peace is to emerge in that beleaguered region, it is important that we promote regional cooperation. Therefore, I should hope that the Senate would also adopt an amendment supporting the Nixon doctrine of American material and technical assistance toward self-help.

I appreciate your continued deep interest in this subject and the untiring effort you and your colleagues have made in an effort to achieve meaningful legislation in the best interest of the American people.

Sincerely,

RICHARD NIXON.

#### HENRY CABOT LODGE URGES SUPPORT OF ABM PROGRAM

Mr. GRIFFIN. Mr. President, a distinguished American who has served his country in many capacities, including service in the U.S. Senate, has taken a close look at the Safeguard anti-ballistic-missile proposal.

Henry Cabot Lodge gives his views on the ABM in the June issue of Reader's Digest. His statement of support is reasoned and logical, and deserves the close study of every interested citizen.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

[From the Reader's Digest, June 1970]  
A CITIZEN LOOKS AT THE ABM  
(By Henry Cabot Lodge)

(The choice is clear, says this respected patriot: unless we protect our vulnerable retaliatory forces, the chances for world peace will be placed in serious jeopardy.)

Once again the vexing question of how far and how fast to proceed with a defense of our country by anti-ballistic missile (ABM) is before Congress and the nation.

Last summer the decision to make a limited start with our anti-ballistic missiles—Safeguard—cleared the Senate by a single vote. That decision, fiercely disputed, authorized the Defense Department to go only as far as deployment of the first two anti-missile installations.

This summer Congress is debating whether to carry the deployment somewhat further. The Administration wants funds to add a third site and to do the advance work on five more sites so as to be ready should an urgent expansion of the country's defenses against a nuclear attack be needed.

Our security needs were stated by President Nixon on March 14, 1969, when he disclosed the three functions that a "measured" deployment of the Safeguard system was intended to serve. The system, if fully extended, would provide:

1. A shield, or cover, for the land-based Minuteman intercontinental ballistic missile (ICBM) force and the Strategic Air Command's B-52 bombers against a direct attack.
2. A defense of American cities from a terroristic nuclear fusillade of the kind that could be mounted with relatively primitive nuclear ICBMs during the 1970s by a nation not in the first rank of nuclear powers.
3. A guard to ward off a nuclear shot or volley fired by accident or as a demonstration of force, or a warning shot "across the bow."

For a number of reasons, including the hope that the current disarmament talks with the Soviet Union may eventually slow the accumulation of long-range nuclear weapons, the Nixon Administration has refrained from attempting to go to a full Safeguard system immediately.

Safeguard and Stabilization.—Our current strategic land-based offensive system consists of two main elements: SAC B-52 manned-bomber wings are deployed across the United States; the Minuteman force, some 1000 ICBMs in deep concrete silos, are arrayed in six wide fields in five states. The first two Safeguard complexes are separately to cover

the Minuteman squadrons in place around Malmstrom Air Force Base in Montana and around Grand Forks Air Force Base in North Dakota. The third complex called for in this year's budget is to cover the Minuteman field near Whiteman Air Force Base in Missouri. These three complexes protect about half of the entire Minuteman force.

While the major function of the Safeguard system that Congress is now being asked to strengthen is to defend Minuteman, there is also a need to provide cover for our manned bombers. They are increasingly exposed on their fields to missiles launched by submarines in positions just off our coasts. All that is requested in the new budget for this important function is funds for advance work on forward defenses.

Heretofore, one of the principal arguments against our investing seriously in a missile defense was that such an action, by "destabilizing" (as the jargon goes) the condition of mutual deterrence, would "goad" the Soviet Union into still heavier deployments of ICBMs. It was argued that the Soviet Union was maneuvering only for ICBM equality with the United States, in the interest of making a condition of mutual deterrence absolutely certain.

The fact which challenges this assumption is that the Soviets show no signs of stopping the arms race.

In mid-1966, before the debate in the United States over the ABM became serious, our intelligence credited the Soviet Union with 250 land-based ICBMs, then deployed, with a growth rate of about 150 missiles a year. These reports said further that an unusually powerful new ICBM, the SS-9, was also undergoing test firing.

Only a year later the count rose to 570. Last September the Soviet ICBM force in being passed 1000. If Soviet deployments continue at the present pace (a new ICBM every other day), the ICBM force in operational readiness will number more than 1300 nuclear long-range attack vehicles by the end of this year. This compares with a total of about 1000 weapons in the U.S. Minuteman force, which was leveled off four years ago on the assumption that it was already big enough.

The Deepening Shadow.—Numbers alone, however, are not the only reason for the deepening shadow which this expansion casts across the prospects for American security. Last year Defense Secretary Melvin Laird predicted that the Soviet force of huge and ready SS-9 missiles, which then numbered 150, could grow to about 230 missiles by this summer if the pace continued. The Soviets are reaching that goal. (Far bigger than the Minuteman, the SS-9 is believed to be able to hurl either a 25-megaton warhead or a cluster of three 5-megaton warheads more than 5000 miles and strike a target at a so-called miss-radius of less than half a mile.)

The experts believe that 400 SS-9s (with MIRV, independently targeted multiple warheads), launched more or less simultaneously, could with the benefit of surprise destroy 95 percent of the entire Minuteman force if it were left unprotected.

The continuing expansion of the Soviet land-based ICBM force has been paralleled by the growth of a Polaris-type submarine force, the so-called Y class. Last year the Soviet navy sent no fewer than six and perhaps as many as nine of these craft to sea. Since then, several more have been launched and as many more are under construction. Like our Polaris, the Soviet subs are each armed with 16 missiles. Military experts conclude that the Y-force is capable of destroying the SAC bombers, based for the most part only a few miles back from our coasts. The warning interval available to bomber crews on alert would be shrunk to minutes if the attack were to come from submarines launching a rain of flat trajectory warheads

from concealments in the ocean close to the American shore.

The Soviets, according to reports, have also been experimenting diligently with a strategic-attack space machine, an orbiting version of the ICBM designed to respond on command and attack a ground target.

**Nuclear Pearl Harbor.**—This fast-emerging threat last spring caused Secretary Laird to warn that the Russians seem to be headed for a first-strike capability; that is, the capability of destroying our total retaliatory force in one sudden strike—in a nuclear Pearl Harbor from which there could be no recovery. I know of no one who even suggests that the Soviets intend to do such a thing—to use a first-strike capability. What is important in maintaining world peace, however, is that no power have a capability such as this which it could use, without our having an adequate defense.

In the span of three or four years, while Americans have been absorbed in domestic strife and the Vietnam war, it appears to those in a position to know that our margin of strength in strategic-nuclear-weapons systems—the basis of our deterrent against attack—has been seriously reduced. It is thus no longer only the American cities that lie under nuclear threat, but our retaliatory defense as well. We thus can no longer afford the luxury of debating the ABM in abstract terms.

Obviously, the decision before us can be crucial to our survival. According to the respected Rand Corp. strategist, Dr. Alfred Wohlsteter, if the American Minuteman force should be left undefended; and if before 1975—the year the proposed initial elements of Safeguard should be in place—the Russians should match the accuracy and reliability already attained in our own systems; and if, too, the Russians should continue to add SS-9s while bringing on modest numbers of MRV-type warheads for it—then it is mathematically certain that by the middle of this decade virtually all the Minuteman force could be wiped out in a matter of minutes.

**Balance of Terror:** A fresh look must therefore be taken at the two principal assumptions which, through the early and mid-1960s, regulated the U.S. approach to the strategy of mutual deterrence and which rejected the ABM as an essential reinforcing element in such a strategy.

One was the expectation that the Soviet Union would stop accumulating strategic offensive nuclear weapons as soon as equality was reached with the United States. Instead, as noted earlier, the Soviet Union is pushing ahead to numerical superiority.

The other assumption was that each nuclear super-power could achieve a balance of terror by leaving its cities in hostage to the other. So long as both the Soviet Union and the United States retained a capacity to retaliate by inflicting "assured destruction" equal to wiping out (by former Defense Secretary Robert McNamara's estimates) from one fifth to one third of the attacker's population, they would stand mutually self-deterred. Correspondingly, for one side or the other to start investing seriously in city-defending anti-ballistic missile systems would, by this theory, have the practical consequence of taking the hostages off the board. That would, presumably, unsettle the strategic balance, loosen the rein of self-deterrence, and spur the adversary into either following suit or putting more capital into the strategic strike forces. But now the argument that any ABM is "destabilizing" is, in the face of the rapid Soviet buildup of offensive systems, no longer valid.

The further argument that a decision by us to move ahead with an ABM would either frighten the Soviets out of discussing limitation of strategic offensive systems or would provoke them also has no validity. The Sen-

ate vote last year to proceed with the initial phase of Safeguard was followed by an immediate Soviet decision to join the disarmament talks at Helsinki in November. Indeed, one might argue that the U.S. decision helped bring about these talks.

**Glassboro and "Galosh."**—The most authoritative reports available of the meeting at Glassboro, New Jersey, in mid-1967 between President Johnson and Premier Kosygin are that the meeting was largely concerned with the ABM question. The year before, the Soviets seemed to be constructing around Moscow what was eventually identified as a full-blown and unmistakable ABM system, named "The Moscow System"; it materialized as a grouping of four huge installations, each intended to serve 16 "Galosh" anti-missile missiles, depending for guidance upon elaborate radar-computer combination.

That the Soviets became engrossed in the science of missile defense as soon as they grasped the science of offensive missiles was well known to American intelligence. Evidence gathered in the winter of 1961-62, after the Soviets broke the nuclear-test moratorium of 1958, established that their rocket forces had, with some success, attempted to intercept and destroy another rocket with a nuclear explosion at high altitude. There is also the so-called Talinn system, which became and remains, for American technicians, a subject of controversy: whether it is designed to shoot down U.S. bombers, or ICBMs, or possibly both, is in dispute. But it appears that there never was any serious doubt about the purpose of "Galosh," the first true anti-missile missile to become operational.

At Glassboro, according to the most authoritative reports, Secretary McNamara tried to persuade the Russians not to press on with the "Galosh" system. He is said to have made the argument against "destabilizing" the strategic balance. At that point, we Americans were holding back a prototype ABM system of our own. (This was the Nike X concept, from which have come most of the fundamental subsystems of Safeguard: the elaborate "phased-array" radars for tracking and identifying dozens of oncoming missiles individually; the long-range Spartan missile for intercepting and destroying nuclear warheads hundreds of miles out, above the earth's atmosphere; and the short-range, low-altitude Sprint for attacking nuclear warheads inside the atmosphere.)

Evidently the Soviets did not consider the ABM "destabilizing." Premier Kosygin was quoted in London in the same year as saying that a defense system had the merit of saving lives and that under no circumstances could such a mechanism be blamed for the arms race.

In the aftermath of Glassboro, the decision was made to deploy our first ABM system, named Sentinel. The deployment was aimed primarily at providing an area defense for American cities against the expected ICBM threat—albeit primitive—from other countries not in the front rank of nuclear powers. Secretary McNamara did, however, wisely foresee a possible need to provide a specific defense of the Minuteman force if the Soviet ICBM force kept expanding. That provision proved timely.

The Soviets, for their part, remain engrossed in the Moscow ABM System—probably to be refitted with a superior missile. They thus already have a fully operational system.

**Tipping the Balance.**—Why have the Soviets invested so heavily in an ABM system of their own? Looking at it from their point of view, and setting aside a possible intent to achieve a first strike, we see they may well believe it necessary to have protection against an irresponsible, terroristic attack from some "minor" nuclear power. This is quite understandable; our experts

feel a similar need. For that reason, the Soviets do not view their ABM system as speeding up the nuclear-arms race, but rather believe their ABM to be essential to their defense.

But in a world where so much is delicately balanced, even an understandable action must be scrutinized. Even if we assume that the Soviet ABM is built as a protection against a near neighbor, its existence, coupled with the Russians' increasing offensive capacity, can upset the strategic balance between the Soviets and ourselves.

What can we do to stabilize the situation without provoking another step down a dangerous road? We could, if we had to, increase our offensive capability to compensate for the new Soviet offensive and defensive systems—an invitation to further escalation. Or we could, as the President wishes to do, "stabilize" defensively—by building an ABM system that protects the United States.

Amid all the confusing terminology and sophisticated chess-playing, a certain common-sense fundamental stands out: *The only time an arms race can be controlled is when both sides feel "safe," and the only time both sides feel safe is when neither side has an offensive or defensive advantage.*

Another basic question arises: can we afford it?

The best information available to me indicates that the Administration's ABM program, in its second phase, would not unreasonably burden the American economy. Capital outlays for the total system thus far requested add up to \$5.9 billion. This compares with the cost of \$20 billion for putting a man on the moon.

Meanwhile, the reviewing arrangements set up by President Nixon will allow him to halt the project completely, or stretch it out, or turn it in a new direction as the technological situation might require. Furthermore, this flexibility will enable him to try a diplomatic initiative in the current disarmament talks, or as world political conditions might dictate.

Summing up. Judged by these standards, Safeguard seems a modest program. Defense Secretary Laird said in February that what is contemplated really represents "the minimum we can and must do, both in cost and system development, to fulfill the President's security objectives."

The case, then, for moving on with Safeguard seems clear-cut. Safeguard holds out these propositions:

It provides a shield for the Minuteman and B-52 forces at a juncture when their retaliatory credibility is coming into jeopardy.

It offers the President a hedge against a hostile threat at a time when he has deliberately withheld production money from new strategic offensive forces.

It protects us from "nuclear blackmail" and the possible catastrophe of an attack from an irresponsible third power.

It widens the choices open to the United States if the disarmament talks should fail or be extended for a protracted period.

Finally, maintaining the development of ABM should strengthen the American trading position in the disarmament talks. As it is, their ABM strength is now greater than ours.

For me, therefore, the evidence is persuasive that the President's requests are wise.

In sum, what is at stake here is nothing less than protecting the deterrent forces of the United States, and thus the survival of the country. In the face of this awesome proposition, four arguments are heard.

The first is that the ABM is technically faulty. This is an argument on which no

layman can pass. The judgment of the expert officials whose solemn duty it is to pass on such matters is clearly favorable to ABM. Furthermore, the Soviets have perfected such a system. Can it be that our scientists are any less capable?

The second argument is that both sides have so much capacity to "overkill" each other's populations that ABM is not necessary. This is the so-called "balance of terror." But if party A can actually overwhelm party B's weapons, party B will have lost his capacity to kill anything. There will be "terror," but no "balance."

The third argument is that it would be better to spend the money which is asked for ABM on domestic peacetime pursuits. We can all agree that it would be more satisfying to spend the money on housing or anti-pollution but, almost at the same moment that we say this, the question presents itself: If our country is not secure, what do domestic programs avail? Professor Hans Morgenthau, assuredly no hawk, was quoted recently as saying: "A nation which refuses to accept the primacy of foreign policy over domestic politics has doomed itself."

Much as we may hope that other nuclear powers will live quietly within their own borders, common sense tells us that we cannot accept a state of affairs in which these powers are superior to us in nuclear missiles. Surely in a matter involving the survival of the nation, the burden of proof must rest on those who contend that the international order is so lamb-like that such superiority is acceptable.

It is bleak to have to admit that the international order is dangerous, disorderly and complicated, and that we therefore must expect that life will consist of a series of alerts—as it has for a large part of the 20th century. It is only human to exclaim, as many have done: "I don't want to live out my life in this kind of a world!" This human cry is understandable, but our chance of survival is greatest if we see the international order as it is—not as we would wish it to be. In all of this we, of course, are keeping the door open in the event that the disarmament talks should produce some sort of an agreement or new opportunity.

Far from criticizing ABM, should we not recognize that it is perhaps the one glimmer of light in an otherwise bleak prospect? The ABM is defensive; it can attack no country. It can be actually "de-escalatory"; it could work toward a shrinkage—a slowing—of the arms race, an easing of the tension.

The fourth argument—that for us to undertake this ABM program would be provocative—seems unconvincing. Whatever force it may once have had has been wiped out by the Soviet gains, by their obvious determination to build a system for their own protection, by the defensive character of the ABM, and by the fact that the President can modify or suspend the program entirely if it seemed that by so doing he could reach a satisfactory international agreement.

It can thus be a force for peace making. It might even augur the beginning of a more stable international order.

This being said, can we prudently turn away?

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

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

The bill clerk proceeded to call the roll.

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

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

#### COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

The ACTING PRESIDENT pro tempore (Mr. SPONG) laid before the Senate the following letter, which was referred as indicated:

#### REPORT OF THE PROCEEDINGS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES

A letter from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, a report of the proceedings of the Judicial Conference of the United States, March 16-17, 1970 (with an accompanying report); to the Committee on the Judiciary.

#### ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore (Mr. SPONG) announced that on today, June 5, 1970, he signed the enrolled bill (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 at the Library of Congress, which had previously been signed by the Speaker of the House of Representatives.

#### BILLS INTRODUCED

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

By Mr. HOLLINGS:

S. 3930. A bill for the relief of Mrs. Maria Jose Pereira; to the Committee on the Judiciary.

By Mr. COTTON (for himself and Mr. MCINTYRE):

S. 3931. A bill for the relief of Vani Angelica Dos Santos; to the Committee on the Judiciary.

#### THE MILITARY PROCUREMENT AUTHORIZATIONS FOR 1971—AMENDMENTS

##### AMENDMENTS NOS. 680 AND 681

Mr. PROXMIRE submitted two amendments intended to be proposed by him to the bill (H.R. 17123), the military procurement authorizations for 1971, which were referred to the Committee on Armed Services and ordered to be printed.

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

#### ADDITIONAL COSPONSORS OF AN AMENDMENT

##### NO. 667

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Alabama (Mr. ALLEN), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Tennessee (Mr. BAKER), and the Senator from Arizona (Mr. FANNIN), I ask unanimous consent that, at the next printing, their names be added as cosponsors of amendment No. 667, as modified, to the Cooper-Church amendment, to the Foreign Military Sales Act.

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

#### NOTICE OF HEARING ON S. 3070, THE PLANT VARIETY PROTECTION ACT

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from North Carolina (Mr. JORDAN), I wish to announce that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry has scheduled a hearing on S. 3070, the Plant Variety Protection Act, on Thursday, June 1, at 9:30 a.m., in room 324 Senate Office Building.

#### THE CALENDAR

Mr. MANSFIELD. Mr. President, with the understanding that the rule of germaneness does not apply, I ask unanimous consent that I may call up Calendar Nos. 915, 916, 917.

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

#### DISPOSITION OF EXECUTIVE PAPERS

The Senate proceeded to consider the bill (H.R. 14300) 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 which had been reported from the Committee on Post Office and Civil Service with amendments on page 2, after line 15, strike out:

"(b) Authorizations granted under schedules submitted to the Administrator under section 3303(3) of this title shall be permissive and not mandatory.

And, in lieu thereof, insert:

"(b) Authorizations granted under lists and schedules submitted to the Administrator under section 3303 of this title shall be mandatory, subject to section 2909 of this title. Authorizations granted under schedules promulgated under subsection (d) of this section shall be permissive.

On page 3, after line 12, insert:

"(d) The administrator may promulgate schedules authorizing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies if such records will not, at the end of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government.

"(e) The Administrator may approve and effect the disposal of records that are in his legal custody, provided that records that had been in the custody of another existing agency may not be disposed of without the written consent of the head of the agency.

And on page 4, at the beginning of line 1, after the quotation mark, strike out "(d)" and insert "(f)".

The amendments were agreed to.

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

The bill was read the third time, and passed.

#### THE FEDERAL MEAT INSPECTION ACT

The Senate proceeded to consider the bill (S. 3592) to amend the Federal Meat Inspection Act, as amended, to clarify the provisions relating to custom slaughtering operations which had been reported from the Committee on Agriculture and Forestry with an amendment on page 2, line 13, after the word "basis", insert a colon and "Provided further, That custom operations at any establishment shall be exempt from inspection requirements as provided by this section only"; so as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Meat Inspection Act (34 Stat. 1260, as amended by the Wholesome Meat Act, 81 Stat. 584), is hereby amended by deleting the proviso from paragraph (a) of section 23 of the Act, and the colon preceding said proviso, and substituting therefor the following: "nor to the custom preparation by any person, firm, or corporation of carcasses, parts thereof, meat or meat food products, derived from the slaughter by any person of cattle, sheep, swine, or goats of his own raising, or from game animals, delivered by the owner thereof for such custom preparation, and transportation in commerce of such custom prepared articles, exclusively for use in the household of such owner, by him and members of his household and his nonpaying guests and employees: Provided, That in cases where such person, firm, or corporation engages in such custom operations at an establishment at which inspection under this title is maintained, the Secretary may exempt from such inspection at such establishment any animals slaughtered or any meat or meat food products otherwise prepared on such custom basis: Provided further, That custom operations at any establishment shall be exempt from inspection requirements as provided by this section only if the establishment complies with regulations which the Secretary is hereby authorized to promulgate to assure that any carcasses, parts thereof, meat or meat food products wherever handled on a custom basis, or any containers or packages containing such articles, are separated at all times from carcasses, parts thereof, meat or meat food products prepared for sale, and that all such articles prepared on a custom basis, or any containers or packages containing such articles, are plainly marked 'Not for Sale' immediately after being prepared and kept so identified until delivered to the owner and that the establishment conducting the custom operation is maintained and operated in a sanitary manner."*

Mr. CURTIS. Mr. President, I wish to thank the distinguished majority leader (Mr. MANSFIELD) for calling up S. 3592. He has been very helpful in this matter. This measure means a great deal to our rural areas. The bill was introduced by me to meet a very urgent problem. The measure is cosponsored by Senators HRUSKA, BELLMON, BURDICK, DOLE, JORDAN of North Carolina, YOUNG of North Dakota, PROXMIRE, MCGEE, and MANSFIELD.

This legislation is greatly needed. The enactment of this bill will not in any way

hinder or thwart the objectives of the Wholesome Meat Act, which is now the law. The enactment of this bill is necessary in order to make that law workable and to make it do justice, particularly in rural areas.

Section 23 (a) of the Federal Meat Inspection Act at present exempts from inspection custom slaughtering. This is as it should be. Custom slaughtering can be defined as that slaughtering that is performed for hire by a slaughterer who kills and perhaps processes hogs and cattle and other meat animals for the owner of such meat animals, and all of the meat and meat products are returned to that owner and used by him in his own household. In other words, just as an owner can kill his own animal and eat the meat without being subject to the Federal inspection, he can hire someone else to do the work. It was sound and right that custom slaughtering be exempt from the Meat Inspection Act that was passed sometime ago.

The problem arises by reason of the proviso to that section which prohibits custom slaughterers to engage in the business of buying or selling any carcasses, parts of carcasses, meat or meat food products. In other words, if an individual is a custom slaughterer, he cannot under existing law engage in either the retailing or wholesaling of meat. The effect of this proviso is to make it impossible for thousands of small businessmen to continue to operate. The income from custom slaughtering is not sufficient to make their business economically feasible. They need to continue to have the opportunity of selling meat to the public as most of them have been doing through the years.

Unless this legislation is passed we will see the closing of a great many small businesses—particularly in the rural areas—but the problem does not end there. Those businesses are a necessary and important part of their community. If those businesses close, it will bring hardship and possible closing upon other businesses, and it will be a setback for our small communities at the very time that it is the policy of our Government to promote the economic opportunities of rural America.

Mr. President, the bill S. 3592 has been carefully worked out. It will fully protect the public. It is a compromise measure. It will not give to every local meat processor all that he desires. It will enable him to survive. At the same time the public is assured clean and wholesome meat to the same extent as it is now under existing law.

Here is what this bill would do. It would permit a custom slaughterer, who also very likely might be operating a locker plant, to engage in the buying and selling of meat, but the meat that he sells to his customers must come from an inspected plant.

This means that the passage of this bill will not authorize 1 ounce of uninspected meat to be sold, either at wholesale or at retail. The public will be fully protected.

The measure is supported by the Department of Agriculture and numerous

farm organizations. It is supported by locker plant operators, custom slaughterers, and merchants. As shown by the report it is supported by consumers, and one group of well-organized consumers, the Consumers Federation.

The amendment was agreed to.

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

Mr. CURTIS. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

#### THE SIOUX TRIBE OF THE FORT PECK INDIAN RESERVATION, MONT.

The bill (H.R. 10184) to provide for the disposition of judgment funds of the Sioux Tribe of the Fort Peck Indian Reservation, Mont., was considered, ordered to a third reading, read the third time, and passed.

#### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Pursuant to the previous order the Chair recognizes the Senator from Wisconsin for a period not to exceed 30 minutes.

Mr. PROXMIRE. Mr. President, I shall address the Senate on two matters. The principal matter I had asked time for is the very unfortunate Lockheed matter involving the C-5A. I think it is time the Senate and the country had a report on that situation and that we face up to what is one of the most difficult and painful tasks before us. Before I get into that I would like to discuss the very unfortunate statistics which have come to the attention of the country in the last few hours.

#### THE RISE IN THE UNEMPLOYMENT RATE

Mr. PROXMIRE. Mr. President, it was announced just this morning that the unemployment rate has now reached 5 percent. This is dramatic evidence of our thoroughly unsatisfactory economic situation. Unemployment is high and it is rising. Yet, after these many months of waiting and searching for some slackening of inflation, we can still find no evidence that price increases are slowing down.

Let me point out that the insured unemployment rate, the rate which measures the employment situation among steady, experienced workers—men with families to support—rose to 3.6 percent in May. Over the past 2 months, this insured unemployment rate has shown the sharpest increase since 1959. Statistics such as this demonstrate the seriousness of the failure of current policies to cure our economic ills.

Mr. President, I would like to point out further that since December unemployment has risen by nearly 1.3 million, and that includes the 600,000 adult men, 425,000 adult women, and 225,000 teen-

agers. Of the increase, 60 percent were persons who lost their last jobs, 20 percent were reentrants to the labor force, and 10 percent were persons who had never worked before and job leavers. All of the April-to-May unemployment increase was among the job losers.

Thus far this year, the unemployment rate has risen from 3.5 percent in December to 5 percent in May, the sharpest increase for a 5-month span in more than a decade. Most of the current increase has been among full-time workers, although the part-time rate has also risen. The May increase occurred entirely among full-time workers, whose rate rose from 4.4 to 4.7 percent.

Unemployment rates for craftsmen and operatives rose over the month, as jobless rates in manufacturing and construction increased markedly. Rates in these two industries had been virtually unchanged for the past 3 months. At 5.2 percent, the manufacturing rate was 2 percentage points above its year-ago level, while the unemployment rate in construction—11.9 percent—was double the May 1969 rate.

Mr. President, that is one of the most ironic statistics we can contemplate in our economy. We have a housing shortage which is the worst in 20 years. People urgently and desperately need homes.

In 1968, Congress established housing goals of 26 million housing starts in the next 10 years, or 2.6 million starts a year. This year we will be lucky with one-half of that number. Yet, construction workers who could work on these houses are unemployed. Obviously, our policies are drastically mistaken, and it is time that we improve them.

It is easy to criticize any administration, whether it be Democratic or Republican, in times like this, but it seems to me it is necessary to point out what can be done about the situation.

As I have pointed out on numerous recent occasions, the absence of a price and incomes policy is a major deficiency in this administration's efforts to control the economy. We have heard a lot of excuses about the difficulties of formulating guideposts or other mechanisms which would be effective in the present situation. As evidence that it is not impossible to formulate sensible specific proposals, I would like to place in the RECORD today an editorial from the May issue of Fortune magazine. This editorial contains a very specific proposal for logical and equitable guideposts which would contribute to the reduction of inflation.

Fortune magazine's particular formula may or may not be the best possible one, but certainly it is worthy of consideration. The administration should be considering this plan, and it should be considering other specific alternatives. I hope that they are doing so. The situation does not permit of further delay and equivocation.

I ask unanimous consent to insert in the RECORD an editorial from the May issue of Fortune magazine and also the release from the Department of Labor regarding the employment situation as of May 1970.

There being no objection, the editorial

and release were ordered to be printed in the RECORD, as follows:

[From Fortune magazine, May 1970]

#### A CASE FOR GUIDEPOSTS

Warily and reluctantly, *FORTUNE* has come to the conclusion that the federal government should set up voluntary wage-price guideposts, something like those of the early 1960's. We don't like the idea of guideposts, even noncompulsory ones, and we would make only modest claims for their efficacy. Moreover, the advocacy of government intervention in the workings of the market is philosophically at odds with the principles of economic freedom to which we subscribe. But in the present situation, with psychology getting in the way of economics, with inflation proving more persistent than economists had expected, it could be temporarily useful to establish governmental standards designed to guide wage settlements and price decisions in the direction of price stability.

This is easier said than done, to be sure. There is not even a generally accepted label for such a policy, much less a blueprint. But under one label or another, a good many people are advocating reconsideration of guideposts. Walter Heller, who as chairman of the Council of Economic Advisers helped set up the original guideposts in 1962, speaks of the present need for "ground rules." Arthur Okun, chairman of the council during the last year of the Johnson Administration, calls for a "speed limit." J. Dewey Daane, a governor of the Federal Reserve Board, urges adoption of some form of "incomes policy." Other advocates have taken up the somewhat yogurty term "moral suasion." In Congress, most of the Democratic members of the Joint Economic Committee have put their names to a report urging that the Council of Economic Advisers publish "specific quantitative standards . . . such that voluntary compliance by business and labor will contribute to the restoration of greater price stability."

#### TOO LITTLE CHIPPING

The Administration, however, has so far sturdily adhered to the position Richard Nixon took at his first press conference as President. "I do not go along," he said, "with the suggestion that inflation can be effectively controlled by exhorting labor and management and industry to follow certain guidelines." Labor leaders and business managers, he added, "much as they might personally want to do what is in the best interest of the nation, have to be guided by the interests of the organization that they represent."

Strong support for the Administration's stand has come from a number of outside economists, including the University of Chicago's formidable Milton Friedman. Trying to re-establish guideposts, Friedman says, would be like "replaying a cracked record." That sort of policy, he argues, represents an effort to shift to labor leaders and businessmen the blame for inflation brought on by government. "Inflation is made by Washington and in Washington and nowhere else."

There is much to be said, certainly, for letting wages and prices—within a framework of appropriate fiscal and monetary policies—work themselves out in the market. That invisible hand, arthritic though it sometimes seems, is not dead. But once again we are confronted with unsatisfactory results: unemployment up, housing depressed, profits squeezed, yet consumer prices still rising unpleasantly fast.

The underlying difficulty, as the article beginning on page 152 details, is that in the U.S. economy the trade-off between inflation and unemployment is worsened by numerous structural rigidities—high minimum wages, oil-import quotas, and the building trades' monopolistic control of the labor supply, to mention only a few. As a result,

full employment is attended by unacceptably rapid inflation, and efforts to stabilize prices by reducing demand tend to produce unacceptably high unemployment. In the quarter-century since the passage of the Employment Act, both Democratic and Republican administrations have notably failed to make sustained efforts to improve the trade-off by chipping away at the rigidities. We urge the Nixon Administration to chip away energetically. But this task, unfortunately, promises rather little in the way of swift results.

To a great extent the arguments currently advanced against guideposts appear to be directed against what happened after the original guideposts collapsed in 1966. During 1966-68, in a time of surging excess demand, the Johnson Administration pursued recklessly inflationary policies and tried to "jawbone" business into moderating the inevitably inflationary consequences. It was like bailing a badly leaking boat with a demitasse spoon.

But economic conditions and policies are now very different. Fiscal and monetary restraint have pretty much choked off demand inflation. The present inflation is mainly a lingering cost-push hangover, kept going by inflationary psychology rather than by underlying economic realities. Unions with contracts coming up for negotiation are demanding not only catch-up increases this year but stay-ahead increases in subsequent years. Wage increases that allow for future inflation tend, of course, to perpetuate inflation.

Under these circumstances, as Walter Heller maintains, some updated version of guideposts might help to "hasten the translation of less demand-pull pressure into less cost-push pressure." The existence of guideposts—public standards with the moral authority of the national government behind them—would provide support for those who are being pushed into inflationary courses despite their better judgment, and perhaps have some deterrent effect on those who are doing the pushing.

The working out of new guideposts would certainly involve the Council of Economic Advisers, but it would be well if the council left actual case-by-case applications to some new office created for that purpose. This need not be a very big outfit, and its only sanctions should be exposure to public scrutiny.

#### AUTOMATIC SHRINKAGE

Some of those who advocate a return to guideposts, by one name or another, urge that this time the government establish the rules only after consultation with representatives of labor and business. This seems a sound idea. In the meantime, after discussions with a number of economists who have thought about these matters, we offer some tentative suggestions.

Formulation of reasonable guideposts is much harder now than it was in 1962. The lags and grievances created by past inflation, and the expectations of continued inflation, make it impossible just to reinstate the 1962-1966 guidepost principle that wage increases should not exceed productivity gains. But any formulation has to start with productivity, for it is from increasing output per worker that labor's gains in real income flow. The long-term trend rate of annual productivity gains in the U.S. is about 3 percent, and this is the figure to use.

A wage guidepost for inflationary times should be so constructed that it (1) makes some allowance for inflation, (2) contributes to curbing inflation, (3) automatically shrinks as inflation recedes, and (4) comes down to the basic productivity rate when price stability is restored. One formula for meeting these criteria is to take the 3 percent rate of productivity gain and add one-half of the preceding year's inflation in consumer prices.

## ALLOWING FOR UPKEEP

That word "inflation," in this context, needs a bit of defining. During the first half of the 1960's, with wages advancing moderately and the wholesale price index virtually stable, the consumer price index nevertheless crept upward by somewhat more than 1 percent a year, partly because service wages tend to advance faster than industrial wages. It must be assumed that, until much else in the economy changes, an annual rise of 1 percent in consumer prices is as close as we can come to price stability. To allow for the upkeep, we define inflation, for guidepost purposes, as one percentage point less than the year's percentage increase in the consumer price index. Last year the rise came to about 6 percent, and inflation, so defined, was 5 percent. Adding half of this to the 3 percent productivity base yields a current wage guidepost of 5.5 percent—meaning that this year's labor contracts should provide for increases in compensation (wages plus fringes) no greater than 5.5 percent a year.

Under such a formula, obviously, the guidepost level would move downward as inflation subsided. If the consumer price index rose only 1 percent in a year, the wage guidepost the following year would come to 3 percent, matching that long-term rate of increase in productivity.

Organized labor would be exceedingly reluctant, of course, to accept any such formula right now, and there would have to be some bait. For one thing, contracts would probably have to provide for reopening, or for some automatic increase, if the inflation rate failed to drop below specified levels in subsequent years. Also, the agreed-upon rate of increase in compensation, say 5.5 percent, would hold over the life of the contract even if the rate of inflation went down. So in return for moderating his demand for a highly inflationary wage increase in a three-year contract, the worker would get a chance of significant gains in real wages next year and the year after if inflation recedes.

The corresponding price guidelines should (1) permit some adjustment of prices to reflect increases in costs, (2) contribute to disinflation, and (3) help make the wage guidepost acceptable to labor by giving up a quid pro quo. Under almost any formulation of a price guidepost appropriate to 1970, an employer whose employees accepted a guidepost contract would absorb out of profits some fraction of the resulting increase in unit labor costs. Price increases, that is, would not fully reflect cost increases.

With profits already pinched, business would doubtless find this aspect of the guideposts highly objectionable. But acceptance of an additional cut into profits can be looked upon as a temporary price business has to pay for labor's cooperation in moving back toward price stability. And the last several years, with their burdensome borrowing costs, steeply rising labor costs, and stagnant profits, have once again abundantly demonstrated how valuable price stability is to business.

## HOPE FOR REDUNDANCE

Fortune, as we have noted, advocates wage and price guideposts with some reservations and misgivings. For one thing, guideposts cannot be expected to have large effects upon wages and prices in the whole economy. In practice, guideposts mainly apply to large unions and large industrial corporations. This reach leaves out a lot of the U.S. economy, including some of the sectors that contribute most troublesomely to inflation—notably medical care and construction. What's more, it must be emphasized again that guideposts are not intended to substitute for appropriate fiscal and monetary policies or for structural reform of the economy. An economist who can be considered an advocate of a guidepost policy observed some time ago: "In a highly flexible, perfectly competitive economy, there would be no place for guideposts . . ." We agree, and we look forward to enough

progress in that direction to render guideposts redundant.

Still, with so much inflationary bias in the economy, it would be well to give them another try. Guideposts may be a "cracked record," but the inflation-or-unemployment quandary is a cracked record too, and it makes a very unpleasant noise.

## THE EMPLOYMENT SITUATION: MAY 1970

The unemployment rate increased for the fifth consecutive month in May, while employment declined (seasonally adjusted), the U.S. Department of Labor's Bureau of Labor Statistics announced today.

The overall unemployment rate rose from 4.8 percent in April to 5.0 percent in May, the highest since February 1965. The increase occurred entirely among adult workers, particularly those seeking full-time work. The unemployment rate for workers covered by State unemployment insurance programs rose sharply in May to 3.6 percent, up from 3.1 percent in April.

Nonfarm payroll employment declined by 270,000 in May, after seasonal adjustment, although about 100,000 of the drop was due to increased strike activity. Nearly all of the decline occurred in manufacturing, where employment fell in both durable and non-durable goods. The factory workweek and overtime hours continued to edge down in May.

## UNEMPLOYMENT

The number of unemployed persons was 3.4 million in May, down 170,000 from April. Unemployment usually falls more than this in May and, as a result, joblessness was up by 160,000 after seasonal adjustment to 4.1 million.

Since December, unemployment has risen by nearly 1.3 million—600,000 adult men, 425,000 adult women, and 225,000 teenagers. Of the increase, 60 percent were persons who had lost their last jobs, 20 percent were re-entrants to the labor force, and 10 percent each were persons who had never worked before and job leavers. All of the April-May unemployment increase was among job losers.

Thus far this year, the unemployment rate has risen from 3.5 percent in December to 5.0 percent in May, the sharpest increase for a 5-month span in more than a decade. Most of the current increase has been among full-time workers, although the part-time rate has also risen. The May increase occurred entirely among full-time workers, whose rate rose from 4.4 to 4.7 percent.

The unemployment rate for adult men rose from 3.2 to 3.5 percent between April and May; this rate has risen continuously for the last 6 months. The jobless rate for married men, at 2.6 percent in May, was up from 2.4 percent in April and 1.5 percent a year ago. Rates for both groups of workers equaled levels of early 1965.

After remaining virtually unchanged in April, the unemployment rate for adult women rose from 4.4 to 5.1 percent in May. Although increases in joblessness have not been as great for adult women as for men over this past year, the May rise also brought their rate to early-1965 levels.

The teenage unemployment rate in May moved down from 15.7 to 14.3 percent, primarily among girls. The teenage rate had risen sharply in April, after changing very little in the first 3 months of this year. With the exception of April, the May teenage rate was the highest in more than 4 years.

The jobless rate for workers covered by State unemployment insurance programs was 3.6 percent in mid-May, up from 3.1 percent in mid-April. The May rise of 0.5 percentage point was the sharpest over-the-month increase since November 1959 and followed an increase of 0.4 percentage point in April. At a seasonally adjusted level of 1.9 million in mid-May, the volume of insured unemployment was up 300,000 from mid-April and 900,000 from a year ago.

All of the increase in unemployment in

May occurred among white workers, whose jobless rate rose from 4.3 to 4.6 percent. The Negro jobless rate fell from 8.7 to 8.0 percent but was still above the 7.1 rate of March. The ratio of the Negro to white unemployment rates in May was less than 2 to 1, as it had been in 7 out of the 8 months. The over-the-month increase for whites occurred among adult workers, while the only significant decline for Negroes was among teenagers.

Unemployment rates for craftsmen and operatives rose over the month, as jobless rates in manufacturing and construction increased markedly. Rates in these two industries had been virtually unchanged for the past 3 months. At 5.2 percent, the manufacturing rate was 2 percentage points above its year-ago level, while the unemployment rate in construction—11.9 percent—was double the May 1969 rate.

With unemployment increasing for the fifth consecutive month, the average jobless period lengthened in May. The number of persons who had been unemployed for 5 to 14 weeks rose by 140,000 (seasonally adjusted), and long-term unemployment of 15 weeks or longer edged up for the seventh consecutive month to 610,000. The average (mean) duration of unemployment, which had remained about steady from December to April, was 9.0 weeks in May, slightly above the level of the past 2 years but below the average of most of the preceding decade.

The number of persons who were working part time for economic reasons—such as slack work, material shortages, could find only part-time work, or started or stopped a job within the survey week—fell by 110,000 in May to 2.2 million; however, this followed a jump of 425,000 in April. The percent of labor force time lost by the unemployed and by persons involuntarily working part time rose from 5.1 percent in April to 5.4 percent in May, its highest point since April 1965. (Labor force time lost is a measure of man-hours lost to the economy as a percent of potentially available labor force man-hours.)

## CIVILIAN LABOR FORCE AND TOTAL EMPLOYMENT

The civilian labor force declined in May, falling by 320,000 to 85.8 million, after seasonal adjustment. All of the decline occurred among adult women, particularly those in the part-time labor force. The May labor force decline followed substantial rises in the December-March period. Although the labor forces for adult men and teenagers were still above December levels (by 650,000 and 310,000, respectively), that for adult women has fallen back to the December level.

Total employment, instead of increasing substantially as it usually does from April to May, decreased and, after seasonal adjustment, was down 475,000 to 78.4 million. All of the decline occurred in nonagricultural employment.

## INDUSTRY PAYROLL EMPLOYMENT

Nonagricultural payroll employment increased less than it usually does in May, and, after seasonal adjustment, was down by 270,000. Increased strike activity, mainly in contract construction and manufacturing, accounted for about 100,000 of this drop. (Workers on strike are not counted as employed in the payroll employment series, whereas they are classified as "employed—with a job but not at work" in the household series.)

As in recent months, the April-to-May cut-back in employment occurred largely among the manufacturing industries. Since September, employment in manufacturing has declined by 700,000. In contrast, employment in the service-producing industries has increased by 1.0 million during the same period. Beginning in March, however, employment gains posted in the service-producing industries have been very small and were due mostly to Federal government hiring of temporary Census workers.

The May decline of 225,000 (seasonally adjusted) in manufacturing reflected widespread decreases among both durable and nondurable goods industries. Employment in durable goods fell by 130,000, while the nondurable goods industries posted their first sizeable over-the-month decline (90,000) since manufacturing employment began its current reductions. In durable goods, cutbacks of about 20,000–25,000 occurred in the electrical equipment, primary metals, machinery, and fabricated metal products industries. Within nondurable goods, the largest decline occurred in the rubber products industry—35,000—due entirely to a strike.

Contract construction payrolls declined by 80,000 in May, after seasonal adjustment, with three-fourths of the drop accounted for by increased strike activity. Employment in this industry was about unchanged from a year ago, after allowance for strikes.

Payroll employment in trade fell slightly in May, the third consecutive small monthly decline. State and local government employment rose by 40,000, partially due to the

return of strikers. There was little change in the other service-producing industries.

#### HOURS OF WORK

The workweek for all rank-and-file workers on private nonfarm payrolls inched down to 37.2 hours, seasonally adjusted, in May. Since early fall, average weekly hours have gradually drifted downward, with the decline totaling 0.6 hour.

In manufacturing, average weekly hours edged down by 0.1 hour, seasonally adjusted, between April and May. Since December, the average factory workweek has fallen by over three-fourths of an hour. Over-the-month declines were concentrated in the nondurable goods industries, with the largest drops registered in textiles and rubber products and in machinery.

Factory overtime continued its downward trend of recent months, falling by 0.1 hour in May to 2.9 hours (seasonally adjusted). The decline reflected reduced overtime hours in nondurable goods. Since May a year ago, factory overtime hours have dropped by 0.8 hour.

The only industry to post a substantial

gain in the workweek in May was transportation and public utilities. At 40.5 hours after seasonal adjustment, the average workweek increased by 0.3 hour between April and May. (Beginning with this release, separate data on the transportation and public utilities and services industries have been added to the series on hours and earnings. See tables B-2 and B-3.)

#### EARNINGS

Average hourly earnings for production and nonsupervisory workers on private payrolls rose by 2 cents in May to \$3.20. Compared with a year ago, hourly earnings were up by 19 cents, or 6.3 percent.

Average weekly earnings increased \$1.06 between April and May to \$118.72. Compared with May 1969, weekly earnings have advanced by \$5.24, or 4.6 percent. Among the major industries, gains were posted in all industries except finance, insurance, and real estate.

Over the year ending in April 1970, average weekly earnings rose by 5.3 percent; after adjustment for consumer price changes, however, earnings were down by 0.7 percent.

TABLE A-1.—EMPLOYMENT STATUS OF THE NONINSTITUTIONAL POPULATION BY SEX AND AGE

[In thousands]

Employment status, age, and sex	May 1970	April 1970	May 1969	Seasonally adjusted				
				May 1970	April 1970	March 1970	February 1970	January 1970
<b>TOTAL</b>								
Total labor force.....	84,968	85,231	83,085	85,783	86,143	86,087	85,590	85,599
Civilian labor force.....	81,741	81,960	79,563	82,555	82,872	82,769	82,249	82,213
Employed.....	78,357	78,408	77,264	78,449	78,924	79,112	78,822	79,041
Agriculture.....	3,725	3,531	3,894	3,613	3,586	3,550	3,499	3,426
Nonagricultural industries.....	74,632	74,877	73,370	74,836	75,338	75,562	75,323	75,615
On part time for economic reasons.....	1,951	2,107	1,509	2,249	2,360	1,936	1,821	1,915
Usually work full time.....	1,116	1,308	806	1,253	1,400	1,093	1,044	1,036
Usually work part time.....	835	799	703	996	960	843	777	879
Unemployed.....	3,384	3,552	2,299	4,106	3,948	3,657	3,427	3,172
<b>MEN, 20 YEARS AND OVER</b>								
Civilian labor force.....	47,067	47,027	46,134	47,226	47,199	47,060	46,836	46,826
Employed.....	45,664	45,529	45,324	45,593	45,667	45,709	45,534	45,674
Agriculture.....	2,696	2,636	2,786	2,625	2,602	2,537	2,479	2,473
Nonagricultural industries.....	42,968	42,893	42,538	42,968	43,065	43,172	43,055	43,201
Unemployed.....	1,403	1,498	810	1,633	1,532	1,351	1,302	1,152
<b>WOMEN, 20 YEARS AND OVER</b>								
Civilian labor force.....	28,033	28,382	27,262	27,885	28,274	28,295	28,066	28,073
Employed.....	26,828	27,210	26,395	26,476	27,022	27,016	26,925	27,060
Agriculture.....	634	521	696	567	571	583	630	586
Nonagricultural industries.....	26,194	26,689	25,699	25,909	26,451	26,433	26,295	26,474
Unemployed.....	1,205	1,171	867	1,409	1,252	1,279	1,141	1,013
<b>BOTH SEXES, 16-19 YEARS</b>								
Civilian labor force.....	6,641	6,551	6,168	7,444	7,399	7,414	7,347	7,314
Employed.....	5,865	5,669	5,545	6,380	6,235	6,387	6,363	6,307
Agriculture.....	396	374	412	421	413	430	390	367
Nonagricultural industries.....	5,469	5,294	5,133	5,959	5,822	5,957	5,973	5,940
Unemployed.....	776	883	623	1,064	1,164	1,027	984	1,007

TABLE A-2.—FULL- AND PART-TIME STATUS OF THE CIVILIAN LABOR FORCE BY SEX AND AGE

[Numbers in thousands]

Full- and part-time employment status, sex, and age	May 1970	May 1969	May 1970	April 1970	March 1970	Seasonally adjusted		
						February 1970	January 1970	May 1969
<b>FULL TIME</b>								
Total, 16 years and over:								
Civilian labor force.....	69,383	67,818	71,116	70,810	70,557	70,407	70,623	69,273
Employed.....	66,541	66,018	67,742	67,720	67,707	67,781	68,235	67,128
Unemployed.....	2,842	1,799	3,374	3,090	2,850	2,626	2,388	2,145
Unemployment rate.....	4.1	2.7	4.7	4.4	4.0	3.7	3.4	3.1
Men, 20 years and over:								
Civilian labor force.....	44,742	43,907	45,061	44,898	44,715	44,536	44,604	44,143
Employed.....	43,423	43,163	43,554	43,487	43,460	43,348	43,561	43,293
Unemployed.....	1,319	744	1,507	1,411	1,255	1,188	1,043	850
Unemployment rate.....	2.9	1.7	3.3	3.1	2.8	2.7	2.3	1.9
Women, 20 years and over:								
Civilian labor force.....	21,705	21,331	21,937	22,054	21,982	21,965	22,146	21,501
Employed.....	20,695	20,643	20,736	21,042	20,982	21,087	21,332	20,684
Unemployed.....	1,010	687	1,201	1,012	1,000	878	814	817
Unemployment rate.....	4.7	3.2	5.5	4.6	4.5	4.0	3.7	3.8
<b>PART TIME</b>								
Total, 16 years and over:								
Civilian labor force.....	12,358	11,745	11,425	11,949	11,958	11,634	11,803	10,844
Employed.....	11,816	11,245	10,689	11,064	11,109	10,828	10,946	10,165
Unemployed.....	542	500	736	885	849	806	857	679
Unemployment rate.....	4.4	4.3	6.4	7.4	7.1	6.9	7.3	6.3

Note.—Persons on part-time schedules for economic reasons are included in the full-time employed category; unemployed persons are allocated by whether seeking full- or part-time work.

TABLE A-3.—MAJOR UNEMPLOYMENT INDICATORS

[Persons 16 years and over]

Selected categories	Thousands of persons unemployed		Seasonally adjusted rates of unemployment					
	May 1970	May 1969	May 1970	April 1970	March 1970	February 1970	January 1970	May 1969
Total (all civilian workers).....	3,384	2,299	5.0	4.8	4.4	4.2	3.9	3.5
Men, 20 years and over.....	1,403	810	3.5	3.2	2.9	2.8	2.5	2.0
Women, 20 years and over.....	1,205	867	5.1	4.4	4.5	4.1	3.6	3.7
Both sexes, 16-19 years.....	776	623	14.3	15.7	13.9	13.4	13.8	12.4
White.....	2,783	1,841	4.6	4.3	4.1	3.8	3.6	3.1
Negro and other races.....	601	458	8.0	8.7	7.1	7.0	6.3	6.4
Married men.....	877	508	2.6	2.4	2.2	2.0	1.8	1.5
Full-time workers.....	2,842	1,799	4.7	4.4	4.0	3.7	3.4	3.1
Part-time workers.....	542	500	6.4	7.4	7.1	6.9	7.3	6.3
Unemployed 15 weeks and over <sup>1</sup> .....	660	431	.7	.7	.7	.6	.5	.5
State insured <sup>2</sup> .....	1,689	916	3.6	3.1	2.7	2.7	2.5	2.0
Labor force time lost <sup>3</sup> .....			5.4	5.1	4.8	4.5	4.2	3.8
<b>OCCUPATION<sup>4</sup></b>								
White-collar workers.....	943	641	2.8	2.9	2.7	2.3	2.1	2.0
Professional and managerial.....	297	196	1.7	1.7	1.8	1.4	1.3	1.2
Clerical workers.....	477	338	3.9	4.0	3.6	3.2	3.1	2.9
Salesworkers.....	170	107	4.4	4.1	3.5	3.4	2.8	2.9
Blue-collar workers.....	1,601	967	6.2	5.7	5.2	5.0	4.6	3.8
Craftsmen and foremen.....	385	208	4.2	3.5	3.1	2.5	2.3	2.3
Operatives.....	920	558	6.7	6.3	6.2	6.0	5.1	4.1
Nonfarm laborers.....	296	201	9.1	8.8	7.4	7.7	8.5	6.5
Service workers.....	434	365	4.9	5.0	4.9	4.8	4.5	4.2
Farmworkers.....	70	39	3.5	2.1	2.3	1.9	2.1	1.8
<b>INDUSTRY<sup>4</sup></b>								
Nonagricultural private wage and salary workers <sup>5</sup> .....	2,718	1,776	5.2	4.8	4.6	4.3	3.9	3.5
Construction.....	355	157	11.9	8.1	8.1	7.9	7.1	5.7
Manufacturing.....	1,031	617	5.2	4.7	4.7	4.6	3.8	3.1
Durable goods.....	558	332	4.9	4.9	4.8	4.7	3.8	2.9
Non-durable goods.....	473	285	5.7	4.5	4.6	4.4	3.8	3.4
Transportation and public utilities.....	126	90	3.3	3.9	3.1	2.4	2.9	2.4
Wholesale and retail trade.....	620	465	5.1	5.5	4.7	4.7	4.3	4.1
Finance and service industries.....	568	431	4.2	3.9	4.0	3.2	3.1	3.3
Government wage and salary workers.....	210	161	2.2	2.2	2.1	2.0	2.2	1.7
Agricultural wage and salary workers.....	73	43	9.3	5.9	6.4	5.8	6.2	5.3

<sup>1</sup> Unemployment rate calculated as a percent of civilian labor force.<sup>2</sup> Insured unemployment under State programs—unemployment rate calculated as a percent of average covered employment.<sup>3</sup> Man-hours lost by the unemployed and persons on part time for economic reasons as a percent of potentially available labor force man-hours.<sup>4</sup> Unemployment by occupation includes all experienced unemployed persons, whereas that by industry covers only unemployed wage and salary workers.<sup>5</sup> Includes mining, not shown separately.

TABLE A-4.—UNEMPLOYED PERSONS 16 YEARS AND OVER BY DURATION OF UNEMPLOYMENT

[In thousands]

Duration of unemployment	Seasonally adjusted							
	May 1970	May 1969	May 1970	April 1970	March 1970	February 1970	January 1970	May 1969
Less than 5 weeks.....	1,744	1,352	2,219	2,295	1,995	1,973	1,756	1,720
5 to 14 weeks.....	980	516	1,214	1,075	1,154	1,016	914	639
15 weeks and over.....	660	431	612	569	545	465	409	400
15 to 26 weeks.....	416	303	352	372	363	306	276	263
27 weeks and over.....	243	128	260	197	182	159	133	137

TABLE A-5.—UNEMPLOYED PERSONS BY REASON FOR UNEMPLOYMENT

[Numbers in thousands]

Reason for unemployment	Seasonally adjusted							
	May 1970	May 1969	May 1970	Apr 1970	March 1970	February 1970	January 1970	May 1969
<b>NUMBER OF UNEMPLOYED</b>								
Lost last job.....	1,658	892	1,912	1,613	1,503	1,390	1,202	1,029
Left last job.....	447	325	550	573	466	473	460	400
Reentered labor force.....	944	796	1,168	1,207	1,225	1,089	1,106	985
Never worked before.....	333	286	464	550	479	477	509	399
<b>PERCENT DISTRIBUTION</b>								
Total unemployed.....	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Lost last job.....	49.0	38.8	46.7	40.9	40.9	40.5	36.7	36.6
Left last job.....	13.2	14.1	13.4	14.5	12.7	13.8	14.0	14.2
Reentered labor force.....	27.9	34.6	28.5	30.6	33.4	31.8	33.8	35.0
Never worked before.....	9.9	12.4	11.3	13.9	13.0	13.9	15.5	14.2
<b>UNEMPLOYED AS A PERCENT OF THE CIVILIAN LABOR FORCE</b>								
Lost last job.....	2.0	1.1	2.3	1.9	1.8	1.7	1.5	1.3
Left last job.....	.5	.4	.7	.7	.6	.6	.6	.5
Reentered labor force.....	1.2	1.0	1.4	1.5	1.5	1.3	1.3	1.2
Never worked before.....	.4	.5	.6	.7	.6	.6	.6	.6

TABLE A-6.—UNEMPLOYED PERSONS BY AGE AND SEX

Age and sex	Thousands of persons		Percent looking for full-time work May, 1970	Seasonally adjusted unemployment rates					
	May 1970	May 1969		May 1970	Apr. 1970	Mar. 1970	Feb. 1970	Jan. 1970	May 1969
Total, 16 years and over.....	3,384	2,299	84.0	5.0	4.8	4.4	4.2	3.9	3.5
16 to 19 years.....	776	623	66.1	14.3	15.7	13.9	13.4	13.8	12.4
16 and 17 years.....	368	305	45.9	15.6	18.7	15.7	16.3	17.2	14.0
18 and 19 years.....	408	318	84.3	13.8	13.8	12.4	11.7	11.6	11.5
20 to 24 years.....	721	455	92.2	8.1	7.7	6.8	7.3	6.1	5.5
25 years and over.....	1,886	1,221	88.3	3.3	3.1	3.0	2.6	2.4	2.2
25 to 54 years.....	1,466	1,000	90.7	3.4	3.2	3.1	2.7	2.5	2.3
55 years and over.....	420	221	79.8	3.3	2.8	2.7	2.4	2.0	1.7
Males, 16 years and over.....	1,843	1,114	86.5	4.4	4.2	3.6	3.6	3.3	2.7
16 to 19 years.....	440	304	62.7	15.0	15.2	12.5	13.0	12.6	11.1
16 and 17 years.....	222	180	41.9	16.4	17.2	14.6	15.4	14.9	13.9
18 and 19 years.....	219	125	83.1	14.6	13.9	10.8	11.0	10.8	9.2
20 to 24 years.....	383	223	94.0	7.7	7.9	6.4	6.9	6.1	4.8
25 years and over.....	1,019	586	94.0	2.9	2.6	2.4	2.2	2.0	1.7
25 to 54 years.....	756	455	97.0	2.8	2.6	2.3	2.1	2.0	1.7
55 years and over.....	263	132	85.6	3.1	2.8	2.8	2.4	2.1	1.6
Females, 16 years and over.....	1,541	1,185	80.9	5.9	5.7	5.7	5.1	4.8	4.8
16 to 19 years.....	335	319	70.7	13.4	16.4	15.6	13.9	15.2	14.0
16 and 17 years.....	146	125	52.1	14.6	20.6	17.0	17.3	20.3	14.2
18 and 19 years.....	189	194	85.2	12.9	13.7	14.3	12.7	12.4	14.1
20 to 24 years.....	338	232	90.2	8.7	7.5	7.2	7.6	6.2	6.4
25 years and over.....	867	635	81.3	4.2	3.8	4.0	3.3	3.0	3.1
25 to 54 years.....	710	546	83.9	4.3	4.2	4.4	3.6	3.3	3.4
55 years and over.....	157	89	69.4	3.6	2.7	2.5	2.3	1.7	1.9

TABLE B-1.—EMPLOYEES ON NONAGRICULTURAL PAYROLLS, BY INDUSTRY

Industry	[In thousands]				Change from		Seasonally adjusted			Change from April 1970
	May 1970	April 1970	March 1970	May 1969	April 1970	May 1969	May 1970	April 1970	March 1970	
Total.....	70,779.0	70,721.0	70,460.0	70,065.0	58.0	714.0	70,855	71,124	71,256	-269
Mining.....	620.0	616.0	610.0	614.0	4.0	6.0	620	622	626	-2
Contract construction.....	3,338.0	3,284.0	3,161.0	3,434.0	54.0	-96.0	3,345	3,424	3,481	-79
Manufacturing.....	19,418.0	19,619.0	19,794.0	20,027.0	-201.0	-609.0	19,562	19,787	19,944	-225
Production workers.....	14,070.0	14,236.0	14,385.0	14,655.0	-166.0	-585.0	14,184	14,384	14,512	-200
Durable goods.....	11,358.0	11,484.0	11,607.0	11,857.0	-126.0	-499.0	11,394	11,525	11,648	-131
Production workers.....	8,179.0	8,279.0	8,379.0	8,624.0	-100.0	-445.0	8,199	8,313	8,409	-114
Ordnance and accessories.....	252.4	260.0	271.0	328.2	-7.6	-75.8	254	261	271	-7
Lumber and wood products.....	582.4	574.3	578.6	611.6	8.1	-29.2	585	585	593	0
Furniture and fixtures.....	452.0	463.5	468.6	480.6	-11.5	-28.6	457	468	471	-11
Stone, clay, and glass products.....	632.8	639.7	635.1	651.9	-6.9	-19.1	633	644	651	-11
Primary metal industries.....	1,308.8	1,327.2	1,338.1	1,354.1	-18.4	-45.3	1,298	1,321	1,337	-23
Fabricated metal products.....	1,383.3	1,401.3	1,416.1	1,434.1	-18.0	-50.8	1,392	1,410	1,425	-18
Machinery, except electrical.....	2,016.2	2,041.2	2,058.3	2,022.7	-25.0	-6.5	2,014	2,033	2,046	-19
Electrical equipment.....	1,932.6	1,962.2	1,983.2	2,011.2	-29.6	-78.6	1,956	1,982	1,995	-26
Transportation equipment.....	1,913.0	1,923.0	1,963.4	2,050.2	-10.0	-137.2	1,913	1,919	1,950	-6
Instruments and related products.....	463.9	469.2	471.3	476.6	-5.3	-12.7	467	471	472	-4
Miscellaneous manufacturing.....	420.7	422.3	423.0	436.2	-1.6	-15.5	425	431	437	-6
Nondurable goods.....	8,060.0	8,135.0	8,187.0	8,170.0	-75.0	-110.0	8,168	8,262	8,296	-94
Production workers.....	5,891.0	5,957.0	6,006.0	6,031.0	-66.0	-140.0	5,985	6,071	6,103	-86
Food and kindred products.....	1,723.1	1,722.5	1,735.6	1,726.5	.6	-3.4	1,791	1,806	1,823	-15
Tobacco manufactures.....	70.2	71.1	73.8	71.1	-9	-9	81	81	81	0
Textile mill products.....	965.2	975.1	977.3	995.7	-9.9	-30.5	969	979	980	-10
Apparel and other textile products.....	1,374.0	1,379.8	1,402.8	1,414.9	-5.8	-40.9	1,377	1,391	1,396	-14
Paper and allied products.....	704.2	713.6	714.9	703.6	-9.4	.6	711	721	721	-10
Printing and publishing.....	1,105.7	1,110.8	1,112.3	1,077.6	-5.1	28.1	1,111	1,112	1,113	-1
Chemicals and allied products.....	1,055.1	1,063.2	1,064.1	1,056.8	-8.1	-1.7	1,057	1,062	1,066	-5
Petroleum and coal products.....	190.0	190.1	189.7	188.1	-1	1.9	191	192	194	-1
Rubber and plastics products, n.e.c.....	546.1	579.9	585.0	589.9	-33.8	-43.8	551	585	589	4
Leather and leather products.....	326.4	328.5	331.6	345.6	-2.1	-19.2	329	333	333	-34
Transportation and public utilities.....	4,464.0	4,428.0	4,443.0	4,411.0	36.0	53.0	4,473	4,464	4,502	-9
Wholesale and retail trade.....	14,868.0	14,803.0	14,700.0	14,517.0	65.0	351.0	14,958	14,975	14,984	-17
Wholesale trade.....	3,806.0	3,800.0	3,797.0	3,678.0	6.0	128.0	3,850	3,850	3,847	2
Retail trade.....	11,062.0	11,003.0	10,903.0	10,839.0	59.0	223.0	11,106	11,125	11,137	-19
Finance, insurance, and real estate.....	3,676.0	3,661.0	3,639.0	3,533.0	15.0	143.0	3,683	3,676	3,665	7
Services.....	11,630.0	11,552.0	11,433.0	11,237.0	78.0	393.0	11,561	11,552	11,537	9
Government.....	12,765.0	12,758.0	12,680.0	12,292.0	7.0	473.0	12,653	12,624	12,517	29
Federal.....	2,824.0	2,838.0	2,758.0	2,740.0	-14.0	84.0	2,840	2,851	2,780	-11
State and local.....	9,941.0	9,920.0	9,922.0	9,552.0	21.0	389.0	9,813	9,773	9,737	04

Note: Data for the 2 most recent months are preliminary

TABLE B-2.—AVERAGE WEEKLY HOURS OF PRODUCTION OR NONSUPERVISORY WORKERS<sup>1</sup> ON PRIVATE NONAGRICULTURAL PAYROLLS, BY INDUSTRY

Industry	Change from				Seasonally adjusted			Change from April 1970		
	May 1970	April 1970	March 1970	May 1969	April 1970	May 1969	May 1970			
Total Private.....	37.1	37.0	37.2	37.7	0.1	-0.6	37.2	37.3	37.4	-0.1
Mining.....	43.2	43.1	42.4	43.4	.1	-.2	43.1	43.1	43.2	0
Contract construction.....	38.2	37.9	37.2	38.2	.3	0	38.2	38.3	38.0	-.1
Manufacturing.....	39.9	39.7	40.0	40.7	.2	-.8	39.9	40.0	40.2	-.1
Overtime hours.....	2.9	2.8	3.0	3.6	.1	-.7	2.9	3.0	3.2	-.1
Durable goods.....	40.5	40.2	40.6	41.4	.3	-.9	40.5	40.4	40.7	.1
Overtime hours.....	2.9	2.8	3.1	3.7	.1	-.8	3.0	3.0	3.2	0
Ordnance and accessories.....	40.8	40.8	40.8	40.5	0	.3	40.8	41.1	41.1	-.3
Lumber and wood products.....	40.7	39.9	39.5	40.7	.8	0	40.3	39.9	39.5	4.0
Furniture and fixtures.....	38.7	38.7	39.1	40.4	0	-1.7	39.1	39.3	39.4	-.2
Stone, clay, and glass products.....	41.4	41.4	41.3	42.4	0	-1.0	41.2	41.5	41.8	-.3

Footnotes at end of table.

TABLE B-2.—AVERAGE WEEKLY HOURS OF PRODUCTION OR NONSUPERVISORY WORKERS<sup>1</sup> ON PRIVATE NONAGRICULTURAL PAYROLLS, BY INDUSTRY—Continued

Industry	May 1970	April 1970	March 1970	May 1969	Change from		Seasonally adjusted			Change from April 1970
					April 1970	May 1969	May 1970	April 1970	March 1970	
Primary metal industries.....	40.6	40.4	40.8	41.9	.2	-1.3	40.4	40.1	40.7	.3
Fabricated metal products.....	40.7	40.7	40.9	41.7	0	-1.0	40.6	41.0	41.2	-.4
Machinery, except electrical.....	40.9	41.5	42.1	42.6	-.6	-1.7	40.9	41.5	41.8	-.6
Electrical equipment.....	39.7	39.6	40.1	40.5	.1	-.8	39.8	40.0	40.2	-.2
Transportation equipment.....	41.0	39.3	40.0	41.3	1.7	-.3	40.9	39.8	40.4	1.1
Instruments and related products.....	40.4	40.3	40.7	40.7	.1	-.3	40.5	40.5	40.7	0
Miscellaneous manufacturing.....	38.6	38.8	39.0	39.0	-.2	-.4	38.7	39.0	39.0	-.3
Nondurable goods.....	39.0	38.9	39.2	39.7	.1	-.7	39.1	39.3	39.4	-.2
Overtime hours.....	2.8	2.8	3.0	3.3	0	-.5	2.9	3.0	3.2	-.1
Food and kindred products.....	40.5	39.8	40.0	40.5	.7	0	40.7	40.5	40.5	.2
Tobacco manufactures.....	38.9	37.1	36.4	37.6	1.8	1.3	39.2	38.3	37.5	.9
Textile mill products.....	39.7	39.9	40.1	40.9	-.2	-1.2	39.8	40.6	40.2	-.8
Apparel and other textile products.....	35.2	35.4	35.8	36.1	-.2	-.9	35.2	35.5	35.5	-.3
Paper and allied products.....	42.0	41.7	42.0	43.0	.3	-1.0	42.0	42.1	42.2	-.1
Printing and publishing.....	37.6	37.7	38.0	38.3	-.1	-.7	37.7	37.9	38.0	-.2
Chemicals and allied products.....	41.4	41.6	41.8	41.9	-.2	-.5	41.3	41.4	41.8	-.1
Petroleum and coal products.....	42.1	42.1	41.8	43.3	0	-1.2	41.8	41.8	42.2	0
Rubber and plastics products, n.e.c.....	39.7	40.2	40.4	41.2	-.5	-1.5	39.8	40.6	40.7	-.8
Leather and leather products.....	37.1	36.3	37.1	37.3	.8	-.2	37.3	37.4	30.4	-.1
Transportation and public utilities.....	40.3	39.7	40.2	40.5	.6	-.2	40.5	40.2	47.6	.3
Wholesale and retail trade.....	35.0	34.9	35.0	35.4	.1	-.4	35.4	35.3	35.3	.1
Wholesale trade.....	40.0	39.9	40.0	40.0	.1	0	40.2	40.1	40.1	.1
Retail trade.....	33.4	33.3	33.4	33.9	.1	-.5	33.8	33.7	33.8	.1
Finance, insurance, and real estate.....	36.7	36.9	37.0	37.0	-.2	-.3	36.8	36.9	37.0	-.1
Services.....	34.4	34.5	34.7	34.5	-.1	-.1	34.6	34.6	34.7	0

<sup>1</sup> Data relate to production workers in mining and manufacturing; to construction workers in contract construction; and to nonsupervisory workers in transportation and public utilities; wholesale and retail trade; finance, insurance, and real estate; and services. These groups account for approximately 5/8 of the total employment on private nonagricultural payrolls.

Note: Data for the 2 most recent months are preliminary.

TABLE B-3.—AVERAGE HOURLY AND WEEKLY EARNINGS OF PRODUCTION OR NONSUPERVISORY WORKERS<sup>1</sup> ON PRIVATE NONAGRICULTURAL PAYROLLS, BY INDUSTRY

Industry	Average hourly earnings					Average weekly earnings								
	May 1970	April 1970	March 1970	May 1969	Change from			May 1970	April 1970	March 1970	May 1969	Change from		
					April 1970	May 1969	May 1970					April 1970	May 1969	
Total private.....	\$3.20	\$3.18	\$3.17	\$3.01	\$0.02	\$0.19	\$118.72	\$117.66	\$117.92	\$113.48	\$1.06	\$5.24		
Mining.....	3.00	3.79	3.78	3.50	.01	.22	164.16	163.35	160.27	155.37	.81	8.79		
Contract construction.....	5.09	5.08	5.06	4.72	.01	.37	194.44	192.53	188.23	180.30	1.91	14.14		
Manufacturing.....	3.35	3.32	3.31	3.16	.03	.19	133.67	131.80	132.40	128.61	1.87	5.06		
Durable goods.....	3.50	3.52	3.51	3.35	.04	.21	144.18	141.50	142.51	138.69	2.68	5.49		
Ordnance and accessories.....	3.57	3.58	3.57	3.40	-.01	.17	145.66	146.06	145.66	137.70	-.40	7.96		
Lumber and wood products.....	2.97	2.89	2.86	2.69	.08	.28	120.88	115.31	112.97	109.48	5.57	11.40		
Furniture and fixtures.....	2.75	2.73	2.71	2.60	.02	.15	106.43	105.65	105.96	105.04	-.78	1.39		
Stone, clay, and glass products.....	3.36	3.34	3.32	3.17	.02	.19	139.10	138.28	137.12	134.41	.82	4.69		
Primary metal industries.....	3.93	3.90	3.86	3.75	.03	.18	159.56	157.65	157.49	157.13	2.90	2.43		
Fabricated metal products.....	3.52	3.50	3.48	3.32	.02	.20	143.26	143.45	142.33	138.44	.81	4.82		
Machinery, except electrical.....	3.76	3.76	3.75	3.56	0	.20	153.78	156.04	157.88	151.66	-2.26	2.12		
Electrical equipment.....	3.28	3.25	3.24	3.07	.03	.21	130.22	128.70	129.92	124.34	1.52	5.88		
Transportation equipment.....	4.06	4.00	4.01	3.83	.06	.23	167.69	157.20	160.40	158.18	10.49	9.51		
Instruments and related products.....	3.30	3.29	3.28	3.12	.01	.18	133.32	132.59	133.50	126.98	.73	6.34		
Miscellaneous manufacturing.....	2.80	2.80	2.80	2.64	0	.16	108.08	108.64	109.20	102.96	-.56	5.12		
Nondurable goods.....	3.05	3.04	3.03	2.88	.01	.17	118.95	118.26	118.78	114.34	.69	4.61		
Food and kindred products.....	3.16	3.12	3.10	2.95	.04	.21	127.98	124.18	124.00	119.48	3.80	8.50		
Tobacco manufactures.....	3.05	2.99	2.90	2.74	.06	.31	118.65	110.93	105.56	103.02	7.72	15.63		
Textile mill products.....	2.43	2.43	2.42	2.30	0	.13	96.47	96.96	97.04	94.07	-.49	2.40		
Apparel and other textile products.....	2.37	2.37	2.37	2.29	0	.08	83.42	83.90	84.85	82.67	-.48	.75		
Paper and allied products.....	3.40	3.37	3.35	3.20	.03	.20	142.80	140.53	140.70	137.60	2.27	5.20		
Printing and publishing.....	3.87	3.85	3.84	3.66	.02	.21	145.51	145.15	145.92	140.18	.36	5.33		
Chemicals and allied products.....	3.63	3.61	3.60	3.43	.02	.20	150.28	150.18	150.48	143.72	1.10	6.56		
Petroleum and coal products.....	4.31	4.27	4.23	4.03	.04	.28	181.45	179.77	176.81	174.50	1.68	6.95		
Rubber and plastics products, nec.....	3.14	3.16	3.15	3.04	-.02	.10	124.66	127.03	127.26	125.25	-2.37	5.99		
Leather and leather products.....	2.50	2.48	2.47	2.35	.02	.15	92.75	90.02	91.64	87.66	2.73	5.09		
Transportation and public utilities.....	3.72	3.71	3.71	3.61	0.01	0.11	149.92	147.29	149.14	146.21	2.63	3.71		
Wholesale and retail trade.....	2.70	2.69	2.68	2.54	0.01	0.16	94.50	93.88	93.80	89.92	.62	4.55		
Wholesale trade.....	3.41	3.39	3.40	3.20	0.02	0.21	136.40	135.26	136.00	128.00	1.14	8.40		
Retail trade.....	2.42	2.42	2.41	2.29	0	0.13	80.83	80.59	80.49	77.63	.24	3.20		
Finance, insurance, and real estate.....	3.03	3.03	3.05	2.90	0	0.13	111.20	111.81	112.85	107.30	-.61	3.90		
Services.....	2.83	2.82	2.82	2.60	0.01	0.23	97.35	97.29	97.85	89.70	.06	7.65		

<sup>1</sup> Data relate to production workers in mining and manufacturing; to construction workers in contract construction; and to nonsupervisory workers in transportation and public utilities; wholesale and retail trade; finance, insurance, and real estate; and services. These groups account for approximately 5/8 of the total employment on private nonagricultural payrolls.

Note: Data for the 2 most recent months are preliminary.

**MILITARY PROCUREMENT AUTHORIZATIONS, 1971—AMENDMENTS NOS. 680 AND 681**

Mr. PROXMIRE. Mr. President, I am today submitting two amendments which I intend to propose to the military authorization bill, the first of which would strike \$200 million for the procurement of C-5A aircraft by the Air Force.

The bill contains a total of \$544.4 million for the C-5A. Of this amount, \$344.4

million is urged to pay for prior year production commitments.

But the bill also contains another \$200 million as a "contingency fund." These are expenditures which the Air Force itself claims are the responsibility of the contractor. They say that the contractor is responsible under the contract to cover expenditures beyond the \$344.4 million.

However, the Air Force has no confidence that Lockheed, the contractor,

has the ability to cover these expenditures and has asked for the \$200 million as a "contingency fund" to cover such expenditures in that case.

**BAIL-OUT MONEY**

To put it badly, the Air Force is picking up at least \$200 million of the check which Lockheed itself should pay. And Secretary Packard has said that if the Air Force does not pay it, the C-5A program would have to be terminated

under confusion and uncertain circumstances without any clear picture of just what the Government could get for its large investment in the program.

That, in fact, is a fantastic admission of failure.

But what the Air Force has done is to submit meekly to the claims of the company and has asked Congress to provide \$200 million of the "bail out" money the company says it needs.

But this is being done without getting the facts. Lockheed has refused to give to the Air Force and to Congress a cash flow analysis—the fundamental document which would give its precise financial condition.

#### NEED FACTUAL INFORMATION

It has asked for \$641 million bail-out money, and the Air Force and Mr. Packard are urging us to provide at least \$200 million of that amount in the bill, almost entirely on the word of the company and under its threat that they will stop production unless they get the funds.

But we do not have a cash flow analysis—a document without which no bank would loan a non-defense business \$1 million, let alone \$200 million or \$641 million.

I might point out that the \$1 million is not a loan; it is a gift.

The company claims that such a document is "proprietary information"—that is, the cash flow statement—and has refused my requests through the GAO and the Air Force to produce it.

What we need to know is first, how much cash is available to the company, second, what its cash needs for all of its major programs will be over the next 18 months to 2 years, third, the cash deficits and surpluses for all major Lockheed programs, including the L-1011, which is a commercial operation, on both Lockheed premises and customer premises, fourth, where additional funds will be coming from, including sales of its commercial and its military goods, and fifth, what alternative means of getting cash there are, including the disposal of some of its assets or the availability of loans.

We need this information. Lockheed's needs should not be taken on faith.

#### WITHHOLD FUNDS

I say that if they are unwilling to produce such fundamental facts, we should not appropriate the money. As trustees for the taxpayers of the United States, we have even a greater responsibility than a bank does to its depositors and shareholders.

The Air Force is already remiss in its failure to demand such a document and in its continuous supine behavior toward this company. This situation must not be compounded by an equally weak, supine, and irresponsible act on the part of the Congress.

#### FURTHER EXPENDITURES CONDITIONAL ON RECEIVING INFORMATION

My first amendment provides, therefore, that the \$200 million be denied to the Air Force. It further provides that none of the 1971 funds \$344.4 million may be expended such time as fundamental pieces of information are provided to the Air Force and publicly transmitted to the Congress.

The first is the detailed and comprehensive cash flow analysis giving the precise financial condition of the company I have described above.

The second is the status of the production schedule of the plane, including the detailed determination of the number of planes delivered and in process, the precise status of the work in progress based on factory data, and the near- and long-term projections for the production and delivery of the plane.

And by the public transmission of the information to Congress, I do not mean that the Air Force is to deliver it in an envelope market "secret" to one or two Members of the Congress. This is public information and should be made public. It obviously has no business being so classified. It is of no value to any potential enemy of the United States.

We have just been through a situation where Lockheed issued \$125 million in debentures which were bought by the public in good faith. But the company failed to disclose that the Air Force had warned them on their overrun position. As a result, a great many people who bought those debentures have been hurt very much indeed. But the stockholders and the taxpayers have a right to full disclosure, especially when the latter, the taxpayer, is asked to pick up the tab.

It is in fact a very sad state of affairs that such information is not now available. We should have a cash flow analysis. We need desperately to know the status of the work on the plane, including a number of very real alternative production schedules, because of the technical defects in the plane.

If this were merely a private commercial company producing commercial goods, it would have a good argument that the information is of a proprietary nature. But this company is producing a Government plane, in a Government-owned plant, with up to 90 percent advanced payments for costs incurred. In addition, it is asking for \$641 million in additional funds from the U.S. Government, \$200 million of which is to be appropriated in the bill soon to be before us. In those circumstances this is hardly proprietary information. It is information which the taxpayers have a right to know.

My second amendment would require all this information before any of the funds provided in fiscal year 1971 could be expended.

#### PRESENT PROBLEMS DUE TO AIR FORCE FAILURES

The production of this plane is in a precarious situation. And one of the reasons this is so is because the Air Force has been unwilling to stand up and demand certain information from the company. Instead of acting as the hard nosed customer of the company, with a legal contract which should be fulfilled, the Air Force has repeatedly acted as if it were the agent of the company. And this has not only been done privately but publicly as well.

Item: We had testimony a year and a half ago that there was a \$2 billion overrun on the plane. The Air Force denied it. They fired the man who made the information public. But it was true.

Item: During the debate last year I

warned that by the end of this year the Air Force would have spent all the funds they legally owed Lockheed under the contract, but that we would not receive the planes we had contracted for. I predicted they would be back for \$500 million on the C-5A. That was pooh-poohed. Now this has come true. Almost precisely \$500 million is the amount Lockheed has demanded for additional work on the C-5A. The Air Force has spent all the funds it is legally entitled to spend under the contract. Instead of the 120 planes those funds were originally to have provided, we may—and I repeat, may—get 30 planes and perhaps only 20 planes, and maybe even less. That is a scandal.

Item: We have repeated testimony, that the technical specifications for the plane had been degraded. The Air Force said this was not true. It asserted again and again that this plane is performing even better than expected. We were denounced for inquiring about it. The Air Force public relations crew wrote speeches or provided information for the proponents of the plane inside and outside the Air Force, denying this was true.

But it is true. Not only have the specifications been degraded; we now find that the wing defect is so serious that there is a grave question whether the plane itself can be salvaged to perform its original mission.

Mr. President, I should like to read from the Armed Forces Journal of this month. The Armed Forces Journal, I might stress, is not a magazine that is usually critical of the Defense Department, but is a magazine that has established an outstanding competence in this area, and is sympathetic toward our military mission.

The Armed Forces Journal in an article entitled "C-5A Fatigue Life in Question; So Is Approved 81-Aircraft Buy," reports as follows:

A blue-ribbon technical panel told Air Force Secretary Robert Seamans early this month that fatigue life of Lockheed's controversial C-5A transport will come up to only one-fourth of what is required for Military Airlift Command's planned usage of the \$4-billion giant cargo fleet. The Air Force was strongly advised to consider designing an entirely new wing for the plane, on the basis that there is virtually no chance fixes could be incorporated into the current C-5A design to give it the 30,000-hour maximum design fatigue life matching MAC's current mission requirements.

A wing crack was discovered in static test last July on a C-5A. Since, the Air Force has imposed operating restrictions which limit the plane's gross takeoff weight to 575,000 lbs. 203,000 lbs short of its design point. In February Air Force officials gave Congress an estimate of \$10- to \$15-million to fix the wing crack. That estimate presumably is now out the window.

#### WING ALREADY REDESIGNED ONCE

Sources contacted by The Journal would not estimate what design, test, and production of a new C-5A wing might cost. Lockheed has already had to redesign the wing once; the company says this happened after it was advised it had won the C-5A contract, but before the contract was awarded formally, because the "Air Force established new, stiffer performance requirements which required extensive aero-dynamic changes."

In a "Fact Sheet" now being briefed to the press, the company attributes a large part of the C-5A's cost growth to this original re-

design, which added some 600 square feet of wing area, compared to the wing proposed when Lockheed won the controversial contract.

Lockheed's bid for 120 aircraft had a target Boeing bid of \$2.216-billion for a design that an Air Force Evaluation team unanimously recommended, on 23 September 1965, be bought instead.

The Air Force says that, if it "wins all the arguments" with Lockheed on the disputed contract, the currently planned buy of only 81 aircraft will cost "about \$4-billion," but adds that "if the contractor wins all his points, the cost will be considerably higher, on the order of \$500- or \$600-million."

On 2 March Lockheed asked DOD for an advance of \$435- to \$500-million against the disputed claim to help ease what the company called a "critical financial problem."

Findings of the independent blue-ribbon advisory group which briefed Secretary Seamans on the C-5A's fatigue problems are sure to complicate an already complex dispute between the Air Force and Lockheed: responsibility for the fatigue life limitation is sure to be hotly contested.

The panel headed by Dr. Raymond L. Bisplinghoff, Dean of Engineering at MIT, reportedly gave Seamans its interim assessment orally on 4 May. Details of the meetings are being held on a very "closed hold" basis, and Air Force officials asked by The Journal to confirm or deny—and to clarify—news of the panel's findings were able to offer little information. A spokesman said, however, that while The Journal appeared to have "some facts," a completely accurate picture would not be available until the Bisplinghoff panel makes its full written report. This is supposed to be due in mid-June.

The spokesman did observe that the real significance of Dr. Bisplinghoff's findings "hinges on a question of interpretation of MAC's 1965 mission requirements versus those that MAC is using now."

#### SPECS MAY NOT MATCH MISSIONS

This oblique reference to one of Dr. Bisplinghoff's key findings may touch on the heart of an Air Force-Lockheed dispute which now seems to be building up on the fatigue life problem. By one report the Bisplinghoff panel is said to have found that design specifications given Lockheed by the AF's Systems Program Office at Wright Field do not match the operational usage factors on which the user, Military Airlift Command, has been planning C-5A operations.

Lockheed, for instance, is reported to have designed the C-5A against fatigue life specifications which assumed that only about 20% of payload capacity—e.g., a 45,000-lb payload—would be used on the cargo carrier's return leg flights. A more typical MAC fly-back mission, however, would use something like 150,000 lbs of payload. Another assumption apparently now at issue was that the aircraft would take off at its maximum 778,000-lb gross weight on only 2% of its missions. But the smaller C-141 cargo jet takes off at max gross weight on about 80% of its missions; MAC presumably has been counting on similar usage for the C-5A.

Also contributing to the aircraft's below-mission fatigue life is Lockheed's use in the wing of an alloy which has a high stress corrosion factor but poor fatigue life characteristics.

#### PANEL FINDINGS

Bisplinghoff is said to have told the Air Force that as the result of these and other problems:

The C-5A will have only about one-fourth of the 30,000-hour fatigue life required to actually fly the spectrum of missions which MAC has planned;

There is virtually no chance of beefing up the present C-5A wing to meet MAC's mission requirements;

There is doubt that Lockheed could meet the fatigue life specifications implicit in even

the less stringent "original" mission ground rules:

With enough "bollerplate" and fixes, the present C-5A design could probably be made to withstand the aircraft's basic static test requirements, but not the dynamic test requirements;

The Air Force should strongly consider going to a new wing.

Bisplinghoff's 4 May report apparently caught Air Force officials by surprise. Just two months ago, on 17 March, Secretary Seamans told the House Armed Services Committee: "It is our belief, based on the preliminary judgment of Dr. Bisplinghoff and the people he has with him, that Lockheed has a good solution to the problem."

#### LOCKHEED: C-5A WILL MEET RFQ REQUIREMENTS

A Lockheed spokesman told The Journal the company has not been given any new mission requirements. He said that, while "engineers at Marietta" may have had "conversations" with MAC about revised mission profiles, the company has been given no advice that MAC was considering "any extension" of the C-5A's original fatigue life goals. The company gave The Journal this statement:

"The C-5A Air Force transport is designed to a set of fatigue requirements specified in its original Request for Quotation. The C-5A will meet these fatigue requirements."

#### CONTRADICTION CLAIMS?

The statement, however, appears to contradict a key sentence in Lockheed's new 23 April C-5A "Fact Sheet." In a section explaining why C-5A costs have escalated, the so-called White Paper says:

"C-5A technical problems have been tougher than anticipated. Just before the C-5A contract was awarded, the Air Force established new, stiffer performance requirements which required extensive aerodynamic performance changes." (Italics added.)

It is not known if the "new, stiffer performance requirements" relate to the more stringent MAC missions which the Bisplinghoff panel has considered. But observers here said they find it hard to understand why Lockheed stresses that the C-5A was designed to and will meet fatigue life requirements laid down at the beginning of the competition (in the RFQ) if—as Lockheed also says—different, more stringent performance requirements were specified "just before" the contract was awarded.

#### "ROTATE THE FLEET"

The Lockheed spokesman contacted by The Journal to check out the Bisplinghoff report said that "from where we sit, they [the different mission profiles] are easily reconcilable." He suggested that MAC could "rotate the fleet"—indicating that the more stringent fatigue life specification considered by Dr. Bisplinghoff assumes unrealistically that all aircraft will fly the more stringent missions during their entire service. The spokesman said that, instead of having one aircraft fly all the heavy missions, the light and heavy missions should be distributed among all the aircraft. He said the fatigue life problem was a controversy more over specifications than over deficiencies in the C-5A design.

If Lockheed can successfully contend that it has met the specifications given to the company by the Air Force—whether or not they were the right ones—the Air Force would have a difficult if not impossible problem getting Lockheed to absorb some of the cost growth already in dispute, much less any new cost growth stemming from the new fatigue life flap.

The company also noted, in the statement given to The Journal, that it is now beginning "a long series of fatigue tests of a complete aircraft to prove its ability to meet the required spectrum of loads. These tests will continue until the test article completes four normal aircraft lifetimes in order to prove structural soundness."

Air Force Chief of Staff General John Ryan told the House Defense Appropriations Subcommittee in late February that, as the result of a C-5A wing crack discovered last July on the static fatigue airplane, MAC has imposed operating restrictions on the C-5A which limit takeoff weight to 575,000 pounds. Other restrictions limit the aircraft to 2.0g loads, to operation on hard surface runways only, and to airdrop of cargo in single loads not exceeding 10,000 pounds.

During the same hearings Air Force Secretary Seamans told the subcommittee "in all candor" that the C-5A "probably does not" look as good as the C-141 did at a comparable stage in its development.

He referred to the C-5's structural problems as well as others which stem from its sophisticated set of avionics. One function of the Bisplinghoff Committee, Seamans said, would be to determine whether less sophisticated radars and antennae could substitute for the low-level and ground-mapping system originally specified. The complete C-5A avionics equipment costs out at \$1.7-million per aircraft.

#### DOD MAY ASK EQUAL COST TRADE

General Ryan testified earlier this year that the Air Force had requested authority in its FY 71 budget request to buy 10 additional C-5As at a cost of \$234.7-million. DoD denied the request, which was intended to "squeeze out" five operating squadrons from a 91-aircraft buy.

Sources in the Office of the Secretary of Defense tell The Journal the Air Force now may be asked to pay for Lockheed's higher cost claims on the aircraft by "trading off" other programs approved within the Service's present fiscal guidance.

One plan currently being studied by DoD would give Lockheed relief from its current "critical financial problem" by reimbursing the company in full for its C-5A expenditures, but require the Air Force to fund the extra costs by proportionately reducing its planned 81-aircraft buy.

A DoD source told The Journal that Air Force budget analysts "don't seem to believe yet that we'd do this; but it's reasonably clear the Army and Navy don't want the money to come out of their hide; it's unlikely that Bureau of the Budget and the President would sit still for a supplemental budget request on Lockheed's behalf; and Congress probably would not approve one if it was made."

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

Mr. PROXMIRE. Yes, indeed.

Mr. GOLDWATER. The report that the Senator is reading from is only a partial report, I might say. This information was leaked to the press by, I forget the name of the committee, headed by a prominent scientist from MIT.

Mr. PROXMIRE. Dr. Ramond Bisplinghoff.

Mr. GOLDWATER. Dr. Bisplinghoff. I just wanted to call to the attention of the Senate that the complete report has not been received, that what the Senator has read is a leak. I am not saying that the complete report would not substantiate what the Senator has read, but I did not want the impression to remain that the Air Force has received the complete study by that scientific committee.

Mr. PROXMIRE. The Senator from Arizona is absolutely correct about that. This is not the complete, final report. I said at the time that report came out that I wanted to see the full report, in detail.

But since the report came out, there has been no denial of it. These people were questioned at some length. Dr. Bisplinghoff is a competent person, and I

think this should be a matter to which the Senate and the country should be alerted. They should be aware of this report; although the Senator from Arizona is correct, it has not been completed, at least publicly.

Mr. GOLDWATER. I might add that I would not be surprised if the entire report would reflect what the Senator has read. The weakness has been known for a long time. The airplane has been subjected to a 128-percent static test, which is more than we submit our airliners to. However, the Air Force would like to have it undergo a 150-percent test, which is what they generally apply.

But Lockheed's problem on this—and it is a money problem—is due to the fact that Lockheed discovered an aerodynamic problem with the wing structure before it ever flew, and I think it cost them \$140 million or \$150 million to correct that aerodynamic deficiency, which I understood was near the wing roof.

Since that time, there have been cracks, and the Air Force and Lockheed are both well aware of it, and are trying their best to see if what appears to be a deficiency can be corrected without a complete wing redesign.

If the Senator needs more time, I will ask unanimous consent that he have it, because he has brought up an amendment that is also going to be offered by a member of the Armed Services Committee, namely, to take \$200 million out of the authorization that is intended to go to Lockheed.

I would hope that the Senator would give serious consideration to this. I am not trying to defend Lockheed. I am not trying to defend anybody in this matter. But the C-5A is very important to our military plans for the 1980's. In fact, the whole restructuring of the Army is going to be based pretty much on the availability of this type of aircraft. If it is available, I think we will see a greatly reduced Army, which will mean a greatly reduced defense budget.

I would hope we would do nothing now that would prevent the Air Force from getting this plane. I do not suggest that we withhold any criticism of it, but I do think its overall importance to America is so great that maybe we are going to have to give this \$200 million, because this is only part of our problem. The whole problem involves over a billion dollars. They have received money from 24 different banks, which evidently thought enough of Lockheed's possibilities to extend them a credit line of \$400 million.

I do not think, frankly, they can ever get out of this.

Mr. PROXMIRE. May I say to the Senator from Arizona, my position is that we should insist, before we provide any funds for Lockheed, on knowing precisely what the needs for funds are. We should not simply take their word that they need an additional \$200 million. We ought to have a cash flow statement that spells out clearly how much cash they have available, what other resources they do have, where the money is going, and what they expect their sales to be over the next few years, so we can make our own judgment. When we are asked to provide this much money

in addition to what at least some people thought was a reasonable contract at the time it was signed, we should insist that we be given full information on it, and not be stopped by their insistence that the information requested is proprietary in nature.

Mr. GOLDWATER. Mr. President, I will state to the Senator that I will do all I can to influence my friends at Lockheed to see if this information cannot be supplied. I have never discussed it with them, and they did not discuss it with me. The matter did not come up in Secretary Packard's two presentations to the committee.

While I do not like it any more than the Senator from Wisconsin likes it, this is something that is engaged in almost daily by this Congress. I recall last year we had to balance out the Kennedy Center for the Arts because it was short of money.

Mr. PROXMIRE. I voted against that, incidentally.

Mr. GOLDWATER. I did, too. But we pass any number of bills to cover deficiencies in agencies, and yet we never seem to find any fault with that. But when we come up with something that is needed by the military, that has run into unusual cost problems under a contract such as I am sure the Senator from Wisconsin would never have signed, nor would I, it is a different story. We have a problem here that has developed partly from the fact that nobody had ever tried to build an airplane this big, and they frankly ran into some problems they did not anticipate.

But we do need it; that is my overall argument; and if we have to spend \$200 million to keep the company in business long enough to give the Air Force and the Army its lift, I think it is incumbent upon us, even though we can be criticized for it, and can criticize ourselves for it. I think this is one of those things where you are sort of out on a limb, and if you saw it off, somebody is going to get hurt.

Mr. PROXMIRE. At any rate, we are already into this program to the extent of hundreds of millions of dollars. We are being asked to go into it to the extent of another \$200 million, in addition, plus \$341 million under the contract. Before we do this, I say we ought to get the kind of information any prudent banker would require if he is to make a loan. We ought to insist on getting all of it, knowing precisely how much is needed, and making our own best judgment on that.

I agree with the Senator from Arizona that there is a strong military case for a plane of that kind.

Mr. GOLDWATER. If that information were forthcoming, would the Senator be willing to withdraw his amendment to take off the \$200 million? I have no idea what the cash flow position is; I have a hunch it is not too good. I have not seen their books. I am not a stockholder in the company. I happen to have been interested in aviation for 40 years, and I know people in all these companies, but they do not tell me their family secrets.

I will be glad to talk to my friends, and see if they cannot provide the Senator with a cash flow chart. This is a company

with stock on the board, and while they are engaged in a lot of defense work—in fact, with the exception of the 1011, I expect all their work is defense—I have some doubt as to whether any corporation would want to have made public details such as a cash flow position. But if it would satisfy the Senator to see it, without making it public—unless the company had no qualms about it—then I think we would at least try to arrange it. I would take that on myself.

Mr. PROXMIRE. There is another reason. Let me go ahead, and the Senator will see.

The next item: We charged on numerous occasions that the company was in deep financial trouble. We said they were in trouble because of their commercial venture. We were castigated for saying so.

But now the company is in such grave financial condition that it has demanded payment of \$641 million or threatens to stop production under its military weapons contracts. And it is true that this year's adverse financial condition is due to trouble with their commercial venture, the L-1011, which is a commercial plane. This has been confirmed to me by responsible Defense officials. I know it is a fact, and under these circumstances I think it is a different kind of ball game than if we were simply concerned with getting a military plane without having to pay more than the contract provided for. This is another aspect of getting this information.

Are we simply providing funds to Lockheed which they will be able to use to provide a commercial plane which will be of profit and benefit to them in the commercial market? This is part of the implications that develop, from the information I have received.

Mr. GOLDWATER. It is my understanding that not one penny of this will go to the 1011 problems. The 1011 problems are being experienced to some degree by most of the aircraft manufacturers in the country today, because there just has not been money at a decent interest rate with which to buy new planes. Lockheed is not the only one who is not able to go out and develop airplanes these days. As the Senator knows, they are terrifically costly, and we have had high interest rates.

I might say that I do not think the Nixon administration can be blamed for interest rates that were 8½ percent a year ago or even before Mr. Nixon became President. So if we are looking for a place to throw blame, I think we can blame it on the Johnson administration for a high rate of domestic spending when a high rate of domestic spending was not needed. But this is the major problem they have. They have no aerodynamics problems.

I might say that all aircraft companies have problems now getting engines, because for nearly 10 years when Mr. McNamara was Secretary, he did not like research and development in engines. Here we sit with airframes, waiting for engines, whereas historically engines had been waiting for airplanes.

I just wanted to mention that Lockheed's problem with the 1011 is not un-

common in the market today. The \$200 million, we have been told, would not be used to cover any problems of the 1011.

Mr. PROXMIRE. I hope the Senator is correct.

That is one of the reason why I think the cash flow statement would be helpful. I was told that the additional funds were required because of the financial difficulties Lockheed has gotten into with the 1011. The research, the prototype, and so forth, have been far more costly than they anticipated, and this has drained their resources, and they need these funds.

Mr. GOLDWATER. The 1011 is the least of Lockheed's problems. They have the Cheyenne, which has not been perfected to the point that we can place procurement in the authorization bill. They have the SRAM missile with Boeing, which has now solved all their engine problems.

Mr. PROXMIRE. And the shipbuilding.

Mr. GOLDWATER. And the shipbuilding deal.

In other words, this is a company that has a big mouthful—a little bit bigger than I think it should have gotten—but I hate to see us do anything in this body that would prevent us from getting the C-5A, even though it is going to take some help that we might be criticized severely for giving. I will be the first to admit that. But we do it day after day. We have never done it in this big a manner.

Mr. PROXMIRE. Another reason why I am concerned about this is whether, when we get this plane—if we get it—it will be a worthwhile plane to get.

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

Mr. PROXMIRE. I ask unanimous consent that I may proceed for 5 additional minutes.

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

Mr. PROXMIRE. Item: We questioned whether after the expenditure of billions of dollars from the public treasury we will get any workable planes at all. This was ridiculed. But now the preliminary report of the special scientific committee established to determine the technical status of the plane has raised the most serious questions about the fundamental structure of the wing. If their doubts turn out to be true, the cost of redesigning and producing a new wing may be so exorbitant that neither the few existing planes nor those now in production can be salvaged.

That is the sad state of affairs.

As the Senator has pointed out, this is not a final report. This is a highly responsible publication, and they say that in their judgment there is a prospect that it may be necessary to cancel the whole operation. Certainly, we should not pour another \$200 million or another \$600 million into a program in which we might end up with no plane at all.

Mr. GOLDWATER. Finding a deficiency such as this in a new design aircraft is not unusual. In fact, to create a new concept and have it fly and have it perform in a complete way, to my memory, has never been done. One might point to the 747, an extremely successful airplane, but it had design background.

I felt that the major problem with the C-5 might be that the Lockheed people felt they could use the wing off the 141, or that concept, and put it on the C-5. I think they tried it and got into some trouble with it.

But finding bugs in aircraft is not unusual. This is a big bug, I will admit. It is the biggest airplane ever built. It is an airplane that has performed well. It has been restricted in weight lift because of the deficiency found last July. But the Air Force is confident that it can be corrected. If there is a deficiency, I think the scientists will come up with a suggestion that will be workable. The design of the wing need not be changed. It may be that new metal will be needed in some parts of it, just as we found the trouble in the B-111, and we are now in the process of correcting that.

I do not want to take up the Senator's time, but I would close by hoping that we do not get into the position in this body of denying the military something we have to have. This may be a very expensive airplane, but if we can cut, say, 400,000 men out of the Army on a permanent basis—and I am just pulling that figure out of the air—we are talking about a \$4 billion saving a year. This, in itself, in my opinion, would make the investment worthwhile. Without it, I am afraid we will have to stay with the old concepts of large armies and outmoded means of transport around the world, if we have to transport them.

Mr. PROXMIRE. I agree with the Senator that if we can build a plane of this size, with this capability, this mission can be very useful to us, and perhaps it can be economical in the long run.

We can take a look at what Boeing has done with the jumbo jet, which is not the same plane, but a similar plane. It does not have the same load capacity. It has a little different loading system. Their cost is \$20 million per copy, compared with over \$50 million per copy for the C-5A.

It would seem to me that we ought to consider alternative ways of getting this kind of plane for less money, and a more reliable plane, one which will do the job that is required.

Mr. GOLDWATER. I can assure the Senator that that is being done.

Mr. PROXMIRE. I hope it is being done. As I have said, we have poured much money into this project, and we have repeatedly been given the wrong information. We are now asked to pour a little more money into it, on the basis of faith, without being given any information at all as to the justification for those funds being necessary in order to produce the plane. Certainly, we should not do this until we get the technical report and get some basis for judging whether this is a plane we can fly for the full 30,000 hours.

No. 2, we should not do it until we have a cash flow analysis.

Mr. GOLDWATER. I will do all I can to help the Senator. I hope that his actions will not result in hamstringing the effort to help our Armed Forces in a way that I am sure he would agree with; namely, making the planes a little bit smaller so that we can move them more quickly and more compactly when we have to around the world.

Mr. PROXMIRE. Mr. President, I thank the Senator from Arizona.

We have continually been given no information or bad information or false information.

I believe it is imperative for the Congress, as the protector of the public interest, to make certain that this plane will be produced and that the United States will get what it has paid for, before we spend any more money.

There is no reason to throw good money after bad. There is even less reason to do so in the dark.

#### MODEST AMENDMENTS

That is why I am submitting my amendments. The first would cut out the \$200 million—for which the Government of the United States has no contractual or legal obligation whatsoever.

The second would prevent the expenditures of the 1971 funds until we get what should be a routine cash flow analysis, and until we find out from factory data what the precise production schedule and work in progress on this plane really is.

I know that a number of my colleagues feel as I do, including some members of the committee. I have reason to believe that they will offer similar amendments in the committee, and I plan to offer them on the floor of the Senate.

Mr. President, I send my amendments to the desk and ask that they be appropriately referred.

The PRESIDING OFFICER (Mr. ALLEN). The amendments will be received and appropriately referred.

The amendments were referred to the Committee on Armed Services.

#### THE 16TH ANNUAL REPORT ON DELINQUENT FEDERAL TAXES

Mr. WILLIAMS of Delaware. Mr. President, today I am incorporating in the CONGRESSIONAL RECORD my 16th annual report on delinquent Federal taxes.

First, I want to express my appreciation to Commissioner Thrower for his cooperation in assembling the statistics for this report. With his cooperation this is the most detailed annual report that I have been able to assemble over the years, and the breakdown is in a manner which I am sure will be of greater interest and easier to understand than any heretofore.

For years I have been taking the position that the public has a right to the identification of those individuals or corporations who do not pay their taxes and which are ultimately marked off or set aside as uncollectable. Insertion No. 2 identifies this list of those who have accounts of \$25,000 or over reported in 1969 as uncollectable.

The third category represents a list of the 100 largest compromise settlements, including in each instance the name and address as well as the amount of tax plus penalties and interest due and the terms of the compromise settlement.

Category No. 1 is a breakdown by individual districts showing the amount of current delinquencies and listing figures for both 1968 and 1969, thereby showing the extent of increase or decrease in such accounts.

These charts will all be incorporated

in the RECORD at the conclusion of my remarks along with a letter from the Commissioner of Internal Revenue explaining in greater detail the progress the Internal Revenue Service is making.

It is with regret that I report that the delinquencies for calendar year 1969 show an increase of 27 percent above 1968, or \$2,018,789,000 on December 31, 1969, as compared with \$1,586,611,000 the year before, or an increase of \$432,178,000.

In addition to the \$2,018,789,000 carried as delinquent at the end of 1969 the report shows that \$228,711,000 were set aside in a special category and listed as uncollectable.

What makes this 1969 report even more disturbing is the fact that delinquent employment taxes have jumped from \$339,428,000 at the end of 1968 to an all-time-high \$545,924,000 on December 31, 1969, or an increase of 60 percent.

It must be remembered that these employment taxes represent moneys—or taxes—withheld from the employees' paychecks and that under no circumstances should they be used as corporate funds. These are trust funds, and the employers do not have any right to commingle these withheld payroll taxes from the employees and to use the money as a part of their business operations.

I ask unanimous consent that a breakdown of the 1969 delinquencies by collection districts be printed in the RECORD.

This 16th annual report shows delinquent and uncollected taxes in 1969 at an alltime high with all offices except five—Chicago, Omaha, Albuquerque, Boise, and Helena—showing a record high in employment tax delinquencies.

I mention again that these employment taxes are taxes withheld from the wages of employees, and they should be treated as trust funds. Under no circumstances does the employer have a right to divert these funds for his own use.

While this report shows delinquent or uncollected taxes for the year 1969 at an alltime high it should be pointed out that the Government today, percentage-wise, is doing a better job in collecting these taxes than when this type of annual report was first initiated in 1954.

At that time the total amount of delinquent taxes in all categories was \$1,614,494,000. The total at the end of 1969 was \$2,018,789,000, an increase of about \$400,000,000; however, it should be pointed out that in fiscal 1954 the total taxes collected by the Federal Government was substantially lower than those collected today, or \$69.9 billion in fiscal 1954 as compared to \$187.9 billion in fiscal 1969.

Prior to 1954 the Treasury Department had not compiled these statistics; hence there is no method of comparison with prior years. Since that date, however, the Department has, upon my request, been compiling and submitting an annual report of these delinquent accounts. As indicated in my earlier remarks the report submitted this year by Commissioner Thrower was the most comprehensive report to date. These annual statistics have helped to keep the various districts alert to the problem.

I also ask unanimous consent to have printed in the RECORD at the conclusion of my remarks insertion No. 1 which

show a detailed breakdown of the delinquencies and amounts listed as uncollectible in each of the various regional offices for the years 1968 and 1969.

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

#### NORTH-ATLANTIC REGION

Albany, New York.—Delinquent income taxes rose from \$6,688,000 in 1968 to \$8,960,000 in 1969, but employment taxes jumped 64 percent, or from \$4,639,000 in 1968 to \$7,616,000 in 1969. Delinquent taxes listed as "other" (representing excise taxes, inheritance taxes, etc.) dropped from \$4,014,000 in 1968 to \$785,000 in 1969 while at the same time taxes written off or set aside as uncollectible dropped from \$5,134,000 in 1968 to \$2,966,000 in 1969.

Augusta, Maine, has a below average report. Delinquent income taxes in this office jumped from \$1,909,000 in 1968 to \$4,530,000 in 1969, or more than double. Delinquent employment taxes in this office jumped nearly 135 per cent, or from \$576,000 in 1968 to \$1,351,000 in 1969, while total uncollected taxes in this office rose from \$2,759,000 in 1968 to \$6,321,000 in 1969.

Boston, Massachusetts.—Delinquent income taxes rose from \$27,865,000 in 1968 to \$35,357,000 in 1969 while employment tax delinquencies rose from \$17,518,000 in 1968 to \$23,724,000 in 1969, or an increase of 35 per cent. Uncollectibles in Boston dropped from \$10,127,000 in 1968 to \$5,352,000 in 1969.

Brooklyn, New York.—Delinquent income taxes jumped \$10,000,000, or from \$48,757,000 in 1968 to \$58,501,000 in 1969, and delinquent employment taxes jumped 37 per cent, or from \$25,901,000 in 1968 to \$35,691,000 in 1969; however, the amounts listed or set off as uncollectible in the Brooklyn office dropped from \$25,836,000 in 1968 to \$11,823,000 in 1969.

Buffalo, New York.—Delinquent income taxes nearly doubled, jumping from \$7,512,000 in 1968 to \$13,865,000 in 1969, while delinquent employment taxes rose from \$11,656,000 in 1968 to \$14,278,000 in 1969.

Burlington, Vermont.—Delinquent income taxes rose from \$1,422,000 in 1968 to \$1,985,000 by the end of December 1969. Delinquent employment taxes rose 16 per cent from \$668,000 in 1968 to \$773,000 in 1969.

Hartford, Connecticut.—Total uncollected taxes in this office increased spectacularly. Delinquent income taxes more than doubled, jumping from \$12,759,000 at the end of 1968 to \$30,292,000 at the end of 1969. Employment taxes nearly doubled, rising from \$5,240,000 in 1968 to \$10,227,000 in 1969.

Manhattan, New York.—Delinquent income taxes rose from \$144,165,000 in 1968 to \$160,298,000 in 1969 while delinquent employment taxes jumped \$20,000,000, or from \$52,348,000 in 1968 to \$72,398,000 in 1969.

Portsmouth, New Hampshire.—This is another office with a bad report. Delinquent income taxes nearly doubled, rising from \$1,184,000 in 1968 to \$2,232,000 in 1969, while delinquent employment taxes rose over 70 percent, or from \$926,000 in 1968 to \$1,587,000 in 1969. Likewise taxes set aside as uncollectible nearly tripled, increasing from \$233,000 in 1968 to \$681,000 in 1969.

Providence, Rhode Island.—Delinquent income taxes rose about 50 percent, or from \$2,489,000 in 1968 to \$3,678,000 in 1969, but delinquent employment taxes more than doubled, jumping from \$1,377,000 in 1968 to \$2,998,000 in 1969.

#### MID-ATLANTIC REGION

Baltimore, Maryland.—Delinquent income taxes rose from \$27,845,000 in 1968 to \$34,216,000 in 1969 while delinquent employment taxes jumped nearly 80 percent, or from \$6,911,000 in 1968 to \$12,218,000 in 1969; however, the accounts classified as uncollectible in this office dropped during 1969 from \$6,055,000 in 1968 to \$3,878,000 in 1969.

Newark, New Jersey.—This office reported a decline in delinquent income taxes, dropping from \$50,835,000 in 1968 to \$46,292,000 in 1969; however, delinquent employment taxes more than doubled, jumping from \$14,422,000 in 1968 to \$29,750,000 in 1969. The delinquencies of other taxes (excise, inheritance, etc.) rose from \$9,973,000 in 1968 to \$15,119,000 in 1969.

Philadelphia, Pennsylvania.—Delinquent income taxes rose slightly, or from \$26,794,000 in 1968 to \$28,628,000 in 1969; however, delinquent employment taxes jumped nearly \$10,000,000, or from \$9,663,000 in 1968 to \$19,391,000 in 1969; however, the amount listed as uncollectible in this office dropped from \$15,169,000 in 1968 to \$10,681,000 in 1969.

Pittsburgh, Pennsylvania.—This is another office which showed a reduction in delinquent income taxes, dropping from \$14,080,000 in 1968 to \$11,503,000 in 1969; however, delinquent employment taxes rose over 40 percent, or from \$7,667,000 in 1968 to \$10,857,000 in 1969, and amounts set aside as uncollectible nearly doubled, rising from \$1,790,000 in 1968 to \$3,404,000 in 1969.

Richmond, Virginia.—This office has a bad report showing delinquent income taxes jumping from \$9,786,000 in 1968 to \$13,611,000 in 1969. Delinquent employment taxes more than doubled, jumping from \$5,031,000 in 1968 to \$13,042,000 in 1969. Other type delinquencies likewise increased substantially, from \$1,685,000 in 1968 to \$3,162,000 in 1969, while at the same time taxes marked off or set aside as uncollectible rose from \$1,858,000 in 1968 to \$3,362,000 in 1969.

Wilmington, Delaware.—Delinquent income taxes in this office rose from \$2,121,000 in 1968 to \$2,398,000 in 1969, but employment taxes more than doubled, jumping from \$531,000 in 1968 to \$1,144,000 in 1969; however, taxes marked off or set aside as uncollectible in this office dropped from \$1,273,000 in 1968 to \$270,000 in 1969.

#### SOUTHEAST REGION

Atlanta, Georgia.—Delinquent income taxes rose from \$8,122,000 in 1968 to \$9,367,000 in 1969 while delinquent employment taxes jumped 63 percent, or from \$4,427,000 in 1968 to \$7,218,000 in 1969.

Birmingham, Alabama.—Delinquent income taxes in this office rose over 50 per cent, or from \$4,287,000 in 1968 to \$6,489,000 in 1969. Employment tax delinquencies rose 48 per cent, or from \$3,838,000 in 1968 to \$5,390,000 in 1969.

Columbia, South Carolina.—Delinquent income taxes declined from \$5,394,000 in 1968 to \$5,073,000 in 1969 while delinquent employment taxes rose over 75 percent, or from \$1,629,000 in 1968 to \$2,882,000 in 1969. Other type delinquencies in this office dropped by about \$600,000.

Greensboro, North Carolina.—Delinquent income taxes declined slightly, or from \$12,289,000 in 1968 to \$11,716,000 in 1969, but delinquent employment taxes jumped 95 per cent from \$3,213,000 in 1968 to \$6,250,000 in 1969. Other type of delinquent taxes and the amounts listed as uncollectible likewise rose, from \$988,000 and \$2,073,000 in 1968 to \$1,328,000 and \$3,108,000 in 1969 respectively.

Jackson, Mississippi.—Delinquent income taxes rose from \$2,973,000 in 1968 to \$3,811,000 in 1969 while delinquent employment taxes in Jackson jumped 92 per cent, from \$1,378,000 in 1968 to \$2,653,000 in 1969.

Jacksonville, Florida.—This office reports a decline in delinquent income taxes from \$74,691,000 in 1968 to \$68,267,000 in 1969; however, delinquent employment taxes in Jacksonville rose nearly 60 per cent, from \$12,691,000 in 1968 to \$20,247,000 in 1969. Other type tax delinquencies also increased from \$6,302,000 in 1968 to \$11,336,000 in 1969; however, the amounts of taxes marked off or set aside as uncollectible dropped \$9,000,000 or from \$19,316,000 in 1968 to \$10,473,000 in 1969.

Nashville, Tennessee.—Delinquent income taxes increased from \$10,102,000 in 1968 to \$12,756,000 in 1969 while delinquent employment taxes rose 32 percent from \$4,560,000 in 1968 to \$6,030,000 in 1969.

## CENTRAL REGION

Cincinnati, Ohio.—Delinquent income taxes in this office remained about stationary, or \$11,767,000 in 1968 as compared to \$11,367,000 in 1969; however, employment tax delinquencies showed an increase of 70 percent from \$4,785,000 in 1968 to \$8,189,000 in 1969. At the same time other type tax delinquencies rose from \$2,402,000 in 1968 to \$4,465,000 in 1969. The amount of tax delinquencies set aside as uncollectible dropped from \$7,642,000 in 1968 to \$3,532,000 in 1969.

Cleveland, Ohio.—Delinquent income taxes rose from \$29,874,000 in 1968 to \$33,773,000 in 1969. Delinquent employment taxes jumped 90 percent from \$7,010,000 in 1968 to \$13,453,000 in 1969. Other type tax delinquencies and amounts set aside as uncollectible likewise increased.

Detroit, Michigan.—Delinquent income taxes rose from \$28,565,000 in 1968 to \$35,736,000 in 1969. Delinquent employment taxes jumped over 70 percent from \$14,046,000 in 1968 to \$24,113,000 in 1969. Other type tax delinquencies dropped from \$14,016,000 in 1968 to \$9,753,000 in 1969.

Indianapolis, Indiana.—This office shows a large increase with delinquent income taxes jumping from \$15,647,000 in 1968 to \$27,687,000 in 1969. Employment taxes jumped 76 percent from \$6,142,000 in 1968 to \$10,844,000 in 1969. Other type delinquencies showed some decline.

Louisville, Kentucky.—Delinquent income taxes remained about the same, or \$9,913,000 in 1968 as compared with \$9,997,000 in 1969. Delinquent employment taxes, however, jumped 65 percent from \$3,222,000 in 1968 to \$5,330,000 in 1969. Other type tax delinquencies more than doubled, jumping from \$1,515,000 in 1968 to \$3,672,000 in 1969. Amounts set aside as uncollectible rose from \$1,532,000 in 1968 to \$2,188,000 in 1969.

Parkersburg, West Virginia.—Delinquent income taxes rose from \$3,219,000 in 1968 to \$4,318,000 in 1969 while delinquent employment taxes in this office jumped 77 percent from \$1,623,000 in 1968 to \$2,888,000 in 1969.

## MIDWEST REGION

Aberdeen, South Dakota.—Delinquent income taxes rose from \$850,000 in 1968 to \$942,000 in 1969. Delinquent taxes jumped 65 percent from \$284,000 in 1968 to \$470,000 in 1969. Other type delinquencies rose spectacularly, or from \$111,000 in 1968 to \$713,000 in 1969. Amounts listed as uncollectible likewise jumped, rising from \$94,000 in 1968 to \$274,000 in 1969. This office has a bad report.

Chicago, Illinois.—Delinquent income taxes in this office jumped from \$31,329,000 in 1968 to \$43,617,000 in 1969 while delinquent employment taxes rose 22 percent, or from \$14,185,000 in 1968 to \$17,415,000 in 1969. Other type tax delinquencies more than doubled, jumping from \$2,695,000 in 1968 to \$7,196,000 in 1969.

Des Moines, Iowa.—Delinquent income taxes rose slightly from \$3,149,000 in 1968 to \$3,492,000 in 1969 while delinquent employment taxes jumped 75 percent, or from \$1,249,000 in 1968 to \$2,187,000 in 1969. Other type delinquencies rose from \$728,000 in 1968 to \$1,244,000 in 1969.

Fargo, North Dakota.—Delinquent income taxes nearly doubled from \$456,000 in 1968 to \$925,000 in 1969. Delinquent employment taxes rose 108 percent from \$389,000 in 1968 to \$811,000 in 1969.

Milwaukee, Wisconsin.—Delinquent income taxes rose from \$6,473,000 in 1968 to \$7,886,000 in 1969 while delinquent employment taxes rose 47 percent from \$2,957,000 in 1968 to \$4,370,000 in 1969. Other type tax delinquencies nearly doubled from \$1,122,000 in 1968 to \$2,156,000 in 1969.

Omaha, Nebraska.—This is another office which does not have a good report. Delinquent income taxes jumped from \$3,826,000 in 1968 to \$6,365,000 in 1969 while delinquent employment taxes rose 42 percent, or from \$741,000 in 1968 to \$1,058,000 in 1969.

St. Louis, Missouri.—Delinquent income taxes rose from \$10,523,000 in 1968 to \$14,723,000 in 1969 while delinquent employment taxes rose 30 percent from \$5,375,000 in 1968 to \$6,995,000 in 1969. Other type delinquencies declined from \$4,199,000 in 1968 to \$2,500,000 in 1969.

St. Paul, Minnesota.—Delinquent income taxes rose from \$5,201,000 in 1968 to \$5,968,000 in 1969 while delinquent employment taxes rose 65 percent from \$2,531,000 in 1968 to \$4,181,000 in 1969.

Springfield, Illinois.—Delinquent income taxes rose from \$4,051,000 in 1968 to \$4,404,000 in 1969. Employment tax delinquencies rose 54 percent from \$1,730,000 in 1968 to \$2,672,000 in 1969.

## SOUTHWEST REGION

Albuquerque, New Mexico.—Delinquent income taxes rose slightly from \$4,928,000 in 1968 to \$4,977,000 in 1969. Delinquent employment taxes rose 39 percent from \$1,147,000 in 1968 to \$1,595,000 in 1969.

Austin, Texas.—Delinquent income taxes rose from \$42,131,000 in 1968 to \$43,035,000 in 1969, while delinquent employment taxes rose 31 percent from \$8,585,000 in 1968 to \$11,301,000 in 1969.

Cheyenne, Wyoming.—Delinquent income taxes rose from \$533,000 in 1968 to \$601,000 in 1969. Delinquent employment taxes rose 33 percent from \$432,000 in 1968 to \$576,000 in 1969.

Dallas, Texas.—Delinquent income taxes rose from \$50,974,000 in 1968 to \$65,920,000 in 1969 while delinquent employment taxes increased 43 percent from \$6,486,000 in 1968 to \$9,320,000 in 1969. Other type tax delinquencies rose spectacularly from \$2,632,000 in 1968 to \$21,338,000 in 1969, while the amounts set aside as uncollectible dropped from \$7,219,000 in 1968 to \$4,758,000 in 1969. This office still does not have a good report.

Denver, Colorado.—Delinquent income taxes rose from \$6,663,000 in 1968 to \$8,372,000 in 1969 while employment tax delinquencies rose 30 percent from \$3,703,000 in 1968 to \$4,810,000 in 1969. Other type delinquencies rose from \$1,952,000 in 1968 to \$2,730,000 in 1969.

Little Rock, Arkansas.—This office shows a sizeable reduction in delinquent income taxes dropping from \$6,642,000 in 1968 to \$4,307,000 in 1969; however, delinquent employment taxes rose 56 percent from \$1,444,000 in 1968 to \$2,260,000 in 1969.

New Orleans, Louisiana.—Delinquent income taxes for 1968 and 1969 were about the same, or \$11,799,000 and \$11,982,000, respectively. Employment tax delinquencies rose 21 percent from \$7,372,000 in 1968 to \$8,937,000 in 1969. Likewise other type tax delinquencies and amounts set aside as uncollectible declined. This office has a better than average report.

Oklahoma City, Oklahoma.—This office shows a decline in delinquent income taxes from \$7,087,000 in 1968 to \$6,199,000 in 1969. Employment tax delinquencies, however, jumped 53 percent from \$3,184,000 in 1968 to \$4,886,000 in 1969. Other type delinquencies nearly doubled, rising from \$2,550,000 in 1968 to \$5,178,000 in 1969.

Wichita, Kansas.—Delinquent income taxes rose from \$7,197,000 in 1968 to \$7,818,000 in 1969, while delinquent employment taxes rose 55 percent from \$2,096,000 in 1968 to \$3,254,000 in 1969. Amounts set aside as uncollectible rose from \$878,000 in 1968 to \$1,468,000 in 1969.

## WESTERN REGIONS

Anchorage, Alaska.—Delinquent income taxes rose from \$979,000 in 1968 to \$1,074,000

in 1969. Delinquent employment taxes rose 57 percent from \$946,000 in 1968 to \$1,489,000 in 1969.

Boise, Idaho.—This office has a good report, showing a decline in delinquent income taxes from \$2,508,000 in 1968 to \$1,408,000 in 1969, while delinquent employment taxes, although rising, show a less than average increase, rising from \$826,000 in 1968 to \$921,000 in 1969.

Helena, Montana.—Delinquent income taxes rose from \$1,081,000 in 1968 to \$1,467,000 in 1969, while delinquent employment taxes jumped 93 percent from \$368,000 in 1968 to \$711,000 in 1969.

Honolulu, Hawaii.—Delinquent income taxes rose from \$2,191,000 in 1968 to \$2,469,000 in 1969, but delinquent employment taxes jumped over 100 percent from \$1,199,000 in 1968 to \$2,452,000 in 1969.

Los Angeles, California.—Delinquent income taxes in this office for 1968 were about the same as 1969, or \$74,011,000 and \$74,450,000, respectively. Delinquent employment taxes, however, jumped over 130 percent from \$16,021,000 in 1968 to \$37,093,000 in 1969. Other type delinquencies likewise increase spectacularly from \$28,653,000 in 1968 to \$46,352,000 in 1969; however, the amounts written off or set aside as uncollectible dropped from \$66,107,000 in 1968 to \$29,569,000 in 1969.

Phoenix, Arizona.—Delinquent income taxes rose from \$5,032,000 in 1968 to \$6,151,000 in 1969. Employment tax delinquencies rose 110 percent from \$2,113,000 in 1968 to \$4,440,000 in 1969. Other type delinquencies tripled jumping from \$2,145,000 in 1968 to \$6,759,000 in 1969. The amounts set aside as uncollectible did drop from \$3,380,000 in 1968 to \$1,505,000 in 1969.

Portland, Oregon.—Delinquent income taxes jumped from \$5,757,000 in 1968 to \$9,076,000 in 1969 while delinquent employment taxes jumped 71 percent from \$2,860,000 in 1968 to \$4,917,000 in 1969.

Reno, Nevada.—Delinquent income taxes jumped from \$4,937,000 in 1968 to \$8,477,000 in 1969. Employment tax delinquencies rose 51 percent from \$2,038,000 in 1968 to \$3,078,000 in 1969.

Salt Lake City, Utah.—Delinquent income taxes rose from \$2,433,000 in 1968 to \$3,425,000 in 1969. Employment tax delinquencies rose over 100 percent from \$1,032,000 in 1968 to \$2,090,000 in 1969, and amounts set aside as uncollectible rose from \$991,000 in 1968 to \$1,535,000 in 1969.

San Francisco, California.—Delinquent income taxes rose from \$28,484,000 in 1968 to \$31,469,000 in 1969. Delinquent employment taxes jumped 77 percent from \$9,752,000 in 1968 to \$17,348,000 in 1969. Other type tax delinquencies rose from \$21,137,000 in 1968 to \$30,289,000 in 1969 while amounts set aside as uncollectible in this office rose from \$11,896,000 in 1968 to \$19,963,000 in 1969. The report of this office is below average.

Seattle, Washington.—Delinquent income taxes doubled, jumping from \$6,102,000 in 1968 to \$12,193,000 in 1969 while delinquent employment taxes more than doubled, jumping from \$2,754,000 in 1968 to \$6,547,000 in 1969.

## INTERNATIONAL OPERATIONS

Puerto Rico.—Income taxes rose from \$1,256,000 in 1968 to \$1,444,000 in 1969 while employment tax delinquencies rose 73 percent from \$1,441,000 in 1968 to \$2,505,000 in 1969.

All other.—This designation shows an increase in delinquent income taxes from \$62,408,000 in 1968 to \$64,432,000 in 1969 while employment tax delinquencies in this category increased 259 percent from \$752,000 in 1968 to \$2,703,000 in 1969. Other type international delinquencies rose from \$3,911,000 in 1968 to \$5,305,000 in 1969; however, amounts set aside as uncollectible in this group dropped from \$7,536,000 in 1968 to \$1,306,000 in 1969.

INVENTORY OF TAXPAYER DELINQUENT ACCOUNTS AS OF DEC. 31, 1969, AND 1968

NORTH ATLANTIC REGION

[Figures in thousands]

	1969	1968	1969	1968
<b>Albany, N.Y.</b>				
Delinquent:				
Income	\$8,960	\$6,688	\$4,530	\$1,909
Employment	7,616	4,639	1,351	567
Other	785	4,014	249	81
Listed uncollectible	2,966	5,134	191	193
Total	20,327	20,475	6,321	2,759
<b>Augusta, Maine</b>				
Delinquent:				
Income	\$35,357	\$27,865	\$58,501	\$48,757
Employment	23,724	17,518	35,691	25,901
Other	5,233	4,800	11,789	12,378
Listed uncollectible	5,352	10,127	11,823	25,836
Total	69,666	60,310	117,804	112,872
<b>Boston, Mass.</b>				
Delinquent:				
Income	\$13,665	\$7,512	\$1,985	\$1,422
Employment	14,278	11,656	773	666
Other	2,828	2,957	152	329
Listed uncollectible	2,167	1,974	195	176
Total	32,938	24,099	3,105	2,593
<b>Brooklyn, N.Y.</b>				
Delinquent:				
Income	\$30,292	\$12,759	\$160,298	\$144,165
Employment	10,227	5,240	72,398	52,348
Other	17,103	19,224	30,282	25,193
Listed uncollectible	1,318	2,160	18,667	26,903
Total	58,940	39,383	281,645	248,609
<b>Buffalo, N.Y.</b>				
Delinquent:				
Income	\$2,232	\$1,184	\$3,678	\$2,489
Employment	1,587	926	2,988	1,377
Other	56	90	488	1,602
Listed uncollectible	681	233	1,247	1,493
Total	4,556	2,433	8,411	6,961
<b>Hartford, Conn.</b>				
Delinquent:				
Income	\$28,628	\$26,794	\$11,503	\$14,080
Employment	19,391	9,663	10,857	7,667
Other	6,586	5,874	2,733	2,260
Listed uncollectible	10,681	15,169	3,404	1,790
Total	65,286	57,500	28,497	25,797
<b>Manhattan, N.Y.</b>				
Delinquent:				
Income	\$13,611	\$9,786	\$2,398	\$2,121
Employment	13,042	5,031	1,144	531
Other	3,162	1,685	324	235
Listed uncollectible	3,362	1,858	270	1,273
Total	33,177	18,360	4,136	4,160
<b>Portsmouth, N.H.</b>				
Delinquent:				
Income	\$9,367	\$8,122	\$6,489	\$4,287
Employment	7,218	4,427	5,390	3,638
Other	3,645	4,347	779	1,050
Listed uncollectible	4,856	3,612	2,259	1,980
Total	25,086	20,508	14,917	10,955
<b>Providence, R.I.</b>				
Delinquent:				
Income	\$5,073	\$5,394	\$11,716	\$12,289
Employment	2,882	1,629	6,250	3,213
Other	513	1,153	1,328	988
Listed uncollectible	1,416	1,147	3,108	2,073
Total	9,884	9,323	22,402	18,563
<b>Richmond, Va.</b>				
Delinquent:				
Income	\$3,811	\$2,973	\$68,267	\$74,691
Employment	2,653	1,378	20,247	12,691
Other	322	418	11,336	6,302
Listed uncollectible	1,931	1,982	10,473	19,316
Total	8,717	6,751	110,323	113,000

MID-ATLANTIC REGION

	1969	1968	1969	1968
<b>Baltimore, Md.</b>				
Delinquent:				
Income	\$34,216	\$27,845	\$46,292	\$50,835
Employment	12,218	6,911	29,750	14,422
Other	3,392	3,511	15,119	9,973
Listed uncollectible	3,878	6,055	5,381	7,392
Total	53,704	44,322	96,542	82,622
<b>Newark, N.J.</b>				
Delinquent:				
Income	\$28,628	\$26,794	\$11,503	\$14,080
Employment	19,391	9,663	10,857	7,667
Other	6,586	5,874	2,733	2,260
Listed uncollectible	10,681	15,169	3,404	1,790
Total	65,286	57,500	28,497	25,797
<b>Philadelphia, Pa.</b>				
Delinquent:				
Income	\$13,611	\$9,786	\$2,398	\$2,121
Employment	13,042	5,031	1,144	531
Other	3,162	1,685	324	235
Listed uncollectible	3,362	1,858	270	1,273
Total	33,177	18,360	4,136	4,160

SOUTHEAST REGION

	1969	1968	1969	1968
<b>Atlanta, Ga.</b>				
Delinquent:				
Income	\$9,367	\$8,122	\$6,489	\$4,287
Employment	7,218	4,427	5,390	3,638
Other	3,645	4,347	779	1,050
Listed uncollectible	4,856	3,612	2,259	1,980
Total	25,086	20,508	14,917	10,955
<b>Birmingham, Ala.</b>				
Delinquent:				
Income	\$5,073	\$5,394	\$11,716	\$12,289
Employment	2,882	1,629	6,250	3,213
Other	513	1,153	1,328	988
Listed uncollectible	1,416	1,147	3,108	2,073
Total	9,884	9,323	22,402	18,563
<b>Columbia, S.C.</b>				
Delinquent:				
Income	\$3,811	\$2,973	\$68,267	\$74,691
Employment	2,653	1,378	20,247	12,691
Other	322	418	11,336	6,302
Listed uncollectible	1,931	1,982	10,473	19,316
Total	8,717	6,751	110,323	113,000
<b>Jackson, Miss.</b>				
Delinquent:				
Income	\$3,811	\$2,973	\$68,267	\$74,691
Employment	2,653	1,378	20,247	12,691
Other	322	418	11,336	6,302
Listed uncollectible	1,931	1,982	10,473	19,316
Total	8,717	6,751	110,323	113,000

	1969	1968	1969	1968
<b>Nashville, Tenn.</b>				
Delinquent:				
Income	\$12,756	\$10,102		
Employment	6,030	4,560		
Other	1,314	1,587		
Listed uncollectible	3,674	4,671		
Total	23,774	20,920		

CENTRAL REGION

	1969	1968	1969	1968
<b>Cincinnati, Ohio</b>				
Delinquent:				
Income	\$11,367	\$11,767	\$33,773	\$29,874
Employment	8,189	4,785	13,453	7,010
Other	4,465	2,402	9,164	7,516
Listed uncollectible	3,532	7,642	5,895	4,096
Total	27,553	26,596	62,285	48,496
<b>Cleveland, Ohio</b>				
Delinquent:				
Income	\$35,736	\$28,565	\$27,687	\$15,647
Employment	24,113	14,046	10,844	6,142
Other	9,753	14,016	2,697	3,599
Listed uncollectible	4,119	3,849	3,749	6,487
Total	73,721	60,476	44,977	31,875
<b>Detroit, Mich.</b>				
Delinquent:				
Income	\$9,997	\$9,913	\$4,318	\$3,219
Employment	5,330	3,222	2,888	1,623
Other	3,672	1,515	1,457	1,752
Listed uncollectible	2,188	1,532	870	568
Total	21,187	16,182	9,533	7,162
<b>Indianapolis, Ind.</b>				
Delinquent:				
Income	\$942	\$850	\$43,617	\$31,329
Employment	470	284	17,415	14,185
Other	713	111	7,196	2,695
Listed uncollectible	274	94	13,191	19,128
Total	2,399	1,339	81,419	67,337
<b>Louisville, Ky.</b>				
Delinquent:				
Income	\$3,492	\$3,149	\$925	\$456
Employment	2,187	1,249	811	389
Other	1,244	728	128	199
Listed uncollectible	704	696	109	135
Total	7,627	5,822	1,973	1,179
<b>Parkersburg, W. Va.</b>				
Delinquent:				
Income	\$7,686	\$6,473	\$6,365	\$3,826
Employment	4,370	2,957	1,058	741
Other	2,156	1,122	731	495
Listed uncollectible	2,491	2,384	450	562
Total	16,703	12,936	8,604	5,624

MIDWEST REGION

	1969	1968	1969	1968
<b>Aberdeen, S. Dak.</b>				
Delinquent:				
Income	\$942	\$850	\$43,617	\$31,329
Employment	470	284	17,415	14,185
Other	713	111	7,196	2,695
Listed uncollectible	274	94	13,191	19,128
Total	2,399	1,339	81,419	67,337
<b>Chicago, Ill.</b>				
Delinquent:				
Income	\$3,492	\$3,149	\$925	\$456
Employment	2,187	1,249	811	389
Other	1,244	728	128	199
Listed uncollectible	704	696	109	135
Total	7,627	5,822	1,973	1,179
<b>Des Moines, Iowa</b>				
Delinquent:				
Income	\$7,686	\$6,473	\$6,365	\$3,826
Employment	4,370	2,957	1,058	741
Other	2,156	1,122	731	495
Listed uncollectible	2,491	2,384	450	562
Total	16,703	12,936	8,604	5,624
<b>Fargo, N. Dak.</b>				
Delinquent:				
Income	\$14,723	\$10,523	\$5,968	\$5,201
Employment	6,995	5,375	4,181	2,531
Other	2,500	4,199	1,062	972
Listed uncollectible	3,203	3,099	1,159	1,131
Total	27,241	23,196	12,370	9,835
<b>Milwaukee, Wis.</b>				
Delinquent:				
Income	\$4,404	\$4,051		
Employment	2,672	1,730		
Other	1,038	933		
Listed uncollectible	1,222	712		
Total	9,336	7,426		
<b>Omaha, Nebr.</b>				
Delinquent:				
Income	\$14,723	\$10,523	\$5,968	\$5,201
Employment	6,995	5,375	4,181	2,531
Other	2,500	4,199	1,062	972
Listed uncollectible	3,203	3,099	1,159	1,131
Total	27,241	23,196	12,370	9,835
<b>St. Louis, Mo.</b>				
Delinquent:				
Income	\$4,404	\$4,051		
Employment	2,672	1,730		
Other	1,038	933		
Listed uncollectible	1,222	712		
Total	9,336	7,426		
<b>St. Paul, Minn.</b>				
Delinquent:				
Income	\$4,404	\$4,051		
Employment	2,672	1,730		
Other	1,038	933		
Listed uncollectible	1,222	712		
Total	9,336	7,426		
<b>Springfield, Ill.</b>				

## INVENTORY OF TAXPAYER DELINQUENT ACCOUNTS AS OF DEC. 31, 1969, AND 1968—Continued

[Figures in thousands]

SOUTHWEST REGION—Continued				1969	1968	1969	1968
				Cheyenne, Wyo.		Dallas, Tex.	
Delinquent:							
Income	\$601	\$533	\$65,920	\$50,974			
Employment	576	432	9,320	6,486			
Other	99	75	21,338	2,632			
Listed uncollectible	249	171	4,758	7,919			
Total	1,525	1,211	101,336	68,011			
				Denver, Colo.		Little Rock, Ark.	
Delinquent:							
Income	\$8,372	\$6,663	\$4,307	\$6,642			
Employment	4,810	3,703	2,260	1,444			
Other	2,730	1,952	452	270			
Listed uncollectible	1,760	2,246	811	2,315			
Total	17,672	14,564	7,830	10,671			
				New Orleans, La.		Oklahoma City, Okla.	
Delinquent:							
Income	\$11,982	\$11,799	\$6,199	\$7,087			
Employment	8,937	7,372	4,886	3,184			
Other	2,513	2,700	5,178	2,550			
Listed uncollectible	3,908	4,496	1,932	2,414			
Total	27,340	26,367	18,195	15,235			
				Wichita, Kans.			
Delinquent:							
Income	\$7,818	\$7,197					
Employment	3,254	2,096					
Other	1,207	1,194					
Listed uncollectible	1,468	878					
Total	13,747	11,365					
WESTERN REGION							
				Anchorage, Alaska		Boise, Idaho	
Delinquent:							
Income	\$1,074	\$979	\$1,408	\$2,508			
Employment	1,489	946	921	826			
Other	173	324	125	160			
Listed uncollectible	704	424	229	148			
Total	3,440	2,673	2,683	3,642			
				Helena, Mont.		Honolulu, Hawaii	
Delinquent:							
Income	\$1,467	\$1,081	\$2,469	\$2,191			
Employment	711	368	2,452	1,199			
Other	65	116	478	348			
INTERNATIONAL OPERATIONS							
				Puerto Rico		All other	
Delinquent:							
Income	\$1,444	\$1,256	\$64,432	\$62,408			
Employment	2,505	1,441	2,703	752			
Other	309	0	5,305	3,911			
Listed uncollectible	234	292	1,305	7,536			
Total	4,492	2,989	73,746	74,607			

Mr. WILLIAMS of Delaware. Mr. President, next I ask unanimous consent to have incorporated in the RECORD a letter dated March 20, 1970, signed by Mr. William H. Smith, Acting Commissioner of Internal Revenue, which accompanied these statistical reports and which letter explains in greater detail the effort the Department is making toward improving its collection system.

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

U.S. TREASURY DEPARTMENT,  
INTERNAL REVENUE SERVICE,  
Washington, D.C., March 20, 1970.

HON. JOHN J. WILLIAMS,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR WILLIAMS: This is in response to your letter of January 23, 1970, requesting a list of those accounts which have been classified as uncollectible, in each office in 1969, a list of the one hundred largest compromise settlements, and a report of inventory as of December 31, 1969, which includes all outstanding tax delinquencies. Data on the compromise settlements are being transmitted separately.

As previously explained, uncollectible accounts are those on which the likelihood of

collection is so remote that it would be unwise to devote further manpower to them when it can be better used on more productive work. Typical of these are no asset cases, taxpayers who cannot be located, and those where collection would cause undue hardship to the taxpayer of his family. Under stringent controls and procedures, these accounts are classified as uncollectible. Attachment 1 contains a district-by-district tabulation of accounts classified as uncollectible in 1969.

In total there were 18,167 fewer accounts and approximately \$98.1 million less classified as uncollectible in 1969 when compared to 1968. This is a significant improvement which is due to two major factors, only one of which is within the Service's control. Specifically, during 1969, we did not have as many large dollar cases classified as uncollectible as we did during 1968. Secondly, the reduction, in part, also reflects the effectiveness of the Data Processing system. The system now analyzes subsequent returns filed by taxpayers who have accounts classified as uncollectible. If a refund is due, it is offset against the uncollectible amount; if uncollectible because taxpayer could not be located and a new address is shown, or if uncollectible because of inability to pay and income is in excess of a predetermined level (based upon the taxpayer's financial circum-

stances) the accounts are reissued for further collection effort.

As explained last year, we are still not in a position to give you a report on all accounts reported as uncollectible in previous years on which the statute for collection has not expired. The Data Processing system has now accumulated a minimum of three years' data (depending upon date data processing was implemented in the various regions) on uncollectible accounts. We are now engaged in programming the system to eliminate those accounts on which the statutory period for collection has expired. Hopefully, by next year, we should be in a position to give you a substantial portion of this data.

Attachment 2 is the year-end inventory broken down by the various tax groups and showing the inactive accounts in the columns to the right. The figures in the inactive category are included in the figures shown in the columns under the various tax groups as well as in the total column. All offices were current in their issuances as of December 31, 1969.

The following table summarizes as of December 31, 1968 and 1969, the taxpayer delinquent accounts broken down as to active and inactive status. Accounts in the inactive category are those in which collection action has been deferred pending the outcome of audit examinations, court cases, or other contingent actions.

TDA INVENTORY

(Dollars in thousands)

	Active	Inactive	Total
Amount:			
Dec. 31, 1968.....	\$948,250	\$638,361	\$1,586,611
Dec. 31, 1969.....	\$1,366,820	\$651,969	\$2,018,789
Change from Dec. 31, 1968 to 1969.....	+\$418,570	+\$13,608	+\$432,178
Percent of change.....	+44	+2	+27
Number:			
Dec. 31, 1968.....	\$741,987	\$117,630	\$859,617
Dec. 31, 1969.....	\$964,510	\$100,672	\$1,065,182
Change from Dec. 31, 1968 to 1969.....	+\$222,523	-\$16,958	+\$205,565
Percent of change.....	+30	-15	+24

The above statistics show a sharp deterioration from the position reported last year, which was also unfavorable relative to amount. There are three major currents at work here, two of which, unfortunately, operate to increase the size of our inventory. Those factors working to increase the inventory are the growing caseload itself, that is the increased volume of accounts receivable, coupled with the decline in Service manpower available for this work. The third counterbalancing factor is the increased productivity in the Service's collection operations. You can appreciate, therefore, that the increase in inventory does not reflect inefficiency but rather the combination of factors outlined.

	Number, calendar year—		Amount calendar year—	
	1968	1969	1968	1969
Delinquent accounts issued.....	2,223,139	2,689,203	\$2,251	\$3,208
Delinquent accounts closed.....	2,231,854	2,470,741	\$2,053	\$2,786
Man-years utilized.....	6,303	6,264		

Even though there were 39 fewer man-years available for closing delinquent accounts, the Service closed 238,887 more accounts valued at \$733 million during 1969 than 1968. An unknown portion of this increase in workload is directly attributable to the current state of the Nation's economy. Inflation pressures and higher interest rates have made delay in payment of taxes an attractive alternative to borrowing money. Unfortunately, when taxpayers refuse to respond to bills and notices, there's no other alternative than the costly process of making personal contact. The Service sponsored certain legislative proposals that would have provided rather substantial penalties for failure to pay taxes. The Tax Reform Act of 1969 took a step in this direction although the legislation enacted was something less than the Service had recommended. This legislation is now being implemented and we will closely monitor its administration to see if the provisions adopted will bring about the desired deterrent effect.

Attachment 3 is a listing of the names of taxpayers who in 1969 had obligations to the Government in excess of \$25,000 designated as uncollectible, together with the type of tax involved and the district office in which this action took place. This listing has been compiled on the same basis, and with the same restrictions, as that furnished you with my letter of May 6, 1969.

Attachment 4 contains a district-by-district tabulation of abatements. Abatements are entirely different from uncollectibles. As a general rule, an assessment is abated only if it is in excess of the tax amount actually due and legally owing at the time. These

cannot be reinstated except through a subsequent assessment. With kind regards. Sincerely,

WILLIAM H. SMITH,  
Acting Commissioner.

Mr. WILLIAMS of Delaware. Mr. President, upon my request Commissioner Thrower has furnished a list of all individuals or companies whose tax liabilities of over \$25,000 were reported as uncollectible during the calendar year 1969. This report shows the names of the individuals and the types and amounts of taxes reported as uncollectible.

At this point I ask unanimous consent that this list be printed in the RECORD.

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

INSERTION III—ACCOUNTS OF \$25,000 OR MORE REPORTED AS UNCOLLECTIBLE IN 1969

Taxpayer	Type of tax <sup>1</sup>	Amount reported as uncollectible
<b>NORTH ATLANTIC REGION</b>		
<b>Albany:</b>		
Samuel Feldman.....	720.....	\$300,052
Henry A. Adams.....	1040.....	59,740
James Cocca.....	EX-135.....	1,729,459
Augusta: None over \$25,000 reported as uncollectible in 1969.		
<b>Boston:</b>		
John Blizzard <sup>2</sup> .....	3-N.....	115,774
State and Canada utilities.....	1120.....	206,979
Isadore Muchnick.....	1040.....	303,091
Joseph Pacheco.....	1040.....	123,326
Fraser J. Cameron <sup>2</sup> .....	3-N.....	341,421
David A. Berenson.....	3-N.....	332,704
Neil Ochs <sup>2</sup> .....	3-N.....	345,600
George and Eleanor Carney.....	1040.....	98,274
James Sandel <sup>2</sup> .....	3-N.....	333,904
<b>Brooklyn:</b>		
Ely Batkin.....	1120.....	107,313
Stanley Kirshner.....	1040.....	206,409
H. and D. Gazevitz.....	1040.....	172,349
Jacob Ragan.....	1040.....	100,830
Max Friedman (deceased).....	1040.....	157,323
Mayer and Sally Sohen.....	1040.....	415,444
Harry Berger.....	1040.....	153,184
Greenpoint Piece Dye Works, Inc.....	941/940.....	152,921
Enrique Lopez.....	Various.....	206,231
George and A. Krieger.....	1040.....	185,683
Solomon Roman.....	1040.....	110,454
T. and B. Polley.....	1040.....	215,497
Titan-Marby Corp.....	941.....	122,098
Merkel, Inc.....	941.....	109,553
Morris Sklar.....	941.....	674,937
<b>Buffalo:</b>		
Antonio Berreras.....	3-N.....	310,400
Orlando Herrera Vega.....	3-N.....	310,400
Burlington: None over \$25,000 reported as uncollectible in 1969.		
<b>Hartford:</b>		
Lane Machine.....	941.....	40,166
Tyrus and Joan Davis.....	1040.....	119,369
Leo Nunnink.....	941.....	121,629
L. Deberadinis.....	941.....	73,736
Fred Paquette.....	730.....	104,607
W. P. Stewart.....	1040.....	47,380
<b>Manhattan:</b>		
Sam H. Feldman.....	1040.....	236,843
George B. and Betty Mahler.....	1040.....	1,311,646
Michael Katoff <sup>2</sup> .....	EX-124.....	204,168
Pennwest Investing Corp.....	1120.....	227,874
Alton Blauner.....	720.....	1,220,948
American Business Audit, Inc.....	1120.....	205,982
John and Virginia Severino.....	1120.....	687,324
Manlie Severino.....	1120.....	687,324
Kullack Tool Corp.....	1120.....	172,898
Irving and May Bronstein.....	1040.....	523,404
Amos Treat Co., Inc.....	1120.....	375,129
Franklin Corp.....	1120.....	144,939
Joel Lozav <sup>2</sup> .....	EX-124.....	237,661
Alice Jayson.....	1040.....	397,943
Irving and May Bronstein.....	1040.....	698,968
Herbert J. and Rhys Steel.....	1040.....	2,634,383
Juan Luis Bernal <sup>2</sup> .....	3-N.....	127,661
Howard A. Collins.....	941.....	112,851
Jose Antonio Ruiz Bello <sup>2</sup> .....	3-N.....	237,651
Richard S. Jones & Co., Inc., of California.....	1120.....	964,112
Anthony Rose.....	1040.....	124,095
Irvin Gluck (Glover) and John Sloan.....	730.....	286,305
Carlos Garcia <sup>2</sup> .....	EX-124.....	237,661

Footnotes at end of tables.

Taxpayer	Type of tax <sup>1</sup>	Amount reported as uncollectible
<b>Portsmouth:</b>		
Richard Baker.....	941.....	\$76,143
D. and J. Erectors.....	941.....	71,324
T. Gordon Hutchinson.....	941.....	46,288
<b>Providence:</b>		
Benevolent Educational Association.....	1120.....	33,821
Bruce G. Carline.....	1040.....	108,390
Frank Manfredi.....	1040.....	26,441
Maurice Rivet <sup>2</sup> .....	EX-124.....	330,584
Imperial Weaving, Inc.....	941/940.....	71,243
Anthony and Philomena Altieri.....	1040.....	143,140
Morse Salons, Inc.....	941.....	33,713
Morrow Colorplate, Inc.....	941.....	76,924

MID-ATLANTIC REGION

<b>Baltimore:</b>		
Fred B. Jr. and Nina R. Black.....	1040.....	83,154
Hadden G. and Glenda Garvin.....	1040.....	105,390
Mango Corporation.....	1120.....	532,020
Adolph and Lydin Furman.....	1040.....	89,877
<b>Newark:</b>		
Standard Service Corp.....	1120.....	245,019
Leo Sagal.....	1040.....	119,776
Allen Kramer.....	EX-124.....	292,000
J. and J. Lomuscio.....	1040.....	112,853
Ferando Benito <sup>2</sup> .....	EX-124.....	176,800
Adelbert Gonzales <sup>2</sup> .....	3-N.....	267,410
Sherman S. Sharwell (deceased).....	1040.....	178,815
<b>Philadelphia:</b>		
Coates Coal Co.....	1120.....	139,374
Menin Furniture Co.....	1120/941.....	778,245
Joseph V. Fiorini.....	1040/730.....	388,517
George J. and Helen Daileida.....	1040.....	790,390
Bernard and Jeannette Babis.....	1040.....	1,920,214
L. P. and E. R. Levy.....	1040.....	383,410
Passing Parade Films, Inc.....	1120.....	488,914
Abe Serot.....	1040.....	134,069
Thomas A. Douglas.....	11-C/730.....	128,419
Solomon and Delores Burke.....	1040.....	125,941
George J. and H. Y. Daileida.....	1040.....	106,111
Elias Dubas.....	730.....	179,458
Harry P. Canaris.....	1040.....	174,185
P. & W. Building Main Cl. Co., Inc.....	941/1120.....	378,859
<b>Pittsburgh:</b>		
Henry R. Cassatt.....	941.....	57,127
Charles C. Wilson.....	1040.....	189,845
James Gardner.....	1040.....	61,160
Edward Silverman.....	941.....	54,594
Estate of V. R. Massock.....	1040.....	888,491
Hobart and Beryl Darling.....	1040.....	108,942
Adam E. Eidemiller.....	1040.....	56,569
Thomas E. Whittier.....	1040.....	120,080
Pittsburgh Courier Publishing Co., Inc.....	941.....	107,700
R. E. Kaplan (deceased).....	1040.....	51,098
Branna Construction Corp.....	1120.....	231,905
Jerome J. and V. Stenger.....	1040.....	92,191
Victor Lisotto, Inc.....	941.....	61,990
<b>Richmond:</b>		
Coy N. and Verna Tester.....	1040.....	62,677
Robert Clark <sup>2</sup> .....	3-N.....	446,000
Henry L. Eggleston <sup>2</sup> .....	3-N.....	446,000
George LaParade.....	941.....	51,608
George Christofis.....	720/1040.....	153,520
Eastern Trailer Sales.....	1120.....	74,668
Wilmington: None over \$25,000 reported as uncollectible in 1969.		
<b>SOUTHEAST REGION</b>		
<b>Atlanta:</b>		
Howard Monroe Jones.....	730.....	93,476
Robert L. and Sara O. Yearwood.....	1040.....	172,271
Municipal Theatre, Inc.....	941.....	59,220
Henry Grady (Jelly) Jones.....	730.....	390,605
Irbco.....	1120.....	81,364
Municipal Theatre.....	941.....	76,871
Stanley and Evelyn Martin.....	1040.....	77,820
<b>Birmingham:</b>		
O. M. Cummings.....	1040.....	57,536
Benjamin and Rose Kahn.....	941.....	61,817
Whitehead Pkg. Co.....	941.....	126,233
Carlos M. H. Rumbout <sup>2</sup> .....	EX-124.....	560,673
G. C. McCullough.....	2749.....	165,199
<b>Columbia:</b>		
A. H. and Margie M. Becker.....	1040.....	31,329
Charleston Drydock & Shipbuilding Co.....	941.....	135,762
J. W. Genaty III.....	2749.....	106,342
James C. Hammond.....	730.....	64,182
Haskell Blizzard.....	154.....	38,098
M. K. Petty and J. W. Addison.....	730.....	338,191
Industrial Electric Co., Inc.....	941.....	57,346
<b>Greensboro:</b>		
Vance McLean Sales.....	1120.....	890,886
Lola Mae Helms.....	11-C/730.....	119,387
Robert W. Joiner.....	730.....	118,571
J. E. Phillips.....	730.....	70,632
J. R. and G. K. Stiller.....	1040.....	107,438

INSERTION III—ACCOUNTS OF \$25,000 OR MORE REPORTED AS UNCOLLECTABLE IN 1969—Continued

Taxpayer	Type of tax <sup>1</sup>	Amount reported as uncollectable
<b>SOUTHEAST REGION—Continued</b>		
Jackson:		
Walter Earl Davidson	154	\$48,772
Carolyn Wright	1040	219,734
George and Lillian Mitchell	1040	45,374
Walter Earl Davidson	154	60,759
T. Bond Kellum	1040	173,082
Jacksonville:		
Jesse D. Wright	1040	106,912
American Equity Underwriters, Inc.	1120	290,136
David T. Swidler	1040	457,237
J. S. Malo	EX-135	149,144
Sari Posner	1040	687,523
Placid Ridge, Inc.	1120	117,590
Sylvia Goldring	1040	459,174
Albert and Alice L. Gilday	1040	120,199
Nicholas Vilrod	1040	130,080
Morgan Mfg. Corp.	720/940	262,845
Joyce Kaplow	1040	162,729
J. F. Corrigan	11-C/730	241,534
Indian Lake Estates, Inc.	1120	1,601,449
H. L. and Isabelle Francis	1040	155,477
Joe W. Sullivans Conc.	941	226,172
Harris Leveson, Jr.	11-C/730	237,145
Michael Meyerson	1040	104,621
Cresskill Plumbing, Inc.	940/941	146,670
R. G. Wheeler	1040	113,704
Mail Mortgage Loan, Inc.	1120	168,289
Raphael Enrique Milon Cantillo	EX-124	167,535
Mario Presli	730	864,907
Myles H. Johns	1040/941	322,198
Mike Bradford & Co.	1120	144,222
Howard C. Hageman	1040	122,153
Nashville:		
Sims, Armstrong & Brown	11-C/730	107,455
Burks Motor Freight Lines, Inc.	940/941	35,975
A. J. Banks	730	25,283
A. J. and Mary Banks	1040	166,779
R. and A. L. Johns	1040	142,670
Gasco Construction Co.	941	28,800
Dallas King	1040	108,171
Jack B. Littleton	1040	277,246
Leonard J. Barker	1040	215,997
James E. Collier	11-C/730	317,147
Evelyn V. Davidson	709	50,320
Thomas & Higdon Printing Co., Inc.	940/941	26,145
Burke Construction, Inc., of Lovelville	941	66,318
Kenneth Vogt Plastering Co., Inc.	941	68,057
Kingsport Broadcasting Co., Inc.	1120	98,238
Ridgefield Farms, Inc.	1120	61,906
Nathan Bellamy	11-C/730/940/941	144,732
A. E. and Lola (deceased) Horn	1040	47,979
<b>CENTRAL REGION</b>		
Cincinnati: Karol and Alice Blanor	1040	87,944
Cleveland:		
Robert D. and Joan Brown	1040	438,430
V. E. and F. K. Shutrump	1040	202,058
Andrew D. Adams	1040	135,248
Leonard Smith	730	359,777
Thomas P. Clifford, Jr.	1040	147,903
Detroit:		
Edward Lee Richards	3-N	100,677
LaKeointe Country Club	720	114,589
James K. Bradford	1040	165,705
Louis Garavaglia, Inc.	1120	115,077
Indianapolis:		
Wayne and Joyce Leyser	1040	284,835
Philip and Virginia Meade	1040	623,269
Louisville:		
Glen Corp.	1120	357,209
Daniel J. Andrews, Jr.	730	120,921
United Brokerage Co.	1120	122,071
Norman Hart	730	40,245
Charlie R. and L. Brown	1040	67,166
Parkersburg:		
Diane Twitchell	1040	64,410
Charles R. and Beulah West	1040	87,713
Estate of Edwin A. Haddad (deceased)	1040	42,634
E. E. and D. D. Workman	1040	41,466
Hope Mann	1040	68,405
Finley M. Painter	1040	40,842
Troitino Bros., Inc.	941	27,906
<b>MIDWEST REGION</b>		
Aberdeen: None over \$25,000 reported as uncollectible in 1969.		
Chicago:		
Vee-Jay Records, Inc.	1120	254,197
Do	720	185,386
Herman Greisdoref	1040	2,298,876
Christian P. Paschen	1040	130,922
Lester R. Peilet	1040	336,585
American Motel Construction Co.	940/941	112,418
Kenner's Charitable Hospital, Inc.	1120	329,408
William H. and Eleanor V. Kenner	1040	427,646
Thomas Salinas, Jr.	EX-124	162,903
Katschke Land Developers	1120	710,533
John Speroni	1040	390,885
Dixon Quality Oil Co.	720	117,873

Taxpayer	Type of tax <sup>1</sup>	Amount reported as uncollectable
Des Moines:		
Impact Milling Co., Inc.	941	\$30,713
R. Sam Krage	941	52,089
Tickal Construction Co.	941	26,567
Fargo: None over \$25,000 reported as uncollectible in 1969.		
Milwaukee:		
Auto Acceptance & Loan Corp.	1120	64,577
Auto Acceptance Corp.	1120	90,609
Simplex Shoe	1120	50,422
William P. Cole	730	75,429
Anthony and Blanche Verdone	1040	59,720
Laufenberg Bros. Corp.	941	52,708
Marshall Palakow	1040	404,691
R. C. Hosking	941	66,579
Marman Soap Co.	1120	70,459
E. D. and A. Pollock	1040	93,732
James M. Herbage and Justin C. Williams	EX-124	83,002
Ace Refrigeration	941	68,456
E. A. Knab Heating & Plumbing	940/941	70,406
Omaha:		
Kelly Ryan Equipment Co.	940/941	67,927
Charles Graziano	941	42,070
Edward B. Voyd	941	35,999
St. Louis:		
Plez Lewis	941	52,309
Crown Ins. Co. of W. Virginia	1120	888,860
H. C. and M. B. Howard (Herbert C. Camien and Melita B. Howard (ex-wife))	1040	122,479
St. Paul:		
Donald Brandvold	941	69,345
Robert C. Leonard	1040	36,295
Robert G. Ruud	941	28,888
Wm. O. Strand, Jr.	941	26,848
Springfield:		
Jack H. Dyer	720	35,832
Edgar F. and Edna Smith	1040	75,977
George W. White	1040	285,762
Robert Bilyeu	940/941	31,058
J. W. and B. J. McDaniel	1040	35,759
Arthur Pipeline, Inc.	941	30,329
Baxter L. Adkins	1040	29,988
B. L. and B. Adkins	1040	149,236
<b>SOUTHWEST REGION</b>		
Albuquerque:		
Oliver C. and Peggy Reese	1040	52,200
Virgil John Bland, Jr.	EX-124	320,000
R. B. Wright Co., Inc.	941	163,641
Crusader Dairies, Inc.	940/941	32,188
Jeffrey Allen Spreen	EX-124	319,500
Austin:		
Bonnie M. Munoz	1040	122,225
Luz N. Munoz	1040	137,801
Merced and Lu Munoz	1040	262,105
Pedro J. Munoz	1040	180,182
Pedro J. and Bonnie Munoz	1040	68,604
Jesse and Dorothy Daley	1040	216,571
Leslie E. and Kathryn Peek	1040	111,738
Walter Sekaly, Sr.	11-C	773,878
William Dingler, (deceased), c/o Margaret Dingler	1040	275,232
International A. C.	1120	109,922
Jose Estaban Garcia	EX-124	296,600
Alicia Carrillo	EX-124	296,600
Don Clay Wilson	EX-124	1,200,000
Raymond Keith and Charlotte Marie Smith	EX-124	1,199,112
Mount Franklin Homes	1120	182,544
Ralph Bolton, Simon Walker, (deceased), and Walter Sekaly	730	924,863
Cheyenne: None over \$25,000 reported as uncollectible in 1969.		
Dallas:		
Kenneth S. Boehm	730	119,643
Enco Construction Co., Inc.	941	103,670
Claude T. Potts	11-C/730	191,448
Denver:		
Sanders & Son, Inc.	1120	89,003
Jacob and Ida Hayutin	1040	108,316
James W. Egan	1040	109,365
Walton A. Dumesmil, Jr.	EX-124	83,200
Lloyd W. Hammer	1040	56,920
Robert E. Woolvorton	730	57,418
Little Rock: None over \$25,000 reported as uncollectible in 1969.		
New Orleans:		
Popich Marine Construction, Inc.	940/941/1120	163,436
Supreme Construction Co., Inc.	1120	169,111
Barbara C. Recle	1040	571,993
Benjamin Franklin Cook	720	235,873
Edwin A. Vincent	1040	175,301
Mildred H. Bradford	1040	144,171
Universal Marine Corp.	1120	93,458
Oklahoma City:		
Bufoed S. Kirtley	1040	110,659
Wilma Kirtley	1040	111,020
C.P.M. Constructors	941	179,394
Whit Pate	1040	62,903
Mrs. Thomas J. Redd	1040	55,942
Premium Laundry & Dry Cleaners	941/940	127,097

Taxpayer	Type of tax <sup>1</sup>	Amount reported as uncollectable
Wichita:		
John V. Prather	1040	\$79,809
Jose L. Rangel	EX-124	503,230
<b>WESTERN REGION</b>		
Anchorage:		
Carrol Creek Logging Co.	941	50,286
Hennings & Murray Corp.	941	26,089
Boise: None over \$25,000 reported as uncollectible in 1969.		
Helena:		
George Anderson	1040	146,905
James Anderson	1040	32,442
Honolulu:		
Theodore III and Rose Mar Dunham	1040	79,906
Randy Wayne Yawn	EX-124	34,160
Dennis Ray Hankins	EX-124	43,844
American Sanitation Inc.	940/941	38,780
A & B Distributors, Ltd.	1120	35,438
Capitol Engineers, Inc.	941	61,073
Los Angeles:		
Gilbert Rance Dart	EX-124	547,688
Kin Evan Travers	EX-124	408,212
Willie Sloan	EX-124	223,823
Paul Hardeman, Inc.	1120	1,146,698
Thomas Brown Buchanan	EX-124	811,302
Jane Ellen Kenmir	EX-124	811,302
Paul Hardeman, Inc.	720	337,879
Robert Gould	EX-124	207,868
Anthony Earl Ramsey	EX-124	120,000
Howard Ed Jordan	EX-124	1,058,854
King Electric Co.	941	65,150
Luis Ayala Rivera	EX-124	101,820
Michael G. Mills	EX-124	651,200
Stev. Leuenberg	1040	113,238
Dexter Porter	EX-124	651,200
Michael Dare	EX-124	619,283
R. Wellington	EX-124	614,404
Joanne Temple	1040	509,100
Floyd R. and Enna Clodfelter	1040	342,263
Donald Mottola	EX-124	232,800
John F. Lindley	EX-124	217,620
Odell Andrews	EX-124	221,967
P. E. Robertson	1040	137,732
Jerry L. Darnell	EX-124	120,000
M. Schiaffino	EX-124	118,482
Boyd Productions	1120	90,005
Gerald E. McCannon	EX-124	224,000
Timmons & Timmons, Etc.	EX-124	136,120
Ralph Luis Villalobos	EX-124	3,160,367
Quinton Prochaska	EX-124	342,000
Jerry Sherwin Lisner	EX-135	194,386
Cleveland Washington	EX-124	136,000
Leonard Dixon	EX-124	105,363
Sheldon and Doris Graff	1040	1,641,824
Lee Duane Hart	EX-124	159,988
Martin M. Greisiger	EX-124	435,202
Phoenix:		
Burnett Walker, Jr.	941	35,231
Waldo Plumbing and Heating of Arizona	941	255,991
Calvin M. and Charlene Dressel	1040	41,068
Frank Hector, Jr. and Josephine Lares	EX-124	55,041
Thomas Anthony Fisher	EX-124	91,949
William Brent Whalen	EX-124	91,600
Robert Stanley Wallace, Jr.	EX-124	42,700
Abraham Minker	1040	63,930
Reynolds Robert Rast	EX-124	49,182
Portland: None over \$25,000 reported as uncollectible in 1969.		
Reno:		
George Ullom	1040	36,557
George Saxton	941	68,388
Iranco, Inc.	1120	86,439
Moulton Rouge	941	48,839
Vista Rock Products, Inc.	1120	36,210
Spiros and Victoria Kallas	1040	151,404
Contractors Services, Inc.	941	29,049
Salt Lake City:		
James E. Bagley	EX-124	54,800
Chas. D. Coddington	EX-124	54,800
Horace J. Knowlton	1040	68,137
Reed R. and M. S. Maxfield	1040	359,062
Payroll Service Co.	941	26,564
Miracle Drilling Co.	941	27,365
San Francisco:		
Lasont Corp.	1120	134,960
Michael Gregory McGuire	EX-124	395,157
E. Philip Michaels	1040	171,576
Develop-A-Matic Engineering	1120	259,654
Thomas M. Truax	1040	135,886
Kenneth Fredrick Oldright	EX-124	719,308
Joel Anderson	EX-124	423,000
Robert Jeffrey Adams	EX-124	1,259,600
David Wesley Petty	EX-124	1,071,700
Robert T. Mailheu	EX-124	502,781
John Floyd Lindley	EX-124	553,900
Thomas A. Pavlis	2749	104,921
Pedrel, Inc.	1120	264,408
Terry Joseph Wing	EX-124	800,400
Don C. and Ann G. Silverthorne	1040	2,047,340
Darren Guy and Eloise Erlin	EX-124	553,463
Judith Ann Sloper	EX-124	412,850
R. P. Sangemino	EX-124	437,800

Taxpayer	Type of tax <sup>1</sup>	Amount reported as uncollectible
<b>Seattle:</b>		
Roger Dean Folland and John S. Borowicka <sup>2</sup>	EX-124	\$223,118
Edward R. Hicks	1040	57,578
<b>Puerto Rico: None over \$25,000 reported as uncollectible in 1969.</b>		
<b>All other:</b>		
Robert H. and Doris E. Miller	1040	185,575
Clark D. Bramwell	1040	141,526
Jorge Silvert Carrillo <sup>2</sup>	EX-124	105,599
Jesus Mandel P. Garcia <sup>2</sup>	EX-124	105,599
C. R. and O. M. Bone	1040	118,054
Columbia Insurance Co.	1120L	133,516

<sup>1</sup> Types of Tax—The above table of accounts reported as uncollectible lists type of tax by the form number of the return on which the tax is filed. Those taxes involving narcotics and marihuana are denoted by an asterisk. An explanation of all the forms listed follows:

- 3-N: Narcotics.
- EX-123: Excise tax on narcotics.
- EX-124: Excise tax on marihuana.
- EX-125: Excise tax on oleo, butter, and cheese.
- EX-135: Excise tax on wagering.
- 154: Alcohol and tobacco tax.
- 706: Estate tax.
- 720: Excise tax.
- 730: Wagering tax.
- 941: Withholding and FICA.
- 1040: Individual income tax.
- 1042: Income tax withheld at the source.
- 1120: Corporation income tax.
- 2749: Withholding and FICA.
- 3780: Interest equalization tax.

<sup>2</sup> Refers to a narcotics tax (marihuana, heroin, etc.).

Mr. WILLIAMS of Delaware. Mr. President, following this insertion I incorporate in the RECORD a list of the one hundred largest compromise settlements for the year 1969. This list gives names and addresses, the total amounts of the taxes including penalties and interest, and the amount and terms of the compromise settlements.

I ask unanimous consent that this chart listed as Insertion IV be printed at this point in the RECORD.

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

Approval date: 3-17-69.  
Sam R. Alley, 1026—16th Street, N.W., Apt. 606, Washington, D.C.

Tax due and compromise settlement: \$53,531.08.

Year involved: 1960.  
\$8,000.00 to be paid from escrowed proceeds of sale upon delivery of Certificates of Release of Lien together with waiver of refunds, default agreement and other provisions on Form 656. In addition, the taxpayer has agreed to pay a graduated percentage of his income in excess of \$7,500.00 for the years 1968-74.

Approval date: 11-16-69.  
J. W. Barnett, Sr., Vossburg, Mississippi.  
Tax due and compromise settlement: \$25,659.94.

Year involved: 1956.  
\$14,499.65 payable in full within 30 days after notification of acceptance of this offer, together with a waiver of refunds, interest, default agreement, and other provisions on Form 656 (Rev. 7-57).

Approval date: 7-1-69.  
John Barsky, 1908—31st Street, San Diego, California.

Tax due and compromise settlement: \$194,853.13.

Years involved: 1954-60.  
\$33,000.00, payable \$15,000 within 60 days after notification of acceptance, the balance of \$18,000.00 to be paid at the rate of \$250.00 or more per month, on the 15th day of each month, commencing on the 15th day of the first month after notification of acceptance, together with interest at the

rate of 6% per annum from the date the offer is accepted until the respective payments are made in full. This offer contains the waiver of refunds, default agreement and other provisions on form 656 (Revised 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future annual income in excess of \$7,500.00 per year, for the years 1968 to 1977 inclusive, and to the assignment of certain notes, loans and accounts receivable, as itemized in the addendum to the collateral agreement, to the United States of America, plus an agreement not to claim capital losses on any of the assets itemized in the addendum.

Approval date: 10-29-68.  
Verne D. & Linda J. Batchelor, 857 N. Edgemoor, Wichita, Kansas.

Tax due and compromise settlement: \$49,026.26.

Years involved: 1958-60.  
The amount of the offer is \$5,000.00 payable in deferred payments as follows: \$50.00 per month commencing December 1, 1968 and to be paid the first of each month thereafter for a period of 12 months, and then \$75.00 per month commencing December 1, 1969 and to be paid the first of each month thereafter for a period of 12 months, and then \$100.00 per month commencing December 1, 1970 and to be paid the first day of each month thereafter until the balance of the amount offered together with interest at the rate of 6% per annum from the date this offer is accepted, is paid in full together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$10,000.00 for the years 1970 to 1973, inclusive, and in excess of \$8,000.00 for years 1974 to 1975.

Approval date: 8-11-69.  
Nat Berman, 23 West 73rd Street, New York, N.Y.

Tax due and compromise settlement: \$65,711.69.

Years involved: 1957-60.  
\$35,000.00 payable as follows: \$8,000.00 submitted with the offer, and balance payable in equal monthly installments of \$750.00 commencing on the 15th day of the month following notice of acceptance, together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$7,500 to the District Director for years 1968 to 1977 inclusive.

Approval date: 3-7-69.  
Homer L. Blackwell, 5611 West 97th Street, Overland Park, Kansas.

Tax due and compromise settlement: \$91,497.58.

Years involved: 1943-46 and 1948.  
\$500.00 cash paid with the offer together with waiver of refunds and other provisions on Form 656 (Rev. 7/57).

Approval date: 5-15-69.  
John A., Jr., and Allice A. Boland, P.O. Box 312, Rapid City, South Dakota.

Tax due and compromise settlement: \$88,839.59.

Years involved: 1962-67.  
\$15,000.00 payable \$12,500.00 within 60 days after receipt of notice of acceptance of the offer and \$2,500.00 to be paid in ten monthly installments of \$250.00 each. The first installment being March 1, 1969 and subsequent payments being due on the first day of each month thereafter through December 1, 1969, together with interest at the rate of 6% per annum from date this offer is accepted until the respective payments are made in full, together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$7,500.00 for the years 1969 to 1974, inclusive. Such amounts as may be collectible under the terms of this offer and collateral agreement are not to exceed the liability sought to be compromised.

Approval date: 8-29-69.  
W. I. & Carolyn Sue Buchanan, 2619 Princeton, San Angelo, Texas.

Tax due and compromise settlement: \$21,432.73.

Years involved: 1964 and 1966.  
\$500.00 paid with this offer and \$1,500.00 to be paid upon notification of acceptance of the offer, and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/59). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 for the years 1969 to 1973, inclusive.

Approval date: 3-12-69.  
Coronado Homes, Inc., and Frank Arvidson, Boyd Small, Lloyd Small, 1208 Thomas Lane, Renton, Washington.

Tax due and compromise settlement: \$31,301.24.

Year involved: 1964.  
\$1,200.00 already paid, plus \$100.00 to be paid on February 15, 1969, and \$100.00 to be paid on the 15th of each succeeding month, together with interest at the rate of 6% per annum on the deferred payments from the date the offer is accepted until the respective payments are made in full, with waiver of refunds, default agreement, and other provisions on Form 656 (Rev. 7/57). (The refund provisions of the offer refer to the corporation only and not to the proponents.)

Approval date: 11-7-68.  
Don L. Corum, 2366 Eastwood Place, Memphis, Tennessee.

Tax due and compromise settlement: \$25,403.51.

Year involved: 1950.  
\$2,500.00 to be paid within 30 days after acceptance of offer. Waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$7,500.00 for the years 1968 to 1972, inclusive.

Approval date: 12-19-68.  
Clifton S. & Dorothy S. Crawford, 30 Thunderbird Parkway, S.E., Apt. B-3, Tacoma, Washington.

Tax due and compromise settlement: \$36,244.46.

Years involved: 1962-63.  
\$3,000.00 paid with the original offer 01-15-68 and \$817.07 paid with the amended offer dated 07-31-68 and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition the taxpayers have agreed that for the purpose of computing income taxes of the taxpayers for all taxable years beginning after December 31, 1967 any unused portion of the net capital loss sustained by the taxpayers in any prior year shall not be claimed as a short term capital loss for any succeeding year under the provisions of Section 1212 of the Internal Revenue Code of 1954. The taxpayers have also agreed to pay a graduated percentage of their future income in excess of \$7,500.00 for the years 1968 to 1974, inclusive.

Approval date: 1-22-69.  
C. S. Day and Pearl Day, Route 2, Brookhaven, Mississippi.

Tax due and compromise settlement: \$92,654.56.

Years involved: 1947-48, 1963-66.  
\$3,175.00 payable in full upon notification of acceptance of his offer, together with a waiver of refunds, interest and default agreement, and a collateral agreement whereby taxpayers have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 for the years 1968 to 1977 inclusive.

Approval date: 4-3-69.

Pat J. DeCicco, a/k/a Pasquale DeCicco, Apartado 5008, Madrid, Spain.

Tax due and compromise settlement: \$50,041.58.

Year involved: 1960.

The sum of \$33,656.60 payable on the deferred basis as follows: \$12,500.00 cash with offer and balance in three annual installments of \$7,052.20 beginning one year after acceptance of the offer, together with interest at 6% per annum on the deferred payments from the date the offer is accepted until paid in full together with waiver of refunds, default agreement and other provisions of Form 656 (Rev. 7/57).

Approval date: 8-21-68.

H. Gordon & Muriel C. Dorland, 703 Harding, Belle Fourche, South Dakota.

Tax due and compromise settlement: \$18,073.91.

Years involved: 1956, 1958-64.

\$11,000.00—payable \$1,000.00 with the amended offer and the balance payable at the rate of \$200.00 per month, beginning September 1, 1968, and each month thereafter, together with interest at the rate of 6% per annum from date this offer is accepted until the respective payments are made in full, together with waiver of refunds, default agreement, and other provisions on Form 656 (Rev. 7/57). In addition the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$7,500.00 for the years 1969 to 1973, inclusive. Such amounts as may be collectible under the terms of this offer and collateral agreement are not to exceed the liability sought to be compromised.

Approval date: 3-21-69.

Ralph and Rhea Downing, 10403 Columbia Avenue, Munster, Indiana.

Tax due and compromise settlement: \$33,809.16.

Years involved: 1956-66.

\$4,550.00 payable with the offer together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 10-16-69.

Henry D. Duarte, Sr. and Dorothy F. Duarte, Dec'd, 104 Johnson Avenue, Englewood Cliffs, New Jersey.

Tax due and compromise settlement: \$58,967.20.

Years involved: 1950-64.

The total sum of \$48,000.00 payable on the deferred payment basis as follows: \$11,500.00 deposited with the offer; \$6,000.00 on deposit; \$7,500.00 to be paid within three months of formal notice of acceptance of this offer; the balance of \$23,000.00 to be paid at the rate of \$1,150.00 per quarter, the initial payment of \$1,150.00 to be made on February 15, 1970, and each subsequent payment to be made on the 15th day of each third calendar month following, until the balance is paid in full.

Approval date: 3-18-69.

Estate of John F. Duke, Sr. (deceased), c/o Executors Leman P. Duke and John F. Duke, Jr., Fort Valley, Georgia.

Tax due and compromise settlement: \$146,506.04.

Years involved: 1949-54, 1956-58.

\$34,406.66, payable within 30 days after acceptance of this offer and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57).

Approval date: 3-18-69.

John F. Duke, Jr., and Virginia M. Duke, Route 1, Fort Valley, Georgia.

Tax due and compromise settlement: \$85,688.87.

Years involved: 1949-54, 1956-58.

\$36,141.49, payable within thirty (30) days after acceptance of the offer and waiver of

refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income which is in excess of \$7,500.00 a year for the year 1969 to 1978, inclusive.

Approval date: 3-18-69.

Leman P. Duke and Carolyn S. Duke, 120 Anderson Avenue, Fort Valley, Georgia.

Tax due and compromise settlement: \$107,993.43.

Years involved: 1949-54, 1956-58.

\$47,751.85 payable within thirty (30) days after acceptance of the offer and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 a year for the years 1969 to 1978, inclusive.

Approval date: 11-15-68.

Robert K. and Dorothy B. Ellis, 767 Burr Road, San Antonio, Texas.

Tax due and compromise settlement: \$27,214.92.

Years involved: 1961-63.

\$750.00, together with waiver of refunds and other provisions on Form 656 (Rev. 7/57), payable \$100.00 within thirty days after notification of acceptance of the offer is given and the balance at \$40.00 per month on the fifteenth day of each month thereafter, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payments are made in full. In addition, Mr. and Mrs. Ellis have agreed to pay a graduated percentage of their future income in excess of \$9,000.00 for the years 1969 to 1978, inclusive, and they have agreed to establish a cost basis of zero in 12,250 shares of common stock in Western General Corporation for the purpose of computing income taxes for all taxable years beginning after January 1, 1968.

Approval date: 4-14-69.

Silvestro Fiorentino & Lillian Margolet (former spouse), 13 North Lakeside Drive, Medford, New Jersey.

Tax due and compromise settlement: \$25,642.40. Years involved: 1959-66.

\$7,000.00 payable \$500.00 within thirty days upon notice of acceptance and balance of \$6,500.00 payable at the rate of \$500.00 per month on the 30th day of each month thereafter, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$7,500.00 for the years 1969 to 1978, inclusive.

1959, joint account; 1960-1966, a/c Silvestro Fiorentino.

Approval date: 2-24-69.

David A. Fleming, 401 Hunt Street, Milton, Florida.

Tax due and compromise settlement: \$22,464.80.

Years involved: 1950-63.

\$9,500.00, payable within 60 days after notice of acceptance, together with waiver of refunds, default agreement and other provisions of Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$6,000.00 for the years 1969 through 1973, inclusive.

Approval date: 12-13-68.

Fort Myers Travel Agency, Inc., 2070 Main Street, Fort Myers, Florida.

Tax due and compromise settlement: \$72,249.13.

Years involved: 1962-66.

\$10,000.00, payable \$1,000.00 with the offer and the balance at \$193.33 per month commencing 30 days after notice of acceptance and each month thereafter together with interest at the rate of 6% per annum from

the date the offer is accepted until the respective payments are made in full and waiver of refunds, default agreement, and other provisions of Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage on the future income of the corporation in excess of \$10,000.00 for the years 1968 to 1977, inclusive.

Approval date: 7-17-69.

Dr. Jerry A. Fortenberry, 935 North Main Street, Columbia, Mississippi.

Tax due and compromise settlement: \$25,704.34.

Years involved: 1962-67.

\$1,000.00 cash submitted with the original offer and \$100.00 to be paid on the first of the month following the month wherein notification of acceptance of the offer is given and \$100.00 to be paid on the first of each succeeding month thereafter for a total of 60 monthly payments, together with interest at the rate of 6% per annum from the date the offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions of Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$10,000.00 for the years 1969 to 1976, inclusive.

Approval date: 11-20-68.

Joseph T. Frendak, Sr., 124 Main Street, S. W., Warren, Ohio.

Tax due and compromise settlement: \$16,491.77.

Years involved: 1956-63.

\$6,000.00, \$75.00 to be paid on January 8, 1968, and \$75.00 to be paid each two weeks thereafter until paid in full, with interest at the rate of 6% per annum on deferred payments from the date this offer is accepted until paid in full, together with waiver of refunds, default agreements, and other provisions on Form 656. In addition the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$7,500.00 for the years 1968 to 1978, inclusive.

Approval date: 7-11-69.

Maxine G. Gilmore (Formerly: Maxine Durham), 10404 Mountain Road, N. E., Albuquerque, New Mexico.

Tax due and compromise settlement: \$20,002.78.

Years involved: 1963-64.

\$3,425.00 to be paid within thirty (30) days from the date of Notice of Acceptance together with interest at the rate of 6% per annum from date offer is accepted to date of payment, waiver of refunds and other provisions contained in Form 656. (Rev. 7/57). Taxpayer has also agreed to pay an amount based on a graduated percentage of her future income in excess of \$7,500.00, for the years 1969 to 1974, inclusive. She has also executed a Collateral Agreement—Taxpayer Involved in Joint Assessment.

Approval date: 9-24-69.

Dave Goldfarb, 1906 Halifax Avenue, Portsmouth, Virginia.

Tax due and compromise settlement: \$16,906.14.

Years involved: 1954-63.

\$8,610.00, payable \$3,000 by cashier's check and \$55.00 per month on 5th day of each month beginning month following acceptance of offer, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement, and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$7,500.00 for the years 1969 to 1977, inclusive.

Approval date 9-30-68.

Frank W. (Deceased) and Geneva Gordon, 3903 E. Curtis Avenue, Tampa, Florida.

Tax due and compromise settlement: \$22,427.03.

Years involved: 1944-59 and 1961.  
\$3,560.00 payable \$1,000.00 with the offer, \$2,000.00 on notice of acceptance of the offer and \$560.00 to be paid within 45 days after notice of acceptance of the offer, with interest at the rate of 6% per annum from the date the offer is accepted until the respective payments are made in full together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57).

Approval date: 8-15-69.

Phoebe D. Green in the liability of William C. and Phoebe D. Green—Formerly: 2616 Country Club Prado, Coral Gables, Fla. Now: 1451 Mercado—Coral Gables, Fla.

Tax due and compromise settlement: \$122,-871.10.

Years involved: 1957-58, 1962, and 1965.  
\$22,875.24 payable \$100.00 with the offer and the balance within 10 days after date of acceptance of the offer, with interest at the rate of 6% per annum from the date of acceptance to the date of final payment together with waiver of refunds default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of her future income in excess of \$7,500.00 to the District Director for the years 1969 to 1972, inclusive and also executed a co-obligor agreement that provides that this offer covers her liability only and if accepted, shall not be construed as operating to release or discharge the co-obligor William C. Green from the liability.

Approval date: 3-12-69.

Spencer B. Hanes, Jr. (Deceased) Macbovia Bank and Trust Company, Adm. of Estate of Spencer B. Hanes, Jr. c/o Leon L. Rice, Jr., Attorney, 2400 Macbovia Building, Winston-Salem, North Carolina.

Tax due and compromise settlement: \$335,956.94.

Years involved: 1945-65.  
\$130,000.00 payable with the offer in compromise and the balance, being \$37,514.85 plus any additional sums or earnings accruing to the estate until notice of acceptance of the offer is received and until said sums are paid over to the United States, to be paid immediately upon notice of acceptance of the offer, together with waiver of refunds and other provisions on Form 656.

Approval date: 10-23-68.

Barbara J. Harper, 7519 Cottontail Lane, Wichita, Kans.

Tax due and compromise settlements: \$46,-891.88.

Years involved: 1959-61.  
\$100.00 by Cashiers check No. 20094, dated July 31, 1967, and \$800.00 cash on July 29, 1968.

Approval date: 10-23-68.

Donald J. Harper, 6125 East Indian School Road, Apt. 172, Scottsdale, Arizona.

Tax due and compromise settlement: \$45,-780.79.

Years involved: 1959-61.  
\$1,400.00 paid by Cashiers Check No. 52902 and \$610.00 upon notification of acceptance.

Approval date: 9-25-69.

Russell C. and Ruth J. Harris, P.O. Box 422, Cordele, Georgia.

Tax due and compromise settlement: \$132,493.08.

Years involved: 1961-62.  
\$22,500.00 cash payable upon acceptance of the offer, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payment is made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 3-17-69.

George W. & Ester P. Hawthorne, 312 Brook Avenue, Bay Shore, New York.

Tax due and compromise settlement: \$33,-492.43.

Years involved: 1956-59, 1961-64.  
\$7,000.00 payable at \$60.00 per month for 36 months commencing August 13, 1967, with the balance of \$4,840.00 to be paid on or before August 15, 1970, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 for the years 1968 to 1977, inclusive.

Approval date: 1-13-69.

Lewis A. and Jacqueline J. Heinen, 28016 Lobbrook Drive, Palos Verdes, California.

Tax due and compromise settlement: \$163,102.95.

Years involved: 1959-64.  
The total sum of \$20,000.00 payable on the deferred payment basis as follows: \$3,250.00 already paid, plus \$250.00 to be paid on September 25, 1968, and \$250.00 to be paid on the 25th day of each succeeding month to August 25, 1970, inclusive, then \$300.00 to be paid on the 25th day of September 1970, and \$300.00 to be paid on the 25th day of each following month, together with interest at the rate of 6% per annum on the deferred payments from the date the offer is accepted until the respective payments are made in full, with waiver of refunds, default agreement, and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 3-17-69.

Sol & Beatrice Herzog, 5476 Poplar, No. 4, Memphis, Tennessee.

Tax due and compromise settlement: \$18,813.80.

Years involved: 1953-58, 1960, 1964-65.  
\$5,000.00, \$2,500.00 to be paid on acceptance of the offer and the balance payable at the rate of \$500.00 per annum beginning May 1, 1969, with interest at the rate of 6% per annum on deferred payments from date this offer is accepted until paid in full, together with waiver of refunds, default agreements, and other provisions of Form 656. In addition the taxpayers have agreed to pay a graduated percentage of their future annual income in excess of \$7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 3-26-69.

Dr. James E. Hines, Jr., 1325 Folsy Avenue, Alexandria, Louisiana.

Tax due and compromise settlement: \$38,-080.82.

Years involved: 1951-54.  
\$29,933.33 payable in full upon acceptance of the offer, together with interest at the rate of 6% per annum from the date the offer is accepted until the payment is made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$14,500.00 for the years 1970 to 1979, inclusive. The taxpayer has also submitted a collateral agreement whereby the acceptance of his offer will not discharge his co-obligor—Odette H. Hines.

Approval date: 3-19-69.

Russell M. Johnson, 151 Hawthorne Street, Dayton, Ohio.

Tax due and compromise settlement: \$26,-487.71.

Years involved: 1954, 1956-58, 1962.  
\$500.00 already paid—The remaining \$12,-500.00 payable 30 days after date of notice of acceptance of the offer and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$7,500.00 for the years 1970 to 1979, inclusive.

Tax due and compromise settlement: \$75,865.70.

Years involved: 1959-62.  
Approval date: 1-15-69.  
E. Pym Jones, Deceased, c/o Aline Jones, Former executrix, Taylor & Winokur, Attorneys at Law, 351 California Street, San Francisco, California.

\$50.00 payable upon acceptance of offer. Proposed assessments on income tax delinquencies for the years 1959, 1960 and 1961 are involved in proceedings before the Tax Court, Docket No. 4892-66. If this offer is accepted, a stipulated decision will be entered on the years 1959, 1960 and 1961.

Tax due and compromise settlement: \$47,730.84.

Years involved: 1951-65.  
Approval date: 10-9-68.  
Thomas D. & Marguerite W. Jones, 6972 Parkview Drive, Cincinnati, Ohio.

\$2,500.00 paid with the offer; and \$18,113.88 to be paid within thirty days after date of acceptance to the offer, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payment is made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 4-28-69.  
Hilda Posner Kaplan, 245 Chestnut Drive, East Hills, N.Y., R/A 146-08 28 Avenue, Flushing, L.I., N.Y.

Tax due and compromise settlement: \$16,-357.63.

Year involved: 1954.  
The taxpayer is seeking to compromise under Section 7122 of the 1954 Code, the above described liability. The amount offered is \$2,050.00, payable \$100.00 submitted with the Offer dated 2-17-69, \$650.00 payable 30 days after acceptance, and balance of \$1,300.00 payable \$100.00 per month, starting 60 days after acceptance of the Offer.

Approval date: 2-20-69.  
Sidney Kokol, 103-25 68th Avenue, Forest Hills, N.Y.

Tax due and compromise settlement: \$87,473.47.

Year involved: 1947.  
The amount of the offer is \$36,000.00 payable with the offer together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has executed a Collateral Agreement providing that he pay a graduated percentage of his future income each year in excess of \$7,500.00 to the District Director for the years 1969 to 1978, inclusive.

Approval date: 10-22-69.  
Thomas F. Kushi, as Transferee of Moldmaster Engineering Co., Inc., 40 Westminster, Pittsfield, Massachusetts.

Tax due and compromise settlement: \$95,285.14.

Years involved: 1955-58.  
\$8,252.73, payable within 30 days after acceptance, together with interest at the rate of 6% per annum from the date this offer is accepted until payment is made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$6,000.00 for the years 1969 to 1975, inclusive.

Approval date: 10-22-69.  
Thomas F. Kushi, 40 Westminster Street, Pittsfield, Massachusetts.

Tax due and compromise settlement: \$131,672.43.

Years involved: 1957-59.  
\$11,039.26, payable within 30 days after acceptance, together with interest at the rate of 6% per annum from the date this offer is accepted until payment is made in full, and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed

to pay a graduated percentage of his future income in excess of \$6,000.00 for the years 1969 to 1975, inclusive, and to an agreement that he is compromising only his individual liability of a joint assessment for the years 1957, 1958 and 1959.

Approval date: 10-22-69.

Thomas F. Kushi, 40 Westminster Street, Pittsfield, Massachusetts.

Tax due and compromise settlement: \$61,322.46.

Year involved: 1960.

\$4,938.76, payable within 30 days after acceptance, together with interest at the rate of 6% per annum for the date this offer is accepted until payment is made in full, and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$6,000.00 for the year 1969 to 1975, inclusive.

Approval date: 2-25-69.

Agnes C. Lacy, 7414 West Northwest Highway, Apt. 3, Dallas, Texas.

Tax due and compromise settlement: \$69,511.07.

Years involved: 1961-62.

\$5,000.00 payable in full within 30 days from date of notice of acceptance of the offer, together with 6% accrued interest, waiver of refunds, default agreement and other provision on Form 656 (Rev. 7/57). In addition the taxpayer agreed to pay a graduated percentage of her future income in excess of \$7,500.00 for the years 1969 thru 1973.

Approval date: 5-9-69.

Emil Lastition, RFD No. 1, Austinburg, Ohio—(Former), 1025 N. Federal Highway, Lake Park, Florida—(Current).

Tax due and compromise settlement: \$77,891.03.

Years involved: 1951-1956.

\$500.00 paid with Offer. Balance of \$2,300.00 payable in 48 consecutive monthly installments of \$50.00. Installment payments to begin 30 days following notice of acceptance, together with interest at the rate of 6% per annum from the date this Offer is accepted until respective payments are made in full, and waiver of refunds, default agreement, and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$6,000.00 for the years 1969 to 1973, inclusive.

Approval date: 6-9-69.

Adelaide A. Lehman, 8242 Shawnee Street, Philadelphia, Pennsylvania and Estate of James A. Lehman, Deceased, c/o 12th Flr. Packard Bldg., Phila., Pa.

Tax due and compromise settlement: \$370,404.47.

Years involved: 1954-60, 1962, 1964.

\$10,500.00 cash of which \$10,000 is held on deposit and \$500.00 will be paid within 60 days of receipt of notice of acceptance of the offer and within the time limits particularly set forth in the offer the following shall also be paid; the proceeds of certain insurance policies consisting of the cash surrender value or cash loan value thereof; the net proceeds from the sale of certain securities after taxes, expenses of the sale and an attorney's fee; and, the proceeds from the redemption of certain bonds.

1962, a/c James A. Lehman, deceased; 1964, a/c Adelaide A. Lehman.

Approval date: 6-6-69.

George and Mildred Lerner, 1301 Woodlock Avenue, Wanamassa, New Jersey.

Tax due and compromise settlement: \$27,298.99.

Years involved: 1958-67.

\$4,000 payable thirty days after notice of acceptance with interest at the rate of 6% per annum from the date this offer is accepted until the respective payment is made in full and waiver of refunds, default agree-

ment and other provisions on Form 656 (Rev. 7/57). In addition the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 for the years 1969 to 1975, inclusive.

Approval date: 6-12-69.

John M. and Eva Levy, 342 East Alvarado Road, Phoenix, Arizona.

Tax due and compromise settlement: \$65,363.05.

Years involved: 1961-67.

\$4,000.00 payable in full on the first day of the month following notification of acceptance of the offer. Also, waiver of refunds and other provisions on Form 656 (Rev. 7/57). In addition the taxpayer has agreed to pay a graduated percentage of future income in excess of \$7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 2-13-69.

Burton R. Lekowitz, 5145 North 10th Place, Phoenix, Arizona.

Tax due and compromise settlement: \$49,587.94.

Years involved: 1956-60, 1964-67.

\$5,000.00, payable \$1,000.00 deposited with the Offer and the balance of \$4,000.00 to be paid in monthly installments of \$100.00 on the 15th day of each month commencing on the 15th day of the month following notification of acceptance of the Offer. Also, waiver of refunds and other provisions on Form 656 (Rev. 7/57). In addition the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$7,500.00 for the years 1969 to 1974, inclusive.

Approval date: 6-16-69.

Herbert H. W. Lindholm, Jr., 34 Corriente Drive, Merritt Island, Florida.

Tax due and compromise settlement: \$32,524.22.

Year involved: 1961.

\$6,350.00 payable \$1,000.00 with the Offer, with the balance due and payable within 30 days after Notice of Acceptance of the Offer, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$6,000.00 for the years 1969 to 1973, inclusive.

Approval date: 7-23-69.

M. Brown Timber Company, Washington and Jackson Streets, Matawan, New Jersey.

Tax due and compromise settlement: \$105,310.76.

Years involved: 1955-58.

\$27,000.00 payable \$5,000.00 upon written notice of acceptance of the offer and the balance as follows: \$7,334.00 on or before the 30th day of the 12th month after written notice of acceptance of the offer, \$7,333.00 on or before the 30th day of the 24th month after written notice of acceptance of the offer and \$7,333.00 on or before the 30th day of the 36th month after written notice of acceptance of the offer together with interest at the rate of 6% per annum from the date the offer is accepted and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57).

Approval date: 12-8-69.

Arthur Ray Manning, 413 Bethlehem Road, Rocky Mount, North Carolina.

Tax due and compromise settlement: \$108,349.35.

Years involved: 1957-65.

\$27,800.00 to be paid within 30 days after acceptance of the offer, together with interest at the rate of 6% per annum from the date of this offer's acceptance until paid in full, and waiver of refunds, default agreement and other provisions of Form 656 (Rev. 7/57). In addition the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$7,500.00 for the years 1969 through 1978, and to waive certain bad debts for Federal income tax purposes.

Approval date: 8-25-69.

James C. Manning, 393 Dunn Street (Former), 402 Dunn Street (Current), Smyrna, Georgia.

Tax due and compromise settlement: \$17,327.74.

Years involved: 1961-64.

\$2,500.00, payable within 60 days after notice of acceptance, together with interest at the rate of 6% per annum from the date the offer is accepted until the payment is made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 8-6-69.

Markel Service, Inc., 5001 West Broad Street, Richmond, Virginia.

Tax due and compromise settlement: \$2,959,270.60.

Years involved: 1946-53.

\$1,825,905.75 payable as follows: \$1,000,000.00 on acceptance of offer plus proceeds of loan from Estate of Samuel A. Markel, deceased in an amount not to exceed \$825,905.75. If funds provided by sale of Estate assets are insufficient to provide said loan of \$825,905.75, the balance due under the offer after payment of \$1,000,000.00 plus such sum as is available from sale of estate assets shall be paid in annual installments of \$100,000.00, the first installment being due and payable one year after date of acceptance of this offer in compromise. Interest payable at 6% on any deferred payments.

Approval date: 6-10-69.

Louis and Nettie Marks, 656 Emerson Street, Woodmere, N.Y.

Tax due and compromise settlement: \$37,013.47.

Years involved: 1953-55.

The amount of the offer is \$19,500.00 payable on a deferred basis, \$10,650.00 now on deposit, \$4,050.00 to be paid ninety days after notice of acceptance, and balance to be paid at the rate of \$92.50 per month beginning 90 days after notice of acceptance and payable on the first day of each month thereafter, together with interest at the rate of 6% per annum, from the date this offer is accepted until paid in full, and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition taxpayers have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 for the years 1969 to 1976, inclusive.

Approval date: 10-20-69.

Walter L. & Betty L. Marquette, Jr., 8280 Foxhills Avenue, Buena Park, California.

Tax due and compromise settlement: \$167,087.32.

Years involved: 1959-62.

The total sum of \$25,000.00, payable on the deferred payment basis as follows: \$7,000.00 paid with original offer; \$3,000.00 to be paid on or before July 1, 1974, and the balance to be paid in quarterly installments of \$750.00 per quarter beginning July 1, 1969, together with interest at the rate of 6% per annum on the deferred payments from the date the offer is accepted until the respective payments are made in full, with waiver of refunds, default agreement, and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 6-2-69.

Jeff and Betty Lees Marshall, 908 Ilges Road, Columbus, Georgia.

Tax due and compromise settlement: \$17,915.07.

Years involved: 1960-65.

\$3,000.00 payable within 30 days after acceptance, together with interest at the rate of 6% per annum from the date the offer

is accepted until the payment is made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 9-30-69.

Joseph & Mary Martuscello, 18 Coolidge Road, Amsterdam, N.Y.

Tax due and compromise settlement: \$189,601.60.

Years involved: 1944-45, 1953-59.

\$93,700.00 to be paid. \$9,118.32 submitted with offer-in-compromise, \$30,548.26 paid upon cash surrender of life insurance policies and the balance of \$54,033.42 to be paid in installments of \$2,701.67 each commencing April 1, 1969 and every 3 months thereafter until the full amount of the offer has been paid together with interest at the rate of 6% per annum from the date the offer is accepted until the respective payments are made in full plus waiver of refunds, default agreement and other provisions on Form 656. In addition taxpayers have agreed to pay a graduated percentage of their annual income in excess of \$7,500.00 for the years 1969 through 1978, inclusive.

Approval date: 7-31-69.

Louis J. and Marie G. Masserano, 1960 Mignon Avenue, Memphis, Tennessee.

Tax due and compromise settlement: \$17,533.47.

Years involved: 1959-63.

\$12,500.00, payable \$8,000 with the amended offer and the balance payable at \$900.00 per year commencing August 1, 1969 and \$900.00 payable August 1st of each year thereafter, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 for the years 1969 to 1978, inclusive. (July 17, 1969.) The taxpayers have also agreed that no amount paid on the offer (including Collateral Agreement) shall be considered as a payment of interest until all tax and penalty sought to be compromised has been paid in full.

1959, a/c Louis J. Masserano; 1960-1963, joint account.

Approval date: 1-24-69.

Orris A. & Wyrele Mays, 970 Sunbury Road, Columbus, Ohio.

Tax due and compromise settlement: \$30,690.13.

Years involved: 1954-55, 1957-62, 1964.

\$6,000.00 payable in full upon acceptance, together with interest at the rate of 6% per annum from the date this Offer is accepted until the respective payment is made in full and waiver of refunds, default agreement and other provisions of Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$7,500.00 for years 1969 to 1974, inclusive. This \$6,000.00 is payable 30 days after the date of acceptance of the offer in compromise.

Approval date: 8-11-69.

Henry J. and Evelyn Meler, 517 South Walnut Street, Shattuck, Oklahoma.

Tax due and compromise settlement: \$22,439.36.

Years involved: 1955-59, 1961-62, 1964-66.

The amount of the Offer is \$3,000.00 payable within thirty (30) days from the date of Notice of Acceptance. In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 for the years 1969 to 1975, inclusive, as stipulated in Collateral Agreement.

Approval date: 3-26-69.

Joseph S. & Pamela Montaldo, 6461 Marclie Street, Apt. B, Metairie, Louisiana.

Tax due and compromise settlement: \$22,629.66.

Years involved: 1959-60, 1962, and 1967.

\$1,500.00 payable within 30 days of notice of acceptance together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payment is made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 for the years 1968 to 1975, inclusive.

1959-1960 & 1962, a/c Joseph S. Montaldo; 1967, joint account.

Approval date: 6-26-69.

Colle and Annie B. Morse, 105 Chateau Street, North Charleston, South Carolina.

Tax due and compromise settlement: \$41,496.61.

Years involved: 1959-60, 1962-65.

\$10,000.00, payable \$3,100.00 on the original offer and the balance payable \$300.00 on February 1, 1969 and \$300.00 on the first of each month except the months of July, August and September of each year until paid, together with interest at the rate of 6% per annum from the date the offer is accepted until the respective payments are made in full, and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 3-20-69.

William Muller, 1590 E. 102nd Street, Brooklyn, N.Y.

Tax due and compromise settlement: \$18,224.10.

Years involved: 1960-63.

\$100.00 payable with offer, balance of \$900.00 to be paid at the rate of \$25.00 per month during the period the offer is pending and balance to be paid in full within 60 days after notice of acceptance, with waiver of refunds, and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$7,500 for the years 1968 through 1977.

Approval date: 12-20-68.

Grant E. Naegle, 343 West Glenrosa Avenue, Phoenix, Arizona.

Tax due and compromise settlement: \$28,370.59.

Years involved: 1956-60.

The total sum of \$6,000.00 on the deferred payment basis as follows: \$100.00 per month effective June 1, 1968 and \$100.00 per month for July, August and September 1968. Then \$50.00 per month for a period of 13 months with payments to commence on the 15th day of the month following notification of acceptance of the offer. Then \$75.00 per month for a period of 12 months with payments being made on the 15th day of each month. Then \$100.00 per month for a period of 12 months with payments being made on the 15th day of each month. Then \$125.00 per month for a period of 12 months with payments being made on the 15th day of each month. Then \$150.00 per month for a period of 9 months with payments being made on the 15th day of each month. Also, waiver of refunds and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of future income in excess of \$7,500.00 for the years 1969 to 1975, inclusive.

Approval date: 6-3-69.

William J. P. O'Brien, 2084 Xavier Court, Santa Clara, California.

Tax due and compromise settlement: \$24,182.79.

Year involved: 1952.

\$9,000.00 payable \$1,000.00 with the offer and \$8,000.00 upon notice of acceptance of the offer together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57).

Approval date: 8-6-69.

Genevieve K. Oliver, 2519 Midland Avenue, Syracuse, New York.

Tax due and compromise settlement: \$402,372.75.

Years involved: 1953-54.

\$700.00 to be paid within 30 days of notification of acceptance of offer, together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of her future income in excess of \$7,500.00 for 1969 through 1976 under the terms of the Collateral Agreement Form 2261. As additional protection of the rights of the Government, the taxpayer has submitted a co-obligor letter dated January 9, 1969, wherein it is agreed that the United States of America expressly reserves all its rights of collection for the years 1953 and 1954 against the co-obligor, Charles A. Oliver.

Approval date: 9-3-60.

Estate of Thomas F. Palmer, Desmond G. Palmer, Executor, 1534 N. Washington Avenue, Scranton, Pennsylvania.

Tax due and compromise settlement: \$73,036.14.

Year involved: 1960.

To be paid in full upon acceptance of offer.

Approval date: 2-4-69.

Joseph & Mildred Paquin, P.O. Box 172, Cassadega, Florida.

Tax due and compromise settlement: \$56,345.20.

Years involved: 1959-61.

\$35,000.00, \$100.00 paid with the offer and \$34,900.00 payable within 30 days after notification of acceptance of the offer, together with waiver of refunds and other provisions on Form 656 (Rev. 7/57), payment to be made simultaneously upon receipt of release of all Federal tax liens on all properties belonging to the taxpayers. Also as additional consideration for the acceptance of this offer in compromise, the taxpayers have agreed to a reduction in the "tax basis" of certain assets for Federal Income tax purposes.

Approval date: 6-16-69.

Richard A. and Audrey C. Parker, St. Leonard, Maryland.

Tax due and compromise settlement: \$43,311.88.

Years involved: 1961-64.

The total sum of \$3,000.00 to be paid as follows: \$1,500.00 paid with the amended offer; \$500.00 to be paid within 30 days after notification of acceptance; and the balance of \$1,000.00 to be paid in consecutive monthly installments of \$30.00 each, the first such payment to be made 60 days after acceptance and the succeeding installments to be paid on the corresponding day of each month thereafter until paid in full. In addition the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 for the years 1969 to 1973, and to waive all refunds during the years the collateral agreement is in force.

1961-1963, a/c Richard Parker; 1964, joint account.

Approval date: 12-6-68.

Olive F. Perisick, 1164 Coldwater Canyon Drive, Beverly Hills, California.

Tax due and compromise settlement: \$21,626.67.

Years involved: 1957-59.

Payment of \$1,500.00 in full upon notification of acceptance, together with interest at the rate of 6% per annum on the deferred payment from the date of acceptance to date of payment and waiver of refunds, default agreement, and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has offered to pay a graduated percentage of her future income in excess of \$7,500.00 for the years 1968 to 1972, inclusive.

Approval date: 3-7-64.

Hardy R. & Lena A. Phipps, 105 Trilby Court, Chesapeake, Virginia.

Tax due and compromise settlement: \$38,972.44.

Years involved: 1957, 1960-61.

\$1,125.00 now on deposit pursuant to prior

offer-in-compromise. \$375.00 submitted with the current offer-in-compromise. \$18,500.00 to be paid five days after notice of acceptance together with waiver of refunds, interest, and default agreement and other provisions on Form 656.

Approval date: 9-6-68.

John T. Porea, Jr. & Mildred K. Porea, 2313 Shipley Road, Wilmington, Delaware.

Tax due and compromise settlement: \$30,-726.72.

Years involved: 1944-47.

\$18,551.34, paid with the offer.

1944-1946, a/c John T. Porea, Jr.; 1947, joint account.

Approval date: 11-26-69.

William C. Powell, 404 W. Madison Street, Starke, Florida.

Tax due and compromise settlement: \$103,-409.79.

Years involved: 1960-64.

\$19,000.00 to be paid in full within 30 days after date of notice of acceptance of offer together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payment is made and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$6,000.00 for the years 1969 to 1978, inclusive.

Approval date: 10-17-69.

Regina Praver, c/o Chapman & O'Connell, 1001 Connecticut Avenue, Washington, D.C.

Tax due and compromise settlement: \$116,754.87.

Year involved: 1954.

\$13,151.85 was received on February 9, 1967 and deposited with the cashier, District Director, Internal Revenue Service, Brooklyn, New York. This amount represents payment in full on the Offer in Compromise. In addition, Regina Praver has agreed that the United States reserves all rights for collection from the Estate of Sam Praver, which is jointly and severally liable for the tax liability which is the subject of this offer.

Tax due and compromise settlement: \$19,346.45.

Years involved: 1958-59.

Approval date: 3-14-69.

John H. Preston, R. D. No. 2, Mt. Pleasant, Pennsylvania.

\$1,000.00 cash, together with waiver of refunds and other provisions on Form 656 (Rev. 7/57).

Tax due and compromise settlement: \$58,396.39.

Years involved: 1962-64.

Approval date: 5-15-69.

Mary Joe Kell Putty, 2309 Miramar, Wichita Falls, Texas.

\$5,000.00 payable upon notice of acceptance of this offer, together with waiver of refunds, default agreement and other provisions on Form 656. In addition, the taxpayer has agreed to pay a graduated percentage of her future annual income in excess of \$7,500.00 for the years 1969 to 1978, inclusive.

Tax due and compromise settlement: \$55,199.26.

Years involved: 1958-59.

Approval date: 3-28-69.

Edward & Isabel Queenan, Prien Lake Road, Route 3, Box 218-X, Lake Charles, Louisiana.

\$15,000.00 payable in full thirty (30) days after acceptance of the offer. In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$12,000.00 for the years 1969-72, inclusive, and a graduated percentage of their future income in excess of \$7,500.00 for the years 1973 to 1978, inclusive, and also agreed to waive any net operating carry-back or carry-over losses sustained for the years 1969 to 1978, inclusive.

Approval date: 6-23-69.

Reliance Intercontinental Corp., 1225 Broadway, New York, N.Y.

Tax due and compromise settlement: \$153,-463.22.

Years involved: 1961-62.

\$35,000.00 cash paid with this offer, together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay over to Internal Revenue Service all future annual income for the period 1968 through 1978. Taxpayer has also agreed to turn over to Internal Revenue Service all monies received from loans receivable outstanding, and distributions from Proof of Claim filed, as more particularly described on collateral agreement Form 2261-A (Rev. 9/63).

Approval date: 10-9-69.

Dolores J. Rooney, 9111 Alton Parkway, Silver Spring, Maryland.

Tax due and compromise settlement: \$189,-044.55.

Years involved: 1961-62.

The total sum of \$12,000.00 to be paid on the deferred payment plan as follows: \$500.00 paid with the second amended offer and the balance of \$11,500.00 to be paid within 60 days after notification of acceptance. In addition, the taxpayer has submitted a collateral agreement whereby the United States has reserved all of its rights against her co-obligor.

Approval date: 10-16-69.

Edwin L. and Rosalie M. Rose, 397 Lima Street, Sierra Madre, California.

Tax due and compromise settlement: \$162,850.07.

Years involved: 1957-59.

\$10,000.00, payable as follows: \$4,000.00 already paid, and the balance of \$6,000.00 to be paid within 30 days after notification of acceptance, together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 for the years 1969 to 1973, inclusive.

Approval date: 3-20-69.

Leonard Rutman, 2260 Gabriel Drive, Las Vegas, Nevada.

Tax due and compromise settlement: \$38,903.77.

Year involved: 1962.

Taxpayer originally offered \$1,250.00 to be paid within 30 days following notification of acceptance of the offer. He has agreed to amend this offer by increasing the amount offered to \$2,950.00, to be paid within 90 days following notification of acceptance of the offer, plus a future income collateral agreement wherein taxpayer agrees to pay over to the District Director a graduated percentage of his future annual income in excess of \$500.00 for the calendar years 1969 to 1974, inclusive, together with the waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). The future income collateral agreement was negotiated as stated above after consideration of separate annual earnings of taxpayer's wife, approximately \$7,500.00 per year.

Tax due and compromise settlement: \$21,-998.16.

Years involved: 1959-61.

Approval date: 10-21-68.

August J. Seamon and August J. Seamon and Estate of Claire Seamon, 6 Horizon Road, Fort Lee, New Jersey.

\$4,500.00 payable \$1,000.00 within 30 days after notice of acceptance; \$300.00 to be paid 120 days after notice of acceptance and the balance payable at the rate of \$300.00 every 90 days thereafter until paid in full, and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57).

1959, a/c August J. Seamon and Estate of Claire Seamon; 1960-61, a/c August J. Seamon.

Tax due and compromise settlement: \$79,-481.07.

Years involved: 1943-44.

Approval date: 6-9-69.

Jesse Seidenwurm, 95 Oxford Road, Rockville Center, N.Y.

\$1,000.00 submitted with the original offer, dated Oct. 7, 1967, \$50.00 per month on or before the 15th day of each month beginning Oct. 15, 1967 (as per original offer), \$14,000.00 (representing, in part, cash loan values of proponent's insurance policies) to be paid on or before August 15, 1969, and \$450.00 per month on or before the 15th day of each month after Notice of Acceptance of the offer, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 4-11-69.

Thelma J. Selzer, 857 Gorge Boulevard, Akron, Ohio.

Tax due and compromise settlement: \$30,-007.12.

Years involved: 1952-66.

Three Thousand dollars deposited with the offer, together with waiver of refunds, interest, and other provisions on Form 656 (Rev. 7/57).

Approval date: 6-10-69.

Raymond B. and Barbara R. Sharwell, 3649 Peachtree Road, N.E., Apt. No. 204, Atlanta, Georgia.

Tax due and compromise settlement: \$58,-813.61.

Years involved: 1959-62, 1965.

\$12,829.67, payable \$400.00 under terms of previous offers, \$829.67 with this amended offer, the balance at the rate of \$200.00 per month for a period of 58 months beginning April 1, 1969, and on the same day each month thereafter, together with interest at the rate of 6% per annum from the date this amended offer is accepted until the respective payments are paid in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 for the years 1969 to 1978, inclusive, and to a reduction in the "tax basis" of certain assets for Federal Income tax purposes.

Approval date: 2-6-69.

Harold L. and Martha J. Shaw, 2737 Comstock Circle, Belmont, California.

Tax due and compromise settlement: \$1,-879,256.83.

Years involved 1952-57, 1960-61.

\$720,000.00 to be paid at the rate of \$10,-000.00 or more on the 15th of each month, commencing on the 15th of the first month after notification of acceptance, together with other provisions on Form 656 (Rev. 7/57). In addition, taxpayers have signed a collateral agreement wherein they have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 per year, for the years 1968 to 1977, inclusive. Also another collateral agreement has been signed by taxpayers wherein they have agreed to a reduced basis of one asset and a zero basis of five others.

Approval date: 2-6-69.

United Associates, Inc., and Harold L. and Martha J. Shaw, as Alter Ego, Nominee, Agent and Transferee, of said Corporation, 2737 Comstock Circle, Belmont, California.

Tax due and compromise settlement: \$1,-125,825.35.

Years involved: 1955-56.

\$16,500.00 already paid in, together with other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have signed a collateral agreement wherein they have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 per year, for the years 1968 to 1977, inclusive. Also an-

other collateral agreement has been signed by taxpayers where they have agreed to a reduced basis of one asset and a zero basis of five others.

Approval date: 2-6-69.

San Jose Land Company and Harold L. and Martha J. Shaw as Alter Ego, Nominee, Agent and Transferee, of San Jose Land Company and Various Multiple Corporations as per attached list, 2737 Comstock Circle, Belmont, California.

Tax due and compromise settlement: \$81,892.35.

Years involved: 1958-60.

\$13,750.00 already paid in, together with other provisions on Form 656 (Rev. 7/57). In addition, taxpayers have signed a collateral agreement wherein they have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 per year, for the years 1968 to 1977, inclusive. Also another collateral agreement has been signed by taxpayers wherein they have agreed to a reduced basis of one asset and a zero basis of five others.

Approval date: 2-6-69.

Shaw Construction Company and Harold L. and Martha J. Shaw as Alter Ego, Nominee, Agent and Transferee, of Shaw Construction Company and Various Multiple Corporations as per attached list, 2737 Comstock Circle, Belmont, California.

Tax due and compromise settlement: \$2,751,441.83.

Years involved: 1952-60.

\$519,750.00 already paid in, together with other provisions on Form 656 (Rev. 7/57). In addition, taxpayers have signed a collateral agreement wherein they have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 per year, for the years 1968 to 1977, inclusive. Also another collateral agreement has been signed by taxpayers wherein they have agreed to a reduced basis of one asset and a zero basis of five others.

Approval date: 9-22-69.

Estate of C. Lawton Shaw, Sr., Deceased, Lillie E. Shaw, Executrix and Lillie E. Shaw, Individually, 2420 Peachtree Road, N.E., Apt. 8-B, Atlanta, Georgia.

Tax due and compromise settlement: \$43,460.49.

Years involved: 1956-58.

\$135,000.00 payable in full in cash upon notification of acceptance together with interest at the rate of 6% per annum from the date the offer is accepted until the payment is made in full, waiver of refunds and other provisions on Form 656.

Approval date: 12-30-68.

Lawrence and Muriel Sherman 0-41 Morlot Avenue, Fairlawn, New Jersey.

Tax due and compromise settlement: \$80,048.75.

Years involved: 1958-62.

\$200.00 submitted with the offer, \$4,500.00 within thirty days after notice of acceptance of the offer and the balance of \$800.00 within ninety days after notice of acceptance of the offer with interest at the rate of 6% per annum and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$8,500.00 for the years 1968 to 1977, inclusive.

Approval date: 10-16-69.

Thomas M. and Florence M. Skinner, 505 South LaFayette Park Place, Apt. 212, Los Angeles, California.

Tax due and compromise settlement: \$104,460.61.

Years involved: 1963-64.

The total sum of \$6,000.00 payable on the installment basis as follows: \$100.00 paid with the offer, \$100.00 to be paid on April 15, 1969, and \$100.00 to be paid on the 15th day of each following month until the sum of \$6,000.00 is paid, plus Thomas M. Skinner's 1/3 principal interest and any income and/or

profits from the Frances M. Bagley trust estate held by Security Pacific National Bank as Trustee, distributable on or about June 15, 1970, at the termination thereof, together with interest at the rate of 6% per annum on the deferred payments, from the date the offer is accepted until the respective payments are made in full, is hereby tendered voluntarily with the request that it be accepted in compromise of the above described liability (plus any accrued interest on the liability covered by this offer) of the taxpayers aforesaid, together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). The proponents further agree that should the distribution of the Frances M. Bagley trust estate be made in the form of stock shares instead of cash, Thomas M. Skinner, as distributee, will furnish to a stock broker any authorization required for the sale on the open market of his interest in said shares and concurs that the net proceeds shall be paid to the Internal Revenue Service. In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 1-2-69.

Ann S. Smith, 5061 Foothill Boulevard, San Diego, California.

Tax due and compromise settlement: \$19,558.23.

Years involved: 1961-66.

\$15,112.03 cash with amended offer, together with waiver of refunds, default agreement, and other provisions on Form 656 (Rev. 7/57).

Approval date: 1-7-69.

Charles T. & Betty G. Smith, 2123 Arcola Avenue, Silver Spring, Md.

Tax due and compromise settlement: \$53,241.37.

Years involved: 1956-63 and 1965.

*Date and Place Notice of Lien Filed*—12/8/64; 7/13/65; 7/19/65—Montgomery County, Maryland; Rhea County, Tennessee; Bledsoe County, Tennessee. 9/16/65; 9/28/65; 7/26/66—Montgomery County, Maryland; Bledsoe County, Tennessee; Rhea County, Tennessee.

\$11,000.00 consisting of \$100.00 deposited with the offer; \$1,000.00 to be paid 30 days after acceptance; \$100.00 per month starting 60 days after acceptance for a period of 6 years; \$1,000.00 payable 2 years after date of acceptance; \$1,000.00 payable 3 years after acceptance; and \$700.00 payable 4 years after acceptance, together with interest at the rate of 6% per annum from the date the offer is accepted until the payments are made in full, together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future annual income in excess of \$7,500.00 for the years 1968 to 1977, inclusive. The taxpayers also waived the right to receive future income tax refunds or credits for the period specified in the agreement, and waive the right to claim as net operating carry-backs or carry-overs, the net operating losses sustained during any period which would offset the years specified in this agreement; subject to the limitations provided in paragraph 5 of the Collateral Agreement. This appears to be the second amended offer submitted by the taxpayers. Originally, the taxpayers submitted an individual and also a joint offer, which has been consolidated in this second amended joint offer.

1956-1960 and 1965, a/c Charles T. Smith; 1961-1963, joint account.

Approval date: 1-31-69.

Marshall H. Sowers, 316 Columbia Street, Cumberland, Maryland.

Tax due and compromise settlement: \$31,231.23.

Years involved: 1959-63.

\$5,100.00, \$2,698.21 having been paid with the offer, the balance to be paid at the rate

of \$70.00 per month starting 30 days after notice of acceptance and each month thereafter for 34 consecutive months, final payment on the 35th month to be \$21.79, together with interest at the rate of 6% per annum on the deferred payments from the date this offer is accepted until the respective payments are made in full together with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$7,500.00 for the years 1968 to 1977, inclusive.

Approval date: 9-23-69.

Richard B. Talbot, 7422 Lakespur Avenue, Mentor on the Lake, Ohio.

Tax due and compromise settlement: \$25,557.30.

Years involved: 1952-59 and 1965.

\$2,500.00 payable in full 30 days from the notice of acceptance of the offer, along with waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has executed a collateral agreement to pay a graduated percentage of his future income in excess of \$8,000.00 for the years 1969 to 1978, inclusive.

Approval date: 9-30-69.

L. P. and Lou Vannelli, 234 South Avenue, Guernsey, Wyoming.

Tax due and compromise settlement: \$41,867.03.

Years involved: 1950-54.

\$2,500.00, payable in full within 30 days after notice of acceptance of the offer together with interest at 6% from the date the offer is accepted until payment is made, together with waiver of refunds and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 for the years 1968 to 1973, inclusive.

1950, a/c L. P. Vannelli; 1949 and 1951-54, joint account.

Approval date: 7-8-69.

Bernard L. White, Sr., 218 North College Street, South Bend, Indiana.

Tax due and compromise settlement: \$24,856.50.

Years involved: 1950-65.

\$4,500.00, payable \$1,500.00 with the offer and \$50.00 per month for 60 months, to be paid on the first day of each month starting with the first day of the month following the month in which the Notice of Acceptance of the offer is dated, with interest at the rate of 6% per annum from the date the offer is accepted until the payments are made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of future income in excess of \$6,500.00 for the years 1969 to 1975, inclusive.

Approval date: 2-26-69.

Gordon F. Williams, 2008 S. W. 10th Avenue, Ft. Lauderdale, Florida.

Tax due and compromise settlement: \$71,487.60.

Years involved: 1946, 1952-54.

\$25,000.00, payable \$18,000.00 upon notice of acceptance and the balance in three consecutive annual installments of \$2,333.33 beginning 12 months after notice of acceptance together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$7,500.00 for the years 1969 to 1973, inclusive, and to a reduction in the tax basis of certain assets for Federal income tax purposes, after December 31, 1968.

Approval date: 6-12-69.

Steele D. William, 18 North Seminole Drive, Chattanooga, Tennessee.

Tax due and compromise settlement: \$180,-880.74.

Years involved: 1961-62.  
\$1,200.00, \$500.00 paid with the offer and the balance at \$50.00 per month commencing on the 15th day of the first month after notification of acceptance of the offer, and each month thereafter, with interest at the rate of 6% per annum from the date the offer is accepted until the respective payments are made in full, together with waiver of refunds, default agreements, and other provisions on Form 656 (Rev. 7/57). He has executed Waiver of Net Operating Carry-back Losses—Delinquent Penalty—Income Tax, to waive any refunds for the years 1961 and 1962 resulting from net operating loss of investment credit carry-back from subsequent years. In addition, the taxpayer has (1) assigned certain claims to the Internal Revenue Service, agreed to remit any recoveries to the District Director, and agreed that he has no basis for tax purpose in such claims, (2) waived his right to any net operating loss carry-overs or capital loss carry-overs to any year from 1961 or 1962, (3) executed a covenant not to sue to assure that Edith M. Williams is not discharged or released as to the 1962 liability.

Approval date: 6-26-69.

Robert D. Wilson, 9L Yorktown Town House, Greenville, South Carolina.

Tax due and compromise settlement: \$21,799.49.

Year involved: 1964.

\$3,960.00 payable \$500.00 with the offer and \$100.00 per month beginning June 15, 1969 and \$100.00 on the 15th day of each month thereafter, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payments are made in full, and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayer has agreed to pay a graduated percentage of his future income in excess of \$7,500.00 for the years 1969 and 1978, inclusive.

Approval date: 6-26-69.

Robert D. and Marian H. Wilson, 9L Yorktown Apartments, Greenville, South Carolina.

Tax due and compromise settlement: \$8,-309.31.

Year involved: 1963.

\$1,540.00 payable \$1,000.00 with the offer and \$15.00 per month beginning June 15, 1969 and \$15.00 on the 15th of each month thereafter, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payments are made in full, and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 5-6-69.

John H., Jr., and Nancy D. Winfree, 214 Alfred Drive, Jamestown, North Carolina.

Tax due and compromise settlement: \$16,432.21.

Years involved: 1960-63 and 1966.

\$4,800.00 payable at \$100.00 per month commencing on the 30th day of the month after notice of acceptance and \$100.00 to be paid on the 30th day of each month thereafter, together with interest at the rate of 6% per annum from the date this offer is accepted until the respective payments are made in full and waiver of refunds, default agreement and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of his future income in excess of \$7,500.00 for the years 1969 to 1978, inclusive.

Approval date: 11-3-69.

D. Woodrow and Inez Worthington, Winterville, North Carolina.

Tax due and compromise settlement: \$520,529.54.

Years involved 1952-54.

\$15,000.00 cash paid with the offer, together with waiver of refunds and other provisions on Form 656 (Rev. 7/57). In addition, the taxpayers have agreed to pay a graduated percentage of their future income in excess of \$7,500.00 for the years 1969 through 1978.

#### ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### THE AMERICAN ECONOMY

Mr. HANSEN. Mr. President, within recent weeks, we have heard much from critics about the current state of the U.S. economy. However, many of these critics seem to be more concerned with short-term economic considerations than they are with the administration's long-term plans for achieving a more stable growth pattern for our economy.

The administration has avoided making frequent adjustments in its fiscal policies that would merely cover up problems. Such adjustments would only temporarily counteract shifting pressures in the U.S. economy, and would tend to treat symptoms rather than the inflationary disease which has built up so strongly since the mid-1960's.

I believe that the administration is following a sound course which will help to alleviate these past inflationary pressures—if given time.

This process is not, by its very nature, a fast one, and as Secretary of the Treasury Kennedy said in a May 20 speech in Hot Springs, Va.:

The present sluggishness and uncertainty is an inevitable part of a period of transition to more orderly growth. Indeed, it may be necessary and desirable in terms of refocusing attention of businessmen and labor on the fundamental need for efficiency and productivity, and wage and price restraint. We fully recognize there are risks on both sides of the equation as we move ahead. But we mean to stay the course with a blend of fiscal and monetary policies consistent with orderly expansion and the restoration of reasonable price stability.

Progress is being made, and one indication of this appears to be the curtailment of most of the excess demand which was contributing to the country's rising prices. Although prices have not yet ceased to climb, this is now primarily attributable to a continuing push from the cost side rather than from increasing demand.

In this time of transition, it is extremely important that we give our support to the Government's current policy for economic stability. The reaction on Wall Street last week showed that the financial community is becoming more optimistic, rather than pessimistic, about the economy.

I urge all Senators to lend their sup-

port to the farsighted economic policies which the Government is currently pursuing—and I feel certain that this patience and confidence will be rewarded with the achievement of the stable and growing economy which we all desire.

Mr. BAKER. Mr. President, will the Senator from Wyoming yield?

Mr. HANSEN. I am happy to yield to the Senator from Tennessee.

Mr. BAKER. I thank my colleague for yielding to me. May I say that I am in entire agreement with his remarks in this respect.

I think that one of the greatest contributions the Senate as an institution and its Members individually can make to the stabilization of the economy is to begin to propagate a sudden wave of stability in our utterances and our estimates of the future, and to resist the blandishments and temptations that present themselves to the alarmists.

I believe that the economy is sound and that the conventional and traditional methods of fiscal restraint are working. There is exquisite precision in the efforts of the administration to control the delicate situation brought about by the inflationary spiral of many years' standing. The Senator's remarks are especially appropriate on that point.

Mr. HANSEN. I thank my distinguished colleague for his generous remarks. With his keener insight and vision than most of us, he appreciates the demanding and exacting necessity these times require and, as a consequence, his endorsement of the policies and programs of the administration is doubly reassuring and appreciated.

#### ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### APPEAL TO SWEDEN ON BEHALF OF AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA

Mr. DOLE. Mr. President, this morning I sent a telegram to the Swedish Prime Minister, Olaf Palme, who is visiting this country. The telegram was with reference to American prisoners of war and Americans missing in action in Southeast Asia.

The text of the telegram reads:

MR. PRIME MINISTER: Knowing of the Swedish Government's long-standing concern for and efforts on behalf of international human rights, and having a deep personal interest in the status and wellbeing of United States military personnel being held prisoners of war by the Democratic Republic of Vietnam, I respectfully request, in the interest of international justice and humanitarian practices that the Government of Sweden intercede with the Government of the Democratic Republic of Vietnam on behalf of these Americans.

I would suggest that this intercession take the form of a request to the Democratic Republic of Vietnam that it comply with the terms of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War, of which that government is a signatory.

Falling a satisfactory response by the Democratic Republic of Vietnam to this request, I further suggest that the Swedish Government, in accordance with the 1949 Geneva Convention, offer to intern within Sweden, United States personnel held prisoners of war by the Democratic Republic of Vietnam until agreement can be reached on the release of all prisoners.

Internment within Sweden would assure these Americans of the treatment to which they are entitled by the law of nations and concepts of civilized society.

On the part of the families of these prisoners and the entire American public, I appeal to Your Excellency and the government of Sweden to take all possible steps to secure humane treatment for Americans held as prisoners of war in Southeast Asia.

BOB DOLE,  
U.S. Senate.

#### ADMINISTRATION SUPPORT FOR BYRD AMENDMENT

Mr. DOLE. Mr. President, I wish to commend the President of the United States on the letter forwarded to our distinguished minority leader, the senior Senator from Pennsylvania (Mr. SCOTT), in which the President indicates his willingness to compromise and to work out some accommodation with the Senate with reference to the pending business, the so-called Cooper-Church amendment.

The President indicates in clear and concise terms his support for the Byrd amendment. He states that the Byrd amendment does reaffirm his constitutional power and the constitutional power of any Commander in Chief to take necessary action to protect the lives of American forces consistent with his responsibilities and obligations.

I believe that the President by indicating his intentions is saying to the Senate that now is the time for compromise, not the time for confrontation.

I believe that the President has clearly indicated his sincere desire to work out this accommodation. He has indicated his clear concern and clear recognition that we do have certain powers and responsibilities in the Senate when it comes to declaring war and appropriating money for any engagement.

At the same time, the President recognizes, as any Commander in Chief would, his responsibility and his overriding responsibility to protect American forces.

He also suggests in the letter that there be some minor amendment to section 3 of the Cooper-Church amendment so that it does not in any way negate and conflict with the so-called Nixon Asian doctrine announced in Guam last year.

I again must emphasize that President Nixon is the power to peace in Vietnam. He wants to cooperate with the Senate and with the House of Representatives. And he has so demonstrated in his letter to the minority leader under date of June 4, 1970.

#### FURTHER ACADEMIC SUPPORT FOR THE PRESIDENT'S POSITION

Mr. ALLOTT. Mr. President, yesterday I introduced into the RECORD some communications I have received from distinguished scholars who have written to me expressing support for the President's position concerning his powers as Commander in Chief.

I have been very pleased by the evidence of widespread academic support for the President's position on this question. I have received many score of very reflective letters and memorandums from colleges and universities in every section of the Nation. I plan to introduce these communications into the RECORD as we continue to explore these complex issues with proper thoroughness.

Today I want to share with all Senators a most interesting letter I have received from Prof. Morton A. Kaplan.

Professor Kaplan is a member of the department of political science at the University of Chicago. He is also chairman of the Committee on International Relations at the University of Chicago.

His scholarly publications include numerous articles and such books as "System and Process in International Politics," "The Political Foundations of International Law," "United States Foreign Policy: 1945-1955," "The Revolution in World Politics," "Some Problems of Strategic Analysis in International Politics," and "The Communist Coup in Czechoslovakia."

In his letter Professor Kaplan gives a preview of his forthcoming book, "Discontent and the State of Peace and War: An Essay on the Grounds of Public Morality." In this book Professor Kaplan takes exception to some of the very recent thinking of the junior Senator from Arkansas regarding the question of Presidential latitude in the role of Commander in Chief.

Professor Kaplan says this:

The executive refused to countenance armed intervention in Vietnam in 1954, largely as a consequence of the experience of Korea. By 1961, this had largely been forgot. The greater danger, even from the senator's present perspective, lies in his mechanical proposals for the control of the executive branch of government. These would produce unimaginable rigidities in our foreign policy that would be exceptionally inadequate with respect to guerilla wars and the small power confrontations and exceptionally dangerous in crises that might invoke nuclear powers in confrontation.

Numerous polls have demonstrated that the American public soon wearies of limited wars that are fought for limited objectives. On those occasions on which we did intervene, the senator's proposals would reinforce the public impulse for military escalation and total victory. They would sharpen rather than mute alternatives. They would lead to American retreats and then to overreactions. They would minimize the prospects for creative statesmanship and cater to the most simplistic minds. In that advice lies the prospect of catastrophe in a nuclear age.

In his forthcoming book Professor Kaplan gives a very realistic view of the feelings that tempt people to want to bind down the President in foreign dealings:

There are no facile solutions for the problems of foreign policy. Mistakes are inevitable. Decisions press and there is not enough time to consider any but the most central. The disturbances to the system overload the capacity for decision making. Efforts to tie the hands of the executive only make the process more cumbersome, more inefficient, more deadly. If the executive runs the risk of operating within an intellectual framework based on a set of fixed ideas and therefore needs criticism and the input of ideas from outside, the one thing it does not require is the further internal complication of the decision-making process. It may need a slap in the face but it does not need its collective arm in a sling.

Naturally all critics, including this writer, believe they have better solutions for particular problems than does the government. Sometimes we are right. At a minimum, there ought to be effective channels for the communication of these opinions. Some critics, however, seem to feel a need to control the government. They appear not to recognize that others would like to control it from a different point of view. They complain that their advice is not being listened to; but it could be listened to only at the expense of someone else's advice. The president especially must feel a prisoner within a process that includes so many conflicting demands and so much in the way of conflicting advice.

Professor Kaplan is a distinguished scholar who obviously possesses the most rare and precious of the worldly virtues—the virtue of prudence. I would conclude my remarks by calling special attention to the words with which Professor Kaplan begins his letter:

The attempts by some members of the U.S. Senate to control the President's actions in Cambodia in specific, and in foreign policy-making in general, are understandable but, in my opinion, most unwise. Even those who differ profoundly with President Nixon over his conduct of American foreign policy should be wary of attempting institutional adjustments to correct these policies. They cannot substitute their policies for his but run the very real risk of preventing any coherence or rationality in the decision process.

It is quite common for governments and public opinion to seek to correct the real or believed policy mistakes of the past. Institutional tinkering is also a device often resorted to in an attempt to avoid previous errors. These attempts almost invariably fail of their well-intentioned purposes.

I ask unanimous consent to have Professor Kaplan's letter printed in the RECORD.

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

THE UNIVERSITY OF CHICAGO,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
Chicago, Ill., May 22, 1970.

Senator GORDON ALLOTT,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR ALLOTT: The attempts by some members of the U.S. Senate to control the President's actions in Cambodia in specific, and in foreign policy-making in general, are understandable but, in my opinion, most unwise. Even those who differ profoundly with President Nixon over his conduct of American foreign policy should be wary of attempting institutional adjustments to correct these policies. They cannot substitute their policies for his but run the very real risk of preventing any coherence or rationality in the decision process.

It is quite common for governments and public opinion to seek to correct the real or believed policy mistakes of the past. Institutional tinkering is also a device often resorted to in an attempt to avoid previous errors. These attempts almost invariably fail of their well-intentioned purposes.

I attempt to treat both mistakes in a book entitled *Dissent And The State In Peace And War: An Essay on the Grounds of Public Morality*, which will be published by the Dunellen Company in August of this year. Short excerpts are included below:

"Foreign policies are often reactions to past lessons or supposed lessons. Often the public and also statesmen react by changing policies that seemed to fail rather than by adjusting policies to new circumstances. Even those who consider our intervention in Viet Nam as in some sense a 'disaster' should not entirely overlook the problems that were avoided by intervention. Depending upon circumstances, the transformation of the regimes of Southeast Asia into Communist regimes might have given rise—and this is not that unlikely—to a myth of betrayal. Had such a myth developed, this might have led to a later intervention under more explosive and less controllable circumstances.

"These remarks are speculative. However, consideration of one reactive sequence from the past might serve an appropriate cautionary note. For instance, the results of the appeasement process during the 1930's are not so well understood. The usual explanation is that Hitler could easily have been stopped—or even overthrown—in the 1935-1938 period but that British appeasement, particularly at Munich, only whetted his appetite, consolidated his support, and produced the war. The first half of this proposition is correct; but the second half, to the effect that appeasement produced the war, is somewhat misleading, for other intervening variables were necessary to produce war—at least at the time at which it occurred. The British actually stood up to Hitler during the first Czechoslovak crisis in the spring of 1938. The shock produced by their temerity then led, even if not directly and without qualification, to the capitulation at Munich. Disillusionment of the British public with appeasement followed its wholehearted support for the process. The March 1939 occupation of the remainder of Czechoslovakia by Germany led to the ill-advised British rigid guarantee to Poland—a guarantee that constituted a blank cheque for Polish foreign policy. The guarantee to Poland virtually insured German involvement in the West if Germany went to war with Poland and thus minimized the possibility that the German armies would continue eastward against the Russians. Without such an assurance, the pact with the Nazis likely would have looked excessively menacing to Stalin. A direct border with the Germans in the absence of a German war with Britain and France probably would have been the last thing Stalin wanted. However, without the pact with Russia, Germany would have faced a major war on two fronts and, therefore, would not have been as likely to follow a policy leading to general war. Although the description offered here is an oversimplification and surely does not involve logical entailment, it does indicate the extent to which attempts by human beings to correct the errors or supposed errors of the past sometimes lead them into even more compromising predicaments. We might do well to avoid the siren call of those who would like to reverse our policies or even to reverse or to correct in substantial ways our institutional processes in order to guard against the errors of the past.

"There are no facile solutions for the problems of foreign policy. Mistakes are inevitable. Decisions press and there is not enough time to consider any but the most central. The disturbances to the system overload the

capacity for decision making. Efforts to tie the hands of the executive only make the process more cumbersome, more inefficient, more deadly. If the executive runs the risk of operating within an intellectual framework based on a set of fixed ideas and therefore needs criticism and the input of ideas from outside, the one thing it does not require is the further internal complication of the decision-making process. It may need a slap in the face but it does not need its collective arm in a sling.

"Naturally all critics, including this writer, believe they have better solutions for particular problems than does the government. Sometimes we are right. At a minimum, there ought to be effective channels for the communication of these opinions. Some critics, however, seem to feel a need to control the government. They appear not to recognize that others would like to control it from a different point of view. They complain that their advice is not being listened to; but it could be listened to only at the expense of someone else's advice. The president especially must feel a prisoner within a process that includes so many conflicting demands and so much in the way of conflicting advice.

"This attempt to control the government manifests the same neurotic characteristic that the American government sometimes displays in attempting to control every minor situation abroad, even though it lacks appropriate information and administrative personnel. We must learn to control this impulse, both at the governmental and at the private organizational levels, unless we are to impede and eventually corrupt the decision-making process in a way that will be destructive of American values. Foreign policy protests seem to be a curious equivalent of adolescent rebellion; although sometimes there is genuine ground for complaint, the results are rarely salutary.

"The suggestions made by the Senate Foreign Relations Committee for control of American foreign policy are peculiarly unresponsive to the nature of the world in which we live. Senator Fulbright complains that American involvement in Laos was never submitted to the United States Senate for approval. But such submission would have been inconsistent with the objectives of the intervention. It is the informal character of the intervention that allows other states not to overreact. For instance, in the Korean War, the Chinese troops were officially classed as 'volunteers,' although they were in organized Chinese divisions. This fiction allowed the United States to avoid a direct war with China on the Chinese mainland and served valid purposes of both sides. Similar fictions may provide a major barrier to a nuclear escalation in some future crisis or, alternatively, to a severe defeat of American interests.

"Senator Fulbright distrusts executive control of foreign policy. His suggested reforms, however, would hobble policy. They would delay interventions until the situation had deteriorated and until enemy states had so overcommitted themselves that direct confrontations would be difficult to avoid. Although he has argued that the administration had no right to go to war in Vietnam without Senatorial consent, would he have preferred a declaration of war with its implications for dissent and for military escalation? Does he desire to force us to choose in every case between nonintervention and the most radical type of military confrontation?

"The nuclear age is too dangerous a time for such simplistic solutions. Admittedly, great and dangerous discretion now lies in the hands of the executive. But the executive, unlike the Senate, is at least accountable for its mistakes. Moreover, would the Senate have avoided the mistakes Fulbright believes occurred in Vietnam or would it

have supported a declaration of war in 1965 had that been the only alternative then to withdrawal? With the experience of Vietnam behind it, is the executive likely to engage in another major intervention soon in any case? And, after a lapse of five or more years, will the Senate remain the same watchdog it is today—particularly if Vietnam should be taken over by the Communists?

"The executive refused to countenance armed intervention in Vietnam in 1954, largely as a consequence of the experience of Korea. By 1961, this had largely been forgot. The greater danger, even from the senator's present perspective, lies in this mechanical proposals for the control of the executive branch of the government. These would produce unimaginable rigidities in our foreign policy that would be exceptionally inadequate with respect to guerrilla wars and small power confrontations and exceptionally dangerous in crises that might invoke nuclear powers in confrontation.

"Numerous polls have demonstrated that the American public soon wearies of limited wars that are fought for limited objectives. On those occasions on which we did intervene, the senator's proposals would reinforce the public impulse for military escalation and total victory. They would sharpen rather than mute alternatives. They would lead to American retreats and then to overreactions. They would minimize the prospects for creative statesmanship and cater to the most simplistic of minds. In that advice lies the prospect of catastrophe in a nuclear age."

Sincerely,

MORTON A. KAPLAN, Chairman,  
Committee on International Relations.

Mr. ALLOTT. Mr. President, I want to express my deep appreciation to Professor Kaplan for his very serious analytical discussion on this subject, which I think will contribute very much to the debate.

#### ADDITIONAL STATEMENTS OF SENATORS

##### COMMENCEMENT ADDRESS BY ROBERT T. H. DAVIDSON AT JAMESTOWN COLLEGE

Mr. YOUNG of North Dakota. Mr. President, recently I listened with great interest to a most thought-provoking commencement address by Robert T. H. Davidson at Jamestown College, in Jamestown, N. Dak.

His address deals not only with problems on our campuses today, but of the serious financial difficulties faced by practically all private colleges. Jamestown College is one such college. It has an unusually fine record of quality education and it is one of the outstanding colleges in the Nation.

Mr. President, Mr. Davidson's address deals not only with problems of private colleges, but education in general, and very eloquently.

Mr. President, I ask unanimous consent that the commencement address be printed in the RECORD.

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

##### A SKEPTIC'S VIEW OF ACADEMIC EXCELLENCE (By Robert T. H. Davidson)

Mr. President, Reverend Gentlemen, Members of the Administration, Faculty, Students and friends of the College:

Mark Twain said: "Soap and education are not as sudden as a massacre, but they are more deadly in the long run."

I speak today on that deadly subject of education.

If you put yourself in the position of Mark Twain's audience, his words become not just funny but poignantly so. He was a mid-westerner, addressing mid-westerners at the end of the Nineteenth Century. Many of them had heard about the great Indian massacres from their parents. Such sudden death was still close enough to cause a shudder.

The old farmer reading Twain by his kerosene lamp on Saturday night had some instantaneous reactions to the words "soap" and "education": they were luxuries to him. He was still struggling to survive in the terrible harshness of the central plains. All day long he had sweated in the fields. If he had the time for a bath (and the water, and a tub to squeeze into) he would still have doubts about the soap—certainly store-bought soap. First, it was expensive, and second, it might smell nice. He feared that nice smell for himself and for his family. They might get used to such refinements and come to despise sweat which was the essence of their survival.

As to education: he was doubtful about that, too. He had had little schooling himself, because his parents had needed him on the farm, just as he probably still needed his own children to help in the desperate business of staying alive. He was skeptical about allowing their minds to be lathered up with perfumed ideas that seemed to have little to do with plowing and planting and harvesting.

But like all parents he also hungered for a richer life for his children, and he knew in his heart that education was the only door that led to it. That's why he could laugh at Mark Twain, and at himself. The statement was both true and ridiculous at the same time.

Since Mark Twain's time, American higher education has performed a miracle in providing a place for virtually every student who wishes to go to college and has the brains to get in, whether or not his family can pay the cost. It has also provided a place for a good many without the brains. The pressure on the educational system that brought this about has been enormous, and a lot of it arises from the peculiar and often artificial prestige attached to a college degree. In performing this miracle of numbers, the colleges have often lost sight of quality. The production line has always been more interesting to Americans than the quality of the product. Many colleges have tended to produce not educated men and women who think independently, understand their world broadly, and possess genuine mental muscle, but merely trained graduates who possess a specific, useful skill; or knowledgeable graduates, whose heads are stuffed like a mattress ticking with uncoordinated facts.

While engaged in this energetic enterprise, those who run such colleges have batted around the term "Excellence" like a balloon. Like most balloons it is pretty but empty, except for a little hot air. They seem to believe that a scholarly faculty, a fine campus, and students selected merely for their brains add up to excellence in the fields of education.

Far from excellence, I think this constitutes failure.

Part of the failure stems from a specific and glorious achievement of the American education system: the ability to sort out students according to their scholastic aptitude. Those of you who are educators know the extraordinary degree of accuracy of those tests, when combined with the student's record in high school. The intellectual capacity of an entering freshman may be measured to a nicety. In the whole murky fog of pre-

dicting human behavior, these tests provide a single brilliant light—in fact, not just brilliant, but blinding.

And college administrators have often been blinded by putting too much emphasis on scholastic aptitude while ignoring other essential qualities of students. The most important other quality is motivation—mad-deningly difficult to measure, frustrating to encourage and impossible to change once its direction is set. Motivation lies at the core of an individual's personality, like the nuclear reactions that boil in the center of the sun. The outpouring of energy is visible on the surface, and the warmth and light of extraordinary accomplishments may be admired, but until psychology is a more mature science the sources may only be guessed at.

Further, the sources of motivation keep changing. At one time America was a hard land, and in the mid-west this was not so long ago. Some of you remember when these northern plains were not the rich and friendly area we now enjoy. The land and the environment were hostile, and the simplest needs of human life—food, shelter and a little warm clothing—had to be earned by bitter work. At an earlier time the sodbusters who opened up this land did so with a plow pulled by oxen or horses through soil that had never been turned since the world began. Month after month they swore and sweated and struggled and suffered to till, plant, harvest and start all over again. These men were face to face with the most terrible reality of all: either keep going or die. They changed the land, but the experience changed them. They were tough beyond comprehension.

Not long after the industrial revolution finally furnished these marvelous men with the tractors, combines and other tools they needed for an easier life, the Great Depression struck them down with hardship of another sort. The plains became economically hostile. Their motivation was tested once more in a terrible way; and if their motivation was lacking, disaster was their reward. As though this weren't enough, the tribulations of the Dust Bowl days were visited upon them, when the wind literally lifted the topsoil off their farms and carried it away into the black sky.

The Great Depression and the Dust Bowl are not forgotten. All of America has become a garden of affluence and educational opportunity. But with these blessings has come flabbiness in the moral fiber. The desperation and some of the challenge is gone. Everyone in this audience detects it, the students most clearly of all. They are suspicious about what has happened in recent years to this country. They do not respect the phony standards in America which value national pride above humanism, and property above lives.

This year students are disturbed about two big issues: Southeast Asia, and the pollution of our environment. They have authority of history to back them up. Rome declined and finally died in part for these two factors. Foreign military adventures bled the Empire economically and fractured it politically. And lead poisoning from the use of lead pipes in the water supply of Rome caused infertility among the most able Romans and their birthrate fell drastically.

We have overcome physical hardship and to a great degree economic hardship, but we haven't replaced these motivating forces with anything else.

I have no formulas to propose. I am as bewildered as the next person about what might be done, but I sense that motivation must now be aroused by focusing on the responses of individuals, rather than by focusing on broad social incentives.

Physical and economic hardships as broad social incentives were strong, but if we could, we would not wish to bring them back. The price is too high. To be sure economic motivation of a sort still exists: people still work for dollars, but the dollars most of them work

for now are marginal dollars that will buy a second car or a color T.V. set. At one time they worked for the minimum food to stay alive and the coat that kept the cold out of their homes. Money and goods as incentives are no longer as important as they once were.

What else makes people stretch themselves? A hundred things, and in thousands of different combinations. Some men are driven by sheer red blood, the desire to use themselves against existing challenges. Hillary said he climbed Mount Everest simply because it was there.

A desire to improve the world—pure altruism—is not to be underrated as a human force. We are social animals, and whether we admit it or not, all of us care to a greater or lesser degree about the welfare of our fellow man. "Never send to know for whom the bell tolls: it tolls for thee." We all believe it, and some of you are driven by it.

A hunger for power cannot be ignored, and it is not necessarily destructive. Many of our finest politicians and our builders of business empires are driven by the taste for power. They live to control things, and they must earn their power by producing what society needs.

Pride and a sense of obligation to one's family or one's own expectations are deep incentives. The student who knows keenly the sacrifices made by his family for his education may well earn grades far beyond his normal achievements. The businessman whose pride would be shattered by failure is more apt to succeed.

Curiosity has been the principal motivating force in the lives of history's greatest scientists. Madame Curie could not anticipate the benefit her discoveries would have for mankind; she was simply and very purely fascinated by nature's mysteries.

The hunger for creative satisfaction drove Thomas Edison and most of the artists who have graced our planet. Picasso, when asked what he would do if imprisoned and denied all brushes and paints, said he would draw with the head of a burnt match or his own finger dipped in mud. Such men are intoxicated by the satisfactions of their own work.

There are dozens of other motivations that are still valid, most of them positive and relating to the temperament of the individual rather than negative and arising from broad social events like the Depression. Perhaps this is a measure of civilization: that men will be increasingly driven by positive impulses rather than by hunger and fear and deprivation.

Motivation varies enormously among children. None are born without it. Some seem to lose it at an early age—and even on occasion to regain it. Teachers know the happy phenomenon of the "late bloomer". He didn't develop a better mind, but something happened to his motivation.

Every teacher is aware of the motivational facts of life, and delights in the responsive student; but the colleges have too often filled his classroom with bright students with lead in their intellectual pants.

American private colleges face other problems besides trying to educate students some of whom are unmotivated, and those problems are practical, urgent and far from esoteric.

First, the private colleges face competition from the state universities that are huge and getting bigger in response to public demand. They perform a necessary public function, and they are encouraged by the high protein diet of feeding at the public trough. In the end they will have trouble maintaining their quality because they must concentrate so much on quantity. They will also have trouble with their independence, because the legislatures which feed them will wish to some extent to control them. What has happened to universities owned by the government in socialist countries could happen

here, and it is sad. In the long run, the very independence of private colleges may be their most important asset.

The second practical and very urgent problem is money, and it is heartbreaking. Just when the cost of running colleges has leaped beyond their means, the government has seen fit to discourage private philanthropy to a significant degree with the Tax Reform Act of 1969.

Private colleges, including Jamestown, are suffering and will continue to suffer for a while from this competition and this poverty. They have no choice but to tighten their belts, re-examine their functions and make sure that the education they sell is something society needs to buy.

Before Jamestown college can re-examine its function and set a new course, it must take stock of its assets. Some of them are not evident to the casual eye: its location, the character of its students, its alumni, its lack of graduate programs, its faculty, its history, and its managers.

It sits in the middle of a vast and rather empty plain from the static of cities and far from many of the groups who would try to push it around if it were within reach. It is geographically disengaged, and this enables it to do its work serenely and thoughtfully. One of the most corrosive contaminants of our atmosphere is noise—actual noise and cultural noise. Jamestown has been spared.

Your students are a balanced group, a little closer perhaps to the basic realities of this world than some students in more densely populated parts of the country who inevitably are more susceptible to fancy or fadish or extreme notions. Your students, following the leadership of the senior class this term, have demonstrated their belief that reason can be more effective than raw emotion, and constructive action than violence.

There are a hundred colleges that wish they had students such as you in their classrooms.

Your alumni are the preachers of Jamestown's gospel in the world at large, the financial supporters of its programs, the encouragement of its efforts and in a sense the justification of its existence. Perhaps no one listens to the alumni while the students get all the attention; but what is a student except an embryo alumnus? Graduation is just a big hatching process.

On occasion this college may have wished it had a range of graduate programs. They are conceived to be the academic big time. For small colleges they are largely disastrous. Their expense is uncontrollable and the competition they face for money, faculty and students is intense. Jamestown is administratively compact and academically efficient.

The faculty is tailored to the function. With all those poisonous jokes about North Dakota being passed around the educational world, no teacher comes here unless he has the sense of purpose to pursue his high calling with dedication.

One of the greatest strengths of this school has been its hard history. Like the women of Berlin after World War II, Jamestown might well adopt the motto "what doesn't kill me, strengthens me." The college has developed sinews out of its adversity. Those who run this college talk no nonsense, as a reflection of the fact that the college has never been in a position to afford nonsense.

One of those no-nonsense people is John L. Wilson, the chairman of your board, who has modestly devoted to this college more courage, generosity, educational wisdom and just plain horse sense than many of you may know about. One of his most significant acts of horse sense was to select, with the help of his fellow trustees, Roy Joe Stuckey as president. Jamestown College is in good hands.

Those are some of the assets. What can Jamestown make of them, without risking its solid achievements, or incurring expenses that will ultimately cripple it?

Here I speak with real diffidence. I am not a professional educator. I am a lawyer, and the law is said to sharpen a man's mind by narrowing it. What's more, as a guest on this campus I'm well advised to mind my manners and not try to tell my academic host what to serve for dinner.

My ideas are only suggestions. After you think about them, you may reject them—but in the process you may also develop ideas of your own.

For what it's worth I suggest that Jamestown College quietly but deliberately start to focus its main attention on the highly motivated student. Those with brains and the incentive to use them are certain to be the movers of this world. There is no reason why Jamestown should not be highly selective about whom it chooses to educate. It is already. I merely suggest it select its students increasingly for motivation.

How could this be accomplished, when there are no tests or other sure guides to measure that quality?

Awareness of the goal is the first step. Embracing the policy will carry the intention part of the distance.

Admissions would have to be held down as far as economically possible. This is a tricky financial problem and calls for careful judgment, but obviously under a supply and demand theory, the smaller the supply for a given demand the greater the chance to be selective.

In weighing applicants, the college must balance motivation against scholastic aptitude. Most colleges settle for the better brains (which are measurable) rather than take a chance on the average student who conceals a jet engine in his tall feathers. That jet engine may carry his average ability to extraordinary heights. Academically he's a good bargain.

Further, your faculty and admissions officers may be able to devise admissions procedures to test a student's hunger for a college education. Such tests might well be rather artificial—just as the procedures for screening lawyers for the bar in some states are almost ridiculously artificial. If the machinery seems eccentric, never mind, so long as it separates the nuggets from the mud.

If this highly motivated bird can be caught, how then do you care for him and feed him during the four years he stays in the academic cage?

In general, he must learn tight intellectual discipline in an atmosphere that will maintain his morale at the highest level.

You must expose him to a faculty selected more for its teaching ability than for its scholarly qualifications. I deeply respect scholars, but they pursue a different course than those whose first love is to deal with students. Our colleges have often failed to distinguish the two functions clearly, and the ambiguity has led to unhappiness.

A teacher who can inspire—or drive—students of high native motivation will inevitably stretch their minds. One helpful academic device is to require a good deal of individual work, particularly work involving careful writing. Nothing is so demanding of a student, nothing is so sure to stretch him, nothing is so sure to expose to his eye weaknesses of his own thought than having to write lucidly. The pain of learning may be great, but no skill is more to be cherished by an educated man.

Sensitive individual counselling of students would be an essential part of such a program, to help to uncover the mainsprings of the student's incentive and act on them with the carrot and with the stick. Jamestown, with imagination, has already undertaken a strong counselling program. To be effective, such a program must not be con-

tent to hold the student's hand but must require him to use his own intellectual muscles, to exert himself till he is sore with the effort.

Further, much could be accomplished merely by reminding students and faculty at every turn of their function: not merely to learn and teach, but to expand the capacities of the student's mind. During World War II, a marine recruiting poster demanded of everyone who read it: "Are you man enough to be a marine?" This college might well challenge each student in the same way: "Are you man enough to be an educated person?"

This little sketch doesn't begin to complete the picture. Every member of the faculty, every administrator and every trustee could add a dozen different elements. And certainly the students, if anyone bothers to ask them, can seed more ideas on this subject than the rest of you can harvest. Their own future is at stake, and they also happen to be the only ones who know for sure what turns them on.

What I propose calls for no major revisions of the curriculum, no major changes in faculty except a change of emphasis, no need for new plant, new administrators, or new expenses of any significant amount that would not normally be incurred. Such a policy contains little drama or glamor, but it would be founded on the great assets this college already possesses, and the great need of our country.

In effect I suggest a program of academic stress combined with high morale that would demand from strongly motivated students an enlargement of their abilities and a stiffening of their intellects. I suggest an academic program to accomplish for the minds and hearts of students what the unplowed sod of these plains did for their great-grandfathers: it called forth the best they were capable of giving, because it was so difficult.

That old farmer is a man to contemplate. He drove his plowshare through the stubborn soil while the rain tried to wash him away and while the sun tried to broil him. He must have loved nature because he was so directly dependent on her, and he must also have hated her for the droughts that killed his grain, the grasshoppers that ate it, the hail, the blizzards and all the other miseries that she gratuitously gave him. After a time even his own feelings, all that love and all that hate, must have been submerged beneath the overwhelming will to be strong enough and smart enough and enduring enough to conquer his environment.

In the end that old sodbuster became larger than life-size, and he *did* conquer his environment. As a man, he had stretched himself in a way that few of us can fully comprehend. He had made himself bigger, and he accomplished more than can reasonably be expected of a man.

He's dead now, but we need people just like him worse than ever.

Perhaps this college can devise a way to reinvent him for the good of the country.

#### THE VIETCONG TERROR AGAINST THE FREE TRADE UNION MOVEMENT OF SOUTH VIETNAM

Mr. McGEE. Mr. President, critics of the South Vietnamese Government are prone to seize on every aberration from utopian democracy as a proof that this Government is dictatorial and unworthy of support. More than one of them has argued that there is really nothing to choose between the dictatorship in the south and the dictatorship in the north.

I am not among those who are prepared to give blanket endorsement to every single action of the South Vietnamese Government. I believe that that

Government has been guilty of certain mistakes and certain excesses. In particular, I deplore the recent imprisonment of Tran Ngoc Chau, an official who has been given the highest rating by all Americans who have worked with him. But if the critics want to be fair, they must also be prepared to give credit where credit is due.

Under the present Government, a constituent assembly was elected, in elections that were given high marks for fairness by virtually all observers and correspondents; a democratic constitution was hammered out after months of vigorous debate; free elections were held for the National Assembly and for the Senate and for the provincial assemblies; village self-government, which was suspended by President Diem, was restored, and over the past 3 years some 2,100 villages have elected their own governing councils, in harmony with the centuries-old Vietnamese pattern of village democracy. An ambitious land reform program has been introduced, under which the land will be turned over to those who till it, very much along the lines of the enormously effective land reform program in Taiwan.

For all of these things the Thieu government must be given credit—and all the more credit because this progress has been achieved in the midst of a bloody and bitterly fought conflict.

Apart from ignoring the truly remarkable progress that has been achieved in many fields, I have the impression that some of the critics who equate the Saigon government with the Hanoi regime simply do not know the meaning of totalitarian dictatorship.

How false their equation is should be apparent to anyone who is willing to take the time to look at a few basic facts.

Hanoi has one political party, the Communist Party. Saigon has several score political parties, competing with each other frantically for cuts of the political pie at various levels.

Hanoi has one newspaper, which faithfully reflects the Communist Party line and only the Communist Party line. Saigon has 25 Vietnamese newspapers,

10 Chinese newspapers, two English and one French. And while there is censorship, there is also much vigorous criticism of the Government in the Saigon press.

But perhaps the most impressive evidence that there is far more democracy in South Vietnam than there is dictatorship is provided by the existence of a free trade union movement.

In the North, of course, there is no free trade union movement. As in every other Communist country, there are government controlled unions, in which membership is compulsory and whose officials are selected by the Communist Party. Strikes of any kind are not tolerated by these unions, because in Communist countries unions are instruments for government control over the workers, rather than instruments through which the workers may seek to improve their lot.

In South Vietnam, in contradistinction, there is a free trade union movement—the Vietnamese Confederation of Labor, or CVT—500,000 strong. The officials of the affiliated unions and of the confederation are elected by the workers themselves. The unions engage in strikes and fight militantly on many fronts to improve the lot of their members.

The tenant farmers' union, for example, played an extremely active role in lobbying for the land reform legislation approved earlier this year by the National Assembly. And recently, the CVT announced that it planned to organize a farmer-labor party of its own, on a program approximating the political programs of the European social democratic parties, and compete in its own name in the political arena.

The CVT is headed by Mr. Tran Quoc Buu, a veteran of more than 20 years' trade union activity, whose courage and independence is respected even by his enemies and who served a term in prison under President Diem. A measure of the esteem in which Buu is held, not merely in Vietnam but throughout the western Pacific, is the fact that he has for some time now served as president of the major

regional trade union organization, the Brotherhood of Asian Trade Unions—BATU.

Sometimes the CVT has had to operate against government opposition. But on other occasions it has received welcome support from the Thieu-Ky government. In 1968, for example, the provincial police sought to suppress the textile workers strike in Gia Dinh by arresting the woman organizer and ordering a blockade of food supplies to starve out sympathy strikers. At that point, Nguyen Cao Ky, who was then prime minister, intervened to release the union organizer and end the blockade and suspend the overzealous police chief.

Despite their many political differences with the Government, the leaders of the CVT unions have been bitterly and militantly anti-Vietcong because they know only too well what has happened to the free trade union movement and to free trade union leaders under the Communist regime in the north. Because of this, the free trade union officials of South Vietnam have been favorite targets of the Vietcong terrorists.

Mr. President, for the purpose of illustrating the kind of terror that can be expected if the Vietcong takes over, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a tabulation I have received from the CVT, listing over 60 officials of their union movement who have been assassinated by the Communists over the past 10 years.

I also ask unanimous consent to have printed in the RECORD the statement issued by the Vietnamese Confederation of Labor on February 7, 1968, condemning the Communists for the treacherous attacks they made on so many Vietnamese cities in their so-called Tet offensive.

Finally, I ask unanimous consent to have printed in the RECORD a statement adopted by the AFL-CIO executive council in March of 1969, reiterating its support for the Vietnamese Confederation of Labor.

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

LIST OF CVT CADRES WHO HAVE LOST THEIR LIVES IN SOUTH VIETNAM FOR THE FREE TRADE UNION MOVEMENT

Name	Age	Union local	Union position	Profession	How, where, when assassinated by VC
Giao Can	54	Farmers local Dien Ban district	Local representative	Farmer	Assassinated while carrying on union activities on Mar. 15 1965.
Doan Kiem	35	Farmers province union of Quang Nam	District secretary	do	Assassinated while carrying on union activities on Mar. 15 1968.
Nguyen Luong	55	Farmers local of Quang Nam province	Provincial representative	do	Assassinated while carrying on union activities on Apr. 20 1968.
Nguyen Buong	54	Hang Gon local	Treasurer	do	Assassinated while carrying on union activities in 1968.
Tran Minh Chanh	45	Plantation workers' local Thanh An district	Local representative	Worker	Assassinated while carrying on union activities on Apr. 9 1964, at Than An.
Nguyen Van Do	53	Plantation workers Phu-My Hung local	Treasurer	do	Kidnaped in July 1961 and presumed killed.
Nguyen Van Nua	52	do	Local representative	do	Assassinated by VC on Dec. 23 1960 at Phu My Hung.
Bao Van Thanh	40	Lambretta drivers Union, Binh Duong province	President	Driver	Assassinated by VC on Dec. 23 1960 at Binh Duong.
Nguyen Van Hai	58	Trade Unions Council Vinh Long province	Secretary General	Worker	Kidnaped and presumed killed by VC.
Nguyen Ngoc Anh	56	Farmers union	Treasurer	Farmer	Assassinated by VC in 1962.
Nguyen Van Nghia	60	do	Vice President	do	Assassinated by VC in 1965.
Le Cong Tap	56	do	Secretary of My Loc local	do	Assassinated by VC in 1960.
Phan Van Kieu	38	do	Local Representative of Phuoc Hau village	do	Assassinated by VC in 1964.
Le Hoang Vinh	60	do	Local propagandist-organizer	do	Assassinated by VC in 1964.
Nguyen Van Cho	48	Farmers Union of Binh Thuan province	President	do	Killed by VC at VC Offensive of Mau-Than New Year holidays (1968).
Le Van Huong	43	Farmers Local of Bac Lieu province	Representative	do	Assassinated by VC in 1965.
Tran Van Hoai	.....	Farmers local of Phong Thanh village, Bac Lieu province	Local secretary	do	Assassinated by VC in 1962.
Tran Van Doi	55	Farmers local	Treasurer	Farmer	Died from torture in 1959.
Pham Trung Giao	63	do	Committee member	do	Assassinated by VC at Thanh My in 1969.
Le Van Mieng	45	do	Vice president	do	Died from torture in 1965.
Kim Choc	63	do	Committee member	do	Assassinated by VC at Da Loc village, Vinh Binh province, on Aug. 22 1969.

## LIST OF CVT CADRES WHO HAVE LOST THEIR LIVES IN SOUTH VIETNAM FOR THE FREE TRADE UNION MOVEMENT—Continued

Name	Age	Union local	Union position	Profession	How, where, when assassinated by VC
Nguyen Toan	42	Farmers local of Quang Ngai province	Secretary of Tu Nguyen local	Farmer	Assassinated by VC at Tu-Nguyen in 1964.
Nguyen Sau	39	do	Secretary of Tu-Luong local	do	Assassinated by VC at Tu Luong in 1963.
Le Tan Tham	41	do	Vice president of Tu-Luong local	do	Assassinated by VC in 1966 at Tu Luong.
Nguyen Huu Nghia	40	do	Secretary of Nghia Loc local	do	Assassinated by VC in 1967 at Nghia Loc.
Tran Cao Nghiep	45	Farmers union of Quang Ngai province	President of Nghia Loc local	do	Assassinated by VC when carrying on union activities at Nghia Loc in 1967.
Ton Ngoc Trang	45	Horse-vehicles workers union of Quang Ngai	Member	Driver	Assassinated by VC in 1968.
Le Van Hong	30	Lambretta drivers union of Quang Ngai	Local vice president	do	Assassinated by VC when carrying out union activities on July 14, 1969.
Huynh Van Trang	35	do	Secretary	do	Do.
Phan Them	37	MIC tobacco workers union	Treasurer	Superintendent	Assassinated by VC on Dec. 6, 1968.
Le Van Huong	37	Farmers local of Ba Xuyen province	Local representative	Farmer	Assassinated by VC in 1955.
Nguyen Van Nhiem	60	Farmers union of Dinh Tuong province	President	do	Assassinated by VC when carrying out union activities on Oct. 1, 1969, at Tan Hoa Thanh, Dinh Tuong province.
Nguyen Du	56	Fishermen's union of Quang Tin province	Vice president	Fisherman	Kidnaped by VC and assassinated by VC in 1961.
Le Khanh	40	Fishermen's local of Ky-Anh	Local president	do	Assassinated by VC at his home in 1965.
Dang Duc Tan	40	Farmers local of Ky-Ly	Local vice president	Farmer	Kidnaped and assassinated by VC in 1961.
Dinh Thanh	46	Farmers local of Ky-Nghia	Local president	do	Assassinated by VC at his home in 1964.
Nguyen Luan	45	Farmers local of Ky-Phu	Local secretary	do	Assassinated by VC at his home in 1963.
Ho Van Anh	53	Farmers local of Ky-Nghia	do	do	Killed by warfare in 1965.
Dang Dat	50	Farmers local of Binh Quy	Local vice president	do	Killed by warfare in 1967.
Tran Quang Phuc	43	Farmers local of Ky Sanh	do	do	Killed by warfare in 1966.
Nguyen Doi	60	Farmers local of Ky-Nghia	Local treasurer	do	Assassinated by VC in 1961.
Luong Van Quang	47	Farmers local of Ky-Sanh	Local committee member	do	Assassinated by VC in 1963.
Vo-Thong	50	Farmers local of Binh-Quy	do	do	Assassinated by VC at his home in 1966.
Vu-Van-Nhang	57	Lambretta drivers Union of Saigon-Giadinh	Social committee driver member	Driver	Assassinated by VC in 1962.
Le Van Ven	55	Plantation workers Union of Tay Ninh	President	Foreman	Assassinated by VC at Cau-Khoi on July 8, 1965.
Dao Ngoc Tam	37	Plantation workers' Courtenay local	Financial officer	Sapper	Abducted on Oct. 13, 1962, and presumed dead.
Lai Bao Ngoc	34	Plantation workers union of Long Khanh	Secretary	do	Kidnaped on Dec. 2, 1965, and presumed dead.
Dang Van Tich	37	do	President	Technician	Kidnaped on Dec. 6, 1962, and presumed dead.
Nguyen Van Huan	39	Plantation Hang Gon local	Representative	Sapper	Kidnaped at Long Khanh in July 1962.
Nguyen Dang	50	do	Committee member	do	Do.
Nguyen Bieu	54	do	Member	do	Do.
Vu Qsan Quy	35	do	Secretary	do	Do.
Nguyen Van Truy	55	Plantation workers' Courtenay local	Member	do	Kidnaped at Long Khanh in October 1962.
Le Van Lang	45	Plantation workers' union "Tran Van Phong"	Representative	Carpenter	Kidnaped at Long Khanh on Nov. 6, 1963.
Tran Van Thai	43	Plantation workers local "Tran Van Phong"	Financial officer	Tapper	Kidnaped by VC at Long Khanh and presumed dead on Nov. 6, 1963.
Phan Van Tot	32	do	Committee member	do	Do.
Le Van Moc	57	do	Controller	Superintendent	Do.
Le Van Nuoc	29	do	Committee member	Tapper	Do.
Le Thai Tuy	40	do	Member	Foreman	Do.
Huynh Thi Hieu	40	Trade Unions Council of Binh Duong	Secretary general	Nurse	Kidnaped by VC at Binh Duong in 1956 and presumed dead.
Phan Thanh Giau	40	Goldsmiths' Union of Vinh Long	President	Goldsmith	Kidnaped by VC and presumed dead.
Bach Le	47	Farmers Union of Quang Ngai	Secretary general	Farmer	Presumed dead after 8 years jail.
Tran Chanh Hoi	42	Fishermen's Union of Quang Tin	President	Fisherman	Kidnaped by VC and presumed dead.
Le Thang	34	Fishermen's local of Ky-Xuan	Local president	do	Do.
Tran Van Co	42	Fishermen's local of Binh Dao	do	Fisherman	Do.
Bui Thuoc	57	Farmers' local of Ky Sanh	Committee member	Farmer	Do.
Do Phien	57	Farmers' local of Ky Anh	do	do	Do.
Lo Tai Nguyen	70	do	do	do	Do.
Le Tai Nguyen	70	Farmers' union of An Trach, Gia Rai district	Farmers' union cadre in village	do	do
Le Trung Quoi	42	Farmers' Federation	Federation's cadre in charge of management of a village of implantation of refugees (An-Luong)	do	Kidnaped by VC on Dec. 25, 1964, and presumed killed.
Nguyen Van Chi		Federation Plantation workers of Phuoc Tuy	Secretary of Binh-Ba local	Worker	Kidnaped at Phuoc Tuy in 1957, and presumed killed.
Pham Cong Dao		Federation Plantation workers of Phuoc Long	President of union	Superintendent	Kidnaped by VC at Bu Dop on July 19, 1966.
Nguyen Nang Tiep		Plantation workers' union of Phuoc Long	Treasurer of Thuan-Loi's local	Teacher	Kidnaped by VC at Thuan Loi in June 1965 and presumed killed.
Huynh Van Tu		Plantation workers' Federation in Phuoc Tuy	Cadre	Worker	Kidnaped by VC on July 24, 1961, at Phuoc Tuy.

## FREE VIETNAM LABOR DENOUNCES VIETCONG ATTACKS

President Tran Quoc Buu of the Vietnamese Confederation of Labor (CVT) on February 7 sent the following cable to the AFL-CIO:

"We at the CVT are safe and sound. We appeal urgently to free world union organizations to aid the workers and other Vietnamese who were savagely attacked by the Communists during the truce of Tet, the traditional sacred feast of Vietnam."

President Tran Quoc Buu and General Secretary Tran Huu Quyen of the Vietnamese Confederation of Labor (CVT) issued the following statement on February 2:

"Considering that the armed forces of the Vietcong have invaded the capital area of Saigon, Cholon, Gia-Dinh and in chief towns during the new lunar year's truce; considering that the people's quarters generally and the working class quarters especially were treacherously used by the Vietcong for concealment and as a battleground to combat the army of the Republic of Vietnam; considering that the workers and their families have become as a matter of fact the miserable victims of street fighting inside the cities; considering that the permanent position of CVT is anti-war and for realization of peace by constructive social action, based on brotherhood, in order to protect the sacred

freedom of man within the framework of social communities;

"The Bureau of CVT, in its extraordinary meeting on February 2, 1968 in Saigon issued the following communique:

"We condemn the criminal actions of the Communists causing war in the days of truce.

"We earnestly appeal to all brothers and sisters, cadres and members over the country to be calm and to tighten their ranks in these troubled and perilous days. We earnestly request the government to apply suitable measures to protect the lives and property of the people and to restore quickly the general security and the public order."

## AFL-CIO BACKS CVT

(Statement by the AFL-CIO Executive Council)

The Executive Council notes the visit of President Buu of the CVT. After hearing his report about the activities of the Confederation of Vietnamese Workers and his being encouraged by the cooperative attitude manifested by the head of state, President Nguyen Van Thieu, we reaffirm our policy of cooperating with the CVT for the advancement of free trade unionism, democracy, social justice and a just and enduring peace.

In this connection, we note with satisfaction the recently announced readiness of AID

to contribute substantially towards a \$100 million undertaking for helping the government of South Vietnam speed a massive program of land reform and redistribution.

We emphasize that the success of this program and its being safeguarded against the sabotage by Communist infiltrators and undermining by corrupt forces can be best assured through organizations like the CVT participating actively in its execution so as to assure that the full benefits of the agrarian reform be enjoyed by the tillers of the soil.

## BIASED NEWS MEDIA

Mr. DOLE, Mr. President, a story published in Variety for May 27 is of interest to some of us who think that the news media could do a little more objective job in some cases.

The story, interestingly enough, is not exactly free of bias, either, but even so the reporter could not get around the fact that officials of the affiliated television stations of the National Broadcasting Co. think its network news coverage of the war is biased.

The reporter gratuitously blames this attitude by the officials on a lack of pro-

fessional understanding of journalism and a "deep conservative core of the station side of the broadcast industry."

Mr. President, I do not think it takes a "professional understanding" to recognize when a report is one-sided or is loaded with personal opinion, nor do I think a man can be called a conservative just because he recognizes a slanted story.

Perhaps it was the 40 percent who claim that NBC is not biased who, themselves, have a bias that slants the same way as NBC news.

The fact remains that the management of 60 percent of those TV affiliates who have no choice other than to take NBC news think they are getting a slanted product.

If this is true, the American people deserve better from a Government-licensed industry.

I ask unanimous consent that the Variety story, entitled "60 Percent Say TV Web Slanted Versus War," be printed in the RECORD.

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

SIXTY PERCENT SAY TV WEB SLANTED VERSUS WAR

(By Bill Greeley)

NBC-TV's affiliate convention last week in New York was on the surface the usual round of mutual congratulations and self-promotion, but on the underside the network was confronted by its own silent majority.

At an open luncheon honoring departing news correspondent Chet Huntley, the subject received a gold watch and a standing ovation. His longtime partner David Brinkley (heard via a recording from Arizona where he was on location for filming of a news documentary) also was granted sustained applause.

But in their closed meeting Thursday morning (21), the affiliates by a hand vote of about 60% to 40% declared the network's news coverage biased. Specifically, the 60% majority was accusing the network news division of being slanted against the war in Vietnam.

The vote of the majority called for the affiliates' board to confront NBC president Julian Goodman with the charge of news bias when it met with him the following morning (Friday).

Spearheading the charge was Stanley Hubbard Jr. of KSTP stations in St. Paul-Minneapolis. Prominent in the minority defense of the network's news was William Putnam, president of Springfield Television Broadcasting and head of WWLP-TV Springfield, Mass.

In his charges from the floor of the closed meeting, Hubbard may have unconsciously been reflecting the deep conservative core of the station side of the broadcast industry when he said, "If I have a John Bircher (on the air), I put someone on from the other side."

LETTER FROM A DOCTOR

It was Hubbard who called for the vote which was taken by affiliate board chairman Harold Grams, veepee for broadcasting of the Pulitzer Publishing Co., St. Louis. Grams had defended the network news—as a good affiliated board chairman should.

It would be foolish to expect thoroughly business-oriented local station owners and managers to have a professional understanding of journalism, electronic or otherwise. But their rationale raises the suspicion that, as one minority affiliate summed it up after the majority victory, "They saw the buck." There was one majority delegate who stood

up to say that he had a letter right in his pocket from a doctor, complaining to him about NBC's slanted coverage. The datum would hardly register, with the FCC as a community survey, and as another affiliate asked after the meeting, "Does the station advise the doctor on surgery?"

The doctor datum might well be a cover up for the affiliate's own bias, for there are indications that broadcasting's silent majority would rather continue to print money without declaring themselves publicly in any direction, as re the affiliate who stood up at the closed meeting to warn that the press should not be advised "of this news discussion."

ECHOES OF CBS

Also revealing were the private comments of a major market station head who was vocally among those "shocked" by CBS News coverage of American soldiers' reluctance to invade Cambodia, as shown to that network's affiliates at its recent convention. He later said—off the record—"There are a lot of important people in my town who are very conservative, and we have to keep that in mind."

In the interests of diplomacy, it is quite likely that NBC prez Goodman didn't respond with his deepest convictions in the matter when confronted by the board with the charge of bias. He was a professional journalist before he was a network administrator.

But, the question is, what effect will the silent majority uprising ultimately have on network news? As the country has become more and more divided on the war and other critical issues—and particularly since the Cambodian invasion—network news, often without trying all that hard, has at least seemed more probing and more critical of government policy. Will it continue that way against an inside silent majority?

STRETCH-JET AIRPLANES AT NATIONAL AIRPORT

Mr. SPONG. Mr. President, for some time I have called attention to the decision of the Federal Aviation Agency to permit stretch-jet airplanes to use National Airport.

An editorial in this connection was broadcast on May 27 and 28 on WRC-TV which expresses the danger of continued expansion of National at the expense of Dulles and Friendship Airports and the public.

I ask unanimous consent that the WRC editorial be printed in the RECORD.

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

NATIONAL AIRPORT

Washington National Airport is here to stay and it should. It is a tremendous asset to the entire metropolitan area, but it must not be permitted to become a monster.

The recent decision of the Federal Aviation Agency to permit the stretch-jet to continue to use National raises just such a specter. The issue is the future of the facility and what part should it play in the overall concept of air transportation in the Washington area.

In the early 1960's, the FAA said jets would not be permitted into National—but they were. The decision was proper. Then the FAA said the stretch-jets with higher passenger capacity would not be permitted. But during the recent controllers slow-down, they were, and now they will be continued.

The next threshold is the airbus. If that is permitted, plus the stretch-jets, the whole concept of National will be changed. The tremendous passenger flow will necessitate additional ground facilities, including new access roads to move people into and out of the airport.

But perhaps most important, it will mean that Dulles will cease orderly growth and continue as a major burden to the taxpayers and Friendship may wither on the vine.

Preserve National by all means, but not at the expense of the area's environment and the development of other airport facilities.

WRC TV recommends that a major study of an integrated air facilities system for the Washington-Baltimore region be undertaken at once, and if necessary, an authority set up to properly utilize the present facilities and plan for the future.

A KANSAS CHAIRMAN FOR THE INTERSTATE COMMERCE COMMISSION

Mr. DOLE. Mr. President, recently the President announced the appointment of George Stafford, of Valley Falls, Kans., to the chairmanship of the Interstate Commerce Commission. The people of Kansas are honored that one of our own should merit such confidence by President Nixon.

The issues that confront the ICC are important to every American, and we are confident that George Stafford will provide the leadership needed to direct this vital Government agency.

Mr. President, I ask unanimous consent that an editorial concerning Mr. Stafford's appointment and the future of the ICC, published in the Kansas City Times of May 15, be printed in the RECORD.

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

A KANSAS CHAIRMAN FOR THE ICC

The first Kansan ever to be named to the Interstate Commerce commission is in line to become the first permanent, presidentially-appointed chairman of this oldest federal regulatory agency. President Nixon has nominated George M. Stafford of Valley Falls, who served 21 years as administrative assistant to Frank Carlson during Carlson's years as governor of Kansas and U.S. senator, to the ICC chairmanship.

Stafford has been a member of the commission since his 1967 appointment by President Lyndon B. Johnson and acting chairman since January. For this area, it is good news that a man familiar with the Mid-West and such problems as the perennial wheat harvest boxcar shortage now will head the federal body which has jurisdiction over 17,000 carriers. Kansas City is a hub of rail-roading and truck line operations.

But for the nation as a whole, it is even better news that the reorganization of the ICC, recommended to Congress last July by President Nixon, now will become effective with the Stafford appointment.

Heretofore the commission has appointed its own chairman, and in practice has rotated the honor annually among all 11 of its members. The result has been no effective leadership or continuity of leadership. It was an arrangement which, as the President pointed out, no modern business corporation could tolerate.

Under the new plan, not only will the President appoint the permanent ICC chairman—as he does for all other major federal regulatory bodies—but that chairman will be vested by law with the executive and administrative functions of the commission.

Two decades ago the Hoover commission noted that "administration by a plural executive is universally regarded as inefficient." Now this wasteful practice will be terminated in the ICC. For George Stafford, who knows his way around Washington as well as Topeka, it is an honor long deferred. For the

Interstate Commerce Commission, the change should mean more effective leadership at a time when the nation's transportation problems, including those of the surface carriers, are growing almost daily more difficult and complex in such areas as freight rates, labor, safety and the hauling of passengers.

#### THE NATION IS READY FOR SENATE RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIER. Mr. President, there is now a sense of urgency about speedy ratification of the Genocide Convention, because the Nation is today absorbed with efforts to deal with internal and external disruptions, many of which are an outgrowth of persons struggling for a full exercise of human rights.

Of the several conventions dealing with human rights issues which are currently before the Senate, that convention dealing with the prevention and punishment of the crime of genocide has a possibility of progressing through the Senate to the point where it could be considered on the floor before the end of this Congress. Senate ratification of this convention would be the type of positive action which is compatible with and could enhance our efforts toward preserving human rights.

President Nixon, when he asked the Senate last February to ratify the convention, wrote:

In asking the Senate approval of the Convention twenty years ago, President Truman said:

"By the leading part the United States has taken in the United Nations in producing an effective international legal instrument outlawing the world-shocking crime of genocide, we have established before the world our firm and clear policy toward that crime."

Since then, I regret to say, some of our detractors have sought to exploit our failure to ratify this Convention to question our sincerity. I believe we should delay no longer in taking the final convincing step which would reaffirm that the United States remains as strongly opposed to the crime of genocide as ever.

By giving its advice and consent to ratification of this Convention, the Senate of the United States will demonstrate unequivocally our country's desire to participate in the building of international order based on law and justice.

In the accompanying February 5, 1970, report of the Secretary of State, Mr. Rogers concluded:

I am convinced that the American people together with all peoples of the world will hail United States ratification of this Convention as a concrete example of our dedication to safeguarding human rights and basic freedoms.

Mr. President, I believe that these recent words of the President of the United States and of the Secretary of State set a tone of urgency which we, as Members of the Senate, should pick up and carry through to completion; namely, ratification of the convention.

Mr. President, with the possible exception of the year 1949, when the convention was first transmitted to the Senate, there has been no year when ratification of this convention would have been more timely than this year of 1970. The country, indeed the world, is ready, right now, for such an affirmative action of the United States as ratification of the

Genocide Convention, which would carry a positive, loud message.

Mr. President, let us act quickly and assure ratification of this convention before the end of this Congress.

#### BAKER TO USE 100 PERCENT ENRICHED FLOUR

Mr. DOLE. Mr. President, we are all concerned with proper nutrition. President Nixon has outlined some nutrition requirements that would help alleviate malnutrition and provide more nutrition for the people of the Nation.

I ask unanimous consent to have printed in the RECORD an article published in the May 12, 1970, issue of the Southwestern Miller. The article announces that the Kroger Co., one of the Nation's leading food chains, is the first major baker to convert to using only enriched flour in their bakeries. All flour is enriched at the mill before it is shipped to the bakeries. Kroger says it is inaugurating the program to provide more nutritious products for the consumers in line with the recommendation of the White House Committee on Nutrition.

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

##### KROGER USING ONLY ENRICHED FLOUR IN BAKING

CINCINNATI, OHIO, May 11.—The Kroger Co., the nation's third-ranking supermarket chain, announced on Thursday, May 7, that it is using only enriched flour in production of virtually all of the baked foods produced in the company's own plants. The company will use only flour which has been enriched at the mill prior to delivery to Kroger bakeries and processing plants. The program was disclosed as part of a major program "designed to help fight malnutrition and provide more nutritious products for the consumer's food dollar."

According to Kroger, use of only enriched flour in baking and processing will mean that 230 food items baked by Kroger and not previously enriched are now being enriched.

Kroger is the first food retailer and baker in the United States to use only enriched flour in its processing operations. In making the move, the company gave major attention to the fact that the use of enriched flour in all processing operations was one of the recommendations of the White House Conference on Food, Nutrition and Health.

Formal announcement of the enrichment move was made by Kroger officials at a press conference in Indianapolis on Thursday. In attendance were leading newspaper food editors from 14 cities where Kroger has regional offices. The editors were given a tour of the Kroger bakery in Indianapolis where at present all products are being baked from enriched flour.

##### ENRICHMENT MOVE IN FOUR PHASES

The Kroger program will be in four phases: All white flour used in Kroger's 10 regional bakeries serving 1,500 supermarkets will be enriched with riboflavin (Vitamin B-2), thiamine (Vitamin B-1), niacin and iron in accordance with the standards of identity established by the U.S. Food and Drug Administration.

In addition, outside food manufacturers who pack Kroger private brand products are being contacted regarding the use of enriched flour in Kroger products. This group includes such items as cake mixes and refrigerated biscuits, which are among several dozen products using white flour which are packed for Kroger by other food manufacturers.

Low-cost, nutritionally-balanced recipes and menus will be featured in newspaper food advertising to help educate consumers concerning better diets for their families.

Research into the development of entirely new food products which are high in nutrition has been instituted.

Kroger's broadened enrichment program will now include such items as snack crackers, sweet rolls, cakes, doughnuts and ice cream cones.

##### SEEKING BROADEST POSSIBLE GROUP

The company, in making the announcement, stressed that the move brings the benefits of enrichment to the broadest possible group of consumers. Previously, only white bread and roll items had been enriched, while the latest move recognizes the changing eating patterns of the 1970's by including many additional products. Many of the states in which Kroger operates require enrichment of bread and rolls, as well as white flour sold in the household trade.

##### FOLLOWED MALNUTRITION EVIDENCE

"This major step to improve the nutritional intake of all consumers has been under consideration for some time," B. D. Reusser, vice-president of the company's baked foods division, said. "The final decision came after evaluation of mounting evidence of persistent malnutrition in the United States at every economic level."

##### BAKERIES ON ENRICHED BY MAY 18

Mr. Reusser indicated all of Kroger's bakeries will be using only enriched flour by May 18. The changeover to enriched flour by flour mill suppliers of Kroger required about two months. Some mills experienced individual delays while adequate supplies of enrichment material were obtained. All future enrichment will be at the mill except for some small lots of specialty flour where bakery enrichment would be more economical.

Kroger is paying a fixed additional charge to mills for the enrichment.

##### MILL LEEWAY AS LONG AS COMPLY

Individual mill suppliers have been given leeway on the precise enrichment compounds to be used as long as they meet the requirements of the Standards of Identity. Kroger officials stressed that initial flexibility was a necessity because of the difficulties experienced by some mills in obtaining sufficient enrichment to begin the program in a relatively short period of time. Flour samples reaching individual bakeries will be carefully assayed by the company's technical departments and further adjustments in requirements made where necessary.

The timetable covering outside food manufacturers who pack Kroger private bread products is more indefinite. Company officials indicated a rapid changeover would be sought.

##### DETERIORATION IN AMERICAN DIETS

In announcing the Kroger enrichment program, Mr. Reusser stressed that nutritional studies have indicated a steadily-dropping percentage of Americans who are consuming proper diets.

For example, the Department of Agriculture conducted nutritional surveys in 1955 and again 10 years later. By 1965, only 50% of Americans were consuming diets which provided as much as two-thirds of the recommended daily allowance of nutrients—a decrease of 10%. Evidence is that this problem is growing each year in the United States.

The White House Conference in Washington last December identified problem areas and made recommendations on how to alleviate them. The food and nutrition experts from throughout the country who gathered for the Conference reported that: Malnutrition in the U.S. is not confined

to low-income groups, but extends to the affluent as well.

Private industry should take immediate steps to provide foods with a higher nutritional content for consumers.

Food companies should begin by improving the nutritional qualities of those foods which people enjoy and are accustomed to eating.

Changing eating patterns of the American public should also be recognized. Snacks and sweet goods are forming a large part of the cereal portion of the diet of many consumers, particularly young people and the poor.

**KROGER IN ENRICHMENT SINCE 1941**

Kroger has produced enriched white bread and rolls since 1941 when current standards of enrichment were formulated, Mr. Reusser stated. At that time, white bread was chosen as the vehicle for enrichment because it is a basic food and was considered probably the most universally consumed food throughout the country.

The use of enriched flour and bread has been credited with virtual elimination of such deficiency diseases as pellegra, which was prevalent in the United States as late as the 1930's.

**RECIPE AND MENU PROGRAM PLAN**

The recipe and menu program, which will be made available throughout Kroger's 23-state area, has been planned to emphasize meals that are well-balanced and nutritional and make them more attractive to homemakers.

Menus and recipes were planned around the Department of Agriculture "Smart Shopper" releases (based on plentiful foods) and the "Low Cost Cookery" series developed by Hunt-Wesson Foods, Inc. (using U.S.D.A. recommendations).

**TENTH LARGEST BAKER IN U.S.**

Kroger, which produces in excess of 300,000,000 lbs. of baked goods a year, ranks itself as the 10th largest baker in the United States. The company has operated bakeries since before the turn of the century. B. H. Kroger, who founded the company in Cincinnati in 1883, is recognized as the first grocer to operate his own bakeries.

**ECONOMIC DISPOSAL OF JUNKED AUTOMOBILES**

Mr. METCALF. Mr. President, at a time when there appears to be an overabundance of rhetoric in response to a national concern over environmental problems, it is refreshing and encouraging to find real progress in this area. As most of us are aware, technological solutions to many environmental problems exist, but cannot be placed into practice because of the associated economic impact. Engineers in the Bureau of Mines have apparently contributed substantially toward one of the Nation's major environmental problems, the economic disposal of junked automobiles.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

[From Mineral Information, Service, May 1, 1970]

**NEW INCINERATOR PROVIDES SMOKELESS BURNING OF JUNKED CARS**

A low-cost way to avoid the air pollution caused by open-air burning of junked automobiles has been developed through research now being pushed to completion by the U.S. Bureau of Mines.

Bureau engineers have developed a relatively inexpensive smokeless incinerator that can efficiently process all the junked cars from a metropolitan area with a population of 300,000. Preliminary tests of the incinerator have been successfully completed. Further testing is underway to get more precise information on performance and operating costs.

Principal attraction of the new incinerator is its construction cost, quoted by the Bureau as about \$22,000. This is roughly one-tenth the cost of smokeless models now commercially available and should stimulate interest among scrap processors whose open-air burning practices are being increasingly restricted by new regulations aimed at curbing air pollution.

Burning is considered the cheapest way to rid junk cars of combustible material. The cost of using hand labor to remove upholstery, plastic parts and similar substances could make the recovery of metals uneconomical.

Because smokeless incineration has been so expensive, the burning has usually been done in the open where it generates dense clouds of black smoke. With growing public concern over air pollution, many cities already have outlawed open burning and many others are moving to do so. As a result, some auto scrapping operations may be forced to close down, and car hulks will be either used in ways that leave their metals unreclaimed or will be left to rust in vacant lots or on city streets.

The Bureau's smokeless incinerator was developed at its Metallurgy Research Center in Salt Lake City, Utah, as part of a varied program to facilitate recovery of millions of tons of valuable metals now discarded annually as waste. Other facets of the program are aimed at recovery of minerals from municipal incinerator residues, more effective use of fly ash accumulated at power plants burning pulverized coal, and conversion of garbage and other city refuse into an energy source.

Capable of processing 50 junked cars every eight hours, the new incinerator is simple in operation. Burning two cars at a time, the incinerator heats combustion gases to temperatures of more than 1,350° F in an afterburner chamber. At such temperatures, the carbon particles which normally constitute smoke are oxidized and are drawn upwards to the atmosphere with other combustion gases through a 54-foot stack.

Once incinerated, the junked auto can be dismantled in the usual manner for its metal values and the scrap sorted, baled, or bundled for sale and re-use.

**REGIONAL POLLS SHOW SUPPORT OF PRESIDENT'S VIETNAM POLICIES**

Mr. DOLE. Mr. President, independently taken, regional polls continue to show strong support by the people for President Nixon's policies in Southeast Asia.

The Wichita Eagle, in my State of Kansas, reports a poll taken by my colleague, Representative GARNER E. SHRIVER, which shows that about 75 percent of the people in his district, the Fourth Congressional District, support the President.

Another poll, taken for the Indianapolis News by a professional polling organization, showed that 64 percent of all Indians approve of the way the President is handling his job, and 53 percent approve of his move into Cambodia.

Mr. President, I believe the continued solid support of the President and his

leadership by Americans all across the Nation deserve the careful consideration of the Senate.

I ask unanimous consent that these two articles be printed in the RECORD.

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

[From the Indianapolis (Ind.) News, May 26, 1970]

**NEWS' POLL SHOWS STATE FOR NIXON**

An independent poll conducted for The News by a professional polling organization shows a majority of Indiana's citizens support President Nixon and his controversial decision to send American troops into Cambodia.

The poll was conducted May 15-17 in 36 Indiana cities. Experts questioned 500 people at 74 sites in the Hoosier cities.

The President received 64 per cent endorsement of the way he has handled the presidency, the poll showed. The breakdown by political parties showed:

	[In percent]		
	Democrat	Republican	Independent
Approve.....	43	89	60
Disapprove.....	42	2	28
Don't know....	15	9	12

The over-all percentage of those who disapproved of the way President Nixon is handling his office was 24 per cent, with 12 per cent saying they had no opinion.

Sixty-eight per cent of the Republicans, 40 per cent of the Democrats and 50 per cent of the Independents said they agree with the President's decision to send U.S. troops to fight in Cambodia.

The breakdown, again by party affiliations, showed:

	[In percent]		
	Democrat	Republican	Independent
Yes.....	40	68	50
No.....	50	18	39
Undecided.....	10	14	11

The over-all figures showed 53 per cent of those polled endorsed the President's action; 35 per cent opposed it, and 12 per cent were undecided.

[From the Wichita (Kans.) Eagle, May 30, 1970]

**POLL BY SHRIVER SHOWS KANSANS SUPPORT NIXON**

WASHINGTON.—Solid support for President Richard Nixon's southeast Asia policies is revealed in early returns of his opinion poll, Rep. Garner E. Shriver, R-Kan., said Friday.

Shriver released a sample tabulation representing 10 per cent of the first ballots received from his constituents in the Kansas 4th congressional district.

His office mailed out about 110,000 ballots. Shriver's sample tabulation showed 75 per cent support for the President's decision to conduct a military operation in Cambodia, 19 per cent opposition and 6 per cent "no opinion".

68 per cent said America should follow the Nixon policy of gradually phasing out U.S. troops and replacing them with South Vietnamese; 20 per cent indicated they favor immediate withdrawal from Vietnam.

The returns also showed that in the fight against inflation, 62 per cent favored wage and price controls, with 32 per cent opposed and 6 per cent with no opinion.

On other issues, 62 per cent were against lowering the voting age, 37 per cent favored it and 1 per cent were undecided.

51 per cent favored higher taxes to pay for an all-out anti-pollution fight; 42 per cent were opposed and 7 per cent undecided; 54 per cent wanted an all-volunteer army, 38 per cent were opposed and 8 per cent undecided.

Shriver emphasized that tabulations are continuing and results will be announced after final tabulations.

#### REPORT OF STEERING COMMITTEE OF CONGRESSIONAL COMMITTEE FOR A VOTE ON THE WAR

Mr. CRANSTON. Mr. President, on behalf of Members on both sides of the aisle in both Houses of Congress, I am pleased to present to the Senate the report of the steering committee of the Congressional Committee for a Vote on the War.

The report is a significant document because it is a serious effort by Senators and Representatives to explain to the American public what must be done to end the war in Indochina.

The Congressional Committee for a Vote on the War was formed in early May as a bipartisan endeavor to seek alternatives to a policy that has promised peace but has bought only a widened war and more American lives lost.

However, the amendment to end the war is more than another policy alternative. It is a fundamental effort to end American military involvement in Southeast Asia through a reassertion of Congress' constitutional power to declare war and fund armies. We are asking the President to share with Congress the burdens and responsibilities of ending the war, ordering a safe and systematic withdrawal of American forces, and making the peace.

The report of the steering committee endeavors to explain the purpose of the amendment and the effects it will have in America and abroad as it comes nearly two decades after we became involved in the extremely complex political situation in Indochina.

The report makes it very clear that the amendment to end the war should not be regarded as a symbolic effort to change the course of events in Southeast Asia. The millions of people who have written Members of Congress in its support do not consider it as a mere symbol or pious hope for peace. Neither do the amendment's 24 cosponsors in the Senate who are determined to see that the representatives of the American people have the chance to vote "yea" or "nay" on whether more American lives should be lost in Indochina pursuing a military solution to a political problem.

Mr. President, I ask unanimous consent that the report of the steering committee of the congressional committee for a vote on the war be printed in the RECORD.

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

#### THE AMENDMENT TO END THE WAR

(Report of the Steering Committee of the Congressional Committee for a Vote on the War)

#### INTRODUCTION

The Committee for a Vote on the War was created early in May by a bipartisan group of Senators and Representatives who share a deep feeling of the need to find a new method of affecting national policy in Southeast Asia.

They are among members of Congress, in numbers growing apace with the multiplication of public dissatisfaction over the Vietnam war, whose attempts to persuade the Presidency to a different course have been constantly frustrated, and who perceive a Congressional duty to participate more fully in decisions on war and peace.

There seems to be little doubt that if the President or the Congress were blessed with a new opportunity to decide whether American lives and treasure should be invested in Vietnam, with the benefit of the knowledge gained over seven years of expanding conflict but without the burden of having to justify its costs, the declaration would be firmly against. While the United States may have preference as to the political character of Vietnam's rulers it has no paramount interest even nearly equating the heavy toll demanded by an effort to establish and preserve palatable leadership in Saigon. Moreover, decisionmakers with an ability to perceive the future would have probably been convinced that the mission could not be accomplished anyway without taking risks far more profound than any possible advantage.

Yet we continue in a war we do not want, cannot win, but will not end. An accumulation of seven years of dissent, a collection of costs so obvious that accounting is superfluous, the election of two presidents pledged to peace over opposition identified with war, all have failed to work a decisive change in basic national policy.

Meanwhile the passage of time erodes the new President's ability to escape the mistakes of his predecessors. Each sacrifice under his command makes him feel a greater share of the total responsibility for the ultimate outcome of a war he did not start, wedding him tighter to an approach whose lack of promise fairly glows in the eyes of more detached observers. Critical analysis only prompts more expansive descriptions of America's stake in the war and more excited portrayals of the consequences of failure.

Against this background the Committee rejected more speeches and resolutions as clearly ineffectual. Little hope was seen in any gesture, no matter how dramatic, which would be aimed at the same objective which had eluded all past efforts—to convince the White House in favor of a sharp change in policy.

Rather it turned to an option always available but never employed. Instead of offering more advice to the President on how he should exercise the authority granted to him by the Constitution, the Committee determined to focus on the powers held by its members themselves in concert with their colleagues in the Congress.

The Committee's vehicle for reasserting Congressional authority over the Vietnam conflict is the "Amendment to End the War." The Committee's premise is that Congress can do directly what its indirect efforts have failed to accomplish, through its undisputed control over the resources without which the war cannot be prosecuted.

The amendment offers to each member of Congress an effective, temperate and responsible alternative to the President's policy.

To the White House it is an offer to share the burden of decisions over which the Constitution assigns at least equal responsibility to the Congress, and to assume a proper share of any blame or any credit ensuing from a plan to bring American involvement to an orderly end.

Before Americans of all ages and all stations who are distressed by the war it places a vehicle for peaceful, lawful political action. It says that the "system" can work.

The Senators and Representatives who formed the Committee for a Vote on the War and who have since swelled its ranks have no regard for the amendment as a symbolic act. They mean to see it approved, and they

have committed their full energies and resources to that end.

#### THE AMENDMENT TO END THE WAR

The Amendment to End the War would require adherence to an orderly plan for U.S. disengagement from Cambodia, Laos and Indochina. Its authors are convinced that only such a committed procedure for ending military involvement can succeed in extricating the United States from protracted Indo-chinese conflict.

Specifically, the Amendment provides that none of the monies authorized by the bill to which it is offered, or by another law, shall be spent for any military operation or assistance in Cambodia from 30 days after enactment; for military operations in Laos after December 31, 1970; or in Vietnam—for purposes other than the process of withdrawal and other carefully defined activities—after the same date.

It would permit all necessary expenditures after December 31, 1970, for the "safe and systematic" withdrawal of U.S. armed forces, for terminating U.S. military operations in Vietnam, for prisoner exchanges, and for arranging asylum for South Vietnamese who might be physically endangered as a consequence of the withdrawal. Further funds would remain available on a continuing basis for any military and civilian assistance to South Vietnam, in the amounts authorized by the Congress and approved by the President.

Finally, the Amendment provides that U.S. armed forces would be totally withdrawn from Vietnam no later than June 30, 1971, unless Congress—by joint resolution—were to approve a determination by the President that additional time is required and authorized an extension.

Similar plans to achieve a vote on a binding Indochina withdrawal program are underway in the House of Representatives. Since procedures in that body are more complex, initial activities center upon achieving broad co-sponsorship of a House resolution in support of the same basic objectives as the Amendment to End the War.

#### SAFEGUARD NATIONAL INTERESTS AND HUMAN LIVES

Any major initiative affecting American posture in Indochina must be carefully and critically examined.

The American people are united in wanting the war to end. They are also united in wanting to know how any adjustment in policy, regardless of its source, will weigh on such overriding concerns as the safety of American forces now in Vietnam, the prospects for return of prisoners of war, the security of Vietnamese citizens, the negotiations in Paris, and the future position of the United States in world affairs.

The Amendment to End the War obviously deserves such scrutiny. There is, of course, little dispute over the premise that it would end the involvement of American combat personnel and reduce the costs of conflict more quickly than the program likely to be pursued in its absence. It sets forth a definite, unambiguous process for returning United States forces, and will thus fulfill most effectively that primary objective upon which all can agree.

But what of other major interests?

#### Protection of American lives

If the protection of American troops is a primary concern it can best be accomplished by bringing them home—so long as that step does not dismantle more pressing national interest. The Amendment will save lives that would otherwise be lost.

If the return of U.S. forces is wise policy, as the Amendment contends, then their safety during disengagement and withdrawal is the focal point of concern, and for this the Amendment makes thoroughgoing provision.

There is no question of taking ammunition from combat troops while they are facing or engaged in combat with the enemy. The Amendment lays down a withdrawal plan with very wide latitude for such tactical options as are necessary to protect U.S. life and limb.

Offensive combat activities are to be brought to an end in six months and withdrawal is to be completed in twelve, allowing ample time for safe and deliberate redeployment. If the time is insufficient Congress can extend the deadline by joint resolution.

Throughout this period appropriated funds may be spent in whatever ways are deemed necessary by the Commander in Chief to insure that maximum safety is achieved. This would include all forms of defense against attack. The most prudent course might be to withdraw combat troops last, but in any case the entire range of protective options would be available to commanders. These are prerogatives with which the Amendment does not, and with which the Congress certainly should not, interfere.

Just as relevant is the likely reaction of enemy forces, the source of whatever dangers exist. It is, of course, impossible to predict how the North Vietnamese and Vietcong will respond to the short run. But it is difficult indeed to calculate a motive for them to attack troops which are in the process of being removed from battle. On the contrary, the Amendment puts them on explicit notice—with its provision for extension of the deadline—that anything they do to endanger U.S. forces may result in a longer American presence than would otherwise be the case. Something approaching an informal ceasefire during the withdrawal period is quite plausible, with a reduction in the overall level of violence.

#### Prisoners of war

Whatever Vietnam policy is pursued by the United States cannot alter the fact that the North Vietnamese have life and death control over Americans shot down and captured over years of conflict. Surely this truth accounts in some measure for the depth of concern for their safety which has been so broadly exhibited; concern heightened by a sense of helplessness and frustration.

The same truth renders impossible a guarantee by advocates of any policy that the course they recommend—be it escalation, Vietnamization, or withdrawal—will result in the certain return of American prisoners. Again, as in the case of the safety of U.S. forces in combat, predictions can only be based on estimates of intentions and motives of the adversary.

The Amendment to End the War will, however, hold out hope not available under the alternative of continued conflict. The latter, coupled with sharp protestations and invocations of international law from Americans of virtually every shade of political philosophy, has accomplished nothing and probably never will. So long as everything the United States does militarily is guided by goals unrelated to the prisoner issue—primarily the preservation of the Thieu-Ky government—and perhaps so long as we are deeply involved in Vietnam, our options for action on that single matter will be severely limited.

If, on the other hand, it is true that the prisoners are being held as hostages in order to influence American policy, then the Amendment to End the War will eliminate much of the reason for their continued incarceration. Moreover, by enhancing the outlook for meaningful negotiations on all war-related issues, it will advance the resolution of the issue, which is essential to any acceptable settlement. The amendment does, of course, continue authority for spending on arrangements for exchanges of prisoners as required.

#### The negotiations

In the January, 1969, issue of *Foreign Affairs*, Presidential Adviser Henry Kissinger supplied an apt description of the military realities which assure that if and when the war in Vietnam does end, it will be through political rather than military process. "The guerilla wins," he wrote, "if he does not lose. The conventional army loses if it does not win." The combined armies of the United States and South Vietnam, as assumed by the stated policies of the current President as well as by those adopted in the last year of his predecessor's term, cannot achieve a military victory, while the other side does not need one. The war will be interminable without political arbitration of the deep antipathies in Indochina.

Meanwhile the Paris negotiations are clearly failing. They are stalemated, and there is no evidence that the stalemate will be broken without the introduction of some new factors. The United States, although agreeable to free elections, insists that the Thieu-Ky government as now composed must remain in power until and unless a successor is chosen.

It holds that coalition with the Communists is unacceptable. The Thieu-Ky government is, if anything, even more adamant on this point, for obvious reasons.

North Vietnam and the National Liberation Front, on the other hand, believe that the outcome of such elections depends directly on the identity of the organizers and administrators of the electoral process, and they refuse to accept such control by those now in power. In turn this also makes the U.S. proposal for "mutual withdrawal" unacceptable, since it would leave the Saigon administration—while still unable to win—still in exclusive command of all governmental machinery in South Vietnam.

The United States has essentially two options in these circumstances. One—the application of military pressure and the threat of even more damaging applications, both seeking bargaining advantage by force on the battlefield—has been tried without success. In a sense it was the touchstone of American policy throughout all the years of military escalation even before the talks started in Paris. It differs little from a strategy of military victory.

The other option is to seek a true reconciliation of the differences between the negotiating parties.

Present American policy, as evidenced by the "decisive" military moves of recent weeks, appears to tend more toward the first option. Although it is carried out in the context of a gradual withdrawal program, the withdrawals are made contingent upon moderated enemy activity. The threat of military response is explicit.

One strong element in the stalemate appears to be the ambiguity as to ultimate U.S. intentions. Successful bargaining usually begins when the parties perceive that their adversaries' positions are predictable, systematic and clear-cut. The United States position in Vietnam has been anything but that, partly because of inconsistent rhetoric and partly due to rapid swings in military policy.

The Amendment to End the War would meet this problem directly by laying down our plans with precision and clarity in a program espoused not by the Executive alone, whose capacity for shifts of strategy must be painfully evident, but by a bipartisan, broadly representative Congress. It would inject a new element of order and reliability to the U.S. position.

But the Paris stalemate has a more complex genesis, and that is the refusal of both North Vietnam and South Vietnam to work toward a breakthrough in negotiations. It is here that the Amendment would have its most salient effect.

Initially it would provide a strong inducement to Hanoi and the Vietcong to bargain while the United States is still a party to the negotiations and before U.S. withdrawal is complete. The present government of South Vietnam is notoriously less flexible than the United States. Hence, it is to the advantage of the adversary to bargain while the United States has a negotiating presence coupled with a direct battlefield interest. That presence will constitute a leavening influence toward accommodation.

In addition, without an unacceptable loss in negotiating strength and with momentous benefit in terms of conditions in South Vietnam, the Amendment would set a definite date for U.S. withdrawal which could be extended only by Congressional action. Such a commitment would dispose of one of the most serious impediments to meaningful talks.

By the same token, the Amendment would give the Saigon government incentives to seek political accommodations as well, by meeting what is perhaps the central dilemma facing American policy. The Thieu-Ky Administration has been vocally and embarrassingly unwilling to make any of the concessions and commitments necessary to break the deadlock. Its intransigence—and even on occasion Saigon's willingness to pull the rug out from under the U.S. position—derives in large measure from our blank-check commitment to its preservation. No regime, born as this one in the heat of war, would be likely to hazard its fortunes in peacetime politics as long as it would enjoy the underwriting of the most powerful military nation in the world.

Our commitment, in effect, gives Saigon almost dictatorial power over the direction of U.S. policy. Paradoxically, it is a power best exercised by political and military shortcomings. Palpably the Thieu-Ky government's interests lie in continuing the conflict which keeps it in power; in retaining the hazards of war and avoiding the hazards of politics. To further this interest Saigon can prevent agreement indefinitely unless the United States sets precise, unquestioned limits upon the extent and duration of its commitment—as the Amendment to End the War would do.

If this route is followed it is not difficult to imagine the terms of an agreement which, while perhaps not reflecting the preferences of Saigon, would square fully with U.S. advocacy of self-determination for the Vietnamese people.

#### South Vietnam after withdrawal

The Amendment's effect on Saigon's attitude toward negotiations in Paris would have a parallel influence on its manner of facing military and political challenges back in South Vietnam. Again the result would coincide with the goal of U.S. policy.

It is appropriate to first address the dismal predictions of terror and bloodshed which have come to attend nearly all discussions of fixed disengagement from Vietnam. The Amendment includes provisions for dealing with such eventualities by suggesting and funding arrangements for asylum for Vietnamese who might be physically endangered by the withdrawal of U.S. forces. But it neither abandons allies nor invites their destruction.

The Amendment would by no means force Saigon to capitulate. Although it is difficult to make exact estimates, it would leave South Vietnam with roughly one million men under arms in the regular forces, plus perhaps another quarter-million in national police, all arrayed in combat against enemy forces only one-fourth to one-fifth as large. This numerical superiority would hold even if North Vietnamese troops held back thus far were committed to battle. The ARVN is, in comparison to North Vietnamese and Vietcong forces, elaborately equipped and metic-

ulously trained. And the Amendment preserves continued aid, both civilian and military, in amounts to be determined by the Congress.

Suggestions that South Vietnam would be overrun and its people slaughtered after withdrawal do not, therefore, reflect the realities of existing power—unless the Saigon government is unable to marshal the support of its people—so that no amount of American help can preserve it. A conclusion to that effect clearly destroys the premise that Vietnamization can ever be more than a faint hope.

The Amendment does not abandon the Saigon government nor demand its removal from power. Rather it would confront its leaders with a series of choices, based upon realistic assessments of their own strength without the artificial inflation of an American guarantee. As noted, they might assume a more amenable posture in Paris. They might implement the kind of economic and political reforms long recognized by American advisers as essential to the achievement of broad indigenous support. It might adopt less ambitious military strategies aimed at defense of critical areas instead of seeking to control the entire countryside and parts of other countries as well.

The President made it clear in his Guam statement that Asian nations must chart their own destiny without relying upon open-ended commitments of American help. This can be no less true for Vietnam than for other nations of the region. The Saigon government must learn to walk by itself.

The Amendment to End the War would leave it with this choice. Without just such an explicit decision it is probable that the choice will never be made.

#### *Effect on U.S. global posture*

An argument in favor of our continued military presence in Vietnam has been that disengagement there would somehow do irreparable injury to our entire global posture.

The Committee is convinced, however, that the opposite is true—that disengagement would enhance the return of global standing and influence.

The war does not improve the U.S. position in Asia; it weakens it.

The Vietnam experience has clearly shown that the United States cannot establish a bridgehead in an Asian nation in defiance of indigenous forces of nationalism. A reason for our lack of success in Vietnam is that we permitted ourselves to become identified as the foreign occupier and the successor of the French colonist in a country in which anti-colonialist and nationalist sentiments far surpass the appeal of any other political ideology or system.

Nationalism is also the great catalyst in the rest of Southeast Asia—and for that reason our continued involvement in what is widely regarded as a colonial war has and will seriously undermine our credibility in the region.

The war has been advertised as a deterrent to Communist expansion in Asia, but thus far has succeeded chiefly in being a magnet for it. Our stand in Vietnam appears to have precipitated, rather than prevented, the spread of the war into the rest of Indochina. Our new involvement in the internal affairs of Cambodia has, for the first time, drawn the Communist Chinese into unequivocal support of a "war of national liberation" in that country.

The way to influence in Asia does not lie in continuation of the war and the propping up of unpopular regimes in the face of the rising forces of nationalism. It lies, rather, in ending the war and forging strong economic and political links with independent and internally strong nations. We have much more to gain, for example, from improving our ties with Japan—now one of the world's leading

industrial and economic powers—than in propping up a sagging military dictatorship in Cambodia by force of our arms.

On a global basis, the war has been weakening, not strengthening, our influence and power. By tying down our resources, our military capacities, our energies and our attention to a futile and endless war in one corner of the world, it has drained our capacity to influence developments in Europe, in the Middle East and elsewhere, and damaged our credibility and prestige in the view of our allies.

Above all, the war has weakened us in the eyes of the world by dividing us internally. American power and resources were never in doubt—but our ability to utilize these capacities for global objectives have been placed in serious question by our profound internal split over Vietnam.

And if it is our moral leadership with which we are concerned, this can only be enhanced by ending a war that the rest of the world largely regards as an immoral and futile effort to rescue a corrupt dictatorship.

Those who argue that disengagement would make us seem, in the President's words, a "pitiful helpless giant" have forgotten their recent history. The Russians themselves were compelled to disengage their missiles from Cuba in 1962—a move that certainly had the appearance of a setback, if not a defeat. Yet no one—least of all the architects of Vietnamization within the Administration—ever discounted Russian power. The reverse in Cuba did not undermine that power because like our own, it was based upon overwhelming and incontestable economic and military resources. Similarly, the French termination of the colonial war in Algeria proved a prelude of a sudden resurgence of French prestige and influence. The same holds true of us, were we to terminate the war in Vietnam. No rational observer in the Kremlin or elsewhere would regard our nation—with its armies and rockets and missiles and technology and riches, and with a sense of renewal born of the ending of a divisive and hopeless war—as anything but a force to be reckoned with very seriously.

#### THE CONSTITUTIONAL BASIS

Quite apart from its value in setting a more promising direction in Indochina, the Amendment to End the War will establish a precedent of major consequence: By their simple exercise it will give vitality and meaning to Congressional powers which—although among the most critical vested in the Legislative Branch—have suffered from disuse.

The constitutional arrangement of shared power was devised against the background of two centuries of vigorous contest between King and Parliament in England, centering on the location of the power to make war. In many respects it was seen as an exclusive prerogative of the monarch, but Parliament had set out long before the American Revolution to exert a negative influence through its control of the purse. Thus, for example, the Supply Act of 1776 was passed for the express and sole purpose of financing and disbanding the Charles Army in Flanders.

The Founding Fathers were vividly aware of the history of this struggle and were determined not to repeat it. Their inclination in nearly all areas, but particularly in issues of war and peace, was toward a broadened legislative scope and function.

The first power and duty of the Congress under the Constitution was: "To lay and collect Taxes, Duties, Impost and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States." For the purpose of providing for the common defense, Congress was empowered in Article I, Section 8, to "declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water." It was to "raise and support armies," to "provide and maintain a navy," to "make rules for

the government and regulation of the land and naval forces," to provide for the calling out of the militia to execute the laws, suppress Insurrection and rebel invasions, and to "provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States." Appropriations for the army, though not for the navy, were limited to a term of two years, the only such limitation prescribed in the Constitution on the duration of funding for a particular purpose.

An elected President replaced the King as "Commander in Chief" of such forces as the Congress might determine to put into the field. Article II, Section 2, established him in that office, thus assuring civilian control and leadership even down to the most minute tactical detail.

The point of division of war powers between the President and the Congress has not been precisely defined. It has long been recognized, for example, that the President can use the forces available to him to repel invasions without a declaration of war, a conclusion which finds support in the legislative history of the Constitution itself. In an early draft Congress was given power to "make war", but the words "declare war" were substituted with the intent, according to the authors of the motion, of "leaving to the Executive the power to repel sudden attacks."

Beyond that, the scope of the President's asserted authority as Commander in Chief has been much debated, both in general and with specific reference to Vietnam. Reasonable men differ as to whether we are at war in the constitutional sense in Indochina, and whether Congress should have declared that war; whether the Gulf of Tonkin Resolution was an adequate substitute for such a formal declaration; and whether the President is otherwise acting within his constitutional prerogatives in directing military operations in South Vietnam, Cambodia and Laos.

It must be recognized, however, that the Amendment to End the War does not demand resolution of those issues. The question whether the war is legal or illegal is not relevant to a determination whether Congress may, based upon its evaluation of prudent uses of American military power and of the benefits and costs attending a given military action, choose to stop a war no matter how begun. The Amendment does not seek to declare the Vietnam policies and measures of four presidents unlawful. It does not adjudicate the past; rather it creates a procedure for the present and the future.

If there is a constitutional issue it is whether the Congress may do that much without infringing upon the President's powers as Commander in Chief. The Constitution itself and a century and a half of practice answer firmly in the affirmative.

The view of Alexander Hamilton, a partisan of a strong executive, is in point in construing the breadth of the office, "Commander in Chief." He pointed out that the President's power "amounted to nothing more than the supreme command and direction of the military forces, as first General and Admiral of the Confederacy. . . ." The implication is that the President is empowered to determine how forces can be best managed in pursuit of agreed objectives. An attempt by the Congress to substitute one particular combat tactic for another would be seen as an improper interference with presidential discretion.

But the military resources available to the President remain the exclusive domain of Congress, along with its decisive share of the power to choose which objectives shall be pursued and which shall not. It is these prerogatives which the Amendment to End the War would exercise.

Congress has, of course, consistently qual-

fied its appropriations and authorizations in all areas. The use of funds it appropriates is limited by riders and amendments in many cases each year, as witness programs requiring satisfactory desegregation plans as a condition of Federal school aid.

Military appropriations, moreover, are of a special character, as established by the unique constitutional requirement that they may never be made for a period exceeding two years. They represent—and were designed by the Founding Fathers to force—a continuing, affirmative re-examination of the record of the Executive Department in the military arena.

Such examinations and limitations are by no means unusual. One of the most detailed directives to be found was included in the 1909 Naval Appropriations bill, through which the Congress required that the Marine Corps should serve alongside Naval personnel on battleships and cruisers, in contradiction of an order of President Roosevelt. Upon request of the Secretary of the Navy, Attorney General George Wickersham ruled that the act, which conditioned the appropriation upon compliance with the Congressional mandate, was constitutional and that the President was obliged to follow it. He said:

"Inasmuch as Congress has the power to create or not create, as it shall deem expedient, a marine corps, it has the power to create a marine corps, make appropriations for its pay, but provide that such appropriations shall not be available unless the marine corps be employed in some designated way. . . ."

More recently, and in more direct parallel to the Amendment to End the War, the Defense Appropriations Act of 1970 provides that:

". . . none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand."

The proviso is an obvious limitation on the kinds of actions and the locations in which the President may command the military forces made available to him. Its propriety under the Constitution is beyond question.

The Amendment under consideration here leaves the President with full discretion as Commander in Chief, to manage the removal of United States forces from Indochina. It does no more than exercise a power clearly held by the Congress to determine that military forces shall not be available for a particular purpose, and thus comports exactly with the constitutional arrangement.

If Congress does have the power to decide upon military appropriations, it follows that such appropriations can properly be construed as a Congressional mark of approval for the military programs they fund.

President Johnson made this clear with explicit reference to Vietnam on May 4, 1965, when he said in requesting a further \$700 million for the war:

"This is not a routine appropriation. For each member of Congress who supports this request is also voting to persist in our effort to halt Communist aggression in South Vietnam. Each is saying that the Congress and the President stand united before the world in joint determination that the independence of South Vietnam shall be preserved and the Communist attack will not succeed."

Congress has, therefore, as much responsibility as the Executive for the continued conflict in Vietnam. It cannot turn aside that conclusion by claiming that the President is Commander in Chief and, in that role, desires the appropriation. Nor can its responsibility be avoided by noting that Vietnam funds have in each instance been included in large authorization and appropriations bills, for the opportunity to amend or limit has always been available. Congress

does not acquiesce in appropriations; it makes them.

The one procedural difference between the Amendment to End the War and prior votes on the conflict in Indochina is that the Amendment singles out the issue and calls for a direct decision. In this sense it fulfills much more completely than has previously been the case the constitutional mandate for scrupulous review of military activities.

It will, moreover, make war once again a shared decision and, by an act of respectful and solemn law-making, reassert the responsibility of the Congress in the most momentous area of national policy. The practice of recent years—the President bearing alone the grave burdens of deciding to send U.S. troops to battle and death; the Congress retreating from its own role—is unstable, undignified and unwise. By engendering a renewed understanding of and willingness to assert Congressional obligations, it can make a positive contribution to the process of U.S. foreign policy far beyond Vietnam and share the burden of responsibility for declarations of war and peace, as intended by the Constitution.

#### THE ORIGINS OF INVOLVEMENT

The United States first moved into Vietnam in the closing days of World War II, when it appeared that neither England nor France would be able to recover the dominance they had achieved prior to World War II.

As World War II drew to a close, the Vietnamese resistance movement, led by Ho Chi Minh and his military commander, Nguyen Giap, established control over much of Vietnam and, on September 2, 1945, proclaimed the establishment of the Democratic Republic of Vietnam. The same month General Philip D. Gallagher arrived to head a U.S. military mission; and an office of the OSS was set up. This first U.S. presence supported Vietnamese independence under Ho Chi Minh. However, the British, who had liberated the southern part of Vietnam, permitted the French to return. The French proceeded to sign an agreement recognizing the Democratic Republic of Vietnam as "a free state with its own government, army, and finances, forming a part of the Indo-Chinese Federation and the French Union." In exchange for this recognition of autonomy, Ho Chi Minh agreed to the return of 15,000 French troops. In subsequent months, the French position on Vietnamese independence hardened, and by November the war for Indo-China had begun, with a deadly French artillery barrage on the city of Haiphong. The French also began the process of setting up a rival government in Saigon under Bao Dai, who had served as emperor under the Japanese. This set the pattern for later, anti-communist governments in Saigon.

The United States first began to take a serious interest in Indo-China in the summer of 1949, after the final victory of the Communists in China. Secretary of State Dean Acheson directed an assessment of U.S. policy in Asia with the premise that "it is a fundamental decision of American policy that the United States does not intend to permit further extension of communist domination upon the continent of Asia or in the Southeast Asia area." Early in 1950 the government of Bao Dai was granted independence by the French, and the United States immediately recognized this regime as the government of Vietnam. Several months later we agreed, for the first time, to provide direct military and economic aid to the French, who were continuing the war against the Vietminh based in Hanoi. Before the French pulled out in 1954 we were to give more than \$1.5 billion in aid for this struggle.

In spite of this massive assistance, the French effort went downhill, culminating in the decisive battle of Dien Bien Phu. Some advisors strongly advocated U.S. intervention

in the form of a large-scale air strike, but the British would not support us and there was intense congressional resistance to American intervention on the land mass of Asia. President Eisenhower refrained.

Without direct American intervention, the French were unable to carry on the struggle. The State Department, in assessing the causes of the French defeat, observed that "failure of important elements of the local population to give a full measure of support to the war effort remained one of the chief negative factors." The French agreed to meet in Geneva to settle the war.

The United States refused to join in the resulting accords, fearing that they would lead to the surrender of all of Indo-China to communist domination. Geneva represented a genuine compromise which satisfied neither side. Although he had achieved the clear military advantage, Ho Chi Minh somehow was persuaded—apparently by a joint Sino-Soviet effort—to settle for half the country. Ho knew that his regime was popular throughout Vietnam—President Eisenhower later observed that "80% of the population would have voted for the communist Ho Chi Minh"—and he agreed to a nationwide election as the means of ending foreign control of Vietnam. Eisenhower, of course, provided for a provisional zone of demarcation along the 17th parallel pending "the general election which will bring about the unification of Vietnam." The Geneva Accords stated that "the military demarcation line is provisional and should not in any way be interpreted as constituting a political or territorial boundary."

In spite of these provisions, the United States was determined to establish a non-communist regime in the southern part of Vietnam. Three days after the Geneva Accords were signed, the *Wall Street Journal* observed that "the U.S. is in no hurry for elections to unite Vietnam; we fear Red leader Ho Chi Minh would win. Secretary Dulles plans first to make the southern half a showpiece—with American aid." A coalition of American military officers, professors, bureaucrats, and publicists joined forces to convert the provisional government south of the 17th parallel into a "viable" non-communist state. Ngo Dinh Diem was imported from the Maryknoll Seminary in New Jersey to serve as premier of the new regime; the U.S. began the process of "nation-building". The U.S. supported Diem in his refusal to permit the national elections provided for in the Geneva Accords, and provided his regime with \$3 billion in economic and military aid between 1955 and 1959. Experts in land reform, currency control, police administration, and, eventually, counterinsurgency, sought to buttress the fledgling regime.

The land reform program was hindered by opposition from the landlords. Diem's ruthless suppression of opposition led, by 1957, to a beginning guerrilla warfare within South Vietnam. These efforts were initially led by the anti-communist National Salvation Movement and the Dai Viet; Hanoi initially attacked the insurgents for losing patience in the Geneva settlement and advocating a prematurely radical program. Eventually, Hanoi gave its support to the guerrillas in South Vietnam. During those early years there were many reports of dissension between guerrilla forces in the south and the communist government in Hanoi. At one meeting of the National Liberation Front, the anti-Diem coalition set up in South Vietnam, agents from Hanoi were greeted with scorn: "What are you waiting for to help us? If you don't do anything, you communists, we will rise up against you, too!"

With the aid of Hanoi, the guerrillas grew in strength and, by the time the Kennedy Administration took office, the Diem regime was near collapse. In May, 1961, the U.S. ambassador in Saigon thought "it would be

a miracle if South Vietnam lasted three months longer." The Kennedy Administration decided to send in large doses of military assistance, including thousands of "advisors", backed by helicopters and massive amounts of supplies. By the summer of 1964 there were 25,000 American soldiers in Vietnam, but the government was more unstable than ever. The Diem regime had been overthrown and six successive military juntas had attempted unsuccessfully to govern.

The guerrillas, opposing a succession of weak and unpopular regimes in Saigon and expressing Nationalist opposition to the influence of the Americans, continued to grow in strength. Even in late 1964, when the Johnson Administration was planning large-scale intervention and the bombing of the North, there was still very little direct intervention from the North. Pentagon figures show that there were only 400 North Vietnamese soldiers south of the 17th parallel at that time. Nevertheless, the Johnson Administration saw, in Secretary McNamara's words, that the Viet Cong were "approaching possible victory" and they moved, in February 1965, to strengthen the fragile regime in the South by carrying the war to the North. The result was bombing on a scale exceeding even that carried on during World War II and the introduction of more than 500,000 American soldiers. But with even this level of support (with U.S. expenditures exceeding \$150 billion) and with the loss of more than 45,000 American lives, and the devastation of much of the country, the guerrillas, with assistance from North Vietnam, are still carrying on the fight, and the regime in Saigon must resort to political repression and American force of arms to maintain itself in power.

#### THE ALTERNATIVE—VIETNAM

Any resolution of the Vietnam conflict short of an impossible military victory will be distasteful to many Americans, and the Amendment to End the War cannot avoid such consequences.

But the Amendment cannot be considered in a vacuum. A truly satisfactory solution is not available under either alternative—the Amendment or the program announced by the Administration. What, then, will be the consequences of a Congressional refusal to act?

Prospects in that event depend in large part on the Thieu-Ky government, which has been maintained in power for years almost solely by the American military presence.

Its political base continues to rest mainly on a small group of army officers and North emigres. It has steadfastly refused to permit any participation by perhaps the most important non-communist elite in Vietnam—the Buddhist leadership. Despite pretensions at legitimacy, its constitution and electoral system are carefully structured to support present war policies and deny effective participation by dissident political elements. It has systematically branded as "neutrallists" and "traitors" noncommunists who have expressed interest in any negotiated settlement. The imprisonment of Tran Ngoc Chau and the closing of more than two dozen newspapers by government censors are dramatic examples of such political repression.

If such a regime were able to survive at all after the departure of American forces, it could only do so by undertaking drastic reforms and by permitting the participation in the country's political life of elements that are now completely excluded. The simple truth is that the Saigon government presently has no intention of going forward with this painful process—painful because it would require the regime to share its power with others—since it can cling to the hope of an almost indefinite presence of at least a residual force of American troops.

The overriding interest of a clear majority of the South Vietnamese people is peace—to stop the killing, to stop the destruction of the cities, villages and farms of Vietnam.

The overriding interest of the military regime of South Vietnam is war—for it is the war that is the basis of the regime's power.

We have long ago made the choice of government for the South Vietnamese people. We have done so by supporting with our armies and with enormous sums of money a military regime which is totally dependent on that support, and which suppresses all political opposition. As long as such a narrowly based government remains in power, there can be no real "self-determination" for the South Vietnamese people.

Vietnamization is nothing new—it is as old as the Indochina war. It was attempted by the French, by the Kennedy Administration, and by the Johnson Administration in its first year. In each case this strategy—of arming, training and directing the South Vietnamese armies has not worked, and has proven the prelude to further military involvement.

Vietnamization is not, therefore, a true policy of disengagement. It is not a delayed version of the complete withdrawal policy proposed by the Amendment. It is, at best, a troop reduction strategy—a plan aimed at reducing the American presence to a level that would sustain the Saigon government and army and at the same time seem "acceptable" to American public opinion.

So far only about one-fifth of American troop strength has been withdrawn from Vietnam. If the President's announced withdrawal schedule were followed, there will be nearly 300,000 American troops in Vietnam well into the third year of the Nixon Administration's term in office. That is about the same as American force level in Vietnam in mid-1966.

By all indications, the Administration is contemplating the retention of a "residual force" in Vietnam for an unspecified and possibly indefinite period. Even a relatively "low" residual force figure represents a permanent troop commitment of the same order of magnitude as that which existed in early 1965, when we initiated bombing of the North.

The price of so large an American commitment will be from 5,000 to 10,000 or more American dead by the end of 1972. It will be from 25,000 to 50,000 or more American wounded by that time. And the cost will be \$30 to \$50 billion or more—a cost that must be measured in the opportunities forgone to respond to urgent domestic needs.

No U.S. interest in Vietnam justifies such sacrifice in this seemingly interminable war.

This is the staggering price if Vietnamization works as planned. And recent developments in Cambodia show that Vietnamization is plainly unlikely to work.

The South Vietnamese army, whose capacity to defend even South Vietnam is still critically dependent upon American military forces, now seems intent upon spreading its resources ever more thinly in long-term ground operations over half of Cambodia. It is clear that the number of Vietnamese soldiers available to relieve American manpower in Vietnam is now drastically reduced. To extend assignment of Saigon's forces to wide areas of Cambodia makes a travesty of whatever prospects for success Vietnamization might have enjoyed, had the role of Saigon's troops been confined to Vietnam. Since Vietnamization means substitution of Vietnamese soldiers for Americans, it is clear that the process set in motion by the Cambodian invasion works directly against prospects for achievement of that policy and bringing American soldiers home.

Moreover, the invasion threatens the Amer-

ican position in areas of Southeast Asia not previously contested in earnest. North Vietnamese forces have already responded by expanding their position in Southern Laos—seizing Attopeu and menacing Saravene, both major strategic centers. The U.S. intervention also invites the North Vietnamese to extend their operations anywhere within Cambodia—including the area around Phnom Penh and districts opposite the Thai frontier. This, in turn, would threaten the security of Thailand, whose open southeastern flank was previously protected by the existence of a neutralist Cambodia.

The loss of Cambodian neutrality thus presents a striking illustration of the fragility of a policy which relies upon military pressure in a widening war with shrinking numbers of men. Encouragement of an alliance between Saigon and Phnom Penh will weaken rather than strengthen the U.S. position. It brings into the fray a dismally weak new military force on the allied side while extending the battlefield over thousands more square miles of jungle. It offers both political and military advantage to the enemy, by identifying American interests with a new narrow dictatorship and in opposition to a deposed leader enjoying broad respect and support among the populace.

Vietnamization has emerged in recent months as a formula for an indefinite U.S. presence in Vietnam. Coupled with a strategy of decisive, military response—a procedure for making the war bigger quicker—it gravely endangers the life of each serviceman who is obligated to remain in Vietnam with shrinking support. Nearly any alternative would be more in keeping with U.S. interests.

#### THE ALTERNATIVE—AMERICA

The most damaging, irretrievable cost of any war to any society, and particularly to one that respects individual life and liberty, is measured in blood spilled. Now some 50,000 young Americans have made the greatest sacrifice any government can exact; dead, lost to their families and to the country, because of the war. Hundreds of thousands more have been injured.

Perhaps some would have the war continue precisely because of those tragic costs; to seek justification for lives already ended and bodies already torn. But surely most of us must recognize as cruel and intolerable a premise that further sacrifice in a futile cause can give meaning to sacrifice already made. The great national contribution of Vietnam war dead can be found instead in the wisdom and maturity the Vietnam experience can bring to the American character, traits that can avoid more loss of life both in the immediate and more distant future. Instead of the casualties we can expect from further conflict, their memory can be best honored by the preservation of life.

For America the basic alternative to the Amendment to End the War is to continue these losses and to postpone these lessons. Surely the burden of persuasion must lie with those who choose that course.

#### The war and the economic crisis

If some bear the burdens of war most heavily, no one in America can escape its pervasive, pernicious influence. The economic crisis engendered by the war touches each of us.

During the 1960's the United States experiences one of the longest periods of sustained economic growth ever recorded. In the first half of the decade the purchasing power of the dollar held firm. Every new dollar that contributed to growth was worth a full dollar.

Since the mid-1960's, however, the United States has seen the dollar's value eroded to the point that any apparent growth in the national economy has in fact been offset by

a decline in real worth. This economic stagnation, in tandem with an endless round of rising prices and rising wages, is the result of marked, uncontrolled inflation.

The country actually faces two kinds of economic maladies. Inflation is a crisis in itself and its causes and effects merit priority attention. But the second set of problems—the economic impact of measures designed to halt inflation—should cause equal concern. They create serious obstacles to meeting the nation's pressing needs, and they have meanwhile brought us to the brink of recession—while still not ending the price spiral.

Inflation is a self-propelled movement. As prices rise, labor legitimately asks for higher wages. Wage increases in turn push prices higher, and the process continues as long as the basic causes are not countered. Today they have not been, and selected economic indicators record the bleak reality:

Gross National Product, the dollar value of all the goods and services produced in the economy, has ceased to grow as the decline in the value of the dollar more than eats up any gains made in production.

The Consumer Price Index, which shows the cost of the average market basket for individuals, rose 28% in the 1960's, but three-quarters of this increase came after 1965.

Corporate profits grew by more than 50% in the first part of decade, but the growth rate dropped to less than 17% between 1966 and 1969 as industry shifted to war production.

The nation's debt ceiling has had to be lifted repeatedly. It is now about \$400 billion.

The effect of war spending on the United States balance of payments has been estimated to be about \$4 billion a year, a figure that the Defense Department has accepted. The United States is "losing" this much each year on international transactions, and the outflow has increased the pressure on the dollar and has contributed to the massive loss of American gold.

But the average person is more concerned with more concrete indicators:

Telephone service is declining due to a lack of men, material and adequate research and development.

Food prices are going up 5% every year.

In some areas, the price of a house has gone up 25% in two years.

Steel prices are raised several times a month, making everything from refrigerators to cars more expensive. New auto price increases are planned for the fall models.

Property taxes have climbed as much as 10% in one year and Federal taxes have gone up thanks to the surcharge.

The cost of going out to the movies or to dinner has doubled in the big cities in the last five years.

Indochina war spending—estimated by Professor James Clayton in his book *The Economic Impact of the War* at about \$350 billion—is the central cause of inflation. Dr. Roy L. Relerson, Senior Vice President and Chief Economist at Bankers Trust, sums up the grim outlook and its origins this way:

"The enhanced involvement in military operations in Asia in mid-1965 resulted in sharp boosts in defense orders, production and spending, and these had their normal inflationary impact. These war-engendered inflationary forces were strengthened by a serious mismanagement of fiscal policy, including greatly underestimated defense spending and its impact on the economy, lack of restraint on non-defense spending at a time when defense spending was rising rapidly, and delay in taking action to raise taxes. This culminated in a massive \$25 billion deficit in fiscal 1968 in the face of an overheated economy and acute labor shortages."

The answer to inflation is to end the war. Until that is done it is probable that every

American will be doubly-taxed, by regular taxes and by the cruel tax of inflation, bearing most heavily on those least able to pay. Early in 1969, Arthur Burns, then counsellor to the President and now Chairman of the Federal Reserve System, said that inflation could be reduced to a 3 percent rate by the end of the year. April, 1970, estimates set the rate at 7 percent. The economic prognosis is more trouble, more distortion of a delicate economy, so long as the war goes on.

#### Lost opportunities

The Indochina War has a direct effect on the allocation of resources in the American economy. The high cost of the war simply means that the government has less money for other programs. In addition, the measures that the Administration has adopted to stop inflation, without halting the war, determine in large part "who gets what" from national wealth and productivity.

In 1969, Senator Ralph Yarborough described the kind of economic choice implicit in the continuation of the American military effort in Indochina: "There are an estimated 240,000 North Vietnamese and Viet Cong now in South Vietnam," he said. "If we take that 240,000 and divide it into the \$5.2 billion they (the Defense Department) want for ammunition alone, that is \$21,666.67 for ammunition to shoot at each Viet Cong and North Vietnamese soldier, whether they hit him or not. But they (the Administration) ask only \$3.2 billion for elementary and secondary education for 72 million school children, which is \$44 for each child."

Every hour the United States spends \$2 million on the Indochina War. These are some of the programs that are not receiving necessary funds because of the war effort and all of which could be financed out of war expenditures in a two-year period:

Provisions of public libraries for 12 million Americans who have no access to libraries.

Four years of training for 125,000 nurses and 50,000 doctors.

Construction of 296,000 new elementary classrooms.

Provision and equipment of 600,000 hospital beds.

Capital spending program for mass transportation systems amounting to \$10 billion over 10 years.

Federal grants for urban renewal of \$14 billion over 10 years.

Provision of the Federal government contribution of \$13 billion to end air and water pollution. Sewage plants cannot be built at present, because there is little Federal money available to match local bond issues.

There is no assurance today that the money made available from an end to the war would be made available for these or similar programs. The decisions on how the money should be spent is in the hands of the Administration and the Congress and, ultimately, of the people. But it is absolutely certain today that money will not be available for these or similar programs unless the war is ended.

In order to stem inflation while continuing the Indochina War, the Administration has adopted a stringent economic policy. It is aimed at cooling off the economy by reducing at the same time industrial production and consumer purchasing. The key elements in this policy is raising interest rates, which makes it more difficult to raise money for industry. Theoretically this policy is also designed to encourage saving by individuals who could expect to get high interest instead of spending all their income. In fact, however, the rising interest rates charged for all purchases—from a washing machine to a home—have eaten up the money that individuals might have been expected to save.

The effects of reduced consumer demand and higher costs for producers have led to a recession. Industry must lay off workers. Unemployment across the country has risen to

4.8%, the highest in five years. In some areas this means an unemployment rate of 8% and for some less-skilled groups a rate of 15%. For each percentage point on a national basis, almost one million wage earners are thrown out of work. They are called "soldiers" in the war against inflation; in fact, because inflation is caused by the Indochina War, they are making a major and involuntary contribution to the pursuit of that conflict.

Industrial production is declining steadily as manufacturers find that fewer consumers are able to purchase their goods. In the nine months ending on April 30, 1970, it fell 2.5%. American industry is now operating at only 80% of capacity.

Reduced production means reduced profits. As was mentioned earlier, corporate profits rose more than 50% from 1962 to 1965, but increased only about 17% from 1966 to 1969.

Falling profits have undermined investor's confidence in American industry. In May, 1970, prices on the New York Stock Exchange hit a seven year low in two days in succession. In April 1970, in the face of a falling Stock Market, President Nixon said: "Frankly, if I had any money, I'd be buying stocks right now." Apparently, like many other Americans, he did not have any money. But if he had bought stocks that day, he would have lost money in the next 30 days, when the Dow Jones index plunged from 735 to 665.

Slower economic activity has also resulted in decreased revenues from taxes paid to the Federal government. Thus, at the same time as the Administration is increasing expenditures related to the Indochina War, its income has fallen below expectations. A deficit in the Federal budget is expected through mid-1972, according to the White House. The only method proposed to close this gap is the imposition of a new tax on leaded gasoline. And if the Administration succeeds in "getting the lead out" through this measure, the fiscal benefits will be slight and the deficit will remain. This deficit becomes a part of the national debt and must be repaid later with interest.

In sum, the war has upended national priorities. It has shrunken the supply of resources needed to meet domestic goals, public and private, both by its direct consumption of those resources and by consequential deterioration in their worth.

Again each American, regardless of his view toward America's involvement in Indochina, must account its costs in terms of lost opportunities at home. Our contributions for the preservation of one government in one country 10,000 miles away have been great indeed.

#### Spiritual Decline

The costs of inflation resulting from the Indochina War and of the measures employed to combat it can be calculated objectively. There is little room for debate about the economic impact of inflation and recession. But beyond these costs are those which are less easy to calculate, though they may be far higher. These are stresses placed on the roots of American society by the continuation of the War.

Whether an American's concept of his patriotic duty leads him to support fully the President's policy in Southeast Asia or to oppose it and support an early withdrawal of American forces, he will undoubtedly recognize that the prolonged debate over the War is having harmful effects on the cohesion of his country.

The United States was conceived by its Founding Fathers as a nation in which divergent views could exist in an atmosphere of freedom made possible by common acceptance of a democratic form of government. Now this common will is in danger of being torn asunder.

Violence as a form of political expression

either in favor of or against the war is increasing. Tolerance of unorthodox forms of dress and speech, of the right to hold a different opinion, of the right to speak out for or against government policies, is fading fast. Injunctive and name calling have become the order of the day.

The political system seems to many to have become unresponsive to their viewpoint. Successive administrations have made a point of demonstrating that they will not be affected by opposing opinions and that they would prefer it if these opinions were not even expressed. This attitude has led to a growing sense of frustration. Frustration has in turn led to growing dissatisfaction with the political system itself.

The strength of the American political system is that it has continually evolved since the Articles of Confederation and then the Constitution were adopted. The unyielding policy on Vietnam, which has clearly become the national issue of paramount importance, marks a step back from this tradition. Those who have sensed this change have reacted vigorously, occasionally violently, to it. Their acts have provoked counter-violence and sometimes repression.

The major question before the American people is whether the pursuit of the Indochina War, a war which will not be won on the battlefield in any case, is worth the real chance of permanent damage to the American political system.

Not only does the debate over the War endanger society through its menace to the underlying consensus that has enabled America to become a great nation, but it prevents energies from being devoted to the great issue of American history—the construction of a society in which men of all races, religions and national origins can live together.

The Amendment To End the War seeks to preserve the American political system by using it. Its ultimate success depends on the willingness and the ability of those who support its objectives to work and to persevere within that system, so that the system itself will survive to cope with problems and challenges that lie ahead.

#### CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

#### AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 667, as modified.

The Chair recognizes the Senator from Wyoming (Mr. HANSEN).

Mr. HANSEN. Mr. President, it has become the fashion today for the vocal minority to undertake a game of second guessing the President of the United

States. It is increasingly apparent to all of us that this minority, which takes pride in using clear hindsight, will question the President on every move he makes.

When the President announced he was going into Cambodia, there was an instant cry by many that this was a mistake. Many jumped on the President's decision as a vehicle to express displeasure with the President—regardless of the reason. For many, I would guess that the decision on Cambodia served as the vehicle for purely political displeasures.

Nevertheless, Mr. President, it is evident to me that the President's decision was the right and correct decision to make. In order to continue the plan for Vietnamization, I believe the President had no other choice but to destroy the Cambodian border strongholds. The President's decision was justified and necessary. What it means is that fewer American lives are going to be lost, and we can bring our fighting men home at an earlier date.

When I heard that the President had made his decision to knock out sanctuaries over the Cambodian border, I expressed my complete support for his decision.

In fact, I had been concerned for some period of time with the fact that the enemy had been able to walk across an imaginary line in the night, strike and kill Americans and Vietnamese under the shadow of darkness, and then retreat back over this same imaginary line before sunrise.

Be that as it may, there were significant events leading up to the President's decision. Let me summarize some of those events:

Prior to the overthrow of Prince Sihanouk on March 18, Cambodia had in large part avoided the fighting in Vietnam. This was the case despite the fact that North Vietnam had established bases for an estimated 55,000 to 70,000 of its troops on the Cambodian side of the South Vietnamese border. It is true that from 1965 until March 18, 1970, the Cambodian Government did little to interfere with these bases.

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.

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 August 1969 by COSVN, the "Central Office for South Vietnam," which is Hanoi's main headquarters in the southern part of South Viet Nam, 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 farther 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 sizable 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 this 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.

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 to 70,000 NVA personnel in 1969, an estimated 60 percent of total NVA infiltration into South Vietnam last year. About 45,000 to 55,000 of these enemy troops moved as far as the southerly base area 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; 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.

When the government of General Lon Nol assumed power on March 18, he was committed to getting the Vietnamese Communists out of Cambodia. Lon Nol's original plan was to achieve this goal through negotiations, as well as limited pressure such as closing the port of Sihanoukville. This failed when Sihanouk declared his intent, on March 23, to return to power with Communist support. It was at this point that North Vietnam recalled their diplomats from Phnompenh and began to occupy all of eastern Cambodia. By April 20, they controlled most of the territory east of the Mekong River and were threatening to isolate Phnompenh from the sea. In fact, the Communists were within 18 miles of the Capital.

As the end of April approached, the United States began to give serious consideration to full-scale allied attacks against the sanctuaries because it was

felt that a Communist takeover of Cambodia would enable North Vietnam to strengthen and enlarge its sanctuaries and thereby create a permanent threat along the entire border to South Vietnam's security and to U.S. troops.

Moreover, the administration believed that it needed to do something to relieve the pressure on the Lon Nol government. It decided to attack the sanctuaries and destroy the Communist facilities while capturing Communist supplies. By so doing, it was hoped that we would eliminate the usefulness of the sanctuaries for Hanoi for up to 8 months.

On April 29, South Vietnamese forces attacked the Parrot's Beak region of Cambodia; and 1 day later, the President announced that American and South Vietnamese troops had moved into the Fish Hook area.

From the Fish Hook, U.S. and Vietnamese forces have continued in their search-and-destroy missions of sanctuaries along the Cambodian border.

Last Wednesday night, President Nixon brought the American people up to date on how the Cambodian action is progressing. At that time, the President announced that the major military objectives in Cambodia have been achieved and, in fact, the combined forces of South Vietnam and the United States have moved with greater speed and success than had originally been anticipated. More war materiel has been captured and fewer American and allied casualties have resulted than was first anticipated.

The President assured the American people that the June 30 goal for complete withdrawal will be met and, in fact, that 17,000 of the 31,000 American soldiers who have been in Cambodia have already returned to Vietnam.

I quote, Mr. President, from President Nixon's radio and television address on Wednesday night regarding the Cambodian sanctuary operation:

Now with the rainy season now beginning, it will take the enemy months to rebuild its shattered installations and to replace the equipment we have captured or destroyed.

The success of these operations to date has guaranteed that the June 30 deadline I set for withdrawal of all American forces from Cambodia will be met. General Abrams advises me that 17,000 of the 31,000 Americans who entered Cambodia have already returned to Vietnam. The remainder will return by the end of this month. This includes all American aid support, logistics and military advisory personnel.

The only remaining American activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and material where I find that is necessary to protect the lives and security of our men in South Vietnam.

Our discussions with the South Vietnamese government indicate that their primary objective remains the security of South Vietnam, and that their activity in Cambodia in the future—after their withdrawal from the sanctuaries—will be determined by the actions of the enemy in Cambodia.

When this operation was announced, the critics charged that it would increase American casualties, that it would widen the war, that it would lengthen our involvement, that it might postpone troop withdrawals. But the operation was undertaken for precisely the opposite reasons—and it has had precisely the opposite effect.

Let us examine the long-range impact of this operation.

First, we have eliminated an immediate danger to the security of the remaining Americans in Vietnam, and thereby reduced our future casualties. Seizing these weapons and ammunition will save American lives. Because of this operation, American soldiers who might not otherwise be ever coming home, will now be coming home.

Second, we have won precious time for the South Vietnamese to train and prepare themselves to carry the burden of their national defense, so that our American forces can be withdrawn.

From General Abrams' reports and from our advisors in the field, one of the most dramatic and heartening developments of the operation has been the splendid performance of the South Vietnamese army. Sixty percent of all the troops involved in the Cambodian operations were South Vietnamese. The effectiveness, the skill, the valor with which they fought far exceeded our expectations. Confidence and morale in the South Vietnamese army has been greatly bolstered. This operation has clearly demonstrated that our Vietnamization program is succeeding.

Third, we have insured the continuance and success of our troop withdrawal program. On April 20, I announced an additional 150,000 Americans would be home within a year. As a result of the success of the Cambodian operations, Secretary Laird has resumed the withdrawal of American forces from Vietnam. Fifty thousand of the 150,000 I announced on April 20 will now be out by October 15.

As of 8 o'clock this morning, the stores of weapons, foodstuffs, medicine, and other supplies which have been captured in Cambodian operations are as follows:

Enemy killed.....	9,241
Detainees .....	1,920
Individual weapons captured....	15,365
Crew-served weapons captured..	2,135
Rice (tons).....	5,742
Rice (man months).....	252,648
Rockets rounds captured.....	28,170
Mortar rounds captured.....	50,037
Small arms ammunition captured .....	11,280,832
Land mines captured.....	4,329
Bunkers destroyed.....	8,549
Vehicles destroyed or captured..	360

One can only speculate about what this means; but, converted into hard facts, it is obvious that the Communists will not be able to replace these supplies for up to 6 months.

How many lives will be saved because of our action at this time? How many American men's lives will be saved? How many women? Children? We can only speculate, but the thing that we must constantly keep in mind is that the President is convinced that this action is necessary and important to our Vietnamization program.

I support the President in this program and I believe him. Evidence shows that the President's decision has been successful.

The announcement that was made by the President to move across into the sanctuary areas in Cambodia is tied very closely with the Vietnamization program and the protection of American lives. As we withdraw Americans from Vietnam under the Vietnamization program, the President must take such actions as he deems necessary so that those Americans who remain in South Vietnam will not be in excessive danger because the

enemy is allowed to use hit-and-run tactics from sanctuaries in Cambodia.

Basically, the history of American troop involvement in Vietnam can be summarized as follows: When President Eisenhower left the White House on January 20, 1961, we Americans had 685 military advisers in Vietnam. On that sad day in 1963 when President John F. Kennedy was assassinated, we had more than 16,000 military advisers in Vietnam. Then, under President Johnson, that number of 16,000 advisers under President Kennedy, and the 685 on the day that President Eisenhower left the White House, had grown into an armed force of more than 500,000 men in South Vietnam. When President Nixon took office, the number had grown to 538,500.

At the present time, the best estimation that I have is that there are about 429,950 American troops remaining in Vietnam.

That Vietnamization is working is seen by a decrease of 21 percent in our American troops over the past year. By next year, if everything works out, the President will be able to withdraw an additional 150,000 troops.

General Blanchard, in a May 1 news conference, analyzed the programs on Vietnamization of the war as follows:

In terms of the tactical areas of responsibility for which U.S. troops are responsible, U.S. troops have now turned over or withdrawn from some 26 percent of the tactical areas for which we, the U.S. forces, were responsible.

One significant and worthwhile result has been a reduction in U.S. troops killed in action. There was a two-thirds reduction in U.S. killed in action from the first quarter of '69 to the same time in 1970. U.S. wounded were reduced more than half during the same period.

In the overall equipment area, Vietnamization is either on schedule or ahead of schedule on all our deliveries.

U.S. troops have turned a considerable number of military installations over to the Vietnamese. For instance, the 9th Division in the Dong Tak area is now the headquarters of the 7th Vietnamese army. The Navy My Tho installation has been turned over and is now an installation of the Vietnamese Navy.

The Vietnamese Air Base at the U.S. Base area in Nha Trang has been turned over to the Vietnamese Air Force.

Shortly, additional installations will be turned over in Da Nang, Vung Tau, Bien Hoa, Lai, Khe, Binh Thuy, and Can Tho.

Shortly after the first of this year, the newspapers started carrying reports of specific instances indicating that Vietnamization was becoming successful.

On February 25, the U.S. Army was reported to have given up its second division-size base camp to Vietnam. This was a major step toward South Vietnamese assumption of the responsibility for guarding the northern approaches to Saigon.

Then, on March 6, 1970, the United States was reported to have turned over its biggest port facility to the Mekong Delta to South Vietnamese troops thereby giving the Saigon government responsibility for most of the supplies coming into the region by sea.

Additional reports of successful instances of military Vietnamization are now frequent in the news media.

The training task is an enormous one for the Vietnamese, and U.S. troops have aided and assisted in establishing considerable additional facilities and better facilities. There is a current annual average training load approaching 600,000. It is up a third from 1969 and up over half from 1968.

A very substantial number of Vietnamese have been brought to the United States for training in those areas where technical training is not yet available for them in Vietnam. This year over 7,000 Vietnamese military are here in the United States with a wide variety of advanced skills being taught—skills which will be helpful to them not only in the military in which they presently will be using them but also in the future as Vietnam turns to peace. Last year, by way of contrast to the 7,000 there were 2,600 technical trainees.

The largest number of these trainees are the Air Force pilots who are being trained by the U.S. Army and U.S. Air Force for Vietnam.

One of the most visible and best indications to the Vietnamese peasant of Vietnamization is the actual deployment of facilities and services to the hamlet. The deployment of police, increased health services, improvement of roads, security for roads and canals—the kinds of things that affect the peasant are greatly improving. The police, for example, numbered 17,000 in 1964, but are almost 90,000 strong today. More than 6,000 of them have actually been deployed into the 1700 villages that exist in Vietnam. More are coming as they finish their training.

Amid the fighting, a major indication of success in Vietnam relates to the new program of land reform. Land ownership has been one of the major problems which faces South Vietnam.

Ever since 1945 when Vietnam regained her independence, the question of land reform has been regarded as of paramount importance by every government of the land, whether nationalist or Communist.

On March 26th, South Vietnam celebrated its first annual "National Farmers' Day." It was on that occasion that President Nguyen Van Thieu promulgated a new land reform law designed to have a dramatic impact on the Nation's future.

Basically the law is a key element of Thieu's program for reforming Vietnamese society and providing greater economic opportunity for the average citizen.

Under this new land reform, the farmer will receive the land he has been tilling free of charge. Under the new statute, how a farmer gained access to the land he is tilling, whether by rent, Vietcong title or by squatting on abandoned property, is of no consequence. What is important is that he is actively tilling it. Successful claimants will receive up to 2.5 acres of land in the central and northern regions of the country and up to 7.5 acres in Vietnam's rice basket in the rich and populous Mekong Delta.

The new land reform program reflects the thoughtful consideration not only of Vietnam's President and National As-

sembly but also of 10 high-level task forces working for several months to develop policies and to devise procedures for solving such problems as land valuation, compensation methods, title issuance, survey and registration.

Something that we do not often hear about is the progress that has been made in the field of health and in the joint civilian military health planning. The United States, as it departs, will turn over large amounts of health facilities to the Vietnamese.

Educational facilities also have really taken an upgrading. The present facilities for training children are: 85 percent of the total school-age population can be accommodated, and over 80 percent of them are in school today, right now. Secondary school enrollment too is up from some 472,000 last year to 543,000. Teachers also have increased in numbers fortunately, from 11,500 to over 13,500, in the same period.

There are five universities and five normal schools and their enrollment at this time is a little over 41,000 students.

It is evident that the President's plan of Vietnamization is working. There has been progress toward the Vietnamese takeover in the war in Vietnam. Nevertheless the President's critics have been so enamored with their own movement that they refuse to see the progress. Their rhetoric is consistent. Translated it says "we have lost the war so we must get out now—regardless of the consequences."

This is easy for the demonstrator to say. He can clothe himself in the raiments of self-righteousness declaring that love, peace, and individual liberties are his goals and that anything that conflicts with his view is immoral, brutal, and dehumanizing. Some go so far as to resort to the practice of reading the names of the Vietnam war dead claiming they speak for those who have died as heroes for their nation. How insulting it would be if these young men could hear their names being used by those opposing that for which they died. They died proving their allegiance to each of us and the Nation. They deserve better treatment for their sacrifice.

During the last weeks, there have been many who have decried the invasion of Cambodia. Unfortunately, they have falsely accused the President. Our action in Cambodia does not even resemble an invasion. As President Nixon has stated, the areas in which these attacks were launched are completely occupied and controlled by the North Vietnamese forces. Our purpose is not to occupy these areas. Once enemy forces are driven out and their sanctuaries and military supplies destroyed, we will withdraw.

I believe the President when he said it was not necessary to the Vietnamization program to knock out these North Vietnamese strongholds and I believe him when he says he does not intend to remain in Cambodia. Nevertheless, let me say that if events develop which would force the President to stay in Cambodia past June 30 or would force the return of American troops into that area, the President must have the power to make these decisions.

There are those who say the President should not have gone into Cambodia without first consulting with Congress. That he must not be empowered to make necessary decisions.

In this respect, let me quote an article which was written by my distinguished colleague, Senator FULBRIGHT, in the *Cornell Law Quarterly* of 1961.

He says:

The dynamic forces of the 20th century—communism, facism, aggressive nationalism, and the explosive awakening of long quiescent peoples—are growing more and more unmanageable under the procedures of leisurely deliberation which are built into our constitutional system. To cope with these forces we must be able to act quickly—and decisively on the one hand, and persistently and patiently on the other. We must make decisions which are painful and some which do violence to our fundamental values. We must do these things if we are to survive in a world that obstinately refuses to conduct its affairs under Anglo-Saxon rules of measured and orderly procedure.

Senator FULBRIGHT said later in his article:

The question I put, without presuming to offer solutions, is whether in the face of the harsh necessities of the 1960s we can afford the luxury of 18th century procedures of measured deliberation. It is highly unlikely that we can successfully execute a long-range program for the taming, or containing, of today's aggressive and revolutionary forces by continuing to leave vast and vital decision-making powers in the hands of a decentralized, independent-minded, and largely parochial-minded body of legislators. The Congress, as Woodrow Wilson put it, is a 'disintegrated ministry,' a jealous center of power with a built-in antagonism for the Executive.

I have no objection to this arrangement in its own terms, and I wish that the conditions of tranquility in which this system flourished were still in existence. They are not, however, and I submit that the price of democratic survival in a world of aggressive totalitarianism is to give up some of the democratic luxuries of the past. We should do so with no illusions as to the reasons for its necessity. It is distasteful and dangerous to vest the executive with powers unchecked and unbalanced. My question is whether we have any choice but to do so.

Mr. President, the old phrase "When the going gets tough, the tough get going" was never more applicable or relevant than today. It is easy to sit in our overstuffed chairs and question the President. It would be even easier to just say "I quit." Indeed, that seems to be the general idea behind some of the statements I have heard on the floor recently.

I do not subscribe to that philosophy. I applaud and compliment the President for taking measures, as unpopular as they might be with some, which he feels he must in order to protect lives in Vietnam.

The present assault by Congress on the powers of the President is viewed in different light by different dissenters.

For some, it is simply a matter of being against the war in Vietnam. For others, the problem becomes a complex constitutional argument over the prerogatives of the Congress as opposed to the Executive. For still others, this is a matter of returning to the principles and the intentions of the Founding Fathers. For a few,

I suspect their stand is based on political prejudice and bias.

But it is really far more than any of these things. What the argument is all about is, in fact, the role that the United States should play in the world today. What we are witnessing could turn out to be the greatest resurgence of classic isolationism that has been seen in this country for nearly half a century.

The matter we are debating today goes far beyond the borders of Vietnam, Cambodia, Laos, or Thailand. When we cast our vote on the Cooper-Church amendment we will be making policy which is going to have a direct effect on our position in Latin America, and most certainly Israel.

Looming in the backdrop of this amendment is the question of how far the Congress will go in restricting the President in the next international clash. For instance, are we going to allow the Arab nations to run over Israel? Given the mood of some Americans, they would be willing to accept an Israel defeat. That course might, for the time being, avoid war. Undoubtedly, that is what dissidents want—to avoid war.

In this regard, let me say that I was one of the Senators who signed the letter which was sent to the White House urging the President to sell needed jets to Israel. Although I was in Wyoming when the letter was circulated and was somewhat tardy in having my name added to the letter, I felt that it was most important that the President take this action in order to maintain a balance of arms between the Arab countries and Israel. Based on my knowledge of the situation, I believe that these jets are necessary and the President should proceed with this sale.

Nevertheless, I must admit that I am somewhat puzzled by the overwhelming support of some of the Senators who saw fit to sign this letter to the President on the one hand and who persist in their contentions that we must bind the President's hands in Cambodia on the other. In fact, for the most part, those who propose that we should limit the President's authority to make necessary military decisions concerning Cambodia and Southeast Asia are also the same ones that have urged the President to sell jets to Israel. I noted with interest that 44 of the 54 Senators who voted against the Dole amendment on Wednesday had also signed the letter to the President on the sale of jets to Israel.

Although I realize that there were some of these 44 who voted against the Dole amendment for reasons other than the fact that it would modify the effect of the Church-Cooper amendment, I would guess that the substantial majority voted against Senator DOLE's amendment because it would have limited the Church-Cooper amendment.

To sign a letter urging that jets be sold to Israel while at the same time urging withdrawal and limitation of the President's authority in Southeast Asia seems to me to be a completely inconsistent position. I realize that there are those who try to reconcile their inconsistency by pointing out that the Middle East is

much more strategically important to the United States than Vietnam. I take issue with those who assert this position. The Russian-built aircraft which apparently justify our selling jets to Israel is not any different from the Russian-built rockets, mortars, rifles, and machineguns that have made it necessary for us to go into Cambodia. I believe it is an extremely difficult position to say that we must sell jets to Israel so as to protect against Russian-supplied aggressors in the Middle East and then to turn around and advocate a policy whereby the President is without the power to make decisions which he feels are necessary to protect against Russian- and Communist-supplied aggressors in Cambodia.

Let me say again, I certainly concur with all the Senators who signed the letter urging the President to sell jets to Israel. My only contention is that there is a blatant inconsistency in urging the President to get out of Cambodia and Vietnam and then turning around and urging the sale of these jets.

Be that as it may, I submit that there are a great number of the dissenters throughout the country—and not only Jews—who believe that the safety of Israel is worth keeping. It is clear that these factions, who have now clothed themselves with armor of the anti-Nixon and anti-Vietnam movement, have shown some interest in helping people who have been discriminated against. For instance, certain factions urged the United States to intervene and assist the people of Biafra.

But if the dissidents do not care to think about Israel, the rest of us must. Israel's brief invasion of Lebanon underscored how quickly the Middle East feud could be expanded into a big war.

How many times over the past several weeks have my colleagues heard from those who say it is our "moral responsibility to stop the war in Vietnam"? How many times have we heard these dissidents shout with outrage over the killing and the bloodshed that is going on in Vietnam and Cambodia? These are familiar thoughts and words and have provided a peg for dissenters on which to hang their hats.

Unfortunately, Mr. President, those who decry the killing, bloodshed, and the homelessness that are occurring now in Vietnam take little time to think what would happen if we were to pull out of Southeast Asia without leaving a country that is able to protect itself and its citizens.

On May 14, Douglas Pike, who is recognized as one of the U.S. Government's leading experts on the Vietcong and North Vietnamese, reported that if the Communists win decisively in South Vietnam, all political opposition, actual or potential, would be systematically eliminated. According to Pike, 3 million persons would be killed.

What then would be the position of those who say that we must stop our involvement in Vietnam and Cambodia so that the killing and bloodshed would be ceased?

By the adoption of the Cooper-Church amendment as it was originally sub-

mitted, we would in effect be setting a precedent. Congress would be saying to the President: "You have the responsibility for sailing this ship, but it is up to us to chart the course."

Mr. President, the President of the United States has to have authority to make decisions which he feels are in the best interest of the people and the United States. While this authority should not be absolute, it is wrong to place him in a position where he is constantly flinching for fear he will get his hand slapped.

The clear implication is that if the Congress succeeds in interposing its collective wisdom between the President and the conduct of American foreign policy, a new spirit of caution and restraint will result.

I do not feel that we should restrict the President. The best statement which I have seen on this subject came from the distinguished chairman of the Foreign Relations Committee, Senator FULBRIGHT said in 1961:

As Commander-in-Chief of the armed forces, the President has full responsibility, which cannot be shared, for military decisions in a world in which the difference between safety and cataclysm can be a matter of hours or even minutes. The President is the symbol of the nation to the external world, the leader of a vast alliance of free nations, and the prime mover in shaping a national consensus on foreign policy. It is important to note, however, that while this responsibility is indeed very broad, his authority is often infringed upon or thwarted in practice by unauthorized persons.

Mr. President, by adopting the proposed Cooper-Church amendment, without any modification, we would be placing the President in a position where he has full responsibility with little or no authority. I submit that the President must have sufficient authority to make those decisions which he sees in the best interest of the United States.

The presence of North Vietnamese headquarters and bases in Cambodia is an accepted fact. I am one who feels that the enemy that has killed almost 42,000 American men in Vietnam is the same enemy that has been stepping across an imaginary line and yelling "Kings X," or "I'm on base—you can't touch me now."

During the last few days, I have listened to many who denounce the President's plan for Vietnam. But I have also heard from a great number of those that support the President and endorse his stand to destroy the Cambodian sanctuaries.

One letter that made a great impression on me was received from Mr. Dave Egloff who grew up in Casper, Wyo. He has just returned from Vietnam and is pursuing graduate studies at the University of Maryland.

Mr. Egloff was with the 20th Combat Engineer Battalion stationed at Ben Het. While there, he served as a combat engineer platoon leader, and as an assistant operations officer. In speaking about the problem of the North Vietnamese using the Cambodian sanctuaries Dave says:

I don't know the count, but quite a few Americans have lost their lives defending Ben Het, Duc Co, and Plei Djereng from NVA soldiers who were based in Cambodia

and Laos. It was especially frustrating to me, as an American, to see and hear about the killing of American troops by NVA soldiers based in Cambodia and Laos and be able to do nothing about it. It made me very angry to know that the VC and NVA soldiers who were rocketing and mortaring Ben Het at night would easily walk back across the border before daylight and laugh at all of our suffering and anguish!

After so many years of waiting for an invitation from Cambodia to pursue the NVA into that country it is disappointing to hear so many people vocally opposed to the President's policy. It might interest you to know that, with all of the opposition to the war being expressed at home, I found no lack of enthusiasm for the war among the GI's I commanded. I am confident that men such as those that I commanded who are presently fighting the war in Vietnam much prefer the President's plan over that which has existed in the past.

Based on the experience that I gained in Vietnam, I am firmly convinced that President Nixon's plan of allowing no sanctuary for the NVA in Cambodia can only shorten the war and decrease the total number of American lives lost.

As pointed out by Mr. Egloff's letter, the logic behind the President's move to knock out the North Vietnamese bases is apparent. For years the enemy has used the Cambodian sanctuaries to evade allied forces in Vietnam. Cambodia has been used as a refuge for rest, training, medical care, storage of supplies, and as a convenient and secure route for the infiltration of personnel along the Ho Chi Minh Trail from North Vietnam.

The hard facts are that the President made this decision on Cambodia to save America and Vietnamese lives. As we withdraw Americans from South Vietnam, as the South Vietnamese forces become stronger, the President has determined that those Americans who would remain in South Vietnam will not be sitting ducks for the enemy that can hide on a hit and run basis in the sanctuaries of Cambodia.

On Wednesday evening President Nixon reviewed the long range impact of the operation in Cambodia. Basically, he covered the following points:

First. Our thrust in Cambodian sanctuaries has eliminated an immediate danger to the security of the remaining Americans in Vietnam. Seizing the weapons and ammunition can only mean that more American soldiers will live to return home.

Second. The supplies and ammunition that we have destroyed in Vietnam will mean that the South Vietnamese will have additional time to train and prepare themselves to carry on the defense of their own national security so that American forces can be withdrawn.

The President cited the effectiveness of the South Vietnamese army has displayed in the Cambodia operation as one more indication that Vietnamization is working.

Third. The success of our troop withdrawal program has been assured and a total of 50,000 U.S. troops will be out of Vietnam by October 15 of this year.

President Nixon's Wednesday interim report clearly points out the excellent progress that we are making.

The President said:

With this announcement tonight, we have kept the pledge I made when I ordered this operation, that we would withdraw from Cambodia on a scheduled timetable—just as this Administration has kept every pledge it has made to the American people regarding the war in Vietnam and the return of American troops.

Let us look at the record.

In June of 1969 I pledged a withdrawal of 25,000 troops. They came home. In September of the same year I said I would bring home an additional 35,000. They came home. In December I said an additional 50,000 Americans were coming out of Vietnam. They, too, have come home.

There is one commitment yet to be fulfilled. I have pledged to end this war. I shall keep that promise. But I am determined to end the war in a way that will promote peace rather than conflict throughout the world. I am determined to end it in a way that will bring an era of reconciliation to our people—and not an era of furious recrimination.

In seeking peace, let us remember that at this time only this Administration can end this war and bring peace. We have a program for peace—and the greater the support the Administration receives in its efforts, the greater the opportunity to win that just peace we all desire.

Peace is the goal that unites us. Peace is the goal toward which we are working. Peace is the goal this government will pursue until the day that we reach it.

Mr. President, yesterday I had the opportunity to enter into a colloquy with the distinguished junior Senator from Tennessee (Mr. BAKER) about the importance of the Byrd amendment.

As many of my colleagues know, the President of the United States has written the distinguished senior Senator from Pennsylvania (Mr. SCOTT) who serves as the Republican leader in the U.S. Senate.

I want to read the President's letter in regard to the pending Byrd amendment.

The letter says:

THE WHITE HOUSE,  
Washington, D.C., June 4, 1970.

HON. HUGH SCOTT,  
U.S. Senate,  
Washington, D.C.

DEAR HUGH: You have requested my views on an amendment offered by Senator Robert Byrd of West Virginia to the Cooper-Church amendment to the Foreign Military Sales bill now being considered by the Senate.

As you know, I am opposed to the language of the Cooper-Church provision in its present form. Nevertheless, I fully appreciate the concerns of many Senators anxious that the Cambodian expedition not involve our nation in another Vietnam-type conflict. As I reported to the American people last night, this has been the most successful operation of this long and difficult war and will be completed by June 30. The results will be fewer casualties and continued withdrawals from Vietnam—objectives that Senators share with me.

The Byrd amendment reaffirms the Constitutional duty of the Commander in Chief to take actions necessary to protect the lives of United States forces and is consistent with the responsibilities of my office. Therefore, it goes a long way toward eliminating my more serious objections to the Cooper-Church amendment.

You will recall that last year in Guam I outlined the Nixon doctrine establishing a policy for Asian nations to defend themselves, with American material assistance and technical help. If a stable lasting peace is to emerge in that beleaguered region, it is im-

portant that we promote regional cooperation. Therefore, I should hope that the Senate would also adopt an amendment supporting the Nixon doctrine of American material and technical assistance toward self-help.

I appreciate your continued deep interest in this subject and the untiring effort you and your colleagues have made in an effort to achieve meaningful legislation in the best interest of the American people.

Sincerely,

RICHARD NIXON.

Mr. President, I support the amendment of my colleague from West Virginia. His amendment would perfect the Cooper-Church amendment so that the President would have the power to take 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.

To me, there is great logic in this amendment and I feel that it is imperative that the President be given enough of a free hand so that he may take action to preserve American lives throughout Southeast Asia.

I have referred to the necessity of the President having authority to make necessary decisions to protect American interests abroad.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I have discussed the request which I am about to propound with the able assistant Republican leader and the able Senator from Idaho, and it seems to meet with their approval. I have also cleared it with the able majority leader.

I therefore propose the following unanimous-consent agreement:

*Ordered*, That the Senate proceed to vote at 1 o'clock p.m. on Thursday, June 11, 1970 on the pending amendment (No. 667) by the Senator from West Virginia (Mr. Byrd) and that the time on Thursday after the disposition of the Journal be equally divided and controlled by the Majority and Minority Leaders or their designees. Should a motion to table be made, the vote on that motion would occur at 1 o'clock, to be followed immediately by a vote on the amendment if the motion to table should fall.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, would it be the case that a motion to table could not be made until immediately prior to the vote on the amendment?

The PRESIDING OFFICER. The Senator is correct.

Is there objection? The Chair hears none, and it is so ordered.

#### ORDER FOR RECESS FROM THE CLOSE OF BUSINESS ON WEDNESDAY NEXT UNTIL 11 A.M. ON THURSDAY, JUNE 11, 1970

Mr. BYRD of West Virginia. Mr. President, I would like to couple with the agreement a unanimous-consent agreement that when the Senate completes its business on Wednesday next, it stand in recess until 11 o'clock on Thursday next.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, has everything been agreed to thus far?

The PRESIDING OFFICER. Is there objection to the unanimous-consent requests? The Chair hears none, and it is so ordered.

#### ORDER FOR CLEARING THE CHAMBER PRIOR TO THE VOTE ON THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I have one further unanimous-consent request. I ask unanimous consent that, at 5 minutes before 1 o'clock p.m. on next Thursday, the Sergeant at Arms be directed by the Chair to clear the floor and the Senate lobby of all staff personnel except those on the staffs of the Sergeant at Arms, the Secretary of the Senate, the secretary for the majority, the secretary for the minority, and their respective assistants, and those attachés assigned by the Democratic and Republican policy committees, and that such staff personnel remain cleared from the floor and the Senate lobby until the vote is complete and the Chair rules that they may again be admitted to the Senate Chamber.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

#### A RADICAL THEORY OF THE PRESIDENCY IS OPPOSED

Mr. CHURCH. Mr. President, the extended debate now occurring in the Senate is in actuality less about Cambodia than about the dimensions of the constitutional powers of the Presidency in respect to warmaking.

Sporadically throughout our history the ambit of the power between the executive and legislative branches of the Federal Government in this sector has been fiercely contested.

Section 2 of article II of the Constitution states:

The President shall be Commander in Chief of the Army and Navy of the United States . . .

Juxtaposed to this is section 8 of article I of the Constitution which states that the Congress shall have power to declare war, to raise and support armies, to provide and maintain a Navy, to make rules for the Government and regulation of land and naval forces.

Those who were deeply involved in the workings of the constitutional convention may help us to understand the sense of these clauses.

Where is lodged the power to raise armies?

Alexander Hamilton, in *Federalist Paper No. 24*, informs us without qualification that—

The whole power of raising armies was lodged in the legislature, not in the executive . . .

Is the power of declaring war assigned exclusively to the Congress?

James Madison in *Federalist Paper No. 41* responds to this question very succinctly:

No man will answer this question in the negative. It would be superfluous, therefore, to enter into a proof of the affirmative.

Surely Madison's answer is simple, uncomplicated, and unencumbered by qualifications.

Obviously, then, the Chief Executive is not intended under the Constitution to have, or exercise, sole war powers. To assert otherwise is to espouse a radical theory of the presidency which stems not from the fundamental law of our land. Moreover, I am distressed that such a radical notion should be so vigorously pressed here in this Chamber, where we sit as members of an independent, coordinate branch of the Federal Government. If the Congress of the United States is not to become subservient to the Presidency, we must be willing not only to proclaim, but to assert the power which belongs to Congress, and especially so when the issue involves a matter so vital as how far the United States should wander into the quicksands of a spreading Asian war.

The extent of Presidential prerogative at a time when our military forces fight overseas has been an occasional subject of judgment by the Federal courts. I refer specifically to a leading decision of the U.S. Supreme Court in the case of *Youngstown Sheet & Tube Co. v. Sawyer* (343 U.S. 579) issued in 1952. The Court was asked to decide whether the President was acting within his constitutional power when he issued an order directing the Secretary of Commerce to take possession of most of the Nation's steel mills. This order was issued at a time when our combat troops were engaged in an earlier "undeclared war," this one in Korea. In contradiction, the millowners argued that the Presidential order amounted to lawmaking—a legislative function which the Constitution expressly reserved to Congress. The President insisted the order was necessary to avoid a work stoppage at the mills which would affect the war effort.

The Court upheld the steel mills and denied the validity of the Presidential order by a vote of 6 to 3.

Mr. Justice Jackson, as was his fashion, furnishes us compelling language in support of the Court's decision. He wrote:

That comprehensive and undefined presidential powers hold both practical advantages and grave dangers for the country will impress anyone who has served as legal adviser to a President in time of transition and public anxiety. While an interval of detached reflection may temper teachings of that experience, they probably are a more realistic influence on my views than the conventional materials of judicial decision which seem unduly to accentuate doctrine and legal fiction.

Then Mr. Justice Jackson discussed Presidential acts consistent and inconsistent with express or implied powers of the Congress:

1. When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate. In these circumstances, and in these only, may he be said (for what it may be worth) to personify the federal sovereignty. If his act is held unconstitutional under these circumstances, it

usually means that the Federal Government as an undivided whole lacks power. A seizure executed by the President pursuant to an Act of Congress would be supported by the strongest of presumptions and the widest latitude of judicial interpretation, and the burden of persuasion would rest heavily upon any who might attack it.

2. When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. In this area, any actual test of power is likely to depend on the imperatives of events and contemporary imponderables rather than on abstract theories of law.

3. When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting upon the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system.

As his written argument continued, Justice Jackson focused his incisive intelligence upon the Federal Government's claim that wartime conditions justified the action. The Justice, in reply, stated:

The clause on which the Government next relies is that "The President shall be Commander in Chief of the Army and Navy of the United States . . ." These cryptic words have given rise to some of the most persistent controversies in our constitutional history. Of course, they imply something more than an empty title. But just what authority goes with the name has plagued presidential advisers who would not waive or narrow it by nonassertion yet cannot say where it begins or ends. It undoubtedly puts the Nation's armed forces under presidential command. Hence, this loose appellation is sometimes advanced as support for any presidential action, internal or external, involving use of force, the idea being that it vests power to do anything, anywhere, that can be done with an army or navy.

That seems to be the logic of an argument tendered at our bar—that the President having, on his own responsibility, sent American troops abroad derives from that act "affirmative powers" to seize the means of producing a supply of steel for them. To quote "Perhaps the most forceful illustration of the scope of Presidential power in this connection is the fact that American troops in Korea, whose safety and effectiveness are so directly involved here, were sent to the field by an exercise of the President's constitutional powers." Thus, it is said, he has invested himself with "war powers."

I cannot foresee all that it might entail if the Court should indorse this argument. Nothing in our Constitution is plainer than that declaration of a war is entrusted only to Congress. Of course, a state of war may in fact exist without a formal declaration. But no doctrine that the Court could promulgate would seem to me more sinister and alarming than that a President whose conduct of foreign affairs is so largely uncontrolled, and often even is unknown, can vastly enlarge his mastery over the internal affairs of the

country by his own commitment of the Nation's armed forces to some foreign venture. I do not, however, find it necessary or appropriate to consider the legal status of the Korean enterprise to discountenance argument based on it.

Assuming that we are in a war *de facto*, whether it is or is not a war *de jure*, does that empower the Commander in Chief to seize industries he thinks necessary to supply our army? The Constitution expressly places in Congress power "to raise and support Armies" and "to provide and maintain a Navy." (Emphasis supplied.) This certainly lays upon Congress primary responsibility for supplying the armed forces. Congress alone controls the raising of revenues and their appropriation and may determine in what manner and by what means they shall be spent for military and naval procurement. I suppose no one would doubt that Congress can take over war supply as a Government enterprise. On the other hand, if Congress sees fit to rely on free private enterprise collectively bargaining with free labor for support and maintenance of our armed forces, can the Executive, because of lawful disagreements incidental to that process, seize the facility for operation upon Government-imposed terms?

There are indications that the Constitution did not contemplate that the title Commander in Chief of the Army and Navy will constitute him also Commander in Chief of the country, its industries and its inhabitants. He has no monopoly of "war powers," whatever they are. While Congress cannot deprive the President of the command of the army and navy, only Congress can provide him an army or navy to command. It is also empowered to make rules for the "Government and Regulation of land and naval Forces," by which it may to some unknown extent impinge upon even command functions.

And he summed up this phase of his argument in this impressive manner:

That military powers of the Commander in Chief were not to supersede representative government of internal affairs seems obvious from the Constitution and from elementary American history.

Justice Jackson concluded his argument by an observation that corresponds to the one I have sought to make here on the floor during these many hours of debate on the Cooper-Church amendment. The Justice tells us, in effect, that the Constitution may assign authority and power, but this is only the first part of the subtle equation. The recipient of this power must have the will to exercise the power. Justice Jackson's view, though stemming from a different situation, is nevertheless legitimate in its application to the issue we are arguing here today.

What Justice Jackson wrote was:

But I have no illusion that any decision by this Court can keep power in the hands of Congress if it is not wise and timely in meeting its problems. A crisis that challenges the President equally, or perhaps primarily, challenges Congress. If not good law, there was worldly wisdom in the maxim attributed to Napoleon that "The tools belong to the man who can use them." We may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers.

To employ the thought of Justice Jackson to the present circumstances, a President is the Commander in Chief of the military forces, but it is for the Con-

gress to determine how the public money—even that appropriated to finance the war—shall, or shall not, be spent.

#### A WORD OF ADVICE FOR CAMBODIA

Mr. CHURCH. Mr. President, I noticed in the news the other day that Cambodia has received an experienced word of caution from Mr. Adam Malik, Foreign Minister of Indonesia, as to the consequences of massive foreign intervention in their affairs. "Don't do it," Mr. Malik says, in effect.

In an interview with the Associated Press, Mr. Malik is quoted as declaring:

In Vietnam, you remember four years ago the people said, "Let the Americans fight for us." It did not work, and after a while they understood they must do something for themselves.

That is why when Cambodia said they wanted arms I told them arms are secondary—first you must look to your people.

Later on, the Foreign Minister pointed out:

Suppose we send them (the Cambodians) troops. That is not a solution. It would be the same as Vietnam. If we send troops, the Cambodians would say, "Let Indonesians or Americans fight for us." If the people will not fight for themselves, how can you fight for them? If the people do not resist, you have to expect a Communist takeover. That is their fate.

I would only add that the late Dr. Bernard Fall, a specialist in Indochina affairs, described a lethal cycle in connection with American military assistance:

Aid to sustain the land. Weapons to guard the land. Advisers to demonstrate the weapons. Helicopters to bear the advisers. Troops to guard the helicopters. Planes to protect the troops. More troops to build the bases. Still more troops to defend the builders. Shoot when shot at. Shoot to keep from being shot at. Shoot to protect. Shoot to destroy. Bomb to kill. Kill.

I ask unanimous consent that the AP interview with Mr. Malik be printed in the RECORD at this point in my remarks.

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

#### INDONESIA WARNS CAMBODIA NOT TO RELY ON OUTSIDE AID

JAKARTA.—Foreign Minister Adam Malik today said Cambodia should fight its own battles without relying on Asian nations and the United States for help.

Malik said 21 Asian and Pacific nations he has invited to a conference May 16-17 should speak out strongly to prevent Cambodia from becoming a "second Vietnam," but the actual fighting was Cambodia's responsibility.

"The situation in Cambodia is the same as it was in South Vietnam," he said in an interview. "If the Cambodians really do not want a Communist regime, then they must resist. The ultimate solution must come from within Cambodia."

"In Vietnam, you remember four years ago the people said, 'Let the Americans fight for us.' It did not work, and after a while they understood they must do something for themselves."

"That is why when Cambodia said they wanted arms I told them arms are secondary—first you must look to your people."

He said rumors in Bangkok and Phnom Penh about the imminent arrival of assistance from Indonesia were unfounded.

"I do not know why Cambodia expected arms from Indonesia," he said. "We have to get our own spare parts from the Russians. How can we help them?"

"Suppose we send them troops. That is not a solution. It would be the same as Vietnam. If we send troops, the Cambodians would say, 'Let Indonesians or Americans fight for us.'"

"If the people will not fight for themselves, how can you fight for them? If the people do not resist, you have to expect a Communist takeover. That is their fate."

Malik said the Asian and Pacific conference, which will most likely be held in Jakarta, will be "aimed entirely at preventing Cambodia from becoming a second Vietnam."

Though Communist China and other Communist states were invited to the conference, Malik said, "the Communists are solidly against the conference, but for us we have no choice. We must do something. We cannot keep quiet."

He said if Asia's voice in support of Cambodia's independence and neutrality and reactivation of the international control commission is ignored, the question must go to the United Nations.

### THE IDAHO STATESMAN SPEAKS OUT

Mr. CHURCH. The Idaho Statesman, one of the leading daily newspapers in the State I represent, has once again evidenced its temperate treatment of a vital public issue. A recent occasion was an editorial entitled "Senator Church and His Critics," which appeared late last month.

The editorial, while not speaking to the full implications of my position about American involvement in Southeast Asia, nevertheless finds merit in the Cooper-Church amendment, now pending before the Senate, as an attempt "to limit U.S. involvement in Cambodia, and to reassert the power of Congress to participate in the making of wars."

The Statesman continues:

President Nixon may have been right to go into Cambodia, but he was wrong in failing to consult Congress.

Whether his (the President's) decision is right or wrong, those who contend the Congress has no right to question his decision . . . seem to be saying that the President alone can make decisions of peace and war.

If that were the case, the very thing that the Constitution's framers feared when they gave Congress the war-making power would exist. They didn't intend for a President to exercise such power.

I ask unanimous consent that the entire editorial be printed in the RECORD at this point in my remarks:

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

#### SENATOR CHURCH AND HIS CRITICS

Senator Church is getting a thorough working over from people who disagree with his Indochina views. Some writing letters to the editor to express themselves attack his integrity or his loyalty, as well as his logic.

Clearly there is a wide disparity of opinion about the Indochina war. The thrust into Cambodia has heated up emotions on all sides.

Some see in it a dramatic move that could speed the end of the war. Others see it as permitting the President to maintain his

withdrawal pledges. Still others see it as involving the United States in a longer war, giving up more lives in a dubious quest.

No one, neither the critics in the Senate, the President, nor his military advisers, can be certain.

Whatever the war brings, it could leave the nation with a bitter legacy. At best a negotiated settlement or a U.S. withdrawal, either partial or complete, would leave the question of future political developments in Indochina unresolved.

Both the concept of a clearcut military victory, and the idea of tidy, complete withdrawal appear to be unattainable.

In the long run, the impact of Vietnam on the people of the United States may be more profound than its impact on the future of Indochina. There have been two recent wars in the Mideast, and there is still fighting.

Nuclear weapons make it impossible for the United States to eradicate communism by force, or for the other side to change the American system by force. Those who speak of a decisive showdown are talking nonsense.

Senator Church, through the Church-Cooper amendment, hopes to limit U.S. involvement in Cambodia, and to reassert the power of Congress to participate in the making of wars.

President Nixon may have been right to go into Cambodia, but he was wrong in failing to consult with Congress. Had he done some consulting there would be less steam behind this amendment.

Whether his decision is right or wrong, those who contend the Congress has no right to question his decision or to take such action seem to be saying that the President alone can make decisions of peace and war.

If that were the case, the very thing that the constitution's framers feared when they gave Congress the war-making power would exist. They didn't intend for a president to exercise such power.

President Nixon may have been on good ground militarily when he made the decision on Cambodia, but he was on weak ground constitutionally.

### CONFUSION AT CREDIBILITY GAP

Mr. CHURCH. Mr. President, two Washington, D.C., daily newspapers have carried dispatches from Southeast Asia that are at variance with the claims and expectations of the Nixon administration in respect to the extension of the war into Cambodia. The reports indicate that Americans themselves in Saigon are dubious about the premises and predictions of President Nixon himself.

The Washington, D.C., Evening Star, which editorially has supported our Southeast Asia involvement for many years, carried a page 1 commentary from its correspondent, Henry Bradsher, from Hong Kong. Mr. Bradsher states that President Nixon "presented an oversimplified prospect on peace or war." And he concludes:

In the short-term military thinking which seemed to be the dominant thinking done on the decision, it was the easiest way and the most temptingly quick way. It was thinking in terms of the "war in Vietnam," but the war now reaches much wider.

An intriguing direct quotation from Samuel D. Berger, our Deputy Ambassador in South Vietnam, is contained in a column by Joseph Kraft that appeared in the Washington Post.

Writing from Saigon, Mr. Kraft begins his column:

"For the next year or two most of the fighting will probably be in Cambodia and

Laos," Deputy Ambassador Sam Berger said the other day.

The column then continues:

And that offhand comment by one of the beakiest of the hawks here in Saigon explains why most of the Washington justifications for the Cambodian operations carry so little weight.

The Kraft column reviews the whole dismal record of our strategy and tactics in Indochina and then correctly concludes:

A whole new war is on, and it is far too early to measure success or failure. Indeed, perhaps all that is clear is that anybody who needs a quick success is in bad trouble.

I ask unanimous consent that the two columns be printed in the RECORD at this point in my remarks:

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

[From the Washington Star, June 4, 1970]

#### NIXON TAKES A NARROW VIEW

(By Henry S. Bradsher)

HONG KONG.—President Nixon has presented one aspect of the Indochina war situation, an aspect favorable for the United States.

But there are other aspects.

Seen in its whole, the situation is not so favorable as Nixon's optimistic television report indicated.

The old Cambodian border sanctuaries have been pretty well cleaned out. But the significance of this now looks far less than Nixon had hoped on April 30 or claimed last night.

The reason is that the Communists are regrouping and developing new supply bases farther back in Cambodia from the South Vietnamese border. Hanoi shows no slackening of determination to go on fighting a long, tough war for control of Indochina, with South Vietnam still the main target.

Nixon said that before he ordered U.S. troops into Cambodia the Communists were trying to link up their separate sanctuaries.

Their extension into "one continuous hostile territory . . . would have meant a longer war," the President said.

So he ordered destruction of the sanctuaries, and the results have been better "than we had planned . . . anticipated . . . expected," Nixon said. "The purpose of ending the war in Vietnam . . . is being advanced."

This is taking a narrow view of the situation. The "war in Vietnam" itself is only part of the problem.

It is possible to argue—some observers in Saigon do—that the U.S. move into Cambodia has insured a longer Indochinese war, albeit at a lower level of fighting. If it doesn't become longer, certainly it's not noticeably any shorter, others argue.

A lower level of fighting will mean fewer Americans killed, the result that Nixon emphasized to an American audience.

For Cambodian and South Vietnamese audiences, however, there was not such cheerful news. Their prospect is continuous war, perhaps now less bloody in South Vietnam but more costly to Cambodia.

Only some of the increased fighting in Cambodia can fairly be attributed to the U.S. incursions, however.

The North Vietnamese and Chinese decision to help Prince Norodom Sihanouk oust the Lon Nol government from Phnom Penh had already been taken. The "summit conference of Indochinese peoples" on this was held in China in late April, about the time Nixon began to wrestle with the question of intervention.

Nonetheless, the main point of Communist military actions in Cambodia now seems to be developing and protecting areas from which they can continue to carry on the Viet-

nam war, with the overthrow of Premier Lon Nol only a secondary aim.

A curious result is developing from this situation.

With the Americans pulling back in one direction, into South Vietnam, and with the Communists being forced back in the opposite direction, into Cambodia, a buffer zone—leaky and imperfect, but still a sort of cordon sanitaire—is being developed.

It can only continue to exist by the efforts of South Vietnamese, and to a lesser or zero extent by Cambodian troops, who remain in that zone.

So the Asian allies—helped by U.S. planes—will be providing a short of shield for the U.S. soldiers who, Nixon emphasized, now enjoy greater safety.

But this should not be confused, as Nixon tended to do, with ending the war. It only means someone else is more exposed to attack than the Americans.

This is the old problem that has been plaguing Washington's claims about the war. It is the probable incompatibility of extricating American soldiers and of achieving an end to the war.

All the indications visible from here or from Saigon are that North Vietnam, which does not expect the war to end any time in the foreseeable future, would happily watch the Americans leave without changing its objectives.

Nixon presented an oversimplified prospect on peace or war.

Once again, he repeated that "we are ready to negotiate." But then, in again threatening "strong and effective measures" if remaining U.S. troops are jeopardized by increased Communist attacks, the President blurred things.

The possibilities are not limited simply to peace negotiations or increased attacks. There is the middle course, which Hanoi seems to be following, of hanging on with fighting at approximately the same level, without border sanctuaries but with a strong support position in southeastern Laos and northeastern Cambodia.

Nixon did not deal with this awkward aspect of the problem.

There is another interesting distortion of alternatives in his speech.

The linking together of Cambodian sanctuaries was "a clear threat . . . to the security of our men in Vietnam," Nixon said. Had he failed to meet that threat, he indicated, America's allies would have lost confidence in the United States.

The President's implication was that the only way to meet that threat was by sending U.S. troops in Cambodia, so he had to do it for worldwide reasons.

There is debate in Saigon about the degree of the threat or whether that was the only way to meet it.

In the short-term military thinking which seemed to be the dominant thinking done on the decision, it was the easiest way and the most temptingly quick way. It was thinking in terms of the "war in Vietnam," but the war now reaches much wider.

[From the Washington Post, June 5, 1970]

LAOS, CAMBODIA LIKELY SCENES OF MOST FIGHTING UP TO 2 YEARS

(By Joseph Kraft)

SAIGON.—"For the next year or two most of the fighting will probably be in Cambodia and Laos," Deputy Ambassador Sam Berger said the other day. And that offhand comment by one of the beakiest of the hawks here in Saigon explains why most of the Washington justifications for the Cambodian operations carry so little weight.

For the Washington apologia are based on the standards of the war as it used to be. But, in fact, there is a whole new war here, featuring new commitments to a new regime in Cambodia. That entails new forces in being, new opportunities for the other side, and a

new set of criteria to measure success or failure.

In the war as it used to be, the other side had settled down to a strategy aimed at countering President Nixon's Vietnamization program. The primary objective was to weaken and discredit the South Vietnamese regime by selective strikes against its installations and officials all across the country.

This strategy did not lend itself to counter attack by American and South Vietnamese forces. Even by American estimates enemy killed-in-action fell in the first quarter of this year by about fifty per cent—from 3,000 to 2,000 per week. And there were corresponding drops in enemy losses of weapons and supplies.

Set against that measure, the Cambodian venture registers a dramatic improvement by our side. Estimates of enemy killed-in-action soared to nearly 6,000 in the first week of May, and then held about 3,000 weekly. There were well-publicized discoveries of huge stocks of rice, weapons, ammunition and other stuff. The South Vietnamese forces showed a capacity to execute highly coordinated strikes on the ground and by air and sea. The operation looks, in short, like an unqualified success.

But in the process, American objectives in the war have been raised. The United States has acquired, or at least become credited with, a new protege. Rightly or wrongly, the general view here is that the United States intervened in order to save the Cambodian government which replaced the regime of Norodom Sihanouk—the new government of Prime Minister Lon Nol.

Thus, the Cambodian foreign minister, in a speech to the Djakarta conference of Asian nations on May 16, described his government as living in a state of siege, and then added: "We have been relieved by the help brought to us by the Americans and our South Vietnamese neighbors." A South Vietnamese intelligence officer with ministerial rank told Mike Wallace of CBS and this columnist that "the Americans panicked and intervened when it looked like the Lon Nol regime would collapse." President Nguyen Van Thieu told a group of American journalists that if the Lon Nol government lasted, President Nixon would do well in the congressional elections this year, and the election in 1972.

The view here, in short, equates American interest with the Lon Nol government. If not absolutely obliged, the United States is under heavy pressure to keep the Lon Nol government going. If that regime falls, the Cambodian operations will be called a failure.

Nobody knows exactly what it will take to keep the Cambodian regime alive. Not surprisingly there is an internal fight in Saigon as to what is required. One group, centering around Vice President Nguyen Cao Ky, favors a considerable forward commitment of South Vietnamese troops to knock out the enemy. Another group, centering around President Thieu, believes it will be enough to station just across the Cambodian border strike forces that can block any threats in the center of the country as they materialize.

Probably the Thieu approach will win—the more so as the President has American backing. Still, the sorting out will not happen overnight. It will be a long time. To use a metaphor employed by a leading American commander here, before the South Vietnamese army gets over its night on the town and goes back to work.

That leaves two new openings for the Communists. In Cambodia, the Communists have the obvious possibility of doing what they refrained from doing under the Sihanouk regime. They can develop a country-wide guerrilla movement based in the rural areas. Given the urban focus of the present regime in Phnom Penh, the organization of a peasant resistance looks like child's play.

In South Vietnam, the massing of government forces on the Cambodian front exposes what one Communist leader calls "holes" behind the line. The other side is in better position than ever to pursue low level attacks on major government installations. The seizure of Dalat—which is a kind of government vacation spot—over last weekend is a perfect case in point.

Perhaps the Communists will miss these opportunities. It may be that they are too weak to get moving in Cambodia, or to step up their actions here in South Vietnam. It may even be that the decisive constraint will be the losses suffered as a result of the joint American and South Vietnamese operation against their former sanctuaries in Cambodia.

But that is not the point. The point is that the Cambodian operation cannot be measured by the standards of the old war. The numbers of enemy killed, the amount of supplies seized, and the improved performance by the Saigon forces are not the kind of factors they used to be. A whole new war is on, and it is far too early to measure success or failure. Indeed, perhaps all that is clear is that anybody who needs a quick success is in bad trouble.

#### BEHIND THE KHAKI CURTAIN

Mr. CHURCH, Mr. President, occasionally the khaki curtain in Saigon is raised and the American people catch a glimpse of the true state of affairs in South Vietnam. Such an occurrence took place in the New York Times recently.

Terence Smith, a Times correspondent in Southeast Asia, led off his analysis in this fashion:

There is widespread doubt among the most experienced American observers in South Vietnam that current United States policies will bring lasting peace.

Mr. Smith reports that "at the root of the pessimistic outlook are serious and widely held doubts" about:

First. The efficacy of the Nixon administration's much publicized Vietnamization program.

Second. The wisdom of our military extension into Cambodia.

Third. The effectiveness of the South Vietnam Government.

Fourth. The fragile nature of the civil pacification program.

In addition, the analysis points out, the creation of a sound political formula has eluded policymakers. An Army major is quoted as saying:

Vietnamization, by itself, won't produce any kind of peace in this country, just or otherwise. Unless it is matched by some sort of political settlement, Vietnamization just means that the fighting will go on and on. But instead of Americans killing Vietnamese, you'll have Vietnamese killing Vietnamese.

Interestingly enough, according to the analysis:

Gen. Creighton W. Abrams, commander of United States forces in Vietnam, has indicated to friends that he feels that President Nixon drastically oversold the (Cambodian) operation and enlarged its goals beyond realizable dimensions.

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

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

[From the New York Times, June 3, 1970]

#### U.S. AIDES IN SAIGON QUESTION POLICY

(The following assessment of the situation in Indochina was written by the chief of the Saigon bureau of The New York Times, who has just completed a 15-month assignment in South Vietnam.)

(By Terence Smith)

SAIGON, SOUTH VIETNAM, June 1.—There is widespread doubt among the most experienced American observers in South Vietnam that current United States policies will bring lasting peace.

Although 110,000 American troops have been withdrawn from Vietnam and enormous strides have been made in pacification in the last 18 months, the United States still faces vast problems in extricating itself.

At the root of the pessimistic outlook are serious and widely held doubts about the following:

The efficacy of the Vietnamization program, which has yet to face major challenges.

The wisdom of the extension of the war into Cambodia, which, despite the immediate military gains it may achieve, seems likely to complicate American efforts to disengage and may eventually involve the United States—step by painful step—in the defense of yet another weak and uncertain government.

The effectiveness of the Saigon Government in dealing with increasingly serious economic and political problems in South Vietnam.

The nature of the progress achieved in the pacification program, which remains fragile and subject to the enemy's will.

Finally, there is a conviction that United States policies fail to come to grips with the central element in the Vietnam puzzle: the need for a negotiated political settlement that reflects the true balance of power among the Vietnamese people.

"We won't solve this war by cleaning out the base areas in Cambodia, or even by replacing American troops with South Vietnamese," an American who has spent five years in Vietnam said the other day.

"We have to go to the heart of the matter and find an acceptable way of distributing political power among the Vietnamese. That's what the fighting is all about, and it won't stop until we solve it."

The skepticism about American policy is shared in many quarters in Vietnam—by young, dedicated Americans working at the province and district level, and by independent observers, including journalists and foreign diplomats. It is greatest among those whose jobs permit them to travel around Vietnam.

The attitude is also evident among educated, independent South Vietnamese, people outside the Government who are deeply concerned about the future of their country after the American disengagement.

#### A TRACE OF BITTERNESS

Through the remarks of all those people runs a common theme: No lasting peace is possible without a political solution.

"Vietnamization, by itself, won't produce any kind of peace in this country, just or otherwise," a 31-year-old major who works as a district adviser in the pacification program said recently with more than a trace of bitterness.

"Unless it is matched by some sort of political settlement, Vietnamization just means that the fighting will go on and on. But instead of Americans killing Vietnamese, you'll have Vietnamese killing Vietnamese."

Many people here, like the major, acknowledge that Vietnamization will eventually get American soldiers off the battlefield—though not necessarily out of the country—but they insist that it will not end the war or produce a just peace.

Behind that belief is the conviction that the enemy continues to have the necessary strength, spirit, manpower and determina-

tion to continue the struggle in South Vietnam—and Laos and Cambodia—for the foreseeable future. Few military men here dispute that assessment of the Communists' capability.

#### LOST IN THE FUROR

President Nixon's offer, in his address April 20, to discuss at the Paris peace talks "a fair political solution [reflecting] the existing relationship of political forces in South Vietnam" had barely begun to sink in when it was lost in the furor caused by the invasion of Cambodia 10 days later. It may have been, as one American here described it, "the first casualty of Nixon's decision to go into Cambodia."

The senior members of the American military command are visibly defensive about the Cambodian operation and the controversy it has caused. They insist that it was a militarily justifiable tactical operation that got caught up in larger strategic and political questions.

Gen. Creighton W. Abrams, commander of United States forces in Vietnam, has indicated to friends that he feels that President Nixon drastically oversold the operation and enlarged its goals beyond realizable dimensions.

The general has said that the real purpose was to put a dent in the enemy's supply system and not, as Mr. Nixon suggested, to overrun and clean out the Communist headquarters.

The greatest peril in the Cambodian venture seems to lie in the period after June 30, when the Americans have withdrawn and the South Vietnamese are likely to continue their operations. The consensus here is that the President is going to find it far harder to get Americans out of Cambodia than it was to send them in.

#### CHOICE FOR AMERICANS

In the short run the Americans may be faced with the choice of either going to the aid of the South Vietnamese or watching them flounder if they come under heavy pressure. In the long run the United States could find itself committed by proxy, as a result of South Vietnamese pledges and actions, to the defense of the shaky Government headed by Premier Lon Nol, which displaced Prince Norodom Sihanouk.

If the South Vietnamese become overextended in Cambodia, the Americans are going to find it correspondingly difficult to carry out their withdrawals from Vietnam on schedule.

Apart from the complications of the Cambodian venture, Vietnamization faces other serious problems. So far a total of 110,000 Americans have been pulled out of Vietnam, leaving 429,000 behind. The real test will come in the next year, during which 150,000 more will have been withdrawn and the South Vietnamese are to take on the heavy fighting.

The first and most obvious danger is military. For the last four years the large American combat divisions have effectively manned the front lines. They have pursued the main North Vietnamese and Vietcong units relentlessly, gradually driving them from populated areas into the jungles and mountains along the Laotian and Cambodian borders.

As Vietnamization advances, the South Vietnamese divisions will take on the task while the remaining American units fall back into something approaching garrison duty. Their safety and that of an additional 250,000 or more Americans providing combat and logistical support will depend on the South Vietnamese.

#### HIGHER TOLL FORESEEN

Even conceding substantial improvement in the quality of the South Vietnamese armed forces, it is hard to imagine them coping with divisions of North Vietnamese regulars as effectively as the Americans did.

The result may be significantly increased casualties—American as well as South Vietnamese—in the later stages of the withdrawal process.

Another consequence may be strikingly reduced security in certain areas of the countryside, most notably in the northern half of the country.

In the northernmost area, I Corps, the enemy has more than 20 battalions of fresh, well-equipped regulars in the vicinity of the demilitarized zone, and it has the capacity to reinforce them with up to three divisions at any time.

When the three divisions of Americans that are stationed there are withdrawn, the South Vietnamese will have to take on the job of patrolling along the demilitarized zone and protecting the coastal cities of Quangtri, Hue and Danang. At the very least, they will require reinforcements, and it is not clear from where additional troops would come.

There is a parallel situation in II Corps, the area south of the border region, where mountainous terrain and bad communications are a tangible asset for the enemy.

As a result of years of intensive allied operations, the Communists have been pushed from the heavily populated coastal plain into the mountains. Once the Americans are gone the South Vietnamese may be hard-pressed to keep them there.

#### IMPACT ON SHAKY ECONOMY

Vietnamization will also have a drastic impact on South Vietnam's already shaky economic structure. The country earns more than 90 per cent of its foreign currency from Defense Department outlays and private spending by American soldiers. As the withdrawal proceeds the supply of dollars will be cut back just when they are most needed to bolster a sorely weakened economy.

In addition, the approximately 145,000 Vietnamese who are directly employed by United States agencies and companies will have to find jobs.

Those bleak prospects are considered by knowledgeable people here to be a principal threat to the stability of the Government of President Nguyen Van Thieu.

The domestic political and economic situation has deteriorated dramatically in recent months. While the attention of the world has been riveted on Cambodia, Mr. Thieu has been coping with just about the noisiest political crisis since his election.

Rather than working to rally his non-Communist political opposition behind him, as the United States Embassy has been urging him to do lately, President Thieu has come down hard on any group that has challenged his authority or criticized his regime. Individuals with the temerity to speak out have been prosecuted and jailed. Groups that have expressed their complaints in public demonstrations have been tear-gassed and beaten by riot policemen.

Now there is a rising tide of criticism of the Government in newspapers and the National Assembly that can only be expected to increase during the Senate election this fall and the presidential contest next year.

In addition, Mr. Thieu has failed to create anything approximating a national party that might be capable of mobilizing the country in preparation for a political battle with the Communists. Instead, his basic distrust of politicians—he was a general—and his reluctance to share power remain as great as ever.

#### A DISTRESSING SITUATION

Mr. CHURCH, Mr. President, for some time many of us in the Senate have sensed that military considerations have been permitted to overwhelm the larger political and diplomatic aspects of foreign policymaking. This is not a new

weakness, but it is a distressing one nevertheless, particularly in view of the avowals of the Nixon administration when it came to office in January 1969.

A newspaper column by Peter Lisagor, appearing in the *Evening Star*, sets forth details of this military approach to foreign affairs. The State Department is not an institution without flaws. But the less it is permitted to exercise its proper role in foreign policy, the less capable it becomes of doing so. It is, indeed, time for a change.

I ask unanimous consent that the informative article by Mr. Lisagor be printed in the *RECORD* at this point in my remarks.

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

[From the *Washington Star*, June 3, 1970]

STATE FEELS LEFT OUT ON WAR  
(By Peter Lisagor)

To the surprise and chagrin of diplomatic officials here, President Nixon apparently considers the Cambodian invasion and the present status of disengagement from Vietnam in strictly military terms.

His failure to include any top-level State Department official in his weekend meeting at San Clemente, Calif., underscores what diplomatic sources believe to be an indifference to the political implications of his moves in Southeast Asia.

It further downgrades, in their judgment, the ultimate necessity to find a negotiated solution to the war, even though the Vietnamization process can be carried out in theory without concern for the political outcome of the conflict.

Moreover, the absence of a high diplomatic official plainly tends to minimize the role of the State Department in the development of a policy with international consequences of a political nature.

Diplomatic sources say they have no explanation for the exclusion of a top departmental adviser.

Secretary of State William P. Rogers could not have attended personally inasmuch as he returned to the United States Sunday night from Europe.

But the two undersecretaries of state, Elliot Richardson and Alexis Johnson, have been intimately involved in Vietnam policy councils, and either could have represented Rogers, the sources said.

It is assumed that the President wanted a "progress report" from Gen. Creighton Abrams, allied commander in Vietnam, and other top brass on military operations in Cambodia and South Vietnam. But diplomatic officials regard the military and political factors as so closely linked as to require concerted attention.

Nixon has been criticized in Congress for appearing to ignore the peace talks in Paris. He has yet to replace Henry Cabot Lodge as chief negotiator and has left the task in the hands of a career Foreign Service officer, Phillip Habib.

The North Vietnamese have refused to negotiate seriously with Habib and have turned over the desultory meetings in Paris to second-level representatives.

Administration sources say that Henry A. Kissinger, the President's assistant for national security affairs, attended the California meeting and undoubtedly will inform top State Department officials about the discussions.

But to the veteran diplomats, that hardly explains what they view as a serious rebuff to the operational and policy-making role of the State Department.

DEEPER IN THE MORASS

Mr. CHURCH. Mr. President, as I have previously stated, the preponderance of editorial comment that has reached me is critical of our engagement in Cambodia. The Vice President would have us believe that this criticism is restricted to a handful of "eastern" newspapers and periodicals. This is not so.

The Chattanooga, Tenn., *Times* has spoken out in an editorial entitled "Deeper in the Morass?" The editorial underscores inconsistencies in the Presidential decision. I wish to cite several passages:

Six weeks or so from now, we can expect claims of success to emanate from Saigon and Washington. But we have listened to these claims for eight years, and one by one they have proved to be exaggerated at best. In the end, it may be impossible to judge what actually has been accomplished.

At best we can expect major cuts in the Communist supply lines and meaningful destruction of war materials, blunting for a time their ability to attack across the border; all this accompanied by withdrawal of our forces back into South Vietnam; and unaccompanied by Chinese entry into the war.

There was a time when cleaning out the Cambodian rats' nest might have been an effective move. We are trying to do it now within a context of withdrawal; and it seems to us it can have little lasting meaning unless President Nixon puts the whole policy of withdrawal on the block. Such a move would be disastrous domestically and internationally.

In its concluding paragraph, the editorial quotes approvingly an observation:

There is something basically illogical about getting involved in Cambodia when our fundamental policy is to withdraw from neighboring South Vietnam.

I ask unanimous consent that the text of the editorial be placed in the *RECORD* at this point in my remarks.

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

DEEPER IN THE MORASS?

The commitment of thousands of American troops to the Cambodian fighting, unannounced for 24 hours after the American backing for the South Vietnamese Parrot's Beak operation was revealed, was such a stunning surprise—even to many officials high in our own government—as to lend an air of unreality.

There are indications this was a last-minute decision.

For Mr. Nixon acted even as *Time* magazine hit the streets quoting a White House aide: "... the last thing we want is involvement of U.S. ground troops in Cambodia."

Still virtually wet was the ink in Thursday's *Wall Street Journal*, like *Time* a supporter of Vietnamese policy through three administrations, quoting a State Department official as saying flatly: "Richard Nixon is not—repeat not—going to commit American troops to Cambodia in an election year."

The same article quoted Sen. Stennis as opposing the step. Now, the Senator is in support. Sen. Goldwater had been against; and now is for, in that mysterious alchemic process that has led us down the road of protracted tragedy before.

If the employment of air and other support to the Vietnamese was so risky as to bring the near-total opposition of the Senate Foreign Relations Committee, why are

American rather than Vietnamese troops being used in the Fishhook? In his distressing message of Thursday night, the President did not say. But there could be only one reason, providing this move is not simply a taste for war: We do not feel the Vietnamese alone can handle the job. All of which does not speak for the Vietnamization that Mr. Nixon said only a few days ago was proceeding so satisfactorily that "we finally have in sight the just peace we are seeking."

Now, the President puts the Cambodian invasion importantly in terms of a move of absolute necessity to the security of American forces in Vietnam, the withdrawal timetable and even our national destiny.

Quickly granting that the North Vietnamese have committed naked aggression in Cambodia now for years, and that their troops recently and increasingly threatened the Cambodian government, could the strategic security situation possibly have changed that much in the brief time since Mr. Nixon said things were going so well that another 150,000 Americans could be pulled out?

We do not believe it.

The decision seems more designed to "save" the Cambodians, and to grasp an opportunity to lead from strength in smashing the enemy, than it was defensively designed to improve security in South Vietnam.

As such, its aims are perfectly legitimate. We do not agree with Sen. Muskie's insistence at this point upon negotiation to end the Vietnamese war. There, the prospects are bleak. The Communists are as yet not interested.

But can it succeed?

Mr. Nixon speaks grandly of destroying the headquarters of COSVIN, hub of the entire enemy effort in that sector of Indochina. The Americans and South Vietnamese will indeed capture some enemy supplies and weapons and destroy some facilities. But the enemy has proved masters of mobility before. It is quite certain that their plans have included the possibility of just such an attack as was launched Wednesday.

And on the ground in the Parrot's Beak, Correspondent James Sterba of *The New York Times* reported that many enemy units had pulled out, albeit in a hurry, carrying supplies with them. He quoted several South Vietnamese and American officers as complaining that commanders waited too long in beginning the thrust, one American saying, "I think if we would have come in here a day earlier, we would have gotten them. But we waited in Tay Ninh for four days and everybody there knew something big was up."

The cost, meanwhile, in American casualties and American lives is escalated.

We must hope, as we have hoped so often in vain before, for success.

The more one listened to the President Thursday night, and the more he spoke of putting his political future on the line, the more impression of confidence one received.

Six weeks or so from now, we can expect claims of success to emanate from Saigon and Washington. But we have listened to these claims for eight years, and one by one they have proved to be exaggerated at best. In the end, it may be impossible to judge what actually has been accomplished.

At best we can expect major cuts in the Communist supply lines and meaningful destruction of war materials, blunting for a time their ability to attack across the border; all this accompanied by withdrawal of our forces back into South Vietnam; and unaccompanied by Chinese entry into the war.

There was a time when cleaning out the Cambodian rats' nest might have been an effective move. We are trying to do it now within a context of withdrawal; and it seems to us it can have little lasting meaning un-

less President Nixon puts the whole policy of withdrawal on the block. Such a move would be disastrous domestically and internationally.

All in all, the *Wall Street Journal*, a day before the American foray, had precharacterized the matter aptly in quoting a United States general with considerable experience in Vietnam:

"There is something basically illogical about getting involved in Cambodia when our fundamental policy is to withdraw from neighboring South Vietnam."

#### "TIME TO COME HOME"

Mr. CHURCH. Mr. President, "It's time to come home."

With that sentence, an influential publisher, John S. Knight, concludes his column on Southeast Asia, as published in the *Boise, Idaho, Statesman* on May 24, 1970.

After 50,000 American servicemen dead and an expenditure of more than \$110 billion in Southeast Asia, we have "not singed the whiskers of a single commissar in Moscow or Peking," as another American editor, Wallace Carroll, vividly has phrased it.

Mr. Knight suggests that "mental laziness has led to the proliferation of dangerous myths which, unfortunately, cloud our thinking on many important issues." He lists two. One of these is the myth of "victory," although successive presidential administrations have referred to our Vietnam involvement as that of fighting a limited war for limited objectives. A second myth is that we must live up to our "commitments." Mr. Knight correctly points out that no treaty has been ratified by the Senate which states that the United States is automatically bound to provide South Vietnam with military forces.

Mr. Knight concludes on this proper note:

To those who remonstrate with our failure to slavishly back the President, let the answer be made that we seek not to drive him from office but to help persuade him that a continuation of the war to save Asia risks the destruction of America in the process. It's time to come home.

Indeed, it is, Mr. President.

I ask unanimous consent that Mr. Knight's persuasive column be printed in the *RECORD* at this point in my remarks.

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

[From the *Boise (Idaho) Statesman*, May 24, 1970]

#### ASIAN WAR: TIME TO COME HOME

Lyndon Johnson used to be fond of quoting from Isaiah, "Come now, and let us reason together."

How unfortunate it is that this wholly admirable precept is today almost totally ignored in the shallow sounding of a strident society.

For when, if ever, is one able to engage in a rational dialogue on any subject—be it the war in Indochina, campus revolts, the President of the United States or our sagging economic situation?

As the old saw goes: "It's not the things you don't know that get you into trouble, it's the things you know for sure that aren't so."

So many of us are so certain about every-

thing, and never mind hearing the other side or even sides of an issue or question. What passes for courage in taking a position may actually be a manifestation of ignorance. To arrive at firm conclusions without adequate information is a form of frightening self-delusion.

In these days of tube-fed trivia and slovenly reading habits, America's intellectual underdevelopment is indeed a worrisome thing.

We come to judgments without bothering to examine the facts. We know for sure the things that aren't so. Such mental laziness has led to the proliferation of dangerous myths which, unfortunately, cloud our thinking on many important issues.

An example: When the *New York Times* interviewed a number of lower Manhattan demonstrators who support President Nixon's march into Cambodia, printer John Nash made this statement: "We've got to beat the Communists somewhere. So we're fighting them. Victory. No substitute for victory."

Mr. Nash, a veteran of World War II is a good and patriotic American. His devotion to flag and country is admirable. Yet his assumptions are based upon a cruel myth.

For we have not turned back communism in Southeast Asia, nor are we likely to do so. In the 16 years that we have been helping South Vietnam, the two great Communist powers—Russia and Red China—remain completely untouched.

The latest casualty figures reveal that 42,118 Americans have been killed and 278,006 wounded since 1954. Cost of the war exceeds \$100 billion and is continuing at the rate of \$25 billion a year.

Yet, as Wallace Carroll of the *Winston-Salem Journal* and *Sentinel* observes, "we have not singed the whiskers of a single commissar in Moscow or Peking."

Now as to the "victory" myth. It has long been iterated and reiterated by our government that "we are fighting a limited war for limited objectives." So wherein lies the hope of victory?

Another myth propagated by the Johnson administration and accepted under Nixon is the statement that we must live up to our "commitments."

No treaty was ever negotiated or ratified by the Senate which stated that the United States was automatically bound to provide South Vietnam with military forces.

Under the SEATO pact and in the event of aggression, the signatory powers were obligated only to act "in accordance with their constitutional processes." This provision was never implemented by the United States.

The famous Eisenhower letter of October 24, 1954, to the late President Ngo Dinh Diem of South Vietnam is often cited by the interventionists as a "commitment."

In this communication President Eisenhower promised military and civilian advisers, war materiel, economic and technical assistance in exchange for certain "needed reforms." The reforms were never made and for nine years only a few fighting men went to South Vietnam.

Yet the commitment myth still persists in the minds of the State Department and the Pentagon, and in all likelihood at the White House.

A sizable sector of our citizenry is obsessed with the notion that either we must defeat the Communists or they will defeat us.

From a military standpoint, the United States could not possibly "defeat" either Russia or Red China in conclusive fashion. The Russians, if we can believe Defense Secretary Laird, are approaching parity in the arms race. And the Red Chinese will number a billion by 1980.

A nuclear war with Russia might be our last one.

What should concern all Americans is the mounting evidence that we are in the process

of being destroyed by the Communists without the loss of a single life to them.

The cost of our Indochina adventure is bankrupting the country, and fanning the flames of a ruinous inflation which consumes our savings and pensions. Billions spent upon Indochina are sorely needed for our domestic needs.

If the Communists had arranged this nation's course, no more devious plan for our destruction could have been devised.

The war and campus riots have polarized our thinking to an alarming degree. Many people class all demonstrating students as hippies or Yuppies or even revolutionaries.

Yet the fact is that the vast majority, despite their concerns and outward protests, are seeking only a better world for themselves and all mankind.

The President, by using the term "bums" to describe a group of demonstrators, served only to widen the gap between young and old.

The vice president, by observing that the anti-war demonstrators in Washington included "a lot of students on a typical spring lark more inclined to get into the fountain than listen to the speeches," revealed a typical insensitivity to what the students were attempting to say to the country.

Wiser counsel comes from John E. Sawyer, president of Williams College where there has been no violence or threat of violence on the campus. Mr. Sawyer says: "The great majority or reasonable and constructive young people care intensely about the best in America and are desperately worried about where it is headings."

"If the leadership of this nation," President Sawyer continues, "does not stop and listen to them, it is simply playing into the hands of extremists by undercutting the basic trust of youth in the processes of government and even the traditional goals of our society."

Some politicians and many older people abhor the thought of reducing the voting age to 18 or 19. Yet at the same time they maintain that change should come through our established institutions.

How better could we enlist the interest of young people in working for progress through the system than by giving them freedom of the ballot?

Finally, and when all other arguments are exhausted, the indignant citizen attempts to clobber his adversary by saying: "We should all stand back of our President. He knows more than we do."

I yield to no one in my desire to support the President.

Yet there are times when one must take issue with the President on substantive questions—the war, economic policy and the fomenting of unnecessary divisions within the country.

That is the precious right of every citizen and its exercise infuses vitality into our democratic processes which have survived for nearly two centuries under the Constitution.

To those who remonstrate with our failure to slavishly back the President, let the answer be made that we seek not to drive him from office but to help persuade him that a continuation of the war to save Asia risks the destruction of America in the process.

It's time to come home.

#### A MARINE'S WIFE AND FIVE SERVICEMEN WRITE AGAINST THE WAR

Mr. CHURCH. Mr. President, in recent days there have begun to arrive at my office letters from servicemen and their families protesting the Vietnam war.

I have selected seven of these letters,

withholding names to avoid any possibility of retaliation.

One serviceman writes that he is compelled, at long last, to write because he refuses any longer to be what he terms: "the 'silenced majority,' maybe the 'muffled majority.'"

I ask unanimous consent that these letters be printed in the RECORD.

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

MAY 20, 1970.

DEAR SIR: One and a half years ago I was a resident of Boise and a freshman student at Boise State College. Today I am a member of the U.S. Navy Hospital Corps.

Being a member of the Armed Forces, I am forbidden to participate in any form of non-violent protest against the course of my country in the Indochina war. This is a helpless feeling, but I can, by writing to you and expressing my views, do the next best thing.

I am ashamed to say this is the first move I have ever made to voice my opinion of the war and the policies of my country toward it. Better late than never.

I have little to say, but I do think I have an obligation to say it.

First: We don't belong in Indochina

Second: Put the power to wage war into the hands of Congress where it belongs

Third: Praise to you for your support of the McGovern-Hatfield Amendment

Thank you sir, in every way, for being so deeply involved on both State and National levels, in standing up for the ideals you believe in.

Senator FRANK CHURCH,  
U.S. Senate,  
Washington, D.C.

DEAR SIR: I heartily support your amendment to cut off funds for the wars in Cambodia, South Vietnam, & Laos.

I only hope more can be done.

DEAR SENATOR CHURCH: I am a member of the "silent majority", but I feel as though it could be more aptly termed the "silenced majority" or maybe the "muffled majority".

Over the years we have felt the awesome bigness of the government spreading over us like giant rain clouds billowing up from the horizon. Our silence is held as a simple expression of approval, when in reality it is a deadening numbness created by those dark clouds whose haunting presence continually reminds us that we are just little people with an inherited responsibility to wave the flag on the 4th, go to polls in November, dutifully take up arms at the government's will, and to, quite frankly, keep our damn mouths shut.

Let me offer my support of your courageous legislation to stop American military action in Cambodia and your valiant efforts in "seeding the clouds of governmental authority". You are helping to make that vast "muffled majority" aware of what the military is actually doing in Southeast Asia: killing people!

MAY 10, 1970.

SENATOR CHURCH: I am a soldier currently serving in the Republic of Vietnam. I feel I have been silent far too long. I am not a member of the President's "silent majority" and do not wish my silence to be construed as such. Therefore, I am writing to you.

First, let me congratulate you in your efforts to block the President's usurpation of power in Cambodia. It is reassuring to know the people of America still elect men of your convictions.

Senator, I further urge you to do all within

your powers in your battle to curtail military expenditures in Cambodia, to assure that effective legislation is passed that would accomplish this end. I do not feel that the President will honor his pledge to withdraw Cambodian invaders from that nation. Why else do his Congressional supporters fight so hard to see that your proposed restrictions are not passed?

Our Constitution calls for the Legislative Branch to act as a censure to assure that the Executive Branch does not misuse it's powers. I feel that the President has done so and that only through the efforts of men like yourself can this grave mistake be corrected.

DEAR SENATOR CHURCH: At this given time, I would like to state my complete support of all of your policies thus far, and commend you on your proposals for the future. I can honestly say that I consummately believe in your superlative integrity, and I offer my unmitigated support, as I said before to all of your future endeavors! You in my sincere estimation epitomize the kind of American that all should be proud to know. I have watched you and your subsequent actions with a clinical eye thus far, and I certainly have not been disappointed by what I have observed and heard!

In summation, I would like to say that I am proud that individuals of your superlative calibre are United States Senators, and I wish you the best of luck and God's speed and good fortune in your future plans.

God bless you,

MAY 22, 1970.

DEAR SENATOR CHURCH: My husband is in the United States Marine Corps and has been stationed in Viet Nam since July, 1969. He is one of the most patriotic men I have ever known.

But since he has been in Viet Nam he has become terribly disillusioned with our government. He says our men feel they are being kept there because the American economy would fall apart if they were withdrawn. What a sad plight our young men have been thrown into!

I beg of you, Senator. Please do not allow the possible death of my husband and countless innocent men. Please support the Hatfield-McGovern Amendment.

DEAR SENATOR CHURCH: Congratulations on your proposed bill to limit funds for Cambodian operations.

The time to end this tragedy is long past. My role over here is very slight. But I do know the feelings of some of my buddies here. Many support Nixon, but an equal number feel we are only digging ourselves in deeper.

Many of us resent being lumped into a vast undifferentiated generality as "our boys over there." It may be easy for one to think of us in such terms and thus use us as an incontestable bloc of silent support for whatever policy is thought to be necessary. However, it is not generalities who bear the blunt of those policy decisions—it is individuals, the loss of each bring a tragedy to our country.

I do not feel our country's future or pride is attached to the future of South Vietnam. We have done our best to infuse these people to assume responsibility for themselves. The future of this country rests in their hands, not in our assistance programs. Our country is not a pitiful, impotent giant. Instead, it is a pitiful impotent personality which demands that our posture be that of a present-day goliath.

If sanity and reality is to be returned to our collective national awareness, then men such as yourself—representatives of the people—must assume the responsibility for that action.

#### DIVERSE GROUPS SPEAK OUT ON CAMBODIAN VENTURE

Mr. CHURCH. Mr. President, the malaise over Cambodia continues to spread through both professional and non-professional ranks. Some of these occupational groups are normally noted for reticence when it comes to speaking out against government policy. However, the American intervention in Cambodia has changed this.

For example, Mr. President, I cite a brief article in the New York Times on May 24, 1970, that reported a 'march for peace by an estimated 500 nurses and student nurses; a statement by Jacob S. Potofsky, president of the Amalgamated Clothing Workers of America, splitting with organized labor by announcing his opposition to the war; a notification by the American Institute of Planners that its Board of Governors has urged the 6,000 AIP members to oppose "escalation of the American involvement in Indochina;" and, finally, an announcement that the Senate of the Academic Council of Stanford University has voted overwhelmingly to "condemn the war in Southeast Asia."

I ask unanimous consent that these items be printed in the RECORD.

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

[From the New York Times, May 24, 1970]

Five hundred nurses and nursing students, about two-thirds of them in white uniforms, marched from Bryant Park down Fifth Avenue to Union Square yesterday singing, "All we are saying is give peace a chance."

They wore buttons reading "Nurses for Peace," the city-wide organization that had been preparing the parade for the last week, and carried signs saying, "Thou shalt not kill to honor America" and "No system can endure that does not march—Florence Nightingale."

Passers-by gave the smiling, singing young women a generally sympathetic response, saluting them with the "V for Peace" sign or simply saying "Peace."

[From the New York Times, May 25, 1970]  
POTOFSKY, IN LABOR SPLIT, DENOUNCES WAR POLICY

(By Emanuel Perlmutter)

ATLANTIC CITY, May 24.—The head of one of the nations' largest trade unions broke today with the leadership of the American Federation of Labor and Congress of Industrial Organizations and condemned the Vietnam and Cambodian war policies of the Nixon Administration.

Jacob S. Potofsky, president of the 417,000-member Amalgamated Clothing Workers of America, praised the United States Senators who have been seeking to cut off funds for further military operations in Cambodia.

"Let us pray that success may crown their efforts," he said in an interview on the eve of the union's 27th biennial convention, which opens here.

"Congress must exercise its constitutional responsibility of not leaving the war-making decisions to the President alone," he added.

The American presence in Cambodia has been supported by George Meany, president of the A.F.L.-C.I.O., who said two weeks ago that he spoke for nine-tenths of the federation's 35-man Executive Council. Mr. Potofsky is a member of the council.

In opposing the federations' stand, Mr. Potofsky joined a number of labor leaders who are critical of the Cambodian decision. On the West Coast, 451 union officers last week signed newspaper advertisements opposing the move.

Criticism of the Administration's war policies is also contained in the text of Mr. Potofsky's keynote address tomorrow before 1,500 delegates.

"Our members, like all working people and like the majority of all Americans, want peace," he says in his prepared speech. And they want peace now, without delay, without further military adventures, without more killings.

"I talk of peace now. If we do not end our involvement in Southeast Asia, which is tearing us apart, our nation and the democratic processes are in danger of dying."

Mr. Potofsky says in the speech that the Cambodian invasion is hurting chances to bring peace in the Middle East.

"A damaging consequence of the Cambodian maneuver is the definite weakening of American power to influence the situation in the Middle East," he says.

Mr. Potofsky says in the speech that the war in Southeast Asia has done "great damage to the spirit of America."

"A climate of fear has descended upon our land," he says. "The war has set men against each other. It has caused division between the people and their Government. It has aroused suspicions and false accusations. It has brought back some of the McCarthyism era—an evil which we all hoped would never reappear."

AMERICAN INSTITUTE OF PLANNERS,  
Washington, D.C., May 20, 1970.

U.S. Senate,  
Washington, D.C.

DEAR SENATOR: I would like to bring to your attention the attached letter, which the Board of Governors sent today to all 6000 members of the American Institute of Planners. It urges them to take a stand against escalation of the American involvement in Indochina. The diversion of American energies and resources and the climate of polarized dissent currently reacting to our Cambodian involvement seriously hamper the professional planner's ability to help solve crucial physical, social and environmental problems which require political consensus for action.

The American Institute of Planners is the national professional society of urban planners. Its members work for city, county, regional, state and national government, as well as with consulting firms whose clients are largely public agencies. Their main daily concern is with the crucial issues of urban growth and environmental and social balance which require constant setting of financial and other priorities to program improvements and development into the future.

Overwhelming grassroots requests from members of AIP encouraged the Board to call a special session via telephone to discuss and take official action on this issue.

Sincerely yours,

THOMAS H. ROBERTS,  
AIP Executive Director.

AMERICAN INSTITUTE OF PLANNERS,  
Washington, D.C., May 20, 1970.

DEAR AIP MEMBER: I am writing this letter to each of you on behalf of the Board of Governors of the American Institute of Planners on a matter which we unanimously feel has reached crisis proportions, which endangers the very foundation of our society, and which seriously curtails the ability of professional planners to do their job of helping to solve America's domestic urban and regional problems.

To those of you who may not agree with the position set forth below, we only ask that you read the entire letter and make your own determination as to what your own personal action should be.

The recent escalation of the war in Indochina, the killing of students at Kent State University and Jackson State College, and the rampage by New York City construction workers, have all caused the most severe rift in the social fabric of this nation. If something is not done, and done soon, to change this situation, there is grave danger that the democratic structure of our society may be shattered permanently.

This is an issue which transcends our concern as individual American citizens. It goes to the heart of our ability as professional planners to do our job effectively, in at least two ways. First, our work as planners in the improvement of our nation's physical and social environment is totally frustrated by the misdirection of its resources, energies, and attention. We deplore this diversion even though we know that every dollar not spent militarily is not necessarily and automatically available for domestic programs which planners support. Second, our ability to reach the kinds of consensus on which planning must depend for its consideration and implementation is seriously hampered by the widening divisions between races, classes, generations and polarized political convictions.

We deplore the rhetoric which equates withdrawal with defeat, rather than recognizing that it would constitute merely the ratification of a dreadful error of judgment which misconceived both the nature of Southeast Asia's underdeveloped society and the American interest in that part of the world. A continuation of this type of rhetoric deepens domestic divisions and raises a specter of reaction and repression too real to be ignored.

We deplore this country's continued military involvement in Southeast Asia and believe that it should be brought to an end with maximum speed, conditioned only by assuring the safe withdrawal of our troops now there. We applaud the President's stated commitments toward this end, but we urge that they be intensified and strictly adhered to.

We, therefore, ask each member of the American Institute of Planners to think through clearly the momentous alternatives that are now before this nation, and to express his or her commitment through active representations wherever decisions are made—in the Administration, Congress, state houses, and state legislatures—so that planners and all citizens may again become engaged in healing the divisions in our society and in raising American civilization to that level of excellence which it could easily attain if only this nation's energies and resources will be direct to that end.

Sincerely yours,

WALTER J. MONASCH, AIP,  
President, on behalf of the Board of Governors, American Institute of Planners.

STANFORD UNIVERSITY,  
Stanford, Calif., May 13, 1970.

To the Honorable Members of the United States Senate and House of Representatives

DEAR SIR OR MADAM: I am commissioned to transmit to you officially the enclosed copy of a resolution which was adopted on May 7, 1970, by the Senate of the Academic Council of Stanford University by a vote of 40 to 7.

In addition to 11 ex officio non-voting members, this Senate is composed of 53 Representatives elected by proportional representation from the Academic Council of the faculty. The Academic Council numbers 1,017 and includes all regular Professors, As-

sociate Professors and Assistant Professors at Stanford University.

Also enclosed is a copy of the "additional statement" referred to in the faculty Senate resolution. As you will note, this statement was signed by 51 members of the Senate. On the copy which is going to you, the names of signatories are arranged alphabetically and titles are included for information only. Respectfully submitted.

H. DONALD WINBIGLER,  
Academic Secretary.

RESOLUTION ADOPTED BY THE SENATE OF THE ACADEMIC COUNCIL OF STANFORD UNIVERSITY ON MAY 7, 1970

The Senate sympathetically receives the Resolution on Cambodia passed by the Academic Council on May 1, 1970, and is instructed by it.

Traditionally, the Senate of the Academic Council does not, as a corporate body, express its views or adopt resolutions on matters of national politics. Our proper concerns are with the academic, educational, and research activities of this institution; and we respect the distinction between Senate Representatives as morally concerned individuals and as officers concerned with the governance of the University. Recognizing that some Representatives do not believe that the Senate should take corporate positions on such issues, we call the attention of the Senate to an additional statement which may be signed by members of the Senate as individuals.

Without challenging the view that the proper role of the Senate is to deal with academic issues, we must today address ourselves to a national and international issue which has brought devastating repercussions to our campus.

The extension of the Asian war into Cambodia has had an enormous shock-effect on students and faculty alike—far exceeding the widespread outrage over the Vietnam War. We share the pain and the despair of our students and join in their search for constructive responses. This intensified war has shattered the hopes aroused during the past year that an early end of the fighting was in sight, and that we could at last turn our nation's energy to solving the poignant human problems of our own country.

This startling turn of events has drastically worsened the campus atmosphere. It has done more than anything in our memory to jeopardize that rational and peaceful climate without which a University cannot function. The extension of violence abroad undermines our ability to cope with violence at home. We can no longer regard campus disruption as a purely local problem.

Therefore, we, the Senate of the Academic Council, condemn the war in Southeast Asia and our entrance into Cambodia as acts having profoundly damaging effects on the lives of our students and on the work of this and other educational institutions. We implore the President and the Congress to take immediate steps to bring this war to an end.

The undersigned members of the faculty of Stanford University, all of whom are members of the Faculty Senate, join personally in the following statement on the decision of President Nixon on April 30, 1970, to commit American ground combat forces to action on Cambodian territory.

The President's action was taken without Congressional authorization or even knowledge, thereby circumventing the institutional checks that are the very core of our Constitution and structure of government. It will probably result in widening and complicating a war that an ever growing number of our people regard as immoral and wish to see liquidated.

We share the view that the Vietnam war has already taken a cruel toll as well in destruction of the bonds of consensus and au-

thority that allow a society to operate both at home and abroad. By now, the danger of disintegration here is far more serious than any military threat to the United States in Indochina.

Running in immediate terms so directly counter to an announced policy of withdrawal, President Nixon's action will serve at home to widen the gulf of distrust and despair that separates so many from their Government and convinces them of the bankruptcy of our foreign policy, and will serve abroad to undermine further the confidence of other nations in the leadership and policies of our Government.

We therefore take this means of expressing our condemnation of President Nixon's action as an unwise gamble, a needless extension of human suffering and loss of life, and destructive of our social fabric as an open society. We urge all members of Congress to use the powers with which they are entrusted to reverse the course on which this decision sets us once again, and bring about the prompt withdrawal of all American combat and non-combat military personnel from Southeast Asia.

Moses Abramovitz, Professor of Economics.  
Robert W. Ackerman, Professor of English Philology.

Lawrence J. Altman, Assistant Professor of Chemistry.

Richard C. Atkinson, Professor of Psychology.

G. L. Bach, Frank E. Buck Professor of Economics and Public Policy in Graduate School of Business and Professor of Economics.

Harold M. Bacon, Professor of Mathematics.

Malcolm A. Bagshaw, Associate Professor of Radiology.

J. Victor Baldrige, Assistant Professor of Education.

Joseph Ballam, Associate Director of Research and Professor of Stanford Linear Accelerator Center.

Paul W. Berg, Professor of Mathematics.

Walter F. Bodmer, Professor of Genetics.

Arthur E. Bryson, Jr., Professor of Applied Mechanics and Aeronautics & Astronautics.

J. Merrill Carlsmith, Assistant Professor of Psychology.

Roy B. Cohn, Professor of Surgery.

Arthur P. Coladarci, Associate Dean and Professor of Education and Psychology.

Lorenz E. A. Eitner, Osgood Hooker Professor of Fine Arts History.

Jerome A. Feldman, Assistant Professor of Computer Science.

Robert J. Glaser, Vice President for Medical Affairs, Dean of the School of Medicine, and Professor of Medicine.

Roger W. Gray, Professor and Economist in the Food Research Institute.

Robert E. Greenberg, Associate Professor of Pediatrics.

David A. Hamburg, Professor of Psychiatry.

Arthur C. Hastings, Assistant Professor of Public Address.

Albert H. Hastorf, Dean of Humanities and Sciences and Professor of Psychology.

William M. Kays, Professor of Mechanical Engineering.

Stephen J. Kline, Professor of Mechanical Engineering.

Robert L. Kovach, Associate Professor of Geophysics.

Robert C. Lind, Assistant Professor of Engineering-Economic Systems and, by courtesy, of Economics.

John G. Linvill, Professor of Electrical Engineering.

Richard W. Lyman, Vice President, Provost, and Professor of History.

Roy H. Maffly, Associate Professor of Medicine.

Alan S. Manne, Professor of Operations Research and Economics.

Bayless A. Manning, Dean and Professor of Law.

Walter E. Meyerhof, Professor of Physics.  
Arjay Miller, Dean of the Graduate School of Business and Professor of Management.

Lincoln E. Moses, Dean of Graduate Studies, Professor of Statistics and Preventive Medicine.

Joseph M. Pettit, Dean of the School of Engineering and Professor of Electrical Engineering.

Kenneth S. Pitzer, President and Professor of Chemistry.

Sidney Raffel, Professor of Medical Microbiology.

William R. Rambo, Associate Dean of Research and Professor of Electrical Engineering.

Ronald A. Rebholz, Assistant Professor of English.

Philip H. Rhineland, Professor of Philosophy and Humanities.

Halsey L. Royden, Professor of Mathematics.

Lawrence V. Ryan, Associate Dean of the School of Humanities and Sciences and Professor of English.

Kenneth E. Scott, Associate Professor of Law.

Douglas A. Skoog, Professor of Chemistry.  
Herbert Solomon, Professor of Statistics and Education.

Wilfred Stone, Professor of English.

Robert L. Street, Associate Professor of Civil Engineering.

George A. Thompson, Professor of Geophysics.

William A. Tiller, Professor of Materials Science.

Leslie M. Zatz, Associate Professor of Radiology.

#### AN UNCONVINCING PROPOSITION

Mr. CHURCH. Mr. President, the extension of American military involvement in Southeast Asia into Cambodia has disaffected many Americans who hitherto accepted our policies in that theater of war. A respected and informed academic, Dr. Zbigniew Brzezinski, former member of the State Department Policy Planning Council and now director of the Columbia University Research Institute on Communist Affairs, has arrived at the judgment that the Cambodian affair has had a "seriously damaging effect." It has, he suggests in an article published in the Washington Post on May 24, 1970, undermined our vital credibility.

At one point in the article, Dr. Brzezinski writes:

The public simply will not accept the idea that the future of world peace and the security of this country depend on the Cambodian action, and the President—who only two weeks earlier gave an entirely different version of Vietnamese developments—just was not convincing.

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:

#### AN UNCONVINCING PROPOSITION

(By Zbigniew Brzezinski)

It is conceivable that in the short run, President Nixon's Cambodian action will turn out the way he has predicted. U.S. troops will return to their starting bases in Vietnam; the enemy will have been hurt and his resources set back by at least half a year; even Cambodia itself may have been saved by his action. Less probably but still possibly, U.S. domestic dissent will decline in zeal and intensity, even though the aliena-

tion of the youth from this country's political and social system will have been both widened and intensified.

Yet whatever the short-term accomplishments—even allowing for the possibility of success in Mr. Nixon's own terms—the longer-range effects of Mr. Nixon's actions are likely to prove disproportionately costly. More than ever before, the President's ability to conduct an effective and stable foreign policy requires strong bipartisan support and a firm popular base. The domestic crisis initiated by his Cambodian action has already narrowed his future options, denying him the flexibility that he had apparently gained with his Nov. 3, 1969, speech.

That speech was remarkably successful in convincing the public at large that he was moving the country out of its engagement in Vietnam. Even the more radical youth had begun to shift from Vietnam to other issues, particularly ecology. Indeed, perhaps that speech was too effective; it apparently lulled the President into excessive optimism concerning the extent of domestic support for his policy.

#### AN UNCONVINCING PROPOSITION

The real tragedy of the recent events is that the public reaction—especially of Congress and the young—to the Cambodian initiative could have been easily predicted. The public simply will not accept the idea that the future of world peace and the security of this country depend on the Cambodian action, and the President—who only two weeks earlier gave an entirely different version of Vietnamese developments—just was not convincing.

Even many supporters of his earlier policy interpreted his initiative as needlessly widening and lengthening the Vietnamese war. This might not have happened had the President not made his speech and had the Cambodian action been confined primarily to South Vietnamese forces.

Some of Mr. Nixon's assistants have argued that the Cambodian action was necessary for broader international reasons. It is their premise that had he not acted, the North Vietnamese, who have become bolder in Laos and Cambodia, and the Russians, who have been escalating their engagement in the Middle East, might have misunderstood his restraint as a sign both of personal weakness and of American national decline.

There was thus, they have argued, a conjunction between the practical requirements of stability. Parallels have even been drawn with the action taken by President Eisenhower in Lebanon in 1958 and President Kennedy's response to the Cuban missile crisis in 1962.

In examining this argument, it is essential to be aware of some fundamental differences. First and foremost, the present crisis occurred in a setting in which the United States no longer enjoys massive nuclear superiority. That superiority, whatever the subjective thinking of U.S. decision makers might have been during the earlier crisis, gave American moves additional credibility, be it in Moscow, Peking or Havana. The American public, convinced both of American supremacy and of America's constructive role in stabilizing world peace, tended to give uncritical support to American foreign policy makers.

Today, the situation is infinitely more complex and calls for a much more subtle appreciation of international realities. American supremacy is changing into a relationship of relative parity with the Soviet Union. This new relationship might eventually have the effect of inducing on all sides a greater sense of restraint, but it could also have the initial effect of reducing the credibility of American moves.

#### PSYCHOLOGICAL DANGER

This is particularly so if other nations begin to believe that America is both declin-

ing internationally and disintegrating internally. Some Soviet statements indicate ominously that this is what the Soviet leaders want their public to believe. Recent coverage of American events in the Soviet press has emphasized the aggravating crisis in American society, with special note (Pravda, May 2) that "discontent is increasing even in the U.S. armed forces."

The Soviet view is reinforced by the self-flagellating and apocalyptic mood that has seized a good part of the American intellectual world. The fashionable talk is all on the subject of America's imminent doom; any expression of optimism in America's future is condemned either as naive or as reflecting a fundamental commitment to "imperialism" and subservience to the "military-industrial complex." The more pessimistic the prediction, the greater enthusiasm it evokes.

With the frustration and alienation of the young people as a backdrop, this mood makes certain that almost any American action in the foreign field is bound to elicit widespread opposition. The Senate is registering its inclination to restrain presidential power in foreign affairs. Yet in the difficult years ahead, as the international system adjusts to the new setting of nuclear parity, it may be occasionally necessary for the United States to act decisively and even—in extreme circumstances—unilaterally.

The seriously damaging effect of the Cambodian action might be that both our adversaries and friends abroad will henceforth doubt that the United States is capable of undertaking firm action even when the stakes are truly vital. This is why the international repercussions of the Cambodian initiative could turn out to be as greatly damaging as the domestic consequences already have been.

#### LETTER FROM THE GRAVE

Mr. CHURCH. Mr. President, this month, an Army medical corpsman from Salamanca, N.Y., Keith K. Franklin, was killed in Vietnam. Previously he had sent his parents a letter with instruction not to open it except if he were killed.

The parents opened the letter and there they read their son's poignant writing in which he denounced American military involvement in Vietnam.

I ask unanimous consent that an Associated Press story, containing the contents of the letter, be printed in the RECORD.

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

#### LETTER FROM THE GRAVE

SALAMANCA, N.Y.—"The war that has taken my life and many thousands of others before me, is immoral, unlawful, an atrocity unlike any misfit of good sense and justice known to man."

So wrote Keith K. Franklin, 19, of Salamanca, in a letter he told his parents not to open until after his death. Franklin, an army medic, was killed May 5 in Cambodia.

"If you are reading this letter, you will never see me again," Franklin wrote. "If you are reading this, it means that I have died."

"The question now is whether or not my death has been in vain. My answer is yes," he wrote.

The letter continued:

"However, the powers-to-be handed down the decision that my friends and I should go and fight. We will go and we will fight, and I have died but there is still a blank space in my mind as to why.

"President Nixon and President Johnson before him have told the American public time and time again that it was our obligation to the people of South Vietnam to save

them from the surging wave of communism which has plotted to engulf them. This is a lie, the magnitude of which is witnessed only by the hundreds of thousands of GIs in South Vietnam.

"The inhabitants of this bug-infested, backward, God-forsaken hell-on-earth want no part of the American war machine. But they have no choice. . . .

"So as I lie dead, please grant my last request. Help me to inform the American people, the silent majority who have not yet voiced their opinion.

"Help me to let them know that their silence is permitting this atrocity to go on and that my death will not be in vain if by prompting them to act I can in some way help bring an end to the war that brought an end to my life."

Franklin volunteered for the draft in March, 1969. He was sent to Vietnam Feb. 24. His parents, Mr. and Mrs. Charles B. Franklin, said his body would be returned Wednesday or Thursday.

"We'll have the funeral Sunday, Franklin said. "It won't be military. He wanted a civil funeral."

#### PEKING REACTION TO OUR CAMBODIAN MOVE

Mr. CHURCH. Mr. President, President Nixon's decision to order American troops into Cambodia had the impact of a brick thrown into a goldfish bowl. One reaction which should have been anticipation was that of Communist China.

Harrison E. Salisbury of the New York Times, has written that the Communist Chinese Government has seemingly "arrived at an entire new posture since the opening of the Cambodian phase of the war."

In his report, Mr. Salisbury writes:

Those who have had a first-hand opportunity to assess the situation in Peking and Hanoi describe it "as a wholly new ball game." What faces the United States now in Southeast Asia, they believe, is protracted war with virtually no possibility of arriving at a settlement in Vietnam unless there is a settlement covering Laos and Cambodia at the same time.

In physics, for every action, there's a reaction. And we are learning, to our sorrow, that the rule holds true in foreign affairs, also.

I ask unanimous consent that the Salisbury article be printed in the RECORD.

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

#### CAMBODIA WAR SAID TO CAUSE MAJOR PEKING SHIFT

(By Harrison E. Salisbury)

Information reaching New York from sources close to Communist leaders in Asia suggests that the United States move into Cambodia has transformed the Indochina situation more radically than originally estimated. This evaluation is being taken seriously in Washington.

United States specialists there say the evaluation conforms in many respects to other information becoming available concerning China and its role in Southeast Asia.

#### "WHOLLY NEW BALL GAME"

The key to the changed aspect in Indochina was said to be agreement by North Vietnam, the Vietcong, Prince Norodom Sihanouk and the Communist Pathet Lao organization in Laos on an all-for-one and one-for-all arrangement to which China has pledged full support.

Those who have had a firsthand opportunity to assess the situation in Peking and Hanoi describe it "as a wholly new ball game." What faces the United States now in Southeast Asia, they believe, is protracted war with virtually no possibility of arriving at a settlement in Vietnam unless there is a settlement covering Laos and Cambodia at the same time.

In fact, some who are close to Peking's thinking even suggest that the settlement would have to cover "all of Southeast Asia, including Thailand."

It is conceded by United States specialists that the sweeping description of changes in Hanoi's attitudes as well as in those of the others in the new Indochina association may be offered for bargaining purposes. But those who have been following Peking's attitudes with the greatest care believe that it has arrived at an entirely new posture since the opening of the Cambodian phase of the war.

Peking is said to have made it clear that the Indochinese people have its full backing. This goes not only for supplies and materials but for specialists and experts if needed, and for "volunteers" if requested. It does not mean a joint military command, it was said, but it does mean common strategy, military and diplomatic.

What China, North Vietnam and their associates now foresee, it was said, is a protracted war. According to this view, they see no possibility that a diplomatic move by Washington, even if couched in the most generous terms, would provide an answering response from Hanoi—except in the unlikely event that the United States was prepared to negotiate complete withdrawal from Southeast Asia.

Prior to the United States entry into Cambodia, it was said, it was possible to envisage a settlement embracing only North Vietnam and South Vietnam, with Cambodia and Laos left to one side, presumably continuing in their theoretically neutral status. Now, it was said, there is no question of such an approach.

#### THE CAMBODIAN IMPASSE

Mr. CHURCH. Mr. President, Joseph Kraft, writing from Paris, suggests in a recent dispatch that American military involvement in Cambodia has resulted in strengthening the position of the "hawks" among the leaders of the National Liberation Front, the Vietcong, and the Government of North Vietnam.

Mr. Kraft, in his column published in the May 24, 1970, edition of the Washington Post, concludes with the following statement:

And the more the United States intensifies its operations, the more it expands the war and supports the present regime in Saigon, the more it strengthens the hand of those on the other side who believe they can achieve their goals only in protracted war.

Conversely, Mr. Kraft writes, those among the enemy who are inclined to resort to negotiations to end the hostilities have been placed at a disadvantage by our Cambodian incursion.

I ask unanimous consent that Mr. Kraft's column be printed in the RECORD.

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

#### THE CAMBODIAN IMPASSE

(By Joseph Kraft)

PARIS—Crazy as it may seem in Washington, the American actions in Cambodia have stirred a wild elation on the other side. Paris representatives of the insurgent movements in South Vietnam, Laos and Cambodia are

suddenly talking up the Chinese theory of winning a "total victory" over the United States.

A few leaders in North Vietnam, backed by Russia, continue to push for a political settlement. But in the heady atmosphere engendered by the Cambodian foray, they are having hard going.

The Chinese theory of "total victory" over the United States is old stuff. The basic idea is that American forces can be lured into extended ground combat on the Asian mainland. These forces will spread themselves thin holding onto occupied cities. Eventually—as Mao Tse Tung's designated successor, Marshal Lin Biao, put it—"The countryside will overcome the cities."

The transfusion of that idea to the guerrilla movements operating in South Vietnam, Laos and Cambodia took place at the Indo-Chinese People's Conference of April 24-25. The meeting was held in China a couple of hundred miles southwest of Canton. It brought together the chief Vietnamese insurgent leaders—Chairman Nguyen Huu Tho, from the Revolutionary Government of South Vietnam; Prince Norodom Sihanouk, the recently deposed ruler in Phnom Penh, for Cambodia, and Prince Souphanouvong for the Pathet Lao.

Premier Chou En-Lai of China went to the meeting for the final banquet. But the Chinese have made almost no use of the fact in their propaganda. Peking does not want to seem to be influencing the Indochinese insurgents who are, all by themselves, pushing the Chinese thesis.

For example, Prince Sihanouk in his speech to the conference stressed the line of never coming to terms with the United States. He said that "diplomacy, negotiations, conferences and even friendly neutrality represent a mortal danger"; only "armed combat could annihilate this danger."

Chau Seng, Sihanouk's representative here in Paris and a colleague at the conference, goes even further in pushing the Chinese line. "If the United States wants to clean out the Vietcong sanctuaries," he said the other day, "they will find these sanctuaries everywhere—even as far away as Peking." And when I asked him whether the Cambodian guerrillas planned to retake Phnom Penh for Prince Sihanouk, he replied: "Why, so you Americans can bomb us?"

Though the Vietcong, or provincial government of South Vietnam, are supposed in Washington to be pure puppets of Hanoi, their representatives are also working the Chinese theme. The other day, Nguyen Van Tien, the number two man in their delegation to the peace talks, observed: "You couldn't win fighting in South Vietnam. What makes you think you can win by spreading yourself thin over a much wider area? That just opens holes for us behind your lines."

Maybe this is all bravado and propaganda, put on for an American journalist. But those North Vietnamese known to be interested in keeping negotiations alive don't act that way. On the contrary, they are bestirring themselves to prevent the foreclosing of the negotiating option.

The presence of Premier Pham Van Dong at the conference in China is indicative. Normally Hanoi should have sent a party figure—not a man from the government. But the available party leader was Truong Chinh, a well-known partisan of the Chinese approach. Presumably Pham Van Dong, a leader with Moscow ties, was sent to prevent tipping the balance all the way in the Chinese direction.

In that connection, it is notable that Hanoi, not Peking, broke the news that the conference took place in China and in the presence of Chou En-lai. For Hanoi's interest is to emphasize that the new, bellicose line is not indigenous to the insurgents but more a product of Chinese influence.

The same point emerges from the recent long stay of Lee Duan, the first secretary of the North Vietnamese party, in Moscow. Lee Duan, another leader with Moscow ties, is also thought to be a partisan of a negotiated settlement. Almost certainly, he was trying to work out with the Russians a joint strategy for holding the negotiating possibility open against the Chinese pressure to go to protracted warfare. In that connection, it may be that the curious statement made by the Soviet ambassador to the United Nations, Jacob Malik, on behalf of another Geneva conference was really an effort to break up the push of the Asian Communists to seal off the negotiating possibility.

Right now, the outcome of this maneuvering on the other side seems to be in doubt. The three chief North Vietnamese representatives in the Paris talks—politburo member Le Duc Tho, Ambassador Xuan Thuy and Col. Ha Van Lau—are all back in Hanoi for consultation. Almost certainly there is a question as to whether the Paris talks should be continued.

Whatever the outcome of these discussions, there is at least available now a much better picture of the lineup on the other side as regards negotiations. There are important partisans for political settlement in Hanoi. They are not soft-liners. They insist that American troops withdraw entirely from Vietnam, and on changes in the Saigon government to include figures known to favor political settlement. However, they still think they can achieve these goals through jawing as well as warring.

But there are also important partisans of the fight to the finish—in China and among the various guerrilla movements. They are deeply suspicious of negotiations as an American trick designed to weaken their morale and slow down their military operation.

And the more the United States intensifies its operations, the more it expands the war and supports the present regime in Saigon, the more it strengthens the hand of those on the other side who believe they can achieve their goals only in protracted war.

#### DOES THE SENATE DARE?

Mr. CHURCH. Mr. President, Mary McGrory brings her acute perceptions into play in an article discussing the current debate in the Senate over a decision of President Nixon to send American combat forces into Cambodia. One dimension of the dispute, as she properly points out, is the difficulty confronting many Members, including myself, as we seek to reclaim for the Senate its self-discarded role in foreign policymaking. An erosion of will by the Senate during the cold war period to exercise its constitutional powers has played no little part in our present predicament. The Senate is now challenged to insist that it be readmitted to a coordinate role in the formulation of foreign policy, particularly with regard to the fateful questions of war and peace.

I ask unanimous consent that the article, published in the Washington Evening Star on May 31, 1970, be printed in the RECORD.

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

#### DICK NIXON WEARS A HARD HAT

The Senate was extremely polite, almost apologetic, as it wound the first delicate threads around the hands of a President bent on some unknowable venture in Indochina.

Sen. Frank Church, D-Idaho, one of its least partisan members and co-sponsor of the Cooper-Church amendment, explained that

"no disrespect was intended" by this tentative, preliminary attempt at preventive detention of the war-making executive.

"We are strengthening the President's hand," said Church, "helping him overcome the evasions and foot-dragging by bureaucrats and foreign allies."

The language of the preamble of the amendment, which merely holds the President to his promise to bring all American troops "home" to Vietnam by July 1, was so softened that even Chairman John Stennis of the Armed Services Committee, a fierce and unwavering hawk, said it was "meaningless."

The Senate is extremely nervous on its first expedition into composite dissent, which probably will come to a vote this week. Since 1967, individual members like Sens. J. W. Fulbright and Eugene McCarthy have formed and led resistance, but the Senate as a whole has been content to let the commander-in-chief, who is the proprietor of the flag, the definer of "patriotism" and the protector of "our boys," make all the decisions.

The Senate is not built for speed or defiance. Nor had it seen itself in the role of savior of the country, which it has now assumed in the eyes of millions of troubled and despairing Americans.

Since Cambodia, it has been swamped by mail and besieged by lobbyists—not the old comfortable kind who bought them lunch, but lean and hungry hordes of students, housewives, doctors, lawyers and clergymen demanding justice and threatening retribution at the polls. The senators are told that if they could reject Carswell, they can reject the war.

The President is free of such pressures. He is surrounded by servants and courtiers in his splendid mansion. He is told by his staff that the men who oppose him never did or would vote for him, and merit his contempt.

While George W. Ball, former undersecretary of state, the celebrated, tame dove of the Johnson years, was telling the House Foreign Affairs Committee that "congressional consultations," not congressional curbs, were the answer, the President was receiving the construction workers, the most vocal and violent supporters of his Cambodian decision, in the Oval Room. The day before, he had seen the head of the far-right Young Americans for Freedom.

"I'm only a senator," moaned Warren G. Magnuson, D-Wash., when impertuned by the Yale Law School student lobby to stand up to the President.

It is, to be sure, an unequal contest. The President has symbolic and actual superiority. He did not even tell the Senate he was sending troops into Cambodia. Eight thousand were over the border when the Senate, with the rest of the country, learned about this new expansion to shorten the war.

When the howls of outrage went up, the White House virtuously claimed "fear of security risks on Capitol Hill."

Sen. George D. Aiken of Vermont, dean of Republicans and ranking member of the Senate Foreign Relations Committee, sputtered, "I have never betrayed a president's confidence. He didn't tell us because he knew we would not approve."

The President reckons, apparently, that disunity and fear will strike the anti-war forces in the Senate, who, after they deal with Cooper-Church, must face the radical McGovern-Hatfield fund cutoff. His marksmen have no convenient personal target, the sponsorship is bipartisan. No stars have yet been born during the struggle and to date, no deep divisions. His spokesmen are invoking the prisoner-of-war issue to delay the vote.

It seems unlikely the Senate will part him from his money. For many of them, it would smack of regicide, and the presidency has become, partly due to the Senate's compliance, something of a monarchy.

What is needed more is an effort to sepa-

rate the President from his memories and suspicions. He came of age in the 1950s, came into prominence as a Red-hunter and cold warrior. He was a leader in the hue and cry against the Democrats that they "lost China," never mind that we never had it. He is incapable of believing that the Democrats would not, some day, accuse him of "losing Indochina," even though some of them are committing their futures to the proposition that it might be the best thing that ever happened to this fractured and anguished country. The President has, in short, put on his hard-hat, and the Senate is going to have a nasty, awkward time getting him to take it off.

#### THE WAR'S DREADFUL TOLL ON VIETNAMESE CIVILIANS

Mr. CHURCH. Mr. President, each week the Pentagon faithfully issues a body count of Vietcong and North Vietnamese military personnel killed as a result of American air and ground action. What the Pentagon does not tell the American people each week is the gruesome toll of Vietnamese civilians of all ages who are killed or wounded.

However, Dr. George Roth, a member of the Committee of Responsibility composed of physicians, has seen the horrific effect of the war upon civilians.

A columnist for the Washington Post, Nicholas von Hoffman reprints some of Dr. Roth's observations in an article published on May 27, 1970, in the Washington Post.

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:

#### "AN ELEGANT CONTEMPT"—A COMMENTARY (By Nicholas von Hoffman)

Dr. George Roth practices family medicine in San Francisco and teaches at the University of California medical school where he does not hold an academic title because he refuses to sign the loyalty oath the state somewhat quixotically demands of professors of mathematics, biology or medicine. Dr. Roth is a member of the Committee of Responsibility, a little-known organization dominated by dozens of physicians from America's most prestigious schools of medicine: Harvard, Columbia, John Hopkins, UCLA, Cornell, University of Pennsylvania and so on.

The committee's reason for being is to bring war-wounded Vietnamese children to the United States for the medical attention not available to them there. It would appear that there are many, many such children. Witnesses before Sen. Edward Kennedy's subcommittee looking into these matters have testified that civilian casualties probably run to two or three or even more hundred thousand a year. Sixty per cent of them are believed to be children, who being children, are less prudent and less able to protect themselves from the fire and steel, the flechettes and fragmentation shots which precede the imposition of a regime sufficiently democratic to meet rigorous American standards. These same witnesses estimate that 80 per cent of all civilian war casualties are caused by us and our allies, another testimonial to our superior firepower.

Since Dr. Spock and other peace creeps are associated with the committee, our government is inclined to view its work as a rather sneaky form of treason. Nevertheless, the committee perseveres in its reprehensible humanitarian goals; from time to time, Dr. Roth goes to Vietnam to find patients, and, if possible, smuggle them in to save their lives. He is recently back from his third

ambulance-chasing trip. While there, he was able to inspect the medical facilities available to civilians throughout most of the country. He has written a report about what he saw and thought. Here are excerpts:

"... Cho Ray in many ways is the finest public hospital in all of Vietnam. We visited the pediatric ward. There were 25 children there in fairly depressing circumstances. Twelve of these were war injuries, two of them quite severe from flare burn. Apparently, the number of duds that are fired is very high, and the children find them and use them as toys and they explode... These flares were phosphorous and magnesium and gave rise to very severe, deep, penetrating burns with contracture, destruction of tissue and very often, unfortunately, the burns occur about the eyes with destruction of the cornea and irreversible blindness. There is not an ophthalmologist on the staff of the Cho Ray Hospital... X-rays are poor, all of them terribly overdeveloped and underexposed... Sterile technique is in essence unknown.

"... He (high American AID official) continues to talk about three civilian hospitals which the United States government constructed in Vietnam. He is vague about the dates when this was done and, under questioning, agreed that it was not three but two, and he is not quite sure where these hospitals are. The point of fact is that they do not exist. This is typical of so much that Americans do in Vietnam. The myth is repeated again and again and it becomes a reality and the problem disappears because the myth satisfies the problems... He believes that there are more paraplegics created by Honda accidents than by military activity, and the implication is that the Committee of Responsibility ought to address itself to traffic control.

"The entrance to the orphanage (at Bienhoa) is marked by a sign which gives the name and below this a plea which says, 'Please do not shoot our children, they are all orphans.'... 2,200 children. The orphanage is now three years old and is supported almost exclusively by the Buddhist movement in Vietnam... The director stated that, in the past two years, 42 children had died... He stated that many of the children who died in the orphanage had died with sudden onset of abdominal cramping and diarrhea preceding to bloody stool and death. He spontaneously offered that it was his experience that the children tended to become ill this way shortly after large amounts of defoliants had been used just off the perimeter of the camp... The pillars of the building are made exclusively of shell cases from American mortars. The young monk who took us about offered the comment that these American contributions to the welfare of the children were most welcome.

"Massive numbers of empyema secondary to tuberculosis or pneumonia," Dr. Roth writes of his visit to a hospital in Nhidong. Empyema or pus in the lungs is, according to Dr. Roth, unknown where antibiotics are administered in the proper dosages, which, he says, is seldom the case in Vietnam, for he writes, "It is an unforgettable sight to see child after child walking down the halls with a chest tube protruding from his thorax, carrying his bottle filled with the yellow-green familiar pus."

One last excerpt concerning conditions in the hospital at Danang:

"There is no blood bank, and instead, blood is sent when it is outdated from the nearby military hospital. There are many problems, some of them quite severe, associated with giving outdated blood, particularly potassium intoxication. I saw blood being given that was over five weeks old. In the United States, it is not used after five days.

"We spent a very large amount of time in the burn wards. This is a quonset hut, a

rusty dilapidated and dirty structure with 28 beds and 37 patients. There are no screens. The screen door lies on the ground outside. Children from the nearby pediatric medical ward are brought here each morning and, on little benches, school is conducted. The notion of bringing tuberculosis patients into a burn ward is so beyond my comprehension that, in telling of it, I am simply overwhelmed. The burn ward at Danang is purgatory and inferno and hell itself.

"In the fifth bed from the door, there is a nude 24-year-old woman, burned over 70 per cent of her body. She is dying very rapidly, and I suspect will not last the day. Her mother, black teeth, string hair, fits about like some great beetle, fanning madly to keep the flies from a woman who no longer can appreciate that they have settled on her burns. In the bed next to her, a 12-year-old, burned over 40 per cent of her body. This child is constantly in pain and, during the two hours we were there, we hear nothing more poignant than her endless whimpering.

"In the middle of the floor at the far end of the hut, there is a galvanized tub... I sat and watched as the nurse filled it with cold soapy water. A 9-year-old girl, burned over 30 per cent of her body and who had grafts and is encased in bandages, comes and stands in the bucket. The child's mother is given a pair of sterile gloves, which she promptly proceeds to contaminate. She has a green plastic sauce pan. She stands beside her child and dips the water from the large bucket out with the pan and then proceeds to pour it over the dressings of the child, who each time screams as the cold water hits the burns. The woman, with a mad methodicalness, does this again and again, and the child screams louder each time as the water penetrates deeper each time through the dressings. Finally, the nurse comes and with forceps and scissors begins to remove the dressings. Each pull of the dressing is accompanied by a cry. Each pull of the dressing removes more of the graft, and finally after 30 agonizing minutes, the child stands lobster red and naked, trembling and crying in the water. The dressings lie on the floor. The child steps out, and the mother leads the child back to the dirty bed.

"The next patient comes and stands in the same water and with the same saucepan is similarly baptized. The whimpering and crying spreads like an epidemic as the child who is waiting becomes aware that in a few moments it will be his turn to suffer; he begins to cry, and it spreads from bed to bed. The cries bounce off of the metal of the Quonset huts and everything becomes unreal and totally inhuman and I wonder what I am doing in Danang in this hut watching people step in and out of a dirty bucket of water."

Back in this country a month now, Dr. Roth is still raked over by emotion. "A Vietnamese child dies clinging to life as my child dies clinging to life," he tells you in a condition that is near tears, and then stops to total up what the deaths, the pain, the unspeakableness will have gotten us in the end:

"If the Vietnamese hated us, they'd be exhausted and would have died by now, but they don't hate us; they have an elegant contempt for us. They call us big-nosed, and they say, 'One day you will go, and when you go, the rain will come and the rain will wash away your every smell.'"

#### ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, is the Pastore germaneness rule still operative?

The PRESIDING OFFICER. Yes; the Pastore rule is operative until 4:30 p.m.

Mr. BYRD of West Virginia. Mr. President, I see no Senator in the Chamber

who wishes to address himself to the unfinished business.

Therefore, I ask unanimous consent that the unfinished business be temporarily laid aside.

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

PERIOD FOR THE TRANSACTION OF FURTHER  
ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a period for the transaction of further routine morning business, with statements therein limited to 3 minutes, and that the able Senator from Massachusetts be permitted to speak for 10 minutes.

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

The Senator from Massachusetts is recognized.

Mr. BROOKE. I thank the distinguished acting majority leader.

#### ACADEMIC FREEDOM AND ACADEMIC NEUTRALITY: A FIRST PRINCIPLE

Mr. BROOKE. Mr. President, in a time of great national distress individuals and institutions alike are in peril of losing their way. The extraordinary stresses of recent weeks and the deep passions which have been aroused have created special hazards for members of the academic community. Students, teachers, administrators, and institutions of higher learning themselves have suffered from the commotion and confusion which have gripped the land.

As one deeply committed to the precious traditions of academic freedom, I must admit that I have been gravely disturbed by the tendency of some colleges and universities to jeopardize that heritage by adopting, as institutions, specific positions on current political issues. I believe it is imperative that colleges and universities continue to foster thorough study and personal commitment to the political process. But I believe we must view with honest alarm the adoption of institutional political positions, however serious the issue and however anguished the academic community may be.

The divisive war in Southeast Asia and the bubbling discontents at home have brought some colleges and universities to the brink of a threshold beyond which may lie not the sanctuary of impartial and objective study, but the vulnerable reaches of passion and political pressure.

For academic freedom can only mean individual freedom—the freedom of individual scholars and students to pursue the truth under the shelter of a hospitable environment within and without the academy. That individual freedom is impaired as much by a collective imposition of political judgment by the college or university, as by a comparable imposition by the Nation at large. When an academic institution expresses a collective political opinion, it does so at considerable cost to the neutrality it requires to perform its fundamental mission of stimulating the search for truth by remaining constantly open to varying opinions, new information, and fresh insight. It does so also at the cost of ignoring or misrepresenting

dissenting views within its own family.

Significant political issues are almost always controversial. But even if they were not, and even if the institution could speak with unanimity, it could do so only by flouting the vital heritage of perpetual openness. In short, to voice political judgments, colleges and universities must pass from the posture in which the possibility of present error and future truth is the cornerstone, to the posture in which the permanent obligation to root out falsehood is in danger of being subordinated to the prevailing opinion of a shifting majority.

At moments like these, those who truly value the life of the mind, those who realize that the integrity of inquiry is incompatible with institutional political action by colleges and universities, should stand and be counted. They should send forth a plea for the most careful reconsideration by the academic community of that community's proper relationship to the world of public affairs. Such a plea has been published by a large group of distinguished members of the faculty of Smith College.

In brief, their open letter to their colleagues and students at Smith defines a number of the concerns which many persons, both academics and outsiders, are feeling. By no means are their arguments or my own to be taken as a demand that colleges and universities isolate themselves from politics. Indeed, I believe their argument and mine would be that the greater contribution of the academic community to the public life of the United States lies in diligent cultivation of political interest and political activism on the part of students and faculty. But such interest and activism can best be nourished when educational institutions are adamantly open.

I would submit that the first principle of academic freedom for individuals is academic neutrality by institutions. To neglect the latter is to jeopardize the former, and those who fight for one must be no less ardent defenders of the other. I commend to my colleagues and others the thoughtful statement by members of the Smith College community, and ask unanimous consent that it be printed at this point in the RECORD.

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

MAY 12, 1970.

To Members of the Smith Community:

We, the undersigned, believe that some of the decisions taken by majorities of both students and faculty during the week of May 4th have endangered the academic character of Smith College.

We hold it to be the fundamental aim of an academic institution to foster the pursuit of knowledge through careful inquiry, rational discourse and the development of individual sensibility. This fundamental aim has been protected by a tradition of academic freedom from political pressures. That freedom is endangered when the College speaks with a collective public voice in support of particular political issues. Institutional neutrality in matters of partisan politics is not merely an act of political prudence; it also maintains that openness of the academic environment which is essential for the exercise of reason and the development of moral and aesthetic sensibility.

It is indeed a legitimate academic function to seek to clarify and to investigate political issues, but it is not a proper function of an academic institution to support a particular political stand or to organize political campaigns. In the absence of unanimity, statements claiming to speak for the College as a whole infringe on the moral autonomy and misrepresent the views of its individual members. We believe neither that the official neutrality of an academic institution is in itself a political act, nor that the institutional neutrality of a college in any way constrains the political expression or activity of its members in their capacity as individual citizens. While we respect their motives, we regret that a majority of our colleagues have endorsed, as a Faculty, an academic strike directed toward political ends. The strike has engendered an atmosphere which has made it difficult for those students who wish to do so to continue their academic work, students who, whatever their political views as citizens, do not believe that they must suspend one type of education in order to provide for another.

It is not the political concerns of the members of Smith College who support the strike which are in question. It is whether the Faculty, meeting in academic session, the President of the College presiding, appeared to make a political pronouncement and thereby as a body (1) exceeded its legitimate function and (2) misrepresented the views of the minority. We believe it did. We recommend that henceforth faculty deliberations involving non-academic matters should take place at informal meetings and that stands on partisan political issues should not be taken under the real or feigned auspices of the College.

Cecelia M. Kenyon; Vernon J. Harward; Joachim W. Stieber; Jochanan H. A. Wijnhoven; Robert M. Haddad; Michael Gemignani, and Lawrence A. Fink.

Nelly S. Hoyt; Margy Gerber; Stanley M. Elkins; Klemens von Klemperer; Elizabeth von Klemperer; Robert M. Harris, and Elsie Koester.

Raymond A. Ducharme; Seymour W. Itzkoff; Charles Henderson Jr.; David A. Haskell; Allan Mitchell; Daniel Aaron, and Margaret Skiles.

Helen Rees; Paul Pickrel; Kenneth H. McCarty; Joyce M. Greene; Elsa Siipola; Marshall Schalk, and George Durham.

Dorothy Merrill; D. J. Doland; Neal McCoy; Jess Joseph; Richard Bambach; Robert T. S. Baxter; and Elliott M. Offner.

Stanley Rothman; Leo Weinstein; Erna B. Kelley; Alice R. Clemente; Harold L. Skulsky; Gretchen M. Singleton; Lita T. Roberson, and Jane A. Mott.

Martha Clute; Louis E. Auld; Bert Mendelson; Dorothy Bacon; Peter N. Rowe; Wendy J. Willett; Joaquina Navarro, and Helen L. Russell.

David W. Cohen; Milton D. Soffer; George de Villafraña; Elizabeth Robinton; Caryl M. Newhof; Rita M. Benson; Judith L. Ryan, and Alan Burr Overstreet.

H. Robert Burger; William Youngren; Herman Edelberg; Reuben G. Miller; Elizabeth B. Horner; Igor Zelljadt; Donald Trumpler; Charles MacSherry; and Thalia A. Pandiri.

Mr. BROOKE. Mr. President, another perceptive and important commentary on many of these issues has been offered by the president of Beloit College, Mr. Miller Upton.

I doubt whether any more poignant expression has come from the academic community. A conscientious objector to war, a leading proponent of rapid withdrawal from Vietnam, a respected and dedicated educator, Mr. Upton has earned a special right to offer an informed view of the present troubled relations between academe and politics. I will not discuss

quite eloquently for himself, but I believe the Senate and the citizens of the United States should study his comments with the care and appreciation they deserve.

I ask unanimous consent that Mr. Upton's open letter to the President be printed at this point in the RECORD.

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

BELOIT COLLEGE,  
Beloit, Wisc., 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 evaluate 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 into 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 protesters 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 where 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 humanitarian 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 communicative 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. Disputing because it substitutes normal respect and affection. Irresponsible because it is creating an unrealistic cleavage age groups.

Of course, young people on the whole are wonderful, what's new about that? The great reward of college work is the opportunity it affords to associate regularly with this age group. The 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 than them. 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.

The PRESIDING OFFICER. What is the will of the Senate?

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

The PRESIDING OFFICER. The clerk will 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.

ADJOURNMENT TO MONDAY, JUNE 8, 1970, AT 11:30 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11:30 a.m. on Monday morning next.

The motion was agreed to; and (at 3 o'clock and 29 minutes p.m.) the Senate adjourned until Monday, June 8, 1970, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 5, 1970:

IN THE COAST GUARD

The following-named officers of the Coast Guard for promotion to the grade of Rear Admiral:

- Austin C. Wagner
William A. Jenkins

IN THE NAVY

Adm. Ignatius J. Galatin, U.S. Navy, for appointment to the grade of admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

- Anderson, Gerald O.,
Barrens, Clarence G.,
Call, Thomas W.,
Carney, James H., Jr.,
Lautzenheiser, Russell D.,
Sutliff, Lawrence N.,
Tapscott, Eugene D.,
Wilson, Wesley C.,

To be captain

- Bedsole, William K.,
Brayboy, James E.,
Burns, Ray L.,
Buscemi, Jon H.,
Darmody, William J.,
Foote, Brian G.,
Franklin, Forrest E.,
Hammack, Louis B. R.,
Hammer, Theodore W.,
Hubert, Leo A., Jr.,
Iller, Alfred J., Jr.,
Jones, Harold L.,
Kosty, Jon A.,
Krebs, Carl S.,
Little, Milton L.,
Margolius, Benjamin W.,
McElroy, Roger L.,
Newberry, Joseph H.,
Orr, Jerry P.,
Rosso, Walter F.,
Solseth, Harold L.,
Spinner, Charles R.,
Strickland, Robert L.,
Thomas, Bruce A.,
Wiernik, Gerald D.,

To be first lieutenant

- Antholt, Steven M.,
Backman, Dorn B.,
Bergsagal, Errol R.,
Beskalo, Gregory G., III,
Blanchard, Randall L.,

- Blank, Frederick C., Jr.,
Borst, Joseph C.,
Bowen, Wallace J.,
Carter, Leslie W.,
Carusi, Joseph J., Jr.,
Cheeks, Robert F.,
Clark, Glen D.,
Conley, Hampton P.,
Ehrig, Gary J.,
Espree, Allen J.,
Fink, Jerry K.,
Florence, Gary M.,
Flynn, William G.,
Gillespie, Ray W.,
Hart, John, Jr.,
Hedges, Paul C.,
Henderson, Donald R.,
Higgins, William J.,
Hill, Karl B., Jr.,
Hoffman, Wynn R.,
Huffman, Rodney B.,
Jackson, Jerry D.,
Kohl, Charles L., Jr.,
Lee, Raymond H., Jr.,
Long, John M.,
Lynch, Lawrence A.,
Manley, Mark J.,
McCleney, Dickie H.,
McKinley, Edmund R.,
Milroy, Patrick G.,
Montgomery, Edgar A.,
Montgomery, Richard L.,
Morimoto, Joshua T.,
Morse, Jon R.,
Morse, Thomas J.,
Murphy, William F.,
Nelson, Grant O.,
Newton, John P., Jr.,
O'Donoghue, James F.,
Olivarez, Cayetano,
Kersey, Douglas A.,
O'Sullivan, Eileen,
Parker, Stanley R.,
Patterson, Allison C.,
Riedman, John A.,
Riley, John E., Jr.,
Rollison, Rembert G.,
Salter, Stephen M.,
Sayles, Raphael H.,
Scott, Huey B.,
Sharpe, Edward E., Jr.,
Shepps, Robert J.,
Shifer, Jon M.,
Shuler, Richard D.,
Taylor, Carl T.,
Warren, Brian C.,
Whitehead, Howard E.,
Wild, John W.,
Wilson, Henry T., Jr.,
Ziack, John E., Jr.,

To be second lieutenant

- Browder, Dewey A.,
Byrnes, Michael T.,
Campiglia, Michael E.,
Cherry, Roy W.,
Dyer, Charles E., II,
Hauck, Kenneth W.,
Jones, Jerry G.,
Kuykendall, John L.,
Lester, Ronald L.,
Menard, Edward J.,
Sebacher, Ralph I.,
Tardy, John C.,
Tryon, John E.,
West, Kathryn G.,
Woody, Carl E.,

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

- Aponte, Antonio,
Atwood, David M.,
Backlund, William V., Jr.,
Bailey, William P.,
Begnaud, Darrel,
Biniok, Jeffrey, W.,
Boggs, Thomas L. Jr.,
Bootz, Robert J.,
Bradley, Charles, Jr.,

- Buckley, Edward T. Jr.,
Burgess, Robert D.,
Cantu, Jose N.,
Carter, Thomas H.,
Chapel, Terry B.,
Chubinski, Adam G.,
Cook, Curtis L.,
Cooper, James S.,
Cowan, Alvin E. III,
Crocker, Ronald J.,
Cunniff, Jeffrey L.,
De la Cruz, Rolando,
De Leon, Abraham,
Engel, Richard A.,
Erickson, Karl J.,
Farace, Patrick J. Jr.,
Gabrilson, Gregory B.,
Garbis, Dennis J.,
Garrison, John L.,
Goodloe, John T.,
Grub, Craig B.,
Hauck, Stephen J.,
Heimsoth, Larry W.,
Jones, Michael S.,
Kincannon, Ronald L.,
Lightner, Denver C.,
Lowe, James L.,
Luisi, William A.,
Maher, John J. III,
Maraman, David L.,
Marquez, Francisco A.,
McClintock, Richard H.,
McGraw, Gary E.,
Melville, Thomas G.,
Moravits, Michael E.,
Neils, Scott R.,
Oblander, Gary W.,
Orzulak, Francis M.,
Paavola, Fred G.,
Pagan, Miguel A.,
Pederson, William A.,
Pettibon, Joseph P.,
Ratliff, Johnnie N.,
Rice, George D.,
Richard, Gerald A.,
Rowe, Edgar A., Jr.,
Scanlan, David E. L.,
Schmidt, Alexander F.,
Schoonmaker, Edward L.,
Schott, William L.,
Serwatka, Stanley M., Jr.,
Swanson, Roger W.,
Szymanski, Dennis,
Thorn, Charles T.,
Tucker, Michael P.,
Vega, Benjamin,
Wemp, David M.,
Wendell, Roger P.,
Wheeler, Stephen H.,
Whitfield, Donald D., II,
Williams, Sirvan,
Willows, Richard L.,

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

- Archer, Michael F.,
Barry, Jimmie R.,
Bignon, Richard W.,
Carvalho, Dennis M.,
Davis, Paul R.,
Dunn, Thomas A.,
Fitch, Robert J.,
Gates, Stephen H.,
Hargreaves, Robert C.,
Hilburn, Donald L.,
Jagers, Thomas R.,
Mathews, Thomas R.,
Moran, Joseph R., Jr.,
Olsen, Kenneth L.,
Park, Craig A.,
Peckitt, Fred D.,
Peterson, William R.,
Potts, Thomas G.,
Richardson, Douglas D.,
Scotello, Frank J.,
Sever, Edward J.,
Vordermark, Jonathan S., II,
Winter, Felix D.,